UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS
SECOND SESSION

VOLUME 152—PART 3

MARCH 8, 2006 TO MARCH 28, 2006
(PAGES 2875 TO 4215)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

SENATE—*Wednesday, March 8, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Loving Father, we are thankful for every blessing from Your bounty. Thank You for health and strength, for meaningful work, and for the love of family and friends. We acknowledge that every good and perfect gift comes from You. Forgive us when we have not been faithful in using our time, talent, and tongue.

Lord, open our eyes to creative ways of helping those who live without hope. We offer You today our thoughts, words, and deeds to use in the service of Your kingdom. Send us forth as Your ambassadors of goodwill.

Bless our Senators as they seek to honor You. Keep their thoughts pure, their words true, and their actions honorable.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we set aside 30 minutes equally divided for morning business. Following that time we will return to the consideration of the lobbying reform bill.

Last night, the Democratic leader proposed an amendment which is the pending business.

The managers will be here shortly, and we expect that we will work out an agreement for a time certain for the vote in relation to that amendment.

Last night, they were also trying to line up some additional amendments for today. We will make as much progress as possible on the bill today. To do that, we are going to need a lot of cooperation from both sides of the aisle.

The managers of the bill are encouraged to work out short time agreements on amendments to provide adequate time to discuss the issues and also allow us to move the bill forward.

If we are able to finish the bill this week, we will need Members who have amendments to notify the managers just as soon as possible so they can be scheduled for debate and vote.

Finally, we will be asking for filing deadlines for all amendments, and we will attempt to lock that in for today.

I thank my colleagues for their attention and for their cooperation on this important bill.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

Who seeks time?

The Senator from Colorado.

RENEWABLE ENERGY

Mr. ALLARD. Mr. President, I would like to take a few minutes to comment on the trip that President Bush recently made to my home State of Colorado. The President visited several sites that are involved with furthering renewable energy. One of those sites included the National Renewable Energy Laboratory, or NREL as it is often called, in Golden, CO. Due to previous commitments, I was unable to join the President during his trip, but I want to thank him for visiting there, and thank him for the commitments he has made to the lab and to renewable energy.

NREL is on the cutting edge in bringing renewable energy technologies out of the laboratory and into the mainstream of American business and society. Although America has rivals in many Asian and European nations in investing in the development of these technologies, NREL deserves credit for many wonderful accomplishments.

In recognition of these accomplishments, I have, during my tenure in Congress, led a coalition to push for sufficient funding for both the Department of Energy's renewables budget and NREL. Earmarks have created problems for our national laboratories throughout the United States. The President has addressed the problem, and I am working to prevent this in the future.

The environmental benefits of renewable energy are well noted and widely praised. Not only are renewable sources of energy beneficial to our national security, but they reduce greenhouse gas emissions and decrease demands for other energy resources.

Wind, solar, geothermal, biomass, photovoltaic and other renewable energies have few if any harmful byproducts. It is simply good policy to do all we can to effectively harness and utilize the natural, clean, reusable sources of energy that are abundant all around us.

However we should also be looking at energy efficient technologies. There is a saying that energy saved is like extra energy made. I think it is important that we continue investing in research and development of renewable energy and energy efficient technologies. Further developing these technologies is a win-win solution in every sense. Jobs are created, taxpayer money is saved, our national security is enhanced, and the environment is protected.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

For example, a hog farm near Lamar, CO, is seeing both economic and environmental benefits from converting to a renewable energy source that they have in abundance. The farm was built with an anaerobic digester, which is fueled by hog waste, and uses its methane as a fuel to supply power to the farm operations. An example of how increased efficiency saves money comes from Harmony Library in Fort Collins, CO. The library is considered to be a showcase for state-of-the-art, energy-efficient technologies and building design. They are projected to use about 40 percent less energy than a comparable new building in Fort Collins. They estimate that this will save nearly $12,000 in annual operation costs. The library will be able to use these savings to increase stock and provide additional library services.

Renewable and efficient technologies are an important part of a balanced domestic energy portfolio, and our energy future and national security will be enriched by the technologies being developed and perfected today. We must maintain our commitment to funding the research and development that will bring those technologies to the market. The future of our security and prosperity depends on the commitments we make today.

I would also like to remind my colleagues of the Renewable Energy and Energy Efficiency Caucus within the Senate. The caucus works to keep Members informed about issues important to the renewables and efficiency communities. We currently have 36 members, but we would like to have more.

I also want to thank the President again for his sincere interest in solar and biofuels. The visit to NREL by President Bush and his staff is appreciated by those of us who have been advocating a role in our energy policy for renewable energy. I will continue to work with the administration and my colleagues on the issues facing renewable energy resources.

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ECONOMIC STRENGTH

Mr. ENSIGN. Mr. President, I rise today to comment on the strength of our economy.

This might seem like a news flash, but our economy is thriving.

You would not know it if you tuned in to a network newscast or read the paper, but we have much to be excited about.

The U.S. economy is healthy, growing, and creating more opportunity every single day.

The commonsense tax relief that we passed in the Senate and that the President signed into law have fueled our economy and driven it to new heights.

Fighting for this relief wasn't a gamble—we did it because it has a proven track record.

We know that lowering taxes creates more jobs, greater opportunity, and overall prosperity.

It has been proven in my home State of Nevada, and we have seen the results in our Nation's economy over the last several years.

Since 2003, when the tax cut went into effect, there have been almost 5 million new jobs created.

Economic growth in the United States has outpaced other major industrialized countries.

We have had 33 straight months of growth in our manufacturing sector. And productivity has grown strongly over the last 5 years.

In January, the unemployment rate fell to the lowest monthly rate since July 2001 and lower than the average of the 1970s, 1980s, and 1990s.

In Nevada, the unemployment rate is at an all time low, 3.6 percent.

Tax relief is working.

All of this economic growth and job market expansion is a result of the Jobs and Growth Tax Relief Reconciliation Act of 2003 that jumpstarted our economy and fueled unprecedented growth.

Another example of how tax cuts boost the economy is the Invest in the USA Act which I offered.

I introduced this legislation, which was included in the JOBS Act of 2004. However, this was only a temporary, 1 year tax reduction.

When meeting with corporations in the Silicon Valley, I learned that U.S. corporations pay no U.S. tax on foreign earnings invested overseas, the same as their foreign competitors. But they pay taxes on 100 percent of the foreign earnings that they want to reinvest in the United States.

Obviously, this deters many U.S. companies from reinvesting their foreign earnings in the United States. That comes at a great loss to our economy.

The Invest in the USA Act temporarily modified this inequity for 1 year by taxing companies at 15 percent for foreign earnings reinvested in the United States.

By January 2006 when it expired, the law had encouraged companies to bring home and reinvest an additional $350 billion of foreign earnings in the United States. It raised revenues, lifted investment, and created thousands of jobs.

We should take the momentum of the tax relief measures we have provided during the last several years and build on them.

Our economy is growing and that is great news, but as has always been the case in the United States, we look to the future and work to make it even better.

Let's make tax relief permanent and reassure American families and businesses that today's remarkable economy is just the beginning.

Cutting taxes, empowering working families by letting them keep more of their income, encouraging small businesses to expand and create jobs—that is how we continue to create opportunity and success in the United States.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY

Mr. THUNE. Mr. President, the economy, as has been noted, has been performing extremely well of late with 10 consecutive quarters of economic growth, with job creation at 4.5 million jobs created in the last 2½ years. There are a lot of good things happening in our economy. One of the dark clouds that hovers over our economy right now, however, is the cost of energy. For several years, going back to the very first year of the Bush administration, there was an effort made by the administration to move a comprehensive energy bill through Congress, get it passed and put into law, that lessens our dependence upon foreign sources of energy.

Regrettably, in the last Congress, that bill, after it had been negotiated through the conference committee, was filibustered by the Senate Democrats and prevented from becoming law.

In this session of Congress, last July, the Senate and the House came together in a conference committee and reported out a conference report, an energy bill that was signed into law by the President that will make remarkable strides forward in doing what all agree is an important goal for this country, which is to reduce our dependence upon foreign sources of energy.

Statistics today show we are now 59 percent dependent upon imports for our U.S. energy demand. That is expected to be 60 percent not too far into the future. The Energy Information Agency says U.S. oil consumption will grow from 20.7 million barrels a day in 2005 to 26.1 million barrels a day in 2025. We are using more energy. Worldwide demand for energy is growing. Countries such as India and China are demanding more and more energy. We rely on energy that exists outside the United States in areas of the world that are unpredictable and unreliable and unstable.

We have a great solution. We have seen significant success in my State of South Dakota with renewable energy. The products we raise and grow right here in the United States, in States such as South Dakota, corn and soybeans, can be converted into energy that will lessen that dependence upon foreign sources of energy and, at the same time, create jobs. We are creating enormous numbers of jobs across this country, particularly in the Midwest.

New technologies will allow ethanol, cellulose ethanol, to be made from other products, from other feedstocks. This will be a trend that will continue to create jobs all across this country.

The ethanol industry and the economic gains we have seen have benefited our rural economy. Over the next year, ethanol will displace 2 million barrels of imported oil, create 234,840 jobs and boost American household incomes by $43 billion. Because of the ethanol requirement in the Energy bill we passed last summer, 34 new ethanol plants are under construction, 8 existing plants will be expanded today, and more than 150 plants are in the works. Each plant employs between 40 and 50 people directly and creates hundreds of jobs throughout the local economy. These new plants will add more than 2 billion gallons of ethanol to the Nation's fuel supply by 2007, a 50-percent growth in ethanol production.

This is a good story for the American economy because the American economy relies upon affordable energy. My State of South Dakota is a case in point. We are an agriculture intense economy, energy intense economy, and rely on tourism. We have long distances to cover. We need affordable energy to continue to grow the economy and create jobs in states such as South Dakota.

The ethanol success story could not have happened had it not been for the Republican leadership in the Senate and the House coming together last summer on a bill that would put in place a renewable fuel standard that guarantees a market for ethanol moving forward in the year 2012. As a consequence, we are seeing remarkable improvements in the economy in places that had been struggling economic areas in this country, in rural areas of America that had been losing jobs and suffering from outmigration. It is a success story and one that could not have happened had it not been for the leadership that moved forward with an energy bill last year, that put in place the renewable fuel standard for the first time as a matter of policy in this country.

There are lots of other areas in the Energy bill currently being developed. If you look at wind energy, solar energy, nuclear energy, the Energy bill passed last summer provides great strides forward as we strive to achieve energy independence in this country and deal with what is a fundamental issue for our national security: that is, our energy security.

I rise this morning to again take note of the fact that we are an economy that is in some respects growing, seeing job expansion and a lot of good things happening in our economy, but also acknowledging that unless we do something to decrease the amount, the 60 percent of the energy that we get from outside the United States, we run the risk of dramatically undermining and harming the economic growth we have experienced.

The energy policies we put in place last summer and some of the things currently under consideration in the Senate as we move forward will make great strides forward in helping America deal with what is an economic security issue, what is a national security issue, and that is the crisis of energy we see not only in the United States but across the world as more and more countries have an energy demand and the consumption continues to increase with a very limited supply.

We have a supply right in the Midwest. We grow corn each year, we grow soybeans each year. Other areas produce products that, as technology continues to improve, will enable us to convert those products into usable energy for America's future.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, parliamentary inquiry: What is the status of the agenda at this time?

The PRESIDING OFFICER. In just a minute, morning business will be closed. Then the Senate will resume consideration of S. 2349.

Mr. LOTT. Mr. President, you say in a minute. Do we have other speakers?

The PRESIDING OFFICER. No. The Chair just needs to announce that.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2349 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2349) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 2932, to provide additional transparency in the legislative process.

Mr. DODD. Mr. President, I wish to spend a couple of minutes this morning commenting on the provisions offered by the Democratic leader, Senator REID of Nevada, which is a comprehensive amendment that covers a lot of the waterfront related to the matter before us, and that is greater transparency and accountability by Members of this institution as well as those who lobby us, who come to us and petition us as paid representatives of various public, private, and nonprofit entities, so we have a better opportunity to restore a lot of the confidence that has been eroded in how this institution performs its public function.

My colleague from Nevada, the chairman of the Democratic team here, has put together a very good proposal. It has been endorsed and supported by over 40 of our colleagues as part of the larger Reid bill. It is called the Honest Leadership Act. It covers a lot of ground. I want to identify the provisions in this bill. I know my colleague from Nevada has done that already, but it deserves repetition.

As someone who has now spent more than a quarter of a century in this body, I have great respect for my colleagues and their integrity. We all know that laws are not only written for the majority who abide by the law, but occasionally we write laws because there are those who step outside the boundaries, particularly when it comes to public responsibility and trust. I am not suggesting by this amendment, nor is the Democratic leader, that my colleagues in any way, at least the overwhelming majority, are violating not only the law of the land but even ethics, a sense of responsibility, a sense of good conduct. But we have learned painfully over the last number of months that there are people, unfortunately, who serve in public life, who serve in this great Capitol building, who do take advantage of their position for private gain, who have abused that public trust and have caused this institution and its Members to suffer once again the derision of our constituents, of people who are disappointed about how we conduct our business. It is a painful thing to go through.

I have often said I would be willing to take the 99 Members I serve with in this body and compare their ethics and morality to almost any other group of people, and I am sure they would stand up very well. But the facts are that we have people who do abuse the process, and we need to be cognizant of that and respond to it. That is what Senator LOTT and I are doing. That is what my colleagues, Senator LIEBERMAN and Senator COLLINS, are doing with their proposal which is part of the underlying bill.

Senator REID, on behalf of more than 40 of our colleagues, has put together a comprehensive proposal to try and deal with many of these issues. I am sure there are matters with which some Members may disagree, may want to fine-tune in some way, may not necessarily support every dotted "I" and crossed "T." But the overall direction of the provisions included in this proposal is one that should enjoy broad support. We hope when the vote occurs later this morning, we can have strong support for it.

Let me mention several things it does. One, it bans all gifts, including meals, from lobbyists, the assumption being that this is no longer acceptable. There is no connection between the work of someone petitioning government on behalf of a client or an organization and simultaneously offering some gift to the Member or to the staff of that Member as a way of ingratiating themselves on behalf of the cause they represent. It may be innocent enough. We may find it obnoxious, even, in some cases, considering some of the things that are called gifts. But nonetheless, the perception—perception is reality in the business of public life—that Members of Congress or their staffs are receiving some unrelated item or gift or service or activity as a result of the relationship has come to be unacceptable to most of us here. And again, perceptions are such that we suffer as a result of that kind of conduct.

We also impose some additional restrictions of disclosure on the revolving door issue, requirements under the bill's revolving door provisions. This has to do with Members and senior staff who serve here and then leave and go into private life and become lobbyists and use that relationship to come back and have an immediate, direct influence on the legislative process as a result of those close, personal relationships. The revolving door has tried to have additional disclosure requirements and even extend to some degree the amount of time before such a person could come back and lobby their Member or other Members of this body or their senior staff.

We also deal in the Reid proposal with congressional travel. It bans lobbyists or anybody affiliated with them from being involved in congressional travel. Again, I say "congressional travel." Travel can be a very important element of service in the U.S. Congress. Members, from time to time, need to get out around the country and need to engage in foreign travel. We are not talking about that. We are not talking about related travel in which Members should be engaged. We are talking about those travel expenses that are unrelated.

The most egregious case recently is the matter involving Members of the other body on a golfing excursion in Scotland. When people look at that, they assume maybe all of us are doing those sorts of things. That is not the case, but that is the perception. We need to limit what we talk about here in terms of the travel in which Members of Congress can engage. In my view, if you are traveling on behalf of your public responsibilities as a Member of the Senate or a Member of the Congress, then that is something we ought to allow. In fact, we ought to encourage it. If the travel is unrelated to that nexus of your public responsibility, we ought to try to limit it, if not ban it altogether.

The Reid proposal does that. It allows only bona fide 501(c)(3) organizations to pay for congressional travel for factfinding, educational purposes. It retains the requirement for Ethics Committee approval for travel beforehand so that if Members think it may be questionable, they can get a ruling ahead of time. It requires certification that the trip is not planned, supported, or paid for by lobbyists. It imposes per diem rates on acceptable third-party-paid travel and lodging.

I point out, Mr. President, it tightens the ban on the so-called K Street project. This is controversial. My colleague from Mississippi was patient in the Rules Committee in listening to the K Street project provision that was offered by my friend from Illinois. It was pointed out in committee that there are already prohibitions in existing criminal law for people who would suggest that there was going to be a price that someone would pay if they hired or did not hire someone else based on their political affiliation. We thought it was so important to establish this principle in the rules of this body that we have codified the prohibition against those who would pressure outside employers to make a hiring decision based primarily on party affiliation. This is wrong, it is an abuse, and it ought to be stopped. The Reid proposal does just that.

It is especially egregious where it is accompanied by a threat—implicit or explicit—that a Member might take or withhold certain actions based on the hiring decision. We have learned that has happened. It is unfortunate. The businesses that did that were unwise and shortsighted, but nonetheless it has occurred. This proposal includes the ban on the so-called K Street-type projects.

There are new civil and criminal penalties to combat public corruption. It would require new certifications by lobbyists on gifts and travel and by trip sponsors and increase penalties for knowing, willful, and corrupt violations under the False Statements Act. It would prohibit dead-of-night legislating, require a final vote on conference reports in a public meeting, which, again, I think is critical here.

We know if you are getting this legislation out, getting it to be public on the Internet so people have an opportunity to read, as well, what we are about to do, what actions we are about to take—I know this becomes difficult under certain circumstances, particularly at the end of a session if you are dealing with continuing resolutions which can be very large and so forth. It imposes burdens on this institution. But I think we bear a responsibility to make sure the public has a clear idea, or at least the opportunity for a clear idea, to understand what we are about to do, what actions we are about to take, and how they would affect them.

So I urge my colleagues, again, to support this kind of provision. Not all are people on this side or the other side of the aisle. So that is what is being proposed by Senator REID of Nevada. I hope in looking at this, in conjunction with the underlying accomplishments—let me say once again to my colleagues, I think the work of the Rules Committee was a good effort, and we are proud of what we did. Again, this is a dynamic process that doesn't happen all at once. What is reform one day is not the next, and you go back and forth. I always loved this line, and you have to be careful.

There was a wonderful Republican Party chairman in New York who once said that the last refuge of the scoundrel was patriotism—until they invented the word "reform." People sometimes hide behind that language as a way to achieve certain ends.

What we have done here with the underlying bill—and I think with the Reid proposal—is strengthen this legislation. It is going to make us all better Members, help restore confidence in this institution and its individual Members. I emphasize what I said at the outset. I have great confidence in the ethical, moral behavior of my colleagues. People I have total disagreements with on policy matters, I trust them as to how they conduct themselves in these public arenas. But every profession learns that the laws are not written for the majority who obey the law. Laws and codes of ethics are written for those in the minority who violate that trust and confidence.

So we write these provisions and include these proposals in statutory law and in our code of conduct not because we believe every Member is somehow on the brink or cusp of engaging in irresponsible behavior but because we recognize and understand that from time to time there will be people who serve with us who will violate that public trust and confidence. That is why we have these codes of conduct, why we have statutory language that prohibits the behavior that we have outlined in these proposals.

So I urge my colleagues, when the time comes in roughly an hour or so, to support the Reid proposal. It is offered on behalf of more than 40 of us in this body. We think it is a sound proposal that would strengthen an already good bill. I urge my colleagues to cast and "aye" vote for the Reid amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, after conferring with our colleagues on this side of the aisle, I ask unanimous consent that the vote in relation to the Reid amendment No. 2932 occur at 11:30 a.m., with no second degrees in order prior to the vote, and that all time be equally divided until the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Mr. President, I urge our colleagues to come over to speak if they wish.

Mr. LOTT. Those who would like to be heard, we want to make sure they can be heard. I would be glad to yield my own floor time so they can comment. I do have some comments I would like to make, and I will ask unanimous consent—I will do it then—that we set aside the Reid amendment so that we can have one offered by Senator SANTORUM, and we can begin debate on that. The emphasis will be on the Reid amendment, if you want to check that and make sure you are OK with that. I see one potential speaker.

In order to try to keep things moving, we are going to try to get another amendment offered, and we will alternate back and forth.

Mr. DODD. I have no objection at all to that proposal offered by my friend from Mississippi. I urge Members on both sides of the aisle who have amendments or ideas on the bill, let us know so we can move the process along, and let us know what your amendments are so we can begin to consider and discuss them even before they are offered as a way of trying to expedite the process. The Senate wants to consider other matters. This is very important, but I would like to move as rapidly as we can on the consideration of these ideas and proposals.

I urge my colleagues who have amendments and want to be heard to let us know as soon as possible.

Mr. LOTT. Mr. President, full disclosure, too. We have other Senators who would like to get into the mix. I say to Senator DODD, Senator INHOFE is here with some amendments, some of which we can probably get an agreement on, some of which will take more time. Also, Senator VITTER, who is in the chair now, would like to get into the mix.

As we go back and forth, I thought we would go to SANTORUM, and then if you have a Senator—or maybe we can clear a couple of the Inhofe amendments. That is what we would like to do.

Mr. President, I want to respond a little bit to the Reid proposal. I think you have to give credit to Senator REID and the Democrats for developing some legislation for this body to consider. People may be shocked to hear me say that, thinking that is not the way we do things. This is basically the Democratic leader's proposal. My attitude is, look, good work was done on it. They have a package here. Some of it was good enough that we pulled it out and put it right into the Rules Committee bill. I want to give credit to the fact that they want to work on this and have made some recommendations. In that vein, Senator SANTORUM, at the request of our leader, as chairman of our conference, went to work and started developing a package of ideas, amendments, and concerns and solutions, too.

So both parties were working on this. Yes, it was on separate tracks, but as we went forward Senators began to realize that this is not really partisan. It is even bigger than the institution. It is about us and the people we represent and their rights. We need to think this through because whatever we do, we are going to have to live with it, and the American people are going to have to live with it.

As time went forward, Senator SANTORUM was working with Senator MCCAIN and Senator LIEBERMAN. I started working with Senator DODD—we talked—and Senator FEINSTEIN, and then bipartisan meetings started to happen. I tell you, I wish we could do more things here like this. We came to a juncture and we reported out a bill from the Rules Committee that was unanimously approved. The Homeland Security and Governmental Affairs Committee reported out a bill that had only one dissenting vote. This is the way it ought to work.

I give credit to Senator REID and the Democrats for getting involved and helping this process. But now we have to produce legislation. It is important that we hear each other out and that we have some debate and some amendments and votes and get this job done.

Mr. President, the amendment presented by the Democratic leader is not fundamentally different from any of the provisions of the bill reported by the Rules Committee and by the Homeland Security and Governmental Affairs Committee. It has similar provisions to what was in the Santorum package. Our main differences are on issues such as how to treat gifts from lobbyists, and the Reid amendment bars all gifts from registered lobbyists. The Rules Committee bans gifts from registered lobbyists, except for meals, which are not included in the definition of a gift. I will give you one example for why we are making this exception. Our bill bars gifts from registered lobbyists and foreign agents. A very thoughtful Senator, chairman of the Foreign Relations Committee, Senator LUGAR, inquired: Wait a minute. How will that work if I am invited as chairman of the Foreign Relations Committee to a dinner at an embassy of a foreign country that involves foreign agents? Will I be able to go? How will I deal with that?

That is the kind of thoughtful question we better think about because we don't want to put ourselves into a position where we cannot do our jobs.

Another example of where I am concerned is we have language in the Homeland Security bill that is going to restrict or require more reporting of grassroots lobbying activities. This will have a chilling effect on grassroots lobbying. Do we want to do that? What about the right of the people to petition their government for a redress of grievances? Why are we letting on like there is something wrong with people with a point of view who would get people involved and get our constituents to contact us about an issue? We are big boys and girls.

We should be able to hear from our constituents, even if they are inspired by the Chamber of Commerce or the Sierra Club, or even if it is something such as the ports issue. I heard from a lot of my constituents. We need to make sure we think through what we do here.

The Reid amendment claims to prohibit privately funded travel, yet, in fact, it does no such thing. It opens a loophole that would allow 501(c)(3) organizations to finance congressional travel. The Rules Committee requires far stricter preclearance of such trips.

My attitude is, instead of setting up a new process or new loophole, let's have these trips reviewed mandatorily and approved or you can't do it. Then you have to also divulge the itinerary and who is involved in these trips. I think that is a far better approach.

The Democratic alternative presented by Senator REID bars lobbyists from participating in such trips whereas the Rules Committee measure requires disclosure of lobbyist involvement.

The Reid amendment also prohibits a Member from negotiating for prospective private employment if a conflict of interest or the appearance of a conflict exists. We have that in our Rules Committee language. We actually went a step further than that. The law prohibits this already, but I also think that a rule in this area is fine.

The Reid amendment makes it a felony for a Member of Congress to seek to influence a private employment decision by threatening to take or withhold an official act. Absolutely we should do that. I think the law already does that. I honestly believe the bills reported by the Rules Committee and

Governmental Affairs Committee are superior to the Reid amendment.

When I first looked at the Homeland Security and Governmental Affairs bill, I wasn't quite sure what it did. But as I read it more and more, it is very good in terms of reporting, disclosure, and transparency. It requires more reporting with regard to lobbyists.

We better continue to ask ourselves about what we are doing here. For instance, I am particularly troubled by the provisions that would only allow travel sponsored by 501(c)(3) organizations. Do my colleagues not realize that 501(c)(3) organizations can be manipulated and used by lobbyists as fronts for their lobbying activities? In fact, that is exactly what Jack Abramoff did. He laundered money through a 501(c)(3) and used a tax-exempt entity to finance congressional travel.

This is one of my major concerns with the Reid proposal. I think it actually endorses a process that has been used to abuse the lobbying rules.

While the effort here is a good one by Senator REID and in good faith, we have a superior bill. Where Senator REID had some good proposals, we put them into the Rules Committee bill. But there are many provisions, a much more detailed package from the Rules Committee and Homeland Security and Governmental Affairs Committee.

I hope when the time comes, this amendment will be rejected. We are trying to make this a responsible bill—not inferring that the Reid amendment is not responsible. We are also trying to make it bipartisan. So I am concerned that we have come right out of the gate with a partisan package. I assume we are not going to have the Santorum alternative offered as a package. It has been melded into what we have.

I urge my colleagues to reject the partisan package. Let's take the good stuff out of it and make it a part of our final product.

Mr. President, I will be glad to yield the floor so a Senator may speak on the Reid proposal. I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, if it is all right with Senator DODD, I wish to be heard on the Reid amendment for not longer than 15 minutes.

Mr. DODD. I yield whatever the time the Senator cares to use.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am very pleased the Senate has now taken up this important issue. I compliment Senators LOTT and DODD for working together, as well as Senators COLLINS and LIEBERMAN. We needed to have this debate. We need to have these changes.

Over the past several months, we have all heard the sorry tale of scandal and corruption and bribery involving Jack Abramoff, senior Bush administration officials, and, sadly for us, Members of Congress. Those tales have unfolded here in Washington. It is clear that these scandals show corruption has taken hold here and that we in Congress must act. That is why I am so glad we have set aside time for this bill.

The measure on the floor today makes important strides in cleaning up corruption, but, in my view, it doesn't go quite far enough. Under the leadership of Senator HARRY REID, Senate Democrats have advanced legislation that goes even further, but it doesn't go so far as to make it unworkable or unreasonable.

We were and Senator REID was the first to respond to the revelations of scandal and corruption in Washington. Nearly the entire Democratic caucus united to create a package of reforms which we call the Honest Leadership and Open Government Act of 2006. It was the first idea that we rolled out for the American people to see.

I believe the Reid bill helped set the tone for the bill we are debating today. I do, again, Mr. President, thank Senator LOTT for his leadership in the committee. I thank him for working so closely with Senator DODD. And I say the same to all my colleagues involved in this issue because we know the partisanship here is deep and the Senators set it aside, and for that we are all grateful.

What we have before us is an excellent start. If we did that and nothing else, it is a start. But we have a chance now to do better. I think the American people won't settle for just a good start; they want to see deep reform. They want the revolving door slowed so that they don't see Members of Congress—Senators and House Members—staff members, and administration officials walking out the Capitol steps and walking right into a lucrative job where they will have undue influence in terms of what goes on in the Congress.

The American people want to feel they still have a voice, even though they don't have thousands or maybe millions of dollars to shell out on K Street where the lobbyists thrive. They want gifts banned. They don't want to see a commission report on why the latest scandal happened; they want measures in place that prevent scandals from taking place at all.

My colleagues and I on this side of the aisle are prepared to offer amendments to strengthen this bill, and Senator REID's package is the first such attempt. I believe it is important, again, to strengthen this bill and raise it to a standard in which our constituents can take comfort.

We truly need to go beyond what we have before us. We also need to go beyond the Congress and follow the money, as sordid as it may be, and follow the meetings, and follow the contacts between Mr. Abramoff and the White House. So far, the White House is quick to admonish those outside the administration who engage in scandalous acts. Yet they have maintained a policy of duck and cover and denying when allegations are pointed in their direction.

I will have an amendment calling on the White House to cooperate, to turn over the information that we and the public deserve to have on how many times Jack Abramoff was in the White House, or his associates, and what it is they wanted and what it is they got and what it is they gave. That amendment will be coming soon. It is very clear. I hope it will be accepted. I know that my side of the aisle supports it.

My amendment simply says that the White House should fully disclose all of its dealings with Mr. Abramoff. We certainly should disclose our dealings, and as far as I know, every Member has gone back and looked to see if they received contributions from Mr. Abramoff, if they received contributions from anyone associated with him. Many of us have acted to either return those contributions or to explain why we would rather give them to charity. We have opened up our books. The White House has to open up its books as well.

Again, I am very pleased at the bipartisan effort that has taken place to bring ethics reform to the floor today, and I urge all my colleagues on both sides of the aisle to support the amendment offered by the Senator from Nevada and continue this bipartisanship.

Anyone who knows HARRY REID knows he is a reasonable person who loves this institution, who has given his life to public service, starting from the time he was a police officer. The Reid amendment serves only to strengthen the reforms we seek and that the American people demand. This is what it does in part.

It closes the revolving door so that the outcome of legislation is not tied to a Member's potential job prospects. It ends the K Street project by shutting down the pay-to-play corruption scheme. K Street offices should be staffed by individuals who are the most qualified for the job, not well-placed former congressional staffers who obtain their job through a back-room deal to stack the deck in any party's political favor. And we know that calls come routinely to these offices saying: Hire this staff or that staff, and the implication is you will be treated better in legislation. It is a disgrace.

The Reid amendment increases penalties for violations of the rules under the Lobbying Disclosure Act as a further deterrent for lobbyists to engage in unethical practices, and it prohibits dead-of-night legislating to allow for an open meeting of the conferees with access by the public. The public is so shut out around here. Not only are Democrats shut out of some conferences, but the public certainly knows not what is going on. We want the light of day to shine. If you want to stop those bridges to nowhere and other projects that don't make any sense, open up the process to the light of day, and all of us—all of us—will be scrutinized.

I think we should impose tougher restrictions on congressional travel and gifts. We know there is a difference between traveling in an official congressional delegation and traveling because some company wants to do you a favor. We know what that is about. There is a difference between a truly educational trip that is sponsored by a foundation with no ties to special economic interests and a trip that is organized by some economic interests that want to treat you in a way that will make you more open to what they want. There is a difference here, and I think what the Reid amendment does is walk that line.

So with this bill, amended by the Reid amendment, the American public will have reason to feel confident that laws are being written and debated and voted on by Members who respect democracy and the wishes of their constituents and are not unduly influenced by forces that simply want it because it is good for their bottom line.

We must be open, we must be honest, and we must be ethical. I know each of us tries to do that, but the rules need to reflect the highest denominator, not the middle, not the lowest. With this bill, we are at the middle denominator. The Reid amendment and some other amendments offered by colleagues on both sides of the aisle can bring us up to that highest level, and I hope we will start by voting "aye" on the Reid amendment in a bipartisan way. It will set the tone of this debate.

I thank my colleague Senator DODD for yielding me this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I wish to be recognized for the purpose of having a colloquy with the chairman and ranking minority member, Senator LOTT and Senator DODD.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. WYDEN. I thank the Chair.

As the distinguished chairman of the Rules Committee knows, Senator GRASSLEY and I have worked for a decade to bring some openness and accountability to the Senate by requiring that when a Senator puts a hold on a major piece of legislation, they would have to disclose it publicly. Senator GRASSLEY and I are ready to go with that bipartisan amendment which we have worked on for a decade. I would simply ask the distinguished chairman of the committee and the ranking minority member what the process is so that Senator GRASSLEY and I can bring forward this bipartisan amendment. I pose my question to the distinguished chairman of the committee.

Mr. LOTT. Mr. President, in answer to the distinguished Senator from Oregon, we have before us the Reid amendment which is in the nature of a substitute.

I am advised it is not; it is a regular amendment. We are going to have a vote on it at 11:30. We are open for debate on that amendment.

Then we are working out arrangements where we would come back to this side to Senator SANTORUM and Senator DODD, who are going to offer the next amendment jointly, sometime between now and 11:30, or immediately after the vote on the Reid amendment. Then it would be back to the Democratic side and going back and forth for the next amendment that might be in order. We are encouraging Members to come to the floor and offer their amendments. We have Senator INHOFE coming up to offer amendments on our side. But after Senator SANTORUM, we would be back for I guess a jump ball if anybody wanted to offer an amendment.

Mr. WYDEN. Would it be acceptable to the distinguished chair of the committee and ranking minority member that I could ask unanimous consent that after you all have completed the bipartisan amendment of the Senator from Connecticut and the Senator from Pennsylvania, that when you all have completed your business, the Wyden-Grassley amendment come next?

Mr. LOTT. Mr. President, we have no objection. We are encouraging Senators to come to the floor with their amendments, and if Senator WYDEN would like to be next in line, that is fine. As a part of that, let me ask consent that Senator INHOFE be allowed to offer the next amendment after the Wyden-Grassley amendment so we would have a package of the two lined up.

I propose then that we have the Wyden amendment in order after the Santorum-Dodd proposal, to be followed by the Inhofe amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I thank the distinguished chairman and the ranking minority member.

Mr. DODD. Mr. President, does my colleague from Delaware request time?

Mr. CARPER. I do. Can I ask for 5 minutes?

Mr. SANTORUM. Mr. President, we have been trying to go back and forth. The last speaker was Senator BOXER. I think we have been trying to alternate back and forth.

Mr. LOTT. Does the Senator propose to speak on the pending amendment?

Mr. SANTORUM. Mr. President, I am going to talk about the bill, and then I will yield back to Senator DODD to actually offer the amendment we are working on, was my intent. That was the plan.

Mr. President, I, too, rise to thank Senator LOTT and Senator DODD, as well as Senator KYL and Senator LIEBERMAN. They talked about how this process has been somewhat unique in the annals of recent Senate history and about how this process has worked now for the past month, a little over a month in a way that, as Senator LOTT said, should be done more often around here, which is sitting down and having good, bipartisan discussions to try to come up with a consensus piece of legislation.

While obviously there will be lots of amendments, at least the foundation of this bill is one that included a lot of bipartisan input and, in fact, has features from both sides of the aisle and is as much a bipartisan bill, at least on a major bill, as has been brought to the floor in a long time. I thank the chairman and ranking member of the committees, in particular Senator MCCAIN for his leadership on this issue, as well as others who participated in the bipartisan process, including Senator FEINGOLD, Senator PRYOR, Senator OBAMA, Senator SALAZAR, and others who have made contributions on the Democratic side; Senator VITTER, Senator ISAKSON on the Republican side, who have also been very involved in the process.

As a result of that process, we came up with a working document. I won't call it a consensus because there were Members who had varying points of view on a variety of these issues, but let's say that at the conclusion of our discussions we had a working draft that had broad support as a whole. At the same time, as you will see in the discussions and in the amendments we are going to have today, some wish to ratchet it up a little bit, make it a little tougher; others thought it might be a little too tough. But in the areas of concern, there was broad agreement on what those areas of concern are, and suggestions of approaches on how to deal with it.

I wish to go through the areas that we agreed needed to be addressed and what the general idea was in how to proceed with a lot of the things that are up here, which were foundational in the sense that we started with the McCain-Lieberman bill that Senator MCCAIN and Senator LIEBERMAN introduced a couple of months ago, and there was some tinkering to that legislation. Overall, the disclosure requirements in that legislation were universally embraced and adopted for disclosure of lobbyist contributions to Member PACs, and lobbyist disclosure of executive and congressional employment. All of those things were included, as well as others we have heard talked about on the floor.

Several things were not included: disclosure of contracts with State sponsors of terrorism. That is something I happen to believe should be included in the legislation, but so far we have had objections to that being included. I am not too sure I understand why but, nevertheless, it has not been included.

We suggested 30 days, not 60 days, to comply with the rules. That has not been included.

Higher penalties. The penalties were increased from $50,000 to $100,000. Many of us believe that is not sufficient as a deterrent for some who make a lot more than $50,000 or $100,000 around here on transactions. So we think a higher penalty sends a stronger signal, and I will be offering an amendment on that to increase the penalties up to $200,000. Again, it is up to $200,000 for breaking these rules, lobbyists breaking these rules.

One of the important things we brought to the table that was not in the underlying bill was disclosure of rule enforcement by the Secretary of the Senate and the U.S. Attorney. In other words, one of the concerns Members have and that the public has is, What sort of oversight is being done? Are there any actions being taken? What this would require is that when there, in fact, is an action taken on the part of the committee, and it has been referred to a U.S. Attorney for prosecution—not that particular case, but at least the number of cases that have been referred is made public so we know the level of activity. Not the specific charge, because we don't know whether the U.S. Attorney will actually bring a charge, but we at least know the number.

There are several other things we did in our bipartisan discussions: ban registered lobbyists who are former Members from the Senate floor; no staff contact with lobbyists who are a member of the family, which is an amendment I successfully offered in committee, in the Rules Committee; and the earmark transparency, something Senator LOTT and Senator FEINSTEIN have worked with, and obviously Senator McCAIN. There will be differences. We passed something out of the Rules Committee. There will be amendments to try to expand this provision, maybe contract this provision, modify it; but the idea was developed and supported by a bipartisan group.

Another thing Senator COLLINS and Senator LIEBERMAN put in their bill, which was very important that we brought to the table, was the idea of an SRO, a self-regulatory organization that many professional organizations use to police their own ranks. While we can pass laws and we can pass rules that try to govern the lobbyist profession, there are a lot of things within the profession that need to be upgraded, whether it is fees or whether it is professional ethics, and there is not a good body out there that does that. There certainly isn't any kind of self-regulatory body that does that. We think it is vitally important to send a message from the Congress to the folks who make a living petitioning their government to clean up their own house, and particularly in greater detail than what the Congress could or should do with respect to the practices, the internal practices of lobbying firms and lobbyists.

I think this is a very important suggestion, something I felt very strongly about, and I appreciate Senator LIEBERMAN and Senator COLLINS for including it in their legislation.

This is the final chart, which again shows the consensus. You can see the checkmarks here again, which are areas that are already included in the bill that were part of the bipartisan discussion, to extend the lobbying ban for Members and senior staff from 1 to 2 years for Members and included more senior staff of Members in a separate amendment. Both were discussed and supported broadly in our discussions.

This is something I also felt very strongly about: Members not being able to negotiate for private sector employment while they are a member of the Senate. Then we put in the date of the election of your successor as the date you can then freely discuss employment opportunities for after your life here in the Senate. We have an exception. There needs to be an exception. If something happens, a personal emergency in the family, or something comes up where you feel you have to leave the Senate for some reason, the opportunity to have those discussions simply must be disclosed within 3 days of having those discussions. Again, we think there needs to be an escape hatch for those kinds of contingencies.

Travel was a very big point of discussion and will be a point of discussion here on the floor of the Senate. Privately funded travel must be preapproved by Ethics, be of educational value, have little or no R and R—rest and recreational value, disclosure of the lobbyist's involvement in the trip, as well as all activities reported after the trip. In other words, you have to file a comprehensive report of what you did, not just what you planned to do.

The area that was not done and that I will be offering an amendment on with Senator McCAIN and Senator FEINGOLD is having to do with the Members and Federal candidates paying a fair market value for the cost of corporate travel. I know this is very controversial, particularly for Members from larger States using a private aircraft in getting around. But as we will discuss later with Senator McCAIN and Senator FEINGOLD on the floor, we believe this is an area that needs to be addressed. This is clearly a subsidy. I understand, and I think we all understand, this will probably require higher amounts of money in our accounts to be able to pay for these costs as we travel around our States that now are, in a sense, subsidized by the private sector. But I believe this is a very important transparency issue.

The final issue is the mandatory disclosure of travel on private charter flights by Members as well as Federal candidates, so this is something that we did.

The last thing that is on the agenda, and then I will turn it over to the Senator from Connecticut, Senator DODD, is the gift ban. Now we do have a gift ban in this bill having to do with lobbyists. Lobbyists are no longer allowed to give any gift of any value to Members. The one area that is excluded from that is meals. To be clear, what the Rules Committee did was make a change to current law which says, you are allowed to purchase a meal for a Member of Congress or his staff of up to almost $50. The Rules Committee said you have to now report it if it is above $10. That, I think, is worse than the current law, in my opinion, because it sets up a situation where Members—I can tell you if this is the law that would go into place, I would tell my staff, and certainly I would never have a meal with a Member, because it creates the impression first that you have to report it, and of course any activity that occurred with respect to that lobbyist and your office or legislation you voted on or campaign activities would be tied to this particular event which, of course, may or may not have had anything to do with that particular event, but it creates, I think, an untenable situation. I think the effect of Senator LOTT's suggestion would be, in fact, a ban on meals, so if that would be the effect of it, let's do it.

So I have offered an amendment. Senator DODD came to the floor with the same idea. We have spoken. We have decided to jointly offer an amendment that would ban all meals from registered lobbyists to Members of Congress and their staff. That is the amendment Senator DODD will be teeing up here in a moment. Again, we filed virtually identical amendments.

I am happy to yield to the Senator from Connecticut because of the fine work he has done to be the lead sponsor on this amendment. We need to work together and get this done because the current situation in this bill, in my opinion, is simply untenable and is a potential trap for the unsuspecting, which I would not like to see be visited on any Member of the Senate.

With that, again, I want to congratulate all of those who were involved. I think you see that the bipartisan process we worked on for several weeks yielded the basis—the basis of the bill we have before us has yielded a situation where I think most of the amendments that are going to be offered are going to be offered in a bipartisan fashion because discussions were actively underway that did have sincere collaboration. As a result of that, I think you are going to see a lot of the effort being put forward today in a bipartisan fashion. I am pleased to be able to kick that off with the Senator from Connecticut on the issue of not allowing lobbyists to buy meals for either Members or their staffs here in the Senate.

Mr. President, I yield the floor for the Senator from Connecticut.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

AMENDMENT NO. 2942

Mr. DODD. Mr. President, my colleague from Delaware has asked to be recognized. Before he does that, I am going to send a modification—an amendment on behalf of myself, Senator SANTORUM, and Senator OBAMA to the desk and ask for a modification to be accepted of that amendment.

I ask unanimous consent to temporarily lay aside the Reid amendment for purposes of considering this amendment and then we will go right back to the Reid amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the meals and refreshments exception for lobbyists)

On page 8, strike lines 8 through 16.

AMENDMENT NO. 2942, AS MODIFIED

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 2942), as modified, is as follows:

(Purpose: To strike the meals and refreshments exception for lobbyists)

On page 8, strike lines 6 through 16 and insert the following:

"(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal."

AMENDMENT NO. 2932

Mr. DODD. Mr. President, at conclusion of the vote on the Reid amendment, this would be the next item to be considered. That is the purpose for offering it now. For the purposes of recognition, I am going back and forth, I believe.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, to clarify, we will need to go back to the Reid amendment or was that automatic under the agreement, so we are back on the Reid amendment?

The PRESIDING OFFICER. The Reid amendment is once again pending.

Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding there is a unanimous consent we are operating under, but my only request is if the Senator from Delaware goes next, I be recognized after the Senator from Delaware for my amendment.

Mr. LOTT. Mr. President, if I could respond to the parliamentary inquiry before the Chair comments on it, we did get an agreement that yours would be next in order. That was in the previous unanimous consent agreement.

Mr. INHOFE. So I will be following the Senator from Delaware. Thank you.

The PRESIDING OFFICER. Who yields time? The Senator from Delaware.

Mr. CARPER. Mr. President, my thanks to Senator DODD and Senator LOTT. My thanks to Senator LIEBERMAN and Senator COLLINS as well. By working together, they have speeded along reforms that I think most of us agree are badly needed. I am hopeful that the bipartisan approach that they have taken on this issue will rub off on the rest of us, not only with respect to this particular subject but with respect to others that are before us.

I am sure all of us have gone home and heard about how disappointed people are with what they see going on in parts of Washington these days. I think most Delawareans realize we are not all taking bribes and not all lobbyists are crooks. I certainly agree with them. I have met many more good people here during my time in the Senate than bad, and I am sure those sentiments are shared by my colleagues. But similar to those I have spoken to in recent months, news of the Abramoff scandal and of the bribing of Congressmen and their staffs have hit the papers and television news outside the beltway. I am gravely disappointed that our system can allow such excesses and disrespect for the people who sent us here.

The fact is, the American people have lost some of the trust they have placed in their leaders here in Washington. That is dangerous because, as we all know, a lot of the folks around our country did not have a whole lot of trust in us to begin with. That is why I am proud to support today the amendment offered by Senator REID. It would add several provisions from the Honest Leadership and Open Government Act to the bill that is before us today.

Senator REID's amendment would make a good bill even better. It would do so by ending certain practices that at the very least create among our constituents a perception of impropriety.

Along those lines, the Reid amendment would prohibit Members and staff from receiving gifts from registered lobbyists. Many offices, mine included, are already implementing this kind of reform. We will no longer accept meals, entertainment or any other gifts from lobbyists, and will abide by that standard until the Congress decides what the new standard should be.

The Reid amendment would also ban congressional travel funded by companies and other special interests that have business before the Senate. Senator REID's proposals to end the practice of receiving gifts and privately funded travel from lobbyists are, in my opinion, reason enough to vote for this amendment. Unfortunately, we find ourselves at a time and place where even truly significant reforms will be met with skepticism by the American people. While none of us could be bought with a $50 meal, the all too common assumption is that any reform, any new restriction, any new guideline or rule will be written in such a way that Members, staff, and lobbyists will still have loopholes through which to operate.

Bans close all loopholes. In this case, the bans proposed in the Reid amendment would go a long way toward disabusing people of the notion that nothing will change as a result of the reforms that we are debating today.

Let me add one quick comment before I close. However good our rules are in the Senate or House, however well intentioned our rules are, it is critical that the rules be enforced. When we look at what has gone on in the House of Representatives over the last several years, a major problem there was not so much the rules but the failure to enforce the rules that exist, the failure to enforce them with respect to lobbyists and apparently with respect to Members of the House and with members of their staffs.

I hope our work on lobbying reform sends the signal to the American people that we are serious about restoring their trust in us and in this institution. As we all know, that trust is absolutely essential to the good health of our democracy and of our country.

I will yield my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I call up amendment No. 2933. I ask the Senate to set aside the pending amendment.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, it is my understanding it was agreed to by both sides, that I was to be recognized for the purpose of setting aside the amendment and calling up amendment No. 2933.

Mr. LOTT. Mr. President, that was not what was agreed to, as I understand the question, from the Senator from Oklahoma. We have the Reid amendment, and then the next in order was going to be the Santorum-Dodd amendment. Then we were going to go to Senator WYDEN, and then the consent was that the Senator from Oklahoma would be next in order, to offer his amendment and have debate at that point.

Mr. INHOFE. If that is what you recall—that is certainly not the intention of this Senator.

Mr. LOTT. Was that the way it was agreed to?

The PRESIDING OFFICER. That is not what the Chair recalls, but that is what I have been told was agreed to. I will defer to someone who was here before me.

Mr. INHOFE. I ask if our leader would defer for a question. I appreciate very much the Senator's attention. I have been down here since before the bill came up with the intention of being the first one. I yielded to Senator SANTORUM. We wanted to go back and forth. It was my understanding Senator CARPER was recognized and I would be right after him and that time has arrived.

What is the problem?

Mr. LOTT. Mr. President, the Senator is correct. He came here early on, ready to go. But there had already been discussion with Senator SANTORUM about being able to offer his amendment. We try to go back and forth from one side of the aisle to the other.

Mr. INHOFE. Last I saw, Senator CARPER was a Democrat.

Mr. LOTT. He was just speaking. He didn't have an amendment.

Mr. INHOFE. I ask the Chair what his understanding was of the unanimous consent request?

Mr. LOTT. Mr. President, No. 1, we have an order of how amendments will go. On a separate track, we were debating the Reid amendment, and we were alternating back and forth, having speakers speak on the Reid amendment. That is where there seems be maybe a dichotomy. Senator CARPER was going to speak next. Then Senator INHOFE would be able to speak next. That was my understanding.

Mr. DODD. The two Senators from Illinois, I say to my colleague, want to be heard on the Reid amendment as well. We are losing some time. We might have some private conversations on other matters, but let's get through on the Reid amendment before the time expires.

Mr. LOTT. Was there a request pending?

Mr. DODD. It is an informal request.

Mr. LOTT. What is the Chair's impression?

The PRESIDING OFFICER. If the Chair can think for a minute, he will give it.

Mr. INHOFE. While the Chair is thinking——

The PRESIDING OFFICER. At 10:37 an agreement was reached to have a vote on the Reid amendment at 11:30. At 11 o'clock, the following agreement was reached: Following the disposition the Reid amendment, which will be voted on at 11:30, the Senate will go to the Santorum-Dodd amendment; following that, the Wyden amendment, and following that, the Inhofe amendment. That was the agreement reached at 11 o'clock.

Mr. INHOFE. Will the leader yield for a request? If I do not take more than 2 minutes, may I go ahead and bring mine up, set the current amendment aside and bring it up so it will be in the mix?

Mr. DODD. I will have to object to that. We have to talk about this.

The PRESIDING OFFICER. Objection has been heard.

Mr. DODD. Let's sit down and talk about it.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I yield a couple of minutes to my friend, Senator OBAMA.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I rise briefly to support the amendment offered by Senator REID. I also support the amendment that was introduced by Senator DODD and Senator SANTORUM, of which I am a cosponsor. But let me focus on the particular provision in Senator REID's bill, the honest leadership bill, that I think all of us should pay attention to, and that is the provision which closes a loophole that would still allow Members and staff to receive free meals from lobbyists up to $50 in value.

On my way over to the floor, I passed a couple of security guards and Capitol police. I asked them how often lobbyists had bought them a meal. Surprisingly, they said none.

I talked to the young women who help us on the elevators on the way up. I asked them: Has a lobbyist ever bought you a meal? The answer was "no."

In cities and towns all across America, it turns out people pay for their own lunches and their own dinners, people who make far less than we do, people who cannot afford their medical bills or their mortgages or their kids' tuitions. If you ask them if they think that people they send to Congress should be able to rack up a $50 meal on a lobbyist's time, what do you think they are going to say? You ask them if they think we should be able to feast on a free steak dinner at a fancy restaurant while they are working two jobs to put food on the table. I don't think we need a poll to find out the answer to that one.

I want to be clear. In no way do I think that any of my colleagues or staffers would exchange votes for a meal. But that is not the point. It is not just the meal that is the problem, it is the perception, the access that the meals get you. In current Washington culture, lobbyists are expected to pick up the tab when they meet with Members or staff. It is understood by all sides that the best way to get face time with a Member is to buy them a meal. You don't see many Members eating $50 meals with constituents who come into town to talk about issues on their minds, or with policy experts who are discussing the latest economic theories. Most of these meals that are taken are with lobbyists who are advocating on behalf of special interests. It diminishes perceptions, and it is something that I think has to stop.

Let me close by saying this. If people are interested in meeting with lobbyists or having dinner with lobbyists, they can still do so. It is very simple. You pull out your wallet and pay for it.

I strongly urge we support the Reid amendment. In addition, I strongly support the Dodd-Santorum amendment, of which I am a cosponsor.

I yield my time.

Mr. DODD. Mr. President, Senator DURBIN from Illinois asked to be heard for 2 minutes as well. Senator DURBIN has time during the day to comment on this.

This is a very comprehensive amendment Senator REID has offered. It strengthens what is, in my view, already a very strong bill of the Rules Committee. But it does close some gaps that I think are critically important. I hope we can develop some bipartisan support. It will take some issues we would have to debate later in the day off the table because they would be included in this amendment.

So, again, I urge my colleagues to take a look at this. You may not agree with every single dotted "i," as I said earlier, and crossed "t." But if you agree with the thrust of this, I think it deserves your support and it is one that would strengthen this bill on lobbying reform and the transparency and accountability issues, which are the hallmarks of this joint legislative effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the Reid amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer

Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Byrd

The amendment (No. 2932) was rejected.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, I believe we are ready to go to the Dodd-Santorum amendment.

Mr. DODD. That is true. I believe the Senator from Oklahoma has a unanimous consent request. I am prepared to yield to him.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Yes. My request would be in conjunction with the Wyden amendment but also to bring up my amendment and set it aside so I would be in the mix, if that would be all right. So a couple minutes would do it.

Mr. DODD. And you have asked unanimous consent to be a cosponsor of the Wyden amendment?

Mr. INHOFE. Let me go ahead and propound that.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, there is an amendment I had submitted on holds, and we have been trying to do this for quite some time. My good friends, Senator WYDEN and Senator GRASSLEY, have been trying to do the same thing, and I think Senator LOTT from Mississippi. So what I will do is not offer my amendment No. 2933 in favor of the Wyden-Grassley now Inhofe amendment that will be considered. That is my unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent that my amendment No. 2934 be called up for its immediate consideration.

Mr. DODD. Reserving the right to object, that, as I understand it, is in the order after the Dodd-Santorum amendment and the Wyden-Grassley-Inhofe amendment.

Mr. INHOFE. OK. We would be able to get it up and get it in without taking any time. If you want to go back to that order, that is fine.

Mr. DODD. Yes. I would like to do that, if we could, just to maintain the order here.

I believe what the Senator would do, Madam President, after the consideration of the Wyden-Grassley-Inhofe amendment, is then be next in line for his amendment. Is that the Senator's request?

Mr. INHOFE. Well, my request is to go ahead and bring it up now, but that is fine.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, has the Chair ruled on the request?

The PRESIDING OFFICER. The request is withdrawn.

Mr. LOTT. Madam President, let me just say to the Senator, I do not believe we will be able to get a recorded vote before lunchtime on the Wyden-Grassley-Inhofe issue.

We might be able to set that aside and take up yours and get it disposed of before lunch, if that would be convenient to the Senator. I am not asking that yet, but I believe we will probably do that.

Mr. DODD. Madam President, if we could see the amendment our colleague would like to offer, it would be helpful to us. Why don't we do that while I am talking about this amendment, and then before we break from this, we can agree to what the Senator wants. I need to see what the amendment is.

Mr. INHOFE. I would only say that the amendment has been at the desk as of 8 this morning. I assume you have already gone over the amendments.

Mr. DODD. But I understand there are five amendments. I want to know which amendment.

Mr. INHOFE. This would be an amendment having to do with COLAs.

Mr. DODD. Cost-of-living increases. If we could see the amendment, I will be glad—let me start and then he may offer that.

I ask unanimous consent that our colleague from Arizona, Senator MCCAIN, and Senator LIEBERMAN be added as cosponsors to the Santorum-Dodd-Obama amendment. I believe that is what my colleague was interested in being heard on.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2942, AS MODIFIED

Mr. DODD. Madam President, I call up amendment No. 2942, as modified, on behalf of myself, Senator SANTORUM, Senator OBAMA, Senator MCCAIN, and Senator LIEBERMAN. This is to extend the ban on gifts from lobbyists to include meals from lobbyists as well.

The PRESIDING OFFICER. The amendment is pending.

Mr. DODD. Madam President, this amendment is simple and straightforward. It would ban meals from lobbyists in the same way that the current bill bans all other gifts. For purposes of the Senate gift rule, it would ban meals outright.

The Rules Committee has reported an amendment that bans all gifts. But in an effort to deal with the meal issue, the language of the underlying bill would allow for meals to be paid for by lobbyists but would require, within 15 days of receiving a meal from a lobbyist or a foreign agent, that the name of the person providing that meal and the value of the meal be disclosed on the Member's Web site. In effect, we are banning meals almost without language. The idea that every 15 days we would be reporting these meals probably would result in a ban outright anyway. But it is dangerous to leave language in there because Members could inadvertently forget to report, as well as staff members and the like. It seems to me the better course to follow is to ban these meals outright and to avoid any possible problems that may occur as a result of people having meals and failing to report these in an adequate way or to misreport the details. It unnecessarily creates a tripwire for staff who may attend meetings or events where food is served but where the value is difficult to determine. None of us want to do that.

What we are trying to do with this bill is not to play gotcha or to catch people but to set some very clear bright lines about what is permissible or impermissible behavior. Clearly, you can make a case—and Members have—that meals are very much a part of a culture where business is done. I know many Members and staff over the years have had meals where they discuss legislation or upcoming amendments. There is nothing inherently corrupt about it, but the meal is paid for. And the perception is that there is an undue advantage given to those who are able to take a Member or a senior staff member out for a meal, to then ask them to support a particular provision or oppose something. That creates the impression that Members are somehow being unduly influenced. I will not stand here and suggest that that is the case, but the perception could be that it is the case.

All of us who serve in public life understand that perceptions are more real than reality in many cases, and the average citizen doesn't have the opportunity to do that. Members of our constituency who would like to talk to us rarely get the opportunity that a lobbyist has to sit down. I happen to believe that lobbying is a right. I think it is included in the first amendment of the Constitution to be able to petition your Government. I don't want to be party to things that limit people's ability to come and petition their Government. That is what it is really about.

The word "lobbyist" has become a pejorative word associated with evil doing. The idea of petitioning your Government is a very important right, but I don't think it necessarily means that petitioning your Government gives you the right to then necessarily be able to give gifts or provide meals to the person whom you are petitioning. The average person can't do that. We don't think lobbyists should be able to do so as well.

Our language very simply takes it off the table. It is the cleanest way to do it. I know there are fact situations that our colleagues can identify that are probably going to be disadvantageous to them, but overall I think we are better off without this. It is cleaner. It is a bright line. Let there be no questions about it whatsoever: if you are a registered lobbyist, a foreign agent, then you cannot provide the meals or the gifts that you have in the past.

As a Member, it is simple. If you are having a meal with them, you pay for your own meal or set up a meeting where there is not a meal involved and listen to the petition that that lobbyist wants to bring to you, what cause he or she wants to make to you. But the idea that you are going to be able to sit down and break bread at their cost as a way of engaging in that first-amendment right is something we believe should be eliminated. We include it with the gifts, generally. The nexus between giving a gift, buying a meal, and petitioning your Government cannot be made, in my view, and, therefore, needs to be separated. Therefore, we have offered this amendment to create that bright line and to eliminate not only gifts but also clearly to eliminate the meals as well.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I echo the comments made by the Senator from Connecticut. He covered all the salient points. I did so earlier in a broader discussion on the bill. This really is a tripwire. The current language could cause all sorts of problems for Members and staff. The better policy is to simply ban this activity. That does not mean that you can't go out with people who aren't lobbyists, and if you have a constituent who has come into town and you can buy them dinner or lunch and they can buy you dinner or lunch, that is all well and good but subject to the gift limits that are in place right now. But when you are in the business of lobbying Members of Congress, as the Senator from Connecticut said, it does without question present the perception that there is some undue influence involved with the purchase of a meal.

I understand that we are talking about small meals as well as large. But the bottom line is, that perception is not helpful to the image of this body. Perception and reality should be a concern of ours because public confidence in this institution and those of us in it is vitally important to the success of our democracy. This is an important measure. It is a small measure but it is important to get it accomplished. I hope we can do so by consent or by voice vote. I don't see anybody else on the floor. I don't know if the Senator from Mississippi wants to speak on this amendment, but I would like to suggest that we agree to this by voice vote and then have the Senator from Oklahoma, who has been incredibly patient in waiting to offer his amendment, be given the right to do so.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank my colleague from Pennsylvania for working with me on this amendment, and I thank my colleagues, Senator McCAIN from Arizona and Senator OBAMA, who have been deeply interested in this subject matter as well as others. There is a colleague who is thinking about offering a second-degree amendment to our amendment, so we will unfortunately not be able to vote on this right now. We are going to be talking to him to work it out if we can. My hope would be that unless others want to speak against this, and there may be Members who would like to speak against it, in which case a recorded vote may be necessary, but if we no one is objecting to this amendment, my hope is we can deal with it on a voice vote and get to the next amendment.

I want to move this bill. I don't want to spend the next 2 or 3 weeks on it. We have major issues that have to be confronted by this body. This is an important one. I do not minimize it. But my hope is we can get this dealt with, done, and move on. We have issues that are very important to the people we represent. My hope is that we don't take too much time on that, and we can get to those questions.

Mr. LOTT. If I may inquire of the Senator from Connecticut, is he proposing that we go ahead and accept this on a voice vote?

Mr. DODD. We can't at this point. I have a colleague who wants to offer a second degree.

Mr. LOTT. Then while the Senator from Connecticut talks to his colleagues and determines how we can work on that issue, I will make a few brief remarks.

I want to say, again, to Senator SANTORUM how much I appreciate the work he has done. He didn't just try to find a way to give this issue a hit and miss; he got into great detail. I had a lot of questions as we went along on different aspects of his proposal. He was always able to give me thoughtful answers. I appreciate that very much. He worked in the Rules Committee, offered some amendments that were accepted. And in this case, he agreed to make it bipartisan, once again, by joining Senator DODD on the meals question. I emphasize how much I appreciate what he has done.

Frankly, I have no problem, personally, with banning lobbyists from paying for meals. Fine. Anybody around here who knows me at all knows that I probably do less of that than just about anybody. I have breakfast with my family: my kids, when they were still living at home before they went off to college, and my wife now. When the Sun goes down, I am ready to go home because I believe there is something called a life, family life. The Senate is not my only life. I think more of my wife than I do the Senate. I go home every night and eat with my wife. I recommend a lot of other people doing it instead of going to all these blame dinners.

I am a little offended at the whole concept that you can be bought by a meal. I don't get it. That is where I do get upset. I think there are some things we need to do, should do, can do to make the rules tighter, to have more clarity, disclosure, transparency with regard to lobbying reform. I am going to go along with this because, personally, it will give me a fine excuse just to say "no." But I think we are creating some unintended problems. The Rules Committee bill says that you must disclose the cost of such meals that you go to 15 days after you share the meal. To me, that is better. Are we going to stop eating? It might be a good idea for some of us, but I have been going to meals where you talk about issues since I was in elementary school.

Again, I believe in being honest about it, disclose what you are doing, you have had a meal, whom it was with, and then let your constituents decide. They don't expect me to come up here and not go to a luncheon or a meal with school teachers or labor union members or executives from Northrop Grumman or lobbyists, somebody who represents a group, cable television. First of all, they are a source of information. I benefit from it. But I don't just go to lunch to meet with lobbyists from cable television. I also talk to telephone people. You talk to everybody. That is what our republican form of Government is all about. People are here to try to find out the details of issues and then try to cast an intelligent vote. The very idea that if I sit down with them or go to lunch with them or go to a dinner, which I generally don't, that is somehow questionable—no Senators are running up tabs of hundreds of thousands of dollars at the expense of lobbyists.

By the way, the rules now say that the maximum value of a meal we can receive from a lobbyist is less than $50. I don't know that that is a great meal, but you could have a pretty good meal. Being a guy who likes hamburgers and pizzas, I am very happy to get a meal of less than 50 bucks. But I do think if we call for a ban on all these meals, that we are going to have some unintended problems for ourselves and our staffs.

What happens if you go to a luncheon that is sponsored by a lobbyist organization, maybe it is under $50, maybe you get a box lunch. Are we going to be scurrying around saying, what is my pro rata share of this lunch? Maybe we shouldn't go to these policy luncheons. That is what is going to happen. Or you go and you don't eat. It is totally ludicrous that we are doing this.

But my attitude is, fine, if that is what the Senators want to do for themselves, no skin off my back. But I do think we are going to regret this, and we are going to look small. Not this amendment or the Senators involved, who are well intentioned, but I think we demean ourselves by inferring that we could be had for the price of a lunch or a dinner. That is not the case.

Having said that, it is clear that in a bipartisan way the Senate wants to do this. So be it. I will be eating with my wife and so will a lot more Senators after we pass this one.

Madam President, could I inquire, are we ready to deal with this amendment? Do we want to set it aside and go to another amendment?

Mr. DODD. If my colleague would withhold, maybe we can temporarily set this aside if Senator INHOFE wanted to go forward with his amendment. He can explain his amendment. If the Senator would withhold a minute, Madam President, I suggest the absence of a quorum.

Mr. LOTT. Will the Senator withhold on that?

Mr. DODD. Yes.

Mr. LOTT. Madam President, I suggest to the Senator that if the Senator wants to offer a second-degree amendment, it sounds like it could be offered to just about every other amendment pending.

Mr. DODD. And he could offer it as a first degree, also.

Mr. INHOFE. If he should come on the floor—he or she—with a second-degree amendment, I would be glad to suspend.

Mr. DODD. My colleague is on his way over to offer the second-degree amendment.

Mr. LOTT. Madam President, Senator INHOFE has been so helpful and understanding. We have kind of, because of the effort to go back and forth, pushed him aside. I ask that in view of the fact that we are waiting for a Senator to arrive—I think the amendment Senator INHOFE wants to offer can probably be accepted. Would it be possible to ask unanimous consent to set aside the pending amendment and go to the Inhofe amendment and be prepared to come back to the pending amendment?

Mr. DODD. That is fine.

Mr. LOTT. Madam President, I make that unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2934

Mr. INHOFE. Madam President, first of all, I ask to bring up my amendment, No. 2934.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2934.

Mr. INHOFE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To deny Members who oppose Congressional COLA's the increase)

At the appropriate place in the bill, insert the following:

SEC. . AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) IN GENERAL.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost of living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) DEPOSIT IN TREASURY.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading "MEDICAL SERVICES" under the heading "VETERANS HEALTH ADMINISTRATION".

(c) ADMINISTRATION.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2007.

Mr. INHOFE. Madam President, this amendment is very simple. I have always felt that the greatest single hypocrisy every year is when Members come up and vote to exempt Members of Congress from a cost-of-living increase. The hypocrisy comes in when all the press releases hit the home State and they talk about how great this is, saying they are great reformers and then, of course, it is defeated and they end up taking the increase anyway.

Basically, what this does is say if you vote in favor of an increase by voting against an exemption of Congress, then you are not entitled to the increase. It is as simple as that. I say this, too: I love the Kennedys and the Rockefellers, but I don't think you should have to be a Kennedy or a Rockefeller to serve in this body. I can think of many people, such as Senator Dan Coats—Democrats and Republicans alike would hold him up and say there is a guy who was an outstanding Member and he had to quit because of his kids getting up to college age, and he knew he would be able to make enough money to send them to school outside of serving in the Senate.

If there is ever any transparency in stopping hypocrisy, that is what this would be. I am glad to have this in the mix, and when the appropriate time comes, I will call for a vote. It doesn't necessarily have to be a rollcall vote. I will leave that up to the leadership.

With that, I yield the floor.

Mr. LOTT. Madam President, I thank Senator INHOFE for being cooperative and bearing with us. I am glad we were able to get this amendment on the record. I voted for this before. I think Senator Pat Moynihan one time rose up in indignation and suggested an amendment of this type, and I voted for it.

I think it is well intentioned, something that we will need to think about and work on the exact language. I would propose, if Senator DODD wants to be heard on it, OK; but if we can accept it after that, I recommend that we do that.

Mr. DODD. Madam President, I thank my colleague for his patience this morning. He has been here a long time. He had several amendments he wanted to offer. Again, having been here as many years as I have been, I have voted for and against cost-of-living increases, depending on whether I thought they were appropriate. Many times I voted for them and other colleagues voted against them. To their credit, some of our affluent Members have voted for pay increases when they clearly could have avoided it. I mention my colleague from Massachusetts. I know in my experience here, on every occasion—there may be some exception—he has voted for them when he believed pay increases were warranted. Even though he may not have needed it himself, he understands that not everybody is equal when it comes to financial situations. I have had those feelings myself. I voted against these pay increases and then having blinked when it comes to taking the pay increase.

If you feel that strongly about it and you think it is the wrong thing to do, nothing prohibits you from turning in your pay increase. You can write a check to the Department of Treasury and they will accept your check. People leave in their wills their hard-earned dollars to the Federal Government. On several occasions I have read that people have actually done that.

Nothing prohibits Members from doing that. So I am very moved by what my colleague from Oklahoma is saying, and we may want to wait until we have disposed of the Reid amendment so you can talk to colleagues as to how they feel about it.

Mr. INHOFE. If the Senator will yield, I want to get a vote. If I had a chance to make my full remarks, I would go into more detail. I am one of the fortunate ones who have other sources of income. As most of you know, I also do things that go to charity. I am probably a logical one to introduce this. I have heard several Members on your side of the aisle say they are supportive, and I anticipate they will be adding their names as cosponsors of this amendment before it comes up for a vote.

Mr. LOTT. Madam President, I believe there is objection to accepting it at this time. I hope we will be able to get that worked out. If not, the Senator can speak at length. I feel so strongly about it, I ask unanimous consent that my name be included as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President. I will soon ask unanimous consent to set aside the Inhofe amendment and return to the pending amendment, the Santorum/Dodd or the Dodd/Santorum amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, we have checked on both sides of the aisle and we are, I believe, clear now to accept the Inhofe amendment. I urge that the Inhofe amendment be accepted by a voice vote.

Mr. DODD. Madam President. I support that.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 2934) was agreed to.

Mr. DODD. Madam President. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2942, AS MODIFIED

Mr. LOTT. Madam President, we are back to the Dodd-Santorum amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. LOTT. Mr. President, once again, let me thank my colleagues on both sides of the aisle, Senator DODD for his efforts, and Senator FEINGOLD for his cooperation in getting an agreement to move forward with the pending amendment. The pending issue is the Dodd-Santorum amendment, and I believe we are clear now to act on that amendment.

Mr. DODD. Mr. President, we are prepared to vote. Again, I thank my colleagues. I think this is a good amendment. I appreciate my colleague from Pennsylvania as well as my colleague from Illinois, and my home State colleague, Senator LIEBERMAN, and Senator MCCAIN, who have joined as cosponsors. I think we have made a good case for it, the bright line to get rid of the tripwires. That is a word you will hear me use quite frequently during the course of this discussion. We need clear, bright lines. We are not trying to complicate or make life difficult for people, but we are trying to make sure we have some very clear understandings as to what is permissible or not permissible in the conduct of our official business. So I thank my colleagues for their support.

Mr. LOTT. Mr. President, I ask unanimous consent that before we move to the amendment at hand, Senator FEINGOLD have his amendment in order following the Santorum-McCain amendment, and we will put it in the queue at that point. If it turns out not to be, we will work with the Senator at a later time.

Mr. FEINGOLD. Mr. President, reserving the right to object, and I will not object, let me say I appreciate the work of the Senators on this. Clearly what Senator DODD did is an improvement. I, however, believe we need to do more. I don't see this as a question of tripwires. What I see this as is a question of whether certain often well-to-do individuals who work for companies, who are not themselves registered lobbyists, be able to take Members of Congress out to lunch without the Member paying his own way for dinner, and I want to offer an amendment on that. But I want to acknowledge that Senator DODD has achieved a significant step in the right direction.

I will offer my approach to this a bit later.

Mr. LOTT. Mr. President, if I could modify my request, since I understand we had not gotten an agreement formally locked in. But after we dispose of the Dodd-Santorum amendment and the Wyden-Grassley amendment, the next amendment to be in order is the Santorum-McCain amendment, to be followed by the Feingold amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2942, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Dodd amendment No. 2942, as modified.

The amendment (No. 2942), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. today so that the parties can have their respective conference meetings.

There being no objection, the Senate, at 1:12 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Continued

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I believe the Senate did clear the Dodd-Santorum amendment, so the pending issue is the Wyden-Grassley-Inhofe amendment.

The PRESIDING OFFICER. The amendment has not been submitted so it is not currently the pending question.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. LOTT. Mr. President, I believe, then, we would be ready to go with this amendment.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 2944

Mr. WYDEN. Mr. President, I propose the Wyden-Grassley-Inhofe amendment, No. 2944, which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. GRASSLEY, proposes an amendment numbered 2944.

Mr. WYDEN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish as a standing order of the Senate a requirement that a Senator publicly disclose a notice of intent to object to proceeding to any measure or matter)

At the end of title I, add the following:

SEC. ____. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) IN GENERAL.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

"I, Senator ___, intend to object to proceeding to , dated .".

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled "Notices of Intent to Object to Proceeding". Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) REMOVAL.—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator ___, do not object to proceeding to ___, dated ___.".

Mr. WYDEN. Mr. President, if you walked down the Main Streets of this country and asked people what a hold was in the U.S. Senate, I think it is fair to say nobody would have any idea what it is you were talking about. In fact, they might hear the world "hold," and they would think it was part of the wrestling championships that are going on across this country right now. But the reason I am on the floor of the Senate today with my distinguished colleague, Senator GRASSLEY, and Senator INHOFE, is that the hold in the Senate, which is the ability to object to a bill or nomination coming before the Senate, is an extraordinary power that a United States Senator has, and a power that can be exercised in secret.

At the end of a congressional session, legislation involving vast sums of money or the very freedoms on which our country relies can die just because of a secret hold in the Senate. At any point in the legislative process, an objection can delay or derail an issue to the point where it can't be effectively considered.

What is particularly unjust about all of this is that it prevents a Senator from being held accountable. I think Members would be incredulous to learn this afternoon that the Intelligence reauthorization bill, a piece of legislation which is vital to our national security, has now been held up for months as a result of a secret hold.

I am going to talk a little bit about the consequences of holding up an Intelligence authorization bill in a moment. But I want to first be clear on what the Wyden-Grassley-Inhofe amendment would do. It would force the Senate to do its business in public, and it would bring the secret holds out of the shadows of the Senate and into the sunshine. Our bipartisan amendment would make a permanent change to the procedures of the Senate to require openness and accountability. We want to emphasize that we are not going to bar Senators from exercising their power to put a hold on a bill or nomination. All we are saying is, a Senator who wants that right should also have a responsibility to the people he or she represents and to the country at large.

Now, to the hold on the Intelligence bill that has been in place for more than 3 months, I think every Member of the Senate would agree that authorizing the intelligence programs of this country is a critical priority for America. Striking the balance between fighting terrorism ferociously and protecting our civil liberties is one of the most important functions of this Senate. The bill that is now being held up as a result of a secret hold, the Intelligence reauthorization bill, has been reviewed by a number of Senate committees. It was reported by the Intelligence Committee late last September, by the Armed Services Committee last October, and by the Homeland and Governmental Affairs Committee last November.

I particularly commend Chairman ROBERTS who worked with me on a number of amendments, amendments that I felt strongly about, because this legislation does ensure that there will be accountability and oversight in the Intelligence Committee by establishing a strong inspector general, by requiring that the committees get the documents they need to perform effective oversight over the intelligence community, and by making the heads of the key agencies subject to Senate confirmation.

I think the Senate would particularly want to know if this legislation, the Intelligence reauthorization bill that is held up by a secret hold, does not move forward, it will be the first time since the Senate Select Committee on Intelligence was established in 1978 that the Senate has failed to act on an Intelligence reauthorization bill.

What we have is a situation where a single, anonymous Senator has invoked a practice that cannot be found anywhere in the Senate rules and has lodged an objection to a piece of legislation that is critically important to the well-being of America. Senators have often asked Senator GRASSLEY and myself and Senator INHOFE: Where are the examples of these secret holds? Exactly why do you believe your legislation is important? We now have a textbook case of a secret hold that is injurious to America.

For all the talk about earmarks—we have been discussing that here on the Senate floor, as well as the scope of conference, line-item vetoes and the like—I would wager that no weapon is more important and more powerful to each Senator than the ability to stop amendments, legislation, and nominations through secret holds. I believe as U.S. Senators we occupy a position of public trust and that the exercise of the power that has been vested in each of us should be accompanied by public accountability.

I have no quarrel with the use of a hold. I have used them myself on several occasions. But what is offensive to the democratic process is the anonymity, the secrecy, the lack of accountability when a Senator tries to exercise this extraordinary power in secret.

Let me just wrap up, because I see the distinguished chairman of the Finance Committee is here, with a quick minute on the history of these efforts. Senator GRASSLEY and I have been at this for almost a decade. The Rules Committee held a hearing on our proposal in the summer of 2003. We worked with Chairman LOTT and with the ranking minority member, Senator DODD, extensively. This is a matter that has been considered at length by colleagues.

Senator LOTT knows firsthand about this issue because he has personally spent many hours with me as he has wrestled with it, and in fact tried to set in place some voluntary procedures that would curtail the abuses of the secret hold.

These secret holds have been an embarrassment to the Senate in my view, and they have been an embarrassment for a long time. But I cannot recall an instance where we had a hold, a secret hold on the Intelligence authorization bill at a time when our country is at war. This is a practice that needs to end.

I yield now for the distinguished chairman of the Finance Committee, Senator GRASSLEY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, today I put a hold on the President's nominee for the Export-Import Bank. I don't usually issue a press release when I do that, but I did that because it is in relationship to a problem we are having with the Export-Import Bank on an ethanol issue, and I want the people to know that it is broader than just some of the small reasons you do holds around here.

But I have had a practice, as this amendment would mandate—I have had a practice over the last 7 or 8 years of putting a statement in the CONGRESSIONAL RECORD when I use a hold. I believe I use a hold a little less often than some of my colleagues do, but I agree. A lot of people maybe use a hold because they do not want to put up with the fuss that goes on when you make public why you are holding up a bill and who you are. But I want to assure you, I have been in the Senate for 25 years, and I have not lost one ounce of blood. I have not had one black and blue mark. I don't believe I have had any fight with any colleague over the practice when they know who I am.

Of course, if they were secret and they never knew I was doing it, I wouldn't have to worry about any of these things. But I believe, as my colleague from Oregon does, that the people's business is the people's business, and the people's business ought to be public. I believe if you have guts enough to put a special hold on legislation, you ought to have guts enough to say who you are and why you are doing it. I think your constituents ought to know that. But more importantly, just to get things done around here, your colleagues ought to know who it is because if you have a gripe, let's get the gripe out in the open and let's talk about it.

What is wrong in America that we do not want to talk about some things? I don't know how often my constituents brag about: "There are two things I never talk about, religion and politics." There are no things that you ought to talk about more than religion and politics because they have more influence on your life than anything else that we do in American society. But somehow you can't think that you can do it in a civil way when you ought to be able to do it in a civil way. In the U.S. Senate you ought to be able to do all this stuff in a civil way.

I hope my experiences of not having any harm done to me in any way for putting a hold on, that people will back this amendment and get the public's business out. There is nothing wrong with the word "hold," but there is something wrong with the word "secret." When you read it in the newspapers you never hear the word "hold" unless the word "secret" is connected with it.

The people around the countryside of America, at least in my State of Iowa, think what is wrong with American Government is that there is too much secrecy, too much behind-the-scenes dealing, too much money in politics—all those things that give us kind of a black eye with the public. This is not going to solve these problems, just taking the word "secret" out of the hold.

But at least the newspapers won't be able to use the word "secret" anymore. And maybe when bit by bit we do some of these things around here we will be able to elevate public service to be the honorable profession that it ought to be.

This is a small effort on the part of my colleague and myself and now Senator INHOFE to do that.

How do you eat 10,000 marshmallows? You eat one at a time. How are you going to raise public respect for the Senate? You are going to do it a little bit at a time. This may be too little for some people. But the way caucuses are being held around here on this very subject in the last hour, you know this is a big deal—and it should be a big deal.

This is the public's business. Having expressed those views, I would like to go to a statement I have that maybe will make more sense.

The time has come for the Senate as a body to rid itself of a serious blemish. And, of course, I am talking about the practice I just spoke about of placing anonymous holds on legislation or nominations.

The power of the hold is to stop a bill or a nomination in its tracks, which each Senator possesses. It was never authorized or even intended. It is just a practice. It is not in the books.

I do not object to the use of this powerful tool, so long as it is accompanied with some public accountability. However, the current lack of transparency in the process is an affront to the principle of open government, and I think it is an embarrassment to this body.

The amendment by Senator WYDEN and myself and Senator INHOFE which we proposed today would establish a standing order requiring that holds be made public. We believe it is time to have the Senate consider our proposed standing order and then decide as a body whether to end this secret process.

For my colleagues who might be apprehensive about this change in doing business, I ask you to just give it a try. I should point out that this measure is a standing order which, while binding on Senators, does not formally amend the Senate rules and can more easily be changed if it turns out to be unworkable.

I have no doubt that once instituted this reform will be found to be very sound and no reason will be found why it should not be continued for a long period of time. For years, I have made it my practice to publicly disclose in the CONGRESSIONAL RECORD any hold that I place along with a short explanation. It is quick, it is easy, and it is painless. I want to assure my colleagues of that.

Our proposed standing order would provide that a simple form be filled out, much like we do when we add cosponsors to a bill. Senators would have a full 3 session days from placing the hold to submit the form. The hold would then be published in the CONGRESSIONAL RECORD and the Senate Calendar. It is just as simple as that.

This amendment is essentially the same as S. Res. 216 in the 108th Congress, which was a collaborative effort between myself, the Senator from Iowa, Mr. WYDEN, Senator LOTT, and Senator BYRD.

In the last Congress, Chairman LOTT held a hearing in the Rules Committee on the issue that is before us. Since that time, I have worked with Senators WYDEN, LOTT, and BYRD to come up with what I think is a very well thought out proposal to require public disclosure of holds on legislation or nominations in the Senate.

It says a lot that this proposal was written with the help of such outstanding Senators as Senator LOTT and Senator BYRD. As chairman of the Rules Committee and as former majority leader, Senator LOTT brings valuable perspective and experience. It is also a great honor to be able to work on this issue with Senator BYRD, who is also a former majority leader and an expert on Senate rules and procedures.

I can think of no reason a single Senator should be able to kill a bill or a nomination in complete secrecy. Despite recent attempts by the leadership to curb abuses of holds, the secret hold remains a stain on the fabric of the Senate.

It is time for the whole Senate to consider our proposed standing order and speak as a body on this issue. If any Senator believes I am misguided in this, I welcome their discussion.

I have yet to hear a single good reason we should allow secrecy to creep into what ought to be a very public legislative process. In fact, public discussion on this matter is long overdue. If this practice that is in the shadows of legislation is to continue, let us at least say so publicly.

I can think of no better time to consider this long overdue measure than in the context of a bill titled the "Legislative Transparency and Accountability Act."

If we don't end this in a bill with this title, we are missing a chance that we have been waiting for for 10 years. I thank the chairman of the committee for that opportunity. That is why this measure is all about transparency and accountability.

The purpose of the underlying bill is to restore public confidence in Congress by making our actions transparent and accountable. Secret holds run contrary to both principles. They are done in complete secrecy and allow Senators to avoid public accountability for action. The underlying bill requires disclosure of earmarks in advance of conference negotiations and increased disclosure of trips and employment negotiations.

I ask my colleagues to support the Wyden-Grassley-Inhofe amendment so that we can use this one small step to restore confidence and have more public accountability.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me begin by commending the two sponsors of this proposal. I know that each of them has worked so hard and so long trying to end the practice of secret, indefinite holds being put on either nominees or placed on legislation. I believe this proposal is consistent with the goal of this legislation which is more accountability and more transparency. I commend both of them for their effort.

I would like to engage the sponsor of this amendment in a colloquy in order to clarify that his proposal is not intended to reach a very temporary hold that is placed on a bill in order to allow for review of that legislation.

Let me give a specific example. Occasionally, bills will be discharged from their authorizing committees. These are not necessarily on the calendar. They are discharged from the committee, and the bill will be hotlined on both of our sides to see if there is any objection.

Obviously, putting a temporary stay on the consideration of a discharged bill in order to allow a few hours for review or even a day for review is completely different from the practice of secretly killing a bill by putting an indefinite anonymous hold.

I wonder if, through the Chair, I could inquire of the sponsor if it is his intention to distinguish between those two situations. I would call one a "consult hold" perhaps, and one a "killer hold."

Mr. WYDEN. Mr. President, as usual, the distinguished Chair of the subcommittee has put her finger on an important distinction. I want to take a second to describe how the legislation addresses it. I think we are of like mind on it. Subsequently, a lot of time was spent by the distinguished chairman of the Rules Committee and Senator DODD and Senator BYRD on this matter.

What the distinguished Chair of the Homeland Security Committee is describing is essentially a consult. For example, a Senator wants to be notified about a bill that is headed for the floor. Very often that comes up, say, when a Senator is in his or her home State and frequently needs to be able to come back, and it takes a day, and they need to be able to review it.

Under the Wyden-Grassley-Inhofe amendment we make very clear it is not our intention to bar those consults. We like to use the word "consult," which is a protected tool for a Senator as opposed to the question of a hold.

I think perhaps another way to clarify it is a consult is sort of like a yellow light. You put up a little bit of caution—that we need a bit of time to take a look at it. A hold is a red light when you are not supposed to go forward. We don't want people to be able to exercise those holds in secret. We think it is fine to have the kind of consult that the distinguished Chair of the Homeland Security Committee has described.

In fact, to ensure that we have this kind of procedure that the Senator seeks, we call for 3 days before an individual has to put in the CONGRESSIONAL RECORD that they have a hold on a matter.

I think we are clearly in agreement—that the consult is protected, but the secret hold and forcing the Senate to do its business in public is what is going to change.

Ms. COLLINS. Mr. President, I very much appreciate the explanation and clarification of the sponsor of the amendment. I am in complete agreement with the differences that he described. I believe his proposal would inject needed transparency and accountability into the process, not to mention that I would know who puts those holds on my bills.

I hope this proposal will be adopted. I intend to support it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support this amendment offered by the Senator from Oregon, the Senator from Iowa, and the Senator from Oklahoma. I thank them very much for doing it.

I must say, as I listened to the debate I thought back to the winter of 1988 after I was elected to the Senate.

Incidentally, a distinguished member of that cast was the honorable Senator from Mississippi, and we attended the orientation session together that winter for new Senators. I remember then Senator Wendell Ford from Kentucky came before us to give us instructions about Senate procedure.

He said: Look, I remember when I was just elected to the Senate. You are going to find a lot of things around here that don't make much sense to you, but they will over time.

Then Senator Ford stopped for a moment, and said: Take the seniority rule. The longer I am here, the more sense it makes to me.

I want to say the longer I am here, the less sense the secret hold procedure makes to me. Honestly, it has become increasingly outrageous when you think about it—that this body can be stopped by an action that is secret, and the source of the action is not known on a measure that is on the Senate floor because it came out of a committee. It is really outrageous.

I congratulate Senators WYDEN, GRASSLEY, and INHOFE for seizing this moment of reform brought about by the reports from the Rules Committee and our own Homeland Security and Governmental Affairs Committee to take this opportunity to get rid of this outdated but really outrageous part of Senate procedure.

If somebody cares enough to hold up a measure and hold up the rest of us from considering it on the floor, the least they can do is have the guts to reveal their identity.

That is all this change would bring about.

I thank my colleagues. I look forward to supporting this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I defer to the manager of the bill.

Mr. LOTT. Mr. President, is the Senator from Louisiana speaking on the same issue? If you would defer, Senator INHOFE has become one of the lead cosponsors of this amendment. I think you would probably like to be heard in sequence. Then the floor would be open for questions.

Mr. WYDEN. Mr. President, at this point, after the Senator from Oklahoma has spoken, it would be my intention to very briefly wrap up the case for the Wyden-Grassley-Inhofe amendment. We would yield our time at that point, and we are going to ask for a recorded vote.

The PRESIDING OFFICER. The Senate is not currently operating under a time agreement.

Without objection, the Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first, I was fascinated by the comment from the Senator from Connecticut that after a few years some of this stuff will make sense to us. I have only been here 20 years. I am a patient man; I will wait.

Let me put this in perspective, as far as my interest in this. Back in 1986 I was elected to the House of Representatives. There was a procedure that was used at that time called the discharge procedure whereby a person could discharge a bill out of the committee without having committee action, but it could be blocked by someone and we could not know the name of the person who blocked it.

Consequently, we found ourselves in this situation where there would be legislation that everyone at home is very excited about. We could go home and campaign and say, yes, I am for this. I remember several of the West Texas Democrats wanting to oppose gun control. Yet their caucus wanted them to support gun control. So they would tell the people at home that they were opposing it. Yet they were the very ones who kept it from coming up for a vote.

That is exactly the same thing we are dealing with here. In 1994 we were able to pass that reform. When we came over here in 1994, I was not even aware that you could put a hold on a bill without disclosing who you were or who was putting the hold on. This is a very similar thing. It is transparency, bringing it out in the open.

I agree with my good friend Senator WYDEN that if Members want to, they can put a hold on a bill. This does not affect that. Members just have to say who they are.

This morning I had my amendment on the floor and Senator WYDEN and Senator GRASSLEY showed me their amendment was essentially the same. I was very happy to fold mine in. I am happy to be part of this.

After a number of years now, this will become a reality. I applaud my fellow cosponsors for the fine work they have done.

Let me review how that means of obfuscation worked—this from the Congressional Record, page H4736, March 10, 1992:

A good example is the method Members from the House of Representatives used to hide their votes from the people concerning a balanced budget amendment to our Constitution. Shortly after it was discovered in a USA Today poll in 1987 that over 80 percent of the people in America want a balanced-budget amendment to the Constitution, House Joint Resolution 268 was introduced. House Joint Resolution 268 immediately gained 246 coauthors from over the Nation. I can just envision, at the town hall meetings back home, a liberal Democrat standing up and holding House Joint Resolution 268 in his hand saying, "See here, ladies and gentlemen. This is my name as cosponsor of House Joint Resolution 268." What the Congressman didn't tell these people is that he has no intentions of allowing House Joint Resolution 268 to come up for a vote. How does this Congressman, who is trying to make the people back home believe that he is supporting a budget-balancing amendment to the Constitution, keep from having to vote on it?

It is very simple, the Speaker merely puts it in a committee and then makes a deal with the committee chairman not to bring it up for consideration. The only way that it can be brought up for consideration is for a discharge petition to be signed by 218 Members of Congress. The discharge petition is in the Speaker's desk and must be signed during the course of a legislative day. However, the names of those individuals who sign a discharge petition are kept secret and if a Member discloses the names of other Members who sign the discharge petition, he can be disciplined to the extent of expulsion from membership of the House of Representatives. So House Joint Resolution 268 had 240 cosponsors, but only 140 Members were willing to sign the discharge petition.

Pretty cozy, huh? The Congressman can falsely represent his position to the people at home and never have to vote on the issue. I might add that there is a happy ending to that House Joint Resolution 268 story. Several of us contacted a national publication. While the publication knew we couldn't divulge the names of those who signed the discharge petition, they agreed to print the names of the individuals who coauthored House Joint Resolution 268, but did not sign the discharge petition. We found a loophole in the corrupt institutional system that protects Congressmen from their electorate and as a result of that, we were able to immediately force it out onto the floor and we missed passing a balanced-budget amendment to the Constitution by only seven votes.

That situation disturbed me so much that in March of 1993 I filed a one-sentence bill on the House floor challenging the secrecy. "Once a motion to discharge has been filed the Clerk shall make the signatures a matter of public record."

I had 87 cosponsors, and it passed by a vote of 384 to 40.

In an article about my initiative, Reader's Digest in November of 1994 wrote, "The success of this legislation is proof that when Congress is required to do the people's business in the open, the people—rather than special interests—win . . . the passage of this one bill is an important first step in the right direction. And it took a little-known Representative form Oklahoma to point the way."

I ask unanimous consent to have printed in the Record the full text of this article.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Reader's Digest, Nov. 1994]

A Story of Democracy and Capitol Hill: How the Trial Lawyers Finally Met Defeat

(By Daniel R. Levine)

When a twin-engine Cessna airplane crashed near Fallon, Nev., four years ago, the National Transportation Safety Board (NTSB) ruled pilot error was the cause. But that didn't stop lawyers for two of the injured passengers from suing Cessna on the grounds that the seats on the 25-year old plan did not provide adequate support. The seats had been ripped out without Cessna's knowledge and rearranged to face each other. But the lawyers claimed that Cessna should have warned against removing the seats. A jury awarded the two plaintiffs more than $2 million.

In Compton, Calf., a single-engine airplane nearly stalled on the runway and sputtered loudly during take-off. Less than a minute into the air it crashed, killing two of the three people on board. On July 18, 1989, two days before the one-year statue of limitations would expire, the survivor and relatives of the deceased passengers filed a $2.5 million lawsuit naming the plane's manufacturer, Piper Aircraft Corp., as a defendant. Not mentioned in the suit was the fact that the plane, built in 1956, had been sitting at the airport unused and uninspected for 2½ years. The case, awaiting trial, has already cost Piper $50,000.

The NTSB found that 203 crashes of Beech aircraft between 1989 and 1992 were caused by weather, faulty maintenance, pilot error or air-control mishaps. But trial lawyers blamed the manufacturer and sued each time. Beech was forced to spend an average of $530,000 defending itself in each case and up to $200,000 simply preparing for those that were dismissed.

Such product-liability lawsuits have forced small-plane makers such as Cessna to carry $25 million a year in liability insurance. In fact, Cessna stopped producing piston-powered planes primarily because of high cost of defending liability lawsuits. Thus, an American industry that 15 years ago ruled the world's skies has lost more than 100,000 jobs and has seen the number of small planes it manufactured plummet from over 17,000 in 1978 to under 600 last year.

That may all change. Bucking years of intense lobbying by trial lawyers, Congress voted last summer to bar lawsuits against small-plane manufacturers after a plane and its parts have been in service 18 years. The legislation will create an estimated 25,000 aviation jobs within five years as manufacturers retool and increase production.

This was the first time that Congress has reformed a product-liability law against the wishes of the lawyers who make millions from these cases. And the dramatic victory was made possible because of the efforts of a little-known Congressman from Oklahoma who challenged Capital Hill's establishment.

On his first day in 1987 as a member of the U.S. House of Representatives, Jim Inhofe (R., Okla.) asked colleague Mike Synar (D., Okla.) how he had compiled such a liberal voting record while winning re-election in a conservative district. Overhearing the question, another longtime Democratic Congressman interjected: "It's easy. Vote liberal, press-release conservative."

This was a revealing lesson in Congressional ethics, the first of many that would open Inhofe's eyes to the way Congress really ran. He soon realized that an archaic set of rules enabled members to deceive constituents and avoid accountability.

When a Congressman introduced a bill, the Speaker of the House refers it to the appropriate committee. Once there, however, the bill is at the mercy of the committee chairman, who represents the views of the Congressional leadership. If he supports the legislation, he can speed it through hearings to the House floor for a vote. Or he can simply "bury" it beneath another committee business.

This arrangement is tailor-made for special-interest lobbies like the Association of Trial Lawyers of America (ATLA). For eight years, bills to limit the legal liability of small-aircraft manufacturers had been referred to the House Judiciary Committee, only to be buried. Little wonder. One of the ATLA's most reliable supporters on Capitol Hill has been Rep. Jack Brooks (D., Texas), powerful chairman of that committee and recipient of regular campaign contributions from ATLA.

The only way for Congressmen to free bills that chairmen such as Brooks wanted to kill was a procedure called the discharge petition. Under it, a Congressman could dislodge a buried bill if a House majority, 218 members, signed a petition bringing it directly to the floor for a vote. But discharge petitions virtually never succeeded because, since 1931, signatures were kept secret from the public. This allowed Congressmen to posture publicly in favor of an issue, then thwart passage of the bill by refusing to sign the discharge petition. At the same time, House leaders could view the petitions, enabling them to pressure signers to remove their names. Of 493 discharge petitions ever filed, only 45 got the numbers of signatures required for a House vote. And only two of those bills became law.

Inhofe saw the proposals overwhelmingly favored by the American people—the 1990 balanced-budget amendment, school prayer, Congressional term limits, the line-item veto—were bottled up in committee by the House leadership. When discharge petitions to free some of the bills were initiated, they were locked in a drawer in the Clerk's desk on the House floor. The official rules warned that disclosing names "is strictly prohibited under the precedents of the House."

In March 1993, Inhofe filed a one-sentence bill on the House floor challenging the secrecy: "Once a motion to discharge has been filed the Clerk shall make the signatures a matter of public record."

The bill was assigned to the Rules Committee, where it was buried. Three months later, on May 27, Inhofe started a discharge petition to bring the bill to a floor vote. Among those signing was Tim Penny (D., Minn.), a lawmaker who after ten years in the House had grown so disgusted that he had decided not to run for re-election. "Discharge petitions procedures are symbolic of the manipulative and secretive way decisions are made here," said Penny. "It's just one more example of how House leaders rig the rules to make sure they aren't challenged on the floor."

Inhofe, though, was badly outnumbered. The Democrats82–seat majority controlled the flow of legislation. But he was not cowed. From his first years in politics Inhofe had shown an independent streak—and it had paid off. After initially losing elections for governor and Congress, He was elected to three consecutive terms as mayor of Tulsa, beginning in 1977. In 1986, he ran again for the Congress and won. Four years later, he bucked his own President, George Bush, by voting against a 1991 budget "compromise" that included a $156-billion tax hike.

By August 4, two months after filing his discharge petition, Inhofe had 200 signatures, just 18 shy of the 218 need to force his bill to the floor, but the House leadership was using all its muscle to thwart him. On the House floor, Inhofe announced: "I am disclosing to The Wall Street Journal the names of all members who have not signed the discharge petition. People deserve to know what is going on in this place."

It was a risk. House leaders could make him pay for this deed. But by making public the names of non-signers, he would avoid a direct violation of House rules. Inhofe collected the names by asking every member who signed the petition to memorize as many other signatures as possible.

The next day, The Wall Street Journal ran the first of six editorials on the subject. Titled "Congress's Secret Drawer," it accused Congressional leaders of using discharge-petition secrecy to "protect each other and keep constituents in the dark."

On the morning of August 6, Inhofe was within a handful of the 218 signatures. As the day wore on, more members came forward to sign. With two hours to go before the August recess, the magic number of 218 was within his grasp.

What happened next stunned Inhofe. Two of the most powerful members of Congress—Energy and Commerce Committee Chairman John Dingell (D., Mich.) and Rules Committee Chairman Joseph Moakley (D., Mass.)—moved next to him at the discharge petition desk. In a display one witness described as political "trench warfare," the two began "convincing" members to remove their names from the petition.

Standing near the desk was Rep. James Moran (D., Va.). Moakley warned him that if Inhofe succeeded, members would be forced to vote on controversial bills. "Jim," he said sternly, "I don't have to tell you how dangerous that would be." When the dust settled, Moran and five colleagues—Robert Borski (D., Pa.), Bill Brewster (D., Okla.), Bob Clement (D., Tenn.), Glenn English (D., Okla.) and Tony Hall (D., Ohio)—had erased their names.

Still refusing to quit, Inhofe faxed the first Wall Street Journal editorial to hundreds of radio stations. Before long, he found himself on call-in programs virtually every day of the week.

When The Wall Street Journal printed the names of the nonsigners on August 17, House members home for the summer recess could not avoid the public outcry Inhofe had generated. With scandals in the House bank, post office and restaurant still fresh in their minds, voters were demanding openness.

Feeling outgunned, Moakley allowed his Democratic colleagues to sign the discharge petition. When Rep. Marjorie Margolies-Mezvinsky (D., Pa.) affixed her name to the petition on September 8, she became the 218th Signatory.

Inhofe's bill won overwhelming approval on the final vote, 384–40. Even though most Democrats had not supported him, 209 now voted with Inhofe. Groused Dingell: "I think the whole thing stinks."

The first real test of Inhofe's change came last May when Representatives Dan Glickman (D., Kan.) and James Hansen (R., Utah) filed a discharge petition to free their bill limiting small-plane manufacturer liability. Even though it was co-sponsored by 305 members, the bill had been bottled up in the Judiciary Committee for nine months. But because members' signatures would now be public, voters would finally know who truly stood for product-liability reform and who did not.

Meanwhile, the Association of Trial Lawyers of America was pulling out all the stops to kill the bill. Members personally lobbied Congressmen and orchestrated a "grassroots" letter-writing campaign in which prominent trial attorneys urged their Representatives not to support the bill. ATLA even fired off a maximum-allowable contribution of $5,000 to Representative Hansen's opponent in the November election.

The pressure didn't work. Within two weeks 185 members had signed, and House leaders realized it would be impossible to stop the petition. Their only how was to offer a compromise version. In mid-June, Brooks reported out of committee a bill that differed only slightly from the original. On August 2, the Senate approved similar legislation. The next day the bill cleared the House without dissent. On August 17, President Clinton signed it into law.

Glickman, whose Wichita district is home to Cessna and Beech aircraft companies, said the procedural change spearheaded by Inhofe was crucial to victory. "A lot of forces did not want this bill to go forward," he continued, "and it would not have succeeded without the discharge petition."

The success of this legislation is proof that when Congress is required to do the people's business in the open, the people—rather than special interests—win. The high cost of product-liability lawsuits, to manufacturers as well as consumer, will require far more sweeping reform of the tort system. But the passage of this one bill is an important first step in the right direction. And it took a little-known Representative from Oklahoma to point the way.

Mr. INHOFE. The situation is exactly the same here, Mr. President.

In fact, the very stated reason for this whole bill is to require Congress to do the people's business in the open.

A Senator may have a hold on a nomination or a bill or a unanimous consent agreement, and that hold is secret.

It is just as possible for a Senator to keep his constituents and Americans in general in the dark now about their holds as it was for House Members before I successfully led the charge for transparency in discharge petitions.

Indeed the Wall Street Journal was strongly in favor of my House efforts at that time.

Toward that end, I ask unanimous consent to have printed in the RECORD the Wall Street Journal's six editorials on the issue of discharge motions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 30, 1993]

REAL HOUSE REFORM

On his first day in office in 1987, Rep. Jim Inhofe asked a fellow Oklahoma Member how he could be so liberal and keep getting elected in a conservative state. A third Congressman interrupted: "It's easy. Vote liberal. Press release conservative."

Rep. Inhofe took a big step toward ending such hypocrisy Tuesday, when Congress voted 384 to 40 for his proposal to end the secrecy of discharge petitions. Constituents will now know who's signed up for the procedures necessary to discharge a bill from committee and force a vote; Members will no longer be able to posture one way and act another on bills popular with the public but unpopular with fellow legislators. Rep. Inhofe's overwhelming majority, after the difficulty he had signing up 218 Members to discharge his own proposal, is itself testimony to the difference between smoke-filled rooms and the light of day.

At least the 40 opponents, whose names appear below, were willing to stand up and be counted in favor of secrecy. "I think the whole thing stinks," declared Rep. John Dingell, much-feared chairman of the House Energy and Commerce Committee. General Dingell warned that reform "means you lay the basis for the entire bypassing of the committee system." House Rules Committee Chairman Joe Moakley railed against an "aroused and enraged" public that is "virtually impossible to engage in reasonable and thoughtful debate."

Watching Jim Wright's departure, the Keating Five scandals, the House Bank and Post Office, much of the public doubts that such debate is what goes on in Capitol corridors. Indeed, it thinks it has some right to be aroused and enraged. And when Congress routinely exempts itself from rules it imposes on the rest of society, much of the public thinks that something needs to be bypassed. So it's entirely appropriate that this major reform of House rules be forced on Congress by popular outcry.

The ideological bent of this outcry is also noteworthy. As the 40 holdouts show, the drive to make Members accountable was certainly not led by the liberals who have long thought themselves the font of "reform." We on this page were glad to have played our part, and are equally glad to credit Rush Limbaugh's broadcasts and the efforts of Ross Perot, whose supporters held all-night vigils in front of Congressional offices.

We would also note, though, the lack of interest from a press that holds itself devoted to "the public's right to know." For a month after Rep. Inhofe's August 4 announcement that he would publicize the names of Members who refused to end secret discharge petitions, no network or other major newspaper mentioned his crusade. Only after public agitation forced a House majority to back Mr. Inhofe did our colleagues at the New York Times and the Washington Post address the issue. The Post noted that "in a democracy, where elected officials have an obligation to be candid and accountable, there is no reasonable argument against this change." We're grateful for the support, but wonder if they'd have joined the battle before it was won had it been led by, say, Ralph Nader.

It's also intriguing that secrecy was supported by Beltway "academics." Thomas Mann and Norman Ornstein complained we had created "a wildly inaccurate portrayal of Congress as a closed, secretive institution dominated by committees and party barons and unresponsive to popular sentiment." We refer them to the respected Members now departing in disgust. Rep. Tim Penny, the retiring Minnesota Democrat, says it took him "only six months in Congress to realize this place doesn't operate on the level." In particular, he says, many Democrats are themselves upset that House leaders "rig the rules to make sure they aren't challenged on the floor."

To the Members, the academics and the press we say this: Welcome to the age of instant communications. We doubt that the discharge petition reform will be the last reform. In particular, some 75% of the American people support limitations on Congressional terms. Last week, after it became clear that discharge petitions would be made public, five Members signed the petition to discharge term limit legislation. While defenders of Congressional secrecy predict untoward and chaotic results, we trust the public a lot more than we trust the Members.

In 1867, the British Parliament passed the Second Reform Act, sponsored not so incidentally by Disraeli's conservatives. It gave the vote to the likes of rent-payers, and upon passage the Viscount Sherbrooke advised fellow parliamentarians to "prevail on our future masters to learn their letters." In the popularized version this became, "We must educate our masters." If the John Dingells and Joe Moakleys are really worried not about their own prerogatives but the future of the republic, they would be well-advised to adopt the constructive attitude affirmed by Viscount Sherbrooke.

The 40 House Members who on Sept. 28 voted in favor of secrecy on discharge petitions:

Neil Abercrombie (D., Hawaii) Sanford Bishop (D., Ga.) Jack Brooks (D., Texas) Corrine Brown (D., Fla.) Bill Clay (D., Mo.) Eva Clayton (D., N.C.) B.R. Collins (D., Mich.) Cardiss Collins (D., Ill.) Buddy Darden (D., Ga.) John Dingell (D., Mich.) Don Edwards (D., Ca.) Vic Fazio (D., Ca.) Floyd Flake (D., N.Y.) William Ford (D., Mich.) Henry Gonzalez (D., Texas) Earl Hillard (D., Ala.) Ron Kink (D., Pa.) John Lewis (D., Ga.) Ron Mazzoli (D., Ky.) Cynthia McKinney (D., Ga.) Carrie Meek (D., Fla.) Joe Moakley (D., Mass.) Alan Mollohan (D., W. Va.) John Murtha (D., Pa.) Donald Payne (D., N.J.) Nancy Pelosi (D., Ca.) J.J. Pickle (D., Texas) Charles Rangel (D., N.Y.) Lucille Roybal-Allard (D., Ca.) Bobby Rush (D., Ill.) Martin Olav Sabo (D., Minn.) Neal Smith (D., Iowa) Pete Stark (D., Ca.) Esteban Torres (D., Ca.) Jolene Unsoeld (D., Wash.) Nydia Velazquez (D., N.Y.) Peter Visclosky (D., Ind.) Craig Washington (D., Texas) Mel Watt (D., N.C.) Sidney Yates (D., Ill.)

[From the Wall Street Journal, Sept. 20, 1993]

Hands Off Inhofe!

When Rep. Jim Inhofe mobilized public opinion and forced House leaders to allow a September 27 floor vote on his bill to end secret discharge petitions, he knew they might try to undermine him. Sure enough, there are signs that the leadership hopes to placate the public by accepting Mr. Inhofe's secrecy bill but then sneak through House-Rule changes that would gut his reform. Should they try this stunt, Members better be ready to take some real heat from voters.

Only hours after Mr. Inhofe's first-round victory on September 8, House Rules Committee Chairman Joe Moakley said he planned an "alternative" to Mr. Inhofe's bill. No doubt it would pay lip service to reform while it retains the system that lets Congressional barons make certain that popular bills never see the light of day.

House leaders may try to require that two-thirds of the Members sign any discharge petition to bring a bill to the floor, rather than a simple majority. Since less than 10% of discharge petitions now reach the House floor, such a "reform" would kill any chance of freeing popular bills bottled up in committee. Exhibit A: Even though 75% of voters and more than 100 Members favor term limits, Speaker Tom Foley hasn't even allowed a committee hearing on the issue.

The Rules Committee met last week to discuss altering the Inhofe reform. It was suggested that successful discharge petitions merely require a committee to hold hearings on a bill. A floor vote would be mandated only if a committee refused to take any action. But, according to the newspaper Roll Call, House leaders rejected even that move. They fear they'll lose iron control of the legislative process if a majority of Members have a realistic way of bringing bills to the floor.

The hearings then became a platform for Members to vent their frustration with Mr. Inhofe's success at exposing the gag rule that kept names on a discharge petition secret. Rep. James Oberstar of Minnesota came to denounce Mr. Inhofe, but ended up scoring points for him. He called Mr. Inhofe's sunshine law a "gimmick." However, he conceded that if Democrats "were in the minority, we'd probably be doing the same." He also admitted that many Members introduce bills only to get "special interests off their backs."

Mr. Inhofe says Mr. Oberstar's admission proves that secret discharge petitions allow Members to say one thing at home and then do something else in Washington. "Standing up to special interests is part of the job," he says. "If you can't, step aside and let someone who can serve."

Rep. Inhofe says his battle to end secrecy has also demonstrated the stranglehold that committee chairmen now exercise over legislation. Before the August recess, Mr. Inhofe's antisecrecy petition was only one signature short of the needed majority. Then Chairman Moakley "convinced" six Members to remove their names, forcing Rep. Inhofe to take his case to the American people.

Virginia Democrat James Moran candidly explained why he dropped off: "When the chairman of the Rules Committee asks me to do something and it's not in conflict with my conscience, I think my ability to serve my district is enhanced when I say yes." Mr. Moran then noted how powerful Chairman Moakley is.

Thomas Mann, a Congressional scholar at the Brookings Institution, opposes the Inhofe reform, but he advised the Rules Committee not to amend it. "That will only inflame the public further," he told us. He noted that if problems develop, the majority party will then have a good reason to push for modifications. In short, the House should have cleaned up its act years ago. Now the voters are going to do it for them.

[From the Wall Street Journal, Aug. 25, 1993]

Asides: Discharge Rumbles

Some House Members have complained that we listed their names among the 223 Members who haven't joined Rep. Jim Inhofe's effort to end secret discharge petitions. Speaking for the non-signers in today's letters column, Rules Committee Chairman Joe Moakley claims that ending secrecy would mean more power for lobbyists and special interests (see related letter: "Letters to the Editor: Why Make It Easier For Special Interests?"—WSJ Aug. 25, 1993). We'd have thought that taking a stand against such forces came with the job. We suspect that Mr. Moakley is fundamentally worried that his Rules panel would lose its hammerlock on bills. Some Members aren't listening to him. Democrats David Mann of Ohio and Barney Frank of Massachusetts have told constituents recently that they favor ending the secrecy rule. Rep. Frank says the issue is simply about whether House Members support open government. Three more Members will give Rep. Inhofe the majority that he needs to let some sunshine into Congress.

[From the Wall Street Journal, Aug. 19, 1993]

Asides: Discharge Charge

Rep. Jim Inhofe's effort to end secret discharge petitions, which allow Members to publicly claim support for a bill while privately working for its defeat, is attracting some big-name boosters. Rush Limbaugh alerted his listeners to our publication this week of the list of 223 Members who refused to join Mr. Inhofe's effort. The 50 state directors of Ross Perot's organization have been asked to make discharge petition reform "a high priority." Mr. Perot himself will discuss the subject on C–SPAN tonight at 8 p.m., EDT. Outraged voters are already making an impact. Rep. Karen Thurman, a first-term Florida Democrat, faxed Mr. Inhofe yesterday to say she will now sign up. By the way, through a production error Rep. Dave McCurdy of Oklahoma was omitted from the list we published. His office confirms he is not supporting Rep. Inhofe.

[From the Wall Street Journal, Aug. 9, 1993]

Asides: House Enforcers

House leaders could scarcely miss the danger Rep. Jim Inhofe posed to them with his effort to end secret discharge petitions, described in our editorial last week. Why, making public the now-secret list of members calling for floor votes on bills held by the Rules Committee would let constituents check up on members. Leaders couldn't bottle up popular bills.

On Friday, Rep. Inhofe had 208 of the 218 signatures needed on a discharge petition for his own proposal to end this hypocrisy. Then C–SPAN viewers saw House Committee Chairmen Joe Moakley and John Dingell park themselves near the desk where the petition is kept, where they "persuaded" several Members to remove their names. We still plan to publish the names of those Members who favor secrecy over open government, and maybe constituents can do a little persuading of their own.

[From the Wall Street Journal, Aug. 5, 1993]

Congress's Secret Drawer

The ongoing drama in the Capitol makes it clearer than ever that Congress can't control either itself or its budget. A large part of the problem is procedure, an arcane set of rules evolved over the years to let Congresspersons protect each other and keep constituents in the dark. Rep. Jim Inhofe has launched a campaign against the keystone of these rules, the veil of secrecy covering a device called the discharge petition.

It works like this: The House conspires to bottle up in committee all the bills that are popular in the country but unpopular on Capitol Hill—balancing the budget or limiting terms, for example. The Rules Committee is particularly crucial, as it was in shelving civil rights bills in the 1950s. The Rules Committee simply sits on a bill, allowing members to posture in public in support while never having to vote on it, much less enact it.

The discharge petition is supposed to serve as a protection; a bill can be forced onto the floor if a majority of Members sign a petition. But that rarely succeeds, because until the required number of 218 is reached, the list of signers is kept strictly secret. So Members can still posture in public and effectively vote the other way in secret, even co-sponsoring a bill but refusing to sign its discharge petition. Worse, only House leaders know who has signed, and when a petition nears 218 they can pressure the most pliable members to drop off.

Discharge petition procedures have the flavor of a covert brotherhood rather than a representative body. Petitions are kept locked in a drawer at the clerk's desk. The drawer can only be opened during a House session and only a signing Member can see a petition. Members cannot take any notes, and can't even bring their own pens to the desk. They must read a statement signed by the Speaker noting that disclosing any names on the petition is "strictly prohibited under the precedents of the House," a prohibition imposed in 1931 by Speaker John Nance Garner, but never made part of House Rules. Violators face disciplinary action, up to and including expulsion.

Rep. Inhofe was granted floor time last night to dare House leaders to carry out this threat. Mr. Inhofe filed a bill to require that signatures on a discharge petition be made public, and it was promptly assigned to the Rules Committee for burial. So he started a discharge petition to bring it to the floor, and quietly asked each signer to memorize other names on the list; by now he's painstakingly assembled a list of 200 signers, only 18 short of a majority. He revealed last night that he will disclose the names of all Members who have not signed the petition, and is ready to face any disciplinary action against him.

As a public service, we've agreed to print his list as Congress leaves Washington to visit its home constituencies. Watch this space to learn if your Congressperson wants secrecy or openness in government. Of course, Members not on Mr. Inhofe's petition can sign up for openness before leaving town. As he advised his colleagues last night: "It's just one short trip to the secret drawer to sign discharge petition No. 2. Take a friend."

Mr. INHOFE. After all was said and done, the Wall Street Journal noted, "Members will no longer be able to posture one way and act another on bills popular with the public but unpopular with fellow legislators . . . While defenders of Congressional secrecy predict untoward and chaotic results, we trust the public a lot more than we trust the Members."

Mr. President, that is again exactly what I am talking about here in this parallel instance.

I want to very strongly note that the Wall Street Journal is in favor of eliminating the secrecy of Senate holds at this time.

Toward that end, I ask unanimous consent to have printed in the RECORD this Wall Street Journal editorial that endorses the concept of eliminating secret holds, assuming no one puts an anonymous hold on this unanimous consent request:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 29, 2005]

Advise and Consign—The Filibuster Isn't the Only Procedure Senators Are Abusing

With a showdown looming over the filibuster of judicial nominees, now is the time to point out another abuse of the Senate's "advise and consent" power. It's called the "hold," whereby an individual Senator can delay indefinitely a Presidential nomination, and it is seriously interfering with the operation of the executive branch.

Call it every Senator's personal "nuclear option." If he doesn't like a nominee or, more likely, doesn't like a policy of the agency to which the nominee is headed, all he has to do is inform his party leader that he is placing a hold on the nomination. Oh—and he can do so secretly, without releasing his name or a reason.

Like the filibuster, the hold appears nowhere in the Constitution but has evolved as Senators accrete more power to themselves. Senate rules say nothing about holds, which started out as a courtesy for Members who couldn't be present at votes. Oregon Democrat Ron Wyden has said holds are "a lot like the seventh-inning stretch in baseball. There is no official rule or regulation that talks about it, but it has been observed for so long that it has become a tradition."

Also like the filibuster—which was never intended to block judicial nominees from getting a floor vote—the hold is being abused by a willful minority of Senators. This being a Republican Administration, Democrats in particular are using it now to hamstring or stop its ability to govern. There's no formal list of holds, but the current batch may well be unprecedented both in number and degree. Here's our unofficial list:

Rob Portman, U.S. Trade Representative. The Senate Finance Committee unanimously backed the former Congressman this week. But don't expect a floor vote soon. Indiana Democrat Evan Bayh has placed a hold on his nomination in hopes of forcing a vote on a protectionist bill he favors on trade with China. (Think AFL–CIO and the 2008 Presidential nomination.) Meanwhile, it looks like Mr. Portman will miss a high-level meeting next week in Paris to jump-start trade talks.

Stephen Johnson, head of the Environmental Protection Agency. Senator Tom Carper says Mr. Johnson "is qualified to head the EPA and would serve the agency well." Yet the Delaware Democrat placed a hold on him over a dispute regarding the Administration's Clear Skies program, regulating pollutants in the air. Mr. Johnson dodged an earlier bullet when California Democrat Barbara Boxer threatened a hold unless the EPA canceled a study of infants' exposure to home pesticides. Mr. Johnson, who is acting EPA head, canceled the program.

Lester Crawford, Food and Drug Administration Commissioner. The sticking point here is Plan B, aka the morning-after pill. Democrats Hillary Clinton and Patty Murray want Plan B sold over the counter and say that the agency is stalling. They say they won't lift their hold until the FDA makes a decision.

Tim Adams, Undersecretary of the Treasury for International Affairs. The person in this position is responsible for, among other critical issues, the Chinese yuan and the World Bank. But Democrat Max Baucus has higher priorities—namely, trade with Cuba. He objects to a legal ruling by an obscure arm of the Treasury that requires advance payment by Havana for purchases of U.S. agricultural products such as grain from the Senator's home state of Montana. There are six more Treasury positions open—including those responsible for tax policy, Fannie Mae and terrorist financing. Mr. Baucus promises holds on all of them. The Senator realizes he can't win a vote in Congress on his Cuba problem, so he's resorting to this nomination extortion.

Defense Department. Where to begin? With a war on, you'd think Senators would want to keep the Pentagon fully staffed. But John McCain, angry over the Air Force's tanker-leasing deal with Boeing, last year put holds on numerous Defense nominees, including two candidates for Army Secretary, the comptroller and the assistant secretary for public affairs, the long-serving Larry DiRita. Now that Mr. McCain's personal punching bag, Air Force Secretary Jim Roche, has left the Pentagon, the Arizona Republican has calmed down—though not enough to lift his hold on Michael Wynne as Undersecretary for Acquisition. President Bush gave Mr. Wynne a recess appointment last month.

Meanwhile, Democrat Carl Levin has a hold on Peter Flory, who was nominated almost a year ago as Assistant Secretary for International Security Policy. Mr. Flory has the misfortune to work for Undersecretary Douglas Feith, whom Senator Levin has pursued like Ahab chasing Moby Dick. So Mr. Flory gets harpooned, too.

Until Wednesday, John Paul Woodly was blocked as Assistant Secretary of the Army for Civil Works by Alabama's two Republican Senators. Jeff Sessions and Richard Shelby said Washington favored Georgia in a decade-long dispute over water rights. (We're not making this up.) And in March, Mississippi Republican Trent Lott placed a hold on the chairman of the Base Closing Commission, which he feared might shut a military facility in his home state. The President again had to use recess appointments to name all nine members in April.

Once upon a time in America, such policy disputes were settled in elections or with votes in Congress. But in today's permanent political combat, Senators wage guerrilla warfare against the executive. No wonder so few talented people want to work in Washington. Senator Wyden and Republican Charles Grassley plan to re-introduce legislation next month to kill holds that are secret. Better yet would be to get rid of all Senate holds.

Mr. INHOFE. As the Wall Street Journal mentions, neither the Constitution nor the Senate Rules mention holds. We need this legislation to correct the current situation.

One of the many times I personally have run into this problem of holds was in the case of the nomination of Governor Mike Leavitt of Utah to be administrator of the Environmental Protection Agency.

As chairman of the Senate Environment and Public Works Committee I was trying to shepherd the nomination of Governor Leavitt through my committee.

At that time in 2003, Governor Leavitt was being run through unprecedented hoops by the Democrats to obstruct his nomination even though we had an affirmative statement from my Ranking Member Senator JEFFORDS that he considered Governor Leavitt a friend and admission that he was going to receive the vote of Senator JEFFORDS.

Pursuant to this situation, Roll Call wrote the following piece that I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Roll Call, Oct. 6, 2003]

INHOFE CONSIDERS RULES AMENDMENT

(By Mark Preston)

Environment and Public Works Chairman James Inhofe (R-Okla.) is considering asking his Senate colleagues to amend chamber rules to terminate the minority party's ability to block committees from reporting out legislation and nominations.

Such a measure would impose uniform guidelines on how the Senate's 19 standing committees and lone special panel operate.

"I am going to have to look to see what can be done, because the Democrats could effectively shut down the government altogether," Inhofe said.

The EPW chairman's contemplation of a new rule was sparked by committee Democrats' successful effort last week to delay a vote on Utah Gov. Mike Leavitt's (R) nomination to head the Environmental Protection Agency. Democrats charge that Leavitt has failed so far to adequately answer their written questions posed to him, and therefore boycotted the hearing.

Inhofe is likely to face stiff opposition if he pursues a change in the rules, which would require 67 votes on the Senate floor.

"I am not in favor of changing the rules much," said Sen. Robert Byrd (D–W.Va.), a staunch defender of Senate tradition. "The rules have been here for a long time and they are the product of decades of experience."

Currently, each committee adopts its own rules of procedure at the outset of every Congress. EPW rules require that at least two members from the minority party be present for a nominee to be reported out of committee. Democrats took advantage of that stipulation by not attending the Leavitt hearing and thereby preventing Inhofe from holding a vote on the nomination.

"I think we may have to change the rules in the Senate in terms of how committees operate because they say you can't conduct business unless you have members of both sides" present, Inhofe said. "What they did [Wednesday] is far worse than stopping a guy's confirmation. It goes to the whole heart of how the committee system works."

Even though EPW requires at least two minority party representatives to be present to take action, other committees have less stringent rules. For example, the Finance Committee requires that a quorum include at least one member from each party to be present when the full committee votes on a bill or a nomination. And the Rules and Administration Committee requires that a majority of panel members be present to vote on legislation or a nominee, but does not stipulate that a member from either the majority or minority be present when such an action is taken.

Inhofe said he is also interested in amending the rule that allows committees to only meet for two hours after the Senate gavels into session unless both parties agree—on a daily basis—to waive it. In recent years, this unanimous consent agreement has been rejected by several Senators for various reasons.

"One party can stop government completely, and I don't think that was certainly the intent of those people who made the rules to start with," the Oklahoma Republican said.

Inhofe's proposals for adding to and altering the current rules are just two among a handful of reforms that Republicans have been championing since taking over the majority earlier this year.

"The Senate Republican majority is going to have to look at a number of them," Rules Chairman Trent Lott (R-Miss.) said of potential changes. "I do think our rules have not been seriously considered in quite some time.

"We need to take a look at the way the Senate functions," Lott added.

One rules change is currently waiting action by the full Senate. Lott's panel approved a measure in June that would end the use of a filibuster to stop a nomination. All 10 Republicans on the panel voted to report the bill out of committee, but it still needs the backing of 67 Senators on the Senate floor for it to be enacted. Democrats on the Rules panel did not attend the June 24 hearing and have vowed to prevent the rule change from passing on the floor.

Republicans are seeking this change to stop Democrats from blocking President Bush's judicial nominees. Already, one of Bush's picks for a seat on the appellate court has withdrawn his name because Democrats refused to allow a vote on his nomination. Currently, Democrats are blocking two other judicial nominees and have pledged to block U.S. District Judge Charles Pickering's nomination to the appeals court.

The disagreement over judges has added to the partisanship in the traditionally collegial Senate.

"I think the judge issue is poisoning the well around here and it is unfortunate," said Sen. Judd Gregg (R–NH). "It has never happened before this filibuster on the judges at this level, and that has created frustration."

But Democrats contend Bush is to blame for the judicial filibusters, because he refuses to work with Democrats to pick candidates acceptable to both political parties.

"I would like to point out, when people are opposed to some of these nominees, don't look at the Senators, ask the guy who sent the nominees," said Judiciary ranking member Patrick Leahy (D–VT). "That is part of the problem. The White House doesn't make an effort to really work with everybody."

Another rules change advocated by several Senators is one ending the use of an anonymous "hold." A hold is a tactic used by a Senator to stop a nomination or a bill the lawmaker opposes, or often to gain leverage on another issue.

It is a huge problem for the leaders," Lott said of the use of secret holds. And Lott, a former Majority Leader, warned that Majority Leader Bill Frist (R–TN) and Minority Leader Tom Daschle (D–SD) will experience the "devastating" consequences of this practice when the two leaders try to wrap up legislative business for the year.

They are fixing to find out the last week we are here they are going to say, 'The hold is a really bad creation,'" Lott said. "I know it, but they have got to see it. That is when conferences are coming through, and that is when bills need to move."

As for the Leavitt nomination, Inhofe has scheduled three consecutive meetings beginning Oct. 15 in which a vote on the Utah governor's nomination could occur. But it is unclear what action Democrats will take.

"He hasn't answered our questions," said Sen. Barbara Boxer (D–CA). "So if we get the answers to our questions from Leavitt that is a different circumstance."

"Let's see how he answers our questions," she added.

Inhofe could change his panel's rules to allow him to report Leavitt out of the committee, but he would still need two Democrats present to take a formal vote on the change.

Mr. INHOFE. You can see from rollcall's reporting that no matter what I achieved in my committee, an anonymous hold could always be placed on the President's nomination, and thus a halt could be brought to operations of the Senate and in turn the administration.

The American people do not want obstruction; they want progress from us.

Obstruction was certainly practiced by Senator Daschle, and the people showed their lack of appreciation at the ballot box.

I ask that Members join me in this effort and do what our constituents want for the sake of transparency and honesty.

We ought to have the courage to stand up for our convictions, not hide in the shadows of darkness and anonymity.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, it is my intent at this point to wrap up.

I particularly thank the distinguished Senator from Oklahoma, who has had a longstanding interest in this subject, for working with Senator GRASSLEY and myself. We do have a bipartisan effort.

The Senator from Oklahoma has highlighted another problem with it, and a lot of Members who served in the other body bumped into this. A lot of these holds over the years have not even been placed by Senators themselves. They have been placed by staff, and Senators go up to each other and try to ask about a matter and it ends up a Senator may not even know about it.

I also see the Senator from Mississippi, the distinguished chairman of the Committee on Rules. He spent a lot of hours with me talking about this over the years. Senator LOTT, to show his commitment to the cause of openness, has tried repeatedly to get Senators to do this voluntarily. I recall on a number of instances Senator LOTT and Senator Daschle met with Senator GRASSLEY and me. We put together a variety of letters and directives to Senators. It still would not come together.

We think you have to make this a permanent change in the Senate procedures, put the burden on the objector rather than on the leadership, as we have done so often in the past, and the leaders would then have to make phone calls. Senator LOTT has a wonderful story that he has told me over the years about sitting in phone booths at airports calling Members, trying to figure out who in the world had a hold on something.

I say to colleagues, we have now reached that moment where the Senate has had it up to here with all of the secrecy and practice of doing business in the shadows.

To wrap this up, we are going to have a vote in a few minutes. The Intelligence Authorization bill, a bill that is vital to America's national security, is subject to a secret hold. I don't think anything could make the case for our bipartisan amendment more clearly than the need to move ahead with this country's vital business in intelligence. I have talked to Chairman ROBERTS about this. He wants that bill to move. It is a bipartisan bill. We have not had a situation since 1978 when we could not move forward on an intelligence bill.

I hope colleagues will finally bring the Senate into the sunshine. This enormous power that each Senator has is one that will continue, but if we can prevail on this vote, it will be one that will be exercised in the sunlight. Each Senator will be held accountable when they assert this particular power.

I urge my colleagues to vote yes on the Wyden-Grassley-Inhofe amendment.

I yield back the balance of my time and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The Senator from Mississippi.

Mr. LOTT. Let me clear up one point. I am not sure we are ready to go to a recorded vote at this moment. I thought maybe we could set it aside and go to other amendments and have stacked votes later in the afternoon, allowing Senators to continue committee meetings. However, I have been notified that maybe someone would object to a unanimous consent to set it aside so I sent a message back to that Senator: if you want to object, you better come over here. That is a problem around here. We send our surrogates over to object, but they are not here. If he comes, he can object. That is fine. We will try to work with everyone to try to accommodate everyone. There may be a need for further discussion.

Let me take a moment to commend the Senator from Oregon and the Senator from Iowa and now the Senator from Oklahoma for your tenacity. You have been pecking away at this for years.

Typical of the leadership, there was a time when I was saying, do we need to go that far; there is a misunderstanding about holds. In fact, that is a misnomer. There is no such thing. A hold is a request to be notified when an issue or a nominee will be brought up so we can come over and speak. The fact is, it ties the leadership's hands because quite often they say, wait a minute. I can't delay the business of the Senate to have this Senator come over here and talk at length—which is his or her right—on a nominee or a Member.

The point I am trying to make. I have tried to work to deal with this issue of fairness. Senator Daschle and I did work with Senator BIDEN to further clarify, what is this thing, a hold? How do I have to comply with it? We requested that it be put in writing, which, by the way, was never locked into place. That is one of the reasons I am for this.

We need to make it clearer about how Members do this and what the requirements are. We do not want to stop the practice of a Senator being able to file notice that he would like to be able to come over and discuss an issue.

What I have had a problem with, I do think it has been abused. We have anonymous hold, we have rolling hold, and it is harder and harder and harder to try to do the business of the Senate. But the anonymous part of it is the part that bothers me the most. That is the thrust of the Rules bill and particularly the bill by the Committee on Homeland Security and Governmental Affairs. Let's open things, disclose things, have transparency, make sure the people know what we are up to.

This is, in my opinion, very sinister, where Members can hold up a nomination, hold up a bill, and not even acknowledge they are doing it.

I point out that all this amendment does is to say the holds must be in writing and they have to be published in the RECORD in 3 days.

Is that the thrust of the Senator's amendment?

Mr. WYDEN. The Senator is absolutely right.

Mr. LOTT. What is the threat here? I do think there is a good cause for late at night, 6 o'clock, you are wrapping up, and all of a sudden the leadership hits us with, we want to clear 10 bills and a Senator can say, wait a minute, I want to make sure. What is the cost of this bill—as the Senator from New Hampshire has been inclined to do. He has that right. It is appropriate he be able to have time to look at that. But he ought to then have to put in writing that notice to the leader so the leader, if nothing else, will not forget it, and then acknowledge who he is. That is all this does.

I don't know what the vote of the Senate is going to be because some Members may say they are giving up some of their senatorial prerogatives. No, you are not; you just can't hide. That is all.

In the spirit of this legislation of openness and honesty, let me say, this is also an area where some Senators—no one has gotten in trouble with these holds or used the holds for a response or for some benefit personally, but the day will come, if we do not watch it, someone will get in trouble ethically with this procedure.

The leaders may have a different view and I will be very responsive to their views, but for now, it is time we quit talking about making things more open and honest and we do it. This amendment would do that. I plan to support it.

I am advised we do not have an objection to setting aside this amendment, unless others wish to speak on this amendment.

Does the Senator from New York have a comment on this issue or another issue?

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. LOTT. Mr. President, I yield to the Senator from Oregon for a question.

Mr. WYDEN. Mr. President, I thank my colleague from Mississippi. I particularly thank him for his extraordinarily supportive statement and for all the help he has given me over this decade. It probably would be my preference to have a recorded vote at this time, particularly since I have had the good fortune to have had such a supportive statement from the distinguished chairman of the Committee on Rules.

Is there a problem with having a recorded vote on the Wyden-Grassley-Inhofe amendment at this time?

Mr. LOTT. There would be a problem having the vote at this time, just out of convenience for a number of Senators on both sides who have other commitments. We would like to perhaps stack votes a little later in the afternoon. I want to collaborate with the chairman of Homeland Security and Senator DODD and Senator LIEBERMAN about exactly what time we would do that. We could get more work done without interfering with Senators' schedules.

So, yes, there would be an objection to it right now. But it has already been locked in and we will have a recorded vote. It will be first in the sequence whenever we set it up.

Mr. WYDEN. Mr. President, just to wrap this up, that is a very fair procedure that the Senator from Mississippi has outlined and we will be happy to accept that.

Mr. LOTT. I ask unanimous consent we set aside the Wyden-Grassley-Inhofe amendment and go to the next pending amendment.

The PRESIDING OFFICER. Is there an objection?

Mr. SCHUMER. Reserving the right to object, could I speak, before we set it aside, on this amendment?

Mr. LOTT. I withhold my unanimous consent request at this time, Mr. President.

The PRESIDING OFFICER. The consent request is withdrawn without objection.

The Senator from New York is recognized.

Mr. SCHUMER. I commend my colleague from Oregon and my colleague from Oklahoma for their lone battle on this issue. It is an issue we all agree with and very much appreciate their hard work.

AMENDMENT NO. 2959 TO AMENDMENT NO. 2944

Second, I will say a word on another issue that is pending in the House of Representatives. At this point, I offer an amendment at the desk as a second degree to Mr. WYDEN's amendment.

The PRESIDING OFFICER. The clerk will report.

Mr. LOTT. Mr. President, parliamentary inquiry: Does he have to have consent? He just calls it up and it would not——

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not need consent to offer a second-degree amendment.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2959 to the Wyden amendment numbered 2944.

The amendment is as follows:

> In the interest of national security, effective immediately, notwithstanding any other provision of law and any prior action or decision by or on behalf of the President, no company, wholly owned or controlled by any foreign government that recognized the Taliban as the legitimate government of Afghanistan during the Taliban's rule between 1996–2001, may own, lease, operate, or manage real property or facilities at a United States port.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. My understanding was that the Santorum-Feingold-McCain-Lieberman amendment was by consent, next in line, is that not the case?

The PRESIDING OFFICER. Under the previous order, that is the next first-degree amendment that would be in order.

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Is there objection?

Mr. SCHUMER. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion on the bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2349: an original bill to provide greater transparency in the legislative process.
>
> Bill Frist, Mitch McConnell, Rick Santorum, Mel Martinez, Jim Inhofe, Susan Collins, Trent Lott, John E. Sununu, John McCain, Judd Gregg, Norm Coleman, Michael B. Enzi, Wayne Allard, R.F. Bennett, Craig Thomas, Larry E. Craig, George V. Voinovich, C.S. Bond.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOBBYING REFORM

Mr. FRIST. Mr. President, both the Democratic leader and I will have a few comments, but what I have just done is filed a cloture motion, which I have done so reluctantly because I really have been very pleased over the past couple weeks as we addressed a very important issue on lobbying reform and ethics reform, an issue that is critical to restoring the faith the American people really deserve to have in their Government. We have been working together, as I said, in a bipartisan way. I thought until a few hours ago we had a very good chance of completing this bill this week.

At the leadership level, we worked together very well, and the four managers—we have four managers because we merged the two bills—have been working together effectively and lined up a number of amendments to vote on today and tomorrow as well. As I said, I thought we would be able to finish it.

Having said that, what happened today is an amendment came to the floor under circumstances that I am not going to go through right now, but it is such that it really would take us off the course of this bipartisan lobbying reform bill. We had discussions as to whether that amendment would be withdrawn, but it was made very clear after the discussions among us that the amendment would come back later tonight, tomorrow, or the next day.

Again, this amendment has nothing to do with lobbying reform or ethics reform of this body, something that is important, something that is the business of the Senate right now on the floor.

So what I have done is filed a cloture motion which will ensure we finish this bill. We have had reasonable time for people to offer amendments, and postcloture, once cloture is obtained, germane amendments can still be considered.

Let me also add that we still have the opportunity to get the bill done. What I would suggest is that with this cloture motion, since it will ripen on Friday unless we are able to work out some other agreement to have it ripen before that, we do have the opportunity tomorrow to work over the course of the morning, really through the day, and address amendments—we have to do so by unanimous consent—but address amendments on the lobbying reform bill.

The managers were about to have us vote on some other amendments which we would be able to vote on. It will take unanimous consent. We could bring them up one at a time if that is the case.

Without going into all the details of what happened, that is where we are today. The cloture motion now has been filed, and it does give us a road to completing this bipartisan bill.

I will be happy to yield to the Democratic leader for a comment.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the one thing that I will do is work very hard over the next few hours to see if we can have the cloture vote tomorrow, sometime tomorrow. I will see if we can get that done. I think it would be to everyone's advantage if we could resolve this part of the situation we have on the floor.

I would say that the Leader and I have had many discussions during the day and in the weeks prior to this matter coming to the floor in an effort to move this lobbying reform bill along. I think we can get a lobby reform bill; it is now a question of when we will do that.

But in the morning, cooler heads will prevail, and we will see what we can do to move the country along on these things that need to be done.

HOLD ON LAMBRIGHT NOMINATION

Mr. GRASSLEY. Mr. President, today I am placing a hold on the nomination of James Lambright to serve as President of the Export-Import Bank of the United States.

I am placing this hold on Mr. Lambright's nomination as I have major concerns regarding the issuance of taxpayer-guaranteed credit insurance by the Export-Import Bank for an ethanol project in Trinidad and Tobago. Specifically, the approval of this credit insurance by the Export-Import Bank appeared to violate the Bank's authorizing statute.

Let me explain.

In March 2004, the Export-Import Bank approved the issuance of $9.87 million in taxpayer-guaranteed credit insurance to help Angostura Holdings Limited, of Trinidad and Tobago, finance the construction of an ethanol dehydration plant in Trinidad. The purpose of this credit insurance was to enable Angostura to purchase equipment to be used to dehydrate up to 100 million gallons of Brazilian ethanol annually. Angostura would then reexport the resulting dehydrated ethanol to the United States duty-free under the current Caribbean Basin Initiative trade preference program.

But section 635(e) of the Export-Import Bank's authorizing statute—the Export-Import Bank Act of 1945—states that the bank is not to provide credit or financial guarantees to expand production of commodities for export to the United States if the resulting production capacity is expected to compete with U.S. production of the same commodity and that the extension of such credit will cause substantial injury to U.S. producers of the same commodity. The statute goes on to provide that "the extension of any credit or guarantee by the Bank will cause substantial injury if the amount of the capacity for production established, or the amount of the increase in such capacity expanded, by such credit or guarantee equals or exceeds 1 percent of United States production."

As of 2004, when the credit guarantees for Angostura were approved, the total 100 million gallon capacity of the Angostura facility was nearly 4 percent of U.S. production. This amount clearly exceeded the 1-percent threshold for causing substantial injury to the U.S. ethanol industry as spelled out in the Export-Import Bank's authorizing statute.

So it appeared to me that the approval of credit guarantees for Angostura by the Export-Import Bank violated the Export-Import Bank's authorizing statute.

Moreover, as the amount financed by the Export-Import Bank was less than $10 million, no detailed economic impact analysis was conducted by the bank. I note that the amount approved by the Export-Import Bank $9.87 million was conveniently just below this $10 million threshold amount.

In the Consolidated Appropriations Act of 2005, Congress asked the Export-Import Bank for an explanation of the credit guarantees for Angostura. Specifically, the 2005 act required the Export-Import Bank to submit a report to the Committees on Appropriations of the Senate and the House containing an analysis of the economic impact on U.S. ethanol producers of the extension of credit and financial guarantees for the development of the ethanol dehydration plant in Trinidad and Tobago. Congress also required that this report determine whether such an extension would cause substantial injury to such producers, as defined in section 2(e)(4) of the Export-Import Bank Act of 1945.

In January of last year, the Export-Import Bank provided its report. In its report, the Export-Import Bank avoided the issue of whether its credit guarantees for Angostura caused substantial injury to U.S. producers, and thus whether the approval of these guarantees was in compliance with the Export-Import Bank's authorizing statute. The Export-Import Bank avoided the issue by claiming that the Angostura plant will not "produce" dehydrated ethanol. Rather, the Export-Import Bank stated that this plant will merely "process" dehydrated ethanol by removing water from wet ethanol produced in Brazil, thus merely "adding value" to the wet ethanol from Brazil.

However, despite the semantics of the Export-Import Bank, the Angostura plant will clearly be producing dehydrated ethanol. This is common sense. An ethanol dehydration plant—of course—produces dehydrated ethanol.

Moreover, the Customs Service recognizes that ethanol dehydration plants in Caribbean Basin Initiative countries produce dehydrated ethanol.

While the Export-Import Bank currently does not have an inspector general, the conference report for the Foreign Operations appropriations bill for fiscal year 2006 directs the Export-Import Bank's inspector general—once appointed to look into this credit insurance approval. Specifically, the conference report provides that the inspector general shall provide a written analysis to the Finance Committee and the Committee on Appropriations, within 90 days of appointment, as to whether the loan guarantees provided to the ethanol dehydration plant in Trinidad and Tobago met the provisions of the Export-Import Bank's charter. The analysis shall include whether "value added" methodology is routinely used by the bank to determine whether a proposed loan guarantee or export credit meets the statutory test regarding the definition of substantial injury found in the bank's authorizing statute. The inspector general shall also make recommendations as to whether it is appropriate to use such methodology in making a determination of substantial injury.

As the Export-Import Bank currently does not have an inspector general, I am placing a hold on Mr. Lambert's nomination until such time that I receive assurances from him that, first, the Export-Import Bank will act quickly to appoint an inspector general, and second, that Mr. Lambert will see that the inspector general will indeed provide a written analysis on the credit insurance approval within 90 days of appointment.

INTERNATIONAL WOMEN'S DAY

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate March 8, 2006, International Women's Day. It is an undeniable fact that as the world becomes more interconnected, societies which value women's rights and include them in the political, economic, and civic process have a greater chance of prospering and contributing to international peace and stability.

Nowhere is this more evident than in Iraq. We all know that in order for Iraq to succeed as a nation, women must play an integral role in the government and women's rights must be treated as fundamental human rights. While much work remains to be done in Iraq, I am pleased to see that women are playing a prominent and active role in the government.

As such, it is a great honor to not only commemorate, March 8, 2006, International Women's Day but also welcome a distinguished guest, Dr. Jinan Jasim Ali Al Ubaidi, a newly elected member to Iraq's Council of Representatives, who will be my guest and accompany me throughout the day.

A member of the Supreme Council for Islamic Revolution party, Dr. Ubaidi is a graduate of Baghdad University and practiced medicine at Najaf Hospital prior to the fall of the Hussein regime.

Dr. Ubaidi and her female colleagues in the Council of Representatives are now confronting issues which will determine the future of women's rights in Iraq.

This is a critical juncture and one key question they face is. What will be the extent of sharia in Iraq and how will it affect women's rights in that country?

Article 14 of Iraq's Constitution states that "Iraqis are equal before the law without discrimination based on gender." Article 2 of the Constitution maintains that "no law that contradicts the established provisions of Islam may be established."

Some people believe that it will be difficult to reconcile the two articles and still provide women with fundamental rights in Iraq. I, for one, believe that Islam and women's rights can go hand in hand and there is an opportunity to advance these rights in a new Iraq.

While the women in the Iraqi National Assembly will do their part, the United States and the international community need to play a vital role in advancing the role of women in Iraq.

Specifically, we should continue to promote democracy related training programs, female education programs, and assist with judicial reform and Islamic jurisprudence training so that women will become part of the social, political, and economic fabric of Iraq.

Gains for women's rights have been made in other Muslim countries such as Indonesia and Morocco, and we should look to them as examples.

In Morocco, successful efforts to raise the marriage age for women from 15 to 18, abolish polygamy, and equalize the right to divorce have been made. In Indonesia, Musdah Mulia, the chief researcher at the Ministry of Religious Affairs, has sparked considerable debate within that country by calling for changes in the areas of wearing a hijab and marriage based on Islamic jurisprudence. Although such rules have not been enacted, further debate on the issue is a positive step.

A nongovernmental organization in Indonesia, known as the Indonesian Society for Pesantren and Community Development, has also been using Islamic jurisprudence to promote women's reproductive rights and family planning education within religious schools there. These are all progressive steps toward promoting women's rights in the Islamic world.

In the near future, an Iraqi government will be formed that will make important decisions on the role of women and sharia. The United States must do everything within its power to ensure that women's rights are fully incorporated into every aspect of Iraqi life.

We must continue to support education and leadership initiatives, economic empowerment programs, and specifically judicial reform, all of which will seek to increase the role of women government and assist Iraq's transition to a stable and democratic state.

Let us also not forget about the women in Afghanistan. Under the Taliban regime, women were brutally oppressed and women's rights were virtually nonexistent.

Women in public were forced to cloak themselves head to toe while being accompanied by a male relative. If they failed to do so, they risked being beaten mercilessly.

Furthermore, most Afghan women were restricted by the Taliban from working, receiving an education, visiting doctors, or accepting humanitarian aid.

Now, women in Afghanistan have the opportunity to build a better life for themselves and their families. It is no longer illegal for women to work, and millions of Afghan girls now attend school.

The United States has provided grants to establish the Ministry of Women's Affairs, assisted Afghan nongovernmental organizations, created opportunities for income generation in the private sector, and supported opportunities for women in agriculture and rural environments.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006, included a $50 million earmark for programs directly addressing the needs of Afghan women and girls.

However, many challenges remain for women in Afghanistan.

Although women may legally work, many still face serious challenges to finding job opportunities. For them, it is extremely difficult to find jobs close to home, with tolerable hours, and reasonable pay.

Additionally, although education is currently on the rise, most Afghan women have had little or no formal job training, which prevents them from gaining meaningful employment.

Finally, women still face conservative attitudes about their political participation in many rural areas of the country.

The United States must not forget about these women. We must continue to advance women's rights in Afghanistan because if we do not, our tireless efforts there will have been in vain.

Therefore, I urge my colleagues to stay the course and support additional assistance for education, health care, and democracy training for women and girls in Afghanistan during the years ahead.

There are a great many challenges that face women today, and there are a great many challenges that faced women in the past. Issues such as the role of women in Iraq and Afghanistan are no less daunting than women's suffrage seemed in 1920. As such, there is cause for optimism on International Women's Day.

Yet we must remain vigilant in our fight for justice and gender equality around the world.

The United States must remain a leader by proactively addressing these women's issues. I am confident that if we tirelessly continue to fight for gender equality, we can find workable solutions to address the problems that women face around the world.

Mrs. CLINTON. Mr. President, today is International Women's Day, a chance for us to reflect upon the status of women around the globe, recognize their achievements, and recommit ourselves to ensuring that women can fully realize the rights with which all humans are endowed.

There is much for women to celebrate this year. Women in Kuwait were granted the right to vote and run for office, while women in Afghanistan exercised their right to vote in November's elections. In Tanzania, and Burundi, among other countries, the number of women serving in elected office increased to record levels. In all parts of the world, women are seizing opportunities to weigh in with their governments on the issues of greatest importance to their lives. But there is still so much work to be done to help women achieve equal rights and equal protection.

The culture of corruption apparent in far too many countries has a disproportionate impact upon women. In Latin America, women have disappeared or been killed without proper criminal investigations. In other countries, women who have endured rape or sexual abuse experience further stigmatization and punishment, including forced detainment and death threats. All across the globe, women and girls are trafficked across borders, often with the knowledge of local officials who tolerate the presence of their captors. We need to devote more energy to making our communities safer for women, ensure that crimes against women are given fair and full consideration by law enforcement, and that bribery and cronyism do not dilute the rule of law.

Women, the caregivers in families and communities around the world, must also have the opportunity to seek and receive appropriate health care. More than 500,000 women each year die of largely preventable pregnancy-related complications, while millions more suffer injuries, like obstetric fistulas, for which they cannot get treatment. In many countries in sub-Saharan Africa, where AIDS has had the greatest impact, the majority of young women still do not have adequate knowledge of the ways in which HIV is transmitted. Girls and women account for 70 percent of the world's hungry, and malnutrition in pregnant women leads to deficiencies in their children's development. We need to recognize the way that gender inequality contributes to disease and address these disparities through increased education and outreach and equal access to medical treatment and support services.

As international trade transforms economies around the world, we must ensure that women have equal access to these opportunities. In one-third of the world, women are the breadwinners for their families. Female farmers account for 80 percent of the agricultural workforce in Africa, and 60 percent in Asia. Yet despite their contributions to the economy, women make up 60 percent of the world's working poor, struggling to survive on less than one dollar a day. They are too often placed in situations of informal employment—temporary or part-time positions that do not offer a formal salary or benefits. We must ensure that all girls and women have access to educational opportunities that can lead to employment at an adequate wage, and that women receive fair compensation for labor performed outside a traditional workplace setting.

It has been more than a decade since I traveled to Beijing for the Fourth World Conference on Women. This week, the Commission on the Status of Women at the United Nations is convening to evaluate the progress we have made in achieving the goals we set at that time. We must work to ensure that the commitments we made then become reality now. I will continue to work with my colleagues in Congress and counterparts in other governments to create a world in which every woman is treated with respect and dignity, every boy and girl is loved and cared for equally, and every family has the hope of a strong and stable future.

IRANIAN WOMEN

Mr. SANTORUM. Mr. President, I rise today to speak on an issue that resonates with all Americans, especially today—a day when the entire world celebrates International Women's Day. It is important to raise the issue of the oppression of women, in hope that public awareness will change these practices and this prejudice.

I would like to specifically raise awareness of the plight of women in the Islamic Republic of Iran. In Iran, women are considered to be worth a half of a man and have extremely limited rights. It is the policy of the Government of Iran to deny women the opportunities that men are afforded.

The current Iranian Government has rescinded laws that were implemented prior to the revolution regarding women's legal rights. This initiative against women's rights was justified by an edict that laws in conflict with Sharia Law had to be abolished. The edict resulted in a new set of restrictive laws for women.

Women in Iran are severely oppressed, and their ability to speak out against current conditions is limited. While they can speak out, they face certain punishment for doing so. There are many examples of Iranian women, young and old, who have spoken out against the lack of opportunity for women in Iran. For example, Elham Afroutan is a 19-year-old Iranian journalist who was arrested a few months ago because of an op-ed she wrote in a newspaper. She is now imprisoned in Tehran, and it has been reported that she has been brutally raped and tortured. Elham's parents have only heard from her a couple of times, and the Iranian Government has refused to give any updates on her condition.

Also of importance is the case of Zahra Kazemi, the 54-year-old Iranian and Canadian journalist, who was arrested for photographing a demonstration outside Tehran's Evin prison. It is reported that while imprisoned, Zahra was tortured, raped, and later murdered. The Iranian Government later claimed that she committed suicide. The doctor who examined Zahra's body later determined that she died as a result of the beating and torture that she endured while imprisoned. After Zahra's family demanded an autopsy of her body, it was later discovered that the Iranian Government had injected Zahra's body with various chemicals so as to destroy her body and any evidence against her attackers.

This oppression of Iranian women, and all women around the world, must end. Never should a woman feel afraid to walk out of her home, speak up, or voice her opinion. Never should a woman have less of an opportunity than a man.

People around the world today, on International Women's Day, must unite behind one cause—equality, justice, and opportunity for all women.

THE FIVE-SEVEN PISTOL

Mr. LEVIN. Mr. President, the Five-Seven handgun, manufactured by the Belgian firearms company FN Herstal, was reportedly designed to provide military and law enforcement personnel with a small, lightweight, and accurate pistol that was powerful enough to kill or seriously injure enemies wearing body armor. A January 2000 cover article in the popular American Handgunner magazine profiled the handgun and predicted that, for obvious reasons, "neither the gun nor the ammunition will ever be sold to civilians." Unfortunately, the American Handgunner article was wrong and FN Herstal made the Five-Seven pistol available to private buyers in 2004. These high-powered firearms clearly have no sporting purpose and pose a great threat to the lives of our law enforcement officers.

According to the FN Herstal website, the Five-Seven weighs less than 2 pounds fully loaded and measures only 8.2 inches in length, making it easily concealable. A statement which previously appeared on the website boasted "Enemy personnel, even wearing body armor can be effectively engaged up to 200 meters. Kevlar helmets and vests as well as the CRISAT protection will be penetrated." This statement has since been removed.

Ballistics tests conducted by the American Handgunner for their January 2000 article provided evidence of the armor-piercing capabilities of the Five-Seven pistol. In the tests, ammunition fired by the Five-Seven successfully pierced level IIA Kevlar body armor and penetrated 6 inches into ballistics testing gelatin behind it. According to the Brady Campaign to Prevent Gun Violence, level IIA Kevlar body armor is the kind commonly worn by law enforcement officers.

The already lethal nature of the Five-Seven handgun was amplified when Congress failed to renew the 1994 Assault Weapons Ban, allowing it to expire on September 14, 2004. Among other things, Congress's inaction resulted in the legalization of previously banned high-capacity magazines, including the 20 round clip currently sold with the Five-Seven.

The law enforcement community is rightfully concerned about the Five-Seven's ability to kill law enforcement personnel, even while they are wearing protective body armor. Last year, a coalition of law enforcement groups including the International Association of Chiefs of Police, the International Brotherhood of Police Officers, and the National Organization of Black Law Enforcement Executives issued a warning to their members about the threat posed by Five-Seven handguns.

Bernard Thompson, director of the National Organization of Black Law Enforcement Executives, warned regarding the Five-Seven:

> No one is safe from a weapon like this. Police body armor won't offer protection if a criminal has this pistol.

In addition, the legislative director of the International Brotherhood of Police Officers, Steve Lenkhart, called the Five-Seven "an assault rifle that fits in your pocket."

In response to concerns raised by law enforcement officials and others, Senator LAUTENBERG, introduced the Protect Law Enforcement Armor Act on March 3, 2005. Among other things, this legislation would prohibit the sale of the Five-Seven pistol and its ammunition to private buyers in the U.S. Unfortunately, despite the continuing threat posed by this high-powered pistol to our law enforcement officers, Senator LAUTENBERG's legislation has yet to receive any consideration by the Senate Judiciary Committee in the year since it was introduced.

We should not ignore the concerns of our law enforcement officers with regard to the Five-Seven pistol and other military-style firearms. Congress should take up and pass commonsense legislation banning the sale of these dangerous weapons because of the threat they pose to the safety of our communities and those who work so hard each day to protect them.

REPEAL OF MEDICAID VERIFICATION REQUIREMENT

Mr. AKAKA. Mr. President, we must enact my legislation, S. 2305, to repeal a provision in the Deficit Reduction Act that will require people applying or reapplying for Medicaid to verify their citizenship with a U.S. passport or birth certificate. Congress must act to repeal this shortsighted policy before it goes into effect July 1, 2006, because it will create barriers to health care, is unnecessary, and will be an administrative burden to implement.

Mr. President, I ask unanimous consent that additional letters of support for S. 2305 from the California Immigrant Welfare Collaborative, the Coalition for Humane Immigrant Rights of Los Angeles, the National Health Law Program, Families USA, the Children's Defense Fund, the National Association for the Advancement of Colored People, and the American Public Health Association, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CALIFORNIA IMMIGRANT
WELFARE COLLABORATIVE,
Sacramento, CA, February 16, 2006.

Senator DANIEL KAHIKINA AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The California Immigrant Welfare Collaborative (CIWC) is a statewide partnership of four immigrant rights organizations: Asian Pacific American Legal Center of Southern California, Coalition for Humane Immigrant Rights of Los Angeles, National Immigration Law Center and Services, Immigrant Rights and Education Network of San Jose. We work directly in communities as well as with policy makers in order to respond to changes in health and welfare laws and to advocate for low-income immigrants.

We are writing in support of your Senate bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program. This provision would apply to all current beneficiaries and future applicants, allowing no exceptions, even for those with serious mental or physical disabilities such as Alzheimer's disease or those who lack documents due to homelessness or a disaster such as Hurricane Katrina. About 49 million U.S.-born citizens (and two million naturalized citizens) who are covered by Medicaid over the course of a year would be required to submit these documents or forfeit their health insurance coverage. New Medicaid applicants also would have to meet this requirement.

According to a recent survey conducted by the Center on Budget and Policy Priorities and by the Opinion Research Corporation the new requirement could have large consequences on the health insurance coverage of millions of low-income U.S. citizens. Key findings from the survey include:

About one in every twelve (8 percent) U.S.-born adults age 18 or older who have incomes below $25,000 report they do not have a U.S. passport or U.S. birth certificate in their possession. Applying this percentage to the number of adult citizens covered by Medicaid over the course of a year indicates that approximately 1.7 million U.S.-born adults who are covered by Medicaid could lose their health insurance because of the new requirement or experience delays in obtaining coverage as they attempt to secure these documents.

More than one tenth of U.S.-born adults with children who have incomes below $25,000 reported they did not have a birth certificate or passport for at least one of their children. This indicates that between 1.4 and 2.9 million children enrolled in Medicaid appear not to have the paperwork required.

Taken together, the survey indicates that Medicaid coverage could be in jeopardy for 3.2 to 4.6 million U.S.-born citizens because they do not have a U.S. passport or birth certificate readily available.

Some types of citizens would shoulder a greater risk of losing Medicaid than others because they are less likely to have the required documents. While 5.7 percent of all adults in the survey (i.e., adults at all income levels) reported they lack these documents, the percentage was larger for certain groups: African American adults: 9 percent; Senior citizens 65 or older: 7 percent; Adults without a high school diploma: 9 percent; Adults living in rural areas: 9 percent.

These data and earlier research also suggest that elderly African Americans with low incomes may experience particular difficulties because a significant number of them were never issued birth certificates.

These results are conservative as many of those who would be most likely to experience difficulty in securing these documents—such as nursing-home residents, Katrina survivors living in temporary facilities, and homeless people—were not represented in the survey. Had the survey included such people, the percentage of people likely to be harmed by the requirement would almost certainly have been found to be higher.

In California, birth certificates cost $17 and require a notarized application, or sworn statement under penalty of perjury. In addition to the added expense of notarizing, an additional $25-$50 depending on the ability of often-unscrupulous notaries to charge, making people swear under penalty of perjury is intimidating and will discourage people from applying. It takes four to six months to obtain birth certificates for newborns and if obtained in person, require travel to a different office than for duplicate copies that might be needed for adults or other children who need them. We see no flexibility in the amendments as passed to allow for families with no disposable income to obtain the birth certificates timely.

We understand that the new requirement for documentation in Medicaid is intended to prevent undocumented immigrants from declaring they are citizens and obtaining Medicaid benefits. The HHS Inspector General however found no substantial evidence that this is occurring. Instead, the principal effect of the provision would likely be to endanger health-care coverage for millions of poor U.S. citizens, because substantial numbers of native-born citizens do not have a passport or birth certificate readily available. We also anticipate the provision will add yet another barrier and have a chilling effect on the many immigrants who are federally eligible for Medicaid but may get turned away due to confusion in the rules when this is implemented in all 50 states. We support your efforts to repeal this amendment as it could have terrible consequences for all Medicaid recipients.

Sincerely,

JEANETTE ZANIPATIN,
Statewide Policy Analyst/CIWC.

THE COALITION FOR HUMANE
IMMIGRANT RIGHTS OF LOS ANGELES,
Los Angeles, CA.

Senator DANIEL KAHIKINA AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) is a multi-ethnic nonprofit coalition founded in 1986 to advance the human and civil rights of immigrants and refugees in Los Angeles; promotes harmonious multi-ethnic and multi-racial human relations; and through coalition-building, advocacy, community education and organizing, empower immigrants and their allies to build a more just society.

We are writing in support of your Senate bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program. This provision would apply to all current beneficiaries and future applicants, allowing no exceptions, even for those with serious mental or physical disabilities such as Alzheimer's disease or those who lack documents due to homelessness or a disaster such as Hurricane Katrina. About 49 million U.S.-born citizens (and two million naturalized citizens) who are covered by Medicaid over the course of a year would be required to submit these documents or forfeit their health insurance coverage. New Medicaid applicants also would have to meet this requirement.

According to a recent survey conducted by the Center on Budget and Policy Priorities and by the Opinion Research Corporation the new requirement could have large consequences on the health insurance coverage of millions of low-income U.S. citizens. Key findings from the survey include:

About one in every twelve (8 percent) U.S.-born adults age 18 or older who have incomes below $25,000 report they do not have a U.S. passport or U.S. birth certificate in their possession. Applying this percentage to the number of adult citizens covered by Medicaid over the course of a year indicates that approximately 1.7 million U.S.-born adults who are covered by Medicaid could lose their health insurance because of the new requirement or experience delays in obtaining coverage as they attempt to secure these documents.

More than one tenth of U.S.-born adults with children who have incomes below $25,000 reported they did not have a birth certificate or passport for at least one of their children. This indicates that between 1.4 and 2.9 million children enrolled in Medicaid appear not to have the paperwork required.

Taken together, the survey indicates that Medicaid coverage could be in jeopardy for 3.2 to 4.6 million U.S.-born citizens because they do not have a U.S. passport or birth certificate readily available.

Some types of citizens would shoulder a greater risk of losing Medicaid than others because they are less likely to have the required documents. While 5.7 percent of all adults in the survey (i.e., adults at all income levels) reported they lack these documents, the percentage was larger for certain groups: African American adults: 9 percent; senior citizens 65 or older: 7 percent; adults without a high school diploma: 9 percent; and adults living in rural areas: 9 percent.

These data and earlier research also suggest that elderly African Americans with low incomes may experience particular difficulties because a significant number of them were never issued birth certificates.

These results are conservative as many of those who would be most likely to experience difficulty in securing these documents—such as nursing-home residents, Katrina survivors living in temporary facilities, and homeless people—were not represented in the survey. Had the survey included such people, the percentage of people likely to be harmed by the requirement would almost certainly have been found to be higher.

In California, birth certificates cost $17 and require a notarized application, or sworn statement under penalty of perjury. In addition to the added expense of notarizing, an additional $25-$50 depending on the ability of often-unscrupulous notaries to charge, making people swear under penalty of perjury is intimidating and will discourage people from applying. It takes four to six months to obtain birth certificates for newborns and if obtained in person, require travel to a different office than for duplicate copies that might be needed for adults or other children who need them. We see no flexibility in the amendments as passed to allow for families with no disposable income to obtain the birth certificates timely.

We understand that the new requirement for documentation in Medicaid is intended to prevent undocumented immigrants from declaring they are citizens and obtaining Medicaid benefits. The HHS Inspector General however found no substantial evidence that this is occurring.

Instead, the principal effect of the provision would likely be to endanger health-care coverage for millions of poor U.S. citizens, because substantial numbers of native-born citizens do not have a passport or birth certificate readily available. We also anticipate the provision will add yet another barrier and have a chilling effect on the many immigrants who are federally eligible for Medicaid but may get turned away due to confusion in the rules when this is implemented in all 50 states. We support your efforts to repeal this amendment as it could have terrible consequences for all Medicaid recipients.

Sincerely,

JOSEPH VILLELA,
State Policy Advocate.

NATIONAL HEALTH LAW PROGRAM,
Washington, DC, February 16, 2006.

Senator DANIEL K. AKAKA,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR AKAKA, The National Health Law Program (NHeLP) supports the repeal of Section 6036 of the Deficit Reduction Act. This section requires documentation evidencing citizenship or nationality as a condition of receipt of Medicaid. The arbitrary and unnecessary documentation requirements embedded in Section 6036 will adversely and disproportionately deny medical care to elderly, minority, and rural U.S. citizens.

Currently, citizens are allowed to self-declare their citizenship under penalty of perjury when they apply for Medicaid. Proponents of Section 6036 suggest the provision will prevent immigrants from falsely obtaining Medicaid by claiming they are citizens. Yet the Office of the Inspector General of the Department of Health and Human Services conducted a comprehensive review of this subject and did not recommend new documentation requirements such as those contained in Section 3145, and the Centers for Medicare & Medicaid Services concurred in that judgment.

Rather, to the extent that Section 6036 would produce cost savings, it would do so by denying desperately needed health care coverage to many of this country's neediest native-born citizens, especially those who are African American, Native American, elderly and/or born in rural areas. For example, a study by the Center on Budget and Policy Priorities noted that approximately 1.7 million adult citizens and 1.4 to 2.9 million citizen children on Medicaid do not have a passport or birth certificate available at home. Some of these individuals cannot get a birth certificate because they were not born in hospitals. For example, a 1950 study found that one out of five African Americans lacked a birth registration. And the difficultly of obtaining the documentation, especially for those with mental disabilities, will effectively preclude eligible individuals from enrolling in Medicaid.

Even without its likely discriminatory impact, Section 6036 represents bad policy. Adding new paperwork requirements imposes unnecessary delays at a time when many need prompt medical coverage. Individuals could face long delays in getting birth certificates due to the high volume of requests that state vital statistics offices will need to field. Further, Section 6036 effectively creates an application fee for Medicaid—a passport currently costs $97.00; copies of a birth certificate can cost $5 to $23. As a result, native-born citizens poor enough to qualify for Medicaid will often be too poor to prove that they qualify because they cannot afford the required documentation.

We applaud your introduction of a bill to repeal Section 6036. Please feel free to contact Mara Youdelman at 202–289–7661 if you would like to discuss this or any other issue about which we may be of assistance.

Sincerely,

LAURENCE M. LAVIN,
Director.

WASHINGTON, DC, FEB. 21, 2006.

Senator DANIEL K. AKAKA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA: Families USA thanks you for introducing S. 2305, a bill that would remove provisions requiring Medicaid recipients to prove their citizenship by producing a passport or birth certificate, and we hope to see your proposed bill enacted into law.

We are concerned that increasing documentation requirements to access Medicaid would wrongfully block many native-born American citizens and legal immigrants that qualify for Medicaid from enrolling. In fact, 5.7% of all adults at all income levels report that they lack birth certificates or passports, and that number is even higher for African-Americans, senior citizens, Americans residing in rural areas, and foster children. The Center on Budget and Policy Priorities estimates that more than 51 million individuals would be burdened by having to produce this additional documentation. If the documentation provisions are not repealed, then otherwise eligible beneficiaries would be unable to prove their own citizenship and therefore be forced to go without health care, adding to our nation's already burgeoning pool of 46 million uninsured.

The Office of the Inspector General of the Department of Health and Human Services concluded that no evidence exists that shows that immigrants are enrolling in Medicaid by claiming to be U.S. citizens. Since government officials investigating the matter concluded that there is no problem, and since enacting any provisions that would require beneficiaries to show more documents would cost millions of dollars in increased administrative expenses to a number of government agencies, Families USA believes policies calling for more documentation to be neither prudent nor responsible uses of taxpayers' dollars.

Denying Medicaid to some of our Nation's neediest citizens in order to chase the phantom problem of illegal immigrants dubiously enrolling in Medicaid is an unacceptable inefficiency that will increase the tax burden on hard-working Americans. We appreciate your insight in correcting such a deficient policy and support your proposed legislation.

Sincerely,

RONALD F. POLLACK,
Executive Director.

CHILDREN'S DEFENSE FUND,
March 3, 2006.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA: I am writing to offer the support of the Children's Defense Fund for your bill, S. 2305, to repeal one of the harmful amendments made to Title XIX of the Social Security Act by the Deficit Reduction Act of 2005. We support the elimination of the new requirement that U.S. citizens eligible for Medicaid must confirm their citizenship by submitting a birth certificate or passport (or other naturalization papers) to receive Medicaid.

This harmful and unnecessary provision will deny health care to millions of children and adults who need it to address their health and mental health needs and who are legally entitled to it. A recent survey conducted by the Opinion Research Corporation indicates that between 1.4 and 2.9 million children could lose their Medicaid coverage because their U.S. born parents do not have birth certificates or passports for them. In California and Texas, just two of the states where CDF has offices, it is estimated that as many as 11 million individuals could be denied health care because of this requirement.

While this provision was intended to prevent immigrants who are not eligible for Medicaid from receiving it illegally, the Centers for Medicare and Medicaid Services and the Office of the Inspector General agree that there is no substantial evidence that immigrants are attempting to obtain Medicaid by falsely attesting to their citizenship.

S. 2305 will help spare children and adults, who need health and mental health care, from having to navigate through additional red tape to receive benefits from the Medicaid program. We applaud your effort to take a step forward in making affordable health care available to those who need it.

The Children's Defense Fund looks forward to working with you to ensure that all children receive health care without the unwanted burden of producing unnecessary documentation.

Sincerely,

MARIAN WRIGHT EDELMAN.

WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, March, 3, 2006.

Re NAACP support for S. 1580, the Healthcare Equality and Accountability Act

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA. On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grassroots civil rights organization. I am writing to let you know that at our recent Annual Meeting we passed a resolution expressing our strong support of S. 1580, the Healthcare Equality and Accountability Act.

The fact of the matter is that huge discrepancies remain in health care in the United

States today. The quality and quantity of health care services you receive depends greatly upon your racial or ethnic background, the make-up and location of the community in which you live, and your economic status. Currently, one seventh of all Americans, 42 million people, lack insurance and suffer unnecessary illness and premature death; a disparate number of these people are racial or ethnic minority Americans.

Despite being first in spending, the World Health Organization has ranked the United States 37th among all nations in terms of meeting the health care needs of its people. Furthermore, despite the numerous advances that have been made in health care over the decades, racial and ethnic minority Americans continue to suffer disproportionately from many severe health problems and have higher mortality rates than whites for many treatable health conditions. Diabetes strikes African Americans 70% more often than Caucasian Americans; Hispanic Americans twice as often as whites; the diabetes rate for Native Americans is even higher, striking members of this community 180% more often than Caucasian Americans. African Americans are 40% more likely to die from coronary heart disease and 35% more likely to die from cancer than Caucasian Americans.

It is because of these glaring disparities, the NAACP strongly supports the efforts of the Congressional Black Caucus, the Congressional Hispanic Caucus and the Congressional Asian/Pacific Islander Caucus to address these problems with the introduction of comprehensive legislation which expands health care access, improves health care quality, strengthens key academic institutions and research centers, and bolsters the health care infrastructure in underserved communities.

Given the importance of this legislation, and the NAACP's historic mission to eliminate racial disparities wherever they exist and to promote affordable, adequate health care among racial and ethnic minorities it is our honor, as well as our duty as some might argue, to support this legislation in the strongest terms possible. Thus the NAACP is committed to using all of our available resources to see this bill's quick enactment.

Thank you for your leadership in this area; I look forward to working with you toward our common goal. Should you have any questions, please feel free to contact us.

Sincerely,

HILARY O. SHELTON,
Director.

AMERICAN PUBLIC
HEALTH ASSOCIATION,
Washington, DC, March 7, 2006.

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the American Public Health Association (APHA), the oldest, largest and most diverse organization of public health professionals in the world, dedicated to protecting all Americans and their communities from preventable, serious health threats and assuring community-based health promotion and disease prevention activities and preventive health services are universally accessible in the United States, I write in support of S. 2305. This legislation would repeal the provision of the Deficit Reduction Act of 2005 that would require documentation evidencing citizenship or nationality as a condition for being enrolled in the Medicaid program.

APHA strongly supports efforts to reverse the cuts and changes to the Medicaid program included in the Deficit Reduction Act of 2005 that jeopardize the health of our nation's most vulnerable, including Medicaid beneficiaries. Several Medicaid reforms included in the bill have unintended and severe consequences and will not result in the projected cost savings. Of note is the provision in the legislation that requires individuals to present citizenship or residency documentation in order to enroll in the Medicaid program. Although not its intent, this provision is expected to have a devastating impact on the health coverage and status of native-born citizens who are in every way eligible for the Medicaid program.

Citizenship and verification requirements in Medicaid and the State Children's Health Insurance Program have been proven to reduce enrollment in the programs among the eligible population. The provision included in the Deficit Reduction Act of 2005 that would require individuals to present documentation proving citizenship or nationality in order to enroll in the Medicaid program is expected to cause thousands of Medicaid beneficiaries who are native-born citizens but do not have a birth certificate or passport in their possession to join the country's uninsured ranks. This provision will likely exacerbate existing racial/ethnic and rural/urban health disparities, as it is expected to disproportionately affect elderly African Americans, individuals residing in rural areas and Katrina survivors, many of whom were not born in a hospital or lost such documentation during Hurricane Katrina or other life tragedies. Also, Medicaid beneficiaries and applicants with mental disorders will likely be adversely affected, as the provision did not include exceptions for any populations, including those with severe physical or mental impairments such as Alzheimer's disease.

Therefore, there is the need to now take a vital step to protect the public's health and repeal this harmful provision included in the Deficit Reduction Act of 2005. We thank you for taking a leadership role in doing so, and look forward to working with you as this legislation moves forward.

Sincerely,

GEORGES C. BENJAMIN,
Executive Director.

LIHEAP FUNDING

Mr. FEINGOLD. Mr. President, I am pleased that the Senate has finally passed legislation to help hard-working families that have been grappling with skyrocketing energy costs for far too long. My colleagues from Maine and Rhode Island, Senators SNOWE and REED, have worked diligently to get LIHEAP legislation to the Senate floor and I thank them for their commitment. I must note, however, that the funding approved by the Senate yesterday is too little, too late. As we move forward with the appropriations process for fiscal year 2007, I will be urging my colleagues to fund the LIHEAP program at its fully authorized level so that next year my constituents don't again find themselves struggling to pay record heating bills while Congress turns a blind eye.

I would also like to respond to some of the concerns that I have heard a handful of my colleagues make during debate on whether we should increase the amount of LIHEAP funding available. A few members have spoken about the problem of earmarks and the need for responsible Government spending. I share concerns over earmarking and welcome the opportunity to work together on this issue so that we can look the public in the face and say that their tax dollars are being spent on the most meritorious projects. Increasing LIHEAP funding is not about earmarks—it is about helping our citizens with immediate and urgent needs.

AVIAN INFLUENZA IN AFRICA

Mr. FEINGOLD. Mr. President, the avian influenza, H5N1, virus has recently been detected for the first time in Nigeria. International health officials have long warned about the potential danger of avian flu spreading throughout the African continent, and it appears we are now one step closer to this danger becoming a reality.

While the threat of avian influenza is global, and needs to be addressed here in the United States, it is of particular concern in Africa. Many governments in Africa are unequipped to effectively deal with an outbreak, which requires early detection, quarantining, and culling of affected bird populations. And although there are no reports yet of humans contracting the disease in Nigeria, recent cases in Turkey and Iraq underscore the danger for people who live in close proximity to poultry, as is the case throughout much of Africa. In areas where birds, livestock, and people are in close contact, the risk of the virus mutating into a strain that can be transmitted between humans is increased. Additionally, immunocompromised individuals may be more susceptible to the disease, and it is unclear what effect avian influenza could have on populations already ravaged by HIV/AIDS, malaria, and other diseases. Finally, the already overburdened or underdeveloped health infrastructure in much of Africa may find itself unable to cope with a pandemic.

Avian flu is an international danger to which no country in the world is immune. While much attention has been paid to the problem in Asia, I am concerned that the international community has not prepared sufficiently for an outbreak in Africa. Particularly worrisome is the amount of time it apparently took for the outbreak in Nigeria—a member of the recently formed West African Network on Avian Influenza, and presumably better prepared than many other African nations to deal with the threat of avian influenza—to be reported to international health authorities.

It is essential that the administration develop a plan for managing a wide-scale outbreak of avian influenza in Africa, as well as developing contingency plans relating to the impact that an outbreak of avian influenza may have diplomatically, economically, and security-wise in each major region of the continent. I also urge the administration to develop plans to support organizations like the African Union to develop information-sharing mechanisms and a clearinghouse of information related to initial reporting, initial impact, mitigation efforts, and management mechanisms to prevent the spread of the virus, beyond the initial efforts that have been made through the International Partnership on Avian and Pandemic Influenza.

Additionally, the administration should identify particularly vulnerable regions or countries, and provide detailed plans for how the international community can support efforts in these regions or countries through both bilateral and multilateral mechanisms to help mitigate or alleviate the potential impact of avian flu.

Assisting the countries of Africa in preventing more widespread transmission of the deadly H5N1 virus should be a critical priority. It is in the interest of millions of the world most vulnerable populations in some of the poorest countries, and it is also in our interest that we help prepare regions like Africa to head off a humanitarian tragedy that could easily spread to our own backyards.

CHILDREN AND MEDIA RESEARCH ADVANCEMENT ACT

Mrs. CLINTON. Mr. President, I thank Chairman ENZI and Senator KENNEDY for placing S. 1902, the Children and Media Research Advancement Act CAMRA, on the calendar today. I appreciate their commitment to the health and welfare of children. I also want to thank the co-sponsors of this bill, Senators LIEBERMAN, BROWNBACK, SANTORUM, BAYH, and DURBIN for being such leaders on this issue, and my fellow Senators on the HELP Committee for their support for this legislation. In addition, I thank two groups, Common Sense Media and Children Now, for raising awareness of the effect media has on children's development. And finally, I express thanks to two researchers, Dr. Michael Rich of the Center for Media and Child Health at Harvard University Medical School, and Dr. Sandy Calvert of the Children's Digital Media Center at Georgetown University. Both Dr. Rich and Dr. Calvert have been great advocates for CAMRA. I thank them for sharing their expertise and support.

Last year the Kaiser Family Foundation released a report showing dramatic changes in the way young people consume media, and confirming that children use electronic media an extraordinary amount. On average, children are spending 45 hours a week—more than a full-time job—with media.

Young people today are not just watching television or playing video games, they are increasingly "media multi-tasking," using more than one medium at a time and packing a growing volume of media content into each day. According to Kaiser, a full quarter of the time children are using media, they are using more than one type at once.

This new pattern of media consumption presents twin challenges. Parents face new obstacles to monitoring their children's media consumption. And children are exposed to a media environment with an unknown impact.

That is why the CAMRA Act—the Children and the Media Research Advancement Act—is so important. This bill will create a single, coordinated research program at the Center for Disease Control. It will study the impact of electronic media on children's—including very young children and infants'—cognitive, social and physical development.

The CAMRA Act will help answer critical questions about the myriad effects media has on childhood development. One area we need to look at particularly is the effect of exposure to media on infants. Research tells us that the earliest years of a child's life are among the most significant for his or her brain development. But we need to know what forms of media—if any—contribute to healthy brain development for babies. Is it OK to put a baby down in front of the TV? Are videos helpful or harmful when it comes to children's cognitive and emotional development? Today we don't know.

In December the Kaiser Foundation published a report finding "no published studies on cognitive outcomes from any of the educational videos, computer software programs, or video game systems currently on the market for children ages 0–6." These products are more and more popular. You can see them marketed to new parents everywhere. We should know what their effect is on young children and infants.

The CAMRA Act will also spur research on the effect of media on children's physical development. Since 1980, the proportion of overweight children has doubled and the rate for adolescents has tripled. During that same time period, the number of advertisements for unhealthy food that children see annually has exploded.

In the 1970s, children saw 20,000 commercials a year. Today, they see 40,000. Is this a coincidence or is there a direct link? We need answers to these questions. In December, the Institute of Medicine called for "sustained, multidisciplinary work on how marketing influences the food and beverage choices of children and youth." CAMRA will help get us there.

The bill I introduced with Senators LIEBERMAN, BROWNBACK, SANTORUM, BAYH, and DURBIN included pilot projects to look at the effect of media on young children, and to look at food marketing and obesity. Although those projects were not included in this manager's package, I continue to be very pleased with the bill. It's a step forward for children. And I look forward to working with my colleagues in other venues to ensure that the pilot projects get done.

But CAMRA is just one step. We need to do more so children grow up in a safe media environment. In December Senators LIEBERMAN, BAYH, and I introduced S. 2126, the Family Entertainment Protection Act, which would prevent children from buying and renting ultra violent and pornographic video games.

There is enough research out there now to show conclusively that playing violent video games has a negative effect on youth. We know that these games are damaging to children. We need to take the decision to buy them out of the hands of children and put that decision back in the hands of parents. That is what S. 2126 would do, and I look forward to working with my colleagues in the Senate to move that bill.

I am so pleased that we are taking this step forward today with CAMRA, and I am hopeful that it will be speedily approved by the full Senate. It is one step to ensure that children in America grow up safely.

INTERNATIONAL EDUCATION AND FOREIGN LANGUAGE STUDIES

Mr. SARBANES. Mr. President, I take this time to draw to the attention of my colleagues a significant report, released on February 9, 2006 in Washington, DC, by the Committee for Economic Development, CED, a group of some 200 business leaders and several university presidents.

The CED statement, "Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security", asserts that the United States will be less competitive in the global economy because of a shortage of strong foreign language and international studies programs in our colleges and high schools and warns, too, that the lack of Americans educated in foreign languages and cultures is hampering efforts to counter terrorist threats.

The cochairs of the CED subcommittee that produced the report are Charles E.M. Kolb, President of CED; Alfred T. Mockett, CED trustee, former chairman and CEO, CGI-AMS, Inc.; and another CED trustee, Dr. John Brademas, president emeritus of New York University and former Member—1959–1981—of the U.S. House of Representatives from Indiana.

Dr. Brademas brought long and distinguished experience to his responsibilities as cochair of the CED subcommittee. A member of the House of Representatives from 1959 to 1981, he served throughout those years on the House Committee on Education and Labor and for 10 years chaired its Select Subcommittee on Education. He played a major role in writing the landmark education legislation of that period, including the Elementary and Secondary School Act and the Higher Education Act, and he was the author of the International Education Act of 1966.

The recommendations in the CED Report include teaching international content across the curriculum and at all levels of learning, to expand American students' knowledge of other countries and cultures; expanding the training pipeline at every level of education to address the paucity of Americans fluent in strategic languages, especially critical, less commonly taught languages; national leaders—political leaders as well as the business and philanthropic communities and the media—should educate the public about the importance of improving education in languages other than English and in international studies.

Mr. President, I ask unanimous consent to have printed in the Record the remarks of Dr. Brademas on the CED report, "Education for Global Leadership."

There being no objection, the material was ordered to be printed in the Record, as follows:

EDUCATION FOR GLOBAL LEADERSHIP: THE IMPORTANCE OF INTERNATIONAL STUDIES AND FOREIGN LANGUAGE EDUCATION FOR U.S. ECONOMIC AND NATIONAL SECURITY: OF CED, THE COMMITTEE FOR ECONOMIC DEVELOPMENT

The opportunity to serve as a co-chair of the Subcommittee of the Committee for Economic Development (CED) that produced a report entitled, Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security, has enabled me to champion anew what has been a passion of mine from childhood.

Son of a Greek immigrant father and a Scots-English-Irish mother, I read a book in elementary school in Indiana about the Mayas, decided I wanted to become a Mayan archaeologist, started learning Spanish, as a highschooler hitchhiked to Mexico, as a Harvard undergraduate spent a summer working with Aztec Indians in rural Mexico, wrote my college honors essay on a Mexican peasant movement and, four years later, at Oxford University, my Ph.D. dissertation on the anarchist movement in Spain.

Although I studied anarchism, I did not practice it! In 1958 I was first elected to Congress, and then ten times reelected, serving, therefore, for twenty-two years.

In 1961, as a member of the House Committee on Education and Labor, I visited Argentina to study how colleges and universities in Latin America could contribute to President Kennedy's "Alliance for Progress".

I made other trips to Latin America—Cuba, Peru, Panama, Colombia, Venezuela—honing my Spanish and learning more about the Spanish-speaking Americas.

In 1981 I became president of New York University, where, two years later, I awarded an honorary degree to King Juan Carlos I of Spain, announced a professorship in his name and in 1997, in the presence of Their Majesties, the King and Queen Sofía, and of the then First Lady of the United States, now Senator Hillary Rodham Clinton, dedicated the King Juan Carlos I of Spain Center at NYU for the study of the economics, history and politics of modern Spain.

All this was the result of my having, in South Bend, Indiana, read a book about the Mayas when I was a schoolboy!

So I know what early exposure to another culture, another country, another language has meant in my own life.

INTERNATIONAL EDUCATION ACT OF 1966

Indeed, while in Congress, I wrote the International Education Act of 1966, to provide grants to colleges and universities in the United States for the study of other countries and cultures. President Lyndon Johnson signed the bill into law but Congress failed to appropriate the funds to implement it.

And I believe that among the reasons—I do not say the only one—the United States suffered such loss of lives and treasure in Vietnam and does now in Iraq is ignorance—ignorance of the cultures, histories and languages of those societies.

I add that the tragedies of 9/11, Madrid, London, Bali and Baghdad must bring home to us as Americans the imperative, as a matter of our national security, of learning more about the world of Islam.

Here I note that only one year ago, the US Department of Defense, recalling the launch by the Soviet Union of Sputnik in 1957, brought together leaders from government, the academy and language associations to produce a "call to action for national foreign language capabilities". There was then—and still is—particular concern about our lack of Arabic speakers.

But it is not only for reasons of national security that we must learn more about countries and cultures other than our own. Such knowledge is indispensable, too, to America's economic strength and competitive position in the world.

The marketplace has now become global. Modern technology—the Internet, for example—has made communication and travel possible on a worldwide basis. In the last few years, I myself have visited Spain, England, Greece, Jordan, Morocco, Cuba, Kazakhstan, Japan, Turkey and Vietnam.

New York Times columnist Tom Friedman has eloquently spelled out the impact of globalization on culture, politics, science and history in his book, The World Is Flat.

GLOBAL STUDIES AT NYU

Reflecting on my commitment to international education, during my presidency of NYU, my colleagues and I established a Center for Japan-U.S. Business & Economic Studies, a Casa Italiana Zerilli-Marimò, Onassis Center for Hellenic Studies, the Eric Maria Remarque Institute for European studies, Skirball Department of Hebrew and Judaic Studies, and King Juan Carlos I of Spain Center, and we are now planning a Center for Dialogue with the Islamic world.

I add that NYU also has campuses abroad—in London, Paris, Florence, Madrid, Prague and now, Ghana. The Institute of International Education reported a few weeks ago that in 2003–04, NYU sent more students to study abroad than any other American college or university. And next fall, NYU will offer a study abroad site in Shanghai, the first for a large American university there.

I call your attention in this respect to the report issued last year, Global Competence and National Needs: One Million Americans Studying Abroad. Produced by the Commission on the Abraham Lincoln Study Abroad Fellowship Program.

The report calls for sending one million students from the United States to study abroad annually in a decade.

I add that New York University ranks fifth on the list for hosting students from other countries.

I continue to be deeply dedicated to international education at the college and university level.

But I do not think we should wait until students go to college to begin learning about other countries and learning languages other than English.

We should start in grade school and, where possible, even at the pre-school level.

Now if as a Member of Congress and as president of New York University, I pressed for more study of other countries, cultures and languages, I continued—and continue—to do so wearing other hats.

Appointed, by President Clinton, chairman of the President's Committee on the Arts and the Humanities, which in 1997 produced a report, Creative America, with recommendations for generating more support, public and private, for these two fields in American life, I was pleased that our Committee recommended that our "schools and colleges . . . place greater emphasis on international studies and the history, languages and cultures of other nations."

President Clinton and then First Lady Hillary Rodham Clinton accepted our Committee's recommendation to hold a White House Conference on "Culture and Diplomacy".

NATIONAL ENDOWMENT FOR DEMOCRACY

As for seven years, chairman of the National Endowment for Democracy, the federally financed agency that makes grants to private groups struggling to build democracy in countries where it does not exist, I had another exposure to the imperative of knowing about other countries and cultures.

I continue that interest through service on the US-Japan Foundation, US-Spain Council, World Conference of Religions for Peace, Center for Democracy and Reconciliation in Southeast Europe, Council for a Community of Democracies as well as on the Advisory Councils of Transparency International, the organization that combats corruption in international business transactions, and by chairing the American Ditchley Foundation, which helps plan meetings on all manner of subjects at Ditchley Park, a conference center outside Oxford, England.

I'm also vice chair of the Advisory Council of Americans for UNESCO, an organization that shares our concerns today, led by its president, Richard T. Arndt, veteran of the United States Information Agency and author of a recent book, The First Resort of Kings: American Cultural Diplomacy in the Twentieth Century.

Last Fall I spoke in Ottawa on the fifteen anniversary of the Canada-U.S. Fulbright program, and I have been asked to take part this year in conferences in the Czech Republic, Guatemala, Greece, Japan, Turkey and Rwanda.

So you will, with these words of personal background, understand my enthusiasm for this CED report, and I want to congratulate the other co-chairs of the Subcommittee, Charlie Kolb and Alfred Mockett, as well as the CED staff who did such outstanding work in preparing it—Daniel Schecter, Donna Desrochers and Rachel Dunsmoor.

MAJOR RECOMMENDATIONS OF THE CED REPORT

Here I want only to reiterate the major recommendations of our CED report:

1. That "international content be taught across the curriculum and at all levels of learning, to expand American students' knowledge of other countries and cultures."

2. That we expand "the training pipeline at every level of education to address the paucity of Americans fluent in foreign languages, especially critical, less commonly taught ones such as Arabic, Chinese, Japanese, Korean, Persian/Farsi, Russian and Turkish.

3. That "national leaders—political leaders, as well as the business and philanthropic communities and the media—educate the public about the importance of improving education in foreign languages and international studies."

The report we release today contains concrete proposals for action, especially for programs financed by the Federal Government, with specific recommendations for appropriations to implement our proposals.

Here I want to make a crucial point. We must put our money where our recommendations are!

I reiterate that the failure of Congress forty years ago to vote the funds to carry out the provisions of the International Education Act, a measure to achieve many of the purposes articulated in this CED report, meant a loss to the nation we should not repeat.

FUNDS FOR INTERNATIONAL EDUCATION, FOREIGN LANGUAGE STUDIES

Accordingly, we should examine with care the budget recommendations of President Bush for Fiscal 2007 for programs to strengthen international education and foreign language studies even as we must follow tenaciously the response of Congress.

I was very pleased in this respect that last month President Bush told a group of U.S. university presidents of his proposal to strengthen foreign language study, particularly Arabic and other critical languages.

The President spoke of a "National Security Language Initiative" and asked for $114 million in Fiscal 2007 as "seed money" to establish critical language instruction in grade schools, support college-level language courses and create a national corps of "reserve" linguists who could serve in times of need.

Although an encouraging sign, as The New Republic said last month (January 23, 2006), "[I]t remains to be seen whether the lightly funded initiative will be anything more than symbolic."

Now we must be sure that Congress votes even this modest amount of money to carry out this promise and, indeed, do much better!

For as the final sentence of our CED report declares, "Our national security and our economic prosperity ultimately depend on how well we educate today's students to become tomorrow's global leaders."

Amen!

ADDITIONAL STATEMENTS

TRIBUTE TO ELIZABETH AMERICO

• Mr. LIEBERMAN. Mr. President, I rise today to honor a truly extraordinary young student from Connecticut. Elizabeth Americo of Guilford has recently been selected as one of Connecticut's two honorees in the 2006 Prudential Spirit of Community Awards. This honor, is given to only one high school student and one junior high school student in each state as well as the District of Columbia. A quick look at Elizabeth's record of community service shows her to be truly deserving of such recognition.

Elizabeth, who is 17 years old and a junior at Guilford High School, is the founder and president of Students for Health and Social Justice, a club at her school that is dedicated to raising awareness and funds to assist needy people both in the United States and abroad.

Elizabeth was first inspired to become involved in volunteer work by her older brother's work with impoverished Haitians. Upon arriving at Guilford High School her freshman year, Elizabeth decided she wanted to share her passion for helping others with her fellow students. The result was Students for Health and Social Justice, which now boasts 21 members who meet regularly to discuss poverty and community health issues around the world and plan both awareness, and fundraising, events to address these issues. With hard work, creativity, and a deep commitment to helping others, the club has sponsored dances and other events to help raise money for health care programs in Haiti, relief aid for tsunami victims, UNICEF, and other causes. Elizabeth and her fellow club members have also not forgotten about the needy in their local community, organizing an impressive four-school-strong food drive for a local soup kitchen.

Elizabeth's extensive record of volunteer service, done at such a young age, serves as an inspiring example to all of us about the difference we can make in our communities if we are willing to put in the time and energy. It is young people such as Elizabeth that give me great hope for the future of our country.

In recognition of her achievements, Elizabeth will be invited to Washington in early May with the 101 other 2006 Spirit of Community honorees from across the country who were selected from a pool of several thousand nominees. While in Washington, 10 of the honorees will be selected as America's top youth volunteers of the year by a distinguished national selection committee cochaired by 2 of my distinguished colleagues, Senator TIM JOHNSON of South Dakota and Senator SAXBY CHAMBLISS of Georgia.

I wish Elizabeth the best of luck, both with this award and in all her future endeavors. I would like to end my remarks, Mr. President, by taking the time to thank Elizabeth Americo for the good work she has done and the work I am sure she will continue to do in the future.•

HONORING ELEANOR L. RICHARDSON

• Mr. ISAKSON. Mr. President, today I mourn the passing and pay tribute to a wonderful Georgian, a great leader, and a personal friend of mine. The Honorable Eleanor Richardson passed away on February 21, 2006, leaving a tremendous void in the hearts of all who knew and loved this extraordinary woman.

A long-time resident of Decatur, GA, she was involved in Civic Organizations such as the League of Women Voters, serving as the president of the Dekalb League and then the Georgia League. It was during this time that a friend urged her to run for a vacant seat in the Georgia General Assembly, thus beginning her memorable political career.

From 1975 until 1991, she served with great distinction as one of the first female members in the Georgia House of Representatives, and I was privileged to serve with her for many of those years. She gained an impeccable reputation as a faithful advocate for her district and a determined voice of the voiceless. Eleanor's legislative priorities included issues related to the welfare of children, women, the elderly and the homeless. She had an unwavering commitment to justice and equality.

Eleanor was respected by her colleagues on both sides of the aisle for her determined leadership. She served on several key House committees, including the Appropriations Committee, the Health and Ecology Committee and the State Planning and Community Affairs Committee, where she served as chair of the local legislation subcommittee.

After retiring from public office, Eleanor was appointed to the newly founded Georgia Commission on Women in 1992 and served as its first vice chair. She remained a tireless servant to her community and to the State through her work on countless other boards and advocacy organizations. For over 45 years, she was a faithful and beloved member of Glenn Memorial United Methodist Church, highly active both in the local church and in her denomination.

Eleanor leaves behind a loving and devoted family, including her husband, Merlyn Eldon Richardson; her daughter, Merlyn Richardson Nolan; her two grandsons, Gaillard Ravenel Nolan, Jr., and Merlyn Richardson Nolan; and her two great-grandchildren, Hadley Jane Nolan and Parker Richardson Nolan.

This strong-willed and generous woman devoted her entire life to serving others, and she will always be remembered for her compassion, integrity, fairness and unshakable commitment to creating a fair and just society. She touched the lives of many Georgians, including this Senator, through her efforts on behalf of our community.

It was an honor to know and to serve in the Georgia House with Eleanor Richardson, and it is a privilege to be in this Senate and pay tribute to her great life.●

TRIBUTE TO JACK APPLEBAUM

● Mr. LIEBERMAN. Mr. President, I rise today to honor a truly extraordinary young student from Connecticut. Jack Applebaum of Greenwich has recently been selected as one of Connecticut's two honorees in the 2006 Prudential Spirit of Community Awards. This honor is given to only one high school student and one junior high school student from each state as well as the District of Columbia. A quick look at Jack's record of community service shows him to be truly deserving of such recognition.

Jack, who is 13 and an eighth-grader at Central Middle School in Greenwich, is a founding member of his school's chapter of Building with Books, a national organization that raises money to build schools in developing countries. Jack learned about the organization and its mission in class and, in his own words, "I was hooked right away." After learning that four-fifths of the world is illiterate, Jack decided "I wanted to make this number smaller."

Instead of just talking about the problem, Jack decided to do something about it. He played a leading role in forming the Building with Books chapter at Central Middle School, helping to attract members to the club, setting goals, and putting together fundraisers. During its first year, the club hosted school parties and ran an afterschool snack cart that helped to raise over $4,000 to help build a school in Mali. The club also performed other good works, such as making blankets for children in Africa and visiting nursing home residents during the holidays.

It is really impressive, how much community service Jack has performed at such a young age. I attribute this to the remarkable attitude he has demonstrated with his work. When Jack learned about the problem of widespread illiteracy in the world, his immediate response was to do something about it. He rolled up his sleeves and went to work. His hard work and willingness to sacrifice his time and effort for others serves as an inspiration for people of all ages. It is young people such as Jack that give me such great hope in the future of our country.

In recognition of his achievements, Jack will be invited to Washington in early May with 101 other 2006 Spirit of Community honorees from across the country who were selected from a pool of several thousand nominees. While in Washington, 10 of the honorees will be selected as America's top youth volunteers of the year by a distinguished national selection committee cochaired by 2 of my distinguished colleagues. Senator TIM JOHNSON of South Dakota and Senator SAXBY CHAMBLISS of Georgia.

I wish Jack the best of luck, both with this award and in all his future endeavors. I would like to end my remarks, Mr. President, by thanking Jack Applebaum for the all of his volunteer service and all of the volunteer service I am sure he will continue to perform in the future.●

TRIBUTE TO RONALD H. FRANCIS OF COBB COUNTY, GEORGIA

● Mr. ISAKSON. Mr. President, I rise today to honor in the RECORD of the Senate my friend Ron Francis, who is a great Georgian, a great American, and a great citizen of Cobb County. I honor Ron upon his retirement from the Bank of North Georgia after 37 remarkable years in the banking industry and for his many contributions to the quality of life in Cobb County, Georgia.

Ron received a bachelor of arts degree in sociology from Eckerd College and an MBA in finance from Georgia State University. He entered the field of banking in 1969 with Trust Company bank of Atlanta, now SunTrust. Following 5 years at SunTrust, he joined the former First Bank & Trust Co. as executive vice president, where he served for 9 years. In 1983, Ron was an organizing director, president and CEO of The Chattahoochee Bank, serving there for 6 years. In 1989, he joined Charter Bank & Trust Co. during its inaugural year and served as its president and CEO for 15 years. Charter Bank, along with Mountain National Bank, joined Bank of North Georgia in July 2004, where Ron now serves as vice chairman.

In addition to his impressive career in community banking, Ron has a long history of community involvement in my hometown of Marietta, GA, where he is a well-respected and dedicated leader. He currently serves on the board of directors of the Marietta Redevelopment Corporation and the Marietta Country Club. He is a trustee of the Kennesaw State University Foundation and an executive committee member of the Georgia Council on Economic Education. Ron is also a member of the Chairman's Club of the Cobb Chamber of Commerce and the Governor's Board of Leadership Cobb.

In 2004, Ron was named "Marietta Citizen of the Year" by the Cobb Chamber of Commerce, and in 1997–1998 he served his professional peers and industry as chairman of the Georgia Bankers Association. As a businessman, Ron Francis personifies the values of honesty and hard work.

Retirement may not be the appropriate announcement because Ron has not "retired" from his commitment to his community, and he hopefully never will. He also will continue to serve the Bank of North Georgia as a consultant.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the U.S. Senate the contributions of Ronald H. Francis to the city of Marietta, Cobb County, and the State of Georgia.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2271. An act to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

H.R. 3199. An act to extend and modify authorities needed to combat terrorism, and for other purposes.

At 1:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3934. An act to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the "Gerard A. Fiorenza Post Office Building".

H.R. 4054. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office".

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 32) to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks".

At 4:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1053. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

The message also announced that pursuant to 10 U.S.C. 6968(a), and the order of the House of December 18, 2005, the Speaker appoints the following member of the House of Representatives to the Board of Visitors to the United States Naval Academy to fill the existing vacancy thereon: Mr. KLINE of Minnesota.

ENROLLED BILLS SIGNED

At 4:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building".

H.R. 32. An act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

H.R. 1287. An act to designate the facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, as the "Robert T. Ferguson Post Office Building".

H.R. 2113. An act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building".

H.R. 2346. An act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the "John J. Hainkel Post Office Building".

H.R. 2413. An act to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building".

H.R. 2630. An act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the "J.M. Dietrich Northeast Annex".

H.R. 2894. An act to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the "Abraham Lincoln Birthplace Post Office Building".

H.R. 3256. An act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building".

H.R. 3368. An act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the "Gagetown Veterans Memorial Post Office".

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office".

H.R. 3548. An act to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building".

H.R. 3703. An act to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schafer Post Office Building" .

H.R. 3770. An act to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building".

H.R. 3825. An act to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building".

H.R. 3830. An act to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building".

H.R. 3989. An act to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert H. Quie Post Office".

H.R. 4053. An act to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office".

H.R. 4107. An act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building".

H.R. 4152. An act to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office".

H.R. 4295. An act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the "Mont and Mark Stephensen Veterans Memorial Post Office Building".

H.R. 4515. An act to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the "Corporal Jason L. Dunham Post Office".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3934. An act to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the "Gerard A. Fiorenza Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4054. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1053. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 8, 2006, she had presented to the President of the United States the following enrolled bill:

S. 2271. An act to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5953. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to funding an additional project (enhanced blast tandem warhead) for the Foreign Comparative Testing (FCT) Program for Fiscal Year 2006; to the Committee on Armed Services.

EC-5954. A communication from the Acting Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, the annual report on entitlement transfers of basic educational assistance to eligible dependents under the Montgomery GI Bill; to the Committee on Armed Services.

EC-5955. A communication from the Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), transmitting, pursuant to law, a report relative to the open detonation of six munitions that were suspected of containing a chemical agent by Explosive Ordnance Disposal personnel assigned to the 22d Chemical Support Battalion; to the Committee on Armed Services.

EC-5956. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report on the quality of health care provided by the health care programs of the Department of Defense during Fiscal Year 2004; to the Committee on Armed Services.

EC-5957. A communication from the Assistant Secretary of the Navy (Financial Management and Comptroller), transmitting, pursuant to law, the report of advanced billing $197 million against customer orders commencing January 26, 2006; to the Committee on Armed Services.

EC-5958. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "Warranty Claims Recovery Pilot Program—January 2006"; to the Committee on Armed Services.

EC-5959. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE; Revision of Participating Providers Reimbursement Rate; TRICARE Dental Program" (RIN0720-AA92) received on March 7, 2006; to the Committee on Armed Services.

EC-5960. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Minimum Blowout Prevention System Requirements for Well-Workover Operations Performed Using Coiled Tubing with the Production Tree in Place" (RIN1010-AC96) received on March 7, 2006; to the Committee on Energy and Natural Resources.

EC-5961. A communication from the Secretary of Energy, transmitting, pursuant to law, the U.S. Department of Energy Fleet

Alternative Fuel Vehicle Acquisition Report, Compliance with EPAct and E.O. 13149 in Fiscal Year 2005; to the Committee on Energy and Natural Resources.

EC–5962. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the benefits of enhanced demand response in electricity markets; to the Committee on Energy and Natural Resources.

EC–5963. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report entitled "The President's Emergency Plan for AIDS Relief: Report on Refugees and Internally Displaced Persons"; to the Committee on Foreign Relations.

EC–5964. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an annual review of programs and projects of the International Atomic Energy Agency (IAEA); to the Committee on Foreign Relations.

EC–5965. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock from the Aleutian Islands Subarea to the Bering Sea Subarea" (I.D. No. 020606A) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5966. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program" (I.D. No. 020606B) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5967. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Yellowtail Flounder Landing Limit" (I.D. No. 010606A) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5968. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Closure of Quarter IV Fishery for Loligo Squid" (I.D. No. 020306B) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5969. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Continuation of the Current Prohibition on the Harvest of Certain Shellfish from Areas Contaminated by the Toxin that Causes Paralytic Shellfish Poisoning" (RIN0648–AT48) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5970. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the 2006 and 2007 Fishing Quotas for Ocean Quahogs" (RIN0648–AT85) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5971. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the 2006 Specifications for the Summer Flounder, Scup, and Black Sea Bass Fisheries and to Amend the Black Sea Bass Regulations" (RIN0648–AT27) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5972. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Clarification to the Export Administration Regulations; General Order to Implement the Syria Accountability and Lebanese Sovereignty Act" (RIN0694–AD68) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5973. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Change in Definition of Head of the Contracting Activity" (RIN2700–AD21) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Kent D. Talbert, of Virginia, to be General Counsel, Department of Education.

*Michell C. Clark, of Virginia, to be Assistant Secretary for Management, Department of Education.

*Edwin G. Foulke, Jr., of South Carolina, to be an Assistant Secretary of Labor.

*Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

*Jean B. Elshtain, of Tennessee, to be a Member of the National Council on the Humanities for the remainder of the term expiring January 26, 2010.

*Allen C. Guelzo, of Pennsylvania, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

*Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring August 30, 2010.

*George Perdue, of Georgia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 5, 2006.

*Anne-Imelda Radice, of Vermont, to be Director of the Institute of Museum and Library Services.

*Craig T. Ramey, of West Virginia, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Sarah M. Singleton, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2008.

*Horace A. Thompson, of Mississippi, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2011.

Mr. ENZI. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Public Health Service nomination of Leah Hill to be Senior Assistant Surgeon.

*Public Health Service nominations beginning with Gregory A. Abbott and ending with Carl A. Huffman III, which nominations were received by the Senate and appeared in the Congressional Record on September 28, 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LOTT (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. VITTER, Mr. SESSIONS, and Mr. SHELBY):

S. 2384. A bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing and provide a portion of the revenues from that leasing to producing States and coastal political subdivisions; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 2385. A bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability; to the Committee on Armed Services.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 2386. A bill to suspend temporarily the duty on 1-Flouro-2-nitrobenzene; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2387. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pikes Peak Region of Colorado; to the Committee on Veterans' Affairs.

By Mr. VOINOVICH (for himself, Mr. CARPER, and Mrs. CLINTON):

S. 2388. A bill to establish a National Commission on the Infrastructure of the United States; to the Committee on Environment and Public Works.

By Mr. ALLEN (for himself, Mr. STEVENS, Mr. INOUYE, Mr. BURNS, Mr. WARNER, Mr. SANTORUM, Mr. DORGAN, Mr. NELSON of Florida, Mr. VITTER, Mr. PRYOR, Mr. COLEMAN, Mr. TALENT, Mr. MARTINEZ, and Mr. THUNE):

S. 2389. A bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN (for himself, Mr. LIEBERMAN, Mr. LUGAR, Mr. BINGAMAN, Ms. STABENOW, Mr. KERRY, Mr. DEWINE, Mr. ALLEN, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. CHAMBLISS, and Mrs. CLINTON):

S. 2390. A bill to provide a national innovation initiative; to the Committee on Commerce, Science, and Transportation.

By Mr. Nelson of Florida:

S. 2391. A bill to improve the security of the United States borders and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 2392. A bill to promote the empowerment of women in Afghanistan; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR

S. Res. 392. A resolution deisgnating March 8, 2006, as "International Women's Day"; to the Committee on the Judiciary.

By Mr. BIDEN:

S. Res. 393. A resolution designating March 8, 2006, as "International Women's Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 239

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 239, a bill to reduce the costs of prescription drugs for medicare beneficiaries, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 654

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 654, a bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1086

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1774

At the request of Mr. CORNYN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

S. 1860

At the request of Mr. DOMENICI, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1860, a bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the names of the Senator from California (Mrs. BOXER) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2253

At the request of Mr. DOMENICI, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2302

At the request of Mr. LOTT, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2338

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2338, a bill to extend the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

S. 2362

At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2362, a bill to establish the National Commission on Surveillance Activities and the Rights of Americans.

S.J. RES. 28

At the request of Mr. STEVENS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S.J. Res. 28, a joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 359

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

S. RES. 383

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 383, a resolution calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection.

AMENDMENT NO. 2932

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 2932 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 2932 proposed to S. 2349, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 2385. A bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability; to the Committee on Armed Services.

Mr. REID. Mr. President, along with many of my colleagues, I have been fighting for sometime to end the ban on Concurrent Receipt, so disabled veterans can get the fair benefits they deserve. We have made some progress over the last few years, but as everyone knows, we still have work to do.

Let's remember what Concurrent Receipt is. It is an unfair and outdated policy that prevents disabled veterans from collecting both their military retirement pay and disability compensation. It requires a retired disabled veteran to deduct from his retirement pay, dollar for dollar, the amount of any disability compensation he receives.

Our veterans have given so much to our country. We owe it to them to get rid of this policy, and to make sure they get the full benefits they have earned and deserve.

I'm proud to say we have been able to chip away at this unfair practice in recent years.

In 2003, we passed my bill to allow—after a ten year waiting period—concurrent receipt for veterans with at least a 50 percent disability rating.

In 2004, I proposed legislation to eliminate that ten-year period and also to provide full concurrent receipt of military and disability pay to veterans with 100 percent service-related disability.

In November, 2005, we passed another amendment to expand concurrent receipt to cover America's most severely disabled veterans, and to implement the new policy immediately instead of phasing it in over a decade.

I was pleased with the passage of that amendment last year, but disappointed that the conference committee chose not to enact this valuable legislation for veterans rated as "unemployable" until 2009.

Today, concurrent receipt remains one of my highest priorities. We need to continue to chip away at this policy, and I am committed to that goal 100 percent.

With that in mind, today I am introducing the Combat-Related Special Compensation Act of 2006. This legislation will take care of soldiers who had hoped to make the military a career, but were discharged prematurely for an injury sustained in combat and forced to retire medically before attaining 20 years of service.

Right now, these soldiers receive combat-related disability benefits, but are not eligible to get retirement benefits because they cannot serve out the required 20 years. That is unfair, and this legislation will make sure they can get both.

This is the right thing to do. These veterans have been forced into retirement, and we need to take care of them.

I would note this legislation is especially important given the injuries we are seeing in Iraq. Improvised Explosive Devices have created numerous amputees and therefore, an increase in medically discharged veterans.

I have visited military hospitals on several occasions and have seen first hand the injuries sustained by military personnel. Many of the members have reached the 10, 12, 14-year marks of their military careers and have been forced to retire medically before the 20 year retirement norm. They'll get medical benefits, but they won't receive legitimate retirement compensation because they have been injured and are unable to serve until retirement, as they had planned.

That's wrong.

We shouldn't penalize veterans because they were injured serving their country. My legislation will fix this problem, and get them their prorated retirement pay, along with their disability pay.

Taking care of our veterans is the right thing to do. We must never forget the sacrifices they made to protect our freedom. Taking care of our veterans is also key to winning the war on terror. In our all-volunteer military, it is critical to attract and retain professional, dedicated soldiers.

These people serve because they love America. In turn, they expect that we will honor our commitments to provide health care and other primary benefits for them and their families.

By ending the ban on concurrent receipt, we have an opportunity to show our gratitude to our veterans. While our Nation is at war, there is no better honor we could bestow upon them than to pass this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combat-Related Special Compensation Act of 2006".

SEC. 2. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES.

(a) ELIGIBILITY.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking "entitled to retired pay who—" and all that follows and inserting "who—

"(1) is entitled to retired pay (other than by reason of section 12731b of this title); and

"(2) has a combat-related disability.".

(b) COMPUTATION.—Paragraph (3) of subsection (b) of such section is amended—

(1) by designating the text of that paragraph as subparagraph (A), realigning that text so as to be indented 4 ems from the left margin, and inserting before "In the case of" the following heading: "IN GENERAL.—"; and

(2) by adding at the end the following new subparagraph:

"(B) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2006, and shall apply to payments for months beginning on or after that date.

By Mr. ALLEN (for himself, Mr. STEVENS, Mr. INOUYE, Mr. BURNS, Mr. WARNER, Mr. SANTORUM, Mr. DORGAN, Mr. NELSON of Florida, Mr. VITTER, Mr. PRYOR, Mr. COLEMAN, Mr. TALENT, Mr. MARTINEZ, and Mr. THUNE):

S. 2389. A bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, today I rise to introduce and present to my colleagues the Protecting Consumers Phone Records Act. I am pleased to be the lead sponsor of this legislation and I want to thank my colleagues, including Senators STEVENS and INOUYE, for working with me on this important issue.

In recent months, a number of Web sites have been selling consumers' confidential phone records to anyone willing to pay a small fee. According to experts, these records are usually obtained by unscrupulous individuals who fraudulently pose as customers requesting their own records. This common fraud is no less harmful, and in some cases even more disconcerting, than when a third-party uses false pretenses to obtain an innocent person's confidential financial records. In some cases, even physical harm can result from one's private phone records becoming public. We cannot allow these reprehensible practices to continue.

The goal of the Protecting Consumers Phone Records Act is to prevent the unauthorized and intrusive third party access of American consumers' phone records. Specifically, our legislation makes it illegal to solicit, acquire or sell a person's confidential phone records without that person's consent. It also specifically prohibits the practice commonly referred to as "pretexting," where individuals obtain records by fraudulently misrepresenting that they have the authorization to obtain the records.

Fully combating this problem requires a team effort. That is why our legislation requires telephone companies to comply with minimum security requirements, similar to those required of financial institutions. Companies must do their part to protect their customers' records.

In order to deter this bad behavior, our legislation increases the penalties for violators. Should someone fraudulently solicit, obtain or sell an individual's phone records, they will be subject to an $11,000 penalty for each record, up to $11 million. Phone companies are subject to a $30,000 penalty, up to $3 million if they do not sufficiently protect their customers' phone records.

Finally, the Protecting Consumers Phone Records Act recognizes the importance of enforcement. The legislation provides the Federal Communications Commission, the Federal Trade Commission and State Attorneys General with strengthened enforcement authority. Additionally, telephone companies are given the authority to take legal action against those entities or individuals who have illegally acquired confidential phone records.

This legislation will send a clear message to the unscrupulous individuals profiting from the invasion of an innocent individual's privacy, that this fraudulent and deceptive behavior will not be tolerated. We are prepared to use all of the appropriate tools to eliminate this harmful practice.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Protecting Consumer Phone Records Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Unauthorized acquisition, use, or sale of confidential customer proprietary network telephone information.
Sec. 3. Enhanced confidentiality procedures.
Sec. 4. Penalties; extension of confidentiality requirements to other entities.
Sec. 5. Enforcement by Federal Trade Commission.
Sec. 6. Concurrent enforcement by Federal Communications Commission.
Sec. 7. Enforcement by States.
Sec. 8. Preemption of State law.
Sec. 9. Consumer outreach and education.

SEC. 2. UNAUTHORIZED ACQUISITION, USE, OR SALE OF CONFIDENTIAL CUSTOMER PROPRIETARY NETWORK TELEPHONE INFORMATION.

(a) IN GENERAL.—It is unlawful for any person—

(1) to acquire or use the customer proprietary network information of another person without that person's affirmative written consent;

(2) to misrepresent that another person has consented to the acquisition or use of such other person's customer proprietary network information in order to acquire such information;

(3) to obtain unauthorized access to the data processing system or records of a telecommunications carrier or an IP-enabled voice service provider in order to acquire the customer proprietary network information of 1 or more other persons;

(4) to sell, or offer for sale, customer proprietary network information; or

(5) to request that another person obtain customer proprietary network information from a telecommunications carrier or IP-enabled voice service provider, knowing that the other person will obtain the information from such carrier or provider in any manner that is unlawful under subsection (a).

(b) EXCEPTIONS.—

(1) EXISTING PRACTICES PERMITTED.—Nothing in subsection (a) prohibits any practice permitted by section 222 of the Communications Act of 1934 (47 U.S.C. 222), or otherwise authorized by law, as of the date of enactment of this Act.

(2) CALLER ID.—Nothing in subsection (a) prohibits the use of caller identification services by any person to identify the originator of telephone calls received by that person.

(c) PRIVATE RIGHT OF ACTION FOR PROVIDERS.—

(1) IN GENERAL.—A telecommunications carrier or IP-enabled voice service provider may bring a civil action in an appropriate State court, or in any United States district court that meets applicable requirements relating to venue under section 1391 of title 28, United States Code—

(A) based on a violation of this section or the regulations prescribed under this section to enjoin such violation;

(B) to recover for actual monetary loss from such a violation, or to receive $11,000 in damages for each such violation, whichever is greater; or

(C) both.

(2) TREBLE DAMAGES.—If the court finds that the defendant willfully or knowingly violated this section or the regulations prescribed under this section, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under paragraph (1) of this subsection.

(3) INFLATION ADJUSTMENT.—The $11,000 amount in paragraph (1)(B) shall be adjusted for inflation as if it were a civil monetary penalty, as defined in section 3(2) of the Federal Civil Penalties Inflation Adjustment Act of 1996 (28 U.S.C. 2461 note).

(d) CIVIL PENALTY.—

(1) IN GENERAL.—Any person who violates this section shall be subject to a civil penalty of not more than $11,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $11,000,000 for any single act or failure to act.

(2) SEPARATE VIOLATIONS.—A violation of this section with respect to the customer proprietary network information of 1 person shall be treated as a separate violation from a violation with respect to the customer proprietary network information of any other person.

(e) LIMITATION.—Nothing in this Act or section 222 of the Communications Act of 1934 (47 U.S.C. 222) authorizes a subscriber to bring a civil action against a telecommunications carrier or an IP-enabled voice service provider.

(f) DEFINITIONS.—In this section:

(1) CUSTOMER PROPRIETARY NETWORK INFORMATION.—The term "customer proprietary network information" has the meaning given that term by section 222(i)(1) of the Communications Act of 1934 (47 U.S.C. 222(i)(1)).

(2) IP-ENABLED VOICE SERVICE.—The term "IP-enabled voice service" has the meaning given that term by section 222(i)(8) of the Communications Act of 1934 (47 U.S.C. 222(i)(8)).

(3) TELECOMMUNICATIONS CARRIER.—The term "telecommunications carrier" has the meaning given it by section 3(44) of the Communications Act of 1934 (47 U.S.C. 3(44)).

SEC. 3. ENHANCED CONFIDENTIALITY PROCEDURES.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Federal Communications Commission shall—

(1) revise or supplement its regulations, to the extent the Commission determines it is necessary, to require a telecommunications carrier or IP-enabled voice service provider—

(A) to ensure the security and confidentiality of customer proprietary network information (as defined in section 222(i)(1) of the Communications Act of 1934 (47 U.S.C. 222(i)(1))), and

(B) to protect such customer proprietary network information against threats or hazards to its security or confidentiality; and

(C) to protect customer proprietary network information from unauthorized access or use that could result in substantial harm or inconvenience to its customers, and

(2) ensure that any revised or supplemental regulations are similar in scope and structure to the Federal Trade Commission's regulations in part 314 of title 16, Code of Federal Regulations, taking into consideration the differences between financial information and customer proprietary network information.

(b) COMPLIANCE CERTIFICATION.—Each telecommunications carrier and IP-enabled voice service provider to which the regulations under subsection (a) and section 222 of the Communications Act of 1934 (47 U.S.C. 222) apply shall file with the Commission annually a certification that, for the period covered by the filing, it has been in compliance with those requirements.

SEC. 4. PENALTIES; EXTENSION OF CONFIDENTIALITY REQUIREMENTS TO OTHER ENTITIES.

(a) PENALTIES.—Title V of the Communications Act of 1934 (47 U.S.C. 501 et seq.) is amended by inserting after section 508 the following:

"SEC. 509. PENALTIES FOR CONFIDENTIAL CUSTOMER PROPRIETARY NETWORK INFORMATION VIOLATIONS.

"(a) CIVIL FORFEITURE.—

"(1) IN GENERAL.—Any telecommunications carrier or IP-enabled voice service provider that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated section 222 of this Act shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this subsection shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this subsection shall not exceed $30,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $3,000,000 for any single act or failure to act.

"(2) RECOVERY.—Any forfeiture penalty determined under paragraph (1) shall be recoverable pursuant to section 504(a) of this Act.

"(3) PROCEDURE.—No forfeiture liability shall be determined under paragraph (1) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4) of this Act.

"(4) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under paragraph (1) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice or apparent liability.

"(b) Criminal Fine.—Any person who willfully and knowingly violates section 222 of this Act shall upon conviction thereof be fined not more than $30,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subsection does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.".

(b) Extension of Confidentiality Requirements to IP-enabled Voice Service Providers.—Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by inserting "or IP-enabled voice service provider" after "telecommunications carrier" each place it appears except in subsections (e) and (g);

(2) by inserting "or IP-enabled voice service provider" after "exchange service" in subsection (g);

(3) by striking "telecommunication carriers" each place it appears in subsection (a) and inserting "telecommunications carriers or IP-enabled voice service providers";

(4) by inserting "or provider" after "carrier" in subsection (d)(2), paragraphs (1)(A) and (B) and (3)(A) and (B) of subsection (i) (as redesignated),

(5) by inserting "or providers" after "carriers" in subsection (d)(2); and

(6) by inserting "AND IP-ENABLED VOICE SERVICE PROVIDER" after "CARRIER" in the caption of subsection (c).

(c) Definition.—Section 222(h) of the Communications Act of 1934 (47 U.S.C. 222(h)) is amended by adding at the end the following:

"(8) IP-enabled voice service.—The term 'IP-enabled voice service' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with interconnection capability such that the service can originate traffic to, or terminate traffic from, the public switched telephone network.".

(d) Telecommunications Carrier and IP-enabled Voice Service Provider Notification Requirement.—Section 222 of the Communications Act of 1934 (47 U.S.C. 222), is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) Notice of Violations.—The Commission shall by regulation require each telecommunications carrier or IP-enabled voice service provider to notify a customer within 14 calendar days of any incident of which such telecommunications carrier or IP-enabled voice service provider becomes or is made aware in which customer proprietary network information relating to such customer is disclosed to someone other than the customer in violation of this section or section 2 of the Protecting Consumer Phone Records Act.".

SEC. 5. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) In General.—Except as provided in sections 6 and 7 of this Act, section 2 of this Act shall be enforced by the Federal Trade Commission.

(b) Violation Treated as an Unfair or Deceptive Act or Practice.—Violation of section 2 shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) Actions by the Commission.—The Commission shall prevent any person from violating this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person that violates section 2 is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 6. CONCURRENT ENFORCEMENT BY FEDERAL COMMUNICATIONS COMMISSION.

(a) In General.—The Federal Communications Commission shall have concurrent jurisdiction to enforce section 2.

(b) Penalty; Procedure.—For purposes of enforcement of that section by the Commission—

(1) a violation of section 2 of this Act is deemed to be a violation of a provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.) rather than a violation of the Federal Trade Commission Act; and

(2) the provisions of section 509(a)(2), (3), and (4) of the Communications Act of 1934 shall apply to the imposition and collection of the civil penalty imposed by section 2 of this Act as if it were the civil penalty imposed by section 509(a)(1) of that Act.

SEC. 7. ENFORCEMENT BY STATES.

(a) In General.—The chief legal officer of a State may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce section 2 or to impose the civil penalties for violation of that section, whenever the chief legal officer of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this Act or a regulation under this Act.

(b) Notice.—The chief legal officer of a State shall serve written notice on the Federal Trade Commission and the Federal Communications Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) Authority To Intervene.—Upon receiving the notice required by subsection (b), either Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) Construction.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the chief legal officer of a State from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) Venue; Service of Process.—

(1) Venue.—An action brought under subsection (a) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) Service of process.—In an action brought under subsection (a)—

(A) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

(B) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) Limitation on State Action While Federal Action Is Pending.—If either Commission has instituted an enforcement action or proceeding for violation of section 2 of this Act, the chief legal officer of the State in which the violation occurred may not bring an action under this section during the pendency of the proceeding against any person with respect to whom the Commission has instituted the proceeding.

SEC. 8. PREEMPTION OF STATE LAW.

(a) Preemption.—Section 2 and the regulations prescribed pursuant to section 3 of this Act and section 222 of the Communications Act of 1934 (47 U.S.C. 222) and the regulations prescribed thereunder preempt any—

(1) statute, regulation, or rule of any State or political subdivision thereof that requires a telecommunications carrier or provider of IP-enabled voice service to develop, implement, or maintain procedures for protecting the confidentiality of customer proprietary network information (as defined in section 222(i)(1) of the Communications Act of 1934 (47 U.S.C. 222(i)(1))) held by that telecommunications carrier or provider of IP-enabled voice service, or that restricts or regulates a carrier's or provider's ability to use, disclose, or permit access to such information; and

(2) any such statute, regulation, or rule, or judicial precedent of any State court under which liability is imposed on a telecommunications carrier or provider of IP-enabled voice service for failure to comply with any statute, regulation, or rule described in paragraph (1) or with the requirements of section 2 or the regulations prescribed pursuant to section 3 of this Act or with section 222 of the Communications Act of 1934 or the regulations prescribed thereunder.

(b) Limitation on Preemption.—This Act shall not be construed to preempt the applicability of—

(1) State laws that are not specific to the matters described in subsection (a), including State contract or tort law; or

(2) other State laws to the extent those laws relate to acts of fraud or computer crime.

SEC. 9. CONSUMER OUTREACH AND EDUCATION.

(a) In General.—Within 180 days after the date of enactment of this Act, the Federal Trade Commission and Federal Communications Commission shall jointly establish and implement a media and distribution campaign to teach the public about the protection afforded customer proprietary network information under this Act, the Federal Trade Commission Act and the Communications Act of 1934.

(b) Campaign Requirements.—The campaign shall—

(1) promote understanding of—

(A) the problem concerning the theft and misuse of customer proprietary network information;

(B) available methods for consumers to protect their customer proprietary network information; and

(C) efforts undertaken by the Federal Trade Commission and the Federal Communications Commission to prevent the problem and seek redress where a breach of security involving customer proprietary network information has occurred; and

(2) explore various distribution platforms to accomplish the goal set forth in paragraph (1).

By Mr. NELSON of Florida:

S. 2391. A bill to improve the security of the United States borders and for other purposes; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise today to introduce a critically important bill for our national security and our immigration system. My bill is called the Border Operations Reform and Development of Electronic Remote Surveillance Act of 2006—otherwise known as the BORDERS Act. Getting control over our Nation's borders is an indispensable part of comprehensive immigration reform.

The Government of the United States has the obligation to protect its citizens and to provide for homeland security by having control of its international borders. Yet, as we all know, our borders with Mexico and Canada are broken. Recognizing the dangerous situation that this presents, the bipartisan 9/11 Commission strongly recommended that the United States get operational control of its borders.

Because our Government has not succeeded in adequately securing our borders, millions of undocumented aliens have crossed into our country without our Government's permission. Despite our best efforts to have an orderly system of immigration and to control who enters the United States, it's simply not working.

Comprehensive immigration reform demands that we find aggressive, practical, and cost-effective methods to quickly secure our borders. The BORDERS Act of 2006 does exactly that, building on recent reports by the Inspector General of the Department of Homeland Security, as well as the Government Accountability Office.

Let me briefly summarize the BORDERS Act of 2006 and explain why this bill is so important to our national security.

First, and most importantly, this bill requires the Department of Homeland Security to implement state-of-the-art surveillance technology programs to build an integrated "virtual fence" at our borders. These programs would use unmanned aerial vehicles—like the type already used by our military in combat zones—to monitor remote border locations.

These surveillance programs also would use a host of other technologies—like cameras, sensors, satellites, and radar—to patrol every inch of our United States borders. Right now, our Government has the capability to use these technologies and has tried to build a virtual fence. But the one major problem is that the current surveillance program uses components that are not fully integrated and automated.

For example, as the Inspector General of the Department of Homeland Security recently recommended, a virtual fence must use sensors that automatically activate a corresponding camera to focus itself on the direction of the triggered sensor. If someone if sneaking across our border and trips a sensor, I want the closest camera to automatically focus on the person sneaking in. And then I want the camera to send images to multiple border personnel at different locations, who can immediately dispatch the closest Border Patrol agents to capture the person. That's what my bill does: provides for an integrated, automated virtual fence that will allow our Border Patrol agents to apprehend anyone trying to sneak into the United States.

The BORDERS Act also requires the Department of Homeland Security to greatly increase its detention facilities. Right now, the border patrol is sometimes able to capture illegal aliens sneaking into the country, but we simply lack enough facilities to detain them. In some border areas, up to 90 percent of captured aliens are released, and only 10 percent of them show up for their immigration court hearing. Does that make sense?

If our Government cannot detain illegal aliens who are caught, we lose our ability to make them report to their immigration proceedings. We never hear from them again. Thus, this bill instructs the Department of Homeland Security to increase its detention space by 20,000 beds for the next 5 years. The bill also instructs the Department to devise other ways to monitor illegal aliens who are captured, such as using ankle bracelets that can remotely track aliens.

Moreover, the BORDERS Act recognizes that our Government simply lacks the personnel manpower to effectively enforce our immigration laws and secure our borders. Therefore, the bill authorizes the addition of thousands of critical Federal jobs, ranging from Border Patrol agents to investigators to detention officers. And the bill requires that these personnel receive crucial training in matters like detecting fraudulent documents.

Another important section of this bill recognizes that in order for our detention mechanisms to function effectively, we need uniform detention standards. The BORDERS Act requires the Department of Homeland Security to implement standard operating rules so that costs are minimized and all detained aliens are treated fairly and humanely. I want to note that this bill contains a section specifically designed to ensure that detained alien children are treated properly while in U.S. custody. Children are the most vulnerable of illegal aliens, and especially when they are separated from their parents, we must ensure their safety.

Finally, the BORDERS Act of 2006 authorizes the Federal Government to reimburse States that incur the financial burden of detaining illegal aliens. It is unfair of us to expect the States to shoulder this huge cost by themselves.

Again, let me stress that border security is just one aspect of comprehensive immigration reform. I also will support legislation to address the status of undocumented aliens currently in the United States, if—and only if—such legislation is fair, humane, and recognizes the role that undocumented workers currently play in our nation's economy.

But border security is a policy area that should find wide agreement—across both parties. By setting up a cutting-edge, integrated "virtual fence," and by building more detention centers, I believe that the United States can take a giant step forward in its quest to get control of our borders. In this post 9/11 world, our national security simply demands it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Border Operations Reform and Development of Electronic Remote Surveillance Act of 2006" or as the "BORDERS Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Surveillance technologies programs.
Sec. 5. Secure communication.
Sec. 6. Expansion of detention capacity.
Sec. 7. Detention standards.
Sec. 8. Personnel of the Department of Homeland Security.
Sec. 9. Personnel of the Department of Justice and other attorneys.
Sec. 10. State Criminal Alien Assistance Program authorization of appropriations.
Sec. 11. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
Sec. 12. Reimbursement of States for preconviction costs relating to the incarceration of illegal aliens.
Sec. 13. Criminal gang activity.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Government of the United States has the duty to protect its citizens and to provide for homeland security by securing its international borders.

(2) The Government of the United States has failed to adequately secure its international borders, which has facilitated the illegal entry of millions of undocumented aliens into the United States.

(3) Illegal immigration poses national security concerns, burdens all levels of Government with extra costs, including imposing hundreds of millions of dollars on States and localities in uncompensated expenses for law enforcement, health care, and other essential services, allows some aliens to gain access to the United States before other aliens who have lawfully waited in line, creates an underclass of workers, and facilitates human trafficking, smuggling, and document fraud.

(4) One critical aspect of comprehensive immigration reform is to find aggressive, practical, and cost-effective methods to quickly secure the international borders of the United States. As the bipartisan National Commission on Terrorist Attacks Upon the United States concluded, "the United States must be able to monitor and respond to entrances between our borders".

(5) The Government of the United States should make full use of integrated and automated surveillance technology, including the use of unmanned aerial vehicles, to create a "virtual fence" around the Nation, which could be constructed much more quickly than a physical fence. The Inspector General of the Department recently suggested numerous ways to use integrated surveillance technologies to achieve this critical security goal.

(6) The Government of the United States should also increase detention facilities to detain aliens who are apprehended sneaking into the United States, as opposed to catching and releasing such aliens and trusting that they will report for immigration proceedings.

(7) In order to reduce costs of detention and to facilitate the process of removing aliens from the United States fairly, the Secretary should establish uniform detention standards and rules.

SEC. 3. DEFINITIONS.

In this Act:

(1) Department.—Except as otherwise provided, the term "Department" means the Department of Homeland Security.

(2) Secretary.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(3) State.—Except as otherwise provided, the term "State" has the meaning given that term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(36)).

SEC. 4. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) Aerial Surveillance Program.—

(1) In general.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) Assessment and consultation requirements.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) Additional requirements.—

(A) In general.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) Continued use of aerial surveillance technologies.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) Report to congress.—Not later than 1 year after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) Integrated and Automated Surveillance Program.—

(1) Requirement for program.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) Program components.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) Report to congress.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) Evaluation of contractors.—

(A) Requirement for standards.—The Secretary shall set develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) Review by the inspector general.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 5. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure 2-way communication capabilities, including the specific use of satellite communications—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations; and

(3) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 6. EXPANSION OF DETENTION CAPACITY.

(a) Increasing Detention Bed Space.—Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108-458; 118 Stat. 3734) is amended by striking "8,000" and inserting "20,000".

(b) Construction of or Acquisition of Detention Facilities.—

(1) Requirement to construct or acquire.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) Use of alternate detention facilities.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(c) Secure Alternatives to Detention to Ensure Compliance With the Law.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

(d) Legal Representation.—No alien shall be detained by the Secretary in a location that limits the alien's reasonable access to visits and telephone calls by local legal counsel and necessary legal materials. Upon active or constructive notice that a detained alien is represented by an attorney, the Secretary shall ensure that the alien is not moved from the alien's detention facility without providing that alien and the alien's attorney reasonable notice in advance of such move.

(e) Annual Report to Congress.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7. DETENTION STANDARDS.

(a) Codification of Detention Operations.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(b) Detention Standards for Nuclear Family Units and Certain Non-Criminal Aliens.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in subsection (a) shall—

(1) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(2) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(c) Legal Orientation to Ensure Effective Removal Process.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 8. PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) Customs and Border Protection Officers.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,500 the number of positions for full-time active duty officers of the Bureau of Customs and Border Protection of the Department for such fiscal year.

(b) Border Patrol Agents.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 4,000 the number of border patrol agents for such fiscal year.

(c) Immigration and Customs Enforcement Investigators.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "800" and inserting "1600".

(d) Detention and Removal Officers.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purposes, designate a Detention and Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that each detention facility compliance with the standards and regulations set forth in section 7.

(e) Investigative Personnel.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subsection (c), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of positions for investigative personnel within the Department to investigate alien smuggling and immigration status violations for such fiscal year.

(f) Legal Personnel.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters for such fiscal year.

(g) Directorate of Policy.—The Secretary shall in consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Directorate of Policy that—

(1) shall be a position at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and the infirm; and

(3) require background and expertise working directly with such vulnerable populations.

(h) Training.—The Secretary shall provide appropriate training for the agents, officers, inspectors, and associated support staff of the Department on an ongoing basis to utilize new technologies and techniques, to identify and detect fraudulent travel documents, and to ensure that the proficiency levels of such personnel are acceptable to protect the international borders of the United States. Training to detect fraudulent travel documents shall be developed in consultation with the Forensic Document Laboratory of Immigration and Customs Enforcement.

(i) Enhanced Protections for Vulnerable Unaccompanied Alien Children.—

(1) Mandatory training.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) Delegation to the office of refugee resettlement.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of such Office as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(3) Other policies and procedures.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children which exclude the use of fallible forensic testing of children's bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children's records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safe and secure repatriation of unaccompanied alien children to their home countries including through arranging placements of children with their families or other sponsoring agencies and to utilize all legal authorities to defer the child's removal if the child faces a clear risk of life-threatening harm upon return.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this section, including the hiring of necessary support staff.

SEC. 9. PERSONNEL OF THE DEPARTMENT OF JUSTICE AND OTHER ATTORNEYS.

(a) LITIGATION ATTORNEYS.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice for such fiscal year.

(b) UNITED STATES ATTORNEYS.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of United States Attorneys to litigate immigration cases in the Federal courts for such fiscal year.

(c) UNITED STATES MARSHALS.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of Deputy United States Marshals to investigate criminal immigration matters.

(d) IMMIGRATION JUDGES.—During each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of immigration judges for such fiscal year.

(e) DEFENSE ATTORNEYS.—During each of the fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of attorneys in the Federal Defenders Program for such fiscal year. The Attorney General shall also take all necessary and reasonable steps to ensure that alien detainees receive appropriate pro bono representation in immigration matters.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section, including the hiring of necessary support staff.

SEC. 10. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM AUTHORIZATION OF APPROPRIATIONS.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

"(5) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection $950,000,000 for each of the fiscal years 2007 through 2011.

"(B) LIMITATION ON USE OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.".

SEC. 11. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking "for the costs" and inserting the following: "for—

"(1) the costs"; and

(B) by striking "such State." and inserting the following: "such State; and

"(2) the indirect costs related to the imprisonment described in paragraph (1)."; and

(2) by striking subsections (d) through (e) and inserting the following:

"(d) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

"(1) shares a border with Mexico or Canada; or

"(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

"(e) DEFINITIONS.—As used in this section:

"(1) INDIRECT COSTS.—The term 'indirect costs' includes—

"(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

"(B) indigent defense costs; and

"(C) unsupervised probation costs.

"(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.".

SEC. 12. REIMBURSEMENT OF STATES FOR PRECONVICTION COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(a)) is amended by inserting "charged with or" before "convicted."

SEC. 13. CRIMINAL GANG ACTIVITY.

Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

"(J) CRIMINAL GANG ACTIVITY.—

"(i) IN GENERAL.—Any alien who a consular officer or the Attorney General knows, or has reasonable grounds to believe, seeks to enter the United States to engage, solely, principally, or incidentally in a criminal street gang located in the United States is inadmissible.

"(ii) DEFINITION.—In this subparagraph, the term 'criminal street gang' means an ongoing group, club, organization, or association of 5 or more individuals that commits a violation of Federal or State law that is punishable by imprisonment of 1 year or more.".

By Mrs. BOXER:

S. 2392. A bill to promote the empowerment of women in Afghanistan; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, I am pleased to introduce legislation today—as we celebrate international Women's Day—to strengthen and empower the women and girls of Afghanistan.

International Women's Day is an event celebrated world-wide to inspire women to achieve their full potential. But in so many places around the world, women continue to suffer from persecution and abuse, and many lack resources to become fully integrated and equal members of society. Despite international intervention, Afghanistan is one such example. More than four years after the invasion of Afghanistan and the fall of the Taliban government, the women of Afghanistan still face significant hurdles as they seek to realize their full potential.

The maternal death rate for Afghan women remains tragically high—with an estimated 1,600 deaths for every 100,000 live births. The illiteracy rate for women continues to hover around 80 percent.

And perhaps most troubling, the security situation for women is getting worse—threatening to slow or even reverse the gains that Afghan women have made over the past four years.

Lieutenant General Michael D. Maples, director of the Defense Intelligence Agency, recently testified that violence by the Taliban and other insurgents in Afghanistan in 2005 increased by 20 percent 2004 levels, specifically noting that the insurgency in Afghanistan "appears emboldened."

Women and girls have felt the impact particularly hard. In recent months, attacks against schools in Afghanistan that educate girls have increased substantially. According to media reports, teachers and principals are being threatened and killed—the headmaster at a coed school was even beheaded in January—and eight schools have been burned in the Kandahar province during the current school year alone.

Just today, the President of Afghanistan, Hamid Karzai admitted that Afghan women and girls have much to overcome. "We have achieved successes in various dimensions during the past four years," Karzai said. "But this journey has not ended . . . women especially are being oppressed, there are still women and young girls who are being married to settle disputes in Afghanistan, young girls are married against their will."

The legislation I am introducing today, the Afghan Women Empowerment Act of 2006, will provide resources where they are needed most in Afghanistan—to Afghan women-led nongovernmental organizations, empowering those who will continue to provide for the needs of the Afghan people long after the international community has left.

The legislation will provide $30 million to these women-led NGOs to specifically focus on providing direct services to Afghan women such as adult literacy education, technical and vocational training, and health care services, including mental health treatment. It also provides assistance to especially vulnerable populations, including widows and orphans.

In addition, the Afghan Women Empowerment Act authorizes the President to appropriate $5 million to the Afghan Ministry of Women's Affairs and $10 million to the Afghan Independent Human Rights Commission—

two vitally important entities dedicated to advancing the cause of women and human rights within Afghanistan.

I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 392—DESIGNATING MARCH 8, 2006, AS "INTERNATIONAL WOMEN'S DAY"

Mr. LUGAR submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 392

Whereas there continues to be discrimination against women and women are still denied full political and economic equality;

Whereas discrimination is often the basis for violating the basic human rights of women;

Whereas, worldwide, the lives and health of women and girls are endangered by violence that is directed at women and girls simply because they are female;

Whereas women bear a disproportionate burden of the poverty in the world and constitute an estimated 75 percent of the world's poor;

Whereas, of the estimated 600,000 to 800,000 people trafficked across international borders each year for forced labor, domestic servitude, and sexual exploitation, 80 percent of the victims are women and girls;

Whereas violence against women is one of the most widespread violations of human rights and it is estimated that 1 in 3 women will suffer some form of violence;

Whereas the majority of the estimated 121,000,000 children in the world who are denied a primary education are girls;

Whereas two-thirds of the estimated 875,000,000 illiterate adults in the world are women;

Whereas, worldwide, women now account for half of all HIV and AIDS cases, and in sub-Saharan Africa, young girls ages 15 to 24 are 3 times more likely to be infected with HIV than young men;

Whereas gender inequality and sexual violence are significant factors causing the rapid spread of HIV/AIDS among women and girls;

Whereas HIV/AIDS is having a devastating effect on women in the United States, and it is the leading cause of death among African American women ages 25 to 34;

Whereas two-thirds of the estimated 19,200,000 refugees in the world are women and children;

Whereas, in armed conflict, women are targets of rape when it is used as a tactic of war to humiliate the enemy and terrorize the population;

Whereas it is estimated that 515,000 women die every year as a result of pregnancy and childbirth, and more than 99 percent of these deaths occur in the developing world;

Whereas countries should take steps to ensure the full participation and representation of women in political processes, conflict prevention, and peacekeeping efforts;

Whereas, over the last century, March 8 has become known as "International Women's Day", a day on which people come together to recognize the accomplishments of women and to reaffirm their commitment to continue the struggle for equality, justice, and peace; and

Whereas the people of the United States should be encouraged to participate in International Women's Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 8, 2006, as "International Women's Day";

(2) reaffirms its commitment to—

(A) end discrimination and increase the participation of women in decision-making positions in government and in the private sector;

(B) end and prevent violence against women;

(C) pursue policies that guarantee the basic rights of women both in the United States and around the world;

(D) improve access to quality health care for women;

(E) protect the human rights of women and girls during and after conflict and to support the integration of gender perspectives in peacekeeping missions and post conflict processes; and

(F) end the trafficking of women and girls; and

(3) encourages the people of the United States to observe International Women's Day with appropriate programs and activities.

Mr. LUGAR. Mr. President, I rise to submit a resolution declaring today International Women's Day 2006.

International Women's Day is a day on which we celebrate the progress of women and rededicate ourselves to overcoming the inequities that they face around the globe. Almost one hundred years ago, when the first International Women's Day was celebrated, women in this country and in Europe were fighting for the right to vote and to participate fully in the political process.

Today, nearly one hundred years later, we can celebrate the fact that, in the United States and Europe, many of these barriers have been broken down, and that women now not only vote, but participate in our government at its highest levels. In the past year, we have seen historic elections in Afghanistan and Iraq, where women were voters and candidates. In Kuwait, women are now able to vote and run for parliament. Voters in Liberia have elected the first female head of state in Africa, Ellen Johnson-Sirleaf, and Chile is just days away from the inauguration of Michele Bachelet, the country's first female president.

Despite these accomplishments, in many places around the world, women are still fighting for their basic rights. Often, especially in developing countries, women and girls lack full political, academic, and economic equality. Two-thirds of the estimated 875 million illiterate adults in the world are women. Girls frequently continue to be denied access to primary education, and constitute the majority of the estimated 121 million children around the globe who do not attend school.

The lives and health of women and girls continue to be particularly vulnerable to violence. Women are trafficked across international borders for forced labor, domestic servitude, and sexual exploitation. In armed conflict situations and other humanitarian emergencies, women and children risk a range of abuses including sexual exploitation, trafficking and gender-based violence.

The HIV/AIDS crisis is particularly devastating to women and girls. Women now account for one-half of all HIV and AIDS cases, and in sub-Saharan Africa, young girls aged 15 through 24 are three times more likely to be infected with HIV than young men. Not only are women and girls more vulnerable to infection, they are also shouldering much of the burden of caring for sick and dying relatives and friends. In addition, in the vast majority of cases, they are the caretakers of the estimated 14 million children who have been orphaned by this pandemic. Often, widows and orphans have difficulties asserting their inheritance rights, even when those rights are spelled out in law. This often leaves the most vulnerable women and children impoverished and homeless.

The inequality that is devastating the lives of women around the world requires our commitment to ending it. Last year, I co-sponsored with Senator BIDEN the Protection of Vulnerable Populations During Humanitarian Emergencies Act of 2005, which the Committee on Foreign Relations supported as an amendment to our Foreign Affairs Authorization Act for Fiscal Years 2006 and 2007. Our bill seeks to ensure that U.S. foreign assistance programs are a force for protecting women, children, and other vulnerable populations in the wake of military conflict and natural disasters.

In addition, last year the President signed into law the Orphans and Vulnerable Children Act, which I authored and introduced in 2004. This law requires the Administration to develop a comprehensive strategy to assist the millions of orphans left behind by the AIDS pandemic. The strategy must include programs to remove barriers to education, such as school fees, that keep orphans, and especially girls, out of the classroom. The law also requires the Administration to support programs that protect the inheritance rights of orphans and widows with children, and to support programs that assist village-based organizations, the main infrastructure for the care of orphans and the millions of women taking care of them.

International Women's Day is a day for each of us to reflect upon the remarkable progress that women around the world have made, and to remember that much remains to be done. I am hopeful that Senators will join me in recognizing this important day.

SENATE RESOLUTION 393—DESIGNATING MARCH 8, 2006, AS "INTERNATIONAL WOMEN'S DAY"

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 393

Whereas all over the world women are contributing to the growth of economies, participating in the fields of diplomacy and politics, and improving the quality of the lives of their families, communities, and nations;

Whereas discrimination continues to deny women full political and economic equality and is often the basis for violations of basic human rights against women;

Whereas the health and life of women and girls worldwide continues to be endangered by violence that is directed at them simply because they are women;

Whereas worldwide violence against women includes rape, genital mutilation, sexual assault, domestic violence, dating violence, honor killings, human trafficking, dowry-related violence, female infanticide, sex selection abortion, forced pregnancy, forced sterilization, and forced abortion;

Whereas at least 1 in 3 females worldwide has been beaten or sexually abused in her lifetime;

Whereas 1 in 4 women in the United States has been raped or physically assaulted by an intimate partner at some point in her life;

Whereas 20 percent to 50 percent of women worldwide experience some degree of domestic violence during marriage;

Whereas, on average, 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas it is estimated that 1 in 5 adolescent girls in the United States becomes a victim of physical or sexual abuse, or both, in a dating relationship;

Whereas an estimated 135,000,000 women and girls of the world have undergone genital mutilation, and 2,000,000 girls are at risk of mutilation each year;

Whereas worldwide, women account for ½ of all cases of the human immunodeficiency virus and acquired immune deficiency syndrome (referred to in this preamble as "HIV/AIDS");

Whereas young women in Africa are 3 times more likely to contract HIV/AIDS than men;

Whereas worldwide sexual violence, including marital rape, has been cited as a major cause of the rapid spread of HIV/AIDS among women;

Whereas between 75 percent and 80 percent of the 27,000,000 refugees and internally displaced persons of the world are women and children;

Whereas illegal trafficking for forced labor, domestic servitude, or sexual exploitation victimizes 2,000,000 to 4,000,000 women and girls throughout the world each year;

Whereas ⅔ of the nearly 1,000,000,000 illiterate individuals of the world are women;

Whereas ⅔ of children worldwide who are denied primary education are girls;

Whereas throughout the world, girls are less likely to complete school than boys;

Whereas that educational failure has real consequences for the global economy and the security of the United States, and especially for the millions of girls with limitless potential who continue to lose the chance to discover their worth and importance as global citizens;

Whereas girls who are educated are more likely to enjoy healthy and stable families, lower mortality rates, higher nutrition levels, delayed sexual activity, less chance of contracting HIV/AIDS, and less chance of having unwanted pregnancies;

Whereas it is estimated that women and girls make up more than 70 percent of the poorest people in the world;

Whereas in most nations, women work approximately twice the amount of unpaid time that men do;

Whereas women work ⅔ of the working hours of the world, and produce ½ of the food in the world, yet earn only 10 percent of the income in the world, and own less than 1 percent of the property in the world;

Whereas rural women produce more than 55 percent of all food grown in developing countries;

Whereas women worldwide still earn less, own less property, and have less access to education, employment, and health care than do men;

Whereas there are 82,500,000 mothers of all ages in the United States;

Whereas approximately 3 in 10 United States households are maintained by women with no husband present;

Whereas women comprise almost 15 percent of the active duty, reserve, and guard units of the Armed Forces;

Whereas it is not enough to say women deserve a voice in politics;

Whereas nations should take steps to ensure the full participation and representation of women in their conferences and committees, plenaries, and parliaments;

Whereas social investment, particularly investments in women and girls, should be an integral part of foreign policy;

Whereas the dedication and success of those working all over the world to end violence against women and girls and fighting for equality should be recognized;

Whereas special recognition is owed to 10 women fighting to make a difference in their communities and around the globe, including the following: Brigadier General Sheila R. Baxter, Commander, Madigan Army Medical Center, Western Regional Medical Command; Sheryl Cates, Executive Director of the National Domestic Violence Hotline and the Texas Council on Family Violence; Lora Jo Foo, Civil rights, labor activist, and Managing Attorney at the Asian Law Caucus; Salma Hayek, Actress and Domestic Violence Advocate; Asma Jehangir, Pakistani human rights activist, author, and lawyer; Liz Lerman, Founder and leader of the Liz Lerman Dance Exchange; Wangari Maathai, Nobel Peace Prize-winning environmentalist and founder of the Green Belt Movement; Kavita N. Ramdas, President and Chief Executive Officer of Global Women's Fund; Bernice Johnson Reagon, singer, scholar, activist, and founder of Sweet Honey in the Rock; and Ellen Johnson Sirleaf, newly-elected President of Liberia;

Whereas March 8 became known as "International Women's Day" during the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for equality, justice, and peace for women; and

Whereas the people of the United States should be encouraged to participate in "International Women's Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates March 8, 2006, as "International Women's Day";

(2) reaffirms the commitment of the Senate to—

(A) improve access to quality health care;

(B) end and prevent violence against women, including the trafficking of women and girls worldwide, and ensure that the criminals who engage in those activities are brought to justice;

(C) end discrimination and increase participation of women in decision-making positions in the government and private sectors;

(D) extend full economic opportunities to women, including access to microfinance and microenterprise; and

(E) strengthen the role of women as agents of peace, because women are among the best emissaries when it comes to easing religious, racial, and ethnic tensions, crossing cultural divides, and reducing violence in areas of war and conflict; and

(3) encourages the people of the United States to observe "International Women's Day" with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution honoring 10 extraordinary women in celebration of International Women's Day.

There is no doubt that women have made tremendous strides towards equality and justice in the last century. International Women's Day provides an important moment to acknowledge the role that women have played in pioneering change and paving the way for millions of women and girls to access equal education, employment and opportunity.

The resolution I submit highlights the achievements of women from all over the world who have made strides as stateswomen, activists and advocates.

They are women who have overcome discrimination, abuse and political oppression to make a difference in the communities in which they live. Women like Kavita Ramdas, the President and Chief Executive Officer of the Global Women's Fund, the largest foundation in the world that exclusively centers on advocating women's rights. Her work has helped to improve women's economic independence and increased girls' access to education.

Salma Hayek plays a leading role in helping battered women in the United States and her native country, Mexico. Serving as chief spokeswoman for the Avon Foundations "Speak Out Against Domestic Violence" campaign, she continues to stay committed to helping educate and empower women to bring an end to this type of violence. She has donated her time and money to overcoming the horrifying statistic that one in three women worldwide has been raped, sexually abused or beaten in their lifetime, inspiring others to help spread awareness concerning domestic violence.

As Executive Director of the Texas Council on Family Violence and National Domestic Violence Hotline, Sheryl Cates is leading our country in empowering women by offering information and referrals to victims of domestic violence. Since the Hotline started 10 years ago, it has taken over 1.6 million calls in 140 languages and provide support for women across the United States, Puerto Rico and the U.S. Virgin Islands. Domestic violence is often unseen and unreported because the victims are often too scared to seek help. The Hotline provides a place for victims to turn for assistance, providing individualized support to ensure these women that they are not alone.

At age 11, Lora Jo Foo was a garment worker in San Francisco, California. She is now an accomplished civil rights and labor activist. Having dedicated her life to improving sweatshop conditions, she represents and advocates for low wage industry workers throughout the world. Many garment industry workers are denied public benefits because they do not speak English and government agencies fail to provide them with interpreters or translated documents. A large number of Asian women are pushed into dead-end workfare jobs where they learn no skills and are denied the option of English-language training. The result has been an increase in hunger and illness among Asian immigrant women and their families. Lora Jo Foo represents those women, giving them a voice to advocate for change.

Women like these are why we celebrate International Women's Day, commemorating their selfless achievements in advocating for equal rights and educating others. This past year, the global community has taken significant strides forward towards gender equality and the pursuit of human rights. On January 16, 2006, Ellen Johnson Sirleaf was elected as Prime Minister of Liberia, becoming the first elected female head of state in Africa. Germany elected its first female Chancellor, Angela Merkel. Chancellor Merkel overcame her childhood in North Berlin under communism and triumphed in her role as a leader. This past spring, Kuwait transformed the very structure of their country by amending their electoral laws and allowing women both to vote and to run in parliamentary elections. In Afghanistan, women are gaining equality in representation, overcoming years of severe gender discrimination and gender-based violence. There are now 68 female parliamentarians in the lower house of parliament, making up 27 percent of the representatives; women make up 15 percent of the representatives in the upper house.

Despite the achievements in women's rights during the past year, there is still more to be done, both domestically and internationally. In our own country, the wage gap between genders still exists. Although it has slightly decreased, women make an average of 76.5 percent as much as men do for identical jobs. Internationally, young women are three times more likely to be infected with HIV/AIDS than men because they know less about how to prevent infection and how to protect themselves from violence and discrimination. And while the laws of some countries in the Middle East have been changed to allow women the right to vote and hold office, much remains to be done to ensure they have equal access and opportunity to freely express their political will.

We value the progress that has been made in ending discrimination and advocating gender equality. On International Women's Day, we thank all those who have contributed to our successes. I urge my colleagues to support the immediate passage of the resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2933. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 2934. Mr. INHOFE (for himself and Mr. Lott) submitted an amendment intended to be proposed by him to the bill S. 2349, supra.

SA 2935. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2936. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2937. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2938. Mr. SANTORUM (for himself, Mr. McCain, Mr. Feingold, and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2939. Mr. SANTORUM (for himself and Mr. McCain) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2940. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2941. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2942. Mr. DODD (for himself, Mr. Santorum, Mr. Obama, Mr. McCain, and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill S. 2349, supra.

SA 2943. Mrs. BOXER (for herself, Mr. Kerry, and Mr. Lautenberg) submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2944. Mr. WYDEN (for himself, Mr. Grassley, and Mr. Inhofe) submitted an amendment intended to be proposed by him to the bill S. 2349, supra.

SA 2945. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2946. Mr. McCAIN (for himself, Mr. Coburn, Mr. Ensign, Mr. Feingold, Mr. Kyl, Mr. DeMint, Mr. Sununu, and Mr. Graham) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2947. Mr. NELSON of Florida (for himself and Mr. Dayton) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2948. Mr. DORGAN (for himself, Mrs. Boxer, Mr. Dayton, Mr. Feingold, Mr. Harkin, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, and Mr. Salazar) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2949. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2950. Mr. COBURN (for himself and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2951. Mr. COBURN (for himself and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2952. Mr. COBURN (for himself and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2953. Mr. KYL (for himself and Mr. Pryor) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2954. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2955. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2956. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2957. Mr. McCAIN (for himself, Ms. Collins, Mr. Lieberman, and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2958. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2959. Mr. SCHUMER proposed an amendment to amendment SA 2944 submitted by Mr. Wyden (for himself, Mr. Grassley, and Mr. Inhofe) to the bill S. 2349, supra.

SA 2960. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2961. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2962. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2963. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2964. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2965. Mr. OBAMA (for himself and Mr. Coburn) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2966. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 2938 submitted by Mr. SANTORUM (for himself. Mr. MCCAIN, Mr. FEINGOLD, and Mr. LIEBERMAN) and intended to be proposed to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2967. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2933. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MAKING SENATE HOLDS PUBLIC.

Rule VII of the Standing Rules of the Senate is amended by adding at the end the following:

"7. Intent to object to (to hold) a motion or matter, including Legislative and Executive Calendar items and unanimous consent agreements, shall be printed in a distinct section of the Congressional Record not later than 2 session days after such intent has been communicated to party leadership.".

SA 2934. Mr. INHOFE (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) IN GENERAL.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost of living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) DEPOSIT IN TREASURY.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading "MEDICAL SERVICES" under the heading "VETERANS HEALTH ADMINISTRATION".

(c) ADMINISTRATION.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2007.

SA 2935. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 221, strike line 7 and insert the following:

SEC. 221. CRIMINAL PENALTIES.

Section 18 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 16(1)) is amended by—

(1) striking "An organization" and inserting the following:

"(a) IN GENERAL.—An organization"; and

(2) adding at the end the following:

"(b) CRIMINAL PENALTY.—An officer of an organization described in section 501(c) of the Internal Revenue Code of 1986 who engages in lobbying activities with Federal funds as prohibited by this section shall be imprisoned for not more than 5 years and fined under title 18 of the United States Code, or both.".

SEC. 222. EFFECTIVE DATE.

SA 2936. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 40, after line 2, insert the following:

(c) SENIOR EXECUTIVE PERSONNEL GENERALLY.—Section 207(a) of title 18, United States Code, is amended by adding at the end the following:

"(4) ONE-YEAR RESTRICTIONS ON CERTAIN EMPLOYEES OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—Any person who is an officer or employee in the Senior Executive Service, is employed in a position subject to section 5108 of title 5, is employed in a position subject to section 3104 of title 5, or is employed in a position equivalent to a level 14 position in the General Schedule (GS-14) (including any special Government employee) of the executive branch of the United States (including an independent agency) and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.".

SA 2937. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 34, strike line 7 and insert the following:

SEC. 221. COVERAGE OF ALL EXECUTIVE BRANCH EMPLOYEES.

Section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) in subparagraph (F), by striking the period and inserting "; and";

(3) by adding at the end the following:

"(6) any other employee of the executive branch.".

SEC. 222. EFFECTIVE DATE.

SA 2938. Mr. SANTORUM (for himself, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Beginning on page 10, strike line 19 and all that follows through page 12, line 14, and insert the following:

(b) DISCLOSURE AND PAYMENT OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—

(A) DISCLOSURE AND PAYMENT.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

"(g) A Member, officer, or employee of the Senate shall—

"(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee;

"(2) reimburse the owner or lessee of the aircraft for the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number of members, officers, or employees of the Congress on the flight);

"(3) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.".

(B) FAIR MARKET VALUE OF NONCOMMERCIAL AIR TRAVEL.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended—

(i) by inserting (A) after (1); and

(ii) by adding at the end the following:

"(B) Fair market value for a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire shall be the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size.".

(C) REIMBURSEMENT.—Paragraph 1 of rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

"(c) Use of an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire shall be valued for purposes of reimbursement under this rule as provided in paragraph 2(g)(2) of rule XXXV.".

(2) FECA.—

(A) DISCLOSURE.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(i) by striking "and" at the end of paragraph (7);

(ii) by striking the period at the end of paragraph (8) and inserting "; and"; and

(iii) by adding at the end the following new paragraph:

"(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

"(A) The date of the flight.

"(B) The destination of the flight.

"(C) The owner or lessee of the aircraft.

"(D) The purpose of the flight.

"(E) The persons on the flight, except for any person flying the aircraft.".

(B) EXCLUSION OF PAID FLIGHT FROM DEFINITION OF CONTRIBUTION.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(i) in clause (xiii), by striking "and" at the end;

(ii) in clause (xiv), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(xv) any travel expense for a flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire: *Provided*, That the candidate (or the authorized committee of the candidate) pays to the owner, lessee, or other individual who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number candidates on the flight) by not later than 7 days after the date on which the flight is taken.".

SA 2939. Mr. SANTORUM (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 8, strike lines 6 through 16 and insert the following:

"(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.".

SA 2940. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 40, after line 24, insert the following:

SEC. 252. CONTACTS WITH REPRESENTATIVES, OFFICIALS, AND FOREIGN AGENTS OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM.

The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by adding at the end the following:

"SEC. 26. NOTIFICATION OF CONTACTS WITH REPRESENTATIVES AND OFFICIALS OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM.

"(a) NOTIFICATION OF CONTACTS WITH REPRESENTATIVES AND OFFICIALS OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM.—

"(1) IN GENERAL.—A Member of Congress and any legislative branch employee shall, on a quarterly basis, disclose and report to the Secretary of State any contact with a representative, official, or foreign agent of a government that has been designated as a state sponsor of terrorism by the Department of State.

"(2) SUBMISSION.—A report required by paragraph (1) shall be submitted to the Secretary of State, or a person that the Secretary designates as an appropriate recipient.

"(3) REPORT TO CONGRESSIONAL COMMITTEE.—The Secretary of State shall provide, on a quarterly basis, the Committee on Foreign Relations of the Senate, the Committee on International Affairs of the House of Representatives, the Appropriations Subcommittee on State, Foreign Operations, and Related Programs of the Senate, and the Appropriations Subcommittee on Foreign Operations, Export Financing, and Related Programs of the House of Representatives with a report listing the names of those individuals who have notified the Secretary of contacts described in paragraph (1).

"(b) CONGRESSIONAL DISCLOSURE.—

"(1) IN GENERAL.—A Member of Congress and any legislative branch employee shall, on a quarterly basis, disclose and report to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, any contact with a representative, official, or foreign agent of a government that has been designated as a state sponsor of terrorism by the Department of State.

"(2) REPORT TO CONGRESSIONAL COMMITTEES.—The Secretary of the Senate and Clerk of the House of Representatives shall provide, on a quarterly basis, the Committee on Foreign Relations of the Senate, the Committee on International Affairs of the House of Representatives, the Appropriations Subcommittee on State, Foreign Operations, and Related Programs of the Senate, and the Appropriations Subcommittee on Foreign Operations, Export Financing, and Related Programs of the House of Representatives with a report listing the names of those individuals who have notified the Secretary of contacts described in paragraph (1).".

SA 2941. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 25, line 11, strike "$100,000" and insert "$200,000".

SA 2942. Mr. DODD (for himself, Mr. SANTORUM, Mr. OBAMA, Mr. MCCAIN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 8, strike lines 8 through 16.

SA 2943. Mrs. BOXER (for herself, Mr. KERRY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DISCLOSURE OF WHITE HOUSE CONTACTS WITH JACK ABRAMOFF.

(a) FINDINGS.—The Senate finds the following:

(1) Public confidence in Government has been undermined by widespread reports of public corruption involving Jack Abramoff, including indictments and plea agreements that cite alleged wrongdoing by senior public officials.

(2) Public perception of a culture of corruption undermines the people's faith in their Government representatives and our system of Government.

(3) Due to the serious nature of Jack Abramoff's crimes and continuing allegations of corruption involving him, public confidence in the Government can be restored only if there is full disclosure of his contacts with the President, White House staff, and senior executive branch officials.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the White House should immediately and publicly disclose each visit and meeting between Jack Abramoff and the President, White House staff, or senior executive branch officials, which should include the date, list of attendees, purpose of the visit or meeting, any documentation associated with the visit or meeting, including any photographs, and any action taken or withheld by the Government as a result of the contact.

SA 2944. Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

At the end of title I, add the following:

SEC. ___. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) IN GENERAL.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

"I, Senator ___, intend to object to proceeding to , dated .".

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled "Notices of Intent to Object to Proceeding". Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) REMOVAL.—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator ___, do not object to proceeding to , dated .".

SA 2945. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ESTABLISHMENT OF SENATE ETHICS AUDIT OFFICE.

(a) ESTABLISHMENT.—There is established in the Senate an independent, nonpartisan office to be known as the "Senate Ethics Audit Office" (referred to in this resolution as the "Office") which shall be an independent, investigative arm of the Select

Committee on Ethics authorized to conduct audits each Member's personal offices as provided in this resolution.

(b) Director.—

(1) In general.—The Office shall be headed by a Senate Ethics Audit Office Director (referred to in this resolution as the "Director"). The Director shall be appointed by the President pro tempore of the Senate from among recommendations submitted by the majority and minority leaders of the Senate. Any appointment made under this subsection shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Director shall be learned in ethics law and audit process, a member of the bar of a State or the District of Columbia or a certified public accountant, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(2) Terms of service.—Any appointment made under paragraph (1) shall become effective upon approval by resolution of the Senate. The Director shall be appointed for a term of service which shall expire at the end of the Congress following the Congress during which the Director is appointed except that the Senate may, by resolution, remove the Director prior to the termination of any term of service. The Director may be reappointed at the termination of any term of service.

(3) Compensation.—The Director shall receive compensation at a rate equal to the annual rate of basic pay for level III of the Executive Schedule under section 5314 of Title 5.

(4) Staff.—The Director shall hire such additional staff as are required to carry out this section, including other attorneys, investigators, and accountants.

(c) Responsibilities.—

(1) In general.—The Office shall conduct annual audits of each Senator and his or her immediate family, each Senator's personal office, and the Senator's staff to ensure compliance with the rules of the Select Committee on Ethics and other related rules and guidelines as provided in paragraph (2).

(2) Audits and training.—The Office shall—

(A) conduct unannounced, random audits of each Senator and his or her immediate family, each Senator's personal office, and the Senator's staff to ensure compliance with the rules of the Select Committee on Ethics and other related rules and guidelines;

(B) audit the appropriate filing, archiving, and retention of documents related to the compliance of established ethics rules and other related rules and guidelines for each Senator's personal office, including the mailing of 499's, the use of the Frank, gifts, any and all travel, and other such matters;

(C) examine, if applicable, any campaign related work as it relates to Senate ethics rules that has been performed in compliance with established guidelines (such as political fund designees, de minimis use of government equipment for non-related government work, and other appropriate guidelines);

(D) examine any contributions made to a Senator's office by any outside entity (foreign government, lobbyist, or otherwise) to ensure—

(i) proper compliance with established gift laws; and

(ii) that those gifts are properly documented in accordance with established ethics rules and guidelines;

(E) examine the Senator and the Senator's office to ensure proper financial disclosures regarding payroll, gifts, reimbursements, and other necessary financial disclosures with established ethics rules and guidelines;

(F) require that each Senator's office make available the report of findings of the Office to the public in appropriate venues for examination, including a publicly available website;

(G) ensure that no conflict of interest exists between the execution of the Senator's duties, the Senator's staff's duties, and any previous employment;

(H) require each Senator's office to detail on a proper form all current outside employment and submit the form every 6 months to the Office;

(I)(i) ensure that any travel and necessarily associated expenses are performed and reported appropriately under established rules and guidelines; and

(ii) require a new RE-4 for travel paid for by tribal entities and sovereign nations/foreign governments and an RE–5 for CODEL travel for filing and for compliance;

(J) examine any potential impropriety in payments, or other gifts to a Senator and his or her immediate family, each Senator's personal office, the Senator's senior staff, and the immediate family members of senior staff, with the Senator's senior staff being listed and disclosed with the independent audit report to avoid any confusion;

(K) provide training opportunities and work closely with relevant personnel inside the Senator's personal office to recognize and rectify any violations, enabling each office the ability to internally recognize and eliminate potential violations of established ethics rules and guidelines; and

(L) make recommendations to Senators concerning office ethics policy or practice improvement.

SA 2946. Mr. McCAIN (for himself, Mr. COBURN, Mr. ENSIGN, Mr. FEINGOLD, Mr. KYL, Mr. DEMINT, Mr. SUNUNU, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, line 21, strike "24 hours" and insert "48 hours".

On page 16, between lines 3 and 4, insert the following:

SEC. 114. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

(a) In General.—Paragraph 1 of Rule XVI of the Standing Rules of the Senate is amended to read as follows:

"1. (a) On a point of order made by any Senator:

"(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

"(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

"(3) No new or general legislation nor any unauthorized appropriation, new matter, or nongermane matter may be included in any conference report on a general appropriation bill.

"(4) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

"(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill is sustained, then—

"(A) the new or general legislation or unauthorized appropriation shall be struck from the bill; and

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly.

"(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained, then an amendment to the House bill is deemed to have been adopted that—

"(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

"(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly.

"(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

"(d) If the point of order against a conference report under subparagraph (a)(3) is sustained, then—

"(1) the new or general legislation, unauthorized appropriation, new matter, or nongermane matter in such conference report shall be deemed to have been struck;

"(2) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck shall be deemed to have been made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be deemed to be reduced accordingly;

"(3) when all other points of order under this paragraph have been disposed of—

"(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck (together with any modification of total amounts appropriated and reduction in the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) deemed to have been made);

"(B) the question shall be debatable; and

"(C) no further amendment shall be in order; and

"(4) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

"(e)(1) If a point of order under subparagraph (a)(4) against a Senate amendment is sustained, then—

"(A) the unauthorized appropriation shall be struck from the amendment;

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly; and

"(C) after all other points of order under this paragraph have been disposed of, the

Senate shall proceed to consider the amendment as so modified.

"(2) If a point of order under subparagraph (a)(4) against a House amendment is sustained, then—

"(A) an amendment to the House amendment is deemed to have been adopted that—

"(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

"(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly; and

"(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

"(f) The disposition of a point of order made under any other paragraph of this Rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

"(g) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

"(h) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill, a conference report on a general appropriation bill, or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (g), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

"(i) Notwithstanding any provision of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), no point of order provided for under that Act shall lie against the striking of any matter, the modification of total amounts to reflect the deletion of matter struck, or the reduction of an allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) to reflect the deletion of matter struck (or to the bill, amendment, or conference report as affected by such striking, modification, or reduction) pursuant to a point of order under this paragraph.

"(j) For purposes of this paragraph:

"(1)(A) The term 'unauthorized appropriation' means an appropriation—

"(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

"(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

"(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that—

"(i) discriminates against other persons, programs, projects, entities, or jurisdictions similarly situated that would be eligible, but for the restriction, direction, or authorization, for the amount appropriated; or

"(ii) is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

"(2) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this Rule.

"(3) The terms 'new matter' and 'nongermane matter' have the same meaning as when those terms are used in Rule XXVIII.".

(b) PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.—

(1) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term "assistance" includes a grant, loan, loan guarantee, or contract.

(B) The term "congressional report" means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term "earmark" means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term "entity" includes a State or locality, but does not include any Federal agency.

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2006.

(c) LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

"SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

"(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

"(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

"(2) the amount of money paid as described in paragraph (1).

"(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.".

SA 2947. Mr. NELSON (for himself and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—MEDICARE

SEC. 301. PROTECTION FOR MEDICARE BENEFICIARIES WHO ENROLL IN THE PRESCRIPTION DRUG BENEFIT DURING 2006.

(a) EXTENDED PERIOD OF OPEN ENROLLMENT DURING ALL OF 2006 WITHOUT LATE ENROLLMENT PENALTY.—Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w-21(e)(3)(B)) is amended—

(1) in clause (iii), by striking "May 15, 2006" and inserting "December 31, 2006"; and

(2) by adding at the end the following new sentence:

"An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both).".

(b) ONE-TIME CHANGE OF PLAN ENROLLMENT FOR MEDICARE PRESCRIPTION DRUG BENEFIT DURING ALL OF 2006.—

(1) IN GENERAL.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w-21(e)) is amended—

(A) in paragraph (2)(B)—

(i) in the heading, by striking "FOR FIRST 6 MONTHS";

(ii) in clause (i), by striking "the first 6 months of 2006," and all that follows through "is a Medicare+Choice eligible individual," and inserting "2006,"; and

(iii) in clause (ii), by inserting "(other than during 2006)" after "paragraph (3)"; and

(B) in paragraph (4), by striking "2006" and inserting "2007" each place it appears.

(2) CONFORMING AMENDMENT.—Section 1860D-1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)(B)(iii)) is amended by striking "subparagraphs (B) and (C) of paragraph (2)" and inserting "paragraph (2)(C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173).

SA 2948. Mr. DORGAN (for himself, Mrs. BOXER, Mr. DAYTON, Mr. FEINGOLD, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2349, to provided greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—HONEST LEADERSHIP AND ACCOUNTABILITY IN CONTRACTING

SEC. 301. SHORT TITLE.

This title may be cited as the "Honest Leadership and Accountability in Contracting Act of 2006".

Subtitle A—Elimination of Fraud and Abuse

SEC. 311. PROHIBITION OF WAR PROFITEERING AND FRAUD.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1039. War profiteering and fraud

"(a) PROHIBITION.—

"(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war or military action knowingly and willfully—

"(A) executes or attempts to execute a scheme or artifice to defraud the United States or the entity having jurisdiction over the area in which such activities occur;

"(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

"(D) materially overvalues any good or service with the specific intent to excessively profit from the war or military action;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both.

"(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

"(A) $1,000,000; or

"(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1039. War profiteering and fraud.".

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "1039," after "1032,".

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1039".

(d) TREATMENT UNDER MONEY LAUNDERING OFFENSE.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: ", section 1039 (relating to war profiteering and fraud)" after "liquidating agent of financial institution),".

SEC. 312. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to provide that no prospective contractor shall be considered to have a satisfactory record of integrity and business ethics if it—

(1) has exhibited a pattern of overcharging the Government under Federal contracts; or

(2) has exhibited a pattern of failing to comply with the law, including tax, labor and employment, environmental, antitrust, and consumer protection laws.

(b) EFFECTIVE DATE.—The revised regulation required by this section shall apply with respect to all contracts for which solicitations are issued after the date that is 90 days after the date of the enactment of this Act.

SEC. 313. DISCLOSURE OF AUDIT REPORTS.

(a) DISCLOSURE OF INFORMATION TO CONGRESS.—

(1) IN GENERAL.—The head of each executive agency shall maintain a list of audit reports issued by the agency during the current and previous calendar years that—

(A) describe significant contractor costs that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract; or

(B) identify significant or substantial deficiencies in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) SUBMISSION OF INDIVIDUAL AUDITS.—The head of each executive agency shall provide, within 14 days of a request in writing by the chairman or ranking member of a committee of jurisdiction, a full and unredacted copy of—

(A) the current version of the list maintained pursuant to paragraph (1); or

(B) any audit or other report identified on such list.

(b) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR PENALTIES AND VIOLATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Procurement Data System shall be modified to include—

(A) information on instances in which any major contractor has been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against it in connection with allegations of improper conduct; and

(B) information on all sole source contract awards in excess of $2,000,000 entered into by an executive agency.

(2) PUBLICLY AVAILABLE WEBSITE.—The information required by paragraph (1) shall be made available through the publicly available website of the Federal Procurement Data System.

Subtitle B—Contract Matters

PART I—COMPETITION IN CONTRACTING

SEC. 321. PROHIBITION ON AWARD OF MONOPOLY CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended by adding at the end the following new paragraph:

"(4)(A) No task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

"(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

"(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

"(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

"(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).".

(b) DEFENSE CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) No task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

"(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

"(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

"(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

"(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).".

SEC. 322. COMPETITION IN MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this section, the Federal Acquisition Regulation shall be revised to require competition in the purchase of goods and services by each executive agency pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—(1) The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of goods or services in excess of $1,000,000 that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the executive agency—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) applies to such individual purchase; or

(ii) a statute expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) For purposes of this subsection, an individual purchase of goods or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such goods or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) Notwithstanding paragraph (2), notice may be provided to fewer than all contractors offering such goods or services under a multiple award contract described in subsection (c)(2)(A) if notice is provided to as many contractors as practicable.

(4) A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under paragraph (3) unless—

(A) offers were received from at least three qualified contractors; or

(B) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) DEFINITIONS.—In this section:

(1) The term "individual purchase" means a task order, delivery order, or other purchase.

(2) The term "multiple award contract" means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3));

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with two or more sources pursuant to the same solicitation.

(d) APPLICABILITY.—The revisions to the Federal Acquisition Regulation pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act, and shall apply to all individual purchases of goods or services that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

(e) CONFORMING AMENDMENTS TO DEFENSE CONTRACT PROVISION.—Section 803 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 10 U.S.C. 2304 note) is amended as follows:

(1) GOODS COVERED.—(A) The section heading is amended by inserting "**GOODS OR**" before "**SERVICES**".

(B) Subsection (a) is amended by inserting "goods and" before "services".

(C) The following provisions are amended by inserting "goods or" before "services" each place it appears:

(i) Paragraphs (1), (2), and (3) of subsection (b).

(ii) Subsection (d).

(D) Such section is amended by adding at the end the following new subsection:

"(e) APPLICABILITY TO GOODS.—The Secretary shall revise the regulations promulgated pursuant to subsection (a) to cover purchases of goods by the Department of Defense pursuant to multiple award contracts. The revised regulations shall take effect in final form not later than 180 days after the date of the enactment of this subsection and shall apply to all individual purchases of goods that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.".

(f) PROTEST RIGHTS FOR CERTAIN AWARDS.—

(1) CIVILIAN AGENCY CONTRACTS.—Section 303J(d) of the Federal Property and Administrative Services Act (41 U.S.C. 253j(d)) is amended by inserting "with a value of less than $500,000" after "task or delivery order".

(2) DEFENSE CONTRACTS.—Section 2304c(d) of title 10, United States Code, is amended by inserting "with a value of less than $500,000" after "task or delivery order".

PART II—CONTRACT PERSONNEL MATTERS

SEC. 331. CONTRACTOR CONFLICTS OF INTEREST.

(a) PROHIBITION ON CONTRACTS RELATING TO INHERENTLY GOVERNMENTAL FUNCTIONS.—The head of an agency may not enter into a contract for the performance of any inherently governmental function.

(b) PROHIBITION ON CONTRACTS FOR CONTRACT OVERSIGHT.—

(1) PROHIBITION.—The head of an agency may not enter into a contract for the performance of acquisition functions closely associated with inherently governmental functions with any entity unless the head of the agency determines in writing that—

(A) neither that entity nor any related entity will be responsible for performing any of the work under a contract which the entity will help plan, evaluate, select a source, manage or oversee; and

(B) the agency has taken appropriate steps to prevent or mitigate any organizational conflict of interest that may arise because the entity—

(i) has a separate ongoing business relationship, such as a joint venture or contract, with any of the contractors to be overseen;

(ii) would be placed in a position to affect the value or performance of work it or any related entity is doing under any other Government contract;

(iii) has a reverse role with the contractor to be overseen under one or more separate Government contracts; or

(iv) has some other relationship with the contractor to be overseen that could reasonably appear to bias the contractor's judgment.

(2) RELATED ENTITY DEFINED.—In this subsection, the term "related entity", with respect to a contractor, means any subsidiary, parent, affiliate, joint venture, or other entity related to the contractor.

(c) DEFINITIONS.—In this section:

(1) The term "inherently governmental functions" has the meaning given to such term in part 7.5 of the Federal Acquisition Regulation.

(2) The term "functions closely associated with governmental functions" means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

(3) The term "organizational conflict of interest" has the meaning given such term in part 9.5 of the Federal Acquisition Regulation.

(d) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of the enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for the performance of a function relating to contract oversight regardless of whether such contract was entered into before, on, or after such date.

SEC. 332. ELIMINATION OF REVOLVING DOOR BETWEEN FEDERAL PERSONNEL AND CONTRACTORS.

(a) ELIMINATION OF LOOPHOLES ALLOWING FORMER FEDERAL OFFICIALS TO ACCEPT COMPENSATION FROM CONTRACTORS OR RELATED ENTITIES.—

(1) IN GENERAL.—Paragraph (1) of subsection (d) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended—

(A) by striking "or consultant" and inserting "consultant, lawyer, or lobbyist";

(B) by striking "one year" and inserting "two years"; and

(C) in subparagraph (C), by striking "personally made for the Federal agency—" and inserting "participated personally and substantially in—".

(2) DEFINITION.—Paragraph (2) of such subsection is amended to read as follows:

"(2) For purposes of paragraph (1), the term 'contractor' includes any division, affiliate, subsidiary, parent, joint venture, or other related entity of a contractor.".

(b) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS TO FORMER EMPLOYERS.—Such section is further amended by adding at the end the following new subsection:

"(i) PROHIBITION ON INVOLVEMENT BY CERTAIN FORMER CONTRACTOR EMPLOYEES IN PROCUREMENTS.—A former employee of a contractor who becomes an employee of the Federal Government shall not be personally and substantially involved with any Federal agency procurement involving the employee's former employer, including any division, affiliate, subsidiary, parent, joint venture, or other related entity of the former employer, for a period of two years beginning on the date on which the employee leaves the employment of the contractor unless the designated agency ethics officer for the agency determines in writing that the government's interest in the former employee's participation in a particular procurement outweighs any appearance of impropriety.".

(c) REQUIREMENT FOR FEDERAL PROCUREMENT OFFICERS TO DISCLOSE JOB OFFERS MADE TO RELATIVES.—Subsection (c)(1) of such section is amended by inserting after "that official" the following: ", or for a relative of that official (as defined in section 3110 of title 5, United States Code),".

(d) ADDITIONAL CRIMINAL PENALTIES.—Paragraph (1) of subsection (e) of such section is amended to read as follows:

"(1) CRIMINAL PENALTIES.—Whoever engages in conduct constituting a violation of—

"(A) subsection (a) or (b) for the purpose of either—

"(i) exchanging the information covered by such subsection for anything of value, or

"(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or

"(B) subsection (c) or (d);

shall be imprisoned for not more than 5 years, fined as provided under title 18, Untied States Code, or both.".

(e) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

"(j) REGULATIONS.—The Director of the Office of Government Ethics, in consultation with the Administrator, shall—

"(1) promulgate regulations to carry out and ensure the enforcement of this section; and

"(2) monitor and investigate individual and agency compliance with this section.".

Subtitle C—Other Personnel Matters

SEC. 341. MINIMUM REQUIREMENTS FOR POLITICAL APPOINTEES HOLDING PUBLIC CONTRACTING AND SAFETY POSITIONS.

(a) IN GENERAL.—A position specified in subsection (b) may not be held by any political appointee who does not meet the requirements of subsection (c).

(b) SPECIFIED POSITIONS.—A position specified in this subsection is any position as follows:

(1) A public contracting position.

(2) A public safety position.

(c) MINIMUM REQUIREMENTS.—An individual shall not, with respect to any position, be considered to meet the requirements of this subsection unless such individual—

(1) has academic, management, and leadership credentials in one or more areas relevant to such position;

(2) has a superior record of achievement in one or more areas relevant to such position; and

(3) has training and expertise in one or more areas relevant to such position.

(d) POLITICAL APPOINTEE.—For purposes of this section, the term "political appointee" means any individual who—

(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service; or

(3) is employed in the executive branch of the Government in a position which has been excepted from the competitive service by reason of its policy-determining, policy-making, or policy-advocating character.

(e) PUBLIC CONTRACTING POSITION.—For purposes of this section, the term "public contracting position" means the following:

(1) The Administrator for Federal Procurement Policy.

(2) The Administrator of the General Services Administration.

(3) The Chief Acquisition Officer of any executive agency, as appointed or designated pursuant to section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414).

(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(5) Any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves government procurement and procurement policy, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

(f) PUBLIC SAFETY POSITION.—For purposes of this section, the term "public safety position" means the following:

(1) The Under Secretary for Emergency Preparedness and Response, Department of Homeland Security.

(2) The Director of the Federal Emergency Management Agency, Department of Homeland Security.

(3) Each regional director of the Federal Emergency Management Agency, Department of Homeland Security.

(4) The Recovery Division Director of the Federal Emergency Management Agency, Department of Homeland Security.

(5) The Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security.

(6) The Assistant Secretary for Public Health Emergency Preparedness, Department of Health and Human Services.

(7) The Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection Agency.

(8) Any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves responding to a direct threat to life or property or a hazard to health, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

(g) PUBLICATION OF POSITIONS.—Beginning not later than 30 days after the date of the enactment of this Act, the head of each agency shall maintain on such agency's public website a current list of all public contracting positions and public safety positions within such agency.

(h) COORDINATION WITH OTHER REQUIREMENTS.—The requirements set forth in subsection (c) shall be in addition to, and not in lieu of, any requirements that might otherwise apply with respect to any particular position.

(i) DEFINITIONS.—In this section:

(1) The term "agency" means an Executive agency (as defined by section 105 of title 5, United States Code).

(2) The terms "limited term appointee", "limited emergency appointee", and "noncareer appointee" have the meanings given such terms in section 3132 of title 5, United States Code.

(3) The term "Senior Executive Service" has the meaning given such term by section 2101a of title 5, United States Code.

(4) The term "competitive service" has the meaning given such term by section 2102 of title 5, United States Code.

(5) The terms "lobbyist" and "client" have the respective meanings given them by section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

(j) CONFORMING AMENDMENT.—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a)) is amended by striking "non-career employee as".

SEC. 342. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation";

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation (other than a violation of this section)"; and

(3) by adding at the end the following:

"(C) any disclosure that—

"(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

"(I) any violation of any law, rule, or regulation;

"(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(III) a false statement to Congress on an issue of material fact; and

"(ii) is made to—

"(I) a member of a committee of Congress;

"(II) any other Member of Congress; or

"(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.".

(b) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking "and" at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

"(i) any violation of any law, rule, or regulation; or

"(ii) gross management, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.".

(c) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

"This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee would reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.".

(d) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking "and" after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

"(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

"(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

"(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and"

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking "or" at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

“(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: ‘These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 (governing disclosures to Congress); section 1034 of title 10 (governing disclosure to Congress by members of the military); section 2302(b)(8) (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18 and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling’; or

“(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.”.

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

“§ 7702a. Actions relating to security clearances

“(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

“(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

“(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

“(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

“(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regards to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

“(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regards to the security clearance or access determination.

“(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

“(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.”.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

“7702a. Actions relating to security clearances.”.

(e) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

“(ii)(I) the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, and the National Security Agency; and

“(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or”.

(f) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking “agency involved” and inserting “agency where the prevailing party is employed or has applied for employment”.

(g) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

“(3)(A) A final order of the Board may impose—

“(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

“(ii) an assessment of a civil penalty not to exceed $1,000; or

“(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

“(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.”.

(h) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

“(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 77 and the impact court decisions would have on the enforcement of such provisions of law.

“(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).”.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

“(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

“(B) During the 5-year period beginning on the effective date of this subsection, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).”.

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

“(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

“(2) During the 5-year period beginning on the effective date of this subsection, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

(j) Nondisclosure Policies, Forms, and Agreements.—

(1) In General.—

(A) Requirement.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.".

(B) Enforceability.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) Persons Other Than Government Employees.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(k) Clarification of Whistleblower Rights for Critical Infrastructure Information.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: "For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.".

(l) Advising Employees of Rights.—Section 2302(c) of title 5, United States Code, is amended by inserting ", including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures" after "chapter 12 of this title".

(m) Scope of Due Process.—

(1) Special counsel.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(2) Individual action.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(n) Effective Date.—This section and the amendment made by this section shall take effect 30 days after the date of the enactment of this Act.

SA 2949. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON NAMING FEDERAL BUILDINGS OR PROPERTIES AFTER LIVING SERVING OR FORMER MEMBERS OF CONGRESS.

(a) In General.—It shall not be in order in the Senate to consider any bill or resolution, or conference report thereon, or amendment that names a Federal building, property, program, project, or entity funded, in whole or in part, by the Federal Government after a living Member of Congress or a living former Member of Congress.

(b) Supermajority Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of $\frac{3}{5}$ of the Members, duly chosen and sworn. An affirmative vote of $\frac{3}{5}$ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 2950. Mr. COBURN (for himself and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, strike line 21 through page 6, line 19, and insert the following:

72 hours before its consideration.

SEC. 104. AVAILABILITY OF LEGISLATION ON THE INTERNET.

(a) In General.—

(1) Amendment.—Rule XIV of the Standing Rules of the Senate is amended by adding at the end the following:

"11. (a) It shall not be in order to consider a bill or resolution, or conference report, thereon, or an amendment unless such measure is available to all Members and made available through a searchable electronic format to the general public by means of the Internet for at least 72 hours before its consideration.

"(b) This paragraph may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members, duly chosen and sworn. An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.".

(2) Effective date.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) Implementation.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop and establish a website capable of complying with the requirements of paragraph 11 of rule XIV of the Standing Rules of the Senate, as added by subsection (a).

SA 2951. Mr. COBURN (for himself and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

SEC. . LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.

The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

"SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

"(a) In General.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

"(1) any lobbying activities engaged in by the recipient and the costs to the recipient of such activities; and

"(2)(A) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

"(B) the amount of money paid as described in subparagraph (A).

"(b) Definition.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.".

SA 2952. Mr. COBURN (for himself and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) In General.—Effective beginning January 1, 2007, the Office of Management and Budget shall ensure the existence and operation of a single updated searchable database website accessible by the public that includes for each entity receiving Federal funding—

(1) the name of the entity;

(2) the amount of any Federal funds that the entity has received in each of the last 10 fiscal years;

(3) an itemized breakdown of that funding by agency and program source;

(4) the location of the entity including the city, State, and country; and

(5) a unique identifier for each such entity.

(b) Definition of Entity.—For purposes of this section, the term "entity"—

(1) includes—

(A) a corporation;

(B) an association;

(C) a partnership;

(D) a limited liability company;

(E) a limited liability partnership;

(F) any other legal business entity;

(G) grantees, contractors, and, on and after October 1, 2007, subgrantees; and

(H) any State or locality; and

(2) does not include—

(A) an individual recipient of Federal assistance;

(B) a Federal employee; or

(C) a grant or contract of a nature that could be reasonably expected to cause damage to national security.

SA 2953. Mr. KYL (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

SEC. ____. SHORT TITLE.

This title may be cited as the "Unlawful Internet Gambling Enforcement Act of 2006".

SEC. . PROHIBITION ON ACCEPTANCE OF ANY PAYMENT INSTRUMENT FOR UNLAWFUL INTERNET GAMBLING.

(a) In General.—Chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

"§ 5361. Congressional findings and purpose

"(a) Findings.—Congress finds the following:

"(1) Internet gambling is primarily funded through personal use of payment system instruments, credit cards, and wire transfers.

"(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent such sites.

"(3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry.

"(4) New mechanisms for enforcing gambling laws on the Internet are necessary because traditional law enforcement mechanisms are often inadequate for enforcing gambling prohibitions or regulations on the Internet, especially where such gambling crosses State or national borders.

"(b) Rule of Construction.—No provision of this subchapter shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States.

"§ 5362. Definitions

"In this subchapter, the following definitions shall apply:

"(1) Bet or Wager.—The term 'bet or wager'—

"(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;

"(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

"(C) includes any scheme of a type described in section 3702 of title 28;

"(D) includes any instructions or information pertaining to the establishment or movement of funds by the bettor or customer in, to, or from an account with the business of betting or wagering; and

"(E) does not include—

"(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of such Act);

"(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act;

"(iii) any over-the-counter derivative instrument;

"(iv) any other transaction that—

"(I) is excluded or exempt from regulation under the Commodity Exchange Act; or

"(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act or section 28(a) of the Securities Exchange Act of 1934;

"(v) any contract of indemnity or guarantee;

"(vi) any contract for insurance;

"(vii) any deposit or other transaction with an insured depository institution; or

"(viii) any participation in a fantasy or simulation sports game, an educational game, or a contest, that—

"(I) is not dependent solely on the outcome of any single sporting event or nonparticipant's singular individual performance in any single sporting event;

"(II) has an outcome that reflects the relative knowledge of the participants, or their skill at physical reaction or physical manipulation (but not chance), and, in the case of a fantasy or simulation sports game, has an outcome that is determined predominantly by accumulated statistical results of—

"(aa) sporting events; or

"(bb) nonparticipants' individual performances in sporting events; and

"(III) offers a prize or award to a participant that is established in advance of the game or contest and is not determined by the number of participants or the amount of any fees paid by those participants.

"(2) Business of Betting or Wagering.—The term 'business of betting or wagering' does not include the activities of a financial transaction provider, or any interactive computer service or telecommunications service.

"(3) Designated Payment System.—The term 'designated payment system' means any system utilized by a financial transaction provider that the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, determines, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

"(4) Financial Transaction Provider.—The term 'financial transaction provider' means a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or a participant in such network, or other participant in a designated payment system.

"(5) Internet.—The term 'Internet' means the international computer network of interoperable packet switched data networks.

"(6) Interactive Computer Service.—The term 'interactive computer service' has the same meaning as in section 230(f) of the Communications Act of 1934.

"(7) Restricted Transaction.—The term 'restricted transaction' means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of section 5363 which the recipient is prohibited from accepting under section 5363.

"(8) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(9) State.—The term 'State' means a State of the United States, the District of Columbia, or a commonwealth, territory, or possession of the United States.

"(10) Unlawful Internet Gambling.—

"(A) In General.—The term 'unlawful Internet gambling' means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State or Tribal lands in which the bet or wager is initiated, received, or otherwise made.

"(B) Intrastate Transactions.—The term 'unlawful Internet gambling' shall not include placing, receiving, or otherwise transmitting a bet or wager where—

"(i) the bet or wager is initiated and received or otherwise made exclusively within a single State;

"(ii) the bet or wager, and the method by which the bet or wager is initiated and received or otherwise made, is expressly authorized by and placed in accordance with the laws of such State, and the State law or regulations include—

"(I) age and location verification requirements reasonably designed to block access to minors and persons located out of such State; and

"(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with such State's law or regulations; and

"(iii) the bet or wager does not violate any provision of the—

"(I) Interstate Horseracing Act of 1978;

"(II) Professional and Amateur Sports Protection Act;

"(III) Gambling Devices Transportation Act; or

"(IV) Indian Gaming Regulatory Act.

"(C) Intratribal Transactions.—The term 'unlawful Internet gambling' shall not include placing, receiving, or otherwise transmitting a bet or wager where—

"(i) the bet or wager is initiated and received or otherwise made exclusively—

"(I) within the Indian lands of a single Indian tribe (as those terms are defined by the Indian Gaming Regulatory Act); or

"(II) between the Indian lands of 2 or more Indian tribes to the extent that intertribal gaming is authorized by the Indian Gaming Regulatory Act;

"(ii) the bet or wager, and the method by which the bet or wager is initiated and received or otherwise made, is expressly authorized by and complies with the requirements of—

"(I) the applicable tribal ordinance or resolution approved by the Chairman of the National Indian Gaming Commission; and

"(II) with respect to class III gaming, the applicable Tribal-State Compact;

"(iii) the applicable tribal ordinance or resolution or Tribal-State compact includes—

"(I) age and location verification requirements reasonably designed to block access to minors and persons located out of the applicable Tribal lands; and

"(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with the applicable tribal ordinance or resolution or Tribal-State Compact; and

"(iv) the bet or wager does not violate any provision of the—

"(I) Interstate Horseracing Act of 1978;

"(II) the Professional and Amateur Sports Protection Act;

"(III) the Gambling Devices Transportation Act; or

"(IV) the Indian Gaming Regulatory Act.

"(D) INTERSTATE HORSERACING.—The term 'unlawful Internet gambling' shall not include placing, receiving, or otherwise transmitting a bet or wager that is governed by and complies with the Interstate Horseracing Act of 1978.

"(E) INTERMEDIATE ROUTING.—The intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

"(11) OTHER TERMS.—

"(A) CREDIT; CREDITOR; CREDIT CARD; AND CARD ISSUER.—The terms 'credit', 'creditor', 'credit card', and 'card issuer' have the same meanings as in section 103 of the Truth in Lending Act.

"(B) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer'—

"(i) has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term includes transfers that would otherwise be excluded under section 903(6)(E) of that Act; and

"(ii) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

"(C) FINANCIAL INSTITUTION.—The term 'financial institution' has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

"(D) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution'—

"(i) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

"(ii) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).

"(E) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms 'money transmitting business' and 'money transmitting service' have the same meanings as in section 5330(d) (determined without regard to any regulations issued by the Secretary thereunder).

"§ 5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling

"No person engaged in the business of betting or wagering may knowingly accept, in connection with the participation of another person in unlawful Internet gambling—

"(1) credit, or the proceeds of credit, extended to, or on behalf of, such other person (including credit extended through the use of a credit card);

"(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

"(3) any check, draft, or similar instrument which is drawn by, or on behalf of, such other person and is drawn on or payable at or through any financial institution; or

"(4) the proceeds of any other form of financial transaction, as the Secretary may prescribe by regulation, which involves a financial institution as a payor or financial intermediary on behalf of, or for the benefit of, such other person.

"§ 5364. Policies and procedures to identify and prevent restricted transactions

"(a) REGULATIONS.—Before the end of the 270-day period beginning on the date of enactment of this subchapter, the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, shall prescribe regulations requiring each designated payment system, and all participants therein, to identify and prevent restricted transactions through the establishment of policies and procedures reasonably designed to identify and prevent restricted transactions in any of the following ways:

"(1) The establishment of policies and procedures that—

"(A) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means; and

"(B) block restricted transactions identified as a result of the policies and procedures developed pursuant to subparagraph (A).

"(2) The establishment of policies and procedures that prevent the acceptance of the products or services of the payment system in connection with a restricted transaction.

"(b) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations under subsection (a), the Secretary shall—

"(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed to identify, block, or prevent the acceptance of the products or services with respect to each type of restricted transaction;

"(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and blocking, or otherwise preventing the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

"(3) consider exempting restricted transactions from any requirement imposed under such regulations, if the Secretary finds that it is not reasonably practical to identify and block, or otherwise prevent, such transactions.

"(c) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a), if—

"(1) such person relies on, and complies with, the policies and procedures of a designated payment system of which it is a member or participant to—

"(A) identify and block restricted transactions; or

"(B) otherwise prevent the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

"(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

"(d) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTIONS.—A person shall not be liable to any party if such person—

"(1) is subject to a regulation prescribed or order issued under this subchapter; and

"(2) blocks, or otherwise refuses to honor a transaction—

"(A) that is a restricted transaction;

"(B) that such person reasonably believes to be a restricted transaction; or

"(C) as a designated payment system or a member of a designated payment system in reliance on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a).

"(e) REGULATORY ENFORCEMENT.—The requirements of this section shall be enforced exclusively by the Federal functional regulators and the Federal Trade Commission, in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act.

"§ 5365. Circumventions prohibited

"Notwithstanding section 5362(2), a financial transaction provider, or any interactive computer service or telecommunications service, may be liable under this subchapter if such person has actual knowledge and control of bets and wagers, and—

"(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

"(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

"5361. Congressional findings and purpose
"5362. Definitions
"5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling
"5364. Policies and procedures to identify and prevent restricted transactions
"5365. Circumventions prohibited".

SEC. . INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.

(a) IN GENERAL.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(1) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(2) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(3) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(b) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

SA 2954. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, strike line 1 and insert the following:

SEC. 113. PROHIBITION ON USING CHARITIES FOR PERSONAL OR POLITICAL GAIN.

(a) In General.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. (a) A Member of the Senate shall not use for personal or political gain any organization—

"(1) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

"(2) the affairs over which such Member or the spouse of such Member is in a position to exercise substantial influence.

"(b) For purposes of this paragraph, a Member of the Senate shall be considered to have used an organization described in subparagraph (a) for personal or political gain if—

"(1) a member of the family (within the meaning of section 4946(d) of the Internal Revenue Code of 1986) of the Member is employed by the organization;

"(2) any of the Member's staff is employed by the organization,

"(3) an individual or firm that receives money from the Member's campaign committee or a political committee established, maintained, or controlled by the Member serves in a paid capacity with or receives a payment from the organization;

"(4) the organization pays for travel or lodging costs incurred by the Member for a trip on which the Member also engages in political fundraising activities; or

"(5) another organization that receives support from such organization pays for travel or lodging costs incurred by the Member.

"(c)(1) A Member of the Senate and any employee on the staff of a Member to which paragraph 9(c) applies shall disclose to the Secretary of the Senate the identity of any person who makes an applicable contribution and the amount of any such contribution.

"(2) For purposes of this subparagraph, an applicable contribution is a contribution—

"(A) which is to an organization described in subparagraph (a);

"(B) which is over $200; and

"(C) of which such Member or employee, as the case may be, knows.

"(3) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to this subparagraph as soon as possible after they are received.

"(d)(1) The Select Committee on Ethics may grant a waiver to any Member with respect to the application of this paragraph in the case of an organization which is described in subparagraph (a)(1) and the affairs over which the spouse of the Member, but not the Member, is in a position to exercise substantial influence.

"(2) In granting a waiver under this subparagraph, the Select Committee on Ethics shall consider all the facts and circumstances relating to the relationship between the Member and the organization, including—

"(A) the independence of the Member from the organization;

"(B) the degree to which the organization receives contributions from multiple sources not affiliated with the Member;

"(C) the risk of abuse; and

"(D) whether the organization was formed prior to and separately from such spouse's involvement with the organization.".

(b) Effective Date.—The amendment made by this section shall take effect on January 1, 2007.

SEC. 114. EFFECTIVE DATE.

SA 2955. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. . MODIFICATION OF DEFINITION OF PUBLIC COMMUNICATION.

(a) Short Title.—This section may be cited as the "Online Freedom of Speech Act".

(b) Amendment.—Section 301(22) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) is amended by adding at the end the following: "Such term shall not include communications over the Internet.".

SA 2956. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 15, after line 24, insert the following:

SEC. 112A. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) In General.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 226. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS BY A MEMBER OF CONGRESS.

"(a) In General.—Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

"(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

"(b) Official Act.—In this section, the term 'official act' shall have the same meaning as in section 201(a) of this title.".

(b) No Inference.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) Chapter Analysis.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.".

SA 2957. Mr. McCAIN (for himself, Ms. Collins, Mr. Lieberman, and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE III—SENATE OFFICE OF PUBLIC INTEGRITY

SEC. 311. ESTABLISHMENT OF SENATE OFFICE OF PUBLIC INTEGRITY.

There is established, as an office within the Senate, the Senate Office of Public Integrity (referred to in this title as the "Office").

SEC. 312. DIRECTOR.

(a) Appointment of Director.—

(1) In general.—The Office shall be headed by a Director who shall be appointed by the President Pro Tempore of the Senate upon the joint recommendation of the majority leader of the Senate and the minority leader of the Senate. The selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office.

(2) Qualifications.—The Director shall possess demonstrated integrity, independence, and public credibility and shall have training or experience in law enforcement, the judiciary, civil or criminal litigation, or as a member of a Federal, State, or local ethics enforcement agency.

(b) Vacancy.—A vacancy in the directorship shall be filled in the manner in which the original appointment was made.

(c) Term of Office.—The Director shall serve for a term of 5 years and may be reappointed.

(d) Removal.—

(1) Authority.—The Director may be removed by the President Pro Tempore of the Senate upon the joint recommendation of the Senate majority and minority leaders for—

(A) disability that substantially prevents the Director from carrying out the duties of the Director;

(B) inefficiency;

(C) neglect of duty; or

(D) malfeasance, including a felony or conduct involving moral turpitude.

(2) Statement of reasons.—In removing the Director, a statement of the reasons for removal shall be provided in writing to the Director.

(e) Compensation.—The Director shall be compensated at the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 313. DUTIES AND POWERS OF THE OFFICE.

(a) Duties.—The Office is authorized—

(1) to investigate any alleged violation by a Member, officer, or employee of the Senate, of any rule or other standard of conduct applicable to the conduct of such Member, officer, or employee under applicable Senate rules in the performance of his duties or the discharge of his responsibilities;

(2) to present a case of probable ethics violations to the Select Committee on Ethics of the Senate;

(3) to make recommendations to the Select Committee on Ethics of the Senate that it report to the appropriate Federal or State authorities any substantial evidence of a violation by a Member, officer, or employee of the Senate of any law applicable to the performance of his duties or the discharge of his responsibilities, which may have been disclosed in an investigation by the Office; and

(4) subject to review by the Select Committee on Ethics to approve, or deny approval, of trips as provided for in paragraph 2(f) of rule XXXV of the Standing Rules of the Senate.

(b) Powers.—

(1) OBTAINING INFORMATION.—Upon request of the Office, the head of any agency or instrumentality of the Government shall furnish information deemed necessary by the Director to enable the Office to carry out its duties.

(2) REFERRALS TO THE DEPARTMENT OF JUSTICE.—Whenever the Director has reason to believe that a violation of law may have occurred, he shall refer that matter to the Select Committee on Ethics with a recommendation as to whether the matter should be referred to the Department of Justice or other appropriate authority for investigation or other action.

SEC. 314. INVESTIGATIONS AND INTERACTION WITH THE SENATE SELECT COMMITTEE ON ETHICS.

(a) INITIATION OF ENFORCEMENT MATTERS.—

(1) IN GENERAL.—An investigation may be initiated by the filing of a complaint with the Office by a Member of Congress or an outside complainant, or by the Office on its own initiative, based on any information in its possession. The Director shall not accept a complaint concerning a Member of Congress within 60 days of an election involving such Member.

(2) FILED COMPLAINT.—

(A) TIMING.—In the case of a complaint that is filed, the Director shall within 30 days make an initial determination as to whether the complaint should be dismissed or whether there are sufficient grounds to conduct an investigation. The subject of the complaint shall be provided by the Director with an opportunity during the 30-day period to challenge the complaint.

(B) DISMISSAL.—The Director may dismiss a complaint if the Director determines—

(i) the complaint fails to state a violation;

(ii) there is a lack of credible evidence of a violation; or

(iii) the violation is inadvertent, technical, or otherwise of a de minimis nature.

(C) REFERRAL.—In any case where the Director decides to dismiss a complaint, the Director may refer the case to the Select Committee on Ethics of the Senate under paragraph (3) to determine if the complaint is frivolous.

(3) FRIVOLOUS COMPLAINTS.—If the Select Committee on Ethics of the Senate determines that a complaint is frivolous, the committee may notify the Director not to accept any future complaint filed by that same person and the complainant may be required to pay for the costs of the Office resulting from such complaint. The Director may refer the matter to the Department of Justice to collect such costs.

(4) PRELIMINARY DETERMINATION.—For any investigation conducted by the Office at its own initiative, the Director shall make a preliminary determination of whether there are sufficient grounds to conduct an investigation. Before making that determination, the subject of the investigation shall be provided by the Director with an opportunity to submit information to the Director that there are not sufficient grounds to conduct an investigation.

(5) NOTICE TO COMMITTEE.—Whenever the Director determines that there are sufficient grounds to conduct an investigation—

(A) the Director shall notify the Select Committee on Ethics of the Senate of this determination; and

(B) the committee may overrule the determination of the Director if, within 10 legislative days—

(i) the committee by an affirmative, roll-call vote of two-thirds of the full committee votes to overrule the determination of the Director;

(ii) the committee issues a public report on the matter; and

(iii) the vote of each member of the committee on such roll-call vote is included in the report.

(b) CONDUCTING INVESTIGATIONS.—

(1) IN GENERAL.—If the Director determines that there are sufficient grounds to conduct an investigation and his determination is not overruled under subsection (a)(5), the Director shall conduct an investigation to determine if probable cause exists that a violation occurred.

(2) AUTHORITY.—As part of an investigation, the Director may—

(A) administer oaths;

(B) issue subpoenas;

(C) compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony; and

(D) himself, or by delegation to Office staff, take the deposition of witnesses.

(3) REFUSAL TO OBEY.—If a person disobeys or refuses to comply with a subpoena, or if a witness refuses to testify to a matter, he may be held in contempt of Congress.

(4) ENFORCEMENT.—If the Director determines that the Director is limited in the Director's ability to obtain documents, testimony, and other information needed as part of an investigation because of potential constitutional, statutory, or rules restrictions, or due to lack of compliance, the Director may refer the matter to the Select Committee on Ethics of the Senate for consideration and appropriate action by the committee. The committee shall promptly act on a request under this paragraph.

(c) PRESENTATION OF CASE TO SENATE SELECT COMMITTEE ON ETHICS.—

(1) NOTICE TO COMMITTEES.—If the Director determines, upon conclusion of an investigation, that probable cause exists that an ethics violation has occurred, the Director shall notify the Select Committee on Ethics of the Senate of this determination.

(2) COMMITTEE DECISION.—The Select Committee on Ethics may overrule the determination of the Director if, within 30 legislative days—

(A) the committee by an affirmative, roll-call vote of two-thirds of the full committee votes to overrule the determination of the Director;

(B) the committee issues a public report on the matter; and

(C) the vote of each member of the committee on such roll-call vote is included in the report.

(3) DETERMINATION AND RULING.—

(A) REFERRAL.—If the Director determines there is probable cause that an ethics violation has occurred and the Director's determination is not overruled, the Director shall present the case and evidence to the Select Committee on Ethics of the Senate to hear and make a determination pursuant to its rules.

(B) FINAL DECISION.—The Select Committee on Ethics shall vote upon whether the individual who is the subject of the investigation has violated any rules or other standards of conduct applicable to that individual in his official capacity. Such votes shall be a roll-call vote of the full committee, a quorum being present. The committee shall issue a public report which shall include the vote of each member of the committee on such roll-call vote.

(d) SANCTIONS.—Whenever the Select Committee on Ethics of the Senate finds that an ethics violation has occurred, the Director shall recommend appropriate sanctions to the committee and whether a matter should be referred to the Department of Justice for investigation.

SEC. 315. PROCEDURAL RULES.

(a) PROHIBITION OF CERTAIN INVESTIGATIONS.—No investigation shall be undertaken by the Office of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation.

(b) DISCLOSURE.—Information or testimony received, or the contents of a complaint or the fact of its filing, or recommendations made by the Director to the committee, may be publicly disclosed by the Director or by the staff of the Office only if authorized by the Select Committee on Ethics of the Senate.

SEC. 316. SOPI EMPLOYEES UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT.

Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 3) is amended—

(1) in paragraph (3)—

(A) in subparagraph (H), by striking "or";

(B) in subparagraph (I), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(J) the Office of Public Integrity."; and

(2) in paragraph (9), by striking "and the Office of Technology Assessment" and inserting "the Office of Technology Assessment, and the Senate Office of Public Integrity".

SEC. 317. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this title shall take effect on January 1, 2007.

(b) EXCEPTION.—Section 312 shall take effect upon the date of enactment of this Act.

SA 2958. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —REFORM OF SECTION 527 ORGANIZATIONS

SEC. 01. SHORT TITLE.

This title may be cited as the "527 Reform Act of 2005".

SEC. 02. TREATMENT OF SECTION 527 ORGANIZATIONS.

(a) DEFINITION OF POLITICAL COMMITTEE.—Section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(2) by adding at the end the following:

"(D) any applicable 527 organization.".

(b) DEFINITION OF APPLICABLE 527 ORGANIZATION.—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

"(27) APPLICABLE 527 ORGANIZATION.—

"(A) IN GENERAL.—For purposes of paragraph (4)(D), the term 'applicable 527 organization' means a committee, club, association, or group of persons that—

"(i) has given notice to the Secretary of the Treasury under section 527(i) of the Internal Revenue Code of 1986 that it is to be treated as an organization described in section 527 of such Code; and

"(ii) is not described in subparagraph (B).

"(B) EXCEPTED ORGANIZATIONS.—A committee, club, association, or other group of persons described in this subparagraph is—

"(i) an organization described in section 527(i)(5) of the Internal Revenue Code of 1986;

"(ii) an organization which is a committee, club, association or other group of persons that is organized, operated, and makes disbursements exclusively for paying expenses described in the last sentence of section 527(e)(2) of the Internal Revenue Code of 1986 or expenses of a newsletter fund described in section 527(g) of such Code;

"(iii) an organization which is a committee, club, association, or other group that consists solely of candidates for State or local office, individuals holding State or local office, or any combination of either, but only if the organization refers only to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does not refer to a Federal candidate or a political party in any of its voter drive activities; or

"(iv) an organization described in subparagraph (C).

"(C) APPLICABLE ORGANIZATION.—For purposes of subparagraph (B)(iv), an organization described in this subparagraph is a committee, club, association, or other group of persons whose election or nomination activities relate exclusively to—

"(i) elections where no candidate for Federal office appears on the ballot; or

"(ii) one or more of the following purposes:

"(I) Influencing the selection, nomination, election, or appointment of one or more candidates to non-Federal offices.

"(II) Influencing one or more applicable State or local issues.

"(III) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

"(D) EXCLUSIVITY TEST.—A committee, club, association, or other group of persons shall not be treated as meeting the exclusivity requirement of subparagraph (C) if it makes disbursements aggregating more than $1,000 for any of the following:

"(i) A public communication that promotes, supports, attacks, or opposes a clearly identified candidate for Federal office during the 1-year period ending on the date of the general election for the office sought by the clearly identified candidate (or, if a runoff election is held with respect to such general election, on the date of the runoff election).

"(ii) Any voter drive activity during a calendar year, except that no disbursements for any voter drive activity shall be taken into account under this subparagraph if the committee, club, association, or other group of persons during such calendar year—

"(I) makes disbursements for voter drive activities with respect to elections in only 1 State and complies with all applicable election laws of that State, including laws related to registration and reporting requirements and contribution limitations;

"(II) refers to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does not refer to any Federal candidate or any political party in any of its voter drive activities;

"(III) does not have a candidate for Federal office, an individual who holds any Federal office, a national political party, or an agent of any of the foregoing, control or materially participate in the direction of the organization, solicit contributions to the organization (other than funds which are described under clauses (i) and (ii) of section 323(e)(1)(B)), or direct disbursements, in whole or in part, by the organization; and

"(IV) makes no contributions to Federal candidates.

"(E) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II), a voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the activity is—

"(i) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

"(ii) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue, including a reference that constitutes the endorsement or position itself.

"(F) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II), a voter drive activity shall not be treated as referring to a political party if the only reference to the party in the activity is—

"(i) a reference for the purpose of identifying a non-Federal candidate;

"(ii) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

"(iii) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

"(G) APPLICABLE STATE OR LOCAL ISSUE.—For purposes of this paragraph, the term 'applicable State or local issue' means any State or local ballot initiative, State or local referendum, State or local constitutional amendment, State or local bond issue, or other State or local ballot issue.".

(c) DEFINITION OF VOTER DRIVE ACTIVITY.—Section 301 of such Act (2 U.S.C. 431), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

"(28) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' means any of the following activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot):

"(A) Voter registration activity.

"(B) Voter identification.

"(C) Get-out-the-vote activity.

"(D) Generic campaign activity.

"(E) Any public communication related to activities described in subparagraphs (A) through (D).

Such term shall not include any activity described in subparagraph (A) or (B) of section 316(b)(2).".

(d) REGULATIONS.—The Federal Election Commission shall promulgate regulations to implement this section not later than 60 days after the date of enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 60 days after the date of enactment of this Act.

SEC. ___03. RULES FOR ALLOCATION OF EXPENSES BETWEEN FEDERAL AND NON-FEDERAL ACTIVITIES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 325. ALLOCATION AND FUNDING RULES FOR CERTAIN EXPENSES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.

"(a) IN GENERAL.—In the case of any disbursements by any political committee that is a separate segregated fund or nonconnected committee for which allocation rules are provided under subsection (b)—

"(1) the disbursements shall be allocated between Federal and non-Federal accounts in accordance with this section and regulations prescribed by the Commission; and

"(2) in the case of disbursements allocated to non-Federal accounts, may be paid only from a qualified non-Federal account.

"(b) COSTS TO BE ALLOCATED AND ALLOCATION RULES.—

"(1) IN GENERAL.—Disbursements by any separate segregated fund or nonconnected committee, other than an organization described in section 323(b)(1), for any of the following categories of activity shall be allocated as follows:

"(A) 100 percent of the expenses for public communications or voter drive activities that refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

"(B) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications and voter drive activities that refer to one or more clearly identified candidates for Federal office and one or more clearly identified non-Federal candidates shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

"(C) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party, but do not refer to any clearly identified Federal or non-Federal candidate, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

"(D) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party and refer to one or more clearly identified non-Federal candidates, but do not refer to any clearly identified Federal candidates, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

"(E) Unless otherwise determined by the Commission in its regulations, at least 50 percent of any administrative expenses, including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate, shall be paid with funds from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

"(F) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event shall be paid with funds from a Federal account, except that for a separate segregated fund such costs may be paid instead by its connected organization. This paragraph shall not apply to any fundraising solicitations or any other activity that constitutes a public communication.

"(2) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the communication or activity is—

"(A) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

"(B) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue (as defined in section 301(27)(G)), including a reference that constitutes the endorsement or position itself.

"(3) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a political party if the only reference to the party in the communication or activity is—

"(A) a reference for the purpose of identifying a non-Federal candidate;

"(B) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

"(C) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

"(c) QUALIFIED NON-FEDERAL ACCOUNT.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified non-Federal account' means an account which consists solely of amounts—

"(A) that, subject to the limitations of paragraphs (2) and (3), are raised by the separate segregated fund or nonconnected committee only from individuals, and

"(B) with respect to which all requirements of Federal, State, or local law (including any law relating to contribution limits) are met.

"(2) LIMITATION ON INDIVIDUAL DONATIONS.—

"(A) IN GENERAL.—A separate segregated fund or nonconnected committee may not accept more than $25,000 in funds for its qualified non-Federal account from any one individual in any calendar year.

"(B) AFFILIATION.—For purposes of this paragraph, all qualified non-Federal accounts of separate segregated funds or nonconnected committees which are directly or indirectly established, financed, maintained, or controlled by the same person or persons shall be treated as one account.

"(3) FUNDRAISING LIMITATION.—

"(A) IN GENERAL.—No donation to a qualified non-Federal account may be solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of section 323.

"(B) FUNDS NOT TREATED AS SUBJECT TO ACT.—Except as provided in subsection (a)(2) and this subsection, any funds raised for a qualified non-Federal account in accordance with the requirements of this section shall not be considered funds subject to the limitations, prohibitions, and reporting requirements of this Act for any purpose (including for purposes of subsection (a) or (e) of section 323 or subsection (d)(1) of this section).

"(d) DEFINITIONS.—

"(1) FEDERAL ACCOUNT.—The term 'Federal account' means an account which consists solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this section or in section 323(b)(2)(B)(iii) shall be construed to infer that a limit other than the limit under section 315(a)(1)(C) applies to contributions to the account.

"(2) NONCONNECTED COMMITTEE.—The term 'nonconnected committee' shall not include a political committee of a political party.

"(3) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' has the meaning given such term in section 301(28).".

(b) REPORTING REQUIREMENTS.—Section 304(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(e)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) RECEIPTS AND DISBURSEMENTS FROM QUALIFIED NON-FEDERAL ACCOUNTS.—In addition to any other reporting requirement applicable under this Act, a political committee to which section 325(a) applies shall report all receipts and disbursements from a qualified non-Federal account (as defined in section 325(c)).".

(c) REGULATIONS.—The Federal Election Commission shall promulgate regulations to implement the amendments made by this section not later than 180 days after the date of enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 180 days after the date of enactment of this Act.

SEC. 04. REPEAL OF LIMIT ON AMOUNT OF PARTY EXPENDITURES ON BEHALF OF CANDIDATES IN GENERAL ELECTIONS.

(a) REPEAL OF LIMIT.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee" and inserting "Notwithstanding any other provision of law with respect to limitations on amounts of expenditures or contributions, a national committee",

(B) by striking "the general" and inserting "any", and

(C) by striking "Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection" and inserting "Federal office in any amount"; and

(2) by striking paragraphs (2), (3), and (4).

(b) CONFORMING AMENDMENTS.—

(1) INDEXING.—Section 315(c) of such Act (2 U.S.C. 441a(c)) is amended—

(A) in paragraph (1)(B)(i), by striking "(d),"; and

(B) in paragraph (2)(B)(i), by striking "subsections (b) and (d)" and inserting "subsection (b)".

(2) INCREASE IN LIMITS FOR SENATE CANDIDATES FACING WEALTHY OPPONENTS.—Section 315(i) of such Act (2 U.S.C. 441a(i)(1)) is amended—

(A) in paragraph (1)(C)(iii)—

(i) by adding "and" at the end of subclause (I),

(ii) in subclause (II), by striking "; and" and inserting a period, and

(iii) by striking subclause (III);

(B) in paragraph (2)(A) in the matter preceding clause (i), by striking ", and a party committee shall not make any expenditure,";

(C) in paragraph (2)(A)(ii), by striking "and party expenditures previously made"; and

(D) in paragraph (2)(B), by striking "and a party shall not make any expenditure".

(3) INCREASE IN LIMITS FOR HOUSE CANDIDATES FACING WEALTHY OPPONENTS.—Section 315A(a) of such Act (2 U.S.C. 441a—1(a)) is amended—

(A) in paragraph (1)—

(i) by adding "and" at the end of subparagraph (A),

(ii) in subparagraph (B), by striking "; and" and inserting a period, and

(iii) by striking subparagraph (C);

(B) in paragraph (3)(A) in the matter preceding clause (i), by striking ", and a party committee shall not make any expenditure,";

(C) in paragraph (3)(A)(ii), by striking "and party expenditures previously made"; and

(D) in paragraph (3)(B), by striking "and a party shall not make any expenditure".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 2006.

SEC. 05. CONSTRUCTION.

No provision of this title, or amendment made by this title, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission;

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986; or

(3) as affecting the determination of whether a group organized under section 501(c) of the Internal Revenue Code of 1986 is a political committee under section 301(4) of the Federal Election Campaign Act of 1971.

SEC. 06. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this title or any amendment made by this title, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this title or any amendment made by this title is raised (including but not limited to an action described in subsection (a)), any Member of the House of Representatives (including a Delegate or Resident Commissioner to Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this title or any amendment made by this title.

(d) APPLICABILITY.—

(1) INITIAL CLAIMS.—With respect to any action initially filed on or before December 31, 2008, the provisions of subsection (a) shall apply with respect to each action described in such subsection.

(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2008, the provisions of subsection (a) shall not apply to any action described in such subsection unless the person filing such action elects such provisions to apply to the action.

SEC. 07. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the amendments made by this title, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

SA 2959. Mr. SCHUMER proposed an amendment to amendment SA 2944 submitted by Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

At the end of the amendment insert the following:

In the interest of national security, effective immediately, notwithstanding any other provision of law and any prior action or decision by or on behalf of the President, no company, wholly owned or controlled by any foreign government that recognized the Taliban as the legitimate government of Afghanistan during the Taliban's rule between 1996–2001, may own, lease, operate, or manage real property or facilities at a United States port.

SA 2960. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. ___. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) ELECTRONIC FILING.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

"(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND UPDATES.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.".

(b) PUBLIC DATABASE.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

"(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

"(1) IN GENERAL.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registration statements and updates filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

"(2) ACCOUNTABILITY.—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the internet not more than 48 hours after the registration statement or update is filed.".

SA 2961. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 24, after line 22, insert the following:

"(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality of a State or local government, or a private entity.".

SA 2962. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 8, after line 16, insert the following:

"(iii) For purposes of this subclause, the term 'registered lobbyist' means any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act, and any employee of such registrant as defined in section 3(5) of that Act.".

SA 2963. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 9, after line 10, insert the following:

"(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent and

"(iv) registered lobbyists will not participate in or attend the trip;".

SA 2964. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. . SENATE CANDIDATES REQUIRED TO FILE ELECTION REPORTS IN ELECTRONIC FORM.

(a) IN GENERAL.—Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

"(D) As used in this paragraph, the terms 'designation', 'statement', or 'report' mean a designation, statement or report, respectively, which—

"(i) is required by this Act to be filed with the Commission, or

"(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission.".

(b) CONFORMING AMENDMENTS.—

(1) Section 302(g)(2) of such Act (2 U.S.C. 432(g)(2)) is amended by inserting "or 1 working day in the case of a designation, statement, or report filed electronically" after "2 working days".

(2) Section 304(a)(11)(B) of such Act (2 U.S.C. 434(a)(11)(B)) is amended by inserting "or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission" after "Act".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

SA 2965. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . BAN ON IN OFFICE EMPLOYMENT NEGOTIATIONS.

(a) SENATE.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. (a) A member of the Senate shall not negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist.

"(b) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall recuse himself or herself from working on legislation if a conflict of interest or an appearance of a conflict of interest might exist as a result of negotiations for prospective private employment.

"(c) The Select Committee on Ethics shall develop guidelines concerning conduct which is covered by this paragraph.".

(b) CRIMINAL PROVISION.—Section 208 of title 18, United States Code, is amended by adding at the end the following:

"(e) PROHIBITION ON EMPLOYMENT NEGOTIATIONS WHILE IN OFFICE.—

"(1) IN GENERAL.—No officer or employee of the executive branch of the United States Government, an independent agency of the United States, or the Federal Reserve, who is compensated at a rate of Executive Schedule Level I, II, or III, shall negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist, as determined by the Office of Government Ethics.

"(2) PENALTY.—A violation of this subsection shall be punished as provided in section 216.".

SA 2966. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 2938 submitted by Mr. SANTORUM) (for himself, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LIEBERMAN) and intended to be proposed to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike all after page 4, line 5, and insert the following:

“(9) in the case of a principal campaign committee of a candidate, any flight taken by the candidate during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

“(A) The date of the flight.

“(B) The destination of the flight.

“(C) The owner or lessee of the aircraft.

“(D) The purpose of the flight.

“(E) The persons on the flight, except for any person flying the aircraft.”.

(B) EXCLUSION OF PAID FLIGHT FROM DEFINITION OF CONTRIBUTION.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(i) in clause (xiii), by striking “and” at the end;

(ii) in clause (xiv), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following new clause:

“(xv) any travel expense for a flight taken by the candidate or on behalf of the candidate on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire: *Provided*, That the candidate (or the authorized committee of the candidate) pays to the owner, lessee, or other individual who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number candidates on the flight) by not later than 7 days after the date on which the flight is taken.”.

(3) REIMBURSEMENT OF TRANSPORTATION PROVIDED BY FEDERAL GOVERNMENT.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

“SEC. 325. PROHIBITION ON UNREIMBURSED TRANSPORTATION PROVIDED BY THE FEDERAL GOVERNMENT.

“(a) IN GENERAL.—A candidate, any person performing services on behalf of a candidate or an authorized committee of a candidate, or any person performing services on behalf of a political committee established and maintained by a national political party, shall not use any property of the Federal government as a means of transportation for any purpose related (in whole or in part) to influencing the election of a candidate for Federal office unless such person reimburses the Federal government for the cost of such transportation.

“(b) COST OF TRANSPORTATION BY AIRPLANE.—For purposes of subsection (a), in the case of any transportation consisting of a flight on an aircraft, the cost of such transportation shall be the fair market value of such flight (as determined by dividing the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number of people on board, not including any person flying the aircraft).”.

SA 2967. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTRICTIONS ON MEMBERS, OFFICERS, AND EMPLOYEES OF CONGRESS AND THE EXECUTIVE BRANCH TO GUARANTEE IMPARTIALITY IN PERFORMING OFFICIAL DUTIES.

(a) DISCLOSURE.—A Member of Congress and an elected officer and senior employee of either House of Congress shall disclose to the appropriate ethics committee of the House of Representatives or the Senate their private-sector employment for the 6-year period prior to public service and this information shall be made available to the public.

(b) CONFLICT OF INTEREST IN THE SENATE.—Paragraph 4 of rule XXXVII of the Standing Rules of the Senate is amended to read as follows:

“4. No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further—

“(1) only his pecuniary interest;

“(2) only the pecuniary interest of his immediate family;

“(3) only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class;

“(4) only the pecuniary interest of a person with whom the Member, officer, or senior employee personally has or seeks a business, contractual, or other financial relationship that involves other than a routine consumer transaction; or

“(5) only the pecuniary interest of any person for whom the Member, officer, or senior employee has, within the last 2 years, served as a paid officer, director, trustee, general partner, lobbyist, agent attorney, consultant, or contractor.”.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the House of Representatives should adopt rules relating to conflict of interest identical to the rule adopted in subsection (b).

(d) RESTRICTIONS ON OFFICERS AND SENIOR EMPLOYEES OF THE EXECUTIVE BRANCH TO GUARANTEE IMPARTIALITY IN PERFORMING OFFICIAL DUTIES.—

(1) CRIMINAL PROHIBITION.—

(A) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding after section 207 the following:

“§ 207a. Restrictions on officers and senior employees of the executive branch to guarantee impartiality in performing official duties

“(a) IMPARTIALITY IN PERFORMING OFFICIAL DUTIES.—No person who is officer or senior employee of the executive branch of the United States shall knowingly participate personally and substantially in an official capacity in any particular matter that directly and particularly benefits a person with whom the officer or senior employee has had a covered relationship.

“(b) PENALTY.—Violation of this section shall be subject to punishment as provided in section 216 of this title.

“(c) DEFINITIONS.—In this section:

“(1) ACTIVE PARTICIPANT.—The term ‘active participant’—

“(A) means devoting significant time to promoting specific programs of the organization, including—

“(i) coordination of fundraising efforts;

“(ii) service as an official of the organization or in a capacity similar to that of a chairman of a committee or subcommittee or a spokesman; and

“(iii) participation in directing the activities of the organization; and

“(B) does not include the payment of dues or the donation or solicitation of financial support, without other participation.

“(2) COVERED RELATIONS.—The term ‘covered relationship’—

“(A) means—

“(i) a person with whom the officer or senior employee personally has or seeks a business, contractual, or other financial relationship that involves other than a routine consumer transaction;

“(ii) a person who is a member of the household of the officer or senior employee, or who is a relative with whom the officer or senior employee has a close personal relationship;

“(iii) a person for whom the spouse, parent or dependent child of the officer or senior employee is, to the knowledge of the officer or senior employee, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;

“(iv) any person for whom the officer or senior employee has, within the last 2 years, served as a paid officer, director, trustee, general partner, lobbyist, agent, attorney, consultant, contractor, or employee; or

“(v) an organization, other than a political party described in section 527(e) of the Internal Revenue Code of 1986, in which the officer or senior employee is an active participant; and

“(3) SENIOR EMPLOYEE.—The term ‘senior employee’ means an employee paid at a rate of Executive Schedule V or higher.”.

(B) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 207 the following:

“207a. Restrictions on officers and senior employees of the executive branch to guarantee impartiality in performing official duties.”.

(2) PRIVATE-SECTOR EMPLOYMENT.—An officer and a senior employee of the executive branch of the United States shall disclose to the Office of Government Ethics, their private-sector employment for the 6-year period prior to public service and this information shall be made available to the public.

(3) REPORTING OF THE OFFICE OF GOVERNMENT ETHICS.—The Office of Government Ethics shall make available to the public, on the internet and in a public reading room, any waiver granted by an individual agency ethics officer designee under paragraph (c)(2) or (d) of section 2635.502 of title 5, Code of Federal Regulations (or any corresponding similar regulation or ruling).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 8, 2006, at 2:30 p.m., to receive testimony on the Department of Defense Quadrennial Defense Review.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, March 8 at

10:00 a.m. to consider pending calender business.

Agenda

Agenda Item 3: S. 476—To authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act.

Agenda Item 8: S. 1131—To authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

Agenda Item 9: S. 1288—To authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System.

Agenda Item 10: S. 1346—To direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

Agenda Item 11: S. 1378—To amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

Agenda Item 13: S. 1913—To authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

Agenda Item 14: S. 1970—To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

Agenda Item 15: S. 2197—To improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories.

Agenda Item 16: S. 2253—To require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

Agenda Item 17: S. Con. Res. 60—Designating the Negro Leagues Baseball Museum in Kansas City, MO, as America's National Negro Leagues Baseball Museum.

Agenda Item 18: S.J. Res. 28—Approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

Agenda Item 19: H.R. 318—To authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

Agenda Item 20: H.R. 326 (S. 505)—To amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area.

Agenda Item 21: H.R. 409 (S. 179)—To provide for the exchange of land within the Sierra National Forest, CA, and for other purposes.

Agenda Item 23: H.R. 1129 (S. 100)—To authorize the exchange of certain land in the State of Colorado.

Agenda Item 24: H.R. 1728 (S. 323)—To authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes.

Agenda Item 25: H.R. 2107—To amend Public Law 104-329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

Agenda Item 26: H.R. 3443 (S. 1498)—To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, March 8, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Taking a checkup on the nation's health care tax policy: a prognosis".

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 8, 2006, at 10 a.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations' Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2006, at 2:30 p.m. to hold a hearing on The Impact on Latin America of the American Servicemembers' Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, March 8, 2006, at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, March 8, 2006, at 9:30 a.m. for a hearing titled, "Hurricane Katrina: Recommendations for Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 8, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 2078, Indian Gaming Regulatory Act Amendments of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, March 8, 2006, at 9:30 a.m. in Senate Dirksen Building Room 226.

Agenda

I. Nominations: Steven G. Bradbury to be an Assistant Attorney General for the Office of Legal Counsel; John F. Clark to be Director of the United States Marshals Service; Donald J. DeGabrielle, Jr. to be U.S. Attorney for the Southern District of Texas; John Charles Richter to be U.S. Attorney for the Western District of Oklahoma; Amul R. Thapar to be U.S. Attorney for the Eastern District of Kentucky; Mauricio J. Tamargo to be Chairman of the Foreign Claims Settlement Commission of the United States.

II. Bills: S.   , Comprehensive Immigration Reform [Chairman's Mark]; S. 1768, a bill to permit the televising of Supreme Court proceedings; SPECTER, LEAHY, CORNYN, GRASSLEY, SCHUMER, FEINGOLD, DURBIN; S. 829, Sunshine in the Courtroom Act of 2005; GRASSLEY, SCHUMER, CORNYN, LEAHY, FEINGOLD, DURBIN, GRAHAM, DEWINE, SPECTER; S. 489, Federal Consent Decree Fairness Act; ALEXANDER, KYL, CORNYN, GRAHAM, HATCH; S. 2039, Prosecutors and Defenders Incentive Act of 2005; DURBIN, SPECTER, DEWINE, LEAHY, KENNEDY, FEINSTEIN, FEINGOLD; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges; SPECTER, LEAHY, CORNYN, FEINSTEIN, BIDEN.

III. Matters: S.J. Res. 1, Marriage Protection Amendment; ALLARD, SESSIONS, KYL, HATCH, CORNYN, COBURN, BROWNBACK.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 8, 2006 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Wednesday, March 8, 2006, at 2:30 p.m. for a hearing regarding "Crime Victims Fund Rescission: Real Savings or Budget Gimmick?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance be authorized to meet during the session of the Senate on March 8, 2006, at 10 a.m., to conduct a hearing on "Reauthorization of the Export-Import Bank of the United States."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE, TOURISM, AND ECONOMIC DEVELOPMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the subcommittee on Trade, Tourism, and Economic Development be authorized to meet on Wednesday, March 8, 2006, at 2:30 p.m., on the "Impact of Piracy and Counterfeiting of American Goods and Intellectual Property in China."

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADEMARK DILUTION REVISION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 366, H.R. 683.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 683) to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[(a) Short Title.—This Act may be cited as the "Trademark Dilution Revision Act of 2005".

[(b) References.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

[SEC. 2. DILUTION BY BLURRING; DILUTION BY TARNISHMENT.

[Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended—

[(1) by striking subsection (c) and inserting the following:

["(c) Dilution by Blurring; Dilution by Tarnishment.—

["(1) Injunctive relief.—Subject to the principles of equity, the owner of a famous mark that is distinctive, inherently or through acquired distinctiveness, shall be entitled to an injunction against another person who, at any time after the owner's mark has become famous, commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.

["(2) Definitions.—(A) For purposes of paragraph (1), a mark is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. In determining whether a mark possesses the requisite degree of recognition, the court may consider all relevant factors, including the following:

["(i) The duration, extent, and geographic reach of advertising and publicity of the mark, whether advertised or publicized by the owner or third parties.

["(ii) The amount, volume, and geographic extent of sales of goods or services offered under the mark.

["(iii) The extent of actual recognition of the mark.

["(B) For purposes of paragraph (1), 'dilution by blurring' is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. In determining whether a mark or trade name is likely to cause dilution by blurring, the court may consider all relevant factors, including the following:

["(i) The degree of similarity between the mark or trade name and the famous mark.

["(ii) The degree of inherent or acquired distinctiveness of the famous mark.

["(iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark.

["(iv) The degree of recognition of the famous mark.

["(v) Whether the user of the mark or trade name intended to create an association with the famous mark.

["(vi) Any actual association between the mark or trade name and the famous mark.

["(C) For purposes of paragraph (1), 'dilution by tarnishment' is association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.

["(3) Exclusions.—The following shall not be actionable as dilution by blurring or dilution by tarnishment under this subsection:

["(A) Fair use of a famous mark by another person in comparative commercial advertising or promotion to identify the competing goods or services of the owner of the famous mark.

["(B) Fair use of a famous mark by another person, other than as a designation of source for the person's goods or services, including for purposes of identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

["(C) All forms of news reporting and news commentary.

["(4) Additional remedies.—In an action brought under this subsection, the owner of the famous mark shall be entitled only to injunctive relief as set forth in section 34, except that, if—

["(A) the person against whom the injunction is sought did not use in commerce, prior to the date of the enactment of the Trademark Dilution Revision Act of 2005, the mark or trade name that is likely to cause dilution by blurring or dilution by tarnishment, and

["(B) in a claim arising under this subsection—

["(i) by reason of dilution by blurring, the person against whom the injunction is sought willfully intended to trade on the recognition of the famous mark, or

["(ii) by reason of dilution by tarnishment, the person against whom the injunction is sought willfully intended to harm the reputation of the famous mark,

the owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the discretion of the court and the principles of equity.

["(5) Ownership of valid registration a complete bar to action.—The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register under this Act shall be a complete bar to an action against that person, with respect to that mark, that is brought by another person under the common law or a statute of a State and that seeks to prevent dilution by blurring or dilution by tarnishment, or that asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement."; and

[(2) in subsection (d)(1)(B)(i)(IX), by striking "(c)(1) of section 43" and inserting "(c)".

[SEC. 3. CONFORMING AMENDMENTS.

[(a) Marks Registrable on the Principal Register.—Section 2(f) of the Trademark Act of 1946 (15 U.S.C. 1052(f)) is amended—

[(1) by striking the last two sentences; and

[(2) by adding at the end the following: "A mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be refused registration only pursuant to a proceeding brought under section 13. A registration for a mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be canceled pursuant to a proceeding brought under either section 14 or section 24.".

[(b) Opposition.—Section 13(a) of the Trademark Act of 1946 (15 U.S.C. 1063(a)) is amended in the first sentence by striking "as a result of dilution" and inserting "the registration of any mark which would be likely to cause dilution by blurring or dilution by tarnishment".

[(c) Cancellation.—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended, in the matter preceding paragraph (1)—

[(1) by striking ", including as a result of dilution under section 43(c),"; and

[(2) by inserting "(A) for which the constructive use date is after the date on which the petitioner's mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), or (B) on grounds other than dilution by blurring or dilution by tarnishment" after "February 20, 1905".

[(d) Marks for the Supplemental Register.—The second sentence of section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended to read as follows: "Whenever any person believes that such person is or will be damaged by the registration of a mark on the supplemental register—

["(1) for which the effective filing date is after the date on which such person's mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), or

["(2) on grounds other than dilution by blurring or dilution by tarnishment,

such person may at any time, upon payment of the prescribed fee and the filing of a petition stating the ground therefor, apply to the Director to cancel such registration.".

[(e) Definitions.—Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by striking the definition relating to "dilution".]

SECTION 1. SHORT TITLE.

(a) Short Title.—This Act may be cited as the "Trademark Dilution Revision Act of 2006".

(b) References.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. DILUTION BY BLURRING; DILUTION BY TARNISHMENT.

Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) Dilution by Blurring; Dilution by Tarnishment.—

"(1) Injunctive Relief.—Subject to the principles of equity, the owner of a famous mark that is distinctive, inherently or through acquired distinctiveness, shall be entitled to an injunction against another person who, at any time after the owner's mark has become famous, commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.

"(2) Definitions.—(A) For purposes of paragraph (1), a mark is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. In determining whether a mark possesses the requisite degree of recognition, the court may consider all relevant factors, including the following:

"(i) The duration, extent, and geographic reach of advertising and publicity of the mark, whether advertised or publicized by the owner or third parties.

"(ii) The amount, volume, and geographic extent of sales of goods or services offered under the mark.

"(iii) The extent of actual recognition of the mark.

"(iv) Whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register.

"(B) For purposes of paragraph (1), 'dilution by blurring' is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. In determining whether a mark or trade name is likely to cause dilution by blurring, the court may consider all relevant factors, including the following:

"(i) The degree of similarity between the mark or trade name and the famous mark.

"(ii) The degree of inherent or acquired distinctiveness of the famous mark.

"(iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark.

"(iv) The degree of recognition of the famous mark.

"(v) Whether the user of the mark or trade name intended to create an association with the famous mark.

"(vi) Any actual association between the mark or trade name and the famous mark.

"(C) For purposes of paragraph (1), 'dilution by tarnishment' is association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.

"(3) Exclusions.—The following shall not be actionable as dilution by blurring or dilution by tarnishment under this subsection:

"(A) Any fair use, including a nominative or descriptive fair use, or facilitation of such fair use, of a famous mark by another person other than as a designation of source for the person's own goods or services, including use in connection with—

"(i) advertising or promotion that permits consumers to compare goods or services; or

"(ii) identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

"(B) All forms of news reporting and news commentary.

"(C) Any noncommercial use of a mark.

"(4) Burden of Proof.—In a civil action for trade dress dilution under this Act for trade dress not registered on the principal register, the person who asserts trade dress protection has the burden of proving that—

"(A) the claimed trade dress, taken as a whole, is not functional and is famous; and

"(B) if the claimed trade dress includes any mark or marks registered on the principal register, the unregistered matter, taken as a whole, is famous separate and apart from any fame of such registered marks.

"(5) Additional Remedies.—In an action brought under this subsection, the owner of the famous mark shall be entitled to injunctive relief as set forth in section 34. The owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the discretion of the court and the principles of equity if—

"(A) the mark or trade name that is likely to cause dilution by blurring or dilution by tarnishment was first used in commerce by the person against whom the injunction is sought after the date of enactment of the Trademark Dilution Revision Act of 2006; and

"(B) in a claim arising under this subsection—

"(i) by reason of dilution by blurring, the person against whom the injunction is sought willfully intended to trade on the recognition of the famous mark; or

"(ii) by reason of dilution by tarnishment, the person against whom the injunction is sought willfully intended to harm the reputation of the famous mark.

"(6) Ownership of Valid Registration a Complete Bar to Action.—The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register under this Act shall be a complete bar to an action against that person, with respect to that mark, that—

"(A)(i) is brought by another person under the common law or a statute of a State; and

"(ii) seeks to prevent dilution by blurring or dilution by tarnishment; or

"(B) asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement.

"(7) Savings Clause.—Nothing in this subsection shall be construed to impair, modify, or supersede the applicability of the patent laws of the United States."; and

(2) in subsection (d)(1)(B)(i)(IX), by striking "(c)(1) of section 43" and inserting "(c)".

SEC. 3. CONFORMING AMENDMENTS.

(a) Marks Registrable on the Principal Register.—Section 2(f) of the Trademark Act of 1946 (15 U.S.C. 1052(f)) is amended—

(1) by striking the last two sentences; and

(2) by adding at the end the following: "A mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be refused registration only pursuant to a proceeding brought under section 13. A registration for a mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be canceled pursuant to a proceeding brought under either section 14 or section 24.".

(b) Opposition.—Section 13(a) of the Trademark Act of 1946 (15 U.S.C. 1063(a)) is amended in the first sentence by striking "as a result of dilution" and inserting "the registration of any mark which would be likely to cause dilution by blurring or dilution by tarnishment".

(c) Cancellation.—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended, in the matter preceding paragraph (1) by striking ", including as a result of dilution under section 43(c)," and inserting ", including as a result of a likelihood of dilution by blurring or dilution by tarnishment under section 43(c),".

(d) Marks for the Supplemental Register.—The second sentence of section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended to read as follows:

"Whenever any person believes that such person is or will be damaged by the registration of a mark on the supplemental register—

"(1) for which the effective filing date is after the date on which such person's mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c); or

"(2) on grounds other than dilution by blurring or dilution by tarnishment, such person may at any time, upon payment of the prescribed fee and the filing of a petition stating the ground therefor, apply to the Director to cancel such registration.".

(e) Definitions.—Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by striking the definition relating to the term "dilution".

Mr. LEAHY. Mr. President, I am pleased that today the Senate is going to pass an important piece of legislation, the Trademark Dilution Revision Act, HR 683. The principal purpose of this law is to clarify Congress's intentions when it first passed the Federal Trademark Dilution Act over a decade ago.

In 2003, the Supreme Court decided the case of Moseley v. V Secret Catalogue, Inc. The Court held that trademark holders had to show actual harm, not the likelihood of harm, from dilution before they could seek injunctions. As an original author and sponsor of the act, I know firsthand that this is contrary to what Congress intended when it passed the dilution statue. What we did intend was to stop diluting before actual harm could be realized and the value of any reputable trademark debased.

H. R. 683 makes clear Congress's intent and corrects the law to provide that owners of famous trademarks can seek injunctions against anyone who attempts to use a mark that is likely to cause dilution. It also affords the court the ability to consider "all relevant factors" when determining whether a mark is "famous." However, this legislation not intended to provide for injunctive or other relief against legitimate, third party trade in products manufactured under authority of the U.S. trademark owner of the distinctive, famous mark.

Furthermore, Senator HATCH and I were successful in including language that definitively shelters important constitutionally protected first amendment freedoms from being caught up in the liability net.

I thank Senators HATCH and SPECTER for their support in creating and passing this important bipartisan legislation.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 683), as amended, was read the third time and passed.

ORDERS FOR THURSDAY, MARCH 9, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 9. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period for the transaction of morning business with Senators being permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, as we just heard, we were forced to file cloture on the lobbying reform bill. Under regular order that vote will occur on Friday morning unless and we intend to work out some other agreement.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:01 p.m., adjourned until Thursday, March 9, 2006, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 8, 2006*

The House met at 10 a.m.

The Reverend Ricky Atkins, Pastor, Courtney Baptist Church, Yadkinville, North Carolina, offered the following prayer:

Dear God, today as this session opens, we pray that Your presence will be before us and everyone who serves in the decision-making process of our Nation. We pray for direction which will lead our Nation to be a strong and unified Nation and continue the legacies of our forefathers. May we be granted this day decisions which will be pleasing to You and decisions which will change the course of history.

We pray for all our military personnel. We lift them before You today and ask for their protection as they perform their duties. May grace abound with them as they, in harm's way, defend our country. We pray for those who are in need across our Nation, people who are without the basic needs to survive. May they receive relief by Your hand, which will be beneficial to them. Guide us this day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. CARDOZA) come forward and lead the House in the Pledge of Allegiance.

Mr. CARDOZA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND RICKY ATKINS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, it is my honor and privilege to introduce our guest chaplain, Reverend Richard "Ricky" Atkins, the head pastor of Courtney Baptist Church in Yadkinville, North Carolina, in the Fifth District.

Reverend Atkins is a vital part of the religious community in northwest North Carolina's rural mountain region. Prior to leading 350 members at Courtney Baptist Church, he served at Zephyr Baptist Church in Dobson, North Carolina, from 1995 to 2000, and at Oak Grove Baptist Church in Madison, North Carolina, from 2000 to 2005. He graduated from Fruitland Bible Institute in 2000 with an associate's degree in biblical ministries.

Reverend Atkins was born and raised in Mt. Airy, North Carolina. He is the son of Tommy and Rebecca Atkins, whose support was instrumental in helping him get to Washington today. Reverend Atkins and his wife, Debbie, currently reside in Yadkinville with their two children Alison and Lee.

Reverend Atkins' life has been one of service to God and his community. Throughout the years he has brightened and enriched the lives of many others. It is an honor to have him serve as our guest chaplain. I hope that his words of prayer will remain with all of us as we do the people's work today.

ON THE CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT, H.R. 4472

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Madam Speaker, I rise today in strong support of the Children's Safety and Violent Crime Reduction Act, because it is a commonsense way to protect our schoolchildren from pedophiles. Isn't it a matter of common sense to allow a local school district in Orlando, Florida, to do criminal background checks on coaches, janitors and teachers who work with our children to make sure they are not convicted pedophiles from Georgia or some other State?

Isn't it common sense to protect young schoolchildren in the first place by keeping these pedophiles locked up with lengthy prison sentences?

Isn't it common sense that coddling repeated sex offenders with self-esteem courses and rehabilitation doesn't work, and that locking them up works?

It is high time that we crack down on molesters by implementing these commonsense reforms. I urge my colleagues to vote "yes" on H.R. 4472 today.

PORT SECURITY AND REPUBLICAN FAILURES TO SECURE OUR NATION

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Madam Speaker, when the Bush administration learned that the American people wanted to allow the United Arab Emirates to operate U.S. ports, they were outraged. That outrage should be extended to this administration's pathetic record on securing our ports and our coastlines.

Since September 11th, according to the U.S. Coast Guard, the Republican Congress has shortchanged America's seaports by more than $4 billion in security improvements. It is because of this serious lack of funding that only 6 percent of the cargo coming into our ports is ever checked. Port security is so bad that in December, the 9/11 Commission gave this administration a grade of D for checked baggage and cargo screening.

House Democrats have tried to increase port security funding on this House floor four times over the last 4 years, and House Republicans have defeated our efforts every single time.

They are not through. Once again this year President Bush is proposing eliminating port security grants by rolling them into the larger program. This forces port officials to compete for funding against rail and mass transit programs. It's time that Republicans wake up and see the serious threat that is existing at our port facilities in America.

YALE: U.S. MILITARY NEED NOT APPLY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the Forum for Academic and Institutional Rights, a group of mostly elitist east coast universities and law schools, moaned and groaned all the way to the Supreme Court, claiming they should not be forced to allow United States military recruiters on their campuses in order to keep their Federal funding. Monday the Supreme Court unanimously ruled against their ridiculous rant.

In a time when our Americans in uniform are fighting a global war on terror, these arrogant elitist intellectuals are making a mockery of national defense by not allowing recruiters in their historic halls. These schools willingly take billions in Federal dollars, but reject the military that protects them.

At Yale University, officials are actually willing to accept a foreign student that served as spokesman and former diplomat for the Taliban. It is a shameful and sad day when Americans willing to risk their lives for their country are kept off their campus, but an alleged former terrorist operative is welcomed with open arms. At least the Supreme Court got it right this time. Unfortunately, Yale University did not.

That's just the way it is.

URGING CONGRESSIONAL OVERSIGHT OF IRAQ

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, since last month's bombing of the holiest Shiite shrine, the sectarian violence we all feared has begun to engulf Iraq. But while Iraq is on the brink of civil war, all the administration gives us are mixed messages and finger-pointing.

The U.S. Ambassador to Iraq says the country is nearing civil war and that we have opened a Pandora's box by toppling Saddam Hussein. Yet General Peter Pace, Chairman of the Joint Chiefs of Staff, has a totally different view. Over the weekend he said, "I wouldn't put a great big smiley face on it, but I would say that things are going very, very well from everything you look at."

Meanwhile, Secretary Rumsfeld puts the blame squarely on the press: "From what I've seen thus far, much of the reporting in the U.S. and abroad has exaggerated the situation."

Which is it? A Pandora's box? The brink of war? Or an exaggerated news story only to sell papers and boost ratings? Yet instead of demanding answers from the administration, this Congress has turned a blind eye.

It is time for this hear-no-evil, see-no-evil Congress to open its eyes and ears. Americans want more than mixed metaphors and finger pointing. They want a policy. They deserve real answers, and it is our job to find them. We need new priorities for America rather than the same old policies that have gotten us here.

THE ECONOMY AND FISCAL RESTRAINT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, we are going to keep coming down here telling the story of America's economic progress, and it is a great story. This majority is working for America, and one of those ways is we have tremendously low unemployment. This economy has created millions of new jobs, and we are expecting growth this first quarter of somewhere higher than 4 percent. Those numbers are coming out Friday. We are looking forward to it. It is remarkable. It is almost as remarkable how little attention the mainstream media has given to this data, to this great economic news.

Madam Speaker, I look forward to supporting legislation to make permanent the Bush tax relief package that has helped drive this growth. And I hope our colleagues across the aisle will start to get the message: higher taxes do not lead to more jobs.

ENERGY EFFICIENT HOMES

(Ms. BEAN asked and was given permission to address the House for 1 minute.)

Ms. BEAN. Madam Speaker, today I rise to speak about the Energy Star Homes Act. Across my district my constituents have told me about the challenges they face in paying for the rising cost of heating their homes. In response to those concerns, I have introduced this legislation to provide an incentive to help Americans deal with this increasing burden.

Under the Environmental Protection Agency's Energy Star Program, homes are independently verified to be measurably more energy efficient than average houses. Americans who meet the guidelines of this program should have access to a tax credit to make the process of building an energy-efficient home more affordable.

My legislation will help to encourage Americans to save money and to save energy. By lowering demand for fossil fuels, we can also decrease pollution and our dependency on foreign sources of energy. I encourage my colleagues in the House to cosponsor this important legislation.

SEX TRAFFICKING AND THE OSCARS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, the front page of Monday's Washington Post carried a heart-wrenching story about sex trafficking in the Washington, D.C., area. The story detailed unspeakable tragedies, including the story of a 14-year-old girl forced into sexual servitude in order to meet her pimp's demand of earning him $500 a night at $50 per sex act.

Oddly enough, that wasn't the only front-page story Monday that mentioned pimps. Right above that story, The Post also reported that the song "It's Hard Out Here for a Pimp" was honored with an Oscar this year for being the best original song in a movie.

Should we really be shocked to read of the sexual horrors taking place on our streets when our most popular cultural awards show is handing out awards for songs that glorify prostitution and sexual violence?

This is outrageous and disgusting. Music that glorifies the men responsible for such atrocities, like exploitation of women and children, should be condemned, not celebrated with an Oscar.

PORT SECURITY: REPUBLICANS ARE NOT INTERESTED IN SECURING PORTS

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Madam Speaker, I rise simply to complain again as others have about port security in the United States of America. We cannot afford to outsource our homeland security, and that is exactly what the Bush administration wants to do with the United Arab Emirates.

On Monday, March 20, from 7 p.m. to 9 p.m. in Cleveland, Ohio, at Idea Stream, 1375 Euclid Avenue, I will be hosting a town hall meeting on port security in my congressional district. Everyone is invited, and we have free parking.

The UAE deal has highlighted to the American people how vulnerable our ports remain more than 4 years after 9/11. They simply can't believe that only 6 percent of the cargo that comes into our ports is ever inspected before it is transported throughout our Nation. This is a serious gap in our homeland security, and it could have been prevented. For 4 years my Democratic colleagues and I have tried to increase funding for port security to shore up this serious security gap. And every single year the Republican majority has opposed our efforts.

What are they waiting for?

Are House Republicans waiting for biological or chemical agents to come through our ports to be used against Americans before they finally choose to act?

We simply cannot afford to wait any longer. It's time for House Republicans to join Democrats in supporting the funding necessary to secure our ports.

IMMIGRATION REFORM ACTION NEEDED NOW

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, when I look at the current state of our border security, I join my constituents in their concern. Violence at the U.S.-Mexico border is at an all-time high, going on 24 hours a day, 7 days a week, 365 days a year.

We have read in the news about a shoot-out on the border between U.S. law enforcement and a gang of drug smugglers, some of whom were dressed in Mexican military uniforms. Amazingly, several weeks ago we discovered a tunnel 2,400 feet long going under the border. Inside that tunnel were found 2 tons of illegal drugs. These are just a few examples of a flawed and broken immigration policy.

The House has taken an important first step with its passage of H.R. 4437, but this is just the first step. In the weeks and months to come, I call on my colleagues, Republicans and Democrats, Members of the House and Senate, to listen to their constituents, listen to the American people, listen to the law enforcement agents and the Border Patrol agents. We are all on the front lines of this issue, and we all share the responsibility. Every day of inaction is a day we can't afford.

IN SUPPORT OF REFORM OF THE CONGRESSIONAL BUDGET PROCESS

(Mr. BISHOP of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of Georgia. Madam Speaker, I rise today with grave concern for our children and the deficit that Congress and this administration are passing on to them. How much is it? It depends on whether you rely on the President's budget or his financial report. The budget showed the deficit at $319 billion in 2005, while the more realistic financial report showed it at $760 billion, more than twice as large.

To make a long story short, the financial report of America uses a clearer, more understandable picture of Federal finances. Beyond that, the Blue Dog Coalition calls for a reform of the congressional budget process so that accrual budgeting is fairly considered in formulating Federal budgets.

Finally, I urge consideration of the Blue Dog call for honest budgeting, which builds on the Blue Dogs' fiscally sound 12-point plan, including caps on discretionary spending, PAYGO rules, that any spending increases be paid for with a revenue cut, a balanced budget amendment to the Constitution and other budget reforms.

These are dire economic times, Madam Speaker. We need to get our fiscal house in order. I urge my colleagues on the Budget Committee to consider the financial report, and I urge all of my colleagues to adopt the Blue Dog call for honest budgeting.

□ 1015

EXERCISING FINANCIAL RESTRAINT

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Madam Speaker, our constituents did not send us to Congress to create debt and pass it on to our children and grandchildren. Yet it is estimated by the end of the fiscal year 2006, we will have a Federal budget deficit of $337 billion. There are many variables affecting this number, but government spending is out of control, bottom line.

In the coming weeks, we will debate the fiscal year 2007 Federal budget, and we will be faced with a choice to continue spending at the same level or make tough decisions to rein in spending. We cannot continue to fund everything, because if we do, we won't be able to support anything.

Later this morning, the Republican Study Committee will introduce an alternative budget. This budget allows us to renew our purpose of fiscal restraint, paying down or national debt and balance the budget. I look forward to working with my colleagues on the Budget Committee, Republicans and Democrats alike, because spending should not be a partisan issue.

TIME TO GET THE BUDGET STRAIGHT

(Mr. SCOTT of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT of Virginia. Madam Speaker, in a couple of days we will be taking up the budget, and as people talk about fiscal responsibility, this chart is the chart they are talking about.

This chart shows the deficit over the years, how President Clinton took a $290 billion deficit and converted it into a $238 billion surplus, and as soon as this President came in, there has been a complete collapse.

As you talk about the budget, remember this chart. When President Clinton left office, we had a projected surplus of over $5.5 trillion. Now we have for those same 10 years a projected deficit of $3.3 trillion. The war, $300 billion, that is .3. Katrina, $200 billion, that is .2. An almost $9 trillion deterioration in the deficit.

And we didn't create any jobs. When they talk about economic improvement, this is the number of jobs created since Herbert Hoover, by administration. This administration, the worst since Herbert Hoover.

We need to get our economy straight. We need to get our budget straight, and we can do it if we take the same kind of initiatives we took in the 1990s.

GOOD ECONOMIC NEWS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, I rise today to shine some light on the good economic news that continues to roll in. This is further proof that Republican pro-growth policies of low taxes are working for the American people.

The economy grew at an annual rate of 1.6 percent in the final quarter of last year. January's unemployment rate fell to 4.7 percent, which is the lowest monthly rate since 2001, and lower than the average rate in the seventies, the eighties and the nineties. There have been 29 consecutive months of job gains. The economy has created over 2 million jobs over the past 12 months. Economists are now predicting that growth will clock in at an amazing 4.5 percent in the current January to March quarter.

In order for this good news to last, Congress must fight its urge to spend too much and continue to foster a positive environment for the economy for it to thrive.

A FUNDAMENTALLY INCOMPATIBLE STRATEGY ON EDUCATION

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of New York. Madam Speaker, if we want to maintain our edge in the global economy, we should fully fund the President's competitiveness agenda proposed in his 2007 budget. Regrettably, however, the promise of a more competitive American workforce is simultaneously undermined by his other budget proposals to freeze Pell grants for the fifth year in a row and recall the Federal portion of the Perkins loan revolving fund.

This hypocrisy builds on the Republican record on student aid: $12 billion in cuts to loan programs; failure to extend the tuition deduction; and a 3-year-long impasse over renewing the Higher Education Act.

Madam Speaker, calling for deep cuts in access to higher education while advocating a competitive workforce is a fundamentally incompatible strategy. Where Congress dropped the ball, colleges are taking the lead in providing tuition assistance to disadvantaged students through matching grants and need-based discounts. We should be encouraging more universities to follow suit, instead of discouraging colleges and aspiring students through misguided cutbacks.

Madam Speaker, I urge my colleagues to keep this in mind as we take up the budget resolution in the weeks ahead.

WINNING THE WAR AGAINST METHAMPHETAMINE ABUSE

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, last night, Congress voted to give our law enforcement officials a strong tool to fight the epidemic of methamphetamine abuse. I was proud to support this legislation because I have seen the havoc meth can wreak on our children, our families, and our communities.

The 11th District of Georgia, which I represent, has felt the full consequences of this growing epidemic. In fact, one of the largest methamphetamine busts recently took place in metropolitan Atlanta. We cannot ignore what has happened in the basements and tool sheds of suburban America, because methamphetamine abuse is threatening the health and safety of all of our citizens.

As a physician, I know the harm it causes the human body, and as a parent and a grandparent, I know the devastation it can bring to our children and to our families.

Congress has taken a bold step forward toward fighting and winning the war on methamphetamine abuse. When President Bush signs this legislation into law, we will have truly made a difference in the safety of our communities.

Madam Speaker, I ask that you join me in praising this hugely important legislation.

BUSH BUDGET AND HEALTH CARE: NO SOLUTIONS, ONLY MORE PROBLEMS

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, the President's budget is bad policy and bad medicine for Americans. It fails to reduce the costs of health care and prescription drugs and it fails to reduce the number of uninsured Americans. It is simply unacceptable that the President continues to ignore these pressing needs, but it is inexcusable that the President plans to make our health care problems even worse.

The President would inflict more pain on American seniors by slashing Medicare funding. His budget cuts $36 billion from Medicare payments to hospitals and home health providers over the next 5 years, which would severely limit seniors' access to much-needed health care and would force some seniors to pay more in premiums for that health care.

The Bush budget also cuts vital funding for medical research, research needed to discover health care cures for the future. Although the National Institutes of Health is responsible for much of our country's medical advancements, the President proposes real cuts in that budget for the second year in a row.

This is not a blueprint for fixing America's health care system. Instead, it can destroy it. Congress should reject this blueprint.

INTRODUCING CONTRACT WITH AMERICA RENEWED

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, with record deficits and a national debt at nearly $8 trillion, it is time to level with the American people: we are not living within our means here in Washington, D.C.

Today, House conservatives will unveil our budget proposal for 2007. We are calling it Contract With America Renewed. Contract With America Renewed is a balanced Federal budget based on the budget passed by the House of Representatives in 1995 and was part of the Contract With America.

Now, while not every Member of the Republican Study Committee endorses every proposal in this budget, House conservatives believe that this Republican Congress should return to our 1994 roots of fiscal discipline and reform.

By enacting the Contract With America Renewed, we will balance the Federal budget, cut wasteful government spending, end outdated programs, while we protect Social Security and the President's tax cuts and provide for the national defense. We will do all of this while we actually reform entitlements to meet those obligations for future generations.

The American people know that unbridled government spending threatens our future and our freedom. They long for leaders who tell it like it is and are honest about the choices we face. The men and women of the Republican Study Committee who will unveil the Contract With America Renewed today are such leaders and these are such choices.

PORT SECURITY: ANOTHER EXAMPLE OF A WASHINGTON REPUBLICAN COVERUP

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Madam Speaker, the Bush–Dubai ports contract was a bad deal for national security when it involved six American seaports. Now it turns out the company would operate 22 U.S. ports for far more than the President said were included in the deal.

My friends, America is not secure. The majority of the voters in my home district in Missouri are appalled. They don't understand why U.S. companies cannot operate all the ports.

Just yesterday, Homeland Security Secretary Chertoff said that handing over American ports to a Dubai company would give the U.S. a better handle on security at U.S. terminal operations. I don't know the Secretary personally, so I don't know whether or not he was serious. I do know this: American security should not be outsourced.

The only way to increase port security at our docks is to actually screen every single container that comes into the U.S. Democrats support fully funding port security to make sure that terrorists are not allowed to smuggle dangerous chemicals into our Nation. Only 6 percent of the cargo that is coming into the ports is screened. America can do better.

COMMEMORATING INTERNATIONAL WOMEN'S DAY

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise to commemorate International Women's Day. As cochair of the Congressional Caucus for Women's Issues, I am proud to be a part of a daylong shadow program working side by side with Iraqi women and members of the Transnational Assembly. In fact, my guest is here in the Chamber, Dr. Faiza Babakhan, who represents the National Assembly.

In just 11 days, we will mark the third anniversary of the United States' invasion of Iraq. While U.S. involvement in Iraq in the past 3 years has caused much controversy in our country, we can all agree that increasing Iraqi women's rights and political representation should be a priority.

Through the continued collaboration of American and Iraqi women in government, we can advance women's rights and women's issues around the world. But today we must also acknowledge the violence and human rights issues that affect women in places like Ciudad Juarez, Mexico, and in Guatemala where murders of women have gone unpunished for many years.

On International Women's Day, we must remember that violence and injustice against women anywhere is violence and injustice against women everywhere.

TIME TO CHANGE DIRECTION OF THE BUDGET

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, it has to be said, now that we are going to consider another budget, that this has been the most irresponsible fiscal management of the Federal budget that we have ever seen in our Nation's history.

When you consider the fact that of all the 42 Presidents that preceded this President, if you added all of the debt that was bought by foreign nations, none of it comes close to the amount of money that we have now borrowed from foreign nations: almost half of our debt. China, particularly in the last 5 years, has increased their debt holdings of American securities by 300 percent.

But beyond that, when you look at who have been the beneficiaries, you see that there has been smaller job creation in this administration than in any Presidential administration since the days of Herbert Hoover, who experienced, of course, the Great Depression.

Madam Speaker, we need to change this budget around, and not in the direction that the majority wants us to turn.

Madam Speaker, it has to be said, now that we are going to consider another budget, that this has been the most irresponsible fiscal management of the Federal budget that we have ever seen in our Nation's history.

When you consider the fact that of all the 42 Presidents that preceded this President, if you added up all the money borrowed from foreign countries it is cumulatively less than the amount of money that this President on his own has borrowed from foreign nations; almost half of our outstanding debt is now held by foreign countries—you have to reach that conclusion. China, particularly in the last 5 years, has increased their debt holdings of American securities by 300 percent.

But beyond that, when you look at who have been the beneficiaries of this national indebtedness, you see that it is not the working class. There has been smaller job creation in this administration than in any Presidential administration since the days of Herbert Hoover, who presided, of course, over the Great Depression. The beneficiaries of this indebtedness has been the leisure class through tax cuts.

Madam Speaker, we need to change this budget around, and not in the direction that the President and the majority of this Congress wants.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to 10 U.S.C. 6968(a), and the order of the House of December 18, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Naval Academy to fill the existing vacancy thereon:

Mr. KLINE, Minnesota

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

C.W. "BILL" JONES PUMPING PLANT

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2383) to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant".

The Clerk read as follows:

H.R. 2383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF FACILITY.

The facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, and known as the Tracy Pumping Plant, shall be known and designated as the "C.W. 'Bill' Jones Pumping Plant".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "C.W. 'Bill' Jones Pumping Plant".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

□ 1030

GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore (Mrs. CAPITO). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2383, introduced by our colleague Mr. NUNES of California, honors the contributions made by Mr. C.W. "Bill" Jones to California water policy.

This bill renames the Bureau of Reclamation's pumping plant in Tracy, California, as the C.W. "Bill" Jones Pumping Plant. Mr. Jones was a legendary water leader in California for decades. He was appointed to the State water commission in 1968 by Governor Ronald Reagan, and served as director of the Firebaugh Canal Company for over 40 years, and as president of the Delta-Mendota Water Authority for over 20 years.

Throughout these years, Bill Jones was directly involved with the Central Valley Project, and I believe it is fitting that a major unit in this project be named in his honor.

After his passing in 2003, the California water community pursued this legislation with the blessing of the Jones family, to pay tribute to his longstanding work on California water issues.

Madam Speaker, I urge my colleagues to support this bipartisan bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2383 recognizes the service of the late C.W. "Bill" Jones to the California Water Commission and his 2 years of service as president of the Delta-Mendota Water Authority.

This legislation rightly renames the Bureau of Reclamation's Tracy Pumping Plant, which raises water from the Sacramento-San Joaquin Delta into the Delta-Mendota Canal, after Mr. Jones.

We on this side of the aisle have no objection to the enactment of H.R. 2383.

Madam Speaker, I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, we yield back the balance of our time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 2383.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SAN DIEGO WATER STORAGE AND EFFICIENCY ACT OF 2005

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1190) to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Diego Water Storage and Efficiency Act of 2005".

SEC. 2. FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as "Secretary"), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary's engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under subsection (d) whether the proposed reservoir and intertie project is recommended for construction.

(b) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(c) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this section.

(d) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(1) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(2) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

SEC. 3. FEDERAL RECLAMATION PROJECTS.

Nothing in this Act shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $3,000,000 for the Federal cost share of the study authorized in section 2.

SEC. 5. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1190, introduced by our colleague, Chairman DUNCAN HUNTER from California, is the first step in expanding increasingly scarce water supplies for thousands of citizens in the San Diego area.

This bill authorizes the Bureau of Reclamation to assess the feasibility of constructing an intertie system between four reservoirs. Several of those reservoirs are significantly below capacity in most years. Once interconnected, water could then be transported to the unused space.

Growing populations and reduced water storage opportunities require us to make efficient use of the supplies that we have, and this bill does just that. Madam Speaker, I urge my colleagues to support this noncontroversial and important legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the majority has explained this legislation adequately. The bill provides the Secretary full discretion regarding Federal participation in this study and requires a local cost share that is consistent with longstanding Bureau of Reclamation policy.

Madam Speaker, we have no objection to the passage of H.R. 1190.

Madam Speaker, I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 1190, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY PROGRAMS REAUTHORIZATION ACT OF 2005

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1578) to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

The Clerk read as follows:

S. 1578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act of 2005".

SEC. 2. UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS.

Section 3 of Public Law 106-392 (114 Stat. 1602; 116 Stat. 3113) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "$46,000,000" and inserting "$61,000,000";

(B) in paragraph (2), by striking "2008" and inserting "2010"; and

(C) in paragraph (3), by striking "2008" and inserting "2010";

(2) in subsection (b)—

(A) by striking "$100,000,000" and inserting "$126,000,000";

(B) in paragraph (1)—

(i) by striking $82,000,000" and inserting "$108,000,000"; and

(ii) by striking "2008" and inserting "2010"; and

(C) in paragraph (2), by striking "2008" and inserting "2010"; and

(3) in subsection (c)(4)—

(A) in the first sentence, by inserting "and the Elkhead Reservoir enlargement" after "Wolford Mountain Reservoir"; and

(B) in the second sentence, by striking "$20,000,000" and inserting "$31,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1578, sponsored by Senator WAYNE ALLARD from Colorado, reauthorizes the Upper Colorado and San Juan River Basin endangered fish recovery programs.

Congresswoman CUBIN of Wyoming, a wonderful resource on the Resources Committee, is the sponsor of the House companion measures, and she should be commended for her hard work on this bill.

The dual goals of those programs are to recover four endangered fish species and to ensure that local citizens can continue to use the rivers for their economic, social and cultural needs. Unlike much of the Endangered Species Act's activities, these programs have performance measures and benchmarks to determine recovery progress. As a result, the programs enjoy broad support among various users.

This reauthorization will allow for the last installment of the needed construction projects to enhance fish recovery. I urge my colleagues to support this bipartisan bill. I applaud Mrs. CUBIN as the sponsor of the House companion measure.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

The Upper Colorado and San Juan endangered fish recovery programs are often cited as examples of good agency performance under the Endangered Species Act. The Department of the Interior has worked closely with State agencies, water users, and environmentalists to implement these fish recovery programs.

The programs are tightly managed and effective. S. 1578 will increase the cost ceiling for these important activities and will ensure the programs will continue without interruption. Madam Speaker, we strongly support the passage of S. 1578.

Mrs. CUBIN. Madam Speaker, I am the lead sponsor of H.R. 3153, the identical House measure to S.1578 under consideration today. This bill is quite simple. It will reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery programs for 2 additional years. This action is necessary to complete the capital construction of these two successful efforts.

The program's existing authorization is set to expire in fiscal year 2008. However, construction costs have increased faster than the consumer price index over the past several years due to factors such as an improved economy and increased energy costs.

This measure's two-year extension of the programs' existing authorization will allow the Bureau of Reclamation to continue providing cost-sharing for these programs. More specifically, S.1578 would authorize the Bureau to expend an additional $15 million in cost-sharing funds for the Upper Basin programs, while recognizing an additional $11 million in non-federal cost-sharing.

It is important to note that this bill maintains both a cap on expenditures and a sunset provision on the time frame for those expenditures, as intended in the original authorization.

I would also like to draw attention to the bipartisan support this bill has garnered. The House bill, H.R. 3153, was introduced with 12 original cosponsors, comprised of the entire Utah and New Mexico delegations and all but one of the Colorado delegation—all of the states affected by these two programs.

I have been a strong supporter of these programs because they effectively balance the goals of continued water supply and usage with the recovery efforts of four endangered fish populations.

It is these kind of on-the-ground programs that Congress should be encouraging to ensure endangered species recovery efforts are locally supported and results-driven.

Passage of this bill represents Congress' acknowledgment that locally-driven programs with real recovery goals is the best approach toward species conservation.

Mr, UDALL of Colorado. Madam Speaker, I rise in support of this bill, and to thank Chairman POMBO and Ranking Member RAHALL for making it possible for the House to consider it today.

This bill, cosponsored by both of Colorado's Senators, will reauthorize and expand the authority of the Bureau of Reclamation to undertake capital projects for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin and the San Juan River Basin Recovery Implementation Program.

I am a cosponsor of the companion bill, H.R. 3153, which was approved by the Resources Committee last year and which is also cosponsored by my Colorado colleagues, Representatives DEGETTE, SALAZAR, and BEAUPREZ.

The Upper Colorado and San Juan recovery programs were established in 1988 and 1992, respectively, through broad-based cooperative agreements that provide for the active participation of the States of Colorado, New Mexico, Utah and Wyoming; the U.S. Fish and Wildlife Service; the Bureau of Reclamation; the National Park Service; the Western Area Power Administration; the Bureau of Land Management; the Bureau of Indian Affairs; the Jicarilla Apache Nation; the Navajo Nation; the Southern Ute Tribe; the Ute Mountain Ute Tribe; the Colorado River Energy Distributors Association; water development interests; and several environmental organizations.

These successful programs are meeting their dual objectives of recovering 4 endangered fish species—the Colorado pikeminnow, the humpback chub, the razorback sucker, and the bonytail chub—while allowing needed water development to proceed in compliance with the Endangered Species Act (ESA). Key parts of the programs are construction of fish hatcheries, fish screens, and fish passage structures as well as habitat restoration and management.

So far, these programs have provided ESA compliance for over 800 water projects that provide more than 2.5 million acre-feet of water per year.

However, because of increased construction and property acquisition costs, the amounts authorized to be appropriated for the program are no longer adequate to fulfill the program goals. In addition, the authority for capital construction projects is scheduled to terminate in 2008, even though projects currently underway cannot be completed by the program termination date.

To respond to those needs, this bill will extend the authorization through 2010, increase the amount authorized for the Federal share of project costs, and raise the limitation on the total costs of projects.

The Bureau of Reclamation has informed us that prompt action on the legislation is necessary if they are to take advantage of a window of opportunity to begin work on recovery-program projects before spring runoff and flash floods make it necessary to wait until next year.

I think we should not lose precious time. So, I am glad that the House is considering this bill today and I urge its approval.

Mr. SALAZAR. Madam Speaker, I speak today in support of the Upper Colorado River and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act of 2005. These important programs are helping us to recover four endangered fish species along the Colorado and San Juan Rivers.

It is essential to these western Colorado water communities that Congress reauthorize the program so we can continue with recovery efforts. I would also like to emphasize that both the Upper Colorado River and the San Juan River are vital water supplies to western Colorado. Over 1,000 water projects are reliant upon the waters in these rivers and tributaries. You can imagine the difficulty of trying to coordinate species recovery with the needs of so many water projects. But that is exactly what we have been able to do and I am proud of their work.

This program can serve as a national model for public and private partnerships for endangered species recovery. It allows water development in accordance to the State and Federal laws to continue while the partners work to recover the endangered fish species. As an individual water user I appreciate how this program does not pass the depletion burdens onto individual water projects and users. It is also very impressive that these partners have been able to work towards species recovery without a single lawsuit filed under the Endangered Species Act.

While water wars are historic throughout the West, this cooperative partnership among the affected parties is truly historic. This is a good bill and I urge my colleagues to support this legislation.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the Senate bill, S. 1578.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO DESIGNATE THE PRESIDENT WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME IN HOPE, ARKANSAS, AS A NATIONAL HISTORIC SITE

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4192) to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes.

The Clerk read as follows:

H.R. 4192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the "President William Jefferson Clinton Birthplace Home National Historic Site".

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1-4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOHMERT. Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4192 was introduced by my colleague from Arkansas Mr. ROSS. Although former President Clinton lived in several other homes during his childhood, this home in Hope, Arkansas, is the one most closely identified with his youth and early development.

Former President Clinton's upbringing in Hope played a prominent role in his political campaigns. He summed up his sense of the community with the well-known phrase, "I still believe in a place called Hope."

Madam Speaker, inclusion of this site within the National Park System is consistent with numerous Presidential sites previously authorized, including that of the Ronald Reagan Boyhood Home in 2002.

Madam Speaker, I would also note that H.R. 4192 is supported by the entire Arkansas congressional delegation, and also has the support of State and local officials. We support H.R. 4192 and urge the adoption of this legislation by the House today.

Madam Speaker, I reserve the balance of my time.

Mr. GOHMERT. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in opposition to this bill. I do not object to the bill on its merits, and when I first knew that the bill was coming up, it was not a problem.

However, upon reading various articles, I do have concerns, and my constituents have concerns. I have heard from several of them. Let me make it clear that my opposition is not partisan, it is not a Republican, it is not a Democratic issue.

Regardless of your personal view of him, Mr. Clinton served this country as President for 8 years and should have his birthplace properly designated as a place in American history. However, before this Congress moves to honor the former President, I think that he has some explaining to do.

You know, most Americans are very outraged over the Dubai Ports deal with the United States, and I am even more outraged when I hear that he may have consulted with the Crown Sheik of Dubai on this deal. So let me get this straight. Not only a U.S. citizen, but also a former President gives advice.

POINT OF ORDER

Mrs. CHRISTENSEN. Madam Speaker, I make a point of order.

The SPEAKER pro tempore. The gentlewoman will state her point of order.

Mrs. CHRISTENSEN. Madam Speaker, I would state that the gentlewoman from Florida should confine her comments to the subject matter of the bill before us.

The SPEAKER pro tempore. The gentlewoman is correct that debate should be confined to the pending subject. However, the Chair currently perceives a nexus between the substance of the bill and the gentlewoman's remarks.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, how do Republicans or Democrats explain this to our constituents? How do we possibly show that we are serious about protecting the United States from terrorist nations when we are proceeding to possibly honor the birthplace of someone who may have brokered this deal?

Madam Speaker, I cannot support this bill at this time until Mr. Clinton explains his role in the Dubai Ports deal. Reportedly Mr. Clinton has accepted nearly $1 million from the UAE for strategic advice. He is not a registered foreign agent. He also tried to get his former press secretary signed as a spokesman for the UAE. When they did not hire him, Mr. Clinton turned around and spoke against the port deal, and yet there was a reported million dollars here.

Madam Speaker, I think we need to take some time and review this very, very carefully.

POINT OF ORDER

Mrs. CHRISTENSEN. Madam Speaker, I make a point of order.

The SPEAKER pro tempore. The gentlewoman will state her point of order.

Mrs. CHRISTENSEN. Madam Speaker, the gentlewoman has strayed again from the subject matter of the bill before us. I would ask that she confine her remarks to the subject matter of the bill before us at this time.

The SPEAKER pro tempore. The rules do require that the gentlewoman consistently maintain a nexus to the substance of the bill.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, the nexus to the bill is whether or not this is the time to proceed with this bill.

And so that individuals have an opportunity actually to respond, I am going ask for a recorded vote. It is directly related to the bill. It is directly related to the security of our Nation.

□ 1045

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Madam Speaker, as the sponsor of this legislation, I rise in support of H.R. 4192, a bill to designate the William Jefferson Clinton birthplace home located in my hometown of Hope, Arkansas, as a national historic site and unit of the National Park System.

First, I would like to thank Chairman POMBO, Chairman SAXTON and Ranking Member RAHALL and Ranking Member CHRISTENSEN for their support and their assistance in moving this bill from the Resources Committee in a bipartisan manner to the floor of the United States House of Representatives.

Madam Speaker, what we have just witnessed from the gentlewoman from Florida is an example of the kind of partisan bickering that the people back home are sick and tired of. This is not a Democrat or Republican issue. This is about America, and it is about our Nation's history.

Madam Speaker, what the gentlewoman from Florida obviously does not get is the fact that this is about history. We have only had 42 Presidents in the history of this Nation; and I believe all of them, Democrat and Republican alike, if their birthplace home is still standing, it should be an historic site because it is a part of history.

I am pleased to have the entire Arkansas congressional delegation supporting this bill in a bipartisan manner including Congressman BOOZMAN from Arkansas, Congressman BERRY from Arkansas, Congressman SNYDER from Arkansas; and I am proud that this bill was passed out of the Resources Committee and placed on the suspension calendar by our leaders in both parties that recognized it for what it is, about history, not about politics. So I am deeply, deeply saddened that one Member out of 435 has chosen to try to divide us once again by taking a history lesson and turning it into a partisan ball game.

In my mind and in the minds of my colleagues from Arkansas there is no doubt this important property in Hope, Arkansas deserves Federal recognition. I believe the preservation of properties of historical significance is a necessary and important function of our government. The designation as a national historic site and unit of the National Park System will open the doors for further economic opportunities and prosperity for the city of Hope and all of southwest Arkansas. This site will celebrate, it will celebrate the history and educate thousands of visitors on the early life of our 42nd President of the United States of America, President William Jefferson Clinton, who came into this world on August 19, 1946, as William Jefferson Blythe, III, in Hope, Arkansas, just 3 months after his father tragically died in a car accident.

I mentioned that this has bipartisan support, Madam Speaker. This is about economic development. It is about tourism. It is about history. It is about maintaining and protecting and preserving an historic site, the birthplace home of the 42nd President of the United States of America.

Our Republican Governor in Arkansas gets it. And I want to thank him for that, and I want to share with my colleagues and make a part of the RECORD a letter I received dated yesterday from our Republican Governor, Mike Huckabee who, too, grew up in Hope, Arkansas.

It says: "Dear Congressman ROSS: Thank you for your efforts to honor and recognize the birthplace of our 42nd President, William Jefferson Clinton, by naming his birthplace in Hope, Arkansas a national historic site. As is customary in this country to honor our former Presidents with libraries and other accolades, I cannot think of a better tribute to President Clinton than this recognition. The lasting impact this will have for the State and country is immeasurable. Not only would it provide future generations an educational look into our 42nd President and the times he lived in, but it will provide the region of our State, and specifically my native home of Hope, Arkansas, added economic opportunity and prosperity.

"H.R. 4192 is an important piece of legislation for not only the reasons mentioned above, but also for the preservation and protection of this historical site which is currently reliant upon private donations. President Clinton will forever be a true Arkansan, and this piece of legislation will allow not only Arkansas but the country the ability to properly honor him and his service.

"Again, thank you for your work on this legislation. I look forward to working with you to see its passage out of Congress this year.

"Sincerely yours, Mike Huckabee, Governor of the State of Arkansas."

Might I add, a Republican Governor, who like myself, grew up in Hope, Arkansas.

Finally, Madam Speaker, I would like to at least read a part of a letter from Mack McLarty who was President Clinton's first White House Chief of Staff and someone who commanded respect from both sides of the aisle during those early Clinton years.

"Dear Mike: I'm writing today in support of H.R. 4192, your bill authorizing the Secretary of the Interior to designate President William Jefferson Clinton's birthplace home in Hope, Arkansas as a national historic site and unit of the National Park System. This step would be a fitting recognition of President Clinton's birthplace home in our Nation's Presidential history and ensure the preservation of the site for future generations. This site will celebrate history and educate thousands of visitors and perhaps, most importantly, it will bring jobs and economic development opportunities to southwest Arkansas.

"As you know, I was born and raised in Hope myself. My lifelong friendship with President Clinton dates back to Miss Mary's kindergarten. Not surprisingly, then, my attachment to 117 South Hervey Street is personal and heartfelt, but, more than that, I believe the Clinton birthplace stands for something larger than itself."

Mack McLarty goes on to write that, "As I wrote some years ago in an essay for the Arkansas Historic Preservation Program, I believe that white frame house is worthy of more than a nod of nostalgia because the values President Clinton learned there and in Hope formed the core of his political philosophy.

"In 1946 when President Clinton and I were born, Hope was the essence of small-town America. Family and faith were at the center of people's lives. Commitment to work was expected. From the schools to the churches, local businesses and charities, knowing and caring for one another was part of daily life. And as our friend, Joe Purvis, later wrote, 'It bred a sense of responsibility, because if you misbehaved, your mama knew about it before you got home.'"

Mack McLarty continues in his letter, "For a small boy growing up in that era, Hope lived up to its name. We had won the war. The economy was booming. The American Dream was alive. People had confidence in a future they believed was theirs to shape. It was a time of infectious optimism and seemingly limitless potential.

"I do not mean to suggest that our hometown was perfect. We never thought it was even then. Hope was segregated like the rest of the South. It had its share of human frailty and vice, but kids were taught, growing up, to respect the dignity of each individual. There was a genuine sense of community in Hope that crossed income lines and, in many ways, race as well."

Mack McLarty continues in his letter in support of this bill, "The young Bill Clinton, who was then Billy Blythe, understood this perhaps better than most. His father had died before he was born. His mother, determined to provide for her son, was in nurse anesthetist school in New Orleans, a brave step in an era when single mothers and working women were uncommon. Young Billy was raised those first few years primarily by his grandparents who owned a grocery on North Hazel Street across from Rose Hill Cemetery."

I could continue, Madam Speaker, but there are others who want to speak in support of this bill on both sides of the aisle, and I applaud them and thank them for helping me restore and maintain and preserve this piece of history, as we should do for all 42 former Presidents, Democrat and Republican alike.

STATE OF ARKANSAS,
STATE CAPITOL BUILDING,
Little Rock, AR, March 7, 2006.

Hon. MIKE ROSS,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN ROSS: Thank you for your efforts to honor and recognize the birthplace of our 42nd President, William Jefferson Clinton, by naming his birthplace home in Hope, Arkansas a National Historic Site. As is customary in this country to honor our former Presidents with libraries and other accolades, I can not think of a better tribute to President Clinton than this recognition. The lasting impact this will have for the state and country is immeasurable. Not only will it provide future generations an educational look into our 42nd President and the times he lived in, but it will provide this region of our state and specifically my native home of Hope added economic opportunity and prosperity.

H.R. 4192 is an important piece of legislation for not only the reasons mentioned above, but also for the preservation and protection of this historical site, which is currently reliant upon private donations. President Clinton will forever be a true Arkansan and this piece of legislation will allow not only Arkansas but the country the ability to properly honor him and his service.

Again thank you for your work on this legislation and I look forward to working with you to see its passage out of Congress this year.

Sincerely yours,

MIKE HUCKABEE,
Governor.

Little Rock, AR, March 7, 2006.

Hon. MIKE ROSS,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MIKE: I'm writing today in support of H.R. 4192, your bill authorizing the Secretary of the Interior to designate President William Jefferson Clinton's birthplace home in Hope, Arkansas, as a National Historic Site and unit of the National Park System. This step would be a fitting recognition of President Clinton's birthplace home in our nation's presidential history—and ensure the preservation of the site for future generations. This site will celebrate history and educate thousands of visitors, and perhaps most importantly, it will bring jobs, and economic development opportunities to southwest Arkansas.

As you know, I was born and raised in Hope myself; my lifelong friendship with President Clinton dates back to Miss Mary's kindergarten. Not surprisingly, then, my attachment to 117 South Hervey Street is personal and heartfelt; but, more than that, I believe the Clinton birthplace stands for something larger than itself.

As I wrote some years ago in an essay for the Arkansas Historic Preservation Program, I believe that white frame house is worthy of more than a nod of nostalgia, because the values President Clinton learned there and in Hope formed the core of his political philosophy.

In 1946, when President Clinton and I were born, Hope was the essence of small-town America. Family and faith were at the center of people's lives. Commitment to work was expected. From the schools to the churches, local businesses and charities, knowing and caring for one another was part of daily life. And as our friend Joe Purvis later wrote, "It bred a sense of responsibility, because if you misbehaved your mama knew about it before you got home."

For a small boy growing up in that era, Hope lived up to its name. We had won the war. The economy was booming. The American Dream was alive. People had confidence in a future they believed was theirs to shape. It was a time of infectious optimism and seemingly limitless potential.

I don't mean to suggest that our hometown was perfect. We never thought it was, even then. Hope was segregated, like the rest of the South. It had its share of human frailty and vice. But kids were taught, growing up, to respect the dignity of each individual. There was a genuine sense of community in Hope, that crossed income lines and, in many ways, race as well.

The young Bill Clinton, who was then Billy Blythe, understood this perhaps better than most. His father had died before he was born. His mother, determined to provide for her son, was in nurse-anesthetist school in New Orleans—a brave step in an era when single mothers, and working women, were uncommon. Young Billy was raised those first few years primarily by his grandparents, who owned a grocery on North Hazel Street, across from Rose Hill Cemetery.

That grocery store was one of the most integrated enterprises in Hope. It was a place where every customer, black or white, was treated kindly; where credit was given freely on the basis of trust; where equality was a way of life and not just an aspiration. It was also a place that catered to lower- and lower-middle income families. Young Billy saw parents working hard to make ends meet for their children.

His exposure, early on, to human effort, and to the open hearts and minds of his grandparents, helped sharpen Bill Clinton's ability to empathize and understand real people's dreams and struggles. Much of what he has stood for, first as governor and then as president—whether his national race initiative, his emphasis on service, or his efforts to expand the middle class—reflected his belief that we need to band together, that by lifting others we also raise ourselves.

The importance of community was just one of the lessons Bill Clinton took to heart on South Hervey Street. His grandparents taught him to count and read, nurturing a commitment to education he carried throughout his life. And his mother taught him, by her own powerful example, to persevere in the face of adversity. As one friend said, Virginia Kelley was like a rubber ball: "The harder life put her down, the higher she bounced. She didn't know what the word quit meant."

I'll always remember the October afternoon in 1991, when Bill Clinton declared from the Old State House steps his candidacy for President. "Together we can make America great again," he said, "and build a community of hope that will inspire the world."

A community of hope—a community of Hope—inspired my childhood friend with the extraordinary confidence, courage, commitment and vision to lead our country. And when I look at 117 South Hervey Street, most remarkable for its simplicity, I am proud to say I hail from a place where a boy could grow up to be president; a place where loving families, devoted teachers, friendly and supportive neighbors gave children like Billy Blythe and me the wings to pursue our dreams.

I hope the U.S. House of Representatives will pass H.R. 4192. Thank you for your leadership on this issue, and your service to our state and our country.

Personally,

MACK MCLARTY.

Mr. GOHMERT. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Madam Speaker, I thank Congressman ROSS and Chairman POMBO, Congressman ROSS for introducing the bill, and then Chairman POMBO for getting it to the floor.

I rise in strong support of this bill. The reason that I do, before I was elected to Congress I had never been to Washington, D.C, and I came up here. I can still remember the excitement of seeing all the structures and things; and then now, as my constituents come up, taking them around, showing them the different areas, the different things of history that we preserved.

Preserving Presidential birthplaces is very, very important. It is something that we need to do. We need to do a much better job, I think, in this country of preserving structures like this in general that are so important, that tell the story of America.

One of the things that I really enjoy doing is going out to schools and I visit with the kids. I was on the school board for 7 years, and I sit down and visit with them, and one of the main reasons I am there is I want them to understand that a guy like me that was on the school board, had a small business, was on the school board, grew up very much like they did, in western Arkansas, that the sky is the limit, that they can work hard and basically achieve anything they want.

Bill Clinton is truly an example of that. And certainly as they go through the structure that we are trying to preserve, I think it really shows that a young guy that grew up as much of America is growing up, maybe at some times maybe a little bit worse than much of America is growing up, but growing up in humble circumstances, having a dream, able to achieve the governorship of Arkansas, and then go on to become the most powerful man in the world. I think it is a great story. I think it is one that kids will be able to relate to and certainly show that, again, if they step forward that the sky is the limit.

As MIKE said, this has great support from the State of Arkansas, great support from our congressional delegation, and then also from our Governor, Governor Huckabee, that we would like to do what President Clinton did in the future, also from Hope, and he was very, very supportive as the letter indicates.

Again, I speak in strong support of this bill and I urge its adoption.

Mrs. CHRISTENSEN. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mrs. CAPITO). The gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) has 10 minutes remaining.

Mrs. CHRISTENSEN. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Madam Speaker, I am pleased to rise in support of H.R. 4192, to designate the birthplace of our 42nd President, William Jefferson Clinton, as a national historic site and a unit of the National Park System.

Currently, the Clinton birthplace home is owned and operated by a nonprofit Clinton birthplace foundation. While they are doing an excellent job of maintaining this site for the public viewing and educational purposes, by becoming part of the National Park System the Clinton birthplace will now be able to take full advantage of the National Park Service's vast resources.

As a member of the Committee on Resources and at Mr. ROSS' request, I have been down to southwest Arkansas to see the Clinton birthplace for myself, and I can personally attest to the great pride that fellow Arkansans feel for this site.

Not only is Mr. William Jefferson Clinton a source of pride for the folks in his home State of Arkansas, but he is also a representative of the symbol of hope for millions of both Americans and those throughout the world who have seen his work. And you just need to tour the Clinton library to see the respect he received throughout the globe by the tributes housed at the library.

I believe every Presidential birthplace should be preserved and protected as part of our Nation's history regardless of political party.

I would like to also recognize that Speaker HASTERT and Chairman POMBO have brought this bill to the floor. And I want to commend them for doing so in a nonpartisan manner, not treating this issue as a political football, but one of worthy legislation that deserves our support.

I urge my colleagues to support H.R. 4192.

□ 1100

Mr. GOHMERT. Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER), my colleague.

Mr. SNYDER. Madam Speaker, it is starting to be a pattern here of the Arkansans lining up here in support of this bill, both Republican and Democrat, but it is the kind of bill that in any State we would all do the same thing, Republican or Democrat, to preserve this kind of a historic place.

Obviously, we are all very much aware that during his time in office President Clinton was a controversial figure. Any President is these days, but what we are talking about is preserving the childhood home, the birthplace home, of this President.

As a person who is the child of a single-parent household, I think it is important that we enrich those sites that have been preserved so this story can be told also, that no longer are our Presidents, like Abraham Lincoln, reading by firelight because there was no electricity in those days, but in this modern era that any child in America, regardless of background, can rise above that background, take those values that he learns and, regardless of party affiliation, go on to achieve great things in this country.

So I think this is very important. I am very much appreciative of Mr. HASTERT and Mr. POMBO for allowing this bill to come to the floor. Our Republican Governor, Governor Huckabee, is also supportive. And also, thanks today to the people of Hope who have kept this site in a state of suspended animation and preserved it while their Federal Government catches up with them in recognizing the significance of preserving and maintaining for all time this modest home.

Mr. GOHMERT. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. KELLER), my friend.

Mr. KELLER. Madam Speaker, I thank the gentleman for yielding me the time, and I just want to say I intend to vote for this. I think it is worthy of being designated as an historic site.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, will the gentleman yield?

Mr. KELLER. I yield to the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I thank the gentleman for yielding.

As I said before, my decision to call for a recorded vote is based on the future of our country and the fact that we need to have the information out there about Mr. Clinton's involvement in the Dubai port, the whole issue.

It is about hope, certainly about Hope, Arkansas. I hope to vote for this bill. I had hoped to vote for the bill because I had hoped that Mr. Clinton would do the right thing and register as a foreign agent. That not happening is the reason why I am objecting to the bill at this time.

I also believe that we need to preserve birthplaces of our Presidents, and had we had enough time, I just would have asked the leadership to postpone this vote. I wanted to vote for this bill, but the more information that comes out about the millions of dollars that have been paid by the UAE to Mr. Clinton just gives many Americans the lack of hope for our security. That is exactly why I am going to call for the yeas and nays.

It is not against President Clinton. It is not against him, but rather, I wish we had more time so that the public would know exactly how involved he was in what that million dollars bought when it came to the Dubai port issue.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

This bill, H.R. 4192, would give the home most closely associated with the 42nd President of the United States the designation that other Presidents have had. It is about naming this boyhood home as a national historic site. It is not about policy, and in 2002, Members on both sides of the aisle, regardless of any disagreements they may have had over any of President Reagan's policies, came together and wholeheartedly supported the designation of the Ronald Reagan Boyhood Home as a national historic site.

In his Presidency, William Jefferson Clinton gave many Americans who were at that time left behind and left out and left on the fringes of American society reasons to hope. It is fitting that we recognize his 8 years of service to this country as our President and designate his home in Hope, Arkansas, as the Clinton Boyhood Home National Historic Site.

I would urge all of my colleagues on both sides of the aisle to support this bill, as we have supported so many others for Presidents in the past.

Madam Speaker, I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

I appreciate my colleagues across the aisle. You are right, this is not a partisan issue when we are talking about the birthplace of a President. Frankly, here I am making the motion, and I never voted for President Clinton. I was not a big fan of President Clinton, but you are right, also: he came from extraordinary circumstances and rose to the highest position in this country.

I mean, he and I apparently had very different lifestyles growing up. I never consumed a drop of alcohol, and when I was underage, I never not only did not inhale, I never smoked.

There are so many things different in our backgrounds, and he ought to be an inspiration to every child out there, whether leaning toward being Republican or Democrat. That President Bill Clinton, with the things that he had in his background, could reach the Nation's highest office. I mean, any of you should know that it is not out of your reach either. It is extraordinary what he accomplished.

But there is an old political adage that says, democracy ensures that a people govern no better than they deserve. In 1992 and 1996, whether any of us like it or not, America deserved Bill Clinton, and that is who we elected. It is now a fact he has been a President. It is now a fact that his birthplace should be a historical site, and I understand the concerns of the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), my friend. Maybe there will be a room dedicated to all the money made from the UAE, but that is someone else's determination.

The fact is it is a historical place. It deserves that designation, and, hopefully, people will be inspired for years to come that this is America. It does not matter what your background is; you can rise to the highest office in the land, and you should be inspired by that.

For that reason, I would urge the passage of this bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 4192.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The yeas and nays are requested. All those in favor of taking this vote by the yeas and nays will rise and remain standing until counted. A sufficient number having arisen, the yeas and nays are ordered.

PARLIAMENTARY INQUIRY

Mr. ROSS. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROSS. Madam Speaker, I do not see a sufficient number standing.

The SPEAKER pro tempore. Under the Constitution, one-fifth of those present is a sufficient number.

Mr. ROSS. Madam Speaker, I only see one Member standing on this motion.

The SPEAKER pro tempore. The Chair's count is not subject to question, and the Chair observed a sufficient number.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Safety and Violent Crime Reduction Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Sec. 101. Short title.
Sec. 102. Declaration of purpose.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators.
Sec. 112. Registry requirements for jurisdictions.
Sec. 113. Registry requirements for sex offenders.
Sec. 114. Information required in registration.
Sec. 115. Duration of registration requirement.
Sec. 116. In person verification.
Sec. 117. Duty to notify sex offenders of registration requirements and to register.
Sec. 118. Jessica Lunsford Address Verification Program.
Sec. 119. National Sex Offender Registry.
Sec. 120. Dru Sjodin National Sex Offender Public Website.
Sec. 121. Public access to sex offender information through the Internet.
Sec. 122. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.
Sec. 123. Actions to be taken when sex offender fails to comply.
Sec. 124. Immunity for good faith conduct.
Sec. 125. Development and availability of registry management software.
Sec. 126. Federal duty when State programs not minimally sufficient.
Sec. 127. Period for implementation by jurisdictions.
Sec. 128. Failure to comply.
Sec. 129. Sex Offender Management Assistance (soma) Program.
Sec. 130. Demonstration project for use of electronic monitoring devices.
Sec. 131. Bonus payments to States that implement electronic monitoring.
Sec. 132. Access to national crime information databases.
Sec. 133. Limited immunity for National Center for Missing and Exploited Children with respect to CyberTipline.
Sec. 134. Treatment and management of sex offenders in the Bureau of Prisons.
Sec. 135. GAO studies on feasibility of using driver's license registration processes as additional registration requirements for sex offenders.
Sec. 136. Assistance in identification and location of sex offenders relocated as a result of a major disaster.
Sec. 137. Election by Indian tribes.
Sec. 138. Registration of prisoners released from foreign imprisonment.
Sec. 139. Sex offender risk classification study.
Sec. 140. Study of the effectiveness of restricting the activities of sex offenders to reduce the occurrence of repeat offenses.

Subtitle B—Criminal Law Enforcement of Registration Requirements

Sec. 151. Amendments to title 18, United States Code, relating to sex offender registration.
Sec. 152. Federal Investigation of sex offender violations of registration requirements.
Sec. 153. Sex offender apprehension grants.
Sec. 154. Use of any controlled substance to facilitate sex offense, and prohibition on Internet sales of date rape drugs.
Sec. 155. Repeal of predecessor sex offender Program.
Sec. 156. Assistance for prosecution of cases cleared through use of DNA backlog clearance funds.
Sec. 157. Grants to combat sexual abuse of children.
Sec. 158. Expansion of training and technology efforts.
Sec. 159. Revocation of probation or supervised release.

Subtitle C—Office on Sexual Violence and Crimes Against Children

Sec. 161. Establishment.
Sec. 162. Director.
Sec. 163. Duties and functions.

TITLE II—DNA FINGERPRINTING

Sec. 201. Technical amendment.
Sec. 202. Stopping Violent Predators Against Children.
Sec. 203. Model code on investigating missing persons and deaths.

TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN

Sec. 301. Assured punishment for violent crimes against children.
Sec. 302. Kenneth Wrede fair and expeditious habeas review of State criminal convictions.
Sec. 303. Rights associated with habeas corpus proceedings.
Sec. 304. Study of interstate tracking of persons convicted of or under investigation for child abuse.

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN

Sec. 401. Increased penalties for sexual offenses against children.
Sec. 402. Sense of Congress with respect to prosecutions under Section 2422(b) of title 18, United States Code.
Sec. 403. Grants for Child Sexual Abuse Prevention Programs.

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

Sec. 501. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and State child abuse registries; suspension and subsequent elimination of Opt-Out.
Sec. 502. Access to Federal crime information databases for certain purposes.
Sec. 503. Penalties for coercion and enticement by sex offenders.
Sec. 504. Penalties for conduct relating to child prostitution.
Sec. 505. Penalties for sexual abuse.
Sec. 506. Sex offender submission to search as condition of release.
Sec. 507. Kidnapping jurisdiction.
Sec. 508. Marital communication and adverse spousal privilege.
Sec. 509. Abuse and neglect of Indian children.
Sec. 510. Jimmy Ryce Civil commitment program.
Sec. 511. Jimmy Ryce State civil commitment programs for sexually dangerous persons.
Sec. 512. Mandatory penalties for sex-trafficking of children.
Sec. 513. Sexual abuse of wards.
Sec. 514. No limitation for prosecution of felony sex offenses.
Sec. 515. Child abuse reporting.

TITLE VI—CHILD PORNOGRAPHY PREVENTION

Sec. 601. Findings.
Sec. 602. Strengthening Section 2257 to ensure that children are not exploited in the production of pornography.
Sec. 603. Additional recordkeeping requirements.
Sec. 604. Prevention of distribution of child pornography used as evidence in prosecutions.
Sec. 605. Authorizing civil and criminal asset forfeiture in child exploitation and obscenity cases.
Sec. 606. Prohibiting the production of obscenity as well as transportation, distribution, and sale.
Sec. 607. Guardians ad litem.

TITLE VII—COURT SECURITY

Sec. 701. Judicial branch security requirements.
Sec. 702. Additional amounts for United States Marshals Service to protect the judiciary.
Sec. 703. Protections against malicious recording of fictitious liens against Federal judges and Federal law enforcement officers.
Sec. 704. Protection of individuals performing certain official duties.

Sec. 705. Report on security of Federal prosecutors.
Sec. 706. Flight to avoid prosecution for killing peace officers.
Sec. 707. Special penalties for murder, kidnapping, and related crimes against Federal judges and Federal law enforcement officers.
Sec. 708. Authority of Federal judges and prosecutors to carry firearms.
Sec. 709. Penalties for certain assaults.
Sec. 710. David March and Henry Prendes protection of federally funded public safety officers.
Sec. 711. Modification of definition of offense and of the penalties for, influencing or injuring officer or juror generally.
Sec. 712. Modification of tampering with a witness, victim, or an informant offense.
Sec. 713. Modification of retaliation offense.
Sec. 714. Inclusion of intimidation and retaliation against witnesses in State prosecutions as basis for Federal prosecution.
Sec. 715. Clarification of venue for retaliation against a witness.
Sec. 716. Prohibition of possession of dangerous weapons in Federal court facilities.
Sec. 717. General modifications of Federal murder crime and related crimes.
Sec. 718. Witness protection grant program.
Sec. 719. Funding for State courts to assess and enhance court security and emergency preparedness.
Sec. 720. Grants to States for threat assessment databases.
Sec. 721. Grants to States to protect witnesses and victims of crimes.
Sec. 722. Grants for young witness assistance.
Sec. 723. State and local court eligibility.

TITLE VIII—REDUCTION AND PREVENTION OF GANG VIOLENCE

Sec. 801. Revision and extension of penalties related to criminal street gang activity.
Sec. 802. Increased penalties for interstate and foreign travel or transportation in aid of racketeering.
Sec. 803. Amendments relating to violent crime.
Sec. 804. Increased penalties for use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.
Sec. 805. Increased penalties for violent crimes in aid of racketeering activity.
Sec. 806. Murder and other violent crimes committed during and in relation to a drug trafficking crime.
Sec. 807. Multiple interstate murder.
Sec. 808. Additional racketeering activity.
Sec. 809. Expansion of rebuttable presumption against release of persons charged with firearms offenses.
Sec. 810. Venue in capital cases.
Sec. 811. Statute of limitations for violent crime.
Sec. 812. Clarification to hearsay exception for forfeiture by wrongdoing.
Sec. 813. Transfer of juveniles.
Sec. 814. Crimes of violence and drug crimes committed by illegal aliens.
Sec. 815. Listing of immigration violators in the National Crime Information Center database.
Sec. 816. Study.

TITLE IX—INCREASED FEDERAL RESOURCES TO PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS

Sec. 901. Grants to State and local prosecutors to combat violent crime and to protect witnesses and victims of crimes.
Sec. 902. Reauthorize the gang resistance education and training projects program.
Sec. 903. State and local reentry courts.

TITLE X—CRIME PREVENTION

Sec. 1001. Crime prevention campaign grant.
Sec. 1002. The Justice for Crime Victims Family Act.

TITLE XI—NATIONAL CHILD ABUSE AND NEGLECT REGISTRY ACT

Sec. 1101. Short title.
Sec. 1102. National registry of substantiated cases of child abuse.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Sex Offender Registration and Notification Act".

SEC. 102. DECLARATION OF PURPOSE.

In order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent sexual predators against the victims listed below, Congress in this Act establishes a comprehensive national system for the registration of those offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005 in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.

(12) Jimmy Ryce, who was 9 years old, was kidnapped and murdered in Florida on September 11, 1995.

(13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in February, 2004.

(14) Amanda Brown, who was 7 years old, was abducted and murdered in Florida in 1998.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.

In this title the following definitions apply:

(1) Sex offender registry.—The term "sex offender registry" means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(2) Jurisdiction.—The term jurisdiction means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 137, a federally recognized Indian tribe.

(3) Sex offender.—The term "sex offender" means an individual who, either before or after the enactment of this Act, was convicted of, or adjudicated as a juvenile delinquent for, a sex offense.

(4) Expansion of definition of offense to include all child predators.—The term "specified offense against a minor" means an offense against a minor that involves any of the following:

(A) An offense (unless committed by a parent) involving kidnapping.

(B) An offense (unless committed by a parent) involving false imprisonment.

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

(E) Solicitation to practice prostitution.

(F) Possession, production, or distribution of child pornography.

(G) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(H) Any conduct that by its nature is a sex offense against a minor.

(I) Video voyeurism, as described in section 1801 of title 18, United States Code.

(J) Any attempt or conspiracy to commit an offense described in this paragraph.

(5) Tier I sex offender.—The term "tier I sex offender" means a sex offender whose offense is punishable by imprisonment for one year or less.

(6) Tier II sex offender.—The term "tier II sex offender" means a sex offender who is not a Tier III sex offender whose offense—

(A) is punishable by imprisonment for more than one year; or

(B) occurs after the offender becomes a tier I sex offender.

(7) Tier III sex offender.—The term "tier III sex offender" means a sex offender whose offense is punishable by imprisonment for more than one year and—

(A) involves a crime of violence as defined in section 16 of title 18, United States Code, against the person of another, except a crime of violence consisting of an abusive sexual contact, as defined in section 2246;

(B) is an offense where the victim had not attained the age of 13 years; or

(C) occurs after the offender becomes a tier II sex offender.

(8) Amy Zyla expansion of sex offense definition.—The term "sex offense" means—

(A) a State, local, tribal, foreign, or other criminal offense that has an element involving a sexual act or sexual contact with another or an attempt or conspiracy to commit such an offense, but does not include an offense involving consensual sexual conduct where the victim was an adult or was at least 13 years old and the offender was not more than 4 years older than the victim;

(B) a State, local, tribal, foreign, or other specified offense against a minor;

(C) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18, United States Code) under section 1201, 1591, or 1801, or chapter 109A, 110, or 117, of title 18, United States Code, or any other Federal offense designated by the Attorney General for the purposes of this paragraph; or

(D) a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note).

(9) Student.—The term "student" means an individual who enrolls or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(10) Employee.—The term "employee" includes an individual who is self-employed or works for any other entity, whether compensated or not.

(11) Resides.—The term "resides" means, with respect to an individual, the location of the individual's home or other place where the individual lives.

(12) Minor.—The term "minor" means an individual who has not attained the age of 18 years.

(13) Convicted.—The term "convicted" or a variant thereof, used with respect to a sex offense, includes adjudicated deliquent as a juvenile for that offense.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title. The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) In General.—A sex offender must register, and keep the registration current, in each jurisdiction where the offender was convicted, where the offender resides, where the offender is an employee, and where the offender is a student.

(b) Initial Registration.—The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 5 days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) Keeping the Registration Current.—A sex offender must inform each jurisdiction involved, not later than 3 days after each change of residence, employment, or student status.

(d) Initial Registration of Sex Offenders Unable to Comply With Subsection (b).—The Attorney General shall prescribe rules for the registration of sex offenders convicted before the enactment of this Act or its implementation in a particular jurisdiction, and for other categories of sex offenders who are unable to comply with subsection (b).

(e) State Penalty for Failure to Comply.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty, that includes a maximum term of imprisonment that is greater than one year, and a minimum term of imprisonment that is no less than 90 days, for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) Provided by the Offender.—The sex offender must provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name and physical description of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address of the residence at which the sex offender resides or will reside.

(4) The name and address of the place where the sex offender is employed or will be employed.

(5) The name and address of the place where the sex offender is a student or will be a student.

(6) The license plate number and description of any vehicle owned or operated by the sex offender.

(7) A photograph of the sex offender.

(8) A set of fingerprints and palm prints of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an accurate set.

(9) A DNA sample of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an appropriate DNA sample.

(10) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.

(11) Any other information required by the Attorney General.

(b) Provided by the Jurisdiction.—The jurisdiction in which the sex offender registers shall include the following information in the registry for that sex offender:

(1) A statement of the facts of the offense giving rise to the requirement to register under this title, including the date of the offense, and whether or not the sex offender was prosecuted as a juvenile at the time of the offense.

(2) The criminal history of the sex offender.

(3) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

A sex offender shall keep the registration current for a period (excluding any time the sex offender is in custody or civilly committed) of—

(1) 20 years, if the offender is a tier I sex offender;

(2) 30 years, if the offender is a tier II sex offender; and

(3) the life of the offender, if the offender is a tier III sex offender.

SEC. 116. IN PERSON VERIFICATION.

A sex offender shall appear in person, provide a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than—

(1) every six months, if the offender is a tier I sex offender;

(2) every 3 months, if the offender is a tier II sex offender; and

(3) every month, if the offender is a tier III sex offender.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

An appropriate official shall, shortly before release from custody of the sex offender, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

(1) inform the sex offender of the duty to register and explain that duty;

(2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION PROGRAM.

(a) Establishment.—There is established the Jessica Lunsford Address Verification Program (hereinafter in this section referred to as the "Program").

(b) Verification.—In the Program, an appropriate official shall verify the residence of each registered sex offender not less than—

(1) semi-annually, if the offender is a tier I sex offender;

(2) quarterly, if the offender is a tier II sex offender; and

(3) monthly, if the offender is a tier III sex offender.

(c) Use of Mailed Form Authorized.—Such verification may be achieved by mailing a nonforwardable verification form to the last known address of the sex offender. The sex offender must return the form, including a notarized signature or a fingerprint verification, within a set period of time. A failure to return the form as required may be a failure to register for the purposes of this title.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

(a) Internet.—The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

(b) Electronic Forwarding.—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) Establishment.—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter referred to as the "Website").

(b) Information to Be Provided.—The Attorney General shall maintain the Website as a site on the Internet which allows the public to obtain relevant information for each sex offender by a single query in a form established by the Attorney General.

SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

(a) In General.—Except as provided in subsection (b), each jurisdiction shall make available on the Internet all information about each sex offender in the registry, except for the offender's Social Security number, the identity of any victim, and any other information exempted from disclosure by the Attorney General. The jurisdiction shall provide this information in a manner that is readily accessible to the public.

(b) Exception.—To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet information about a tier I sex offender whose offense is a juvenile adjudication.

SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) Establishment of Program.—There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Program (hereinafter in this section referred to as the "Program").

(b) PROGRAM NOTIFICATION.—Except as provided in subsection (c), not later than 5 days after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry or other appropriate data bases.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is employed, or is a student.

(3) Each jurisdiction where the sex offender resides, works, or attends school, and each jurisdiction from or to which a change of residence, work, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(7) The community at large.

(c) EXCEPTION.—In the case of a tier I sex offender whose offense is a juvenile adjudication, the Attorney General may authorize limitation of the entities to which the Program notification is given when the Attorney General determines it is consistent with public safety to do so.

SEC. 123. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate State, local, and tribal law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

SEC. 125. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

The Attorney General shall develop and support software for use to establish, maintain, publish, and share sex offender registries.

SEC. 126. FEDERAL DUTY WHEN STATE PROGRAMS NOT MINIMALLY SUFFICIENT.

If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registration program, the Department of Justice shall, to the extent practicable, carry out the duties imposed on that jurisdiction by this title.

SEC. 127. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

Each jurisdiction shall implement this title not later than 2 years after the date of the enactment of this Act. However, the Attorney General may authorize up to two one-year extensions of the deadline.

SEC. 128. FAILURE TO COMPLY.

(a) IN GENERAL.—For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, substantially to implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3570 et seq.).

(b) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this title shall be reallocated under that program to jurisdictions that have not failed to implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

(c) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required to avoid the reduction of Federal funding under this section.

SEC. 129. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the "SOMA program") under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) APPLICATION.—The chief executive of a jurisdiction shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—A jurisdiction that, as determined by the Attorney General, has substantially implemented this title not later than two years after the date of the enactment of this Act is eligible for a bonus payment. The Attorney General may make such a payment under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if that implementation is not later than one year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than two years after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2006 through 2008.

SEC. 130. DEMONSTRATION PROJECT FOR USE OF ELECTRONIC MONITORING DEVICES.

(a) PROJECT REQUIRED.—The Attorney General shall carry out a demonstration project under which the Attorney General makes grants to jurisdictions to demonstrate the extent to which electronic monitoring devices can be used effectively in a sex offender management program.

(b) USE OF FUNDS.—The jurisdiction may use grant amounts under this section directly, or through arrangements with public or private entities, to carry out programs under which the whereabouts of sex offenders are monitored by electronic monitoring devices.

(c) PARTICIPANTS.—Not more than 10 jurisdictions may participate in the demonstration project at any one time.

(d) FACTORS.—In selecting jurisdictions to participate in the demonstration project, the Attorney General shall consider the following factors:

(1) The total number of sex offenders in the jurisdiction.

(2) The percentage of those sex offenders who fail to comply with registration requirements.

(3) The threat to public safety posed by those sex offenders who fail to comply with registration requirements.

(4) Any other factor the Attorney General considers appropriate.

(e) DURATION.—The Attorney General shall carry out the demonstration project for fiscal years 2007, 2008, and 2009.

(f) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(g) ONE-TIME REPORT AND RECOMMENDATIONS.—Not later than April 1, 2008, the Attorney General shall submit to Congress a report—

(1) assessing the effectiveness and value of programs funded by this section;

(2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(3) making recommendations for continuing funding and the appropriate levels for such funding.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 131. BONUS PAYMENTS TO STATES THAT IMPLEMENT ELECTRONIC MONITORING.

(a) IN GENERAL.—A jurisdiction that, within 3 years after the date of the enactment of this Act, has in effect laws and policies described in subsection (b) shall be eligible for a bonus payment described in subsection (c), to be paid by the Attorney General from any amounts available to the Attorney General for such purpose.

(b) ELECTRONIC MONITORING LAWS AND POLICIES.—

(1) IN GENERAL.—Laws and policies referred to in subsection (a) are laws and policies that ensure that electronic monitoring is required of a person if that person is released after being convicted of a sex offense in which an individual who has not attained the age of 18 years is the victim.

(2) MONITORING REQUIRED.—The monitoring required under paragraph (1) is a system that actively monitors and identifies the person's location and timely reports or records the person's presence near or within a crime scene or in a prohibited area or the person's departure from specified geographic limitations.

(3) DURATION.—The electronic monitoring required by paragraph (1) shall be required of the person—

(A) for the life of the person, if—

(i) an individual who has not attained the age of 12 years is the victim; or

(ii) the person has a prior sex conviction (as defined in section 3559(e) of title 18, United States Code); and

(B) for the period during which the person is on probation, parole, or supervised release for the offense, in any other case.

(4) JURISDICTION REQUIRED TO MONITOR ALL SEX OFFENDERS RESIDING IN JURISDICTION.—In addition, laws and policies referred to in subsection (a) also include laws and policies that ensure that the jurisdiction frequently monitors each person residing in the jurisdiction for whom electronic monitoring is required, whether such monitoring is required under this section or under section 3563(a)(9) of title 18, United States Code.

(c) BONUS PAYMENTS.—The bonus payment referred to in subsection (a) is a payment equal to 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3570 et seq.).

SEC. 132. ACCESS TO NATIONAL CRIME INFORMATION DATABASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure access to the national crime information databases (as defined in section 534 of title 28, United States Code) by—

(1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center's duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) CONDITIONS OF ACCESS.—The access provided under this section, and associated rules of dissemination, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

SEC. 133. LIMITED IMMUNITY FOR NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN WITH RESPECT TO CYBERTIPLINE.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following new subsection:

"(g) LIMITATION ON LIABILITY.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of its CyberTipline responsibilities and functions as defined by this section.

"(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

"(3) ORDINARY BUSINESS ACTIVITIES.—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.".

SEC. 134. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) SEX OFFENDER MANAGEMENT.—

"(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

"(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

"(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

"(2) REGIONS.—At least one sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.".

SEC. 135. GAO STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than October 2006, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the state of Nevada to bring those provisions into effect; and

(C) whether those provisions should be modified to improve compliance by registered sex offenders.

SEC. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF A MAJOR DISASTER.

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of a sex offender relocated as a result of a major disaster.

SEC. 137. ELECTION BY INDIAN TRIBES.

(a) ELECTION.—

(1) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this subtitle as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this subtitle to another jurisdiction or jurisdictions within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements of this subtitle.

(2) IMPUTED ELECTION IN CERTAIN CASES.—A tribe shall be treated as if it had made the election described in paragraph (1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a State under section 1162 of title 18, United States Code;

(B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not implemented the requirements of this subtitle and is not likely to become capable of doing so within a reasonable amount of time.

(b) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(1) NONDUPLICATION.—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(A) arrange for the tribe to carry out any function of such a jurisdiction under this subtitle with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for such a jurisdiction to carry out any function of the tribe under this subtitle with respect to sex offenders subject to the tribe's jurisdiction.

SEC. 138. REGISTRATION OF PRISONERS RELEASED FROM FOREIGN IMPRISONMENT.

The Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish and maintain a system for informing the relevant jurisdictions about persons entering the United States who are required to register under this title.

SEC. 139. SEX OFFENDER RISK CLASSIFICATION STUDY.

(a) STUDY.—The Attorney General shall conduct a study of risk-based sex offender classification systems, which shall include an analysis of—

(1) various risk-based sex offender classification systems;

(2) the methods and assessment tools available to assess the risks posed by sex offenders;

(3) the efficiency and effectiveness of risk-based sex offender classification systems, in comparison to offense-based sex offender classification systems, in—

(A) reducing threats to public safety posed by sex offenders; and

(B) assisting law enforcement agencies and the public in identifying the most dangerous sex offenders;

(4) the resources necessary to implement, and the legal implications of implementing, risk-based sex offender classification systems for sex offender registries; and

(5) any other information the Attorney General determines necessary to evaluate risk-based sex offender classification systems.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

(c) Study Conducted by Task Force.—The Attorney General may establish a task force to conduct the study and prepare the report required under this section. Any task force established under this section shall be composed of members, appointed by the Attorney General, who—

(1) represent national, State, and local interests; and

(2) are especially qualified to serve on the task force by virtue of their education, training, or experience, particularly in the fields of sex offender management, community education, risk assessment of sex offenders, and sex offender victim issues.

SEC. 140. STUDY OF THE EFFECTIVENESS OF RESTRICTING THE ACTIVITIES OF SEX OFFENDERS TO REDUCE THE OCCURRENCE OF REPEAT OFFENSES.

(a) Study.—The Attorney General shall conduct a study to evaluate the effectiveness of monitoring and restricting the activities of sex offenders to reduce the occurrence of repeat offenses by such sex offenders. The study shall evaluate—

(1) the effectiveness of methods of monitoring and restricting the activities of sex offenders, including restrictions—

(A) on the areas in which sex offenders can reside, work, and attend school;

(B) limiting access by sex offenders to the Internet or to specific Internet sites;

(C) preventing access by sex offenders to pornography and other obscene materials; and

(D) imposed as part of supervised release or probation conditions;

(2) the ability of law enforcement agencies and courts to enforce such restrictions; and

(3) the efficacy of any other restrictions that may reduce the occurrence of repeat offenses by sex offenders.

(b) Report.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the study under this section.

Subtitle B—Criminal Law Enforcement of Registration Requirements

SEC. 151. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) Criminal Penalties for Nonregistration.—Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

"CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

"Sec
"2250. Failure to register

"§ 2250. Failure to register

"Whoever is required to register under the Sex Offender Registration and Notification Act and—

"(1) is a sex offender as defined for the purposes of that Act by reason of a conviction under Federal law; or

"(2) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country;

and knowingly fails to register as required shall be fined under this title or imprisoned not more than 20 years, or both.".

(b) Clerical Amendment.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following new item:

"109B. Sex offender and crimes against children registry .... 2250".

(c) False Statement Offense.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: "If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 10 years.".

(d) Probation.—Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

"(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and".

(e) Supervised Release.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with "The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)", by striking "described in section 4042(c)(4)" and all that follows through the end of the sentence and inserting "required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.".

(2) in subsection (k)—

(A) by striking "2244(a)(1), 2244(a)(2)" and inserting "2243, 2244, 2245, 2250";

(B) by inserting "not less than 5," after "any term of years"; and

(C) by adding at the end the following: "If a defendant required to register under the Sex Offender Registration and Notification Act violates the requirements of that Act or commits any criminal offense for which imprisonment for a term longer than one year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years, and if the offense was an offense under chapter 109A, 109B, 110, or 117, or section 1591, not less than 10 years.".

(f) Duties of Bureau of Prisons.—Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows:

"(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.".

(g) Conforming Amendments to Cross References.—Paragraphs (1) and (2) of section 4042(c) of title 18, United States Code, are each amended by striking "(4)" each place it appears and inserting "(3)".

(h) Conforming Repeal of Deadwood.—Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

(i) Military Offenses.—

(1) Section 115(a)(8)(C)(i) of Public Law 105–119 (111 Stat. 2466) is amended by striking "which encompass" and all that follows through "and (B))" and inserting "which are sex offenses as that term is defined in the Sex Offender Registration and Notification Act".

(2) Section 115(a)(8)(C)(iii) of Public Law 105–119 (111 Stat. 2466; 10 U.S.C. 951 note) is amended by striking "the amendments made under subparagraphs (A) and (B)" and inserting "the Sex Offender Registration and Notification Act".

(j) Conforming Amendment Relating to Parole.—Section 4209(a) of title 18, United States Code, is amended in the second sentence by striking "described" and all that follows through the end of the sentence and inserting "required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.".

SEC. 152. FEDERAL INVESTIGATION OF SEX OFFENDER VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) In General.—The Attorney General shall assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to implement this section.

SEC. 153. SEX OFFENDER APPREHENSION GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

"PART JJ—SEX OFFENDER APPREHENSION GRANTS

"SEC. 3011. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.

"(a) In General.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in subsection (b).

"(b) Covered Activities.—An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

"SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this part.".

SEC. 154. USE OF ANY CONTROLLED SUBSTANCE TO FACILITATE SEX OFFENSE, AND PROHIBITION ON INTERNET SALES OF DATE RAPE DRUGS.

(a) Increased Punishment.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following:

"§ 2249. Use of any controlled substance to facilitate sex offense

"(a) Whoever, knowingly uses a controlled substance to substantially impair the ability of a person to appraise or control conduct, in order to commit a sex offense, other than an offense where such use is an element of the offense, shall, in addition to the punishment provided for the sex offense, be imprisoned for any term of years not more than 10 years.

"(b) As used in this section, the term 'sex offense' means an offense under this chapter other than an offense under this section.

"§ 2250. Internet sales of date rape drugs

"(a) Whoever knowingly uses the Internet to distribute (as that term is defined for the purposes of the Controlled Substances Act) a date rape drug to any person shall be fined under this title or imprisoned not more than 20 years, or both.

"(b) As used in this section, the term 'date rape drug' means gamma hydroxybutyric acid, ketamine, or flunitrazepam, or any analogue of such a substance, including gamma butyrolactone or 1,4-butanediol.".

(b) Amendment to Table of Sections.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

"2249. Use of any controlled substance to facilitate sex offense

"2250. Internet sales of date rape drugs".

SEC. 155. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

SEC. 156. ASSISTANCE FOR PROSECUTION OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 157. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance shall make grants to law enforcement agencies for purposes of this section. The Bureau shall make such a grant—

(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

SEC. 158. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings, between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multi-disciplinary approaches to holding offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat on-line solicitation of children by sex offenders.

(b) TECHNOLOGY.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2006—

(1) $1,000,000 to carry out subsection (a); and

(2) $2,000,000 to carry out subsection (b).

SEC. 159. REVOCATION OF PROBATION OR SUPERVISED RELEASE.

(a) PROBATION.—Section 3565(b) of title 18, United States Code, is amended—

(1) in paragraph (3) by striking 'or' at the end; and

(2) by inserting after paragraph (4) the following:

"(5) commits a felony crime of violence; or

"(6) commits a crime of violence against, or an offense that consists of or is intended to facilitate unlawful sexual contact (as defined in section 2246) with, a person who has not attained the age of 18 years;".

(b) SUPERVISED RELEASE.—Section 3583(g) of title 18, United States Code, is amended—

(1) in paragraph (3) by striking 'or' at the end; and

(2) by inserting after paragraph (4) the following:

"(5) commits a felony crime of violence; or

"(6) commits a crime of violence against, or an offense that consists of or is intended to facilitate unlawful sexual contact (as defined in section 2246) with, a person who has not attained the age of 18 years;".

Subtitle C—Office on Sexual Violence and Crimes Against Children

SEC. 161. ESTABLISHMENT.

There is established within the Department of Justice, under the general authority of the Attorney General, an Office on Sexual Violence and Crimes against Children (hereinafter in this subtitle referred to as the "Office").

SEC. 162. DIRECTOR.

The Office shall be headed by a Director who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement.

SEC. 163. DUTIES AND FUNCTIONS.

The Office is authorized to—

(1) administer the standards for sex offender registration and notification programs set forth in this title;

(2) administer grant programs relating to sex offender registration and notification authorized by this title and other grant programs authorized by this title as directed by the Attorney General;

(3) cooperate with and provide technical assistance to States, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or to other measures for the protection of children or other members of the public from sexual abuse or exploitation; and

(4) perform such other functions as the Attorney General may delegate.

TITLE II—DNA FINGERPRINTING

SEC. 201. TECHNICAL AMENDMENT.

The first sentence of section 3(a)(1)(A) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(a)(1)(A)) is amended by striking "or from" and all that follows through "detained" and inserting ", detained, or convicted".

SEC. 202. STOPPING VIOLENT PREDATORS AGAINST CHILDREN.

In carrying out Acts of Congress relating to DNA databases, the Attorney General shall give appropriate consideration to the need for the collection and testing of DNA to stop violent predators against children.

SEC. 203. MODEL CODE ON INVESTIGATING MISSING PERSONS AND DEATHS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that each State should, not later than 1 year after the date on which the Attorney General published the model code, enact laws implementing the model code.

(b) GAO STUDY.—Not later than 2 years after the date on which the Attorney General published the model code, the Comptroller General shall submit to Congress a report on the extent to which States have implemented the model code. The report shall, for each State—

(1) describe the extent to which the State has implemented the model code; and

(2) to the extent the State has not implemented the model code, describe the reasons why the State has not done so.

TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN

SEC. 301. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

(a) SPECIAL SENTENCING RULE.—Subsection (d) of section 3559 of title 18, United States Code, is amended to read as follows:

"(d) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a felony crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

"(1) if the crime of violence results in the death of a person who has not attained the age of 18 years, be sentenced to death or life in prison;

"(2) if the crime of violence is kidnapping, aggravated sexual abuse, sexual abuse, or maiming, be imprisoned for life or any term of years not less than 30; and

"(3) if the crime of violence results in serious bodily injury (as defined in section 2119), be imprisoned for life or for any term of years not less than 20.".

SEC. 302. KENNETH WREDE FAIR AND EXPEDITIOUS HABEAS REVIEW OF STATE CRIMINAL CONVICTIONS.

(a) SECTION 2264.—Section 2264 of title 28, United States Code, is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

"(b) The court shall not have jurisdiction to consider an application with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, that was not presented in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.".

(b) SECTION 2254.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

"(j) The court, Justice, or judge entertaining the application shall not have jurisdiction to consider an application with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, that was not presented in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.".

(c) APPLICATION.—The amendments made by this section apply to cases pending on or after the date of the enactment of this Act.

SEC. 303. RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.

Section 3771(b) of title 18, United States Code, is amended—

(1) by striking "In any court proceeding" and inserting the following:

"(1) IN GENERAL.—In any court proceeding"; and

(2) by adding at the end the following:

"(2) HABEAS CORPUS PROCEEDINGS.—

"(A) IN GENERAL.—In a Federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).

"(B) ENFORCEMENT.—

"(i) IN GENERAL.—These rights may be enforced by the crime victim or the crime victim's lawful representative in the manner described in paragraphs (1) and (3) of subsection (d).

"(ii) MULTIPLE VICTIMS.—In a case involving multiple victims, subsection (d)(2) shall also apply.

"(C) LIMITATION.—This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

"(D) DEFINITION.—For purposes of this paragraph, the term 'crime victim' means the person against whom the State offense is committed or, if that person is killed or incapacitated, that person's family member or other lawful representative.".

SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.

(a) STUDY.—The Attorney General shall study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse. The study shall include an analysis, along with the costs and benefits, of various mechanisms for establishing an interstate tracking system, and include the extent to which existing registries could be used.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN

SEC. 401. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE AND CONTACT.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking ", imprisoned for any term of years or life, or both." and inserting "and imprisoned for not less than 30 years or for life.".

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting "subsection (a) or (b) of" before "section 2241";

(ii) by striking "or" at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting "; or"; and

(iv) by inserting after paragraph (4) the following:

"(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life."; and

(B) in subsection (c), by inserting "(other than subsection (a)(5))" after "violates this section".

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

(A) by inserting ", chapter 110, chapter 117, or section 1591" after "this chapter";

(B) by striking "A person" and inserting "(a) IN GENERAL.—A person"; and

(C) by adding at the end the following:

"(b) OFFENSES INVOLVING YOUNG CHILDREN.—A person who, in the course of an offense under this chapter, chapter 110, chapter 117, or section 1591 engages in conduct that results in the death of a person who has not attained the age of 12 years, shall be punished by death or imprisoned for not less than 30 years or for life.".

(4) DEATH PENALTY AGGRAVATING FACTOR.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting "section 2245 (sexual abuse resulting in death)," after "(wrecking trains),".

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by inserting "section 1591," after "this chapter," the first place it appears;

(B) by striking "the sexual exploitation of children" the first place it appears and inserting "aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography"; and

(C) by striking "any term of years or for life" and inserting "not less than 30 years or for life".

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by striking "paragraphs (1)" and inserting "paragraph (1)";

(B) by inserting "section 1591," after "this chapter,"; and

(C) by inserting ", or sex trafficking of children" after "pornography".

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by inserting "section 1591," after "this chapter,"; and

(B) by inserting ", or sex trafficking of children" after "pornography".

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252B(b) of title 18, United States Code, is amended by striking "4" and inserting "20".

(5) EXTRATERRITORIAL CHILD PORNOGRAPHY OFFENSES.—Section 2260(c) of title 18, United States Code, is amended to read as follows:

"(c) PENALTIES.—

"(1) A person who violates subsection (a), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for a violation of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in that subsection.

"(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (b)(1) of section 2252 for a violation of paragraph (1), (2), or (3) of subsection (a) of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in subsection (b)(1) of section 2252.".

(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED SEX OFFENSES AGAINST CHILDREN.—Section 3559(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or 2423(a)" and inserting "2423(a)"; and

(2) by inserting ", 2423(b) (relating to travel with intent to engage in illicit sexual conduct), 2423(c) (relating to illicit sexual conduct in foreign places), or 2425 (relating to use of interstate facilities to transmit information about a minor)" after "minors)".

SEC. 402. SENSE OF CONGRESS WITH RESPECT TO PROSECUTIONS UNDER SECTION 2422(b) OF TITLE 18, UNITED STATES CODE.

(a) FINDINGS.—Congress finds that—

(1) a jury convicted Jan P. Helder, Jr., of using a computer to attempt to entice an individual who had not attained the age of 18 years to engage in unlawful sexual activity;

(2) during the trial, evidence showed that Jan Helder had engaged in an online chat with an individual posing as a minor, who unbeknownst to him, was an undercover law enforcement officer;

(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that because he did not, in fact, communicate with a minor, he did not commit a crime;

(4) the 9th Circuit Court of Appeals, in United States v. Jeffrey Meek, specifically addressed the question facing Judge Whipple and concurred with the 5th and 11th Circuit Courts in finding that "an actual minor victim is not required for an attempt conviction under 18 U.S.C. 2422(b).";

(5) the Department of Justice has successfully used evidence obtained through undercover law enforcement to prosecute and convict perpetrators who attempted to solicit children on the Internet; and

(6) the Department of Justice states, "Online child pornography/child sexual exploitation is the most significant cyber crime

problem confronting the FBI that involves crimes against children".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a crime under section 2422(b) of title 18, United States Code, to use a facility of interstate commerce to attempt to entice an individual who has not attained the age of 18 years into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(2) well-established caselaw has established that section 2422(b) of title 18, United States Code, criminalizes any attempt to entice a minor into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(3) the Department of Justice should appeal Judge Whipple's decision in United States v. Helder, Jr. and aggressively continue to track down and prosecute sex offenders on the Internet; and

(4) Judge Whipple's decision in United States v. Helder, Jr. should be overturned in light of the law as it is written, the intent of Congress, and well-established caselaw.

SEC. 403. GRANTS FOR CHILD SEXUAL ABUSE PREVENTION PROGRAMS.

(a) IN GENERAL.—The Attorney General shall make grants to States, units of local government, Indian tribes, and nonprofit organizations for purposes of establishing and maintaining programs with respect to the prevention of sexual offenses committed against minors.

(b) STATE DEFINED.—For purposes of this section, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out this section.

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

SEC. 501. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting ", including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code)," after "criminal records checks"; and

(II) by striking "on whose behalf foster care maintenance payments or adoption assistance payments are to be made" and inserting "regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child"; and

(ii) in each of clauses (i) and (ii), by inserting "involving a child on whose behalf such payments are to be so made" after "in any case"; and

(B) by adding at the end the following:

"(C) provides that the State shall—

"(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

"(ii) comply with any request described in clause (i) that is received from another State; and

"(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;".

(2) SUSPENSION OF OPT-OUT.—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting ", on or before September 30, 2005," after "plan if"; and

(B) by inserting ", on or before such date," after "or if".

(b) ELIMINATION OF OPT-OUT.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking "unless an election provided for in subparagraph (B) is made with respect to the State,"; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) ELIMINATION OF OPT-OUT.—The amendments made by subsection (b) shall take effect on October 1, 2008, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 502. ACCESS TO FEDERAL CRIME INFORMATION DATABASES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code) submitted by—

(1) a child welfare agency for the purpose of—

(A) conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents; or

(B) an investigation relating to an incident of abuse or neglect of a minor; or

(2) a private elementary or secondary school, a local educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or volunteering for the school or agency in a position in which the individual would work with or around children.

(b) FINGERPRINT-BASED CHECK.—Where possible, the check shall include a fingerprint-based check of State criminal history databases.

(c) FEES.—The Attorney General and the States may charge any applicable fees for the checks.

(d) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies, private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

(e) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (d), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(f) CHILD WELFARE AGENCY DEFINED.—In this section, the term "child welfare agency" means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

(g) DEFINITION OF EDUCATION TERMS.—In this section, the terms "elementary school", "local educational agency", "secondary school", and "State educational agency" have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(h) TECHNICAL CORRECTION.—Section 534 of title 28, United States Code, is amended by redesignating the second subsection (e) as subsection (f).

SEC. 503. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "or imprisoned not more than 20 years, or both" and inserting "and imprisoned not less than 5 years nor more than 20 years"; and

(2) in subsection (b), by striking "5" and inserting "10".

SEC. 504. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "5 years and not more than 30 years" and inserting "30 years or for life";

(2) in subsection (b), by striking "or imprisoned not more than 30 years, or both" and inserting "and imprisoned for not less than 10 years and not more than 30 years";

(3) in subsection (c), by striking "or imprisoned not more than 30 years, or both" and inserting "and imprisoned for not less than 10 years and not more than 30 years"; and

(4) in subsection (d), by striking "imprisoned not more than 30 years, or both" and inserting "and imprisoned for not less than 10 nor more than 30 years".

SEC. 505. PENALTIES FOR SEXUAL ABUSE.

(a) AGGRAVATED SEXUAL ABUSE.—Section 2241 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ", imprisoned for any term of years or life, or both" and inserting "and imprisoned for any term of years not less than 30 or for life"; and

(2) in subsection (b), by striking ", imprisoned for any term of years or life, or both" and inserting "and imprisoned for any term of years not less than 30 or for life".

(b) SEXUAL ABUSE.—Section 2242 of title 18, United States Code, is amended by striking ", imprisoned not more than 20 years, or both" and inserting "and imprisoned not less than 10 years nor more than 30 years".

(c) ABUSIVE SEXUAL CONTACT.—Section 2244(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "ten years" and inserting "30 years";

(2) in paragraph (2), by striking "three years" and inserting "20 years";

(3) in paragraph (3), by striking "two years" and inserting "15 years"; and

(4) in paragraph (4), by striking "two years" and inserting "10 years".

SEC. 506. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting "; and"; and

(2) by inserting after paragraph (9) the following:

"(10) for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.".

(b) SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: "The court may order, as an explicit condition of supervised release for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.".

SEC. 507. KIDNAPPING JURISDICTION.

Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "if the person was alive when the transportation began" and inserting ", or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense"; and

(2) in subsection (b), by striking "to interstate" and inserting "in interstate".

SEC. 508. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

(a) IN GENERAL.—Chapter 119 of title 28, United States Code, is amended by inserting after section 1826 the following:

"§ 1826A. Marital communications and adverse spousal privilege

"The confidential marital communication privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

"(1) a child of either spouse; or

"(2) a child under the custody or control of either spouse.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1826 the following:

"1826A. Marital communications and adverse spousal privilege".

SEC. 509. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting "felony child abuse or neglect," after "years,".

SEC. 510. JIMMY RYCE CIVIL COMMITMENT PROGRAM.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting "or to undergo postrelease proceedings" after "trial"; and

(B) by inserting at the end the following:

"4248. Civil commitment of a sexually dangerous person";

(2) in section 4241—

(A) in the heading, by inserting "**OR TO UNDERGO POSTRELEASE PROCEEDINGS**" after "**TRIAL**";

(B) in the first sentence of subsection (a), by inserting "or at any time after the commencement of probation or supervised release and prior to the completion of the sentence," after "defendant,";

(C) in subsection (d)—

(i) by striking "trial to proceed" each place it appears and inserting "proceedings to go forward"; and

(ii) by striking "section 4246" and inserting "sections 4246 and 4248"; and

(D) in subsection (e)—

(i) by inserting "or other proceedings" after "trial"; and

(ii) by striking "chapter 207" and inserting "chapters 207 and 227";

(3) in section 4247—

(A) by striking ", or 4246" each place it appears and inserting ", 4246, or 4248";

(B) in subsections (g) and (i), by striking "4243 or 4246" each place it appears and inserting "4243, 4246, or 4248";

(C) in subsection (a)—

(i) by amending subparagraph (1)(C) to read as follows:

"(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and";

(ii) in paragraph (2), by striking "and" at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iv) by inserting at the end the following:

"(4) 'bodily injury' includes sexual abuse;

"(5) 'sexually dangerous person' means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

"(6) 'sexually dangerous to others' means that a person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.";

(D) in subsection (b), by striking "4245 or 4246" and inserting "4245, 4246, or 4248";

(E) in subsection (c)(4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

"(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;"; and

(F) in subsections (e) and (h)—

(i) by striking "hospitalized" each place it appears and inserting "committed"; and

(ii) by striking "hospitalization" each place it appears and inserting "commitment" ; and

(4) by inserting at the end the following:

"§ 4248. Civil commitment of a sexually dangerous person

"(a) INSTITUTION OF PROCEEDINGS.—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

"(1) such a State will assume such responsibility; or

"(2) the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment;

whichever is earlier.

"(e) DISCHARGE.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person's condition is such that—

"(1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

"(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

"(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.".

SEC. 511. JIMMY RYCE STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) GRANTS AUTHORIZED.—Except as provided in subsection (b), the Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) LIMITATION.—The Attorney General shall not make any grant under this section for the purpose of establishing, enhancing, or operating any transitional housing for a sexually dangerous person in or near a locations where minors or other vulnerable persons are likely to come into contact with that person.

(c) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a jurisdiction must, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) COMPLIANCE PERIOD.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(d) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(e) DEFINITIONS.—As used in this section:

(1) The term "civil commitment program" means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term "sexually dangerous person" means an individual who is dangerous to others because of a mental illness, abnormality, or disorder that creates a risk that the individual will engage in sexually violent conduct or child molestation.

(3) The term "jurisdiction" has the meaning given such term in section 111.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

SEC. 512. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "or imprisonment" and inserting "and imprisonment";

(B) by inserting "not less than 10" after "any term of years"; and

(C) by striking ", or both"; and

(2) in paragraph (2)—

(A) by striking "or imprisonment for not" and inserting "and imprisonment for not less than 5 years nor"; and

(B) by striking ", or both".

SEC. 513. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking "five years" and inserting "15 years"; and

(2) by inserting a comma after "Attorney General" each place it appears.

SEC. 514. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

"§ 3298. Child abduction and sex offenses

"Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591."; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

"3298. Child abduction and sex offenses".

SEC. 515. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking "Class B misdemeanor" and inserting "Class A misdemeanor".

TITLE VI—CHILD PORNOGRAPHY PREVENTION

SEC. 601. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 602. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

Section 2257(h) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “subparagraphs (A) through (D)” and inserting “subparagraph (A)”; and

(2) in paragraph (3), by striking “which does not involve” and all that follows through “depicted” and inserting “with respect to which the Attorney General determines the record keeping requirements of this section are not needed to carry out the purposes of this chapter”.

SEC. 603. ADDITIONAL RECORDKEEPING REQUIREMENTS.

(a) New Requirement.—

(1) In general.—Title 18, United States Code, is amended by inserting after section 2257 the following:

“§ 2257A. Recordkeeping requirements for simulated sexual conduct

“(a) Whoever produces any book, magazine, periodical, film, videotape, or other matter which—

“(1) contains a visual depiction of simulated sexually explicit conduct (except conduct described in section 2256(2)(A)(v)), created after the date of the enactment of this section; and

“(2) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

shall create and maintain individually identifiable records pertaining to every performer portrayed in such a visual depiction.

“(b) Subsections (b), (c), (d), (e), (f), (h)(2), and (i) of section 2257 apply to matter and records described in subsection (a) of this section in the same manner as they apply to matter and records described in section 2257(a).

“(c) As used in this section, the term ‘produces’ means—

“(1) to film, videotape, photograph; or create a picture, digital image, or digitally- or computer-manipulated image of an actual human being, that constitutes a visual depiction of simulated sexually explicit conduct; or

“(2) to make such a depiction available to another, if the circumstances in which the depiction is made available are likely to convey the impression that the depiction is child pornography.

“(d) This section (other than to the extent subsection (b) of this section makes section 2257(d) applicable) does not apply to a person who produces matter described in subsection (a), and who—

“(1) ascertains, by examination of an identification document containing such information, the name and birth date of every performer portrayed in such a visual depiction, and maintains such information in individually identifiable records;

“(2) makes such records available to the Attorney General for inspection at all reasonable times;

“(3) provides to the Attorney General the name, title, and business address of the individual employed for the purpose of maintaining such records; and

“(4) certifies compliance with paragraphs (1), (2), and (3) to the Attorney General on an annual basis, and that the Attorney General will be promptly notified of any changes in that name, title, or business address.”.

(2) Effective date of regulations.—The regulations issued to carry out section 2257A of title 18, United States Code, shall not become effective until 90 days after the regulations are published in the Federal Register.

(b) Clerical Amendment.—The table of chapters at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2257 the following new item:

“2257A. Recordkeeping requirements for simulated sexual conduct”.

SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

“(m) Prohibition on Reproduction of Child Pornography.—

“(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) must remain in the care, custody, and control of either the Government or the court.

“(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

“(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, aid any individual the defendant may seek to qualify to furnish expert testimony at trial.”.

SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) Conforming Forfeiture Procedures for Obscenity Offenses.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after “of such offense” and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

“(b) The provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsection (d), shall apply to the criminal forfeiture of property pursuant to subsetion (a).

“(c) Any property subject to forfeituire pursuant to subsection(a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.".

(b) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting "or who is convicted of an offense under sections 2252B, 2257, or 2257A of this chapter," after "2260 of this chapter"; and

(B) by striking "an offense under section 2421, 2422, or 2423 of chapter 117" and inserting "an offense under chapter 109A";

(2) in paragraph (1), by inserting "2252A, 2252B, 2257, or 2257A" after "2252"; and

(3) in paragraph (3), by inserting "or any property traceable to such property" before the period.

(c) CRIMINAL FORFEITURE PROCEDURE.—Section 2253 of title 18, United States Code, is amended by striking subsections (b) through (o) and inserting the following:

"(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsection (d), applies to the criminal forfeiture of property pursuant to subsection (a).".

(d) CIVIL FORFEITURE.—Section 2254 of title 18, United States Code, is amended to read as follows:

"§ 2254. Civil forfeiture

"Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.".

SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) SECTION 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting "**PRODUCTION AND**" before "**TRANSPORTATION**" in the heading of the section;

(2) by inserting "produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly" after "whoever knowingly" and before "transports or travels in"; and

(3) by inserting a comma after "in or affecting such commerce".

(b) SECTION 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting "producing with intent to distribute or sell, or" before "selling or transferring obscene matter,";

(2) in subsection (b), by inserting, "produces" before "sells or transfers or offers to sell or transfer obscene matter"; and

(3) in subsection (b) by inserting "production," before "selling or transferring or offering to sell or transfer such material.".

SEC. 607. GUARDIANS AD LITEM.

Section 3509(h)(1) of title 18, United States Code, is amended by inserting ", and provide reasonable compensation and payment of expenses for," before "a guardian".

TITLE VII—COURT SECURITY

SEC. 701. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

"(i) The United States Marshals Service shall consult with the Administrative Office of the United States Courts on a continuing basis regarding the security requirements for the judicial branch and inform the Administrative Office of the measures the Marshals Service intends to take to meet those requirements.".

(b) CONFORMING AMENDMENT.—Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating existing paragraph (24) as paragraph (25);

(2) by striking "and" at the end of paragraph (23); and

(3) by inserting after paragraph (23) the following:

"(24) Consult with the United States Marshals Service on a continuing basis regarding the security requirements for the Judicial Branch; and".

SEC. 702. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2006 through 2010 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and Assistant United States Attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

SEC. 703. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"§ 1521. Retaliating against a Federal official by false claim or slander of title

"Whoever, with the intent to harass or intimidate a person designated in section 1114, files, or attempts or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of that person, on account of the performance of official duties by that person, shall be fined under this title or imprisoned for not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

"1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.".

SEC. 704. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 117. Protection of individuals performing certain official duties

"(a) Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available, with the intent that such restricted personal information be used to intimidate or facilitate the commission of a crime of violence (as defined in section 16) against that covered official, or a member of the immediate family of that covered official, shall be fined under this title and imprisoned not more than 5 years, or both.

"(b) As used in this section—

"(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

"(2) the term 'covered official' means—

"(A) an individual designated in section 1114;

"(B) a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968); or

"(C) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate; and

"(3) the term 'immediate family' has the same meaning given that term in section 115(c)(2).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"117. Protection of individuals performing certain official duties".

SEC. 705. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, and those who commit fraud and other white-collar offenses. The report shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling those prosecutions and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling those prosecutions, including measures such as threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The Department of Justice's firearms deputation policies, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each measure covered by paragraphs (1) through (3), when the report or measure was developed and who was responsible for developing and implementing the report or measure.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide the attorneys with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency such attorneys are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel

between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the Department of Justice's policy as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of the attorneys, the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, the attorneys.

SEC. 706. FLIGHT TO AVOID PROSECUTION FOR KILLING PEACE OFFICERS.

(a) FLIGHT.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Flight to avoid prosecution for killing peace officers

"Whoever moves or travels in interstate or foreign commerce with intent to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees or under section 1114 or 1123, for a crime consisting of the killing, an attempted killing, or a conspiracy to kill, an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws or for a crime punishable by section 1114 or 1123, shall be fined under this title and imprisoned, in addition to any other imprisonment for the underlying offense, for any term of years not less than 10.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of title 18, United States Code, is amended by adding at the end the following new item:

"1075. Flight to avoid prosecution for killing peace officers".

SEC. 707. SPECIAL PENALTIES FOR MURDER, KIDNAPPING, AND RELATED CRIMES AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever"; and

(2) by adding at the end the following:

"(b) If the victim of a murder punishable under this section is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.".

(b) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by adding at the end the following: "If the victim of the offense punishable under this subsection is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.".

SEC. 708. AUTHORITY OF FEDERAL JUDGES AND PROSECUTORS TO CARRY FIREARMS.

(a) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by inserting after section 3053 the following:

"§ 3054. Authority of Federal judges and prosecutors to carry firearms

"Any justice of the United States or judge of the United States (as defined in section 451 of title 28), any judge of a court created under article I of the United States Constitution, any bankruptcy judge, any magistrate judge, any United States attorney, and any other officer or employee of the Department of Justice whose duties include representing the United States in a court of law, may carry firearms, subject to such regulations as the Attorney General shall prescribe. Such regulations may provide for training and regular certification in the use of firearms and shall, with respect to justices, judges, bankruptcy judges, and magistrate judges, be prescribed after consultation with the Judicial Conference of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 3053 the following:

"3054. Authority of Federal judges and prosecutors to carry firearms".

SEC. 709. PENALTIES FOR CERTAIN ASSAULTS.

Section 111 of title 18, United States Code, is amended—

(1) by striking "8 years" and inserting "15 years" in subsection (a); and

(2) by striking "20 years" and inserting "30 years" in subsection (b).

SEC. 710. DAVID MARCH AND HENRY PRENDES PROTECTION OF FEDERALLY FUNDED PUBLIC SAFETY OFFICERS.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§ 1123. Killing of federally funded public safety officers

"(a) Whoever kills, or attempts or conspires to kill, a federally funded public safety officer while that officer is engaged in official duties, or on account of the performance of official duties, or kills a former federally funded public safety officer on account of the past performance of official duties, shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results and the offender is prosecuted as a principal, may be sentenced to death.

"(b) As used in this section—

"(1) the term 'federally funded public safety officer' means a public safety officer for a public agency (including a court system, the National Guard of a State to the extent the personnel of that National Guard are not in Federal service, and the defense forces of a State authorized by section 109 of title 32) that receives Federal financial assistance, of an entity that is a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States, an Indian tribe, or a unit of local government of that entity;

"(2) the term 'public safety officer' means an individual serving a public agency in an official capacity, as a judicial officer, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew;

"(3) the term 'judicial officer' means a judge or other officer or employee of a court, including prosecutors, court security, pretrial services officers, court reporters, and corrections, probation, and parole officers; and

"(4) the term 'firefighter' includes an individual serving as an official recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew; and

"(5) the term 'law enforcement officer' means an individual, with arrest powers, involved in crime and juvenile delinquency control or reduction, or enforcement of the laws.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1123. Killing of federally funded public safety officers".

SEC. 711. MODIFICATION OF DEFINITION OF OFFENSE AND OF THE PENALTIES FOR, INFLUENCING OR INJURING OFFICER OR JUROR GENERALLY.

Section 1503 of title 18, United States Code, is amended—

(1) so that subsection (a) reads as follows:

"(a)(1) Whoever—

"(A) corruptly, or by threats of force or force; endeavors to influence, intimidate, or impede a juror or officer in a judicial proceeding in the discharge of that juror or officer's duty;

"(B) injures a juror or an officer in a judicial proceeding arising out of the performance of official duties as such juror or officer; or

"(C) corruptly, or by threats of force or force, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice;

or attempts or conspires to do so, shall be punished as provided in subsection (b).

"(2) As used in this section, the term 'juror or officer in a judicial proceeding' means a grand or petit juror, or other officer in or of any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate."; and

(2) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

"(1) in the case of a killing, or an attempt or a conspiracy to kill, the punishment provided in section 1111, 1112, 1113, and 1117; and

"(2) in any other case, a fine under this title and imprisonment for not more than 30 years.".

SEC. 712. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2) of subsection (a), insert "or conspires" after "attempts";

(2) so that subparagraph (A) of subsection (a)(3) reads as follows:

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112;";

(3) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking "20 years" and inserting "30 years"; and

(B) in subparagraph (C), by striking "10 years" and inserting "20 years";

(4) in subsection (b), by striking "ten years" and inserting "30 years"; and

(5) in subsection (d), by striking "one year" and inserting "20 years".

SEC. 713. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting "or conspires" after "attempts";

(2) in subsection (a)(1)(B)—

(A) by inserting a comma after "probation"; and

(B) by striking the comma which immediately follows another comma;

(3) in subsection (a)(2)(B), by striking "20 years" and inserting "30 years";

(4) in subsection (b), by striking "ten years" and inserting "30 years";

(5) in the first subsection (e), by striking "10 years" and inserting "30 years"; and

(6) by redesignating the second subsection (e) as subsection (f).

SEC. 714. INCLUSION OF INTIMIDATION AND RETALIATION AGAINST WITNESSES IN STATE PROSECUTIONS AS BASIS FOR FEDERAL PROSECUTION.

Section 1952 of title 18, United States Code, is amended in subsection (b)(2), by inserting "intimidation of, or retaliation against, a witness, victim, juror, or informant," after "extortion, bribery,".

SEC. 715. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.".

SEC. 716. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting "or other dangerous weapon" after "firearm".

SEC. 717. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

(a) MURDER AMENDMENTS.—Section 1111 of title 18, United States Code, is amended in subsection (b) by inserting "not less than 30" after "any term of years".

(b) MANSLAUGHTER AMENDMENTS.—Section 1112(b) of title 18, United States Code, is amended—

(1) by striking "ten years" and inserting "20 years"; and

(2) by striking "six years" and inserting "10 years".

SEC. 718. WITNESS PROTECTION GRANT PROGRAM.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part BB (42 U.S.C. 3797j et seq.) the following new part:

"PART CC—WITNESS PROTECTION GRANTS

"SEC. 2811. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

"(b) USES OF FUNDS.—Grants awarded under this part shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for witness and victim protection programs;

"(2) has a serious violent crime problem in the jurisdiction;

"(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes; and

"(4) shares an international border and faces a demonstrable threat from cross border crime and violence.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.".

SEC. 719. FUNDING FOR STATE COURTS TO ASSESS AND ENHANCE COURT SECURITY AND EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts—

(1) to conduct assessments focused on the essential elements for effective courtroom safety and security planning; and

(2) to implement changes deemed necessary as a result of the assessments.

(b) ESSENTIAL ELEMENTS.—As used in subsection (a)(1), the essential elements include, but are not limited to—

(1) operational security and standard operating procedures;

(2) facility security planning and self-audit surveys of court facilities;

(3) emergency preparedness and response and continuity of operations;

(4) disaster recovery and the essential elements of a plan;

(5) threat assessment;

(6) incident reporting;

(7) security equipment;

(8) developing resources and building partnerships; and

(9) new courthouse design.

(c) APPLICATIONS.—To be eligible for a grant under this section, a highest State court shall submit to the Attorney General an application at such time, in such form, and including such information and assurances as the Attorney General shall require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

SEC. 720. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) In General.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) DATABASE.—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) CORE ELEMENTS.—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2009.

SEC. 721. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.".

SEC. 722. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) DEFINITIONS.—For purposes of this section:

(1) DIRECTOR.—The term "Director" means the Director of the Bureau of Justice Assistance.

(2) JUVENILE.—The term "juvenile" means an individual who is 17 years of age or younger.

(3) YOUNG ADULT.—The term "young adult" means an individual who is between the ages of 18 and 21.

(4) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) PROGRAM AUTHORIZATION.—The Director may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs, including State and local prosecutors and law enforcement agencies that have existing juvenile and adult witness assistance programs.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, State and local prosecutors and law enforcement officials shall—

(1) submit an application to the Director in such form and containing such information as the Director may reasonably require; and

(2) give assurances that each applicant has developed, or is in the process of developing, a witness assistance program that specifically targets the unique needs of juvenile and young adult witnesses and their families.

(d) USE OF FUNDS.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) support for young witnesses who are trying to leave a criminal gang and information to prevent initial gang recruitment.

(E) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(F) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(e) REPORTS.—

(1) REPORT.—State and local prosecutors and law enforcement agencies that receive funds under this section shall submit to the Director a report not later than May 1st of each year in which grants are made available under this section. Reports shall describe progress achieved in carrying out the purpose of this section.

(2) REPORT TO CONGRESS.—The Director shall submit to Congress a report by July 1st of each year which contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006, 2007, and 2008.

SEC. 723. STATE AND LOCAL COURT ELIGIBILITY.

(a) BUREAU GRANTS.—Section 302(c)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(c)(1)) is amended by inserting "State and local courts, local law enforcement," after "contracts with".

(b) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(c) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (3796ii) is amended—

(1) in subsection (a), by inserting "State and local court," after "local,"; and

(2) in subsection (b), by inserting "State and local court" after "government,".

(d) CHILD ABUSE PREVENTION.—Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the section heading, by inserting "**STATE AND LOCAL COURTS,**" after "**AGENCIES**";

(2) in subsection (a), by inserting "and State and local courts" after "such agencies or organizations)"; and

(3) in subsection (a)(1), by inserting "and State and local courts" after "organizations".

TITLE VIII—REDUCTION AND PREVENTION OF GANG VIOLENCE

SEC. 801. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.

(a) IN GENERAL.—Chapter 26 of title 18, United States Code, is amended to read as follows:

"CHAPTER 26—CRIMINAL STREET GANGS

"Sec.
"521. Criminal street gang prosecutions.

"§ 521. Criminal street gang prosecutions

"(a) STREET GANG CRIME.—Whoever commits, or conspires, threatens or attempts to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or increasing position in such a gang, shall, in addition to being subject to a fine under this title—

"(1) if the gang crime results in the death of any person, be sentenced to death or life in prison;

"(2) if the gang crime is kidnapping, aggravated sexual abuse, or maiming, be imprisoned for life or any term of years not less than 30;

"(3) if the gang crime is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

"(4) in any other case, be imprisoned for life or for any term of years not less than 10.

"(b) FORFEITURE.—

"(1) IN GENERAL.—The court, in imposing sentence on any person convicted of a violation of this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States such person's interest in—

"(A) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation; and

"(B) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the violation.

"(2) APPLICATION OF CONTROLLED SUBSTANCES ACT.—Subsections (b), (c), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853) shall apply to a forfeiture under this section as though it were a forfeiture under that section.

"(c) DEFINITIONS.—The following definitions apply in this section:

"(1) CRIMINAL STREET GANG.—The term 'criminal street gang' means a formal or informal group or association of 3 or more individuals, who commit 2 or more gang crimes (one of which is a crime of violence), in 2 or more separate criminal episodes, in relation to the group or association, if any of the activities of the criminal street gang affects interstate or foreign commerce.

"(2) GANG CRIME.—The term 'gang crime' means conduct constituting any Federal or State crime, punishable by imprisonment for more than one year, in any of the following categories:

"(A) A crime of violence (other than a crime of violence against the property of another).

"(B) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

"(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(D) Any conduct punishable under section 844 (relating to explosive materials), subsection (a)(1), (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of this title) or is a serious drug offense (as defined in section 924(e)(2)(A))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (i), (j), (k), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 (relating to fraud and related activity in connection with identification documents or access devices), section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

"(E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of the Immigration and Nationality Act.

"(3) AGGRAVATED SEXUAL ABUSE.—The term 'aggravated sexual abuse' means an offense that, if committed in the special maritime and territorial jurisdiction would be an offense under section 2241(a).

"(4) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) AMENDMENT RELATING TO PRIORITY OF FORFEITURE OVER ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking "chapter 46 or chapter 96 of this title" and inserting "section 521, under chapter 46 or 96,".

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ", section 521 (relating to criminal street gang prosecutions)" before ", section 541".

SEC. 802. INCREASED PENALTIES FOR INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF RACKETEERING.

Section 1952 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "perform" and all that follows through the end of the subsection and inserting "perform an act described in paragraph (1), (2), or (3), or conspires to do so, shall be punished as provided in subsection (d)."; and

(2) by adding at the end following:

"(d) The punishment for an offense under subsection (a) is—

"(1) in the case of a violation of paragraph (1) or (3), a fine under this title and imprisonment for not more than 20 years; and

"(2) in the case of a violation of paragraph (2), a fine under this title and imprisonment for any term of years or for life, but if death results the offender may be sentenced to death.".

SEC. 803. AMENDMENTS RELATING TO VIOLENT CRIME.

(a) CARJACKING.—Section 2119 of title 18, United States Code, is amended—

(1) by striking ", with the intent to cause death or serious bodily harm" in the matter preceding paragraph (1);

(2) by inserting "or conspires" after "attempts" in the matter preceding paragraph (1);

(3) by striking "15" and inserting "20" in paragraph (1); and

(4) by striking "or imprisoned not more than 25 years, or both" and inserting "and imprisoned for any term of years or for life" in paragraph (2).

(b) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

"(h) Whoever, in or affecting interstate or foreign commerce, knowingly transfers a firearm, knowing or intending that the firearm will be used to commit, or possessed in furtherance of, a crime of violence or drug trafficking crime (as defined in subsection (c)(2)), shall be fined under this title and imprisoned not more than 20 years.".

(c) AMENDMENT OF SPECIAL SENTENCING PROVISION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIATION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting "section 521 (criminal street gang prosecutions), in" after "felony set forth in";

(2) by striking "specified person, other than his attorney, upon" and inserting "specified person upon"; and

(3) by inserting "a criminal street gang or" before "an illegal enterprise".

(d) CONSPIRACY PENALTY.—Section 371 of title 18, United States Code, is amended by striking "five" and inserting "20".

SEC. 804. INCREASED PENALTIES FOR USE OF INTERSTATE COMMERCE FACILITIES IN THE COMMISSION OF MURDER-FOR-HIRE AND OTHER FELONY CRIMES OF VIOLENCE.

(a) IN GENERAL.—Section 1958 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence";

(2) in subsection (a), by inserting "or other crime of violence, punishable by imprisonment for more than one year," after "intent that a murder"; and

(3) in subsection (a), by striking "shall be fined" the first place it appears and all that follows through the end of such subsection and inserting the following:

"shall, in addition to being subject to a fine under this title—

"(1) if the crime of violence or conspiracy results in the death of any person, be sentenced to death or life in prison;

"(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, or a conspiracy to commit such a crime of violence, be imprisoned any term of years or for life;

"(3) if the crime of violence is an assault, or a conspiracy to assault, that results in serious bodily injury (as defined in section 1365), be imprisoned not more than 30 years; and

"(4) in any other case, be imprisoned not more than 20 years.".

(b) CLERICAL AMENDMENT.—The item relating to section 1958 in the table of sections at the beginning of chapter 95 of title 18, United States Code, is amended to read as follows:

"1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.".

SEC. 805. INCREASED PENALTIES FOR VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

(a) OFFENSE.—Section 1959(a) of title 18, United States Code, is amended to read as follows:

"(a) Whoever commits, or conspires, threatens, or attempts to commit, a crime of violence, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of furthering the activities of an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in, such an enterprise, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for any other violation of this chapter and in addition to being subject to a fine under this title—

"(1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;

"(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for any term of years or for life;

"(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned not more than 30 years; and

"(4) in any other case, be imprisoned not more than 20 years.".

(b) VENUE.—Section 1959 of title 18, United States Code, is amended by adding at the end the following:

"(c) A prosecution for a violation of this section may be brought in—

"(1) the judicial district in which the crime of violence occurred; or

"(2) any judicial district in which racketeering activity of the enterprise occurred.".

SEC. 806. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME

"SEC. 424. (a) IN GENERAL.—Whoever commits, or conspires, or attempts to commit, a crime of violence during and in relation to a drug trafficking crime, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for the drug trafficking crime and in addition to being subject to a fine under this title—

"(1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;

"(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for life or any term of years not less than 30;

"(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

"(4) in any other case, be imprisoned for life or for any term of years not less than 10.

"(b) VENUE.—A prosecution for a violation of this section may be brought in—

"(1) the judicial district in which the murder or other crime of violence occurred; or

"(2) any judicial district in which the drug trafficking crime may be prosecuted.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code; and

"(2) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18, United States Code.".

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 423 the following:

"424. Murder and other violent crimes committed during and in relation to a drug trafficking crime".

SEC. 807. MULTIPLE INTERSTATE MURDER.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1123. Use of interstate commerce facilities in the commission of multiple murder

"(a) IN GENERAL.—Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility of interstate or foreign commerce, or who conspires or attempts to do so, with intent that 2 or more intentional homicides be committed in violation of the laws of any State or the United States shall, in addition to being subject to a fine under this title—

"(1) if the offense results in the death of any person, be sentenced to death or life in prison;

"(2) if the offense results in serious bodily injury (as defined in section 1365), be imprisoned for any term of years, or for life; and

"(3) in any other case, be imprisoned not more than 20 years.

"(b) DEFINITION.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1123. Use of interstate commerce facilities in the commission of multiple murder.".

SEC. 808. ADDITIONAL RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ", or would have been so chargeable if the act or threat had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction," after "chargeable under State law"; and

(2) in subparagraph (B), by inserting "section 1123 (relating to interstate murder)," after "section 1084 (relating to the transmission of gambling information),".

SEC. 809. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e), in the matter following paragraph (3), by inserting "an offense under subsection (g)(1) (where the underlying conviction is a serious drug offense (as defined in section 924(e)(2)(A)) or a crime of violence), (g)(2), (g)(4), (g)(5), (g)(8), or (g)(9) of section 922," after "that the person committed";

(2) in subsection (f)(1)—

(A) by striking "or" at the end of subparagraph (C); and

(B) by adding at the end the following:

"(E) an offense under section 922(g); or".

(3) in subsection (g), by amending paragraph (1) to read as follows:

"(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, or involves a controlled substance, firearm, explosive, or destructive devise;”.

SEC. 810. VENUE IN CAPITAL CASES.

Section 3235 of title 18, United States Code, is amended to read as follows:

“§ 3235. Venue in capital cases

“(a) The trial for any offense punishable by death shall be held in the district where the offense was committed or in any district in which the offense began, continued, or was completed.

“(b) If the offense, or related conduct, under subsection (a) involves activities which affect interstate or foreign commerce, or the importation of an object or person into the United States, such offense may be prosecuted in any district in which those activities occurred.”.

SEC. 811. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“§ 3298. Violent crime offenses

“No person shall be prosecuted, tried, or punished for any noncapital felony, crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 15 years after the date on which the alleged violation occurred or the continuing offense was completed.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“3298. Violent crime offenses.”.

SEC. 812. CLARIFICATION TO HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.

Rule 804(b)(6) of the Federal Rules of Evidence is amended to read as follows:

“(6) FORFEITURE BY WRONGDOING.—A statement offered against a party who has engaged or acquiesced in wrongdoing, or who could reasonably foresee such wrongdoing would take place, if the wrongdoing was intended to, and did, procure the unavailability of the declarant as a witness.”.

SEC. 813. TRANSFER OF JUVENILES.

The 4th undesignated paragraph of section 5032 of title 18, United States Code, is amended—

(1) by striking “A juvenile” where it appears at the beginning of the paragraph and inserting “Except as otherwise provided in this chapter, a juvenile”;

(2) by striking “as an adult, except that, with” and inserting “as an adult. With”; and

(3) by striking “However, a juvenile” and all that follows through “criminal prosecution.” at the end of the paragraph and inserting “The Attorney General may prosecute as an adult a juvenile who is alleged to have committed an act after that juvenile's 16th birthday which if committed by an adult would be a crime of violence that is a felony, an offense described in subsection (d), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), or section 931 (relating to purchase, ownership, or possession of body armor by violent felons). The decision whether or not to prosecute a juvenile as an adult under the immediately preceding sentence is not subject to judicial review in any court. In a prosecution under that sentence, the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted as an adult of any lesser included offense.”.

SEC. 814. CRIMES OF VIOLENCE AND DRUG CRIMES COMMITTED BY ILLEGAL ALIENS.

(a) OFFENSES.—Title 18, United States Code, is amended by inserting after chapter 51 the following new chapter:

“CHAPTER 52—ILLEGAL ALIENS

“Sec.

“1131. Enhanced penalties for certain crimes committed by illegal aliens.

“§ 1131. Enhanced penalties for certain crimes committed by illegal aliens

“Whoever, being an alien who is unlawfully present in the United States, commits, conspires or attempts to commit, a crime of violence (as defined in section 16) or a drug trafficking offense (as defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison. If the defendant was previously ordered removed under the Immigration and Nationality Act on the grounds of having committed a crime, the defendant shall be sentenced to not less than 15 years in prison. A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following new item:

“52. Illegal aliens .... 1131”.

SEC. 815. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have on any and all aliens against whom a final order of removal has been issued, and any and all aliens who have signed a voluntary departure agreement. Such information shall be provided to the National Crime Information Center regardless of whether or not the alien received notice of a final order of removal and even if the alien has already been removed.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

“(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether or not the alien has received notice of the violation and even if the alien has already been removed; and”.

SEC. 816. STUDY.

The Attorney General and the Secretary of Homeland Security shall jointly conduct a study on the connection between illegal immigration and gang membership and activity, including how many of those arrested nationwide for gang membership and violence are aliens illegally present in the United States. The Attorney General and the Secretary shall report the results of that study to Congress not later than one year after the date of the enactment of this Act.

TITLE IX—INCREASED FEDERAL RESOURCES TO PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS

SEC. 901. GRANTS TO STATE AND LOCAL PROSECUTORS TO COMBAT VIOLENT CRIME AND TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862), as amended by section 724 of this Act, is further amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) to hire additional prosecutors to—

“(A) allow more cases to be prosecuted; and

“(B) reduce backlogs;

“(7) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors; and

“(8) to fund technology, equipment, and training for prosecutors to increase the accurate identification and successful prosecution of young violent offenders.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.”.

SEC. 902. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

“(1) $20,000,000 for fiscal year 2006;
“(2) $20,000,000 for fiscal year 2007;
“(3) $20,000,000 for fiscal year 2008;
“(4) $20,000,000 for fiscal year 2009; and
“(5) $20,000,000 for fiscal year 2010.”.

SEC. 903. STATE AND LOCAL REENTRY COURTS.

(a) IN GENERAL.—Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by inserting at the end the following:

“SEC. 2979. STATE AND LOCAL REENTRY COURTS.

“(a) GRANTS AUTHORIZED.—The Attorney General shall award grants of not more than $500,000 to—

“(1) State and local courts; or

“(2) State agencies, municipalities, public agencies, nonprofit organizations, and tribes that have agreements with courts to take the lead in establishing a re-entry court.

“(b) USE OF FUNDS.—Grant funds awarded under this section shall be administered in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, and may be used to—

“(1) monitor offenders returning to the community;

“(2) provide returning offenders with—

“(A) drug and alcohol testing and treatment; and

“(B) mental and medical health assessment and services;

“(3) convene community impact panels, victim impact panels, or victim impact educational classes;

“(4) provide and coordinate the delivery of other community services to offenders, including—

“(A) housing assistance;

“(B) education;

“(C) employment training;

“(D) conflict resolution skills training;

“(E) batterer intervention programs; and

“(F) other appropriate social services; and

“(5) establish and implement graduated sanctions and incentives.

“(c) APPLICATION.—Each eligible entity desiring a grant under this section shall, in addition to any other requirements required by the Attorney General, submit an application to the Attorney General that—

“(1) describes a long-term strategy and detailed implementation plan, including how the entity plans to pay for the program after the Federal funding ends;

“(2) identifies the governmental and community agencies that will be coordinated by this project;

“(3) certifies that—

“(A) there has been appropriate consultation with all affected agencies, including existing community corrections and parole entities; and

“(B) there will be appropriate coordination with all affected agencies in the implementation of the program; and

“(4) describes the methodology and outcome measures that will be used in evaluation of the program.

“(d) MATCHING REQUIREMENT.—The Federal share of a grant received under this section may not exceed 75 percent of the costs of the project funded under this section unless the Attorney General—

“(1) waives, wholly or in part, this matching requirement; and

“(2) publicly delineates the rationale for the waiver.

“(e) ANNUAL REPORT.—Each grantee under this section shall submit to the Attorney General, for each fiscal year in which funds from a grant received under this part is expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

“(1) a summary of the activities carried out under the grant;

“(2) an assessment of whether the activities summarized under paragraph (1) are meeting the needs identified in the application submitted under subsection (c); and

“(3) such other information as the Attorney General may require.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2009 to carry out this section.

“(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

“(A) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

“(B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.”.

TITLE X—CRIME PREVENTION

SEC. 1001. CRIME PREVENTION CAMPAIGN GRANT.

Subpart 2 of part E of title I of the Onmibus Crime Control and Safe Street Act of 1968 is amended by adding at the end the following new chapter:

“CHAPTER D—GRANTS TO PRIVATE ENTITIES

“SEC. 519. CRIME PREVENTION CAMPAIGN GRANT.

“(a) GRANT AUTHORIZATION.—The Attorney General may provide a grant to a national private, nonprofit organization that has expertise in promoting crime prevention through public outreach and media campaigns in coordination with law enforcement agencies and other local government officials, and representatives of community public interest organizations, including schools and youth-serving organizations, faith-based, and victims' organizations and employers.

“(b) APPLICATION.—To request a grant under this section, an organization described in subsection (a) shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require.

“(c) USE OF FUNDS.—An organization that receives a grant under this section shall—

“(1) create and promote national public communications campaigns;

“(2) develop and distribute publications and other educational materials that promote crime prevention;

“(3) design and maintain web sites and related web-based materials and tools;

“(4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and hometown security initiatives;

“(5) design and deliver technical assistance to States, local jurisdictions, and crime prevention practitioners and associations;

“(6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;

“(7) design, deliver, and assess demonstration programs;

“(8) operate McGruff related programs, including McGruff Club;

“(9) operate the Teens, Crime, and Community Program; and

“(10) evaluate crime prevention programs and trends.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) for fiscal year 2006, $6,000,000;

“(2) for fiscal year 2007, $7,000,000;

“(3) for fiscal year 2008, $8,000,000;

“(4) for fiscal year 2009, $9,000,000; and

“(5) for fiscal year 2010, $10,000,000.”.

SEC. 1002. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.

(a) SHORT TITLE.—This section may be cited as the “Justice for Crime Victims Family Act”.

(b) STUDY OF MEASURES NEEDED TO IMPROVE PERFORMANCE OF HOMICIDE INVESTIGATORS.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report outlining what measures are needed to improve the performance of Federal, State, and local criminal investigators of homicide. The report shall include an examination of—

(1) the benefits of increasing training and resources for such investigators, with respect to investigative techniques, best practices, and forensic services;

(2) the existence of any uniformity among State and local jurisdictions in the measurement of homicide rates and clearance of homicide cases;

(3) the coordination in the sharing of information among Federal, State, and local law enforcement and coroners and medical examiners; and

(4) the sources of funding that are in existence on the date of the enactment of this Act for State and local criminal investigators of homicide.

(c) IMPROVEMENTS NEEDED FOR SOLVING HOMICIDES INVOLVING MISSING PERSONS AND UNIDENTIFIED HUMAN REMAINS.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report to evaluate measures to improve the ability of Federal, State, and local criminal investigators of homicide to solve homicides involving missing persons and unidentified human remains. The report shall include an examination of—

(1) measures to expand national criminal records databases with accurate information relating to missing persons and unidentified human remains;

(2) the collection of DNA samples from potential “high-risk” missing persons;

(3) the benefits of increasing access to national criminal records databases for medical examiners and coroners;

(4) any improvement in the performance of postmortem examinations, autopsies, and reporting procedures of unidentified persons or remains;

(5) any coordination between the National Center for Missing Children and the National Center for Missing Adults;

(6) website postings (or other uses of the Internet) of information of identifiable information such as physical features and characteristics, clothing, and photographs of missing persons and unidentified human remains; and

(7) any improvement with respect to—

(A) the collection of DNA information for missing persons and unidentified human remains; and

(B) entering such information into the Combined DNA Index System of the Federal Bureau of Investigation and national criminal records databases.

TITLE XI—NATIONAL CHILD ABUSE AND NEGLECT REGISTRY ACT

SEC. 1101. SHORT TITLE.

This title may be cited as the “National Child Abuse and Neglect Registry Act”.

SEC. 1102. NATIONAL REGISTRY OF SUBSTANTIATED CASES OF CHILD ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Attorney General, shall create a national registry of substantiated cases of child abuse or neglect.

(b) INFORMATION.—

(1) COLLECTION.—The information in the registry described in subsection (a) shall be supplied by States and Indian tribes, or, at the option of a State, by political subdivisions of such State, to the Secretary of Health and Human Services.

(2) TYPE OF INFORMATION.—The registry described in subsection (a) shall collect in a central electronic registry information on persons reported to a State, Indian tribe, or political subdivision of a State as perpetrators of a substantiated case of child abuse or neglect.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—

(A) TREATMENT OF REPORTS.—The information to be provided to the Secretary of Health and Human Services under this title shall relate to substantiated reports of child abuse or neglect.

(B) EXCEPTION.—If a State, Indian tribe, or political subdivision of a State has an electronic register of cases of child abuse or neglect equivalent to the registry established under this title that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this title shall be coextensive with that in such register.

(2) FORM.—Information provided to the Secretary of Health and Human Services under this title—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect, and that complies with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A)(viii) and (ix)).

(d) CONSTRUCTION.—This title shall not be construed to require a State, Indian tribe, or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) ACCESSIBILITY.—Information contained in the national registry shall only be accessible to any Federal, State, Indian tribe, or local government entity, or any agent of such entities, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect.

(f) DISSEMINATION.—The Secretary of Health and Human Services shall establish standards for the dissemination of information in the national registry of substantiated cases of child abuse or neglect. Such standards shall comply with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A)(viii) and (ix)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4472, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 4472, the Children's Safety and Violent Crime Reduction Act. This legislation contains bipartisan, comprehensive proposals to better protect our children from convicted sex offenders, to enhance judicial security, and to combat violent criminal gangs that terrorize our communities. Last year, the full House overwhelmingly approved three separate bills tailored to address these critical issues.

H.R. 3132, the Children's Safety Act of 2005, passed the House on September 14 of last year by a vote of 371–52. H.R. 1751, the Secure Access to Justice and Courthouse Protection Act, was approved by the House on November 9, 2005, by a vote of 375–45, and H.R. 1279, the Gang Prevention and Deterrence Act, passed the House on May 11, 2005, by a vote of 279–144. H.R. 4472 incorporates core provisions of each bill with some modifications and additions.

Last year our Nation was horrified by news of the sexual assault and kidnapping of Dylan and Shasta Groehne and the brutal murder of their parents and siblings. These heinous acts occurred after 9-year-old Jessica Lunsford was abducted, raped and buried alive, and 13-year-old Sarah Lunde was murdered. All of these terrible crimes were committed by convicted sex offenders.

While these tragedies received the public attention and outrage they demanded, sexual predators continue to exploit current loopholes in our criminal justice system to prey on America's most vulnerable. H.R. 4472 protects America's children by making it much harder for them to do so.

When child sex offenders are brought to justice and serve time for their offenses, they are often released into unsuspecting communities to resume their sexual attacks. There are over 550,000 convicted sex offenders in the country, and it is conservatively estimated that at least 100,000 of them, 100,000, are lost in the system, meaning that nonregistered sex offenders are living in our communities, attending schools and working at locations where they can prey on our children.

The threat to our children grows each day as more unregistered sex offenders move freely within our midst. This bill reduces these unconscionable vulnerabilities by strengthening sex offender notification requirements.

The bill also addresses the problem of violence in and around our courthouses against judges, prosecutors, witnesses, law enforcement and other court personnel, as well as their immediate families. According to the Administrative Office of U.S. Courts, Federal judges receive nearly 700 threats a year, and several Federal judges require security personnel to protect them and their families from violent gangs, drug organizations and disgruntled litigants. Judges, witnesses, and courthouse personnel and law enforcement officers must operate without fear in order to enforce and administer the law without bias.

Finally, the bill includes relevant provisions to address the growing national threat from violent and vicious gangs in our communities. According to the last National Youth Gang Survey, it is estimated that there are now between 750,000 and 850,000 gang members in our country. Every city in the country with a population of 250,000 or more has reported gang activity. There are over 25,000 gangs in more than 3,000 jurisdictions in the United States. In recent years gangs have become organized criminal syndicates with structured associations, many of which are now international in scope. State and local law enforcement have sent us a clear message: update and strengthen America's laws to combat the scourge of violence in our communities.

H.R. 4472 is strongly supported by John Walsh of America's Most Wanted, the National Center For Missing and Exploited Children, and the Boys and Girls Clubs of America, and other victims and representatives of victims organizations, as well as law enforcement agencies around the country.

These tireless advocates for America's children have provided vital assistance in crafting this measure, and their calls for justice for America's children must no longer go unanswered. We must act now to ensure that the tragedy of perverse and sexual attacks on America's children is not compounded by the tragedy of congressional inaction to strengthen our laws to address this national epidemic.

I urge my colleagues to put aside partisan differences and to speak in a clear and united voice to protect our children, to ensure a safe judiciary, and to give America's law-abiding citizens the right to live free from gang violence.

Madam Speaker, I reserve the balance of my time.

☐ 1115

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume, and I am happy to be here today to join the debate around this bill. I am hoping that my good friend, the chairman of the committee, will somewhere in the course of this suspension explain to us why three bills were mentioned but one that was added by the majority of the House, H.R. 3132, which deals with hate crimes and is arguably one of the most notable pieces of civil rights criminal enforcement protection considered by the Congress, was inexplicably left off. This makes the process very mysterious to me, because hate crimes is a very important part of any Child Safety and Violent Crime Reduction Act that is before us, and I am very disappointed that somewhere in the night this bill was dropped so that we are now combining three instead of four bills.

It is a Federal crime to hijack an automobile; it is a Federal crime to possess cocaine. It ought to be a Federal crime to drag a man to his death because of his race or to hang a man because of his sexual orientation. We should, and I hope we will through some parliamentary mechanism, seize upon the historic opportunity that is before us to enact legislation that would effectively augment existing Federal law and demonstrate that this Nation will not tolerate violence directed at any individual because of their identity. But instead of supporting this principle, the measure before us takes an opposite direction. I am really, really sorry about this because it does the House an injustice.

I am also, at the same time, wishing to register notice that an amendment offered by the gentleman from New York (Mr. NADLER), which was adopted and would have prevented the sale of a firearm to anyone convicted of a misdemeanor sex offense, was also dropped. This is very troubling. Still others will talk about the 43 new mandatory minimum penalties and over 10 new death penalties that have become eligible by offenses in this new bill.

So I am hopeful that we can work out some kind of agreement or acknowledgment about the unusual parliamentary process by which this matter has been brought to us.

I rise in strong opposition to this legislation and the manner by which it comes before us today. Introduced just over two months ago, this legislation, all 164 pages, has managed to completely circumvent the traditional legislative process.

Without the benefit of a single hearing or committee markup, the legislation has somehow found its way here to the floor of the House of Representatives. To make matters worse, it's being considered under suspension of the rules, leaving with reasonable concerns no opportunity to offer modest amendments.

Some might suggest that hearings or markups aren't necessary under these circumstances; since this measure, in large part, is a combination of three different bills, H.R. 3132; H.R. 1279; and H.R. 1751, which have all been considered by this body in the past. But, I strongly disagree. This measure differs from those various proposals in several meaningful ways.

First and foremost, this measure fails to include the hate crimes amendment that I offered—and which was adopted by a 223–199 vote as part of H.R. 3132. My hate crimes amendment arguably is one of the most notable pieces of civil rights criminal enforcement protection considered by this Congress in the last 30 years.

The FBI has reported a dramatic increase in hate motivated violence since the September 11th terrorist attacks. While the overall crime rate has grown by approximately two percent, the number of reported hate crimes have increased dramatically from 8,063 in 2000 to 9,730 in 2001, a 20.7 percent increase. Racial bias again represented the largest percentage of bias-motivated incidents, 44.9 percent; followed by Ethnic/National Origin Bias, 21.6 percent; Religious Bias, 18.8 percent, Sexual Orientation Bias, 14.3 percent; and Disability Bias, 0.4 percent).

It's worth noting that the amendment I offered would not have created new law. It simply would have amended existing law. Namely, section 245 of title 18, passed in 1968, which allowed Federal prosecution of attacks on the Freedom Riders during their historical civil rights work in the South.

The amendment of Section 245 would make it easier for Federal authorities to prosecute racial, religious, ethnic and gender-based violence, in the same way that the Church Arson Prevention Act of 1996 helped Federal prosecutors combat church arson: by loosening the unduly rigid jurisdictional requirements under Federal law.

Current law limits Federal jurisdiction over hate crimes to incidents that occur during the exercise of federally protected activities, such as voting, and does not permit Federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability. This loophole is particularly significant given the fact that four states have no hate crime laws on the books, and another 21 states have extremely weak hate crimes laws.

It is a Federal crime to hijack an automobile or to possess cocaine, and it ought to be a Federal crime to drag a man to death because of his race or to hang a man because of his sexual orientation. We should seize upon this historic opportunity to enact legislation that would effectively augment existing Federal law and demonstrate that this Nation will not tolerate violence directed at any individual because of their identity, instead of supporting legislation, such as the measure before us today, that takes us in the opposite direction.

Second, this measure fails to include an amendment offered by Mr. NADLER—also adopted by voice-vote—which would have prevented the sale of a firearm to anyone convicted of a misdemeanor sex offense.

By now, members of this body are painfully aware of the fact that sex offenders often use firearms to prey upon their unsuspecting victims. In fact, not long ago Keith Dwayne Lyons, a high-risk sex offender, was convicted of engaging in unlawful sexual intercourse with a minor.

According to published police reports, Mr. Lyons was aided by the use of a firearm in carrying out his crime. Unfortunately, and notwithstanding such tragedies, it appears to be the wisdom of a small minority that the bill before us is not the proper vehicle to address such matters and prevent them from reoccurring in the future.

Finally, the measure under consideration today includes a complex system of categories whereby sex offenders are classified based upon the nature of their offense. They are also routinely forced to verify the accuracy of their registry information based upon this system.

This new system of registration and registry verification has never been discussed by members of our committee. While some may certainly welcome such a system, others most likely will not. In either event, a change of this magnitude should not be undertaken without adequate thought, consideration and debate.

Setting aside these issues, I remained deeply concerned by the legislation's inclusion of at least 43 new mandatory minimum penalties and over 10 new death penalty eligible offenses. In the past, I've gone to great lengths to explain my deep opposition to mandatory minimum sentences and the death penalty, so I won't repeat many of those arguments here. Except, to say that such penalties are completely arbitrary, ineffective at reducing crime and a total waste of taxpayers' money.

Thanks to mandatory minimum sentences, almost 10 percent of all inmates in state and Federal prisons are serving life sentences, a near 83 percent increase from 1992. In two states alone, New York and California, almost 20 percent of inmates are serving life sentences.

And, what do we have to show for such statistics? The answer is simple. A prison system that currently houses more than 2.1 million Americans and costs an estimated $40 billion a year to run and operate.

In the end, the list of lingering concerns associated with this bill is quite staggering.

Over 33 scientific researchers, treatment professionals and child advocates have written in to express their concerns regarding the bill's overly harsh treatment of juveniles.

Advocates from the immigration community have written in to complain about the bill's provisions which will likely encourage state and local law enforcement officials to enforce Federal immigration laws.

And, groups ranging from the Chamber of Commerce to the American Library Association have expressed serious concerns that the provisions outlined in title 6 of the bill will create criminal liability for the producers and distributors of mainstream novels, photographs, Internet content, movies, and TV shows.

With so many outstanding issues and no opportunity to offer even modest amendments, it's hard to see how anyone could lend their support to this measure.

I strongly urge my colleagues to vote "no".

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I thank the gentleman for yielding me this time and for his great leadership on child safety issues.

There is one provision I wish to speak about in this bill that the people of Wisconsin are tragically familiar with: the Amy Zyla Act. It was inspired by the story of Amy Zyla, a young woman from Waukesha, Wisconsin. Amy is a young lady who has bravely crusaded to protect other potential victims. She herself was sexually assaulted by a young offender when she was just 8 years old. Her attacker was found guilty and was sentenced to a juvenile facility for this heinous act. Yet because he was a juvenile, his record was sealed. When he turned 18, he was released into the community, only to reoffend shortly after he got out.

Law enforcement was not allowed to notify the community that a convicted, high-risk sex offender was back on the streets, because he had been a juvenile. As a result, he went on to portray himself as a youth minister and preyed upon others. He was given the trust of other parents because they simply didn't know that he was a convicted sex offender.

These subsequent crimes were absolutely preventable. Under the Amy Zyla provision of this bill, if a sex crime committed by a juvenile offender is serious enough that it would qualify reporting under the sex offender registry had he been an adult, law enforcement has the authority to notify the community when that sex offender is released.

Madam Speaker, communities, victims, and parents must be able to rely upon the sex offender registries. This provision, and certainly this bill, will help us get there.

Mr. CONYERS. Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), and no one has worked harder in this area than he.

Mr. SCOTT of Virginia. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, this is a very difficult bill to try to debate because it includes a lot of different bills, everything except the hate crimes bill, which had broad support at least on this side. It includes a variety of slogans and sound bites, many of which have actually been shown to increase crime, disrupt orderly, proportionate, and fair sentencing, it wastes money and violates common sense.

Among these approaches are trying more juveniles as adults, the mandatory minimums, new death penalties, and habeas corpus restrictions, which is a process by which dozens of innocent people on death row have been able to show their innocence and escape the death penalty because they were innocent of the underlying charges. It also includes a national sex offender registry that includes misdemeanors and juveniles in the same kind of registration as the most serious predatory offenses.

If we are going to be serious about dealing with child sexual abuse, we ought to face the fact that virtually all of the abusers are either related to the child or at least known to the child's family. No studies have shown that these things actually reduce child abuse; and, in fact, anecdotal evidence would suggest that we might be actually increasing crime. Because the people who are the subject of these are unable to get a job, unable to live in any kind of neighborhood, have nothing to lose, the restrictive covenants now restricting where they can live, and all of these things may in fact increase crime. But there are certainly no studies to show that they have reduced by any measurable amounts the amount of child sexual abuse.

We are treating more juveniles as adults. That thing has been studied over and over again, and we know that treating more juveniles as adults will increase the crime rates. In every State, the most heinous crimes are already subject to juveniles being treated as adults. So if this passes, we are talking about those who are not now treated as adults who would be treated as adults under this bill. Those are the marginal cases.

We know that those marginal cases sent to adult court will not have education and psychological services and family services available in the juvenile court. They will either be locked up with adults or just released on probation. Whatever the adult court judge does will be more likely to have crime in the future than if the juvenile court can provide those services.

We know how to reduce juvenile crime. It is the prevention programs. And unlike many bills, there is actually some money in this bill for prevention programs. They work. So those provisions are actually meaningful. We also have reentry programs in here. They work and have been proven to reduce recidivism. So there are at least some provisions of the bill that have something to recommend them.

But the mandatory minimums in the bill have been studied. We know from all the studies that mandatory minimums have been shown to waste money, discriminate against minorities, and violate common sense. This bill includes mandatory minimums for juveniles that includes a 20-year mandatory minimum for a fistfight that results in a serious injury, and 10 years mandatory minimum if there is no serious injury: 10 years mandatory minimum for a fistfight in a school yard. This bill cannot be serious.

We have death penalties which have been proven to have no effect on crime. Innocent people are convicted. We have a habeas corpus provision that will eliminate the possibility that many of those who are innocent on death row, and we know there are many of them, will not have the opportunity to have their cases adjudicated.

We saw in the confirmation hearings for Justice Alito, when he was asked if an innocent person had a constitutional right against execution, and he didn't give a straight answer. We need to make sure people's rights are protected and that habeas corpus provisions are eliminated from the bill.

Mr. SENSENBRENNER. Madam Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Madam Speaker, I thank the gentleman for yielding me this time and for his leadership on child safety issues.

Madam Speaker, I rise today in strong support of the Child Safety and Violent Crime Reduction Act because it is a commonsense way to protect our school children from pedophiles.

Isn't it a matter of common sense to allow a local school district in Orlando, Florida to do criminal background checks on coaches, janitors, and teachers who work with our children, to make sure they are not convicted pedophiles from Georgia or some other State?

Isn't it common sense to protect young school children in the first place by keeping these pedophiles locked up with lengthy prison sentences?

Isn't it common sense that coddling repeated sex offenders with self-esteem courses and rehabilitation doesn't work, and that locking them up does work?

Madam Speaker, the best way to protect young children is to keep child predators locked up in the first place, because someone who has molested a child will do it again and again and again.

Last year, two young Florida girls, 9-year-old Jessica Lunsford and 13-year-old Sarah Lunde, were abducted, raped, and killed. In both cases the crimes were committed by convicted sex offenders who were out on probation. This law imposes a mandatory minimum punishment of 30 years for those who commit violent crimes against children, as well as a punishment of life in prison or a death sentence when that crime results in a child's death.

It is high time that we crack down on child molesters by implementing these commonsense reforms, and I urge my colleagues to vote "yes" on H.R. 4472.

Mr. CONYERS. Madam Speaker, I now yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), who has worked on a number of issues connected with the measure presently being debated.

Mr. FRANK of Massachusetts. Madam Speaker, I once again skirt the rules of the House by taking note of the fact that people not in this Chamber may be watching us. And I am particularly concerned about members of the Iraqi National Assembly, the newly elected Parliament which we are trying to instruct in democracy. They may be observing this procedure by which this House deals with a number of very important and controversial issues, some of which I fully support, some of which I question. But as they watch us deal with this, it is being dealt with in a manner in which no amendments are allowed, in which only 40 minutes total of debate are allowed. And it is a bill brought forward because the committee leadership didn't like what happened when the House actually voted on it in a democratic manner.

You will remember this bill came before us, many of the elements of this bill some time ago, and the House, working its will, voted to include an amendment to the hate crimes section. That appalled many Members of the majority. In fact, we read in some of the newspapers, members of the majority of the Republican Study Committee lamented the fact that the leadership had actually given the House membership a chance to vote. They said, we can't allow that to happen, we can't allow democracy to be running rampant on the floor of the U.S. House of Representatives.

So today we have the antidote to democracy. We have a bill brought forward that repeats much of what was done before, which adds some other issues that ought to be debated, many of which I support, some of which I might like to see amended, and it prohibits amendments. It is a very important and somewhat controversial piece. And there can be controversy about better ways to do it or worse ways to do it, but it is brought up in an absolutely undemocratic fashion.

So to those members of the Iraqi National Assembly who may happen to be observing this, I think there is a very important point we need to make: please don't try this at home.

We are trying to instill others in the world to be democratic. The President's inaugural address noted that we are going to bring democracy. Is this what you mean by teaching people to follow democratic procedures, Madam Speaker?

□ 1130

The other side brings up a controversial bill, and because it was amended once, make sure you can bring it back again in an unamendable form, put in other aspects, and leave virtually no time for debate. We will have debated this bill under the same rule that we debate naming of post offices. We will give this bill the same amount of time as we give post offices, or that major piece of legislation, the only vote we cast last Wednesday when this House came out overwhelmingly in favor of Sandra Day O'Connor. That is the bill that we had 40 minutes of debate on, the same as this.

This is a shameful example of the degradation of the democratic process that has befallen this House. What happens is what has happened in the past: things get put in here that cannot be individually examined, they cannot be debated. Members will feel pressured to vote for the overall package. Members, and this is the goal, put a lot of things in here that are very important and very good, many of which I have voted for in the past, many of which I want to vote for. But Members have put in a few other things that are very controversial and do not allow this House to approach looking at things individually and saying an amendment here, yes or no. And then if Members do not buy the whole package, then you go after them.

The Republican majority has decided to legislate in the same manner in which you give a pill to a dog: you take something that the dog wants and you stick a couple of pills in it and you ram it down its throat. That is an inappropriate way for this democratic House to proceed.

Mr. SENSENBRENNER. Madam Speaker, I yield myself 1 minute.

Madam Speaker, this is not giving a pill to a dog. What this legislation does is it combines three bills that the House already debated and passed but which got stalled in the other body. What it does is it takes away the poison pills that have caused the essential legislation to be stalled in the other body. And it makes some amendments, some of which have been requested by people on the other side of the aisle such as getting rid of a certain number of mandatory minimum penalties.

The purpose of this exercise is to get legislation signed into law and it is important legislation on protecting children from pedophiles, protecting Americans from gangs, and protecting judges from kooks who want to try to do them and their families harm. That is why this procedure is being used today so that we can make a law.

Madam Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Madam Speaker, I rise today to urge my colleagues to support H.R. 4472, the Children's Safety and Violent Crime Reduction Act.

Unfortunately, there are thousands of reasons why this legislation is so vitally important. According to the National Center for Missing and Exploited Children, the location of between 100,000 and 150,000 of the 500,000 sex offenders currently registered in the United States are unknown. But the victims are known, and their names are known. And today, we know we are not powerless.

This bill takes commonsense steps towards ensuring sex offenders are not free to prey on the most vulnerable members of our society. We require States to expand the definition of sexual offenders to include juveniles, alert other States when predators seek refuge in another State and make community notification proactive, not reactive efforts.

There are many reasons which cause parents across America to lie awake at night. Our failure to pass this valuable legislation should not be one of them.

Madam Speaker, sexual predators live in darkness but their victims live in vibrant colors of all our memories. In pinks and blues. And in purple.

Prior to her abduction and murder at the hands of a sexual predator in February of 2004, that was the favorite color of 11-year-old Carlie Brucia. It still is.

Mr. CONYERS. Madam Speaker, I yield 16 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, I just want to point out that the poison pill the gentleman from Wisconsin was referring to was an amendment adopted on the floor of this House by a majority of the House. So the poison pill is the result of a majority of this House. The problem is the gentleman from Wisconsin has Thomas Jefferson confused with Lucretia Borgia. When the will of the House works its will under this regime, and the gentleman from Wisconsin does not like the outcome, it becomes a poison pill and we go through this whole procedure just to get rid of it.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the committee.

Mr. NADLER. Mr. Speaker, this bill manipulates the legislative process by repackaging legislation that for the most part has already passed the House, and by taking out of that legislation two amendments that were passed on the floor of the House and giving us no opportunity, giving the House majority no opportunity to correct this.

The bill includes three previous bills. On one of them I offered an amendment to prohibit gun possession by convicted misdemeanor sex offenders against minors. The amendment was agreed to unanimously and incorporated in the underlying bill. This is one of the poison pills. One of the poison pills, in other words, is that apparently the sponsors of this bill think it is essential to allow people convicted of misdemeanor sex offenses against minors to possess firearms, so they can use firearms against minors the next time.

The other amendment, the ranking member offered an amendment to combat crimes based on race, religion, national origin, disability, gender and sexual orientation by allowing the Federal Government to provide resources to local law enforcement to act as a Federal backup if local authorities do not prosecute these crimes. The amendment passed 223–199.

Now we are faced with this legislation on a suspension calendar. We are told that it is on a suspension calendar and it is unamendable because we have already debated. Yes, but we passed it in different forms, and they are just taking out the two poison pills.

Who has the right to decide that what the majority of the House voted is a poison pill and not give this House the right to vote on whether it agrees with them or not?

If the gentleman brought forth this bill under the regular calendar and said should we remove these two provisions because we cannot pass them in the Senate, let the House debate that. Maybe we would decide it is more important to let the Senate pass this bill and permit misdemeanor sexual offenders to have firearms than not to pass the bill. Maybe we would decide that, but that should be decided in a debate, not because someone behind the scenes decides that the will of the House can be overturned.

I urge Members to oppose this bill because it does not include these two provisions, to ban gun possession by those convicted of misdemeanor sex offenders against minors. We should not go on record today, as a vote for this legislation would be in favor of gun possession by people convicted of misdemeanor sex offenses. And it also does not include the hate crimes amendment that was sponsored by Mr. CONYERS and included by the House by majority vote.

It is wrong to prostitute the procedures of this House to undo the majority votes on the floor by behind-the-scenes manipulation and then say this is democratic procedure.

Mr. SENSENBRENNER. Mr. Speaker, I yield to the gentleman from Ohio (Mr. GILLMOR) for the purpose of a unanimous consent request.

Mr. GILLMOR. Mr. Speaker, I thank the chairman and rise in strong support of the bill.

Mr. Speaker, as a father and a grandfather I am often reminded of the dangers that surround my loved ones. Specifically the growing threat that sexual predators pose to our Nation's children and their families represents an area where our criminal justice system has fallen behind the public need. In order to effectively protect our loved ones, we must provide the American public with unfettered access to know who these dangerous criminals are and where they are living. If a picture is worth a thousand words, than a comprehensive nationwide publicly accessible database is worth at least that many lives.

I was pleased that Chairman SENSENBRENNER included provisions from my bill, H.R. 95, that would create a national, comprehensive, and publicly accessible sex offender database into this comprehensive piece of legislation. Additionally, I feel that it is important to have consistency not only with a national registry, but also in how offenders are classified. Currently each State classifies offenders differently according to the risk that they pose to the community. The result is inconsistent and unreliable classifications across state lines. I was pleased that the chairman saw the need to address this issue, and I appreciate him working with me to include a provision to study the merits of a national risk-based classification system that could be integrated into the national sex offender database.

Furthermore, I was delighted at the level of bipartisanship that both my bill and today's legislation have received and I would like to personally thank Mr. POMEROY from North Dakota for his leadership and support. Also, I would like to extend my gratitude to organizations such as the Big Brothers and Big Sisters of America and the Safe Now Project for the help and cooperation that they provided throughout this process.

Mr. Speaker, today we must come together to make certain that our children grow up in a safe and secure environment and that parents are unafraid to let their children play in their neighborhood because they have the information they need to protect them. Knowledge is power, and today we have an opportunity before us to supply the American public with the tools necessary to protect themselves, their family, and their friends against those that would commit these heinous crimes. I urge all of my colleagues to cast their vote in support of this legislation and collectively answer the American public's call to provide them with additional resources to combat these predators before another life is lost and tragedy befalls another family.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, there are a lot of collateral issues being discussed today, but the fact remains that the will of the House is not a mandate on the Senate. The Senate was unwilling to accept some provisions. Let us acknowledge that.

But let us talk about what we are here for today, and that is to protect the vulnerable children. You have heard the names repeatedly in this debate. I do not want to read about another one for our failure to act.

This House did overwhelmingly approve this bill because there are a lot of good legislative initiatives in this bill to protect our children. I have said repeatedly on this floor that we protect library books better than we do our children. We have a better system of accountability than we do for our children.

This is about the kids that have perished because they were at the hands of despicable child predators.

Mr. SENSENBRENNER has crafted a bill that gets at the heart of this matter. I want to thank John Walsh, who lost his son Adam, as a tireless advocate who went and asked Senator FRIST to bring this base bill to the Senate floor, and Senator FRIST has agreed to that request, along with the other parents of the children who have lost their lives.

These brave parents have come to this city to urge Congress to not let the tragedies that have happened to their families happen to another child.

I thank Ms. GINNY BROWN-WAITE, an outstanding advocate who had a resident in her district who died at the hands of a pedophile. We can do better.

Mr. Speaker, I want to thank Mike Volkov, Bradley Schreiber and others who helped craft this important legislation, and I urge passage of this bill.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what are we here for, to let the other body off the hook? Anything they do not like, we have to take out? I do not follow that reasoning at all.

Mr. Speaker, I yield 5 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I know some Members here will not remember it, but there used to be something called a conference committee, and if we sent the Senate a bill and they did not like it, they could amend it and send it back. We do not have to do the bidding of the Senate by taking the tough issue off the table for them.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I want to refer to a letter that says, "For the first time, the statute would implicate a wide array of legitimate, mainstream businesses that have never been linked in any way to the sexual exploitation of children." It continues, "In some instances, the proposed amendments are vague and offer little guidance as to what is required of those needing to comply, and in others, they impose requirements that are simply impossible to meet."

The letter is signed by the Chamber of Commerce, the American Library Association, the National Association of Broadcasters, the National Cable and Telecommunications Association, Screen Actors Guild, American Association of Advertising Agencies, the American Association of Law Libraries and others.

FEBRUARY 7, 2006.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: We are writing to express our continuing concern with the legislative language contained in S. 2140, the Prevention of Sexual Exploitation of Children Act that would significantly expand the scope of Title 18 U.S.C. §2257. As you know, we strongly support the objective of increasing the Justice Department's ability to combat child pornography and exploitation. The members of our broad coalition are committed to protecting children from exploitation. That is why we appreciate and acknowledge the efforts of the sponsors of S. 2140 to address many of the issues raised by prior attempts to amend §2257. However, serious concerns remain.

S. 2140 would significantly expand the types and categories of conduct that would trigger the requirements of §2257. For the first time, the statute would implicate a wide array of legitimate, mainstream businesses that have never been linked in any way to the sexual exploitation of children. S. 2140 dramatically expands the class of persons required to keep records and to label products under §2257. Many affected by the proposed expansion are businesses and individuals that have no actual contact or relationship with the performers in question. In some instances, the proposed amendments are vague and offer little guidance as to what is required of those needing to comply, and in others, they impose requirements that are simply impossible to meet. Expansion of §2257 as envisioned by the proposed legislation will likely divert even more resources toward legal challenges to the statute and away from the legislation's primary objective of prosecuting those who sexually exploit children.

It is important to note that since §2257 was passed in 1988, the inspection regime of the law has, to our knowledge, never been used. Rather than expanding the scope of §2257 to cover a myriad of lawful, legitimate, Mainstreet businesses, we believe effective enforcement of the existing regime is first necessary. Accordingly, any amendments to the statute should be narrow and focused on individuals that seek to harm young people.

Finally, from the outset of this process, we have been prepared to discuss the serious concerns our coalition has with the proposals to amend §2257. However, we are not involved in the negotiation of the current bill language. While we remain committed to working with all interested parties, we do not believe that in its current form, S. 2140 addresses the myriad of legitimate concerns raised by our coalition.

We applaud you for your continued leadership and dedication to protecting children and reiterate our commitment to work with you to address this serious issue.

Sincerely,

United States Chamber of Commerce; Video Software Dealers Association; Americans for Tax Reform; American Library Association; American Conservative Union; National Association of Broadcasters; National Cable & Telecommunications Association; Motion Picture Association of America; Screen Actors Guild; Media Freedom Project; American Hotel and Lodging Association; The American Federation of Television and Radio Artists; Magazine Publishers of America; Directors Guild of America; Digital Media Association; Computer & Communications Industry Association; Association of Research Libraries; The Creative Coalition; Association of National Advertisers; Association of American Publishers; American Association of Advertising Agencies; American Advertising Federation; American Booksellers Foundation for Free Expression; Publishers Marketing Association; Freedom to Read Foundation; American Association of Law Libraries

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. Ginny Brown-Waite).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of the bill that we have before us, the Children's Safety and Violent Crime Reduction Act.

February 23 marked the 1-year anniversary of Jessica Lunsford's death. I knew the family; I knew the grandmother. If Jessica were still with us, she would have been in the fifth grade. She would be learning about decimals and fractions and the solar system. Instead, her life was taken by a sex offender who assaulted and murdered her, and then buried her in his backyard. That is what this bill is all about; it is going after those, as someone once described, pond-scum predators.

Congress has responsibility to punish those who perpetrate the worst and most disgusting crimes against our children. My heartfelt thanks to the chairman who was gracious enough to work with all of us on these various bills to protect our children in America today.

Mr. Speaker, we cannot afford to wait one day longer for this bill to become law. On behalf of Jessica Lunsford's family, I urge every Member of this House to vote in favor of this bill. It is important that we send a loud and clear message that Congress is serious about protecting America's children from predators, those same predators who would harm our children, our grandchildren, and our neighbor's children. That is what this bill is all about. It is about protecting America's children and I urge support of the bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield to the gentleman from Nevada (Mr. Porter) for the purpose of a unanimous consent request.

Mr. PORTER. Mr. Speaker, I thank the chairman and include my statement for the Record:

I want to thank the Chairman of the Judiciary Committee, Mr. Sensenbrenner, for bringing this bill to the House today. It is an important bill that will help protect children and our community's safety.

One section of this package includes H.R. 4894, legislation I introduced, that will provide our school districts with another tool in their extraordinary efforts to bring highly qualified staff to our classrooms and schools.

By providing our school districts with direct access to criminal information records, we can help ensure timely and complete information on prospective school employees. This provision will allow local and state educational agencies to access national criminal information databases and will ensure that schools have the information they need when hiring teachers entrusted with our children and our classrooms.

Teachers are unparalleled in the role they play in children's lives. Most teachers uphold the highest standards of conduct, and they deserve the trust they have earned in educating our children. However, particularly in rapidly-growing communities, a lack of good information may leave schools vulnerable and could endanger our students. This is a common sense opportunity to give states and local schools the tools they need to ensure safety in our schools.

This package also includes legislation I introduced, H.R. 4732, The Sergeant Henry Prendes Memorial Act of 2006. This legislation states that whoever kills, or attempts to kill or conspires to kill, a federally funded public safety officer while that officer is engaged in official duties, shall be imprisoned for no less than 30 years, or life, or, if death results may be sentenced to death. A 'public safety officer' in this legislation means an individual serving a public agency in an official capacity, as a judicial officer, law enforcement officer, firefighter, chaplain, or as a member of a rescue squad or ambulance crew.

This is a common sense legislative package that will help keep our children and those who protect our communities safe. I urge my colleagues to support this bill and, again, applaud the Chairman for his leadership on the underlying legislation.

Mr. Speaker, insert the following article on Sergeant Prendes into the Record.

'Our Worst Nightmare': LV Officer Slain in Gunbattle

(By Brian Haynes, Review-Journal)

What was to have been a proud day for the Metropolitan Police Department on Wednesday ended as one of its darkest.

Fourteen-year police veteran Sgt. Henry Prendes was shot and killed during a domestic violence call, becoming the first Las Vegas police officer in 17 years to be slain in the line of duty.

"I can tell you, for the men and women of the Metropolitan Police Department this is a very sad day," Sheriff Bill Young said. "It's our worst nightmare as an agency."

Prendes, 37, was ambushed as he approached the front door of a house in southwest Las Vegas. The gunman then held police at bay by firing more than 50 rounds from a semiautomatic assault rifle before officers shot and killed him, Young said.

A second officer was shot in the leg during the gunbattle.

Police identified the gunman as Amir Rashid Crump, 21, an aspiring Las Vegas rapper who went by the nickname "Trajik."

The incident began about 1:20 p.m., just as Young was about to start an awards ceremony at the Clark County Commission chambers. Young told the audience of police officers and their families that he had to leave and explained that an officer had been shot. He didn't know that Prendes was dead until he was en route to University Medical Center.

Police had responded to the home at 8336 Feather Duster Court, near Durango Drive and the Las Vegas Beltway, after several 911 calls about a man beating a woman with a stick in the front yard and breaking windows on vehicles and the house.

Prendes and several officers arrived and found the woman, who was Crump's girlfriend. Her mother and her brother were with her. Crump had gone inside the home.

Prendes "cautiously approached" the door when he was met with gunfire, Young said. An officer nearby saw Prendes "reeling out of the house, saying, 'I'm hit,'" Young said.

Prendes fell on the sidewalk, but other officers could not reach him because Crump continued firing with his gun, which was similar to an AK-47, Young said.

Crump fired about 50 rounds and kept the officers pinned behind cars, walls and whatever cover they could find, he said. He went upstairs and fired down upon the officers, he said.

Investigators found several empty ammunition clips at the scene.

"He was prepared for this," Young said. "He was ready, waiting and willing to kill a police officer."

As the gunbattle continued, officers from across the valley sped toward the area and swarmed the neighborhood. Several roads were closed as police locked down the scene and surrounding neighborhood.

Joe Anello, a Manhattan Beach, Calif., resident who was visiting a relative, watched the incident unfold from a backyard looking toward Feather Duster Court. He said he heard a burst of eight to 10 shots, followed by about 15 seconds of silence, then another 15 or 20 gunshots.

Another neighbor, Anthony Johnson, said it sounded like a gunbattle.

"It sounded like someone was shooting, and then someone shooting back," he said.

Aaron Barnes, who lives on Feather Duster Court, said he came home from work and saw the police helicopter. He heard gunfire and looked up the street to see his neighbor, Crump, firing a gun.

He said his neighbor, a member of the rap group Desert Mobb, was usually quiet, except for occasional loud music in the middle of the night.

Despite the barrage of gunfire, police officers tried to rescue Prendes. A plainclothes officer with the gang unit was armed with an assault rifle and helped turn the tide.

"His weapon probably saved the day," Young said.

That officer was shot in the leg during the rescue attempt.

Police shot and killed Crump outside the front door.

About five or six officers fired their weapons during the incident. Their names will be withheld until 48 hours after the incident, which is department policy.

"This could have been a lot worse," Young said. "We are extremely fortunate that other police officers were not killed in this incident."

At UMC, dozens of somber uniformed and plainclothes officers gathered in front of the Trauma Unit to show their support for the wounded officer. Police sealed off the Trauma Unit entrance for hours, allowing only authorized personnel to use that entrance. Nearly all visitors were told to use a different hospital entrance.

The last Las Vegas police officer to be shot and killed in the line of duty was 34-year-old Marc Kahre. He was shot in October 1988 while responding to a domestic violence call in east Las Vegas.

Young said domestic violence calls can be the most dangerous for a police officer, but Las Vegas police officers handle thousands a year without incident.

"Today, unfortunately, our luck ran out," Young said.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I want to add my strong voice today in support of H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2005. I also want to thank Chairman SENSENBRENNER for his solid effort in making sure that this House is once again on record in working to protect our children and our families.

I am pleased that an amendment that I offered to the original legislation last year, which was adopted with a unanimous vote, is included once again in today's final bill.

My amendment requires the GAO to study the feasibility of implementing on a nationwide basis a tough annual driver's license registration requirement that my home State of Nevada has imposed on sex offenders.

Just last month, it was reported that there are almost 2,000 convicted sex offenders living in Nevada that are out of compliance with these registration requirements. Something must be done to fix this problem. It is nationwide.

This bill takes a huge step forward in protecting the most vulnerable among us, our children.

□ 1145

I strongly urge my colleagues to support this critical bill and send a message to all that preying on our children will not be tolerated anytime, anywhere.

Mr. CONYERS. Mr. Speaker, I now yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) 2¾ minutes.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman, and I can't thank you enough for the work you have done in a bipartisan effort to preserve a very valuable piece of legislation, the hate crimes legislation that this Congress has gone on record any number of times to be able to support.

Mr. Speaker, I wish as I listened to my good friends on the other side of the aisle that we were squarely focusing on protecting our children. In fact, I support the National Sex Offender Registry that is in this particular legislation, the sex crimes, that provides, if you will, a list of the sex offenders all over America. I think that is an important element. I obviously support the idea of preventing sexual assault on juveniles in prison and certainly the vetting of foster care parents that are taking care of our children. But I think the basic fault of this legislation doesn't lie in the House, it lies in the majority leader of the Senate refusing to put this particular legislation on the floor of the Senate and going into conference.

My difficulty, of course, is the various kitchen sink elements that are included. I may want to see the Federal judges that are included and protected in this legislation protected, but have we vetted the question of allowing judges to carry guns in the courtroom? Should we not provide more resources to the U.S. marshals who are there to protect both the families of the judges and the people who are in the courtroom? Are we particularly studied on the issue dealing with juvenile crime? Time after time after time it has shown that the trying of a juvenile as an adult does not work. I believe more studied consideration of these legislative initiatives would represent the work of a studied body who cares about getting legislation that is going to withstand judicial scrutiny.

This legislation, which I am still in dilemma as to its merits for voting on, raises severe questions. Why didn't the gun legislation get in that eliminates sex offenders from being able to recklessly carry guns? We want to protect our children. We want to pay tribute to the legacy and the work of John Walsh and the legacy of his lost child and the many lost children that we don't want to see happen again. But for God's sake, can we do legislation that embraces all of us who believe in the necessity of protecting our children? There is a frustration of wanting to do what is right and yet having legislation that doesn't allow the vetting, the amending and the responsible consideration.

This bill that seeks to protect children has very many merits. I would just beg my colleagues to understand that this process must be one that can last and survive.

I can assure you that this will still have trouble in the Senate, because you have left off the hate crimes legislation which was a bipartisan effort. I ask my colleagues for consideration of this bill in the context in which I have discussed this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to my Democratic friend from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding.

Talk, talk, talk. The time for talking is over. Last week I had the opportunity to stand with people whose children have been taken from them, children who were victims of horrific crimes. So that their children not die in vain, these wonderful people, including Linda Walker, who is the mother of Drew Sjodin who lost her life in North Dakota, have focused their energies on trying to help keep other children safe and to keep them safe by giving families the information about dangerous, high-risk sexual predators who are living in their communities.

It is time we move this bill forward so that it might be conferenced with action the Senate would take on similar legislation. I am not happy with the Senate's handling of this proposal, not one bit, but I am not going to let some quest for perfection delay our efforts to make our families safer any longer. These families want action now, and this Congress should give it to them. Vote for this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I want to thank the chairman for making sure that our children are safer. The days of child predators playing hide and seek are over in this country. No longer will they be able to hide in our communities and seek out our children as their prey.

The national registration in this bill will help protect our children so that when child molesters leave our penitentiaries and move about from State to State, we will be able to keep up with them.

As many Members of the House, I am the parent of four children, three grandchildren and two on the way. I have met with parents who have lost their children to child predators who left penitentiaries and preyed against them. Mark Lunsford and Marc Klaas both came to Washington to talk about the loss of their children to these criminals.

We need to have a response, and the first duty of government, which is to protect the public and to protect our children, is the greatest cause that we can be involved in. As a member of the Victims Rights Caucus that was started with KATHERINE HARRIS and JIM COSTA, we support these efforts and applaud this act.

Mr. CONYERS. Mr. Speaker, I am happy to yield the balance of our time to the Congresswoman from Wisconsin, TAMMY BALDWIN, a former member of the House Judiciary Committee.

Ms. BALDWIN. Mr. Speaker, I rise not to address the substance of this bill, but to address a matter that is most unfortunately missing from this bill. Today we consider H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2005, under the suspension calendar, which, of course, means that amendments cannot be offered.

This bill encompasses H.R. 3132, the Children's Safety Act of 2005, which passed the House in September of 2005. When that bill was considered on the floor, a hate crimes amendment was offered by the gentleman from Michigan (Mr. CONYERS), and it passed by a strong bipartisan vote of 223—199. Yet despite that strong bipartisan support from the Members of this Chamber, the hate crimes provision has been stripped out of the bill before us today, and there is simply no good reason for the House to consider H.R. 4472 without hate crimes language.

One cannot fully address the issues of crime reduction and child safety without acknowledging the terrorizing impact hate-motivated violence has in our society, especially in subjecting groups of individuals to a debilitating state of fear for their safety and security. Hate crimes reduction is violent crime reduction, and it is about keeping millions of Americans, including children, safe from hate-motivated violence.

It is a shame that by introducing an omnibus crime prevention bill and proceeding under suspension of the rules that the majority undermines the democratic process by doing an end run around hate crime prevention. I urge my colleagues to bear these facts in mind as they consider this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I include at this point in the RECORD a section-by-section analysis of H.R. 4472.

H.R. 4472—THE CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2005

Sec. 101. Short Title. Short Title; Table of Contents, Sec. 102. Declaration of Purpose.

Sec. 111. This section sets forth the definitions for Title I of the Act.

Sec. 112. This section requires each jurisdiction to maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title and authorizes the Attorney General to prescribe guidelines to carry out the purposes of the title.

Sec. 113. This section requires a sex offender to register, and maintain current information in each jurisdiction where the sex offender was convicted, where the sex offender resides, where the sex offender is employed and where the sex offender attends school.

Sec. 114. This section specifies, at a minimum, what information the registry must include.

Sec. 115. This section specifies the duration of the registration requirement.

Sec. 116. This section requires a sex offender to appear in person for verification of registration information.

Sec. 117. This section requires a jurisdiction official to inform the sex offender of the registration requirements.

Sec. 118. This section establishes the Jessica Lunsford Verification Program which requires State officials to verify the residence of each registered sex offender.

Sec. 119. This section requires the Attorney General to maintain a National Sex Offender Registry.

Sec. 120. This section creates the Dru Sjodin National Sex Offender Public Website.

Sec. 121. This section requires each jurisdiction to make available to the public through an Internet site certain information about a sex offender.

Sec. 122. This section requires an appropriate official to notify, within 5 days of a change in a sex offender's information certain agencies.

Sec. 123. This section requires an appropriate official from the State or other jurisdiction to notify the Attorney General and appropriate State and local law enforcement agencies to inform them of any failure by a sex offender to comply with the registry requirements.

Sec. 124. This section provides that law enforcement agencies, employees of law enforcement agencies, contractors acting at the direction of law enforcement agencies, and officials from State and other jurisdictions shall not be held criminally or civilly liable for carrying out a duty in good faith.

Sec. 125. This section requires the Attorney General to develop software and make it available to States and jurisdictions to establish, maintain, publish and share sex offender registries.

Sec. 126. If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registry program, he is required to the extent practicable, to carry out the obligations of the registry program.

Sec. 127. This section requires jurisdictions to comply with the requirements of this title within 2 years of enactment.

Sec. 128. This section imposes a ten percent reduction in Byrne Grant funds to any jurisdiction that fails, as determined by the Attorney General, substantially to comply with the requirements of this Act.

Sec. 129. This section authorizes the Sex Offender Management Assistance Program to fund grants to jurisdictions to implement the sex offender registry requirements.

Sec. 130. This section authorizes the Attorney General to create a demonstration project for the electronic monitoring of registered sex offenders.

Sec. 131. This section authorizes the Attorney General to award grants to states that substantially implement electronic monitoring programs for life for certain dangerous sex offenders and for the period of court supervision for any other case.

Sec. 132. This section provides NCMEC with access to Interstate Identification Index data.

Sec. 133. This section provides NCMEC with limited immunity related to its CyberTipline.

Sec. 134. This section requires that the Bureau of Prisons make available appropriate treatment to sex offenders who are in need of and suitable for treatment.

Sec. 135. This section requires the GAO to conduct a study to determine the feasibility of using driver's license registration processes as additional registration requirements for sex offenders.

Sec. 136. This section requires the Attorney General to provide technical assistance to jurisdictions to assist them in the identification and location of sex offenders relocated as a result of a major disaster.

Sec. 137. For the purposes of this Act, the term "federally recognized Indian tribe" does not include within its purview Alaska Native groups or entities. In 1884 when Congress created the first civil government for Alaska it decided that Alaska Natives should be subject at all locations in Alaska to the same civil and criminal jurisdiction as that to which all non-Native residents of Alaska are subject. Alaska Natives today are subject at all locations in Alaska, including in communities that are "Native villages" for the purposes of the Alaska Native Claims Settlement Act, to the criminal statutes of the Alaska State Legislature and are prosecuted in the Alaska State courts for violations of those statutes. For that reason, like all other sex offenders who are physically present within the State of Alaska, Alaska Native sex offenders, including offenders who reside in "Native villages", are required by Alaska Statute 12.63.010 *et seq.* to register as sex offenders with the Alaska Departments of Corrections or Public Safety or with an Alaska municipal police department, as appropriate.

Sec. 138. This section authorizes the Justice Department, in consultation with the Secretary of State and the Department of Homeland Security, to establish procedures to notify relevant jurisdictions about persons entering the United States who are required to register.

Sec. 139. This section requires the Justice Department to study risk-based classification systems and report back to Congress within 18 months of enactment.

Sec. 140. This section requires the Justice Department to study the effectiveness of restrictions on recidivism rates for sex offenders and to report back to Congress within 6 months of enactment on this issue.

Sec. 151. This section creates a new federal crime for a Federal sex offender or offender crosses State lines.

Sec. 152. This section authorizes the Attorney General to assist in the apprehension of sex offenders who have failed to comply with applicable registration requirements.

Sec. 153. This section authorizes funding of such sums as necessary for the Attorney General to provide grants to States and other jurisdictions to apprehend sex offenders for failure to comply.

Sec. 154. This section creates an enhanced criminal penalty for use of a controlled substance against a victim to facilitate the commission of a sex offense; and a new criminal offense prohibiting Internet sales of certain "date-rape" drugs.

Sec. 155. This section repeals the predecessor sex offender registry program.

Sec. 156. This section authorizes grants to train and employ personnel to help investigate and prosecute cases cleared through use of funds provided for DNA backlog elimination.

Sec. 157. This section authorizes grants to law enforcement agencies to help combat sexual abuse of children, including additional personnel and related staff, computer hardware and software necessary to investigate such crimes, and apprehension of sex offenders who violate registry requirements.

Sec. 158. This section requires the Justice Department to expand training efforts coordination among participating agencies to combat on-line solicitation of children by sex offenders.

Sec. 159. This section amends the probation and supervised release provisions to mandate revocation when a offender commits a crime of violence or an offense to facilitate sexual contact involving a person under 18 years old.

Sec. 161. This section establishes an Office on Sexual Violence and Crimes Against Children.

Sec. 162. This section provides for Presidential appointment of a Director of the Office.

Sec. 163. This section states the purpose is to administer the sex offender registration and notification program; administer grant programs; and to provide technical assistance, coordination and support to other governmental and nongovernmental entities.

Sec. 201. This section amends the DNA Analysis Backlog Elimination Act to make a correction to ensure collection and use of DNA profiles from convicted offenders.

Sec. 202. This section directs the Attorney General to give appropriate consideration to the need for collection and testing of DNA to stop violent predators against children.

Sec. 203. This section directs the GAO to conduct a study two years after the publication of the model code on the extent to which States have implemented.

Sec. 301. This section modifies the existing statute and adopts new penalties for felony crimes of violence crimes committed against children.

Sec. 302. This section restricts federal habeas review of collateral sentencing claims relating to a state conviction.

Sec. 303. This section establishes victim rights requirements for habeas corpus proceedings.

Sec. 304. This section requires the Attorney General to study the implementation for a nationwide tracking system for persons charged or investigated for child abuse.

Sec. 401. This section modifies the criminal penalties for several existing sexual offenses against children by amending the current law.

Sec. 402. This section expresses a sense of Congress with respect to reversal of criminal conviction of Jan P. Helder, Jr.

Sec. 403. This section authorizes a new grant program for child sex abuse prevention programs, and authorizes $10 million for fiscal years 2007 to 2011.

Sec. 501. This section amends the Social Security Act to require each State to complete background checks and abuse registries relating to any foster parent or adoptive parent application, before approval of such an application, and provides access to agencies responsible for foster parent of adoptive parent placements.

Sec. 502. This section authorizes the Attorney General to provide fingerprint-based background checks to child welfare agencies, private and public educational agencies, and volunteers in order to conduct background checks for prospective adoption or foster parents, private and public teachers or school employees.

Sec. 503. This section amends section 2422(a) and (b) of title 18, United States Code, to increase penalties for coercion and enticement.

Sec. 504. This section increases mandatory-minimum penalties for conduct relating to child prostitution ranging from a mandatory minimum of 10 years to a mandatory minimum of 30 years depending on the severity of the conduct.

Sec. 505. This section amends several statutes relating to sexual abuse.

Sec. 506. This section expands the list of mandatory conditions of probation and supervised release to include submission by the sex offender under supervision to searches by law enforcement and probation officers with reasonable suspicion, and to searches by probation officers in the lawful discharge of their supervision functions.

Sec. 507. This section expands the federal jurisdiction nexus for kidnapping comparable to that of many other federal crimes to include travel by the offender in interstate or foreign commerce, or use of the mails or other means, facilities, or instrumentalities of interstate or foreign commerce in furtherance of the offense.

Sec. 508. This section restricts the scope of the common law marital privileges by making them inapplicable in a criminal child abuse case in which the abuser or his or her spouse invokes a privilege to avoid testifying.

Sec. 509. This section amends 18 U.S.C. §1153, the "Major Crimes Act" for Indian country cases to add felony child abuse or neglect to the predicate offenses.

Sec. 510. This section authorizes civil commitment of certain sex offenders who are dangerous to others because of serious mental illness, abnormality or disorder.

Sec. 511. This section authorizes grants to States to operate effective civil commitment programs for sexually dangerous programs.

Sec. 512. This section amends United States Code, to impose a mandatory-minimum penalties when the offense involved trafficking of a child.

Sec. 513. This section amends United States Code to increase maximum penalties for sexual abuse of wards.

Sec. 514. This section authorizes the indictment of a defendant at any time for a criminal offense for child abduction and sex offenses.

Sec. 515. This section makes the failure to report child abuse a Class A misdemeanor rather than a Class B misdemeanor.

Sec. 601. Findings.

Sec. 602. This section improves the existing record-keeping regulatory scheme by adding to the types of depictions covered to include lascivious exhibition of the genitals or pubic area of any person, and clarifying the definitions applicable to the inspection regime so that those entities that produce such materials comply with the record-keeping requirements.

Sec. 603. This section adopts new record-keeping obligations on persons who produce materials depicting simulated sexual conduct.

Sec. 604. This section specifies that depictions of child pornography discovered by law enforcement must be maintained within the government's or a court's control at all times.

Sec. 605. This section amends the obscenity forfeiture provisions to make the procedures for obscenity forfeitures the same as they are for most other crimes.

Sec. 606. This section criminalizes the production of obscenity as well as its transportation, distribution, and sale, so long as the producer has the intent to transport, distribute, or sell the material in interstate or foreign commerce.

Sec. 607. This section authorizes compensation of court-appointed guardians ad litem.

Sec. 701. This section requires that the Director of the United States Marshals Service consult and coordinate with the Administrative Office of the United States Courts regarding the security requirements for the judicial branch.

Sec. 702. This section authorizes $20,000,000 for each of fiscal years 2006 through 2010 for hiring additional necessary personnel.

Sec. 703. This section would create a new Federal criminal offense for the filing of fictitious liens against real or personal property owned by Federal judges or attorneys.

Sec. 704. This section makes it a Federal crime to knowingly make available otherwise restricted personal information to be used to intimidate or facilitate the commission of a crime of violence against covered officials or family members of covered officials.

Sec. 705. This section requires the Attorney General to report to the House and Senate Judiciary Committees on the security of Assistant United States Attorneys.

Sec. 706. This section makes it a crime punishable by fine and imprisonment of ten years to flee prosecution for the murder, or attempted murder, of a peace officer.

Sec. 707. This section raises sentences for those convicted of murder, or attempted murder, and kidnapping or attempted kidnapping.

Sec. 708. This section authorizes Federal judges and prosecutors to carry firearms, subject to regulations implemented by the Justice Department regarding training and use.

Sec. 709. This section modifies the existing penalties for assaults against a federal law enforcement officer.

Sec. 710. This section creates a new criminal offense for the killing of, attempting to kill or conspiring to kill, any public safety officer for a public agency that receives Federal funding.

Sec. 711. This section raises maximum criminal penalties for violating 18 U.S.C. §1503 relating to influencing or injuring jurors or officers of judicial proceedings by killing, attempting to kill, use force or threatening to kill or harm an officer or juror.

Sec. 712. This section modifies 18 U.S.C. §1512 to increase penalties for killing or attempting to kill a witness, victim, or informant to obstruct justice.

Sec. 713. This section modifies 18 U.S.C. §1513 for killing or attempting to kill a witness, victim, or an informant in retaliation for their testifying or providing information to law enforcement by increasing penalties for causing bodily injury or damaging the person's property or business or livelihood, or threatening to do so.

Sec. 714. This section amends 18 U.S.C. §1952 relating to interstate and foreign travel in aid of racketeering enterprise by expanding the prohibition against "unlawful activity" to include "intimidation of, or retaliation against, a witness, victim, juror, or informant."

Sec. 715. This section amends section 1513 of title 18 to clarify proper venue for prosecutions to include the district in which the official proceeding or conduct occurred.

Sec. 716. This section amends 18 U.S.C. Sec. 930(e)(1) to prohibit the possession of "a dangerous weapon" in a Federal-court facility.

Sec. 717. This section modifies the Federal murder and manslaughter statutes to include new mandatory minimums.

Sec. 718. This section creates a new grant program for States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation and retaliation against victims of, and witnesses to, crimes.

Sec. 719. This section authorizes grants to State courts to conduct threat assessments and implement recommended security changes.

Sec. 720. This section authorizes a new grant program to provide States with funds to develop threat assessment databases.

Sec. 721. This section amends 42 U.S.C. §13862 to authorize grants to create and expand witness protection programs to assist witnesses and victims of crime.

Sec. 722. This section authorizes grants for State and local prosecutors and law enforcement agencies to provide witnesses assistance programs for young witnesses.

Sec. 723. This section modifies the eligibility requirements for discretionary grants to allow State court eligibility.

Sec. 801. This section revises existing section 521 of title 18, U.S.C., to prohibit gang crimes that are committed in order to further the activities of a criminal street gang.

Sec. 802. This section expands existing section 1952 of title 18, U.S.C., to increase penalties and simplifies the elements of the offense.

Sec. 803. This section amends criminal statutes relating to definition and penalties for carjacking, illegal gun transfers to drug traffickers or violent criminals, special sentencing provisions, and conspiracy to defraud the United States.

Sec. 804. This section amends existing section 1958 of title 18, U.S.C., to increase penalties for use of interstate commerce facilities in the commission of a murder-for-hire and other felony crimes of violence.

Sec. 805. This section amends existing section 1959(a) of title 18, U.S.C., to increase penalties and expand the prohibition on include aggravated sexual abuse.

Sec. 806. This section fills a gap in existing federal law and creates a new criminal offense for violent acts committed during and in relation to a drug trafficking crime.

Sec. 807. This section creates a new criminal offense for traveling in or causing another to travel in interstate or foreign commerce or to use any facility in interstate or foreign commerce with the intent that 2 or more murders be committed in violation of the laws of any State or the United States.

Sec. 808. This section modifies the list of RICO predicates to clarify applicability of predicate offense which occur on Indian country or in any other area of exclusive Federal jurisdiction.

Sec. 809. This section applies the rebuttable presumption in pre-trial release detention hearings to cases in which a defendant is charged with firearms offenses after having previously been convicted of a prior crime of violence or a serious drug offense.

Sec. 810. This section amends United States Code to clarify venue in capital cases where murder, or related conduct, occurred.

Sec. 811. This section extends the statute of limitations for violent crime cases from 5 years to 15 years after the offense occurred or the continuing offense was completed.

Sec. 812. This section permits admission of statements of a murdered witness to be introduced against the defendant who caused a witness' unavailability and the members of the conspiracy if such actions were foreseeable to the other members of the conspiracy.

Sec. 813. This section authorizes the Attorney General to charge as an adult in federal court a juvenile who is 16 years or older and commits a crime of violence.

Sec. 814. This section amends title 18 to create a new enhanced criminal penalty when an illegal alien commits a crime of violence or a drug trafficking offense.

Sec. 815. This section requires the Department of Homeland Security to provide to the Department of Justice information about certain immigration violators so that such information can be included in national criminal history databases.

Sec. 816. This section requires the Attorney General and the Secretary of Homeland Security to jointly conduct a study on illegal immigration and gang membership.

Sec. 901. This section authorizes use of Byrne grants to State and local prosecutors to protect witnesses and victims of crimes; to fund new technology, equipment and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to facilitate coordination among law enforcement and prosecutors.

Sec. 902. This section reauthorizes the Gang Resistance Education and Training Program.

Sec. 903. This section authorizes the Justice Department to provide grants to establish offender reentry courts.

Sec. 1001. This section authorizes a new grant program for the National Crime Prevention Council.

Sec. 1002. This section requires the Justice Department to conduct a study.

Sec. 1101. Short Title.

Sec. 1102. This section requires the Secretary of Health and Human Services, with the Justice Department, to create a national registry of substantiated cases of child abuse and neglect.

Mr. Speaker, when I was first elected to the Wisconsin legislature in 1968, one of my mentors warned me against making the perfect the enemy of the good, because if the perfect ends up defeating the good, then bad will prevail.

What we have heard from the opponents of this motion to suspend the rules is that the bill is a good one, but it doesn't do enough, and we ought to add this and this and this and this. But we tried that last year. We passed the core bills of three separate components of this bill, and they ended up getting stuck in the other side of the Capitol Building.

Honestly, our children, our judges, and all Americans can't afford to wait any longer. The gentleman from North Dakota (Mr. POMEROY), I think, summed it up perfectly, that is, that the victims and their families cannot afford to wait any longer because of parliamentary objections to this, that and everything else.

Now, let us look at what this bill does. It allows a national registration of sex offenders so that we can get the over 100,000 convicted sex offenders who slipped through the registration cracks on the Internet so that people will know if they are in their neighborhood. If you defeat this bill, that is not going to happen.

This bill also prevents the sale of date-rape drugs over the Internet. If you defeat this bill, that is not going to happen.

The bill has a number of provisions to protect Federal judges and their families and courthouse personnel and buildings so that we don't have the tragedy that happened to Judge Lefkos in Chicago when two members of her family were murdered. You defeat this bill, our judges are going to be vulnerable.

Practically every community of over a quarter of a million in this country has faced the scourge of gangs. There is comprehensive gang law in this bill that will help our law enforcement get to the ringleaders of these gangs and to arrest them and throw them into jail. That is going to make all of us safer. You defeat this bill, and that is not going to happen.

I want to see a law made, and those who have spoken in support of this motion to suspend the rules want to see this bill become law as quickly as possible. We have a commitment from the majority leader on the other side of the Capitol, if this bill passes today, to schedule it quickly. In the name of our children and all Americans, vote to suspend the rules.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 7, 2006.

Hon. HOWARD P. "BUCK" MCKEON,
Chairman, Committee on Education and Workforce, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing to confirm our mutual understanding regarding H.R. 4472, the "Children's Safety and Violent Crime Reduction Act of 2005," which is scheduled for consideration on the House floor on Wednesday, March 8, 2006. I agree that Title XI of the manager's amendment implicates the jurisdiction of the Committee on Education and Workforce, and appreciate your willingness to forego consideration in order to facilitate floor consideration of this legislation. I agree that your decision to waive consideration of the bill should not be construed to limit the jurisdiction of the Committee on Education and Workforce over H.R. 4472 or similar legislation, or otherwise prejudice your Committee with respect to the appointment of conferees to this or similar legislation.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2005. Title XI of the manager's amendment to be considered under the suspension of the rules, contains the CHILDHELP National Registry Act and is within the jurisdiction of the Committee on Education and the Workforce.

Given the importance of this legislation and your willingness to work with me in drafting the final language of Title XI, I will support the inclusion of this provision in the manager's amendment without consideration by my committee. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Education and the Workforce be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,
HOWARD P. "BUCK" MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES
COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 7, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I am writing concerning H.R. 4472, the "Children's

Safety and Violent Crime Reduction Act of 2005," which is scheduled for floor action on Wednesday, March 8, 2006.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning certain child welfare programs, particularly as they pertain to foster care and adoption. Section 501 of the bill would require States to conduct safety checks of would-be foster and adoptive homes as well as eliminate the ability of States to opt-out of Federal background check requirements restricting Federal support for children placed with foster or adoptive parents with serious criminal histories. Section 502 would require States to check child abuse registries for potential foster and adoptive parents. Thus these provisions fall within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4472, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 7, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS:

I am writing to confirm our mutual understanding regarding H.R. 4472, the "Children's Safety and Violent Crime Reduction Act of 2005," which is scheduled for consideration on the House floor on Wednesday, March 8, 2006. I agree that sections 501 and 502 implicate the jurisdiction of the Committee on Ways and Means, and appreciate your willingness to forego consideration in order to facilitate floor consideration of this legislation. I agree that your decision to waive consideration of the bill should not be construed to limit the jurisdiction of the Committee on Ways and Means over H.R. 4472 or similar legislation, or otherwise prejudice your Committee with respect to the appointment of conferees to this or similar legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 4472, the Children's Safety and Violent Crime Reduction Act. Once again, this Congress is attempting to address very serious and complicated problems with a law that substitutes the talking points of "tough on crime" politicians for the wisdom of judges, prosecutors, treatment professionals and child advocates. As a father and someone who has fought for better foster care, education, and health care for children, I object to this ill-conceived legislation that is as much an attack on our independent judiciary as it is a bill to protect kids.

Many child advocates themselves oppose this bill because kids in grade school or junior high will be swept up alongside paroled adults in sex offender registries. Many caught in registries would be 13 and 14 year olds. In some states, children 10 and under would be registered.

This bill creates new mandatory minimum sentences, which impose the judgment of Congress over every case, regardless of the circumstances. The Judicial Conference of the United States and the U.S. Sentencing Commission have found that mandatory minimums actually have the opposite of their intended effect. They "destroy honesty in sentencing by encouraging plea bargains." They treat dissimilar offenders in a similar manner, even though there are vast differences in the seriousness of their conduct and their danger to society. Judges serve a very important role in criminal justice, and Congress should not attempt to do their job for them.

Finally, this bill expands the death penalty, which is not a deterrent, costs more to implement than life imprisonment, and runs the risk of executing the innocent.

Nobody, especially the parents and victims of sexual abuse who have contacted me on this issue, should confuse my objections to this bad policy with indifference to the problem of child sex abuse in this country. It is a huge problem, affecting millions of American children. Recent news stories prove that the registry system isn't working well.

I support aspects of this bill, including a strengthened nationwide registry for pedophiles, with strict requirements for reporting changes of address and punishments for failing to report. I support establishing treatment programs for sex offenders in prison, background checks for foster parents, funding for computer systems to track sex crimes involving the Internet, and, at last resort, procedures for committing sexually dangerous persons to secure treatment facilities.

However, I cannot violate my Constitutional duty to protect our independent judiciary nor can I support extreme, dangerous policies, so I will vote against this bill. I hope that, working with the Senate, we can improve this legislation and implement the policies that everyone agrees are needed without the unintended consequences of the bill in its current form.

Mr. WATT. Mr. Speaker, I submit the following items for inclusion in the RECORD regarding the House floor consideration of H.R. 4472 on March 8, 2006.

MARCH 7, 2006.

DEAR REPRESENTATIVE CONYERS: On behalf of the Judicial Conference of the United States, the policy-making body of the federal judiciary, I am writing to convey its views regarding the provisions contained in H.R. 4472, the "Children's Safety and Violent Crime Reduction Act of 2005."

We would like to emphasize that there are several ways in which this bill will be helpful to the Judiciary, even though there are some provisions about which we have concerns or would wish to modify. In particular, we greatly appreciate inclusion in this bill of important measures designed to improve the security of our federal courts. Some of the impetus for these court security provisions in the bill arose from the tragic circumstances surrounding the murder of family members of Judge Joan Lefkow of the United States District Court for the Northern District of Illinois. Her husband and mother were shot and killed by a disgruntled litigant.

The current bill contains several provisions that are of particular interest to the federal courts and that are supported by the Judicial Conference. One provision of the bill requires the United States Marshals Service to consult with the Administrative Office of the United States Courts regarding the security requirements of the judicial branch. While this is a positive amendment to current law, we believe that the United States Marshals Service should be required to "coordinate" with the judicial branch.

The bill contains two other provisions that are supported by the Judicial Conference including one that will help protect judges from the malicious recording of fictitious liens and another that extends to federal judges the authority to carry firearms under regulations prescribed by the Attorney General in consultation with the Judicial Conference of the United States. The latter provision says that, with respect to justices, judges, magistrate judges and bankruptcy judges, such regulations "may" provide for the training and regular certification in the use of firearms. The Judicial Conference believes that the training and certification requirement should be mandatory and that "shall" should replace "may."

While the bill addresses many important issues of interest to the Conference, the bill also contains some provisions about which we are concerned, which we briefly address below.

The bill would amend the habeas corpus procedures set out in 28 U.S.C. §§2264 and 2254 to bar federal court review of claims based upon an error in an applicant's sentence or sentencing that a court determined to be harmless or not prejudicial, that were not presented in state court, or that were found by the state court to be procedurally barred, "unless a determination that the error is not structural is contrary to clearly established federal law, as determined by the Supreme Court." This section is similar to a provision of the Streamlined Procedures Act (H.R. 3035 and S. 1088, 109th Congress) that was opposed by the Judicial Conference as described in a September 26, 2005 letter sent to members of the House Judiciary Committee. The Conference specifically opposed sections of the Streamlined Procedures Act that would limit judicial review of procedurally defaulted claims and harmless errors in federal habeas corpus petitions filed by state prisoners. Those provisions had the potential to:

(1) Undermine the traditional role of the federal courts to hear and decide the merits of claims arising under the Constitution;

(2) Impede the ability of the federal and state courts to conduct an orderly review of constitutional claims, with appropriate deference to state-court proceedings; and

(3) Prevent the federal courts from reaching the merits of habeas corpus petitions by adding procedural requirements that may complicate the resolution of these cases and lead to protracted litigation. . . .

The habeas provision in this bill raises similar concerns and is opposed by the Judicial Conference.

Another section would make it a federal crime for a person to knowingly fail to register as required under the Sex Offender Registration and Notification Act if the person is either a sex offender based upon a federal conviction or is a sex offender based on a state conviction who thereafter travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country. Because the requirement to register under that act would include convictions in state courts, this has the potential to expand federal jurisdiction over large numbers of persons whose conduct would previously have been subject to supervision solely by the state courts. In addition, as the bill requires the states to expand systems for supervising all persons convicted of specified offenses, the expansion of federal jurisdiction into this area risks duplication of effort and conflicts between the federal and state systems.

The bill would amend 18 U.S.C. §5032 to allow a juvenile who is prosecuted for one of the specified crimes of violence or firearms offenses to "be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and also [to] be convicted as an adult of any lesser included offense." Given that joinder of offenses is liberally allowed under the Rules, and that the bill further provides that the determination of the Attorney General to proceed against a juvenile as an adult is an exercise of unreviewable prosecutorial discretion, this provision could result in the federal prosecution of juveniles for myriad offenses if they are also prosecuted for a felony crime of violence or a firearms offense.

The bill contains various provisions that expand the application of mandatory minimum sentences. The Judicial Conference opposes mandatory minimum sentencing provisions because they undermine the sentencing guideline regime Congress established under the Sentencing Reform Act of 1984 by preventing the systematic development of guidelines that reduce unwarranted disparity and provide proportionality and fairness in punishment. While we recognize the desire to increase the security of persons associated with the justice system, we believe that this can be accomplished without resort to the creation of mandatory minimums.

I appreciate having the opportunity to express the views of the Judicial Conference on H.R. 4472, the "Children's Safety and Violent Crime Reduction Act of 2005." If you have any questions regarding this legislation please contact Cordia Strom, Assistant Director, Office of Legislative Affairs.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary, Judicial Conference of the United States.

DECEMBER 15, 2005.

DEAR CHAIRMAN SENSENBRENNER AND REPRESENTATIVE CONYERS: On behalf of the National Juvenile Justice and Delinquency Prevention (JJDP) Coalition, an alliance of nearly 100 organizations that work in a variety of arenas on behalf of at-risk youth, we are writing at this time to express our very deep concerns about recently introduced H.R. 4472. This "omnibus" bill incorporates several separate bills; two of these bills have been the focus of strong opposition by this Coalition as being harmful and detrimental in many ways to the best interests of youth.

Specifically, the National JJDP Coalition objects to provisions of Title I, Sex Offender Registration and Notification Act, and Title VIII, Reduction and Prevention of Gang Violence.

TITLE I: SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

The National JJDP Coalition strongly believes that juvenile offenders adjudicated delinquent of sex offenses should be excluded from both the National Sex Offender Registry to be maintained by the Attorney General and the state-level sex offender registries required by H.R. 4472. While we understand that certain Tier I juvenile sex offenders may not be included on the internet or subject to all of the program notification requirements, we believe that this potential remedy does not do nearly enough to differentiate between juvenile and adult sex offenders and simply cannot safeguard juveniles in accordance with established principles of confidentiality. Without the use of careful risk assessments and judicial review for each juvenile sex offender, youth who pose no future risk to public safety will have their own safety jeopardized and their futures inevitably compromised by their inclusion in the registry. We throw away these youth at great cost to our own public safety and future interests.

Critically, the increased penalties in Titles III and IV of H.R. 4472 fail to acknowledge the research on adolescents, generally, and adolescent sex offenders. In creating policy around this issue, it is imperative that policymakers rely on the vast scientific literature distinguishing the behavior of juveniles and adults.

Research has consistently shown that youth who act out sexually differ significantly from adult sex offenders. First, juvenile offenders who act out sexually do not tend to eroticize aggression, nor are they aroused by child sex stimuli as adult sex offenders are. Many young people who exhibit sexual behavior have been sexually abused themselves and/or exposed to pornography or other sex stimulation by someone older. As a result of this abuse and victimization, they need mental health services and support. Mental health professionals regard this juvenile behavior as much less dangerous. Indeed, when applying the American Psychiatric Association diagnostic criteria for pedophilia (abusive sexual uses of children) to the juvenile arrests included in the National Incident Based Reporting System, only 8 percent of these incidents would even be considered as evidence of a pedophilia disorder.

Furthermore, many of the juveniles who are included on sex offender registries are done so for behavior that certainly does not fit the profiles compelling such requirements. For example, under the Idaho Code, two fifteen year olds engaged in "heavy petting" would be guilty of a felony requiring them to register on the state's sex offender list.

Regarding recidivism, not only is the re-arrest rate for youth charged with sexual crimes much lower than that for adults, but the subsequent arrests of these youth are primarily for non-sexual offenses. A 2000 study by the Texas Youth Commission of 72 young offenders who were released from state correctional facilities for sexual offenses (their incarceration suggests that judges considered these youth as posing a greater risk) found a re-arrest rate of 4.2% for a sexual offense. A 1996 study found similarly low sex offense recidivism rates in Baltimore (3.3–4.2%), San Francisco (5.5%) and Lucas County, Ohio (3.2%).

TITLE VIII: REDUCTION AND PREVENTION OF GANG VIOLENCE

The juvenile transfer provisions of Title VIII would result in the expanded "transfer" or "waiver" of youth to the adult criminal system and/or placing an additional number of youth in adult correctional facilities. Comprehensive national research on the practice of prosecuting youth in the adult system has conclusively shown that transferring youth to the adult criminal justice system does nothing to reduce crime and actually has the opposite effect. Study after study has shown that youth transferred to the adult criminal justice system are more likely to re-offend and to commit more serious crimes upon release than youth who were charged with similar offenses and had similar offense histories but remained in the juvenile justice system.

Moreover, national data shows that, in comparison to youth held in juvenile facilities, young people incarcerated with adults are: five times as likely to report being a victim of rape; twice as likely to be beaten by staff; and 50% more likely to be assaulted with a weapon.

A recent Justice Department report also found that youth confined in adult facilities are nearly 8 times more likely to commit suicide than youth in juvenile facilities.

Further, minority youth will be disproportionately affected by this policy. Recent studies by the Department of Justice have shown that more than 7 out of 10 youth admitted to state prisons across the country were youth of color. Youth of color sent to adult court are also over-represented in charges filed, especially for drug offenses, and are more likely to receive a sentence of incarceration than White youth even when charged with the same types of offenses.

Moreover, putting the transfer decision in the sole discretion of a prosecutor, not a judge as the law currently requires, violates the most basic principles of due process and fairness.

We urge you to strike the provisions we have described herein from H.R. 4472 that would place youth on a National Registry and would also expand the number of youth tried as adults and remove judicial discretion from the transfer decision. As advocates for at-risk youth, we are also strong advocates of community safety. But these provisions will not increase community or child safety, they will in fact have the opposite effect. Extensive data and research-based practice supports the positions of the National JJDP Coalition on these issues. We urge you to utilize this evidence in creating policy that will genuinely contribute to enhanced community safety and lower recidivism as well as assist and support system-involved youth in getting on the path to productive adulthood.

We appreciate your consideration of our concerns. If you have any questions, please do not hesitate to contact Morna Murray at the Children's Defense Fund at 202.662.3577, mmurray@childrensdefense.org or Elizabeth Gladden Kehoe at the National Juvenile Defender Center at 202.452.0010, x103, ekehoe@njdc.info.

Sincerely,

MORNA A. MURRAY,
Children's Defense Fund, Co-chair, National Juvenile Justice & Delinquency Prevention Coalition;
JOHN TUELL,
Child Welfare League of America, Co-chair, National Juvenile Justice & Delinquency Prevention Coalition.

Mr. CONYERS. Mr. Speaker, I submit the following items for inclusion in the RECORD regarding the House floor consideration of H.R. 4472 on March 8, 2006.

FEBRUARY 23, 2006.

In New Jersey, the Office of the Public Defender represents all indigent persons entitled to a court hearing concerning the Megan's Law tier classification and community notification proposed for them by the State. Over the past ten years the Office has served as counsel for 60% of persons challenging their tier levels in New Jersey—nearly 3000 cases in a state where approximately 5000 such cases have been adjudicated.

Based upon our long and extensive experience with New Jersey's system of notification and its registrants, as well as our contact with renowned experts in the field of sex offender recidivism, we believe we have a unique perspective to provide the House with comments concerning H.R. 4472 (the Children's Safety and Violent Crime Reduction Act of 2005), currently pending a vote on the House floor.

Our comments focus on four aspects of the current bill. First, unlike the Senate bill on the same topic (S. 1086) the House bill will have a significantly negative impact on many juveniles, subjecting them to notification in their neighborhoods and via the Internet for possibly 20 years. This would inflict undue hardship which, given the low risk of re-offense juvenile sex offenders pose to the public and their strong amenability to treatment, is often not justified by a public safety need.

Second, the notification required by H.R. 4472 will apply to thousands of persons in each state, requiring notice to registrants' neighborhoods and around their work and school, and via the Internet. The proposed notification would include home addresses and places of employment. Neighborhood notification is currently reserved only for New Jersey's approximately 160 high risk offenders, but as proposed under H.R. 4472 would apply to thousands of registrants. Based on our firsthand experience this form of notification will predictably lead to large numbers of offenders becoming homeless and unemployed.

Because this form of notification will undermine the ability of many registrants to maintain stable housing, steady employment and ongoing treatment, it will have a marked impact on registrants' risk levels and opportunities to remain offense free, and thus will negatively affect public safety.

Third, by impacting on registrants' abilities to provide for their most basic needs, H.R. 4472 will severely impede the implementation of sex offender monitoring programs like New Jersey's Community Supervision for Life and Parole for Life programs, which are designed to prevent future reoffending by registrants. *See N.J.S.A.* 2C:43-6.3. As discussed below, due to the form of neighborhood notification proposed by H.R. 4472 parole officers will be unable to keep registrants in jobs, maintain their stable home environments and continue registrants' treatments as those monitoring programs require. In this way, H.R. 4472 will frustrate New Jersey's longstanding efforts to monitor sex offenders and will compromise, not further, community safety.

Fourth,the bill subjects all registrants, including many juveniles, to the identical form of Internet and community based notification, without an individualized risk assessment, despite vast differences among offenders' risk-of-re-offense levels. By treating persons with vastly different risk levels identically, H.R. 4472 creates the misimpression that all offenders pose the same risk. Thus, the bill dilutes the value of notification and diverts attention from those posing the greatest risk.

1. H.R. Will Inflict Undue Hardship on Juvenile Offenders Without a Corresponding Benefit to Public Safety.

Sections 111 and 122 of the bill would provide a limited exception from public notification for juveniles. However, the bill would require juvenile offenders deemed a tier II to be subject to 20 years of public notification to communities and via the Internet. Sec. 111 (6). Some young juveniles may even unfairly be deemed a tier III since the victim involved would likely be less than 13 years of age. See Sec. 111 (7). These tier determinations and the resulting public notification would occur without any individualized assessment of whether the juveniles involved posed anything more than a low risk of re-offense.

Five decades of follow-up studies demonstrate that the vast majority of juveniles will remain free of sex offense recidivism. It is consistently found that sex offense recidivism rates among juveniles are among the lowest of all such offenders—less than 8% in most treatment follow-up studies.

Moreover, studies demonstrate that the motivation and manifestation of sexually inappropriate behaviors of juveniles are very different than those of adult offenders. And, children with sexual behavior problems generally respond well to treatment interventions. If the proposed bill becomes law, however, it will mean that children will be stigmatized for life on the basis of their childhood behavior. Despite the questionable public safety benefits of community notification with juveniles, it is likely to stigmatize them fostering peer rejection, isolation, and increased anger. This impact can prevent juvenile offenders from realizing the benefits of effective treatments. The proposed notification and the ensuing stigma will also result in such persons being denied fair opportunities for employment, education, and housing despite the low risk of recidivism they typically pose. Accordingly, the bill will violate the long tradition in our country of recognizing that most youth who break the law during childhood can and will mature out of this behavior with appropriate guidance and treatment.

Thus, the bill would inflict undue hardship on juveniles, impacting their entire lives, and is not justified by a public safety need. Rather than resort to such a counterproductive approach, as the above cited experts recommend, treatment and supervision should be emphasized for this group of offenders.

2. The Notification Scheme In H.R. 4472 Will Deprive Many Registrants, Including Those Who Are a Low or Moderate Risk, Of The Basic Means To Live Productively In Society With the Unintended Consequence of Increasing Their Risk Of Re-Offense.

H.R. 4472 provides that in most cases the same public notification would be provided to registrant's neighborhoods and in the vicinity where they work and attend school, regardless of their danger to the public. Sec. 122(b),(c). In addition, without determining the actual risk a registrant poses, that notification will include both a registrant's home address and the address of his employer. Sec. 114(a)(3),(4). Moreover, the bill applies retroactively to all applicable offenses.

As set forth above, notification to a registrant's immediate neighbors is currently reserved for roughly 160 high risk registrants in New Jersey. Due to the impact on an offender's life that the notice will have, this small number of registrants is designated "high risk" only after an assessment and court hearing (if requested), showing that the registrant's risk justifies neighborhood notification. Our experience demonstrates that notification (whether via the Internet or provided in a registrant's neighborhood) containing an employer's name and address will frequently result in the registrant's termination. This is due to customers refusing to frequent the business, and neighbors subjecting the employer to enormous pressure to fire the offender.

Likewise, New Jersey registrants subject to neighborhood notification providing their home addresses are often uprooted from their homes, and eventually become homeless. Typically this is due to landlords being pressured by surrounding homeowners to evict the registrant. And in cases where registrants own their home, significant threats and vandalism have occurred to drive the offender away. In one New Jersey case, following notification five bullets were fired through the front window of a registrant's apartment by a neighbor, nearly wounding an innocent tenant. Thus, under H.R. 4472 it is predictable that substantial numbers of registrants will become homeless.

Registrants pose a much higher risk of re-offense when they have no job or stable housing. This is agreed upon by studies in the field of sex offender recidivism, New Jersey's own actuarial scale for determining registrant risk, as well as our experience working with registrants over the past ten years. Therefore, the unintended consequence of providing many registrants' home addresses and places of employment as required by H.R. 4472 will be that substantial numbers will have their re-offense risk increased.

Furthermore, homeless and jobless registrants are, of course, unable to pay for sex offender and substance abuse treatment which have been proven to markedly reduce offense risk. Also, we have witnessed how the desperation caused by this homeless and jobless state has led our clients to suffer severe stress, and relapse into substance abuse, and other high risk behaviors for recidivism. Thus, the notification proposed by H.R. 4472 to registrants' neighborhoods listing their place of employment may trigger a new offense, by removing the supportive components of a person's rehabilitation. See R. Karl Hanson & Andrew Harris, Solicitor General of Canada, Dynamic Predictors of Sexual Recidivism (1998) at 2 ("recidivists showed increased anger and subjective distress just prior to offending"); ATSA, The Registration and Community Notification of the Adult Sexual Offender at 3 (2005) (notification will "ostracize[]" sex offenders and "may inadvertently increase their danger.")

Finally, H.R. 4472 would require notification to be distributed to neighborhoods in cases involving an intra-familial offense. As this notification will result in victims' identities being disclosed to neighbors, the practice will act as a significant deterrent to having victims of familial offenses report them to police. Sec. 111 (6), (7). Thus, public notification in cases involving a single intra-familial offense should be eliminated from the bill.

Given the predictable consequences of the notification proposed in H.R. 4472, we submit that notice to a registrant's neighborhood or around his place of employment which includes his home address, and any notification including his place of work, should occur only for high risk offenders, and only after an individualized risk assessment. Otherwise, H.R. 4472 will run the danger of destabilizing large numbers of registrants by having them lose the jobs and housing essential to maintaining offense-free lives. As mentioned, the notice proposed by the bill will also discourage victims of intra-familial offenses from contacting law enforcement.

3. The Notification Proposed in H.R. 4472 Will Undermine the Ability of States Like

New Jersey to Implement Parole for Life Programs Which Require Law Enforcement Officers to Monitor Registrants, and Require Registrants to Maintain Jobs, Housing and Treatment to Reduce their Risk of Re-Offense.

Since 1994, every adult registrant in New Jersey who committed a sex offense has been placed on a form of close monitoring known as community or parole supervision for life. See N.J.S.A. 2C:43-6.4. The purpose of the program is to locate and monitor adult registrants, potentially for life, "as if on parole." Id. Applicable State regulations provide that the registrant must maintain stable housing and a job, avoid drug or alcohol use (as monitored by urine testing), occasionally submit to random visits by their parole officer at home, attend sex offender and/or substance abuse treatment, as well as other requirements.

The success of this eleven-year-old program depends upon a parole officer being able to locate the lifetime parolee in their home, do random drug and alcohol testing, check for other signs' of instability or loss of employment, and thus prevent the precursors to re-offending. However, the notification provisions of H.R. 4472 will lead to large numbers of offenders becoming homeless and will result in parole officers being unable to locate registrants and provide them with the close supervision needed to reduce recidivism rates. Thus, the State's efforts to assist registrants in keeping stable housing or a job, basic requirements of parole, will be frustrated.

When we explained to a New Jersey parole officer that the proposed legislation will put the addresses of many sex offenders' employers on the Internet, and be provided to offenders' neighbors or to persons living around their employers, she stated that her parolees would "spiral downward," and that they "wouldn't care" about trying to keep from re-offending. She stated, "Our job would be so difficult . . . it's hard enough for them to get jobs." She expressed the view that a significant number might re-offend because, "A lot of these things are due to high stress rates." Finally, she expressed concern that most of them would end up "in homeless shelters" where there is an "increased risk of disappearance or committing a new offense of some kind"—either a nonsexual criminal offense or possibly a sexual offense.

In addition to Community and Parole Supervision for Life, New Jersey also assigns special probation officers to exclusively monitor sex offenders while on parole (prior to implementation of their special sentence of community or parole supervision for life) so they can concentrate on the particular needs this population presents, and provide the type of close supervision they require. (Notably, we have observed that other states appear to be putting more and more sex offenders on probation for life and similarly long sentences, even for very minor offenses—so it is likely that this legislation will strongly affect those states as well.)

When we explained the notification requirements of the bill to a special probation officer he replied that, "You'll end up having many, many people re-offending—what else could they do?" When asked if he thought these provisions would cause many registrants to lose their jobs, he 4 replied, "Absolutely. I can't imagine anyone would want them." He explained that without "work, housing, and normal responsibilities" the registrants would have "no self esteem." He said that they "would not listen to me," and would likely "go out and assault someone else."

Thus, there is serious concern that the basic purpose of the registration provisions of Megan's law (which is to enable law enforcement to locate registrants in the course of investigating new offenses, monitor registrants, and explore allegations of misconduct by such registrants), will be substantially undermined by the notification provision of H.R. 4472.

Over the past dozen years, New Jersey and other states have acted as laboratories for experimentation with sex offender registration and supervision programs. During this period, many states have established effective measures to combat recidivism. We recommend that these states should be consulted closely on H.R. 4472 and given a chance to comment or give testimony about the wisdom of the bill and how it may impact existing, effective law enforcement programs.

4. All Registrants Should Not be Subject to the Same Form of Notification. Rather, the Bill Should Require a Risk Assessment and A Tiered Approach to Community Notification Tied to Risk Level.

Pursuant to Section 122 of the bill, all "sex offenders," regardless of their tier determination, are subject to identical public notification to neighborhoods and via the Internet. See Sec. 122.(b) (making the only potential exception a Tier I, sex offender whose offense was a juvenile adjudication). It has been our experience that, even if a registrant's tier level is included in the notice, this approach will create the misimpression that all offenders pose the same risk. Thus, it will dilute the effectiveness of notification by focusing the public's attention on the offenders truly posing a significant risk of recidivism. This can be avoided, as occurs in New Jersey and other states, by providing notice to neighborhoods (as opposed to Internet notification) only in cases of significant risk. This determination can be made by using available risk assessment tools that validity and economically demonstrate risk level.

Formal studies conducted at the behest of or relied upon by both the federal government and the states confirm that sex offender re-offense rates vary greatly among different categories of offenders. See CSOM, Myths and Facts About Sex Offenders, at 2 (August 2000) (citing various studies regarding recidivism rates and noting: "Persons who commit sex offenses are not a homogeneous group, but instead fall into several different categories. As a result, research has identified significant differences in re-offense patterns from one category to another.") For instance, studies and experts conclude that incest offenders present a very low risk of re-offense. See CSOM, Recidivism of Sex Offenders (May 2001) (citing study which found a 4% rate of recidivism for incest offenders). Other studies have determined that effective treatment substantially reduces recidivism levels. Id. at 12–14 (citing studies demonstrating 7.2% recidivism rate with relapse prevention treatment vs. 13.2% of all treated offenders vs. 17.6% for untreated offenders); Ten Year Recidivism Follow-up of 1989 Sex Offender Releases, State of Ohio Dept. of Rehabilitation and Correction (April 2001) (sex-related recidivism after basic sex offender programming was 7.1 % as compared to 16.5% without programming).

Further studies cited by CSOM and ATSA recognize the positive impact that steady employment, stable housing, ongoing treatment and avoiding isolation play in reducing recidivism levels. See CSOM, Recidivism of Sex Offenders, supra.; ATSA, Ten Things You Should Know About Sex Offenders and Treatment, supra. Thus, while there is an array of well-recognized factors impacting significantly on a registrant's risk to the public, H.R. 4472 fails to consider any, and instead would compel participating states to label registrants based solely on their offense. It would also require the identical type of notification for the overwhelming majority of offenders. This system will unwisely overload the public with thousands of offenders' names and pictures and prevent the public from making informed decisions about which truly pose a significant risk. See In re Registrant E.I., 300 N.J. Super. 519, 526 (App. Div. 1997) (noting that a "mechanical" application of a notification law will "impede [its] beneficial purpose"); E.B. v. Verniero, 119 F.3d 1077, 1107–08 (3d. Cir. 1997) (holding that a state does not have "any interest in notifying those who will come in contact with a registrant who has erroneously been identified as a moderate or high risk.")

For example, under H.R. 4472 a person convicted of criminal sexual contact in New Jersey (N.J.S.A. 2C: 14-3) for touching a juvenile over clothing on the buttocks on one occasion, years ago, with no history of any prior offense and with a successful record of treatment, must be labeled a tier II sex offender. This registrant, along with many others of a similar ilk, would be made subject to notification in his neighborhood and via the Internet with other offenders whose conviction and psychological profile made them much greater risk. (For example, an offender convicted of aggravated sexual assault who received no treatment and had recently been discharged from prison.) Multiply this example by thousands of cases, and it becomes apparent that the public's safety requires a time-tested notification system, like New Jersey's, which includes a risk determination and sends a clear message, through the type of notification provided, which registrants most require the public's attention. The "one size fits all" approach adopted in H.R. 4472 is counterproductive and misinforms the public of the relative danger posed by registrants. For these very reasons, professional groups such as ATSA have called for a risk based approach to community notification which provides the most substantial form of notification for those posing the greatest risk. ATSA, The Registration and Community Notification of Adult Sex Offenders, supra.

In New Jersey, a registrant's risk level is determined using the State's Risk Assessment Scale ("RAS"). The RAS is a matrix of thirteen static and variable risk factors which are weighted according to their relative predictive value. The thirteen factors in the RAS are evaluated and assigned a point score by a prosecutor. The combined point total from the RAS factors determines the registrant's tier classification, placing him in either the low, moderate or high risk levels. With information from the registrant's criminal history and registration data an attorney or paralegal familiar with the RAS can calculate a registrant's point total and resulting tier classification in just a few minutes.

In New Jersey, the hearings that determine the final risk assessment are held within a short time after the RAS determination has been made, and the registrant is ordinarily given approximately 45 days to prepare his case, although some matters are decided in even a shorter term if there is no disagreement. The hearings uncover information that may not be available to the prosecutor, such as whether the registrant is in a supervised placement such as a half-way house, treatment facility or nursing home, which is desirable for the supervision it provides. As set forth above, this influences the degree of notice that is distributed since it affects the registrant's risk and may avoid excessive notification that would require the facility to evict the client, depriving him of needed supervision, and increasing his risk to the community.

The hearings also reveal the history of the registrant since the offense, and how many years he has been at liberty since it occurred which may be as long as 20 or 25 years ago, in some cases. His record of rehabilitation, achievement in sex offender specific therapy and substance abuse recovery, cooperation with probation and/or parole programs, and other information are also considered. Significantly, the system as a whole tends to encourage registrants to continue their rehabilitation when the court fairly considers the efforts of the individual to rehabilitate, and his years of successful adjustment to the community without further offense.

Other factors regarding risk that may be considered include whether the registrant is very ill, elderly and infirm, or wheelchair bound, so as to pose only a low risk for re-offense to the community.

In summary, studies in the field and our experience over the past ten years has shown that sex offenders are a highly heterogeneous group, and that this diversity includes offenders who present little risk of re-offense. Inundating the public with the same form of notification which includes many low risk offenders will only frustrate the remedial goals that notification is designed to serve. Such over-broad notification is especially egregious when one considers that, as discussed above, it impacts substantially upon the ability of an offender to work, find or remain in their housing, continue in treatment and to live offense-free in the community.

We therefore recommend that H.R. 4472 be amended to permit states, (like New Jersey, Massachusetts and New York), to participate in the federal program yet maintain systems which allow for accurate determinations of the true risk of recidivism for registrants and provide forms of notification which are commensurate with that risk. This will allow the public to easily differentiate between offender risk levels. Moreover, it will permit states to meaningfully implement parole for life programs for sex offenders and to monitor them under the regulations provided by those statutes so that they can maintain the stable housing, jobs and treatment needed to continue to pose as low a risk of re-offense as possible.

Respectfully submitted,

MICHAEL Z. BUNCHER,
Deputy Public Defender, State of New Jersey, Office of the Public Defender.

Mr. SCOTT of Virginia. Mr. Speaker, I submit the following items for inclusion in the RECORD regarding the House floor consideration of H.R. 4472 on March 8, 2006.

OPPOSE H.R. 4472, THE CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2005

DEAR REPRESENTATIVE: On behalf of the American Civil Liberties Union, a non-partisan organization with hundreds of thousands of activists and members and 53 affiliates nation-wide, we write to express our opposition to H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2005 ("Omnibus Crime"). H.R.4472 would create ten new federal death penalties and almost 30 new discriminatory mandatory minimums that infringe upon protected First Amendment speech, effectively eliminate federal and state prisoners' ability to challenge wrongful convictions in federal court, make it more difficult to monitor sex offenders and create more serious juvenile offenders by incarcerating children in adult prisons. H.R. 4472 is scheduled for a vote on the House floor on Wednesday, March 8, 2006; we strongly urge you to oppose this legislation.

CONGRESS SHOULD NOT EXPAND THE FEDERAL DEATH PENALTY UNTIL IT ENSURES INNOCENT PEOPLE ARE NOT ON DEATH ROW

The death penalty is in need of reform, not expansion. According to the Death Penalty Information Center, 123 prisoners on death row have now been exonerated. Chronic problems, including inadequate defense counsel and racial disparities, plague the death penalty system in the United States. The expansion of the death penalty for gang and other crimes creates an opportunity for more arbitrary application of the death penalty.

In addition to expanding the number of federal death penalty crimes, this bill also expands venue in capital cases, making any location even tangentially related to the crime a possible site for the trial. This raises constitutional as well as public policy concerns. The U.S. Constitution states that "the Trial of all Crimes . . . shall be by Jury; and shall be held in the State where the said Crimes shall have been committed." This concept is important in order to prevent undue hardship and partiality when an accused person is prosecuted in a place that has no significant connection to the offense with which he is charged. This proposed change in H.R. 4472 would increase the inequities that already exist in the federal death penalty system, giving prosecutors tremendous discretion to "forum shop" for the most death-friendly jurisdiction in which to try their case.

In carjacking cases, this legislation would effectively relieve the government from having to prove that a person intended to cause the death of a person before being subject to the death penalty. This provision is likely unconstitutional in the context of capital cases. In addition, the bill would allow the death penalty for attempt and conspiracy in carjacking cases, which we believe is unconstitutional.

H.R. 4472 ERODES FEDERAL JUDGES' SENTENCING DISCRETION BY PROPOSING HARSHER MANDATORY MINIMUM SENTENCES

This legislation would create 29 new mandatory minimum sentences that would result in unfair and discriminatory prison terms. Many of the criminal penalties in this bill are increased to mandatory minimum sentences, including the sentence for second-degree murder that would be a mandatory sentence of 30 years. Although, in theory, mandatory minimums were created to address disparate sentences that resulted from indeterminate sentencing systems, in reality they shift discretion from the judge to the prosecutor. Prosecutors hold all the power over whether a defendant gets a plea bargain in order for that defendant to avoid the mandatory sentence. This creates unfair and inequitable sentences for people who commit similar crimes, thus contributing to the very problem mandatory minimums were created to address.

PEOPLE COULD BE CONVICTED OF A "GANG" CRIME EVEN IF THEY ARE NOT MEMBERS OF A GANG

This legislation would impose severe penalties for a collective group of three or more people who commit "gang" crimes. This bill amends the already broad definition of "criminal street gang" to an even more ambiguous standard of a formal or informal group or association of three (3) or more people who commit two (2) or more "gang" crimes. The number of people required to form a gang decreases from five (5) people in an ongoing group under current law to three (3) people who could just be associates or casual acquaintances under this proposed legislation. Under current law it is essential to establish that a gang had committed a "continuing series of offenses." By eliminating this requirement, H.R. 4472 defeats the purpose of a gang law, i.e. to target criminal activity that has some type of connection to a tight knit group of people that exists for the purpose of engaging in illegal activities.

H.R. 4472 JEOPARDIZES A PERSON'S RIGHT TO A FAIR TRIAL

Innocent people could be convicted of crimes they did not commit if the statute of limitations is extended as proposed in this legislation. The Omnibus Crime bill proposes to extend the statute of limitations for non-capital crimes of violence. Generally, the statute of limitations for non-capital federal crimes is five (5) years after the offense is committed. Fifteen years after a crime is committed, alibi witnesses could have disappeared or died, other witnesses' memories could have faded and evidence may be unreliable. The use of questionable evidence could affect a person's ability to defend him or herself against charges and to receive a fair trial.

This legislation would also preclude defense attorneys in child pornography cases from obtaining possession of the alleged child pornography, possibly depriving the defendant of a fair trial. This provision is entirely unnecessary, since federal courts routinely issue extremely restrictive protective orders regarding alleged child pornography. These protective orders preclude duplication or review of the alleged child pornography except as necessary for the preparation of the defense. Giving the government sole possession of the material may well harm the defendant's case. Forensic analysis is often critical in determining whether the material is, in fact, child pornography.

TITLE VI INFRINGES UPON CONSTITUTIONALLY PROTECTED SPEECH UNDER THE FIRST AMENDMENT

The legislation would require record keeping for simulated sexual conduct. Simulated sexual conduct that is not obscene is protected under the First Amendment. "Laws that burden material protected by the First Amendment must be approached from a skeptical point of view and must be given strict scrutiny." The fact that those laws only burden rather than prohibit protected material does not save them constitutionally.

This provision of the bill infringes upon protected speech and is not narrowly tailored to solve the problems of child pornography. Understandably, mainstream producers will comply with the law, but those who are intent on making child pornography are unlikely to do so. This provision is therefore constitutionally suspect.

FEDERAL COURTS WOULD ESSENTIALLY BE UNABLE TO RELEASE SOME PEOPLE ON DEATH ROW WHO WERE WRONGFULLY CONVICTED

Most habeas corpus petitions that challenge a person's death or criminal sentence are brought to federal court based on a constitutional error that under the law is considered "harmless" or "non-prejudicial." These types of legal errors do not involve substantial rights and do not necessarily result in a person being released from custody. H.R. 4472 would prevent federal courts from hearing claims in death penalty cases that involve claims of cruel and unusual punishment under the Eighth Amendment or whether a defendant's lawyer was ineffective during the sentencing phase of a capital case.

This provision of the bill has serious implications for the independence of the federal judiciary. Congress' attempt to strip Article III courts of their constitutional habeas corpus jurisdiction is unconstitutional under the doctrine of Separation of Powers. Removing jurisdiction over many habeas claims from Federal courts ignores the Separation of Powers doctrine by eliminating the role of the courts in upholding constitutional rights of prisoners.

H.R. 4472 WOULD RESULT IN THE ROUTINE COLLECTION AND PERMANENT RETENTION OF DNA SAMPLES AND PROFILES FROM INNOCENT PEOPLE

The "Violence Against Women Act of 2005" (VAWA) was signed into law on January 5, 2006, (P.L. No: 109–162) and dramatically expands the government's authority to collect and permanently retain DNA samples. Under this law, persons who are merely arrested or detained by federal authorities would be forced to have their DNA collected and stored alongside those of convicted felons in the Federal DNA database. However, under current law, DNA samples that are voluntarily submitted to law enforcement authorities are not included in the Combined DNA Indexing System (CODIS). In addition, DNA profiles of individuals arrested but not convicted of crimes can be expunged from CODIS upon receipt of a "certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal."

However, H.R. 4472 would permit voluntarily submitted samples to be included in CODIS and would eliminate the expungement provision for people whose DNA was incorporated in the federal database based on an arrest that never resulted in a conviction. Retaining a person's DNA in a criminal database renders him or her an automatic suspect for any future crime. This is problematic for any category of tested persons, but especially for those who have been arrested but not convicted of a crime.

In addition, the Omnibus Crime bill would allow states to upload to CODIS DNA samples submitted voluntarily in order to eliminate people as suspects of a crime. This will increase the use by law enforcement of DNA "sweeps" and reducing the willingness of citizens to cooperate with the police.

H.R. 4472 WILL MAKE IT MORE DIFFICULT TO MONITOR SEX OFFENDERS BY SIMPLY FORCING OFFENDERS UNDERGROUND

The proposed legislation requires sex offenders to update registry information within 5 days of a change in residence, employment or student status. This requirement is unrealistic and works against the goal of being able to monitor sex offenders. If the registration requirements are unrealistic, offenders will fail to register and end up underground, which is contrary to the goal of tracking and locating them. Under the Omnibus Crime bill, states will be required to verify sex offender registry information in persons possibly as frequently as once every three months and required to verify their residences as often as once every month depending on the class of offender. This will be an enormous burden on the states to create and implement systems to track sex offenders on a monthly basis.

The bill will also require the work addresses of sex offenders to be available on the Internet. Publicizing information about employers and their addresses on the Internet could ultimately lead to employers refusing to hire former sex offenders. Research has shown that significant supervision upon release and involvement in productive activities are critical to preventing sex offenders from reoffending. Limiting the opportunities of sex offenders to maintain gainful employment is counter-productive to their rehabilitation as well as to keeping communities safe.

CHILDREN WOULD BE PUT IN FEDERAL PRISON WITH LITTLE OPPORTUNITY FOR EDUCATION OR REHABILITATION

Under the Omnibus Crime bill, more children will become hardened criminals after being tried in Federal court and incarcerated in adult prisons. H.R. 4472 would give prosecutors the discretion to determine when to try a young person in Federal court as an adult, if the juvenile is 16 years of age or older and commits a crime of violence. The decision by a prosecutor to try a juvenile as an adult cannot be reviewed by a judge under this legislation. This unreviewable process of transferring youth to adult Federal court is particularly troubling when juveniles are not routinely prosecuted in the Federal system and there are no resources or facilities to address the needs of youth.

For the above-mentioned reasons, we urge members to oppose H.R. 4472 when the House votes on the bill on March 8, 2006.

Sincerely,

CAROLINE FREDRICKSON,
Director,
JESSELYN MCCURDY,
Legislative Counsel

HUMAN RIGHTS WATCH LETTER

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: We write to urge you to vote against the Omnibus Crime Bill, H.R. 4472, which is scheduled for a vote on Wednesday, March 8, 2006. This legislation would at the whim of the Attorney General subject children to adult trials and adult penalties, impose a wide array of new, harsh mandatory minimum sentences, and mandate prolonged registration for former sex offenders, even if they have remained offense-free for decades after being released from prison.

The following provisions of the bill are of particular concern:

Juvenile Transfer Provisions: Under this legislation, the Attorney General could make unreviewable and unilateral decisions to subject children to adult trials and adult sentences. Under current law, children can generally only be tried and sentenced as adults after a transfer hearing, where a court considers the age and background of the child and determines whether a transfer serves the interest of justice. Under H.R. 4472, these teenagers would be subject to adult sentences, including life without parole, regardless of their vulnerability and capacity for reform.

More than 20 years of experience across the nation has revealed that subjecting children to adult sentences is an ineffective, unjust, and costly means of combating crime. Certainly, children can and do commit terrible crimes, and when they do, they should be held accountable. Yet, they should be held accountable in a manner that reflects their special capacity for rehabilitation. There is no legitimate basis for granting the Attorney General the unchecked authority to subject an increased number of children to adult sanctions.

Mandatory Minimums: The legislation would impose harsh, new mandatory minimums for a wide array of crimes, including crimes of conspiracy, aiding, and abetting. Punishment should be tailored to the conduct of the individual, including his or her role in the offense and his culpability. Blanket mandatory minimums tied to one or two factors do little to protect community safety at high cost to the criminal justice system. This legislation incorporates three bills that have already passed the House, H.R. 1279 ("Gang Deterrence Act of 2005"), H.R. 3132 ("Children's Safety Act of 2005"), and H.R. 1751 ("Secure Access to Justice and Court Protection Act of 2005"), with some modifications. It does not include the hate crime enhancement and gun prohibition provisions that passed as part of H.R. 3132.

If anything, Congress should be looking for ways to eliminate mandatory minimums and restore judicial discretion, proportionality, and fairness in sentencing.

Expansion of the Federal Death Penalty: The legislation greatly expands the number of federal crimes that carry the death penalty. This expansion of the death penalty is at odds with the growing recognition that the criminal justice system is fallible, arbitrary and unfair, and does not deter crime. There is no legitimate basis for expansion of this inherently cruel and immutable punishment.

Registration Requirements for Low-Level Offenders: There may be legitimate community safety rationales for requiring, for a limited period of time, certain sexual offenders to register. There is, however, no legitimate community safety justification for the provisions in this legislation that require offenders to register for the rest of their lives, regardless of whether they have lived offense free for decades. There is also no legitimate community safety goal served by the provisions that impose 20-year registration requirements on low-level or misdemeanor offenders. These registration requirements are imposed on individuals who have already served their sentences and are attempting to reintegrate into the community. Registration requirements put these individuals at risk of retaliation and discrimination and make it extremely difficult for these individuals to find employment, housing, and to rebuild their lives.

Human Rights Watch fully supports holding accountable those who violate the rights of others. But commission of a crime, even a crime that involves sexual misconduct, should not be license to run roughshod over principles of fairness and proportionality. Human Rights Watch urges you to vote against H.R. 4472.

Respectfully submitted,

JENNIFER DASKAL,
Advocacy Director, U.S. Program.

Mr. DREIER. Mr. Speaker, I rise in strong support of H.R. 4472, the Children's Safety and Violent Crime Reduction Act. This bill combines three measures, previously approved by the House with strong bipartisan support, which seek to protect our children, combat gang violence and ensure the safety of judicial and law enforcement officials.

This legislation sends a strong message to our law enforcement officers and local officials that the Federal government is a key partner in their efforts to keep our communities safe. I represent Los Angeles and San Bernardino Counties, where law enforcement officers are combating gang violence by increasing the number of gang task forces and reaching out into the community to give kids alternatives to gang membership. This legislation imposes the tough mandatory sentences we need to keep gang members off the street and our neighborhoods safer. We are also doing the same for sex offenders, keeping them off the streets longer, and enforcing registration laws to empower parents with the information they need to keep their children safe.

I would like to take a few moments to comment on the judicial and law enforcement protection provisions of the bill. Judges, peace officers and everyone involved in the justice system are protectors of the law and servants of safety. They devote their lives and often place themselves in harm's way so that we may live without fear and danger. Any attack on these dedicated Americans is an attack on the very foundation of our Nation.

H.R. 4472 addresses the growing national problem of violence against those working to uphold the law. Although crime is down nationwide, threats and attacks against police officers, judges, and witnesses continue to escalate. According to the Federal Bureau of Investigation (FBI), between 1994 and 2003, 616 law enforcement officers were murdered in the line of duty. This includes 59 officers from my home state of California, the most of any state.

Murdering a law enforcement officer is an especially despicable and heinous crime. Tragically, California lost one of its courageous officers nearly four years ago and only recently has the suspected killer been apprehended. Los Angeles County Sheriff's Deputy David March was brutally slain execution style during a routine traffic stop on April 29, 2002. The suspect, Armando Garcia, fled to Mexico within hours of Deputy March's death and had eluded prosecution by U.S. authorities. Mexico's refusal to extradite individuals who may face the death penalty or life imprisonment had complicated efforts to bring Garcia back to the U.S. to face justice.

Over the last four years, Deputy March's family and friends, fellow law enforcement officers, local public officials and my colleagues in Congress have worked together to find a resolution to this horrible situation. Mr. Speaker, we must protect our Nation's sovereignty and ensure that criminals who break our laws and flee the country are brought to justice here at home. That is why we urged President Bush and officials at the State and Justice Departments to take aggressive action to change Mexico's extradition policy. We met with officials in the Mexican government to urge them to change their extradition policy. I even argued before Mexican Supreme Court justices on the intolerable nature of their extradition rulings.

Last year, my friend from Pasadena, Mr. SCHIFF, and I introduced H.R. 3900, the Justice for Peace Officers Act, with the strong support of Los Angeles County Sheriff Lee Baca. The bill makes it a federal crime to kill a peace officer and flee the country; it provides for the possibility of federal prosecution; and it allows for punishment by the death penalty or life imprisonment. I am especially pleased that Chairman SENSENBRENNER and Mr. GOHMERT included key provisions from this bill in H.R. 1751, and now in H.R. 4472. Specifically, this provision makes it a federal crime to kill a law enforcement officer, and it makes such a crime punishable by the death penalty, life imprisonment or a mandatory minimum of 30 years in prison. In addition, the bill adds a mandatory minimum 10 year penalty on top of the punishment for killing a law enforcement officer if the suspect flees the country to avoid prosecution.

This is a national problem that will now receive national attention. Making it a federal crime to kill a peace officer will provide another critical tool to pursue and punish cop-killers on the federal level. This provision also ensures that criminals who murder law enforcement officers and escape to another country will have the full weight of the Federal Government on their trail.

Mr. Speaker, last year, we experienced a tremendous breakthrough in our efforts. In November 2005, the Mexican Supreme Court issued a ruling to allow extradition for suspects facing life in prison in the U.S. for their crimes. The decision, which overturns a four year old ban on such extraditions, will now pave the way for more extraditions to the U.S. from Mexico.

And on February 23, Mexican law enforcement agents, acting on information provided by the U.S. Marshals Service, Los Angeles County Sheriff's Department and Los Angeles County District Attorney's Office, apprehended Armando Garcia in the Guadalajara suburb of Tonala. He is now in custody and U.S. authorities are taking steps to extradite him to the U.S.

Mr. Speaker, the capture of Armando Garcia is a victory for justice and, most important, for the March family. Law enforcement on both sides of the border deserve tremendous credit for working together and staying on his trail for nearly four years. This success demonstrates the importance of an ongoing dialogue between our two countries.

While approving H.R. 4472 is a bold step toward enhancing protection of peace officers, we must continue our efforts to prevent tragedies like Deputy March's murder from ever happening again. I firmly believe that the Administration should use all available resources to bring about a change in policy in any country that refuses to extradite murderers to the U.S. because they may face the death penalty or life imprisonment for crimes they committed on our soil.

Mr. Speaker, I strongly support the bill and urge my colleagues to vote in favor of the measure.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 4472, the Children's Safety Violent Crime Reduction Act. Every day it seems the American people are confronted by another heinous case of child abduction and assault. These crimes are some of the most jarring to our society and more must be done to reduce their occurrence. Last year, I voted in favor of the Child Safety Act and I am proud to support this bill today. H.R. 4472 will strengthen sex offender registration, community notification and publication requirements. Many of the violent crimes against children are preventable if communities know that possibly dangerous offenders live amongst their neighbors. That is why I am pleased to see that this bill includes the Dru Sjodin National Sex Offender Public Website—a resource for families to identify sex offenders in their community.

Also Mr. Speaker, I want to thank Chairman SENSENBRENNER for including my legislation, H.R. 4883, the Justice for Crime Victims' Families Act, as part of this necessary bill. As a former County Commissioner for 10 years, I have had the experience of working with my local District Attorney on many important, time sensitive cases. One of the problems I always heard is that the police needed better communication, coordination between their local, state and Federal counterparts.

My legislation focuses on the need to help our nation's criminal investigators conduct investigations into abductions and homicides faster and more efficiently and to fill the gap in communication that was expressed to me in the County. My bill would require the Attorney General to produce a report to Congress outlining the current state of coordination in information sharing between Federal, state and local law enforcement, and the sources of funding currently available for homicide investigators. The Attorney General must also examine what is being done to expand national criminal records databases, enhance the collection of DNA samples from missing persons and improving the performance of medical examinations.

I am concerned that not enough is being done to give our investigators the best information available in the fastest time possible. We can't hinder our investigators with jurisdictional hurdles and information blockades. My legislation will look for ways to make communication and information sharing more efficient and productive especially for time sensitive cases. I call on my colleagues to support this important legislation.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to H.R. 4472, the Children's Safety and Violent Crime Reduction Act. By bringing to the floor bills that already passed the House but with a few key provisions stripped, the House leadership is using procedural maneuvers to thwart the bill supported by a bipartisan majority of House members and by a significant majority of Americans. I am particularly outraged that the leadership jettisoned the hate crimes provisions from H.R. 3132, which passed by a strong bipartisan vote of 223 to 199 last September.

While all of us want to protect our children, we cannot fully reduce crime and protect child safety without acknowledging the terrorizing impact that hate-motivated violence has in our society. I have serious concerns with several provisions included in H.R. 4472, most notably the provisions that would impose harsh, new mandatory minimums, expand the number of federal crimes that carry the death penalty, and subject children to adult trials and adult sentences. However, I have more concerns about what is not in the bill. Last September, the House voted to protect children from sexual predators *and* from the perpetrators of hate-crimes. This bill retreats from that position and will leave our children vulnerable to violence on the basis of their sexual orientation, disability, gender, ethnicity, race or religion. Our children deserve better from us.

I urge my colleagues to reject H.R. 4472 and enact long overdue hate crimes legislation that will send a clear message that hate violence has no place in America.

Mr. FLAKE. Mr. Speaker, I would like to comment on section 302 of the Children's Safety and Violent Crime Reduction Act of 2006. This section is based on an amendment that I offered, and that was accepted by voice vote, to H.R. 3132, a predecessor version of the Children's Safety and Violent Crime Reduction Act, on September 14 of last year.

Section 302 is named after Kenneth Wrede, a young man who served as a police officer in West Covina, California. On August 31, 1983, Officer Wrede responded to a call about a man behaving strangely in a residential neighborhood. Wrede confronted the man, who became abusive and tried to hit Wrede with an 8-foot tree spike. Wrede could have shot the man, but instead attempted to defuse the situation. The man then reached into Wrede's patrol car and ripped the shotgun and rack from the dashboard. Wrede drew his gun and tried to persuade the man to lay down the shotgun. The man did so, but when Wrede lowered his revolver, the man picked up the shotgun again and shot Wrede in the head. Officer Wrede was killed instantly. He was 26 years old.

Officer Wrede's killer was sentenced to death in 1984, and that conviction was affirmed by the California Supreme Court in 1989. Then in 2000—17 years after Ken Wrede's murder—a divided panel of the Federal Court of Appeals for the Ninth Circuit reversed the killer's death sentence. The Ninth Circuit found that the killer's lawyer provided ineffective assistance of counsel at the sentencing phase of the trial because he did not present additional evidence of the killer's abusive childhood and chronic use of PCP.

When the Ninth Circuit handed down its ruling, Officer Wrede's mother simply noted that, "We thought we finally were close to getting this behind us. And now this." (Gordon Dillow, Long Wait for Justice Gets Worse, The Orange County Reg., May 11, 2000, at B01.) A California Deputy Attorney General denounced the court's action, commenting that "it can always be suggested a jury should have heard something else in the penalty phase of a death penalty case." (Richard Winton, Reversal of Death Penalty in Officer's Killing Decried Courts, L.A. Times, May 10, 2000, at B3.) West Covina Corporal Robert Tibbets, the original investigator at the scene of Wrede's murder, described the Ninth Circuit's decision as a "miscarriage of justice." (Id.) He had promised Officer Wrede's parents that he would accompany them to every court hearing for their son's killer. He made good on his promise. Nineteen years later, in 2002, Corporal Tibbets was there with the Wredes when their son's killer was given a second sentencing trial and was again sentenced to death.

But the Wredes now face yet another round of state-court appeals for their son's killer, and that litigation will be followed by a new a battery of federal habeas appeals. At the 2002 retrial, Ken's father noted that "my family and I had endured 19 years of trial, appeals, delays, causing us to relive the trauma of Kenny's death over and over again." The trial judge noted the absurdity of this system. He stated, "It is an obscenity to put anyone through this needlessly for 19 years. It is inexcusable for us in the system that we need to look at this case for 19 years to get it resolved. The system at some point in the line has become clogged and broken." (Larry Welborn, 19 Years and No Resolution For Parents, The Orange County Reg., Sept. 21, 2002.)

My amendment will prevent injustices such as the one inflicted on the Wredes. It will guarantee that federal jurisdiction will not be used to reverse criminal sentences and force a repeat of the litigation years after the crime has occurred, the trial has been completed, and state appeals have been exhausted—all because of an error that was already judged harmless in state proceedings, or that was never presented at all on earlier review.

It is simply ridiculous that, 17 years after a police officer was murdered, federal courts would prolong the litigation of the case of the officer's killer for this kind of reason. The error identified by the Ninth Circuit in the Wrede case had nothing to do with the reliability or fairness of the jury's conclusion that the defendant had murdered Officer Wrede. Instead, the Ninth Circuit invalidated the sentence because it thought that the trial attorney could have introduced additional evidence of the killer's use of phencyclidine. (Trial counsel already had introduced considerable evidence of such drug use during the guilt phase of the trial.) Frankly, I do not see how the fact that a defendant regularly used a dangerous drug could mitigate his criminal conduct at all. The jury in the Wrede case did not think so, nor did the state appeals courts think that additional evidence of the defendant's PCP use could reasonably have affected the jury's decision to sentence the defendant to death. The Ninth Circuit's conclusion that such an error could have made a difference in the sentencing decision obviously is a highly subjective judgment. It is not really a judgment of law, so much as a question of personal opinion and popular psychology. Such unstable judgments, at least with respect to sentencing errors that are properly subject to harmlessness review, should not be a basis for overriding duly entered state criminal sentences many years after the fact.

My amendment to this bill builds on an amendment that I filed earlier in this Congress and which has been enacted as section 507 of the USA Patriot Improvement and Reauthorization Act. That amendment guarantees that states such as Arizona and California will be given an objective evaluation of their eligibility for the streamlined and expedited habeas corpus procedures in chapter 154 of title 28. That chapter sets strict time deadlines for federal judicial action on capital habeas-corpus petitions in qualifying states, restricts amendments, and eliminates ping-pong litigation between state and federal courts over unexhausted claims. By unlocking states' access to chapter 154, my previous amendment will ensure that cases such as that of Kenneth Wrede's killer—or the infamous Christy Ann Fornoff case in Arizona—will be resolved much more quickly. My current amendment to the Children's Safety and Violent Crime Reduction Act will ensure that these types of cases are not reversed on account of claims of minor and highly subjective sentencing errors. Allegations of such errors do not relate to the defendant's culpability for the underlying offense, and they do not merit the use of federal judicial resources at this late stage of the criminal-litigation process.

My amendment is based on a legislative proposal that is part of the habeas corpus reform bill introduced by Senator KYL and Congressman LUNGREN. That broader bill has been the subject of four hearings in this Congress: two before the House Judiciary Committee's Crime Subcommittee on June 30 and November 10, and two before the Senate Judiciary Committee on July 13 and November 16.

Between its evolution from the Kyl/Lungren bill to my amendment, and again from my original amendment to the provision in the current Children's Safety and Violent Crime Reduction Act, section 302 has been modified somewhat. First, it has been expanded to also apply to those sentencing claims that the habeas applicant procedurally defaulted in the state courts. It would make no sense to limit federal review for a habeas petitioner who presented his sentencing claim in state court in a timely manner, where the error had been found harmless, but to afford unrestricted habeas review to a petitioner who did not timely and properly present his claim in state proceedings. The purpose of the procedural-default doctrine is to encourage state prisoners to abide by state procedural rules. That purpose would be undercut if the applicant presenting a defaulted sentencing claim were afforded more liberal access to federal court than the applicant who had properly presented his claim during state review.

Also, allowing defaulted sentencing claims to be heard for the first time in a federal application inevitably disrupts the federal proceedings. A defaulted claim generally will not have been considered on the merits in state court, and therefore there is no evidentiary record on which to evaluate the claim in federal court. And allowing the applicant to obtain relief on a defaulted claim in federal habeas inevitably prejudices the state. As the Supreme Court has noted, forcing prisoners to timely present their claims in state court "affords the state courts the opportunity to resolve the issue shortly after trial, while evidence is still available both to assess the defendant's claim and to retry the defendant effectively if he prevails in his appeal." Murray v. Carrier, 477 U.S. 478 (1986). But when a federal habeas court orders a sentencing retrial on the basis of a claim that was never presented to the state courts, it often will have been many years since the original trial and the crime occurred. (In the Wrede case, the Ninth Circuit's reversal of the killer's sentence came 17 years after the crime had been committed.) During this time, witnesses often will die or disappear or their memories will fade and other evidence will become unavailable. If defaulted claims were exempted from my amendment, not only would habeas petitioners presenting such claims have better access to the federal courts than would those who followed state rules; the relief that the defaulting petitioner obtains would be more likely to mean not just a second chance to try the sentencing case, but rather would amount to a permanent bar on the state's imposition of a capital or other sentence.

Finally, I would like to respond briefly to those critics who argue that any tailoring or limits on federal habeas-corpus review constitute an unconstitutional "suspension" of the Great Writ. I would note that federal courts rejected this argument when it was made by critics of the 1996 reforms. The courts noted that Congress has the power both to expand and to retract the scope of federal collateral review of state criminal convictions. In Felker v. Turpin, 518 U.S. 651 (1996), the U.S. Supreme Court highlighted the utter lack of basis for the view that Congress is required to grant lower federal courts unrestricted power over state criminal convictions:

> "The first Congress made the writ of habeas corpus available only to prisoners confined under the authority of the United States, not under state authority. It was not until 1867 that Congress made the writ generally available in 'all cases where any person may be restrained of his or her liberty in violation of [federal law].' And it was not until well into this century that this Court interpreted that provision to allow a final judgment of conviction to be collaterally attacked on habeas."

The Supreme Court concluded: "We have long recognized that the power to award the writ by any of the courts of the United States, must be given by written law, and we have likewise recognized that judgments about the proper scope of the writ are normally for Congress to make."

The U.S. Court of Appeals for the Seventh Circuit elaborated on this point in Lindh v. Murphy, 96 F.3d 856 (rev'd on other grounds, 521 U.S. 320), and explained the nature of the constitutional habeas right:

> "The writ known in 1789 was the pre-trial contest to the executive's power to hold a person captive, the device that prevents arbitrary detention without trial. The power thus enshrined did not include the ability to reexamine judgments rendered by courts possessing jurisdiction. Under the original practice, "a judgment of conviction rendered by a court of general criminal jurisdiction was conclusive proof that confinement was legal * * * [and] prevented issuance of a writ." The founding-era historical evidence suggests a prevailing view that state courts were adequate fora for protecting federal rights. Based on this assumption, there was (and is) no constitutionally enshrined right to mount a collateral attack on a state court's judgment in the inferior Article III courts and, a fortiori, no mandate that state court judgments embracing questionable (or even erroneous) interpretations of the federal Constitution be reviewed by the inferior Article III courts."

The Seventh Circuit concluded: "Any suggestion that the [Constitution] forbids every contraction of the [federal habeas] power bestowed by Congress in 1885, and expanded by the 1948 and 1966 amendments, is untenable."

My amendment is a necessary and appropriate adjustment to the federal jurisdiction over state criminal convictions. I am pleased to see that it is part of the Children's Safety and Violent Crime Reduction Act.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am voting in favor of passing H.R. 4472, The Children's Safety and Violent Crime Reduction Act of 2006. However, I want to make clear the serious concerns I have regarding some of the content of this legislation and the manner in which it is being considered by the House of Representatives.

I ultimately support this legislation, primarily because it incorporates the core content contained in H.R. 3132, The Children's Safety Act of 2005, which was previously passed by the House of Representatives on September 14, 2005. H.R. 3132—and by extension H.R. 4472—provides for vital improvements to strengthen the ability of our justice system to protect children from sex offenders. This legislation helps to develop a comprehensive national approach to prevent sex offenders from preying on our children, as it creates a national sex offender registry and increases penalties for sex crimes against children. Like everyone else, I have been horrified by the recent cases of abductions and murders of children by sex offenders, and am determined to do everything in my power as a public official to prevent such tragedies from ever occurring again.

I am also supportive of the main provisions of H.R. 1751, The Secure Access to Justice and Court Protection Action of 2005, which are included in H.R. 4472. These provisions would increase federal penalties for the assault, murder, or kidnapping of judges and court employees and make it a federal crime to kill or assault public safety officers or other court personnel.

However, H.R. 4472 also contains the core content of additional legislation, H.R. 1279, The Gang Deterrence and Community Protection Act of 2005, which I voted against last year on May 11, 2005. H.R. 1279—and by extension H.R. 4472—creates new federal criminal penalties and mandatory minimums for crimes committed by gang members, yet it loosely defines the definition of gang membership. Further, it redefines "crimes of violence" to include drug-trafficking crimes, and authorizes the Attorney General to charge a juvenile as an adult for certain crimes. I believe this aspect of the legislation has many flaws, one of which is the ability to penalize even nonviolent drug dealing and some misdemeanors as "crimes of violence." I am opposed to prosecuting youth as adults and imposing mandatory minimum sentences.

We already incarcerate two million people, about half for non-violent drug crimes, and I believe that we need to emphasize more prevention and early intervention programs geared towards at-risk youth. This legislation seriously errs in its lack of focus on prevention and early intervention, which time after time has proven to be the most effective way to prevent juvenile, and ultimately, adult crime.

I also think it is yet another abuse of the procedures of the House by the majority to bring up this bill on the suspension calendar. The suspension calendar, which does not permit amendments, is intended for non-controversial bills for which there is broad consensus. For the reasons described above and others, many Members of this body have reservations about H.R. 4472. Undoubtedly, a number of Members would have offered improving amendments if given the opportunity. Perhaps those amendments would have been rejected by a majority of the House, and would have failed. Perhaps they would have been approved unanimously. Bringing this legislation up on the suspension calendar subverts the democratic process. Particularly given that the House has already passed the entire contents of H.R. 4472, it is patently obvious that the sole purpose of bringing up H.R. 4472 without an ability to amend it is to play politics.

In conclusion, my vote in favor of passing H.R. 4472 comes despite my reservations regarding these controversial provisions, and is driven by my overriding concern for the safety of our nation's most valuable asset—our children. I continue to have major concerns about some elements of the legislation, and particularly the manner in which it has been brought up. Protecting our nation's children should be our overriding priority, and worth real debate and attention from the House.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FEENEY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4472, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENDING NORMAL TRADE RELATIONS TREATMENT TO UKRAINE

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1053) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine, as amended.

The Clerk read as follows:

H.R. 1053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds as follows:

(1) Ukraine allows its citizens the right and opportunity to emigrate, free of any heavy tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of such citizens to emigrate to the country of their choice.

(2) Ukraine has received normal trade relations treatment since 1992 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 since 1997.

(3) Since the establishment of an independent Ukraine in 1991, Ukraine has made substantial progress toward the creation of democratic institutions and a free-market economy.

(4) Ukraine has committed itself to ensuring freedom of religion, respect for rights of

minorities, and eliminating intolerance and has been a paragon of inter-ethnic cooperation and harmony, as evidenced by the annual human rights reports of the Organization for Security and Cooperation in Europe (OSCE) and the United States Department of State.

(5) Ukraine has taken major steps toward global security by ratifying the Treaty on the Reduction and Limitation of Strategic Offensive Weapons (START I) and the Treaty on the Non-Proliferation of Nuclear Weapons, subsequently turning over the last of its Soviet-era nuclear warheads on June 1, 1996, and agreeing, in 1998, not to assist Iran with the completion of a program to develop and build nuclear breeding reactors, and has fully supported the United States in nullifying the Anti-Ballistic Missile (ABM) Treaty.

(6) At the Madrid Summit in 1997, Ukraine became a member of the North Atlantic Cooperation Council of the North Atlantic Treaty Organization (NATO), and has been a participant in the Partnership for Peace (PfP) program since 1994.

(7) Ukraine is a peaceful state which established exemplary relations with all neighboring countries, and consistently pursues a course of European integration with a commitment to ensuring democracy and prosperity for its citizens.

(8) Ukraine has built a broad and durable relationship with the United States and has been an unwavering ally in the struggle against international terrorism that has taken place since the attacks against the United States that occurred on September 11, 2001.

(9) Ukraine has concluded a bilateral trade agreement with the United States that entered into force on June 23, 1992, and is in the process of acceding to the World Trade Organization (WTO). On March 6, 2006, the United States and Ukraine signed a bilateral market access agreement as a part of the WTO accession process.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PRODUCTS OF UKRAINE.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the effective date under subsection (a) of the extension of nondiscriminatory treatment to the products of Ukraine, title IV of the Trade Act of 1974 shall cease to apply to that country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is really an exciting time in which we recognize the continuing maturation and involvement of a new nation, yet a nation of people who have deserved better over many decades and are now beginning to see the fruit of their struggle manifest itself. We are asking today in this legislation to recognize that the country of Ukraine that has entered into a series of agreements with the United States and other countries, and I include an exchange of letters between the United States Trade Representative Rob Portman and myself as chairman of the Ways and Means Committee, indicating some certainties as to that agreement, and to anxiously await the comments by my colleagues as we recognize that the Ukraine, through very difficult economic and political transformations, has reached the point of integrating itself into the world economy.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 6, 2006.

Hon. ROB PORTMAN,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR PORTMAN: I understand the United States and Ukraine have concluded the bilateral negotiations on market access issues related to Ukraine's World Trade Organization (WTO) accession. The Committee has received the confidential documents related to the accord, and I congratulate you and your negotiators on a very strong agreement.

The commitments that Ukraine has made related to market access for goods and services, as well as on sanitary and phytosanitary (SPS) obligations and intellectual property rights, are very important for U.S. exporters and to Members of Congress. It is essential that Ukraine comply fully with all of its WTO commitments. To that end, I write to seek your assurances that you will be steadfast in confirming that Ukraine fully implements all of its commitments as scheduled, and that you will not support its accession unless that is the case.

I look forward to moving legislation through Congress to grant permanent normal trade relations (PNTR) to Ukraine quickly after the bilateral agreement is signed. Unconditional normal trade relations is a basic tenet of WTO membership, and granting PNTR to Ukraine will allow the United States to benefit from the WTO commitments made by Ukraine. I look forward to your response.

Sincerely,

BILL THOMAS,
Chairman.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, March 6, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS: Today, the United States and Ukraine signed a bilateral market access agreement as part of the negotiations for Ukraine's accession to the World Trade Organization (WTO). As we have discussed, this agreement is a significant step forward in our commercial relations with Ukraine. In addition to market access commitments that create new opportunities for U.S. exports, Ukraine's recent efforts to address intellectual property (IPR) and sanitary and phytosanitary (SPS) issues are particularly noteworthy evidence of Ukraine's desire to become part of the global trade community.

The WTO accession negotiations with Ukraine are proceeding on two tracks: (1) bilaterally to open up Ukraine's markets to U.S. exports and investment; and (2) multilaterally to focus on WTO rules issues that relate to matters such as transparency, agriculture, customs, IPRs, state-owned enterprises, and services. The complete WTO accession package will include: (1) the best of Ukraine's commitments made in bilateral negotiations on market access for goods, agriculture, and services; and (2) Ukraine's commitments to revising its trade regime to adhere to WTO rules. These commitments will be included in a multilaterally agreed Protocol of Accession and Report of the Working Party which are analogous to legislation and the committee report on that legislation.

Ukraine must still complete its bilateral negotiations with other Members as well as the multilateral part of the negotiations. We will continue to work with the Ways and Means Committee and others in Congress as we continue these negotiations. Under WTO rules, the Working Party must approve, by consensus, the final accession package before the General Council can approve the terms for Ukraine's membership in the WTO. We will carefully review Ukraine's implementation of all WTO requirements, including market access commitments and SPS and IPR obligations, prior to accession. This will enable us to have confidence that Ukraine is complying with its SPS commitments to us and will comply fully with all of the commitments that it will assume as a WTO member, thus providing the basis for joining the consensus on Ukraine's terms of accession.

After the Congress enacts legislation terminating application of the "Jackson-Vanik" amendment, the United States will be able to provide permanent normal trade relations (PNTR) treatment to Ukraine. WTO membership for Ukraine means that in addition to our bilateral mechanisms, we will be able to use the WTO to monitor implementation of commitments, and as needed, avail ourselves of the various consultation mechanisms in the Agreement. Finally, should we be unable to resolve our differences, we will have recourse to the Dispute Settlement Understanding.

I look forward to working with you and other Members of Congress on Ukraine's WTO accession and PNTR legislation.

Sincerely,

ROB PORTMAN.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, first, let me thank Mr. THOMAS for the manner in which this legislation has been brought forward, in allowing us to vote on the permanent normal trade relations with the Ukraine.

Mr. Speaker, 1 year ago, in my capacity as ranking member at the U.S.-Helsinki Commission, I traveled to the Ukraine with my colleague and chairman, Congressman CHRIS SMITH. We made our trip shortly after the historic Orange Revolution, and I was impressed by the commitment of the Ukraine's new leaders to consolidate democracy, promote respect for human rights, and modernize the country's economy.

☐ 1200

I also was impressed by the leader's commitment to further integrate

Ukraine into the European and Euro-Atlantic community.

I am not the only one to have been impressed by Ukraine's efforts. International organizations such as Freedom House have acknowledged Ukraine's progress of recent years in protecting the political rights and civil liberties of its citizens.

Mr. Speaker, I believe Congress should demonstrate its support for Ukraine's reforms by approving legislation today that would grant Ukraine's permanent normal trade relation status, and, therefore, take it one step closer to becoming a member of the WTO.

The passage of PNTR for Ukraine will also show Congress's support for the efforts of the Yushchenko government to ensure that the upcoming March 26 parliamentary elections will be free and fair. I am pleased that my Helsinki Commission colleague from Florida, Congressman ALCEE HASTINGS, has been appointed as the OSCE PA Special Coordinator for our election observation mission there, and I look forward to reviewing the mission's findings and reports.

So far, the pre-election process, while not completely problem free, has been dramatically different from the period leading up to the fraudulent elections of November 2004, which ignited the Orange Revolution. In the 2004 elections, the Ukraine and government instructed the media about how to cover the elections and systematically abused government resources. In contrast, the upcoming elections are expected to be free and fair.

Mr. Speaker, I also want to take a few moments to comment on the issues of the underlying legislation we are considering today. The issue Congress is formally considering today is whether to withdraw the application of the Jackson-Vanik amendment to Ukraine and thereby grant Ukraine permanent normal trade relations status. The Jackson-Vanik amendment, which was adopted in 1975, was intended to provide a way for the United States to deny trade benefits to countries that are denying the rights of its citizens, particularly religious minorities.

Mr. Speaker, in light of the commitment that Ukraine has demonstrated in protecting the rights of religious minorities, I think it is appropriate that we withdraw the application of the Jackson-Vanik amendment to Ukraine.

Since independence, each successive Government of Ukraine has demonstrated a consistent commitment to defending the religious and ethnic rights of all of the people of the Ukraine. Current President Victor Yushchenko has continued this unambiguous commitment by pledging to bring minority groups together and reconciling historic conflicts. The International Religious Freedom Report of 2005 published by the United States State Department recognizes, "President Yushchenko has, since taking office, spoken publicly about his vision of a Ukraine in which religious freedom flourishes and people are genuinely free to worship as they please."

It must be understood, however, that there remain issues of concern, most notably the return of communal religious property that was confiscated during the Soviet era, and the anti-Semitic activities of Ukraine's largest private university, the Interregional Academy of Personnel Management.

Mr. Speaker, I have raised both of these issues in recent days with the Ambassador from the Ukraine and from other Ukrainian officials, and I have been impressed by their commitment to address these issues. Ukrainian officials have assured me that the government is committed to continuing its effort to return communal property and that the Government of Ukraine will continue to condemn at the highest levels the anti-Semitic activities of the Interregional Academy of Personnel Management and any other anti-Semitic activities.

Mr. Speaker, given these concerns, I am pleased that the legislation we are considering today highlights the importance of Ukraine's continuing commitment to ensure freedom of religion, respect for minorities, and eliminating intolerance.

Shortly I will yield time to the gentleman from California (Mr. LANTOS), the ranking member of the International Relations Committee and our leader in Congress on the issue of human rights, democracy and religious freedom. Mr. LANTOS is the leader in Congress of our Task Force to Combat Anti-Semitism, and I want to thank him for working with me, the Helsinki Commission, and the OSCE as we have battled against the rise of anti-Semitism globally, and particularly within the OSCE states.

Ukraine has agreed to certain commitments to fight anti-Semitism, as have all of the 55 participating states of the OSCE. And let me make this crystal clear: today we intend to hold Ukraine to these commitments, including the responsibility to denounce anti-Semitism statements and vigorously enforce hate crime laws and promote diversity and tolerance in school curriculum. I am pleased that section 1, paragraph 4 of the resolution before us references these OSCE commitments.

Let me make a personal reflection here. During my visit to Ukraine last year, I visited two monuments, the Ukraine Famine Memorial, honoring the millions of victims of Stalin's genocidal 1932 and 1933 famine, and Babi Yar, where hundreds of thousands of Jews and others were massacred by the Nazis during World War II.

Mr. Speaker, it was a moving experience for me to lay a wreath at these sites in the Ukraine. These horrific events were a testimony to the cruelty and intolerance of dictatorships, and I do believe that today's independent Ukraine now understands that respect for human rights and a commitment to democracy and tolerance are the best inoculation against the horrors like the famine and Babi Yar.

The United States Government, the Helsinki Commission, and the OSCE look forward to working with a democratic Ukraine as they continue to build their institutions of democracy, establish the rule of law, protect human rights and religious freedom and combat corruption.

I commend Ukraine for its progress in promoting political and economic freedom for its citizens and its integration into the global rules-based economy. I urge my colleagues to join me in demonstrating support for the Ukraine's efforts by voting today to grant the country permanent normal trade status.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased by the statement of my friend from Maryland, and am also pleased to underscore the fact that my colleague and friend from California and I will stand together all the time in making sure that the conditions under which we examine and approve normal trade relations follow what should be a model. But, indeed, if you have to make sure it is followed, it will be followed.

Mr. Speaker, it is now my pleasure to yield 3 minutes to the chief sponsor of H.R. 1053, the gentleman from Pennsylvania (Mr. GERLACH).

Mr. Speaker, prior to recognizing him, I yield the balance of my time to the chairman of the Trade Subcommittee, the gentleman from Florida (Mr. SHAW), and ask unanimous consent that he control the remainder of the time.

The SPEAKER pro tempore (Mr. FEENEY). Without objection, the gentleman from Florida will control the time.

There was no objection.

Mr. GERLACH. Mr. Speaker, I would like to thank the gentleman from California, Chairman THOMAS, and his staff for their cooperation in bringing H.R. 1053 to the floor today. Also I would like to thank my colleague from Pennsylvania, Mr. WELDON, and the other cochairs of the Ukrainian Caucus, Mr. BARTLETT, Ms. KAPTUR and Mr. LEVIN, for all of their hard work in helping to generate such a broad, bipartisan coalition of support for H.R. 1053.

Most importantly I would like to thank the Jackson-Vanik Graduation Coalition and all the leaders of the Ukrainian-American community in southeastern Pennsylvania and throughout the country for their tireless efforts in support of this legislation, and commend them on the tremendous job they have done promoting the progress the Ukraine has made over the past few years.

During the Orange Revolution of 2004, the whole world watched as the people of Ukraine protested allegations of massive corruption, voter intimidation and direct electoral fraud. They sent a clear message that regardless of these obstacles, they wanted and supported with their votes a pro-democracy, pro-reform candidate for President, Victor Yushchenko. This election highlighted the commitment of the Ukraine people to a free and prosperous democracy, and the country overnight became a role model for the entire region.

Since the election, the government has remained committed to broad-based reform and economic liberalization. This commitment was evident most recently on Monday, March 6, when the United States and Ukraine signed a bilateral WTO Agreement on Market Access, a major step towards Ukraine ultimately joining the WTO.

H.R. 1053 is another important step for Ukraine as it becomes a partner in the global economy. The bill lifts the Jackson-Vanik restrictions and authorizes President Bush to permanently extend normal trade relations treatment to Ukraine.

The United States Congress adopted the Jackson-Vanik legislation in 1974 to halt normal trade relations between the United States and those countries that restricted free immigration, especially for persons of the Jewish faith. Over 30 years later, virtually everyone agrees that Ukraine's record on freedom of immigration and religious freedom and tolerance is good.

These restrictions have long been outdated, a fact recognized by the administration in its granting of normal trade relations status to the Ukraine on a yearly waiver basis by the President. Because of this, my legislation will not affect current trade relationships with the Ukraine on a dollar-and-cents term. However, the message we are sending by making this relationship permanent is priceless to the people of the Ukraine. It strongly reaffirms our long-term partnership and support as Ukraine continues down the path of reform and democracy.

Again, Mr. Speaker, I would like to thank my colleagues, the cosponsors of the bill, and the chairman and members of the Committee on Ways and Means for their work in bringing this bill to the floor today.

Mr. CARDIN. Mr. Speaker, it is now my pleasure to yield such time as he may consume to the gentleman from California (Mr. LANTOS), our champion on human rights here in the Congress and our leader in the fight against anti-Semitism.

Mr. LANTOS. Mr. Speaker, I want to thank my good friend from Maryland for yielding, for his eloquent statement and for his leadership on all human rights issues that come before this House.

Mr. Speaker, like all of our colleagues, I welcome the democratic strides that Ukraine has taken since the Orange Revolution, and I want to note that the country has met the basic narrow condition for lifting Jackson-Vanik restrictions. Jews are allowed to emigrate from Ukraine. But I am very deeply concerned about the larger human rights questions, and particularly the failure to deal with rampant anti-Semitism in Ukraine.

Mr. Speaker, the Anti-Defamation League, which monitors anti-Semitic incidents around the world, reports a disturbing trend in Ukraine. In 2005, 164 incidents of anti-Semitism, ranging from vandalism to brutal violence, were reported there, three times the incidents reported in 2004.

The principal source of anti-Semitic agitation in Ukraine is the so-called private university MAUP, which is officially recognized as an institute of higher education. It is accredited by Ukraine's Ministry of Education, it has tens of thousands of students enrolled at various campuses around the country, and it offers courses in many fields.

But despite the apparent claim of legitimacy, this is the worst kind of disgrace to academia worldwide. This so-called university organizes sickening anti-Semitic meetings and conferences and regularly publishes anti-Semitic articles and statements in two widely distributed periodicals. Its so-called president and other faculty members have made it their life's goal to resuscitate and spread anti-Semitism in Ukraine, a country with a disgraceful history and mass murder in that subject. The president of this university, Shchokin, is the head of another organization which also uses its license for purely anti-Semitic activities.

One of these institution's most appalling actions has been to court the disgraced and odious American white supremacist David Duke. This "university" awarded him a doctorate for a thesis entitled, "Zionism as a Form of Ethnic Supremism." David Duke holds forth in the classrooms in Ukraine on history and international relations. He was also a key participant in a June 2005 conference sponsored by this so-called university entitled, "Zionism: A Threat to World Peace."

Other leading anti-Semites in Ukraine were given star billing at that conference, including Holocaust deniers.

□ 1215

Recently the president of the so-called university expressed public support for Iranian President Ahmadinejad's denial of the Holocaust, and approved of his threat to wipe Israel off the map.

Mr. Speaker, in meetings with officials of Ukraine and top officials of our own government, I have repeatedly emphasized that I cannot support lifting Jackson-Vanik provisions for Ukraine when the government fails to deal with the issue of anti-Semitism. I have called upon Ukrainian officials to speak out and publicly denounce this vile venom from the so-called university and its president.

I am pleased to report to my colleagues, Mr. Speaker, that while this ugly problem has not yet been fully resolved, over the last few months a number of positive steps have been taken by the Government of Ukraine, and that is the reason I am willing to support the lifting of Jackson-Vanik for Ukraine.

I would like to mention the most positive actions that have been taken to deal with anti-Semitism in response to the serious concerns that I have raised with both Ukrainian and American officials. The President of Ukraine, Victor Yushchenko, on December 5, 2005, publicly condemned anti-Semitism, and he specifically criticized the so-called university, MAUP, for its systematic publication of viciously and violently anti-Semitic articles.

President Yushchenko urged all Ukrainians to join him in condemning all manifestations of anti-Semitism and xenophobia, which he said the new democratic Ukrainian state will not tolerate. President Yushchenko called upon the faculty of this so-called university to respect citizens of all nationalities and religious faiths and to stop rousing national hatred.

On January 23 of this year, the Foreign Minister of Ukraine, Borys Tarasiuk, strongly condemned the anti-Semitic actions of this university. He announced, "Having exhausted all efforts to convince the university's leaders to drop their unlawful and wrongful actions", the Foreign Minister broke off all contacts with the university a year ago. The Foreign Minister stressed, "There is no place for any form of anti-Semitism or xenophobia in Ukraine."

The Ministry of Education and Science also issued a statement on January 23 accusing this so-called university of violating Ukrainian law. It said that there was persistent noncompliance with requirements of state licensing rules for universities. The ministry's statements said this institution pursued "activities inconsistent with the status of higher educational institutions in the Ukraine."

I am calling on the Government of Ukraine to lift the license of the so-called university to function. It is a disgrace to the new Ukraine, and it is a disgrace to the civilized world, and I am looking forward to early action by the Government of Ukraine.

On February 16, Mr. Speaker, the Presidential party made a statement condemning the anti-Semitic activities of this institution, noting, "Inflaming hostility, anti-Semitism and xenophobia by leaders of MAUP is a blatant violation of the rights and freedoms of the people. It casts a shadow on Ukraine, a country pursuing the way of democracy".

Just this past Friday, Ukraine's Foreign Minister, Borys Tarasiuk, in a letter to me, said that his government takes anti-Semitism seriously and will deal with it in a bold manner. He said that all governmental departments have ceased cooperation with this institution, that it is becoming isolated and marginalized. Its future is more than vague, in view of the ongoing investigations, said Minister Tarasiuk in his letter. He also stated that formal charges are to be filed in the coming weeks.

I look forward to the filing of these formal charges and the lifting of the license of the institution.

Mr. Speaker, at the end of my statement, I will insert into the RECORD the full text of all of these documents.

Mr. Speaker, I believe Ukrainian officials are acting in good faith to stop the nauseating and repulsive anti-Semitic actions of this so-called university and its vile and despicable leadership. I will continue to monitor anti-Semitism in Ukraine, and I will continue to work with the officials of the Ukrainian Government to bring this ugly process to an end.

I support, Mr. Speaker, reluctantly and with reservations, the legislation before us today to grant PNT status and to remove the Jackson-Vanik provisions from Ukraine. Ukraine has taken important steps forward, and I look forward to working with the Government of Ukraine under the leadership of President Yushchenko in dealing with the problem I discussed.

Mr. Speaker, I include for the RECORD here the materials I discussed previously:

UKRAINE PRESIDENT CONDEMNS ANTI-SEMITISM

Victor Yushchenko urged society to jointly condemn all manifestations of anti-Semitism and xenophobia, and claimed that the state would not tolerate them.

'The President stressed that government should protect citizens of all nationalities and religious beliefs. He pledged that it would consistently fight against national, racial or religious discrimination in our country.

"There can be no national issue in a civilized country," he said. The Head of State is worried that anti-Semitism spreads throughout Ukraine.

He condemned the Interregional Academy of Personnel Management (IAPM) as an institution that systematically publishes anti-Semitic articles in its publication 'Personnel.'

Yushchenko said he had left the supervisory council of the journal to protest against this inhumane policy. He called on professors of the IAPM to respect citizens of all nationalities and confessions and to "stop rousing national hatred."

FOREIGN MINISTER TARASIUK: MAUP ACTIVITIES UNLAWFUL

On January 23d speaking on national television Foreign Minister of Ukraine Borys Tarasiuk strongly condemned the anti-Semitic actions of MAUP University in Ukraine. He confirmed that "having exhausted all efforts to convince MAUP leaders to drop their unlawful and wrongful actions" he broke off contacts with the University a year ago. According to Tarasiuk, "there is no place for any form of anti-Semitism or xenophobia in Ukraine".

At the same time the Ministry of Education and Science of Ukraine issued a press-release accusing MAUP of breaking Ukrainian law. In particular it pointed out persistent incompliance with requirements of state licensing rules for universities, failure to abide with legally binding procedures of the State Accreditation Commission etc. The press release qualifies it as "a general negligence of law and a desire to pursue activities inconsistent with the status of Higher Education Institute in Ukraine". The Ministry addresses the issue to the Ukrainian law enforcement bodies with request to analyze to what extent the actions of MAUP comply with Ukrainian law.

STATEMENT BY "OUR UKRAINE" OF THE OUR UKRAINE BLOC ON MANIFESTATION OF ANTI-SEMITISM AT MAUP

Inflaming hostility, anti-Semitism and xenophobia by certain leaders of the Inter Regional Academy of Personnel Management (MAUP) in MAUP-owned or affiliated mass media is a blatant violation of rights and freedoms of people. It casts a shadow on Ukraine, a country pursuing the way of democracy. A new anti-Semitic article "Minister of American synagogue" was published in the last edition of "Ukrainian newspaper plus". It represents a deliberate xenophobic act towards Ukrainian citizens.

The Our Ukraine Bloc considers such activity outrageous and damaging, especially at the time of formation of a free civil society. The Orange revolution displayed Ukraine as a new democracy. Anti-Semitic attacks on the side of MAUP damage Ukraine's image and hamper equal and close relations with its biggest world partners. Atavistic thinking of MAUP leadership might create a bizarre picture of Ukraine as a primitive and nationalistic state.

We consider this humiliation of Ukraine in the eyes of the world community inappropriate and strongly urge the MAUP leadership to review their views as harmful and shameful for Ukrainian people. In the beginning of the III millennium there cannot be any place for paranoid ideology in public and political sphere!

Representatives of any nation in Ukraine have a right for self-realization and development of their national and socio-cultural identity. There is only one Ukraine for all of us!

MINISTER FOR
FOREIGN AFFAIRS OF UKRAINE,
March 3, 2006.

Hon. TOM LANTOS,
House of Representatives,
Washington, DC.

DEAR MR. LANTOS: Let me first of all express my deep respect to you as a long-time supporter of my country. Being a part of opposition in Ukraine during dramatic elections of 2004 I was encouraged and impressed by the letters you co-signed in defense of Ukrainian democracy. I also appreciate the unequivocal support of my country's graduation from the Jackson-Vanik amendment you rendered right after the victory of democratic forces in December 2004.

It is my strong conviction that the present moment gives a precious opportunity to lay a solid fundament for a reliable Ukrainian-American partnership for decades to come. Let me assure you that Ukrainian Government won't let marginal forces like infamous MAUP University thwart that chance.

In December–February President Yushchenko, myself and pro-presidential party bloc "Our Ukraine" have strongly condemned the anti-Semitic escapades of MAUP leaders. All governmental bodies have seized their co-operation with MAUP. All political forces denied them collaboration during the forthcoming elections.

Politically, MAUP University is isolated and marginalized. Legally, its future is more than vague in view of ongoing investigations (the formal charges are to be filed in the coming weeks). I sincerely hope that you won't see the very existence of this small group of obscurants in my country as an impediment on the way of enhancing Ukrainian-American partnership.

Dear Congressman, anti-Semitism is an issue Ukrainian Government takes seriously and deals with in an expedient and bold manner. This is yet another issue on which we are ready to actively co-operate with the United States. In this regard, I would appreciate if we could meet and discuss all range of Ukraine-U.S. issues during my visit to Washington, D.C. on March 9–10, 2006.

Sincerely,

BORYS TARASYUK.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in support of this bill and particularly to congratulate the gentleman from Pennsylvania (Mr. GERLACH), who is its primary sponsor and who has carefully shepherded it forward at a very sensitive time in U.S.-Ukrainian relations.

Mr. Speaker, I strongly support this bill especially when taken in tandem with economic and political reforms made by the Ukraine, as well as the efforts of our negotiators to put together a solid WTO market access agreement.

I urge my colleagues to vote in favor of passage of this bill on the heels of the other body passing a similar measure under unanimous consent. Just 2 days ago an agreement on market access was signed between the U.S. and the Ukraine. This agreement is an excellent start to fostering a continued growth between our two countries.

We recognize that some frictions remain, but this agreement, along with the Ukraine's accession to the WTO, will better enable us to resolve these frictions expeditiously, and in a mutually beneficial manner. Granting permanent normal trade relations, along with steps already taken to make government loan guarantees from the Export-Import Bank available to U.S. exporters to the Ukraine, will significantly increase U.S. investment in the Ukraine.

Granting the Ukraine permanent normal trade relations status will not only complement the difficult economic reforms that have been made. It will also support and reinforce the democratic reforms being made by President Yushchenko.

It is vital that Congress move forward and reaffirm our commitment to the Ukraine, to its reforms, both democratic and economic. Mr. Speaker, I urge passage of this bill.

Mr. CARDIN. Mr. Speaker, I ask unanimous consent that each side be given an additional 2 minutes.

The SPEAKER pro tempore (Mr. FEENEY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CARDIN. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I join my colleagues in support of this for the reasons that they have all given. What happens in Ukraine is important for its people, obviously. It is important for its neighbors. It is important for us in the United States, and I think really in the world. Let me just state why I think it is important in terms of its economic and democratic development.

Clearly it has met the requirement in Jackson-Vanik as to immigration. Jackson-Vanik was an amendment to a trade bill, and so it is relevant for us to look at the economic and democratic developments within Ukraine. The Jackson-Vanik instrument is our opportunity in the Congress to deal with the accession of countries to the World Trade Organization, and that is why we have withheld PNTR in several cases until we were satisfied in terms of the WTO accession agreements and could participate in the development of those agreements.

The U.S. has now negotiated with Ukraine a WTO accession agreement, and it is satisfactory. I think it will be mutually beneficial. I think also it will spark further reforms within Ukraine, both economic and also, I think, help the evolution of democracy within that country. So this is an important moment in terms of the economic role of Ukraine and the evolution of its democratic processes.

Let me say another word, if I might quickly, about the importance. We have been working on this legislation for a number of years. In proposals that we have placed on the record, that we have introduced, we have talked about various aspects of our relationship with Ukraine, and various doings within Ukraine, both human rights, how it treats its workers and many other aspects.

All of these aspects are not covered in this legislation, but I do think this legislation points out the importance of Ukraine to continue its democratic evolution. There are challenges ahead. I have had the chance to talk with constituents, with the large Ukrainian-American community in the 12th District.

And I want to close with this. To echo what Mr. LANTOS has said, and others, what happens in Ukraine is important, as I said, not only for its people, but really for the whole world. The Orange Revolution really resounded throughout the globe. It was an important moment for all of us, and so is its progress in terms of human rights and in terms of the elimination of anti-Semitism within Ukraine.

Mr. Speaker, so I join in this effort, and I urge that we all support it.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as has been discussed here today certainly, the Jackson-Vanik restrictions were made as an amendment to a 1974 trade bill actually to punish the Soviet bloc nations for their despicable human rights record.

Following the collapse of the Soviet Union, Jackson-Vanik restrictions were placed on all of the former Soviet Republics, including the Ukraine. In recent years, the world has watched as the Ukraine has embraced democracy and freedom through their Orange Revolution.

The Ukraine has been a great ally in the war on terror. The Ukraine has clearly taken appropriate steps to open their society and economy and becoming an important member of the community of free nations. The Ukraine should be free of the onerous restrictions, because they have met each of the tests laid out by the law. In fact, the Ukraine has been granted an annual waiver from these restrictions each year for nearly a decade.

Mr. Speaker, my district is home to many people of Ukrainian descent. In fact, southeast Michigan, I believe, has, if not the largest, certainly one of the largest Ukrainian populations in our entire Nation.

These people are great Americans. They are great patriots. For years they have fought against Soviet oppression of the Ukrainian people and on behalf of freedom. They now embrace democracy and freedom that has come to their homeland, and they know it is both appropriate and very necessary for this Congress to act on this issue.

It is time for us to recognize the friendship of the Ukraine as well as permanently remove them from the restrictions of Jackson-Vanik.

Mr. Speaker, I urge my colleagues to support this very, very important legislation today on the floor.

☐ 1230

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON) who is a very active Member of the Congress with regard to our relationship with the Ukraine.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in solid support of this legislation and with deep thanks to the leadership on both sides of the aisle for their work on this issue.

This is a critically important piece of legislation, not just for the people of Ukraine but for the people of the world. As a founder and cochair of the Ukrainian Rada-U.S. Congress relationship, this has been our number one priority for a number of years. But going back in my own career as a mayor and former county commissioner, I can recall each January that, with hundreds of my Ukrainian-American constituents, we would assemble and light candles. We would light candles for those people who are being oppressed by the Soviet regime.

In working with groups like the National Council of Soviet Jewry, we would make visits into the Soviet Union and go to those homes where people were being oppressed. We understood in a real way the oppression that was being brought by the Soviet leadership. And those candles that we lit each January were to show our solidarity with the Ukrainian people, that one day they would achieve independence and one day they would achieve the full equal respect of our country.

In the early nineties they achieved their independence. Today they receive the full respect of America and its people, because today we grant them equal status as a trading partner.

Ukraine has been working hard to achieve the basic foundation of democracy. They worked hard as a million people stood in the streets in the area of the Maden and stood up to the leadership in attempting to take away the election of the people. They stood tall for the leadership of President Yushchenko.

President Yushchenko has continuously called for this action that we take today. And certainly the timing is appropriate because in several weeks Ukraine will elect a new Rada. This sends a signal that Ukraine now has the full and equal respect of the government and of the people of the United States. And it sends a signal to all those other emerging democracies that you can follow the Orange Revolution.

Ukraine has been very helpful to us, Mr. Speaker, in ways that we do not often talk about publicly. It was President Kuchma, before Yushchenko, who laid the groundwork with contacts in Libya through his Foreign Minister, Konstantin Greshenko, to assist us in getting Gadhafi to give up his weapons of mass destruction. Quiet discussions among Ukraine leaders were assisting us to achieve what many thought was impossible in Libya.

It has been Ukraine and the diaspora in this country that has constantly reminded us of the economic bonds between our two nations. Today we stand tall with the people of Ukraine, and we tell them that we are with them, as we told Prime Minister Yekhanurov when he was here only a few weeks ago.

Today Ukraine becomes a symbol for all of the world. Hopefully, we will continue to work with Russia to achieve a similar status before the end of this year. I was encouraged by the comments of our Trade Representative in calling for that ultimate conclusion, once Russia has continued to show success and improvement in their economic relations.

To all of our colleagues, I say vote for this issue.

Slava Ukraine.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), a member of the Rules Committee, a Member who knows what it is to lose freedom and then regain it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank Chairman Shaw for his kind remarks. I want to thank all the distinguished Members who have made possible this legislation today. I think it is very timely.

I had the privilege of visiting Ukraine last December along with Under Secretary of State Paula Dobriansky and a humanitarian delegation from my community. My community has begun a process of helping the people of Ukraine, especially the sick children who, because of the decades-long environmental degradation, really attack upon the environment of the totalitarian regime, are still suffering and for generations, unfortunately, will have to suffer the consequences of the horrors of totalitarianism in a most unfair way. So humanitarian efforts are ongoing, and I am very proud of that, from my community, to help the people of Ukraine.

I was again very impressed and thank Mr. LANTOS for standing up today and mentioning an extremely important subject area. I want to point out that in the discussions that we had with President Yushchenko, Under Secretary Dobriansky, I was impressed by how much emphasis she made and the seriousness with which she made arguments that were brought out today by Mr. LANTOS. And so I am pleased to see that he will continue his very important monitoring of really the despicable matters that he made reference to, and I certainly look forward to joining him in that monitoring.

That said, I think it is important that a friend that has gone through, because of really the heroism of its people, has gone through a democratic transition, and, even after independence from the Soviet Union, was really still living under the undue influence of Russia.

I think that those hundreds of thousands of people that took to the streets just over a year ago, they deserve our respect. And the people of Ukraine deserve our respect. And in the same manner in which Jackson-Vanik, I am very proud of, was another way in which the United States stood on behalf of freedom, I think today it is time to remove Jackson-Vanik from democratic Ukraine, to say congratulations for what you have achieved, and to say we will be with you as you further achieve progress in perfecting your democracy and the rule of law.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me once again thank my friends for bringing this legislation forward. I want to acknowledge again Mr. LANTOS and his strong work on behalf of human rights and fighting anti-Semitism, and Mr. LEVIN who authored a bill on our side for PNTR for Ukraine.

Mr. Speaker, I include for the RECORD a letter from the Anti-Defamation League acknowledging the changes that have been made by the leadership of the Ukraine, dated January 25, 2006. The Anti-Defamation League is the premier organization fighting anti-Semitism globally.

Mr. Speaker, I urge my colleagues to support the bill.

ANTI-DEFAMATION LEAGUE

ADL WELCOMES UKRAINE'S STRONG CONDEMNATION OF UNIVERSITY FOMENTING ANTI-SEMITISM

New York, NY, January 25, 2006 . . . The Anti-Defamation League (ADL) welcomed the statements and actions of the Ukrainian government to condemn anti-Semitism, and specifically one of the country's leading institutions of higher education, which ADL has called a hotbed for anti-Semitic incitement. Ukraine's Foreign Minister and the Ministry of Education and Science publicly condemned MAUP University's anti-Semitic activities and called for "anti-incitement laws to be effectively enforced."

In a letter to Borys Tarasyuk, Ukraine's Foreign Minister, Barbara B. Balser, ADL National Chair, and Abraham H. Foxman, ADL National Director welcomed his "strong statement condemning the anti-Semitic actions of MAUP University as unlawful and wrongful and proclaiming that 'there is no place for any form of anti-Semitism and xenophobia in the Ukraine.'"

The League leaders also welcomed the statement of the Ministry of Education and Science accusing MAUP of breaking Ukrainian law by persistent incompliance with requirements of state licensing rules for universities and failure to abide with legally binding procedures of the State Accreditation Commission.

"We hope the Ukrainian government will continue to condemn such anti-Semitic activities and ensure anti-incitement laws will be effectively enforced," Ms. Balser and Mr. Foxman said.

A university with 50,000 students, MAUP has made statements supporting the President of Iran's denial of the Holocaust and appeal for Israel's destruction and is a bastion of anti-Jewish propaganda and incitement in the Ukraine.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FEENEY). The gentleman from Florida (Mr. SHAW) has 7½ minutes remaining.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to first of all associate myself with the remarks from the gentleman from Maryland as well as the gentleman from California. I think they expressed very well, as did the other speakers from the majority side, the feeling of the Congress with regard to this resolution. I rise in very strong support of H.R. 1053 which would grant permanent normal trade relations to the products of the Ukraine.

Members of the House have the opportunity to show their support for the important economic and democratic reforms underway by Ukraine by affirming their support to the PNTR status.

As chairman of the Ways and Means Trade Subcommittee, I routinely observe the tremendous benefits that free and fair trade can have on both countries involved. In fact, many times the economic benefit of trade is a carrot that is held out to encourage movements by countries towards a free and open society. To most effectively continue advocating that countries make these reforms, we must take steps to recognize and reward those efforts to demonstrate the benefits of those actions.

In addition to rising in support of this legislation, I applaud the negotiations on both sides for their work on the bilateral market access agreement reached between the United States and Ukraine on March 6, 2006, just 2 days ago. In particular, I commend the strong protections for intellectual property rights contained in the agreement. For example, the Ukraine has agreed to provide 5 years of data protection for pharmaceuticals and 10 years of data protection for agriculture chemicals.

I applaud both the Ukraine and the United States Trade Representative, Mr. PORTMAN, for this and I continue to urge the United States Trade Representative to press for intellectual property rights in future agreements, particularly in the discussions with Russia.

Mr. Speaker, Ukraine has made strong commitments in this and many other areas. In addition, the country has made tremendous economic and democratic strides. All of us were thrilled to watch actually on television the Orange Revolution and watch it go forward and watch the freedom, the human spirit, rise up in the Ukraine and come to bring them where they are today.

Because of this and other matters, I urge my colleagues to support permanent and normal trade relations for the Ukraine and vote in favor of this important bill, H.R. 1053.

Mr. NEUGEBAUER. Mr. Speaker, I thank Congressmen HENSARLING and MOORE and Chairmen OXLEY and BACHUS for their efforts to bring H.R. 3505 to the floor today. Regulatory relief is much-needed by our nation's financial institutions, and I am pleased to support this legislation.

Since 1989, federal banking regulators have adopted more than 851 new rules and regulations. Regulatory costs, which total $38 billion, account for 13 percent of banks' non-interest expenses. It is time for Congress to provide relief.

I am especially concerned about the impact of unnecessary regulations on community banks and small credit unions, which are the types of institutions that serve much of rural West Texas. The regressive burden of regulations has contributed to the decline in the number of community banks and diminished the investments they are able to make in small communities.

H.R. 3505 includes a balance of regulatory relief among all types of financial institutions, and all institutions will benefit from the elimination of annual privacy notices when they do not share information or have not changed their privacy policy. There are provisions in this legislation that provide relief specific to community banks, national banks, credit unions and thrifts.

I am especially supportive of the much needed relief on Currency Transaction Reports and Suspicious Activity Reports. Last year banks filed more than 13 million CTRs and 300,000 SARs, overwhelming law enforcement with reports. Eliminating CTRs for seasoned customers will save institutions many hours of paperwork and redirect resources to the most useful reports. Focusing resources on transactions that pose the greatest risks benefits law enforcement, financial institutions and citizens.

I encourage my colleagues to support the long-overdue regulatory relief in H.R. 3505.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the Resolution offered by Representative GERLACH, H.R. 1053—lifting the provisions of Jackson-Vanik from the country of Ukraine.

In December 2004, the world watched as a democratic candidate was poisoned, a stolen victory, and marches in the street by people hungry for freedom and for a better future for their children.

The world witnessed true passion. We witnessed people expressing themselves and their will to live freely and democratically. We witnessed people determined to take charge of their nation's destiny and risk all to do so. We witnessed young and old, families and students—all camping outdoors in the blistering Ukrainian cold to protest against a sham victory and demand true elections. What we witnessed was true everyday heroism.

While we, the people of the world, witnessed victory—the people of Ukraine lived it by forcing it. By rejecting tyranny and corruption and demanding equality and freedom, they brought about peaceful democratic regime change.

As a result, President Viktor Yushchenko has been able to democratically reform laws in Ukraine to bring this country to Market Economy Status. Additionally, Ukraine has continued to bring religious minorities together, restore privately owned property, and condemn anti-Semitic remarks from national organization. As a result of Ukraine's tireless effort to reform, on March 6, 2006 the United States and Ukraine signed a very important trade agreement that would eventually help grant Ukraine access to the World Trade Organization.

Now the only piece of the puzzle still left for this fledgling democracy is lifting of the Jackson-Vanik restriction—and permanently granting normal trade relations status with the United States.

I am pleased to join with my colleagues and my constituents in support of H.R. 1053 and grant Ukraine PNTR for the hard work and democratic reforms that have been instituted after the "Orange Revolution" Let's support this democratically elected government and grant them Permanent Normal Trade Relations status.

Mr. KUCINICH. Mr. Speaker, Congresswoman NANCY KAPTUR, co-chair of the Ukranian Caucus, and I have been strong supporters of political freedom in Ukraine and have advanced the cause of Ukranian culture internationally and in the United States.

Today we will vote "present" on H.R. 1053, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine. We wish to make clear that this was not a "no" vote, but a "we know" vote.

We know that democracy is on the march in Ukraine. We also know that the conditions for a fully functioning democracy are not in place.

We adhere to the principles of a similar bill to life Ukraine from Jackson-Vanik in the 107th Congress, H.R. 3939. However, that bill specified certain conditions be met prior to lifting that reflect the spirit of the law as much as the letter of the law, including that the government of Ukraine—

(1) Adopt and institute policies that remove undue restrictions and harassment on labor organizations to freely associate according to internationally recognized labor rights; (2) Take additional positive steps to transfer places of worship and related religious property for all confessions to their original owners; (3) Establish an independent legal and judicial system with rule of law that is free of political interference and corruption; (4) Commit to providing funding and administrative support for reforms of the legislature; (5) Demonstrate a firm commitment to freedom of the press by prohibiting physical harm and intimidation of journalists through such means as prevention of abuse of tax and libel laws; (6) Adopt and vigorously enforce laws to prohibit the trafficking of women and of illicit narcotics; (7) Accelerate governmental structural reform and land privatization policies which benefit ordinary citizens; (8) Adopt a more comprehensive program to protect the environment; (9) Support internationally recognized standards of transparency in monitoring of elections; and (10) Remedy trade disputes involving violation of international property rights, transshipment of counterfeit goods, and dumping of such products as steel into the United States market in such increased quantities as to cause harm to the domestic industry.

Despite our high aspirations for the Ukraine, we do not believe that these conditions have been met, although we are mindful that there are people in civil society working to bring these principles to fruition.

The Jackson-Vanik requirement for annual review of the trading relationship was originally intended as a way to sanction anti-Semitic regimes. According to the Anti-Defamation League, in a document attached to this statement, that we attach for the RECORD, at least one university in Ukraine, sadly, is still teaching anti-Semitism in Ukraine.

We have both worked to ensure human rights, labor rights and environmental quality standards are including in trade agreements. However, the WTO does not permit trade on this basis. This makes new entrants into the WTO highly vulnerable to the export of their jobs to nations which offer cheap labor and no standards. A transfer of wealth from the great mass of the people of Ukraine to multi-national corporate interests will result unless there are safeguards. Any nation, and Ukraine is no exception, which is heavily influenced by oligarchical interests, could easily be sacrificed. We remain committed to continuing to work with the valiant people of Ukraine and the wonderful groups of the diaspora to lift up the economic, political and social progress of the Ukranian people. We are optimistic about the blossoming of freedom, economic democracy and human rights in Ukraine.

UKRAINE UNIVERSITY SCHOOLING IN ANTI-SEMITISM

MAUP: SCHOOLING IN ANTI-SEMITISM

MAUP is the main source of anti-Semitic agitation and propaganda in Ukraine. It organizes anti-Semitic meetings and conferences, regularly issues anti-Semitic statements and publishes two widely distributed periodicals, Personnel and Personnel Plus, which frequently contain anti-Semitic articles.

At the same time, MAUP is a bona fide university—its English name is the Interregional Academy for Personnel Management—accredited by Ukraine's Ministry of Education, with more than 50,000 students enrolled at campuses in various locations. Business, political science and agriculture are among the subjects taught.

The anti-Semitic activities are directed by MAUP's President, Georgy Tschokin, and a number of his colleagues. In addition, Tschokin is the head of another body called the "International Personnel Academy" (IPA), which he also uses to issue anti-Semitic statements.

White supremacist David Duke has close links with MAUP: he "teaches" a course on history and international relations, has been awarded a doctorate for a thesis on Zionism and was a key participant in MAUP's June 2005 conference on "Zionism: Threat to World Peace".

On November 22, Tschokin issued a statement of solidarity with Iranian President Ahmadinejad's threat to wipe out Israel. The statement blended traditional Christian anti-Semitism with anti-Zionism: "We'd like to remind that the Living God Jesus Christ said to Jews two thousand years ago: 'Your father is a devil!' . . . Israel, as known, means 'Theologian', and Zionism in 1975 was acknowledged by General Assembly of UNO as the form of racism and race discrimination, that, in the opinion of the absolute majority of modern Europeans, makes the most threat to modern civilization. Israel is the artificially created state (classic totalitarian type) which appeared on the political Earth map only in 1948, thanks to good will of UNO . . . Their end is known, and only the God's true will rescue all of us. We are not afraid, as God always together with his children!" .

MAUP's June 2005 anti-Zionist conference was attended by anti-Semites from all over the region, as well as Duke, French Holocaust denier Serge Thion and Israel Shamir, a Russian Jew who converted to Christianity and is notorious for publishing anti-Semitic essays on the internet. The Palestinian Authority representative in Ukraine, Walid Zakut, was also reported to have attended.

MAUP's anti-Semitic activities can be traced back to at least 2002. MAUP's leading figures have been at the root of attempts to bar Jewish organizations in Ukraine and, more recently, a call to ban "The Tanya", a classic work of Hassidic Jewish literature, on the grounds that it promotes racism against non-Jews.

MAUP: CONTEXT AND RESPONSES

At the Auschwitz liberation ceremonies in January 2005, Ukrainian President Viktor Yushchenko declared that his country had adopted a policy of "zero tolerance" towards anti-Semitism. Yet over this year, there has been a sharp spike in anti-Semitic incidents, including the brutal beating in August of a Yeshiva student in Kiev, who remains hospitalized in Israel in a coma. Following this attack, 30 Ukrainian rabbis declared: "Calls to violence against Judaism and Jews are published in the press, freely distributed and sold. On the walls of synagogues, buildings, bus stops and along the road, anti-Semitic symbols appear more and more often."

Critically, Mr. Yushchenko has done nothing against MAUP, aside from resigning from its Board.

Ukraine needs to take decisive action now. Measures could include the following: Invoking anti-incitement laws against Tschokin and his colleagues; the Education Ministry revoking recognition of MAUP diplomas; a statement of condemnation by Mr. Yushchenko and a ban on David Duke entering Ukraine.

Mr. WAXMAN. Mr. Speaker, today we have the opportunity to recognize Ukraine's great strides since its emergence from the Iron Curtain. Indeed, the "Orange Revolution" ignited by the fraudulent elections of 2004 demonstrated the commitment of the Ukrainian people to a democratic future. By graduating Ukraine from Jackson-Vanik and extending Permanent Normal Trade Relations (PNTR), we can help consolidate the Ukrainian government's adherence to this path.

The Jackson-Vanik amendment, enacted in 1974, originally focused on free emigration, but it became a symbol for all basic human rights including political freedom, freedom from religious discrimination, and freedom for the press. While its candidacy for Jackson-Vanik graduation demonstrates Ukraine's significant progress on these issues, there are still major areas where further improvement is necessary.

Specifically, the Ukrainian government and President Yushchenko must do more to live up to their pledge to fight anti-Semitism and condemn all ethnic and religious discrimination.

Over the past several years, Ukraine's largest private university, known in Ukraine as MAUP, has become a hotbed of anti-Semitic activity. In 2005, the school hosted an anti-Zionist conference featuring white supremacist David Duke and other Holocaust deniers from around the world and its President fervently supported the President of Iran's call for the destruction of Israel. The school has published and distributed "Mein Kampf' and "The Protocols of the Elders of Zion," and leading figures at the school have petitioned to bar Jewish organization in Ukraine and ban Jewish texts.

It is important that the Ukrainian government and President Yushchenko's "Our Ukraine" party have strongly condemned the university leaders. The Ministry of Education and the Ministry of Foreign Affairs have called the school's activities unlawful. The time has come for the government to reexamine the school's certification and prosecute those responsible for violating Ukraine's anti-incitement laws.

In addition, the government must take action to return communal religious property confiscated during the Soviet era through a standardized, timely, and transparent process.

Jackson-Vanik graduation is an important step forward in the strategic relationship between the United States and Ukraine. But it is by no means an end to the need for scrutiny of Ukraine's adherence to fundamental human rights values. As a member of the Congressional Ukraine Caucus and a co-chair of the Congressional Task Force Against Anti-Semitism, I support this legislation, but I believe it is vital that we continue pushing Ukraine in the right direction.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 1053, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING SUPPORT FOR THE REPUBLIC OF BELARUS TO ESTABLISH A FULL DEMOCRACY

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 673) expressing support for the efforts of the people of the Republic of Belarus to establish a full democracy, the rule of law, and respect for human rights and urging the Government of Belarus to conduct a free and fair Presidential election on March 19, 2006.

The Clerk read as follows:

H. RES. 673

Whereas the establishment of a democratic, transparent, and fair election process for the 2006 presidential election in the Republic of Belarus and of a genuinely democratic political system are prerequisites for that country's integration into the Western community of nations;

Whereas the Government of Belarus has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the 1990 Copenhagen Document;

Whereas these commitments, which encourage transparency, balance, and impartiality in an election process, have become the standard by which observers determine whether elections have been conducted freely and fairly;

Whereas the election on March 19, 2006, of the next president of Belarus will provide an unambiguous test of the extent of the commitment of the Belarusian authorities to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas previous elections in Belarus have not met international standards;

Whereas the 2004 vote on the constitutional referendum in Belarus did not meet international standards;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on an equal basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote free from intimidation, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas control and manipulation of the media by national and local officials and others acting at their behest could raise grave concerns regarding the commitment of the Belarusian authorities to free and fair elections;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign will call into question the fairness of the upcoming election in Belarus; and

Whereas the arrest or intimidation of opposition political parties and candidates, such as the leader of the Unified Democratic Forces and other people involved with the opposition, represents a deliberate assault on the democratic process: Now, therefore, be it

Resolved, That the House of Representatives—

(1) looks forward to the development of cordial relations between the United States and the Republic of Belarus;

(2) emphasizes that a precondition for the integration of Belarus into the Western community of nations is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Belarusian people to establish a full democracy, the rule of law, and respect for human rights in Belarus;

(4) urges the Government of Belarus to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by national or local officials or others acting at their behest;

(5) urges the Government of Belarus to meet its Organization for Security and Cooperation in Europe (OSCE) standards and commitments on democratic elections, including the standards on free and fair elections as defined in the 1990 Copenhagen Document;

(6) urges the Belarusian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2006 presidential election;

(B) unobstructed access by election monitors from the Office of Democratic Institutions and Human Rights (ODIHR), other participating States of the OSCE, Belarusian political parties, candidates' representatives, nongovernmental organizations, and other private institutions and organizations—both foreign and domestic—to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels via selective tax audits and other regulatory and bureaucratic procedures, and in the case of media, license revocations and libel suits, among other measures;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies; and

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(7) encourages the international community, including the Council of Europe, the OSCE, and the OSCE Parliamentary Assembly, to continue their efforts to support democracy in Belarus and urges countries such as Lithuania and other Baltic countries and Nordic countries to continue to provide assistance to nongovernmental organizations and other Belarusian organizations involved in promoting democracy and fair elections in Belarus; and

(8) pledges its support to the Belarusian people, their commitment to a fully free and open democratic system, their creation of a prosperous free market economy, and their country's assumption of its rightful place as a full and equal member of the Western community of democracies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 673, sponsored by our distinguished colleague from Illinois, Mr. SHIMKUS, expresses support and solidarity for the efforts of the people of Belarus to establish a full democracy, the rule of law and respect for fundamental human rights. It also urges the Government of Belarus to conduct free and fair Presidential elections on March 19.

I would like at the outset to commend our distinguished colleague, Mr. SHIMKUS, for his hard work on this resolution and his great interest and passion for supporting freedom in Belarus and in other countries of the former Soviet Union.

Belarus, as my colleagues know, is often described as "the last dictatorship in Europe." In the past 3 or 4 years, especially since the 2004 parliamentary elections and referendum, President Alexander Lukashenko has increased repression against NGOs, media outlets, any opponents of the government, including youth groups. Perhaps most disturbing are the cases of forced disappearances of lawmakers and journalists and others who have dared to criticize the Lukashenko dictatorship.

To date, the Government of Belarus has refused to conduct an impartial investigation into these disappearances and has refused to allow an independent U.N.-appointed investigator to look into these cases.

Sadly, Mr. Speaker, the Lukashenko regime has only become more dictatorial with the passage of time. The assault on civil society, the NGOs, the independent media, democratic opposition, and increasing pressure on unregistered and minority religious groups has only intensified, becoming daily occurrences. Despite innumerable calls for Belarus to live up to its freely undertaken OSCE election commitments, elections in 2000, 2001, and 2004 were neither free nor fair.

It follows along a downward trajectory that began a decade ago when Lukashenko, through an illegitimate referendum, took control over the legislature and the judiciary and manipulated the Constitution to remain in power.

Mr. Speaker, Belarus, which borders on EU and NATO member countries, has become an increasingly stark anomaly in a growing democratic Europe. The Belarusian people have become even more isolated from the winds of democracy following neighboring Ukraine's Orange Revolution. Lukashenko's fear that the people would follow the Ukrainian example has led to further clamping down on those who dare to speak out for freedom.

Among the numerous examples that can be cited here on the floor: Just last week, one Belarusian opposition candidate running for next week's elections was detained by security forces and severely beaten. Yesterday we received reports that five members of the campaign of the United Opposition Candidate, Alexander Milinkevych, was held by police and driven away. In recent weeks Lukashenko has launched an intensive campaign to encourage a climate of fear and stoke hostility among the Belarusian people through a Soviet-style propaganda campaign against the opposition: Europe and the United States.

☐ 1245

Mr. Speaker, as the prime sponsor of the Belarus Democracy Act, which was signed into law by President Bush, I welcome the administration's growing engagement with the people of Belarus. I am pleased that President Bush and other high-ranking officials met with Irena Krasovska and Tatyana Zavadska, two of the wives of opposition figures believed to have been murdered with the complicity of Belarusian senior officials. I would note, parenthetically, that I have had the privilege of meeting with them and others on a number of occasions over the last 6 years and have admired their determination and courage to seek an accounting of their loved ones, in most cases their missing, possibly murdered husbands.

Given the disturbing, Mr. Speaker, preelection environment, where meaningful access to the media by opposition candidates is denied, where independent voices are stifled, and where the regime maintains pervasive control over the election process, it is very hard to imagine that next week's elections will be free. They are already not fair. In the event that protests are held in response to electoral fraud, we are reminded by Belarusian authorities that the right to peaceful assembly is a fundamental human right and a basic tenet of the OSCE. Any violent suppression of peaceful protests will have serious repercussions and only deepen Belarus' self-imposed isolation.

Over the course of the last century, the Belarusian people have endured great suffering at the hands of murderous dictators such as Stalin and Hitler. Twenty years ago they endured, and continue to endure, Chernobyl's dark cloud. The Belarusian people deserve the freedom and the dignity long denied them, and Belarus deserves its rightful place in a free, prosperous and democratic Europe.

Mr. Speaker, I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of this resolution.

First, I want to commend my good friend CHRIS SMITH from New Jersey for his leadership on this issue, as well as all of my colleagues who played a role in its development.

Mr. Speaker, Alexander Lukashenko is, in fact, the last dictator of Europe. He is running for reelection as President of Belarus for the third time, and there is really no suspense about the outcome. He is running a neo-Stalinist dictatorship with the usual techniques.

Although it is now a decade and a half since the collapse of the Soviet Union, Lukashenko is conducting elections that would make Leonid Brezhnev and Nikita Khrushchev blush.

Freedom of the press is nonexistent in Belarus. All television and radio stations are either owned or controlled by the government. Newscasts offer nothing but sickening praise for Lukashenko. The main opposition candidate, Alexander Milinkevich, says that his name has never been mentioned on television.

A publication called "People's Will" is the last remaining newspaper in the country which is not yet under the thumb of Lukashenko. The state-owned media distribution network refused to distribute this newspaper, and the state-run press kiosks are prohibited from selling it.

Last year a government-controlled court found this newspaper guilty of slandering a progovernment politician properly accused in the U.N. Oil-for-Food investigation. This so-called court imposed a fine of $50,000 against the newspaper, an absolutely incredible figure in a country such as Belarus where $50,000 sounds like $500 million to us. Of course, the newspaper, which has a very modest circulation, was unable to pay the fine, and its loyal readers contributed in small amounts enough money to pay the fine.

The editor of this paper was informed by the government that the printing company, which was under contract to print the newspaper, was breaking its contract and would no longer print it. The newspaper had to find a printing house in Russia, and copies of the paper are mailed to subscribers, but, of course, they arrive days or weeks later.

Mr. Speaker, the government's techniques for keeping journalists in line is quite simple. Over the past several years, journalists known for their critical coverage of Lukashenko died under mysterious circumstances. Independent journalists simply vanished without a trace.

In October, Lukashenko pushed through a law that makes it a crime to discredit the state or any of its officials. This "crime" carries a sentence of 2 years in prison. The head of the Belarusian Journalists' Association said, "All information that contradicts official propaganda is blocked."

The government is so paranoid about controlling the dissemination of information that even buying a copying machine requires the approval of the Ministry of the Interior.

Mr. Speaker, complete control of newspapers, television and radio is not all this nondemocratic government is doing to ensure the reelection of Lukashenko. Less than a week ago, the opposition presidential candidate was accused of damaging a picture of the country's President and imprisoned.

The Belarus State Security Committee, which, significantly in Russian, has the initials of the KGB, which were the initials of Stalin's secret police, reported that it had uncovered a coup masterminded by the opposition, planned for the day after the election. The supposed coup became a basis for the Government of Belarus to ban 72 nongovernmental organizations which were accused of plotting this supposed coup.

Mr. Speaker, the resolution we are considering expresses support for the people of Belarus and urges the government to show respect for the rule of law and respect for human and civil rights of the Belarusian people. It calls for free and fair elections.

It is important that we put on record our indignation, our frustration and our outrage at Belarus' blatant disregard for civilized governmental procedures and human rights. We earnestly seek the establishment of good relations with the people of Belarus, but that can only happen if the government of that country guarantees its citizens the opportunity to exercise their civil liberties, their political rights and privileges, including the right to full freedom of expression.

Mr. Speaker, I urge all of my colleagues to support this very important resolution. We must send a clear and unequivocal message to Lukashenko that before Belarus can be integrated into the community of civilized Nations, a democratic political system must be in place in that country.

I urge all of my colleagues to support the resolution, and I insert at this point in the RECORD a statement by the National Democratic Institute.

STATEMENT BY THE NATIONAL DEMOCRATIC INSTITUTE ON THE CURRENT SITUATION IN BELARUS

Around the world, citizens have organized in a nonpartisan way to monitor elections as a means of promoting confidence and participation in the electoral process. The right of citizens to monitor their elections is a fundamental democratic principle, and over the past 25 years the National Democratic Institute is proud to have worked with nonpartisan monitoring groups in more than 65 countries in every region of the world.

In Belarus, civic activists have also sought to monitor their elections, a right which is guaranteed to them under Article 13 of the Belarusian electoral code and the Organization for Security and Cooperation in Europe (OSCE) 1990 Copenhagen Document.

In 2001, the OSCE along with NDI provided support to a coalition of nonpartisan domestic monitors who observed the 2001 presidential poll, and NDI assisted the efforts of more than 3,000 Belarusian nonpartisan monitors for the 2004 parliamentary elections. These monitors acted with integrity and professionalism, although their attempts to register as a nonpartisan election monitoring organization had been rejected by the Belarusian authorities. A year later, many of the same monitors once again sought to register a citizen initiative called Partnership in order to monitor the upcoming presidential poll. Their request for registration was once again denied.

Two weeks ago, on February 21, several of these civic activists were arrested and their offices and homes raided. The KGB accused them of "slandering the president and illegally running an unregistered organization." In its propaganda campaign the Belarusian authorities falsely accused Partnership of organizing fraudulent exit polls and planning a violent uprising after the election. The activists were formally charged on March 3 and remain in detention.

NDI Chairman Madeleine K. Albright made the following statement:

"The National Democratic Institute deplores this attempt by the Belarusian authorities to deny the basic rights of their citizens to peacefully monitor the March 19 presidential election.

We condemn the recent arrests of civic activists and the accusations leveled against Partnership, whose only interest is to promote a democratic election process and peacefully monitor that process.

By refusing to register nonpartisan monitoring groups and restricting their access to assistance from outside organizations, Belarus is violating its commitments as a member state of the OSCE and other international human rights instruments to which it is a party.

We call on the government of Belarus to immediately release those detained and allow them to continue their rightful monitoring effort without interference.

The Belarus government cannot expect to earn international respect if it does not respect international norms."

Mr. Speaker, I yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield as much time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the author of H. Res. 673, my good friend and colleague.

Mr. SHIMKUS. Mr. Speaker, if my colleague Chris Smith will allow me to speak from this side, because I have great respect for Tom Lantos, and you know it is always in fashion to fight for democracy and freedom, it is an issue that easily, many times, most times, crosses across the center aisle, and I am proud of what you do and I am proud of what we do to fight for democracy and freedom.

We have got another opportunity to do that today with addressing the upcoming elections in Belarus and the last dictatorship in Europe.

I have with me the, it is being called the "Denim Revolution," and it has got the dictator concerned. How do you have free and fair elections when you do not let the opponents campaign, or you let them campaign, but solely door to door, no mail, no advertising, no public billboards? There is no freedom for the opposition to get their word out.

In fact, today as I was coming down to the floor, I just received an e-mail, a great thing with the new technologies today, the ability to find out what is going on, and I want to read this to my colleagues: "According to the press release distributed by the office of the single candidate from the unified Belarusian opposition, Alexander Milinkevych, this morning, after a meeting of Milinkevych with voters in the 'Byarestse' cinema theater, five representatives of his team, including," a friend of mine who I have met a couple times, "Vintsuk Viachorka were held by the police and driven away. The opposition activists might have been beaten. For the moment, it is not clear where they are. Their mobile phones are switched off."

Now, what is really problematic about this is that usually the Belarusians, through the use of the KGB and the uniformed police, are very proud when they grab people who want to run for elected office, and they proudly display the fact that they are held in police custody. Well, we do not know where these gentlemen are. And we have no idea, there has been no claims of who has them. So, really, the basic plea right now is where are they.

That is just a symbol of people would not believe that in Europe that we would still have this subversion of freedom and democracy.

So I want to thank the International Relations Committee, of course my good friend and colleague from Illinois, HENRY HYDE, and the ranking member, of course, CHRIS SMITH, who has done such a great job, and Chairman GALLEGLY, who was very helpful to me in moving this legislation because we talk about the issues of freedom a lot on this floor. I think our Founding Fathers would be very proud that we still take up that torch of freedom for all people, and, yeah, we may be accused of being biased to some extent at some time, but we are a human institution, and we need friends on both sides who will call us to account that freedom is good enough for all the countries in Europe and even in the last dictatorship. It is good enough for other areas around the world, and I am one that is not ashamed of standing up for freedom and democracy.

This is a great resolution. It is very timely. As we know, the election is coming, and we have got our fellow freedom fighters being jailed for activities that we take for granted here in the United States. This is right that we send a signal, and I am proud to join you, and I want to thank the ranking member, and I want to thank my colleague, Congressman SMITH, for the opportunity.

Mr. Speaker, I rise today to speak in support of the country of Belarus and their ongoing struggle for free and fair elections. The last dictator in Europe, Aleksander Lukashenko, rules this country through a combination of intimidation and fear, suppressing the voices and rights of the Belarusian people as they watch their neighbors in Georgia and in the Ukraine rise up and take back their countries to emerge as thriving democracies.

I am proud to be the sponsor of H. Res. 673, along with my colleague Mr. GALLEGLY. This legislation, among many other things, pledges the support of the United States House of Representatives to the Belarusian people, and calls for a free and open election. Unfortunately, as we have seen in many events covered in the past week this will most likely not happen for the Belarusian people on March 19th. Instead the ongoing cycle of violence and intimidation will steal another election for Mr. Lukashenko.

I encourage my colleagues to stand with me in the support of the Belarusian people and keep them in your thoughts and prayers in this difficult time. As President Bush said, "The fate of Belarus will rest not with a dictator, but with the students, trade unionists, civic and religious leaders, journalists, and all citizens of Belarus claiming freedom for their nation." I urge my colleagues to vote in favor of this resolution.

☐ 1300

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Illinois (Mr. SHIMKUS) for authoring this legislation. It sends a clear, unmistakable message to the Lukashenko dictatorship, and a message of solidarity and concern to the people that hopefully there will be a brighter day for this important country. But it is only because of ongoing, dogged determination on the part of the pro-democracy advocates inside that country and their friends outside, like Mr. LANTOS, Mr. HYDE, Mr. SHIMKUS, and others; that we keep the pressure on from without so that someday human rights and democracy will flourish in Belarus.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 673.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 673.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FINANCIAL SERVICES REGULATORY RELIEF ACT OF 2005

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3505) to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Financial Services Regulatory Relief Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL BANK PROVISIONS

Sec. 101. National bank directors.
Sec. 102. Voting in shareholder elections.
Sec. 103. Simplifying dividend calculations for national banks.
Sec. 104. Repeal of obsolete limitation on removal authority of the Comptroller of the Currency.
Sec. 105. Repeal of intrastate branch capital requirements.
Sec. 106. Clarification of waiver of publication requirements for bank merger notices.
Sec. 107. Equal treatment for Federal agencies of foreign banks.
Sec. 108. Maintenance of a Federal branch and a Federal agency in the same State.
Sec. 109. Business organization flexibility for national banks.
Sec. 110. Clarification of the main place of business of a national bank.
Sec. 111. Capital equivalency deposits for Federal branches and agencies of foreign banks.
Sec. 112. Enhancing the authority for national banks to make community development investments.

TITLE II—SAVINGS ASSOCIATION PROVISIONS

Sec. 201. Parity for savings associations under the Securities Exchange Act of 1934 and the Investment Advisers Act of 1940.
Sec. 202. Investments by Federal savings associations authorized to promote the public welfare.
Sec. 203. Mergers and consolidations of Federal savings associations with nondepository institution affiliates.
Sec. 204. Repeal of statutory dividend notice requirement for savings association subsidiaries of savings and loan holding companies.
Sec. 205. Modernizing statutory authority for trust ownership of savings associations.

Sec. 206. Repeal of overlapping rules governing purchased mortgage servicing rights.
Sec. 207. Restatement of authority for Federal savings associations to invest in small business investment companies.
Sec. 208. Removal of limitation on investments in auto loans.
Sec. 209. Selling and offering of deposit products.
Sec. 210. Funeral- and cemetery-related fiduciary services.
Sec. 211. Repeal of qualified thrift lender requirement with respect to out-of-state branches.
Sec. 212. Small business and other commercial loans.
Sec. 213. Clarifying citizenship of Federal savings associations for Federal court jurisdiction.
Sec. 214. Increase in limits on commercial real estate loans.
Sec. 215. Repeal of one limit on loans to one borrower.
Sec. 216. Savings association credit card banks.
Sec. 217. Interstate acquisitions by S&L holding companies.
Sec. 218. Business organization flexibility for federal savings associations.

TITLE III—CREDIT UNION PROVISIONS

Sec. 301. Privately insured credit unions authorized to become members of a Federal home loan bank.
Sec. 302. Leases of land on Federal facilities for credit unions.
Sec. 303. Investments in securities by Federal credit unions.
Sec. 304. Increase in general 12-year limitation of term of Federal credit union loans to 15 years.
Sec. 305. Increase in 1 percent investment limit in credit union service organizations.
Sec. 306. Member business loan exclusion for loans to nonprofit religious organizations.
Sec. 307. Check cashing and money transfer services offered within the field of membership.
Sec. 308. Voluntary mergers involving multiple common-bond credit unions.
Sec. 309. Conversions involving common-bond credit unions.
Sec. 310. Credit union governance.
Sec. 311. Providing the National Credit Union Administration with greater flexibility in responding to market conditions.
Sec. 312. Exemption from pre-merger notification requirement of the Clayton Act.
Sec. 313. Treatment of credit unions as depository institutions under securities laws.
Sec. 314. Clarification of definition of net worth under certain circumstances for purposes of prompt corrective action.
Sec. 315. Amendments relating to nonfederally insured credit unions.

TITLE IV—DEPOSITORY INSTITUTION PROVISIONS

Sec. 401. Easing restrictions on interstate branching and mergers.
Sec. 402. Statute of limitations for judicial review of appointment of a receiver for depository institutions.
Sec. 403. Reporting requirements relating to insider lending.
Sec. 404. Amendment to provide an inflation adjustment for the small depository institution exception under the Depository Institution Management Interlocks Act.
Sec. 405. Enhancing the safety and soundness of insured depository institutions.
Sec. 406. Investments by insured savings associations in bank service companies authorized.
Sec. 407. Cross guarantee authority.
Sec. 408. Golden parachute authority and nonbank holding companies.
Sec. 409. Amendments relating to change in bank control.
Sec. 410. Community reinvestment credit for esops and ewocs.
Sec. 411. Minority financial institutions.

TITLE V—DEPOSITORY INSTITUTION AFFILIATES PROVISIONS

Sec. 501. Clarification of cross marketing provision.
Sec. 502. Amendment to provide the Federal Reserve Board with discretion concerning the imputation of control of shares of a company by trustees.
Sec. 503. Eliminating geographic limits on thrift service companies.
Sec. 504. Clarification of scope of applicable rate provision.
Sec. 505. Savings associations acting as agents for affiliated depository institutions.
Sec. 506. Credit card bank investments for the public welfare.

TITLE VI—BANKING AGENCY PROVISIONS

Sec. 601. Waiver of examination schedule in order to allocate examiner resources.
Sec. 602. Interagency data sharing.
Sec. 603. Penalty for unauthorized participation by convicted individual.
Sec. 604. Amendment permitting the destruction of old records of a depository institution by the FDIC after the appointment of the FDIC as receiver.
Sec. 605. Modernization of recordkeeping requirement.
Sec. 606. Streamlining reports of condition.
Sec. 607. Expansion of eligibility for 18-month examination schedule for community banks.
Sec. 608. Short form reports of condition for certain community banks.
Sec. 609. Clarification of extent of suspension, removal, and prohibition authority of Federal banking agencies in cases of certain crimes by institution-affiliated parties.
Sec. 610. Streamlining depository institution merger application requirements.
Sec. 611. Inclusion of Director of the Office of Thrift Supervision in list of banking agencies regarding insurance customer protection regulations.
Sec. 612. Protection of confidential information received by Federal banking regulators from foreign banking supervisors.
Sec. 613. Prohibition on participation by convicted individual.
Sec. 614. Clarification that notice after separation from service may be made by an order.
Sec. 615. Enforcement against misrepresentations regarding FDIC deposit insurance coverage.
Sec. 616. Changes required to small bank holding company policy statement on assessment of financial and managerial factors.
Sec. 617. Exception to annual privacy notice requirement under the Gramm-Leach-Bliley Act.
Sec. 618. Biennial reports on the status of agency employment of minorities and women.
Sec. 619. Coordination of State examination authority.
Sec. 620. Nonwaiver of privileges.
Sec. 621. Right to Financial Privacy Act of 1978 amendment.
Sec. 622. Deputy director; succession authority for Director of the Office of Thrift Supervision.
Sec. 623. Limitation on scope of new agency guidelines.

TITLE VII—"BSA" COMPLIANCE BURDEN REDUCTION

Sec. 701. Exception from currency transaction reports for seasoned customers.
Sec. 702. Reduction in inconsistencies in monetary transaction recordkeeping and reporting enforcement and examination requirements.
Sec. 703. Additional reforms relating to monetary transaction and recordkeeping requirements applicable to financial institutions.
Sec. 704. Study by Comptroller General.
Sec. 705. Feasibility study required.
Sec. 706. Annual report by Secretary of the Treasury.
Sec. 707. Preservation of money services businesses.

TITLE VIII—CLERICAL AND TECHNICAL AMENDMENTS

Sec. 801. Clerical amendments to the Home Owners' Loan Act.
Sec. 802. Technical corrections to the Federal Credit Union Act.
Sec. 803. Other technical corrections.
Sec. 804. Repeal of obsolete provisions of the Bank Holding Company Act of 1956.

TITLE IX—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS

Sec. 901. Exception for certain bad check enforcement programs.
Sec. 902. Other amendments.

TITLE I—NATIONAL BANK PROVISIONS

SEC. 101. NATIONAL BANK DIRECTORS.

(a) IN GENERAL.—Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended—

(1) by striking "SEC. 5146. Every director must during" and inserting the following:

"SEC. 5146. REQUIREMENTS FOR BANK DIRECTORS.

"(a) RESIDENCY REQUIREMENTS.—Every director of a national bank shall, during";

(2) by striking "total number of directors. Every director must own in his or her own right" and inserting "total number of directors.

"(b) INVESTMENT REQUIREMENT.—

"(1) IN GENERAL.—Every director of a national bank shall own, in his or her own right,"; and

(3) by adding at the end the following new paragraph:

"(2) EXCEPTION FOR SUBORDINATED DEBT IN CERTAIN CASES.—In lieu of the requirements of paragraph (1) relating to the ownership of capital stock in the national bank, the Comptroller of the Currency may, by regulation or order, permit an individual to serve as a director of a national bank that has elected, or notifies the Comptroller of the bank's intention to elect, to operate as a S corporation pursuant to section 1362(a) of the Internal Revenue Code of 1986, if that individual holds debt of at least $1,000 issued by the national bank that is subordinated to the interests of depositors and other general creditors of the national bank.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by striking the item relating to section 5146 and inserting the following new item:

"5146. Requirements for bank directors.".

SEC. 102. VOTING IN SHAREHOLDER ELECTIONS.

Section 5144 of the Revised Statutes of the United States (12 U.S.C. 61) is amended—

(1) by striking "or to cumulate" and inserting "or, if so provided by the articles of association of the national bank, to cumulate";

(2) by striking the comma after "his shares shall equal"; and

(3) by adding at the end the following new sentence: "The Comptroller of the Currency may prescribe such regulations to carry out the purposes of this section as the Comptroller determines to be appropriate.".

SEC. 103. SIMPLIFYING DIVIDEND CALCULATIONS FOR NATIONAL BANKS.

(a) In General.—Section 5199 of the Revised Statutes of the United States (12 U.S.C. 60) is amended to read as follows:

"SEC. 5199. NATIONAL BANK DIVIDENDS.

"(a) In General.—Subject to subsection (b), the directors of any national bank may declare a dividend of so much of the undivided profits of the bank as the directors judge to be expedient.

"(b) Approval Required Under Certain Circumstances.—A national bank may not declare and pay dividends in any year in excess of an amount equal to the sum of the total of the net income of the bank for that year and the retained net income of the bank in the preceding two years, minus any transfers required by the Comptroller of the Currency (including any transfers required to be made to a fund for the retirement of any preferred stock), unless the Comptroller of the Currency approves the declaration and payment of dividends in excess of such amount.".

(b) Clerical Amendment.—The table of sections for chapter three of title LXII of the Revised Statutes of the United States is amended by striking the item relating to section 5199 and inserting the following new item:

"5199. National bank dividends.".

SEC. 104. REPEAL OF OBSOLETE LIMITATION ON REMOVAL AUTHORITY OF THE COMPTROLLER OF THE CURRENCY.

Section 8(e)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(4)) is amended by striking the 5th sentence.

SEC. 105. REPEAL OF INTRASTATE BRANCH CAPITAL REQUIREMENTS.

Section 5155(c) of the Revised Statutes of the United States (12 U.S.C. 36(c)) is amended—

(1) in the 2nd sentence, by striking ", without regard to the capital requirements of this section,"; and

(2) by striking the last sentence.

SEC. 106. CLARIFICATION OF WAIVER OF PUBLICATION REQUIREMENTS FOR BANK MERGER NOTICES.

The last sentence of sections 2(a) and 3(a)(2) of the National Bank Consolidation and Merger Act (12 U.S.C. 215(a) and 215a(a)(2), respectively) are each amended by striking "Publication of notice may be waived, in cases where the Comptroller determines that an emergency exists justifying such waiver, by unanimous action of the shareholders of the association or State bank" and inserting "Publication of notice may be waived if the Comptroller determines that an emergency exists justifying such waiver or if the shareholders of the association or State bank agree by unanimous action to waive the publication requirement for their respective institutions".

SEC. 107. EQUAL TREATMENT FOR FEDERAL AGENCIES OF FOREIGN BANKS.

The 1st sentence of section 4(d) of the International Banking Act of 1978 (12 U.S.C. 3102(d)) is amended by inserting "from citizens or residents of the United States" after "deposits".

SEC. 108. MAINTENANCE OF A FEDERAL BRANCH AND A FEDERAL AGENCY IN THE SAME STATE.

Section 4(e) of the International Banking Act of 1978 (12 U.S.C. 3102(e)) is amended by inserting "if the maintenance of both an agency and a branch in the State is prohibited under the law of such State" before the period at the end.

SEC. 109. BUSINESS ORGANIZATION FLEXIBILITY FOR NATIONAL BANKS.

(a) In General.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136B the following new section:

"SEC. 5136C. ALTERNATIVE BUSINESS ORGANIZATION.

"(a) In General.—The Comptroller of the Currency may prescribe regulations—

"(1) to permit a national bank to be organized other than as a body corporate; and

"(2) to provide requirements for the organizational characteristics of a national bank organized and operating other than as a body corporate, consistent with the safety and soundness of the national bank.

"(b) Equal Treatment.—Except as provided in regulations prescribed under subsection (a), a national bank that is operating other than as a body corporate shall have the same rights and privileges and shall be subject to the same duties, restrictions, penalties, liabilities, conditions, and limitations as a national bank that is organized as a body corporate.".

(b) Technical and Conforming Amendment.—Section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended, in the matter preceding the paragraph designated as the "First", by inserting "or other form of business organization provided under regulations prescribed by the Comptroller of the Currency under section 5136C" after "a body corporate".

(c) Clerical Amendment.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after the item relating to section 5136B the following new item:

"5136C. Alternative business organization.".

SEC. 110. CLARIFICATION OF THE MAIN PLACE OF BUSINESS OF A NATIONAL BANK.

Title LXII of the Revised Statutes of the United States is amended—

(1) in the paragraph designated the "Second" of section 5134 (12 U.S.C. 22), by striking "The place where its operations of discount and deposit are to be carried on" and inserting "The place where the main office of the national bank is, or is to be, located"; and

(2) in section 5190 (12 U.S.C. 81), by striking "the place specified in its organization certificate" and inserting "the main office of the national bank".

SEC. 111. CAPITAL EQUIVALENCY DEPOSITS FOR FEDERAL BRANCHES AND AGENCIES OF FOREIGN BANKS.

Section 4(g) of the International Banking Act of 1978 (12 U.S.C. 3102(g)) is amended to read as follows:

"(g) Capital Equivalency Deposit.—

"(1) In general.—Upon the opening of a Federal branch or agency of a foreign bank in any State and thereafter, the foreign bank, in addition to any deposit requirements imposed under section 6, shall keep on deposit, in accordance with such regulations as the Comptroller of the Currency may prescribe in accordance with paragraph (2), dollar deposits, investment securities, or other assets in such amounts as the Comptroller of the Currency determines to be necessary for the protection of depositors and other investors and to be consistent with the principles of safety and soundness.

"(2) Limitation.—Notwithstanding paragraph (1), regulations prescribed under such paragraph shall not permit a foreign bank to keep assets on deposit in an amount that is less than the amount required for a State licensed branch or agency of a foreign bank under the laws and regulations of the State in which the Federal agency or branch is located.".

SEC. 112. ENHANCING THE AUTHORITY FOR NATIONAL BANKS TO MAKE COMMUNITY DEVELOPMENT INVESTMENTS.

The last sentence in the paragraph designated as the "Eleventh." of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by striking "10 percent" each place such term appears and inserting "15 percent".

TITLE II—SAVINGS ASSOCIATION PROVISIONS

SEC. 201. PARITY FOR SAVINGS ASSOCIATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934 AND THE INVESTMENT ADVISERS ACT OF 1940.

(a) Securities Exchange Act of 1934.—

(1) Definition of bank.—Section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6)) is amended—

(A) in subparagraph (A), by inserting "or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act" after "a banking institution organized under the laws of the United States"; and

(B) in subparagraph (C)—

(i) by inserting "or savings association as defined in section 2(4) of the Home Owners' Loan Act," after "banking institution,"; and

(ii) by inserting "or savings associations" after "having supervision over banks".

(2) Include OTS under the definition of appropriate regulatory agency for certain purposes.—Section 3(a)(34) of such Act (15 U.S.C. 78c(a)(34)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii), by striking "(i) or (iii)" and inserting "(i), (iii), or (iv)";

(ii) by striking "and" at the end of clause (iii);

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting the following new clause after clause (iii):

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, a subsidiary or a department or division of any such savings association, or a savings and loan holding company; and";

(B) in subparagraph (B)—

(i) in clause (ii), by striking "(i) or (iii)" and inserting "(i), (iii), or (iv)";

(ii) by striking "and" at the end of clause (iii);

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting the following new clause after clause (iii):

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, or a subsidiary of any such savings association, or a savings and loan holding company; and";

(C) in subparagraph (C)—

(i) in clause (ii), by striking "(i) or (iii)" and inserting "(i), (iii), or (iv)";

(ii) by striking "and" at the end of clause (iii);

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting the following new clause after clause (iii):

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association

(as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, a savings and loan holding company, or a subsidiary of a savings and loan holding company when the appropriate regulatory agency for such clearing agency is not the Commission; and";

(D) in subparagraph (D)—

(i) by striking "and" at the end of clause (ii);

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting the following new clause after clause (ii):

"(iii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation; and";

(E) in subparagraph (F)—

(i) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively; and

(ii) by inserting the following new clause after clause (i):

"(ii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation; and";

(F) by moving subparagraph (H) and inserting such subparagraph after subparagraph (G); and

(G) by adding at the end the following new sentence: "As used in this paragraph, the term 'savings and loan holding company' has the meaning given it in section 10(a) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)).".

(b) INVESTMENT ADVISERS ACT OF 1940.—

(1) DEFINITION OF BANK.—Section 202(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(2)) is amended—

(A) in subparagraph (A) by inserting "or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act" after "a banking institution organized under the laws of the United States"; and

(B) in subparagraph (C)—

(i) by inserting ", savings association as defined in section 2(4) of the Home Owners' Loan Act," after "banking institution"; and

(ii) by inserting "or savings associations" after "having supervision over banks".

(2) CONFORMING AMENDMENTS.—Subsections (a)(1)(A)(i), (a)(1)(B), (a)(2), and (b) of section 210A of such Act (15 U.S.C. 80b–10a), as added by section 220 of the Gramm-Leach-Bliley Act, are each amended by striking "bank holding company" each place it occurs and inserting "bank holding company or savings and loan holding company".

(c) CONFORMING AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 10(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(c)), as amended by section 213(c) of the Gramm-Leach-Bliley Act, is amended by inserting after "1956)" the following: "or any one savings and loan holding company (together with its affiliates and subsidiaries) (as such terms are defined in section 10 of the Home Owners' Loan Act)".

SEC. 202. INVESTMENTS BY FEDERAL SAVINGS ASSOCIATIONS AUTHORIZED TO PROMOTE THE PUBLIC WELFARE.

(a) IN GENERAL.—Section 5(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(c)) is amended by adding at the end the following new subparagraph:

"(D) DIRECT INVESTMENTS TO PROMOTE THE PUBLIC WELFARE.—

"(i) IN GENERAL.—A Federal savings association may make investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families through the provision of housing, services, and jobs.

"(ii) DIRECT INVESTMENTS OR ACQUISITION OF INTEREST IN OTHER COMPANIES.—Investments under clause (i) may be made directly or by purchasing interests in an entity primarily engaged in making such investments.

"(iii) PROHIBITION ON UNLIMITED LIABILITY.—No investment may be made under this subparagraph which would subject a Federal savings association to unlimited liability to any person.

"(iv) SINGLE INVESTMENT LIMITATION TO BE ESTABLISHED BY DIRECTOR.—Subject to clauses (v) and (vi), the Director shall establish, by order or regulation, limits on—

"(I) the amount any savings association may invest in any 1 project; and

"(II) the aggregate amount of investment of any savings association under this subparagraph.

"(v) FLEXIBLE AGGREGATE INVESTMENT LIMITATION.—The aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 5 percent of the savings association's capital stock actually paid in and unimpaired and 5 percent of the savings association's unimpaired surplus, unless—

"(I) the Director determines that the savings association is adequately capitalized; and

"(II) the Director determines, by order, that the aggregate amount of investments in a higher amount than the limit under this clause will pose no significant risk to the affected deposit insurance fund.

"(vi) MAXIMUM AGGREGATE INVESTMENT LIMITATION.—Notwithstanding clause (v), the aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 15 percent of the savings association's capital stock actually paid in and unimpaired and 15 percent of the savings association's unimpaired surplus.

"(vii) INVESTMENTS NOT SUBJECT TO OTHER LIMITATION ON QUALITY OF INVESTMENTS.—No obligation a Federal savings association acquires or retains under this subparagraph shall be taken into account for purposes of the limitation contained in section 28(d) of the Federal Deposit Insurance Act on the acquisition and retention of any corporate debt security not of investment grade.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5(c)(3)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(3)(A)) is amended to read as follows:

"(A) [Repealed].".

SEC. 203. MERGERS AND CONSOLIDATIONS OF FEDERAL SAVINGS ASSOCIATIONS WITH NONDEPOSITORY INSTITUTION AFFILIATES.

Section 5(d)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B) MERGERS AND CONSOLIDATIONS WITH NONDEPOSITORY INSTITUTION AFFILIATES.—

"(i) IN GENERAL.—Upon the approval of the Director, a Federal savings association may merge with any nondepository institution affiliate of the savings association.

"(ii) RULE OF CONSTRUCTION.—No provision of clause (i) shall be construed as—

"(I) affecting the applicability of section 18(c) of the Federal Deposit Insurance Act; or

"(II) granting a Federal savings association any power or any authority to engage in any activity that is not authorized for a Federal savings association under any other provision of this Act or any other provision of law.".

SEC. 204. REPEAL OF STATUTORY DIVIDEND NOTICE REQUIREMENT FOR SAVINGS ASSOCIATION SUBSIDIARIES OF SAVINGS AND LOAN HOLDING COMPANIES.

Section 10(f) of the Home Owners' Loan Act (12 U.S.C. 1467a(f)) is amended to read as follows:

"(f) DECLARATION OF DIVIDEND.—The Director may—

"(1) require a savings association that is a subsidiary of a savings and loan holding company to give prior notice to the Director of the intent of the savings association to pay a dividend on its guaranty, permanent, or other nonwithdrawable stock; and

"(2) establish conditions on the payment of dividends by such a savings association.".

SEC. 205. MODERNIZING STATUTORY AUTHORITY FOR TRUST OWNERSHIP OF SAVINGS ASSOCIATIONS.

(a) IN GENERAL.—Section 10(a)(1)(C) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(C)) is amended—

(1) by striking "trust," and inserting "business trust,"; and

(2) by inserting "or any other trust unless by its terms it must terminate within 25 years or not later than 21 years and 10 months after the death of individuals living on the effective date of the trust," after "or similar organization,".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 10(a)(3) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(3)) is amended—

(1) by striking "does not include—" and all that follows through "any company by virtue" where such term appears in subparagraph (A) and inserting "does not include any company by virtue";

(2) by striking "; and" at the end of subparagraph (A) and inserting a period; and

(3) by striking subparagraph (B).

SEC. 206. REPEAL OF OVERLAPPING RULES GOVERNING PURCHASED MORTGAGE SERVICING RIGHTS.

Section 5(t) of the Home Owners' Loan Act (12 U.S.C. 1464(t)) is amended—

(1) by striking paragraph (4) and inserting the following new paragraph:

"(4) [Repealed]."; and

(2) in paragraph (9)(A), by striking "intangible assets, plus" and all that follows through the period at the end and inserting "intangible assets.".

SEC. 207. RESTATEMENT OF AUTHORITY FOR FEDERAL SAVINGS ASSOCIATIONS TO INVEST IN SMALL BUSINESS INVESTMENT COMPANIES.

Subparagraph (D) of section 5(c)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)) is amended to read as follows:

"(D) SMALL BUSINESS INVESTMENT COMPANIES.—Any Federal savings association may invest in 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies formed under the Small Business Investment Act of 1958, except that the total amount of investments under this subparagraph may not at any time exceed the amount equal to 5 percent of capital and surplus of the savings association.".

SEC. 208. REMOVAL OF LIMITATION ON INVESTMENTS IN AUTO LOANS.

(a) IN GENERAL.—Section 5(c)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)) is amended by adding at the end the following new subparagraph:

"(V) AUTO LOANS.—Loans and leases for motor vehicles acquired for personal, family, or household purposes.".

(b) TECHNICAL AND CONFORMING AMENDMENT RELATING TO QUALIFIED THRIFT INVESTMENTS.—Section 10(m)(4)(C)(ii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(C)(ii)) is amended by adding at the end the following new subclause:

"(VIII) Loans and leases for motor vehicles acquired for personal, family, or household purposes.".

SEC. 209. SELLING AND OFFERING OF DEPOSIT PRODUCTS.

Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(h)) is amended by adding at the end the following new paragraph:

"(4) Selling and Offering of Deposit Products.—No law, rule, regulation, or order, or other administrative action of any State or political subdivision thereof shall directly or indirectly require any individual who is an agent of 1 Federal savings association (as such term is defined in section 2(5) of the Home Owners' Loan Act (12 U.S.C. 1462(5)) in selling or offering deposit (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)) products issued by such association to qualify or register as a broker, dealer, associated person of a broker, or associated person of a dealer, or to qualify or register in any other similar status or capacity, if the individual does not—

"(A) accept deposits or make withdrawals on behalf of any customer of the association;

"(B) offer or sell a deposit product as an agent for another entity that is not subject to supervision and examination by a Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act (12 U.S.C. 1813(z)), the National Credit Union Administration, or any officer, agency, or other entity of any State which has primary regulatory authority over State banks, State savings associations, or State credit unions;

"(C) offer or sell a deposit product that is not an insured deposit (as defined in section 3(m) of the Federal Deposit Insurance Act (12 U.S.C. 1813(m)));

"(D) offer or sell a deposit product which contains a feature that makes it callable at the option of such Federal savings association; or

"(E) create a secondary market with respect to a deposit product or otherwise add enhancements or features to such product independent of those offered by the association.".

SEC. 210. FUNERAL- AND CEMETERY-RELATED FIDUCIARY SERVICES.

Section 5(n) of the Home Owners' Loan Act (12 U.S.C. 1464(n)) is amended by adding at the end the following new paragraph:

"(11) Funeral- and Cemetery-Related Fiduciary Services.—

"(A) In General.—A funeral director or cemetery operator, when acting in such capacity, (or any other person in connection with a contract or other agreement with a funeral director or cemetery operator) may engage any Federal savings association, regardless of where the association is located, to act in any fiduciary capacity in which the savings association has the right to act in accordance with this section, including holding funds deposited in trust or escrow by the funeral director or cemetery operator (or by such other party), and the savings association may act in such fiduciary capacity on behalf of the funeral director or cemetery operator (or such other person).

"(B) Definitions.—For purposes of this paragraph, the following definitions shall apply:

"(i) Cemetery.—The term 'cemetery' means any land or structure used, or intended to be used, for the interment of human remains in any form.

"(ii) Cemetery Operator.—The term 'cemetery operator' means any person who contracts or accepts payment for merchandise, endowment, or perpetual care services in connection with a cemetery.

"(iii) Funeral Director.—The term 'funeral director' means any person who contracts or accepts payment to provide or arrange—

"(I) services for the final disposition of human remains; or

"(II) funeral services, property, or merchandise (including cemetery services, property, or merchandise).".

SEC. 211. REPEAL OF QUALIFIED THRIFT LENDER REQUIREMENT WITH RESPECT TO OUT-OF-STATE BRANCHES.

Section 5(r)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(r)(1)) is amended by striking the last sentence.

SEC. 212. SMALL BUSINESS AND OTHER COMMERCIAL LOANS.

(a) Elimination of Lending Limit on Small Business Loans.—Section 5(c)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)) is amended by inserting after subparagraph (V) (as added by section 208 of this title) the following new subparagraph:

"(W) Small Business Loans.—Small business loans, as defined in regulations which the Director shall prescribe.".

(b) Increase in Lending Limit on Other Business Loans.—Section 5(c)(2)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(2)(A)) is amended by striking ", and amounts in excess of 10 percent" and all that follows through "by the Director".

SEC. 213. CLARIFYING CITIZENSHIP OF FEDERAL SAVINGS ASSOCIATIONS FOR FEDERAL COURT JURISDICTION.

Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by adding at the end the following new subsection:

"(x) Home State Citizenship.—In determining whether a Federal court has diversity jurisdiction over a case in which a Federal savings association is a party, the Federal savings association shall be considered to be a citizen only of the States in which such savings association has its home office and its principal place of business (if the principal place of business is in a different State than the home office).".

SEC. 214. INCREASE IN LIMITS ON COMMERCIAL REAL ESTATE LOANS.

Section 5(c)(2)(B)(i) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(2)(B)(i)) is amended by striking "400 percent" and inserting "500 percent".

SEC. 215. REPEAL OF ONE LIMIT ON LOANS TO ONE BORROWER.

Subparagraph (A) of section 5(u)(2) of the Home Owners' Loan Act (12 U.S.C. 1464(u)(2)(A)) is amended—

(1) by striking subclause (I) of clause (ii);

(2) by redesignating subclauses (II), (III), (IV), and (V) of clause (ii) as subclauses (I), (II), (III), and (IV), respectively;

(3) in clause (i)—

(A) by striking "for any" and inserting "For any"; and

(B) by striking "; or" and inserting a period; and

(4) in clause (ii), by striking "to develop domestic" and inserting "To develop domestic".

SEC. 216. SAVINGS ASSOCIATION CREDIT CARD BANKS.

Section 10(a)(1)(A) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(A)) is amended by inserting "and such term does not include an institution described in section 2(c)(2)(F) of the Bank Holding Company Act of 1956 for purposes of subsections (a)(1)(E), (c)(3)(B)(i), (c)(9)(C)(i), and (e)(3)" before the period at the end.

SEC. 217. INTERSTATE ACQUISITIONS BY S&L HOLDING COMPANIES.

Section 10(e)(3) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(3)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively; and

(2) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) such acquisition would be permissible under section 3(d) of the Bank Holding Company Act of 1956 if the savings and loan holding company were a bank holding company and any savings association to be acquired were a bank;".

SEC. 218. BUSINESS ORGANIZATION FLEXIBILITY FOR FEDERAL SAVINGS ASSOCIATIONS.

(a) In General.—Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by inserting after subsection (x) (as added by section 213) following new subsection:

"(y) Alternative Business Organization.—

"(1) In General.—The Director may prescribe regulations that—

"(A) permit a Federal savings association to be organized other than as a corporation; and

"(B) provide requirements for the organizational characteristics of a Federal savings association organized and operating other than as a corporation, consistent with the safety and soundness of the Federal savings association.

"(2) Equal Treatment.—Except as otherwise provided in regulations prescribed under subsection (1), a Federal savings association that is operating other than as a corporation shall have the same rights and privileges and shall be subject to the same duties, restrictions, penalties, liabilities, conditions, and limitations as a Federal savings association that is organized as a corporation.".

(b) Technical and Conforming Amendments.—

(1) Section 5(a)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(a)(1)) is amended by striking "organization, incorporation," and inserting "organization (as a corporation or other form of business organization provided under regulations prescribed by the Director under subsection (x)),".

(2) The last sentence of section 5(i)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(i)(1)) is amended by striking "incorporated" and inserting "organized".

(3) Section 5(o)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(a)(1)) is amended by striking "organization, incorporation," and inserting "organization (as a corporation or other form of business organization provided under regulations prescribed by the Director under subsection (x)),".

TITLE III—CREDIT UNION PROVISIONS

SEC. 301. PRIVATELY INSURED CREDIT UNIONS AUTHORIZED TO BECOME MEMBERS OF A FEDERAL HOME LOAN BANK.

(a) In General.—Section 4(a) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended by adding at the end the following new paragraph:

"(5) Certain Privately Insured Credit Unions.—

"(A) In General.—A credit union which has been determined, in accordance with section 43(e)(1) of the Federal Deposit Insurance Act and subject to the requirements of subparagraph (B), to meet all eligibility requirements for Federal deposit insurance shall be treated as an insured depository institution for purposes of determining the eligibility of such credit union for membership in a Federal home loan bank under paragraphs (1), (2), and (3).

"(B) Certification by Appropriate Supervisor.—

"(i) In General.—For purposes of this paragraph and subject to clause (ii), a credit union which lacks Federal deposit insurance and which has applied for membership in a Federal home loan bank may be treated as meeting all the eligibility requirements for Federal deposit insurance only if the appropriate supervisor of the State in which the credit union is chartered has determined that the credit union meets all the eligibility requirements for Federal deposit insurance as of the date of the application for membership.

"(ii) CERTIFICATION DEEMED VALID.—If, in the case of any credit union to which clause (i) applies, the appropriate supervisor of the State in which such credit union is chartered fails to make a determination pursuant to such clause by the end of the 6-month period beginning on the date of the application, the credit union shall be deemed to have met the requirements of clause (i).

"(C) SECURITY INTERESTS OF FEDERAL HOME LOAN BANK NOT AVOIDABLE.—Notwithstanding any provision of State law authorizing a conservator or liquidating agent of a credit union to repudiate contracts, no such provision shall apply with respect to—

"(i) any extension of credit from any Federal home loan bank to any credit union which is a member of any such bank pursuant to this paragraph; or

"(ii) any security interest in the assets of such credit union securing any such extension of credit.".

(b) COPIES OF AUDITS OF PRIVATE INSURERS OF CERTAIN DEPOSITORY INSTITUTIONS REQUIRED TO BE PROVIDED TO SUPERVISORY AGENCIES.—Section 43(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (A)(i);

(2) by striking the period at the end of clause (ii) of subparagraph (A) and inserting a semicolon;

(3) by inserting the following new clauses at the end of subparagraph (A):

"(iii) in the case of depository institutions described in subsection (f)(2)(A) the deposits of which are insured by the private insurer, the National Credit Union Administration, not later than 7 days after that audit is completed; and

"(iv) in the case of depository institutions described in subsection (f)(2)(A) the deposits of which are insured by the private insurer which are members of a Federal home loan bank, the Federal Housing Finance Board, not later than 7 days after that audit is completed."; and

(4) by adding at the end the following new subparagraph:

"(C) CONSULTATION.—The appropriate supervisory agency of each State in which a private deposit insurer insures deposits in an institution described in subsection (f)(2)(A) which—

"(i) lacks Federal deposit insurance; and

"(ii) has become a member of a Federal home loan bank,

shall provide the National Credit Union Administration, upon request, with the results of any examination and reports related thereto concerning the private deposit insurer to which such agency may have in its possession.".

SEC. 302. LEASES OF LAND ON FEDERAL FACILITIES FOR CREDIT UNIONS.

(a) IN GENERAL.—Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended—

(1) by striking "Upon application by any credit union" and inserting "Notwithstanding any other provision of law, upon application by any credit union";

(2) by inserting "on lands reserved for the use of, and under the exclusive or concurrent jurisdiction of, the United States or" after "officer or agency of the United States charged with the allotment of space";

(3) by inserting "lease land or" after "such officer or agency may in his or its discretion"; and

(4) by inserting "or the facility built on the lease land" after "credit union to be served by the allotment of space".

(b) CLERICAL AMENDMENT.—The heading for section 124 is amended by inserting "OR FEDERAL LAND" after "BUILDINGS".

SEC. 303. INVESTMENTS IN SECURITIES BY FEDERAL CREDIT UNIONS.

Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended—

(1) in the matter preceding paragraph (1) by striking "A Federal credit union" and inserting "(a) IN GENERAL.—Any Federal credit union"; and

(2) by adding at the end the following new subsection:

"(b) ADDITIONAL INVESTMENT AUTHORITY.—

"(1) IN GENERAL.—In addition to any investments otherwise authorized, a Federal credit union may purchase and hold for its own account such investment securities of investment grade as the Board may authorize by regulation, subject to such limitations and restrictions as the Board may prescribe in the regulations.

"(2) PERCENTAGE LIMITATIONS.—

"(A) SINGLE OBLIGOR.—In no event may the total amount of investment securities of any single obligor or maker held by a Federal credit union for the credit union's own account exceed at any time an amount equal to 10 percent of the net worth of the credit union.

"(B) AGGREGATE INVESTMENTS.—In no event may the aggregate amount of investment securities held by a Federal credit union for the credit union's own account exceed at any time an amount equal to 10 percent of the assets of the credit union.

"(3) INVESTMENT SECURITY DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'investment security' means marketable obligations evidencing the indebtedness of any person in the form of bonds, notes, or debentures and other instruments commonly referred to as investment securities.

"(B) FURTHER DEFINITION BY BOARD.—The Board may further define the term 'investment security'.

"(4) INVESTMENT GRADE DEFINED.—The term 'investment grade' means with respect to an investment security purchased by a credit union for its own account, an investment security that at the time of such purchase is rated in one of the 4 highest rating categories by at least 1 nationally recognized statistical rating organization.

"(5) CLARIFICATION OF PROHIBITION ON STOCK OWNERSHIP.—No provision of this subsection shall be construed as authorizing a Federal credit union to purchase shares of stock of any corporation for the credit union's own account, except as otherwise permitted by law.".

SEC. 304. INCREASE IN GENERAL 12-YEAR LIMITATION OF TERM OF FEDERAL CREDIT UNION LOANS TO 15 YEARS.

Section 107(a)(5) of the Federal Credit Union Act (12 U.S.C. 1757(5)) (as so designated by section 303 of this title) is amended—

(1) in the matter preceding subparagraph (A), by striking "to make loans, the maturities of which shall not exceed twelve years except as otherwise provided herein" and inserting "to make loans, the maturities of which shall not exceed 15 years or any longer maturity as the Board may allow, in regulations, except as otherwise provided in this Act";

(2) in subparagraph (A)—

(A) by striking clause (ii);

(B) by redesignating clauses (iii) through (x) as clauses (ii) through (ix), respectively; and

(C) by inserting "and" after the semicolon at the end of clause (viii) (as so redesignated).

SEC. 305. INCREASE IN 1 PERCENT INVESTMENT LIMIT IN CREDIT UNION SERVICE ORGANIZATIONS.

Section 107(a)(7)(I) of the Federal Credit Union Act (12 U.S.C. 1757(7)(I)) (as so designated by section 303 of this title) is amended by striking "up to 1 per centum of the total paid" and inserting "up to 3 percent of the total paid".

SEC. 306. MEMBER BUSINESS LOAN EXCLUSION FOR LOANS TO NONPROFIT RELIGIOUS ORGANIZATIONS.

Section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended by inserting ", excluding loans made to nonprofit religious organizations," after "total amount of such loans".

SEC. 307. CHECK CASHING AND MONEY TRANSFER SERVICES OFFERED WITHIN THE FIELD OF MEMBERSHIP.

Paragraph (12) of section 107(a) of the Federal Credit Union Act (12 U.S.C. 1757(12)) (as so designated by section 303 of this title) is amended to read as follows:

"(12) in accordance with regulations prescribed by the Board—

"(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers); and

"(B) to cash checks and money orders and receive international and domestic electronic fund transfers for persons in the field of membership for a fee;".

SEC. 308. VOLUNTARY MERGERS INVOLVING MULTIPLE COMMON-BOND CREDIT UNIONS.

Section 109(d)(2) of the Federal Credit Union Act (12 U.S.C. 1759(d)(2)) is amended—

(1) by striking "or" at the end of clause (ii) of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) a merger involving any such Federal credit union approved by the Board on or after August 7, 1998.".

SEC. 309. CONVERSIONS INVOLVING COMMON-BOND CREDIT UNIONS.

Section 109(g) of the Federal Credit Union Act (12 U.S.C. 1759(g)) is amended by inserting after paragraph (2) the following new paragraph:

"(3) CRITERIA FOR CONTINUED MEMBERSHIP OF CERTAIN MEMBER GROUPS IN COMMUNITY CHARTER CONVERSIONS.—In the case of a voluntary conversion of a common-bond credit union described in paragraph (1) or (2) of subsection (b) into a community credit union described in subsection (b)(3), the Board shall prescribe, by regulation, the criteria under which the Board may determine that a member group or other portion of a credit union's existing membership, that is located outside the well-defined local community, neighborhood, or rural district that shall constitute the community charter, can be satisfactorily served by the credit union and remain within the community credit union's field of membership.".

SEC. 310. CREDIT UNION GOVERNANCE.

(a) EXPULSION OF MEMBERS FOR JUST CAUSE.—Subsection (b) of section 118 of the Federal Credit Union Act (12 U.S.C. 1764(b)) is amended to read as follows:

"(b) POLICY AND ACTIONS OF BOARDS OF DIRECTORS OF FEDERAL CREDIT UNIONS.—

"(1) EXPULSION OF MEMBERS FOR NONPARTICIPATION OR FOR JUST CAUSE.—The board of directors of a Federal credit union may, by majority vote of a quorum of directors, adopt and enforce a policy with respect to expulsion from membership, by a majority vote of such board of directors, based on just cause, including disruption of credit union operations, or on nonparticipation by a member in the affairs of the credit union.

"(2) WRITTEN NOTICE OF POLICY TO MEMBERS.—If a policy described in paragraph (1) is adopted, written notice of the policy as adopted and the effective date of such policy shall be provided to—

"(A) each existing member of the credit union not less than 30 days prior to the effective date of such policy; and

"(B) each new member prior to or upon applying for membership.".

(b) TERM LIMITS AUTHORIZED FOR BOARD MEMBERS OF FEDERAL CREDIT UNIONS.—Section

111(a) of the Federal Credit Union Act (12 U.S.C. 1761(a)) is amended by adding at the end the following new sentence: "The bylaws of a Federal credit union may limit the number of consecutive terms any person may serve on the board of directors of such credit union.".

(c) Reimbursement for Lost Wages Due to Service on Credit Union Board not Treated as Compensation.—Section 111(c) of the Federal Credit Union Act (12 U.S.C. 1761(c)) is amended by inserting ", including lost wages," after "the reimbursement of reasonable expenses".

SEC. 311. PROVIDING THE NATIONAL CREDIT UNION ADMINISTRATION WITH GREATER FLEXIBILITY IN RESPONDING TO MARKET CONDITIONS.

Section 107(a)(5)(A)(v)(I) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(vi)(I)) (as so designated by section 303 and redesignated by section 304(2)(B) of this title) is amended by striking "six-month period and that prevailing interest rate levels" and inserting "6-month period or that prevailing interest rate levels".

SEC. 312. EXEMPTION FROM PRE-MERGER NOTIFICATION REQUIREMENT OF THE CLAYTON ACT.

Section 7A(c)(7) of the Clayton Act (15 U.S.C. 18a(c)(7)) is amended by inserting "section 205(b)(3) of the Federal Credit Union Act (12 U.S.C. 1785(b)(3))," before "or section 3".

SEC. 313. TREATMENT OF CREDIT UNIONS AS DEPOSITORY INSTITUTIONS UNDER SECURITIES LAWS.

(a) Definition of Bank Under the Securities Exchange Act of 1934.—Section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6)) (as amended by section 201(a)(1) of this Act) is amended—

(1) by striking "this title, and (D) a receiver" and inserting "this title, (D) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act) but only for purposes of paragraphs (4) and (5) of this subsection and only for activities otherwise authorized by applicable laws to which such credit unions are subject, and (E) a receiver"; and

(2) in subparagraph (E) (as so redesignated by paragraph (1) of this subsection) by striking "(A), (B), or (C)" and inserting "(A), (B), (C), or (D)".

(b) Definition of Bank Under the Investment Advisers Act of 1940.—Section 202(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(2)) (as amended by section 201(b)(1) of this Act) is amended—

(1) by striking "this title, and (D) a receiver" and inserting "this title, (D) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act) but only for activities otherwise authorized by applicable laws to which such credit unions are subject, and (E) a receiver"; and

(2) in subparagraph (E) (as so redesignated by paragraph (1) of this subsection) by striking "(A), (B), or (C)" and inserting "(A), (B), (C), or (D)".

(c) Definition of Appropriate Federal Banking Agency.—Section 210A(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–10a(c)) is amended by inserting "and includes the National Credit Union Administration Board, in the case of an insured credit union (as defined in section 101(7) of the Federal Credit Union Act)" before the period at the end.

SEC. 314. CLARIFICATION OF DEFINITION OF NET WORTH UNDER CERTAIN CIRCUMSTANCES FOR PURPOSES OF PROMPT CORRECTIVE ACTION.

Subparagraph (A) of section 216(o)(2) of the Federal Credit Union Act (12 U.S.C. 1790d(o)(2)(A)) is amended—

(1) by inserting "the" before "retained earnings balance"; and

(2) by inserting ", together with any amounts that were previously retained earnings of any other credit union with which the credit union has combined" before the semicolon at the end.

SEC. 315. AMENDMENTS RELATING TO NONFEDERALLY INSURED CREDIT UNIONS.

(a) In General.—Subsection (a) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t(a)) is amended by adding at the end the following new paragraph:

"(3) Enforcement by appropriate State supervisor.—Any appropriate State supervisor of a private deposit insurer, and any appropriate State supervisor of a depository institution which receives deposits that are insured by a private deposit insurer, may examine and enforce compliance with this subsection under the applicable regulatory authority of such supervisor.".

(b) Amendment Relating to Disclosures Required, Periodic Statements and Account Records.—Section 43(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(b)(1)) is amended by striking "or similar instrument evidencing a deposit" and inserting "or share certificate".

(c) Amendments Relating to Disclosures Required, Advertising, Premises.— Section 43(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(b)(2)) is amended to read as follows:

"(2) Advertising; premises.—

"(A) In general.—Include clearly and conspicuously in all advertising, except as provided in subparagraph (B); and at each station or window where deposits are normally received, its principal place of business and all its branches where it accepts deposits or opens accounts (excluding automated teller machines or point of sale terminals), and on its main Internet page, a notice that the institution is not federally insured.

"(B) Exceptions.—The following need not include a notice that the institution is not federally insured:

"(i) Statements or reports of financial condition of the depository institution that are required to be published or posted by State or Federal law or regulation.

"(ii) Any sign, document, or other item that contains the name of the depository institution, its logo, or its contact information, but only if the sign, document, or item does not include any information about the institution's products or services or information otherwise promoting the institution.

"(iii) Small utilitarian items that do not mention deposit products or insurance if inclusion of the notice would be impractical.".

(d) Amendments Relating to Acknowledgment of Disclosure.—Section 43(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(b)(3)) is amended to read as follows:

"(3) Acknowledgment of disclosure.—

"(A) New depositors obtained other than through a conversion or merger.—With respect to any depositor who was not a depositor at the depository institution before the effective date of the Financial Services Relief Act of 2005, and who is not a depositor as described in subparagraph (B), receive any deposit for the account of such depositor only if the depositor has signed a written acknowledgement that—

"(i) the institution is not federally insured; and

"(ii) if the institution fails, the Federal Government does not guarantee that the depositor will get back the depositor's money.

"(B) New depositors obtained through a conversion or merger.—With respect to a depositor at a federally insured depository institution that converts to, or merges into, a depository institution lacking federal insurance after the effective date of the Financial Services Regulatory Relief Act of 2005, receive any deposit for the account of such depositor only if—

"(i) the depositor has signed a written acknowledgement described in subparagraph (A); or

"(ii) the institution makes an attempt, as described in subparagraph (D) and sent by mail no later than 45 days after the effective date of the conversion or merger, to obtain the acknowledgment.

"(C) Current depositors.—Receive any deposit after the effective date of the Financial Services Regulatory Relief Act of 2005 for the account of any depositor who was a depositor on that date only if—

"(i) the depositor has signed a written acknowledgement described in subparagraph (A); or

"(ii) the institution makes an attempt, as described in subparagraph (D) and sent by mail no later than 45 days after the effective date of the Financial Services Regulatory Relief Act of 2005, to obtain the acknowledgment.

"(D) Alternative provision of notice to current depositors and new depositors obtained through a conversion or merger.—

"(i) In general.—Transmit to each depositor who has not signed a written acknowledgement described in subparagraph (A)—

"(I) a conspicuous card containing the information described in clauses (i) and (ii) of subparagraph (A), and a line for the signature of the depositor; and

"(II) accompanying materials requesting the depositor to sign the card, and return the signed card to the institution.".

(e) Repeal of Provision Prohibiting Nondepository Institutions From Accepting Deposits.—Section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(f) Repeal of Provision Concerning Nondepository Institutions Masquerading as Depository Institutions and Clarification of Depository Institutions Covered by the Statute.—Subsection (e)(2) (as so redesignated by subsection (e) of this section) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) is amended to read as follows:

"(2) Depository institution.—The term 'depository institution'—

"(A) includes any entity described in section 19(b)(1)(A)(iv) of the Federal Reserve Act; and

"(B) does not include any national bank, State member bank, or Federal branch.".

(g) Repeal of FTC Authority to Enforce Independent Audit Requirement; Concurrent State Enforcement.—Subsection (f) (as so redesignated by subsection (e) of this section) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) is amended to read as follows:

"(f) Enforcement.—

"(1) Limited FTC enforcement authority.—Compliance with the requirements of subsections (b) and (c), and any regulation prescribed or order issued under any such subsection, shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(2) Broad State enforcement authority.—

"(A) In general.—Subject to subparagraph (C), an appropriate State supervisor of a depository institution lacking Federal deposit insurance may examine and enforce compliance with the requirements of this section, and any regulation prescribed under this section.

"(B) State powers.—For purposes of bringing any action to enforce compliance with this section, no provision of this section shall be construed as preventing an appropriate State supervisor of a depository institution lacking Federal deposit insurance from exercising any powers conferred on such official by the laws of such State.

‘‘(C) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Federal Trade Commission has instituted an enforcement action for a violation of this section, no appropriate State supervisor may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this section that is alleged in that complaint.’’.

TITLE IV—DEPOSITORY INSTITUTION PROVISIONS

SEC. 401. EASING RESTRICTIONS ON INTERSTATE BRANCHING AND MERGERS.

(a) DE NOVO INTERSTATE BRANCHES OF NATIONAL BANKS.—

(1) IN GENERAL.—Section 5155(g)(1) of the Revised Statutes of the United States (12 U.S.C. 36(g)(1)) is amended by striking ‘‘maintain a branch if—’’ and all that follows through the end of subparagraph (B) and inserting ‘‘maintain a branch.’’.

(2) CLERICAL AMENDMENT.—The heading for subsection (g) of section 5155 of the Revised Statutes of the United States is amended by striking ‘‘STATE ‘OPT-IN’ ELECTION TO PERMIT’’.

(b) DE NOVO INTERSTATE BRANCHES OF STATE NONMEMBER BANKS.—

(1) IN GENERAL.—Section 18(d)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)(A)) is amended by striking ‘‘maintain a branch if—’’ and all that follows through the end of clause (ii) and inserting ‘‘maintain a branch.’’.

(2) INTERSTATE BRANCHING BY SUBSIDIARIES OF COMMERCIAL FIRMS PROHIBITED.—Section 18(d)(3)) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(3)) is amended by adding at the end the following new subparagraph:

‘‘(C) INTERSTATE BRANCHING BY SUBSIDIARIES OF COMMERCIAL FIRMS PROHIBITED.—

‘‘(i) IN GENERAL.—If the appropriate State bank supervisor of the home State of any industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956, or the appropriate State bank supervisor of any host State with respect to such company, bank, or institution, determines that such company, bank, or institution is controlled, directly or indirectly, by a commercial firm, such company, bank, or institution may not acquire, establish, or operate a branch in such host State.

‘‘(ii) COMMERCIAL FIRM DEFINED.—For purposes of this subsection, the term ‘commercial firm’ means any entity at least 15 percent of the annual gross revenues of which on a consolidated basis, including all affiliates of the entity, were derived from engaging, on an on-going basis, in activities that are not financial in nature or incidental to a financial activity during at least 3 of the prior 4 calendar quarters.

‘‘(iii) GRANDFATHERED INSTITUTIONS.—Clause (i) shall not apply with respect to any industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956—

‘‘(I) which became an insured depository institution before October 1, 2003 or pursuant to an application for deposit insurance which was approved by the Corporation before such date; and

‘‘(II) with respect to which there is no change in control, directly or indirectly, of the company, bank, or institution after September 30, 2003, that requires an application under subsection (c), section 7(j), section 3 of the Bank Holding Company Act of 1956, or section 10 of the Home Owners’ Loan Act.

‘‘(iv) TRANSITION PROVISION.—Any divestiture required under this subparagraph of a branch in a host State shall be completed as quickly as is reasonably possible.

‘‘(v) CORPORATE REORGANIZATIONS PERMITTED.—The acquisition of direct or indirect control of the company, bank, or institution referred to in clause (iii)(II) shall not be treated as a ‘change in control’ for purposes of such clause if the company acquiring control is itself directly or indirectly controlled by a company that was an affiliate of such company, bank, or institution on the date referred to in clause (iii)(II), and remained an affiliate at all times after such date.’’.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Section 18(d)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)) is amended—

(A) in subparagraph (A) by striking ‘‘Subject to subparagraph (B)’’ and inserting ‘‘Subject to subparagraph (B) and paragraph (3)(C)’’; and

(B) in subparagraphs (D) and (E), by striking ‘‘The term’’ and inserting ‘‘For purposes of this subsection, the term’’.

(4) CLERICAL AMENDMENT.—The heading for paragraph (4) of section 18(d) of the Federal Deposit Insurance Act is amended by striking ‘‘STATE ‘OPT-IN’ ELECTION TO PERMIT INTERSTATE’’ and inserting ‘‘INTERSTATE’’.

(c) DE NOVO INTERSTATE BRANCHES OF STATE MEMBER BANKS.—The 3rd undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321) is amended by adding at the end the following new sentences: ‘‘A State member bank may establish and operate a de novo branch in a host State (as such terms are defined in section 18(d) of the Federal Deposit Insurance Act) on the same terms and conditions and subject to the same limitations and restrictions as are applicable to the establishment of a de novo branch of a national bank in a host State under section 5155(g) of the Revised Statutes of the United States or are applicable to an insured State nonmember bank under section 18(d)(3) of the Federal Deposit Insurance Act’’. Such section 5155(g) shall be applied for purposes of the preceding sentence by substituting ‘Board of Governors of the Federal Reserve System’ for ‘Comptroller of the Currency’ and ‘State member bank’ for ‘national bank’.’’.

(d) INTERSTATE MERGER OF BANKS.—

(1) MERGER OF INSURED BANK WITH ANOTHER DEPOSITORY INSTITUTION OR TRUST COMPANY.—Section 44(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(a)(1)) is amended—

(A) by striking ‘‘Beginning on June 1, 1997, the’’ and inserting ‘‘The’’; and

(B) by striking ‘‘insured banks with different home States’’ and inserting ‘‘an insured bank and another insured depository institution or trust company with a different home State than the resulting insured bank’’.

(2) NATIONAL BANK TRUST COMPANY MERGER WITH OTHER TRUST COMPANY.—Subsection (b) of section 4 of the National Bank Consolidation and Merger Act (12 U.S.C. 215a–1(b)) is amended to read as follows:

‘‘(b) MERGER OF NATIONAL BANK TRUST COMPANY WITH ANOTHER TRUST COMPANY.—A national bank that is a trust company may engage in a consolidation or merger under this Act with any trust company with a different home State, under the same terms and conditions that would apply if the trust companies were located within the same State.’’.

(e) INTERSTATE FIDUCIARY ACTIVITY.—Section 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)) is amended by adding at the end the following new paragraph:

‘‘(5) INTERSTATE FIDUCIARY ACTIVITY.—

‘‘(A) AUTHORITY OF STATE BANK SUPERVISOR.—The State bank supervisor of a State bank may approve an application by the State bank, when not in contravention of home State or host State law, to act as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, or in any other fiduciary capacity in a host State in which State banks or other corporations which come into competition with national banks are permitted to act under the laws of such host State.

‘‘(B) NONCONTRAVENTION OF HOST STATE LAW.—Whenever the laws of a host State authorize or permit the exercise of any or all of the foregoing powers by State banks or other corporations which compete with national banks, the granting to and the exercise of such powers by a State bank as provided in this paragraph shall not be deemed to be in contravention of host State law within the meaning of this paragraph.

‘‘(C) STATE BANK INCLUDES TRUST COMPANIES.—For purposes of this paragraph, the term ‘State bank’ includes any State-chartered trust company (as defined in section 44(g)).

‘‘(D) OTHER DEFINITIONS.—For purposes of this paragraph, the term ‘home State’ and ‘host State’ have the meanings given such terms in section 44.’’.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 44 of the Federal Deposit Insurance Act (12 U.S.C. 1831u) is amended—

(A) in subsection (a)—

(i) by striking paragraph (4) and inserting the following new paragraph:

‘‘(4) TREATMENT OF BRANCHES IN CONNECTION WITH CERTAIN INTERSTATE MERGER TRANSACTIONS.—In the case of an interstate merger transaction which involves the acquisition of a branch of an insured depository institution or trust company without the acquisition of the insured depository institution or trust company, the branch shall be treated, for purposes of this section, as an insured depository institution or trust company the home State of which is the State in which the branch is located.’’; and

(ii) by striking paragraphs (5) and (6) and inserting the following new paragraph:

‘‘(5) APPLICABILITY TO INDUSTRIAL LOAN COMPANIES.—No provision of this section shall be construed as authorizing the approval of any transaction involving a industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956, or the acquisition, establishment, or operation of a branch by any such company, bank, or institution, that is not allowed under section 18(d)(3).’’.

(B) in subsection (b)—

(i) by striking ‘‘bank’’ each place such term appears in paragraph (2)(B)(i) and inserting ‘‘insured depository institution’’;

(ii) by striking ‘‘banks’’ where such term appears in paragraph (2)(E) and inserting ‘‘insured depository institutions or trust companies’’;

(iii) by striking ‘‘bank affiliate’’ each place such term appears in that portion of paragraph (3) that precedes subparagraph (A) and inserting ‘‘insured depository institution affiliate’’;

(iv) by striking ‘‘any bank’’ where such term appears in paragraph (3)(B) and inserting ‘‘any insured depository institution’’;

(v) by striking ‘‘bank’’ where such term appears in paragraph (4)(A) and inserting ‘‘insured depository institution and trust company’’; and

(vi) by striking ‘‘all banks’’ where such term appears in paragraph (5) and inserting ‘‘all insured depository institutions and trust companies’’;

(C) in subsection (d)(1), by striking ‘‘any bank’’ and inserting ‘‘any insured depository institution or trust company’’;

(D) in subsection (e)—

(i) by striking ‘‘1 or more banks’’ and inserting ‘‘1 or more insured depository institutions’’; and

(ii) by striking ‘‘paragraph (2), (4), or (5)’’ and inserting ‘‘paragraph (2)’’;

(E) by striking clauses (i) and (ii) of subsection (g)(4)(A) and inserting the following new clauses:

"(i) with respect to a national bank or Federal savings association, the State in which the main office of the bank or savings association is located; and

"(ii) with respect to a State bank, State savings association, or State-chartered trust company, the State by which the bank, savings association, or trust company is chartered; and";

(F) by striking paragraph (5) of subsection (g) and inserting the following new paragraph:

"(5) HOST STATE.—The term 'host State' means—

"(A) with respect to a bank, a State, other than the home State of the bank, in which the bank maintains, or seeks to establish and maintain, a branch; and

"(B) with respect to a trust company and solely for purposes of section 18(d)(5), a State, other than the home State of the trust company, in which the trust company acts, or seeks to act, in 1 or more fiduciary capacities.";

(G) in subsection (g)(10), by striking "section 18(c)(2)" and inserting "paragraph (1) or (2) of section 18(c), as appropriate,"; and

(H) in subsection (g), by adding at the end the following new paragraph:

"(12) TRUST COMPANY.—The term 'trust company' means—

"(A) any national bank;

"(B) any savings association; and

"(C) any bank, banking association, trust company, savings bank, or other banking institution which is incorporated under the laws of any State,

that is authorized to act in 1 or more fiduciary capacities but is not engaged in the business of receiving deposits other than trust funds (as defined in section 3(p)).".

(2) Section 3(d) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (B) and (C); and

(ii) by redesignating subparagraph (D) as subparagraph (B); and

(B) in paragraph (5), by striking "subparagraph (B) or (D)" and inserting "subparagraph (B)".

(3) Subsection (c) of section 4 of the National Bank Consolidation and Merger Act (12 U.S.C. 215a-1(c)) is amended to read as follows:

"(c) DEFINITIONS.—For purposes of this section, the terms 'home State', 'out-of-State bank', and 'trust company' each have the same meaning as in section 44(g) of the Federal Deposit Insurance Act.".

(g) CLERICAL AMENDMENTS.—

(1) The heading for section 44(b)(2)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(b)(2)(E)) is amended by striking "BANKS" and inserting "INSURED DEPOSITORY INSTITUTIONS AND TRUST COMPANIES".

(2) The heading for section 44(e) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(e)) is amended by striking "BANKS" and inserting "INSURED DEPOSITORY INSTITUTIONS".

SEC. 402. STATUTE OF LIMITATIONS FOR JUDICIAL REVIEW OF APPOINTMENT OF A RECEIVER FOR DEPOSITORY INSTITUTIONS.

(a) NATIONAL BANKS.—Section 2 of the National Bank Receivership Act (12 U.S.C. 191) is amended—

(1) by striking "SECTION 2. The Comptroller of the Currency" and inserting the following:

"SEC. 2. APPOINTMENT OF RECEIVER FOR A NATIONAL BANK.

"(a) IN GENERAL.—The Comptroller of the Currency"; and

(2) by adding at the end the following new subsection:

"(b) JUDICIAL REVIEW.—If the Comptroller of the Currency appoints a receiver under subsection (a), the national bank may, within 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such bank is located, or in the United States District Court for the District of Columbia, for an order requiring the Comptroller of the Currency to remove the receiver, and the court shall, upon the merits, dismiss such action or direct the Comptroller of the Currency to remove the receiver.".

(b) INSURED DEPOSITORY INSTITUTIONS.—Section 11(c)(7) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(7)) is amended to read as follows:

"(7) JUDICIAL REVIEW.—If the Corporation is appointed (including the appointment of the Corporation as receiver by the Board of Directors) as conservator or receiver of a depository institution under paragraph (4), (9), or (10), the depository institution may, within 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such depository institution is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the conservator or receiver (regardless of how such appointment was made), and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the conservator or receiver.".

(c) EXPANSION OF PERIOD FOR CHALLENGING THE APPOINTMENT OF A LIQUIDATING AGENT.—Subparagraph (B) of section 207(a)(1) of the Federal Credit Union Act (12 U.S.C. 1787(a)(1)) is amended by striking "10 days" and inserting "30 days".

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to conservators, receivers, or liquidating agents appointed on or after the date of the enactment of this Act.

SEC. 403. REPORTING REQUIREMENTS RELATING TO INSIDER LENDING.

(a) REPORTING REQUIREMENTS REGARDING LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS.—Section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) is amended—

(1) by striking paragraphs (6) and (9); and

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (6), (7), and (8), respectively.

(b) REPORTING REQUIREMENTS REGARDING LOANS FROM CORRESPONDENT BANKS TO EXECUTIVE OFFICERS AND SHAREHOLDERS OF INSURED BANKS.—Section 106(b)(2) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)) is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

SEC. 404. AMENDMENT TO PROVIDE AN INFLATION ADJUSTMENT FOR THE SMALL DEPOSITORY INSTITUTION EXCEPTION UNDER THE DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS ACT.

Section 203(1) of the Depository Institution Management Interlocks Act (12 U.S.C. 3202(1)) is amended by striking "$20,000,000" and inserting "$100,000,000".

SEC. 405. ENHANCING THE SAFETY AND SOUNDNESS OF INSURED DEPOSITORY INSTITUTIONS.

(a) CLARIFICATION RELATING TO THE ENFORCEABILITY OF AGREEMENTS AND CONDITIONS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 49. ENFORCEMENT OF AGREEMENTS.

"(a) IN GENERAL.—Notwithstanding clause (i) or (ii) of section 8(b)(6)(A) or section 38(e)(2)(E)(i), an appropriate Federal banking agency may enforce, under section 8, the terms of—

"(1) any condition imposed in writing by the agency on a depository institution or an institution-affiliated party (including a bank holding company) in connection with any action on any application, notice, or other request concerning a depository institution; or

"(2) any written agreement entered into between the agency and an institution-affiliated party (including a bank holding company).

"(b) RECEIVERSHIPS AND CONSERVATORSHIPS.—After the appointment of the Corporation as the receiver or conservator for any insured depository institution, the Corporation may enforce any condition or agreement described in paragraph (1) or (2) of subsection (a) involving such institution or any institution-affiliated party (including a bank holding company), through an action brought in an appropriate United States district court.".

(b) PROTECTION OF CAPITAL OF INSURED DEPOSITORY INSTITUTIONS.—Paragraph (1) of section 18(u) of the Federal Deposit Insurance Act (12 U.S.C. 1828(u)) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

SEC. 406. INVESTMENTS BY INSURED SAVINGS ASSOCIATIONS IN BANK SERVICE COMPANIES AUTHORIZED.

(a) IN GENERAL.—Sections 2 and 3 of the Bank Service Company Act (12 U.S.C. 1862, 1863) are each amended by striking "insured bank" each place such term appears and inserting "insured depository institution".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 1(b)(4) of the Bank Service Company Act (12 U.S.C. 1861(b)(4)) is amended—

(A) by inserting ", except when such term appears in connection with the term 'insured depository institution'," after "means"; and

(B) by striking "Federal Home Loan Bank Board" and inserting "Director of the Office of Thrift Supervision".

(2) Section 1(b) of the Bank Service Company Act (12 U.S.C. 1861(b)) is amended—

(A) by striking paragraph (5) and inserting the following new paragraph:

"(5) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the meaning given the term in section 3(c) of the Federal Deposit Insurance Act;";

(B) by striking "and" at the end of paragraph (7);

(C) by striking the period at the end of paragraph (8) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(9) the terms 'State depository institution', 'Federal depository institution', 'State savings association' and 'Federal savings association' have the meanings given the terms in section 3 of the Federal Deposit Insurance Act.".

(3) The 1st sentence of section 5(c)(4)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)(B)) is amended by striking "by savings associations of such State and by Federal associations" and inserting "by State and Federal depository institutions".

(4) Subparagraph (A)(ii) and subparagraph (B)(ii) of section 1(b)(2) of the Bank Service Company Act (12 U.S.C. 1861(b)(2)) are each amended by striking "insured banks" and inserting "insured depository institutions".

(5) Section 1(b)(8) of the Bank Service Company Act (12 U.S.C. 1861(b)(8)) is further amended—

(A) by striking "insured bank" and inserting "insured depository institution";

(B) by striking "insured banks" each place such term appears and inserting "insured depository institutions"; and

(C) by striking "the bank's" and inserting "the depository institution's".

(6) Section 2 of the Bank Service Company Act (12 U.S.C. 1862) is amended by inserting "or savings associations, other than the limitation on

the amount of investment by a Federal savings association contained in section 5(c)(4)(B) of the Home Owners' Loan Act'' after ''relating to banks''.

(7) Section 4(b) of the Bank Service Company Act (12 U.S.C. 1864(b)) is amended by inserting ''as permissible under subsection (c), (d), or (e) or'' after ''Except''.

(8) Section 4(c) of the Bank Service Company Act (12 U.S.C. 1864(c)) is amended by inserting ''or State savings association'' after ''State bank'' each place such term appears.

(9) Section 4(d) of the Bank Service Company Act (12 U.S.C. 1864(d)) is amended by inserting ''or Federal savings association'' after ''national bank'' each place such term appears.

(10) Section 4(e) of the Bank Service Company Act (12 U.S.C. 1864(e)) is amended to read as follows:

''(e) A bank service company may perform—

''(1) only those services that each depository institution shareholder or member is otherwise authorized to perform under any applicable Federal or State law; and

''(2) such services only at locations in a State in which each such shareholder or member is authorized to perform such services.''.

(11) Section 4(f) of the Bank Service Company Act (12 U.S.C. 1864(f)) is amended by inserting ''or savings associations'' after ''location of banks''.

(12) Section 5 of the Bank Service Company Act (12 U.S.C. 1865) is amended—

(A) in subsection (a)—

(i) by striking ''insured bank'' and inserting ''insured depository institution''; and

(ii) by striking ''bank's'' and inserting ''institution's'';

(B) in subsection (b)—

(i) by striking ''insured bank'' and inserting ''insured depository institution'';

(ii) by inserting ''authorized only'' after ''performs any service''; and

(iii) by inserting ''authorized only'' after ''perform any activity''; and

(C) in subsection (c)—

(i) by striking ''the bank or banks'' and inserting ''any depository institution''; and

(ii) by striking ''capability of the bank'' and inserting ''capability of the depository institution''.

(13) Section 7 of the Bank Service Company Act (12 U.S.C. 1867) is amended—

(A) in subsection (b), by striking ''insured bank'' and inserting ''insured depository institution''; and

(B) in subsection (c)—

(i) by striking ''a bank'' each place such term appears and inserting ''a depository institution''; and

(ii) by striking ''the bank'' each place such term appears and inserting ''the depository institution''.

SEC. 407. CROSS GUARANTEE AUTHORITY.

Subparagraph (A) of section 5(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1815(e)(9)(A)) is amended to read as follows:

''(A) such institutions are controlled by the same company; or''.

SEC. 408. GOLDEN PARACHUTE AUTHORITY AND NONBANK HOLDING COMPANIES.

Subsection (k) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(k)) is amended—

(1) in paragraph (2)(A), by striking ''or depository institution holding company'' and inserting ''or covered company'';

(2) by striking subparagraph (B) of paragraph (2) and inserting the following new subparagraph:

''(B) Whether there is a reasonable basis to believe that the institution-affiliated party is substantially responsible for—

''(i) the insolvency of the depository institution or covered company;

''(ii) the appointment of a conservator or receiver for the depository institution; or

''(iii) the depository institution's troubled condition (as defined in the regulations prescribed pursuant to section 32(f)).'';

(3) in paragraph (2)(F), by striking ''depository institution holding company'' and inserting ''covered company,'';

(4) in paragraph (3) in the matter preceding subparagraph (A), by striking ''depository institution holding company'' and inserting ''covered company'';

(5) in paragraph (3)(A), by striking ''holding company'' and inserting ''covered company'';

(6) in paragraph (4)(A)—

(A) by striking ''depository institution holding company'' each place such term appears and inserting ''covered company''; and

(B) by striking ''holding company'' each place such term appears (other than in connection with the term referred to in subparagraph (A)) and inserting ''covered company'';

(7) in paragraph (5)(A), by striking ''depository institution holding company'' and inserting ''covered company'';

(8) in paragraph (5), by adding at the end the following new subparagraph:

''(D) COVERED COMPANY.—The term 'covered company' means any depository institution holding company (including any company required to file a report under section 4(f)(6) of the Bank Holding Company Act of 1956), or any other company that controls an insured depository institution.''; and

(9) in paragraph (6)—

(A) by striking ''depository institution holding company'' and inserting ''covered company,''; and

(B) by striking ''or holding company'' and inserting ''or covered company''.

SEC. 409. AMENDMENTS RELATING TO CHANGE IN BANK CONTROL.

Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) is amended—

(1) in paragraph (1)(D)—

(A) by striking ''is needed to investigate'' and inserting ''is needed—

''(i) to investigate'';

(B) by striking ''United States Code.'' and inserting ''United States Code; or''; and

(C) by adding at the end the following new clause:

''(ii) to analyze the safety and soundness of any plans or proposals described in paragraph (6)(E) or the future prospects of the institution.''; and

(2) in paragraph (7)(C), by striking ''the financial condition of any acquiring person'' and inserting ''either the financial condition of any acquiring person or the future prospects of the institution''.

SEC. 410. COMMUNITY REINVESTMENT CREDIT FOR ESOPS AND EWOCS.

Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection—

''(d) ESTABLISHMENT OF ESOPS AND EWOCS.—

''(1) IN GENERAL.—In assessing and taking into account, under subsection (a), the record of a financial institution, the appropriate Federal financial supervisory agency shall consider as a factor activities that support or enable the establishment of employee stock ownership plans or eligible worker-owned cooperatives, so long as the employer sponsoring the plan or cooperative is at least 51 percent owned by employees, including low to moderate income employees.

''(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the same meaning as in section 4975(e)(7) of the Internal Revenue Code of 1986.

''(B) ELIGIBLE WORKER-OWNED COOPERATIVE.—The term 'eligible worker-owned cooperative' has the same meaning as in section 1042(c)(2) of the Internal Revenue Code of 1986.''.

SEC. 411. MINORITY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Federal Deposit Insurance Corporation and the Office of Thrift Supervision shall provide such technical assistance to minority financial institutions affected by Hurricane Katrina, Hurricane Rita, and Hurricane Wilma as may be appropriate to preserve the present number of minority depository institutions and preserve the minority character in cases involving mergers or acquisitions of a minority depository institution consistent with section 308(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(b) MINORITY FINANCIAL INSTITUTION DEFINED.—For purposes of this subsection, the term ''minority financial institution'' has the same meaning as in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

TITLE V—DEPOSITORY INSTITUTION AFFILIATES PROVISIONS

SEC. 501. CLARIFICATION OF CROSS MARKETING PROVISION.

Section 4(n)(5) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(n)(5)) is amended—

(1) in subparagraph (B), by striking ''subsection (k)(4)(I)'' and inserting ''subparagraph (H) or (I) of subsection (k)(4)''; and

(2) by adding at the end the following new subparagraph:

''(C) THRESHOLD OF CONTROL.—Subparagraph (A) shall not apply with respect to a company described or referred to in clause (i) or (ii) of such subparagraph if the financial holding company does not own or control 25 percent or more of the total equity or any class of voting securities of such company.''.

SEC. 502. AMENDMENT TO PROVIDE THE FEDERAL RESERVE BOARD WITH DISCRETION CONCERNING THE IMPUTATION OF CONTROL OF SHARES OF A COMPANY BY TRUSTEES.

Section 2(g)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(2)) is amended by inserting '', unless the Board determines that such treatment is not appropriate in light of the facts and circumstances of the case and the purposes of this Act'' before the period at the end.

SEC. 503. ELIMINATING GEOGRAPHIC LIMITS ON THRIFT SERVICE COMPANIES.

(a) IN GENERAL.—The 1st sentence of section 5(c)(4)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)(B)) (as amended by section 406(b)(3) of this Act) is amended—

(1) by striking ''corporation organized'' and all that follows through ''is available for purchase'' and inserting ''company, if the entire capital of the company is available for purchase''; and

(2) by striking ''having their home offices in such State''.

(b) TECHNICAL CORRECTIONS.—

(1) The heading for subparagraph (B) of section 5(c)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)(B)) is amended by striking ''CORPORATIONS'' and inserting ''COMPANIES''.

(2) The 2nd sentence of section 5(n)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(n)(1)) is amended by striking ''service corporations'' and inserting ''service companies''.

(3) Section 5(q)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(q)(1)) is amended by striking ''service corporation'' each place such term appears in subparagraphs (A), (B), and (C) and inserting ''service company''.

(4) Section 10(m)(4)(C)(iii)(II) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(C)(iii)(II)) is amended by striking ''service corporation'' each place such term appears and inserting ''service company''.

SEC. 504. CLARIFICATION OF SCOPE OF APPLICABLE RATE PROVISION.

Section 44(f) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)) is amended by adding at the end the following new paragraphs:

"(3) Other Lenders.—In the case of any other lender doing business in the State described in paragraph (1), the maximum interest rate or amount of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved from time to time in any loan, discount, or credit sale made, or upon any note, bill of exchange, financing transaction, or other evidence of debt issued to or acquired by any other lender shall be equal to not more than the greater of the rates described in subparagraph (A) or (B) of paragraph (1).

"(4) Other lender defined.—For purposes of paragraph (3), the term 'other lender' means any person engaged in the business of selling or financing the sale of personal property (and any services incidental to the sale of personal property) in such State, except that, with regard to any person or entity described in such paragraph, such term does not include—

"(A) an insured depository institution; or

"(B) any person or entity engaged in the business of providing a short-term cash advance to any consumer in exchange for—

"(i) a consumer's personal check or share draft, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

"(ii) a consumer authorization to debit the consumer's transaction account, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.".

SEC. 505. SAVINGS ASSOCIATIONS ACTING AS AGENTS FOR AFFILIATED DEPOSITORY INSTITUTIONS.

(a) In General.—Section 18(r) of the Federal Deposit Insurance Act (12 U.S.C. 1828(r)) is amended—

(1) in paragraph (1)—

(A) by striking "bank subsidiary" and inserting "depository institution subsidiary"; and

(B) by striking "bank holding company" and inserting "depository institution holding company";

(2) in paragraph (2), by striking "a bank acting" and inserting "a depository institution acting";

(3) in paragraphs (3) and (5), by striking "or (6)" each place such term appears in each such paragraph; and

(4) by striking paragraph (6).

(b) Clerical Amendment.—The heading for section 18(r)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1828(r)) is amended by striking "Bank" and inserting "Depository institution".

SEC. 506. CREDIT CARD BANK INVESTMENTS FOR THE PUBLIC WELFARE.

Section 2(c)(2)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(F)) is amended—

(1) in clause (i), by striking "engages only in credit card operations;" and inserting "engages only in—

"(I) credit card operations; and

"(II) making investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families (such as by providing housing, services, or jobs), in the manner and to the extent permitted for national banks under the paragraph designated the 'Eleventh' of section 5136 of the Revised Statutes of the United States and regulations prescribed under such paragraph, except that the last sentence of such paragraph shall be applied for purposes of this subclause by substituting '5 percent' for '15 percent' each place such term appears; "; and

(2) in clause (v), by inserting ", other than making or purchasing loans for the purposes described in and to the extent permitted in clause (i)(II))" before the period at the end.

TITLE VI—BANKING AGENCY PROVISIONS

SEC. 601. WAIVER OF EXAMINATION SCHEDULE IN ORDER TO ALLOCATE EXAMINER RESOURCES.

Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended—

(1) by redesignating paragraphs (5), (6), (7), (8), (9), and (10) as paragraphs (6), (7), (8), (9), (10), and (11), respectively;

(2) by inserting after paragraph (4), the following new paragraph:

"(5) Waiver of schedule when necessary to achieve safe and sound allocation of examiner resources.—Notwithstanding paragraphs (1), (2), (3), and (4), an appropriate Federal banking agency may make adjustments in the examination cycle for an insured depository institution if necessary to allocate available resources of examiners in a manner that provides for the safety and soundness of, and the effective examination and supervision of, insured depository institutions."; and

(3) in paragraphs (8) and (9), as so redesignated, by striking "paragraph (6)" and inserting "paragraph (7)".

SEC. 602. INTERAGENCY DATA SHARING.

(a) Federal Banking Agencies.—Section 7(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(2)) is amended by adding at the end the following new subparagraph:

"(C) Data sharing with other agencies and persons.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Corporation (with respect to all insured depository institutions, including a depository institution for which the Corporation has been appointed conservator or receiver) or an appropriate State bank supervisor (with respect to a State depository institution) under subparagraph (A) or (B), a Federal banking agency may, in the agency's discretion, furnish any report of examination or other confidential supervisory information concerning any depository institution or other entity examined by such agency under authority of any Federal law, to—

"(i) any other Federal or State agency or authority with supervisory or regulatory authority over the depository institution or other entity;

"(ii) any officer, director, or receiver of such depository institution or entity; and

"(iii) any other person the Federal banking agency determines to be appropriate.".

(b) National Credit Union Administration.—Section 202(a) of the Federal Credit Union Act (12 U.S.C. 1782(a)) is amended by adding at the end the following new paragraph:

"(8) Data sharing with other agencies and persons.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Board (with respect to all insured credit unions, including a credit union for which the Corporation has been appointed conservator or liquidating agent) or an appropriate State commission, board, or authority having supervision of a State-chartered credit union, the Board may, in the Board's discretion, furnish any report of examination or other confidential supervisory information concerning any credit union or other entity examined by the Board under authority of any Federal law, to—

"(A) any other Federal or State agency or authority with supervisory or regulatory authority over the credit union or other entity;

"(B) any officer, director, or receiver of such credit union or entity; and

"(C) any other institution-affiliated party of such credit union or entity the Board determines to be appropriate.".

SEC. 603. PENALTY FOR UNAUTHORIZED PARTICIPATION BY CONVICTED INDIVIDUAL.

Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended by adding at the end the following new subsection:

"(c) Noninsured Banks.—Subsections (a) and (b) shall apply to a noninsured national bank and a noninsured State member bank, and any agency or noninsured branch (as such terms are defined in section 1(b) of the International Banking Act of 1978) of a foreign bank as if such bank, branch, or agency were an insured depository institution, except such subsections shall be applied for purposes of this subsection by substituting the agency determined under the following paragraphs for 'Corporation' each place such term appears in such subsections:

"(1) The Comptroller of the Currency, in the case of a noninsured national bank or any Federal agency or noninsured Federal branch of a foreign bank.

"(2) The Board of Governors of the Federal Reserve System, in the case of a noninsured State member bank or any State agency or noninsured State branch of a foreign bank.".

SEC. 604. AMENDMENT PERMITTING THE DESTRUCTION OF OLD RECORDS OF A DEPOSITORY INSTITUTION BY THE FDIC AFTER THE APPOINTMENT OF THE FDIC AS RECEIVER.

Section 11(d)(15)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(15)(D)) is amended—

(1) by striking "Recordkeeping requirement.—After the end of the 6-year period" and inserting "Recordkeeping requirement.—

"(i) In general.—Except as provided in clause (ii), after the end of the 6-year period";

(2) by striking "to be unnecessary" and inserting "are unnecessary and not relevant to any pending or reasonably probable future litigation"; and

(3) by adding at the end the following new clause:

"(ii) Old records.—In the case of records of an insured depository institution which—

"(I) are at least 10 years old, as of the date the Corporation is appointed as the receiver of such depository institution; and

"(II) are unnecessary and not relevant to any pending or reasonably probable future litigation, as provided in clause (i),

the Corporation may destroy such records in accordance with clause (i) any time after such appointment is final without regard to the 6-year period of limitation contained in such clause.".

SEC. 605. MODERNIZATION OF RECORDKEEPING REQUIREMENT.

Subsection (f) of section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820(f)) is amended to read as follows:

"(f) Preservation of Agency Records.—

"(1) In general.—A Federal banking agency may cause any and all records, papers, or documents kept by the agency or in the possession or custody of the agency to be—

"(A) photographed or microphotographed or otherwise reproduced upon film; or

"(B) preserved in any electronic medium or format which is capable of—

"(i) being read or scanned by computer; and

"(ii) being reproduced from such electronic medium or format by printing or any other form of reproduction of electronically stored data.

"(2) Treatment as original records.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be deemed to be an original record for all purposes, including introduction in evidence in all State and Federal courts or administrative agencies and shall be admissible to prove any act, transaction, occurrence, or event therein recorded.

"(3) Authority of the Federal Banking Agencies.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be preserved in such manner as the Federal banking agency shall prescribe and the original records, papers, or documents may be destroyed or otherwise disposed of as the Federal banking agency may direct.".

SEC. 606. STREAMLINING REPORTS OF CONDITION.

Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding the following new paragraph:

"(11) Streamlining Reports of Condition.—

"(A) Review of Information and Schedules.—Before the end of the 1-year period beginning on the date of the enactment of the Financial Services Regulatory Relief Act of 2005 and before the end of each 5-year period thereafter, each Federal banking agency shall, in consultation with the other relevant Federal banking agencies, review the information and schedules that are required to be filed by an insured depository institution in a report of condition required under paragraph (3).

"(B) Reduction or Elimination of Information Found to Be Unnecessary.—After completing the review required by subparagraph (A), a Federal banking agency, in consultation with the other relevant Federal banking agencies, shall reduce or eliminate any requirement to file information or schedules under paragraph (3) (other than information or schedules that are otherwise required by law) if the agency determines that the continued collection of such information or schedules is no longer necessary or appropriate.".

SEC. 607. EXPANSION OF ELIGIBILITY FOR 18-MONTH EXAMINATION SCHEDULE FOR COMMUNITY BANKS.

Paragraph (4)(A) of section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended by striking "$250,000,000" and inserting "$1,000,000,000".

SEC. 608. SHORT FORM REPORTS OF CONDITION FOR CERTAIN COMMUNITY BANKS.

(a) In General.—Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by inserting after paragraph (11) (as added by section 606 of this title) the following new paragraph:

"(12) Short Form Reports of Condition for Community Banks.—

"(A) In General.—With respect to reports of condition required under paragraph (3) for each calendar quarter, an insured depository institution described in subparagraphs (A), (B), (C), and (D) of section 10(d)(4) may submit a short form of any such report of condition in 2 nonsequential quarters of any calendar year.

"(B) Short Form Defined.—The term 'short form', when used in connection with any report of condition required under paragraph (3), means a report of condition in a format established by the appropriate Federal banking agency, after notice and opportunity for comment, that—

"(i) is significantly and materially less burdensome for the insured depository institution to prepare than the format of the report of condition required under paragraph (3); and

"(ii) provides sufficient material information for the appropriate Federal banking agency to assure the maintenance of the safe and sound condition of the depository institution and safe and sound practices.".

(b) Regulations.—Any regulation required to carry out the amendment made by subsection (a) shall be published in final form before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 609. CLARIFICATION OF EXTENT OF SUSPENSION, REMOVAL, AND PROHIBITION AUTHORITY OF FEDERAL BANKING AGENCIES IN CASES OF CERTAIN CRIMES BY INSTITUTION-AFFILIATED PARTIES.

(a) Insured Depository Institutions.—

(1) In General.—Section 8(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking "is charged in any information, indictment, or complaint, with the commission of or participation in" and inserting "is the subject of any information, indictment, or complaint, involving the commission of or participation in";

(ii) by striking "may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution," and insert "posed, poses, or may pose a threat to the interests of the depositors of, or threatened, threatens, or may threaten to impair public confidence in, any relevant depository institution (as defined in subparagraph (E)),"; and

(iii) by striking "affairs of the depository institution" and inserting "affairs of any depository institution";

(B) in subparagraph (B)(i), by striking "the depository institution" and inserting "any depository institution that the subject of the notice is affiliated with at the time the notice is issued";

(C) in subparagraph (C)(i)—

(i) by striking "may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution," and insert "posed, poses, or may pose a threat to the interests of the depositors of, or threatened, threatens, or may threaten to impair public confidence in, and relevant depository institution (as defined in subparagraph (E)),"; and

(ii) by striking "affairs of the depository institution" and inserting "affairs of any depository institution";

(D) in subparagraph (C)(ii), by striking "affairs of the depository institution" and inserting "affairs of any depository institution";

(E) in subparagraph (D)(i), by striking "the depository institution" and inserting "any depository institution that the subject of the order is affiliated with at the time the order is issued"; and

(F) by adding at the end the following new subparagraph:

"(E) Relevant Depository Institution.—For purposes of this subsection, the term 'relevant depository institution' means any depository institution of which the party is or was an institution-affiliated party at the time—

"(i) the information, indictment or complaint described in subparagraph (A) was issued; or

"(ii) the notice is issued under subparagraph (A) or the order is issued under subparagraph (C)(i).".

(2) Clerical Amendment.—The heading for section 8(g) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)) is amended to read as follows:

"(g) Suspension, Removal, and Prohibition From Participation Orders in the Case of Certain Criminal Offenses.—".

(b) Insured Credit Unions.—

(1) In General.—Section 206(i)(1) of the Federal Credit Union Act (12 U.S.C. 1786(i)(1)) is amended—

(A) in subparagraph (A), by striking "the credit union" each place such term appears and inserting "any credit union";

(B) in subparagraph (B)(i), by inserting "of which the subject of the order is, or most recently was, an institution-affiliated party" before the period at the end;

(C) in subparagraph (C)—

(i) by striking "the credit union" each place such term appears and inserting "any credit union"; and

(ii) by striking "the credit union's" and inserting "any credit union's";

(D) in subparagraph (D)(i), by striking "upon such credit union" and inserting "upon the credit union of which the subject of the order is, or most recently was, an institution-affiliated party"; and

(E) by adding at the end the following new subparagraph:

"(E) Continuation of Authority.—The Board may issue an order under this paragraph with respect to an individual who is an institution-affiliated party at a credit union at the time of an offense described in subparagraph (A) without regard to—

"(i) whether such individual is an institution-affiliated party at any credit union at the time the order is considered or issued by the Board; or

"(ii) whether the credit union at which the individual was an institution-affiliated party at the time of the offense remains in existence at the time the order is considered or issued by the Board.".

(2) Clerical Amendment.—Section 206(i) of the Federal Credit Union Act (12 U.S.C. 1786(i)) is amended by striking "(i)" at the beginning and inserting the following new subsection heading:

"(i) Suspension, Removal, and Prohibition From Participation Orders in the Case of Certain Criminal Offenses.—".

SEC. 610. STREAMLINING DEPOSITORY INSTITUTION MERGER APPLICATION REQUIREMENTS.

(a) In General.—Paragraph (4) of section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended to read as follows:

"(4) Reports on Competitive Factors.—

"(A) Request for Report.—In the interests of uniform standards and subject to subparagraph (B), the responsible agency shall, before acting on any application for approval of a merger transaction—

"(i) request a report on the competitive factors involved from the Attorney General; and

"(ii) provide a copy of the request to the Corporation (when the Corporation is not the responsible agency).

"(B) Concurrent Consideration.—The responsible agency shall not be required to make a request under subparagraph (A) before acting on an application for approval of a merger transaction if—

"(i) the agency finds that it must act immediately in order to prevent the probable failure of a depository institution involved in the transaction; or

"(ii) the transaction consists of a merger between an insured depository institution and 1 or more affiliates of the depository institution.

"(C) Furnishing of Report.—The report requested under subparagraph (A) shall be furnished by the Attorney General to the responsible agency—

"(i) not more than 30 calendar days after the date on which the Attorney General received the request; or

"(ii) not more than 10 calendar days after such date, if the requesting agency advises the Attorney General that an emergency exists requiring expeditious action.".

(b) Technical and Conforming Amendment.—Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended—

(1) in the second sentence by striking "banks or savings associations involved" and inserting the following: "insured depository institutions involved, or if the proposed merger transaction

is solely between an insured depository institution and 1 or more of affiliates of the depository institution," and

(2) by striking the penultimate sentence and inserting the following: "If the agency has advised the Attorney General under paragraph (4)(C)(ii) of the existence of an emergency requiring expeditious action and has requested a report on the competitive factors within 10 days, the transaction may not be consummated before the fifth calendar day after the date of approval by the agency.".

SEC. 611. INCLUSION OF DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION IN LIST OF BANKING AGENCIES REGARDING INSURANCE CUSTOMER PROTECTION REGULATIONS.

Section 47(g)(2)(B)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1831x(g)(2)(B)(i)) is amended by inserting "the Director of the Office of Thrift Supervision," after "Comptroller of the Currency,".

SEC. 612. PROTECTION OF CONFIDENTIAL INFORMATION RECEIVED BY FEDERAL BANKING REGULATORS FROM FOREIGN BANKING SUPERVISORS.

Section 15 of the International Banking Act of 1978 (12 U.S.C. 3109) is amended by adding at the end the following new subsection:

"(c) CONFIDENTIAL INFORMATION RECEIVED FROM FOREIGN SUPERVISORS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), a Federal banking agency shall not be compelled to disclose information received from a foreign regulatory or supervisory authority if—

"(A) the Federal banking agency determines that the foreign regulatory or supervisory authority has, in good faith, determined and represented to such Federal banking agency that public disclosure of the information would violate the laws applicable to that foreign regulatory or supervisory authority; and

"(B) the relevant Federal banking agency obtained such information pursuant to—

"(i) such procedures as the Federal banking agency may establish for use in connection with the administration and enforcement of Federal banking laws; or

"(ii) a memorandum of understanding or other similar arrangement between the Federal banking agency and the foreign regulatory or supervisory authority.

"(2) TREATMENT UNDER TITLE 5, UNITED STATES CODE.—For purposes of section 552 of title 5, United States Code, this subsection shall be treated as a statute described in subsection (b)(3)(B) of such section.

"(3) SAVINGS PROVISION.—No provision of this section shall be construed as—

"(A) authorizing any Federal banking agency to withhold any information from any duly authorized committee of the House of Representatives or the Senate; or

"(B) preventing any Federal banking agency from complying with an order of a court of the United States in an action commenced by the United States or such agency.

"(4) FEDERAL BANKING AGENCY DEFINED.—For purposes of this subsection, the term 'Federal banking agency' means the Board, the Comptroller, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision.".

SEC. 613. PROHIBITION ON PARTICIPATION BY CONVICTED INDIVIDUAL.

(a) EXTENSION OF AUTOMATIC PROHIBITION.—Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended by inserting after subsection (c) (as added by section 603 of this title) the following new subsections:

"(d) BANK HOLDING COMPANIES.—Subsections (a) and (b) shall apply to any company (other than a foreign bank) that is a bank holding company and any organization organized and operated under section 25A of the Federal Reserve Act or operating under section 25 of the Federal Reserve Act as if such bank holding company or organization were an insured depository institution, except such subsections shall be applied for purposes of this subsection by substituting 'Board of Governors of the Federal Reserve System' for 'Corporation' each place such term appears in such subsections.

"(e) SAVINGS AND LOAN HOLDING COMPANIES.—Subsections (a) and (b) shall apply to any savings and loan holding company and any subsidiary (other than a savings association) of a savings and loan holding company as if such savings and loan holding company or subsidiary were an insured depository institution, except such subsections shall be applied for purposes of this subsection by substituting 'Director of the Office of Thrift Supervision' for 'Corporation' each place such term appears in such subsections.".

(b) ENHANCED DISCRETION TO REMOVE CONVICTED INDIVIDUALS.—Section 8(e)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(2)(A)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the comma at the end of clause (iii) and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iv) an institution-affiliated party of a subsidiary (other than a bank) of a bank holding company has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such an offense,".

SEC. 614. CLARIFICATION THAT NOTICE AFTER SEPARATION FROM SERVICE MAY BE MADE BY AN ORDER.

(a) IN GENERAL.—Section 8(i)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(3)) is amended by inserting "or order" after "notice" each place such term appears.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The heading for section 8(i)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(3)) is amended by inserting "OR ORDER" after "NOTICE".

SEC. 615. ENFORCEMENT AGAINST MISREPRESENTATIONS REGARDING FDIC DEPOSIT INSURANCE COVERAGE.

(a) IN GENERAL.—Section 18(a) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by adding at the end the following new paragraph:

"(4) FALSE ADVERTISING, MISUSE OF FDIC NAMES, AND MISREPRESENTATION TO INDICATE INSURED STATUS.—

"(A) PROHIBITION ON FALSE ADVERTISING AND MISUSE OF FDIC NAMES.—No person may—

"(i) use the terms 'Federal Deposit', 'Federal Deposit Insurance', 'Federal Deposit Insurance Corporation', any combination of such terms, or the abbreviation 'FDIC' as part of the business name or firm name of any person, including any corporation, partnership, business trust, association, or other business entity; or

"(ii) use such terms or any other sign or symbol as part of an advertisement, solicitation, or other document,

to represent, suggest or imply that any deposit liability, obligation, certificate or share is insured or guaranteed by the Federal Deposit Insurance Corporation, if such deposit liability, obligation, certificate, or share is not insured or guaranteed by the Corporation.

"(B) PROHIBITION ON MISREPRESENTATIONS OF INSURED STATUS.—No person may knowingly misrepresent—

"(i) that any deposit liability, obligation, certificate, or share is federally insured, if such deposit liability, obligation, certificate, or share is not insured by the Corporation; or

"(ii) the extent to which or the manner in which any deposit liability, obligation, certificate, or share is insured by the Federal Deposit Insurance Corporation, if such deposit liability, obligation, certificate, or share is not insured by the Corporation to the extent or in the manner represented.

"(C) AUTHORITY OF FDIC.—The Corporation shall have—

"(i) jurisdiction over any person that violates this paragraph, or aids or abets the violation of this paragraph; and

"(ii) for purposes of enforcing the requirements of this paragraph with regard to any person—

"(I) the authority of the Corporation under section 10(c) to conduct investigations; and

"(II) the enforcement authority of the Corporation under subsections (b), (c), (d) and (i) of section 8,

as if such person were a state nonmember insured bank.

"(D) OTHER ACTIONS PRESERVED.—No provision of this paragraph shall be construed as barring any action otherwise available, under the laws of the United States or any State, to any Federal or State law enforcement agency or individual.".

(b) ENFORCEMENT ORDERS.—Section 8(c) of the Federal Deposit Insurance Act (12 U.S.C. 1818(c)) is amended by adding at the end the following new paragraph:

"(4) FALSE ADVERTISING OR MISUSE OF NAMES TO INDICATE INSURED STATUS.—

"(A) TEMPORARY ORDER.—

"(i) IN GENERAL.—If a notice of charges served under subsection (b)(1) of this section specifies on the basis of particular facts that any person is engaged in conduct described in section 18(a)(4), the Corporation may issue a temporary order requiring—

"(I) the immediate cessation of any activity or practice described, which gave rise to the notice of charges; and

"(II) affirmative action to prevent any further, or to remedy any existing, violation.

"(ii) EFFECT OF ORDER.—Any temporary order issued under this subparagraph shall take effect upon service.

"(B) EFFECTIVE PERIOD OF TEMPORARY ORDER.—A temporary order issued under subparagraph (A) shall remain effective and enforceable, pending the completion of an administrative proceeding pursuant to subsection (b)(1) in connection with the notice of charges—

"(i) until such time as the Corporation shall dismiss the charges specified in such notice; or

"(ii) if a cease-and-desist order is issued against such person, until the effective date of such order.

"(C) CIVIL MONEY PENALTIES.—Violations of section 18(a)(4) shall be subject to civil money penalties as set forth in subsection (i) in an amount not to exceed $1,000,000 for each day during which the violation occurs or continues.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 18(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended—

(A) in the 1st sentence by striking "of this subsection" and inserting "of paragraphs (1) and (2)";

(B) by striking the 2nd sentence; and

(C) in the 3rd sentence, by striking "of this subsection" and inserting "of paragraphs (1) and (2)".

(2) The heading for subsection (a) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by striking "INSURANCE LOGO.—" and inserting "REPRESENTATIONS OF DEPOSIT INSURANCE.—".

SEC. 616. CHANGES REQUIRED TO SMALL BANK HOLDING COMPANY POLICY STATEMENT ON ASSESSMENT OF FINANCIAL AND MANAGERIAL FACTORS.

(a) Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors.—

(1) In general.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall publish in the Federal Register proposed revisions to the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors (12 C.F.R. part 225—appendix C) that provide that the policy shall apply to a bank holding company which has pro forma consolidated assets of less than $1,000,000,000 and that—

(A) is not engaged in any nonbanking activities involving significant leverage; and

(B) does not have a significant amount of outstanding debt that is held by the general public.

(2) Adjustment of amount.—The Board of Governors of the Federal Reserve System shall annually adjust the dollar amount referred to in paragraph (1) in the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors by an amount equal to the percentage increase, for the most recent year, in total assets held by all insured depository institutions, as determined by the Board.

(b) Increase in Debt-to-Equity Ratio of Small Bank Holding Company.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall publish in the Federal Register proposed revisions to the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors (12 C.F.R. part 225—appendix C) such that the debt-to-equity ratio allowable for a small bank holding company in order to remain eligible to pay a corporate dividend and to remain eligible for expedited processing procedures under Regulation Y of the Board of Governors of the Federal Reserve System would increase from 1:1 to 3:1.

SEC. 617. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM-LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding the following new subsections:

"(c) Exception to Annual Notice Requirement.—A financial institution that—

"(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b);

"(2) does not share information with affiliates under section 603(d)(2)(A) of the Fair Credit Reporting Act; and

."(3) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this subsection,

shall not be required to provide an annual disclosure under this subsection until such time as the financial institution fails to comply with any criteria described in paragraph (1), (2), or (3).

"(d) Exception to Notice Requirement.—A financial institution shall not be required to provide any disclosure under this section if—

"(1) the financial institution is licensed by a State and is subject to existing regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands; or

"(2) the financial institution is licensed by a State and becomes subject to future regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands.".

SEC. 618. BIENNIAL REPORTS ON THE STATUS OF AGENCY EMPLOYMENT OF MINORITIES AND WOMEN.

(a) In General.—Before December 31, 2005, and the end of each 2-year period beginning after such date, each Federal banking agency shall submit a report to the Congress on the status of the employment by the agency of minority individuals and women.

(b) Factors to Be Included.—The report shall include a detailed assessment of each of the following:

(1) The extent of hiring of minority individuals and women by the agency as of the time the report is prepared.

(2) The successes achieved and challenges faced by the agency in operating minority and women outreach programs.

(3) Challenges the agency may face in finding qualified minority individual and women applicants.

(4) Such other information, findings, and conclusions, and recommendations for legislative or agency action, as the agency may determine to be appropriate to include in the report.

(c) Definitions.—For purposes of this section, the following definitions shall apply:

(1) Federal banking agency.—The term "Federal banking agency"—

(A) has the same meaning as in section 3(z) of the Federal Deposit Insurance Act; and

(B) includes the National Credit Union Administration.

(2) Minority.—The term "minority" has the same meaning as in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

SEC. 619. COORDINATION OF STATE EXAMINATION AUTHORITY.

Section 10(h) of the Federal Deposit Insurance Act (12 U.S.C. 1820(h)) is amended to read as follows:

"(h) Coordination of Examination Authority.—

"(1) State bank supervisors of home and host States.—

"(A) Home State of bank.—The appropriate State bank supervisor of the home State of an insured State bank has authority to examine and supervise the bank.

"(B) Host State branches.—The State bank supervisor of the home State of an insured State bank and any State bank supervisor of an appropriate host State shall exercise their respective authority to supervise and examine the branches of the bank in a host State in accordance with the terms of any applicable cooperative agreement between the home State bank supervisor and the State bank supervisor of the relevant host State.

"(C) Supervisory fees.—Except as expressly provided in a cooperative agreement between the State bank supervisors of the home State and any host State of an insured State bank, only the State bank supervisor of the home State of an insured State bank may levy or charge State supervisory fees on the bank.

"(2) Host State examination.—

"(A) In general.—With respect to a branch operated in a host State by an out-of-State insured State bank that resulted from an interstate merger transaction approved under section 44 or that was established in such State pursuant to section 5155(g) of the Revised Statutes, the third undesignated paragraph of section 9 of the Federal Reserve Act or section 18(d)(4) of this Act, the appropriate State bank supervisor of such host State may—

"(i) with written notice to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of such home State, examine such branch for the purpose of determining compliance with host State laws that are applicable pursuant to section 24(j) of this Act, including those that govern community reinvestment, fair lending, and consumer protection; and

"(ii) if expressly permitted under and subject to the terms of a cooperative agreement with the State bank supervisor of the bank's home State or if such out-of-State insured State bank has been determined to be in a troubled condition by either the State bank supervisor of the bank's home State or the bank's appropriate Federal banking agency, participate in the examination of the bank by the State bank supervisor of the bank's home State to ascertain that the activities of the branch in such host State are not conducted in an unsafe or unsound manner.

"(B) Notice of determination.—

"(i) In general.—The State bank supervisor of the home State of an insured State bank should notify the State bank supervisor of each host State of the bank if there has been a final determination that the bank is in a troubled condition.

"(ii) Timing of notice.—The State bank supervisor of the home State of an insured State bank should provide notice under clause (i) as soon as reasonably possible but in all cases within 15 business days after the State bank supervisor has made such final determination or has received written notification of such final determination.

"(3) Host State enforcement.—If the State bank supervisor of a host State determines that a branch of an out-of-State State insured State bank is violating any law of the host State that is applicable to such branch pursuant to section 24(j) of this Act, including a law that governs community reinvestment, fair lending, or consumer protection, the State bank supervisor of the host State or, to the extent authorized by the law of the host State, a host State law enforcement officer may, with written notice to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of the bank's home State, undertake such enforcement actions and proceedings as would be permitted under the law of the host State as if the branch were a bank chartered by that host State.

"(4) Cooperative agreement.—

"(A) In general.—The State bank supervisors from 2 or more States may enter into cooperative agreements to facilitate State regulatory supervision of State banks, including cooperative agreements relating to the coordination of examinations and joint participation in examinations. For purposes of this subsection (h), the term 'cooperative agreement' means a written agreement that is signed by the home State bank supervisor and host State bank supervisor to facilitate State regulatory supervision of State *banks and includes nationwide or multi-state cooperative agreements and cooperative agreements solely between the home State and host State.*

"(B) RULE OF CONSTRUCTION.—Except for State bank supervisors, no provision of this subsection relating to such cooperative agreements shall be construed as limiting in any way the authority of home and host State law enforcement officers, regulatory supervisors, or other officials that have not signed such cooperative agreements to enforce host State laws that are applicable to a branch of an out-of-State insured State bank located in the host State pursuant to section 24(j) of this Act.

"(5) FEDERAL REGULATORY AUTHORITY.—No provision of this subsection shall be construed as limiting in any way the authority of any Federal banking agency.

"(6) STATE TAXATION AUTHORITY NOT AFFECTED.—No provision of this subsection (h) shall be construed as affecting the authority of any State or political subdivision of any State to adopt, apply, or administer any tax or method of taxation to any bank, bank holding company, or foreign bank, or any affiliate of any bank, bank holding company, or foreign bank, to the extent such tax or tax method is otherwise permissible by or under the Constitution of the United States or other Federal law.

"(7) DEFINITIONS.—For purpose of this section, the following definition shall apply:

"(A) HOST STATE, HOME STATE, OUT-OF-STATE BANK.—The terms 'host State', 'home State', and 'out-of-State bank' have the same meanings as in section 44(g).

"(B) STATE SUPERVISORY FEES.—The term 'State supervisory fees' means assessments, examination fees, branch fees, license fees, and all other fees that are levied or charged by a State bank supervisor directly upon an insured State bank or upon branches of an insured State bank.

"(C) TROUBLED CONDITION.—Solely for purposes of subparagraph (2)(B) of this subsection (h), an insured State bank has been determined to be in 'troubled condition' if the bank—

"(i) has a composite rating, as determined in its most recent report of examination, of 4 or 5 under the Uniform Financial Institutions Ratings System (UFIRS); or

"(ii) is subject to a proceeding initiated by the Corporation for termination or suspension of deposit insurance; or

"(iii) is subject to a proceeding initiated by the State bank supervisor of the bank's home State to vacate, revoke, or terminate the charter of the bank, or to liquidate the bank, or to appoint a receiver for the bank.

"(D) FINAL DETERMINATION.—For the purposes of paragraph (2)(B), the term 'final determination' means the transmittal of a report of examination to the bank or transmittal of official notice of proceedings to the bank.".

SEC. 620. NONWAIVER OF PRIVILEGES.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(x) PRIVILEGES NOT AFFECTED BY DISCLOSURE TO BANKING AGENCY OR SUPERVISOR.—

"(1) IN GENERAL.—The submission by any person of any information to any Federal banking agency, State bank supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such agency, supervisor, or authority shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than such agency, supervisor, or authority.

"(2) RULE OF CONSTRUCTION.—No provision of paragraph (1) may be construed as implying or establishing that—

"(A) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

"(B) any person would waive any privilege applicable to any information by submitting the information to any Federal banking agency, State bank supervisor, or foreign banking authority, but for this subsection.".

(b) INSURED CREDIT UNIONS.—Section 205 of the Federal Credit Union Act (12 U.S.C. 1785) is amended by adding at the end the following new subsection:

"(j) PRIVILEGES NOT AFFECTED BY DISCLOSURE TO BANKING AGENCY OR SUPERVISOR.—

"(1) IN GENERAL.—The submission by any person of any information to the Administration, any State credit union supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such Board, supervisor, or authority shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than such Board, supervisor, or authority.

"(2) RULE OF CONSTRUCTION.—No provision of paragraph (1) may be construed as implying or establishing that—

"(A) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

"(B) any person would waive any privilege applicable to any information by submitting the information to the Administration, any State credit union supervisor, or foreign banking authority, but for this subsection.".

SEC. 621. RIGHT TO FINANCIAL PRIVACY ACT OF 1978 AMENDMENT.

Paragraph (1) of section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401) is amended by inserting "(including any lender who advances funds on pledges of personal property)" after "consumer finance institution".

SEC. 622. DEPUTY DIRECTOR; SUCCESSION AUTHORITY FOR DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR.—Section 3(c)(5) of the Home Owners' Loan Act (12 U.S.C. 1462a(c)(5)) is amended to read as follows:

"(5) DEPUTY DIRECTOR.—

"(A) IN GENERAL.—The Secretary of the Treasury shall appoint a Deputy Director and may appoint up to 3 additional Deputy Directors.

"(B) FIRST DEPUTY DIRECTOR.—If the Secretary of the Treasury appoints more than 1 Deputy Director of the Office, the Secretary shall designate one such appointee as the First Deputy Director.

"(C) DUTIES.—Each Deputy Director appointed under this paragraph shall take an oath of office and perform such duties as the Director shall direct.

"(D) COMPENSATION AND BENEFITS.—The Director shall fix the compensation and benefits for each Deputy Director in accordance with this Act.".

(b) SERVICE OF DEPUTY DIRECTOR AS ACTING DIRECTOR.—Section 3(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1462a(c)(3)) is amended—

(1) by striking "VACANCY.—A vacancy in the position of Director" and inserting "VACANCY.—

"(A) IN GENERAL.—A vacancy in the position of Director"; and

(2) by adding at the end the following new subparagraphs:

"(B) ACTING DIRECTOR.—

"(i) IN GENERAL.—In the event of a vacancy in the position of Director or during the absence or disability of the Director, the Deputy Director shall serve as Acting Director.

"(ii) SUCCESSION IN CASE OF 2 OR MORE DEPUTY DIRECTORS.—If there are 2 or more Deputy Directors serving at the time a vacancy in the position of Director occurs or the absence or disability of the Director commences, the First Deputy Director shall serve as Acting Director under clause (i) followed by such other Deputy Directors under any order of succession the Director may establish.

"(iii) AUTHORITY OF ACTING DIRECTOR.—Any Deputy Director, while serving as Acting Director under this subparagraph, shall be vested with all authority, duties, and privileges of the Director under this Act and any other provision of Federal law.".

SEC. 623. LIMITATION ON SCOPE OF NEW AGENCY GUIDELINES.

(a) IN GENERAL.—The provisions of the multiagency guidance Numbered 2003–1 issued by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision that relate to minimum credit card payments and negative amortization—

(1) shall only apply to new credit card accounts established by a creditor for a consumer after the date of the enactment of this Act under an open end consumer credit plan; and

(2) shall not apply to any outstanding balance on any credit card account under an open end consumer credit plan as of such date of enactment.

(b) DEFINITIONS.—For purposes of this section, the terms "credit", "credit card", "creditor", "consumer" and "open end credit plan" have the same meanings as in section 103 of the Truth in Lending Act.

(c) SUNSET PROVISION.—This section shall not apply after the end of the 3-year period beginning on the date of the enactment of this Act .

TITLE VII—"BSA" COMPLIANCE BURDEN REDUCTION

SEC. 701. EXCEPTION FROM CURRENCY TRANSACTION REPORTS FOR SEASONED CUSTOMERS.

(a) FINDINGS.—The Congress finds as follows:

(1) The completion of and filing of currency transaction reports under section 5313 of title 31, United States Code, poses a compliance burden on the financial industry.

(2) Due to the nature of the transactions or the persons and entities conducting such transactions, certain such reports as currently filed do not appear to be relevant to the detection, deterrence, or investigation of financial crimes, including money laundering and the financing of terrorism.

(3) However, the data contained in such reports can provide valuable context for the analysis of other data derived pursuant to subchapter II of chapter 53 of title 31, United States Code, as well as investigative data, which provides invaluable and indispensable information supporting efforts to combat money laundering and other financial crimes.

(4) An exemption from the reporting requirements for certain currency transactions that are of little or no value to ongoing efforts of law enforcement agencies, financial regulatory agencies, and the financial services industry to investigate, detect, or deter financial crimes would serve to balance the burden placed on members of the financial services industry with the compelling need to produce and provide meaningful information to policy-makers, financial regulators, law enforcement, and intelligence agencies.

(5) The Secretary of the Treasury has by regulation, and in accordance with section 5313 of title 31, United States Code, implemented a process by which institutions may seek exemptions from filing certain currency transaction reports based on appropriate circumstances; however,

the existing exemption process has not adequately balanced the burden on the financial industry with the Government's need for data to support its efforts in combating financial crime.

(6) The act of providing notice to the Secretary of the Treasury of designations of exemption provides meaningful information to law enforcement officials on exempt customers and enables law enforcement to obtain account information through appropriate legal process; the act of providing notice of designations of exemption complements other sections of title 31, United States Code, whereby law enforcement can locate financial institutions with relevant records relating to a person of investigative interest, such as information requests made pursuant to regulations implementing section 314(a) of the USA PATRIOT Act of 2001.

(7) A designation of exemption has no effect on requirements for depository institutions to apply the full range of anti-money laundering controls as set forth in subchapter II of chapter 53 of title 31, United States Code, including the requirement to apply the customer identification program pursuant to Section 5326 of subchapter II of chapter 53 of title 31, United States Code, and the requirement to identify, monitor, and, if appropriate, report suspicious activity in accordance with section 5318(g) of title 31, United States Code.

(8) The Federal banking agencies and the Financial Crimes Enforcement Network have recently provided guidance through the Federal Financial Institutions Examination Council Bank Secrecy Act/Anti-Money Laundering Examination Manual on applying appropriate levels of due diligence and identifying suspicious activity by the types of cash-intensive businesses that generally will be subject to exemption.

(b) SEASONED CUSTOMER EXEMPTION.—

(1) IN GENERAL.—Section 5313(e) of title 31, United States Code, is amended to read as follows:

"(e) QUALIFIED CUSTOMER EXEMPTION.—

"(1) IN GENERAL.—The Secretary of the Treasury shall prescribe regulations within 270 days of the enactment of the Financial Services Regulatory Relief Act of 2005 that exempt any depository institution from filing a report pursuant to this section in a transaction for the payment, receipt, or transfer of United States coins or currency (or other monetary instruments the Secretary of the Treasury prescribes) with a qualified customer of the depository institution.

"(2) QUALIFIED CUSTOMER DEFINED.—For purposes of this section, the term 'qualified customer', with respect to a depository institution, has such meaning as the Secretary of the Treasury shall prescribe, which shall include any person that—

"(A) is incorporated or organized under the laws of the United States or any State, including a sole proprietorship, or is registered as and eligible to do business within the United States or a State;

"(B) has maintained a deposit account with the depository institution for at least 12 months; and

"(C) has engaged, using such account, in multiple currency transactions that are subject to the reporting requirements of subsection (a).

"(3) REGULATIONS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall prescribe regulations requiring a depository institution to file a 1-time notice of designation of exemption for each qualified customer of the depository institution.

"(B) FORM AND CONTENT OF EXEMPTION NOTICE.—The Secretary shall by regulation prescribe the form, manner, content, and timing of the qualified customer exemption notice; such notice shall include information sufficient to identify the qualified customer and its accounts.

"(C) AUTHORITY OF SECRETARY.—

"(i) IN GENERAL.—The Secretary may suspend, reject or revoke any qualified customer exemption notice, in accordance with criteria prescribed by the Secretary by regulation.

"(ii) CONDITIONS.—The Secretary may establish conditions, in accordance with criteria prescribed by regulation, under which exempt qualified customers of an insured depository institution that is merged with or acquired by another insured depository institution will continue to be treated as designated exempt qualified customers of the surviving or acquiring institution.".

(c) 3-YEAR REVIEW AND REPORT.—Before the end of the 3-year period beginning on the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Attorney General, the Secretary of the Department of Homeland Security, the Federal banking agencies, the banking industry, and such other persons as the Secretary deems appropriate, shall evaluate the operations and effect of this provision and make recommendations to Congress as to any legislative action with respect to this provision as the Secretary may determine to be appropriate.

SEC. 702. REDUCTION IN INCONSISTENCIES IN MONETARY TRANSACTION RECORDKEEPING AND REPORTING ENFORCEMENT AND EXAMINATION REQUIREMENTS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that inconsistencies and redundancies among regulations implementing monetary transaction recordkeeping and reporting enforcement programs under section 8 of the Federal Deposit Insurance Act, section 206(q) of the Federal Credit Union Act, and chapter II of chapter 53 of title 31, United States Code by the Secretary of the Treasury and the Federal banking agencies—

(1) increase the difficulty depository institutions have in complying with congressional intent in creating such enforcement programs,

(2) reduce the transparency and clarity of the regulatory regime;

(3) increase the potential for conflict among the various regulations in the future; and

(4) contribute to the perception that various agencies involved in the enforcement of the monetary transaction recordkeeping and reporting requirements apply such requirements inconsistently.

(b) AGENCY COORDINATION OF MONETARY TRANSACTION RECORDKEEPING AND REPORTING REQUIREMENTS.—

(1) ENFORCEMENT PROGRAMS.—

(A) FEDERAL DEPOSIT INSURANCE ACT.—Section 8(s) of the Federal Deposit Insurance Act (12 U.S.C. 1818(s)) is amended by adding at the end the following new paragraph:

"(4) COORDINATION ON UNIFORM REQUIREMENTS.—In prescribing regulations under paragraph (1), the Federal banking agencies, acting through the Financial Institutions Examination Council, shall—

"(A) consult with each other, the National Credit Union Administration Board, and the Secretary of the Treasury; and

"(B) take such action as may be necessary to ensure that the requirements for procedures established pursuant to such regulations, and the examination standards for reviewing such procedures, are congruent and reasonably uniform (taking into account differences in the form and function of the institutions subject to such requirements).".

(B) FEDERAL CREDIT UNION ACT.—Section 206(q) of the Federal Credit Union Act (12 U.S.C. 1786(q)) is amended by adding at the end the following new paragraph:

"(4) COORDINATION ON UNIFORM REQUIREMENTS.—In prescribing regulations under paragraph (1), the Board, acting through the Financial Institutions Examination Council, shall—

"(A) consult with the Federal banking agencies and the Secretary of the Treasury; and

"(B) take such action as may be necessary to ensure that the requirements for procedures established pursuant to such regulations, and the examination standards for reviewing such procedures, are congruent and reasonably uniform (taking into account differences in the form and function of the institutions subject to such requirements).".

(2) EXAMINATION STANDARDS AND DISPUTES.—Section 1006 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305) is amended by adding at the end the following new subsection:

"(h) MONETARY TRANSACTION RECORDKEEPING AND REPORTING REQUIREMENTS.—The Council and the Secretary of the Treasury shall jointly establish—

"(1) uniform standards and principles applicable to the examination of financial institutions to ensure compliance with the requirements of subchapter II of chapter 53, United States Code, sections 8(s) and 21 of the Federal Deposit Insurance Act, and section 206(q) of the Federal Credit Union Act; and

"(2) a clear policy statement on appropriate processes for resolving examiner-institution disagreements concerning the application of subchapter II of chapter 53, United States Code, sections 8(s) and 21 of the Federal Deposit Insurance Act, and section 206(q) of the Federal Credit Union Act to financial institutions.".

(3) EFFECTIVE DATE.—The Federal banking agencies, the National Credit Union Administration Board, the Financial Institutions Examination Council, and the Secretary of the Treasury shall commence the discussions and consultations required under the amendments made by this subsection as soon as practicable after the date of the enactment of this Act.

(c) REVIEW OF AND REPORT ON ADDITIONAL REGULATORY OR LEGISLATIVE CHANGES.—

(1) REVIEW REQUIRED.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall conduct a review of the potential inconsistencies in, or redundancies among, the regulations pertaining to the application of the requirements of subchapter II of chapter 53, United States Code, sections 8(s) and 21 of the Federal Deposit Insurance Act, and section 206(q) of the Federal Credit Union Act to financial institutions.

(2) REPORT TO CONGRESS AND THE FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.—Upon completion of the review under paragraph (1), the Secretary of the Treasury shall promptly submit a report on the findings and conclusions of the Secretary with respect to the review to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, together with such recommendations for legislative and administrative actions as the Secretary may determine to be appropriate, and shall transmit a copy of such report to the members of the Financial Institutions Examination Council.

(d) REFORM OF APPLICATION OF MONETARY TRANSACTION RECORDKEEPING AND REPORTING REQUIREMENTS TO FINANCIAL INSTITUTIONS.—Before the end of the 9-month period beginning on the date of the submission of the report to Congress under subsection (c)(2), the Secretary of the Treasury shall prescribe regulations implementing appropriate changes to regulations within the jurisdiction of the Secretary to remedy redundancies or inconsistencies identified in the review by, and included in the recommendations of, the Secretary under subsection (c).

SEC. 703. ADDITIONAL REFORMS RELATING TO MONETARY TRANSACTION AND RECORDKEEPING REQUIREMENTS APPLICABLE TO FINANCIAL INSTITUTIONS.

(a) Notification of Officers and Directors of Financial Institutions.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall—

(1) review any regulation, guideline, or guidance of the Secretary, any Federal banking agency, or the National Credit Union Administration Board that serves as the basis for any requirement to provide notice to any officer or director of a depository institution of any suspicious activity report submitted by the depository institution to the Secretary and any such agency or Board;

(2) modify or eliminate any such requirement of the Secretary that the Secretary determines is not necessary to achieve the purposes of section 5318(g) of title 31, United States Code; and

(3) make a recommendation to any Federal banking agency or the National Credit Union Administration Board to modify or eliminate any such requirement of such agency or Board that the Secretary determines is not necessary to achieve the purposes of section 5318(g) of title 31, United States Code.

(b) Elimination of Unnecessary Verification Requirements Applicable to the Purchase of Financial Instruments.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall—

(1) review all verification of customer identity requirements as they relate to the purchases of monetary instruments by customers of depository institutions, including the regulations codified in section 103.29(a)(ii) of title 31, Code of Federal Regulations; and

(2) modify or eliminate any customer identity requirement related to the purchases of monetary instruments by customers of depository institutions codified in section 103.29(a)(ii) of title 31, Code of Federal Regulations, that the Secretary determines is unnecessary.

(c) Elimination of Recurring Filings of Suspicious Activity Reports on a Single Transaction.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury, as appropriate, shall prescribe regulations, or issue other forms of guidance, that eliminate the need for depository institutions to file recurring suspicious activity reports on the same transaction unless there has been a subsequent change in any pattern of activity involving any person who was connected with the transaction.

(d) Electronic Acknowledgement of Certain Electronic Filings.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Director of the Financial Crimes Enforcement Network shall put into effect a system for promptly furnishing an electronic acknowledgement of receipt to any institution that files a form with FinCEN under subchapter II of chapter 53 of title 31, United States Code, through the Network's electronic filing system.

SEC. 704. STUDY BY COMPTROLLER GENERAL.

(a) Study Required.—The Comptroller General of the United States shall conduct a study on methods and practices which would—

(1) reduce the overall number of currency transaction reports filed with the Secretary of the Treasury under section 5313(a) of title 31, United States Code, while ensuring that the needs of the Secretary, the Financial Crimes Enforcement Network, law enforcement agencies, and financial institution regulatory agencies continue to be met;

(2) improve financial institution utilization of the current exemption provisions; and

(3) mitigate the difficulties in the current implementation of such exemption provisions that limit the utility of the exemption process for financial institutions.

(b) Report.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the findings and conclusions of the Comptroller General with respect to the study conducted under subsection (a) and such recommendations for legislative and administrative action as the Comptroller General may determine to be appropriate.

SEC. 705. FEASIBILITY STUDY REQUIRED.

(a) In General.—For the purpose of simplifying, and increasing compliance with, the various recordkeeping and reporting requirements under subchapter II of chapter 53 of title 31, United States Code, chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act, and regulations prescribed under such provisions of law, the Secretary of the Treasury (hereafter in this section referred to as the "Secretary") shall conduct a study on the feasibility of developing and implementing interfaces and templates for use in electronic communications between financial institutions (as defined in section 5312 of title 31, United States Code) and the Secretary, the Financial Crimes Enforcement Network, and other Federal financial institution regulatory agencies.

(b) Factors to Be Considered.—In conducting the study required under subsection (a), the Secretary shall take into account—

(1) any procedures required to be maintained by financial institutions under regulations prescribed pursuant to section 5318(a)(2) of title 31 of the United States Code and the manner in which the use of interfaces and templates which might be developed could lessen the burden of complying with such procedures; and

(2) any exemptions prescribed by the Secretary under paragraph (5) or (6) of such section 5318(a) and the manner in which interfaces and templates which might be developed could be programmed to reflect any such exemption for a financial institution, transaction, or class of transactions.

(c) Prototype and Report Required.—

(1) In general.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress containing a detailed description of the findings and conclusions of the Secretary in connection with the study required under subsection (a), together with such recommendations for legislative or administrative action as the Secretary may determine to be appropriate.

(2) Prototype.—Any recommendation on the feasibility of developing and implementing interfaces and templates for use in electronic communications shall be accompanied by prototypes of such interfaces and templates that demonstrate such feasibility.

(d) Definitions.—For purposes of this section, the following definitions shall apply:

(1) Interface.—The term "interface" means the point and method of interaction between any 2 or more electronic data storage and communication systems that permits and facilitates active electronic communication between or among the systems, including any procedures, codes, and protocols that enable the systems to interact.

(2) Template.—The term "template" means a preestablished layout model using word processing or other authoring software that ensures that data entered into it will adhere to a consistent format and content scheme when used by all parties engaged in electronic communications among each other.

SEC. 706. ANNUAL REPORT BY SECRETARY OF THE TREASURY.

(a) Findings.—The Congress finds as follows:

(1) Financial institutions have too little information about money laundering and terrorist financing compliance in other markets.

(2) The current Financial Action Task Force designation system does not adequately represent the progress countries are making in combatting money laundering.

(3) Lack of information about the compliance of countries with anti-money laundering standards exposes United States financial markets to excessive risk.

(4) Failure to designate countries that fail to make progress in combatting terrorist financing and money laundering eliminates incentives for internal reform.

(5) The Secretary of the Treasury has an affirmative duty to provide to financial institutions and examiners the best possible information on compliance with anti-money laundering and terrorist financing initiatives in other markets.

(b) Report.—Not later than March 1 of each year, the Secretary of the Treasury shall submit to the Congress a report that identifies the applicable standards of each country against money laundering and states whether that country is a country of primary money laundering concern under section 5318A of title 31, United States Code. The report shall include—

(1) information on the effectiveness of each country in meeting its standards against money laundering;

(2) a determination of whether that the efforts of that country to combat money laundering and terrorist financing are adequate, improving, or inadequate; and

(3) the efforts made by the Secretary to provide to the government of each such country of concern technical assistance to cease the activities that were the basis for the determination that the country was of primary money laundering concern.

(c) Dissemination of Information in Report.—The Secretary of the Treasury shall make available to the Federal Financial Institutions Examination Council for incorporation into the examination process, in consultation with Federal banking agencies, and to financial institutions the information contained in the report submitted under subsection (a). Such information shall be made available to financial institutions without cost.

(d) Definition.—For purposes of this section, the term "financial institution" has the meaning given that term in section 5312(a)(2) of title 31, United States Code.

SEC. 707. PRESERVATION OF MONEY SERVICES BUSINESSES.

(a) Findings.—The Congress finds as follows:

(1) Title III of the USA PATRIOT ACT provided United States law enforcement agencies with new tools to combat terrorist financing and money laundering.

(2) The Financial Crimes Enforcement Network in the Department of the Treasury (hereafter in this section referred to as "FinCEN") has defined money services businesses to include the following 5 distinct types of financial services providers as well as the United States Postal Service:

(A) Currency dealers or exchanges.

(B) Check cashing services.

(C) Issuers of travelers' checks, money orders, or stored value cards.

(D) Sellers or redeemers of travelers' checks, money orders, or stored value cards.

(E) Money transmitters.

(3) Money services businesses have had more difficulty in obtaining and maintaining banking services since the passage of the USA PATRIOT ACT.

(4) On March 30, 2005, FinCEN and the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) issued a joint statement recognizing the importance of ensuring that money services businesses that comply with the law have reasonable access to banking services.

(5) On April 26, 2005, FinCEN offered guidance to money service businesses on obtaining and maintaining banking services by identifying and explaining to money services businesses the types of information and documentation they are expected to have, and to provide to, depository institutions when conducting banking business.

(6) At the same time, FinCEN and the Federal banking agencies have issued joint guidance to depository institutions to—

(A) clarify the requirements of subchapter II of chapter 53 of title 31, United States Code, and related provisions of law; and

(B) set forth the minimum steps that depository institutions should take when providing banking services to money services businesses.

(7) It is in the interest of the United States and its allies in the wars against terrorism and drugs to make certain that the international transfer of funds is done in a rules-based, formal, and transparent manner and that individuals are not forced into utilizing informal underground methods due to a lack of services.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that depository institutions and money services businesses should follow the guidance offered by FinCEN for the purpose of giving money services businesses full access to banking services and ensuring that money services businesses remain in the mainstream financial system and can be full players in providing important financial services to their customers and be fully cooperative in the fight against terrorist financing and money laundering.

TITLE VIII—CLERICAL AND TECHNICAL AMENDMENTS

SEC. 801. CLERICAL AMENDMENTS TO THE HOME OWNERS' LOAN ACT.

(a) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in section 1 of the Home Owners' Loan Act (12 U.S.C. 1461) is amended by striking the items relating to sections 5 and 6 and inserting the following new items:

"Sec. 5. Savings associations.
"Sec. 6. [Repealed.].".

(b) CLERICAL AMENDMENTS TO HEADINGS.—

(1) The heading for section 4(a) of the Home Owners' Loan Act (12 U.S.C. 1463(a)) is amended by striking "(a) FEDERAL SAVINGS ASSOCIATIONS.—" and inserting "(a) GENERAL RESPONSIBILITIES OF THE DIRECTOR.—".

(2) The section heading for section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended to read as follows:

"SEC. 5. SAVINGS ASSOCIATIONS.".

SEC. 802. TECHNICAL CORRECTIONS TO THE FEDERAL CREDIT UNION ACT.

The Federal Credit Union Act (12 U.S.C. 1751 et seq.) is amended as follows:

(1) In section 101(3), strike "and" after the semicolon.

(2) In section 101(5), strike the terms "account account" and "account accounts" each place any such term appears and insert "account".

(3) In section 107(a)(5)(E) (as so designated by section 303 of this Act), strike the period at the end and insert a semicolon.

(4) In paragraphs (6) and (7) of section 107(a) (as so designated by section 303 of this Act), strike the period at the end and insert a semicolon.

(5) In section 107(a)(7)(D) (as so designated by section 303 of this Act), strike "the Federal Savings and Loan Insurance Corporation or".

(6) In section 107(a)(7)(E) (as so designated by section 303 of this Act), strike "the Federal Home Loan Bank Board," and insert "the Federal Housing Finance Board,".

(7) In section 107(a)(9) (as so designated by section 303 of this Act), strike "subchapter III" and insert "title III".

(8) In section 107(a)(13) (as so designated by section 303 of this Act), strike the "and" after the semicolon at the end.

(9) In section 109(c)(2)(A)(i), strike "(12 U.S.C. 4703(16))".

(10) In section 120(h), strike "the Act approved July 30, 1947 (6 U.S.C., secs. 6–13)," and insert "chapter 93 of title 31, United States Code,".

(11) In section 201(b)(5), strike "section 116 of".

(12) In section 202(h)(3), strike "section 207(c)(1)" and insert "section 207(k)(1)".

(13) In section 204(b), strike "such others powers" and insert "such other powers".

(14) In section 206(e)(3)(D), strike "and" after the semicolon at the end.

(15) In section 206(f)(1), strike "subsection (e)(3)(B)" and insert "subsection (e)(3)".

(16) In section 206(g)(7)(D), strike "and subsection (1)".

(17) In section 206(t)(2)(B), insert "regulations" after "as defined in".

(18) In section 206(t)(2)(C), strike "material affect" and insert "material effect".

(19) In section 206(t)(4)(A)(ii)(II), strike "or" after the semicolon at the end.

(20) In section 206A(a)(2)(A), strike "regulator agency" and insert "regulatory agency".

(21) In section 207(c)(5)(B)(i)(I), insert "and" after the semicolon at the end.

(22) In the heading for subparagraph (A) of section 207(d)(3), strike "TO" and insert "WITH".

(23) In section 207(f)(3)(A), strike "category or claimants" and insert "category of claimants".

(24) In section 209(a)(8), strike the period at the end and insert a semicolon.

(25) In section 216(n), insert "any action" before "that is required".

(26) In section 304(b)(3), strike "the affairs or such credit union" and insert "the affairs of such credit union".

(27) In section 310, strike "section 102(e)" and insert "section 102(d)".

SEC. 803. OTHER TECHNICAL CORRECTIONS.

(a) Section 1306 of title 18, United States Code, is amended by striking "5136A" and inserting "5136B".

(b) Section 5239 of the Revised Statutes of the United States (12 U.S.C. 93) is amended by redesignating the second of the 2 subsections designated as subsection (d) (as added by section 331(b)(3) of the Riegle Community Development and Regulatory Improvement Act of 1994) as subsection (e).

SEC. 804. REPEAL OF OBSOLETE PROVISIONS OF THE BANK HOLDING COMPANY ACT OF 1956.

(a) IN GENERAL.—Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended—

(1) in subsection (c)(2), by striking subparagraphs (I) and (J); and

(2) by striking subsection (m) and inserting the following new subsection:

"(m) [Repealed]".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 4(h) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(h)) are each amended by striking "(G), (H), (I), or (J) of section 2(c)(2)" and inserting "(G), or (H) of section 2(c)(2)".

TITLE IX—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS

SEC. 901. EXCEPTION FOR CERTAIN BAD CHECK ENFORCEMENT PROGRAMS.

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating section 818 as section 819; and

(2) by inserting after section 817 the following new section:

"§818. Exception for certain bad check enforcement programs operated by private entities

"(a) IN GENERAL.—If—

"(1) a State or district attorney establishes, within the jurisdiction of such State or district attorney and with respect to alleged bad check violations that do not involve a check described in subsection (c), a pretrial diversion program for alleged bad check offenders who agree to participate voluntarily in such program to avoid criminal prosecution and are not described in subsection (b);

"(2) a private entity, that is subject to an administrative support services contract with a State or district attorney and operates under the direction, supervision and control of such State or district attorney, operates the pretrial diversion program described in paragraph (1); and

"(3) in the course of performing duties delegated to it by a State or district attorney under the contract, the private entity referred to in paragraph (2)—

"(A) complies with the penal laws of the State;

"(B) conforms with the terms of the contract and directives of the State or district attorney;

"(C) does not exercise independent prosecutorial discretion;

"(D) contacts any alleged offender referred to in paragraph (1) for purposes of participating in a program referred to in such paragraph only—

"(i) as a result of any determination by the State or district attorney that sufficient evidence of a bad check violation under State law exists and that contact with the alleged offender for purposes of participation in the program is appropriate; or

"(ii) as otherwise permitted in response to evidence of a bad check;

"(E) includes as part of an initial written communication with an alleged offender a clear and conspicuous statement that—

"(i) the alleged offender may dispute the validity of any alleged bad check violation through a procedure established and supervised by the State or district attorney, together with an explanation of how such a dispute may be initiated; and

"(ii) where the alleged offender knows, or has reasonable cause to believe, that the alleged bad check violation is the result of theft or forgery of the check, identity theft, or other fraud that is not the result of the alleged offender's conduct, the alleged offender may file a crime report with the appropriate law enforcement agency and have further contacts or restitution efforts suspended until the question of the theft or forgery of the check, identity theft, or other fraud has been resolved, together with clear instructions on how to file such crime report; and

"(F) charges only fees in connection with services under the contract that—

"(i) have been authorized by the contract with the State or district attorney; and

"(ii) conform with the schedule of reasonable charges for such services which shall be established by the National District Attorney's Association, after consultation with the Commission and representatives of interested business and consumer organizations,

the private entity shall be treated as an officer of the State and excluded from the definition of debt collector, pursuant to the exception provided in section 803(6)(C), with respect to the entity's operation of the program described in paragraph (1) under the contract described in paragraph (2).

"(b) CERTAIN OFFENDERS EXCLUDED.—An alleged bad check offender is described in this *subsection if a private entity described in subsection (a)(2) can determine from available records that such offender—*

"(1) was convicted of a bad check offense in the 3 years prior to issuing the bad check under consideration; or

"(2) participated in a pretrial diversion program in the 18 months prior to issuing the bad check under consideration.

"(c) CERTAIN CHECKS EXCLUDED.—A check is described in this subsection if the check involves, or is subsequently found to involve—

"(1) a postdated check presented in connection with a payday loan, or other similar transaction, where the holder of the check knew that the issuer had insufficient funds at the time the check was made, drawn or delivered;

"(2) a stop payment order where the issuer acted in good faith and with reasonable cause in stopping payment on the check;

"(3) a check dishonored because of an adjustment to the issuer's account by the financial institution holding such account without providing notice to the person at the time the check was made, drawn or delivered;

"(4) a check for partial payment of a debt where the holder had previously accepted partial payment for such debt;

"(5) a check issued by a person who was not competent, or was not of legal age, to enter into a legal contractual obligation at the time the check was made, drawn or delivered; or

"(6) a check issued to pay an obligation arising from a transaction that was illegal in the jurisdiction of the State or district attorney at the time the check was made, drawn or delivered.

"(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) STATE OR DISTRICT ATTORNEY.—The term 'State or district attorney' means the chief elected or appointed prosecuting attorney in a district, county (as defined in section 2 of title 1, United States Code), municipality, or comparable jurisdiction, including State attorneys general who act as chief elected or appointed prosecuting attorneys in a district, county (as so defined), municipality or comparable jurisdiction, who may be referred to by a variety of titles such as district attorneys, prosecuting attorneys, commonwealth's attorneys, solicitors, county attorneys, and state's attorneys, and who are responsible for the prosecution of State crimes and violations of jurisdiction-specific local ordinances.

"(2) CHECK.—The term 'check' has the same meaning as in section 3(6) of the Check Clearing for the 21st Century Act.

"(3) BAD CHECK.—The term 'bad check' means any check that—

"(A) the issuer knew, or should have known, would not be paid upon presentment because the issuer—

"(i) had no account with the drawee financial institution at the time the check was made, drawn, or delivered;

"(ii) had closed the account upon with the check was made or drawn prior to the time the check was made, drawn, or delivered; or

"(iii) used a false or altered check, or false or altered check account number; or

"(B) was refused payment by the financial institution or other drawee for lack of sufficient funds and the issuer failed to pay the full amount of the check, together with reasonable costs as permitted by State law—

"(i) after receiving written notice from the holder of the check that payment was refused by the drawee financial institution to the extent that the timing and mode of delivery of such written notice is in compliance with the applicable State law for determining criminal liability for bad check offenses; or

"(ii) in a case in which there are no applicable State law requirements as described in clause (i), within 30 days of receiving written notice, mailed to the issuer by certified mail to the address printed on the check, or given at the time the check was made, drawn or delivered or, otherwise, at the address where the alleged offender resides or is found, from the holder of the check that payment of 1 or more checks was refused by the drawee financial institution.".

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Debt Collection Practices Act is amended—

(1) by redesignating the item relating to section 818 as section 819; and

(2) by inserting after the item relating to section 817 the following new item:

"818. Exception for certain bad check enforcement programs operated by private entities.".

SEC. 902. OTHER AMENDMENTS.

(a) LEGAL PLEADINGS.—Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692g) is amended by adding at the end the following new subsection:

"(d) LEGAL PLEADINGS.—A communication in the form of a formal pleading in a civil action shall not be treated as an initial communication for purposes of subsection (a).".

(b) NOTICE PROVISIONS.—Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692g) is amended by adding after subsection (d) (as added by subsection (a) of this section) the following new subsection:

"(e) NOTICE PROVISIONS.—The sending or delivery of any form or notice which does not request the payment of a debt and is expressly required by any other Federal or State law or regulation, including the Internal Revenue Code of 1986, title V of Gramm-Leach-Bliley Act, and any data security breach notice and privacy law shall not be treated as a communication in connection with debt collection.".

(c) ESTABLISHMENT OF RIGHT TO COLLECT WITHIN THE FIRST 30 DAYS.—Section 809(b) of the Fair Debt Collection Practices Act (15 U.S.C. 1692g(b)) is amended by striking "If the consumer" and inserting "Collection activities and communications may continue during any 30-day period referred to in subsection (a). However, if the consumer".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY), and the gentleman from Kansas (Mr. MOORE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Today the House will consider H.R. 3505, the Financial Services Regulatory Relief Act of 2005. H.R. 3505 is intended to alter or eliminate statutory banking provisions to lessen the growing regulatory burden on insured depository institutions as well as make technical corrections to current law.

The bill contains a broad range of constructive provisions that, taken as a whole, will allow banks, thrifts, and credit unions to devote more resources to the business of providing financial services and less to compliance with outdated and unneeded regulations.

While effective regulation of the financial services industry is central to the preservation of public trust, this legislation will benefit consumers and the economy by lowering costs and improving productivity. I want to congratulate Mr. HENSARLING, the lead author of the legislation, along with Mr. MOORE, who both introduced H.R. 3505 last July.

The bill included virtually all of H.R. 1375, which passed the House in 2004 by a vote of 392–25, plus a new title addressing Bank Secrecy Act issues and over 20 other new sections. Mrs. CAPITO also deserves recognition for her longstanding support of regulatory relief legislation. Indeed, it was her legislation that passed in 2004.

Following H.R. 3505's introduction, Chairman BACHUS held 2 days of legislative hearings by the Financial Institution Subcommittee, with witnesses from both Federal and State regulatory authorities, the banking thrift and credit union industries, and the Financial Crimes Enforcement Network. Last November, the Committee on Financial Services approved H.R. 3505 by a vote of 67–0. The bill was sequentially referred to the Committee on the Judiciary, which approved it last month by a voice vote.

Mr. Speaker, the financial services industry is laboring under an enormous regulatory burden. While many of the regulations are necessary to protect consumers and meet other worthy public policy objectives, a number are clearly burdensome. For this reason, shortly after I assumed the chairmanship of the committee, I asked the financial regulators and industry trade groups to give us their best advice on how we could ease regulatory requirements faced by insured depositories. The goal was to free depository institutions from unduly burdensome regulations so they can better serve their customers and communities.

It was clear then, as it is today, that there also needs to be a counterbalance to the significant compliance responsibilities placed on depository institutions by the USA PATRIOT Act as well as other government efforts to counterterrorist financing. Excessive regulation affects all sectors of the financial services industry and presents the greatest burden for smaller institutions. For small banks to continue to serve their historic role as a financial lifeline for local communities, they must be free to operate in a regulatory environment that does not constrain them with arduous requirements.

H.R. 3505, for instance, includes the following provisions: national banks could more easily operate as subchapter S corporations to avoid double tax on a bank's earnings, as well as choose among different forms of business organizations. Thrift institutions are given some of the same investment, lending and business organization flexibility available to banks. Credit unions would have wider options for investments, lending, mergers and conversions. Regulators are given more latitude in scheduling exams, sharing data, retaining records, and streamlining reports of condition. And clerical and technical amendments are made to several banking statutes.

The bill's title VII, Bank Secrecy Act Compliance Burden Reduction, addresses financial institutions' concerns that some of the work they are being asked to do in the fight against financial crimes is unnecessary or duplicative.

I would like to thank former FinCEN Director Fox, Mr. HENSARLING, and Chairman BACHUS, as well as Mr. FRANK and Mr. GUTIERREZ, for their efforts in creating this title which balances law enforcement's needs with the industry's very real concerns about excessive burdens.

The first section of title VII focuses on reducing the number of currency transaction reports, or CTRs, that must be filed by institutions on transactions involving large sums of cash, reports that can be extraordinarily useful to law enforcement but which often are filed on obviously unremarkable transactions, such as a deposit by a large discount store. It streamlines the process for exempting institutions from reporting such transactions. Other sections of title VII seek to eliminate inconsistencies or duplicative requirements in conjunction with the filing of suspicious activity reports, or SARS.

Mr. Speaker, the financial services industry spends a great deal of money every year complying with outdated and ineffective regulations. That is money that could instead be lent for new homes, new cars, and new projects, fueling job growth in local communities. The sooner we enact this legislation, the sooner we will provide needed relief to depository institutions and increase financial opportunities for both consumers and businesses. So I urge Members to support passage of H.R. 3505.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I would like to thank Chairman OXLEY and Ranking Member FRANK for supporting H.R. 3505 and ensuring its consideration on the House floor today. I would also like to thank Congressman HENSARLING for working with me to introduce the Financial Services Regulatory Relief Act. The Financial Services Committee has a strong record of bipartisanship, and I am glad that has extended to this bill. Regulatory relief should not be about Republicans or Democrats; it should be about doing the right thing for the lenders in our communities who play such an important part in expanding home ownership and creating opportunities for businesses and for consumers.

Our committee passed this legislation November by a vote of 67–0, and with this being the last year of his chairmanship, I wish to thank particularly Chairman MIKE OXLEY for working across party lines and forging the kind of consensus that led to a unanimous vote in our committee. This is really the model for how Congress should operate and demonstrates that bipartisan efforts on behalf of our constituents can yield positive results. During the 108th Congress, the House passed a very similar reg-relief bill by a vote of 392–25. I hope the House will pass this bill by a similarly wide margin.

Mr. Speaker, small lenders in our communities particularly feel the burden of duplicative and unnecessary regulations. Whenever Congress or the regulatory agencies impose a new burden on industry, small institutions must devote a large percentage of their staffs' time to review the new law or regulation to determine if it can and how it will affect them. Compliance with new laws and regulations, while necessary, nearly always takes a large amount of time that businesses can't devote to serving their customers and our constituents.

Strong regulation of our country's financial system is absolutely essential, but Congress and the financial regulators have a responsibility to strike the right balance in this area, and I believe H.R. 3505 is an important step in the right direction. Since coming to Congress, I have heard from many depository institutions in my district and throughout Kansas. I have tried to address in H.R. 3505 some of the concerns that I have heard about.

According to the Office of the State Bank Commissioner in Kansas, assets for four State-chartered banks, thrifts and mortgage lenders have reached an all-time high of approximately $29 billion. As these businesses have prospered, so too have they faced increasing requirements to comply with both old and new regulatory burdens, including some created by the Bank Secrecy Act.

H.R. 3505, Mr. Speaker, seeks to provide relief from some of these new burdens to our financial institutions in a way that preserves our ability to effectively track terrorist financing and build upon our successes in freezing the funds of terrorists. Representative HENSARLING and I, together with the bill's 39 bipartisan cosponsors and 67 supporters on the Financial Services Committee, agree that waging a strong war on terror and providing some reg relief to our financial institutions are not incompatible goals.

Additionally, Mr. Speaker, H.R. 3505 provides two new sections of reg relief for our credit unions that were not included in the previous version of this measure, H.R. 1375.

Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this bill. I also congratulate the leadership on both sides of the aisle, and I rise in strong support of H.R. 3505. The Financial Services Committee passed it out in October. This bill has a number of provisions that I strongly support and which I have worked in a bipartisan way to get into this legislation.

As a representative from New York City, the financial center of the United States, I am concerned about the burdens that regulation and reporting requirements impose on our financial institutions, particularly those that are not mega-institutions but are midsized and smaller. I know that the vast majority of my colleagues on both sides of the aisle share this concern, and we have worked together to address it in this legislation.

Last year, we passed regulatory relief by an overwhelming majority in the House but it failed in the Senate. I voted for that bill, although I thought it could use some improvement, and this bill is improved by the addition of several provisions dealing with issues that are of special concern to me, such as the extraordinary burden of compliance under which our financial institutions are required to operate.

Wherever I go in my district, smaller institutions tell me how hard and costly it is to comply with the new requirements of the Bank Secrecy Act, to file currency transaction reports, and to comply with the new requirements of the PATRIOT Act Know Your Customer requirements. They say these requirements in many cases are redundant and are excessively burdensome. The burdens are particularly heavy for smaller institutions.

I worked with Representative RENZI to develop the language in this bill that eliminates unnecessary currency transaction reports so that banks can focus on suspicious activity reports, or SARS, which are a much more useful tool, according to law enforcement, to track money laundering and terrorist financing.

This measure was proposed by the Treasury Department and law enforcement. We heard from FinCEN, the lead agency on money laundering, that the masses of useless CTRs being filed impeded law enforcement and were often not even looked at. And the General Accounting Office, the independent body that reviews government activities, confirmed that in a report last year also supporting streamlining the process. The banking regulators also expressed strong support for this proposal. OCC and OTS both agreed with FinCEN that the CTR filing process had become counterproductive in terms of national security.

This bill also includes other provisions relieving the unnecessary burden on community banks, including increased commercial and small business lending authority for Federal savings associations, regulation of thrift trust activities in a manner comparable to bank trust activities, and an exemption from annual privacy notice requirements for financial institutions that do not share customer information.

This bill also contains regulatory relief for credit unions, taken from the Credit Union Regulatory Improvement Act, which I have cosponsored for several Congresses.

Mr. Speaker, I urge my colleagues to support this bill. I look forward to the passage in this House and hopefully in the other body also.

Mr. MOORE of Kansas. Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I now yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), the chairwoman of the Oversight Subcommittee.

Mrs. KELLY. Mr. Speaker, I rise today in strong support of H.R. 3505. This bill contains many important items that will benefit banks, credit unions, and, most importantly, the consumers in our country, making it easier and cheaper to receive financial services.

□ 1315

The bill also enhances our national security. Section 706 of the bill, authored by myself and Mrs. MALONEY of New York, will establish a certification regime for foreign countries that clearly identifies to taxpayers and financial institutions which countries are not enforcing laws against money laundering and terrorist financing. This certification regime will compel foreign nations to better enforce their laws and seek technical assistance from the United States.

Our government has a duty to inform its citizens of risks in doing business with countries that are not doing enough to protect their financial institutions from money laundering and terror finance, Dubai and the UAE, for instance. This bill gives our government a cost-free, simple means to do it. I urge the House to join with me in passing this bill.

Mr. MOORE of Kansas. Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions.

Mr. BACHUS. Mr. Speaker, let me say under Chairman OXLEY's leadership, this committee has been committed for almost 6 years with freeing depository institutions of unduly and unnecessary burdensome regulations.

When we started this quest, the burden on those institutions was estimated at $25 billion a year. It is now $36 billion a year, and that is despite the fact that we have passed two or three pieces of legislation that have done away with some of these regulations.

Last year the House passed overwhelmingly similar legislation to this legislation; it unfortunately died in the other body. The legislation before us has a potential to save somewhere between $15 and $20 billion, and that is not to depository institutions; that is actually money that will be available to loan to Americans to finance home purchases, cars, property, or it will be available to pay greater yields on their deposits. So this is a very good bill for America. It will strengthen not only our financial institutions, but our economy.

I would like to commend the following people: Mrs. MALONEY and Mr. RENZI. Mrs. MALONEY has already spoken about the importance of the seasoned investor exemption where people who deal with banks on a daily and weekly basis depositing money, where those banks will not have to file unnecessary paperwork.

It will aid Bill Fox at FinCEN, who is in charge of preventing money laundering and says that this provision will make it easier for law enforcement, for the FBI and other agencies to track money laundering and eliminate costly filings.

I would like to commend Mr. RYUN for some very strong provisions helping our community and independent banks; and Mr. KANJORSKI and Mr. ROYCE.

Finally, I would say to Mr. HENSARLING and Mr. MOORE, you have done a fine job on this bill, and I commend you and commend this product.

Mr. MOORE of Kansas. Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING), the author of this legislation.

Mr. HENSARLING. Mr. Speaker, first, I want to thank Chairman OXLEY for his great commitment to this legislation and his critical leadership in tackling this important topic lo these many years. And I also want to thank Chairman BACHUS for his outstanding leadership on the subcommittee level. And finally, I want to thank the ranking member (Mr. FRANK of Massachusetts) and the gentleman from Kansas (Mr. MOORE) for their bipartisan efforts in ensuring that we help reduce the regulatory burden on our Nation's financial institutions.

With thoughtful regulatory relief, Congress can free up more capital for small businesses and families. Excessive, redundant, costly regulations can make credit more expensive and less accessible. These regulations can keep Americans from obtaining their first mortgage, buying their first car, financing a child's education, or starting a small business that creates needed new jobs.

Mr. Speaker, we know that the Federal regulatory burden falls particularly disproportionately on our smaller banks and credit unions. For example, the total number of small community banks has declined by almost a third in just one decade. Now, I am sure there are a number of reasons for all of these consolidations and mergers that have taken place, but from speaking to folks in my home State of Texas, certainly the burden and cost of Federal regulation rank among the top reasons, and certainly one of the top challenges to their continued profitability and their continued viability.

Furthermore, since 1989, bank regulators have promulgated over 850 new regulations. That is about 50 new regulations a year. Can we really expect our small, community-based financial institutions to keep up with this pace? I do not believe we can, and I do not believe we should.

This is worrisome because I believe it is these small, independent financial institutions that continue to be the economic lifeblood of many of our rural communities and a number of our inner-city neighborhoods. Let me offer one example from my home congressional district, First State Bank of Athens, Texas. This bank makes 50 to 75 charitable contributions each year to community groups in Henderson County, Texas, the American Heart Association, Meals on Wheels, Disabled American Veterans, and the East Texas Arboretum, to name a few. This bank has funded a local employer, Texas Ragtime, that has 90 employees, not to mention the jobs that they helped create at Nelson's Henderson County Door and Futurematrix Medical Devices. Last year they made 503 small business loans and an additional 314 small agricultural loans.

Yet we need to know that with burdensome regulatory compliance, every dollar they spend on regulatory compliance is a dollar they cannot spend on Meals on Wheels or to create new jobs at Ragtime. The same is true for every other small financial institution across our Nation. We in Congress can never lose sight of this fact.

This same bank in Athens, Texas, like thousands across the Nation, spends close to half a million dollars a year combined each year on BSA compliance. Reg B, Reg E, Reg D, CRA, HMDA, HOEPA, Reg O, Reg X, and Reg Z, just to name a few.

If Congress cannot determine a compelling reason for any existing regulation in a modern marketplace, I believe we have a duty to modify or eliminate that regulation.

Now, I am particularly pleased about the relief this bill offers for currency transaction reports. Unfortunately, the environment we are in today has led many banks to file their CTRs, cash transaction reports, and their suspicious activity reports in a highly defensive manner. Under this legislation I believe the majority of the 13 million-plus CTRs filed annually would stop, saving many, many hours and many, many thousands of dollars in savings in filling out these forms. This would also, perhaps more importantly, allow our law enforcement officials to better direct resources and help properly evaluate the suspicious activity reports, and thus better fight crime and terrorist financing.

Mr. Speaker, finally, this bill has received rare unanimous support when it was reported out of the Committee on Financial Services. It represents the hard work of Members on both sides of the aisle. I do believe that this bill will provide substantive regulatory relief for our financial institutions, and that will put more money, more capital, in the hands of those on the front lines of community lending and help American families realize their dreams.

Mr. MOORE of Kansas. Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I thank my distinguished chairman for yielding me this time, and I want to thank Chairman OXLEY and Chairman BACHUS, as well as Mr. HENSARLING and Mr. FRANK, for their diligence on this critical piece of legislation.

There is little doubt that our regulatory structure has contributed to the United States becoming the model for the world when it comes to financial services. But without the constant attention to the burdens of outdated rules and regulations, our markets can be dragged down by unnecessary costs.

I am pleased to see that the bill incorporates my compromise with Ranking Member FRANK regarding so-called industrial loan companies. It remains my belief that these institutions need to be reined in, and that the historic wall separating banking from commerce has to remain strong. There is no reason to treat one type of financial institution, an ILC, in a more favorable way than we treat other financial institutions.

So I think if this bill reaches the President's desk, which I hope it will, we have helped ensure that our depository institutions remain the most efficient in the world.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself the balance of my time.

I want to thank Mr. HENSARLING, who was not here when I thanked Members, and I thank the gentleman for the opportunity to work with him.

I also would like to thank the subcommittee chairman, Mr. BACHUS, and thank the chairman of the full committee, Chairman OXLEY.

Mr. Speaker, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I again reiterate my thanks to the members of the committee for a strong bipartisan vote and a very good effort. We are encouraged now on the other side of the Capitol that they have had their hearing, and Senator CRAPO and others are working towards the same goal as the House is, and we expect that bill to pass today.

I particularly thank the gentleman from Ohio (Mr. GILLMOR) for crafting a very key compromise amendment with the ranking member, the gentleman from Massachusetts (Mr. FRANK), dealing with the ILCs, one of the tougher issues that the committee has had to deal with over some time, and yet that compromise has stood the test of time, and I congratulate particularly Mr. GILLMOR and Mr. FRANK for their diligence on that.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3505, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. McKEON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed—

(1) to agree to the provisions contained in section 403 of the Senate amendment (relating to special funding rules for plans maintained by commercial airlines that are amended to cease future benefit accruals) and section 413 of the Senate amendment (relating to plan benefits guaranteed when regulations prescribed by the Federal Aviation Administration require an individual to separate from service after attaining any age before 65);

(2) to insist on the provisions contained in section 907 of the bill as passed the House (relating to direct payment of tax refunds to individual retirement plans);

(3) to insist on the provisions contained in section 902 of the bill as passed the House (relating to making the saver's credit permanent); and

(4) to insist on a conference report that imposes the smallest additional funding requirements (permitted within the scope of conference) on companies that sponsor pension plans if there is no reasonable likelihood the termination of the plan would impose additional liabilities to the Pension Benefit Guaranty Corporation or there is no reasonable likelihood the plan sponsor would terminate the plan in bankruptcy.

☐ 1330

The SPEAKER pro tempore (Mr. TERRY). Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

Mr. McKEON. Mr. Speaker, I reserve all points of order against the motion.

The SPEAKER pro tempore. A point of order is reserved.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, Members of the House, we offer this motion to instruct, because today, all across America, employees are worried sick about their retirement nest egg. They have seen big airlines like USAir and United cut and run on their obligations to pay the promised pension benefits and are wondering if they are next. They have seen major companies like Verizon, IBM, Motorola, Northwest, Delta, Sears Roebuck Company, Alcoa, Hewlett Packard, Lockheed Martin freeze their plans. We just read that General Motors will close its defined benefit plan to new management hires and give them a 401(k) instead. These are devastating developments that need urgent action by this Congress.

Unfortunately, this House bill makes none of these provisions better. In fact, it may make some of them worse. This motion addresses two urgent issues. First, it provides needed help to the airline pension plans hurt by 9/11 and skyrocketing fuel prices from terminating. It would be devastating to hundreds of thousands of workers across this Nation if more airlines were permitted to dump their plans into the

PBGC. When this happens, the big losers are the employees.

Look at the pilots of United, for example. They had a vested pension benefit cut in half. The average pilot lost $1,270. Here is what you see what happens when an airline or any employer is allowed to simply dump the plan into the Pension Benefit Guaranty Corporation, the government body that is set up to protect pensions. You see here that the pilots, 14,000 pilots, and 6,000 of them were retirees who lost 50 percent of their benefits, they lost $1,370 a month for the rest of their lives, for the rest of their lives. Management, employees and ticket sellers and others; 42,000 of them, 12,000 retirees lost $221 for the rest of their lives as did the machinists and the ground crews, who lost $493. That is because the company made essentially a unilateral decision simply to dump this plan without justification into the PBGC.

There are other actions that could be taken. The reason that we are here today is because a number of airlines have said, let us see if we can work with our employees if we can stretch out these plans, if we can keep from terminating them. We can work through these difficult times for the airline industry, that there may be a way to do this and get away from the tragedy that happened to these retirees and to their families.

Let us just be very clear about this. These are not 401(k) investments that went wrong in a bad market, these pension plans that were dumped into the PBGC. They were rock solid pension benefits that were stripped away from these employees and retirees for the convenience of United executives and shareholders.

While these employees, the pilots, flight attendants, machinists and others, were losing millions of promised benefits, the majority party in this Congress didn't fight for them, didn't lift a finger for them, didn't even offer a fair hearing to the people who were going to be most impacted by the decisions by people like United. This is a national disgrace.

This motion accepts the Senate provision that gives these airlines the ability to keep their plans going while stretching out payments. Freezing plans is a lot better than terminating. Go ask the ticket agents, the pilots and the mechanics at United whether they would have rather had their pension plan frozen while the airline worked through its difficulty, or whether they would have it terminated.

The motion would also support the Senate provision to provide full Pension Guaranty Corporation retirement protection up to the maximum guaranteed amount, about $47,000, by the Federal Government, for those pilots who are required by the Federal Government to retire at age 60. This was a double hit to these pilots. The Federal law said they had to retire at age 60, and then the Pension Benefit Guaranty Corporation told them, because you had early retirement at age 60, you are going to lose even more of your pension every year. We should protect those pilots. They had no way to protect themselves.

This motion also makes it clear that the bill's onerous funding requirements do not apply to companies that pose no risk of termination or liability to the Pension Benefit Guaranty Corporation. Forcing healthy plans out of the system does not make our pension system more secure, it makes it less secure. The House bill as written will give a financial hit to company pension plans that do not face the risk of termination and don't threaten the solvency of the Pension Benefit Guaranty Corporation.

Finally, this motion supports the commonsense provision that will encourage savings through the savings credit to allow people to deposit a portion of their tax refunds into savings accounts. Let us keep these airline plans going so hundreds of thousands of employees at Delta, Continental, Northwest Airlines are not put in the same position as the employees of United, and I urge the Members to support this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us be clear this motion to construct is nothing less than an attempt to undermine bipartisan efforts on the pension reform. The Democrat motion to instruct is hypocrisy at the highest level. They want these plans to be well funded, as we all do, yet want to mask the health of pension plans and make them look better funded than they really are. The result will be status quo. Plans will continue to freeze or terminate, and employees will continue to lose their hard-earned benefits.

I would like to point to a colloquy between the majority leader and the gentleman from Georgia, (Mr. PRICE) on the floor on December 15 of 2005. During the colloquy, the majority leader pledged to work on a responsible and appropriate solution to addressing the airline pension issue in conference, which is what we plan on doing. The time has arrived, and we are about to debate the Senate airlines provision on the merits.

The Democrat motion to instruct is an attempt to undermine the conference process and should be seen as nothing more than an effort to weaken and, in fact, derail pension reform. Again, an examination of legacy airline relief is appropriate in conference, which we will do. Examining the process is the Democrats' attempt to end run around the rules for their benefit. I urge you to reject the motion to instruct and let us get our work done.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN) of Ways and Means.

Mr. CARDIN. Mr. Speaker, let me thank Mr. MILLER for yielding this time.

Mr. Speaker, we do need pension legislation. We need pension legislation that will protect the worker, that will reform the PBGC, the guaranty fund, and will encourage companies to maintain and strengthen their pension plans. The Miller motion to instruct encourages us to be able to accomplish those goals.

Mr. MILLER has already talked about the provisions related to the airline industry that is very, very important. He mentioned the fact that we have to help younger workers and lower-wage workers by the refundability, by the savers credit, making permanent, and by dealing with split refunds of taxes.

Let me deal with one provision that Mr. MILLER covered very quickly, which I think is important, that is, encouraging companies to continue their defined benefit pension plans. If we put more and more burdens on companies that are well funded, that are in no danger of going into bankruptcy, these companies are going to freeze their plans, they are going to terminate their plans. Why would they stay around in the defined benefit world if we put more and more restrictions and more onerous funding rules that are unnecessary?

The Miller motion is commonsense and asking us to be very careful on new requirements that we place on plans that are properly funded, plans that present no danger to the guaranteed fund. We are in danger of losing more and more defined benefit plans which are well managed, where the employees are guaranteed a certain annuity payment, and we don't want our legislation to be responsible for the termination of more plans.

I would urge my colleagues to support this motion. I would urge my colleagues to make sure that in the pension legislation that comes out of conference, that we have legislation that, yes, we will protect our workers, and, yes, we will protect the guaranteed fund, but we will also make it easier for companies to maintain and expand pension plans for their employees. That is the best way that we can help provide security for all Americans on their retirement. I urge my colleagues to support the motion.

The SPEAKER pro tempore. Does the gentleman from California continue to reserve his point of order?

Mr. MCKEON. I continue to reserve that point of order.

Mr. Speaker, I now yield such time as he may consume to our subcommittee chairman of the Employee-Employer Relations Subcommittee, the distinguished gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in opposition to the Democratic motion to instruct conferees. You know, I voted for a bill that will strengthen pension plan funding. I want pension plans to have the right amount of money to pay benefits as promised. It is crazy to require overfunding, but it is also crazy to allow more time for them to recover. I mean, if, in fact, those plans were well managed, as the gentleman just said, we wouldn't be in this fix we are in.

Too many companies make bigger promises than they can pay for, and they dump their underfunded pension plans on the PBGC. We are facing an ocean of red ink at the PBGC, and we need to be sure that companies put their money where their mouth is.

I think that since we marked up our bill, we have heard from many sources that some of the bill needs to be modified in conference. We need to go to conference without restrictions. We need to be able to negotiate with our colleagues from the Senate to get a great bill signed into law. This Democrat motion would weaken the House bill, and I can't support pretending that plans aren't healthy.

We need to be very clear with the pension plan sponsors and employees who are expecting benefits out of these plans there needs to be adequate funding to make good on the private promises. Unfortunately, fewer Americans every year are lucky enough to have one of these defined benefit plans. We are backed up by the Federal Government.

We need to strike the right balance in pension funding rules so that the correct amount of money is there to pay benefits. The House bill is pretty close to the right answer. We should oppose the Democrat motion to undermine the good work of this House that was passed by a vote of 294 Members, and let us work with the Senate for a great bill.

Mr. McKEON. Mr. Speaker, I withdraw my reservation of the point of order.

The SPEAKER pro tempore. The reservation is withdrawn.

Mr. GEORGE MILLER of California. Mr. Speaker, I recognize the gentleman from Massachusetts (Mr. TIERNEY) for 3 minutes.

Mr. TIERNEY. Mr. Speaker, this is yet another example of the government under this majority in the House, and the Senate and the Republican White House of failing to live up to its role to protect the American people from circumstances beyond their control.

We have troops over in Afghanistan and Iraq that are not protected in the manner in which they should be protected. We have people down in Louisiana and Mississippi and other areas affected by the storm, Katrina, who are not getting the attention and the protection that they deserve and their situation warrants.

Here we have a failure of the government to step forward and to protect the American working family, who has paid into pension funds, expected them to be protected, expected something to be there after 20, 25 or 30 years of work and contributing to these funds, only to find out that management people, CEOs, walk into bankruptcy court and somehow wipe out the workers' interest while they end up with golden parachutes and protection for benefits once they come out of bankruptcy.

Mr. Speaker, Mr. MILLER and I and others have been fighting this issue for the working people for some time. In committee we offered an amendment that would allow the Pension Benefit Guaranty Corporation, that corporation, an entity which would protect workers. We wanted that to intervene earlier to be able to work with companies to make sure that they first exhausted all of their possible remedies by permitting them to terminate plans and go into bankruptcy only after they had done that.

We presented a substitute for this bill, but we weren't allowed to have a vote on it. Our colleagues in the majority, I think, speculate or were afraid that Members of their party would have joined in this motion, because it would have improved the bill. Companies should first have to exhaust every possible remedy to create financing and be creative in order to save and restore pensions before they are allowed to go into bankruptcy court and wipe them out while enhancing the position of the CEOs and other management people.

□ 1345

We are fighting here, Mr. Speaker, to protect the retirement security of American families. We are protecting benefits of airline employees and seeking to encourage retirement savings.

Both the Congressional Budget Office and the Pension Benefit Guaranty Corporation say that H.R. 2830 would actually add to the Pension Benefit Guaranty Corporation's deficit. They say the bill would actually chase companies out of the defined benefit system, that traditional benefit system that people have come to rely on, and it would leave workers with fewer choices actually than the plans for retirement that they have now.

This motion to instruct conferees would at least address some of those issues, Mr. Speaker. It would protect the pension benefits of airline employees by asking to support the Senate provision, to keep American and Continental and Delta and Northwest from terminating their plans at the expense of employees and taxpayers, giving them additional time to actually work on their plans.

It would support the Senate provision to provide full Pension Benefit Guaranty Corporation retirement protections for pilots that are forced to retire at age 60. As Mr. MILLER says, they are getting a double-whammy now, and they should not have to face that situation.

The motion would also make permanent the Saver Tax Credit, urging conferees to accept the House provision for the credit that provides a matching contribution for low- and moderate-income workers, and make sure that that provision, which is used now by 5.3 million people both in 2002 and 2003, to continue on, and support the House provisions to split the tax refund for automatic forwarding to a retirement account and to provide for the protection of traditional plans, dropping new funding provisions in either the House or Senate bill that would encourage companies to terminate or freeze.

Mr. Speaker, all those things are necessary to improve this bill, and I ask for support for the Miller amendment.

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to the subcommittee chairman of Select Revenue from the Ways and Means Committee, the gentleman from Michigan (Mr. CAMP).

Mr. CAMP of Michigan. Mr. Speaker, I thank the chairman for yielding, and I rise to oppose this Democrat motion.

This motion takes some parts of our tax agenda and says they are important, like the savers credit, the direct payments of tax refunds to IRAs, but ignores so many other parts of our bill that are critical, like the permanency of the pension and IRA provisions, many of which were in the Portman-Cardin legislation which this House has debated long before. I noticed Mr. CARDIN was here earlier, and long-term care insurance, which is a critical issue, and FSA rollover, which many of my friends on the other side are vitally interested in as well. So this motion to instruct is really incomplete, and I would urge all Members to vote against it.

With regard to airlines, I am vitally interested in the viability of our airline industry and certainly their ability to provide pensions for their employees. But I think to simply accept the Senate language would not allow us to go to conference and deal with the airline issues in a comprehensive and thorough way in conference.

So I would urge Members, especially those Members interested in the airline issue, to oppose this motion to instruct.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding, and I rise in support of this motion.

This motion asks the Members three questions. The first question is whether we should take the position that before airline pension plans of companies that are in real trouble terminate their pension plans, whether those companies should be required to take every reasonable step prior to that termination; whether we should be able to put those companies in a position where they can stretch out their payments to the pension plan, look for other ways they can fund the pension plan, and meet their pension obligations to their retirees.

I would suggest, Mr. Speaker, the answer is yes, we should require that the law do that, which is why this motion takes the right course.

The second question that this motion asks is with respect to healthy pension plans. Should it be the principles of the new law that we should operate with care and avoid new funding requirements on these healthy pension plans which are more likely to push them into disrepair and trouble?

I would suggest that the answer is yes, we should. The guiding principle, as the conference proceeds in writing this new law, should be to first do no harm to the healthy defined benefit plans that exist. So I think this motion correctly answers that question and follows the right path.

Finally, this motion raises the question as to whether we should permanently enshrine in the law the savers credit. The savers credit has been used by more than 5 million Americans in recent years. These are Americans who wait on tables, fix engines, work in child care centers, who have managed to squeeze out just a little bit of what is left out of their paycheck to put it away into a retirement plan. Wisely, Uncle Sam matches a part of that small savings from that worker to try to encourage more people to do that. This is good for those families, it is good for the country's economy, it is good for the Social Security system.

That credit is due to expire at the end of 2008. This resolution raises the question as to whether we should let that credit expire. We think the answer is no, we shouldn't let that credit expire, it should be permanently enshrined into law.

So I think those are three eminently reasonable propositions. We should encourage airlines not to terminate their plans if there is a reasonable and viable alternative; we should go to well-funded healthy plans and do no harm to them as we write new rules about funding pension plans; and, finally, we should take this very useful provision, supported by both the Republican and Democratic parties, that more than 5 million Americans have used, and keep it in the law.

For these reasons, I would urge my colleagues to vote "yes" on the Miller motion.

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to the chairman of the Ways and Means Committee, the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I would feel a whole lot better about this debate if it were being carried out in October or November and we had a chance to actually make some permanent changes in pension law prior to the first of the year. We are now in March. Frankly, we have been very lucky that the real world hasn't reacted in a way that would make our job even that much more difficult.

The gentleman from New Jersey, in his usually scholarly fashion, has laid out what we ought to do. I would like to remind the gentleman that the House bill contains the Savers Credit. We put it in. We obviously support the Savers Credit. Why there is a need now to reaffirm the fact that we support the Savers Credit is beyond me. The House has voted for it. It is the House position. Do you need to then put another nail in it?

But, interestingly, you only mentioned that. You didn't mention the other really good provisions that are in there. I think they all should be given equal weight and we should support it.

In terms of the airlines, the House bill is silent on airlines. I think that is, frankly, the smartest position we should be in. Do you think that based upon the conferee, the gentleman from Michigan's statement, that we aren't vitally concerned about airlines? I think what we ought not to do is to begin drawing lines in the sand. And, by the way, they aren't even lines in the sand, because this particular bill has no bearing of any meaning to the conferees. It is basically a political statement on the part of the minority in which they wish to select certain provisions and highlight those over others.

You have every right to offer it, we have every responsibility to reject it, because it means then other provisions that you chose not to pick, which you were not successful on, should not be dealt with in conference, and that isn't the way the world works. The majority will carry forward, not just the Savers Credit, but the other good components in the bill.

You can be assured that we are very, very concerned about airlines. We are so concerned that we didn't spend time spinning our wheels on the floor trying to determine who should be rewarded and who should not. We are going in there with total flexibility to try to solve the problem, and we will do the best we can to address the problem.

I will just have to tell you that to the degree we play political games, as indicated by the gentleman from Massachusetts' speech in terms of class warfare, once again we may run the chance of failing in the conference. We cannot afford that chance. And if we are successful in conference, we are going to have to convince the administration to sign the bill.

This is the time to be prudent, to turn down that wick of partisan rhetoric, get serious about trying to begin to solve an institutional, demographic, and economic structural problem. I want to go to conference with maximum flexibility in taking the House position and solving the other problems that need to be solved.

Please. You have every right to offer it. We should reject it. Let us get on to the conference so we are dealing with real issues instead of imagined political ones that continue to seem to be the primary motivation of the minority party in this House.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, contrary to what the chairman said, this isn't games playing. This is not partisanship. This is a plea for serious attention to a real problem on a bipartisan basis.

Yesterday, General Motors announced that it will freeze its guaranteed benefit pension plan for salaried employees and replace it with a defined contribution plan in which employees take the risk.

This is what we are saying in part four of our motion: If the conferees follow the direction set by the current House and Senate pension bills, there will be far more announcements like GM's in the future.

The changes in both the House and Senate bills would dramatically increase the chances of companies having to make large, unexpected contributions by making pension funding more volatile, the risk that GM, struggling with manufacturing challenges the U.S. Government has failed to consider, decided it could not afford.

It would mean companies facing challenges even less serious than General Motors' will make the same decision GM did. In a survey, 60 percent of chief investment officers for large pension plans said that changes like those in the House and Senate bills would lead them to cut benefits or freeze or terminate their pension plans. Despite our repeated requests, the administration has failed to tell us how their proposals would affect specific industries.

Our motion includes a critical provision instructing conferees to drop those provisions which would encourage healthy companies to freeze or terminate their pension plans. Those provisions include the shift to a yield curve, take away what is called smoothing, classifying companies as at-risk based on credit ratings, as in the Senate bill, and provisions regarding advanced funding.

Look, we are putting our motion forward for a simple reason: If your goal is to force employees to terminate their pension plans, leaving their workers on their own to face a risky and uncertain future, vote against the motion. But if your goal is to preserve the defined benefit pension system for workers, as well as the continued competitiveness of the companies they work for, do in fact vote for this motion to instruct.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

□ 1400

Mr. KUCINICH. Mr. Speaker, I have heard from hundreds of workers about H.R. 2830. Over 400 UAW members called my office to express their concerns about 2830 as it has been reported out of committee.

I was not alone in hearing from concerned workers. Workers from across America called congressional offices and asked for protection for their pension benefits.

Now, my vote in favor of the Pension Protection Act in December was cast to codify the improvements negotiated by auto workers and to enable the steel workers to press for further improvements in the conference committee. I have some hope there is a process for making additional improvements. But my vote was conditioned on the expectation that the bill would be substantially improved in the conference committee. I will need to see significant further improvements before voting again.

There are still some serious problems with H.R. 2830, and these problems must be addressed to ensure that all workers' pensions are protected. One such problem, which I hope will be fixed in the conference committee, concerns the rules affecting plant shutdown benefits for companies with small numbers of facilities.

The rules are biased against such companies, which will be faced with onerous funding requirements in the event of the shutdown of a facility. The workers, of course, would be the ultimate bearers of the burden, since older workers would lose the shutdown benefits that enable them to fully vest in the event of a plant shutdown.

Mr. Speaker, I encourage the conferees to adopt further shutdown benefit reforms. Conferees must also address the issue of cash balance plans. This bill does a great disservice to older workers by denying the reality that conversions from traditional defined benefit plans to cash balance plans harm older workers.

A report released in early November by the GAO found that a majority of older workers experienced deep cuts in their pension when converted from a traditional plan to a cash balance plan, without transition protection. This is not only unfair, it is wrong. Providing transition protection for older workers should not be a choice for employers, but a requirement, and any change in the plans must protect the accrued benefits of employees, and the conference report should reflect that reality.

Finally, I strongly support a provision to help airlines avoid terminating their pension plans by giving them additional time to fund their workers' plans. Section 403 of Senate bill 1783 will give airlines the time they need to meet their pension obligations, and that is a good provision, and we ought to support that. You know, then there will not be any bankruptcy movements because of pensions. There will not be any dumping of pension obligations on the PBGC, and there will not be any jettisoning of obligations to workers who have worked a lifetime and expect their pension benefits. And that kind of a provision will serve the workers and the American taxpayers.

I want to say that we have an obligation here of the American retirees to support full PBGC retirement protection for pilots who are forced to retire at age 60. Workers should not be punished for retiring at the age of 60 when safety regulations require them to stop flying. The American people are waiting to see if we care for those who have put in their time. They deserve their security.

This Congress has an obligation to America's retirees. We see corporations all over the country trying to throw their obligations onto the Pension Benefit Guaranty Corporation, but when we have some companies that are trying to do the right thing, as we do with the Senate provision that recognizes that American Airlines is trying to do the right thing, then we should provide them with the help that they need to meet their pension obligations.

This is a moment of truth for this Congress. Are we going to be true to our commitment to the American workers? Are we going to say to people who worked a lifetime, deserve the commitment that corporations made to them, that they are going to get the pension that they spent their lifetime for?

There are a lot of people who are watching this debate, asking if Congress is going to do the right thing. I strongly support Mr. MILLER's work here, and I hope this Congress will agree with this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), a member of the Ways and Means Committee.

Mr. POMEROY. Mr. Speaker, pensions are being frozen every day. Workers are having their retirement benefits reduced, yet the administration supports proposals which will dramatically accelerate the freezing of pensions.

When I asked the Department of Labor how many pensions will be frozen as a result of their proposals, they could not answer. They said they had not even modeled or considered the implication.

Well, the CFOs of the Nation have considered it, and a gathering of them have said these proposals will have long-term consequences for current and future workers, with the potential to damage the retirement security of millions of Americans. Indeed this same group estimates 60 percent of existing pension plans may be frozen. That is what this looks like on a chart: 29,700 pension plans in force, 17,800 of them to be frozen under the 60 percent proposal. The administration has not considered it.

That is why the motion to recommit is so important. We say that fully funded pension plans should not face dramatically severe additional funding requirements, they are already fully funded. Why would you want to punish employers who have funded pension plans? One very clear reason: to end pensions. And that is really what is at stake. They want to move from a defined benefit pension guarantee to defined contribution 401(k)s. It is as simple as that.

We should resist that. Pensions ensure that the risk of participating is universal. The workers participate. They ensure that the risk of investing is handled collectively. They ensure that you are not going to outlive your assets in retirement. That is what pensions provide. That is why we should be able to agree on a bipartisan basis to continue these pensions.

But yet just last week at the Nation's Savers Summit, I heard a committee chairman say he prefers the 401(k) to pensions. Why, he was asked? Because it is part of the ownership society.

Oh, we get it. You own your risk. You own your risk of investing appropriately. And you own the risk that you are not going to outlive the assets as you live on to retirement years.

We ought to be doing everything we can to keep workers' pensions. We all ought to feel some failure when we read, like today's headlines, GM to cut retirement costs, following, as the article notes, not just troubled companies, but healthy as well. Verizon, IBM, Motorola, the trend continues and will be accelerated dramatically by this bill which seeks to push all of the Nation's pension plans into termination in favor of 401(k)s.

Pass this motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for speakers. I believe I have the right to close. Is that correct?

The SPEAKER pro tempore (Mr. TERRY). The gentleman is correct.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no further speakers either. You know, it has been decades since we have had real, meaningful pension reform. And we could sit here and we could talk. It kind of reminds me of fiddling while Rome burned.

I think the time to move is now. We passed the bill with 294 Members of our House voting for it. Now it is time to go to conference, meet with the other body, get this resolved so we can help all of these people that we are all talking about.

I would ask that my colleagues reject this motion to instruct, and we get on with the business of the conference.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, Members, this is a very straightforward proposition. This is about whether or not this House of Representatives will go on record to try and give the airlines the ability, the time, and the means by which they may treat their employees better by holding onto their current pension plans; whether they freeze them or they take some other action in conjunction with their employees so that their employees will not be thrown for the loss that the United employees saw when that company decided that it would use the PBGC, the Pension Benefit Guaranty Corporation, just as a convenient tool to discharge in bankruptcy those employees' pension plans that devastated those employees, the United employees, and devastated their families.

Why are we doing this on this legislation? Because it is very interesting, through the course of this legislation during the consideration in the committee and on the floor, we could never quite get a vote on airlines. Now we are going into a conference committee, and the Republicans say, oh, everything is going to be just fine. And yet we know that already this conference committee is starting to attract attention, that this may be a vehicle for other measures that are unable to move in this Congress.

And so we do not know what is going to be in play. So we wanted to make sure that the Members of the House have the opportunity to say that these airlines ought to be able to try and work this out.

The other factor is that time is running against these airlines. They are going to have to declare and make a decision relatively soon.

We do not know if this conference is going to be committed. So it is just a question for the Members, do you or do you not want to be able to be on record to suggest that this would be better treatment for these employees, hopefully for these companies, than what happened under the United pension plan.

You saw what Mr. POMEROY said: many, many business executives, people involved in the pension business, have looked at this bill, and they have said that this bill is going to make it more difficult, make it more costly and probably lead to additional terminations.

The Pension Benefit Guaranty Corporation, the people that handle this problem when all else fails, told us this is worse than current law. Now, you can ride that animal if you want, but you may also, if you are deeply concerned about the airline employees in your area, you may also want to vote for this motion to instruct so we send a clear message to the House conferees and the committee, have refused to have this vote at any stage of the process, that we be allowed to have a vote, and that we support the effort of having the airlines be able to work this provision out.

That is what this motion to instruct does. It is important. It is important to the airlines. It is important to the employees. It is important to their families. It is important to how we look at solving this difficult problem of holding onto people's retirement nest eggs and to the pension plans that they are currently in.

This is presented as some great pension reform. It really does little or nothing to forestall the trend that we now see developing in terms of the termination of pension plans and people losing their retirement nest eggs.

Mr. Speaker, I would urge the House to support the motion to instruct.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4167, NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 710 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 710

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes. No further general debate shall be in order. The bill shall be considered as read. The bill shall be considered for amendment under the five-minute rule. Notwithstanding clause 11 of rule XVIII, no amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1415

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 710 provides for further consideration of the bill under a structured rule. Having discussed this last week on general debate, it provides that no further general debate shall be in order, it makes in order only those amendments that are printed in the report, it provides that the amendments printed in the report may be offered only in the order that they are printed in the report, may be offered only by a Member designated in the report, and shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, I rise in support of House Resolution 710 and the underlying bill, H.R. 4167, the National Food Uniformity Act of 2005.

Mr. Speaker, today the House will resume consideration of the National Food Uniformity Act of 2005 after having conducted general debate on the overall bill last Thursday, and this rule will allow us to move forward with the consideration of several amendments, most which are Democratic-sponsored amendments.

As I mentioned last week, currently food regulation is composed of a variety of different and sometimes inconsistent State requirements. Collectively, this hodgepodge of regulations not only inhibits interstate commerce, but it also drives up the cost for consumers.

Mr. Speaker, these different regulations from State to State for the same product create too many unnecessary costs and they jeopardize the well-being of consumers nationwide. Make no mistake, businesses cannot simply and completely absorb these unnecessary and additional costs, and therefore the consumers across this Nation, they are the ones who absorb the expense for labeling inconsistencies.

Without question, lower-income citizens truly feel the brunt of any additional cost to their food bill. Feeding one's family is not optional, and therefore any reduction to the cost of food will lower the cost of food products and help to ensure food on every table regardless of income.

Additionally, Mr. Speaker, this bill is not designed to deprive the public of life- or health-saving knowledge but, rather, to ensure that all consumers regardless of geography have this knowledge. If the Department of Health, as an example, in New York learns that a candy bar a day can give you tooth decay, then the citizens of Georgia as well as the citizens from each and every State should have access to that same knowledge through the FDA. This simply makes sense and has the potential to prevent future illnesses and save lives.

Further, while I have already spoken at length about the overall benefits of this bill, I would like to discuss one particular criticism made by the opponents. I have heard some say this bill is an assault on States rights. Well, I am an ardent supporter of States rights and I can attest this legislation is not designed to step on any State's toes. This bill does, however, guarantee all citizens access to the same information and warnings concerning their food while ensuring States not only can petition for their labeling requirement to be made part of the national standard, but they also can obtain a waiver for their State's requirement even though it need not be applicable to the other 49.

Mr. Speaker, H.R. 4167 is a commonsense piece of legislation that not only seeks to ensure nationwide knowledge of potentially lifesaving information but also to drive down costs for all consumers.

I urge my colleagues on both sides of the aisle to support the rule and move forward with a thoughtful debate on the amendments and support final passage of the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us addresses a fictional problem. Simply put, the Nation's largest food companies think that States are giving consumers too much information about the food they use to feed their families.

Along with the corporate lobbyists who wrote this bill, and we all know who they were because the paper printed them this week, these companies think it is wrong that States tell people when the bottled water on their supermarket shelves has high levels of arsenic.

They think it is wrong to inform a pregnant woman that eating mercury-laden fish could do serious damage to a fetus. And what about letting people know that their ground beef was treated with carbon monoxide? That apparently is wrong too. And I want to elaborate on that for just a moment. Many stores now buy their meat from common suppliers instead of having their own butchers at hand. In order to keep it looking fresh and looking better for a longer time, they treat it with carbon monoxide. You know, if you die from carbon monoxide poisoning, you turn a nice, bright, pink-red, which is what their meat does, and then they can keep it even for months. I saw a picture of one from November that it looked like it had just been butchered yesterday.

That is apparently wrong too. Do you want to eat that?

They want us to buy more and think less about health and safety and that alone is the motivation behind this bill. Supporters of the bill claim all they want to do is to make consumer protections the same for all Americans. But that is not what this bill will do. Most States already give their citizens much more information about the food than the Food and Drug Administration even requires. In fact, 80 percent of the food safety work performed in the United States is done by State and local officials. They are the ones with the expertise, the on-the-ground experience, and are needed to keep consumers safe, and they have been doing a good job. But this law will allow the FDA to invalidate State labeling laws and apply their own lower standards nationwide.

Listen, mothers, this is important. The consequences of this bill are going to be drastic. Within a matter of months, 200 State food safety laws will be wiped off the books. Will they be the ones that protect your child from an asthma attack or from dyes that would hurt them?

The experienced State health officials who want their regulations back are going to have to come, hat in hand, to the FDA and ask for permission to give their States more information than the Federal Government requires, which is paltry. They will have to plead with the FDA bureaucrats to keep the food safety laws in place, laws that their own legislatures and citizens have already established. In other words, they would have to seek approval from an agency that does not keep us safe anymore, an agency that cannot meet its current workload, and that, as we all know, has been in the business of approving drugs that turned out to be killing people and had to be removed from the market.

Now, I grew up believing that the FDA took care of me. And that was a lot like believing in the Tooth Fairy and Santa Claus, because if I have learned one thing in the last 5 years, it is the FDA cannot do that. But suddenly the party of States' rights and small government wants to forget about both. Instead, it wants to send quality State regulations that are protecting Americans into a bureaucratic black hole.

Mr. Speaker, the people and organizations most concerned about the safety of our Nation's food stand in strong opposition to this bill. Attorneys General and public health and safety officials from all over the United States, in fact most of them, if not all of them, have come out against it and begged us not to pass it. In fact, the Association of Food and Drug Officials recently wrote a letter to the Representative who sponsored this bill, asking him to reconsider his own legislation.

He said, "Members of the AFDO are State and local governments with no profit motive." That is the key here. These people have no profit motive, merely a public health concern, who feel strongly that the legislation will gravely impair State and local authorities' ability to protect their constituents.

Mr. Speaker, that letter is as follows:

THE NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE,
Washington, DC, February 27, 2006.

DEAR MEMBERS OF CONGRESS: The National Association of State Departments of Agriculture (NASDA) is writing to reiterate our concern and strong opposition to H.R. 4167, the National Uniformity for Foods Act. NASDA represents the commissioners, secretaries and directors of the state departments of agriculture in the fifty states and four territories.

The House is scheduled to vote on H.R. 4167 this week and we urge you to oppose this legislation. The state departments of agriculture are very concerned that this bill goes far beyond its stated purpose of providing uniform food safety warning notification requirements and greatly expands federal preemption under the Food, Drug and Cosmetics Act. Such additional preemptions would seriously compromise our ability to enact laws and issue rules in numerous areas of food safety. Specifically, we believe the bill as currently written threatens existing state food safety programs and jeopardizes state/federal food safety cooperative programs such as those related to Grade A milk, retail food protection and shellfish sanitation.

As you know, the current food safety regulatory system in the United States is the shared responsibility of local, state and federal partners. Approximately 80% of food safety inspections in the nation are completed at state and local levels. It is imperative that states have the right to act quickly to address local and statewide public health concerns that cannot be anticipated or are not adequately addressed nationally. In addition, our existing food safety system forms the first line of defense against the threat of a terrorist attack against our nation's food supply. Passage of this legislation will undermine the authority of state laws and programs that address adulterated foods, including animal feed, commodity laws and other food defense programs.

NASDA firmly believes the preemption of state and local food safety programs would leave a critical gap in the safety net that protects consumers. We call on Congress to hold hearings to discuss these critical issues and seek full input from state and local partners in the food safety system. NASDA would welcome the opportunity to discuss ways the bill could be amended to achieve its intent while limiting the impact on critical food safety regulatory programs at the local and state levels.

Now is not the time to pass H.R. 4167 and we urge you to oppose this legislation until these important issues are addressed.

Sincerely,

J. CARLTON COURTER III,
President.

As is often the case, the bill before us does more than provide just another example of how private interests trumped the public good in today's Congress. It also shows us how broken and undemocratic our political system has become. No hearings were held on this legislation. No State and no local public health officials were called to testify about it, even though they offered.

Both the National Association of State Departments of Agriculture and the Association of Food and Drug Officials expressed their willingness to talk to Congress about the issue, but they were turned away. These dedicated public servants were ignored because this legislation could never have withstood proper scrutiny. It was written with special interests in mind, not the public interests, pure and simple.

Last year the majority pledged honest and immediate reform of the way Congress wrote its bills, because when the public caught on to what was going on here, there was a great outcry. And yet here we are, in a new year, doing the very same thing: handing over the public interests to private corporations.

I wish we had an open and democratic process in this House. We need to stop passing bills that hold the public interest in contempt, and we need to start today. I urge my colleagues to oppose this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to point out to the gentlewoman in regard to the amendment process, there are six amendments made in order. One, of course, is a manager's amendment which just makes very technical changes, as everybody knows. So really four out of five of the amendments that the Rules Committee have made in order on this bill are Democratic amendments.

The gentlewoman brought up the issue about Mr. STUPAK's amendment and the use of carbon monoxide in regard to making meat continue to have a fresh appearance. Carbon monoxide has been used for 4 years in not only meats but other processed foods. It is perfectly safe. There is an herbal food company that has some other process that they use to do the same thing, to make food products, in particular, meat, maintain their redness and fresh appearance for a longer period of time. There is absolutely, absolutely no evidence whatsoever that the process that has been in place and approved by the FDA for more than 4 years in any way, shape or form is harmful. So that is the reason why that particular amendment was not made in order.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I have never made a speech like this before. I am cosponsor of this bill. I think like a businessman, because our companies do need uniformity and simplicity. But I am outraged that a bill like this would come through the House of Representatives without a single hearing. That is the job of Congress, to hold hearings, to find out the facts, to listen to the debate, to sometimes participate in the debate to hear the pros and cons.

I am wondering right now what the food industry is afraid of. Why are they trying to ram this piece of legislation through this House?

Now, if we were to have hearings, I may well vote for the bill because I am predisposed that way. It makes sense to me. But I am not for a cover-up, and that is exactly what you get when you have no hearings on legislation.

This body needs to do its job. So I would urge my colleagues and staff who are watching on television, reconsider, even if your boss has cosponsored this bill. Because what are we afraid of? We need hearings on this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to direct their remarks to the Chair, not to the television audience.

☐ 1430

Mr. GINGREY. Mr. Speaker, I yield myself 45 seconds just in response to the gentleman from Tennessee.

The gentleman acknowledged, Mr. Speaker, that he is a cosponsor on the bill and in all probability will vote to support the bill. I know he has some concerns over process, but he used the phrase "coverup," and I noticed the gentleman is very intelligent. If there were any coverup involved in this bill, he certainly would not have his name attached to it, nor would he be acknowledging that he would probably support it.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise today in strong opposition to H.R. 4167, the National Food Uniformity for Food Act, and the rule under which this bill is being considered. If passed, this bill will be a huge setback to consumer safety, public health, and America's war on terror.

This bill wipes out 200 food safety laws and puts our Nation's food supply squarely in the hands of the FDA. State laws that will be overturned include warnings regarding the risk of cancer, birth defects, reproductive health issues, and allergic reactions associated with sulfating agents in bulk foods. That is why 37 bipartisan State attorneys general and the Association of State Food and Drug Officials oppose this legislation.

The bill would also prevent States from passing laws regarding the safety of packaged meat.

Mr. Speaker, I would like to direct your attention to these pictures. Which meat do you think is older, the red meat on the top or the brown on the bottom? Both are the same age. Both have been sitting in a refrigerator side by side for 5 months.

The meat on the top has been packaged with carbon monoxide, which causes the meat to look red and fresh long into the future. The meat on the bottom has not. It is brown and slimy. Like I said, the meat on the top is 5 months old and looks as good as new, but it is not. If consumed, you could become severely ill from a food-borne pathogen like e. coli and possibly die.

The FDA, without any independent studies, states it has "no objection" to allowing meat to be packaged in carbon monoxide. The FDA merely reviewed the meat industry carbon monoxide proposal. Review is not the same as independent research and studies.

By allowing the injection of carbon monoxide in meat and seafood packaging, the meat industry stands to gain $1 billion a year because meat, as it turns brown, consumers reject it.

Numerous studies from 1972 through 2003 cite that color is the most important factor that consumers rely on to determine freshness in whether or not to buy the meat. The whole purpose behind this carbon monoxide package is to extend the shelf life of meat and seafood and to deceive the consumer into thinking it is fresh and safe.

Today States may pass their own laws to label meat that has been packaged with carbon monoxide, but these laws will be overturned if H.R. 4167 becomes law. My commonsense amendment would have allowed States to label carbon monoxide-packaged meat so consumers would know that their meat may not be as fresh as it looks. Unfortunately, my amendment was rejected by the Rules Committee. This is what consumers have to work with now. This will be the standard if H.R. 4167 passes.

Just as the FDA caved in to the meat industry in approving this practice, the majority has caved in to the meat industry in blocking a vote on my amendment. The House deserves a full and open and fair debate on this issue and on my amendment.

I urge a "no" vote on the rule and a "no" vote on H.R. 4167.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week it was brought up about the number of organizations that were opposed to this bill. I want to submit for the RECORD at this point a list of 119 from all 50 States across the Nation that support this, small businessmen and women, large businesses, including the H.J. Heinz Company and many, many others.

GROUPS SUPPORTING H.R. 4167—THE NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

Last Updated: February 27, 2006.

Ahold, Albertson's, Altria Group, Inc., American Bakers Association, American Beverage Association, American Feed Industry Association, American Frozen Food Institute, American Plastics Council, American Meat Institute, American Spice Trade Association, and Animal Health Institute.

Apple Products Research and Education Council Association for Dressings and Sauces, Biscuit and Cracker Manufacturers Association, Bush Brothers & Company, Business Roundtable, Cadbury Schweppes plc, California Farm Bureau Federation, California Grocers Association, California League of Food Processors, California Manufacturers & Technoloy Association, Calorie Control Council, and Campbell Soup Company.

Cargill, Incorporated, Chocolate Manufacturers Association, The Coca-Cola Company, Coca-Cola Enterprises Inc., ConAgra Foods, Inc., Council for Citizens Against Government Waste, Dean Foods Company, Del Monte Foods, Diamond Foods, Inc., Flavor & Extract Manufacturers Association, and Flowers Foods, Inc.

Food Marketing Institute, Food Products Association, Frito-Lay, Frozen Potato Products Institute, General Mills, Inc., Gerber Products Company, Glass Packaging Institute, Godiva Chocolatier Inc., Grain Foods Foundation, Grocery Manufacturers Association, and H.J. Heinz Company.

The Hershey Company, Hoffmann-La Roche Inc., Hormel Foods Corporation, Independent Bakers Association, Institute of Shortening and Edible Oils, International Association of Color Manufacturers, International Bottled Water Association, International Dairy Foods Association, International Food Additives Council, International Foodservice Distributors Association, and International Formula Council.

International Ice Cream Association, International Jelly and Preserves Association, The J.M. Smucker Company, Jewel-Osco, Kellogg Company, Kraft Foods, Inc., Land O' Lakes, Inc., Maine Potato Board, Masterfoods USA, McCormick & Company, Inc., and McKee Foods Corporation.

Milk Industry Foundation, The Minute Maid Company, National Association of Convenience Stores, National Association of Manufacturers, National Association of Margarine Manufacturers, National Association of Wheat Growers, National Association of Wholesaler-Distributors, National Cattlemen's Beef Association, National Cheese Institute, National Chicken Council, and National Coffee Association of USA.

National Confectioners Association, National Fisheries Institute, National Frozen Pizza Institute, National Grape Cooperative Association, National Grocers Association, National Institute of Oilseed Products, National Milk Producers Federation, National Pasta Association, National Pecan Shellers Association, and National Pork Producers Council.

National Potato Council, National Restaurant Association, National Turkey Federation, Nestle USA, North American Millers' Association, Osco Drug, O-I, Peanut and Tree Nut Processors Association, Pepperidge Farm Incorporated, PepsiCo, Inc., and Pickle Packers' International.

The Procter & Gamble Company, Quaker Oats, Rich Products Corporation, Rich SeaPak Corporation, Safeway, Sara Lee Corporation, Sav-on Drugs, The Schwan Food Company, Snack Food Association, Society of Glass and Ceramics Decorators, and Supervalu Inc.

Target Corporation, Tortilla Industry Association, Tropicana, Unilever, United Fresh Fruit and Vegetable Association, U.S. Chamber of Commerce, Vinegar Institute, Welch Foods, Inc., Winn-Dixie, Wm. Wrigley Jr. Company, and Yoplait.

In regard to the gentleman from Michigan who just spoke about the issue regarding the treatment of meats and this issue about carbon monoxide, look, the same thing is done, as an example. I would not think that he would be opposed to the use of lemon juice on apples to keep them from turning brown. That is routinely done.

Let me also point out that the FDA and USDA have both approved the use of carbon monoxide for over 4 years. The news report would lead one to believe that carbon monoxide is being used to mask spoilage, but the USDA discounted that assertion back in 2004.

In reality, this story is more a result of private companies with older packaging technology unable to compete with newer competitors that have a better product.

Mr. STUPAK. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, as to meat and fish, as the gentleman knows, the FDA just issued their rule not even 3 weeks ago, 4 weeks ago, and they did it without any independent studies. They just said they just reviewed it, no study, no research, no nothing.

So what you may use lemon juice on apples is a far cry different than carbon monoxide on meat and seafood, and especially tuna, which most people consume in a raw state.

Mr. GINGREY. Mr. Speaker, reclaiming my time, as I say, this process has been going on for over 4 years. I do not know that there have been any reports of people harmed in any way by the process, and, again, I think this is just a competitive issue between a company that has herbal food or herbal products they are using and they would rather those be used, and, sure, ban the other process and remove competition.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to say to my friend that there is a far cry between lemon juice, as Mr. STUPAK said, and carbon monoxide. Let me tell you, if you believe the FDA, ask the people who took Vioxx. They do not have a very good record over there.

But the idea of putting carbon monoxide on there is to hide the fact that the meat is on the verge of spoilage. I do not want to feed it to my family, nor should you want to feed it to yours.

His list of people who support it have the profit motive that the attorneys general and the State consumer representatives all told us was the difference between them and his supporters.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I agree with the gentlewoman and the gentleman from Michigan, but I want to speak about the previous question, which the general public really does not understand.

But if we defeat the previous question, we get an opportunity to offer an amendment to this piece of legislation. Because so few pieces of legislation are passing this body, we have to take the opportunities you get, and I appreciate that the chairman of the Appropriations Committee Mr. LEWIS has stated that he will insert language in the supplemental appropriation bill this afternoon, a supplemental for the war in Iraq and hurricane recovery, that will block the takeover of major American seaports by a Dubai company owned by the United Arab Emirates.

The Appropriations Committee will mark up that supplemental spending bill today, and it may be considered on the House floor next week, but the American people should harbor no illusions. We have absolutely no idea when the other body will take up this spending bill. Moreover, we have no idea of whether the Senate bill will even include a provision that addresses the vital national security issue of who owns our ports.

In fact, just today, Senator STEVENS, who chairs the Defense Appropriations Subcommittee, is quoted as saying, "I believe it ought to go through the 45-day review." So they are not going to take it up very soon.

Mr. Speaker, every Member of this House has the opportunity right now today to go on record as opposing the management of American seaports by a company owned by a foreign government. Now, it is not owning the seaports, but managing those seaports, and there is no excuse for not doing so. We have the opportunity.

If we defeat the previous question, that will be our intent, to offer an amendment to this bill, send it to the Senate, which will preclude ownership of the management of the ports of America by the Dubai corporation owned by the state. I urge every Member, oppose the previous question on the rule in order to allow consideration of language blocking the port deal.

Furthermore, I urge the American people to not lose sight of the bigger issue. This administration and this Republican Congress have failed to do what is necessary to protect our homeland and our people from attack. Just last week Steven Flynn, a former Commander of the Coast Guard and an expert on homeland security, testified before the House Armed Services Committee, "My assessment," this is the Commander of the Coast Guard, now retired, "My assessment is that the security measures that are currently in place do not provide an effective deterrent for a determined terrorist organization intent on exploiting or targeting the maritime transportation system to strike at the United States."

Five years after the catastrophic attacks of September 11, there is simply no excuse for these continuing vulnerabilities to our national security. Today, by voting "no" on the previous question, we have an opportunity to say no to the management of America's ports by government-owned entities. Vote "no" on the previous question.

Mr. GINGREY. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Iowa (Mr. KING), my friend.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) and appreciate you yielding me time, and I rise in support of H.R. 4167, the National Uniformity for Food Act and in support of this rule.

Ensuring food safety is a partnership between the Federal Government and the States. However, while it is a partnership, a national food supply requires a national approach to food safety. H.R. 4167 would allow for an orderly review of existing State regulations that may differ from Federal regulations. The legislation carefully balances the need for uniformity, while respecting the important role State and local governments have in making sure our food supply is safe.

Under the current system States may impose contradictory regulations, imposing unnecessary complexity and cost on food processors, manufacturers and wholesalers throughout the United States. That translates into costs that are passed on to the consumers, not to mention the tax burden, Mr. Speaker, for administration of different and duplicative regulations.

Science-based food warnings should be applied uniformly. If a warning about food is supported by science, then consumers in all 50 States should have the benefit of this warning. Inconsistent warning requirements confuse consumers, which does not lead to sound decisionmaking.

This bill will result in allowing States and the Federal Government to work together in establishing science-based food safety policies. Consumers are not protected well under a system where States adopt different regulatory requirements on the same food products. Consumers deserve a commonsense approach, a clear, single standard.

To speak to an example, a 2002 study conducted by Swedish scientists that provided evidence to support that a substance with cancer-causing properties called acrylamide was formed in some snacks and other foods when fired or baked at very high temperatures, but since 2002 some additional studies have confirmed these results, causing some States to consider warning label requirements for foods containing acrylamide.

Specifically, in August of 2005, the California attorney general filed a lawsuit against several different manufacturers of potato chips and French fries and has requested a court order requiring companies to label certain food products containing acrylamide with a warning of the agent and its cancer-causing properties.

The Food and Drug Administration does not currently require States to place a warning label on products which contain acrylamide after the baking process. Therefore, enactment of H.R. 4167 would, for all practical purposes, prohibit the State of California from requiring food manufacturers to place an acrylamide warning on their products unless the State filed a petition for exemption with the Secretary of Health and Human Services, or unless the FDA decided to set California as a requirement for the country as a whole.

This is a well-balanced bill, Mr. Speaker. It brings good, sound science to the table, and it provides for a regulation and a means for the States to make their case with the FDA so that the entire United States of America can benefit from the wisdom of the Californians.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, after hearing the last speaker on the other side of the aisle on this rule, he claimed this is a bill that is well-balanced, thought through; it would lead to national regulations based on science. That all sounds well and good, but it is just not true.

☐ 1445

This bill has never had a day of hearings. We don't know all that is in this bill. You wonder why the Congress would do its work in this way: a bill that has never had a hearing in the committee, even though it has been around for three Congresses. Those who favor it have never made a record of why they think it is necessary. The opponents from most of the States, if you look at this map there are a few States we have not heard from, but almost all the States attorneys general and Governors and agriculture commissioners and the food and drug people in those States oppose it, but they have never been able to come in and tell the Congress why. So the other side has never had a chance, nor has our side of the aisle, to hear testimony and to make a record, and yet we are told this bill is well balanced.

Let me point out that the proponents of this legislation have said a lot of different things. It has been almost like a covert legislative campaign. They have sent people in from the districts, from some trade association or other, and said to Members, this is a national uniformity bill. It is just going to clarify the law. It is going to require all the States to have the same rules so that we will not have the burden on interstate commerce.

Well, they have never shown there is any burden on interstate commerce. But it sounded so good that many Members cosponsored the bill without fully understanding that this bill is going to overturn 200 State laws that protect our food supply. Why are we doing that? What is broken about our system of federalism that allows the States to pass laws to protect their own people? And now the proponents of this bill want States to come, hat in hand, to the Food and Drug Administration, a wonderful bureaucracy at the Federal level, not even elected people, and that agency will decide whether the State laws can continue in effect? They will have higher power than the States legislatures and Governors?

That is not a well-balanced or well-thought-through piece of legislation. And now we are on the floor arguing a rule that would so severely limit the time for debate on all the amendments and this bill that you have to ask yourself: Why is this going on? What are they hiding from us? Why don't they want this bill to be held up to public scrutiny through hearings? And why won't they let this bill be fully debated on the floor of the House of Representatives by the people's elected Representatives? Why do they have to rush this through?

Mr. Speaker, this is the early part of March. We have barely been in session. We have been meeting 2½ days out of each week as we go from recess in January to recess in February to recess in March. Let us have another day. Congress can do its work. We don't have to rush out to another CODEL or another junket. We ought to do our job and let people come in and tell us what they think of bills and not get steamrolled into something that no one has fully examined and that would repeal State laws. So let us vote against this legislation.

Mr. GINGREY. Mr. Speaker, I yield myself 3 minutes. In response to the gentleman from California, in regard to those 200 State laws that, as he said, protect our food supply, Mr. Speaker, many if not most, maybe not all, but many if not most of those State laws would be incorporated in the national food label that is allowed by the FDA.

And in this bill in particular, and I know the gentleman is very familiar with the bill, but let me just read a couple of provisions. The provision allows both exemptions from national uniformity and the adoption of a State requirement as a uniformed national standard, one of those 200 he mentioned, any State may petition the FDA to obtain an exemption from the requirement of national uniformity for a particular requirement. The FDA may grant the exemption if the State or local requirement protects an important public interest that would otherwise be unprotected.

Furthermore, Mr. Speaker, this provision recognizes that special circumstances may justify a warning requirement in a particular State like California, or a locality, even though that requirement should not apply throughout the country. Thus, the need for local protection is fully recognized under the legislation.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from California.

Mr. WAXMAN. The problem I have with what you are saying is that a State has to go to the Food and Drug Administration and argue that case, and they may then be allowed to continue their laws. But even if there is no Federal law on the subject, the States may be stopped from enforcing or even legislating in an area to give warnings or set up standards for the safety of the food.

Why should States be required to go to a bureaucratic agency to have permission to do what the Constitution of the United States permits them to do, which is to police powers for the safety and health and well-being of their own citizens? You, particularly from Georgia, ought to appreciate States rights.

Mr. GINGREY. Reclaiming my time, Mr. Speaker, and certainly the gentleman is right. I do honor and respect States rights, but the fact that there are 200 laws today in the 50 States, there could be 800 a year from now and there could be no end to this process.

I think in further responding to the gentleman's inquiry, certainly it is appropriate that States in these situations would appeal to the Federal Government, if you will, the FDA. And the decision to either grant or not grant is not going to be based on anything but solid science, on sound facts and not scare issues, like this issue over the way meats or other foods are processed in a low-oxygen environment to maintain their fresh appearance and their red color, that we have been doing for 4 years in a perfectly safe manner.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, the standard in this bill is not sound science. The standard is for the FDA to decide if it unduly burdens interstate commerce to allow a State to have its own law. Now, I do not know how the FDA makes those kinds of decisions. They are a scientific agency, but they are going to make one on interstate commerce? And I suspect they will be influenced by the lobbyists, just like this whole process has been influenced by the special interests and the lobbyists that want to keep the States from protecting citizens in those States from unsafe and unhealthy food.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, this bill is just another example of why the people of this country need to fear this Congress and the people who lead it. What this bill does is preempt State laws on food safety.

We have people who come down here to the floor of the House and argue for States rights. Now they present to us a bill which denies States rights; denies the States the ability to protect their citizens by watching the food that they eat. All of those State laws are going to be washed away by this legislation. It is probably even unconstitutional. The Constitution provides the States with the authority to protect its citizens. But we are now hearing from the majority party that they want to pass a law which denies States that right. No longer will they be able to protect their citizens.

Eighty percent of our Nation's food safety inspection is regulated by State and local entities. As we have heard, there are 200 laws. It has taken us more than 200 years to get those 200 laws in almost 50 States. Those laws protect our people. Now they are going to turn that over to the Food and Drug Administration. The FDA is not adequately protecting the people of our country today with regard to drug safety. The FDA is too close to the pharmaceutical companies. Yet now they are going to pass a bill which stops the States from protecting citizens, whether they are eating in a cafeteria, a lunchroom, a hospital, or some other situation, from passing a law that is going to make certain that the food that they are eating there is not going to cause them to be ill, maybe poison them in some way.

That is what they want to do, have the Federal Government step in here on top of the States, deny the States the right that they have under the Constitution to protect the health and safety and welfare of their citizens by passing legislation which preempts all of those State laws. This is a very bad idea and it must be defeated.

The National Uniformity for Food Act is poorly-drafted legislation that would preempt state law on food safety.

From Consumer's Union: "This bill would eliminate critical state laws that protect consumer health while leaving in place an inadequate federal system based on the lowest common denominator of protection.

Eighty percent of our nation's food safety inspection is regulated on the state and local levels.

If enacted, the measure would essentially abrogate at least 200 state laws that build on federal law, as well as state laws that exist in the absence of any federal regulation (such as state laws on items including shellfish and smoked fish safety, milk, nursing home food, and cafeteria food).

If states wished to continue enforcement of their laws, they would need to petition FDA for permission.

The Congressional Budget Office estimates that the FDA could spend upwards of $100 million over the next five years on those petitions.

The measure would also stop states from creating food labels if they are not identical to federal labels.

The measure is opposed by the National Association of State District Attorneys, the Center for Science in the Public Interest, the Humane Society, and Physicians for Social Responsibility, which calls this a "major health threat."

Mr. GINGREY. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, in this debate we see the irony of the majority leadership of the House of Representatives in a rather strange way. They are rushing to get to the floor a provision that has barely been debated and discussed, that is highly controversial, highly technical, and not very well understood by a lot of people. An absolute rush to get this to the floor.

The number one issue, I trust in most Members' districts, it sure is in mine, is the urgent pendency of a deal that would turn over major port operations throughout this country to a company wholly owned by the United Arab

Emirates, an ally of rather questionable and debatable standing with the United States.

Now, this is going to happen, this port deal, if Congress does not act. The President has made that very clear. And many of us believe that we need to get to this floor right now, not later, legislation on this issue so that the majority can work its will. Members on both sides of the aisle have said this is what we need to be doing right now. But there is nothing on the agenda to do anything about that. Nothing.

We are going to go off for another recess, and who knows what is going to be negotiated on this deal when we are gone? My sense is this is what our constituents want us to debate and legislate on, the wisdom or lack thereof of this port takeover deal.

We will have an opportunity by voting "no" on moving the previous question to bring to this floor a piece of legislation the American people really do want debated right now; don't want sent back to committee for further hearings or further consideration.

This is just bizarre. It is bizarre. A piece of legislation that appears to be a solution in search of a problem is rushed to the floor so it can be considered, and something that is acknowledged from coast to coast by both parties in both Chambers as a huge problem cannot make it to the floor at all.

Well, we have a chance to do something about that. Vote "no" on the previous question and make the people's House reflect the people's business.

Mr. GINGREY. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, on Monday, I was briefed on current security and commerce issues by the executives of the Port of Philadelphia. These men and women operate the world's largest freshwater port and one of the Nation's strategic military seaports.

While there, we discussed the key role the Philadelphia and other U.S. ports play in our national and global economy, the fact that the United States is the leading maritime trading Nation in the world, and how last year more than 11 million containers, carrying our basic necessities and supplies, came to our Nation's ports and how our seaports account for 75 percent of international commerce.

We also talked about how a significant disruption in our port system would be devastating to our economy, causing massive shortages of food, oil, and other vital commodities. Yet despite these facts and despite universal agreement that our vessels, our containers, and ports are potential terrorist targets, this administration approved a deal allowing a United Arab Emirates-controlled company to oversee operations at six major U.S. ports, including the Port of Philadelphia.

☐ 1500

My colleagues, this administration quietly tried to move this deal forward without informing Congress or without informing the American public. Even knowing the serious threats against us, this administration relinquished its right to conduct an in-depth national security investigation of this proposed acquisition and, instead, approved the deal. It is unacceptable that this administration was prepared to allow a country whose key agencies, including security and monetary agencies, have allegedly been infiltrated by al Qaeda; and in fact, this was a country which was the port of origin for two of September 11's hijackers, and they want this company controlled by this country to operate vital U.S. ports.

This administration has behaved with no accountability and no responsibility regarding U.S. oversight and control of our ports. For years, despite knowing the needs and the threats, this administration repeatedly turned a blind eye to port security. Since September 11, this administration has provided only 16 percent of the funds needed to secure our ports, and has neglected to issue security standards for our ports, including a long delay on important port worker ID cards. These failures are outrageous and unacceptable.

So today, my Democratic colleagues and I are calling on Congress to address one of the most immediate national security issues facing our Nation and the American people today: Dubai Ports World deal. Clearly we should take up this matter immediately before considering the National Food Uniformity Act, legislation that tramples on our States rights and fails to improve the health of our Nation's food supply.

I urge a "no" vote on the previous question.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I think we have so little time to talk about this bill on the House floor, I wanted some of our colleagues to understand what kind of laws we are talking about: State laws dealing with adulterated food, emergency permit controls, unsafe food additives, unsafe color additives, new animal drugs, animal feeds, poisonous ingredients in food. These are laws that States have adopted over the years and they are going to be swept away.

It is so inexplicable to me why we would want to do that. States currently carry out 80 percent of food safety protection. There is no evidence they have been acting irresponsibly or incompetently. And in many cases, the Federal Government has never gotten around to looking at these issues because they have deferred to the States on them. So now the State laws will be struck unless the Federal Government allows those State laws to stay in effect and that could mean, even though there is no Federal warning law, for example, that would take its place. We would have no law at the local or State level, or at the Federal level. I guess the purpose of some of this legislation is to keep the public from knowing about the harm that they may be exposed to in food.

Now Mrs. CAPPS and a number of others are going to be offering an amendment, the Capps-Stupak-Eshoo-Waxman amendment, that would say that State laws that require notification of substances that may cause cancer and birth defects in reproductive health all ought to be permitted. I hope Members will vote for that amendment and vote against this bill.

Mr. GINGREY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the point is, as we have stated repeatedly in regard to this bill, if a State does appeal to the Federal Government, to the FDA, for a labeling requirement that they have concerns about in their particular State, no matter how long it takes the Federal Government to respond, indeed if they do not respond, then that label requirement will be applicable to that unique problem that that State has recognized.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from California.

Mr. WAXMAN. It gives 180 days for the FDA to act. They do not have the resources to do it, but they can simply say this is a burden on interstate commerce, the State law is gone. It does not mean that the State law stays in effect until the Federal Government establishes a national standard. It could strike the State law and have no national standard to replace it.

Mr. GINGREY. Mr. Speaker, reclaiming my time, it is a 180-day appeal process, but if the Federal Government does not respond, it is my understanding, and I will be glad to talk to the gentleman later if he still thinks I am in error in my interpretation of this bill, but I think the point that I made was an accurate statement with regard to that.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will be asking for a "no" vote on the previous question, so that I can amend the rule to give the House an opportunity to vote today, up or down, to block the President's plan to turn over our Nation's ports to a government run by the country of Dubai.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, my amendment provides that immediately after the House adopts this rule, it will bring up legislation that stops the President from moving forward with his deal to transfer operations at a number of our Nation's busiest ports to a company owned by the United Arab Emirates.

Mr. Speaker, now more than ever, we need to ensure that Congress has a voice in the outcome of this potentially dangerous and secretive deal.

On Monday of this week, Great Britain's highest court refused to consider an objection to the purchase of the British shipping company by Dubai, thus clearing the way for the sale and potential takeover of American ports by this company. Additionally, and many people may not know this, news reports this week have revealed that the contract negotiated by the Bush administration would impact more than just the six ports mentioned in the initial reports. It would affect at least 22 ports in the United States.

The more we learn about the agreement, the worse it gets, and the clock is ticking on this deal and we must not allow more time to go by without taking any action in this body.

Mr. Speaker, I include for the RECORD a listing of ports that make up the 22 ports.

Dubai Deal Now Includes 22 Ports

WASHINGTON.—The $6.8 billion deal British courts approved today putting a Dubai-owned company in charge of significant operations at six U.S. ports, also gives the company a lesser role in other dockside activities at 16 other American seaports. By purchasing London-based Peninsular and Oriental Steam Navigation, DP World bought the publicly traded British firm's concessions to manage and operate some cargo or passenger terminal facilities in New York, New Jersey, Baltimore, New Orleans, Miami and Philadelphia.

The Department of Homeland Security has said DP World would only operate and manage specific, individual terminals located within six ports. Homeland Security says DP World would operate one of Philadelphia's five terminals, not including the port's single cruise ship terminal.

Last week, DP World formally submitted to an unusual, broader security examination by the Bush administration over the ports deal. Among the new cities included in the deal are Camden, N.J. and Wilmington, Del.

Here is a list of all U.S. ports affected by the pending sale of London-based Peninsular & Oriental Steam Navigation Co. to Dubai-owned DP World:

BALTIMORE: Would manage and operate two of the port's 14 terminals.

BATON ROUGE, LA: DP Would run some stevedoring operations at port's general cargo dock.

BEAMONT, TEXAS: Would run one of about six stevedoring operations.

BOSTON: Operate Black Falcon Cruise Terminal with Massachusetts Port Authority; would run stevedoring operations at the Moran Automobile Terminal.

CAMDEN, N.J: Run some stevedoring operations, part owners Delaware River Stevedores.

CORPUS CHRISTI, TEXAS: Operate some stevedoring operations, part of joint venture, Dix-Fairway.

DAVISVILLE, R.I: Run some stevedoring operations.

FREEPORT, TEXAS: Run some stevedoring operations.

GALVESTON, TEXAS: Run stevedoring operations at one terminal.

GULFPORT, MISS: Would become one of two stevedoring companies.

HOUSTON: Work with stevedoring contractors at three of port's 12 terminals.

LAKE CHARLES, LA: Operate some stevedoring operations.

MIAMI: Operate/manage with Eller & Company Inc., one of three terminals; doesn't include Miami's seven cruise ship terminals and would operate some stevedoring services.

NEWARK: Operate and manage one of the port's four terminals.

NEW ORLEANS: Manage and operate two of the port's five terminals and doesn't include chemical-plant terminals along the Mississippi River.

NEW YORK: Manage and operate the New York Cruise Terminal.

NORFOLK, VA: Involved with stevedoring activities at all five port terminals and would not manage any of the terminals.

PHILADELPHIA: Operate one of five terminals and doesn't include the port's single cruise ship terminal.

PORT ARTHUR, TEXAS: Operate as one of three stevedoring companies.

PORTLAND, MAINE: Operate as one of stevedoring companies serving Portland's terminals and take over crane maintenance at one terminal.

TAMPA, FLA: Operate/manage terminals under pending contract negotiated Feb. 21; Port authority says will reconsider deal if DP World deal is finalized; also provide some stevedoring services.

WILMINGTON, DEL: Run some stevedoring operations as part owners Delaware River Stevedores, one of two stevedoring companies at the port.

Mr. Speaker, I urge all Members to vote "no" on the previous question and then we can deal with this matter which has an urgency to everyone in this country.

Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will draw this debate to a close so we can move forward with consideration of the amendments to H.R. 4167.

This bill should receive wide and bipartisan support because it does ensure everyone has access to the same food labeling information. Why would we want to deprive anyone of life- or health-saving information while driving down the cost of products for all consumers?

Mr. Speaker, as I have previously mentioned, there is no reason, nor is there any excuse to allow regulatory inconsistency to drive up cost and keep some consumers in the dark on matters that may affect their health.

As a physician Member of Congress, I have been and will remain committed to supporting legislation that will prevent illness and save lives.

Mr. Speaker, let me conclude my remarks by reminding my colleagues that defeating the previous question that the other side of the aisle is talking about, in fact used probably half of their allotted time to discuss. This is an exercise in futility because the minority wants to offer an amendment that otherwise would be ruled out of order, as they know, as nongermane. So the vote is totally without substance.

The leadership of this House has already committed to bring forward legislation next week in regard to this very sensitive issue that we share on both sides of the aisle regarding port security. The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive policy implications whatsoever.

Mr. Speaker, at this point I include for the RECORD an explanation of the previous question.

The Previous Question Vote: What Does It Mean?

House Rule XIX ("Previous Question") provides in part that:

There shall be a motion for the previous question, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the immediate question or questions on which it has been ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the previous question has no substantive legislative or policy implications whatsoever.

In closing, I want to encourage my colleagues on both sides of the aisle to support the rule, and let us move forward with debate on several thoughtful amendments from both parties and ultimately supporting the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

Previous Question Statement on H. Res. 710

2ND RULE PROVIDING FOR CONSIDERATION OF AMENDMENTS TO H.R. 4167

At the end of the resolution add the following new sections:

"SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a bill consisting of the text specified in Section 3. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit with or without instructions."

SEC. 3. The text referred to in section 2 is as follows:

None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

(c) The limitation in subsection (a) and the prohibition in subsection (b) applies with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

(d) In this section:

(1) The term "P&O Ports" means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

(2) The term "Dubai Ports World" means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 710 will be followed by 5-minute votes on adoption of H. Res. 710, if ordered; motion to instruct on H.R. 2830; motion to suspend the rules on H.R. 4192; motion to suspend the rules on H.R. 1053; motion to suspend the rules on H. Res. 673; and motion to suspend the rules on H.R. 3505.

The vote was taken by electronic device, and there were—yeas 223, nays 198, not voting 11, as follows:

[Roll No. 21]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)

Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Burton (IN)
Costa
Cubin
Evans
Gerlach
Gonzalez
Hinchey
Hinojosa
Norwood
Schmidt
Sweeney

☐ 1535

Mrs. LOWEY, Mrs. CAPPS, Mrs. JONES of Ohio and Messrs. GORDON, MEEHAN, BAIRD and BECERRA changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mrs. SCHMIDT. Mr. Speaker, on rollcall No. 21, legislative bells failed to go off in my office. I came to the floor as soon as I was notified of the vote, but arrived after the vote had closed. Had I been present, I would have voted "yea".

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

MOTION TO INSTRUCT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 2830 offered by the gentleman from California (Mr. GEORGE MILLER) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 158, not voting 9, as follows:

[Roll No. 22]

YEAS—265

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gerlach
Gibbons
Goode
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kline
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NAYS—158

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Ehlers
English (PA)
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jindal
Johnson (CT)
Kelly
King (IA)
King (NY)
Kingston
Knollenberg
Kolbe
Kuhl (NY)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Northup
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Pitts
Porter
Pryce (OH)
Putnam
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walsh
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—9

Burton (IN)
Costa
Cubin
Evans
Gonzalez
Hinojosa
Norwood
Salazar
Sweeney

☐ 1548

Mr. ADERHOLT changed his vote from "yea" to "nay."

Messrs. DUNCAN, PETRI, WAMP, GRAVES, POE, SCHWARZ of Michigan, JENKINS, NEY, MARIO DIAZ-BALART of Florida, GREEN of Wisconsin, WALDEN of Oregon, HOBSON, ROHRABACHER, MACK and KELLER changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO DESIGNATE THE PRESIDENT WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME IN HOPE, ARKANSAS, AS A NATIONAL HISTORIC SITE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4192.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 4192, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 12, not voting 11, as follows:

[Roll No. 23]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Blackburn
Brown-Waite, Ginny
Cannon
Doolittle
Foxx
Goode
Istook
Jones (NC)
McHenry
Paul
Shuster
Westmoreland

NOT VOTING—11

Burton (IN)
Capps
Costa
Cubin
Davis (KY)
Evans
Gonzalez
Hinojosa
Norwood
Salazar
Sweeney

☐ 1556

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Mr. Speaker, on rollcall No. 23, had I been present, I would have voted "yea."

EXTENDING NORMAL TRADE RELATIONS TREATMENT TO UKRAINE

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question of suspending the rules and passing the bill, H.R. 1053, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 1053, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 2, answered "present" 3, not voting 10, as follows:

[Roll No. 24]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr

Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Goode
Taylor (MS)

NOT VOTING—10

Burton (IN)
Costa
Cubin
Drake
Evans
Gonzalez
Hinojosa
Norwood
Salazar
Sweeney

□ 1605

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. DRAKE. Mr. Speaker, on rollcall No. 24, I was meeting with representatives of DOD on Military Health Care issues and did not realize the vote had finished and a new one started—my error. I simply mistimed it. Had I been present, I would have voted "yea."

EXPRESSING SUPPORT FOR THE REPUBLIC OF BELARUS TO ESTABLISH A FULL DEMOCRACY

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 673.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 673, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 1, answered "present" 2, not voting 10, as follows:

[Roll No. 25]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons

Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—2

Hastings (FL)
Kucinich

NOT VOTING—10

Burton (IN)
Costa
Cubin
Evans
Gonzalez
Herger
Hinojosa
Norwood
Salazar
Sweeney

☐ 1613

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FINANCIAL SERVICES REGULATORY RELIEF ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3505, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3505, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 15, as follows:

[Roll No. 26]

YEAS—415

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Royce
Taylor (MS)

NOT VOTING—15

Ackerman
Bean
Burton (IN)
Costa
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Herger
Hinojosa
Norwood
Ros-Lehtinen
Salazar
Sweeney

☐ 1621

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NORWOOD. Mr. Speaker, though I was absent on Wednesday, March 8, 2006 for personal reasons, I wish to have my intended votes recorded in the CONGRESSIONAL RECORD for the following series:

Rollcall vote 21 on ordering the previous question for H.R. 710—"aye"; rollcall vote 22 on the motion to instruct conferees on H.R. 2830—"no"; rollcall vote 23 on H.R. 4192—"aye"; rollcall vote 24 on H.R. 1053—"aye"; rollcall vote 25 on H. Res 673—"aye"; rollcall vote 26 on H.R. 3505—"aye."

PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, on rollcall Nos. 25 and 26 I was unavoidably detained meeting with constituents. Had I been present I would have voted "yea."

APPOINTMENT OF CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the Chair appoints the following conferees on H.R. 2830:

From the Committee on Education and the Workforce, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Messrs. McKEON, Sam JOHNSON of Texas, KLINE, TIBERI, GEORGE MILLER of California, PAYNE, and ANDREWS.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Messrs. Thomas, Camp of Michigan, and Rangel.

For consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Mr. Boehner.

There was no objection.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1053, H. Res. 673, and H.R. 4167.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 710 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4167.

□ 1623

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes, with Mr. Simmons (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday, March 2, 2006, all time for general debate pursuant to House Resolution 702 had expired.

Pursuant to House Resolution 710, no further general debate shall be in order and the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 4167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Uniformity for Food Act of 2005".

SEC. 2. NATIONAL UNIFORMITY FOR FOOD.

(a) National Uniformity.—Section 403A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343–1(a)) is amended—

(1) in paragraph (4), by striking "or" at the end;

(2) in paragraph (5), by striking the period and inserting ", or";

(3) by inserting after paragraph (5) the following:

"(6) any requirement for a food described in section 402(a)(1), 402(a)(2), 402(a)(6), 402(a)(7), 402(c), 404, 406, 409, 512, or 721(a), that is not identical to the requirement of such section."; and

(4) by adding at the end the following: "For purposes of paragraph (6) and section 403B, the term 'identical' means that the language under the laws of a State or a political subdivision of a State is substantially the same language as the comparable provision under this Act and that any differences in language do not result in the imposition of materially different requirements. For purposes of paragraph (6), the term 'any requirement for a food' does not refer to provisions of this Act that relate to procedures for Federal action under this Act.".

(b) Uniformity in Food Safety Warning Notification Requirements.—Chapter IV of such Act (21 U.S.C. 341 et seq.) is amended—

(1) by redesignating sections 403B and 403C as sections 403C and 403D, respectively; and

(2) by inserting after section 403A the following new section:

"SEC. 403B. UNIFORMITY IN FOOD SAFETY WARNING NOTIFICATION REQUIREMENTS.

"(a) Uniformity Requirement.—

"(1) In general.—Except as provided in subsections (c) and (d), no State or political subdivision of a State may, directly or indirectly, establish or continue in effect under any authority any notification requirement for a food that provides for a warning concerning the safety of the food, or any component or package of the food, unless such a notification requirement has been prescribed under the authority of this Act and the State or political subdivision notification requirement is identical to the notification requirement prescribed under the authority of this Act.

"(2) Definitions.—For purposes of paragraph (1)—

"(A) the term 'notification requirement' includes any mandatory disclosure requirement relating to the dissemination of information about a food by a manufacturer or distributor of a food in any manner, such as through a label, labeling, poster, public notice, advertising, or any other means of communication, except as provided in paragraph (3);

"(B) the term 'warning', used with respect to a food, means any statement, vignette, or other representation that indicates, directly or by implication, that the food presents or may present a hazard to health or safety; and

"(C) a reference to a notification requirement that provides for a warning shall not be construed to refer to any requirement or prohibition relating to food safety that does not involve a notification requirement.

"(3) Construction.—Nothing in this section shall be construed to prohibit a State from conducting the State's notification, disclosure, or other dissemination of information, or to prohibit any action taken relating to a mandatory recall, civil administrative order, embargo, detention order, or court proceeding involving food adulteration under a State statutory requirement identical to a food adulteration requirement under this Act.

"(b) Review of Existing State Requirements.—

"(1) Existing state requirements; deferral.—Any requirement that—

"(A)(i) is a State notification requirement that expressly applies to a specified food or food component and that provides for a warning described in subsection (a) that does not meet the uniformity requirement specified in subsection (a); or

"(ii) is a State food safety requirement described in section 403A(6) that does not meet the uniformity requirement specified in that paragraph; and

"(B) is in effect on the date of enactment of the National Uniformity for Food Act of 2005, shall remain in effect for 180 days after that date of enactment.

"(2) State petitions.—With respect to a State notification or food safety requirement that is described in paragraph (1), the State may petition the Secretary for an exemption or a national standard under subsection (c). If a State submits such a petition within 180 days after the date of enactment of the National Uniformity for Food Act of 2005, the notification or food safety requirement shall remain in effect in accordance with subparagraph (C) of paragraph (3), and the time periods and provisions specified in subparagraphs (A) and (B) of such paragraph shall apply in lieu of the time periods and provisions specified in subsection (c)(3) (but not the time periods and provisions specified in subsection (d)(2)).

"(3) Action on petitions.—

"(A) Publication.—Not later than 270 days after the date of enactment of the National Uniformity for Food Act of 2005, the Secretary shall publish a notice in the Federal Register concerning any petition submitted under paragraph (2) and shall provide 180 days for public comment on the petition.

"(B) Time periods.—Not later than 360 days after the end of the period for public comment, the Secretary shall take final agency action on the petition.

"(C) Action.—

"(i) In general.—With respect to a State that submits to the Secretary a petition in accordance with paragraph (2), the notification or food safety requirement involved shall remain in effect during the period beginning on the date of enactment of the National Uniformity for Food Act of 2005 and ending on the applicable date under subclause (I) or (II), as follows:

"(I) If the petition is denied by the Secretary, the date of such denial.

"(II) If the petition is approved by the Secretary, the effective date of the final rule that is promulgated under subsection (c) to provide an exemption or national standard pursuant to the petition, except that there is no applicable ending date under this subparagraph for a provision of State law that is part of such State requirement in any case in which the final rule does not establish any condition regarding such provision of law.

"(ii) Noncompliance of secretary regarding timeframes.—

"(I) Judicial review.—The failure of the Secretary to comply with any requirement of subparagraph (A) or (B) shall constitute final agency action for purposes of judicial review. If the court conducting the review determines that the Secretary has failed to comply with the requirement, the court shall order the Secretary to comply within a period determined to be appropriate by the court.

"(II) Status of state requirement.—With respect to a State that submits to the Secretary a petition in accordance with paragraph (2), if the Secretary fails to take final agency action on the petition within the period that applies under subparagraph (B), the notification or food safety requirement involved remains in effect in accordance with clause (i).

"(c) Exemptions and National Standards.—

"(1) Exemptions.—Any State may petition the Secretary to provide by regulation an exemption from section 403A(a)(6) or subsection (a), for a requirement of the State or a political subdivision of the State. The Secretary may provide such an exemption, under such conditions as the Secretary may impose, for such a requirement that—

"(A) protects an important public interest that would otherwise be unprotected, in the absence of the exemption;

"(B) would not cause any food to be in violation of any applicable requirement or prohibition under Federal law; and

"(C) would not unduly burden interstate commerce, balancing the importance of the public interest of the State or political subdivision against the impact on interstate commerce.

"(2) NATIONAL STANDARDS.—Any State may petition the Secretary to establish by regulation a national standard respecting any requirement under this Act or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.) relating to the regulation of a food.

"(3) ACTION ON PETITIONS.—

"(A) PUBLICATION.—Not later than 30 days after receipt of any petition under paragraph (1) or (2), the Secretary shall publish such petition in the Federal Register for public comment during a period specified by the Secretary.

"(B) TIME PERIODS FOR ACTION.—Not later than 60 days after the end of the period for public comment, the Secretary shall take final agency action on the petition or shall inform the petitioner, in writing, the reasons that taking the final agency action is not possible, the date by which the final agency action will be taken, and the final agency action that will be taken or is likely to be taken. In every case, the Secretary shall take final agency action on the petition not later than 120 days after the end of the period for public comment.

"(4) JUDICIAL REVIEW.—The failure of the Secretary to comply with any requirement of this subsection shall constitute final agency action for purposes of judicial review. If the court conducting the review determines that the Secretary has failed to comply with the requirement, the court shall order the Secretary to comply within a period determined to be appropriate by the court.

"(d) IMMINENT HAZARD AUTHORITY.—

"(1) IN GENERAL.—A State may establish a requirement that would otherwise violate section 403A(a)(6) or subsection (a), if—

"(A) the requirement is needed to address an imminent hazard to health that is likely to result in serious adverse health consequences or death;

"(B) the State has notified the Secretary about the matter involved and the Secretary has not initiated enforcement action with respect to the matter;

"(C) a petition is submitted by the State under subsection (c) for an exemption or national standard relating to the requirement not later than 30 days after the date that the State establishes the requirement under this subsection; and

"(D) the State institutes enforcement action with respect to the matter in compliance with State law within 30 days after the date that the State establishes the requirement under this subsection.

"(2) ACTION ON PETITION.—

"(A) IN GENERAL.—The Secretary shall take final agency action on any petition submitted under paragraph (1)(C) not later than 7 days after the petition is received, and the provisions of subsection (c) shall not apply to the petition.

"(B) JUDICIAL REVIEW.—The failure of the Secretary to comply with the requirement described in subparagraph (A) shall constitute final agency action for purposes of judicial review. If the court conducting the review determines that the Secretary has failed to comply with the requirement, the court shall order the Secretary to comply within a period determined to be appropriate by the court.

"(3) DURATION.—If a State establishes a requirement in accordance with paragraph (1), the requirement may remain in effect until the Secretary takes final agency action on a petition submitted under paragraph (1)(C).

"(e) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect the product liability law of any State.

"(f) NO EFFECT ON IDENTICAL LAW.—Nothing in this section relating to a food shall be construed to prevent a State or political subdivision of a State from establishing, enforcing, or continuing in effect a requirement that is identical to a requirement of this Act, whether or not the Secretary has promulgated a regulation or issued a policy statement relating to the requirement.

"(g) NO EFFECT ON CERTAIN STATE LAW.—Nothing in this section or section 403A relating to a food shall be construed to prevent a State or political subdivision of a State from establishing, enforcing, or continuing in effect a requirement relating to—

"(1) freshness dating, open date labeling, grade labeling, a State inspection stamp, religious dietary labeling, organic or natural designation, returnable bottle labeling, unit pricing, or a statement of geographic origin; or

"(2) a consumer advisory relating to food sanitation that is imposed on a food establishment, or that is recommended by the Secretary, under part 3-6 of the Food Code issued by the Food and Drug Administration and referred to in the notice published at 64 Fed. Reg. 8576 (1999) (or any corresponding similar provision of such a Code).

"(h) DEFINITIONS.—In section 403A and this section:

"(1) The term 'requirement', used with respect to a Federal action or prohibition, means a mandatory action or prohibition established under this Act or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), as appropriate, or by a regulation issued under or by a court order relating to, this Act or the Fair Packaging and Labeling Act, as appropriate.

"(2) The term 'petition' means a petition submitted in accordance with the provisions of section 10.30 of title 21, Code of Federal Regulations, containing all data and information relied upon by the petitioner to support an exemption or a national standard.".

(c) CONFORMING AMENDMENT.—Section 403A(b) of such Act (21 U.S.C. 343-1(b)) is amended by adding after and below paragraph (3) the following:

"The requirements of paragraphs (3) and (4) of section 403B(c) shall apply to any such petition, in the same manner and to the same extent as the requirements apply to a petition described in section 403B(c).".

Mr. ETHERIDGE. Mr. Chairman, I rise in support of H.R. 4167, the National Uniformity for Food Act of 2005.

As a senior member of the House Agriculture Committee, and a cosponsor of this legislation, I support H.R. 4167, to establish a uniform system of food safety and labeling requirements. This legislation is both timely and necessary for security and consistency in a global food economy. Currently, the United States operates under a labeling standard that continues to vary from state to state, with each state being able to create and enforce their own labeling requirements. This creates uncertainty, confusion, and possible danger to the health and well-being of the consumer; with one state requiring a certain warning label on a product, and another setting a completely different standard.

H.R. 4167 will create a single standard for food nutrition and warning labeling based on the high safety standards that are set by the United States Food and Drug Administration. This will be a national standard that will be applicable to all states. This legislation will continue to allow the FDA to work with states collaboratively in establishing food safety policies and standards.

I understand the concerns some have raised about H.R. 4167, and I voted for several amendments to make clear that I support reliable standards for food safety and public health. Specifically, the Cardoza amendment requires FDA to expedite state petitions involving a food notification requirement for health effects dealing with cancer, reproductive issues, birth defects, or information to parents or guardians concerning children's risk to a certain food. In addition, the Rogers Amendment prohibits H.R. 4167 from taking affect until after the Department of Health and Human Services, in consultation with the Department of Homeland Security, certifies that it will pose no additional risk to the public health or safety from terrorist attacks to the food supply. Finally, I support the Wasserman Schultz amendment to prohibit federal law from affecting any state law, regulation, prohibition, or other action that establishes a notification requirement regarding the presence or potential effects of mercury in fish and shellfish. H.R. 4167 is common sense legislation that was designed to create uniformity and consistency in labeling to help and protect the American consumer.

I urge my colleagues to support this legislation.

Mr. STARK. Mr. Chairman, I rise today in strong opposition to H.R. 4167, the National Uniformity for Food Act. This bill puts commercial food industry interests ahead of the rights of consumers to be warned about food safety issues.

The National Uniformity for Food Act would preempt all state food safety labeling protections, even if those protections have no effect on interstate commerce. The bill also bars states from limiting particular toxic chemicals in food, even if the Food and Drug Administration (FDA) has not set standards for those chemicals. For example, the current California requirement for point-of-sale warnings about high mercury levels in certain fish would be eliminated if this bill becomes law.

This bill is especially detrimental in states like California that have gone to great lengths to protect consumers through strong food safety labeling requirements. Requirements like California's Proposition 65 have greatly reduced exposure to toxic chemicals in food. California's food safety laws should be a model for the nation. Instead, the grocery and commercial food industries have used their influence in the halls of Congress in an attempt to destroy these laws.

California Attorney General Bill Lockyer, the National Association of State Departments of

Agriculture, and many consumer groups oppose this bill. Mr. Lockyer said in a letter to the California delegation that the National Uniformity for Food Act "would greatly impede our ability to protect the health of Californians, both under Proposition 65 and under other laws that could be adopted by the voters or our legislature."

I urge my all my colleagues to stand up for consumers, not corporations, by voting no on the National Uniformity for Food Act.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong opposition to H.R. 4167, the National Uniformity for Food Act. H.R. 4167 is intended to provide uniform food safety warnings and notifications. As written, however, it would hinder my state of Illinois' ability to protect the food supply and to respond quickly to local food safety concerns.

The National Uniformity for Food Act would weaken Illinois' ability to protect its residents from contaminated food by adding a layer of bureaucracy before such food could be removed from the shelves. Eighty percent of the country's food safety inspections are completed at the state and local levels. The bill preempts state food safety rules, which are often more stringent than federal standards and threatens the states' capacity to respond without delay to food safety issues.

For example, in 2002, 40 Illinois school children became sick after eating what appeared to be ammonia-contaminated chicken. Our Department of Public Health issued the necessary embargoes and the product was immediately removed from schools so no other children became ill. H.R. 4167 would prevent our state health department from taking immediate action in a similar situation.

In addition, H.R. 4167 would erect a number of legal hurdles. The bill would force state standards and procedures to be made identical to federal standards and procedures. H.R. 4167 would therefore prevent Illinois from taking action to keep any contaminated product regulated under the Illinois Food, Drug and Cosmetic Act out of the marketplace. For example, the bill would: remove Illinois' ability to take emergency action to keep contaminated food from reaching the public; prohibit Illinois from providing state-level consumer food warnings, including the mercury contamination in fish, the content of fats and oils in food, and the use of pesticides on fruits and vegetables; remove the state's ability to ensure the safety of food and color additives; and preempt state laws that require stores selling alcoholic beverages to post warning signs about the risks of drinking alcohol during pregnancy.

Every year, 76 million Americans suffer from food poisoning resulting in approximately 5,000 deaths. The stakes are only growing now that mad cow disease has been discovered in the United States. In addition, we must remain aware that our food supply is a potential target of terrorism. Now is the time to strengthen, and not dilute, our efforts to detect unsafe food products before they reach grocery store shelves.

I have received nearly 500 letters of opposition to H.R. 4167 from my constituents, in addition to letters of opposition from Illinois Attorney General Lisa Madigan, the Illinois Public Interest Research Group, and Illinois Governor Rod Blagojevich. Governor Blagojevich writes: "Regulating and protecting the food supply is a responsibility shared by local, state and federal governments. In fact, approximately 80 percent of food safety inspections in the United States are completed at state and local levels. Therefore, passage of House Resolution 4167, preempting state rules on food supply that may be stronger than federal law, could put Illinois' residents and visitors at risk." I cannot support legislation which would hinder Illinois' ability to respond quickly to local food safety concerns. I encourage my colleagues to join me in opposing this legislation.

Mr. BLUMENAUER. Mr. Chairman, I am deeply disturbed by this proposal that would strip away states' ability to protect their citizens' food supply. Today's consideration of the "National Food Uniformity Act" represents the fourth time this bill has been considered since I have come to Congress. Congress and the public have repeatedly shown that they are opposed to the weakening of food safety laws, and yet we are forced to continue this debate.

Each year, food-borne illnesses result in 76 million illnesses, 325,000 hospitalizations and 5,000 deaths. This bill would nullify approximately 200 state laws aimed at reducing the incidence of these food-borne illnesses.

It's shameful that this bill does not create any uniform safety standards, but simply strips away states' rights to protect their residents. I'm sympathetic to some manufacturers' concerns about the burdens of multiple labeling and food standards. However, state food safety regulations have protected millions of American consumers and I cannot support legislation that does not put in place any comparable national standards.

Mr. GUTKNECHT. Mr. Chairman, I would like to clarify the scope of preemption under H.R. 4167, because some confusing and misleading things have been said on this subject. While I have great respect for the Association of Food and Drug Officials, especially for the work its members do at the state level, I would specifically like to clarify some mistaken points the group made in a letter dated January 16th of this year. This letter stated that H.R. 4167 would preempt state laws on food sanitation, including milk sanitation statutes on the books in Minnesota and most other states. This is not the case. The bill we're considering today would not preempt state food sanitation standards.

H.R. 4167 only provides for federal preemption of certain requirements of the Federal Food, Drug, and Cosmetic Act, or FFDCA, and these are specified in the legislation. If a requirement of the FFDCA is not specified in H.R. 4167, then it will not be preempted by H.R. 4167, and states can establish or maintain requirements that are different from federal ones. This is the case when it comes to sanitation. Again, Mr. Chairman, states would still be free to enact state sanitation standards that are not identical to federal sanitation standards.

Even if H.R. 4167 did preempt state laws on food sanitation, which it again does not, it would still not preempt state milk sanitation laws. Through this bill, for preemption to be found in general, there must be a conflict between a state law and a federal requirement of the FFDCA or certain other federal laws and regulations. But in the case of milk sanitation, there is no federal law or regulation for a state law to conflict with. There are only the FDA definitions of "pasteurized" and "ultra-pasteurized" milk, which are agreed upon by agencies at all levels of government and the entire dairy industry, and the general manufacturing practice regulations applicable to all foods. Along these lines, Mr. Chairman, I ask that the dairy industry's letter of support for H.R. 4167 be included in the RECORD following my remarks.

These were conscious decisions made by the authors of H.R. 4167, decisions that, I think it is safe to say, are certainly agreed upon by the over 225 cosponsors of this bill, including myself. We recognize that states have often been at the forefront of regulating food sanitation, and for this reason, one of our legislative intents through this bill was that food sanitation standards should not and would not be preempted.

FEBRUARY 28, 2006.

Members of the House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVES: America's dairy producers and processors urge you to vote for H.R. 4167, the "National Uniformity for Food Act of 2005."

The International Dairy Foods Association (IDFA) and the National Milk Producers Federation (NMPF) support H.R. 4167, a bill to amend the Federal Food, Drug and Cosmetic Act in the areas of food safety tolerance setting and warning labeling because it takes a measured, science based approach, to achieve labeling uniformity. The bill contains a method for the orderly review and harmonization of existing state food safety adulteration laws and warnings as they relate to Federal law. No existing state labeling law would be preempted without this review and state requirements under petition would stay in effect during that review.

H.R. 4167 recognizes that it makes no sense to have a "patchwork quilt" of different states adopting different regulatory requirements on identical food product labeling. National uniformity in food laws is actually the norm, not the exception. All meat and poultry regulated by the U.S. Department of Agriculture (USDA) have national uniformity under the Federal Meat Inspection Act and the Poultry Products Inspection Act. The Nutrition Labeling and Education Act (NLEA) of 1990 established uniform nutrition labeling requirements on manufactured foods. In addition, the Food Quality Protection Act (FQPA) of 1996 included a uniformity provision for pesticide tolerance standards in food products. H.R. 4167 completes the job by establishing national uniformity for food additives and warning labels.

H.R. 4167 enjoys the support of 227 bipartisan co-sponsors and was reported by a bipartisan vote from the Energy and Commerce Committee on December 15,2005. America's dairy industry believes consumers deserve a single standard when it comes to food safety, and this bill will allow states and the Food and Drug Administration to work collaboratively in establishing sound food safety labeling policies that benefit, not confuse consumers. We urge your vote for H.R. 4167.

Sincerely,

CONNIE TIPTON,
President and CEO,
International Dairy
Foods Association.

JERRY KOZAK,
President and CEO,
National Milk Producers Federation.

Mr. GILLMOR. Mr. Chairman, I rise today in strong support of H.R. 4167, the National Uniformity for Foods Act. I am pleased to be one of 226 cosponsors, and congratulate its sponsors, MIKE ROGERS and ED TOWNS, for their leadership in bringing this important food safety bill to the floor.

Domestic manufacturers and consumers alike will be well-served by this legislation which aims to alleviate the confusion created by a patchwork regulatory system, by requiring that the U.S. Food and Drug Administration (FDA) and the states work together to develop uniform safety standards.

Of note, the National Uniformity for Foods Act will likely benefit an estimated 16,000 food processing facilities scattered throughout the country. Most of them process foods that are distributed across state lines, including items like soup, ketchup, candy and crackers, all of which are produced in my congressional district.

Beyond food processors, glass manufacturers, who package food, beverages, cosmetics and other consumer products in Northwest Ohio will also be impacted positively by H.R. 4167. Given the nationwide distribution of most products packaged in glass, it is critical that glass manufacturers follow a national standard for the bottles that they produce.

Under the current regulatory system, each of the 50 states has the ability to require its own warning labels separate and apart from the FDA's requirements. Again, this multi-tiered regulatory environment can be highly inefficient, and serves to often confuse, rather than educate consumers. Manufacturers and consumers should have reasonable expectations that rational, scientifically based, and consistent standards will apply. The citizens of all states deserve the same level of food safety.

I should also point out that H.R. 4167 will not pre-empt existing state food safety requirements without thorough FDA evaluation, and will not prevent states from taking enforcement action without federal approval, so long as state food safety laws are the same as the federal government's requirements. Furthermore, this measure will not interfere with a state's rapid response mechanism to take action in emergency circumstances. Mr. Chairman, I again urge my colleagues to join me in supporting H.R. 4167.

Mr. DINGELL. Mr. Chairman, H.R. 4167 is being considered today without benefit of hearings and with no Subcommittee markup. As a result, Members have not had a full opportunity to learn about and debate the provisions of this legislation. This is no minor bill—it would bar States from adopting food safety, labeling, and warning standards that are not identical to Federal standards.

State food and drug officials are very concerned about the impact this bill could have on public health. They have expressed their opinion that this legislation would harm homeland security. The State food and drug officials are certainly a credible group and their concerns are not new.

Almost two years ago, the Association of Food and Drug Officials told us that a bill virtually identical to the one before us today, "threatens to eviscerate this system. The ramifications of this bill, intended or not, will dissolve our Nation's biodefense capabilities."

They went on to say that this legislation "undermines our Nation's whole biosurveillance system by preempting and invalidating many of the State and Local food safety laws and regulations that provide the necessary authority for State and Local agencies to operate food safety and security programs. The pre–9/11 concept embodied in this bill is very much out of line with current threats that confront our food safety and security system."

They also said that preemption and invalidation of State and local food safety and security activities will "severely hamper" the U.S. Food and Drug Administration's ability to detect and respond to acts of terrorism. They added, "Our current food safety and security system will be significantly disrupted . . . and our inability to track suspected acts of intentional adulteration will be exploited by those who seek to do harm to our Nation." The Association of Food and Drug Officials has recently restated these concerns with respect to H.R. 4167.

On September 23, 2004, I wrote a letter to Secretary Thompson asking whether or not he agreed with these assertions. I never received a reply to my letter, so here we are today, voting on this bill and we do not know whether or not the Administration believes it poses a threat to homeland security. Indeed, we do not have the benefit of the Administration's views on any aspect of this bill. Does the Administration support this bill, or not? This bill affects public health and the American public deserves more than stony silence from this Administration.

What is wrong with having a hearing to explore what the language in this bill means? Why was the report on this bill filed less than 24 hours before amendments were due at the Rules Committee? Why did the Rules Committee deny important amendments such as an amendment by Representative DeGette to ensure that FDA has the necessary funds to implement the law, or an amendment by Representative Stupak to allow States to warn consumers when their meat has been injected with carbon monoxide?

This process will ultimately hurt the ability to get legislation to the President's desk. I am sympathetic to the need for national uniformity, however, I cannot support this bill without more careful consideration.

I urge my colleagues to vote no on this bill.

Mr. SCHWARZ of Michigan. Mr. Chairman, the National Uniformity for Food Act deserves our full support. The issue is important to consumers and has achieved bipartisan support.

This act is consistent with our long tradition of prudent Congressional oversight of interstate commerce to protect American consumers. The act is simple. Its purpose is to provide equitable protection of consumers by requiring the States and the FDA to provide consumers with a single standard for food safety that is based on a consensus interpretation of all available science.

I believe the National Uniformity for Food Act is the best way to ensure that the safeguards we now have over meat, poultry, drugs, and many other products be applied to packaged food. Under the bill, States would retain their important functions such as sanitation, inspections and enforcement. The act contains mechanisms to review State food safety laws and consider them for national application.

This act provides important Federal protections, while retaining valuable input from States and coordination between State and Federal food safety experts. There is no better way to assure Americans that packaged food they find on our store shelves is safe for them and their families. I urge all my colleagues to join me in supporting this important act.

Mr. MOORE of Kansas. Mr. Chairman, while I am a cosponsor of H.R. 4167, the National Uniformity for Food Act, I am concerned about the process in which the bill was brought to the floor for consideration, without a committee hearing or markup. I believe that any major legislation should be subject to a committee hearing, where members can provide input and offer amendments. I support uniform, national food safety label standards, because I believe it will enhance consumer protection. I am, however, opposed to the process in which the House will consider this legislation today, which is why I am voting against H. Res. 710, the rule for consideration of H.R. 4167.

The Acting CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109-386. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–386 offered by Mr. BARTON of Texas:

Page 2, line 7, strike "403A(a)" and insert "403A".

Page 2, beginning on line 8, strike "343-1(a)" and insert "343–1".

Page 2, line 10, strike "in paragraph (4)" and insert "in subsection (a)(4)".

Page 2, line 12, strike "in paragraph (5)" and insert "in subsection (a)(5)".

Page 2, line 14, insert "in subsection (a)," after "(3)".

Page 3, strike lines 5 through 15 and insert the following:

(4) by adding at the end the following:

"(c)(1) For purposes of subsection (a)(6) and section 403B, the term 'identical' means that the language under the laws of a State or a political subdivision of a State is substantially the same language as the comparable provision under this Act and that any differences in language do not result in the imposition of materially different requirements. For purposes of subsection (a)(6), the term 'any requirement for a food' does not refer to provisions of this Act that relate to procedures for Federal action under this Act.

"(2) For purposes of subsection (a)(6), a State or political subdivision of a State may enforce a State law that contains a requirement that is identical to a requirement in a section of Federal law referred to in subsection (a)(6) if—

"(A) the Secretary has promulgated a regulation or adopted a final guidance relating to the requirement and the State applies the State requirement in a manner that conforms to the regulation or guidance; or

"(B) the Secretary has not promulgated a regulation or adopted a final guidance relating to the requirement, except that if the Secretary has considered a proposal for a regulation or final guidance relating to the requirement and has, after soliciting public comment, made a determination not to promulgate such regulation or adopt such guidance, which determination is published in the Federal Register, the State may not enforce any requirements in State law that are policies rejected by the Secretary through such determination.".

Page 13, strike lines 13 through 19.

Page 13, line 20, strike "(g)" and insert "(f)".

Page 14, line 4, strike "or" after "pricing,".

Page 14, line 5, insert before the semicolon the following: ", or dietary supplements".

Page 14, line 13, strike "(h)" and insert "(g)".

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

Mr. WAXMAN. Mr. Chairman, if no one rises in opposition to the amendment, I would like to claim the time, for purposes of debate, by unanimous consent.

The Acting CHAIRMAN. Without objection, the gentleman from California (Mr. WAXMAN) will control the time in opposition.

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

My amendment provides clarification on the scope of the bill in two important areas. First, the amendment clarifies that uniformity in notification requirements for warnings does not apply to dietary supplements.

Additionally, during committee consideration of H.R. 4167, some Members expressed some confusion regarding the scope of subsection (f) of the bill. Today's amendment is designed to clear up that confusion and ensure that States can set tolerance levels for substances in food when the Federal Government has not.

Section 2 of the bill extends national uniformity to all aspects of food adulteration. I support the premise of food adulteration and tolerance levels should be uniform throughout the country. If a substance in food is injurious to one State's consumers, it would be injurious to the people of all 50 States. Section 401(a) of the Food, Drug and Cosmetic Act states a food is adulterated "if it bears or contains any poisonous or deleterious substance which may render it injurious to health." The FDA currently determines levels of substances in particular foods to ensure that the food remains safe. Foods above those levels are considered adulterated.

The FDA is the world's gold standard for food regulation. If the agency has made a determination that a particular substance in food at a particular level is safe, then it should be safe to be sold in any State. However, if the FDA has not adopted a tolerance level for a substance in a particular food, nor affirmatively rejected a standard, then the State should be allowed to adopt its own standard when it deems necessary.

My amendment clarifies the intent of the authors of the legislation by stating that when there is neither a Federal tolerance level for a substance in a particular food, nor has the FDA made an affirmative rejection of the need for a tolerance for a particular substance, then the State may establish and enforce its own tolerance standard.

Mr. Chairman, I would urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is claimed that the Barton amendment preserves State and local authorities to act when the Federal Government has not. Unfortunately, the extent of the amendment does not support this statement. The amendment merely provides that States may enforce identical requirements to Federal requirements.

This is a terrible policy. Sixteen years ago, the Food and Drug Administration learned that there were cancer-causing chemicals in soft drinks way above levels that would be permitted in drinking water. Once the soft drink industry promised to address the problem, the FDA did nothing. Under the legislation the House considers today, the States' hands will be tied, even while the FDA continues to do nothing.

The other purpose of this amendment is that it would allow the States to regulate in the area of dietary supplements. The Food and Drug Administration can regulate in that area, but the States could go even further.

Now, I am for States rights, and so if a State wants to go further in the area of dietary supplements, I should not object, although I do not know whether the people who want this bill think that dietary supplements ought to be treated differently than the other foods. Why should we allow the States to regulate in the area of dietary supplements but not in regular food? The distinction does not make a lot of sense.

I do not oppose this amendment. I sought the time for the purposes of debate, but I think the point I would draw to the attention of my colleagues is why are we treating dietary supplements different from other foods? The States have historically dealt in this area, and the States ought to be permitted to deal not just in dietary supplements, but with all food under the police powers that are granted to every State to act to protect their own citizens.

☐ 1630

So I want Members to know that this amendment is going to treat dietary supplements in a harsher way, by letting the States act, than we will with regular foods where it comes to a tolerance or a warning label.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, may I inquire how much time I still have?

The Acting CHAIRMAN (Mr. SIMMONS). The gentleman from Texas has 3 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Chairman, I want to propound a parliamentary inquiry.

I have no more requests for time, and I am going to close. I have a colloquy I want to enter into with the gentleman from Washington State, Mr. INSLEE. Can I use this time for that colloquy?

The Acting CHAIRMAN. The gentleman may yield to himself for purposes of a colloquy.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume to engage in a colloquy with the gentleman from Washington, and I yield to him at this time.

Mr. INSLEE. Mr. Chairman, I would like to be certain that I understand the requirement in the bill that State food safety laws be identical to the ten sections of Federal law that are listed in section 2(a)(6) of the bill. Am I correct that each of these ten sections provides a basis for determining whether food is adulterated?

Mr. BARTON of Texas. Reclaiming my time, Mr. Chairman. The gentleman is correct. Provisions of State law that establish standards for determining when a food is adulterated, that are the State counterparts to those ten listed sections of Federal law, will need to be identical to the Federal law.

Mr. INSLEE. If the gentleman will continue to yield. "Identical" in this context does not mean that every word has to be exactly the same, does it?

Mr. BARTON of Texas. No. "Identical" is defined to mean that minor differences in wording are acceptable so long as they do not alter the underlying meaning of the provision. So, for example, Federal law provides that a food is adulterated "if it contains any added poisonous or deleterious substance which may render the food injurious to health." This is often referred to as the basic adulteration provision of Federal law. State law that addresses the basic adulteration requirement will need to be the same as that provision of Federal law.

Mr. INSLEE. If a State's basic adulteration law is identical to the Federal adulteration law, can a State apply that law as it determines to be proper?

Mr. BARTON of Texas. If the FDA has not established a tolerance or limit for a particular poisonous or deleterious substance in food, the State is free to make its own determination of what quantity of that substance should be held to adulterate the food. If, however, there is an FDA established tolerance or limit, the State would then need to follow the tolerance or limit in its enforcement of State law. If FDA has finally determined that there should not be a tolerance or limit, then in that instance also the State would need to follow the Federal policy.

Mr. INSLEE. I thank the gentleman for this explanation, and I have a further inquiry.

I understand that if a State law is identical to the Federal, that State regulators can apply State law to particular circumstances where FDA has not.

Suppose a State enacts a law that applies to State's basic adulteration requirement to a particular substance or circumstance. So the law would say, for example, that the State has determined that any food that contains more than X amount of Y poisonous or deleterious substance adulterates the food within the meaning of that State's food adulteration law, would that be permissible?

Mr. BARTON of Texas. Yes. If the State's food adulteration provisions are identical to the listed Federal provisions and there is no Federal tolerance or limit, the State may apply its law either by regulatory action or State legislative enactment. All that the bill requires is that the State apply the same standard for adulteration that is found in Federal law. It does not matter whether the State does that administratively or by legislation.

Mr. INSLEE. Thank you, Mr. Chairman, for those clarifications.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman, and I now ask for an "aye" vote on the Barton amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself the balance of my time to enter into that last point that was made.

A State may act if they act in a way that is identical to the Federal action. Great. But if a State wants to act where the Federal Government has not acted, the States will be blocked, or may be blocked, from acting at all.

I think that illustrates the problem with this legislation. The State authority is stopped, and if the Federal Government doesn't act and the State can't act, then there will be no warning label. There will be no action at all on either the State or the Federal level to protect the public, even though the State would like to protect its own citizens.

That illustrates to me the basic flaw in this whole bill that is before us. And maybe it is why we never had a day of hearings on it and it is being rushed through the House of Representatives without adequate debate.

But let me just make that point as clearly as possible. Because sometimes you hear over and over again, we will have a stronger Federal law and there will be one uniform Federal law. Well, this will allow one uniform nonFederal law to preempt the States, and they will be identical because they will both say nothing to give the consumers the information they ought to have about the problems in food that could cause cancer or other medical problems or health problems, such as PCBs in shellfish, such as mercury in some other foods, such as carcinogens in something else. The public won't even be empowered to protect themselves if they want to. It is "buyer beware," but at least let the buyer have some information and let them then make that decision.

So I don't object to this amendment, but I do object to the bill, and this amendment does not cure the fundamental problems with this legislation.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109-386 offered by Mr. CARDOZA:

Page 11, after line 7, insert the following:

"(C) EXPEDITED CONSIDERATION.—The Secretary shall expedite the consideration of any petition under paragraphs (1) or (2) that involves a request for a notification requirement for a food that provides a warning where the health effect to be addressed by the warning relates to cancer or reproductive or birth defects or is intended to provide information that will allow parents or guardians to understand, monitor, or limit a child's exposure to cancer-causing agents or reproductive or developmental toxins.".

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. CARDOZA).

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that I be able to take the time and debate on this amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DEAL of Georgia. Mr. Chairman, unless there is someone in opposition to it, I would claim the time in opposition, even though I am not opposed to it. I am not sure that Mr. WAXMAN and I are on the same position on the amendment.

Mr. WAXMAN. Well, Mr. Chairman, I will be in opposition to the amendment and claim the time in opposition.

The Acting CHAIRMAN. The gentleman from California (Mr. WAXMAN) is opposed and will control the time.

The gentleman from California (Mr. CARDOZA) is recognized.

Mr. CARDOZA. Mr. Chairman, I yield myself such time as I may consume to offer my amendment to H.R. 4167, the National Uniformity for Food Act.

H.R. 4167 creates two separate petition processes for States that may petition the FDA requesting approval for State labeling requirements. Under the first, the States are given a transitional period to request FDA approval of existing State regulations for food labeling. The second creates a process for States to petition the FDA to approve a national standard for new food labeling requirements, or to exempt a State from certain requirements of national uniformity.

My amendment deals only with the latter, the process for States to petition the FDA to approve national standards for future labeling requirements.

The bill sets strict timelines for FDA action on State petitions for future national standards. Petitions must be published in the Federal Register within 30 days of receipt and made available for public comment. The FDA must approve or deny within 60 days of the close of the public comment period, unless an extension is requested in order to gather more information. However, in all cases, final action must be rendered no later than 120 days after the close of the public comment period.

While I applaud the author for including these timelines, I feel it is important to have an even swifter resolution for those State petitions that may affect our most vulnerable populations. My amendment would further expedite consideration of State petitions seeking adoption of national warning requirements in three circumstances: first, where the proposed warning relates to cancer-causing agents; second, where the proposed warning relates to reproductive effects or birth defects; and, third, when the requested warning is intended to provide information that will allow parents to understand, monitor, or limit a child's exposure to cancer-causing agents or reproductive or developmental toxins.

My amendment will help ensure that when a State believes a warning should be provided against possible serious health effects or birth defects, FDA consideration of the State request must occur in the shortest period of time possible.

As a member of the California delegation, I stand by my support of the National Uniformity for Food Act, but I also recognize the importance of retaining a State's ability to advocate for their food safety warnings and that that be promoted nationwide. Ultimately, my amendment preserves the goal of H.R. 4167 to have uniform national warnings while also ensuring that Federal action on State requests for important health warnings is not delayed.

Mr. Chairman, I ask for an "aye" vote, and I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

This bill requires a State to petition the Food and Drug Administration to see if the Food and Drug Administration will allow the State to continue with its law. Now, many of these laws are dealing with carcinogens and reproductive toxins, very, very serious matters, and the States feel the public ought to be advised about that.

This amendment, however, provides an expedited review. Well, the Congressional Budget Office has said that this is going to cost $100 million over 5 years, and that is to review 200 State petitions, because there are 200 State laws that are going to be wiped out. The Congressional Budget Office says they do not think the FDA will comply in time. So the FDA is going to be mandated to get their review done in an expedited way and it is going to cost us over $100 million, but they are not going to comply.

Well, that is why the States attorneys general have contacted us and they say that this bill is going to create a whole new Federal bureaucracy. Imagine that, Republicans who are sponsoring this bill, and Democrats who have joined with them, who I don't think both sides of the aisle understood the consequences of this bill; that it takes away the States rights to enact legislation in areas of carcinogens and reproductive toxins and other areas where they think the public health and safety may be at stake, it takes away the States rights to give it to a Federal bureaucracy, and it enhances that Federal bureaucracy with additional burdens but creates no more funding to do that job.

Is this what we have always expected out of Congress: creating a new bureaucracy to act in place of State duly elected governments? I just think this bill, if people will examine it carefully, can't stand the light of day. And I guess that is why we have never had a hearing on it. No one has ever been able to get the pros and the cons. We have no record to substantiate that legislation to start with.

And this amendment, although it is hard to oppose an amendment that says we are going to have an expedited review, although the bill provides for a 180-day review, nobody who has looked at it carefully, especially the Congressional Budget Office, thinks it will make a difference because they are never going to get around to it.

I guess the way to handle it is the Food and Drug Administration can say, very quickly, no, that State law will not be allowed. We won't let them have those warnings for their people. We will just overturn the State law. That will be what they will have to do if they have to do it in an expedited way, especially if they are hearing from special interest groups that want the laws at the State level to be overturned.

But let me just add one other point. We are talking about 200 State laws that are on the books now. But what about other problems in the future that States may find out about that may even be peculiar to that State? They are not going to be looking at that issue any longer because they know that the Federal Government is now preempting the field. But the Federal Government, by preempting the field, it doesn't mean that they are looking at the problem and trying to address it.

So there is a huge vacuum that will be created if this bill becomes law, and that is why I sought the time and I wanted to make this clarification.

Mr. Chairman, should I have any time left, I want to reserve the balance of it.

Mr. CARDOZA. Mr. Chairman, I would like to inquire of the Chairman how much time I have remaining.

The Acting CHAIRMAN. The gentleman from California (Mr. CARDOZA) has 7½ minutes remaining and the gentleman from California (Mr. WAXMAN) has 6 minutes remaining.

□ 1645

Mr. CARDOZA. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I rise today in support of the gentleman's amendment. Several of my colleagues have raised valid concerns about the importance of warning labels for specific serious health issues, including birth defects and cancer-causing agents. I believe the language in the gentleman's amendment improves the underlying bill by allowing for an expedited review process by the FDA.

If a State identifies a health issue fitting the critical categories listed in the amendment, then a warning is necessary, and this amendment allows FDA to enact the warning nationally, not just in the State that proposes it, granting greater consumer protection everywhere, and if the FDA approves a State's request for a warning, it is important for consumers not just in that State, but all States, to have that information.

As I said during the general debate on this bill, we have the world's safest food supply, the lowest cost to its consumers, and every American benefits from a system of national food safety standards. This amendment and the underlying bill builds on the record of success that we have had in this system by extending the same approach to food safety standards that is used by USDA and other agencies.

I strongly urge my colleagues to join me in supporting this important amendment and to oppose any amendments that would gut this bill.

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I thank the gentleman for yielding me this time.

I am a cosponsor and will support final passage of the National Uniformity for Food Act today. This is because I believe that a national standard for food labeling under the authority of the FDA makes sense.

In addition, I support the Cardoza amendment to this bill, which would accelerate the consideration of warnings for food labels in certain cases, such as when dealing with the potential for birth defects and cancer-causing agents.

This amendment protects the most vulnerable in our society, particularly children. Expedited consideration by the FDA for these types of labels is the right thing to do to protect the health of our families. I urge my colleagues to support this amendment and urge a "yes" vote on final passage.

Mr. WAXMAN. Mr. Chairman, I reserve the balance of my time.

Mr. CARDOZA. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. ROGERS), the author of the bill.

Mr. ROGERS of Michigan. Mr. Chairman, I rise to support the Cardoza amendment and thank the Member for working with us. This does improve the bill and makes very, very clear that we are going to have an expedited review for cancer-causing agents or reproductive effects or birth defects.

The reason we have an expedited review here, as we have said many times, those State laws in effect remain in effect until they get an affirmative ruling from the FDA, so those would remain in place until they get a scientific ruling from the FDA, and then we would have the benefit of that information shared with all 50 States, all 50 States' children, all 50 States' men and women who call America home.

I thank the gentleman for working with us and in supporting this fine bill.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I want to point out that there are two petitions. One is a petition by a State to allow its law to stay in effect. The second provision in the bill allows a State to petition to say the Federal Government should have one uniform law that ought to be the same as that State's.

Well, this provision that is before us will have an expedited review of the States' petitions. Pesticide spraying after harvest disclosure, that is a Maine law requiring disclosure; post-harvest spraying of produce with pesticides. I have no idea what the reason was for that law, but Maine people thought it worthwhile because of pesticide spraying and, I guess, the residue of pesticides. I suppose that should have an expedited review.

We have disclosure of fish, whether it is farm-raised or wild. There is a law in Alaska dealing with salmon; in Arkansas, Louisiana and Mississippi dealing with catfish. Certain farm-raised fish may contain elevated levels of PCBs and other contaminants. Well, those State laws may not be allowed to continue. The FDA is going to have to decide that.

There are 50 State milk safety laws. They are different laws. Each State adopted the law it thinks is best. Each State would have to petition whether it can continue with the law that it adopted.

Now, an expedited review sounds like a good idea because we would like them to review them carefully so the States can have a decision, but you know an expedited review can also mean that expedite it, and the FDA will say "no" as quickly as possible in order to expedite that review.

I would rather have them have a thorough opportunity to review the laws based on the science, but they do not have to make their decision based on science. They can just decide that any State law, if a business has to comply with a State law, it means that in one State they have to have different warning labels or different tolerance standards than in other States. That might interfere with interstate commerce, so they might just strike all of the laws. I do not want to push them on an expedited basis to strike all these laws because that could be what an agency, a bureaucracy, would think is the wisest thing to do in order to meet the expedited time frame.

So I think Members ought to be aware of the other side of the coin when they say we want these laws reviewed carefully.

The other point is the Barton amendment dealing with dietary supplements will not even have a State have to go to the Food and Drug Administration if the State wants to regulate more in the area of dietary supplements. It still is perplexing to me why that area ought to be singled out to be treated differently than other food products. Why should a warning label that a State wants to put on a food which may be a carcinogen or it may be a reproductive toxin, why a State law in that area, if it deals with a food product that is probably going to be used by far more people, should require a State to have to go and get a petition to the Food and Drug Administration to let that law stay in effect? But if they have a warning label that a dietary supplement can cause cancer, that warning label will not be reviewed by the FDA.

So we have these discrepancies that Members ought to understand are at stake in this legislation which has not been thoroughly reviewed. On that basis I think we ought to give it much more scrutiny than we are being allowed to do today.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDOZA. Mr. Chairman, I yield myself such time as I may consume.

This amendment will strengthen States rights, in my opinion, by forcing the FDA to review petitions expediently and quickly to make sure that their concerns are legitimately taken care of. I do not think anyone here believes that the FDA will purposely act in contravention to what is in the best interest of the people of the United States and their health.

I also agree with the gentleman's contention that the FDA needs to be strengthened and given increased funding. If they have additional work, they will need additional funding to do this work. But this amendment is only dealing with the underlying legislation. I would ask for the body's support of this amendment. I think it makes the bill stronger.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished gentleman for yielding some time to me.

I have a question to ask of my friend from California: What is the time frame when you say expeditious action on the part of the FDA? What does that constitute? Is it 100 days? Is it 180 days? Is it 30? The connotation is that it is going to be swift. If this passes, if the legislation actually moves, what are we looking at relative to the direction of this amendment?

Mr. CARDOZA. Mr. Chairman, will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from California.

Mr. CARDOZA. In answer to the gentlewoman from California, it is my intention that there would be an expedited review. If there is 120 days, and a State requests a shortened period of time because they believe that a particular problem has, and let us just use an example, say there is a microorganism in seafood that has just occurred off the coast.

Ms. ESHOO. So maximum is 120 days?

Mr. CARDOZA. And this allows the FDA to act even quicker; in fact, mandates it.

Ms. ESHOO. But they have up to 4 months?

Mr. CARDOZA. In the underlying bill.

Ms. ESHOO. But that is your amendment, not the underlying bill.

Mr. CARDOZA. No, the underlying bill is 120 days.

Ms. ESHOO. And what does your amendment do?

Mr. CARDOZA. It says that it must be the quickest possible.

Ms. ESHOO. But without any specificity?

Mr. CARDOZA. Correct.

Ms. ESHOO. Mr. Chairman, thank you.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

Mr. CARDOZA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMMONS). The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. DEAL of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. CARDOZA) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109-386 offered by Mr. ROGERS of Michigan:

At the end of the bill, add the following section:

SEC. 3. CONDITIONS.

The amendments made by this Act take effect only if the Secretary of Health and Human Services certifies to the Congress, after consultation with the Secretary of Homeland Security, that the implementation of such amendments will pose no additional risk to the public health or safety from terrorists attacks relating to the food supply.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, one of the things that we have heard over the course of this debate, and we have had lots of it, almost as many hours of debate as there are pages in the bill, one of the things that we realized along the way is that there was concern about the bioterrorism. We firmly believe that the bill is adequate to deal with those issues. But to try to make sure everybody had a comfort level, we felt it was important to at least acknowledge that we were going to have the DHS and the HHS sign off on this legislation before it takes effect, that there would be no hindrance in defense of bioterrorism when it comes to our food supply. It is not a difficult thing, it is really a commonsense measure. We hope that alleviates some of the concerns we have heard mentioned, and I urge this body's support on this particular measure.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent to control the time in opposition, although I will speak in favor of this amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I think this is a good amendment. After this amendment is disposed of, and I hope favorably, I will be offering another amendment on the same subject of bioterrorism. I think any protections that we put into place at this time of threat of terrorism are wise. I will discuss my amendment at the appropriate time, but I join my colleague from Michigan in urging support for this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Chairman, I rise in support of the Rogers amendment to H.R. 4167, the National Uniformity for Food Act.

Unfortunately, in this day and age we need to look at every piece of legislation that we consider through the eyes of those we ask to cope with the unthinkable, in this case a food emergency or bioterrorist situation. The last thing we want to do is unnecessarily handcuff the local, State and Federal officials who respond quickly in times of crisis.

That is why I support this amendment. It would require the Secretary of Health and Human Services to certify to the Congress that the National Uniformity for Food Act would not in any way inhibit the ability of local, State or Federal authorities to respond to a food emergency or bioterrorist event.

☐ 1700

The bill cannot take effect until that certification, in consultation with the Secretary of Homeland Security, is complete. H.R. 4167 as originally written would have had no effect on a State's ability to respond to a food emergency or bioterrorist threat. The FDA and the States would continue to work together to cope with that type of situation. I, for one, am comforted by Mr. ROGERS' amendment and ask my colleagues to support it unequivocally.

Mr. ROGERS of Michigan. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. PRICE of Georgia). The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–386 offered by Mr. WAXMAN:

At the end of the bill, add the following:

SEC. 3. PROTECTION AGAINST BIOTERRORISM.

Nothing in this Act or the amendments made by this Act shall have any effect upon a State law, regulation, action, or proposition if a Governor or State legislature certifies that such law, regulation, action, or proposition is useful in establishing or maintaining a food supply that is adequately protected from bioterrorism attack.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from California (Mr. WAXMAN) and the gentleman from Georgia (Mr. DEAL) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, the previous amendment was a good amendment. It provided for a one-time certification. That was important to do. The only requirement is the Secretary of Health and Human Services consults with the Department of Homeland Security to certify that the bill will not pose additional risks from terrorist attacks before it goes into effect.

That is worthwhile. That is why I supported that amendment. It doesn't require them to consult with the States, look at different approaches the States may be using. What we are proposing to do is to go even further in the area of protection against bioterrorist threats.

My amendment allows the States to retain the authority to decide what is important in preparing for and responding to terrorism threats. If a Governor or State legislature certifies a State action in this regard, it is not going to be preempted. The States will be able to make those decisions on bioterrorism, should, God forbid, such a thing happen.

As the Nation's first responders to bioterrorist attacks, State and local governments have worked to have effective programs that can respond flexibly should a nightmare occur. These State food safety officials have stated repeatedly that they are deeply concerned that H.R. 4167 will undermine the States' ability to effectively prevent and respond to bioterrorist attacks.

The States learned from Hurricane Katrina that it is ill-advised to rely on Federal agencies to solve their problems when a disaster occurs. Under H.R. 4167, even with this last amendment, the States will be in exactly that position, because they will have to rely on the Federal Government.

Under the bill, H.R. 4167, States will be required to go through a bureaucratic Federal process merely to protect their citizens. Even in the case of an imminent hazard, States must make a series of findings, and even then are only authorized to establish a requirement which could be interpreted to require the passage of a new law or promulgation of new regulations.

In the face of a determined terrorist threat, this burdensome approach seems highly unwarranted and potentially disastrous. My amendment will go a long way to addressing these shortfalls. It is an amendment that State food officials think is merited, and they have warned us about any weakening of their ability to respond to any bioterrorist threat.

That is what has become the basis for this amendment. I strongly urge support for the Waxman amendment and hope that this amendment will supplement the Federal requirement that the Rogers amendment is putting into place. I urge support for the Waxman antiterrorism amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Chairman, I would yield myself 1 minute.

Mr. Chairman, I must rise in opposition to the amendment. I believe that Mr. WAXMAN is well-intentioned in the amendment language that he has offered, and it is a matter of perspective as to whether or not this amendment would cure or would create more problems. It is my opinion that it would do the latter.

The last thing that any of us want, I think, is to create anything that will create more bureaucratic wrangling between the States and the Federal Government and pointing of fingers back and forth in a time of disaster, and especially in an event such as a terrorist attack or something that would contaminate our food supply.

I believe the language we have just adopted in the Rogers amendment, which requires that the Secretary of HHS consult with the Secretary of Homeland Security and certify that this bill does not in any way impinge on or interfere with the ability to deal with a threat to public health, is an adequate safeguard. I think this amendment is unnecessary.

Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in opposition to this amendment, my friend's amendment to the National Uniformity for Food Act. We have seen time and time again in recent years it takes swift and coordinated response from local. State and Federal officials to confront disasters of any kind, especially those caused by terrorists who seek to do us harm.

This amendment. however well-intentioned, will do little more than add to the bureaucratic wrangling that can hamper. not improve. our ability to launch a coordinated response in time of trouble. State officials have nothing to fear from this bill as originally written. It has no impact on the ability of local. State and Federal officials to respond to a food emergency or bioterrorist threat.

However. for those who. like me. like additional assurances that this legislation would in no way inhibit our ability to cope with a natural or terrorist-made disaster, I respectfully offer that the Rogers amendment that was agreed to would assuage those concerns. It would require the Secretary of Health and Human Services. in consultation with the Secretary of Homeland Security. to certify that the legislation poses no additional threat to public health or safety in time of crisis. Therefore. the law can take effect.

It should adequately assuage the concerns of Mr. WAXMAN and all others. I urge my colleagues to support the Rogers amendment and vote against the Waxman amendment.

Mr. DEAL of Georgia. Mr. Chairman. I would yield 1 minute to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I just wanted to make clear. there has been a lot of misinformation on that bill. I was a former FBI agent. One thing I learned, we used to call it the brick agent, the guy that is out on the street. You don't want to have to ask permission to take an exigent circumstance under control. You don't want to do have to do that.

This bill protects State, local and Federal Government action in cases of bioterrorism. We would have not have drafted a bill that would have done otherwise. I think what you are misinterpreting is the fact that once they take an action. they have to tell the FDA.

Why that is a good idea is because if they find there is an area where there is adulteration or poisoning, let us say, in Oregon or someplace else, there might be another place that they can go and short-circuit that problem somewhere else in the country. It is good policy to have that notification that there was food that was adulterated or poisoned or a victim of bioterrorism that needs to be addressed at that national level. Take the action. tell the Feds so they can get that information across the rest of the country.

This is the right thing to do. I would urge the rejection of the Waxman amendment. which I think makes it more confusing. not less.

Mr. WAXMAN. Mr. Chairman, I want to close on this amendment. This amendment is a supplement to the amendment that the gentleman from Michigan (Mr. ROGERS) adopted. This is what food and drug officials at the State levels have said. When you consider the local and State food safety programs. our first line of defense against acts of terrorism involve the food supply.

This amendment would allow them to act without having to go to the Federal Government to ask for permission. The bill says even if there is an imminent hazard. the State has to go to the Federal Government to get permission. That is absurd.

The New York Agriculture Department said that New York would be left without any means to stop contaminated food from entering the Nation's food supply. Florida stated this legislation would make it more difficult to mitigate the effects of an intentional bioterrorist agent food adulteration.

I think those who are imposing this amendment are very much misguided. Listen to what the States have had to say about this. These are the ones that are going to have to deal with any bioterrorist attack at the front lines. Especially after what we saw with Hurricane Katrina, let us empower the local people to act and not make them have to go hat in hand to seek a bureaucratic solution, which may take time from the Federal Government to allow them to act.

My amendment would allow the States to act, especially if it is an imminent problem. That should not be taken away, which would happen if we don't pass this amendment. I ask for an "aye" vote.

Mr. DEAL of Georgia. Mr. Chairman, I yield back the balance of our time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. DEAL of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. WAXMAN) will be postponed.

AMENDMENT NO. 5 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–386 offered by Mrs. CAPPS:

Page 4, beginning on line 1, strike "Except as provided in subsections (c) and (d)," and insert "Except as provided in paragraphs (4) through (6) and subsections (c) and (d),".

Page 5, after line 16, insert the following:

"(4) NOTIFICATIONS REGARDING CANCER.—Paragraph (1) does not apply to a notification described in such paragraph if the notification warns that the food involved may cause cancer.

"(5) NOTIFICATIONS REGARDING BIRTH DEFECTS OR REPRODUCTIVE HEALTH PROBLEMS.—Paragraph (1) does not apply to a notification described in such paragraph if the notification warns that the food involved may cause birth defects, or warns that the food may cause reproductive health problems, or both.

"(6) NOTIFICATIONS REGARDING ALLERGENIC SULFITING AGENTS.—Paragraph (1) does not apply to a notification described in such paragraph if the notification warns that the food involved contains a sulfiting agent that may cause an allergic reaction.".

At the end of the bill, add the following:

SECTION 3. ENSURING ADEQUATE PROTECTION FOR KIDS.

Nothing in this Act or the amendments made by this Act shall have any effect upon a State law, regulation, proposition or other action that—

(1) establishes a notification requirement that will allow parents or guardians to understand, monitor, or limit a child's exposure to cancer-causing agents, reproductive or developmental toxins, or food-borne pathogens; or

(2) offers protection to children from foods bearing or containing cancer-causing agents, reproductive or developmental toxins, or food-borne pathogens.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentlewoman from California (Mrs. CAPPS) and a Member of the opposition each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I yield myself 3 minutes. Mr. Chairman. I am offering this amendment with colleagues, Representative ESHOO. Representative STUPAK and Representative WAXMAN. Our amendment is fairly straightforward. It would ensure that this bill would not preempt State laws that require proper warning on foods that do contain carcinogens. that do contain chemicals that could cause birth defects or other reproductive defects or could cause allergic reactions with sulfiting agents.

The bill as currently written would effectively wipe out important existing State food safety warning laws in these very areas. It is unconscionable that Congress could create a system that essentially conceals from consumers known possible risks to their health. This is especially troubling considering how successful these State laws have been at better informing the public about potential problems in their foods. Perhaps most importantly. some of these State laws would be wiped out by H.R. 4167 which have led manufacturers to remove harmful contents from food products altogether.

For example, food warning laws in California have resulted in the decrease of arsenic in bottled water everywhere; a reduction of lead and calcium supplements and also a removal of the potassium bromate from bread wherever it is sold in the United States.

☐ 1715

It was under such a State law that warnings about pregnant women and alcohol first came about, a State law. However, this bill would end that process.

Mr. Chairman, public health experts everywhere recognize the importance of providing the best available information to consumers regarding possible health risks in food products, and that is why the Association of Food and Drug Officials, as well as a bipartisan coalition of 39 State attorneys general are on record opposing this.

Supporters of this bill will argue that this legislation establishes an appeals process for States seeking to establish their own food safety measures. This process would be burdensome and costly. The CBO estimates it could cost taxpayers as much as $100 million in the first years for States to apply for waivers for their State laws and for the FDA to process these appeals.

Our amendment would dramatically reduce those costs by keeping intact some of the most critical State laws already on the books which do ensure consumer protections. It would protect State laws that mandate consumer notifications for products that we know can cause cancer, can cause birth defects and may cause allergic reactions associated with sulfiting agents.

Mr. Chairman, we are fortunate to have made great advancements in recognizing potential health risks posed by certain substances. We want to ensure that this knowledge reaches the public, where the forces of the market can determine the need for arsenic in bottled water or of potassium bromate in bread.

Let us not keep consumers in the dark about what is in the foods they eat. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN (Mr. PRICE of Georgia). The gentleman from Georgia is recognized for 10 minutes in opposition.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment would exempt three categories of warnings and standards from a national uniformity standard: those relating to risks of cancer; those relating to reproductive or developmental toxins; and, third, those sulfiting agents in bulk foods.

Warnings on food should apply in all 50 States. If a warning is justified, consumers in all States should get the information. If food is not safe in 49 States, then it should also not be safe in the other, or vice versa. If a warning is not justified, then consumers should not be confused by different warnings in different States.

If a State has reliable scientific information that demonstrates that a warning is needed for a particular food, then in the interest of public health, it should share that information with the FDA and petition for a new national standard. Under the bill, a State can petition to establish a new national standard or a specific exemption to uniformity where local circumstances warrant. The petition process will ensure that States collaborate with the FDA and will help foster greater food safety throughout the country.

Just a few minutes ago, by voice vote, we adopted Mr. CARDOZA's amendment, which, for the first time, will put an assurance that there will be an expedited review in all of the three categories that this amendment addresses.

Under the legislation, no existing State requirement would be preempted without the opportunity of the State to petition the FDA to exempt the State requirement from the uniform standard. Once a petition is received, the State requirement will remain in effect until the Secretary either accepts or rejects the petition.

I believe we have adequate protections, especially with the Cardoza language that was just adopted by voice a few minutes ago.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPPS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to submit we all agree uniformity, national uniformity is ideal. The word "expedited" without sufficient resources makes it really risky to entrust the Food and Drug Administration to do what States have already accomplished. States do have the resources to do that.

Mr. Chairman, I am pleased to yield 4 minutes to my colleague the gentlewoman from California (Ms. ESHOO)

Ms. ESHOO. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I am really pleased to cosponsor this amendment. I think it is a very important one, and I think it is important also for people that are listening in across the country who support this amendment. Every leading environmental organization in the country supports this amendment, and consumer groups support this amendment.

I think it is important for people across the country to know who is for the bill, and it will say something about the effort that is here on the floor today. The feed industry is for the bill. The frozen food people are for the bill. The Plastics Council is for the bill. Soft drink people, food processors, food additives.

The food additives people are for the bill. Doesn't that say something about what is going into our food and lessens the standards in our country for what we consume? That just gives you, excuse the expression, a taste of who is for the bill.

Now, this amendment allows States to retain and establish their own food safety warnings or standards to protect consumers in four key areas. It is against the risk of birth defects, it is against reproductive health problems, cancer and allergic reactions. Those are four major areas that every single person in this country cares about because they are so serious.

Without this amendment, States are going to have to come to the Federal Government and say, mother, may I?

My friends, nothing is broken. Nothing is broken. Were it not for these special interests that have lobbied so hard for this, which is what is wrong with Washington, D.C. today, we would not have to be on the floor fighting to protect what local governments and State governments have, the laws they have placed on the books.

Now, here is an example. Here is an example of what we have in California. This is the warning. This is the warning that is in the grocery stores and the appropriate places for pregnant women and others to warn them: "Pregnant and nursing women, women who may become pregnant, and young children should not eat the following fish," and it names them.

You know what is going to happen when this thing becomes law? It is going to be buried on a Web site at the FDA. Who the heck is going to go on a Web site at the FDA to read the fine print to find out if they have a warning? That warning is not enforceable. That is why we are offering this amendment in the most key health areas. I would urge my colleagues to support the amendment.

Mr. Chairman, I want to add one more comment to this: Whose constituent has come up to them and said, "Get rid of these good laws in our respective States and local governments"? Not one of my constituents has.

This march to folly, and that is why attorneys general across the United States are opposed to it, it is why food and agriculture heads from States are opposed to it. This is not about consumers, this is about special interests.

Mr. DEAL of Georgia. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, this debate has certainly turned some interesting corners in the last few weeks, and again we are fast approaching as many hours debating as there are pages in the bill; 226 cosponsors and 59 Democrats joined in a bipartisan effort for national food safety labeling, a pretty powerful thing.

I commend Mr. WAXMAN for standing up and saying that we need national nutrition labels across the country.

Why? Because the periodic tables in California are not any different than the periodic tables in Michigan or Maine or Florida, thank goodness. Science is science is science.

If we are going to protect pregnant women, if we are going to protect children, if we are going to protect mothers and fathers, if we are going to be for apple pie and Chevrolets, then we ought to do it in all 50 States, because a chicken grown in Louisiana is going to end up on a plate in Michigan; peas grown in Florida are going to end up in Louisiana; crawfish is going to come north and west and south, and we are going to send navy beans south, and we grow some good ones up there in Michigan. We have cherries that are going to go all across the country. This is an interstate matter.

I can't think of anything more important than our food safety. I have heard so much misinformation, even today. "It is going to wipe out the laws to protect consumers." Wrong. This bill will not do that. "The AGs are all for this bill for the right reason." Two of the issues that they talked about, preempted in their letter, were factually incorrect. It wasn't right. They were making the wrong argument. They were wrong.

Sulfites in Michigan, I happen to agree with you. And I will tell you what: if they are bad for Michigan citizens, I think they are bad for all of the other 49 States. If you are traveling to see your mother and you have a sulfite problem, if you are in Michigan today, you are fine. If you are in Ohio, you are not going to do so well. That is wrong. We can do better. This bill says we can do better.

I appreciate your passion for these issues. I don't think we are all that far apart about wanting food safety. I don't. I think how we get there is the problem.

So to have personal attacks and charges of backroom deals and those things is wrong. I think you know it is wrong. I think we have come to the point in the bill where you run out of facts and you start going in a different direction.

This bill is about protecting the food safety of every American in this great country. I think we ought to set aside maybe some of those differences that we have and acknowledge this is the right thing to do, like we did on nutritional labeling, like we did when we set the standards of what food gets to be called organic, a Federal standard. Why? Because we felt it was important enough to have a Federal standard for the protection of every American, not just California, not just Florida, not just Michigan.

Mr. Chairman, I have been a little disappointed with the tenor of debate at times in this particular engagement on something I think is so important and so critical to our safety, our food safety. I would urge this body to reject this amendment. It tries to carve something out to confuse consumers, which is exactly where we don't want to go. That is just not a place that we want to go.

Mr. Chairman, I think we know at the end of the day this is the right thing to do. As a matter of fact, even in the letters sent in from State bureaucrats and the trial lawyers who oppose this bill they are saying, well, national labeling is okay, but we have some other concerns. Why? Because you can't make a good argument about why uniform labeling across the country for the protection of citizens and what they put in their body is a good idea. What do we hear? Adulterated food or poisoned food, you usurp our ability. No, that is protected in this bill.

If we are going to argue about what we are doing, let's argue on the facts, the correct facts. I think we all probably at the end of the day know this is the right thing to do.

I am going to ask you to step aside from what you think you need to do, step off your talking points, and say let us do something that is good for America. Don't worry about politics and all the other people that get involved sometimes outside of this building. Worry about what is right for the people of America. You will come to the right conclusion.

If you look at the facts that are wrong consistently in your arguments, you are going to be with us. I appreciate your care and concern. I know you are going to be with us at the end of the day.

I urge Members to vote in support of the bill and against the Capps amendment.

Mrs. CAPPS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would submit the consumers are united in opposing this legislation and that the States have had a track record for consumer protection. I would love to see the Federal Government establish such a record.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, if the people who are supporting this law were sincere, they would go to the Food and Drug Administration under current law and ask them to adapt standards all across the country on all of these issues. They don't have to wait until the State petitions them. The Food and Drug Administration can look at a problem now and say California has a law, Michigan has a law, those are good ideas. We are going to survey what the States are doing and make them apply all across the country. They could do that now. But this bill puts at risk all the State laws, and that is what is really behind this legislation, putting at risk all the State laws.

Now, the Capps amendment is a combination of amendments that were offered in the Commerce Committee that had bipartisan support, very close to a majority, but not quite.

☐ 1730

If we had a hearing, maybe the others would been convinced. And what this amendment seeks to do is to say, all right, if this law goes into effect at least where the States have adopted warning labels on carcinogens, on reproductive toxins, on allergic reactions to sulfites, leave those State laws alone, do not wipe them out, because you would like to argue that there ought to be 50 laws, 50 States to have one law, which can be done now. Leave those laws alone.

And it also says that when it comes to standards protecting children, let the States decide that issue. There are many children who suffer from cancer, and more and more we are learning that cancer is caused by environmental exposures. And one of the major environmental exposures is in food.

If a parent, and all parents want to know this, having petitioned their State and have convinced their legislators to have a warning label that there is a carcinogen in the food, why should the Federal Government prevent that from happening, or have a standard that says they will not be allowed to have carcinogens or certain toxins in food that can harm children.

Why should States be precluded from doing that? I find it disingenuous when the proponents of this bill say, I want the same thing as what these States are providing. I just want everybody to have it. The States do not have to act if the Federal Government has acted. If the Federal Government has acted for everyone, then there is no need for State laws; but if the Federal Government has not acted, the States ought to be able to act on their own in this area.

So the Capps amendment that is sponsored by many of us is narrow, and it simply says it will allow the warning labels if the States determine them for carcinogens, reproductive toxins and allergic reactions. Let the States act where they are trying to protect children from harmful substances in food.

I urge support for the Capps amendment.

Mr. DEAL of Georgia. Mr. Chairman, I have difficulty understanding why any State that feels that it has the good science and the research to justify putting labels of warning on their products would be unwilling to share that information with the agency at the Federal level that is charged with that responsibility.

Now, unfortunately there is a more elemental argument that has not really been addressed in this discussion here. And I do not question anybody's motives. I regret that the last speaker maybe sort of questioned the motives of some who are advocating this bill.

But let me harken back to days that predate even this institution and this building in which we are now sitting. One of the fundamental debates that engaged our original forefathers and colonists, the debate between the old Constitutional Convention in Philadelphia and the Articles of Confederation that proceeded that, one of the critical issues was the right to regulate interstate commerce.

Now, in those days, you could say, prior to our Constitution that gave the authority to the Federal Government to regulate interstate commerce, you could say, well, you are not going to be able to bring your peanuts from Georgia or your peaches from South Carolina or your apples from Vermont into my State unless you put my label on it. And our Founding fathers decided that one of the reasons the articles did not work was because you could not have a Nation that allowed these barriers to be erected at the State lines.

Now, if the issue is the safety of the people of this country, how do you justify not wanting those same protections for everybody?

Now, I think there has been a misstatement that has been repeated here. If a State has a warning, and that warning is in place now, a label, and they petition the Federal Government and the FDA, and they say, we wish you to consider this, and the Federal Government just does not take a position on it, then their State regulation remains in effect.

If, however, the Federal Government looks at the issue, and the FDA decides that the science does not justify impediment, then under those circumstances, there would not be uniformity, and, therefore, the State requirement would not be allowed to pertain.

So if the States are so sure of their position, I see no reason why they would not want to share that information with the FDA so that the other States can have equal protection, and not just reerect some of the very barriers that created the impediments under the Articles of Confederation and led to the right of this body, under this type of deliberation, to consider under the interstate commerce jurisdiction the right of uniformity in things that do have an effect about articles moving in our interstate commerce.

Mr. Chairman, I yield back the balance of my time.

Mrs. CAPPS. Mr. Chairman, I would submit to my chairman that I do not know any State that would not be willing to share its information with the Federal Government. On the other hand, the Food and Drug Administration has had top scientists quit of recent time over political pressures.

And the truth is that this bill would conceal information from consumers about known risks for cancer, birth defects and allergic reactions due to sulfiting agents. This bill guts important existing warning laws. How are we going to live with this on our conscience, that today help consumers make informed choices, have encouraged manufacturers to remove harmful substances from their products?

I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. PRICE of Georgia). The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. CAPPS) will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–386 offered by Ms. WASSERMAN SCHULTZ:

At the end of the bill, add the following section:

SEC. 3. ENSURING ADEQUATE INFORMATION FOR INFANTS, CHILDREN, AND WOMEN OF CHILD-BEARING AGE.

Nothing in this Act or the amendments made by this Act shall have any effect upon a State law, regulation, proposition or other action that establishes a notification requirement regarding the presence or potential effects of mercury in fish and shellfish.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Georgia (Mr. DEAL) each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, Members, I ask your support of my amendment, which will add State fish and shellfish methylmercury notification laws to this act's current list of exemptions.

The gentleman from Georgia outlined that if there is a problem with any food, that we should have national notification so that everyone in America may be notified regarding those concerns. The problem in particular when you are talking about fish and shellfish is that much of the problem deals with recreational fishing. So, for example, in Georgia, you might have a different level of mercury in the lakes and rivers there as opposed to the level of mercury in the lakes and rivers in Michigan. So it is imperative that we have the ability to notify, under a State's discretion the level of mercury poisoning and the caution and concern that those residents should have in that particular State.

Methylmercury poisoning is a growing crisis in our country. The FDA recommends that pregnant women completely stop eating larger predatory fish, because the average methylmercury content per serving is so high that just one male is unhealthy.

The American Academy of Pediatrics reports that children and pregnant women can have significant exposure if they consume excess amounts of fish. Several States have begun to address current mercury levels. In fact, 44 States have issued some form of a methylmercury advisory.

Members, I know you all share my concern for our children's health and well-being. This amendment will not undermine the sponsor's intent. There are other exemptions in this bill. If there is any substance that we exempt and ensure that there can be differing levels of advisories across the country, it is methylmercury poisoning.

Mr. Chairman, I urge the Members support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I appreciate the gentlewoman's intention here. But, again, the facts of the case are this: The toxicity level of those fish, if it is higher or lower in any particular place, the threshold that makes it toxic is the same.

It is the same for people in California. It is the same for people in Texas. It is the same for people in Michigan. So what we are saying is, yes, this is a very important issue, and we need to make sure that we understand what that toxicity level is. And if there are unique challenges to any particular State, that State can apply through the FDA for that particular area. We have even built provisions into the bill to take into consideration.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Michigan. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, a woman who does not have access to prenatal care, who does not know that she is pregnant, who already has a high level of mercury poisoning in her bloodstream, as many, many women across this country do, and then becomes pregnant and continues to consume high levels of oil-based fish, how is that woman supposed to be advised that she should not continue to eat tuna, mackerel, salmon without going to the doctor? Is she likely to have access to a computer and the

FDA's Website to get that warning? I really doubt it.

Mr. ROGERS of Michigan. Well, again, the State can apply for those warning labels. There is nothing in here that prevents that from happening. And, again, if it is good for a woman in Texas or Missouri, or fill in the blank, it is good for all 50 States. The toxicity level will not change. The danger of that toxicity level will not change.

Let me tell you what else happens, and we need to be real careful about this, because we need to blend all science and remove emotion, because this is what we found happened. It was an interesting study, and I would encourage the gentlewoman to read it. It is the Tufts Health and Nutrition Letter that recently reported on several studies that documents some of the government warnings about mercury in fish can do more harm than good. It is interesting why.

They reported that the Harvard Center for Risk Analysis conducted this study, which concluded that if Americans cut their consumption of fish by one-sixth, as they did after the mercury-focused 2001 warning, an additional 8,000 deaths per year will occur annually from heart disease and stroke.

What we have found is that you have to got to blend good science, remove the emotion, because in some cases it would be appropriate to consume fish because it is healthy. There are some of those fish oils that are very good for you.

And what they found is, listen, you guys are doing more harm than good. You are killing 8,000 more people a year because we have an obesity problem in America, we have a health consumption problem in America. This is causing more harm than good. So we have got to find that balance.

I argue that good science is good science. Again, if we apply the periodic tables in all 50 States uniformly as we should, with scientific lenses, we are going to come to the right conclusion to protect every pregnant woman in America.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I think the gentleman from Michigan (Mr. ROGERS) misunderstands this proposal, and it is different than the previous ones, because the State laws that we are talking about here are, for example, the State of Connecticut's legislature is currently considering a law to say that a grocery store will post information. I am not talking about warning labels, but they can put up a sign in the grocery store that certain fish ought not to be used by pregnant women. There have been an estimated 300,000 newborns who are exposed to those dangerously high maternal mercury blood levels from, among other things, fish.

So, one, I do not think it is constitutional for the Federal Government to say a State cannot ask grocery stores in that State to put up a warning sign. But the State, to say that we want all 50 States to put up warning signs in the grocery stores, I do not think the Federal Government, Food and Drug Administration has ever passed that kind of requirement. They deal with labels on food. This is not a label on food issue. This is simply an internal State advisory, and those State laws ought not to be put at risk.

As far as the risk/benefit of eating fish, and you are healthier even if you eat fish with more mercury and PCBs, that talks about adults. We are talking about, in this amendment, pregnant women. And we ought to let them have that information, especially if the States adopt the kind of law that Connecticut is looking at. And we should not block that from happening.

Mr. Chairman, I urge support for the amendment.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I rise in support of the amendment of the gentlewoman from Florida. As cochair of the Children's Environmental Health Caucus, I have tried to raise awareness here in the Congress about public health risks for children caused by environmental contaminants.

It is well known that certain fish and shellfish contain high levels of mercury that can harm babies, unborn babies, the nervous systems of young children, and these levels of mercury in different States vary. That is the key point. Many States have enacted shellfish safety laws. Many of the environmental and consumer protection laws that we now take for granted around the country first appeared in individual States.

So there are variations of contaminants in individual States. There is also a different willingness in different States to protect their consumers. This bill, I am afraid, without amendments like Ms. WASSERMAN SCHULTZ's will result in the lowest common denominator applying, for, in other words, the weakest standards.

□ 1745

Currently some States have shellfish safety laws, but not all. Some States have fish consumption/methylmercury advisories, but not all New Jersey does. By preempting these State laws, we hurt the consumer and the health of children.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have already seen evidence of action at the Federal level in March of 2004. In fact, the FDA and the EPA issued a joint guidance to consumers about the issue of mercury in fish. And that guidance was designed to try to strike a careful balance that would demonstrate both the benefits of eating fish as well as the potential dangers associated with exposure to mercury.

If the bill passes as presented, and this is an issue with regard to warning on fish, there are several things that would be authorized: A State, if it feels it has a peculiar situation, could petition for a waiver so that they could apply a nonFederal standard to their warning. There is absolutely nothing in the bill that would prohibit a State from issuing warnings. It just cannot require that the manufacturer or distributor be the one that be required to place warnings on the product. But the State could issue whatever warnings it saw fit to do so.

I think, as Mr. ROGERS related earlier, the Tufts Health and Nutrition Letter, indicating that you have to be careful that you do not do more harm than good sometimes by issuing warnings that are blanket in nature, I think that clearly indicates we could go in the wrong direction.

We believe the bill strikes a careful balance. It does allow States that have peculiar situations to ask that they be allowed to put additional warnings on products in their State if they think that is justified. We believe that the current Federal policy on mercury, however, in fish is an appropriate and adequate one, and I would urge the defeat of this amendment.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield for the purposes of making a unanimous consent request to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in support of the Wasserman Schultz amendment.

It is widely known that mercury is a highly toxic chemical, especially to our children. It causes entire clusters of cells in the developing brain to die. It causes loss of fine motor skills, learning disabilities, and seizures. Later in life, it can translate into kidney diseases, and immune system disorders.

One of the primary ways children are exposed to mercury is through consumption of fish—either they eat it or their mother does. At the same time, eating fish that is not contaminated has been shown to be important to childrens' health.

The best way to deal with the problem is to stop mercury from getting into our environment in the first place. Of course, this administration and Congress have repeatedly refused to take substantive action to require coal burning power plants to take responsibility for their toxic mercury releases that end up in our fish. But because mercury pollution is allowed to persist, people are forced to take on the coal plants' responsibility by trying to avoid fish that are contaminated.

In recognition of this, some States are considering laws that will label fish that are high in mercury. It is a critical consumer empowerment tool that is the last line of defense for those who do not want their children or themselves to be exposed to this toxic substance.

But the Food Uniformity Act would undercut States' ability to even provide that basic level of protection through labeling. So not only does the bill undercut States rights, but it also undercuts personal responsibility.

The Wasserman Shultz amendment makes an exemption for labeling laws that apply to mercury and fish and shellfish. It is a commonsense amendment. Please join me in supporting it.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield myself the balance of my time.

One of the things I want to point out that I think is important to note is that the petition process that the gentleman from Georgia (Mr. DEAL) pointed out, that whole process has been scored by the GPO. They have estimated that it would cost $400,000 per petition.

Should we be creating the obstacles to information that women need? I will give you an example. I have a 2½-year-old baby girl, and I first found out about the dangers of methylmercury when I was pregnant with her and my OB-GYN told me, do not consume tuna. Do not consume any oily-based fish.

Think about someone who does not have the access to prenatal care that I had. We have absolutely got to make sure that depending on the levels of mercury poisoning in a particular body of water in different States, that each State be able to decide the type and method of information that they provide, and that we not leave only the ability to notify women and parents of young children about the dangers of methylmercury on a Web site put out by the FDA. That would be inappropriate.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. PRICE of Georgia). The question is on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. DEAL of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 109–386 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. CARDOZA of California.

Amendment No. 4 by Mr. WAXMAN of California.

Amendment No. 5 by Mrs. CAPPS of California.

Amendment No. 6 by Ms. WASSERMAN SCHULTZ of Florida.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CARDOZA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 0, not voting 15, as follows:

[Roll No. 27]

AYES—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Burton (IN)
Costa
Cubin
Cummings
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Norwood
Nussle
Ros-Lehtinen
Salazar
Sweeney
Weldon (PA)
Whitfield

□ 1814

Mr. GARRETT of New Jersey changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. WAXMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164. noes 255. not voting 13. as follows:

[Roll No. 28]

AYES—164

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Cleaver
Clyburn
Conyers
Cooper
Cummings
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Farr
Filner
Fitzpatrick (PA)
Foley
Frank (MA)
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu

NOES—255

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeLay
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Burton (IN)
Costa
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Meek (FL)
Millender-McDonald
Norwood
Ros-Lehtinen
Salazar
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia) (during the vote). Members are advised there are 2 minutes remaining.

□ 1824

Mr. MARCHANT and Mr. CRENSHAW changed their vote from "aye" to "no."

Ms. WATERS changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. CAPPS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 259, not voting 12, as follows:

[Roll No. 29]

AYES—161

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bono
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Cleaver
Conyers
Cooper
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Frank (MA)
Gerlach
Gilchrest
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Miller, George
Mollohan
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta

Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu

NOES—259

Aderholt
Akin
Alexander
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Burton (IN)
Costa
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Millender-McDonald
Norwood
Ros-Lehtinen
Salazar
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1831

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MS. WASSERMAN SCHULTZ

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 168, not voting 11, as follows:

[Roll No. 30]

AYES—253

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boswell
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Duncan
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gingrey
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Platts
Pomeroy
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—168

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boren
Boucher
Boustany
Boyd
Brady (TX)
Brown (SC)
Burgess
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Chocola
Clay
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gohmert
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Larsen (WA)
Latham
Lewis (KY)
Linder
Lipinski
Lucas
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering

Pitts
Poe
Pombo
Porter
Pryce (OH)
Radanovich
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ruppersberger
Ryun (KS)
Schmidt
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Walden (OR)
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—11

Burton (IN)
Costa
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Norwood
Ros-Lehtinen
Salazar
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1839

Mr. PRICE of Georgia and Mr. OTTER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments in order under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAVIS of Kentucky) having assumed the chair, Mr. PRICE of Georgia, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes, pursuant to House Resolution 710, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STUPAK. Yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Stupak moves to recommit the bill, H.R. 4167, to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendments:

Page 4, beginning on line 1, strike "Except as provided in subsections (c) and (d)." and insert "Except as provided in paragraph (4) and subsections (c) and (c).".

Page 5, after line 16, insert the following:

"(4) NOTIFICATION REGARDING TREATMENT OF MEAT, POULTRY, OR FISH WITH CARBON MONOXIDE.—Paragraph (1) does not apply to a notification described in such paragraph if the notification concerns meat, poultry, or fish and warns that such food has been treated with carbon monoxide.".

Mr. STUPAK (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes in support of his motion.

Mr. STUPAK. Mr. Speaker, I am pleased to offer this motion to recommit. My motion protects the rights of States to notify consumers about carbon monoxide treated meat, poultry and fish.

Mr. Speaker, I would like to direct your attention to these pictures. Which meat do you think is older? The red meat on top, or the brown meat on the bottom?

Both are the same age. Both have been sitting in a refrigerator, side by side, for 5 months.

Mr. Speaker, the meat on the top has been packaged in carbon monoxide which causes the meat to look red and fresh long into the future. The meat on the bottom has not, and it is brown and slimy. Like I said, the meat on the top is 5 months old and looks as good as new, but it is not. If you consume it, you could become severely ill from a food-borne pathogen like E. coli, and possibly die.

Packing meat in carbon monoxide without labeling is consumer deception at best; and at worse, it could become a major health threat. The FDA, without looking at any independent studies, has determined it has no objection to allowing meat to be packaged in carbon monoxide. The FDA merely reviewed the meat industry's carbon monoxide proposal. By allowing the injection of carbon monoxide in meat and seafood packaging, the meat industry stands to gain $1 billion a year because as meat begins to turn brown, consumers reject it.

Color is the most important factor the public uses to determine what meat they buy, according to studies dating back to 1972. Yet the FDA, in making its decision, only looked at information provided to it by the meat industry.

☐ 1845

It did not do its own independent research or studies. It did not solicit any public comments. Currently States may pass their own laws to notify consumers that their meat may be packaged with carbon monoxide and may not be as fresh as it appears. But those laws will about be overturned if this bill becomes law.

My motion to recommit is simple. It allows States to act regarding consumer notification of carbon monoxide-treated meat, poultry and fish. Is this really the standard we want for our country for the public health and safety of food, which have been primarily left to the States? We should not tie the hands of the States who want to protect the health of their citizens from this deceptive practice.

The National Farmers Union, Consumer Federation of America, the Center for Science in the Public Interest all agree on the State's right to label this food should be protected.

One more prop. Take a look at this Coke can. Differing States have different deposit amounts on it. States like Michigan has 10 cents; States like Massachusetts, Maine, Hawaii, 5 cents.

According to this rule, there is no uniformity, every State does it a little differently. It will still exist, but underneath the Rogers amendment, we can't protect our meat from carbon monoxide. Why do we have to have one standard here, but when it comes to returning the deposit, we would have standards and we don't worry about uniformity? Let's pass the motion to recommit.

I yield 1 minute to the Democratic leader.

Ms. PELOSI. I thank the gentleman for his leadership on this important motion to recommit.

Mr. Speaker, I am absolutely certain that every woman who served in this body is asked the same question I am as I travel across the country as House Democratic leader. Why did you get involved in politics?

I always respond in the same way. As the mother of five children, and now the grandmother of five grandchildren, I view my work in politics as an extension of my role as mother. All of us as parents want the best for our children. We want to do everything we can to keep them safe. But there are some things that are not in our power. For that we look to government, for clean air, for clean water and for food safety.

Today Republicans in Congress are shredding the food safety net that we have built in our country, and this bill puts our children and future generations at risk. This bill, and the words in it, should be fighting words for moms across the country about the safety of their children.

The debate on this bill gives new meaning to the words "food fight." Mr. Speaker, that is why I am opposing this legislation. The effects of this bill are breathtaking. It undermines the lifesaving laws in place throughout our country, voiding approximately 200

State laws on food safety and labeling. The bill will do away with shellfish safety standards, laws in at least 16 States, milk safety laws in 50 States and restaurant and food service establishments, again in all 50 States. That is why 39 attorneys general, Republicans and Democrats, are opposing this bill, because it increases risks and undermines consumer protections. That is why I urge my colleagues to support the Stupak amendment motion to recommitment.

You be the judge. When you shop for meat or fish, do you want to know how long it has been on the shelf? The motion to recommit would ensure States whether companies could treat packaged meat and fish with carbon monoxide to make them look better.

Mr. Speaker, they say that a picture is worth 1,000 words. With that thought, I will yield back my time, submit the rest of my words for the RECORD, and urge my colleagues to observe this picture and decide if you want to eat any of that meat. Vote for the Stupak amendment and oppose the underlying bill. Vote for the children of America.

Mr. STUPAK. Mr. Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I want to thank you and thank my friend from Michigan for offering the motion to recommit.

Let me say right up front that I don't want to eat anything that has been sitting in the refrigerator for 5 months that hasn't been cooked. Nobody is for that. I don't believe anybody is. I would point out, though, that nothing in this bill prohibits a State from establishing a freshness dating State provision. It is on page 14, and it starts in line 11, and it goes through line 16. Nothing in this section or section 403(a) relating to food shall be construed within a State or political or subdivision of the State from establishing or enforcing or continuing in effect a requirement relating to freshness dating.

The gentleman from Michigan's underlying motion to commit doesn't really deal with the dating aspect, as in dating the food, trying to go out on a date with some food, you know. It relates to the fact that it would prevent carbon monoxide, CO, from being used as a preservative in the packaging. The United States Department of Agriculture and the Food and Drug Administration have, for the last 4 years, permitted that. Right now there is a proceeding at the FDA on a citizen's petition that is directly related to Mr. STUPAK's motion to recommit.

There is absolutely no need to legislate in this area. If, in fact, there is something wrong, and there is nothing wrong, there is no scientific basis at all to say that using carbon monoxide as a preservative, when you package the food, is a health hazard or a scientific problem at all. But if it were to be, the FDA has a proceeding right now. Plain and simple, this is more of a marketing, competitive issue. There is a company that is at a competitive disadvantage, and they would like to see carbon monoxide not be allowed to be used.

That is a whole different market-based issue. That is not a legislative issue. I would oppose the motion to recommit and support the underlying bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STUPAK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 170, noes 254, not voting 8, as follows:

[Roll No. 31]

AYES—170

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—254

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays

Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Burton (IN)
Costa
Cubin
Evans
Gonzalez
Norwood
Salazar
Sweeney

☐ 1910

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 139, not voting 10, as follows:

[Roll No. 32]

AYES—283

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Velázquez
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOES—139

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clyburn
Conyers
Cooper
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Frank (MA)
Garrett (NJ)
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jones (NC)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Miller, George
Mollohan
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rothman
Roybal-Allard
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Stupak
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—10

Burton (IN)
Costa
Cubin
Evans
Gonzalez
Larson (CT)
Norwood
Salazar
Sweeney
Thomas

☐ 1925

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NORWOOD. I was absent on Wednesday, March 8, 2006, for personal reasons. My intended votes are as follows: Rollcall vote 27 on the Cardoza Amendment to H.R. 4167—"aye"; rollcall vote 28 on the Waxman Amendment to H.R. 4167—"no"; rollcall vote 29 on the Capps, Stupak, Waxman, Eshoo Amendment to H.R. 4167—"no"; rollcall vote 30 on the Wasserman Schultz Amendment to H.R. 4167—"no"; rollcall vote 31 on the Motion to Recommit on H.R. 4167—"no"; rollcall vote 32 on the Final Passage of H.R. 4167—"aye."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2829, OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–387) on the resolution (H. Res. 713) providing for consideration of the bill (H.R. 2829) to reauthorize the Office of National Drug Control Policy Act, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 683. An act to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JUST SAY NO TO FOREIGN CONTROL OF OUR PORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise tonight to talk about foreign ownership of critical United States infrastructure assets. A number of people have followed the controversy regarding the UAE control over a number of critical American ports.

Now, there is certainly some room for concern there, as many of us have spoken previously. The UAE was very closely tied to the perpetrators of the 9/11 attacks. They were one of three governments in the world that recognized the Taliban.

They have recently been useful and helpful to the United States of America, but the history is not great, and people may have been embedded years ago in their government who would control it, it is not a private entity, who would be not friendly towards the interests of the United States. So there is concern there.

And the concern is even compounded by the fact that we do not know who owns the ships. The U.S. has bound itself through international agreements that allow secret ownership of ships under flags of convenience, countries that barely exist or do not exist, Liberia, Malta, who is very happy to make money on this, but turns a blind eye. Osama bin Laden could own a fleet of ships. We are not allowed to know. But they can dock here in United States.

We have done nothing about that. We do not know who crews the ships. They can buy papers in the Philippines and in International Maritime Organization School that the U.S. has been forced to recognize by being part of this agreement. And, again, we do not know who these people are.

So we do not know who crews the ships, we do not know who owns the ships, we do not know what is on the ships. They have to send us a manifest and tell us what might be on the ship. It is an electronic transmission or a piece of paper. That does not mean that is what is really on the ship.

We do not track the ships from port to port, so they could have stopped somewhere. Even if they do not have a nuclear bomb on board when they left Singapore, they could have picked one up on the way. And then we do not have the equipment that we need on this side of the ocean.

So that is a tremendous concern. If you add on the concern of the ownership of Dubai, it reaches even higher proportions.

But I also rise to talk about something else the Bush administration is trying to do. For them commerce is everything. National security is second or tertiary in terms of their concerns. They are trying to reinterpret the meaning of the word "control."

They said, when Congress said foreigners cannot control United States airlines, Congress did not mean control. In fact, in their world they are saying, well, foreigners could control U.S. airlines, they could only just control them commercially, but they could not safety and security.

If you have foreign management, foreign ownership, how do you wall off safety and security? So they are proposing, by administrative rule, sometime later this month or early next month, to defy the dictionary and legal interpretations of control and say Congress did not mean what it said.

□ 1930

Now, if you think there is an outcry about the ports, wait until we are sending U.S. troops overseas on what is called part of the Civilian Reserve Air Fleet. The large planes that our airlines fly are actually part of our Reserves, and we fly our troops with these planes over to the Mideast and other trouble spots around the world. Wait until we are asking U.S. troops to get onboard a plane being flown by a pilot from Dubai or from Indonesia or somewhere else around the world. This would be an extraordinary national security problem, in addition to losing domestic air service. Because what is happening here is airlines like United, who have been managed into the ground by overpaid CEOs, and others are looking to sell themselves out to foreign airlines. Their first choice is Lufthansa, but they may well go with the UAE, and then to cut off most of their domestic service, shed the wide-body planes and bring in foreign pilots to do the overseas routes and provide minimal domestic service.

So not only are we putting at threat our national security and the Civilian Reserve Air Fleet, we are also putting at risk the American public and we are certainly degrading the capability of providing the service we need to have a system of universal air transport which serves our economy and the businesses in the United States of America.

This is a colossally bad idea with the Bush administration trying to do it in back rooms by pretending that when Congress said foreigners cannot control our airlines that we did not really mean it.

If the Bush administration persists in this, 6 months or a year from today, we will be here on the floor of the House if this Congress does not preempt this, which they have thus far refused to do. If they do not preempt this, we will be back here arguing about the UAE or Indonesia or some other country taking over a major U.S. airline and the assets of our Civilian Reserve Air Fleet. We should preclude that.

Next week when we bring up prohibition of ownership of critical infrastructure assets, airlines should be part of that bill. There is big resistance from the administration and some of the leadership. The membership has to overcome that and do what is right for the American people and national and economic security.

UNFAIR CHINESE AUTOMOTIVE TARIFF EQUALIZATION ACT

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, the United States national debt is $8.2 trillion. More than 25 percent, or $2 trillion of that national debt, is owned by foreign countries. China owns $300 billion of our public debt in bonds and Treasury notes. Our trade deficit with China is $200 billion alone.

Between 1989 and 2003, the United States lost 1.5 million jobs to China. According to the Wall Street Journal, China plans to increase its military spending by 14.7 percent, the biggest increase in its defense budget in 4 years.

A U.S. Government report issued in July said China is building up its military to be able to project power beyond Taiwan. The Pentagon budget issued this January stated that in the future China will have the greatest potential to compete militarily with the United States of America.

Mr. Speaker, China has taken proceeds from our trade deficit and budget deficit and used the money to fund its military buildup. America has done nothing to address the problem as our trade policy continues to give every advantage to China's state-owned companies who continue to take American jobs and sell cheap goods that American workers used to produce.

Mr. Speaker, I have joined with Republican DALE KILDEE of Michigan and other Members of Congress in both parties to sponsor legislation to say that trade should be fair. What is good for America should be good for China. And what is good for China should be good for America.

H.R. 4808, the Unfair Chinese Automotive Tariff Equalization Act, does not require U.S. tariffs on passenger cars to be raised or Chinese tariffs to be lowered. The bill simply states that until tariff rates are equal, no Chinese-made cars may be imported into America.

Mr. Speaker, right now if America sells cars in China, they pay a 28 percent tariff. But the United States tariff on Chinese cars will only be 2.5 percent. That is unfair and unacceptable. I hope that the House of Representatives will bring H.R. 4808 to the floor, and, by passing this legislation, say to the trade negotiators, both Chinese and American, all we want is fairness for the American workers.

Mr. Speaker, with that I yield back my time, but I will close by also saying that I pray to God that He will bless our men and women in uniform and their families, and I ask God to continue to bless America.

PRESIDENT'S GAP BETWEEN RHETORIC AND REALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, just 35 days ago I attended the President's State of the Union address with other Members of Congress right here in this Chamber. And that night I was very much pleased to hear the President talk about the importance of maintaining America's competitive edge in an era of increasing global economic competition.

This is an urgent issue facing our Nation and one on which I think there should be strong bipartisan support. In fact, many of us in this House have been working for some time on what we call an "innovation agenda" to ensure that America stays number one when it comes to international economic competition. Indeed, last fall House Democrats unveiled a blueprint for an innovation agenda.

So I was pleased with many of my colleagues to hear the President join this effort in the State of the Union address. He said this was going to be a priority. In fact, that night he told the American people, "Tonight I announce an American competitiveness initiative to encourage innovation throughout our economy and give our Nation's children a firm grounding in math and science."

He went on to talk about the importance of the No Child Left Behind Initiative and proposed an increase in training teachers for math and sciences.

Now, a few days after the State of the Union address, the President sent his budget to Congress. Now, we all know that the budget is what is a true reflection of the President's real priorities. That is where the American people have a chance to see whether the President's words at the State of the Union address are backed up by action. That is his opportunity to show that he means what he says. And I must confess, I was very disappointed with the President's budget and I believe the American people will be disappointed, too, because his rhetoric that night in the State of the Union in this Chamber was not matched by the reality of his budget.

He may correctly want to invest more in math and science, but if you look closely at his budget, $115 million of the $380 million investment is simply taken from other important education initiatives. It is a shell game. Out of one pocket, into another. And what is worse, if you look at the President's proposal for No Child Left Behind, which he talked about in his State of the Union address, this year it is $15 billion dollars short of what this House and this Senate and the Congress and the President said they would provide. And that is cumulatively $40 billion short of what had been pledged.

Now, what about higher education? Our students in this global economic competition have to be able to compete in a knowledge-based economy. Yet students and families are seeing across this country increasing tuition rates, making it harder and harder for them to pay for the tuition and making college out of reach for more and more Americans.

So what did the President and the Congress do? The day after the State of the Union address, this House passed a budget reconciliation bill that cut $12 billion on student aid, the biggest rate on student aid in the history of this country, passed by the Republican Congress. And with the stroke of a pen, the President signed that into law and made college more difficult for many millions of Americans to reach.

Now, the President also told us in the State of the Union address that to maintain our competitive edge we have to invest in scientific research, and he was right. But while he increased, rightly, his investment in the physical sciences, if you look at the medical research budget, it is flat. And in fact, if you look at 18 of the 19 institutes at the National Institutes of Health, they are cut. This violates sort of the first principle that doctors have in medicine: First, do no harm. Those cuts will harm our ability to maintain our competitive edge in the medical research area. We need to get serious.

I am proud to have joined with my colleague, Mr. INSLEE, to introduce a number of new provisions with respect to maintaining competitiveness, as well as others.

The President also told us what many of us already knew: that we are addicted to foreign oil. If you look actually at his proposals in this area, they are rather anemic. In fact, his budget cut our investment in the National Renewable Energy Laboratory. And Americans may remember the spectacle just a few weeks ago when the President wanted to go out and visit the National Renewable Energy Laboratory only to discover before the great photo-op that his budget had cut funding for that, and 38 employees were laid off. So they had to scramble around to rehire those employees so the President could get his sound bite and his photo-op.

We have got to put aside the sound bites and the photo-ops. And instead of having the sound bite policy, we need a very sound energy policy. And again, many of us have worked on legislation in this area.

Mr. Speaker, I think the message is clear: You have to not just look at what people say but what people do. I urge the American people to recognize the gap between rhetoric and reality in the President's budget and see that there are alternatives that many of us have proposed.

SECURE TEXAS-MEXICO BORDER

Mr. POE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. DREIER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, our porous southwestern border is getting worse by the day and the number of illegal entries into the United States continues to grow at a ridiculously rapid rate.

Just yesterday, a study released by the Pew Hispanic Center said that the population of illegals is growing by 500,000 a year. This is because of the lack of border security in this country. Our government's failure to slow this illegal action is fueling financial crisis to American taxpayers, especially those in the 24 counties along the 2,000-mile border between the United States and Mexico.

The costs that come along with this are draining local communities as they struggle to find money for health care, education, and other social service costs associated with caring for illegal individuals. Unfortunately, the people that pay for this illegal activity are American citizens, not illegals. Americans pay the price for illegal immigration. Americans always pay.

Unrestricted illegal immigration throughout Texas and the entire United States drains local cities of money that should be used elsewhere. About 20 percent of health care costs, 20 percent of education costs, goes to those illegally in the United States. They take from America and do not contribute to these expenses.

There is more, Mr. Speaker. In California, San Diego County spends $50 million a year in the arrest, jailing, and prosecution and defense of illegal immigrants for crimes committed after they enter the United States.

The University of Texas at El Paso has a study that found the following: Treating illegal immigrants in hospitals accounts for nearly one quarter of the uncompensated costs at border county hospitals in our country. Cochise County, Arizona spend tens of thousands of dollars picking up trash left at campsites by these illegals. Prosecuted and jailing illegals costs this county an additional $5 million a year. And 25 percent of Cochise County's budget is paid to health care for the uninsured. Most of those people are illegally in the country.

Our out-of-control border is not only affecting the taxpayers, it is also affecting local law enforcement officials.

According to the USA Today, in 2004 there were 1.14 million arrests along the U.S.-Mexico border. There are not nearly enough Federal detention centers to house all of these individuals; therefore, some are captured and then let go. Others are put in local jails, and once again, the taxpayer and local communities are left to foot this bill.

I have been down to the Texas-Mexico border and I have spoken firsthand with numerous sheriffs in our communities. They are struggling and they need more help from the Federal Government. We have a policy in this country that we capture individuals who are illegally here and then release them. This catch-and-release policy defies common sense.

Meanwhile, Mr. Speaker, there are approximately 10,000 FEMA trailers sitting in Hope, Arkansas that have never been used. They were not used in hurricane recovery because FEMA has some ridiculous policy that those trailers cannot go to flood-prone areas, so they were never used for individuals who had to evacuate because of Katrina and Rita. So why don't we take those 10,000 trailers down to the Texas-Mexico border and when we capture people illegally in the United States, why don't we put them in those trailers and house them there until they can be deported?

Mr. Speaker, the violence along our southern border continues to increase and violent confrontations between drug smugglers and law enforcement officials is at an all-time high. Local Texas sheriffs have come to expect violent resistance when they encounter drug smugglers and human traffickers. Not to mention our sheriffs are outgunned, out-numbered, and out-financed by these outlaws. Drug cartels and coyotes, those individuals who smuggle other individuals into this country for money, have gone so far as to hire contract mercenaries from other countries to bring drugs and people across to the United States, across our borders.

☐ 1945

According to the Washington Times, in the past 5 months the U.S. Border Patrol has detained 42,000 illegals who were convicted criminals or persons wanted for crimes committed at our borders. Last year, Homeland Security reported that 140,000 detainees apprehended at the border had criminal records at the time of their arrest.

Mr. Speaker, we must fight harder against the insurgent uprising at our borders and become more vigilant than we already are. Three groups enter our land illegally: those drug dealers, terrorist operatives and citizens from other countries. The illegals and drug cartels are only becoming more ruthless and defiant every day. That is because lawlessness on our border breeds more lawlessness.

Mr. Speaker, Third World countries protect their borders better than we do, the most powerful Nation on Earth. The failure of this Congress to act quickly on correcting our country's broken borders trickles down to the communities we all represent. We must enforce existing laws, as well as pass new ones that stop this lawlessness. We cannot ignore the facts and the key word is "illegal." It is illegal entry that we must stop.

Congress and America must have the moral resolve to protect the dignity of our country. Send the word. We will secure our borders. That is just the way it is.

IN SEARCH OF A COMPETENT CONSERVATIVE

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Illinois (Mr. Emmanuel) is recognized for 5 minutes.

Mr. EMMANUEL. Mr. Speaker, over the last couple of months and years, the American people have seen what has happened from Iraq, to Medicare, to port security, the economy and Katrina, and the government and this administration's response.

In the 2000 election, President Bush said he wanted to run as a compassionate conservative, and when you look at what has happened and the chaos that is caused by this administration in every one of those areas, forget just compassionate conservative, I would settle for a competent conservative at this point.

The response by this government in every one of those areas that created the kind of chaos that has happened, just take Iraq, for example, just as recently as this weekend. You have our ambassador saying that Iraq is on the beginning of a civil war. Joint Chiefs said that things are actually going well, and Secretary Rumsfeld, Secretary of Defense, said, nothing to worry about, our problem is the press does not accurately report. So either we are on the brink of a civil war, everything is going well, or the American press is actually to blame for what is happening in Iraq.

We have actually sent troops to battle without enough Kevlar vests. We have sent troops to battle with Humvees and turn our men and women into scrap metal collectors. When we had to oust Iraq from Kuwait, we sent a half a million troops; yet, to occupy Iraq, 138,000 troops. And Paul Bremer, the President's personal ambassador there to run the country, asked the Secretary of Defense, asked the President for more troops, and nobody responded.

What is the Republican Congress's response to that? Not a single question, not a single hearing, never asking a single question. This is the hear no evil, see no evil Congress. No oversight. Out of the $480 billion appropriated, $10 billion cannot be accounted for, and nobody's asked a single question or had a single hearing, and, in fact, they have opposed oversight to war profiteering commissions like we had in World War II.

So this Congress on Iraq, see no evil, hear no evil, stay the course, do not ask any questions, do not understand how we got to a situation where there is a failure on the intelligence, a failure to adequately supply our troops who are fighting valiantly, and they deserve a civilian leadership that is up to the kind of valiant leadership and valiant efforts that they are, but on Iraq, not a question out of the Congress, not a change of course out of the President. They have rubber-stamped that policy.

Take the issue of Katrina. We all saw the tape last week of the President of the United States on that issue. Not a single question. We have had an American city literally wiped out, and what is the response? Billions of dollars are gone. Who is checking the books? Not this Congress. Just keep going, writing hot checks over there, and, again, companies are walking away with money, no services. We have trailers that are unoccupied. Nobody wants to ask the questions. See no evil, hear no evil Congress, rubber-stamp the policies. People are still dispersed, and nobody's back where they want to live, and we have trailers we bought with nobody living in them, but nobody wants to ask the question. See no evil, hear no evil, just rubber-stamp the policy.

What happened in Katrina? We now know for a fact that the government was notified beforehand that this was going to be the big one, and the head of the Homeland Security Department, he is still there and not being held accountable for what happened, and denied, when they said nobody knew this was going to happen, we now know 48 hours, not because they wanted us to know, but 48 hours beforehand they were notified that this was going to be the big one, that people in the Dome were going to be hurt, that they did not have the ability to evacuate everybody. Yet, the government fell down on its responsibility.

When you look at what has happened now in New Orleans and you are reminded of the fact that when George Bush ran for President in 2000, he said he was opposed to nation building, and you look at New Orleans today, who knew it was America he was talking about? Our schools, our health care system, the economy, the ability to be able to get back on their feet and get their lives moving again, this Congress, not a question, see no evil, hear no evil, rubber-stamp the policies. There we are again. The American people have been let down by their elected officials and this Republican Congress, this President.

Take the economy. We now have for the last 4 years added $3 trillion to the Nation's debt, $3 trillion. Every year for the last 4 years, they have come and asked for another raise in the debt ceiling of close to $800 billion. By this time, end of a couple of months, we will be close to $9 trillion in debt accrued in the last 4 years by this administration. Yet median incomes are down for the average family. Health care costs are up 58 percent. Education costs are at 38 percent. What does this Congress do? Stay the course, do not change the course, same old policies that got us right to where we are, an endless occupation and a jobless economy.

HONORING LAVERNE DUNLAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

Mr. CHOCOLA. Mr. Speaker, in light of Women's History Month, today I rise in honor of Laverne Dunlap. Laverne Dunlap retired earlier this month after 35 years of service with the Michigan City, Indiana, Police Department. Her story is much more than just a story about a public servant. It is a story about a pioneer.

The story actually begins in Greenwood, Mississippi, where Laverne was born. At the age of 5, she moved to Kingston Heights, Indiana, with her family. In 1963, she moved to Michigan City, but she never forgot where she came from, and at the age of 21, she traveled back to Greenwood, Mississippi, with a traveling band to perform in her hometown.

Mr. Speaker, I believe that the true test of greatness is not how someone responds to success, but how they respond to adversity. The choices we make when we are in the midst of trials and tribulations are the true reflection of our character. Well, Mr. Speaker, one night in Greenwood, Mississippi, Laverne Dunlap's character was tested, and like many before her and many after her, she turned her trials into her triumph.

While swimming in a pool in the hotel where she was staying, Laverne and her sister were roughed up and arrested by police. Their crime, swimming in a pool only meant for white people. This was the moment when Laverne Dunlap knew her destiny was to become a police officer, not to exact revenge, but to make sure that those wearing the uniform of trust could truly be trusted.

In 1971, she joined the Michigan City Police Department with one other woman named Sue Bitter. They were the first women on the Michigan City Police Force, and throughout her 35 years, she worked in vice, juvenile crimes, uniform division, undercover, and she even spent some time driving the scuba team's boat.

She has earned the respect and admiration of her peers, her family, her community and certainly her Congressman. I congratulate her on her retirement and wish her the best of luck as she plans to spend time in her retirement with her 96-year-old mother.

Thank you, Laverne. You are a public servant and an inspiration.

HONORING FIRST LIEUTENANT GARRISON AVERY

Mr. FORTENBERRY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, First Lieutenant Garrison Avery died Wednesday, February 1, from injuries he sustained while serving in Iraq. The personnel carrier in which he was traveling hit a roadside bomb, killing him and two fellow soldiers. He was 23 years old. He leaves behind his wife Kayla, his bride of just 8 months.

Garrison was the son of Gary and Susan Avery of Lincoln, Nebraska. He graduated from Lincoln High School in 2000 and from the U.S. Military Academy in West Point, New York, in 2004. He then signed up for Army Ranger training, and with his strong intellect and fierce dedication, Garrison Avery became a decorated member of the United States Army. He served in Iraq with the 101st Airborne Division from Fort Campbell, Kentucky.

In his service and in his life, Garrison exemplified the solemn virtues of the great American soldier: The drive and purpose that compelled him at 17 years old to earn his parents' permission to join the Army; the seriousness and excellence that propelled his decorated graduation from West Point; the humility and dignity that kept him from speaking of his numerous special honors awarded for excellent service; the compassion and justice that drove him beyond the call of duty to help Iraqi children, orphaned by the war; the strength, honor and courage he displayed as an officer, leading his troops in the midst of battle; and the faith, love and respect he gave to God, to his family and to his country.

We are also indebted to Garrison's beautiful family. Their love, their nurturing, and their support formed him, guided him and steadied him. His memory will live on through his family and friends, but also in the hearts of the community he bravely protected.

First Lieutenant Garrison Avery died an American soldier, and America will be eternally grateful for his sacrifice.

30-SOMETHING WORKING GROUP CELEBRATE WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the minority leader.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, first I want to take this opportunity to thank House Democratic Leader NANCY PELOSI for the opportunity for the 30-Something Working Group to talk for an hour about the things that we know are important to our generation, and also to explain and discuss our views on our generation's perspective on a lot of the issues that are important and facing Americans today.

Tonight I am really pleased to be joined during Women's History Month by two of my distinguished colleagues who are also members of Leader PELOSI's 30-Something Working Group, Congresswoman STEPHANIE HERSETH from the great State of South Dakota and Congresswoman LINDA SÁNCHEZ of California. The three of us make up a very unique body in this group. We are three of only four women younger than 40 years old in the United States House of Representatives.

We are here this evening to celebrate Women's History Month, to remember those who have contributed to our progress, to recognize the women of our generation who are changing communities today, and to highlight the challenges that many women under 40 face as a result of the flawed and failed policies of the Bush administration.

This year's theme, Mr. Speaker, for Women's History Month is Women: Builders of Communities and Dreams. This theme speaks to the legacy that women leaders have built over the generations.

Mr. Speaker, as advanced and progressive as America has been on issues improving the lives of women, our country continues to lag far behind in terms of policies to assist women in their struggle to lead or achieve.

Today women represent more than half the population and are among the most knowledgeable and important thinkers in every field of policy, from science to education, to health care and national security.

As the mother of two young daughters, it is so important to me to see that strong women walk in all walks of life, and I want them to see strong women in all walks of life, particularly so that we can see that those women join our ranks here as policymakers.

I want them to understand that from Title IX to the Equal Pay Act, that they are standing on the shoulders, as we do here, of the courageous women who went before them.

☐ 2000

None of the three of us would have had the opportunity that we did at our stage in life without our colleagues who came before us in this body, without their shoulders to stand on, and I want them and other young women and girls to have the same opportunities that we have been given.

Unfortunately, the President apparently does not share those same views because in his 2007 budget proposal he slashes programs established to give young working mothers a leg up, like Medicare, Medicaid, housing, food stamps and child care. He cuts programs aimed at preventing domestic violence and programs that provide domestic violence victims with housing and legal assistance.

I am saddened to say that domestic violence affects far too many women, and an even growing number of young women. Forty percent, Mr. Speaker, of teenage girls ages 14 to 17 report knowing someone their age that has been hit or beaten by a boyfriend, and 26 percent of girls in grades 9 through 12 have been the victim of abuse.

So tonight we are here because training, education, and employment statistics clearly indicate that women still face barriers in pursuing traditionally male-dominated fields. For instance, while the number of women pursuing degrees in higher education has increased dramatically, the rates of women pursuing engineering degrees lags far behind. Recent data shows that women account for only small percentages of students earning engineering degrees, including only 20 percent of bachelor's degrees, 21 percent of master's degrees, and only 17 percent of Ph.Ds.

We are here, Mr. Speaker, because the Republicans' prescription drug plan is a particularly bad deal for America's women. Women are frustrated and confused, Mr. Speaker. And if you think government health and prescription drug care is only for the aged, you should know that 63 percent of Medicaid beneficiaries were between the ages of 18 and 44 in 2001, and 37 percent of women ages 18 to 44 report that they use at least one prescription drug on a regular basis. Those are not senior citizen statistics.

We are here tonight because 36 percent of the 9.4 million women in executive, administrative, and managerial occupations are under 44 years old, and, on average, women are still making about 76 cents for every dollar that a man makes.

We are here because opponents of the Family and Medical Leave Act are working to hamstring that program, even though it is in its 12th successful year, and more than 50 million Americans have displayed their enthusiastic support by taking job protective leave to care for a new baby, a seriously ill family member, or to recuperate from their own serious illness. And the gentlewoman from California (Ms. SÁNCHEZ) is going to be covering how the administration's policies have impacted working women and working families in particular.

And we are here because there are not too many of us to speak up, and we must make our voices heard. There are 26 men under 40 serving in the United States Congress, Mr. Speaker. They have several voices. More than several. We are here because if we do not stay late on this floor, if we do not stand up and try to make a difference on behalf of young women and young families and bring these issues that are important to them to the table, the three of us together, 3 versus 26, then who will? That is the question that we would like to answer tonight.

I am happy to yield now to my good friend, the gentlewoman from California.

Ms. LINDA SÁNCHEZ of California. Mr. Speaker, I am excited and honored to be here tonight to help celebrate Women's History Month. I am hoping tonight that my colleagues and I can share with everyone what it is like to be a young woman in Congress and how we got our start here.

In addition, I am interested in sharing my thoughts on where women stand in today's workforce. I am proud to stand here tonight with Representative DEBBIE WASSERMAN SCHULTZ and Representative STEPHANIE HERSETH because together we make up the youngest women in the U.S. House of Representatives. It is my hope that someday soon there will be more than just three of us standing up here. In fact, I think it would be fantastic if we could fill up at least half of this Chamber with bright energetic women from across America.

I want to talk for a moment about women in the workforce, because every morning in households across America, women rise. We rise for work, we rise to care for children, we rise for the love of our jobs and for the love of our families. We rise to put food on the table, and we rise to make ends meet. Above all, we rise to our calling because we can, because we are capable.

No matter what a woman does for a living, we as women have a lot in common because it was not so long ago that women were forced to hide in the shadows of the American workforce. Today, we are a strong and vital part of the American economy and more women work outside the home than ever before. We continue to gain more career opportunities and achieve professional successes in all fields. But have we truly reached equality in the American workforce? Sadly, the answer is no.

The Equal Pay Act was passed more than 40 years ago, yet women still only make 76 cents for every dollar that a man makes, even when accounting for factors such as occupation, industry, race, marital status and job tenure. This gap has persisted for two decades. The glass ceiling is as shiny as it ever has been. According to a recent op-ed in USA Today, we still have miles to go before we can claim true equality.

Women make up less than 15 percent of Congress and law-firm partners, 12 percent of big-city mayors, 9 percent of judges, and just 1 percent of Fortune 500 CEOs. Women and men have had equal levels of post-high school education for 30 years, but the gender and color of those in power has not changed much in that time.

My experiences during my first year in Congress are very similar to the experiences that I had as a young female attorney. You have to work twice as hard as men to dispel people's doubts about preconceived notions that they might have of you. I had to deal with that from day one in Washington. Many people in Washington, D.C. are still not convinced that I am a Congresswoman because I am young, female, and Latina. A lot of people still assume that Members of Congress are men, and that leads to a whole lot of double standards here. In addition, I was surprised to learn that I am the first Latina in the history of the United States House of Representatives to serve on the Judiciary Committee and the Immigration Subcommittee.

In every field, the higher up you look, the fewer women you see. And if you look in the other direction, women still remain disproportionately concentrated in lower-paying jobs. This means that it is far more likely for women to live in poverty than men. The bottom line? Don't be fooled. While we are making gains, true workforce equality still remains an elusive goal. But it is a goal I am not willing to give up on.

Tonight, we celebrate Women's History Month because we have come so far after so much struggle and we deserve an opportunity to reflect our successes. Today, we are here to honor the successes of pioneering women who came before us, to examine where we are now, and to prepare for the future.

We already know that women are smart, but no matter how smart you are, it is tough to win when the rules dictate unequal pay for unequal work. A colleague of ours, Congresswoman DELAURO, has introduced the Paycheck Fairness Act, legislation that would take critical steps to empower women to negotiate for equal pay, create strong incentives for employers to obey the laws that are in place, and strengthen Federal outreach and enforcement efforts. I encourage people to contact their Member of Congress and let them know they support H.R. 1687, the Paycheck Fairness Act.

Right now, there are only 88 cosponsors on Congresswoman DELAURO's bill. Out of the 435 elected voting Members of the House of Representatives, that still leaves 347 Members of Congress who have yet to support this bill. Now, I cannot imagine why 347 Members are not willing to stand up for women's pay equality for our daughters, mothers, and sisters. Mr. Speaker, I hope people pick up the phone and remind their Representatives to get on this bill and show that they truly value women's contributions in the workforce.

Women's increased access to higher education will be a moot point until our society provides better policies for working women. We owe it to our mothers, sisters and daughters. And while talking about better policies, I want to briefly touch as well on the minimum wage. Democrats in Congress are committed to raising the minimum wage to ensure that no one who works for a living lives in poverty.

While the number of Americans in poverty has increased by 4.3 million since President Bush took office, the minimum wage has been frozen at $5.15 since 1997. Democrats introduced the Fair Minimum Wage Act of 2005, legislation that would raise the minimum wage from $5.15 an hour to $7.25 an hour and help lift millions of Americans out of poverty. Women and children are the number one victims of poverty in this country, so I think it is important to remember that by raising the minimum wage we will be significantly raising the status of women and children.

In order to truly commemorate Women's History Month, I think we need to remember that actions speak louder than words. I know the American public is tired of hearing politicians highlight our country's problems without offering any real-life solutions. Tonight, I have touched on two problems and I have named two real solutions that are on the table right now. All that is left for us to do is to act.

Let us achieve real pay equity for women and raise the minimum wage. Together, America can do better on behalf of all women and all working families.

Mr. Speaker, at this time, I am pleased to yield back to the Representative from Florida.

Ms. WASSERMAN SCHULTZ. I thank my colleague, and I will now yield, Mr. Speaker, to the gentlewoman from South Dakota.

Ms. HERSETH. I thank the gentlewoman from Florida and both of my colleagues. Mr. Speaker, I am just so pleased to be here this evening joining with my 30-something fellow Democratic women in honor of Women's History Month.

I look forward through the course of the next partial hour to talk about sufferage, such an important part of women's history, and getting our right to vote so that the three of us can be standing here today having the support of so many women in the constituents that we represent; being able to exercise our voting privileges on this House floor because of the importance of the sufferage movement in this country.

I also look forward to talking about some unique perspectives I would like to share, representing a rural district, about rural women and the role that they played in sufferage for women's history and getting the right to vote, some of the unique challenges they face for employment opportunities, health care for rural women, and also to spend some time talking about Title IX and its importance for all women.

I am very honored to be here tonight, as I mentioned, and I want to reiterate the thanks that Ms. WASSERMAN SCHULTZ and Ms. SÁNCHEZ gave to our leader, NANCY PELOSI, who herself became such an important part of women's history in being elected the first woman as the Democratic whip, followed by the first woman to be elected leader of one of the political parties represented here in this House of the people. To be joining all three of them tonight is particularly important as we share our ideas on issues important to women in honor of Women's History Month.

I also think it is important throughout the next few minutes for each of us to share what brought us here in the first place and how we benefited from the women who paved the way before us. I am a farm girl from South Dakota. The small town near where I grew up on the farm, population less than 100, Houghton, South Dakota, is a long ways from the House of Representatives. But I would venture to guess that some of my experiences reflect some similarities of my two colleagues and other women that we work with here in the Congress. Many women serve in the Senate and our State legislatures, our county commissions, school boards and city councils, and we hope one of these days, the White House.

Now, I was born on a farm and ranch, third generation in the family, and my dad, like his dad before him, continues to work and farm a ranch in the northeastern part of South Dakota. But while farming and ranching were our livelihood and our profession, we had another passion, and that was State government and politics. My grandfather served as Governor in the late 1950s, my grandmother served as Secretary of State in the 1970s, and my dad was in the State legislature. As my mom likes to say, it wasn't just in the blood, it was part of the genetic code.

And so when we share these experiences, either with our own children or our nieces or our goddaughters or our cousins, I think it is important that we make it part of the dinner-table conversation, as I would imagine the three of us had in many respects. It is one thing that I think has substantially changed for our generation. I think for earlier generations of women, they maybe didn't have the exposure or the influence and the encouragement to be part of the debate about public issues and to be encouraged to seek public office.

As I travel across my district, as I am sure my colleagues do, you see these young girls, 8 years old, 9 years old, 10 years old, and they come up and they want their parents to bring them to an official meeting or some other public event and they tell you they want to serve in Congress someday or they want to run for Governor. And it is so heartening because it reminds us of the importance of so much of what we are doing for them and for younger girls and women to know that they can do it too.

Now, when I was first getting involved, so much attention was given to my dad and my grandfather, but it was my grandmother who was the first to get involved, before she ever became a Herseth. She ran in the Great Depression for superintendent of county schools, back in the mid- to late 1930s. She paved the way. She wasn't going to let conventional wisdom get in her way. She ran at a time when it was so difficult and she used her salary, it was an elected position in South Dakota, and she used that salary to help put her two nieces through college. She would share with me stories about serving as superintendent of county schools, the importance of education, and then serving as first lady and secretary of state, and she had an extraordinary influence on my life.

That is why I think it is so important for all of us to know that these are precious gifts we have been given by women who have paved the way before us, and that for those of us with children or sisters or grandchildren and nieces, we need to make sure that we are talking to them about the importance of what we have done to continue to help pave that way, to keep the door open, and to open new doors for women to have an influence in public policy and in public life and government at all levels.

□ 2015

Let me just share a quote when we talk about some of the women that have paved the way. I want to sort of selfishly focus on some of the women who were from my area of the country in the late 1800s and early 1900s and part of the women's suffrage movement.

But Ruth Bader Ginsburg, now the only woman serving on the United States Supreme Court, noted, "I think about how much we owe to the women who went before us, legions of women, some known, but many more unknown, and I applaud the bravery and resilience of those who have helped all of us, you and me, to be here today."

Well, among some of these women is Esther Morris, the first woman to hold a judicial position, who led the first successful State campaign for woman's suffrage in Wyoming in 1869.

Also we have Carrie Chapman Catt. She revitalized the National American Women's Suffrage Association and played a leading role in its successful campaign to win voting rights for women. In 1920, she founded the League of Women Voters upon ratification of the 19th amendment to the Constitution.

Carrie Lane was born in Wisconsin, and at the age of 7, her family moved to rural Iowa where she graduated in 1877. She graduated from the Iowa Agricultural College and model farm in Ames, Iowa. I make note of agriculture here because I am the only Democratic woman serving on the Agriculture Committee, and only three of our Republican colleagues serve on that important committee. She then became the first woman in the Nation to be appointed superintendent of schools. This was in 1883.

In addition, the first woman ever elected to the United States Senate was Jeanette Rankin from Montana in 1919. And in South Dakota the first woman we ever elected to the United States Senate was 1938, Gladys Pyle. And 66 years later, in 2004, they elected their first woman to the United States House of Representatives, and I shared that year with Cecilia Firethunder, a constituent of mine who became the first woman to be elected president of the Oglala Sioux Tribe on the Pine Ridge Indian Reservation in South Dakota.

So we are making strides every year, more to be made to be sure. But I think it is very important as we celebrate and talk about Women's History Month and the challenges that remain that we make mention of some of these women that went before us and the influence they had on the entire women's movement and Women's History Month, but some of the closer people that served as role models and influenced our lives.

I am curious to hear more about both of your experiences and what brought you to the United States Congress.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, as Ms. HERSETH was talking, I was struck by our diversity. Our commonality is we are all under 40, but literally we represent the East, Midwest and west coast of our country, California, South Dakota, and Florida. We also represent a very different ethnic and cultural diversity. We have a Midwesterner, a nice Jewish girl from the suburbs, and we have a Latina from the West Coast. You could not have more diversity than what is standing in this Chamber this evening.

What is wonderful about that is that is what the Democratic Party is all about. We are the embodiment of the Democratic Party. We are the embodiment of what Democrats represent and stand for. It is not just amazing that we had the opportunity at the age we were when we each got involved, but it is, I think, particularly notable that we had that opportunity because of the opportunities that Democrats try to provide in terms of diversity. I think if we were attempting to get involved at the point we did in our lives and we were Republicans, it would have been a very different experience and perhaps some very shiny glass ceilings, as you referred to.

I was 25 when I started running for the Florida House of Representatives. I would imagine that in South Dakota it is probably that you have to be fifth-generation South Dakotan before you would think about running for public office, certainly running for Congress. I had only lived in my community for 3 years when I decided to run for the State House of Representatives. For me, that was no different than anyone else who lives in my community. If you are from south Florida now, you certainly are not from south Florida since birth.

The reason I was able to contemplate the possibility of running was because we have had so many of the women we serve with here really provide us their shoulders to stand on because they fought in the 1970s and even some in the 1960s to make it possible for women to bust through that glass ceiling; that I was able to even think about running for office when I was 25, just married a year, my husband and I had just bought our first house. We knew we wanted to have kids. I was raised to believe my parents at dinner table conversation, I would not have to choose. A woman could be a good mom, have a solid marriage and be a hardworking professional, and do all of those things well.

So the generation before us of women, because they made that possible, because they strove to accomplish that, it made it almost if not a no-brainer. It made it so much more reasonable for someone, for people like us to step up when we were presented with the opportunity. I was able to seize that opportunity when the seat opened up in the State legislature for me because so many women had paved the way before.

The experience I had in my race for Congress was so disheartening. I was successful obviously because I am standing here, but I actually had to deal with an opponent who spent the whole election, and this is Women's History Month, we are in 2006, and she spent the whole election saying that I was a bad mother. She spent the entire election saying she was 20 years older than me and had waited until her children were grown before she thought about running, and basically I had some nerve running with young children. I have twin 6-year-olds, a boy and a girl, and a 2½-year-old baby girl.

I ran for them. I ran so I could show my little girls that there are so many things that are important that we do here, and that it is imperative that our perspective, our generation's perspective and the perspective of young moms and young women are here in this Chamber.

We deal with issues that I know we would not deal with if not for young women's presence here; women, period.

But the statistic that strikes me is that in history, and I am a freshman, I am the least senior of the three of us, what I learned when I came here, and I know they probably told you this, too, when you came for your orientation, but we have had just under 12,000 people in American history serve in the United States Congress, and of those we literally have had just over 200 women out of 12,000 people.

Ms. LINDA T. SÁNCHEZ of California. When I ran for Congress, I had sort of a unique situation in that I had an older sister who was a trailblazer. She was elected in 1996, and when I ran and was elected, we were the first two women of any relation to serve in the U.S. House of Representatives.

There have been over 1,000 male relationships, either fathers and sons, uncles and nephews, male cousins. Never in the history of Congress until the year 2002 had two women of any relation served in Congress. It is a stark contrast in terms of we are making those strides, but we still have so much further to go.

Ms. WASSERMAN SCHULTZ. Absolutely. The thing that I learned that shocked me given that I am from Florida and we have the third highest Jewish population in my community in the country, I am the first Jewish woman to ever represent the State of Florida in the Congress. Our first U.S. Senator to ever represent Florida ever was actually a Jewish man, and that was back in the 1800s when Florida joined the Union. And it took until 2004 for Congress to send a Jewish woman to Congress.

The expression we have come a long way but we have a long way to go is an accurate one. We have so much that we can talk about. I think that the thing that I want to highlight is that we have issues that are important to women and families that would not get addressed if we were not here in the numbers we are here.

Child care, subsidized child care in particular. I was shocked last year when I learned in the President's budget that he put forward last year that he actually proposed a drastic cut in the number of subsidized child care slots that we would fund. We are talking about how it is possible for us to stand on the shoulders of other women and even think about running. We are talking about service in the House of Representatives. It simply is not possible for women to work who are moms, especially single moms, if they do not have the ability to have their children cared for and well cared for. So for each successive budget that I have seen, yet again the President has opposed a cut in subsidized child care cuts.

It is just astonishing to me the priorities that this administration has where it seems to be more important to preserve tax cuts for the wealthiest few at all costs, and never mind the women who need health care, who only get it when they are on Medicaid; never mind young children who receive Medicaid, and that is the only source of health care; never mind moms who need to make sure that they can work and have a place to send their children for quality child care. I just do not understand where their priorities are.

Ms. HERSETH. Just to make a note on the health care issues and child care. In South Dakota we are among the highest percentage per capita of women who work outside the home. Many of those women are single mothers, and those who are a second income earner, either off the farm or in town, then struggle not only with the child care costs, but access to a child care provider in many of our small communities. So the cuts to assist individuals but also some of the community development funds, the economic development funds that have been used effectively by rural communities to support entrepreneurs, many of whom would like to provide child care services for healthy communities, have been jeopardized, and one of the most egregious things that we have seen from this administration as it relates to health care is they will sacrifice rural health care grants at almost every opportunity.

Many rural women are older. Many are eligible for Medicare and Social Security. But even young moms in smaller rural communities, we are talking about rural health care grants that go a long way to keep clinics open. And as she is struggling to also maintain a job and raise her children, you tack on to that the challenges to having health care services, especially in smaller communities that are working to revitalize themselves, but the budget situation and the priorities that have been so misplaced have jeopardized and make it harder for rural women to even get access, let alone the affordable health care that they need.

Ms. LINDA T. SÁNCHEZ of California. If I could just add, one of the things, and you are raising excellent points, women have so many challenges. Young women have so many challenges today. Young mothers have so many challenges today, such as access to affordable health care and access to quality and affordable child care.

Women disproportionately have lower-paying jobs that pay minimum wage, and we have not seen a raise in minimum wage to keep pace with inflation.

Really oftentimes I talk about the glass ceiling because there are still so many opportunities denied to women in the upper echelons of our workforce, but many women are just struggling to get up off the floor because they are working minimum-wage jobs and trying to raise kids. They are the heads of households. They face all of these challenges. And one of the best ways for women to get ahead, and this is something my immigrant parents really instilled in all of my brothers and sisters, I come from a family of seven, they said education is the key to opportunity in this country; you need to go to college.

When they told me this, it was a pretty radical notion for a traditional Latino family to say not just the boys need to go to college, but the girls also should go to college. One of the ways I financed my education was with Pell grants and students loans, loans which I am still paying back today.

□ 2030

I still owe on my student loans. I make out that check every month. But it was the best investment I could have made in myself, because it opened the doors of opportunity.

When you talked about the President, his priorities being so out of place and opposite of what they should be, the first thing that jumped to my mind was they want to cut student aid programs. They want to freeze the maximum Pell Grant. Many young women who want to go to college rely disproportionately on Pell Grants and student aid to finance that and make that dream happen. Yet they are slashing that, which is, again, one of the best investments you could make.

If you talk about a young woman who is bright, she gets into college and cannot finance a college education, you are talking about not just making it that much harder for her to access these economic opportunities, but let's look at this realistically. If she is earning less because she is not able to get a college education or additional training, she is contributing less in the tax base in terms of our economy.

It is such a wise investment to help people further their education and careers, because they become higher income earners, they pay more into the tax base, they spend more in their communities to help stimulate the economy. Yet we have an administration and a President who thinks nothing of making the biggest cuts to the student loan program in the whole program's history. Now, more than ever, we should think about investing in young women, not foreclosing those opportunities for them.

Ms. WASSERMAN SCHULTZ. You are so right. You are choking off women's opportunities at every level. Whether we are talking about the freezing of Pell Grants, this President has proposed freezing funding for Head Start. Head Start, the place where disadvantaged kids, kids who it has been proven in study after study get their opportunity to succeed in school in a Head Start program, 19,000 kids would lose their opportunity to participate in Head Start.

Ms. LINDA T. SÁNCHEZ of California. May I mention that my older sister, who was the older of the two to be elected to Congress, was a Head Start child. That program helped her become prepared for school, and helped my mother understand an education system that was totally foreign to her.

Ms. WASSERMAN SCHULTZ. We come from three totally different kinds of communities. Like you in your community, I get stopped in the supermarket, I get stopped at my son's soccer games, at dance class, you name it. And the community I live in happens to be one that is sort of middle to upper middle-class, and it doesn't matter whether I am in the poorer section of my district or the wealthiest section of my district, people are scratching their heads. Their confidence in their government under this Republican leadership has been so badly shaken because of the corruption and the cronyism and the tax cuts and the priorities being totally wrong.

Ms. HERSETH. If the gentlewoman would yield, back to the point that Ms. SÁNCHEZ made about Head Start, Mr. Speaker, I think this is so important as it relates to Women's History Month and the importance of the Head Start Program, the women that have been a core part of this program, I represent nine sovereign Native Tribes in the State of South Dakota, and tribal women are among the strongest advocates for Head Start, in both the in-home program as well as the traditional Head Start Program.

So I could not agree more that any budget, whether it comes from the administration or the majority in this House, that would slash or freeze or not adequately fund Head Start programs to meet school readiness is inexcusable, as well as what had you both mentioned, and Ms. SÁNCHEZ, I too am paying off those student loans, how important it is to have access to ways to finance one's higher education to become that productive citizen, a taxpayer in one's community, giving back and finding good opportunities.

But when you look at the impact of the egregious budget reconciliation bill that this House passed by two votes earlier this year, that found a third of its savings from Federal student loan programs, it is also inexcusable. And when you tack that on to what is happening as I mentioned with Head Start in Indian country, we have very high up employment rates, so you can imagine what Native women are faced with.

But the one thing I want to mention, because we have been focusing on a number of the challenges, especially as it relates to the budget and the misplaced priorities, when we talk about Women's History Month I want to highlight what will always stand out as a hallmark, one of the most significant achievements of women banding together and being advocates, and that is in the area of breast cancer research and awareness.

My grandmother that I was mentioning earlier, she was a breast cancer survivor. One of my aunts is also a breast cancer survivor. I think that is a model of advocacy in all of women's health and how we find creative ways to adequately fund the research, as we have done through the Department of Defense programs that have existed for that research, and to continue it in other areas, and to applaud the women, to applaud the women that were the strategists, that were the activists, that brought this to the attention of so many here in the halls of Congress to make sure that this serious health issue was addressed that paved the way for us to address other health issues for women that we know are continuing to be challenges for us.

Ms. LINDA T. SÁNCHEZ of California. If you will yield, since we are on the topic of breast cancer, I want to mention two weeks ago I lost a Member of my staff in my district office. She had a 3-year battle with breast cancer. She died at the age of 49. She was the most wonderful, outspoken, helpful caseworker in our office.

Her husband said at her memorial service, "You know, Idalia Smith did not die. She was killed. She was killed by cancer." He was angry that more had not been done to try to help eliminate breast cancer in terms of one of these horrible diseases that causes such suffering and takes people from us far, far too soon.

Ms. WASSERMAN SCHULTZ. It is so sad how we literally now have reached the point in history where every person that you talk to can name a woman that they know that has touched their lives in some way that has fallen victim to breast cancer. One of my close friends, 42 years old, a mom of twin 5-year-olds, just passed away in December, also killed by breast cancer.

You know what is the most frustrating thing, is that we have only just in recent years been able to get NIH funding for women-specific disease study, and yet the President has now proposed a cut in funding for every institute in the NIH.

How are we going to reverse the trend in breast cancer? Breast cancer is not even the leading cause of death in women in this country. It is heart disease. Heart disease is the leading cause of death. We only just accomplished having women-specific studies in that area.

Again, the priorities are just startling.

Ms. LINDA T. SÁNCHEZ of California. I just have this to say. We have talked a little bit about priorities and we have talked about some very worthwhile programs that are being cut to the core, to the point where these kinds of services are going to be eliminated altogether, will be so crippled by lack of funding that they are not going to really function and serve the people they need to serve.

The question for me, and I get angry about this, I hear colleagues talk about how they care about breast cancer research, they care about preparing kids for kindergarten, they care about making sure that educational opportunities are available, yet they have no qualms about voting to slash these programs to the core so they can give tax cuts to the wealthiest Americans.

If that is not the clearest example of misplaced priorities, I don't know what is, because there is an old saying, you put your money where your mouth is. So you can talk about supporting something, but if you are not willing to put your money into that to support it, you are just giving lip service to it.

Ms. WASSERMAN SCHULTZ. Our colleague ROSA DELAURO from Connecticut has introduced legislation in the area of breast cancer that we still cannot get brought to this floor that would deal with drive-through mastectomies. You have women in this country now who, after having their breasts removed as a result of breast cancer surgery, are forced out of the hospital by their insurance company in 24 hours and less after a radical mastectomy, regardless of what their doctor thinks.

What Congresswoman DELAURO's legislation would do is it would ensure that it is the doctor, in consultation with the patient, that would decide what the appropriate length of stay is. That is legislation I worked on in Florida, and it is one that we should apply nationally. Yet we cannot get a hearing, even a hearing, on that bill under the Republican leadership in this Congress.

That is why it is so important. Listen, I will say this straight out. It is not just important that we have women serving in Congress; it is important that we have women who share the priorities of most women in America, who are willing to come here to the Congress and stand up for the things that we care about.

There is no point in having a woman here if she is just going to vote just like men have for generations, really, because why elect a woman then? We have got to make sure that we make progress, that we go forward. This leadership is not taking us forward. They are not taking us forward by any measure.

Ms. HERSETH. If the gentlewoman would yield further, we have been focusing quite a bit on where the budget issues have been placing new challenges upon us, because of the priorities that are so questionable as it relates to women's health and education and equal pay and employment opportunities. But it doesn't just stop there.

This administration will take any way it can it seems to take issues that have been so important to young women in particular to undermine some of those achievements through regulatory proposals.

Take for example Title IX, another phenomenal achievement as we celebrate Women's History Month. Title IX has been an enormous success. It is a standard that for over 33 years now has ensured equal opportunity for women in athletics and contributed to the athletic, educational and health, but educational and athletic achievements of hundreds of thousands of young women, and because of Title IX young women's participation, Mr. Speaker, their participation in athletics has increased 400 percent at the college level and 800 percent in the high schools.

Girls and women who participate in sports receive great physical and psychological benefits. I can attest to that. I was a basketball player in high school and ran track and cross country and tried to continue to be active, but wasn't quite good enough for the Georgetown women's basketball team back in the early nineties.

But when we look at how girls and women who participates in sport receive that kind of benefit, including higher levels of confidence, their stronger self-images and lower levels of depression, the importance of Title IX I think can't be overstated. Yet what does this administration do, but propose new rules to undermine it.

On March 17 of last year, the Department of Education, without any notice or public input, issued a new Title IX policy under the guise of clarification that creates a major loophole through which schools can evade their obligation to provide equal opportunity in sports. The policy will allow the schools to gauge female students' interest in athletics by doing nothing more than an e-mail survey and then to claim in these days of excessive e-mail spam that a failure to respond to the survey shows a lack of interest in playing sports.

The so-called clarification eliminates the school's obligations to look broadly and proactively at whether they are satisfying women's interests in sports and will thereby perpetuate the cycle of discrimination in sports to which women have been subjected.

So this new clarification violates basic principles of equality and it threatens to reverse the enormous progress women and girls have made in sports since the enactment of Title IX in 1972, when the three of us were awful young.

Ms. LINDA T. SÁNCHEZ of California. If I could just add, you have mentioned some of the great benefits to girls and women participating in sports. It leads to better physical health. It leads to better mental health, lower levels of depression in women who engage until regular physical activity. For girls, it promotes self-esteem and confidence that comes from gaining competence in something that they enjoy doing.

There are studies that even show that girls who engage in sports when they become women are more likely to leave abusive relationships than women who don't engage in sports.

Ms. WASSERMAN SCHULTZ. I couldn't agree with you more.

We have been joined by a special member of the Women's Caucus, especially the Democratic Women's Caucus, for us someone who needs no introduction. But the gentlewoman from California has made history by becoming the first woman to lead either party's caucus in the United States House of Representatives. When she was elected as Democratic Leader, she broke glass ceilings that no woman thought was possible. We are so proud to have you join us for our special women's 30-something hour.

□ 2045

Ms. PELOSI. I thank the gentlewoman for yielding and for her kind words. I commend the 30-Something women who are here, Congresswoman LINDA SÁNCHEZ of California, Congresswoman DEBBIE WASSERMAN SCHULTZ of Florida and Congresswoman STEPHANIE HERSETH of South Dakota.

As I came to the floor, I head the 30 Somethings talking about Title IX. First let me say, I am joining the 30 Somethings as a mother of 30-somethings. But I really want to salute you, DEBBIE, especially for the lead that you have taken on so many issues on the floor as the cochair of the 30 Somethings, and our colleagues who have joined you this evening for all of their exceptional leadership.

I heard you talking about Title IX when I came to the floor, and I do not know whether you mentioned this, because I was in a meeting before I got here, but in the Title IX fight, you cannot talk about it without saluting the great work of Patsy Mink, our former colleague who was a Congresswoman from Hawaii. It was her life's dream to pass the legislation for all of the reasons that you said, what it means in the lives of young girls and women in our country to have access to athletic and other privileges and rights of Title IX.

And I always like to tell the story that Patsy worked so hard on this. Patsy Mink did, and then it was going to be a very close fight. And at the time it met with great resistance; it still meets with some resistance here. But at the time it met with tremendous resistance in the Congress. But she got a promise from the Speaker that she would have a vote on the floor on it, and it was going to be very close. She could win or lose by one vote.

When she got up that day to come to the floor to fight for the cause, she got word that her daughter was in an automobile accident. So she had to be a good mom, just exactly what her instincts would be, up and left, and they lost by like one vote or something.

But she was so persuasive, and with Patsy you might as well say yes right away, because you are going to sooner or later. The Speaker gave her another vote. That is when the bill was passed, at a later time. But there can be no discussion of it without the determination and the courage of Patsy Mink.

I am pleased to join my colleagues in honor of Women's History Month, a time to celebrate the historic contributions of women that they have made to our Nation. We remember those who fought for our progress. We recognize those who are changing communities today, that being the theme, and we rededicate ourselves to expanding opportunity for women.

We have been so blessed in this Congress with our young women, the 30 Something women who are bringing not only the voice of women, but a voice of their generation to the debate, and they are making the great difference.

In the past year, we have grieved the loss of several remarkable women who agitated and struggled for equality and progress. I call them magnificent disrupters: Rosa Parks, Coretta Scott King, Betty Friedan. And then just yesterday we lost a person, Dana Reeve, who used her great personal challenge of her husband's paralysis to work so that other families would not have to endure the same pain.

Her fight to fulfill the potential of stem cell research brought these issues from the brink of oblivion now to the cusp, I hope, of success. As Dana said after the passing of her husband Christopher, no less than an American hero himself, today is the right moment to transform our grief into hope.

Even after her loss, and even after she suffered through her own dreadful illness, she fought for the hope that stem cell research gives to millions of Americans. Dana Reeve used the great personal challenge of her husband's paralysis to work so that other families would not have to endure the same pain.

The National Institutes of Health tell us that a range of diseases from Parkinsons and Alzheimer's disease to spinal cord injuries to stroke, burns, heart disease, diabetes, maybe cancer, could potentially be addressed with this research. Perhaps it will be years or even decades before this potential is fulfilled. I hope not.

But Dana saw no excuse for setting back progress even 1 more day. By bringing hope to the sick and disabled with the miraculous potential of stem cell research, she has helped to continue the mending and renewing of the world that is possible through science.

Today we salute Dana's work and send our prayers to those who loved her, especially her son Will, who is 13 years old; and her two grown stepchildren, Matthew and Alexandra; her father and her two sisters.

I take the time to talk about her contribution because it is significant for all of us, and I know that she would have wanted me to use any time talking about her to talk about the cause. Today we have learned that former Governor Ann Richards of Texas has cancer of the esophagus. She made that announcement herself. I know that she will face this with courage and the resoluteness that is her signature. She never saw something wrong that she did not make right, but this, and so many others, makes clear the need for clear commitment to women's health in this country.

Our thoughts and prayers are with Governor Richards and her family today. I know she will beat this. We were so proud of her when she was Governor of Texas, and she makes us proud every day that she speaks out for the American people, women, children, families and Democrats.

I was fortunate enough to have her daughter Cecile work with me in my office. So I feel particularly, particularly blessed by the contributions that Ann Richards is making to our country.

In recognition of the theme of Women's History Month: Women, Builders of Community and Dreams, we cannot fail to recognize that there are dreams and communities left to build, especially on our gulf coast because of Katrina, Rita and Wilma.

Last week Speaker HASTERT and I led more than 30 Members of the House to the gulf coast. There we met women who were telling us about their struggle to rebuild their communities, to rebuild their dreams, the theme of Women's History Month.

Those women represent the thousands more who are struggling to rebuild, without the support they need from the Federal Government, and I hope that after our trip that support will soon come.

Despite the stories of loss, I also saw the spirit at work to rebuild the gulf coast to a region that is healthy, strong and prosperous. Women of the storm are particularly noteworthy in their effort, as a group of 100 Louisiana women who are fighting to rebuild a devastated gulf coast. That means not only Louisiana; Mississippi, Alabama, those affected in Florida, those affected in Texas.

One of the most compassionate members of the gulf coast community is

Congresswoman and Ambassador Lindy Boggs, who we had the privilege of seeing when we were in Louisiana. I met with her last week. This week Lindy Boggs is celebrating her 90th birthday. Long before your time, my colleagues, when many of us served here with Lindy Boggs in the House of Representatives, indeed she came to Washington in 1941 with her husband, Hale Boggs, and he was serving, and he became the Democratic whip of the House. Tragically his life was lost in an airplane accident, and she then indeed became a Member of Congress.

A woman of great intellect, graciousness and courage, Lindy Boggs taught all of us who served with her a great deal about politics, a great deal about the future of our country, and a great deal about how to do it in the nicest possible way. It worked for some; it did not work for others of us.

In any case, I can assure everyone that Lindy is as vivacious as always. When she left here, she went to be an Ambassador to the Vatican. And she was very proud to represent our country as the representative to the Holy See.

On the occasion of Women's History Month, I salute her and all of the lessons, thank her for all the lessons she taught Members of Congress and the great contribution that she is making to our country.

As we honor the accomplishments of great heroines who have restored hope in the face of impossible odds, we recognize that women are working to strengthen their communities today. We know their power. Women's History Month reminds us that women can and do change the course of history for all of us.

And today being International Women's Day, I was pleased that on Capitol Hill we had women legislators and public figures from Northern Ireland that I met, Afghanistan, Iraq, and many other countries. I just wanted to point out on this that we also received news from Speaker HASTERT, and I am very grateful to him, that we will have a joint session of Congress next week where we will hear from the newly elected President and newly inaugurated President of Liberia Johnson-Sirleaf, who will be visiting the United States on a state visit next week.

She will address a joint session of Congress. She is the first woman to ever be elected President of an African country. And I think I only remember one other woman addressing the Congress, a joint session of Congress. So it is very exiting and an appropriate way for us to celebrate International Women's Day and National Women's Month.

With that, again I salute my colleagues for calling this Special Order. More importantly, I salute them for their tremendous contribution to our country at their early ages. Congresswoman LINDA SÁNCHEZ is the first Hispanic woman, first Latino, ever to serve on the Judiciary Committee. She makes a great contribution to our country from that important, important post.

Congresswoman WASSERMAN SCHULTZ is on the Financial Services Committee where she fights for consumers and for including everyone in the economic success of our country.

And Congresswoman HERSETH and her valuable contribution on the Agriculture Committee, and other committees, on the Veterans Committee where she is already a ranking member of the committee so soon. How wonderful.

Well, I congratulate you all. I thank you and appreciate what you are doing this evening and what you are doing for our country.

And with that, Mr. Speaker, I yield back to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Thank you so much for joining us. Normally when we do our 30-Something hour, Madam Leader, we thank you in absentia for the opportunity to spend the time during this hour talking about the things that are a priority to our generation. So it is a privilege to be able to personally thank you for this opportunity that you give us each night. It is an honor to serve under your leadership.

Ms. PELOSI. Well, I appreciate you saying that, because what we are about here is the future. Everything we do should be about are we honoring our responsibility to make the future better for the next generation? That has been the tradition in America from our Founders until the present. And I hope that we can prevail in this fight to make the future better for the next generation. We owe it to our children. We owe it to the next generation.

Ms. WASSERMAN SCHULTZ. Madam Leader, the way we close our time usually with the 30-Something Working Group is by plugging our Web site, www.housedemocrats.gov/30somethings. We encourage our colleagues and anyone who cares to sign on to that. We have a lot of charts and interesting facts and figures that are important to the next generation.

I want to thank my colleagues from California and South Dakota for joining me tonight and welcome you back any time because we are here every night.

Mr. Speaker, with that we yield back.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the opportunity to speak before the House tonight. I want to thank the leadership for allowing me to participate in this hour. I thank the conference chair, Congresswoman PRYCE, for her leadership.

And I want to come tonight with a number of colleagues, and we come with what we call the Official Truth Squad. And we call it that because a group of freshman Congressmen, in our class there are 25 or so freshman Congressmen, who have now served in Congress for about 15 months, and when we get together on a regular basis, one of the overarching concerns that we voice to each other over and over and over again was the tone in Washington and the remarkable partisanship in Washington. And we kind of brainstormed about what could we do to change that tone, to make a difference.

And so we came up with the Official Truth Squad. And we try to come every evening and share with the American people what we believe to be the truthful situation on whatever the topic is.

This instance tonight we are going to talk a little bit about the economy in just a short time. But I think what you have heard, Mr. Speaker, over the last hour, and much of it veiled in some very kind words, but what you have heard is a clear example of the politics of division. And it is the politics of division that many of our friends on the other side of the aisle seem to be wedded to, and I cannot tell you why that is.

It disturbs me. It is very distressing, because I think that it does not serve the greater purpose of why we are all here, why we are all elected to Congress, to try to solve the remarkable challenges that we have.

But the politics of division is, as you know, Mr. Speaker, is pitting one group against another in some really political way that really does not make a whole lot of sense. But it is appealing to people's lowest common denominator. It is appealing to their fears and to their basic instinct, and that, again, does a great disservice to us as a Nation.

I have quoted on this floor before something that I have attributed to President Abraham Lincoln. And I was so pleased that there are folks who are out there and interested in what we are talking about. And I stand corrected on that. It was felt to be consistent with President Lincoln's philosophy, but, in fact, it is attributable to Reverend William Boetcker, who was a leader and a public speaker in America born in 1873, died in 1962.

□ 2100

He talked about the politics of division. He talked about it a lot. He talked about the need for appropriate discourse and a social philosophy that he felt was consistent with President Lincoln's, and it has been confused with that in the past.

So I wish to share that with you again tonight, Mr. Speaker, because I think it really crystallizes what we ought not do here in the people's House because it does a disservice. And the quote goes like this:

"You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage earner by pulling down the wage payer. You cannot encourage the brotherhood of man by encouraging class hatred. You cannot help the poor by destroying the rich. You cannot build character and courage by taking away man's initiative and independence. You cannot help men permanently by doing for them what they could do for themselves."

And I may add another one tonight: that you cannot empower women by tearing down men.

So the politics of division do truly a disservice to us as a Nation. It is disheartening to the public discourse, frankly. So I urge my colleagues to try to endeavor as we are talking about issues and the challenges that confront us to remember that truth is important and truth is vital in everything that we do.

In my real job I was a physician. I was an orthopedic surgeon. And I am fond of telling folks that if I did not get truthful information either from the patient or from whatever laboratory study or examination we were doing, if we did not get truthful information, then we could not make the right diagnosis. If you do not make the right diagnosis, then you cannot treat the right disease. And if you do not treat the right disease, it is hard to get the patient cured.

It is the same in public policy. If you are not dealing in truth, if you are not making the right diagnosis, if you are not treating the right disease, you cannot get to the right solution. So, again, I challenge my colleagues on the other side of the aisle to try as hard as they can to avoid the politics of division. It really is shameful and it does a disservice to the public debate, and it really does not do any credit to the party itself.

So I am pleased to be able to have the opportunity tonight to come and talk about many different things, but we are going to talk about the economy for a good length of time here this evening.

I have been joined by a good friend and colleague, a member of the freshman class, Congressman WESTMORELAND, a fellow Georgian. Congressman WESTMORELAND is a small businessman and a fellow Georgian. I served in the State legislature with him. He has come to share some of that truthful information about the economy.

Congressman WESTMORELAND, I welcome you and thank you for joining us tonight.

Mr. WESTMORELAND. Thank you, Mr. PRICE. And I want to thank you, my friend from Georgia, for hosting this hour to highlight some of the truth.

I am sure, Mr. Speaker, that you know that the truth sometimes hurts. And so when you are exposing the truth, it might be even seen by some as being hurtful, but I believe Mr. Haley Barbour quoted, Mr. Speaker, that "The truth is a lot of things to a lot of people. But in the end, the truth is the truth."

I want to talk a little bit tonight about the success of the Republican economic policies and to expose the half-truths of our opponents who want to raise taxes on the American families.

Mr. Speaker, the evidence speaks for itself. Republican principles and action lead to economic growth, more jobs, higher standards of living and increased revenue to the Federal Treasury. Since 2003, the U.S. economy has created hundreds of thousands of new jobs while the unemployment rate has dropped down below 5 percent, which is an extremely low number by historical standards. The increases in employment and wages seen last year are also expected to continue, which will help consumer spending. Household net worth has risen for 12 consecutive quarters under the Republican administration and leadership of this House.

Wealth has not risen just because of housing. Checking accounts, savings accounts, and so on are at a record high and are a larger share of after-tax income than any other time since 1993. Economic activity had considerable momentum last year, and that will carry into 2006, 2007 and on. The Congressional Budget Office forecasted the real GDP will grow by 3.6 percent this year and by 3.4 percent in 2007.

With these numbers it is obvious that the tax cuts, passed and renewed since 2001, have bolstered the American economy even after the incredible cost of September 11, 2001, the terrible destruction caused on the gulf coast by the series of hurricanes that hit there, and the high price tag of the war on terror.

Despite many challenges, the state of our economy is strong. As our economy grows, as we create new jobs and as wages grow, more money comes into the Federal Treasury. That is right. Despite all of the belly-aching from the other side about the cost of the tax cuts, the Federal Treasury is taking in plenty of money. Last year the Federal Government took in $2.15 trillion, the highest dollar amount that has ever been received.

I would like to ask my friend from Georgia if he has got a chart there that shows the revenues that came in last year. I think it will show that we do not have a revenue problem. What we have here is a spending problem. And the chart will show you that the revenues will go up as the tax cuts go into full swing to a record high. So we do not have a revenue problem.

Mr. PRICE of Georgia. I appreciate you pointing that out. I am sorry, I had this a little bit later, but this is the chart that you refer to.

It really is amazing when people hear this because it is kind of counterintuitive. If you decrease taxes then people say, well, surely you decrease money coming into the government. But it does not work that way, does it? And what we see here is exactly what you described.

You decrease this line right here. This is the years down here, 2000, 2001, 2002, 2003. This line is when the tax decreases, the tax cuts, went into effect; and the red line is the revenue into the United States Treasury.

Mr. WESTMORELAND. Because, Mr. Speaker and my friend from Georgia, people are reinvesting their money. They have more money to spend. That is a direct result of the tax cuts. In fact, we need to make these tax cuts permanent; and I think the people of this country would like to see that also. Despite this growth in revenue, we have seen an even greater growth in spending, and this has got to stop.

The fact is we can and have cut back on discretionary spending in this Congress, but in order to really return our budget to fiscal sanity, we have no choice but to tackle serious entitlement reform.

On this floor, our colleagues from the Democratic Caucus, the other side of the aisle, complain about the deficit. Yet when this Republican Congress and our Republican leadership took a stand to modestly reform entitlements and modestly curb the rate of growth and spending in the Deficit Reduction Act, no Democrats voted for that bill.

Where were the so-called deficit hawks and the Blue Dog Democrats? Where were the Democrats in the 30-Something Group who say they would do a better job of taming the deficit?

When it came time to make the tough choices, their votes did not match their rhetoric on the deficit. In fact, when it comes to offering solutions, attacks and hollow rhetoric are all we hear from the other side. What we do not hear from the other side is a plan of action. What we don't hear from the other side is a set of principles. What we do not hear from the other side is a strategy for securing our Nation while expanding our economy.

These are truths, and sometimes the truth does hurt. Republicans, in contrast, have a plan for leading this Nation. The Republican Study Committee today released its proposal for balancing our budget, a recommitment to the contract on America. That budget recognizes that we must take serious steps to tame our budget deficit. If the Democrats had a plan, which they do not, their plan would include hefty tax hikes on American families and American job creators, and that is the only truth that can come out of that. You cannot be unwilling to cut spending and expect the deficit to go away.

Our budget recognizes that we do not need more revenue. We have never had more revenue. But we still have to make tough choices. In a world of tough choices we can raise the price of the buffet or we can curb our appetites. With our waistlines bulging, the choice is clear. We must go on a spending diet until our pants fit again.

We have a plan for trimming down the budget. We have a plan for continuing our economic growth. We have a plan for strengthening the economic security of American families. And I think that plan should include making these tax cuts permanent so people can afford to plan their future and to know what is ahead of them.

Mr. PRICE of Georgia. I came up with another chart that highlighted exactly what you said because so often, as we have talked about on the Official Truth Squad, we get one word out of one side of a person's mouth and what they do when they actually vote is something completely different.

You mentioned about the balanced budget amendment and the opportunities that our friends on the other side of the aisle have had to support a balanced budget amendment and, in fact, their deed has not matched their word. They talk a good game, they really do. They talk about supporting a balanced budget amendment. But here are votes that were taken in 1990: 145 Democrats voted no on a balanced budget amendment; 1992, 150 vote no; 1994, 151 vote no; 1995, 129 vote no. And the most recent time they had an opportunity to do that, 1997, 8 Democrats voted yes, 194 voted against calling for a balanced budget amendment.

Mr. WESTMORELAND. To my friend from Georgia, my mother always told me that actions speak louder than words. And anybody can go anywhere and say anything, but when you are given an opportunity to take those words that you spoke and put them into action, and for the American people to be able to see that you are sincere in what you are saying, your votes should match what your words are.

As we know, as all of us have been in politics, and I see the gentlewoman from Tennessee has joined us here, but in politics you can tell your constituents anything in the world, but they will know honestly how you feel when you vote. And that is what they should do and we should all be held accountable for our votes. And hopefully we will. Hopefully the truth will come out.

I just appreciate so much you taking the time to do this and all the efforts that you have put forward to get the good Republican principled message out: that we are about American families. We are about them having more money in their pockets that they can use on discretionary spending for their families and to be able to plan for their future. Thank you very much.

Mr. PRICE of Georgia. Thanks for your participation, and your words tonight really were right to the point.

We are fond of saying in the Official Truth Squad, quoting Daniel Patrick Moynihan, who had a wonderful quote that goes, "Everyone is entitled to their own opinion but not their own facts."

And that is what this is about, the Official Truth Squad. You know as well as anybody that this is not Washington's money. This is the people's money. And that is what is so important to get across to folks. It is the people's money. It is not Washington's money.

Mr. WESTMORELAND. Do you think that after so long this money starts looking like play money and you start talking about billions of dollars and trillions of dollars and that is unrealistic to most people? I think when you start to think of a billion dollars is ten hundred million, and most of us will never know what a million dollars is. It is not just play money. It is money that has come out of the taxpayers' pockets and we have got to be accountable for it.

Mr. PRICE of Georgia. It is their money and they deserve to spend it as they please. Thank you so much for your participation.

We are talking about the economy tonight in the Official Truth Squad and trying to bring some light to some of the wonderful things that are happening in the economy and put statistics down where statistics ought to be and show the truth.

We are joined tonight by Congresswoman BLACKBURN from Tennessee. We are so pleased to have you join us again on the Official Truth Squad and share some of your perspective on the United States economy right now.

□ 2115

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia for yielding and for his leadership and the energy that he is putting into being certain that we communicate the message from our Republican agenda. Thank you for this, and thank you and the freshman class for tackling this project and being certain that we are talking about the things that are happening in our economy and the good news that is there to share.

A couple of points that I would like to make tonight as we are talking about the economy and the growth in the economy is Mr. WESTMORELAND was just talking about leaving more money with American families, with all of our constituents, with their families. That is what one of our goals is, to be certain that we take less from those paychecks, so that the family, when they sit down to work out their budget, they have more that they are working with.

I think that it is an absolute travesty that the single largest item in a family's budget is taxes. How did we get to this, that the largest item a family is left with is taxes? More than food, housing, clothing, transportation and education, more than lessons for children. How did we get to the point that it is taxes?

How wonderful that we could make decisions in 2003, we had the opportunity to vote to roll back some of those taxes so that we take less. It is time that we end the Federal Government having first right of refusal on your paycheck and let you and your family have that paycheck and make those decisions of what to do with those hard-earned dollars.

When we talk about women's issues, all issues are women's issues. Economic issues are definitely women's issues.

One of the things that I hear regularly, wherever I am in this great and wonderful land, is that wherever you have the fastest-growing sector of that town, of that county, of that area's economy, most likely it is going to be women-owned small businesses, and I think that is so exciting that that entrepreneurial spirit is alive and well.

One of the first issues that women will raise with me are taxes, the overburdensome nature of taxes, the cost of compliance for small businesses, how they would love to be growing that business, but with the taxes, with compliance costs, then they have less to spend in growing that business.

So as we look at extending our tax reductions, as we look at being certain we do not raise taxes, that they do not go up, that we hold what we have in those tax reductions, it is so important that we realize that that benefits so many American women who are starting those businesses and are realizing the American dream and those gifts and opportunities and prosperities for their themselves and for their families.

Mr. PRICE of Georgia. I think that is such an incredibly important point that you just made, and that is not to raise taxes.

What most of my constituents do not understand or appreciate is that Congress has to act in order for the current tax decreases, the current tax cuts, to continue, and that if we do nothing, if the other side is successful in making it so that Congress is inactive and does not do anything, then a tax increase will take effect; is that not the case?

Mrs. BLACKBURN. If the gentleman will yield, yes, indeed, that is the case. You know what we are trying to do is hold the line. We are trying to hold the line, and to keep them from pushing tax increases over that line, and that is our goal, to hold these reductions we have been able to put in place, to be certain that we do not see taxes raised on our families, on our small businesses.

It is so important for these small businesses. I had a young lady in my office this week, and it is such a great story. She said, Mrs. BLACKBURN, 4 years ago I was working at McDonald's; I thought, well, I will never get that higher education. She attended a career college, and she gave me her business card where she is working.

I hear story after story after story of this, of women who have moved back in to see their educational dreams come true, to get that degree, to get that diploma, to complete that trade school and move into either working for themselves or working with someone else, but having that job, earning that paycheck, and they all want to be certain. We have a focus on what we are going to do about keeping their taxes low, what we are going to do about creating, creating the right environment so that jobs growth can take place.

I know that you join me in looking forward to the numbers that are going to come out on Friday when we are going to see about jobs growth for this first quarter of the year, and everybody is excited about looking at this because we know that this economy is on a good, solid track. We are seeing plenty of help in it, and much of it has to do with reducing regulation, reducing taxation and putting the focus on what we do to be certain that we have a healthy economy.

One of the things we talk about so often in my district, because I have a district where we have a lot of small businesses, small businesses are the number one employer. Upwards of 90 percent of all the jobs are attributed to small business growth, and my constituents, they keep me honest, and I love it because they remind me regularly that government does not create jobs, that they are the ones that are creating jobs. It is our job to be certain that the environment is right for those jobs to be created, and I am always running around with these little plastic pens with somebody's logo on it. I pick these up from employers in my district, and it reminds me these are the guys that are putting the pen to the paper, and they are the ones that are making jobs growth happen in our district.

And I will yield to the gentleman for this poster which tells the story.

Mr. PRICE of Georgia. It really does. A picture really is worth 1,000 or a million words, certainly, and this one certainly is. In fact, it is worth 4.73 million words, because every one of those 4.73 million new jobs is demonstrated on this picture here, on this graph here, from January 2002 all the way to January 2006. You see the trend that happened during this administration, during the Republican leadership and what happened when it crossed the line with tax decreases, the tax cuts you talked about.

Mrs. BLACKBURN. So many of these jobs, sometimes I have people say, tell me where these are being created, tell me where these jobs are being created.

What we have seen happen is that we are into the knowledge economy. We are into a technology-based economy, and we are seeing this jobs growth in different areas, and it is so wonderful because so many of the individuals that live in our districts are jumping in there. They are getting jobs retraining, they are getting computer skills retraining, and they are working in a million different careers that they never, ever thought would be available to them.

And as we are watching the technology growth in our districts, all across this country, it is small business manufacturing industries that are growing. Their numbers are better than they have been in 10 years. I think that is such a sign of encouragement. Or whether they are working in service industry-related jobs, what we are seeing is new jobs, in new industries, which tell us that an economic renaissance is on that horizon. It is imperative that we make certain we do not see tax increases and that we do not see regulation increases and we keep an eye on having that right environment take place.

I thank the gentleman for yielding.

Mr. PRICE of Georgia. Thank you so much for joining us this evening on this Official Truth Squad and bringing us some truthful numbers, some truthful comments, and highlighting so well the wonder of the small business community across this Nation, because the small business community really is the engine that drives the job creation in our Nation, and this is why the environment to make certain that small business, mom and pop, the corner drugstore, the corner cleaners, those folks who are just working as hard as they can, that the environment for them to be able to succeed and be able to thrive is so doggone important. That is what we are here to try to do and make certain that we continue that economic environment.

We have been joined by Congressman MIKE CONAWAY. Congresswoman MARSHA BLACKBURN was with us. Congressman MIKE CONAWAY is another fellow freshman member of the Official Truth Squad and very, very helpful. He is a CPA by profession. That is exactly what we need are more CPAs in Congress who can tell us exactly what the right number ought to be, and I want to welcome Congressman CONAWAY and look forward to your comments this evening, the truthful comments about our economy.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman from Georgia and appreciate the gentleman from Georgia inviting me here tonight to allow me to share this time with him.

Almost 16 years ago I participated in a Midland introspective. This was a look at what was going wrong and what was going right in Midland, Texas, where I am from, led by the United Way and a bunch of other folks who helped fund the introspective. We did a statistically valid survey of the community to find out what the needs were. This was a needs assessment, and we asked people what was happening in their neighborhoods and their cities and their homes, and to come up with some sort of sense as to how we should be addressing the social issues within our communities.

Once we got the data back, again, it was statistically valid, we came up with our top 10 list of needs that Midlanders told us were Midland's needs, as opposed to those of us in certain organizations trying to decide on behalf of Midland what it was. Anyway, it was an idea that we could do this periodically to try to track how we were doing.

If you look at the top 10 needs within our communities, nine of those needs would have been positively impacted by a job. The needs were family needs and needs for child care. The needs were health care. Every single one of them except one, and I probably ought to remember what that one was that was not directly associated with the solution being a job, because when a family gets a job, those 4.73 million jobs, I suspect, are associated with probably half that number or better, families, moms, dads, children whose lives are better every single day because someone in that family now has a job, someone's bringing in a paycheck, someone is creating an environment within that family so that the children see mom and dad working, the children understand responsibility, the children understand how families work. The families are so much better off when they have got a job.

So we have 4.73 million jobs, and the number of families that are affected by that cannot be understated. In a body on the floor where hyperbole and overstating and overreaching and puffing is an art form, I probably ought to be able to come up with some flowery language that would help communicate how important job growth is, but I am burdened, though, by being a CPA, and we just do not puff and brag and all those kinds of things very well, and other folks it do it much better than us.

What I really want to talk about tonight is what I see as the single biggest threat to our way of life that we face. I serve on the Armed Services Committee. We are a country at war, and I suspect most of our colleagues in the House tonight would think I would talk about the war being our single biggest threat to our way of life.

I think it is the growth of Federal Government and the growth of spending that represents the single biggest threat to our way of life. Federal spending is a drag on the terrific economy that we have got going. Federal spending does not create wealth. As we all know, it may create a few jobs, but those jobs are dependent upon programs. So the real effective jobs that create wealth and help families are those created in the private sector.

The CBO, Congressional Budget Office, has recently published a study that is posted on their Web site that anybody can go to, cbo.gov, that looks at the 50-year trend in the growth in this Federal Government.

☐ 2130

If you look at 2050, and they have several different scenarios that they run through, but the one that seems to make the most sense to me would show that by the year 2050, 45 years from now, that the Federal Government, left unchecked, left unchanged, will consume 50 percent of the gross domestic product of this country.

We are currently at about 20 percent, and in my mind that is about the gag threshold for a Federal economy. So at 50 percent plus, there has never been a free market, free enterprise system anywhere in history that has allowed the central government to take half and allowed the rest of us to prosper on the other half, prosper in terms of an improved standard of living, of opportunities, of the kinds of things of the America that, quite frankly, my colleague and I inherited from our moms and dads and our grandparents.

I have six grandchildren, six terrific grandchildren, and it is unfair of me as an adult to pass on to them a world that doesn't look better than the one I inherited. That ought to be our role as parents and grandparents, to make this world better for our children and our grandchildren. Well, in 2050, my oldest grandson will be about 53 years old. He will be where we are right now. Maybe he will be in Congress. That would be kind of cool. But he and his colleagues in that bracket will be where we are today. And if we don't do something beginning now to address this issue, then they will inherit a world that is radically different than ours, that is fundamentally different than the one you and I currently enjoy. And that is just wrong.

Let me drive this point home. Who among us as grandparents, or any of us who want to be grandparents, would take, in my instance, my six grandkids down to the nearest bank and say, Mr. Banker, I want to borrow every single dollar in your bank, and I want you to prepare notes that my six grandchildren will sign. I am going to take the money and I am going to spend it the way I want to. I will spend it on some good stuff, but I am going to spend all of it, and you are going to have to look to these six grandkids for repayment of that debt.

In all the times I have used this anecdote, or used this story, I have never found one grandparent who would say that they would in fact do that with their grandchildren. But collectively, somehow this mob mentality, that is exactly what you and I and our colleagues are doing in America, is that we are spending money today that we don't have and we are creating debt that our grandchildren are going to have to pay off.

I spoke earlier today to a trade association and was asked for questions. And one of the guys in the audience asked about the budget deficits that we are experiencing and should we, in effect, continue to borrow this money that our grandkids are going to have to pay off; shouldn't we do something to address that? Well, I said, yes, we should, but it should not be a tax increase.

Now, you and a couple of our colleagues have already talked about this. We do not have a revenue problem in America. The Federal Government does not have a revenue problem. We will have record tax collections this year. We had record tax collections last year. And our tax revenues, our ability to grow those is growing at about 5 percent a year. Collectively, we should be able to live within that spending frame. So I would disagree with our colleagues on the other side of the aisle who call for increased taxes, who call for a bigger share, a bigger take out of our working families and working people's take-home pay to help with our spending problem. So we don't have a revenue problem; we, in effect, have a spending problem. We just are simply spending too much.

I know that my colleague and I belong to an organization that is going to bring forth a pretty radical budget scenario that could balance the budget within 5 years, and it is going to call for some pretty radical changes. The problem with cutting Federal spending, whether it is discretionary spending or mandatory spending, every single dollar that the Treasury writes a check for winds up on somebody's deposit slip. Somebody gets that money. They feed their families with it and do things with it that they think are important. They believe the Federal program that generates that check or that dollar is probably the single most important Federal program that we have going out there.

It is much like surgery. You are a surgeon. If we are cutting on one of our colleagues, then it is minor surgery. But if that same surgery is being performed on me, it is major surgery. So cutting Federal spending is much the same way. We are going to see, once this budget is prepared by the Republican Study Committee, once it is published, and we have already seen it from the President's budget, we will see an awful lot of people who represent every single one of those dollars that are going out and the constituents for those dollars, the special interest groups for those dollars are going to be in pushback mode trying to convince you and I and others that we need to cut somewhere else. Not their program, some other program needs to be cut.

This is going to be a little self-serving, and I don't want to intrude on your time tonight, but I introduced a bill last week that would require you and I, every Member of the House, every Member of the Senate, and our senior staffers to once a year read the Constitution. Now, it is going to be interesting as I begin to make the rounds and try to get our colleagues to agree with that to see what kind of pushback I get.

As a physician, you had continuing education hours that you had to do every year to stay current in your profession and your field. I had, as a CPA, about 40 hours a year to keep current. It seems to me, and you and I have taken an oath to defend and protect that Constitution, you and I who write laws that implement some of the powers that are granted to the Federal Government under that Constitution, you and I who propose amendments to that Constitution, that this is kind of a novel approach, that we ought to know what is in it.

So reading the Constitution once a year may help us begin to think about just big areas that this Federal Government should not be associated with. Not denigrate the area itself. That is not the issue here. Our Founding Fathers were incredibly brilliant. As modern-day Americans we have a pretty jaded view of other peoples and certainly other times, and we think we are the brightest and the smartest generation to have ever lived. But as you read our founding documents and read the Constitution, and as you think about what people did 230, 240 years ago, there were some pretty bright folks that put this thing in place.

And I think every single one of them, including Alexander Hamilton, who wanted the most expansive Federal Government he could think of, would be really shocked to see what collectively you and I and all of us have done with that document, with those authorities and powers. They had envisioned a pretty limited Federal Government, a pretty limited role. Everything else was to go to the States.

Clearly, some of the roles we would all agree on, national security, homeland defense, border security, those are things everyone agrees is the Federal Government's job, period. It is not the States' job or local municipalities' jobs. It is ours, as representatives of the Federal Government, to get that done well. But we have an awful lot of areas that the Federal Government has crept into. And in order to make substantive changes in that growth in government, in that growth to 50 percent of GDP that CBO thinks is an inevitable track, that we are going to have to make some very strong substantive changes in the way we are doing business.

As your colleague talked about earlier today, there are probably 10,000 reasons in that budget that is going to be proposed for every single Member of Congress to vote against it. I have got six reasons why we ought to seriously consider it. Reason number one is named Michael; reason number two is named Caleb; reason number three is named Cameron; reason number four is named Emily Kate; reason number 5 is Conally, and reason number six is Alexandria. Those are the first names of my six grandkids.

So that is what we ought to be about doing. It is going to be hard work and it is going to require some tough, tough choices, some tough things to tell people. Some folks are going to have to figure out a different way to feed their families and they will have to figure out ways to provide the goods and services that they think the Federal Government is currently doing that we don't think under our Constitution is an appropriate role. And it is going to be hard. We are going to have to ask people to make some sacrifices and do things in a whole lot different way than they have been doing it.

Almost every one of us have grandchildren or will have grandchildren. And the path we are on, the path you and I inherited and that we are perpetuating, is one that leads to a very ugly conclusion.

Now, as a CPA, that sounds like pretty standard stuff we say, and it is awfully downer talk, and it is not particularly uplifting, but it needs to be a clarion call. Our issue is that you and I and our colleagues are pretty good at handling stuff tomorrow, next week, and maybe some into 2007. But when we look beyond that, that is an eternity. This issue, this growth in Federal Government is 20 years, 30 years, 40 years down the road. And so because it is far enough down the road, it is very easy for us to stick our heads in the sand and let it be someone else's responsibility, let it be someone else's decisions as to how to fix it.

So if I don't do anything else tonight, hopefully I can scare some of our colleagues into at least taking a look at that CBO study. Don't take my word for it, go look at it for yourself. And, look, if the number is only 40 percent of GDP, if it is 60 percent of GDP, it is a number that is unsustainable. It is a world that is fundamentally different than the one you and I currently enjoy, the opportunities we have and our colleagues have, and it is just patently unfair for us to hand that off to our children.

I want to thank my good colleague for letting me rant tonight and share with you and other members of this Truth Squad, and I thank you for organizing this and getting it done.

Mr. PRICE of Georgia. Thank you so much, Congressman CONAWAY. You said you didn't have the flowery speech, but you do. And in addition to that flowery speech, you speak the truth. Because so oftentimes here we don't refer to that document, the Constitution, that I carry with me every single day and that highlights our principles; that is the founding document that says what our guidelines ought to be.

Where are our walls and fences? What should we be doing? We ought to hear every single day on the floor of this House, is that the responsibility of the Federal Government? We ought to be asking ourselves that on every single thing we do.

Mr. CONAWAY. Mr. Speaker, if the gentleman will yield for just a moment, your good colleague from Georgia was sharing with us last night an experience he had with a town hall meeting. Somebody asked him about a proposed cut of the President, and I will not name the particular policy area because I don't want to get off into that kind of thing, because it just distracts us. But anyway, they asked, why are you in favor of cutting whatever?

His great answer back, and I am going to steal it from him, was to look at them and say, okay, how many in here think that is the Federal Government's responsibility; that particular area of public policy? And not one person raised their hand. And this is an area that is very important to our country, very vital to our country, but it is just not the Federal Government's role.

And he did it again. Somebody else brought up another area. And he thought, well, it worked once so let me try it again. How many people here think that is a role that the Federal Government should be doing? Not one hand raised.

So I think Americans are like that. They understand that if we begin to pose things in that frame, questions just like that, that we will begin to get the political will and the political backbone and support for getting back to basics and getting back to the constitutional Republic that we have.

Mr. PRICE of Georgia. I appreciate so much, again, the gentleman's coming. Really, it is a positive picture, because what it says is that we ought to be looking at our founding document. That is a positive uplifting picture.

I guess what is one of the most distressing things about what you have said is that you described this budget that is going to be proposed as a radical budget, but it is a balanced budget. There is nothing radical about a balanced budget within a 5-year period of time, which is, as I understand it, what will be proposed. So it is not radical.

In fact, doing anything else is harmful, is not compassionate, and is probably radical because it puts us on that track for the GDP percentage being consumed by the Federal Government that you pointed to of 50 percent in the year 2050. And as you say, that is unsustainable. It means it doesn't work. Can't work.

So thank you so much for joining me tonight, and I really appreciate your perspective and your insight and your acumen that you bring from the private sector to us here in Congress.

I have talked about Senator Moynihan's wonderful quote that "Everyone's entitled to their own opinion but not their own facts." What we try to do on the Truth Squad is to highlight some of the comments that have been made on the floor of the House of Representatives and to point out what in fact the truth is. And we have heard an awful lot, an awful lot lately about the Dubai Ports situation, the potential transfer or sale of management of six of our Nation's ports to Dubai Ports World.

And regardless of what you think about that, there are some real questions that many of us have about that. But in the context of that discussion, we have heard over and over and over again that no money has gone to port security, the money has been slashed to port security, and the Congress hasn't been responsible in what it has done with port security. So what I have done tonight is to bring two new highlights for the Official Truth Squad that talk about port security funding.

This first one highlights the funding to the six ports that are in question here as it relates to the current topic.

☐ 2145

This chart says since September 11, 2001, Congress has authorized a 700 percent increase. That is not a cut, that is not flat, that is an increase in funding for port security, and in particular Congress has authorized the following amounts for six of the most high-risk ports: $43.7 million to the port of New York and New Jersey; $32.7 million to the port of Miami; $27.4 million to the port of New Orleans; $16.2 million to the port of Baltimore; and $15.8 million to Philadelphia, a 700 percent increase in port security since September 11, and nowhere do you see a decrease.

That is highlighted even more so on this chart here that demonstrates and shows the port security funding in fiscal year 2001, and you see the remarkable increases we have had since September 11, 2001; fiscal year 2006 and the 2007 request is nearly $3 billion for money that would be utilized in the area of port security.

What you hear and what the truth is oftentimes are two different things. I am pleased to be able to bring this kind of information to the floor and to talk about the truth, talk about the kind of numbers that in fact we are dealing with in the House of Representatives and to try to get through a lot of partisanship, to try to get above a lot of hyperbole and misinformation that is rampant and does a disservice to the debate.

We oftentimes do not get to debate a whole lot in Congress. Like what is occurring tonight, one side presents their issues and the other side presents their issues. It goes back and forth. It really is not a debate, it is not an interchange. It is not the kind of thing that I would think of as a debate and probably most Americans would think of, but what is occurring with the Official Truth Squad coming here night after night after night is we are beginning to have some dialogue, some back and forth with our friends on the other side of the aisle, and they have made some interesting comments and I thought I should bring them to the American people.

Last night there was a group of folks in the House that call themselves the Blue Dogs, and they talked about what we do in the Truth Squad in a certain way.

They said, "Following us this evening, I am pretty confident that the other side will show up and they will probably talk about how we had an opportunity to cut, to cut $40 billion in spending and how we, the Blue Dogs, voted against it. But what they will not tell you is it was $40 million in cuts to the most vulnerable people in our society: Medicaid, 8 out 10 seniors in Arkansas on Medicaid; 1 out of 5 people in Arkansas are on Medicaid. Cuts to Medicaid, cuts to student loans to the tune of $40 billion."

Now that is what they said. But the Official Truth Squad is here because what we are interested in doing is looking at the real numbers. What is the truth in that? That is a pretty significant charge that was made, significant cuts in Medicaid and to education, to student loans. What is the truth? What really has Congress done?

Madam Speaker, here is the chart that puts the Medicaid situation into perspective. This chart goes from 1995 to 2005. It talks about the amount of money, the Federal outlays in billions of dollars to the Medicaid program. In fact, what this square says is that spending more than doubled over the last 10 years on Medicaid for an average growth of 7.4 percent per year. Average growth in Medicaid for the past 10 years, 7.4 percent. That may not sound like a lot, but look at the actual numbers. In 1995, $89.1 billion. In the year 2000, $208 billion. In 2005, $181.7 billion in Medicaid funding.

Now, Madam Speaker, I know that people oftentimes like to talk about a cut. As I talked about before, that is the politics of division. It does not help anybody. All it does is put fear into folks reliant on the program who oftentimes are the most vulnerable.

What we have done in the United States House of Representatives under Republican leadership is cut waste, cut fraud, worked to cut the abuse of the system, but continually increasing the amount of revenue that is going because that population, regretfully, has increased. So it is appropriate to have more money go into that area, not cuts, not cuts to the program.

What about education? They mentioned education. These cuts that they quote for education; well, in fact, it is the same kind of picture. Here we have a chart, the year 2000 all of the way up to 2005. This is the annual growth in Federal education spending over the past 5 years. The year 2000, a little under $40 billion. The year 2005, nearly $60 billion. Total education spending has grown an average of 9.1 percent per year over the past 5 years. That is certainly faster than the inflation rate. It is faster than the population in that area. It is not a cut, not a cut.

And then they talk about student loans. What is happening with student loans? We had some significant changes to student loans last year, but they were loans that put more money into the hands of the students and less money into the hands of the borrowers. Still, if we look at the actual money, this is the truth, the Official Truth Squad, Pell grant funding has grown 10.3 percent per year since the year 2000. $12.4 billion for fiscal year 2005. The graph demonstrates clearly annual growth every single year.

So, Madam Speaker, when people hear that the cuts are occurring and when they hear the discussion about the cuts as was mentioned earlier in the budget, the balanced budget within 5 years that is going to be proposed, again, it is not honest, it is not fair to the discussion. It results in this politics of division which pits one group against another, all of which is not positive for our Nation and it does not assist in the debate. It does not help us reach solutions. I encourage my colleagues to kind of rethink how they are approaching this debate.

We would love to have an open and honest discussion about these things and be able to work together to solve the problems because these are not Republican problems, these are not Democrat problems, these are American problems. They are challenges that all of us have. It works best, our system works best when we all work together to solve the challenges that we have.

Madam Speaker, we live in a wondrous and a glorious Nation. It is still a Nation where men and women around the world, they look to us with optimism, they look to us as being a beacon of liberty and a vessel of hope. They view us as being an example that they might be able to follow. I am proud to serve in the United States House of Representatives. I am proud to serve with men and women who are willing to stand up and to say how much they love America and how much they believe that the policies that we are putting forward are moving us in the right direction. I am proud to serve with those men and women who joined us this evening and talked about truth, talked about issues that are so important for the American people to understand and put a little positive perspective on the challenges that we have before us. I look forward to coming back at some point in the future.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. Foxx). Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. Delahunt) is recognized for 60 minutes.

Mr. DELAHUNT. Madam Speaker, I thank the Speaker for according me the time. I am claiming it on behalf of my colleagues who will be here shortly with me, Mr. Meek and Mr. Ryan, the cofounders of the 30-Something Working Group. We will be exploring an array of issues this evening dealing with many of the subjects that my colleague and the gentleman from the other side of the aisle discussed this evening.

Much of what the gentleman said or some of what he said I would agree with. It certainly would be a contribution to the public discourse if there were an open and transparent debate and discussion on the issues that are confronting the American people.

I only wish that were the truth, not just the official truth but the real truth because what is lacking within this institution, this body, is an open and transparent and real discussion, genuine debate and respectful discourse.

I find it interesting that the gentleman talks about cutting spending and indicates that this side of the aisle supports raising taxes. Well, that is just simply inaccurate.

I think the only tax that we can agree on that ought to be cut is the tax that is in the form of waste and fraud and abuse. Tragically, what we have observed over the course of the past 6 years is an abundance of fraud and waste, a corruption tax, if you will, Madam Speaker. But what we have not seen is an open and transparent and respectful process to discuss these particular issues.

If the Chair would bear with me for a moment, I am going to read excerpts into the Record of a deal that was struck between conferees on the Senate side and on the House side that did not include the Members of the minority party. How can you have a discourse or a conversation when Members of the minority party are excluded?

Mr. RYAN of Ohio. You cannot.

Mr. DELAHUNT. You cannot, that is right, and I welcome Mr. Ryan to the floor.

Mr. Ryan, let me pause for a moment and find that particular report so we can discuss transparent and open and respectful discourse and inclusion. The previous speaker was correct; there ought to be inclusion. But there is none and that is a sad comment on democracy within this institution. I would only hope that the rhetoric that I heard earlier would be matched by action and deeds on the part of the Republican leadership in this House.

Madam Speaker, let me read into the RECORD an article from The Washington Post. It is dated January 24, 2006.

□ 2200

We talk about saving money, Madam Speaker. We all want to save money. We had an opportunity to do that, Madam Speaker, but we failed because of a closed-door deal that reduced a savings that was possible by $22 billion.

Again, I am quoting from the Washington Post: "House and Senate GOP negotiators, Republican negotiators, meeting behind closed doors last month to complete a major budget-cutting bill, agreed on a change to Senate-passed Medicare legislation that would save the health insurance industry $22 billion over the next year, according to the nonpartisan Congressional Budget Office."

Now, let me repeat that, Madam Speaker, and may all those that are observing our conversation tonight, our colleagues and all those in attendance here, listen carefully. It would save the health insurance industry $22 billion. Not the American taxpayer, but the health insurance industry it would save $22 billion.

"The Senate version would have targeted private HMOs participating in Medicare by changing the formula that governs their reimbursement, lowering payments $26 billion over the next decade. But after lobbying by the health insurance industry, the final version made a critical change that had the effect of eliminating all but $4 billion of the projected savings," for the taxpayer, Madam Speaker, not for the HMOs. But who loses in that closed-door deal? And yet we hear, the taxpayer. You cut spending.

I can't wait until this budget is finally produced here on the floor, because we have not had a budget in years, until President Clinton was the President, that has been balanced.

Mr. RYAN of Ohio. Balanced by not one Republican vote in the House or the Senate.

Mr. DELAHUNT. No, I understand that. But, do you know what? Let us remember then we had dialogue and a working relationship between the President and the Congress. Let's give credit. What I am looking for, when I hear talk about let's sit down and talk, of course, we welcome that, and let's have this understanding. Let's work together.

How can you work together when you have closed-door deals going on that eliminate a savings to the taxpayers of America for $22 billion? Is this about saving the HMOs and the health care industry money, or is it about taking care of the American taxpayer?

So, please, please, let's match the rhetoric that we hear here with action, not with closed-door deals that benefit the health care industry, the $22 billion, and think nothing of helping the American taxpayer.

Mr. RYAN of Ohio. If the gentleman will yield, the point is that it is not that we have the money to give the health care industry. It is not like we have it. It is not like you look at the table behind me in the House of Representatives and it is stacked with money and who wants it. No, the health care industry is over here, Mr. MEEK. We will give them some. We don't have the money to give.

This is the point I think we need to focus on: We don't have the money in the United States of America today to subsidize the energy companies, to subsidize the health care industry. So what is the Republican Congress doing? They are borrowing the money, Mr. MEEK. They are borrowing the money from the Chinese, they are borrowing the money from the Japanese.

Mr. DELAHUNT. Reclaiming my time, they are borrowing that money, but they are not giving it to the American taxpayer. They are giving $22 billion of it to HMOs in this country. They are not giving it to the beneficiaries, they are not giving it to the American taxpayer. They are giving it to the health care industry.

Mr. RYAN of Ohio. Right. If you break it down, Mr. MEEK, basically what is happening is we are here in the United States Congress. Article I, Section 1 of the Constitution creates this House of Representatives. Levy taxes. The Republican majority levies taxes on the American people. The money comes down here.

What do we do with it? What the Republican majority is doing with it is they are spending it on corporate welfare, and we don't even have it to give to them. So the Republican majority wants to give them so much that they have to go and borrow the money.

I am not making this up. So the Republican majority goes out and borrows the money. They have borrowed so much money in the past 4 or 5 years that they have to go out and borrow it from the Chinese government, from the Japanese government and from——

Mr. DELAHUNT. OPEC.

Mr. RYAN of Ohio. OPEC countries in order to fund the corporate welfare.

Mr. DELAHUNT. Reclaiming my time for a moment, it is like we have developed a new class in the United States, and I am trying to think of an appropriate term. The one that just came to mind while you were speaking was we have a class now of welfare kings.

Mr. RYAN of Ohio. Bingo.

Mr. DELAHUNT. Welfare kings. What about, Madam Speaker, this $22 billion? Who is it going to? It is going to the welfare kings in this country. That is who is receiving it. It is a tax on Americans. We had a savings of $22 billion, but somebody, behind closed doors, by the way, without the presence of the minority party, decided to give it to some welfare kings.

Mr. MEEK of Florida. If the gentleman will yield, let me just basically say, Mr. DELAHUNT, the bottom line is backroom deals are nothing new to the Republican majority. They do it every day, every hour.

That is the reason why we are in the situation we are in now as it relates to our fiscal situation. They are meeting with these special interests in the back halls of Congress, not here on the floor of the House, but in the back halls of Congress, and we wonder why things are the way they are.

Do you want to talk about irresponsibility? The bottom line is we can't even print them fast enough. Secretary Snow writes a letter saying we have to raise the debt limit or they will not be able to continue to finance government operations. That is on December 29.

There are so many letters, I just don't have time. The bottom line is here, February 16, just last month, again, the Secretary writes and says that we have to raise the debt limit, and if we don't do it, as a matter of fact, no, today, on February 16, he is going to have to go into the G fund, the retirement fund for Federal employees.

One more letter, Mr. RYAN, if you would bear with me. Here again, March 6, 2006, he is saying, hey, I am going to have to exercise some of the power that has been given to me by Congress. We no longer can operate unless you raise the debt limit.

The bottom line is, Mr. DELAHUNT, that you cannot believe what the Republican majority tells you as it relates to, oh, we want to cut the budget in half. Oh, trust us. We will make sure that we are fiscally responsible.

The bottom line is these letters by the Republican Secretary of Treasury, as a matter of fact, Mr. Snow, I think he is a nice guy. He is the accountant for the United States of America.

Mr. RYAN of Ohio. He is a CPA.

Mr. MEEK of Florida. He is a CPA, and he lets us know when we are running out of money. The bottom line is that he is saying he has to take drastic steps. Never before, this last letter just written days ago, it says for the first time in the history of the United States of America, we may not be able to reach our obligations to foreign nations.

Madam Speaker, I think this is something we need to be very alarmed about, and we need to do something about versus being alarmed about, but we need to do something about it immediately.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield for a question, I am sort of the least senior of the four of us here this evening. I am a freshman. I have just gotten here a year ago. I am wondering, you are talking about the four letters that you have shown that Secretary Snow has sent to the Congress asking us, begging us, to increase the debt limit. Would this be the first time under this administration, Mr. RYAN, that that was necessary?

☐ 2210

Is it unprecedented? If we raise the debt limit this year, is it something that was an anomaly, was it something that had not occurred before?

Mr. RYAN of Ohio. Well, it is an excellent question. I think what Mr. MEEK was saying was that we are going into the government retirement program in order to not have to increase the debt limit.

What we have here is that the Republican Congress has raised the debt limit numerous times since President Bush has been in. June of 2002, $450 billion, which means Congress raises the debt limit so we can go out and borrow more money. May of 2003, $984 billion, Mr. DELAHUNT. That means almost $1 trillion.

Again, November of 2004, this administration, this Republican Congress, went out and borrowed another $800 billion. And now the new increase that the Secretary of the Treasury is asking for is another $781 billion.

So, Mr. Speaker, over the last few years, the Republican Congress, the Republican President, has borrowed $3 trillion, new money, from the Japanese, the Chinese and OPEC countries.

Ms. WASSERMAN SCHULTZ. I just want to share with you, because that is billion with a B.

Mr. RYAN of Ohio. And trillion with a T.

Ms. WASSERMAN SCHULTZ. And trillion with a T.

When I am home and you all are home, we talk to our constituents, and they ask me, sometimes they ask me questions that makes it clear that it is hard for anyone to get their mind around what a billion is. So we spent some time, we did some research to try to help put what a billion is in terms that people can understand better.

So let us just translate it into some things that maybe people can think about, you know, more in the way they deal with things on a day-to-day basis. A billion. How much is a billion dollars? Well, a billion hours ago, humans were making their first tools in the stone age. That was if we were talking about what happened a billion hours ago.

If you are going on to a billion seconds ago, let us start with seconds, a billion seconds ago, it was 1975, and we had just pulled the last troops from America out of Vietnam. That was a billion seconds ago.

Let us try to break it down a little bit more. A billion minutes ago, it was A.D. 104, and the Chinese first invented paper.

Well, so now let us talk about what a billion dollars ago was. Under this administration, a billion dollars ago was only 3 hours and 32 minutes at the rate that our government spends money.

A.D. 104, 1975, the stone age, and 3 hours and 32 minutes ago.

Mr. MEEK of Florida. I am glad that you are breaking this down so that Members understand exactly what we are talking about. I just want to say that all of these letters that we have received from Secretary Snow raising the debt limit, Madam Speaker, Republicans have given the administration and themselves these increases in the debt limit.

Mr. RYAN, can I just walk down there and just rubber-stamp that chart there? This rubber stamp says "Official rubber stamp. I approve everything that George W. Bush does, Member of Congress."

You can talk, sir, but I just want to have permission to come down there and rubber-stamp that, because all of these letters that have been written by Secretary Snow, I guarantee you that the Republican majority will grant him the raising of the debt ceiling so we can owe foreign countries more money.

Mr. RYAN of Ohio. Why would they not? They rubber-stamped it in June of 2002. They rubber-stamped it in May of 2003. They rubber-stamped it in November of 2004. Go ahead. Put it on there.

Mr. DELAHUNT. Mr. Speaker, I think it is important that the American people understand who is running the show here in Washington. In 2002, the House of Representatives, the majority were Republicans. In 2003, in 2004, in 2005, and 2006, they were Republicans; in 2001, in 2000, in 1999. And since 2001, January, we had a Republican President. And the same is true on the other side of this building in the United States Senate.

So when I hear the head, I presume our colleague is the Chair of the Official Truth Squad, say, you know, we have got to curtail spending, and the Democrats want to take money out of your pockets. I am really befuddled, Madam Speaker. I am really confused, because you are in charge. You are running the operations of Government. Where have you been? Why did you not cut before? Why did you not manage this in a away that was competent? Why did you go and borrow money from the Chinese? Why did you borrow money from the Koreans?

Mr. RYAN of Ohio. Why did you borrow money from OPEC?

Mr. DELAHUNT. Exactly. And what is the story? When you come to the floor, the rhetoric is, we want to work with you. And yet when Democrats say we are willing to sit down and have a respectful and substantive discussion about the issues that are confronting America, what do you do? You close the doors on us. You do not tell us where you are meeting. You do not tell us what time.

And you gave a break to the HMOs of $22 billion, which is like asking the taxpayers, you are increasing the tax to the American taxpayers by $22 billion at the same time. It does not compute.

Mr. RYAN of Ohio. Can you imagine, Mr. DELAHUNT, if you are asking the American taxpayer who is already paying an increase of 15 to 20 percent a year in their health care, and now you are telling them, this is what you are telling them, this is the God's honest truth, this is third-party validators, we are not making it up. You are also saying that the money that is taken out of your taxes that you send to the Republicans down here in Washington, that money is also going to the HMOs. So not only what you pay out of your paycheck every single month, but also the taxes that you see come out, that you send down here to the Republican majority, they are sending that to the HMOs, too.

Ms. WASSERMAN SCHULTZ. Because the third-party validators that we use on this floor is for the purpose of showing that others who have fact-checked, experts who have fact-checked what is going on internally in this institution report on what they see.

And so if we are going to talk about accuracy and clarity, it is the third-party validators who the American people are going to listen to. You know, quite honestly, although I really feel privileged to be able to come and join you on this floor every night, a lot of people would just chalk up what they say and what we say on the floor as noise, you know, as partisan noise.

And so third-party validators are important. And so let us talk about what USA Today said about who is in charge and what they are responsible for and what they could have done about it. This is just last week, February 21, about 10 days ago.

USA Today editorial. The title of the editorial was Who is Spending Big Now: The Party of Small Government. Tax cuts, they say, force hard decisions and restrain reckless spending.

The last time we looked, according to USA Today, the last time we looked, though, Republicans controlled both Congress and the White House. They are the spenders. In fact, since they took control in 2001 they have increased spending by an average of nearly 7½ percent, 7½ percent a year, more than double the rate in the last 5 years of Clinton-era budgets.

I mean, the truth hurts.

Mr. RYAN of Ohio. You cannot make it up.

Ms. WASSERMAN SCHULTZ. That is factually accurate information by an outside source.

□ 2220

This is not by people who have D and R's next to their name in this Chamber. There is a better way.

Mr. RYAN, we had a better way that Democrats were responsible for with their votes, some who lost their offices in casting their votes for the PAYGO rules that we used to have here. You have another third-party validator chart up there right now that talks about the education investments that we make here.

Mr. RYAN of Ohio. When you look at what you are just saying, what Mr. DELAHUNT was just saying, that the money is now, all these tax cuts, but yet they are still borrowing money to spend so they can give it to the health care industry or everything else, where is the money not going?

I had a friend of mine who is from Russia, his name is Vladimir, and Vladimir was just a third-party observer to all of this as he was watching. And he couldn't believe honestly the rhetoric that he would hear as a new citizen of the country versus what was actually happening because he was into politics and he was paying a little bit of attention.

So all of it, this money that is going to the HMOs and going to all these different places, where is it not going?

Mr. DELAHUNT. It is going to the welfare kings.

Mr. RYAN of Ohio. The welfare kings and the health care industry. If you look at where it is not going, this is the Federal Government's commitment to education. Again, as Ms. WASSERMAN SCHULTZ said, this is a third-party validator. This is called the Committee for Education Funding in February 2006. In 2002 there was an 18.2 percent increase. And as you can see, it dramatically is reduced to where in the 2007 budget President Bush's proposed budget, Mr. DELAHUNT, there is going to be a negative 3.8 percent decrease in education funding. So as we are competing in a global economy with 1.3 billion Chinese workers, with 1 billion workers in India, with the country of Ireland that is called now the Celtic Tiger because of its increase; and part of what the Celtic Tiger has done is make education free for everybody, college education. We are decreasing education. And so my friend Vladimir is right.

Look at what is happening in this country, Madam Speaker. We are giving money to the welfare kings and decreasing funding for our students. Now, that is appalling to me.

Mr. DELAHUNT. Can I tell you where else the money is going? The money is being wasted. And the money is being wasted because of sheer incompetence and mismanagement. And no big contracts, no big contracts. I will tell you where the money is going. Let me give you one example.

Can you all see this right here to my left, this chart? Row after row after row after row of trailers. And they are all sinking into the mud. These were the trailers that FEMA, the Federal agency that responds to natural disasters, purchased I am sure for hundreds of millions of dollars. I do not have the exact amount.

Mr. RYAN of Ohio. Three hundred million dollars.

Mr. DELAHUNT. Three hundred million dollars. So there is $300 million sitting out there, sinking into the mud, that will not ever be used. Meanwhile, we have thousands, tens, hundreds of thousands of people in Alabama, in Louisiana, in Mississippi, the Gulf States, that were devastated by Hurricane Katrina and they do not have any homes. They are homeless. They are living in their cars.

It is a natural disgrace. Six months after the disaster. But because this administration has made incompetence a virtue, we are wasting $300 million of the taxpayers' money, Madam Speaker. I mean, think of that. If you want to talk about fraud and abuse and mismanagement, that picture, let me suggest, epitomizes.

Ms. WASSERMAN SCHULTZ. You have picture after picture and week after week of new revelations about the shocking aftermath of the response of this administration to Katrina.

Last week it was the videotape evidence that when Max Mayfield, who is based in Miami at the National Hurricane Center, clearly warned the President and the Secretary and those assembled from the administration's team, that it was quite possible that the levees in New Orleans would breach, and then on Tuesday, 2 days later, you have the President declaring that there was no way that anyone could have anticipated a breach of the levees.

I mean, how do they look at themselves in the mirror? How does he look at himself in the mirror and go on each day?

Mr. DELAHUNT. How do you say, if I can interrupt, how can you say we were fully prepared? We were fully prepared? The President said that to the American people in the aftermath of the hurricanes and in the disasters that befell the Gulf States.

This is just a closeup of the picture of the chart that I showed earlier of those trailers that are crumbling someplace, somewhere, at the tune of $300 million. Well, if we were fully prepared, God save this Republic in the event of another natural disaster or a terrorist attack. I would suggest to the American people and to you, my friends, that we are ill-prepared. We are not fully prepared. We are unprepared. We are fully unprepared because of the incompetence and mismanagement that we witness on a daily basis near Washington.

Ms. WASSERMAN SCHULTZ. I know the gentleman from Florida wants to go back to PAYGO, but what I heard today in a meeting earlier in the afternoon, I heard the feeling and the sentiment that you described this way: Whether you are talking about the aftermath of Katrina, and quite honestly in my community the aftermath of Wilma, or you are talking about this port deal, the bottom line is that the homeland is not secure. The homeland is not secure.

We have port security that has been essentially undermined by the Republican leadership here, and I know we will talk about that in a little bit, but the American people's confidence in their government has been shaken. We continually have to increase the debt limit and we have a solution, Mr. MEEK, that we have been pushing over and over and over again repeatedly. Yet, it falls on deaf ears.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ and Mr. DELAHUNT, you are 110 percent right. The bottom line is who is going to level with the American people, tell them the truth about what is going on? If you are not prepared, say you are not prepared and then take the steps to get us prepared.

The American people, we are an understanding people. We know we run into real issues every day in our own homes, but for the President to say, A, he did not know anything about possible levee breaks or individuals being in a detrimental situation and loss of life, the video proves that that is not the case. Time after time, again, this administration has been caught on camera, okay, saying one thing to the American people and something else is going on in the background.

□ 2230

As you know, we have asked for a Hurricane Katrina Commission, just like the 9/11 Commission, so we can get down to the bottom of this. It is not to say, hey, Mr. President, you were wrong; Louisiana, you were wrong; New Orleans, you were wrong; other gulf coast cities, you were wrong; and Mississippi, you were wrong. It is not finger pointing. It is making sure that we correct it. If we find ourselves in a bad situation, we have got to make sure we correct it.

Speaking of correction, I think it is important that we share, Madam Speaker, the fact that we are going down almost a path of no return. This Republican majority, Madam Speaker, is out of control, out of control in a way that they are borrowing as much money as they can possibly borrow from who? Foreign nations, foreign nations that we have questions about.

There was just some press accounts today talking about Iran. Iran's President is shooting verbally back at the

United States of America, saying, bring it on. The bottom line is that this administration has put us in a posture, Madam Speaker, to where that if we say something about Iran, that we want to get serious with, and they should not chuckle when we say it, and that is what is happening right now.

As it relates to fiscal responsibility, I just want to speak for a moment very boldly on the fact that we have tried to do everything we can as a minority, and as you know, as the minority party, we do not have the votes to be able to push the policy in the direction we need to push it, pay-as-you-go. When you are in a situation, when you are borrowing more from countries, record-breaking borrowing from countries that at $1.05 trillion, let me just add the Republican Congress to that because the President cannot do it by himself, $1.05 trillion from foreign Nations, more than any other time in the history of the Republic in 4 years, from 2001 to 2005, versus 42 Presidents before this President and this Congress were only able to borrow $1.01 trillion from foreign nations in 224 years, it is alarming. I want to say that we have tried to stop that from happening.

On March 30, 2004, Republicans voted by a 209–209 to reject the motion by Representative MIKE THOMPSON of California, who is a Democrat, to instruct conferees to use pay-as-you-go policies. Also, again in 2004, vote number 97, we believe in third-party validators, they voted down. Similar vote on May 5, 2004, Republicans voted 208–215, Republicans on the 215 part, to reject a motion by Representative DENNIS MOORE, once again Democrat. In 2004, vote number 145, similar vote on November 18, 2004, Republicans voted to block an amendment by Representative Stenholm, who is no longer in Congress, to not raise the debt limit and to be able to use pay-as-you-go.

Mr. RYAN has two other examples there that are recent that Mr. SPRATT has put forth, pay-as-you-go amendments. Again, Republicans voted against it. Again, Mr. SPRATT did it, and H. Res. 393 in 2005, budget resolution, failed. No Republicans voted for it; bottom line. I am trying to read the chart from here.

Let me just say this, Madam Speaker. I think it is important that we document this and we share this with the majority and with all of the Members that we have done everything in our power to stop this Republican Congress from putting this country in further debt to foreign nations. That is incompetence. That is jeopardizing America's security. That is jeopardizing America's financial security.

If anyone knows what it means when a creditor calls your house talking about you need to pay me, you know exactly what I am talking about. The creditor calls your house, they call you by your first name. They disrespect you from the beginning, and no other time in the history of the country, this is not Democratic stuff, this is U.S. Department of Treasury information that we have here, they are disrespecting the United States of America. Democrats have nothing to do with that. We have tried to turn the tide on the dependency that this Republican Congress has in raising the debt limit.

Now, the Secretary of Treasury has asked us to raise the debt limit again by $821 billion. That is going again to allow Iran, Japan, Red China and other countries, OPEC countries, Iran, Iraq, Madam Speaker, Korea, that should mean something to some of our veterans that allowed us to salute one flag. This is a problem. This is a major problem. That is a problem that not only Democrats, Republicans and Independents should be concerned about, but the Americans that are not voting now need to rise up and say enough is enough.

Ms. WASSERMAN SCHULTZ. What we advocate is going back to the PAYGO rule, and again, to translate that into terms that most people understand and deal with every day, you do not spend more than you have. You make sure you have the revenue coming in for the money that you are going to put out.

Listen, there are people in everyday life in America that struggle with that every single day, but most people think it is totally irresponsible. Even if they are engaging in it in their own house, they think it is the wrong thing to do, to spend what they do not have. I do not know in America that anyone has the ability on their own to raise their debt limit in their household. Can you imagine, you reach a point in your day-to-day life and you are going along and you have a certain amount of money that you earn. You have a certain amount of credit. Let us say you have a couple of credit cards. When you reach the debt limit on your credit card, the maximum that the credit card company will allow you to put on that card, unless you ask permission from the credit card company, you cannot do that usually, depending on your track record.

If you compare the track record of the United States of America recently, you know, we are not doing so good because we are not getting a handle on this. Most credit card companies would say, no, we are going to stop you at a certain point and not let you raise your debt limit.

Mr. DELAHUNT. Madam Speaker, if I can, that is the problem that the Secretary of Treasury has. He is representing an administration and a rubber-stamp Congress that can only be described as irresponsible when it comes to fiscal policy. I mean, maybe we ought to write back, now, this is a letter dated March 6, 2006, and say, you know, we are sorry, but we are not going to raise the debt limit anymore; we are done, we are finished, we are closing you down.

Why should we be voting to raise the debt limit? With all of the fraud and the mismanagement and the abuse of the taxpayers, why do we not say go back to that conference committee and tell them to reconsider their closed deal that cost the American taxpayers $22 billion? Why do we not do that instead? Or why do we not recommend that the Bush administration stop spending $1.6 billion on advertising and public relations contracts; why do we not do that? Why do we not tell them to stop the no-bid contracts that are leaving resources sinking in mud somewhere in Arkansas to the tune of $300 billion? Why do we not tell them that they ought to go find the $9 billion that they cannot find that is somewhere in Iraq that is unaccounted for?

You know what? I am not going to vote simply because the Secretary of the Treasury of the United States is representing an administration that is in accord, if you will, with a Congress that cannot handle the budget in an appropriate way.

Mr. MEEK of Florida. Madam Speaker, if the gentleman would yield, I think it is important for us to realize the history of this in the wrong way, in the wrong way. This is not something that we have dreamed up. This is not something that just happened yesterday.

□ 2240

I am just going to read what Secretary Snow said, Secretary of the Treasury, appointed by the President, confirmed by the Republican Senate. I think you have to pay attention to what he said. This is not what we are saying but what the Secretary said.

In a letter to Congress he urged lawmakers to pass a new debt limit ceiling immediately to avoid the first default on its obligations in U.S. history. For the first time in U.S. history. This is a Republican Congress saying trust me, a Republican White House saying trust me, a Republican Senate saying trust me, we know what we are doing. The first time in U.S. history. That is a fact. That is from the lips of the U.S. Secretary of the Treasury.

He goes on to say that the full faith and credit of the U.S. Government, he is saying to the leaders of the House and Senate, that the full faith and credit commitment, referring to the fourth amendment of the U.S. Constitution, that we will pay our bills. What he is saying now is that for the first time in U.S. history we will not be able to pay our bills. This is not a situation created by us. We tried to stop it with PAYGO and went through the whole process with that. This is the Secretary of the United States Department of Treasury.

Mr. RYAN of Ohio. This is the same party that in 1994 said that they were going to pass a balanced budget amendment to make sure that they balanced the budget every year. It would be a constitutional amendment. And here we are, 12 years later, and they are borrowing money like drunken sailors from the Japanese, the Chinese, and from all kinds of foreign countries.

Look, of all the money that we have borrowed, almost all of it is from foreign countries. That is the money we have borrowed. That is the money we have borrowed from foreign countries. And I am sure the Members, Madam Speaker, cannot even see this. This is the money we have borrowed from domestic interests. Look, it is a joke.

Ms. WASSERMAN SCHULTZ. And, Mr. RYAN, if you would yield, this is also the party that tries to represent themselves as the party of less government and more personal freedom. And in my time here, just in the year that I have been here, we don't even talk about the Terry Schiavo case last year anymore because so much else has happened that is disturbing in terms of their leadership that that seems like a distant memory, but that was not even a year ago. We are coming up on the year anniversary of that.

The beginning of my first year in Congress you have the bookends of Terry Schiavo's tragic case, where this Congress, this Republican leadership inserted itself into one family's private angst-ridden tragedy. Then you have Katrina, you have the debt limit increase, you have the largest deficit in history, you have the refusal to go back to the PAYGO rules, and you have the port deal. This is the party of less government and more personal freedom? No, it is not. The evidence does not lie.

The funny thing, and I have heard Mr. MEEK say this at home in Florida a lot. Just because you say it over and over again does not make it so. Things do not come true just because you say them a lot. The facts do not lie.

Mr. DELAHUNT. You know, the three of us were watching you, Ms. WASSERMAN SCHULTZ, lead the first hour, and it was very informative and we want to congratulate you on a great presentation.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. DELAHUNT. Many of our female colleagues on the Democratic side participated, and you talked about the role of government, particularly as it impacts women. You know, the truth is, and we have seen it just recently in South Dakota, that if the Republican majority has their way, they will see to it that the woman's right to choose will be ended in this country. They will do everything that they can to effectively repeal Roe v. Wade.

Mr. RYAN of Ohio. It is not only the woman's right to choose. We have a variety of things. It is about throwing people in prison. Throwing people in prison, Mr. DELAHUNT.

Mr. DELAHUNT. If you are familiar with that South Dakota law.

Ms. WASSERMAN SCHULTZ. Even in the case of rape or incest.

Mr. DELAHUNT. Exactly. In case of rape or incest. This is a dramatic change in terms of the role of government as reflected in the Supreme Court decision of Roe v. Wade and all of the advances that have been made in terms of civil rights and other issues.

But I know we all want to get back to discuss the issues that impact every American.

Ms. WASSERMAN SCHULTZ. But your point is, and the point we have to make here is, there is a radicalism in this Republican leadership; that they have reached new heights. Schiavo, South Dakota, the Alito confirmation. There is just a growing list.

And now this port deal, where the President literally saw nothing wrong with allowing a foreign government-owned corporation to take over the port terminal operations at six major ports. No alarm bells were set off to trigger a national security review, a 45-day national security review that can be triggered under the law. It defies logic.

Mr. RYAN of Ohio. He didn't even know about it.

Ms. WASSERMAN SCHULTZ. Right. Not the least of it was that he did not even know about it.

Mr. MEEK of Florida. I am sorry, Mr. RYAN, you are going to have to yield to me.

Mr. RYAN of Ohio. He said he didn't know about it, and I believe him.

Mr. MEEK of Florida. Mr. RYAN, you have to yield to me. The President has said that he has not known about a lot of things and then we found out later.

Mr. RYAN of Ohio. No, if he said it, it is true.

Mr. MEEK of Florida. He thinks someone might have said something to him about it.

Ms. WASSERMAN SCHULTZ. Six White House offices were part of the committee that reviewed this port deal. I asked in Financial Services. I am on the committee. I am on the subcommittee where we had a hearing last week, and the President still didn't know.

Mr. MEEK of Florida. Let me just say this, Ms. WASSERMAN SCHULTZ. Democrats on this side of the aisle have great credibility when it comes to homeland security. Great credibility. I am on the Homeland Security Committee. We asked the Department of Homeland Security.

Madam Speaker, we brought the President and the Republican majority along, kicking and fighting, not to do it. Now, we did it, but they do not want to provide the oversight, when I am saying the Republican majority.

I just want to mention a few things now that we are getting into this subject, because I want to put what we are doing first versus what they are not doing.

September 29, during a meeting of House and Senate conferees, Democratic Congressmen Obey and Sabo and Senator BYRD offered an amendment to increase funding for port container security by $300 million. House conferees defeated the amendment on party-line votes.

October 7, 2004. During also a House and Senate conference committee, the same Democratic Members offered an amendment to increase and enhance funding by $150 million. Republicans defeated it on a party-line vote.

On June 18, 2004, Democrats supported the same amendment to increase port and container security by $400 million, because this is what the Coast Guard is calling for, Mr. DELAHUNT.

Mr. RYAN of Ohio. It is what they want.

Mr. MEEK of Florida. This is not where we are just picking a number out of the sky. And this is not all they need. We are trying to give them a little bit more, and I will yield to Ms. WASSERMAN SCHULTZ in a minute and she will talk about what is being checked and what is not being checked.

We are trying to do something about it. We are trying to protect America. So it goes on, Mr. DELAHUNT, and Ms. WASSERMAN SCHULTZ, and it goes on and on. If we had enough time, I could read all this off.

So when folks start talking about where are the Democrats on this issue, just because the Republicans say it, it does not necessarily mean it is true. We have facts, Madam Speaker, and the CONGRESSIONAL RECORD on our side and commitment to the American people and the safety of our country on our side.

The bottom line is that the Republican majority talks about things, and we do things. When we are in the majority, we will do it. We will not talk about it. We will talk about what we have done and how we are doing it.

Ms. WASSERMAN SCHULTZ, can you share with the Members this chart?

Ms. WASSERMAN SCHULTZ. Oh, most definitely, just to take off from where you have launched. Really, the facts are laid bare.

It is evident who is for security and who is just kidding. And if you look at this chart here, this pie chart, the source is Fox News, that is our third-party validator, so we are not talking about a liberal bastion, who is for security and who is just kidding? Less than 6 percent of our U.S. cargo at our Nation's ports is physically inspected. That is 95 percent not inspected. We will say 94 percent not inspected and 6 percent inspected, but I think actually the number is just a little lower than that.

The difference between the increase in security at airports and the increase in security at ports since the 2001 9/11 attack is $18 billion, Mr. RYAN, increased airport security, compared to a $700 million increase in port security.

□ 2250

Now, I heard one of our colleagues bragging about the $700 million increase and trying to detail how much of an increase the six ports received that the port deal, the DPW port deal, was involved in, as if that was some fantastic accomplishment.

There is a $6 billion difference between what the Coast Guard has said they need, a $6 billion difference. The Republican Congress has shortchanged port security by $6 billion, according to the Coast Guard. They have requested $7.2 billion.

Mr. RYAN of Ohio. Third-party validator, the U.S. Coast Guard.

Mr. MEEK. The U.S. Coast Guard.

Mr. RYAN of Ohio. So if someone would say we are not telling the truth, they are saying the Coast Guard is not telling the truth.

Ms. WASSERMAN SCHULTZ. Not Mr. MEEK, not Mr. RYAN, but the Coast Guard has requested $7.2 billion and gotten $910 million in congressional appropriations. That is a commitment right there to national security.

Mr. DELAHUNT. I think we ought to inform our colleagues here and those that are observing our conversation what the Democratic policy is in terms of inspection of goods coming into this country is not 5 percent, but 100 percent. We have what I would call a zero tolerance policy, and it can be done, and it can be done in a very cost-efficient way, in a way that not only will prevent a terrorist attack coming in via our maritime shipping, but will be efficient in terms of taxpayer dollars.

Do you know in Hong Kong every single container ship that comes in, every piece of cargo, goes through a high-technology review? Every single piece is inspected. I guess what my point would be is that if they can do it in Hong Kong, we can do it in the United States of America. We can do it. We should have a zero tolerance policy, period.

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, the point is the issue is so much bigger than this one port deal. This is emblematic of the tremendously significant problem. You cannot say even if this problem gets addressed, this port deal gets addressed, which it should, you cannot say, okay, we are done. It is so much deeper than that. Democrats have been constantly fighting for increased port security, and Republicans have not, plain and simple.

Mr. RYAN of Ohio. Time and time again.

Madam Speaker, if Members would like to get ahold of any of the information, all of the charts we had here tonight are available on our Website, www.HouseDemocrats.gov/30something

Also, Madam Speaker, my old high school, the John F. Kennedy Eagles, bowed out of the high school tournament tonight. They lost to Campbell Memorial High School, and I just want to say what a great year they had. My brother happens to be the assistant coach. I wanted to give a shout-out to the John F. Kennedy basketball team.

Mr. DELAHUNT. Madam Speaker, let me just conclude by saying we should not ever mislead the American people. We know and they know who is in charge here in Washington. When I hear comments that would suggest that Democrats are in any way impeding or obstructing this Congress, my response is that is absurd. The Republican Party is in control.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. FOXX). The Chair has shown lenience toward the rather informal pattern by which Members have been yielding and reclaiming the time controlled by the gentleman from Massachusetts. But Members should bear in mind that the Official Reporters of Debate cannot be expected to transcribe two Members simultaneously.

Members should not participate in debate by interjection and should not expect to have the reporter transcribe remarks that are uttered when not properly under recognition.

PARLIAMENTARY INQUIRY

Mr. MEEK of Florida. Parliamentary inquiry, Madam Speaker, did you use the word "rhetoric" at the beginning?

The SPEAKER pro tempore. No, the Chair did not.

Mr. MEEK of Florida. Madam Speaker, thank you very much for the information.

PRESIDENT BUSH'S TRIP TO INDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, after President Bush made his first ever visit to India last week, I want to lend my personal support to the ever-improving relationship between the world's two largest democracies. His 3-day visit was another great step towards our two Nations' strategic partnership. The United States and India have made extraordinary progress over the last several years, and the path that lies ahead is critical to our improving relationship.

Besides the U.S.-Indian civil nuclear cooperation deal, President Bush and Prime Minister Singh spoke about a number of important initiatives that would enhance cooperation in defense, counterterrorism, agriculture, energy and promotion of democracy. Based on their shared values of diversity, democracy, and prosperity, the growing partnership between the United States and India has created profound opportunities that are central to the future success of the international community.

I appreciated that the President put some emphasis on the Kashmir conflict. He called for a solution agreeable to all parties and emphasized the need for "tangible progress" on the issue. The deep-seated hostility between India and Pakistan, of course, long predated the U.S. war on terrorism, but the conflict in Kashmir cannot be separated from it. Bush used his trip to urge the leadership of India and Pakistan to continue down the road to peace.

Madam Speaker, last year India and Pakistan agreed to use confidence-building measures aimed at promoting trade and normal relations, and have begun to narrow their differences on the issue of Kashmir. I am encouraged by this recent effort to improve the security situation in Kashmir. I am also hopeful that cooperation between India and Pakistan can continue so we can finally sustain peace in Kashmir.

Madam Speaker, there is also a growing agricultural cooperation between America and India shown by the India Knowledge Initiative on Agriculture formulated last July. Fittingly, the President visited with farmers and agricultural scientists in the state of Andhra Pradesh, where some of the best modern cultivation methods and new farming technology are being implemented.

As a Member from the Garden State of New Jersey, I believe it is important that we continue to help developing countries like India emulate technologies already adapted by the United States to increase farm production. We must support programs like those at Cook College, the Rutgers University agricultural school in my district, that are committed to providing agricultural solutions through education and research. Through their involvement in various international initiatives to promote modern research and development, Cook College and others are vital to global food production.

Madam Speaker, energy cooperation is another strong aspect of the growing relationship between our two Nations. Just like the U.S., India is facing spikes in oil and gas energy prices, and they are searching for ways to fuel their rapidly growing economy. As developing economies continue to expand and existing industrial economies use more and more energy, global demand is leading to serious price increases. That is why we must work together to develop alternative sources of energy for homes, businesses and cars. We must find ways to promote the development of stable and efficient energy markets in India to ensure adequate and affordable supplies.

I hope that over time, the U.S. and India can work together to find ways to lessen both Nations' dependence on foreign oil. It is critical that we reduce the world's dependence on oil from unstable nations that pose security threats to us and our allies.

Last July, President Bush and the Indian Prime Minister, Manmohan Singh, agreed that the U.S. would share nuclear technology for India's civilian energy use. Since then, chief delegates from both governments have been tirelessly negotiating the details of India's separation of nuclear power into civilian and military sectors along with establishing international oversight for India's civilian programs.

□ 2300

At the conclusion of his trip, President Bush announced the details of an agreement that both parties have signed on to, and now all that remains is congressional approval, which I urge my colleagues to support when it comes under consideration.

However, the President's trip to India last week should not be viewed merely as a way to complete the Nuclear Cooperation Agreement. Indeed, the President used his time accordingly to discuss all the issues of importance to the growing U.S.-India relationship, including peace throughout the region and cooperation on global issues like agriculture and energy.

IMMIGRATION

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for the balance of the time remaining until midnight.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you, Mr. Speaker, and address this United States House of Representatives. I have a series of issues on my mind here tonight. As I listened to some of this discussion, I promised myself to discipline myself and speak to the subject matter I came to the floor to address, and that, Mr. Speaker, is the issue of immigration.

First, I would say that we have a history of immigration in this country that certainly goes back to the very beginnings of the colonization of the 13 American original colonies.

America certainly is a nation that has benefited greatly from immigration, so that is why the Founding Fathers and the ratifiers of our Constitution put into this Constitution the directions to the United States Congress, Mr. Speaker, that we establish immigration policy. That immigration policy is the responsibility, the constitutional duty and the province of the United States Congress, and throughout the decades, and now centuries of immigration, that policy has been established by Congress, and we, for the most part, have adhered to those amounts and values that were reflected.

As I look back across those two centuries, I think there was a time in the early part of the 20th Century when there was a significant and massive amount of immigration that came in, much of it through Ellis Island, there was a real effort to settle a land that did not have a lot of population in it.

The region I represent in Western Iowa is one of those areas, as most of America is, I will say west of the East Coast. In fact, the population peaked out in my home county in the year 1912, much of it because of immigration. Since that time, it held steady for quite a while and has actually reduced in my agriculture county because we found ways to get the same amount of work done with less people because we have machines now to do a lot of that farm work that wasn't being done any way except by hand.

So immigration has been certainly the only way that this continent could have been settled. As I look around the United States, that is the case for most of us.

Mr. Speaker, I should back up to about 1924. That was a watershed year for immigration. That was the year in the aftermath of World War I, after the huge numbers of immigration had poured into the country, after my ancestors arrived here in a legal fashion, I would point out.

In 1924, Congress made a decision that they wanted to slow immigration down significantly. They wanted to do so so there would be an opportunity to have a time period where there could be an assimilation into this American culture. There was a concern that the picture of America would be different if the immigration kept continuing to refuel the cultural values that came from mostly Europe in those days, Mr. Speaker.

Our predecessors in this Congress understood that there is a limit to how much immigration a nation can prudently accept. They understood that there is something called a unique American culture, an overall civilizational culture here, that is the sum total of the values of all the subcultures that come into America.

They understood that we needed to have come on values, and one of those common values was a common language. They understood that we needed to have a common sense of history, a sense that we were pulling together, all pulling that same wagon together, not riding in it, but pulling together toward a common destiny. Those things that bind a nation together, our commonalities, common sense of history, a common sense of similar religions for the most part, a common language, English the official language, an opportunity to chase one's dreams, an opportunity to pull ourselves up by our bootstraps. And part of this American dream is to leave this world a better place for the succeeding generations and for each generation to have more opportunities than the preceding generation had.

That has been a true fact, I believe, for every generation of Americans. Each generation has had more opportunity, and it is because this American work ethic, this culture that we have, has always striven to provide for more opportunities for the next generation.

So in 1924, they dramatically shrunk down the legal immigration coming into this country and they stalled immigration throughout that period on from 1924, on through the Second World War, on through the 1950s, up until about 1964 when they passed an immigration act that began to open up immigration in a larger way here in the United States. That was perhaps a 40 year hiatus from significant immigration numbers, and that was the period of time by which actually two parts of two generations were assimilated into America and there became a distinction here in this country, very much commonality.

We lost our sense of what was the country that our ancestors came from, we lost our sense of ethnicity, and we absorbed this American ethnicity with this great dream we are all created in God's image and there is not a distinction between his creation, and we could all come here and thrive and prosper together and all under one flag.

Well, so in 1964, perhaps 1965, when immigration laws were changed, it began to open this up, and it was opened up in a way that they didn't realize at the time I don't think the kind of numbers that would be coming, but it began to set a new set of parameters.

Chain migration was one of those, where a person could immigrate into the United States and then begin to be able to bring their family members in. Later on there was legislation that was passed that provided for a visa lottery so that there would be 50,000 people that would come into the United States by just entering their name in a lottery, and if their name was drawn from the lottery, they would come to the United States.

Those kind of policies began to come into play, and as that went along, immigration accelerated then from 1965 on up until 1986 when there was an amnesty program that was passed by Congress and signed by the President. This truly was an amnesty program. It was about 3 million illegals in America at the time that were given a lawful permanent resident status and a chance to become citizens of the United States.

I have met some of the people that came here illegally that presented themselves under the amnesty plan and became citizens of the United States, and I don't quarrel with the contribution they have made to this country.

Mr. Speaker, but I do quarrel with the idea that we could present amnesty to people and expect them to respect the rule of law. If they came here by breaking the law and then we gave them a break on the law and eliminated the penalties that they were facing for breaking our laws, why should we be surprised if they don't respect the rest of the laws here in the United States of America?

So, from 1986 on, there was a contempt for the law, and the pledge though in 1986 was we will give amnesty to those perhaps 3 million people that are here in this country illegally because we really don't know how to deal with them otherwise, and then we are going to make sure that we enforce employer sanctions.

That was when I as an employer received my I-9 forms, and any employee application that I had, I had to take their identification down, their Social Security number, get the data introduced on an I-9 form, put that on file, and that was my protection in a way, but my responsibility as an employer to ensure that I was doing due diligence to hire lawful residents here in the United States, people who were legal to be here in the United States and could work here legally in the United States. I followed that with due diligence for years and years, anticipating then the INS would knock on my door some day, go through my files, check my employees and verify that I had been doing that due diligence and hiring legals.

Of course, the INS never showed up in my small operation. They showed up in a few of the larger operations back in 1986, 1987 and through the early nineties. But as the years went by, there was less and less enforcement at the employer level, fewer and fewer employer sanctions. And I wasn't very happy during the Clinton years as I saw a lack of will to enforce our immigration laws.

So we come to the year 2000, the election of our current Commander-in-Chief. And as I watched the enforcement, and I have noticed that within the last couple of years there haven't been a half a dozen employers that have been sanctioned for hiring illegals, that is how far we can have come with this rule of law. We sent the message to people that came into the United States illegally that there was a reward for breaking our laws, there was amnesty at the end, there was a path to citizenship, which many of them did receive.

☐ 2310

And then the trade-off was that there would be enforcement. And that would make it harder, that would shut off the jobs magnet, and, of course, then it would take the incentive away for people to come across the border to come into the United States illegally. That was the idea on how we were going to slow down border crossings, especially on our southern border.

But when the employer sanctions wound down, slowed down through the Clinton years and came to essentially a stop in the last couple of years, at least from all practical purposes came to a stop, that message echoes down below our southern border.

In fact, that message was going below our southern border well before it was clear that there are no employer sanctions. I happen to know that there was at least one corporation within the region that I represent who put up billboards in Mexico to recruit Mexican citizens to come to the United States illegally, to come to work for this particular company. There were other companies that did the same thing.

So the message goes down clear into southern Mexico, here is a path for you, come on up, we will set up your transportation, we will recruit you down here, we will bring you into the United States, we will put you to work, and we can put you to work under whatever Social Security you might submit, because, after all, there would not be any employer sanctions, there would not be an INS raid that would come in and pick people up and deport them back to their home country, which is what the law says.

That is what has happened with the immigration picture here in the United States over that century called the 20th century and beginning into this new century that we are in, this 21st century. And we have evolved into a situation now where people in America understand we do not control our border. We do not enforce our laws. We do not stop illegal traffic in a significant way coming across our border, and once they get into the United States they are essentially home free. They can go to work for about any company that is willing to hire them, and we will not see now ICE show up, the Immigration Customs Enforcement people show up, to enforce employer sanctions or to do a round-up and do a deportation.

And so businesses, being what they are, capital is always rational, Mr. Speaker, and so it will follow this path of least resistance. And you need a series of components to run a successful business anywhere, and certainly that is true in the United States of America. And some of those components are raw materials, facilities. You need capital, and, of course, you need administrative ability and know-how. You need a product or service that you are going to sell and a marketing ability and all of those things that go with it.

But you also need labor. And generally the highest cost to any business, single cost, is the cost of labor. And so business, being astute, will reach out to fill that gap in the cheapest way they possibly can. The most effective way for the dollars they will invest, I should say, because if they can get good, high-quality labor and pay a little more money for it, they will go that route, because that is rational, as capital, we know, is rational.

So business has set about bringing in cheap labor, especially across our southern border, putting them to work essentially with impunity, without fear of sanctions.

And this process as it began, it accelerated. Well, it was not a new process, especially along our southern border where we have a large amount of producers that raise specialty crops. It takes a fair amount of stoop labor and hand labor to raise those specialty crops. It took more 20 years ago than it does today, because machinery and technology has replaced some of that labor.

But that problem along the southern border was often the kind of situation where it was fairly localized. I do not excuse it. I do not agree with it. In fact, I disagree with it. But it did not bother the rest of the United States very much because that human traffic would come across the border and go to work and go back south of the border to live.

It was cheaper to live south of the border, and the money could be made north of the border. As that flowed back and forth, there was not a lot of public outcry until such time as the penetration of that illegal labor began to come up into the heartland of America and spread out to our coasts, along the Atlantic and the Pacific coasts, and on up into the Upper Midwest and Chicago, New York, the Northeast part of the United States. But in Iowa also we received a significant number of illegal workers.

And so as that happened, America began to understand what was going on in our southern border. But business was taking care of themselves by going to the well for cheap labor, because they could make profit with cheap, illegal labor.

Now, there is a thing in business called supply and demand. I mean, Adam Smith articulated it better than anyone and earlier than anyone in 1776 in his book Wealth of Nations. But I will submit, Mr. Speaker, that labor is a commodity like oil or gold or corn or beans, where I came from, and the value of that labor is determined by supply and demand in the marketplace. If there is a large supply of cheap labor, labor that is willing to work well under the going market for the existing labor, that cheap labor is going to underbid those workers, displace those workers, and businesses are certainly going to make that hire, and cash the profit. That is what they are in business to do is to return investment to their shareholders.

So they did not need to ever come up with other alternatives to labor because they had the easy supply of cheap labor just south of the border. So business did the rational thing. It was capital, after all, driving the decision. Capital is always rational.

The United States had that option, because we have a 2,000-mile border on our southern border, and wages are significantly cheaper down there. But just, Mr. Speaker, take, if you will, if the United States were a Nation unto itself, a continent that were sitting out in an ocean, perhaps like Australia is, if we did not have a border that was adjacent to a country that could supply cheap labor, if we did not have an ability to just open that border and let that labor pour in and find its way through the marketplace as this illegal labor has, what might we have done as we saw that we had a need for this and a demand for more labor?

And I would submit, Mr. Speaker, that we would have done a number of other things if illegal labor were not an option. And perhaps we would have recruited from other countries, and gone to this Congress and asked this Congress under its authority granted in the Constitution to open up legal immigration into the United States. We might have reached out and recruited people to come here, people that had assets, that had skills, that were trained, that were trainable, people that could best and the most quickly assimilate into this society and this economy.

We probably would have raised the numbers of legal immigrants if we had not had the border open for the illegals to fill that demand. That would have been one alternative—to go to more legal labor, in a prudent, manageable style that we could regulate.

Another alternative, and it would happen more than it has, would be to develop technology to replace the labor. I happened to see a show on television the other day about how they have replaced the hand labor picking tomatoes with machines and, through selective genetics, produced a tomato that has a tougher skin on it that can now be handled by machines. And many of the tomatoes in America are now picked by machine. It has cut down dramatically on the amount of labor that is necessary.

That is one kind of technology that has come forward. And the technology that used to be, the hand harvesting of sugar beets, is now done by machine. And the list of those items that we used to think were all hand labor has dramatically changed.

A lot of the grapes in America are now picked by machine rather than picked by hand. If we had not had access to the labor, we would have produced more machines, developed more technology. In fact, as there is pressure on labor today, there is more technology that is being developed.

And another thing that was always evident, Mr. Speaker, in the ag communities in the world, it has always been the case, you know, to some degree it has been the case in my particular life, with my aspiration in the construction business where I spent my life, families tended to raise the labor that they needed. They had large families on farms because they needed the people to do the work. That was an alternative. It was a rational decision to have quite a few children.

That has stopped. And I should not say stopped, but it has dramatically reduced. And families before that would have had 5 or 6 or 8 or 9 or 10, or some of the households I have been in that have 12 or 14 or 15 children, the next generation has 1 or 2 or 3 children. And those children are trained and educated to move off the farm, go get a college education, take that diploma and cash it in for the biggest paycheck they can get anywhere in the country or even in the world, and not come back to the farm except to visit.

That is the message that has been sent out, Mr. Speaker, and I would ask, what are we doing in this country for the young man or the young woman who wants to finish their high school education and not go to college, they do not see themselves as a student, they just want to go to work, they want to go to work in the plant, the manufacturing plant, or they want to go to work in the food processing plant, or whatever the industry happens to be that is close to home? What if they just want to grow up and go to work, punch the time clock, do their 40 or 50 or even 60 hours a week, take their paycheck, hang up their hard hat and go home and raise their family, buy a house, and build their future?

Those young people in America do not have that chance anymore, Mr. Speaker. They do not have that chance because illegal labor has underbid those kind of low-skilled jobs that used to be respectable jobs that used to pay a reasonable wage, and used to pay reasonable benefits. But there are young Americans that do not want to go on to a higher education. Are we operating under the presumption that everyone should be a college graduate?

□ 2320

I applaud education, a good man or a good woman with an education is better than one without as far as revenue of their life work is concerned, but, still, they do not all want to go to school, Mr. Speaker. So we have taken that away from them. We have allowed that to be taken away from them by the underbidding of cheap illegal labor.

That is what business has done. They have done the rational thing because we have not enforced our laws.

Now, on the political side. There is the other benefit that is there. Why does not Congress have the will to step in and ensure that our immigration laws are enforced?

I will submit that there are significant numbers of Members in this Congress that are here because they represent a significant supply of illegals that are residents within their district. When we do the census every 10 years, as we did in the year 2000, we do not count U.S. citizens for redistricting purposes for these 435 congressional districts. We count human beings that happen to be residents in the United States and then we draw the district lines around that, about 600,000 people within each one of those district lines.

When people go to the polls to vote on whether they will send me back to this Congress, Mr. Speaker, it will take a minimum of 120,000 votes for me to be returned back to this Congress, and that is because that is perhaps one more vote than half that will be cast. About 240,000 votes will be cast in the Fifth Congressional District of Iowa. But there are at least two congressional districts in California that it will only take 30,000 votes to win a seat in Congress and come here and represent the people of those districts. And the reason is because our census counts people, not citizens. Noncitizens do not vote, at least they should not vote. The law says they cannot vote. And so because of the massive numbers of illegals that are residents in those regions, they have representation here in Congress whether they vote or not.

Their Member of Congress is elected from that region, certainly influenced by the public opinions in that region, and sent to this Congress on a mere 30,000 votes when those of us who represent predominantly citizens in our district are required to earn four times that many votes. So one can say that an illegal in America has at least as much representation in Congress as a U.S. citizen does.

I think, Mr. Speaker, that is wrong; and I think we need to amend the Constitution so that in our census, we can count the people. We should know how many residents that are in America. That is the intent of our Constitution. But for redistricting purposes, our Founding Fathers did not envision that we would be giving representation to people who are here illegally. And so that is the political benefit that comes from illegal labor.

Additionally, there is also on the liberal side of the aisle, there is a strong push to legalize and give a path to citizenship to people that are here illegally because they see the political benefit to having more numbers, more votes, more political influence here. I have a real strong bias in favor of citizens of the United States of America and I am a great cheerleader for legal immigrants. And I submit that they are the people that deserve the representation in our country and that those that are here illegally do not deserve representation in this country and they are not fully protected by the rights of citizenship as some would submit in this Chamber, Mr. Speaker.

There is a business demand for cheap labor, Mr. Speaker. There are the political benefits. Then people will argue that we cannot replace this labor supply. We cannot get along without this illegal labor. They will not say illegal labor. They always confuse the term of legal immigrant with illegal immigrant. Immigrant to them is a generic term that covers everyone, and I will tell you that when I am talking about illegal, that is the people who have come in here illegally. Real legal immigrants, I do not know anyone that opposes legal immigration. I certainly do not. It has been good for the United States of America. It is something we must manage.

But for 3 years that I have been in this Congress, we have talked about 11 million illegals in the United States of America, 11 million. If you go back and look at the numbers and look at the proportion that is employed, the workforce is about 6.3 million of the 11 million illegals. These are numbers that have been bantered about here for at least 3 years. Well, that 6.3 million workforce represents 4 percent of the labor force, 2.2 percent of the gross domestic product or, excuse me, of the overall wages of the many dollars. I think it is trillions of dollars of wages that are earned altogether in America. It is 2.2 percent of that that goes to the illegal workforce.

So if by some miracle, illegal labor did not go to work tomorrow morning and that was stopped for an extended period of time, we would have to find 4 people out of 10 to fill those roles but the productivity is down to perhaps half of that. So maybe we do need someone to fill those roles. We noticed the difference, but it is only 2.2 percent of the overall earned wages.

So it is something that if I have a crew, a work crew of 100 people and I am going to lose two of them tomorrow morning, you can bet we will keep things running. We will keep your operation going. We will keep our production up there. We will notice a difference but we will find a way to adapt.

People say, well, you cannot replace those illegal workers, that 6.3 million. I would submit, Mr. Speaker, that today there are 7.5 million on the unemployed rolls. Those people are being paid not to work today, 7.5 million. There is another 5.2 million who are looking for work, who have exhausted their unemployment benefits but they will answer the polling questions and say, I want a job. I am still looking for work.

So you add that up and that is 12.7 million. Then you add to that the young people between the ages of 16 and 19 that presumably would be looking for at least perhaps some part-time work and some that would like to go into full-time work. There are 9.3 million in that group between the ages of 16 and 19. They are not in the workforce in any way whatsoever, not even on a part-time basis. They may be going to school. They may be full-time students, but many of them could be brought into the workforce and at least work part time. They can flip some burgers or cook some steaks or mow some lawns or fix some roofs or go out and do some harvest out here in the time that we really need the labor.

Additionally, between the ages of 65 and 69 there are 4.5 million Americans and some of them presumably would go to work if we did not penalize them for earning too much money once they start to collect their Social Security check.

Additionally, Mr. Speaker, between the ages of 20 and 64, that age group that is really the workforce age group of America, there are another 51 million Americans that are not in the workforce and they are not listed on the unemployment roles and they are not part of that 5.2 million that are looking for work. This 51 million Americans, they may be retired because they are wealthy. They may be homemakers. They may be working in the black market somewhere doing some cash trade so they do not show up in the workforce. But there is a potential for 51 million Americans between the ages of 20 and 64.

So this all adds up, Mr. Speaker, to 77.5 million Americans that are not currently in the workforce. There are a universe of people that could be gone to hire them to do these jobs that people say that Americans will not do. So I took the 6.3 million illegal workforce, divided it into the 77.5 million Americans that are not working and that comes out to 12.3 times.

There are 12.3 people in America that are not working for every illegal in America that is working. So if you just hired one out of those 12.3 and put them to work you could solve this problem. I cannot believe that business is not smart enough to figure this out. They are smart enough to figure it out but they are taking the easy option, the cheap option, the option that avoids liability, the option that really, again, it is rationale to higher illegals because they will go to work cheaper for one thing, Mr. Speaker. They do not file unemployment claims. They do not file workers' comp claims. You do not really have to have a lot of health insurance for somebody that is here illegally. You do not have to put together their retirement plan. You do not have to worry about an illegal worker getting mad at you and filing a lawsuit that might shut your company down.

You add up all of those burdens that become part of the risk and responsibility of hiring legal people to work here in the United States and then you add to that that you can hire the illegals cheaper, but let's just say you can't. Let's just say that you will put $10 an hour out on the table and you will higher an illegal for $10 an hour or you will offer $10 an hour to a legal person. Now, the legal person might be working right alongside the illegal and they might be getting gross wages $10 an hour each. But the legal one, even if they are a single dependent, they have to claim themselves as a dependent, and then there will be withholding for their Federal income tax, and their State income tax, and their payroll tax including Social Security, Medicare and Medicaid.

☐ 2330

That comes out of their check. The illegal almost invariably, and I have stacks and stacks of check stubs in my filing cabinet that show me this, claim the maximum number of dependents. So there is no withholding for Federal or for State. They give up their payroll tax to Social Security and Medicare the .0765 side of the thing, 7.65 percent of their payroll, but there is no withholding for Federal and for State if they claim the maximum number of dependents.

So what it amounts to is, if you are an illegal worker working for $10 an hour and make that decision to claim the maximum number of dependents, whether you have them or not, the withholding different is about $1.54 an hour. What American citizen wants to go out and work alongside someone who is here illegally? The American citizen is making $10 an hour, and the person who is here illegally is making $10 an hour, and you see the take-home pay. You work next to somebody. You often see that, and you realize that guy is taking home $1.54 more than I am. Why would they stay there in a job like that? Why would there not be resentment when the employer on this other side of the equation sees once he pays that $10 an hour, he is done with that?

It is kind of like piecemeal work. It is like custom work. It is not like you really have a full-time employee that carries all those responsibilities with it. You just pay the hourly rate, and when the shop closes that night, you are done until the next day. There is not a lingering liability that goes on like there is with a legal employee.

I have dealt with those things on my side, and believe me, I have great respect for all employers. But I wrote out payroll checks for over 1,400-and-some consecutive weeks. We did it all legally, and we competed against people who did not often. It is unjust for us to put employers in this country, who want to do it right, and competition up against those who refuse to do it right, but a lot of it is our public policy.

So, Mr. Speaker, we passed some legislation here before Christmas, enforcement legislation, on the floor of this Congress, and it does a number of things, including tighten up our borders.

It requires employers to use the employment verification program, so I call it the instant check program. When they hire someone, they will have to enter the Social Security number, date of birth, place of birth, perhaps the mother's maiden name, a series of different indicators. That information then goes out on the Internet, out to the Department of Homeland Security database, and also, it goes to the ICE database, the Immigration and Customs Enforcement, those two databases. It will verify if that information that is entered into that computer identifies a person legal to work in the United States.

I have this program entered into my computer, and I have run a whole series of different tries on it. The longest delay I have had is 6 seconds. That is not so long when you think about how long it takes to fill out the paperwork to hire someone and the effort you have to put in it.

That bill requires that the employment verification system be used by all employers. That will be helpful, Mr. Speaker, if we can enforce anything, but I am not optimistic that this administration will enforce. So I have introduced legislation called New IDEA legislation, the New Illegal Deduction Elimination Act. IDEA is the Illegal Deduction Elimination Act. It brings the IRS into this.

The Internal Revenue Service has demonstrated a desire to enforce the laws that they are entrusted with. They want to enforce that we all pay our income tax, and they seem to be entirely willing to levy interest and penalties against underpaid taxes. So New IDEA would give the IRS the authority to take the Social Security numbers that are introduced on the 941 employee withholding forms, enter those into the instant check program, the employment verification program, and if the employer knew or should have known they were hiring an illegal, it allows the IRS to disallow the wages and benefits that were paid to illegals as a business expense. The IRS makes that decision. That $10 an hour that was an expensed item goes over into the plus side, into the profit column, and presuming that the business is profitable, perhaps a corporation would be in a 34 percent corporate income tax bracket. If that is the case, then the $10 an hour expensed item, that becomes now a profit item. It gets the 34 percent tax levied against it and also interest and penalties. This totals up to about $6 an hour on top of the $10 an hour.

The net result of New IDEA, H.R. 3095, Mr. Speaker, becomes a $16 an hour liability for this illegal employee. Now, I will not tell you that you can hire then a $16 illegal because we have all of those things we talked about, health insurance, workers comp, unemployment and retirement benefits and all that contingent liability that comes with that, but perhaps a person can take a job that is legal here for maybe $12 an hour, and that levels the playing field so that lawful permanent residents in the United States and especially citizens of the United States then can have some opportunities instead of being undercut and underpriced by cheap, illegal labor.

That is the idea of New IDEA, the New Illegal Deduction Elimination Act, H.R. 3095, and it will generate billions of dollars for the United States Treasury until employers figure out that it will be enforced by the IRS.

You might, Mr. Speaker, contemplate that it would be unjust for us to go in and levy that kind of a penalty on employers if we did not give them some kind of safe harbor if they use the instant check program. New IDEA does give safe harbor to employers if they use the instant check program and they used it in good faith, then that gives them safe harbor. So the IRS then cannot levy interest and penalties against the employer if they happen to hire someone that is illegal and maybe the instant check could potentially have a mistake in it.

So we set this up with the right kind of structure. We bring in the IRS to do a good task, to help enforce our immigration laws. We direct the IRS then to make those kind of reports to Immigration and Customs Enforcement so that once there is a determination made that an employer was, I will say, willfully hiring illegals, then Immigration and Customs Enforcement can come in and levy employer sanctions under those cases.

So the risk could be significantly greater than another $6 an hour on top of your $10 an hour, but what it does is it puts enforcement in place where enforcement did not exist before. It brings a new agency in that has demonstrated a willingness to enforce Federal law. It changes this dynamic. It shuts down the magnet so that this magnet that is bringing people into the United States for the jobs, it shuts down the jobs magnet, Mr. Speaker. That is what New IDEA does, and you couple that with building a fence and more employer sanctions, those are encouraged. They are required to use the basic pilot instant check program. These things all go together to shut down the jobs magnet.

Another thing that we need to do and we can do so statutorily, not requiring a constitutional amendment, is to pass a law here in the United States Congress to put an end to anchor babies, birthright citizenship. That was not envisioned either in our Constitution. It is a practice. It is kind of a bad habit that we have gotten into, and so it is not guaranteed in the Constitution that a person born in the United States can be granted or shall be granted automatic United States citizenship. It is a practice that we have take on and it has gotten out of hand.

So we need to shut down the jobs magnet. We need to end birthright citizenship. We need to build a fence because not only is it a way to control the flow of humanity, which in the last year we have had perhaps 4 million illegals come across our southern border. I can tell you how many we stopped. We stopped 1,159,000, thanks to an effective border patrol, and I say effective given the manpower that they have, faced with the manpower that they are faced with. That is a fairly astonishing accomplishment to pick up 1,159,000, but we only adjudicated 1,640 to go back to their home country.

The rest of them, some of them, perhaps 155,000 OTMs, other than Mexicans, were released because we did not have a deportation agreement with their home countries. So they just disappeared into America's society.

Then on top of that, the rest of them were released on the promise that they would return to their home countries. Will you go back to your home country? Yeah, I will go. Okay, fine. Nobody took them down to the turnstile and saw to it that they went through and were put in airplanes and flew back into Mexico City and put them on a bus and took them to their hometown and did so because it was further for them to come back here to the United States.

□ 2340

You know, I think that is a questionable policy, and I do not know if it is very effective on the dollar, but we did some of those things. And yet the Border Patrol has testified that they stop perhaps one-fourth, or, maybe on a good day, a third of the illegal entrants. So that will take that 1,159,000 that came in and it takes that number up to about 4 million. So 2 to 3 million, if you do your math, that came into the United States unobstructed, and reasonably thinking that most will stay here. And yet for 3 years we have been saying 11 million illegals. But in 3 years we could have accumulated another 11 million illegals. And if the number was right 3 years ago, today maybe it is 22 million illegals rather than 11 million illegals. And maybe this workforce is a little bigger than 6.3 million. Maybe it is 12 million. Maybe you have to hire 2 out of every 12 that are not working in America to fill that gap.

But many have said they are doing work that Americans won't do, and that concerned me. I heard a story that if you need your roof fixed in Dallas and it is 105 degrees, no American will go up and fix that roof. Well, Mr. Speaker, I would submit that myself, this Member of Congress, and my crews have worked in an environment that from the heat index temperature on up to 126 degrees, and from a wind chill index temperature down to 60 below, and we have done that for days at a time. So that is 186 degrees, and it feels like temperature range. And certainly at 126 it doesn't feel a lot hotter than that on that roof in Dallas. But I asked myself, what would be the hottest, dirtiest, most difficult, most dangerous job there is anywhere in the world?

I conducted a little informal poll and came back with a consensus that rooting terrorists out of Fallujah probably is the hottest, most difficult, the dirtiest, most dangerous job anywhere in the world. And we have soldiers and marines that have been doing that, Mr. Speaker. And if it is noncombat pay, it pays them $6.80 an hour, and with combat pay it comes to $8.09 an hour. Plus benefits, I admit, Mr. Speaker. That is $8.09 an hour for a soldier to put his life on the line when it is 130 degrees, with bullets flying and RPGs going through the air. That is what is going on with brave American patriots.

If they will do that kind of work for that kind of money, then I believe that the difference is this work that is here in this country, that people claim Americans will not do, has simply just been bid down or it pays too little. And I have watched entire crews, almost entire crews of, I will say, 1,300 in a packing plant that were only about 8 Hispanics 10 years ago go to 81 percent today. And it is not because all of a sudden those people that were there 10 years ago picked up and left. They have been displaced one at a time. The wages and benefits stayed low, and so the illegal labor came in and replaced the labor of the people who had built their lives and their dreams around that plant and around that job.

So there is work, and Americans will do all of this work. And I always argue that if you want to see it on the other side, if marines rooting terrorists out of Fallujah for $8.09 an hour doesn't move your heart, Mr. Speaker, then I would say this: that I could hire Bill Clinton tomorrow to mow my lawn if I just paid him enough money. That is the other side of the equation.

In between those two extremes are all kinds of solutions. There are the 77 million nonworking Americans and there are ways to recruit them and to motivate them. We can have bigger families and we can use more technology and open up illegal immigration. But the rule of law must be maintained, and it must be restored if we are going to have respect for the laws in this country.

A question that is never asked, or seldom asked and never answered by the proponents of open borders, Mr. Speaker, is the question: Is there such a thing as too much immigration? That is the number one most obvious question of all. If you are going to enter into this discussion and this debate and you are going to seek to establish an immigration policy and be a part of that debate and put your vote up, you ought to have an opinion on whether there is such a thing as too much immigration.

Some will go off on tangents and not answer that question. If you pull them back from their tangents and just insist, is there such a thing as too much immigration, in the end they have to admit that if there isn't such a thing, then they have to argue, well, okay, we can have 6 billion people here in the United States. Everyone wants to come to America, for good reason. So if there is not such a thing as too much immigration into the United States, legal or illegal, then everybody in the world might well want to come here, and 6 billion people living in these 50 States of America and depopulating the rest of the world. I do not think that is the formula we want to look at.

So someplace between this 283 million that we have and the 6 billion that are out there to be recruited might be the right kind of number. Maybe the number is even perhaps less than the 283 million. I don't think so, but it should be part of our discussion.

So there is such a thing as too much immigration. We can establish that clearly, unless they are willing to take the position that 6 billion people would be an appropriate number for Americans. So if there is such a thing as too much immigration, then the next question is, well, how much is too much? And what are the reasons by which we would come to a conclusion?

I would argue, Mr. Speaker, that we need to bring people into this country who can assimilate into this society, who can contribute to this economy, and people who hopefully have an education and perhaps some capital. We need to look at the industries that are there and have these debates about H1 and H2B visas so we can supply the demand that is there.

But I am hearing people whine when I say we need to enforce our immigration laws, and it is because they are afraid they are going to lose their gardener or they are going to lose their housekeeper. I talked to an individual the other day that drove up to the illegal immigrant distribution center, where some of the communities have built a building so they can gather the day laborers there. He pulled his car up and he said, I need someone to work for the day. He had 100 people around him. Then he said, I have got $10 an hour, and they all walked away. He had to get out of his car and say I have $15; now I have $20. He found one that would work for $20 an hour for a short day.

I would submit that that is not a national security issue if you can't hire someone to pull the weeds out of your garden. If you cannot go out there or hire someone to do that, go rent a condo and sell the house to someone who can figure that out. This economy will sort this out. Supply and demand is always taking care of this. People used to migrate to go to work. They migrated out of Oklahoma to go to California. The Okies picked grapes out there.

I read a story about a 6-by-6 area in Milwaukee, 36 square blocks, where they used to have heads of households all working in the breweries. They came there in the 1930s from the South. And on that day, and this has been some years ago that I read this article, but on that day there wasn't a single working head of household because those jobs had disappeared in the breweries in Milwaukee. But nobody thought that that labor force might want to migrate somewhere where there was a job, because the safety net that is there has become a hammock. That is why we have 7.5 million on unemployment and that is why there is another 5.2 million that are looking. And many of those are good people. But if we provide a safety net there, it is easier to set back on that, rest a little on the hammock instead of having to get out there and go to work.

So if there is such a thing as too much immigration, then how much is too much? And I would submit, Mr. Speaker, that we are working at an effective rate right now. We will see differences in numbers, but the legal numbers are about a million a year. That is a lot of people. I think we can assimilate a million a year. But at some point we need to make sure that they have an opportunity for education; that they can learn the language.

We are printing ballots in more than 22 different languages just in Los Angeles County alone. We are in the process of reauthorizing the Voting Rights Act and people are arguing that even after all these generations people need a ballot handed to them in the language they are comfortable with. And I would argue that if you are born here in the United States or are a naturalized citizen, you should have had enough access to the English language to be able to read the ballot and cast a vote.

The only way that you can argue that a person that is legal to vote in the United States, that means a United States citizen, doesn't have a command of the English language, it wouldn't be if they were a naturalized citizen because they have to demonstrate proficiency in English to be a citizen, so they would have had to have been born here in the United States, had birthright citizenship, lived in an enclave, and didn't learn enough English to be able to know President, Vice President, Congressman, State senator, or State representative. Now, how long would it take to learn that? And if you couldn't learn that enough to vote, how could you understand the current events and the culture well enough to make an informed decision?

So I think that we are going down this wrong path with catering to people. We need to bring people together under one umbrella. A common language is the single most powerful unifying force that there has ever been throughout history. God knew that at the Tower of Babble. We have known it many, many times.

There was an emperor in about 245 B.C. in China. And I will never get the pronunciation right in Chinese, Mr. Speaker, but I call him Qin Shi Huang Di. He was the first emperor of China, and that part I know I have right. But he looked around and realized there were all these different tribal regions within China. They had a common culture, they wore similar clothes, ate similar food, a lot of similar habits, but they couldn't communicate with each other because they didn't speak the same language.

☐ 2350

He set about to unify the Chinese people for the next 10,000 years, and that was a quote from him, by hiring scribes to draft the Chinese language. They did that, and that language has bonded those people together for a fourth of that time. That is how powerful language is as a unifying force.

I will submit that we have a debate ahead of us, and it is going to be an intense debate. Immigration is a very, very complicated and convoluted subject. There are people whose oxen are going to be gored. There are people who walk away from the rule of law, and they say, What are we going to do? We have businesses that are dependent on illegal labor so you need to legalize this labor.

I heard that last Friday in testimony in a trip out West. I heard a witness testify that they had set up their business near the border based on the premise they could bring illegal labor to do that work. Now they have what I call an attrition rate of 9 percent a week, and we should legalize that, that is their request. We should legalize because, after all, the business cannot get along without illegal labor.

If they premised their business on illegal labor, it does not tug at my heartstrings so much because I have great reverence for the rule of law, the order that is here in the United States of America, for this Constitution that I carry next to my heart every day, to the continuity of our history, to our responsibility to this sacred covenant that really is our Constitution, this responsibility, the legacy that is left us by our Founding Fathers, this rule of law, this greater American civilization, the one that welcomes people in a legal way and gives everyone here an opportunity to pull themselves up by their bootstraps and succeed.

And often, newly arriving immigrants surpass their peers, those born here in the United States that maybe take some of this for granted. A lot of the vitality in America comes from immigration, but the idea that America is a Nation of immigrants and therefore we cannot have a rational immigration policy is an idea that is built upon a fallacy.

I asked the question in an immigration hearing of a series of witnesses: Is the United States a Nation of immigrants? And the answer was yes from all witnesses. Then please submit to me, since you are here as an expert, name a nation that is not a nation of immigrants? No one could answer that question because all nations are nations of immigrants. All nations have benefited from the flow of human traffic.

When people come to go to work, temporary worker, guest worker programs, there is no model in the history of humanity where there has been a successful temporary worker program. When people are brought into a country to work, they put down roots. It is human nature. They raise a family and buy houses. They should do that. If we bring people into this country, however we might do that, and whether I lose this debate on the rational side of this or not, we ought to ensure that they do have an opportunity to become full-fledged American citizens and not create a second-class category of citizens here in the United States. That will build resentment. People who come here and live and work here, and do so legally, should have a path to citizenship. It should be an earned citizenship. They should respect and revere our laws and our history, but a second-class level of citizenship will be a wedge between us. It will pit people here in America against each other.

And a guest worker, temporary worker program sets up a lower class of residence, quasi-legal workers, but that does not guarantee that there will not be competing groups of illegal workers that are underbidding the guest workers. With guest workers, you have to make sure they are not putting too much pressure on the services, such as health care and education. If you do all of that, it raises the price of labor. They are going to want more money anyway because now they are legal and they have some options.

The people who come in to underbid that will be another wave of illegal workers, and that other wave will drive the price down even further.

So we must control our borders and insist that there is respect for our laws. We must look down range to the future and what America is going to look like in a generation or two. We must maintain our cultural continuity, respect the rule of law and make a prudent decision here, not one that is based upon the idea of we do not have any alternatives. We have many alternatives. We have 77.5 million non-working Americans. We have technology that we could develop. We could increase our birth rate, open up legal immigration for the skills that we need, and those are just some of the solutions that I can come up with. But, in fact, business is so creative, they can think of many, many more.

With that, Mr. Speaker, I would express my appreciation for the privilege to address you and this United States House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of illness.

Mr. NORWOOD (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. SALAZAR (at the request of Ms. PELOSI) for after 3:30 p.m. today and for the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. CHOCOLA) to revise and extend their remarks and include extraneous material:)

Ms. PRYCE of Ohio, for 5 minutes, on March 14.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. CHOCOLA, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 32. An act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

H.R. 1287. An act to designate the facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, as the "Robert T. Ferguson Post Office Building".

H.R. 2113. An act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building".

H.R. 2346. An act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the "John J. Hainkel, Jr. Post Office Building".

H.R. 2413. An act to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building".

H.R. 2630. An act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the "J.M. Dietrich Northeast Annex".

H.R. 2894. An act to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the "Abraham Lincoln Birthplace Post Office Building".

H.R. 3199. An act to extend and modify authorities needed to combat terrorism, and for other purposes.

H.R. 3256. An act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building".

H.R. 3368. An act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the "Gagetown Veterans Memorial Post Office".

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office".

H.R. 3548. An act to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building".

H.R. 3703. An act to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schafer Post Office Building".

H.R. 3770. An act to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building".

H.R. 3825. An act to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building".

H.R. 3830. An act to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building".

H.R. 3989. An act to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert H. Quie Post Office".

H.R. 4053. An act to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office".

H.R. 4107. An act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building".

H.R. 4152. An act to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office".

H.R. 4295. An act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the "Mont and Mark Stephensen Veterans Memorial Post Office Building".

H.R. 4515. An act to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the "Corporal Jason L. Dunham Post Office".

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building."

S. 2271. An act to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, March 9, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6516. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mediterranean Fruit Fly; Add Portions of Los Angeles, San Bernardino, and Santa Clara Counties, CA, to the List of Quarantied Areas [Docket No. APHIS-2005-0116] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6517. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Cottonseed Payment Program (RIN: 0560-AH29) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6518. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Organization; Standards of Conduct and Referral of Known or Suspected Criminal Violations; Loan Policies and Operations, Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions: Definitions; Disclosure to Shareholders; Disclosure to Investors in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System (RIN: 3052-AC19) received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6519. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6520. A letter from the Comptroller, Department of Defense, transmitting a report of two violations of the Antideficiency Act by the Department of the Air Force, Case Number 04-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6521. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-10, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6522. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6523. A letter from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), Department of Defense, transmitting notification of emergency munitions disposal, pursuant to 50 U.S.C. 1518; to the Committee on Armed Services.

6524. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program, pursuant to 37 U.S.C. 323 (h) Public Law 106-398, section 633 (a); to the Committee on Armed Services.

6525. A letter from the Director, Legislative Liaison, Department of Defense, transmitting the Department's revised interim guidelines concerning the free exercise of religion; to the Committee on Armed Services.

6526. A letter from the Deputy Secretary, Department of Defense, transmitting a report pursuant to Section 9010 of the Department of Defense Appropriations Act, 2005 (Pub. L. 108-287); to the Committee on Armed Services.

6527. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Security Program and Appendix B—Guidance on Response Programs for Unauthorized Access to Member Information and Member Notice—received January 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6528. A letter from the Regulatory Specialist, Office of the Comptroller of the Currency, transmitting the Office's final rule—Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions [Docket No. 06-02] (RIN: 1557-AC90) received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6529. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age—received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6530. A letter from the Chief Financial Officer, Department of Energy, transmitting the

Department's report on Carryover Balances for Fiscal Year Ended 2005; to the Committee on Energy and Commerce.

6531. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Department's Alternative Fuel Vehicle (AFV) Program Report, pursuant to 42 U.S.C. 13211–13219 Public Law 105–388; to the Committee on Energy and Commerce.

6532. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Transactions Subject to FPA Section 203 [Docket No. RM05-34-000; Order No. 669) received January 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6533. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Amendments to Codes of Conduct for Unbundled Sales Service and for Persons Holding Blanket Marketing Certificate [Docket No. RM06-5-000; Order No. 673] received March 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6534. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards [Docket No. RM05-30-000] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6535. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Prohibition of Energy Market Manipulation [Docket No. RM06-3-000; Order No. 670] received February 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6536. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands [Docket No. RM06-9-000] received February 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6537. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—AP1000 Design Certification (RIN: 3150-AH56) received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6538. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the second report of 2005, as required by the Nuclear Waste Policy Amendments Act of 1987, Public Law 100–203, pursuant to 42 U.S.C. 10268; to the Committee on Energy and Commerce.

6539. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 on March 15, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

6540. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the March 2006 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291(b)(2); to the Committee on International Relations.

6541. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting a certification related to the Global Fund to Fight AIDS, Tuberculosis, and Malaria, as request under Section 525 of the Foreign Operations, Export Financing and related Programs Appropriations Act, 2005; to the Committee on International Relations.

6542. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-305, "Department of Mental Health Collective Bargaining Agreements Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6543. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-306, "DC USA Parking Garage Bond Security Documents Approval Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6544. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-304, "Finance and Revenue Technical Amendments Temporary Amendment Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6545. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-303, "Non-Health Related Occupations and Professions Licensure Temporary Act fo 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6546. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-287, "National Opera Street Designation Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6547. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-288, "Dishonored Check Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6548. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-289, "Other Tobacco Products Tax Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6549. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-290, "Uniform Environmental Covenants Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6550. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-291, "Illegal Dumping Enforcement Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6551. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-292, "Residential Energy Conservation Tax Credit Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6552. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-294, "Fiscal Year 2007 Budget Tax Relief Priorities Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6553. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-302, "Income Withholding Transfer and Revision Amendment Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6554. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-295,"Drug Offense Driving Privileges Revocation and Disqualification Temporary Amendment Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6555. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-296, "Identity Theft Technical Temporary Amendment Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6556. A letter from the Mayor, District of Columbia, transmitting a copy of the report entitled: "The Comprehensive Annual Financial Report Fiscal Year 2005," pursuant to D.C. Code section 47–119(c); to the Committee on Government Reform.

6557. A letter from the Chairman, Commission on Civil Rights, transmitting the Commission's Performance and Accountability Report for fiscal year 2005, pursuant to the Government Performance and Results Act of 1993 and the Office of Management and Budget Memorandum M-04-20; to the Committee on Government Reform.

6558. A letter from the Secretary, Department of Education, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Department's Report to Congress on FY 2005 Competitive Sourcing Efforts; to the Committee on Government Reform.

6559. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6560. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending September 20, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6561. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Member Business Loans—received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6562. A letter from the Acting Director Equal Employment Opportunity, National Endowment for the Humanities, transmitting the Endowment's annual report for FY 2005 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination andRetaliation Act of 2002 (No FEAR Act), Public Law 107–174; to the Committee on Government Reform.

6563. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6564. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees Health Benefits Acquisition Regulation: Technical Amendments (RIN: 3206-AJ20) received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6565. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems;

Change in the Survey Cycle for the Harrison, Mississippi, Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206-AK96) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6566. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Suspension of Enrollment in the Federal Employees Health Benefits (FEHB) Program for Peace Corp Volunteers (RIN: 3203-AK90) received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6567. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Definition of Federal Election Activity [Notice 2006-2] received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6568. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—$5,000 Exemption for Disbursements of Levin Funds by State, District, and Local Party Committees and Organizations [Notice 2005-26] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6569. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's 2005 Annual Report to Congress on the Transitional Housing Assistance Grant Program, pursuant to 42 U.S.C. 13975; to the Committee on the Judiciary.

6570. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Premerger Notification; Reporting and Waiting Period Requirements—received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6571. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Premerger Notification; Reporting and Waiting Period Requirements—received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6572. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Revised Jurisdictional Tresholds for Section 8 of the Clayton Act—received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6573. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Revised Jurisdictional Tresholds for Section 7A of the Clayton Act—received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6574. A letter from the President and CEO, National Safety Council, transmitting a copy of the Council's 2005 annual report; to the Committee on the Judiciary.

6575. A letter from the Secretary, Department of Transportation, transmitting the Department's final report titled, "Aviation and the Environment: A National Vision Statement, Framework for Goals and Recommended Action" as required by Section 321 of Vision 100-Century of Aviation Reauthorization Act, Pub. L. 108–176; to the Committee on Transportation and Infrastructure.

6576. A letter from the Secretary, Department of Transportation, transmitting the Department's report to Congress entitled, "Design-Build Effectiveness Study" submitted in accordance with Section 1307(f) of the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure.

6577. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Small Business Technology Transfer Program Policy Directive (RIN: 3245-AE96) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6578. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Small Business Size Standards, Inflation Adjustment to Size Standards; Business Loan Program; Disaster Assistance Loan Program (RIN: 3245-AF41) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6579. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Cosponsorships, Fee and Non-Fee Based SBA-Sponsored Activities, and Gifts (RIN: 3245-AF37) received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6580. A letter from the U.S. Trade Representative, Executive Office of the President, transmitting the 2006 Trade Policy Agenda and 2005 Annual Report on the Trade Agreements Program, pursuant to 19 U.S.C. 2213(a); to the Committee on Ways and Means.

6581. A letter from the Director, Regulations & Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, transmitting the Bureau's final rule—Quarterly Excise Tax Filing for Small Alcohol Excise Taxpayers (2005R-441P) [T.D. TTB-41] (RIN: 1513-AB17) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6582. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, "The Social Security Administration 's Efforts to Promote Employment for People with Disabilities: New Solutions for Old Problems"; to the Committee on Ways and Means.

6583. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the Corporation's final rule—Golden Parachute and Indemnification Payments (RIN: 3055-AA08) received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Government Reform and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 713. Resolution providing for consideration of the bill (H.R. 2829) to reauthorize the Office of National Drug Control Policy Act (Rept. 109–387). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. WOOLSEY (for herself, Ms. Lee, Mr. Grijalva, Mr. Kucinich, Mr. Davis of Illinois, Mr. Nadler, Mr. McDermott, Mr. Owens, Mr. McGovern, Mr. Clay, Mr. Conyers, Mr. Honda, Ms. Jackson-Lee of Texas, Mr. Stark, Ms. Schakowsky, and Ms. McKinney):

H.R. 4898. A bill to reallocate funds toward sensible priorities such as improved children's education, increased children's access to health care, expanded job training, and increased energy efficiency and conservation through a reduction of wasteful defense spending, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Homeland Security, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. Oberstar, Mr. Brady of Pennsylvania, Mr. Payne, Mr. Weiner, Mr. Hastings of Florida, Mr. Sanders, Mr. Engel, Mrs. Maloney, Mr. Bishop of New York, Ms. Schwartz of Pennsylvania, Mr. DeFazio, and Mr. Honda):

H.R. 4899. A bill to prohibit the entry of ocean shipping containers into the United States unless such containers have been scanned and sealed before loading on the vessel for shipment to the United States, either directly or via a foreign port; to the Committee on Homeland Security.

By Mr. ALLEN (for himself and Mr. Bass):

H.R. 4900. A bill to amend the Federal Election Campaign Act of 1971 to exclude certain communications made over the Internet from certain requirements of such Act, and for other purposes; to the Committee on House Administration.

By Mr. BECERRA (for himself, Mr. Daniel E. Lungren of California, and Mr. Honda):

H.R. 4901. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. BURGESS (for himself and Mr. Gene Green of Texas):

H.R. 4902. A bill to award a Congressional Gold Medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator; to the Committee on Financial Services.

By Mrs. CAPPS:

H.R. 4903. A bill to amend the Public Health Service Act to establish an Office of the National Nurse; to the Committee on Energy and Commerce.

By Mr. FERGUSON (for himself, Mr. Platts, Ms. Lee, Mr. Smith of New Jersey, Mr. Kucinich, and Mr. Simmons):

H.R. 4904. A bill to amend the Fur Product Labeling Act to require labeling of all fur products, regardless of value; to the Committee on Energy and Commerce.

By Mr. FOLEY (for himself and Mr. Cramer):

H.R. 4905. A bill to provide for the registration of sex offenders and for appropriate notification of their whereabouts, and for other purposes; to the Committee on the Judiciary.

By Mr. FORD:

H.R. 4906. A bill to improve science, technology, engineering, and mathematics education, and for other purposes; to the Committee on Science, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself, Mr. SALAZAR, Mr. UDALL of Colorado, Mr. TANCREDO, Mrs. MUSGRAVE, Mr. BEAUPREZ, and Ms. DEGETTE):

H.R. 4907. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pikes Peak region of Colorado; to the Committee on Veterans' Affairs.

By Mr. POE:

H.R. 4908. A bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing; to the Committee on Resources.

By Mr. STARK:

H.R. 4909. A bill to repeal the transition and grandfather provisions relating to foreign sales corporations and extraterritorial income; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself and Mr. ENGEL):

H.R. 4910. A bill to prohibit the manufacture, sale, marketing, or distribution of products or substances designed or intended to defraud a drug test; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. LANTOS, Mr. BURTON of Indiana, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. PAYNE, Ms. ROS-LEHTINEN, Mr. DELAHUNT, Mr. FOLEY, and Ms. LEE):

H. Con. Res. 353. Concurrent resolution commending the people of the Republic of Haiti for holding democratic elections on February 7, 2006, and congratulating President-elect Rene Garcia Preval on his victory in these elections; to the Committee on International Relations.

By Mr. POMBO (for himself, Mr. BUYER, Mr. SWEENEY, Mr. CARTER, Mr. BURTON of Indiana, Mr. CALVERT, Mrs. JO ANN DAVIS of Virginia, Mr. FORTUÑO, Mr. HUNTER, Mr. BACHUS, Mr. ISSA, Mr. POE, and Mr. SULLIVAN):

H. Con. Res. 354. Concurrent resolution expressing the continued support of Congress for requiring an institution of higher education to provide military recruiters with access to the institution's campus and students at least equal in quality and scope to that which is provided to any other employer in order to be eligible for the receipt of certain Federal funds; to the Committee on Armed Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARRIS:

H. Res. 714. A resolution urging the replacement of the United Nations Human Rights Commission with a new Human Rights Council; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. YOUNG of Florida and Mr. CLEAVER.

H.R. 226: Mr. PRICE of North Carolina.

H.R. 282: Mr. DICKS.

H.R. 303: Mr. GALLEGLY and Mrs. BIGGERT.

H.R. 311: Mrs. KELLY and Mr. HOYER.

H.R. 352: Mr. PRICE of North Carolina.

H.R. 354: Mr. EMANUEL.

H.R. 421: Mr. PRICE of North Carolina.

H.R. 450: Mr. BARTLETT of Maryland, Mr. RUPPERSBERGER, and Mr. WELDON of Pennsylvania.

H.R. 500: Miss MCMORRIS, Mr. SHAW, and Mrs. SCHMIDT.

H.R. 503: Mr. BRADY of Pennsylvania.

H.R. 558: Mr. GALLEGLY.

H.R. 561: Mr. KILDEE.

H.R. 583: Mr. PITTS and Mr. FORD.

H.R. 611: Ms. LEE.

H.R. 669: Mr. SHIMKUS.

H.R. 783: Mr. BARROW.

H.R. 788: Mr. MCDERMOTT.

H.R. 896: Mr. DAVIS of Tennessee.

H.R. 930: Mr. KENNEDY of Minnesota.

H.R. 952: Mr. ROTHMAN.

H.R. 968: Mr. RUPPERSBERGER, Mr. SOUDER, Mr. BONNER, and Mr. GALLEGLY.

H.R. 995: Mrs. KELLY.

H.R. 998: Mr. MCDERMOTT.

H.R. 1002: Mr. FITZPATRICK of Pennsylvania and Mr. BOYD.

H.R. 1053: Mr. FLAKE and Mr. SHAYS.

H.R. 1131: Ms. WASSERMAN SCHULTZ.

H.R. 1345: Mr. KLINE.

H.R. 1402: Ms. WATSON and Mr. LOBIONDO.

H.R. 1518: Mr. JEFFERSON.

H.R. 1549: Mr. PLATTS, Mr. MEEHAN, Mr. KUCINICH, and Ms. LORETTA SANCHEZ of California.

H.R. 1764: Mr. VAN HOLLEN.

H.R. 1998: Mr. SAM JOHNSON of Texas.

H.R. 2048: Mr. KUHL of New York.

H.R. 2178: Mr. RUPPERSBERGER and Mr. GEORGE MILLER of California.

H.R. 2230: Mr. BRADLEY of New Hampshire and Mr. RANGEL.

H.R. 2328: Mr. PAYNE.

H.R. 2533: Ms. MCCOLLUM of Minnesota.

H.R. 2567: Mr. HASTINGS of Florida and Mr. VAN HOLLEN.

H.R. 2671: Mr. PETERSON of Minnesota.

H.R. 2684: Ms. HART.

H.R. 2735: Ms. HARRIS.

H.R. 2793: Mr. CAMP of Michigan and Mr. BISHOP of New York.

H.R. 2842: Mr. CAMPBELL of California, Mr. PUTNAM, and Mr. WICKER.

H.R. 2943: Mr. SHUSTER.

H.R. 3006: Mr. AL GREEN of Texas.

H.R. 3099: Mr. DEFAZIO.

H.R. 3127: Mrs. NAPOLITANO, Mr. BEAUPREZ, and Mr. BISHOP of Georgia.

H.R. 3209: Mr. EVANS.

H.R. 3358: Mr. DICKS.

H.R. 3401: Mrs. JO ANN DAVIS of Virginia.

H.R. 3434: Mr. STARK.

H.R. 3442: Mr. MOORE of Kansas.

H.R. 3476: Mr. FOSSELLA, Mr. HASTINGS of Florida, Ms. LINDA T. SÁNCHEZ of California, and Mr. BOUCHER.

H.R. 3569: Mr. MEEHAN.

H.R. 3616: Mr. ANDREWS and Ms. NORTON.

H.R. 3779: Mr. HONDA, Mr. CUMMINGS, Mr. RUPPERSBERGER, and Mr. PAYNE.

H.R. 3861: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3957: Ms. MOORE of Wisconsin.

H.R. 3962: Mr. JEFFERSON, Mr. MCNULTY, and Mr. PAYNE.

H.R. 3966: Mr. INGLIS of South Carolina.

H.R. 3973: Mr. ANDREWS.

H.R. 4013: Mr. BISHOP of Utah.

H.R. 4063: Mr. BILIRAKIS.

H.R. 4092: Mr. LAHOOD.

H.R. 4140: Mr. HONDA, Mr. ISRAEL, Mr. MCGOVERN, Mr. OWENS, Mr. DAVIS of Alabama, Ms. DEGETTE, Mr. OLVER, and Mr. BISHOP of Georgia.

H.R. 4170: Mr. HALL.

H.R. 4197: Mrs. CAPPS and Mr. MCDERMOTT.

H.R. 4200: Mr. MELANCON.

H.R. 4272: Mrs. CAPPS.

H.R. 4304: Mr. CROWLEY.

H.R. 4341: Mr. MURPHY, Mr. MCINTYRE, and Mr. EVERETT.

H.R. 4366: Mr. YOUNG of Florida.

H.R. 4372: Ms. LEE.

H.R. 4424: Mr. LANTOS.

H.R. 4472: Miss MCMORRIS and Mr. CHANDLER.

H.R. 4561: Mr. PAUL, Mr. POE, Mr. MCCAUL of Texas, Mr. DELAY, Mr. BONILLA, Mr. THORNBERRY, Mr. CULBERSON, Mr. HENSARLING, Mr. GOHMERT, Mr. CONAWAY, Mr. BARTON of Texas, Ms. JACKSON-LEE of Texas, Mr. BURGESS, and Mr. SMITH of Texas.

H.R. 4663: Mr. KUHL of New York.

H.R. 4708: Mr. MCGOVERN.

H.R. 4729: Ms. SCHAKOWSKY.

H.R. 4753: Mr. VAN HOLLEN.

H.R. 4755: Mr. BASS, Mr. BLUMENAUER, and Mr. KIND.

H.R. 4774: Mr. JONES of North Carolina.

H.R. 4780: Mr. MCNULTY and Mrs. JO ANN DAVIS of Virginia.

H.R. 4790: Mr. MILLER of Florida.

H.R. 4793: Ms. DEGETTE, Mr. GREEN of Wisconsin, Mr. CUMMINGS, Mr. LARSON of Connecticut, Mr. BOUCHER, Mr. HOLDEN, Mr. NEY, and Ms. MCCOLLUM of Minnesota.

H.R. 4806: Mr. PALLONE.

H.R. 4807: Mr. LEWIS of Kentucky and Ms. BERKLEY.

H.R. 4808: Mr. ROHRABACHER and Mr. ABERCROMBIE.

H.R. 4824: Mr. GILLMOR, Mr. MCCOTTER, and Mr. MICHAUD.

H.R. 4828: Mr. VAN HOLLEN, Mr. CHANDLER, Mr. CARDOZA, Mr. KILDEE, Mr. KENNEDY of Rhode Island, Ms. BORDALLO, and Mr. MCINTYRE.

H.R. 4830: Mr. ISSA, Mr. ROGERS of Michigan, Mr. KUHL of New York, Mr. CALVERT, and Mr. ROYCE.

H.R. 4842: Ms. BERKLEY.

H.R. 4843: Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. MICHAUD, and Mr. STRICKLAND.

H.R. 4844: Mr. MCCOTTER and Mr. PUTNAM.

H.R. 4862: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4881: Mr. FORD, Mr. PETERSON of Minnesota, Mr. SCOTT of Georgia, Mr. ROGERS of Alabama, Mr. TAYLOR of Mississippi, Mr. MARCHANT, Mr. FRANKS of Arizona, Mr. RENZI, and Mr. SAM JOHNSON of Texas.

H.R. 4889: Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. GOODE, Ms. FOXX, Mr. KING of Iowa, Mr. PENCE, Mr. COLE of Oklahoma, Mr. PITTS, and Mr. GARRETT of New Jersey.

H.R. 4890: Mr. SHIMKUS, Mr. GERLACH, Mr. HOSTETTLER, Mr. ISSA, Mr. BRADLEY of New Hampshire, Mr. CAMPBELL of California, Mr. BRADY of Texas, Mr. JINDAL, Mrs. MYRICK, Mr. CHABOT, Mr. NEUGEBAUER, Mr. COLE of Oklahoma, Mr. KING of Iowa, Ms. FOXX, Mr. GOODE, Mr. DOOLITTLE, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. GOHMERT, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. RAMSTAD, Mr. BASS, Mr. MILLER of Florida, Mrs. SCHMIDT, Mr. NORWOOD, and Ms. GINNY BROWN-WAITE of Florida.

H.J. Res. 3: Mr. ROTHMAN.

H.J. Res. 28: Mr. ANDREWS and Mr. HONDA.

H.J. Res. 53: Mr. HOBSON and Mr. CHABOT.

H.J. Res. 57: Mr. PUTNAM.

H. Con. Res. 42: Mr. PUTNAM.

H. Con. Res. 90: Mr. MICHAUD.

H. Con. Res. 296: Mr. AL GREEN of Texas.

H. Con. Res. 301: Mrs. BLACKBURN and Mr. HERGER.

H. Con. Res. 314: Ms. WOOLSEY.

H. Con. Res. 318: Ms. JACKSON-LEE of Texas and Mr. ABERCROMBIE.

H. Con. Res. 319: Mrs. BONO and Mr. GALLEGLY.

H. Con. Res. 339: Mrs. NORTHUP, Mr. KLINE, Mr. CANNON, Mr. ENGLISH of Pennsylvania, Mr. NORWOOD, Mrs. JO ANN DAVIS of Virginia, and Mr. SULLIVAN.

H. Res. 116: Mr. GUTKNECHT and Mr. VAN HOLLEN.

H. Res. 322: Mr. BACA.

H. Res. 415: Mr. MCCOTTER.

H. Res. 658: Ms. JACKSON-LEE of Texas.

H. Res. 672: Mr. ANDREWS and Mr. ISRAEL.

H. Res. 673: Mr. ENGEL.

H. Res. 690: Mr. FEENEY and Mr. HERGER.

H. Res. 691: Mr. SANDERS, Mr. RUSH, Mr. BROWN of Ohio, Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, and Mr. MEEHAN.

H. Res. 695: Mr. WEXLER, Mr. BAIRD, Ms. WATSON, Mr. CONYERS, and Mr. VAN HOLLEN.

H. Res. 696: Mr. RYAN of Ohio, Mr. ETHERIDGE, Mr. MCGOVERN, Mrs. CAPPS, and Ms. BORDALLO.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO LOUISE LORENZI FOUNTAIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Louise Lorenzi Fountain, a lifelong citizen of Las Vegas, who died on Sunday, January 29, 2005, at the age of 92.

Louise was a link to the past as the last remaining child of David Lorenzi, the namesake of Lorenzi Park. Louise was born on November 14, 1913, to David Lorenzi, a French immigrant, and Julia Travese Moore. Her younger years were devoted to helping her father develop and manage Lorenzi Lake Park, which was built by Lorenzi and is considered a primary landmark in the development and life of the citizens of Las Vegas. Louise's father has been noted as one of the 100 most influential citizens of Las Vegas. He opened the park in 1926 with a pair of man-made lakes, a swimming pool, a dance hall, a band shell, and other amenities that made it a recreational refuge in the desert.

Louise married Edgar Fountain in 1936. He had hitchhiked from Georgia in search of work on the construction of the Hoover Dam. The couple left Las Vegas for 10 years and lived in Grand Coulee, Washington, where Edgar helped build Grand Coulee Dam. After returning to Las Vegas, she became a full partner in several business ventures the couple started, including the Nevada Amusement Co., a Toyota dealership, and a television sales business.

Louise was active in two Methodist churches and was a member of the First Presbyterian Church. She was a charter member and regent of the Valley of Fire Chapter of The Daughters of the American Revolution. She enjoyed gardening, playing bridge, and entertaining friends. She was a loving, wonderful person and a dear mother who will be sorely missed. Louise's life exemplifies her service and contributions to the city she loved. With her passing, a small fragment of beauty and kindness has left us.

Mr. Speaker, I am honored to stand on the floor of the House to recognize Louise Lorenzi Fountain and the wonderful life that she lived.

HONORING ROCHELLE STEVENS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mrs. BLACKBURN. Mr. Speaker, I ask my colleagues to join me today in recognizing the achievements of 2-time Olympic medalist and 11-time NCAA All-American Rochelle Stevens.

A native Memphian, Rochelle has racked up accomplishments both on and off the track. She is a credit to our community, and her determination and commitment to helping others are an inspiration.

For the past 15 years, The Rochelle Stevens Foundation has hosted an invitational track meet in Memphis that has funded scholarships and new shoes for athletes across the southeast.

Rochelle has made a difference. She has inspired our community by her example and her spirit, and we know our state is a better place for her work.

On February 24, 2006, Rochelle was elected to the Tennessee Sports Hall of Fame in Nashville where she represents Memphis well.

We wish Rochelle all the best and thank her for giving back so much to our community.

MEDICARE PROGRAM NOT CONFUSING

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Ms. FOXX. Mr. Speaker, today I would like to discuss the Medicare Part D prescription drug plan, a historic program that renews our commitment to our Nation's seniors.

This plan gives seniors choices for prescription drug coverage that will cost less while offering more benefits. It has brought Medicare, a program created 40 years ago, into the 21st century. Millions of seniors who were without access to drugs are now getting them and many are saving thousands of dollars a year.

Clearly, people have liked what they have heard about this program as sign-ups for the third week of February amounted to 546,000 and the week before, numbered 543,000. All told, almost 26 million people have signed up so far.

The Democrats say that seniors are confused about this program. I'm feeling a little bit confused myself and here's why: Democrats are holding town halls for the sole purpose of criticizing this plan while at the same time telling seniors they should consider signing up. Well, I guess I can understand why they are confused.

Mr. Speaker, there is nothing confusing about a program that will help Medicare beneficiaries pay for their prescription drugs while at the same time saving them money.

PAYING TRIBUTE TO BOB BLUM

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Bob Blum who has broadcasted at over 1,000 sporting events for the University of Nevada Las Vegas.

A member of the American Football Foundation Hall of Fame for his work with the old AFL's Oakland Raiders and San Diego Chargers, it is hard to find anyone who has seen more games than Bob since he began his play-by-play career in 1948. Still going strong at 85, he has been behind the microphone for 190 Rebels men's basketball games, 80 football games, 75 baseball games, 20 softball games and over 635 women's basketball games. His current position is the announcer for the Lady Rebels Basketball team.

Bob began commentating for UNLV in 1973. One of his most memorable games was in 1977 when the Rebels made the Final Four and were playing at Atlanta in the midst of UNLV coach Jerry Tarkanian's first round of wrangling with the NCAA. At the last minute Congressman Jim Santini had come to Atlanta and didn't have a ticket, so Bob allowed the Congressman to sit with him. The Congressman began cheering, and at half time Wayne Duke, the commissioner of the Big Ten and the head of the tournament committee, came over and told Bob that his guest was not allowed to cheer on the press row. Bob informed the Commissioner that his guest was none other than Congressman Santini, who was the chairman of the committee investigating the NCAA. Commissioner Duke then asked Bob to "Have him quiet down a little."

Another favorite game that Bob Blum remembers announcing took place the previous year, in 1976. UNLV played Hawaii-Hilo and beat them 164–111. With a combined score of 275 points, it is still the highest-scoring game in NCAA history.

Mr. Speaker, I am grateful to honor Bill Blum and his extraordinary career. I wish him the best at announcing for another 1,000 games.

HONORING GORDON L. ZEINE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mrs. BLACKBURN. Mr. Speaker, it's not every day that I get the opportunity to recognize someone who has dedicated so many years of service to our country.

It's with thanks and appreciation that I ask my colleagues to join me today in recognizing Gordon L. Zeine for his service as a member of the U.S. Navy, and for his work supporting our country's defense efforts in the years that followed.

Gordon's 8 years in the Navy and his decades working on technology that has enhanced our security are wonderful achievements—achievements that will have a lasting impact on our country. It's an impressive thing to be able to say your work has made America safer.

We're grateful for Gordon and his contributions to America, and we know he has certainly earned his retirement. We'll miss his tremendous knowledge and dedication nonetheless, but we will build on his work.

We know his daughter, Tina, who joined the Navy and was the fourth generation to complete boot camp at Great Lakes, Illinois, is already building on her family's record of service. It's because of families like Gordon's that America is strong.

Tennessee and America are proud of Gordon and we're thankful for his service. God Bless.

IN COMMEMORATION OF THE 25TH ANNIVERSARY OF THE 1981 COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS HEARINGS—INTRODUCTION OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT OF 2006

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. BECERRA. Mr. Speaker, I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act of 2006. This bill would create a commission to review and determine facts and circumstances surrounding the relocation, internment, and deportation of Japanese Latin Americans, and subsequently recommend appropriate remedies.

This year marks the 25th anniversary of the 1981 Commission on Wartime Relocation and Internment of Civilians hearings. This commission concluded that the internment was the result of racism and wartime hysteria. Five years after publishing its findings, then President Ronald Reagan signed the Civil Liberties Act of 1988 that provided an official apology and financial redress to most of the Japanese Americans who were subjected to wrongdoing and confined in U.S. internment camps during World War II. Those loyal Americans were vindicated by the fact that not even a single documented case of sabotage or espionage was committed by a Japanese American during that time. This act was the culmination of a half century of struggle to bring justice to those to whom it was denied. I am proud that our nation did the right thing. But 18 years after the passage of the Civil Liberties Act, there still remains unfinished work to completely rectify and close this regrettable chapter in our nation's history.

Between December 1941 and February 1948, approximately 2,300 men, women, and children of Japanese ancestry became the victims of mass abduction and forcible deportation from 13 Latin American countries to the United States. The U.S. government orchestrated and financed the deportation of Japanese Latin Americans to be used as hostages in exchange for Americans held by Japan. Over 800 individuals were included in two prisoner of war exchanges between the U.S. and Japan. The remaining Japanese Latin Americans were imprisoned in internment camps without the benefit of due process rights until after the end of the war. Japanese Latin Americans not only were subjected to gross violations of civil rights in the U.S. by being forced into internment camps much like their Japanese American counterparts, but additionally, they were victims of human rights abuses merely because of their ethnic origin.

Further study of the events surrounding the deportation and incarceration of Japanese Latin Americans is both merited and necessary. While most Americans are aware of the internment of Japanese Americans, few know about our government's activities in other countries resulting from prejudice held against people of Japanese ancestry. Government files thoroughly recorded U.S. involvement in the expulsion and internment of an estimated 2,300 people of Japanese descent who lived in various Latin American countries. Uprooted from their homes and forcibly transported to the United States, these civilians were robbed of their freedom as they were kidnapped from nations not directly involved in World War II. The Commission of Wartime Relocation and Internment of Civilians acknowledged the federal actions in detaining and interning civilians of enemy or foreign nationality, particularly of Japanese ancestry, but the commission had not researched the historical documents that exist in distant archives.

That is why I am introducing the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act of 2006. We must review directives of the United States military forces and the State Department requiring the relocation, detention in internment camps, and in some cases, deportation of Japanese Latin Americans to Axis countries and recommend appropriate remedies, based upon preliminary findings by the original commission and new discoveries. It is the right thing to do to affirm our commitment to democracy and the rule of law.

I am proud that there are many Members of Congress and community activists who have come together in this continuous fight for justice. I especially thank Representatives DAN LUNGREN and MIKE HONDA for their commitment to this issue and joining me in this effort. The Campaign for Justice and Japanese American Citizens League have been the vanguard organizations driving this effort to ensure that injustice be rectified. Two weeks ago, I had the privilege of joining with citizens in Los Angeles at the Japanese American National Museum to commemorate the Day of Remembrance. First observed in 1978 in Seattle, the Day of Remembrance has become a significant tradition in the Japanese American community, rooted in recognition, education, and activism for redress and social justice. The Day of Remembrance is observed with educational events around the country on or around February 19 because on that day in 1942, President Franklin D. Roosevelt signed Executive Order 9066, a directive that allowed for the mass internment of persons of Japanese ancestry. As we remember and reflect on the tragedy that innocent people experienced during World War II, it is my hope that our government can do the same and right this egregious wrong. A necessary first step to achieving this altruistic goal is swift passage of the legislation being introduced today.

Mr. Speaker, let us renew our resolve to build a better future for our community by dedicating ourselves to remembering how we compromised liberty in the past. Doing so will help us guard it more closely in the future. As we remember the 25th anniversary of the first commission hearings and commemorate the Day of Remembrance, I look forward to working with my colleagues to pass the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act of 2006.

TRIBUTE TO THE COLTON CHAMBER OF COMMERCE

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. BACA. Mr. Speaker, it is with great pride that I rise to pay tribute to the Colton Chamber of Commerce on the occasion of its Centennial Anniversary.

This institution, located in the "Hub" of the Inland Empire, has been an economic engine and key player in the region's historical development since 1906, when one of its founding members, the California Portland Cement Company, laid the foundation for the first Colton Chamber of Commerce office building.

Throughout the past century, the Colton Chamber of Commerce has been a driving force, transforming a newly-created city into a vibrant center of employment, thriving neighborhoods, and diverse economy. The Chamber's innovative programs and services have successfully created a lifeline of economic activity which fuels the heart of the Inland Empire to this day.

The Colton Chamber of Commerce has more than 200 members who are committed to strengthening the City's prosperity while improving the quality of life of more than 48,000 residents. The Chamber's services have helped attract over 2,000 large and small businesses from a variety of industries to the region. These efforts have provided jobs for the area's diverse workforce, created economic opportunities for low- and moderate-income families, and expanded goods and services to people from all backgrounds and walks of life.

I have had the privilege of working with members of the Colton Chamber of Commerce and local leaders to enhance economic development in the region. For example, at the request of the Chamber and city leaders, I helped reopen the comment period on land restrictions posed by endangered species designations on the Delhi Sands Flower-Loving Fly. Providing the City of Colton with an opportunity to present information to support its case was an important first step to moving forward vital projects that will improve local schools, help grow small businesses, revitalize neighborhoods, create jobs, and preserve our environment.

Over the past 100 years, the Colton Chamber of Commerce's efforts have ultimately helped increase opportunity in the lives of the children, seniors, and low-income and middle-class families who call the Inland Empire "home". The Chamber's efforts will have a long-lasting impact in the region and will help chart the course of economic prosperity for Southern California over the next 100 years.

HONORING COLONEL JOAL EMERSON WOLF

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to honor Colonel Joal Emerson Wolf of the U.S. Army Reserves for his dedicated service to the United States of America. Colonel Wolf's colleagues, family, and friends gathered on January 20, 2006 at Bolling Air Force Base to celebrate his promotion to the rank of Colonel.

Colonel Wolf has dutifully served our Nation's military since 1983. Most recently he distinguished himself as the Commander of the 3401st Military Intelligence Detachment, and Chief of Staff of the Iraq Intelligence Task Force and the Iraq Working Group of the Joint Staff at the Defense Intelligence Agency. Colonel Wolf honors his family's military legacy with his selfless commitment to the security of the American people. He comes from a distinguished family of military tradition: both his father, the late Dr. Alan Emerson Wolf, and his mother, Phyllis Marie Clairmont, served in military intelligence. I am honored to be married to Colonel Wolf's sister, Camille Spinello Andrews, and to say that he represents our family—as well as our Nation—with great honor and integrity.

Colonel Wolf is an inspiration to service members everywhere, and to all citizens of our great Nation. I commend and congratulate Colonel Wolf for his promotion to such an esteemed rank in the U.S. Army Reserves. We are all safer because of his service.

TRIBUTE TO HAROLD BRAKE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. SHUSTER. Mr. Speaker, I rise today to honor Harold Brake, who has played a vital role in the development of the Charles E. Brake Company of St. Thomas, Pennsylvania, since he joined them in 1954. Started by his father, Charles, in 1924, Harold has carried on the company's excavating duties until this day.

I have had the privilege of watching the Charles E. Brake Company succeed in expanding their business operations into other areas of Pennsylvania, and even into Maryland. Today, the company has over 100 employees who have contributed to their community for over 75 years. Mr. Harold Brake saw the company develop through its most profitable years, as it grew from only six employees in 1954 to the 120 workers who are a part of the company today.

After serving for more than 50 years in the family-owned corporation, Harold Brake will soon retire from his duties as the Chairman. Although Harold will no longer be the official head of operations, his son, Randy Brake, is certain that Harold will always be involved in the family business. I owned a small business for years and I understand, along with many others across Pennsylvania, the day-in and day-out work it takes to succeed. I applaud Harold for his commitment to his community and his business.

As our economy continues to move in the right direction, our small businesses are the driving force. These businesses make up our communities, neighborhoods, and towns. The Pennsylvanians who have benefited from the efforts of the Charles E. Brake Company as a result of Harold's continued hard work would certainly join me in thanking Harold for his contributions to the community and the economy, as well as serving as an inspiration for the spirit of chivalrous virtue.

TRIBUTE TO COLONEL SHARON B. WRIGHT, UNITED STATES AIR FORCE NURSE CORPS, ON THE OCCASION OF HER RETIREMENT

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. BROWN of South Carolina. Mr. Speaker, I want to recognize a great American and a true military heroine who has honorably served our country for 26 years in the Air Force Nurse Corps: Colonel Sharon B. Wright. Colonel Wright has a long history with the Air Force. She was born at Travis Air Force Base, California, and graduated from Hillcrest High School, Sumter, South Carolina, when her father, Chief Master Sergeant Edward J. Wright, was stationed at Shaw Air Force Base, South Carolina. Colonel Wright followed the career path of her father, a 30-year Air Force Chief, and her mother, a licensed practical nurse, both natives and current residents of Charleston, South Carolina. In 1980, she was commissioned through ROTC, and she was then assigned to Mather Air Force Base, California. Experienced and desiring to make a difference, she next served at Kunsan Air Base, Korea, and Langley Air Force Base, Virginia, where she deployed to Honduras with the U.S. Army.

In each assignment she excelled and was rewarded with greater responsibilities and opportunities. In 1988, she became the Chief, Nurse Recruiting Branch, at Gunter Air Force Base, Alabama. A proven leader, she was the Top Recruiter in 1988 and 1991, and she received the Recruiting Standard of Excellence award in 1990. In 1991, she assumed duties as the Coordinator of Maternal Health Services at Dover Air Force Base, Delaware. In 1994, Colonel Wright was assigned to Randolph Air Force Base, Texas, as a Nurse Utilization Officer. During her tenure she completed over 2000 assignments, managed five commands, and maintained staff levels at an unprecedented 95 plus percent.

In 1998, Colonel Wright assumed her first command at Incirlik Air Base, Turkey. As the Squadron Commander, she also assumed the roles as the Chief Nurse Executive and Deputy Group Commander. Incirlik presented significant challenges. Three weeks after arrival, a devastating 6.3 earthquake hit. Colonel Wright took charge as the on-scene Medical Group Commander. After her stellar performance at Incirlik, she went on to her second assignment as Squadron Commander at Laughlin Air Force Base, Texas, in 1999. Her astute leadership led to her appointment as Deputy Program Executive Officer at the Joint Medical Information Systems Office and Force Development Program Manager at the Office of the Surgeon General, at Bolling Air Force Base, Washington, DC.

Colonel Wright's last assignment brought her back to Texas as the Chief, Nurse Utilization and Education Branch, Randolph Air Force Base, Texas. In this position, she was responsible for managing assignments, career progression, and sponsored educational opportunities for 3,700 Air Force nurses. Colonel Wright is a meritorious leader, administrator, clinician, educator, and mentor. Throughout her career she has served with valor and profoundly impacted the entire Air Force Medical Service. Her performance reflects exceptionally on herself, the United States Air Force, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful nation for her over 26 years of dedicated military service. Congratulations, Colonel Sharon B. Wright. I wish you Godspeed.

GULF COAST DISASTER RESPONSE, TRIBUTE AND THANKS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a great honor for me to rise today to commend the residents of the Seventh Congressional District and the people of southeastern Pennsylvania for their generosity and compassion toward the people of the gulf coast in the aftermath of Hurricanes Katrina and Rita.

As vice chairman of the House Committee on Homeland Security, I visited Louisiana 5 days after the storm hit, and witnessed the strength and resolve of the citizens and those working to save lives and restore order. This weekend I am pleased to host gulf coast first responders in my district to recognize their indomitable spirit and their great relief efforts. In the days and dark nights that followed the hurricane disasters, these first responders worked around the clock with remarkable resiliency in moving forward a person, a house, a building at a time.

More than 6 months have passed since the most devastating natural disaster in American history. In that time, as has been the case in every time of national crisis, the citizens of my region have opened their hearts to their fellow citizens.

Displaced residents were welcomed to our communities, schoolchildren held fundraisers, supplies were donated, prayers were said and communities sent their fire and EMS personnel to aid neighbors in towns hundreds of miles away, that were unknown to them weeks earlier. College students from my district are spending their spring break in Louisiana, Mississippi and Alabama assisting with the recovery and rebuilding effort.

To this day, our local citizens continue to donate money, time and effort to help rebuild this devastated part of our country. This spontaneous generosity—great and small, emotional and financial—of all of my constituents in the wake of this tragedy has been remarkable. I have never been more proud to represent the Seventh Congressional District. The extraordinary efforts of the residents of Delaware, Chester and Montgomery Counties are exemplary of the spirit of service that has made our Nation great.

I would like to take this opportunity to thank all those who have dedicated not only their time, but also their resources, to the recovery effort along the gulf coast. I am proud to recognize and commend the tremendous commitment, kindness and generosity of southeastern Pennsylvanians whose invaluable dedication to helping our Nation deserves our special recognition.

RECOGNIZING DAVID CRISSEY AS SANTA ROSA DISTRICT TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. MILLER of Florida. Mr. Speaker, on behalf of the U.S. Congress, it is an honor for me to rise today to recognize David Crissey as Teacher of the Year for the 2005–2006 school year.

On January 30, 2006, David Crissey was announced Teacher of the Year in the Santa Rosa County School District, a district he has proudly served since 1995. Mr. Crissey is an alternative education teacher with the Exceptional Student Education Department's Students Achieving Independent Learning, SAIL, Program at the Berryhill Administrative Complex in Milton, FL.

The SAIL program serves students who have been removed from their home schools due to a zero tolerance offense or for a long pattern of chronic disruptive behaviors. It takes a special person with an abundance of patience to teach these students not only academics, but also how to succeed socially in society. Stemming from his love for helping children to become successful, over the past 10 years David Crissey has developed an innovative resiliency training program, which teaches students to bounce back from the life stressors they have faced in their lives. Not only an educator for his students, he has presented his resiliency training program as well as other innovative alternative education programming at several international, national, regional and State level conferences to help prepare his colleagues for the behavioral challenges that will face them in the classroom.

The Teacher of the Year recognition highlights 1 year of teaching, but the proof of greatness lies beyond the title; it lies in the hearts and minds of the students who have been deeply affected. Undeniably, each day walking into the classroom, David Crissey positively shapes the lives of his students.

Through his hard work and dedication in the field of academia, the impact he has had on his students and the difference he has made in their lives has proven him to be among the great teachers in Northwest Florida, and Santa Rosa School District is honored to have him as one of their own.

Mr. Speaker, on behalf of the U.S. Congress, I am proud to recognize David Crissey on this outstanding achievement for his exemplary service in the Santa Rosa County School District.

H.R. 3380, GUARDIANSHIP ASSISTANCE PROMOTION AND KINSHIP SUPPORT ACT: TO PROMOTE SAFE AND STABLE HOMES FOR ALL CHILDREN IN FOSTER CARE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Ms. SCHAKOWSKY. Mr. Speaker, across the country, there are more than 6 million children living with their grandparents, aunts, uncles or other relatives. In my State of Illinois, 9 percent of the children live with nonparent relatives. Children enter relative care for many reasons: death of a parent, neglect, abuse, military deployment, or poverty. But regardless of the reason, every child deserves a safe home and an opportunity for a good life. I commend grandparents and other relatives who step forward to care for children, keeping them out of foster care while providing safe, stable homes, often at great personal sacrifice. Supportive programs like subsidized guardianship help children exit foster care into the permanent care of nurturing relatives.

Recently, the Pew Commission on Children and Foster Care noted that permanent guardians offer the best hope and future for many of these children. After extensive study, the Pew Commission recommended permanent guardians receive financial assistance in the form of subsidized guardianship. A 2004 study by the University of Illinois showed that States with federally funded subsidized guardianship through IV–E waivers are much more effective in both reducing their foster care rolls and achieving permanence. Subsidized guardianship provides the financial support to make it possible for relative caregivers to provide a permanent and loving home for children, while giving guardianship to the relative instead of the State.

The Guardianship Assistance Promotion, GAP, Act, H.R. 3380, introduced by my colleague Representative DANNY K. DAVIS, is designed to support children living with legal guardians by allowing subsidized guardianship and expanding eligibility to children who are eligible for foster care payments. I urge my colleagues to join this important effort to encourage safe and permanent homes for children in foster care.

Grandparents and other relative caregivers are often the best chance for a loving and stable childhood for the children in their care, but their hard work and dedication often go unnoticed. Today, I offer my deep appreciation for the ongoing service of these caregivers to our children.

HONORING THE ACCOMPLISHMENTS OF DENNIS WIESE

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Ms. HERSETH. Mr. Speaker, I rise today to recognize and pay tribute to an individual who has earned a reputation as one of the most important and influential agricultural leaders in my home state of South Dakota. Very recently, the longtime president of the South Dakota Farmers Union, Dennis Wiese, retired from that position and passed the torch to the next generation of farm leaders. It is on this occasion that I would like to recognize and honor the valuable contributions that he has made to the South Dakota Farmers Union and to South Dakota agriculture.

Dennis first began his involvement in agriculture as a young boy on his family's farm near Flandreau, South Dakota. After graduating from high school he began farming. As he immersed himself in the operation of his farm, Dennis became increasingly interested in agricultural and rural issues that he saw affecting family agriculture. This led to active participation in farm policy debates. In 1993, this interest culminated in his election as the president of the South Dakota Farmers Union, one of the most influential farm organizations in our state. In that role, Dennis served as a staunch and effective advocate for public policy on behalf of the state's farmers and ranchers. He earned a reputation as an honest and valuable source of information, and a fountain of new ideas for positive policy change. He also simultaneously served as a member of the board of directors of the National Farmers Union Property and Casualty Insurance Companies.

During his time as president of the South Dakota Farmers Union he met with national leaders, including President Bill Clinton on several occasions, to discuss issues affecting rural America. Dennis counseled many members of Congress on agricultural matters, including Senators TIM JOHNSON, Tom Daschle, Larry Pressler and JOHN THUNE, and Congressman Bill Janklow and myself, among others. He also has served on national agricultural panels with other prominent rural leaders and he has testified before the Senate and House agriculture committees on numerous occasions.

I had the great good fortune to work with Dennis in another of his important endeavors; one that I think will be one of his finest legacies. In 2003, he was the driving force behind the creation and success of the South Dakota Farmers Union Foundation, a nonprofit charitable organization that conducts education programs that teach youth, young adults, farm families, and others about cooperatives and other issues important to family farm agriculture and our rural communities. I was fortunate enough to be the first executive director of that worthy organization and was able to see first hand the talent and dedication that Dennis brings to all of his efforts to assist South Dakota and rural America.

Dennis announced in January of 2005 that he would not seek re-election after serving 12 years as president of the 14,000-member South Dakota Farmers Union. He was replaced in an election in November of last year by another impressive agriculture leader in my state, Doug Sombke. Since Dennis' retirement, he has started a government affairs and economic development consulting firm in his home town of Flandreau, South Dakota. He is now putting his full energies into expanding that business. He is working on many significant and important projects, including the expansion of South Dakota processing company that produces and markets locally grown premium Hereford beef.

It is because of the leadership of bright and dedicated men and women like Dennis Wiese that the challenges facing farmers and ranchers across the country receive the attention they deserve and the unique needs of rural America are heard. It was my pleasure to work with Dennis during my time leading the South Dakota Farmers Union Foundation, and also to benefit from his experience, wisdom, and counsel during my first year in Congress and on the House Agriculture Committee.

Dennis' family, including his wife, Julie, and his children Dayton, Kyle, Owen, Austin and Elissa are justifiably proud of their father and husband for his work on behalf of family farmers and ranchers. I look forward to continuing our close and valuable relationship with Dennis as he continues to serve South Dakota and American agriculture.

TRIBUTE TO ETHEL SEIDERMAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Ms. WOOLSEY. Mr. Speaker, I rise with pleasure to honor my friend Ethel Seiderman who is receiving the Beryl H. Buck Award for Achievement on March 9, 2006, for her embodiment of "community giving in action." This award affirms what the Marin community already knows about her . . . Ethel Seiderman has given tirelessly her entire life.

Ethel's life and work reflect her passion for children and families. She has created innovative programs which have become national models for meeting a broad range of needs. From her early efforts in low-income communities in Boston and New York in the 1950s to the nationwide reach of the Parent Services Project she currently directs, Ethel has demonstrated that caring for vulnerable populations with respect and compassion reflects how we are as a people.

In 1973 Ethel founded the Fairfax-San Anselmo Children's Center (FSACC) and was the director until 1999. FSACC provides childcare for 150 low- to moderate-income families each year with ground-breaking programs such as the Get Well Room for mildly ill children, extended hours, extensive family support, mainstreaming, and transportation for school-age children. With the efforts of her late husband and partner Stan, the family support program increased fathers' involvement through the Men's Group and its various projects.

The Parent Services Project (PSP) was founded in 1980 as Ethel realized that, in order to promote the well-being of children, we must promote and incorporate their families. Working in partnership, parents and staff develop support groups, respite and family fun events, workshops and trainings, and other activities requested by the families. With Ethel leading dissemination and advocacy efforts, the PSP approach has now been integrated into over 800 programs across the country. These services vary widely, as they are developed by the needs of the particular parent group; organic development at each site is the norm rather than a one-size-fits-all approach.

As a consultant to many of these programs and a stirring and sought-after conference speaker, Ethel continues to travel the Nation promoting the family support principles that guide PSP. She has also published numerous articles and received awards including Marin Citizen of the Year, Marin Women's Hall of Fame, and Woman of the Year from the California legislature.

Throughout these endeavors, Ethel's husband Stan, who passed away last year, and her two children and four grandchildren, have provided her a loving support network. And Ethel's extended family—the many people whose lives she has touched—have also returned her warmth over the years. In the words of one director of a children's program that she helped, "Ethel opened our eyes to a whole new approach in life as well as work, a mode that united families and staff to support each other and to promote the success of our children."

Mr. Speaker, Ethel Seiderman understands that through honoring and sustaining each other we can truly build a better future. And I honor her on the occasion of her well-deserved receipt of the Beryl H. Buck Award. I know that she will continue to embody community giving while inspiring others to do the same.

TRIBUTE TO MILTON B. LEE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Milton B. Lee for his impeccable record of service to the citizens of San Antonio, and whose achievements were recognized by the San Antonio-based Lighthouse Group on January 25, 2006.

Mr. Lee, a lifelong Texan, is a native of Austin, where he accomplished a Bachelor of Science degree in Mechanical Engineering in 1971. After graduating, he quickly launched his career at General Electric, where he oversaw nuclear steam supply systems, nuclear fuel, gas turbine generators and steam turbine generators.

He was one of the formative members of the Texas Public Utilities Commission, and having testified as an expert witness in certification and rate proceedings, he has left his stamp on many of the regulations that govern my home state's electric utilities.

Over the years, Mr. Lee also served as a member on a variety of boards and commissions, including his service in a leadership capacity within the Texas Public Power and American Public Power Associations, university boards, including the Huston-Tillotson University Board of Trustees and the University of Texas at Austin Engineering Foundation Advisory Board, and professional organizations, including the National Society of Black Engineers.

Mr. Speaker, Milton Lee has risen to lead CPS Energy, formerly City Public Service and now the largest municipally owned energy company providing both natural gas and electric service. Serving as General Manager and CEO, Mr. Lee also serves as a much needed positive role model and an inspiration to the youth within our shared communities. Given his remarkable résumé and his impressive accomplishments, today I rise to honor Milton B. Lee for his ongoing commitment to service, to scientific research within and outside of his particular field of expertise, and to excellence in everything that he executes.

HONORING DANA REEVE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor and celebrate the life of Dana Reeve, an extraordinary woman whose kindness and generosity touched so many, including me.

Dana Reeve was many things to many people. She was a daughter, a sister, a wife, and a mother. She was an accomplished singer, actress, author, and motivational speaker. She was a determined advocate and a passionate fighter for causes in which she believed. She was, above all, a woman whose grace and courage inspired and comforted those in need.

I met Dana several years ago when I began working with her late husband, Christopher, on legislation I have introduced to intensify and coordinate federal research into paralysis. My bill, the Christopher Reeve Paralysis Act, bears her late husband's name because they both so impressed me with their positive spirit and tireless determination to overcome challenges that would seem insurmountable to most. Dana and Christopher both accomplished much in their all too brief time here. While many are probably more familiar with Christopher's life and his courageous fight to improve the lives of people with paralysis than they are with Dana's life and legacy, she was quite remarkable in her own right.

Dana was a founding board member of the Christopher Reeve Foundation and became its chair after her husband's death. She also established the Foundation's Quality of Life grants program, which has awarded more than $8 million to support efforts to improve the lives of people with paralysis, and the Christopher and Dana Reeve Paralysis Resource Center, which promotes the health and well-being of people living with paralysis and their families by providing comprehensive information resources and referral services. The Foundation itself has helped raise more than $46 million for neuroscience research.

Mr. Speaker, it is always tragic when a loved one leaves this earthly life, especially when they had so much life yet to lead. I hope everyone grieving Dana's loss will remember that she accomplished much and touched the lives of millions whose lives are better for her work here. I am certain that she and Christopher are looking down on us urging us all to go forward, as their Foundation's motto proclaims, and carry on the wonderful work they started. May God bless Christopher and Dana Reeve and may He continue to watch over those here who so loved them.

CONGRATULATING SAN DIEGO BASED GEN-PROBE ON RECEIVING THE NATIONAL MEDAL OF TECHNOLOGY LAUREATE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. ISSA. Mr. Speaker, today I rise to honor Gen-Probe Incorporated in recognition of their recent receipt of a 2004 National Medal of Technology Laureate.

On February 13, 2006, President George W. Bush presented Gen-Probe, a San Diego-based company, with our Nation's most prestigious technological innovation award, the National Medal of Technology Laureate. This award is in recognition of Gen-Probe's pioneering work to develop revolutionary nucleic acid tests to protect the Nation's blood supply from dangerous HIV–1 and hepatitis C viruses. Gen-Probe collaborated with the National Heart, Lung, and Blood Institute and the U.S. Food and Drug Administration among others, to create improved technologies and systems for the detection of viral diseases.

U.S. Secretary of Commerce Carlos joined the President in his praises, stating, "Their creativity and willingness to take risks to achieve technological breakthroughs have helped make America the leader in innovation."

The National Medal of Technology is the Nation's highest honor for technological innovation. As established by Congress in 1980, recognition is given to individuals, teams, and/or companies who "embody the spirit of American innovation and who have advanced the Nation's global competitiveness." This award highlights contributions which will have made a lasting contribution to the Nation's workforce and quality of life.

Mr. Speaker, I would like to join the President and the Commerce Secretary in personally recognizing the dedication and commitment of the researchers, engineers, lab analysts and assistants, and management who contributed to safeguarding our Nation's blood supply.

IN HONOR OF HAROLD KEITH ADAMS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. BERRY. Mr. Speaker, I rise here today to share an incredible story written by Timothy Scott Adams in memory of his father Harold Keith Adams. This story of love and service captures the powerful meaning behind our country's greatest symbol—the American flag.

MY FATHER'S FLAG

My life changed dramatically on the morning of February 11, 2005, when my roommate woke me around 5:30 a.m. He said the ship had called, and I should go into work. They had some important news to tell me, so I unwillingly rolled out of bed and stumbled to the sink. I still felt the side effects from the night before. I had gone out with some friends of mine the night before, and it had been a late one. As I began to get ready I knew something had to be wrong. Why else would the ship call me in so early? The only thought I had racing through my mind was that something bad had happened at home: somebody was hurt.

I remember walking up to the ship with my stomach in knots fighting the anxiety overdose my body was going through. I had no idea what to expect. The Quarterdeck Watch told me to go see the Command Master Chief; he had something he needed to talk to me about. I remember thinking to myself this can't be a good sign having to come into work at 5:30 in the morning to see the CMC. I was unconsciously traveling on a long road to disappointment. He sat me down and told me that the ship received a message that my father had passed away, and he didn't have any details. I crumbled: "No, this can't be true. Things were supposed to be better! He had come so far." The world around me had suddenly frozen. I felt like I had fallen off the face of the Earth. I was all alone. My heart was locked in a dark chamber of pain and grief, yet I had no key: no answer.

The next thing I knew I was on an 8-hour plane ride home, with my emotions running fiercely out of control. My thoughts were full of anger and disgust. I kept asking myself "Why? Why now? Hasn't there been enough pain?" I felt alone not knowing what to expect when I saw my family. All I wanted to do was try and sleep to hide my pathetic appearance from the relentless curiosity of the public.

The plane touched down in Dallas with a three-hour layover. The first thought that crossed my mind was to drown my emotions and fears with my good buddy, Jim Beam. I took a deep breath and came up for air. I knew that's not what I needed right then. I forced some food down at one of those typically priced airport cafes and waited to board the plane. My chariot of disappointment was approaching ready to guide me to the land of reality. I had no other options but to face the facts.

The airplane took off from Dallas with one more stop: home. The flight was only about an hour and a half long. It felt like an eternity with the lack of sleep and emotional stress I had put my body through in the last 24 hours. When I saw the Mississippi River laid out like a big slithering python surrounded by mosquito infested cotton fields, I knew I was home. The first thought I had was of a country music song, "Walking in Memphis." How ironic. I was touching down in the land of the delta blues in the middle of the pouring rain. It's like they say, "When it rains it pours."

I came down the 2 mile long escalator and saw my wife and children waiting for me along with my childhood best friend. It felt as if the emotional monkey had been knocked off my back. I wasn't going to have to play this hell of a hand I'd been dealt alone: "Maybe they could help me find that key?"

The ride home was a good one. It relieved some of the tension momentarily. We talked about how we've all been, what's been going on in our lives, and not the fact that my father had just lost his life. It may sound as if we were a little selfish, but it was a healthy way for us to escape the nasty reality of what's to come. My father had died and I didn't want to believe it.

The morning of the funeral came and I felt as if I had been the one who had died. The weather painted a perfect picture to set the stage for the gloomy nightmare I was about to face. The rain poured down profusely without any hope of letting up and the wind blew an evil chill upon my face. I felt the power of God upon my face, and I knew faith was all I needed to help carry me through this. I hoped, I thought, and I asked: "Is this my key: faith?"

I had decided to wear my dress blues to the funeral. My dad was in the Navy for 8 years, so I knew that he would appreciate it. I felt it was my duty to honor him. He had always told me how proud he was of me for joining the service. He was the type of guy who thought every young man should do a little time for this country. I polished my shoes and pressed my uniform better than I ever had before for any inspection. Everybody told me he would have been proud. I thought to myself, "He is proud."

The whole family met at my grandparents' house so we could ride to the funeral home together. I nervously got into the limo with my brother and sisters still dreading the reality of the situation we we're facing. The ride to the service provoked an inebriated sense of loneliness except for the vague sniffles and whimpers I heard from my younger sisters. The reality of the horrifying situation we were facing was inevitable.

When the limo pulled into the parking lot of the funeral home, my entire body was paralyzed with fear. The cars of the people paying their respects were lined up for days. The thought of having to walk into that place of death with all the mourners in there was terrifying. I just sucked it up and told myself to be strong for my younger siblings. I tried to tell myself to be faithful: "Faith! That could be your key, Scott. Remember it can carry you through anything."

My wife and I walked through the enormous wooden double doors and into one of the most beautiful, yet horrifying scenes I had ever experienced. Every step I took felt as if time had stopped, and my heart had skipped a beat. I hoped this memory wouldn't haunt me forever.

That's when I first saw it, the Stars and Stripes. A piece of colored fabric that serves as a symbol of victory, submission, pride, loyalty, and even hope. The flag that I work to defend every day: the American flag, our flag, and my father's flag. It was draped over his coffin like a protective shield carrying him home, away from all his mortal pain. My throat had begun to itch and lumped up; it ached with pain. My knees began to feel weak and sweat dripped from my hands. I felt my wife's hand squeeze mine and with a comforting whisper she said, "It's going to be alright."

I sat down and felt a great deal of relief after the thousand-mile walk I had just made in 30 seconds of hell. The preacher told stories of how great of a man my father was and how he had enjoyed the fishing trips they had made together in the past. It brought back memories of the same trips that I had enjoyed with both of them, things I had forgotten, and memories from my childhood that I had put away and buried. Things that are sometimes taken for granted, and you don't miss until they are gone. I felt guilty for forgetting the times my father took out of his life to teach me what I needed to know to become a man. Although the service was short it did everything it was supposed to do. Families shouldn't have to sit through a long public grieving.

On the way to the cemetery, I thought about how proud my father would have been of the American flag he had been honored with. I wanted to do something special for my grandmother. At the graveside before the coffin was lowered my father's best friend, an old navy buddy, and I folded the flag ceremonially and presented it to my grandmother, in turn, the most honorable experience of my life.

Later that afternoon I found out the flag had a history. It was flown over the Nation's Capitol on October 15, 2004, at the request of the Honorable Marion Berry. Then the flag was presented to the Adams' Estate in honor of my grandfather. My grandfather thought it would be nice to have it draped over the coffin at the funeral, my dad being a veteran and all. Later, my grandmother told me to keep the flag. At that very moment I knew that the flag's journey wasn't over.

Four months later and thousands of miles away from Arkansas on the 3rd of June, 2005 USS *RUSSELL* DDG 59 steamed out of Pearl Harbor Naval Base with a new ensign flying high. With the help of a couple of my loyal shipmates we had made the tribute to the old sailor possible. We flew the ensign over 3,500 nautical miles across the mighty Pacific Ocean en route to San Diego where it was brought down on the 14th of June, the day the flag was officially adopted by the United States of America back in 1777. It was no coincidence the flag had been saved to be flown from my homeport, Pearl Harbor, to the former sailor's homeport, San Diego. The flag was torn, tattered, and covered in salt just the way my dad would have wanted it.

The material or size of a flag has nothing to do with the importance of it. The importance lies in what the flag symbolizes. It has been said that patriots express their love of a country by hoisting their flag in honor. On June 3rd, I hoisted our flag in honor of my father, fair winds and following seas old man.

WOMEN'S HISTORY MONTH MARCH 2006

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. HONDA. Mr. Speaker, I rise today in honor of Women's History Month. I would like to share with you some of the progress being made with regard to women's rights and some of the issues that I will continue to fight for. Women have come a long way since they were granted the right to vote, just 85 years ago. Women now enjoy rights to education, wages, and property ownership. It still remains, however, that not enough Americans are aware of the long struggle to obtain the rights that we take for granted today, and the rights that we have yet to guarantee and protect.

This month, I co-sponsored legislation that will help to ensure we learn more about the female heroes that fought tirelessly to secure the rights we all enjoy today. H.R. 3779, the National Women's Rights History Project Act would celebrate the accomplishments of women all year long. Specifically, H.R. 3779 would establish an auto route linking sites significant to the struggle for women's suffrage and civil rights. It also would expand the current National Register travel itinerary website, "Places Where Women Made History," to include additional historic sites. Finally, this bill would require the Department of Interior to establish a partnership-based network to offer financial and technical assistance for interpretive and educational program development of national women's rights history.

As many of you know, I lost my beloved wife Jeanne to cancer two years ago. I am acutely aware of the need for increased funding of research, prevention and treatment programs for breast and gynecologic cancers. Below is a list of legislation that I have supported during the 109th Congress that is aimed at providing this funding support:

H.R. 1245 The Gynecologic Cancer Education and Awareness Act of 2005—This Act provides for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

H.R. 1849 Breast Cancer Patient Protection Act of 2005—This Act requires that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

H.R. 2231 Breast Cancer and Environmental Research Act of 2005—This Act amends the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

H.R. 4540 Mammogram Availability Act of 2005 This act amends the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography.

In addition to supporting this legislation, during fiscal year 2005, I was able to get funding for the Santa Clara Community Health Partnership's Community Mammography Access Project (CMAP). This will help the Community Health Partnership begin a program to offer low-income women across the county regular access to a potentially life-saving test. My office has joined the Community Health Partnership's CMAP task force as a member and will be updated regularly on the project's progress.

Access to proper healthcare is just one basic freedom women have traditionally fought for. There are several other civil rights issues that continue to limit women's participation and leadership in American culture and society:

The original Violence Against Women Act was passed in 1998. This legislation and its successors (including the 2005 reauthorization) are aimed at preventing and responding to violence against women and children. The legislation covers a broad range of services including transitional housing assistance, community awareness programs, law enforcement training, protections for immigrant victims of domestic violence, and funding for stalker and sex offender databases. I co-sponsored the reauthorization of the VAWA, significant elements of which were eventually incorporated into H.R. 3402 which passed into law on January 5, 2006.

Equity and fairness are key to our democracy. Equal pay is a critical issue, affecting all of us. Lack of equal pay makes it harder for working families to make ends meet. It also makes it harder for single mothers whose children depend on their wages for basic needs. However, more than simple economic reasons, equal pay shows women that their accomplishments and hard work are equally appreciated. Because women are equal partners in American society and deserve equity and fairness on the job and under the law, I cosponsor H.R. 1687 the Paycheck Fairness Act and H.J. Res. 37.

H.R. 1687 would amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex and to expand training for EEOC employees and affected individuals about wage discrimination.

H.J. Res. 37 proposes an amendment to the Constitution that states that equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

It is clear, that even though women enjoy the kind of freedom that didn't exist for them just decades ago, Americans continue to be threatened by Republican and far-right influences on our Administration and policy makers. The President's budget sheds light on some of the ways in which basic women's rights are undermined. The President cuts funding for health, education and housing programs that provide vital services for American families and promote equal opportunity for women. The President's budget will also adversely affect women in working families and elderly women by slashing Medicare, Medicaid, housing, food stamps and child care. Services that are vital to women and their families are cut to protect the interests of the wealthiest Americans.

My sincere hope is that each of us takes the time to commemorate Women's History Month so that we may be ever vigilant of protecting the freedoms all Americans enjoy today. The current state of women's rights demands that we honor those who brought us to this point, and inspire those who will broaden the spectrum of liberties that all Americans should have access to.

TRIBUTE TO DYESS AIR FORCE BASE

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. NEUGEBAUER. Mr. Speaker, I rise today in recognition of Dyess Air Force Base in Abilene, Texas, for becoming the first base in 4 years to receive an overall outstanding rating following an Air Combat Command Operational Readiness Inspection.

Operational Readiness Inspections are demanding examinations of our Nation's combat operations. Inspections ensure expeditionary readiness by testing combat capabilities in stressful real-world situations. They allow our Nation's airmen to face deployment with increased confidence after practicing wartime skills at home that are executed in operations around the world including Operations Enduring Freedom and Iraqi Freedom.

This outstanding rating proves that the men and women of Dyess can take the fight anywhere. They are the very best in the Air Force because they have been well-trained and are well-prepared for any task or any challenge they will face in expeditionary operations.

IN RECOGNITION OF THE RETIREMENT OF GUNNERY SERGEANT LORENZO V. CHANCE, UNITED STATES MARINE CORPS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. MILLER of Florida. Mr. Speaker, it is an honor for me today to rise in appreciation of the 22 years Gunnery Sergeant Lorenzo Chance has served in our United States Armed Forces.

A native of the great State of North Carolina, Gunnery Sergeant Chance is a true patriot who has significantly contributed to the defense of our Nation. After graduating from Cape Fear High School in 1983, Gunnery Sergeant Chance entered the Corps at Marine Corps Recruit Depot Parris Island, South Carolina, where he attended basic training.

Gunnery Sergeant Chance's assignments in the Marine Corps include:

September 1984–1986, Admin Clerk, HQMC Manpower Branch;

November 1986–December 1987, Embarkation NCO, Marine Wing Headquarters Squadron-1, Okinawa, Japan;

January 1988–December 1991 HQMC Programs and Resources Division, Assistant Security Manager ensuring the personnel, physical, and information security of a division of 60 persons, hundreds of documents, and equipment;

January 1992–June 1995, Military Entrance Processing Station Montgomery, AL, Processing Specialist, interviewing and processing thousands of applicants into the U.S. Armed Forces;

July 1995–November 1997 Parris Island, SC, Senior Drill Instructor, Third RTBN, K Company and, Operations Chief/Acting First Sergeant, Support BN, Special Training Company, a direct impact in the "Making of Marines";

December 1997–April 2002, HQMC PP&O, Current Operations Branch, Marine Corps Command Center where he served as an Assistant Watch; Team Chief, SNCOIC Marine Corps Exercises Employment Program, and Post 9/11 Crisis Action Team Operations Chief. During this period he was also assigned various other duties, including service as a Member of the Headquarters Marine Corps, Inspector General's Readiness Assessment Team, responsibility for globally inspecting Marine Corps units for deployment capability and, in the 2000 Presidential Inaugural Committee, SNCOIC of the Street Cordon.

May 2002 through November 2005 Gunnery Sergeant Chance served the 435 Members of both the 108th and 109th Congress as SNCOIC Marine Corps House Liaison Office. He was also the Senior Enlisted service member to the U.S. House of Representatives during this period. Gunnery Sergeant Chance was responsible for directing and organizing numerous congressional and staff delegations around the world. His attention to detail in making these very important trips logistically successful is noteworthy.

On a personal note, I had the pleasure of traveling several times to many different countries with Gunnery Sergeant Chance. He was a true professional at all times and my wife and I always enjoyed his company. We both wish him "Fair Winds and Following Seas" and are honored he asked us to participate in his retirement.

Mr. Speaker, few can match the dedication Lorenzo Chance has shown the United States Marine Corps and our Nation. His service has benefited so many and I cannot express enough gratitude to him. On behalf of the United States Congress, I wish to thank Lorenzo Chance and lastly, "Semper Fidelis."

POLISH NATIONAL ALLIANCE (PNA) OF NORTH AMERICA—LODGE 711 100TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. NEAL. Mr. Speaker, I would like to recognize on the House floor that 2005 marked the one-hundredth anniversary of Lodge 711 of the Polish National Alliance (PNA) of North America. I'm proud to have Lodge 711 headquartered in my district in the town of Chicopee.

PNA is the largest ethnic fraternal insurance society in the United States that offers quality life insurance and annuity products, which allows its members and families to achieve financial security. But the PNA's involvement in the communities it serves goes beyond providing quality financial services by organizing various social and cultural programs. Whether its sports and youth programs, spelling bees, college scholarships, or Saturday Schools promoting Polish heritage and culture, PNA helps its members live more fuller and enjoyable lives.

Mr. Speaker, I'm honored to have the opportunity to represent a diverse and culturally rich constituency, particularly the Polish communities that have a large presence in Massachusetts' second congressional district. Throughout my years of public service I have witnessed with great pleasure the Polish communities' dedication and commitment to civic affairs. The lessons of Poland's long and hard history of achieving independence has not been lost with the Polish immigrants who came to America or their offspring born in America.

The American and Polish people have a long and warm relationship that evolves around the love of freedom and opportunity. This bond goes back to America's revolutionary years when the Polish patriot, Tadeusz Kosciuszko, fought in the American War of Independence and achieved the title of brigadier general. Later, Kosciuszko once again fought for independence when leading the Polish-Lithuania uprising of 1794. The American people honor Kosciuszko with a statue of the patriot in the U.S. Capitol building.

Mr. Speaker, I would like to thank Teresa Struziak-Sherman, Director for PNA Region A, for all her wonderful work over the years that has contributed to the success of the PNA. I would also like to recognize all the other people of Polish ancestry that I have known and worked with throughout my years as a public servant and look forward to my continued relationship with them.

TRIBUTE TO HALEY SACK

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. WELLER. Mr. Speaker, I rise today to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in her community. Haley Sack of Mendota has just been named one of the top honorees in Illinois by The 2006 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Ms. Sack is being recognized for conducting personal interviews and research to create museum-like displays and a dramatic play that portray important aspects of her city's history.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Sack are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principles in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 11 years, the program has become the nation's largest youth recognition effort based solely on community service, and has more than 70,000 young volunteers at the local, state and national level.

Ms. Sack should be extremely proud to have been singled out from the thousands of dedicated volunteers who participated in this year's program. I heartily applaud Ms. Sack for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and—do play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

HONORING DANA REEVE

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mrs. BONO. Mr. Speaker, I rise today to honor the life of a remarkable woman, Dana Reeve, whose courage and grace in the face of life's adversities bring inspiration and hope to millions of people. Dana Reeve was the devoted caregiver and wife to her late husband, Christopher Reeve, a dedicated mother, an advocate and founding board member of the Christopher Reeve Foundation. I am honored to have known Dana and to have worked with her on many issues, and I am deeply saddened by her passing on March 6, 2006. I ask all of my colleagues to join with me today in commemorating the life of this outstanding woman.

Dana Reeve was born Dana Morosini on March 17, 1961 in New York. Dana graduated cum laude from Middlebury College in 1984 and began her career in acting and singing with graduate studies at the California Institute of the Arts. Drawn together by their mutual love of drama, Dana married actor Christopher Reeve in 1992, and later, gave birth to their son, William.

In 1995, Dana Reeve became her husband's constant caregiver and supporter after a horseback-riding accident left him paralyzed. Dana embodied loyalty and devotion as she selflessly cared for him and her family, while being committed to helping others in need. Together with her husband, Dana faced challenges with determination and courage.

After her husband's untimely death in 2004, Dana became the chairperson of the Christopher Reeve Paralysis Foundation, which funds research on paralysis and works to improve the lives of people living with disabilities. Dana also worked to establish the Quality-of-Life grants program and the Christopher & Dana Reeve Paralysis Resource Center. Under her outstanding leadership, the Foundation has awarded more than $8 million in Quality-of-Life grants and more than $55 million in research grants since its inception. Additionally, she was an activist for persons with disabilities and a champion for stem cell research.

Dana served on the boards of The Williamstown Theatre Festival, The Shakespeare Theatre of New Jersey, TechHealth, and The Reeve-Irvine Center for Spinal Cord Research and was an advisory board member to the National Family Caregivers Association.

Dana received numerous awards for her work, including the Mother of the Year Award from the American Cancer Society in 2005, an American Image Award from the AAFA in 2003, the Shining Example Award from Proctor & Gamble in 1998, and was named by CBS in 1995 as one of America's Outstanding Women. Additionally, Dana authored the book Care Packages, which was published in 1999.

A woman who faced some of life's greatest adversities, Dana approached each challenge with dignity and grace, remaining optimistic in even the most difficult circumstances. In August of 2005, Dana announced her battle with lung cancer, only months after her mother passed away from complications with ovarian cancer. Her positive attitude was an inspiration, and her commitment to encouraging and helping others remained strong. Referring to her late husband, Dana stated that she views him as the "ultimate example of defying the odds with strength, courage, and hope in the face of life's adversities." Truly, Dana is deserving of our deepest respect and tribute.

Dana is survived by her father, Dr. Charles Morosini, sisters Deborah Morosini and Adrienne Morosini Heilman, her son William and two stepchildren, Matthew and Alexandra. Dana will be remembered by us all for her life, her work, her passion to help others, and her courage and loyalty in facing life's challenges.

Mr. Speaker, I would once again like to pay tribute to this inspirational woman. Her life was a testament of loyalty and courage, and I am honored to speak on her behalf today. I encourage my colleagues to join me in recognizing and celebrating the life of Dana Reeve.

JEROME GROSSMAN CRITIQUES THE IRAQ ELECTION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, for many decades, Jerome Grossman has been a leader in the fight for a rational, humane foreign policy for the United States. Alongside my predecessor in this body, former Congressman Robert Drinan, Jerome Grossman was one of the effective leaders of the opposition to the war in Vietnam. He has continued over his long career with undiminished energy to fight for the principles in which he believes and in which our country ought to act. On January 5, in the Wellesley Townsman, the weekly newspaper in the town where he lives, Mr. Grossman published an article on the election in Iraq. As the newspaper noted, Jerome Grossman is the Chairman of the Council for a Livable World, and in that capacity has been an insightful critic of the President's Iraq war from the earliest days of the Administration's initiation of this policy. In this article, he notes the problem of having a fully free election in a situation of military occupation.

Mr. Speaker, although I greatly respect Mr. Grossman and I am one of many in Congress who have benefited significantly from his wisdom and advice over the years, I do not fully agree with the critique that he puts forward in this column. He is of course correct that there is not an autonomous government in Iraq, and it is also the case that the conditions in which the recent elections were held were far from ideal. But given all of those factors, I also believe that the elections were to a very significant extent an expression of the views of the Iraqi people.

Unfortunately, what we have seen since that election is that those views fall far too heavily along sectarian lines, and the prospects for a genuinely democratic, functioning government coming out of this process is much more clouded than the President would have us believe. But despite this difference in emphasis between myself and Mr. Grossman on this particular aspect of the situation, I believe his article is a very useful contribution to the debate about our policy, and it is an important counter to the unrealistic optimism expressed by the Administration. I think it would be very useful for Members to read Mr. Grossman's viewpoint, drawing as he does on his decades of experience with these issues, and I ask that the article be printed here.

A 'FREE AND FAIR' ELECTION IN IRAQ

President Bush hailed the Dec. 15 parliamentary election in Iraq as a "landmark day in the history of liberty." It was an election in which 11 million Iraqis voted—a 70 percent turnout, which is remarkably high. But was it "free and fair?"

It is impossible to have a "free and fair election" under foreign military occupation, by definition. President Bush himself pointed out this obvious fact at his March 16, 2005, press conference on the election in Lebanon. "Our policy is this. We want there to be a thriving democracy in Lebanon. We believe that there will be a thriving democracy, but only if—but only if—Syria withdraws her troops completely out of Lebanon, but also her secret service organizations . . . There needs to be a complete withdrawal of these services in order for there to be a free election . . ." Under strong U.S. and United Nations pressure, Syria did remove its troops and a free and fair election was held.

The pressures on Iraqi voters were enormous. In the streets were 168,000 heavily armed American soldiers, 250,000 Iraqi troops and perhaps 100,000 Iraqi police. The survival value of the blue stain on the index finger was apparent to all, as was the voter's name at the polling place. They could be insurance against being picked up on suspicion of being insurgents and then languishing in Abu Graib. Or they could be protection from the armed Kurdish and Shiite militias roaming the cities in search of dissident Sunnis.

In addition, leaders of the various tribal groups urged their minions to vote their slates, in order to attain local power for the coming struggle, widely expected once the occupying Americans depart. And anyway, who will count the votes?

The United States as the occupier of Iraq has the power to make elected Iraqis carry out U.S. political decisions. We decided the time and place for elections, vetoed some candidates, approved others and guided the writing of the constitution. The U.S. Ambassador, Zalmay Khalilzad—termed "The Viceroy" around the world—virtually runs Iraq from his fortified embassy with its staff of 5,000 and room for an active CIA.

Here is the real situation: Iraq has a puppet government set up to keep order and to carry out American policies. This is the logical and inevitable result of military conquest. Any election held under such conditions—under the gun—cannot be called free and fair. The Iraqis are simply choosing which of their number will enforce U.S. will and help to crush the inevitable resistance to foreign occupation.

The Iraqis are not really governing themselves and we should not pretend that they are. Authentic Iraqi democracy with free and fair elections can develop only after complete U.S. withdrawal.

PRIORITIES FOR UPCOMING MEETING BETWEEN U.S. SECRETARY OF STATE CONDOLEEZZA RICE AND FOREIGN MINISTERS OF CARIBBEAN COUNTRIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. RANGEL. Mr. Speaker, I rise today to share my wishes for the upcoming meeting to be attended by U.S. Secretary of State Condoleezza Rice and foreign ministers of Caribbean countries in the Bahamas later on this month and to enter into the RECORD a Carib News story reiterating concerns about what priorities should be covered in the meeting to build a stronger U.S.-Caribbean alliance.

Secretary Rice is scheduled to meet with the foreign ministers of Bahamas, Trinidad and Tobago, Guyana, Antigua, Jamaica, Belize, Suriname, St. Lucia, Grenada, St. Kitts-Nevis, St. Vincent and Barbados March 21–22. This meeting is a prime opportunity for Secretary Rice to pledge U.S. support in the areas of economic and social development. Specifically, meeting participants should focus on crime, disaster preparedness, drug trafficking and immigration. The recently held democratic elections in Haiti of former President Réne Préval to once again lead the nation will also be an issue needing urgent attention.

As reporter Tony Best explains in the Carib News story, Democrats on the Hill, myself included, insist that Secretary Rice should utilize this opportunity to show Caribbean nations that their development is important and that the United States is a partner in economic and social advancement in Caribbean countries. These nations are in dire need of assistance erecting strong economic and social infrastructures that bear opportunities to their citizens. For example in Haiti, 8 out of 10 Haitians live in abject poverty. Unemployment exceeds 70 percent while the country has a 10 percent HIV infection rate in the city and 4 percent in rural areas. More must be done for these countries.

Mr. Speaker, I hope you'll join me conveying to Secretary Rice the urgency of economic and social issues in the Caribbean and that she be mindful of the plight of Caribbean citizens during her upcoming meeting.

[From the Carib News, Feb. 28, 2006]

DEMOCRATS ON CAPITOL HILL: U.S. SECRETARY OF STATE SHOULD SHOW CARIBBEAN NATIONS THAT THEIR DEVELOPMENT IS IMPORTANT

(By Tony Best)

"A partner in economic and social development in Caribbean nations." That's the message, which some Democrats on Capitol Hill in Washington are hoping U.S. Secretary of State, Condoleezza Rice, would convey to Caricom foreign ministers when they meet in the Bahamas later this month.

And the message shouldn't be just in word, lip service, if you will, but in concrete measures, which can help the Caribbean.

So said U.S. Congressman Eliot Engel, a New York Democrat who represents thousands of Caribbean immigrants in the Bronx and Westchester County. He is the ranking Democrat on the Western Hemisphere subcommittee of the House of Representatives.

"I think she needs to tell the Caribbean foreign ministers that the United States wants to be a partner, a close working partner and to have a close working relationships with the nations which are our close neighbors," was the way he put it to the Nation after addressing the 27th Congressional Breakfast of the Jewish Community Relations Council, JCRC, at the 92nd Street Y in Manhattan.

"It is one thing for us as a nation to pursue goals all over the world, Iraq and wherever," he added. "But it is quite another thing for us to say that we need to concentrate on what we do back home. I think we can do both, but I don't think we should neglect the people who are geographically closest to us," meaning inhabitants of Caribbean nations. Rice is scheduled to meet with the foreign ministers of Barbados, the Bahamas, Trinidad and Tobago, Guyana, Antigua, Jamaica, Belize, Suriname, St. Lucia, Grenada, St. Kitts-Nevis, St. Vincent and Belize on March 21–22. Economic and social question as well as security issues in the "broadest sense, and not simply matters about fighting terrorism" should top the agenda, say diplomatic and other highly placed sources in Washington. Immigration, Haiti, drug trafficking and crime, HIV/AIDS and disaster preparedness and reconstruction are expected to dominate the meeting's agenda.

Congressman Charles Rangel, who like Engel, addressed the Congressional Breakfast, had previously said in a Carib News interview that the Bush Administration should work with Caribbean nations to develop an effective strategy that would help the various countries improve their economic performance and boost their infrastructure.

"These are sovereign states with a long tradition of respect for the rule of law and adherence to principles of parliamentary democracy," he said. "We should treat them with the respect they deserve. They aren't colonial territories that can be pushed around or ignored to suit our every whim. Many in the Administration didn't like their position on Iraq and even went so far as to threaten them. It's time that the Bush White House recognize that the Caribbean countries, including those in Caricom, are among our closest neighbors and remain our strong allies. We must treat them as friends and not try to punish them if they disagree with us from time to time."

In his address to the breakfast, which was attended by scores of Jewish community leaders, senior diplomatic and consular officials from the Caribbean, Africa, Europe, Asia, Israel and other nations, Rangel spoke about the need to respect the U.S. constitution and the rights to privacy "of our people." While emphasizing America's commitment to Israel, which was "well-known," the Representative of Harlem and surrounding communities in Manhattan said that the sons and daughters of Americans who were being killed in Iraq were not the children of members of Congress, corporate America or people in the White House.

Engel said that the upcoming meeting in the Bahamas was important for both the U.S. and the Caricom because it would give Rice a chance to convey a "sense of involvement and engagement of the United States with the Caribbean" countries.

"It's one thing to pay lip-service to it," added the Bronx Democrat. "It's another to really act. They are many pressing issues, not only immigration, which must be considered. The economy of the Caribbean is one such issue."

RECOGNIZING WILLIAM BOHEN UPON BEING NAMED "IRISHMAN OF THE YEAR" BY GOIN' SOUTH

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. HIGGINS. Mr. Speaker, it gives me great pleasure to stand here today to recognize William Bohen, a man who is being honored as "Irishman of the Year" on March 11, 2006 by Goin' South, a civic, social, and cultural organization based in South Buffalo, New York.

Bill Bohen is an upstanding citizen, a proud member of the South Buffalo community of which I am a lifelong resident. And like me, Bill shares a love for the people and the place that has made us who we are today.

Bill's ancestors came from Ireland and settled in the Old First Ward. His father Daniel Bohen was a Buffalo Firefighter; his late mother was Milly Ahearn.

Bill Bohen began his career as an apprentice in 1975 with Ironworkers Local 6—and he quickly rose through the ranks as a Board Member, Executive Committee President, and to his current position as Business Agent/Financial Secretary.

Ironworkers Local 6 is one of the most influential trade unions in Western New York. Its members participated in the construction of HSBC Arena, Buffalo's Baseball stadium, Pilot Field (now Dunn Tire Park), waterfront housing at Admiral's Walk and the Galleria Mall. It is also important to note that Bill led Local 6 members to New York City to assist with rescue efforts just hours after the tragedy of September 11th.

Bill's kindness is reflected in the generosity of Local 6 and the willingness of its members to pitch in when it comes to charitable and civic causes in and around South Buffalo. They have volunteered on such projects such as the Valley Community Center and Bishop Timon/St. Jude High School.

Irish Americans represent what is best about America—that if you work hard, play by the rules, love your family and give back to your community, the American Dream can be yours. Bill Bohen is a citizen worthy of that description.

Thank you, Mr. Speaker, for this opportunity to recognize Bill Bohen, a great guy from the neighborhood, a friend and a man deserving of this special recognition. It is my distinct honor to join with Bill's sisters—Nancy and Patty—his brother Danny—his two sons Bill Jr. and Eric and his wife Mary Jo and numerous other family members and friends to honor the personal accomplishments, leadership and hard work of a great son of South Buffalo.

INTRODUCING THE TRADE SANCTION AVOIDANCE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. STARK. Mr. Speaker, I rise today to introduce the Trade Sanction A void Act—legislation that will stop American manufacturers from facing $809 million in annual trade sanctions from the European Union.

On February 12, the World Trade Organization (WTO) Appellate Body—for the third time—found that U.S. corporate tax laws violate WTO rules. We failed to fix the flawed foreign sales corporation (FSC) regime with extra-territorial incentive (ETI) scheme. Now we've failed once again to fix the ETI with incentives in the JOBS Act. According to the WTO, the transitional and grandfathered tax breaks in the JOBS Act continue to violate WTO rules. This foolishness must stop now.

I've heard many members of this august body talk bout how the U.S. must stand up and be a leader in the world. How can we expect other countries to take us seriously as a world leader when this Congress continually undermines and ignores rules we've agreed to live by?

We refuse to join the International Criminal Court, we won't sign the Kyoto Treaty, and we pulled out of the Anti-Ballistic Missile Treaty. Given our track record, is it any wonder the EU continues to bring WTO cases against our non-compliant corporate tax break schemes? We've broken these rules time and time again, and if we don't pass my bill, American manufacturers will pay the price.

The EU reacted to the WTO decision by asserting its right to impose retaliatory duties against U.S. exports. Those duties apply to a broad range of goods, and could reach 17 percent by September. If Congress fails to act, U.S. corporations will pay $809 million a year in retaliatory sanctions.

The Trade Sanction Avoidance Act will put an end to this game of international tax chicken. By repealing the transitional and grandfathered tax breaks in the JOBS act, Congress will ensure American manufacturers avoid hundreds of millions in unnecessary trade sanctions. This approach is so inherently reasonable; some may wonder why anyone would oppose it.

Unfortunately, in the current culture of corruption, protecting tax breaks for big corporations is more important than protecting farmers and small manufacturers from hundreds of millions in trade sanctions. For example, Boeing alone stands to rake in over $600 million from the JOBS Act tax breaks. My legislation protects farmers and small manufacturers from these sanctions so that they can remain competitive in the European Union marketplace. Boeing—which made $2.56 billion in net profit last year—should be willing to give up at least a portion of its tax break to help protect American businesses from sanctions and to help our tax code comply with the WTO rules we've agreed to live by.

We can't claim to help American businesses on one hand, while turning our backs on them by failing to fix this problem. This bill is a simple solution to a problem we should have solved years ago. I urge all my colleagues to support this legislation.

CONGRATULATIONS TO PORTIA SIMPSON-MILLER ON HER ELECTION AS PRESIDENT OF THE PEOPLE'S NATIONAL PARTY AND PRIME MINISTER OF JAMAICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. RANGEL. Mr. Speaker, I rise today to congratulate Portia Simpson-Miller, who has been elected president of the People's National Party in Jamaica and will become the first female Prime Minister of Jamaica at the end of the month and to enter into the Record an editorial and news story both published in the New York CaribNews hailing her victory.

The election of Ms. Simpson-Miller is a milestone. As the first female Prime Minister Designate, Ms. Simpson-Miller has been a passionate, longtime voice for the oppressed. Her career in politics has spanned three and a half decades most recently as vice president of the PNP since 1978 and president of the PNP Women's Movement since 1983. Her previous assignments also include several Cabinet portfolios—serving as a Minister of Labour, Welfare and Sport and a Minister of Local Government, Community Development and Sport. By serving her people diligently, she has earned the right to succeed Mr. P.J. Patterson, the island's longest serving Prime Minister.

Simpson-Miller represents the vanguard of women succeeding in politics throughout Latin America and the Caribbean, changing the political and social landscapes in places such as Chile and Peru. As she sought to become Prime Minister of Jamaica, Ms. Simpson-Miller's campaign focused on themes of empowerment for the marginalized and uniting all classes to tackle deep-rooted problems of crime and economic underdevelopment.

Simpson-Miller is a Jamaican success story; an iconic figure who has become a metaphor for the hopes and aspirations of poor, underprivileged black people, particularly black women. Her victory has yielded an outpouring of praise from Jamaicans living throughout the world, including in my home city of New York who, as is seen in the following article, hailed and celebrated her victory. She is a woman of faith, conviction and of the people—traits that will surely be needed to effectively address the problems of entrenched poverty and crime and enhance employment opportunities for youth.

Mr. Speaker, again I rise to congratulate Ms. Portia Simpson-Miller as she ascends to the post of Prime Minister in Jamaica and to commend her on her genuine commitment the people of the island.

PORTIA SIMPSON-MILLER HAILED AS NEW LEADER

(By Tony Best)

If there is something called national euphoria then it best describes the reaction of Jamaicans at home and abroad to the victory of Portia Simpson-Miller in the fight to lead the ruling People's National Party and Jamaica itself.

For in the Caribbean nation, the news that Simpson-Miller had won the vigorous and potentially divisive battle for the PNP's Presidency and the Prime Minister's job triggered an outpouring of praise and celebrations for the victory. In the Diaspora, from New York, Miami and Toronto to London and the cities where hundreds of thousands of Jamaicans live in North America and the United Kingdom, the response was the same: overwhelmingly positive.

Whether they were religious ministers, elected officials, health care professionals and administrators, business executives or working men and women, the reaction was the same: the best person has won and Jamaica's government should be in good hands.

The Rt. Rev. Don Taylor, Episcopal Vicar Bishop of the New York Diocese of the Anglican Church, saw her election and elevation to the Prime Minister's office in a few weeks time as a "great day" for the women of Jamaica.

"It's a great day when we have reached that point in our history where a woman can taken on the reins of leadership of Jamaica," he said. "As I have done in the past, I will do everything to support her, because in supporting her I am really supporting Jamaica."

Not only did Yvonne Graham, Brooklyn's Deputy Borough President, followed along Bishop Taylor's path by pledging support to the Prime Minister-designate, now that the election battle was over but hailed the choice and the significance of a woman heading the government for the first time in the 43-plus years of Jamaica's independence.

"I am just absolutely excited that the election of a woman to lead the country has happened in my own hometown and in my lifetime," was the way Graham put it. "I have watched her political career over the years and I know she will make an excellent, excellent Prime Minister. Many of the Jamaicans in the Diaspora with whom I have spoken since the weekend election by the PNP delegates share my elation. I look forward to her leadership and pledge my support in any way that I can to help move Jamaica forward. She is a competent and very popular public figure and has the experience in Government. She is in tune with the people of Jamaica, from top to bottom."

Graham believes Simpson-Miller would bring knowledge of the "grass roots" and her own record as a "people-person" to the job as leader of the Government. "She understands the needs of the masses and she has a tremendous ability to surround herself with people who can get the job done," added the Deputy Borough President. "One can expect that she would build on the legacy of the current Prime Minister, P.J. Patterson. After all, she has been there for a long time in government, has seen it from the vantage point of different capacities and ministries and knows how to motivate people."

New York State Assemblyman Nick Perry, who represents a large East Flatbush District in the legislature in Albany, the State capital, said that by electing a woman to lead the country, the PNP has reinforced Jamaica's track record of "treating women with equality" and respect.

"We not only claim to be a country where women are treated equally or have access to the same positions and treatment as our men, but we have actually demonstrated that in our action," Perry stated. "The success of Portia Simpson-Miller's campaign for the leadership of the ruling PNP says quite clearly to the world that we are in the forefront when it comes to the treatment of women."

Beyond issues of gender, Perry credited Simpson-Miller's work ethic, her drive to succeed and determination to lift herself up by her own efforts for the victory over Dr. Peter Phillips, Dr. Omar Davies, and Dr. Karl Blythe.

"She didn't come from a background of someone who was born with a golden spoon," he added. "She came from among folks who lived and earned their way. Her parents worked hard to give her an education and she made good use of the opportunities. In essence, she won the election, the old fashioned-way, she earned it."

Assemblyman Perry believes her popularity and her badge to the "masses of Jamaicans" would enable her to form a government and provide the leadership Jamaica needs at this time of its development.

"She will bring the experience of a person who came from among the common people, knowing the have-nots in Jamaica from the time she was a child to her current status in government, one can expect the understanding and empathy that flow from such a background," he added.

Dr. Donna Facey, a physician who heads the Caribbean-American Medical and Scientific Association of the United States, is looking to her country's new leader to solidify Jamaica's place in the Caribbean integration movement.

"Joining the bulwark of leadership of the region that's going to take the Caribbean Single Market and Economy into the next 50 years, she will be well-placed to make her mark on Jamaica and on the wider Caribbean," said Dr. Facey.

"Although the campaign within the PNP wasn't strictly about the CSME, if Jamaica and the Caribbean are to survive in a global economy then the CSME would be crucial to future success. As a public figure who is in touch with the common men and women, she can be expected to work closely with the other Caribbean leaders to ensure that the CSME is a success."

Vangalane Hunter, a health care administrator and a member of the Board of the Caribbean Women's Health Association in New York City said that Simpson-Miller would have her "hands full" as she attempts to address the economic and social needs of her country.

"Hopefully, she would be a able to go into the job as Prime Minister and try to do something about the problems and challenges facing Jamaica," she said. Jamaicans in both the UK and Canada responded with equal confidence in Simpson-Miller's ability to tackle the job head-on and to succeed.

"Portia is a woman of great experience," said Philip Mascoll, President of the Jamaica Diaspora Canada Foundation. "She should be judged by her performance, not by the fact that she is a woman."

[From the Carib News, Feb. 28, 2006]

PORTIA SIMPSON-MILLER, THE PEOPLE'S AND PNP CHOICE TO LEAD JAMAICA CAPTURES PARTY PRESIDENCY IN WEEK-END VOTE

Charismatic, the "people's choice," and a women and a leader for the times facing Jamaica.

A handful of the glowing and well deserved tributes being lavished on Portia Simpson-Miller by Jamaicans from all walks of life, whether at home or abroad following her stunning victory over Dr. Peter Philips, Dr. Omar Davies and Dr. Karl Blythe in the bruising campaign for the presidency of the ruling People's National Party and ultimately the leadership of the country.

Simpson-Miller has earned the right to succeed P.J. Patterson, Jamaica's longest serving Prime Minister, the old fashioned way: she worked hard for it, not simply within the party but in the government and among the people. The term used most often to describe her, long before the leadership race began was a "woman of the people," a person from the grassroots who understands Jamaicans, feels their pain, exults in their triumphs and knows what makes them tick.

Obviously, those qualities worked for her during most of her adult life and should continue to be the pillars on which she moves forward as Prime Minister, the first woman to hold the job. Simpson-Miller's experience in the labor movement, in successive cabinets, and in mobilizing the PNP's rank and file enabled her to stand out in the crowded field of rivals and should help her to chart a national economic and social agenda with the consent, of the governed.

Clearly, she is more than prepared for the vital task as Jamaica's Prime Minister.

However, no one should under-estimate the challenges she faces. When the delegates gave her a comfortable victory of 1,775 votes to those of her nearest rival, Dr. Phillips' who received 1,538, they recognized that not only was she the most popular political figure in the country but she was quite capable of providing the leadership the nation needs as it seeks to further stabilize its economy, reduce inflation, slash the incidence of crime, create opportunities for its youth, build confidence and make the country an enjoyable and livable place for all of its citizens.

During the run-up to last week-end's election, the delegates had ample opportunities to assess the qualities of the main contenders and they took a collective decision that the party and the government needed Simpson-Miller now more than ever before. Undoubtedly, they have their eyes on the next election and decided that her popularity with the masses, her political savvy and experience in government made her the best person to carry them and the PNP to victory whenever the campaign bell rings.

But some things must happen before that. After the divisive campaign, the PNP president-elect and the Prime Minister-designate and her competitors must bury the proverbial hatchet and work hard to heal wounds opened up by the leadership fight. The fact that she had the support of only a handful of her ministerial cabinet colleagues and a minority of PNP parliamentarians has increased the burden on Simpson-Miller. But few doubt she can't bring most if not all sections of the party together. She must use her appeal within the rank and file to forge a unified party. That's vital if she is to make a fundamental difference.

Simpson-Miller would be the first to tell anyone that she can't run Jamaica alone and would need the full cooperation of every sector, beginning with the party and going into the larger community—business, the church, labor, civil society, the middle class, working class, the youth and the elderly.

Clearly, she can bring the nation together behind a shared vision designed to take Jamaica forward, not by rhetoric but by solid action and clear thinking.

Jamaicans of all walks of life, whether at home or in North America, the United Kingdom, the Caribbean wherever have already signaled that they are eager to join forces with their new leader.

Judging from their reaction to her victory, Jamaicans in the Diaspora who are a linchpin to the island's continued development and who routinely put aside partisan political differences when opportunity and necessity knock, have full confidence in Simpson-Miller's government. The tens of billions of dollars, which they have sent back to families, are but one example of their commitment to Jamaica. Their technical expertise in a variety of fields which many of them currently put at the government's and the country's disposal is another.

A leading daily paper in Kingston pointed out a few days ago, immediately after Simpson-Miller's victory that violent crime "must be dealt with if we are to build a prosperous and vibrant society for all our people."

We couldn't agree more.

CELEBRATING INTERNATIONAL WOMEN'S DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mrs. MALONEY. Mr. Speaker, March 8, International Women's Day, is an occasion marked by women around the world. On this day, women on all continents, despite cultural and political differences, come together to reflect on progress made while recognizing the continuing need to fight for equality, justice, and peace.

Today, I join with my colleagues in welcoming a delegation of Iraqi women in celebration of International Women's Day. Although these women represent a broad range of backgrounds, they all share a common goal of realizing their country's transition to democracy and the benefits of peace.

The Iraqi delegation is led by Nasreen Berwari, minister of Municipalities and Public Works, who has fearlessly worked to encourage the women of Iraq to seize political opportunities in the post-Saddam Iraq.

I have had the pleasure of meeting today with two remarkable women who are contributing to Iraq's future by serving in its government.

These women will have the opportunity to participate in a job shadowing program so that they might take back to their own country some of the experiences of women in government here in the United States as it embarks on the road to democracy.

During this historical moment for the country of Iraq, it is vitally important that women's equality and rights are assured. Every country that protects its women is a stronger country, and Iraq will be a stronger country if women are able to preserve their representation in the new Iraqi Government.

Because March is Women's History Month, it is my hope that the international community will recognize the struggles of women throughout history as well as the struggles women continue to face today while celebrating the contributions of women to the world. Despite many gains, women are still fighting against oppression and are still relegated to the status of second-class citizens throughout the world.

As a strong defender of international family planning, I am a longtime supporter of organizations, such as the U.N. Population Fund, that have been, and continue to be, leaders in the movement to stabilize global population and improve the status of women.

Statistics show that when the status of women is improved, the status of the family is improved and, in turn, the entire community flourishes. With this in mind, I will continue to fight to ensure the protection of women across the globe.

Even in the face of adversity, women throughout history have shown courage and determination in their fight for peace and equality. Today, on International Women's Day, we honor the legacy of those women who made great strides in the advancement of women's rights and recommit ourselves to the challenges ahead.

IN HONOR AND REMEMBRANCE OF ROSE NADER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Rose Nader, loving mother, grandmother, great-grandmother, community activist, author and dear friend and mentor to many. Her passing marks a great loss for her family and friends, and also for the people of Winsted, CT, whom she consistently inspired and served with the highest level of dedication and honor.

The great care and love that Mrs. Nader showered on her family extended throughout her community, where she carried the torch of advocacy on behalf of many social justice issues. She became deeply involved in many local, national and global issues, including active memberships in Peace Action, Co-Op America and the Women's International Relations Committee. Following a devastating flood in Winsted in the 1950's, Mrs. Nader organized a public gathering and refused to relent until U.S. Senator Prescott Bush promised to build a dry dam. The dam was built and the city of Winsted has been dry for half a century.

Born and raised in Lebanon, Mrs. Nader worked as a teacher of French and Arabic before emigrating to America with her husband, Nathra Nader. Together they raised four children, with family the central focus of her life. She instilled values of integrity, hard work and active citizenship within the hearts and minds of her children, gently guiding and always teaching. Mrs. Nader offered them gifts of experience and wisdom through song, proverbs and culinary traditions of her beloved homeland, infusing her wisdom and joy around the kitchen table, connecting the old world to the new.

Mr. Speaker and colleagues, please join me in honor and remembrance of Rose Nader, whose unbridled joy for life served as a source of love, inspiration and guidance for her family and friends and for the people of Winsted, CT. I extend my deepest condolences to her children, Claire, Laura, Ralph, and the memory of Shafeek; to her three grandchildren and three great-grandchildren; and also to her extended family and many friends. Mrs. Nader's infinite heart and unwavering focus on giving back to the community will forever live within the hearts of family and friends, and will forever illuminate the soul of Winsted, CT, and miles beyond.

CONGRATULATIONS TO KARL AND FAYE RODNEY ON THEIR RECOGNITION FOR FOUNDING THE NEW YORK CARIB NEWS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. RANGEL. Mr. Speaker, I rise today to congratulate Karl B. Rodney and Faye A. Rodney, publisher and president, respectively of New York Carib News on receiving the "Measure of a Man" award conferred by the New York State Conference of NAACP in recognition of their work as entrepreneurs and journalists and to enter into the RECORD a Carib News story briefly describing the recognition.

During a Feb. 23 ceremony, the Rodneys were lauded by a cross-section group of distinguished New Yorkers for their service to the community in founding the newspaper a quarter of a century ago which today serves as a vital bridge between the Caribbean American community and the greater New York City area. The New York Carib News fulfills a responsibility in educating not only my constituents whom I proudly represent but myself as well, as I often am able to take away so much from the newspaper in terms of familiarity of ever-changing Caribbean socio-political affairs.

The New York Carib News was founded to fill a recognized void in communication of the growing Caribbean-American community. Carib News was designed to provide consistent, timely, accurate, and reliable information of the Caribbean region, and the Caribbean-American communities in the United States.

It has since flourished into the largest circulated publication serving the Caribbean-American community. Because of the pioneering efforts of the Rodneys, Carib News is now a recognized institution of the community playing a substantial role in projecting its importance and promise. Mr. Speaker, please join me once again in congratulating the Rodneys for their triumphs in journalism and writing of the challenges facing the Caribbean nations.

[From Carib News, March 7, 2006]

NAACP NYS CONFERENCE HONORS RODNEYS WITH "MEASURE OF A MAN" AWARD

NEW YORK.—On Thursday, February 23, the Metropolitan Council of the New York State Conference of NAACP invited a cross section of New Yorkers to join them in honoring Karl B. Rodney and Faye A. Rodney, Publisher and President respectively of New York Carib News, in recognition of their outstanding achievements as journalists and entrepreneurs.

The awards reception represented an Annual event under the theme "Measure of a Man", an excerpt from one ofthe speeches of Dr. Martin Luther King Jr. It was held at the New York Hilton & Towers Hotel and the Rodneys were honored for founding The New York Carib News, a weekly newspaper that has become a respected voice in the community and has served as a bridge between the Caribbean American and the community -at-large.

In the past, distinguished New Yorkers who have been similarly honored include David N. Dinkins, Rabbi Marc Schneier, Dr. Sandye P. Johnson, Principal of the Thurgood Marshall Academy and the Reverend Al Sharpton.

The Rodneys were commended for forty years of extraordinary public service and enduring commitment to the pursuit of equal opportunity for all.

As noted by Rabbi Marc Schneier, President of the Foundation for Ethnic Understanding, one of the attendees at the event: "I was honored to participate in this celebration and am pleased to note that the honorees have truly embraced the teachings of Dr. Martin Luther King Jr. who understood the principle that a people who are fighting for their rights are only as honorable as when they fight for the rights of all peoples.

The Rodneys have championed the civil and Human Rights for all ethnic groups."

RECOGNIZING THE COMMITMENT OF CADWALADER, WICKERSHAM & TAFT LLP TO 9/11 FAMILIES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mrs. MALONEY. Mr. Speaker, I rise to recognize the humanitarian work of our nation's oldest continuing Wall Street law practice, Cadwalader, Wickersham & Taft LLP.

Founded in 1792, Cadwalader, Wickersham & Taft LLP not only has a long-standing tradition of providing their clients with unparalleled service and legal expertise, but also serving their community.

No better example of this came in the aftermath of the terrorist attacks of September 11, 2001, with the creation of "The 9/11 Project."

"The 9/11 Project" was established in October 2001 to provide representation to the families of 70 union-member workers who died in the World Trade Center attacks. Coordinated by New York Lawyers for the Public Interest, the Project depended on the tireless energy and commitment of volunteers from nine New York City law firms and two financial service firms, as well as the support of officials from Local 100 of the Hotel and Employees and Restaurant Employees Union and Local 32BJ of the Service Employees International Union, the Management of Windows on the World, and the Association of the Bar of New York.

Since successfully representing these families before the 9/11 Victims Compensation Fund, lead attorney, Debra Steinberg, has also worked to develop legislation to provide permanent immigration status to those family members who remain in immigration limbo following the attacks.

Working with Mrs. Steinberg, Congressman PETER KING and I introduced H.R. 3575, the September 11th Family Humanitarian Relief and Patriotism Act in the House of Representatives. Companion legislation was introduced in the Senate by Senator JOHN CORZINE and is S. 1620.

Today, I ask all of my colleagues to join the effort started by "The 9/11 Project" and support this legislation. These 9/11 families have already suffered enough and deserve our support to remove them from the immigration limbo that they are currently in.

IN HONOR AND REMEMBRANCE OF FRANK M. DUMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Frank M. Duman, beloved husband, father, grandfather, great-grandfather, dedicated civil servant, promoter of the classical arts and friend and mentor to many, including myself.

Mr. Duman was born and raised in Cleveland and remained in the city his entire life. For 50 years, he lived in the same house in the Old Brooklyn neighborhood, where he and his wife Olivia raised their four sons. Following his graduation from Ohio University in 1941, Mr. Duman was recommended by then Safety Director Eliot Ness for a position in the city recreation department. Mr. Duman's unwavering work ethic and meticulous approach to his work reflected throughout his professional career. He ascended the ranks of city government and served in several leadership capacities, including Superintendent for City Park Maintenance, Parks Commissioner and Director of the Cleveland Convention Center.

Mr. Duman worked for nine City of Cleveland mayoral administrations, including my own. He never sought out the spotlight, rather, he was content to work diligently behind the scenes, making sure that goals were reached, improvements were made and projects were completed. Mr. Duman's leadership drew premier leaders in the business industry to the Convention Center. He also promoted the Cleveland's established status as a national arts center by procuring annual visits of the New York Metropolitan Opera.

Mr. Speaker and Colleagues, please join me in honor, remembrance and gratitude to Mr. Frank M. Duman, whose life was highlighted by his unwavering devotion to his family and to his community. I offer my condolences to his wife of 62 years, Olivia; to his sons, Richard, Robert, Donald and James; to his seven grandchildren and two great-grandchildren; and to his extended family members and many friends. Mr. Duman's life, lived with great joy and accomplishment, will forever reflect within his family, friends and throughout our community, and he will be remembered always.

COMMEMORATION OF THE LIFE OF GORDON PARKS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. RANGEL. Mr. Speaker, I rise today to express my deep appreciation of the life and legacy of Gordon Parks. A gifted photographer and director, Parks, passed away Tuesday, March 7 at the age of 93. I would also like to enter into the RECORD numerous obituaries chronicling his life's achievements.

Born in 1912, in Fort Scott, Kansas, he was the son of a dirt farmer and overcame tremendous obstacles to become a trailblazer—breaking down barriers posed to blacks throughout media and entertainment. The youngest of 15 children, Parks was orphaned at 16 when his mother died. After leaving high school before graduation, he found himself drawn to photography as a means of social documentary to advance those forgotten in the community. He referred to his photography as "his weapon against poverty and racism," and used his skill to give a voice to the black experience. "I never allowed the fact that I experienced bigotry and discrimination to step in the way of doing what I have to do," he once said. "I don't understand how other people let that destroy them."

His first substantial work came when he began work in 1942 as a documentary photographer with the Farm Security Administration, an agency created to call attention to and produce a historical record of social and cultural conditions across the country. Six years later, Parks became the first black person to work at Life magazine where he covered poverty, segregation, crime and other issues through poignant photo essays. He was also the first black writer to join Vogue and the first to write, direct and score a Hollywood movie "The Learning Tree", based on a 1963 novel he wrote about his life as a farm boy. He later directed the 1971 film "Shaft".

Parks was a passionate voice and a pioneer in the civil rights movement. While his mark was made documenting the human consequences of intolerance and crime through photojournalism, him empathy also shone through novels, poetry, autobiography, and nonfiction including photographic instructional manuals and filmmaking books. A self-taught pianist, Parks composed Concerto for Piano and Orchestra (1953) and Tree Symphony (1967). In 1989, he composed and choreographed "Martin," a ballet dedicated to civil rights leader Martin Luther King Jr. Parks also performed as a jazz pianist and as a campaigner for civil rights.

Mr. Speaker, please join me in honoring the life of Gordon Parks, a man who not only changed the face of photography, but refused to ignore the most forgotten.

[From Reuters, March 7, 2006]

FILMMAKER GORDON PARKS DIES

(By Bob Tourtellotte)

LOS ANGELES (Reuters).—Gordon Parks, the pioneering black photographer and filmmaker who explored the African-American experience in his work, including landmark movies "The Learning Tree" and "Shaft," died on Tuesday in New York, a relative said.

Parks, 93, had been in failing health, said the nephew, Charles Parks, who lives in Lawrence, Kansas.

Born in Fort Scott, Kansas, Parks was orphaned by age 15 and grew up homeless. He worked a variety of menial jobs before taking up photography in the late 1930s. He joined "Life" magazine in the late 1940s and became its first black staff photographer, remaining with the publication until 1968.

He worked at several government jobs as a photographer and was a correspondent for the U.S. Office of War Information during World War Two. After the war, he served for a stint as a fashion photographer for Vogue magazine.

But it was at "Life" where he made his mark documenting the human consequences of intolerance and crime. He was equally at ease with gangsters as with cops, and he won the trust of the fiery Malcolm X, the militant Black Panthers and ordinary black Americans who lived in big cities and small, rural towns.

His photo of a black cleaning lady, standing in front of a huge American flag, mop in one hand, broom in the other and a resigned look on her face, became one of his best known shots.

"I suffered first as a child from discrimination, and poverty to a certain extent, bigotry in my hometown in Kansas," Parks told Reuters in a 2000 interview. "So I think it was a natural follow from that that I should use my camera to speak for people who are unable to speak for themselves."

PHOTOS TO FILM

He turned to filmmaking in the late 1960s, and in 1971 directed the hit movie "Shaft," one of the first of a wave of "blaxploitation" films that directly targeted a black American audiences and typically featured exaggerated sexuality, violence and funk or soul music.

"Shaft" starred Richard Roundtree as a police detective who was as street tough as he was sexy with the ladies. It spawned a hit song, "Theme from 'Shaft'" by Isaac Hayes, and in 2000 was remade by director John Singleton with Samuel L. Jackson in the lead role.

In 2000, when HBO aired a documentary on the photographer and moviemaker, called "Half Past Autumn: The Life and Works of Gordon Parks," he said the two films were hard to compare.

"There was a lot of humanity in the first one that was lacking in the second one," he said. "People probably want more violence now and so on."

Parks' first movie, 1969's "The Learning Tree," was adapted from a novel he wrote about growing up poor and black in 1920s Kansas. He became the first black to write and direct a major studio production when Warner Bros. commissioned him to adapt his book to the big screen.

In 1989, the film was among the first 25 to be deemed culturally and historically significant and was preserved in the U.S. National Film Registry for future generations.

Over the years, he wrote volumes of poetry and fiction, grew into an accomplished pianist and wrote a ballet about the life of slain civil rights leader Martin Luther King, Jr., titled "Martin," which aired on the PBS network in the United States.

[From the New York Times, Mar. 8, 2006]

GORDON PARKS, A MASTER OF THE CAMERA, DIES AT 93

(By Andy Grundberg)

Gordon Parks, the photographer, filmmaker, writer and composer who used his prodigious, largely self-taught talents to chronicle the African-American experience and to retell his own personal history, died yesterday at his home in Manhattan. He was 93.

His death was announced by Genevieve Young, his former wife and executor. Gordon Parks was the first African-American to work as a staff photographer for Life magazine and the first black artist to produce and direct a major Hollywood film, "The Learning Tree," in 1969.

He developed a large following as a photographer for Life for more than 20 years, and by the time he was 50 he ranked among the most influential image makers of the postwar years. In the 1960's he began to write memoirs, novels, poems and screenplays, which led him to directing films. In addition to "The Learning Tree," he directed the popular action films "Shaft" and "Shaft's Big Score!" In 1970 he helped found Essence magazine and was its editorial director from 1970 to 1973.

An iconoclast, Mr. Parks fashioned a career that resisted categorization. No matter what medium he chose for his self-expression, he sought to challenge stereotypes while still communicating to a large audience. In finding early acclaim as a photographer despite a lack of professional training, he became convinced that he could accomplish whatever he set his mind to. To an astonishing extent, he proved himself right.

Gordon Parks developed his ability to overcome barriers in childhood, facing poverty, prejudice and the death of his mother when he was a teen-ager. Living by his wits during what would have been his high-school years, he came close to being claimed by urban poverty and crime. But his nascent talent, both musical and visual, was his exit visa.

His success as a photographer was largely due to his persistence and persuasiveness in pursuing his subjects, whether they were film stars and socialites or an impoverished slum child in Brazil.

Mr. Parks's years as a contributor to Life, the largest-circulation picture magazine of its day, lasted from 1948 to 1972, and it cemented his reputation as a humanitarian photojournalist and as an artist with an eye for elegance. He specialized in subjects relating to racism, poverty and black urban life, but he also took exemplary pictures of Paris fashions, celebrities and politicians.

"I still don't know exactly who I am," Mr. Parks wrote in his 1979 memoir, "To Smile in Autumn." He added, "I've disappeared into myself so many different ways that I don't know who 'me' is."

Much of his literary energy was channeled into memoirs, in which he mined incidents from his adolescence and early career in an effort to find deeper meaning in them. His talent for telling vivid stories was used to good effect in "The Learning Tree," which he wrote first as a novel and later converted into a screenplay. This was a coming-of-age story about a young black man whose childhood plainly resembled the author's. It was well received when it was published in 1963 and again in 1969, when Warner Brothers released the film version. Mr. Parks wrote, produced and directed the film and wrote the music for its soundtrack. He was also the cinematographer.

"Gordon Parks was like the Jackie Robinson of film," Donald Faulkner, the director of the New York State Writers Institute, once said. "He broke ground for a lot of people—Spike Lee, John Singleton."

Mr. Parks's subsequent films, "Shaft" (1971) and "Shaft's Big Score!" (1972), were prototypes for what became known as blaxploitation films. Among Mr. Park's other accomplishments were a second novel, four books of memoirs, four volumes of poetry, a ballet and several orchestral scores. As a photographer Mr. Parks combined a devotion to documentary realism with a knack for making his own feelings self-evident. The style he favored was derived from the Depression-era photography project of the Farm Security Administration, which he joined in 1942 at the age of 30.

Perhaps his best-known photograph, which he titled "American Gothic," was taken during his brief time with the agency; it shows a black cleaning woman named Ella Watson standing stiffly in front of an American flag, a mop in one hand and a broom in the other. Mr. Parks wanted the picture to speak to the existence of racial bigotry and inequality in the nation's capital. He was in an angry mood when he asked the woman to pose, having earlier been refused service at a clothing store, a movie theater and a restaurant.

Anger at social inequity was at the root of many of Mr. Parks's best photographic stories, including his most famous Life article, which focused on a desperately sick boy living in a miserable Rio de Janeiro slum. Mr. Parks described the plight of the boy, Flavio da Silva, in realistic detail. In one photograph Flavio lies in bed, looking close to death. In another he sits behind his baby brother, stuffing food into the baby's mouth while the baby reaches his wet, dirty hands into the dish for more food.

Mr. Parks's pictures of Flavio's life created a groundswell of public response when they were published in 1961. Life's readers sent some $30,000 in contributions, and the magazine arranged to have the boy flown to Denver for medical treatment for asthma and paid for a new home in Rio for his family.

Mr. Parks credited his first awareness of the power of the photographic image to the pictures taken by his predecessors at the Farm Security Administration, including Jack Delano, Dorothea Lange, Arthur Rothstein and Ben Shahn. He first saw their photographs of migrant workers in a magazine he picked up while working as a waiter in a railroad car. "I saw that the camera could be a weapon against poverty, against racism, against all sorts of social wrongs," he told an interviewer in 1999. "I knew at that point I had to have a camera."

Many of Mr. Parks's early photo essays for Life, like his 1948 story of a Harlem youth gang called the Midtowners, were a revelation for many of the magazine's predominantly white readers and a confirmation for Mr. Parks of the camera's power to shape public discussion.

But Mr. Parks made his mark mainly with memorable single images within his essays, like "American Gothic," which were iconic in the manner of posters. His portraits of Malcolm X (1963), Muhammad Ali (1970) and the exiled Eldridge and Kathleen Cleaver (1970) evoked the styles and strengths of black leadership in the turbulent transition from civil rights to black militancy.

But at Life Mr. Parks also used his camera for less politicized, more conventional ends, photographing the socialite Gloria Vanderbilt, who became his friend; a fashionable Parisian in a veiled hat puffing hard on her cigarette, and Ingrid Bergman and Roberto Rossellini at the beginning of their notorious love affair.

On his own time he photographed female nudes in a style akin to that of Baroque painting, experimented with double-exposing color film and recorded pastoral scenes that evoke the pictorial style of early-20-century art photography.

Much as his best pictures aspired to be metaphors, Mr. Parks shaped his own life story as a cautionary tale about overcoming racism, poverty and a lack of formal education. It was a project he pursued in his memoirs and in his novel; all freely mix documentary realism with a fictional sensibility.

The first version of his autobiography was "A Choice of Weapons" (1966), which was followed by "To Smile in Autumn" (1979) and "Voices in the Mirror: An Autobiography" (1990). The most recent account of his life appeared in 1997 in "Half Past Autumn" (Little, Brown), a companion to a traveling exhibition of his photographs.

Gordon Roger Alexander Buchanan Parks was born on Nov. 30, 1912, in Fort Scott, Kan. He was the youngest of 15 children born to a tenant farmer, Andrew Jackson Parks, and the former Sarah Ross. Although mired in poverty and threatened by segregation and the violence it engendered, the family was bound by Sarah Parks's strong conviction that dignity and hard work could overcome bigotry.

Young Gordon's security ended when his mother died. He was sent to St. Paul, Minn., to live with the family of an older sister. But the arrangement lasted only a few weeks; during a quarrel, Mr. Parks's brother-in-law threw him out of the house. Mr. Parks learned to survive on the streets, using his untutored musical gifts to find work as a piano player in a brothel and later as the singer for a big band. He attended high school in St. Paul but never graduated.

In 1933 he married a longtime sweetheart, Sally Alvis, and they soon had a child, Gordon Jr. While his family stayed near his wife's relatives in Minneapolis, Mr. Parks traveled widely to find work during the Depression. He joined the Civilian Conservation Corps, toured as a semi-pro basketball player and worked as a busboy and waiter. It was while he was a waiter on the North Coast Limited, a train that ran between Chicago and Seattle, that he picked up a magazine discarded by a passenger and saw for the first time the documentary pictures of Lange, Rothstein and the other photographers of the Farm Security Administration.

In 1938 Mr. Parks purchased his first camera at a Seattle pawn shop. Within months he had his pictures exhibited in the store windows of the Eastman Kodak store in Minneapolis, and he began to specialize in portraits of African-American women.

He also talked his way into making fashion photographs for an exclusive St. Paul clothing store. Marva Louis, the elegant wife of the heavyweight champion Joe Louis, chanced to see his photographs and was so impressed that she suggested that he move to Chicago for better opportunities to do more of them.

In Chicago Mr. Parks continued to produce society portraits and fashion images, but he also turned to documenting the slums of the South Side. His efforts gained him a Julius Rosenwald Fellowship, which he spent as an apprentice with the Farm Security Administration's photography project in Washington under its director, Roy Stryker.

In 1943, with World War II under way, the farm agency was disbanded and Stryker's project was transferred to the Office of War Information (O.W.I.). Mr. Parks became a correspondent for the O.W.I. photographing the 332d Fighter Group, an all-black unit based near Detroit. Unable to accompany the pilots overseas, he relocated to Harlem to search for freelance assignments.

In 1944 Alexander Liberman, then art director of Vogue, asked him to photograph women's fashions, and Mr. Parks's pictures appeared regularly in the magazine for 5 years. Mr. Parks's simultaneous pursuit of the worlds of beauty and of tough urban textures made him a natural for Life magazine. After talking himself into an audience with Wilson Hicks, Life's fabled photo editor, he emerged with two plum assignments: one to create a photo essay on gang wars in Harlem, the other to photograph the latest Paris collections.

Life often assigned Mr. Parks to subjects that would have been difficult or impossible for a white photojournalist to carry out, such as the Black Muslim movement and the Black Panther Party. But Mr. Parks also enjoyed making definitive portraits of Barbra Streisand, Samuel Barber, Aaron Copland, Alberto Giacometti and Alexander Calder. From 1949 to 1951 he was assigned to the magazine's bureau in Paris, where he photographed everything from Marshal Pétain's funeral to scenes of everyday life. While in Paris he socialized with the expatriate author Richard Wright and wrote his first piano concerto, using a musical notation system of his own devising.

As the sole black photographer on Life's masthead in the 1960's, Mr. Parks was frequently characterized by black militants as a man willing to work for the oppressor. In the mid-1960's he declined to endorse a protest against the magazine by a number of black photographers, including Roy DeCarava, who said they felt that the editorial assignment staff discriminated against them. Mr. DeCarava never forgave him.

At the same time, according to Mr. Parks's memoirs, Life's editors came to question his ability to be objective. "I was black," he noted in "Half Past Autumn," "and my sentiments lay in the heart of black fury sweeping the country."

In 1962, at the suggestion of Carl Mydans, a fellow Life photographer, Mr. Parks began to write a story based on his memories of his childhood in Kansas. The story became the novel "The Learning Tree," and its success opened new horizons, leading him to write his first memoir, "A Choice of Weapons"; to combine his photographs and poems in a book called "A Poet and His Camera" (1968) and, most significantly, to become a film director, with the movie version of "The Learning Tree" in 1969.

Mr. Parks's second film, "Shaft," released in 1971, was a hit of a different order. Ushering in an onslaught of genre movies in which black protagonists played leading roles in violent, urban crime dramas, "Shaft" was both a commercial blockbuster and a racial breakthrough. Its hero, John Shaft, played by Richard Roundtree, was a wily private eye whose success came from operating in the interstices of organized crime and the law. Isaac Hayes won an Oscar for the theme music, and the title song became a pop hit.

After the successful "Shaft" sequel in 1972 and a comedy called "The Super Cops" (1974), Mr. Parks's Hollywood career sputtered to a halt with the film "Leadbelly" (1976). Intended as an homage to the folk singer Huddie Ledbetter, who died in 1949, the movie was both a critical and a box-office failure. Afterward Mr. Parks made films only for television.

After departing Life in 1972, the year the magazine shut down as a weekly, Mr. Parks continued to write and compose. His second novel, "Shannon" (1981), about Irish immigrants at the beginning of the century, is the least autobiographical of his writing. He wrote the music and the libretto for the 1989 ballet "Martin," a tribute to the Rev. Dr. Martin Luther King Jr., choreographed by Rael Lamb.

He also continued to photograph. But much of Mr. Parks's artistic energy in the 1980's and 1990's was spent summing up his productive years with the camera. In 1987, the first major retrospective exhibition of his photographs was organized by the New York Public Library and the Ulrich Museum of Art at Wichita State University.

The more recent retrospective, "Half Past Autumn: The Art of Gordon Parks," was organized in 1997 by the Corcoran Museum of Art in Washington. It later traveled to New York and to other cities. Many honors came Mr. Parks's way, including a National Medal of Arts award from President Ronald Reagan in 1988. The man who never finished high school was a recipient of 40 honorary doctorates from colleges and universities in the United States and England.

His marriages to Sally Alvis, Elizabeth Campbell and Genevieve Young ended in divorce. A son from his first marriage, Gordon Parks Jr., died in 1979 in a plane crash while making a movie in Kenya. He is survived by his daughter Toni Parks Parson and his son David, also from his first marriage, and a daughter, Leslie Parks Harding, from his second marriage; five grandchildren; and five great grandchildren.

"I'm in a sense sort of a rare bird," Mr. Parks said in an interview in The New York Times in 1997. "I suppose a lot of it depended on my determination not to let discrimination stop me." He never forgot that one of his teachers told her students not to waste their parents' money on college because they would end up as porters or maids anyway. He dedicated one honorary degree to her because he had been so eager to prove her wrong.

"I had a great sense of curiosity and a great sense of just wanting to achieve," he said. "I just forgot I was black and walked in and asked for a job and tried to be prepared for what I was asking for."

[From the Associated Press, Mar. 8, 2006]

FILMMAKER GORDON PARKS DIES AT 93

(By Polly Anderson)

NEW YORK.—Gordon Parks, who captured the struggles and triumphs of black America as a photographer for Life magazine and then became Hollywood's first major black director with "The Learning Tree" and the hit "Shaft," died Tuesday, his family said. He was 93.

Parks, who also wrote fiction and was an accomplished composer, died at his home in New York, according to a former wife, Genevieve Young, and nephew Charles Parks.

"Nothing came easy," Parks wrote in his autobiography. "I was just born with a need to explore every tool shop of my mind, and with long searching and hard work. I became devoted to my restlessness."

He covered everything from fashion to politics to sports during his 20 years at Life, from 1948 to 1968.

But as a photographer, he was perhaps best known for his gritty photo essays on the grinding effects of poverty in the United States and abroad and on the spirit of the civil rights movement.

"Those special problems spawned by poverty and crime touched me more, and I dug into them with more enthusiasm," he said. "Working at them again revealed the superiority of the camera to explore the dilemmas they posed."

In 1961, his photographs in Life of a poor, ailing Brazilian boy named Flavio da Silva brought donations that saved the boy and purchased a new home for him and his family.

"The Learning Tree" was Parks' first film, in 1969. It was based on his 1963 autobiographical novel of the same name, in which the young hero grapples with fear and racism as well as first love and schoolboy triumphs. Parks wrote the score as well as directed.

In 1989, "The Learning Tree" was among the first 25 American movies to be placed on the National Film Registry of the Library of Congress. The registry is intended to highlight films of particular cultural, historical or aesthetic importance.

The detective drama "Shaft," which came out in 1971 and starred Richard Roundtree, was a major hit and spawned a series of black-oriented films. Parks himself directed a sequel, "Shaft's Big Score," in 1972, and that same year his son Gordon Jr. directed "Superfly." The younger Parks was killed in a plane crash in 1979.

Roundtree said he had a "sneaking suspicion" that the Shaft character was based on Parks.

"Gordon was the ultimate cool," he said by telephone. "There's no one cooler than Gordon Parks."

Parks also published books of poetry and wrote musical compositions including "Martin," a ballet about the Rev. Martin Luther King Jr.

Parks was born Nov. 30, 1912, in Fort Scott, Kan., the youngest of 15 children. In his 1990 autobiography, "Voices in the Mirror," he remembered it as a world of racism and poverty, but also a world where his parents gave their children love, discipline and religious faith.

He went through a series of jobs as a teen and young man, including piano player and railroad dining car waiter. The breakthrough came when he was about 25, when he bought a used camera in a pawn shop for $7.50. He became a freelance fashion photographer, went on to Vogue magazine and then to Life in 1948.

"Reflecting now, I realize that, even within the limits of my childhood vision, I was on a search for pride, meanwhile taking measurable glimpses of how certain blacks, who were fed up with racism, rebelled against it," he wrote.

When he accepted an award from Wichita State University in May 1991, he said it was "another step forward in my making peace with Kansas and Kansas making peace with me."

"I dream terrible dreams, terribly violent dreams," he said. "The doctors say it's because I suppressed so much anger and hatred from my youth. I bottled it up and used it constructively."

In his autobiography, he recalled that being Life's only black photographer put him in a peculiar position when he set out to cover the civil rights movement.

"Life magazine was eager to penetrate their ranks for stories, but the black movement thought of Life as just another white establishment out of tune with their cause," he wrote. He said his aim was to become "an objective reporter, but one with a subjective heart."

The story of young Flavio prompted Life readers to send in $30,000, enabling his family to build a home, and Flavio received treatment for his asthma in an American clinic.

By the 1970s, he had a family and a job as a security guard, but more recently the home built in 1961 has become overcrowded and run-down.

Still, Flavio stayed in touch with Parks off and on, and in 1997 Parks said, "If I saw him tomorrow in the same conditions, I would do the whole thing over again."

Life's managing editor, Bill Shapiro, said in a statement Tuesday that it had "lost one of its dearest members."

"Gordon was one of the magazine's most accomplished shooters and one of the very greatest American photographers of the 20th century," the statement said. "He moved as easily among the glamorous figures of Hollywood and Paris as he did among the poor in Brazil and the powerful in Washington."

In addition to novels, poetry and his autobiographical writings, Parks' writing credits included nonfiction such as "Camera Portraits: Techniques and Principles of Documentary Portraiture," 1948, and a 1971 book of essays called "Born Black."

His other film credits included "The Super Cops," 1974; "Leadbelly," 1976; and "Solomon Northup's Odyssey," a TV film from 1984.

Recalling the making of "The Learning Tree," he wrote: "A lot of people of all colors were anxious about the breakthrough, and I was anxious to make the most of it. The wait had been far too long. Just remembering that no black had been given a chance to direct a motion picture in Hollywood since it was established kept me going."

Last month, health concerns had kept Parks from accepting the William Allen White Foundation National Citation in Kansas, but he said in a taped presentation that he still considered the State his home and wanted to be buried in Fort Scott.

Two years ago, Fort Scott Community College established the Gordon Parks Center for Culture and Diversity.

Jill Warford, its executive director, said Tuesday that Parks "had a very rough start in life and he overcame so much, but was such a good person and kind person that he never let the bad things that happened to him make him bitter."

Parks is survived by a son and two daughters, Young said. Funeral arrangements were pending, she said.

A TRIBUTE TO THOMAS JAY HARRIS

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. NEUGEBAUER. Mr. Speaker, today, I rise to honor Thomas Jay Harris, the former editor of the leading newspaper in Lubbock, Texas who passed away on Sunday, February 26. During the course of his 87 years, Jay could call many people his friend and could point to many achievements. He was a war veteran, a community leader, and a proud newspaperman.

Jay began his 53-year journalism career in 1938 working for the Lubbock Avalanche-Journal while still an undergraduate student at Texas Tech University. He then spent 3 years serving his country in the Air Force during World War II. Following the war, he returned to the newspaper. He would remain at the A–J for the rest of his professional career, the last 22 years of which were spent as the newspaper's editor.

As editor, Jay deftly balanced the need to report on issues of importance to the local community while still pursuing stories of national and international significance. It was this thirst for foreign affairs that led him to support the International Cultural Center at Texas Tech. This center introduced students and aspiring journalists to the cultures of foreign countries.

I had the privilege of knowing Jay. Almost every time I spoke with him, he had an idea on how to make Lubbock or Texas Tech better. Jay was persistent and always stuck with an issue until he got results.

Jay lived his life with passion. I will miss Jay and his enthusiasm for his work, for his community, and for his country.

TRIBUTE TO ETHIOPIAN WOMEN FOR PEACE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. HONDA. Mr. Speaker, I rise to applaud the efforts of Ethiopian Women for Peace, Democracy, and Humanitarian Aid in calling attention to the current political situation in Ethiopia, particularly to the status of women. Today, they will hold a candlelight vigil at the White House to show solidarity with all Ethiopian women who continue to fight for their basic human rights, and who seek freedom and peace for all Ethiopians in the broadest sense. I am truly inspired by their commitment, and hope that I can be helpful to their cause as Chair of the Congressional Ethiopia and Ethiopian American Caucus. I am proud to see Ethiopian American women take part in commemorating International Women's Day and Women's History Month to demand recognition of how far women have come, and how much more there is left to fight for. It is my hope that all Americans, and the international community as a whole, will join us.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 9, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 10

9:30 a.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine the roles and missions of the Department of Defense regarding homeland defense and support to civil authorities in review of the defense authorization request for fiscal year 2007 and the future years defense program.

SR-222

Judiciary

To hold hearings to examine defective products relating to criminal penalties ensuring corporate accountability.

SD-226

Joint Economic Committee

To hold hearings to examine the employment situation for February 2006.

2212 RHOB

MARCH 13

3 p.m.

Armed Services

To hold a closed briefing on an update from the Joint Improvised Explosive Device Defeat Organization.

SR-222

MARCH 14

9:30 a.m.

Armed Services

To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2007 and the future years defense program.

SH-216

Foreign Relations

To hold hearings to examine a status report on United Nations reform.

SD-419

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine Federal contractors with unpaid tax debt, focusing on the extent to which contractors are tax delinquent and what can be done about it.

SD-342

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Boyd Kevin Rutherford, of Maryland, to be an Assistant Secretary, Gale A. Buchanan, of Georgia, to be Under Secretary for Research, Education, and Economics, Marc L. Kesselman, of Tennessee, to be General Counsel, and Linda Avery Strachan, of Virginia, to be an Assistant Secretary, all of the Department of Agriculture.

SR-328A

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of James S. Simpson, of New York, to be Federal Transit Administrator, Department of Transportation, and Robert M. Couch, of Alabama, to be President, Government National Mortgage Association.

SD-538

Commerce, Science, and Transportation

To hold hearings to examine wireless issues spectrum reform.

SD-106

10:30 a.m.
Judiciary
To hold hearings to examine consolidation in the oil and gas industry.
SD–226

2 p.m.
Judiciary
To hold hearings to examine judicial and executive nominations.
SD–226

2:15 p.m.
Foreign Relations
Business meeting to consider Protocol Amending the Convention Between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994 (Treaty Doc. 109-04), Convention between the Government of the United States of America and the Government of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Dhaka on September 26, 2004 with an exchange of notes enclosed (Treaty Doc. 109-05), Protocol Amending the Convention Between the United States of America and the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, and Gifts signed at Washington on November 24, 1978 (Treaty Doc. 109-07), and Protocol Amending the Convention Between the Government of the United States of America and the Government of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Washington on September 30, 2005 (Treaty Doc.109-08).
S–116, Capitol

2:30 p.m.
Armed Services
To hold hearings to examine the Joint Strike Fighter F-136 Alternate Engine Program in review of the defense authorization request for fiscal year 2007 and the future years defense program.
SH–216

Commerce, Science, and Transportation
To hold hearings to examine Wall Street perspective on telecom.
SD–106

Appropriations
Energy and Water Subcommittee
To hold hearings to examine an overview of the proposed budget estimates for fiscal year 2007 for the Office of Science, the Energy Supply and Conservation account, and the Fossil Energy Research and Development account within the Department of Energy.
SD–138

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2007 for the National Park Service, Department of the Interior.
SD–366

Armed Services
Personnel Subcommittee
To hold hearings to examine health benefits and programs in review of the defense authorization request for fiscal year 2007.
SR–325

MARCH 15

9 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider S. 1955, to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.
SD–430

9:30 a.m.
Armed Services
To hold hearings to examine the Joint Strike Fighter F136 Alternative Engine Program in review of the defense authorization request for fiscal year 2007 and the future years defense program.
SH–216

Indian Affairs
To hold hearings to examine S. 1899, to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children.
SR–485

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine ground forces readiness in review of the defense authorization request for fiscal year 2007.
SR–222

10 a.m.
Aging
To hold hearings to examine eliminating retirement income disparity for women.
SD–106

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the the Secretary of the Senate, Architect of the Capitol, and the Capitol Visitor Center.
SD–138

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2:30 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine hospital group purchasing, focusing on if the industry's reforms are sufficient to ensure competition.
SD–226

Commerce, Science, and Transportation
To hold hearings to examine innovation and competitiveness legislation.
SD–562

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the progress of the programs on the Government Accountability Office's high-risk list, including whether a proposal to create a Chief Management Officer at the Department of Homeland Security and Department of Defense would foster a culture of accountability necessary for improved high-risk program performance.
SD–342

MARCH 16

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session in SH–219.
SH–216

Environment and Public Works
To hold hearings to examine the Great Lakes Regional Collaboration's strategy to restore and protect the Great Lakes.
SD–628

10 a.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine impacts on aviation regarding volcanic hazards.
SD–562

Veterans' Affairs
To hold hearings to examine the homeless programs administered by the VA.
SR–418

3 p.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SD–562

3:30 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine Global Strike Plans and programs in review of the defense authorization request for fiscal year 2007.
SR–222

MARCH 28

9:30 a.m.
Indian Affairs
To hold hearings to examine the settlement of Cobell v. Norton.
SR–485

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Federal Aviation Administration budget and the long term viability of the Aviation Trust Fund.
SD–562

2:30 p.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine offshore aquaculture.
SD–562

MARCH 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business.
SR–485

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine the importance of basic research to United States' competitiveness.
SD–562

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine missile defense programs in review of the defense authorization request for fiscal year 2007.
SR–222

MARCH 30

10 a.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold an oversight hearing to examine National Polar-Orbiting Operational Environmental Satellite System.
SD–562

Veterans' Affairs
To hold hearings to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, the AMVETS, the American Ex-Prisoners of War, and the Vietnam Veterans of America.
SD–106

2 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine reserve component personnel policies in review of the defense authorization request for fiscal year 2007.
SD–106

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine competition and convergence.
SD–562

APRIL 4

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Federal Aviation Administration funding options.
SD–562

APRIL 5

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine Department of Defense's role in combating terrorism in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session.
SR–222

Indian Affairs
To hold hearings to examine the problem of methamphetamine in Indian country.
SR–485

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Sergeant at Arms and U.S. Capitol Police Board.
SD–138

3 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine improving contractor incentives in review of the defense authorization request for fiscal year 2007.
SR–222

APRIL 26

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine fostering innovation in math and science education.
Room to be announced

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

MAY 3

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.
SD–138

MAY 17

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
Room to be announced

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

HOUSE OF REPRESENTATIVES—*Thursday, March 9, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DENT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 9, 2006.

I hereby appoint the Honorable CHARLES W. DENT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"Whoever meditates on the law of the Lord will bring forth much fruit at harvest time."

Lord God, who can bring forth blessings from just deeds, listen to our prayer this day. Give us the wisdom to take time to meditate upon Your revelation, Your law. Help us to find knowledge in prayerful reflection and be assured of Your love, especially in times of difficulty.

Your law holds nature and all peoples together.

May lawmakers today reflect the mindset and gracious manner revealed in Your loving commands. And may their work contain the depth of justice and the expansive embrace of human goodness that You reveal to Your people, by giving them Your law which lasts until now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. PORTER) come forward and lead the House in the Pledge of Allegiance.

Mr. PORTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 one-minute speeches on each side.

THE UAE AND OUR PORTS

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, putting the UAE in charge of our ports is as crazy as outsourcing our Border Patrol to Saudi Arabia.

We have two Achilles heels: our Mexican border and our seaports.

The UAE says that they are our friends. Here is some straight talk: the UAE gave us two terrorists on 9/11. They provided the money for the attacks of 9/11. They recognized the Taliban on 9/11. They refused to freeze Osama bin Laden's assets after 9/11. They have voted against us at the U.N. 90 percent of the time since 9/11. And today they announced that they will threaten the United States of America if we block this transaction. If these are our friends, what the heck does an enemy look like?

Mr. Speaker, we have but one choice: block this ports deal. We should not outsource our national security to anyone.

PRESIDENT'S BUDGET OUT OF TOUCH WITH PRIORITIES OF AMERICAN PEOPLE

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, President Bush is now touting the line item veto as the magic formula to get our deficit under control. Then why does the President not begin by actually sending Congress a balanced budget?

For 5 years now, one of the President's main priorities has been to provide billions in tax breaks to his friends in the pharmaceutical and insurance industry, the oil and gas industry, and America's wealthiest elite. When the President provides these tax breaks to his friends, he increases the deficit and prevents the Federal Government from being able to properly address the concerns of hardworking Americans.

There is no doubt the President has lost control of the deficit, piling mountains of debt on the backs of our children and grandchildren. Under President Bush, a projected 10-year $5.6 trillion surplus has turned into a $3.3 trillion deficit. This year the deficit is expected to reach $423 billion, the largest deficit in history. And yet the President suggests making his tax breaks to his friends permanent.

RECOMMENDATIONS TO LOWER HEALTH CARE COSTS

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, according to the Centers for Disease Control, every 6 minutes someone in this country dies from an infection they picked up in a hospital. That is 90,000 people and a total cost of $50 billion. Yet when hospitals adhere to patient safety measures, they can dramatically reduce these infections.

A hospital in Oklahoma performed 400 surgeries without an infection. A hospital in Pittsburgh reduced these infections greatly and saved millions of dollars. A hospital in St. Louis received savings of $1.5 million.

I am pleased that the Energy and Commerce Committee will take up this issue and hold hearings on this in a couple of weeks. We need to take action and save lives. At this time when we get so concerned about so many issues in America, is it not time that Congress tackled these issues head-on and worked out such issues as pay-for-performance incentives through Medicare and Medicaid to greatly reduce infections and save thousands of lives?

To learn more on this, people can look at my Web site at murphy.house.gov.

URGING COMPREHENSIVE LOBBYING REFORM

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, while Republicans are doing their best to distance themselves from their lobbying scandal, they just cannot seem to shake off Jack Abramoff.

Jack Abramoff recently told Vanity Fair: "Any important Republican who comes out and says they didn't know me is certainly lying."

While President Bush denies knowing him, Jack Abramoff says he knew President Bush well enough to joke with him about weight lifting. Former Speaker Gingrich said he didn't know

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Jack Abramoff well; yet Jack Abramoff said, "I have more pictures of Newt Gingrich than I do of my wife."

Senator CONRAD Burns. Jack Abramoff says: "Every appropriation we wanted we got. Our staffs were as close as they could be. They practically used Signatures as their cafeteria."

And to add insult to injury, in January, Senator SANTORUM, the architect of the K Street Project and a Republican point person on lobbying reform, vowed to stop his weekly lobbyist meetings; yet we now find he continues to do them.

It is just business as usual here in Washington. Mr. Speaker, the Republicans may be lip-syncing reform, but clearly the "for sale" sign is still up on the West Lawn.

It is time for a change. It is time to change the culture of corruption in Washington, a culture that has real costs for the American people. We can do better. We need to do better.

MEDICARE PROGRAM NOT CONFUSING

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, today I would like to discuss the Medicare part D prescription drug plan, a historic program that renews our commitment to our Nation's seniors.

This plan gives seniors choices for prescription drug coverage that will cost less while offering more benefits. It has brought Medicare, a program created 40 years ago, into the 21st century. Millions of seniors who were without access to drugs are now getting them and many are saving thousands of dollars a year.

Clearly, people have liked what they have heard about the program as signups for the third week of February amounted to 546,000 and the week before numbered 543,000. All told, almost 26 million people have signed up so far.

The Democrats say that seniors are confused by this program. I am feeling a little bit confused myself, and here is why: Democrats are holding town halls for the sole purpose of criticizing this plan while at the same time telling seniors they should consider signing up. Well, I guess I can understand why they are confused.

Mr. Speaker, there is nothing confusing about a program that will help Medicare beneficiaries pay for their prescription drugs while at the same time saving them money.

MISPLACED PRIORITIES AND FISCAL MISMANAGEMENT

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, when future generations of Americans look back at this time in our Nation's history, they will have to conclude that this Republican Congress and White House has been the most fiscally irresponsible in our Nation's history.

In 5 years we have turned a projected $5.6 trillion surplus into a projected $3.5 trillion of deficit, a $9 trillion fiscal reversal. Seventy-seven percent of it is attributable to tax cuts, most of which benefit the wealthy, and to the so-called war on terrorism.

And why do I say the so-called "war on terrorism"? Because in this budget, this President's budget, he would provide tax cuts for the top 1 percent of Americans, greater than the entire amount of money he wants to spend on homeland security. And when you consider the fact that half of America's students do not even graduate from high school today, you have to ask why the amount of money he gives to the top 1 percent of Americans is almost twice as much as the entire amount of money he wants to spend on the education budget; and it is almost three times what he would spend on veterans health care.

This is misplaced priorities and fiscal mismanagement.

PROTECTING AMERICA'S CHILDREN

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, let me first thank my colleagues on the Appropriations Committee for voting overwhelmingly to put the port deal on ice. We are not anti-Arab. We want disclosure. We want certainty of transactions. We want no secrecy on these particular deals.

I also want to thank them for their courageous vote and excellent vote on H.R. 3132, the Children's Safety and Violent Crime Reduction Act. Overwhelmingly passed by voice vote, that measure is on its way to the other Chamber to set up for the first time a national sex offender registry, getting background checks on foster care parents so we know if we are putting our kids with appropriate individuals, a national database requiring bracelet monitoring for sex offenders.

We track library books better than we do sexual predators. It is time we get this right. This bill does that. It puts in law guarantees that will protect our kids. It is high time we passed this measure. I thank Senator FRIST, John Walsh, among others, who have brought this to the forefront of the national conscience, and I urge we get that bill to the President's desk before we lose another child.

THE RISING COST OF HEALTH CARE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, the Centers for Medicare and Medicaid Services has released a report that details what most of us already knew, that health care costs are rising and they are rising at an increasing rate.

The bureaucrats and the Members of Congress talk about SGR, they talk about pay-for-performance, and they talk about CPT codes. What is left out of the discussion is that which is most important, and that is the patient.

As a physician for over 25 years, I know that the current health care road we are on continues to move us in the wrong direction. A patient-centered system is necessary if we are to increase access to quality care.

I ask my colleagues here in this Chamber to take a bipartisan approach to solving this issue: look at the numbers; read the reports; and, above all, listen to the American people. They are the families and the small businesses and the employers who are trying to provide health care coverage.

America has the ingenuity, but we must also have the will to make the decisions necessary to get us on the right road in health care.

WIRELESS PRIVACY AMENDMENT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday was a good day for the millions of Americans who own a cell phone. For several years, wireless phone customers have had more and more reason to question the privacy of their cell phone numbers. Right now a database of cell phone numbers is being compiled by the industry so that companies can offer wireless directory assistance in the future, but most Americans would rather not have their personal cell phone number made available to just anyone.

Yesterday after 2 years of effort on this issue, the Energy and Commerce Committee unanimously approved my amendment to put the power back into the hands of consumers. The amendment simply forbids wireless phone companies from disclosing the cell phone number of any customer without prior express authorization from the customer. Just common sense.

America is counting on us to do something about this, and we have the power to do so. Let us bring this important legislation to the floor and protect Americans' privacy rights.

AMERICA'S SECURITY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, as we come to the floor this morning, there is a common theme. It is all about America's security, from cell phones to ports to reauthorizing the PATRIOT Act. Our goal is to keep America secure and put the focus on America's security agenda, our economic security.

And tomorrow we will have new numbers out, and we know they are going to be strong for our unemployment rates, for our productivity growth, for new jobs creation. We are looking forward to those announcements.

This body continues to focus on the moral security of this great Nation: our retirement security; our energy security; and, yes, our national security. And I congratulate the Members of this body and thank our leadership for reauthorizing the PATRIOT Act this week. Our focus: keep America secure so that future generations have the opportunity to live those big dreams that today they dream.

□ 1015

POSITIVE NEWS ABOUT THE MEDICARE PRESCRIPTION DRUG PROGRAM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the Centers for Medicare and Medicaid Services recently reported that 61 percent of all Medicare beneficiaries in South Carolina have prescription drug coverage, and that almost 50 percent of the beneficiaries of the Second Congressional District where Orangeburg Prep is located have prescription drug coverage.

Since November 15, more than 25 million people have chosen to participate in this new program and are now enjoying substantial savings on the cost of their prescription drugs compared to what they used to have to pay or did not pay with no coverage. The Sun News recently reported that Mary Simms of Lexington registered for the new benefit with her plan that now just costs her $15 a month, where she used to spend $80 on her prior plan.

As the enrollment process continues, I encourage seniors throughout my State to join the millions of other Americans who are now benefiting from this valuable program which will enable them to live healthier, happier and longer lives.

In conclusion, God bless our troops and we will never forget September 11.

TRIBUTE TO SERGEANT HENRY PRENDES

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, in Nevada we faced one of our worst nightmares a few weeks ago. One of our heroes, a law enforcement officer, a Metropolitan Police Department officer, Sergeant Henry Prendes, was shot down and brutally killed. He responded to a domestic violence call as a law enforcement officer, and as he appeared on the scene, a gentleman was waiting for him with an automatic weapon, and with over 50 rounds, brutally murdered Mr. Prendes.

Yesterday, in the Children's Safety and Violent Crime Reduction Act, in the act there was a provision that would memorialize Mr. Prendes for his efforts as a great American hero, a loving father and a loving husband. In the bill, it provides for a mandatory 30-year sentence for anyone that brutally murders a law enforcement or public safety officer or who conspires or attempts to kill.

This is an example of getting tough on crime. It is time to say enough is enough, and I applaud this House of Representatives for passing the act yesterday.

Also in the act was another provision that I provided, which was for additional background checks and faster and streamlined background checks for school teachers across this Nation.

RECOGNIZING JASON McELWAIN AND THE GREECE ATHENA HIGH SCHOOL TROJANS

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, today I rise to recognize an outstanding young man, his supportive teammates and an inspirational performance on the basketball court.

In a matter of just 4 minutes, Jason McElwain and the Greece Athena High School Trojans showed us all the power of dedication, teamwork and perseverance. Jason also placed his heart and soul into helping the Trojans as team manager, and although never getting a chance to play, became an indispensable teammate.

Jason has also been challenged every day by autism, a disability that, while difficult, has not undercut Jason's goal or his support for the team. In turn, Jason's teammates, led by Coach Jim Johnson, have embraced him and believed in him, becoming his greatest friends and supporters.

This teamwork and mutual respect was never clearer than on the night of February 15. With only 4 minutes remaining in the final game of the regular season, Jason made his remarkable debut for the Trojans. He went on to make six 3-pointers and finished with 20 points.

A true hero and the true meaning of the word teamwork was discovered that night on the hardwood in Greece. And 2 weeks later, that teamwork propelled the Trojans to the very top as they won their sectional championship. Jason's perseverance and his teammates' support serve as a great example to us all.

Mr. Speaker, in recognition of their remarkable achievement, I ask this honorable body to join me in honoring Jason McElwain and the Greece Athena High School Basketball Trojans.

PROVIDING FOR CONSIDERATION OF H.R. 2829, OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 713 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 713

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2829) to reauthorize the Office of National Drug Control Policy Act. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. DENT). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this structured rule under consideration provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform.

It waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

It waives all points of order against the committee amendment in the nature of a substitute and makes in order only those amendments printed in the Rules Committee report accompanying this resolution.

This rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read and shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent. They shall not be subject to amendment, and shall not be subject to demand for division of the question in the House or in the Committee of the Whole.

Finally, this rule waives all points of order against the amendments printed in the report, and provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of this rule and its underlying important legislation reauthorizing the Office of National Drug Control Policy, which was created in 1998 to be the primary shaper, coordinator and proponent of Federal efforts to end drug abuse in our communities across America.

By supporting this legislation to reauthorize the ONDCP's activities for the next 5 years, Congress will reaffirm its support for national programs to combat the consequences of drug abuse in the National Youth Anti-Drug Media Campaign and the High-Intensity Drug Trafficking Area Program known as HIDTA. It also makes the development and implementation of Federal drug policy more streamlined, efficient and accountable.

H.R. 2829 accomplishes this goal by implementing a number of meaningful reforms to ONDCP and to our national drug control strategy. It provides the director of the ONDCP with a rank equal to Cabinet secretaries. While not affecting the President's ability to undermine the makeup of his Cabinet, it will ensure that the director will be able to interact with other department heads as an equal peer as this person coordinates our national drug policies.

This legislation also reaffirms the role of the ONDCP director as the principal coordinator of national drug policy and enhances effectiveness and accountability in drug treatment by requiring a uniform system of drug treatment evaluation based on results. It also enhances the national antidrug abuse media campaign, preserves and strengthens the High-Intensity Drug Trafficking Area Program and places a greater emphasis on providing resources to critical emerging drug threats that face our country.

Mr. Speaker, we know that the war on drugs is an ongoing struggle, but one that is also where we are seeing improvement, real improvements with positive real-world effects for American families. As President Bush outlined in his State of the Union address, there has been a 19 percent decline in overall drug teen use over the last 5 years, which translates into about 700,000 fewer young people using drugs. I think that is significant. This did not happen by accident.

But despite the fact that illegal drug use for 8th, 10th and 12th graders has been trending down since 2001, American teens still engage in risky drug-related behavior far too frequently. Nationwide, each day approximately 7,500 children between the ages of 12 and 17 try alcohol for the first time and over 30 percent of high school students report having ridden in a car with a friend who has been drinking.

Even more alarmingly, each day about 3,500 teens try marijuana for the first time, 3,500 teens try marijuana for the first time every day, and one in four children have been offered drugs at school.

Most disturbing of all, 12 million Americans age 12 and older have tried what is called methamphetamines, known as meth, a drug known principally for its equally addictive and destructive qualities.

We all know that the battle to keep our kids drug-free starts at home. Over two-thirds of teens say that the greatest risk for them in using marijuana is upsetting their parents, and we know that children who are not regularly monitored by their parents are four times more likely to use illicit drugs.

Congress has an important role to play in the process of protecting our Nation's families and communities from the devastating effects of drug use and drug addiction. This legislation will allow the ONDCP to continue fighting on the domestic front in the war on drugs through comprehensive efforts like what we call the Major Cities Initiative, which targets drug abuse in large metropolitan areas that have the highest rates of current illicit drug use by developing inventories of Federal, State and local resources for prevention, treatment and law enforcement.

By passing this legislation, the ONDCP will also be empowered to continue its involvement in a number of education programs and outreach activities whose results are backed by sound scientific data which have dramatically helped to reduce drug addiction across America.

This legislation will also allow ONDCP to continue its fight on the international front of the war on drugs. America has gotten a little bit better in choking off the supply for drugs through fostering a closer working relationship with countries, including our neighbors to the south, including Mexico, where marijuana cultivation fell almost 25 percent between 2003 and 2004 and opium poppy cultivation dropped about 27 percent during that same time.

In Colombia, the coca crop has declined by more than one-third from its high point of expansion in 2001, a pattern that holds true for the other large Andean coca-growing countries of Peru and Bolivia.

Mr. Speaker, unfortunately, America can by no means declare victory in the war on drugs. Many challenges lie ahead in teaching our children to simply say no and abstain from using drugs, in protecting our communities from crime and domestic upheavals caused by drug use and in disrupting international markets that bring to and provide this country with illegal drugs.

□ 1030

But progress is being made in no small part due to the actions taken by this Congress, my colleagues who care very immensely and deeply about the children and families of our home districts, and due to this administration to continue the fight for our communities, our children, and our future.

I urge all of my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend for yielding me the time.

Mr. Speaker, I rise today to speak on the restrictive rule and the underlying legislation reauthorizing the Office of National Drug Control Policy.

As our colleague from Texas has already noted, the rule makes in order 15 amendments to be offered by Members from both sides of the aisle. But what he did not mention is that the rule blocks 10 other amendments which were considered yesterday in the Rules Committee. It blocks them from being offered on the floor today.

Included in the 10 blocked amendments is a proposal offered by my good friend, Representative BEAN, that would have required the Government Accounting Office to examine the unintended effects of hyperactive disorder drugs.

At a time when more and more children and adults are being diagnosed with some form of attention deficit disorder, this study could go a long way towards helping all of us better understand the problem. Yet my friends in the majority on the Rules Committee blocked this amendment from being considered. Perhaps it is because they do not want to address the issue, or perhaps it is because they are trying to defeat Representative BEAN in November. Whatever the reason, the House will not have the opportunity to consider this important amendment today because the rule prohibits it.

The rule also does not permit Representative WATERS from offering her amendment, which would have required the ONDCP to develop objectives for reducing drug overdoses and the spread of HIV/AIDS and hepatitis. Her commonsense amendment, too, is blocked from consideration under the rule. So while this rule is certainly more generous than most of those in the past, it is not by any stretch of the imagination open.

Mr. Speaker, I am not going to dwell on the specifics of this legislation, which we all agree is important and necessary. I do, however, wish to speak briefly about the issues facing our communities, mine specifically, due to drug abuse and our failed efforts to rehabilitate abusers.

A little history, first. In 1971, President Nixon declared the so-called modern-day "war on drugs."

He characterized drug abuse as "America's Public Enemy No. 1." He argued that drug addiction is a public problem. Since then, since 1971, Congress has attempted to pass laws, or passed laws, that cracked down on drug usage and harshly punished those who used these addictive poisons.

Though our intentions have largely been sincere, we have yet to institute policies that reflect a comprehensive understanding of this continuing problem. In America's black communities, minimum sentencing guidelines instituted by Congress and State legislatures for drug offenders and for other nonviolent crimes have had a lasting effect that will linger for generations to come.

Consider this: under current Federal law, the mandatory minimum sentence for being caught with 1 ounce of crack cocaine, a drug that the statistics show is more likely to be used by blacks than anyone else in our country, that mandatory minimum is longer than the mandatory minimum sentence for being caught with the exact same amount of powder cocaine, a drug that the statistics have shown is more likely to be used by whites than anyone else.

Even more, mandatory sentencing guidelines prohibit judges from using reasonable discretion to rehabilitate and not incarcerate the persons that are abusers. As a direct result of these draconian and discriminatory laws, black men in America are nearly 10 times more likely to be incarcerated for drug use than white males, notwithstanding the fact that they had the same amount; it was just nuanced as crack or powder cocaine.

Tens of thousands of black children are growing up in America in single-parent households, often plagued by poverty. Sure, drug usage is certainly a component of that problem. But the senseless mandatory locking up of first-time nonviolent drug offenders has done more to tear black and white families apart in America than almost anything else.

Drug prevention programs, such as those authorized in the underlying legislation, are important, as is the Office of National Drug Control Policy. The 1990 designation of south Florida as a High Intensity Drug Trafficking Area has been very useful in directing Federal resources into our region to stop or attempt to stop the flow of drugs into the State and country.

I supported efforts under different programs, different administrations, Republican and Democratic, when I was a Federal judge two decades ago. I continue to support them today.

Nevertheless, I refuse to accept that our drug policies have had the positive effect that so many in this body claim. Drugs are still easily accessible on our streets and in our schools, and our drug laws are senseless, outdated, and in dire need of revision.

Mr. Speaker, I look forward to a day when the Members of this body will be willing to have a meaningful debate about the successes and the failures of Federal drug policies and mandatory minimum sentencing guidelines. Only then will we fully recognize how big a failure our policies have been and take the necessary, indeed the appropriate, steps, to rehabilitate, not write off drug abusers.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, back in 1997 when I was elected to Congress, I was aware of the drug issue as it related to not only my district but, in general, to Texas and the country. And I became engaged in working with a group of Members who were intensely interested in understanding, developing a process, a policy, and a regular format for discussing drug use in America, those people who would bring drugs into the country, understanding how we stopped it, how we rehabilitated people, how we worked with law enforcement, how we dealt with the entire issue of policy from top to bottom.

One of those leaders at that time who continues to be one today will be our next speaker. He is a gentleman who intensely cares about the issue. He has traveled internationally, South America, around the world, to become an expert on not only drugs but also those things that surround drugs.

As we know, terrorism and terrorists make money off the money that comes from users in the United States of America. And so I am pleased to have at this time the gentleman who is the vice-chairman of the Criminal Justice and Drug Policy Subcommittee for Government Reform and the main author of this bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise in support of this rule. In background with this, I would like to make a couple of comments about ONDCP and the drug issues before commenting on the amendments in particular.

We are, right now, over in the Government Reform Committee passing the 2006 Congressional Drug Control Budget and Policy Assessment. If you want to go to the Government Reform Web site, look under our subcommittee, Criminal Justice, Drug Policy and Human Services, which I chair, ranking member ELIJAH CUMMINGS and I have put together a unanimous report that I believe will be adopted unanimously through the full committee as well, that outlines, Department by Department, the budgets and our concerns with the national drug control policy.

There are five major concerns in this overall budget policy assessment that you will see reflected both in the underlying bill today in ONDCP and the amendments that are coming to the floor.

First is the appalling lack of a methamphetamine strategy coming out of ONDCP and this administration. Individual agencies such as DEA have worked on methamphetamines, but there is an appalling lack of national strategy you will see in amendment after amendment today on the floor, fully supported by myself and Congressman CUMMINGS.

And we worked helping draft many of these amendments. The frustration is incredible in this body and in the Senate, and that is reflected in today's debate and in this report; also interdiction assets, the frustration at an OMB-driven clause in the Homeland Security Department that would have separated narcotics from terrorism. Narcotics are the number one cause of terrorism deaths in America.

On September 11, 2001, 3,500 people died because of terrorism. That fall, 7,500 people died with narcotics abuse and the terrorism associated with that in the United States.

The next year, 30,000 people died in 2002. In 2003, 30,000 people died. In 2004, 30,000 people died. Already 7,500 people, approximately, have died in the United States. 105,000 people have died related to drug terrorism and abuse in America since 9/11.

We need to understand that while we have to watch for the major terrorist attacks in America, we are fighting terrorism in family homes, on the streets, and in neighborhoods on a daily basis in every suburban area, every rural area, and every urban center of the United States.

The Office of National Drug Control Policy, the so-called drug czar's office, was a creation of Congress. Senator BIDEN started it in the Senate. It was not something that the administration willingly did.

The administration today says they do not like this bill. Why do they not like this bill? They opposed it in my committee, but it passed unanimously. They opposed it in the Government Reform Committee. It passed unanimously. It was accepted by the joint referrals, and it went to the Judiciary Committee.

They came up with four proposals they did not like in it. It turned out that three, unbeknownst to them, and quite frankly showing some of our frustration with the drug czar's office, they did not even realize that three of the four amendments that they were objecting to were asked for by the Judiciary Committee, and now they were asking the Judiciary Committee to challenge that.

Of course, Chairman SENSENBRENNER did not take the amendments and knock them out; they were his in the Judiciary Committee. The fourth was the Dawson Community Act that was added to protect witnesses that was added by ELIJAH CUMMINGS, the ranking Democrat of my subcommittee, and had been supported earlier by the administration. Then they wanted to knock it out.

Right up until the Rules Committee, they were still trying to demote the drug czar from a Cabinet-level equivalency position. How can he give advice, and how can he review the budgets, as this act requires of the State Department, of the Defense Department, of the Department of Homeland Security if he does not have Cabinet status? It makes no sense.

They are continually trying to undermine the attempts that we have had here. Over the past few years we have worked together in trying to move this bill. This bill moved unanimously through the House the last session of Congress. We believe we now have a bill that we will work through with the Senate as we work with the Republicans and the Democrats in the other body.

And we believe this bill will become law if not unanimously, nearly unanimously. There are 15 amendments today. Some amendments did not directly relate to this bill. But if Members want votes on some of these, that will be fine. We are prepared to accept, I believe, 13 of the 15 amendments, one we believe we can work out in conference. We are opposing one.

□ 1045

This is a bipartisan bill. And for those who have been concerned about meth, there is a lot in this bill related to meth that will force their hands. But the amendments today will make it clear that the United States Congress wants some action out of this administration on meth. It is bipartisan. It is suburban, rural, and urban and it is time that we started to act aggressively.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Appropriations Committee.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am asking the House to vote down the previous question on this rule today so that the House might have an opportunity to consider two provisions which were dealt with in the Appropriations Committee yesterday. As we all know, this country has been rocked with stories about the potential purchase of port facilities in this country by a foreign corporation. I am not quite sure what the policy ought to be, but I do know that we ought to have a policy.

In fact, this country needs to have an overall policy with respect to the question of foreign investment in this country in general, but we do not. What we have discovered in this episode is that when a company such as the port terminal that has been discussed in newspapers, when a company like that is purchased by another foreign entity, it is only at the option of the two parties who have an economic interest that our government is even informed that the transaction is taking place. That is why our President had to tell the Nation that he did not have a clue about this port transaction.

Well, our President ought to have a clue and we ought to have a process that guarantees that he will be informed and that process should not rely on the voluntary action of the parties who stand to make money in the deal.

Yesterday in the Appropriations Committee we had an amendment adopted by Mr. LEWIS, the chairman, which threw out the Dubai port deal. But the committee in that process declined to support the Sabo amendment which would have tried to establish a process under which this country would be guaranteed that our government would always know when such a transaction is being contemplated. And it would have set up a process which would have assured a time certain for Presidential action and would have given the Congress a role to play in that process.

Without the action of the Sabo amendment, we are simply, on an ad hoc basis, taking one action to forbid one port from being purchased by a foreign party but we are still leaving the country open to other deals about which our government could know nothing. I do not think there are 10 people in the Congress who knew, for instance, that a Chinese corporation had taken over the port at Long Beach. It would be nice if our Government knew things like that.

The only way that we are going to get something like this done is if we force the Congress to face the entire issue. And it seems to me that this bill is a handy vehicle for doing that. I know that people will say, "Well, you are trying to attach a matter to a bill that does not have anything to do with the matter at hand." I would simply say I have learned plenty from the majority leadership of this House about how to do that in the past few years, and I think we need to take advantage of that learning at this point to deal with what is a very serious problem facing our country on this question.

We need to have a policy on this so that we do not look as we did yesterday, like a bunch of chickens flying in all directions the minute an issue becomes controversial. We need to have a long-term policy to deal with this issue. The Sabo amendment, as it amends the Lewis amendment in the Appropriations Committee yesterday, would do that. And this bill before us today would be a decent venue to discuss that in a broad fashion, which is why I would urge defeat of the previous question so that we might be afforded the opportunity to offer such an amendment and have the House work its will on it.

Mr. SESSIONS. Mr. Speaker, the opportunity to hear from the vice chairman of the Committee on Government Reform about this important issue today, about ONDCP, is important. Today we have an opportunity to hear from the youngest member of the Republican leadership, newly elected chairman of our policy committee; a young man who is from Florida; a young man who has been in the thick of the battle of seeing not only the devastation of drugs but also what communities and what effective law enforcement can do in combating drugs. He is a young man who has an opinion. He is bringing that opinion to the Republican policy committee. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. PUTNAM), my colleague from the Rules Committee.

Mr. PUTNAM. I thank the gentleman for the time.

Mr. Speaker, drugs are a scourge. It is a scourge that is not just an inner-city problem. It has spread like a cancer into our small towns, our suburban areas, farming communities, areas that used to view the war on drugs with a certain jaundiced eye as being somebody else's problem.

In Florida, unfortunately, we have been on the cutting edge of this war, beginning with the cocaine cowboys of the eighties, the dope runners who would use our airstrips and grassy areas to bring things in from the Caribbean and from Central America, and we have seen how it has ripped apart our communities.

We have seen how it has filled our schools with children with severe learning disabilities and developmental difficulties because of decisions that their parents made in using these terrible drugs, these highly addictive and dangerous chemicals. We have seen the costs that it has on society, and it is nothing short of a national tragedy. So I am pleased that there is such bipartisan concern for dealing with this scourge.

I am heartened by the bipartisan number of amendments that are being offered to try and improve upon this work of really giving the ONDCP the authority and the teeth that they need to continue to go after this. This Congress is working together to curtail the dangerous proliferation of drugs, and particularly that of methamphetamines. Meth abuse is where we really see a tremendous amount of growth outside of the cities, outside of those traditional areas where we have associated drug use.

My home district in central Florida is not what you would stereotypically think of as a high-drug trafficking area, a high-crime area. It is an area of suburban bedroom communities for larger cities and rolling citrus hills and cattle ranches. The largest city has less than 80,000 people in it. And yet it is, unfortunately, on the short list of major production areas for methamphetamine because of its rural nature, because they can have these labs in the middle of nowhere, where the stench from the creation of that terrible drug is not noticed.

In fact, the DEA says that meth has become the most dangerous drug problem of small-town America. They note that young people ages 12 to 14 who live in small towns are 104 percent more likely to use meth than young people living in larger cities. What a frightening statistic for people who think that they are escaping big-city problems when they move to smaller towns. Meth abuse is most prevalent in these rural areas, as we said, because you can set these labs up anywhere without detection, the more rural the area is.

My district has seen a huge spike in meth abuse, meth production, since the nineties, which has a direct correlation to rising crime rates, overcrowded prisons and an impact on local law enforcement and local schools.

I appreciate the work of the Meth Caucus here in this Congress for continuing to bring attention to this epidemic of methamphetamine abuse. It is imperative that our Congress ensure that the Federal Government start treating this national problem with the same urgency and the same commitment that our State and local governments and grassroots advocacy groups have been treating it with for years.

I urge my colleagues to support the rule. I appreciate the hard work of Mr. SOUDER and Mr. SESSIONS and all the folks who have put so much into this, and I urge Members to support the underlying bill as well.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will be asking Members to vote "no" on the previous question so I can amend this rule to allow a vote today to block the President's plan to turn over our Nation's ports to a government-run company in Dubai.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. DENT). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. My amendment provides that immediately after the House adopts this rule, it will bring up legislation that does two things, undergirding what my good friend, the ranking member of the Appropriations Committee, Mr. OBEY, mentioned in his remarks earlier.

First, it stops the President from moving forward with his deal to transfer operations at a number of our Nation's busiest ports, including the Port of Miami immediately south of my district, to the Government of Dubai state-owned Dubai Ports World. This is the identical language that was offered in the Appropriations Committee yesterday by Chairman LEWIS and later adopted by the committee on yesterday.

Secondly, the legislation would strengthen the process by which our government reviews future foreign takeovers. Specifically, it would require that all foreign transactions that could result in foreign control of any entity engaged in interstate commerce to undergo a thorough review that mandates the direct involvement of the President and the Congress. Whatever Members believe about the Dubai agreement, the House should be guaranteed an up-or-down vote on whether or not we want to turn control of a significant number of our Nation's ports over to a company that is owned by a foreign government.

This administration, without consulting the Congress, negotiated a secret backroom deal to turn the management of our vital ports over to a foreign entity. The House must be involved in this process that directly affects our national security now and in the future. We are sent to Washington to protect this Nation and its citizens. We owe it to them to make sure this type of deal is never allowed to slip through the system again.

I want to emphasize that this vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the agenda of the Republican majority. A "no" vote will allow those of us concerned about the safety and security of America's ports to offer an alternative plan right here and right now.

□ 1100

It is a vote to consider homeland security priorities for the American people which the majority today has refused to consider.

I urge all Members to vote "no" on the previous question so we can bring up legislation that gives Congress the right to cast a vote and be heard on this matter of significant national security. I wish to repeat that: I urge all Members, both sides, to vote "no" on the previous question so we can bring up legislation so that we can do our job that gives Congress the right, just the right, to cast a vote and to be heard on this matter of significant national security.

Vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, the opportunity to be on the floor today to talk about the ONDCP, the Office of National Drug Control Policy, and the reauthorization of that important act is why we are here today, and I do understand that the gentleman from Florida and the gentleman from Wisconsin have some very strong feelings about some other issues that are not germane to the discussion of ONDCP.

I would also note that I am sure there will be a discussion today as we adjourn between the leadership parties, as they always meet on the floor to talk about thoughts, issues and ideas; and I am sure part of that discussion is going to be about the process that has been discussed through the Appropriations Committee, where there appears to be bipartisan agreement on moving forward on that important legislation.

However, today, I encourage all my friends and colleagues on both sides of the aisle to maintain their focus on what the attempt is today. and that is to support the rule that reauthorizes ONDCP on behalf of America's families and for our future.

Mr. Speaker, I would like to conclude my remarks by reminding my colleagues that defeating the previous question is an exercise in futility because the minority wants to offer an amendment that would otherwise be ruled out of order as nongermane. So their vote or the request is really one without substance.

The previous question vote itself is simply a procedural motion to close debate on this rule that we are speaking about and proceed to vote on its adoption. The vote has no substantive policy implications whatsoever. Mr. Speaker, at this point I will insert in the RECORD an explanation of the previous question.

THE PREVIOUS QUESTION VOTE: WHAT DOES IT MEAN?

House Rule XIX ("Previous Question") provides in part that:

There shall be a motion for the previous question, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the immediate question or questions on which it has been ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the previous question has no substantive legislative or policy implications whatsoever.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 713—RULE PROVIDING FOR CONSIDERATION OF H.R. 2829

At the end of the resolution add the following new sections:

"SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a bill consisting of the text specified in Section 3 to prohibit the merger, acquisition, or takeover of Peninsular and Oriental Steam Navigation Company by Dubai Ports World and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit with or without instructions."

SEC. 3. The text referred to in section 2 is as follows:

A BILL

To prohibit the merger, acquisition, or takeover of Peninsular and Oriental Steam Navigation Company by Dubai Ports World and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. (a) None of the funds made available in this Act or any other act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

(c) The limitation in subsection (a) and the prohibition in subsection (b) applies with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

(d) In this section:

(1) The term "P&O Ports" means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

(2) The term "Dubai Ports World" means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

SEC. 2. (a) Notwithstanding any other provision of law and any prior action or decision by or on behalf of the President, the President shall exercise the authority under Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) to prohibit the merger, acquisition, or takeover of P&O Ports by Dubai Ports World.

(b) INVESTIGATION OF CERTAIN TRANSACTIONS FOR NATIONAL SECURITY IMPLICATIONS.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended to read as follows:

"SEC. 721. INVESTIGATION OF CERTAIN TRANSACTIONS FOR NATIONAL SECURITY IMPLICATIONS.

"(a) INVESTIGATIONS.—

"(1) IN GENERAL.—Upon receiving written notification, as prescribed by regulations under this section, of any merger, acquisition, or takeover proposed or pending on or after the date of the enactment of this section by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States, the President, acting through the President's designee and the Committee on Foreign Investment in the United States shall conduct an investigation to determine the effects, if any, of the proposed or pending merger, acquisition, or takeover on the national security of the United States.

"(2) TIMING.—Any investigation required under paragraph (1) shall be completed before the end of the 75-day period beginning on the date of the receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover.

"(b) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—Any information or documentary material filed with the President or the President's designee pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding.

"(2) AVAILABILITY TO THE CONGRESS.—No provision of paragraph (1) shall be construed as preventing the disclosure of any information or documentary material to either House of Congress or to any duly authorized committee or subcommittee of the Congress.

"(c) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

"(1) ESTABLISHMENT.—The Committee on Foreign Investment in the United States established pursuant to Executive Order No. 11858 (hereafter in this section referred to as the 'Committee') shall be a multi-agency committee to carry out this section and such other assignments as the President may designate.

"(2) MEMBERSHLP.—The Committee shall be comprised of the following members:

"(A) The Secretary of the Treasury.

"(B) The Secretary of State.

"(C) The Secretary of Defense.

"(D) The Secretary of Homeland Security.

"(E) The Attorney General.

"(F) The Secretary of Commerce.

"(G) The Director of the Office of Management and Budget.

"(H) The United States Trade Representative.

"(I) The Chairman of the Council of Economic Advisors.

"(J) The Director of the Office of Science and Technology Policy.

"(3) CHAIRPERSON.—The Secretary of the Treasury shall be the Chairperson of the Committee.

"(4) OTHER MEMBERS.—The Chairperson of the Committee shall involve the heads of such other Federal agencies, the Assistant to the President for National Security Affairs, and the Assistant to the President for Domestic Policy in any investigation under subsection (a) as the Chairperson determines to be appropriate on the basis of the facts and circumstances of the transaction under investigation.

"(5) ROLE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall provide appropriate intelligence analysis and intelligence briefings to the Committee.

"(d) ACTION BY THE PRESIDENT.—

"(1) IN GENERAL.—No proposed or pending acquisition, merger, or takeover, of a person engaged in interstate commerce in the United States by or with foreign persons may occur unless the President, on the basis of an investigation and report by the Committee, finds that such acquisition, merger or takeover, will not threaten to impair the national security of the United States, as defined by regulations prescribed pursuant to this section, and approves the transaction.

"(2) ENFORCEMENT.—The President shall direct the Attorney General to seek appropriate relief, including divestment relief, in the district courts ofthe United States in order to implement and enforce—

"(A) any finding, action, or determination under this section of disapproval of an acquisition, merger, or takeover; or

"(B) any conditions imposed on any approval of any acquisition, merger, or takeover.

"(3) FINALITY OF DETERMINATIONS.—All actions and determinations under this section shall be final and not subject to judicial review.

"(e) FINDINGS BY THE PRESIDENT.—

"(1) IN GENERAL.—A finding under this section of impairment or threatened impairment to national security shall be based on credible evidence that leads the President to believe that—

"(A) the foreign interest exercising control might take action that threatens to impair the national security; and

"(B) other provisions of law do not provide adequate and appropriate authority for the President to protect the national security.

"(2) FACTORS TO BE CONSIDERED.—Any investigation under this section shall take into account the following factors:

"(A) Domestic production needed for projected national defense requirements.

"(B) The capability and capacity of domestic industries to meet national defense requirements, including the availability of human resources, products, technology, materials, and other supplies and services.

"(C) The control of domestic industries and commercial activity by foreign citizens as it affect the capability and capacity of the United States to meet the requirements of national security.

"(D) The potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

"(i) identified by the Secretary of State—

"(I) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

"(II) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

"(III) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons; or

"(ii) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978 on the 'Nuclear Non-Proliferation-Special Country List' (15 C.F.R. Part 778, Supplement No. 4) or any successor list.

"(E) The potential effects on the proposed or pending transaction on United States international technological leadership in areas affecting United States national security.

"(f) REPORT TO THE CONGRESS.—Upon making any determination to approve or disapprove any merger, acquisition, or takeover by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States, the President shall immediately transmit to the Secretary of the Senate and the Clerk of the House of Representatives a written report of the President's determination under this section to approve or disapprove such merger, acquisition, or takeover, including a detailed explanation of the finding made and factors considered.

"(g) CONGRESSIONAL ACTION.—

"(1) IN GENERAL.—If the determination of the President contained in the report transmitted to the Congress under subsection (f) is that the President will approve any merger, acquisition, or takeover under subsection (d) and not later than 30 days after the date on which Congress receives the report, a joint resolution described in paragraph (2) is enacted into law, then the President shall take such action under subsection (d) as is necessary to prohibit the merger, acquisition, or takeover, including, if such acquisition has been completed, directing the Attorney General to seek divestment or other appropriate relief in the district courts of the United States.

"(2) JOINT RESOLUTION DESCRIBED.—For purposes of paragraph (1), the term 'joint resolution' means a joint resolution of the Congress, the sole matter after the resolving clause of which is as follows: 'That the Congress disapproves the determination of approval of the President contained in the report submitted to Congress pursuant to section 721(f) of the Defense Production Act of 1950 on   .', with the blank space being filled with the appropriate date.

"(3) COMPUTATION OF REVIEW PERIOD.—In computing the 30-day period referred to in paragraph (1), there shall be excluded any day described in section 154(b) of the Trade Act of 1974.

"(h) REGULATIONS.—The President shall direct the issuance of regulations to carry out this section. Such regulations shall, to the extent possible, minimize paperwork burdens and shall to the extent possible coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law.

"(i) EFFECT ON OTHER LAW.—No provision of this section shall be construed as altering or affecting any existing authority, power, process, regulation, investigation, enforcement measure, or review provided by any other provision of law.

"(j) TECHNOLOGY RISK ASSESSMENTS.—In any case in which an assessment of the risk of diversion of defense critical technology is performed by the Committee or any other designee of the President, a copy of such assessment shall be provided to any other designee of the President responsible for reviewing or investigating a merger, acquisition, or takeover under this section.

"(k) BIENNIAL REPORT ON CRITICAL TECHNOLOGIES.—

"(1) IN GENERAL.—In order to assist the Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall complete and furnish to the Congress, not later than May 1, 2007, and upon the expiration of every 2 years thereafter, a report, both in classified and unclassified form, which—

"(A) evaluates whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer; and

"(B) evaluates whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technology.

"(2) DEFINITION.—For the purposes of this subsection, the term 'critical technologies' means technologies identified under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976 or other critical technology, critical components, or critical technology items essential to national defense or security identified pursuant to this section.

"(l) BIENNIAL REPORT ON CRITICAL INFRASTRUCTURE.—In order to assist the Congress in its oversight responsibilities, the President and such agencies as the President shall designate shall complete and furnish to the Congress, not later than 90 days after the date of enactment of this subsection and upon the expiration of every 2 years thereafter, a report, both in classified and unclassified form, which—

"(1) lists all critical infrastructure, as defined under subtitle B of Title II of Public Law 107-296, that is owned, controlled or dominated by an alien, a foreign corporation, or a foreign government;

"(2) evaluates whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States critical infrastructure; and

"(3) evaluates whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies controlling critical infrastructure.".

(b) APPROPRIATION.—

(1) IN GENERAL.—There is hereby appropriated to the Secretary of the Treasury as an additional amount for "Salaries and Expenses" for operation of the Committee on Foreign Investments in the United States, $10,000,000.

(2) EMERGENCY DESIGNATION.—The amount appropriated in this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(3) TRANSFER AUTHORITY.—Any amount appropriated in this subsection may be transferred to any agency that is a core member of the Committee on Foreign Investments in the United States in order for such agency to carry out its member responsibilities.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to the review and investigation of any acquisition, merger, or takeover which is or becomes subject to section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) (as in effect immediately before the date of the enactment of this Act or on or after such date) that has not become final before the date of the enactment of this Act.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. DENT). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 223, nays 195, not voting 14, as follows:

[Roll No. 33]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gerlach
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Burton (IN)
Conaway
Costa
Davis (FL)
Evans
Fitzpatrick (PA)
Ford
Gonzalez
McKinney
Norwood
Salazar
Shays
Sweeney
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DENT) (during the vote). There are 2 minutes remaining in this vote.

☐ 1128

Mr. TOWNS and Mr. MORAN of Virginia changed their vote from "yea" to "nay."

Mr. GOHMERT changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. CONAWAY. Mr. Speaker, today, March 9, 2006, I missed rollcall vote No. 33, H. Res. 713, on ordering the previous question to provide for consideration of the bill (H.R. 2829) to reauthorize the Office of National Drug Control Policy Act. Had I been present, I would have voted "yea" on rollcall vote 33.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, this morning, we voted on the previous question on the rule for H.R 2829, the Office of National Drug Control Policy. At the time that the vote was called, I was in the Energy and Commerce Committee participating in a hearing regarding the Department of Energy Budget. In my rush to go from the hearing to the House floor and for more meetings, I inadvertently voted "yes" on the previous question rather than "no" as I had intended.

While I know that my vote would not have changed the outcome of the previous question vote, I feel strongly that the House should be allowed the opportunity to consider legislation that would block the Dubai port deal and strengthen the review process for future foreign port deals I would like the RECORD to reflect that I intended to vote "no".

The SPEAKER pro tempore (Mr. REHBERG). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2829.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 713 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2829.

□ 1129

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2829) to reauthorize the Office of National Drug Control Policy Act, with Mr. BONNER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Indiana (Mr. SOUDER) and the gentleman from Maryland (Mr. CUMMINGS) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana.

□ 1130

Mr. SOUDER. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today in strong support of H.R. 2829, the Office of National Drug Control Policy Reauthorization Act. Since its inception, the Office of National Drug Control Policy, better known as ONDCP, has been the cornerstone of drug policy in America, improving the lives of all Americans by reducing the presence of drugs in our society. This office has been producing results Americans need and want. Teen drug use is on the decline, and ONDCP deserves much of the credit for that.

ONDCP's success means we are faced not with the question of whether to reauthorize it, but how best to do so. The many positive signs and trends reported in this year's National Drug Control Strategy clearly demonstrate the difference the office can make with adequate resources and sound policy.

Drug use and abuse is a national crisis that affects the health of all of our citizens, and because of this ONDCP must remain an active body in the executive office. In order to win the war on drugs, we need to address the problem of drugs in our society from every single angle. This legislation gives ONDCP the appropriate resources to stop drug use before it starts, heal drug users, and disrupt drug markets.

We all know that drugs affect people from all walks of life. Addiction does not discriminate. A strong national drug policy is in the interest of every American. Mr. Chairman, this bill we bring to the floor today was crafted in true bipartisan fashion. It is a product of careful negotiations and strong bipartisan agreement. We aim to provide the best possible support for the administration and Director Walters in implementing the President's strategy, making a strong office even stronger.

We sought to make ONDCP more efficient by reducing outdated reporting and structural requirements required by law. The bill also improves ONDCP and its programs by enhancing effectiveness and accountability in drug treatment and requiring greater diligence in addressing our Nation's methamphetamine epidemic.

We also gave significant attention to reforms of the National Youth Anti-Drug Media Campaign and the HIDTA program to make them more effective. Both of these programs have grown in ways that were not originally intended, and the bill reflects the desire to ensure the programs remain accountable and dedicated to their core purposes.

This bill recognizes the media campaign as an effective prevention tool and important element of the Federal Government's commitment to reducing teen drug use. We have all seen the well-known advertisements on subjects such as drugs and terrorism, the consequences of marijuana use and parenting skills. These advertisements carry important messages to youth about the consequences of abuse and remind parents of the importance of keeping kids away from drugs. The media campaign works, and the message is being heard. It is preventing drug abuse before it starts.

When it comes to addressing the complex dilemma of drug addiction, prevention is only one part of the equation. Treatment of substance abuse and addiction is also essential. Because addiction has so many dimensions and disrupts multiple aspects of an individual's life, treatment is never easy. Drug users need the support of family, friends, and institutions to help guide them in treatment and recovery. This bill gives ONDCP the tools to maintain and strengthen programs so Americans who need help can receive it and begin on a path to recovery.

It also recognizes an important part of helping the addict is to remove the supply of drugs from our society. I have been to Colombia with Chairman SOUDER on numerous occasions. It is apparent to me that ONDCP is making every effort to attack the economic basis of the drug trade by disrupting markets at home and abroad. We need to continue to wage war on the supply side of the drug equation while reaffirming our commitment to addressing the demand side as well.

I want to thank Chairman SOUDER, Ranking Member CUMMINGS, and my ranking member, HENRY WAXMAN, for their leadership and hard work on this reauthorization legislation. I am happy we could reach bipartisan agreement on this bill since there is no place for partisanship in protecting our children against drugs. This bipartisanship was reflected in a unanimous vote to pass this bill out of our committee.

I am confident that we have put together a cohesive, effective piece of legislation that gives ONDCP the necessary tools to reduce elicit drug use, manufacturing, trafficking, drug-related crime and violence and drug-related health consequences.

America's families need this legislation. I urge support of all of my colleagues for H.R. 2829 to reauthorize the Office of National Drug Control Policy.

Mr. CUMMINGS. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform.

Mr. WAXMAN. Mr. Chairman, I rise to support H.R. 2829, which reauthorizes the Office of National Drug Control Policy, ONDCP, including its National Youth Anti-Drug Media Campaign and High Intensity Drug Trafficking Areas, HIDTA, programs.

I want to begin by acknowledging the efforts of Mr. SOUDER and Mr. CUMMINGS, the chairman and the ranking member of the Subcommittee on Criminal Justice, Drug Policy and Human Resources. They have worked tirelessly to develop this legislation. They are true leaders in the fight against drug abuse. I would like to recognize Chairman DAVIS as well for the bipartisan way he has approached this issue.

Drug use is an enormous problem in our Nation, ruining lives, filling our prisons and sometimes terrorizing our communities. Many people are not even aware how drugs adversely affect them. In addition to those addicted and their families, drug abuse affects all of us. Theft and violent crime are closely tied to drug abuse. In addition, billions of dollars are spent on health care due to drug abuse, a burden to the entire Nation.

In order to combat illegal drug use, the Federal Government must attack from different avenues using many agencies of the government. For example, the State Department works with other countries. The Drug Enforcement Agency enforces drug laws. The Department of Health and Human Services must deal with breaking addiction. ONDCP's mandate is to coordinate all of these efforts in a comprehensive strategy, coordinating with State, local, and international governments and institutions.

The bill before us today ensures that there is one place in the Federal Government that combats all aspects of the drug problem through drug prevention, treatment, enforcement, interdiction, and supply reduction. ONDCP has a vital role to play in our efforts to reduce the use of illegal drugs. I urge my colleagues to vote "yes" on passage of this legislation.

Mr. SOUDER. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me thank Chairman SOUDER and Mr. CUMMINGS, and let me draw your attention to a specific section of the bill that I think is troubling not only to most Members of Congress but law enforcement throughout our country, and that is the increasing use and production of methamphetamines. This is a uniquely dangerous drug that is extremely addictive and ruins its victims. "Methamphetamine suddenly becomes this thing in their life that they cannot do without," stated Attorney General Alberto Gonzales. "In terms of damage to children and to our society, meth is now the most dangerous drug in America."

Consider the following facts: meth is the number one drug problem for the majority of county law enforcement agencies. According to the National Association of Counties, 58 percent of counties report that meth has become their top anti-drug priority for law enforcement. In many areas, meth cases are swamping hospital emergency rooms. In one NACO survey, 47 percent of hospitals said meth is the top illicit drug involved in patient presentation. The great majority of these patients are uninsured, placing a tremendous added burden on already strained emergency rooms.

As the meth epidemic spreads, other crimes are bred. Wherever meth gains a foothold, substantial increases in property crime are seen as addicts desperately seek cash to fund their addiction. In affected areas, a 62 percent increase in domestic violence due to meth has been reported.

Meth is a major cause of child abuse and neglect. Domestic meth labs create environments hazardous to children. A nationwide survey of child welfare officials has reported an increase of out-of-home placements because of meth just in the last year alone. In California, the figure is 80 percent.

Many States, and now the Federal Government through the Methamphetamine Epidemic Control Act, have taken decisive steps to strangle domestic meth production by cutting off the supplies of essential precursor chemicals like pseudoephedrine.

And with the passage of this law, we will also implement the following: require greater diligence on methamphetamine. The bill will require future installments of the National Drug Control Strategy to place greater emphasis on identifying emerging threats and properly preparing strategies to respond to such threats. This applies the lesson learned from the meth epidemic, which was allowed to spread from a regional to a national problem before any Federal response was made.

In this bill, we will target meth production through HIDTA. No less than $15 million will be specifically set aside for law enforcement initiatives against meth trafficking.

Those provisions alone show why this bill is so critically important in its reauthorization. This will help law enforcement and counties, and we pray it will help families, because if you have seen any of the articles about the abuse of methamphetamines, you see how a thriving human being became addicted to this drug and has devastated their life and their future.

So we work together in a bipartisan way to see if we can help local governments eradicate this scourge among our society. I thank Chairman SOUDER and the ranking member, Mr. CUMMINGS, for their team effort on solving some drug problems that face this country.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we stand here debating this important legislation before us today, illegal drug abuse, drug addiction, and drug-related violence are exacting an enormous toll on our society, destroying lives, tearing apart families and devastating entire communities. Nationwide, drug abuse will contribute to the loss of 50,000 lives, and more than 20,000 Americans will die as a direct consequence of illegal drug use this year alone.

In addition to the human toll, illegal drug abuse results in billions of dollars in cost to our Nation in health care costs and lost economic productivity, placing an enormous burden on the American people, State and local governments, businesses and other institutions.

This set of circumstances is simply intolerable in a compassionate Nation, and it is our duty as the people's representatives to formulate laws and policies to reduce the scope and severity of this problem.

To be sure, America's drug problem is national in scope and has international dimensions. But its impact, first of all, is personal and local. In one way or another, every one of us and everyone we know is touched by this problem. Unfortunately, I see the tragedy of drug abuse and drug violence play out all too starkly in my own inner-city Baltimore neighborhood and in the communities of Baltimore and Howard counties that I represent. I have made a deliberate choice to continue to live where I do because I am determined to see our efforts here make a difference in my community for the benefit of the people I call my friends and neighbors and people like them across this great Nation.

Mr. Chairman, no single event is more emblematic of the severe problems that inner-city Baltimoreans face than the horrific arson murder of Carmell and Angela Dawson and their five children in 2002. In the wee morning hours of October 16, 2002, a young drug dealer, upset with Angela Dawson's unrelenting efforts to report drug distribution activities occurring in front of her family's home, threw a fire bomb through the Dawsons' ground-floor window. The fire set the home ablaze, took seven lives, and sent a chilling message to the community: Don't snitch, don't cooperate with the police, and don't dare fight back.

The legislation we are considering today is a vital component of our Federal commitment to fight back against illegal drugs by mounting a comprehensive, coordinated effort to combat all aspects of the drug problem through drug prevention, treatment, enforcement, interdiction and supply reduction.

The Office of National Drug Control Policy, the drug czar's office, was created in 1988 and has been reauthorized twice, in 1993 and 1998. Its basic mandate is to coordinate and support the efforts of drug control agencies located in eight different Departments.

□ 1145

H.R. 2829 would reauthorize the drug czar's office and three key programs administered by it: the High Intensity Drug Trafficking Areas program, HIDTA; the Counterdrug Technology Assessment Center, CTAC; and the National Youth Anti-Drug Media Campaign. HIDTA, CTAC, and the Media Campaign all play an important part in executing key aspects of the National Drug Control Strategy, and they deserve to be reauthorized.

H.R. 2829 was ordered reported by the Government Reform, Energy and Commerce, and Judiciary committees by voice vote with the bipartisan support of committee members. I am confident that this bill will strengthen ONDCP, its component programs, and our national comprehensive anti-drug effort by providing for increased interagency communication and cooperation, enhanced program and contractor accountability, and continuous evaluation of anti-drug programs and initiatives. This will result in more effective collaboration and let the administration, Congress, and the American people know in objective terms what approaches are working and what needs to be improved or rethought.

H.R. 2829 includes key bipartisan provisions that I strongly support, and most notably, the Dawson Family Community Protection Act. As amended by the manager's amendment adopted by the Judiciary Committee, this legislation, which I introduced with Chairman SOUDER in both the 108th and 109th Congresses, would annually provide at least $7 million in HIDTA funds to support neighborhood safety and community cooperation with police in areas severely affected by violent drug-trafficking activity.

The Dawson provisions underscore the importance of the HIDTA program, which provides vital Federal funding to support uniquely flexible and effective collaboration between Federal, State, and local agencies. H.R. 2829 includes provisions to preserve and strengthen the HIDTA program in its current form and in its current location within ONDCP. This is in stark contrast to the administration's proposal, set forth in the President's fiscal year 2007 budget request, to reduce HIDTA funding and move HIDTA to the Department of Justice. H.R. 2829 reiterates Congress's intent that HIDTA should remain where it can be most effective.

H.R. 2829 also includes provisions to ensure that programs to expand access to drug treatment are adequately supported in the Federal drug control budget and further requires ONDCP to develop comprehensive strategies to address the severe threats posed by South American heroin, Afghan heroin, and drug smuggling across the Southwest border. In addition, H.R. 2829 calls for a comprehensive strategy for sharing and coordinating counterdrug intelligence and provides for increased coordination of interdiction assets and efforts.

With regard to the Media Campaign, the bill authorizes increased funding, recognizes pro bono advertising as the program's central component, provides for greater contractor accountability, requires testing and evaluation of ads before they appear on the air, and requires an independent evaluation of the campaign's impact on preventing and reducing illicit drug use by youth.

All in all, I believe this legislation advances the bipartisan, and I do emphasize that, bipartisan goal of supporting a strong, comprehensive, and coherent Federal anti-drug effort.

As the ranking minority member of the Government Reform's Subcommittee on Criminal Justice, Drug Policy and Human Resources, I want to express my deep appreciation for the bipartisan support of Government Reform Committee Chairman TOM DAVIS of Virginia; ranking member HENRY WAXMAN; and Drug Policy Subcommittee Chairman MARK SOUDER. And I join them in strongly urging our colleagues to support this very important legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Across America, individuals, families, and communities continue to be devastated by the scourge of drug abuse. It remains one of the most pressing and unforgiving problems our country faces.

Some have made comments, including on the floor earlier this morning, that we have made no progress in the war on drugs. That simply is not true. What we tend to do is go up and down as we do in any kind of battle. I do not believe we will ever get rid of the scourge of drug abuse any more than I believe we will get rid of what I believe is at its core, sin in other parts of America, whether it is spouse abuse, child abuse, rape.

But if we press and if we aggressively work together, we can reduce it. The fact is that when we backed off in the early 1990s and saw the Federal intervention dollars go down in the Andean region and the interdiction dollars go down, and the joke was even in prominent officials as "I didn't inhale," we saw drug use go up so much that we have to reduce it 50 percent from 1993 until now to get back to where we were in 1992. That dramatic rise and falling, again, is somewhat typical of what has happened in American history in drug abuse.

We have had some steady progress in key indicators. There is not meth abuse if you can get at marijuana use because all meth users use marijuana. Marijuana is the gateway drug, along with tobacco and alcohol in high school, of all other narcotics abuse. Right now we are facing a meth epidemic in the United States that clearly, I believe, this administration has not responded to nearly aggressively enough. We also have prescription drug abuse. Oxycontin and other prescription drugs are actually causing the most deaths from any drug abuse in the United States. We have to be eternally vigilant.

This bill, introduced by TOM DAVIS, the distinguished chairman of the Government Reform Committee, and me, along with the distinguished ranking member of the subcommittee, ELIJAH CUMMINGS, and the full committee ranking member, HENRY WAXMAN, is a forceful and bipartisan recommitment to our broad national efforts to control drug abuse and to renew our support for a strong Office of National Drug Control Policy.

Let me explain a couple of points about this. The ONDCP, Office of National Drug Control Policy, is often called the "drug czar." It was created by Congress. It was not created by an administration. It was taken somewhat unwillingly by an administration years ago, and now we are up for reauthorization. We attempted to reauthorize this several years ago. It passed the House unanimously, but never got through the Senate at the end of the year. We are now coming back with a bill that is bipartisan and bicameral. I believe that this bill now can move through the Senate.

It is important to remember a couple of reasons why it is important to authorize agencies, not just to appropriate. What has happened in this interim without an authorization is that the administration has attempted to gut the HIDTA program. They have attempted to wipe out many other programs. I believe they have lacked a national meth strategy. I believe that, in addition, they have failed to give better guidance to safe and drug-free schools and then proposed to zero it out; failed to give better guidance to State and local law enforcement and then proposed to zero out those programs.

What happens when you do not have an authorization bill is that it gives complete discretion to the administration to spend whatever funds we allocate in whatever way they choose. This was a Department created by the United States Congress, by both parties, by both Houses, and it is important we give guidance. When an administration refuses to respond to an issue like meth and refuses to use the office in the way Congress intended, you move from a bill that was the original authorization, like this, to a bill like this. In other words, you do get more micromanagement.

We have actually eliminated a number of subboards and appointments and things that were irrelevant, but there is much more direct guidance to try to make sure that you do not just criticize programs but that the drug czar, the director of ONDCP, directly gives guidance, whether it be on heroin in Afghanistan, whether it be in Colombia; that this will preserve the success of, for example, the High Intensity Drug Trafficking Areas programs. If we pass this reauthorization bill, they will not be able to wipe it out or move it to other Departments.

The administration's proposal the last 2 years has been unanimously opposed by every HIDTA director in America. Every single HIDTA in America has opposed the administration's proposed changes. This authorization would keep HIDTA where it belongs. It will refocus the National Youth Anti-Drug Media Campaign. This bill clarifies the purposes of the campaign. Some of this we have worked out with the administration in the Partnership for a Drug-Free America, where they were at odds a number of years ago and they have implemented some of these changes; but we have now put it into law, because, remember, this is a 5-year reauthorization. This administration basically has 2 years to go. This is really outlining where the next administration is going to work in anti-drug policy, not just the current administration.

It will strengthen the Southwest border counternarcotics strategy. Many of us feel that there has been a lack of a coordinated Southwest border narcotics strategy, to say the least; and this bill will prescribe that there has to be a counternarcotics strategy. We will also target the methamphetamine epidemic. This bill requires at least $15 million to be dedicated to combating meth in the HIDTAs.

We will also see a whole series of amendments. The United States Congress last year began asking for, and this year, a meth strategy. We have not had a meth strategy. We have had pathetic attempts, small attempts, at a meth strategy. But we have not had a national meth strategy. Amendment after amendment today, with the support of this subcommittee, will show the intensity of how this body feels on methamphetamines.

It will also rationalize the General Counter-Drug Intelligence Plan. We have had overlaps on intelligence that have been totally unacceptable and a waste of taxpayer dollars. It will elevate the rank and status of the ONDCP director. Because the director is tasked with coordinating drug control of numerous agencies, including Cabinet-level Departments, this bill designates that he has the same rank and status as a Cabinet officer. You cannot suggest to the State Department or the Defense Department that they are not doing enough, for example, in Afghanistan if you do not have equal status. It is absurd to think a staff person in the White House could have the same clout as a fellow Cabinet member in reviewing budgets, at least most of the time. This does not interfere with the President's authority to determine the makeup of his Cabinet, but it does ensure that the director will be able to work with the Department heads on an equal basis.

It will improve effectiveness and accountability in drug treatment. There is page after page to try to make sure that our drug treatment programs and that SAMSA work directly with the ONDCP director to do that and it does not become arbitrary. We have had some very disappointing lack of communication from the ONDCP director with SAMSA, and this will help correct that.

It also requires international drug control certification, which we believe is important. It will deal with Colombia, Afghanistan, including microherbicides.

We have many different amendments inside this bill that have been put together by Members of both parties. It is a truly bipartisan effort. When people say we cannot work together, here is a truly bipartisan effort with the input of members from multiple committees. The reason this is in the Government Reform Committee is that 20-some subcommittees have jurisdiction over narcotics; and years ago when this office was created, it was put under Government Reform, normally an oversight committee but here with authorizing; and an increasing number of things were put under the drug czar so that we could coordinate it, and this bill will reestablish this because we have been frustrated that there has not been such clear coordination. This bill will mandate more directly that it is done.

I believe we have had some successes. We are having success in Colombia. Afghanistan, we are going backwards, but we are fighting hard. I believe that the DEA has done some good work in meth, but we need a lot more in meth. We need our national ad campaign and our HIDTAs to focus more on the meth epidemic. We have other different problems, and I believe that this bill is a comprehensive, bipartisan, bicameral way to try to address this.

Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL), who has been a leader in our efforts to address this problem of drug addiction in our country and certainly throughout the world.

Mr. PASCRELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. SOUDER and Mr. CUMMINGS deserve a tremendous amount of credit.

I look at this problem, as a former mayor, as a criterion, one of the major criteria, for homeland security. If we cannot secure our neighborhoods, if we cannot secure our towns, small and large, against the poison of illicit drugs, which take many of our own sons and daughters every year, then we are never going to be able to address foreign terrorism on our shores.

☐ 1200

So I thank you, and I thank you. I thank Mr. DAVIS and Mr. WAXMAN. I believe in a zero-tolerance policy, but we don't have a sense of urgency. Mr. SOUDER, I think you put it better than I could ever put it. This is an urgent problem, certainly nothing that started yesterday morning. It has been upon us.

The war on drugs is the original war on terror, one that we are fighting, and reauthorizing the Office of National Drug Control Policy is the least we can do, the least we can do, to continue the fight. I think it is a noble fight.

Illegal drug trafficking and use is a cancer on our society that destroys people, families, and even destroys neighborhoods. The bill takes a positive step in helping to restore the foundations of our community by authorizing more than $1.1 billion over 4 years to fight drug trafficking in high-intensity areas. I happen to live in one of those high-intensity areas, North Jersey/New York. This is an important investment that can be used by local, county, State and Federal agencies to collaborate information and root out the dealers and the traffickers.

In 2004, as a member of the Select Committee on Homeland Security, Secretary Ridge appeared before us. We were talking about terror and elevating the alerts, if you remember the debates we had at that time and the color schemes, et cetera, et cetera, which, by the way, we still have. And I asked Secretary Ridge, who I had a great deal of respect for, I thought he did a good job with the cards that he was dealt; I asked him the question, "Secretary Ridge, you were Governor of a State. Have you ever seen the terror on the faces of families and people who live in neighborhoods that are infested by drugs? Have you ever seen that terror?"

He said, "I know exactly where you are going, Congressman, because homeland security should be a place where we make our stand as well."

Families are being ruined. This bill increases funding for the National Youth Anti-Drug Media Campaign, I think a successful program. The bill earmarks money for the Dawson Family Community Protection Act, which would focus on providing avenues for citizens to report drug trafficking in at-risk neighborhoods without putting their lives on the line.

This is an urgent problem, Mr. Chairman. This is a very urgent problem. When you see how many of our own kids are dying, and adults, I might say, during the year, and compare that against the tragedy of 9/11, we must address both of these problems to bring sanity back to our neighborhoods and back to our families.

There is an urgency here. Is there an urgency down the street, Mr. SOUDER and Mr. CUMMINGS?

Mr. SOUDER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida (Mr. MICA), a former chairman of the subcommittee. He and I both were senior staffers in the other body and have worked on this issue for a long time. I appreciate his leadership in fighting narcotics throughout the United States.

Mr. MICA. Mr. Chairman, I want to thank the chair of this important subcommittee, Mr. SOUDER, for his leadership in bringing to the floor today probably one of the most important pieces of legislation that we will consider in this entire session of Congress. Not only do I thank him for his leadership and being a long-term soldier in this battle, but also the gentleman from Maryland (Mr. CUMMINGS), the ranking member, whom I have had the privilege to work with, who is also dedicated to dealing with this scourge on our Nation.

I say "scourge on our Nation," because we just heard the previous speaker, the gentleman from New Jersey, talk about what illegal narcotics and drug abuse, substance abuse, has done to our Nation.

We have statistics. There are more than 20,000 American drug casualties a year. If we look at just the 3 years we have had the conflict in Iraq and Afghanistan, we have lost some 2,000 of our troops in service. We have lost more than 20,000 per year in our streets and neighborhoods, and those are only the recorded statistics. It is not all of the victims of crime and the murders. These are people who have died just from drug overdose in our communities, and many of them are our young people, the future of our Nation lost.

The cost in jails, incarceration, I am told 60 percent of those behind bars are there because of substance abuse. The social costs on all of our social agencies across this Nation is high.

Again, there is probably no greater social challenge that we have than the ravages of substance and drug abuse, child abuse, spouse abuse, all types of acts that we see that are almost unspeakable because of the effects of illegal narcotics.

I will say that President Bush and John Walters have done an excellent job in a number of areas. They set out measurable and accountable goals, and some of them have been achieved. We have seen a dramatic reduction in youth drug abuse. But we have a constant change in the challenge.

I know working with Mr. SOUDER and Mr. CUMMINGS, we have seen the crack epidemic. We saw the heroin epidemic that ravaged Baltimore and other cities, great cities across the Nation. We have seen designer drugs. Now we see the meth scourge. So we have to have a flexible and adaptable policy. Hopefully this plan and the 5-year reauthorization provides that.

It is not always how much we spend, it is how we spend it. I think this administration has also focused attention on High Intensity Drug Trafficking Area designations, HIDTA, which we have done over the years, and we have set some of those in stone, and we keep funding them year after year. We need to look at how we spend that, how much we spend and where we put the resources for high-intensity approaches to going after problems that do shift and change. I think that is an important debate. I am not crazy about moving it over to the Department of Justice, but I do think we need a more accountable HIDTA program.

In conclusion, though, we do have a changing threat. We have seen some successes, as I said, with our youth. Plan Colombia, which we fought for during the nineties, we finally got implemented. It is an incredible success. We have some challenges to look forward to, the disruption in South America with people like Morales in Bolivia, whose policies raise great questions about the progress we have made in controlling illegal narcotics.

But we do know from our experience that we have to have a plan, we have to spend our money wisely, and hopefully this reauthorization does that. We do know that we must focus on good education programs, up-to-date prevention programs, interdiction, strong enforcement programs, and then treatment programs that we also have measurable results from.

So I am pleased to join my colleagues in speaking for this reauthorization, and I hope that the final product will do even more in addressing this serious problem our society faces.

Mr. CUMMINGS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH), who is a member of our committee and who has worked on this issue, and is also a former mayor and very familiar with the drug issue in our country and in our cities.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman from Maryland for the opportunity to address this.

We are all concerned about drug policy and about drug control policy. We are concerned about the impact drug addiction has on individual lives and families. We are concerned about the ripple effects of addiction on communities.

But I would just like to make this observation as we prepare to vote on this bill: We have to be careful in our strategy to ensure that we do not mistake victims for enemies. We make a mistake when students are punished both through the legal system and then by denying them critical education provisions, as the drug provision of the Higher Education Act does. The recent scaling back of that provision by this Congress is a step in the right direction, but we must do more. Denying students the opportunity for a higher education does not solve the Nation's drug problems, nor does it provide drug treatment.

We also make a mistake when we rely on randomized student drug testing to prevent addiction and abuse of drugs. Instead of focusing our efforts on educating our children about drugs and engaging them in the decisions about their lives and futures, drug testing assumes all youth are the same. Drug testing may be right in certain situations with reasonable evidence and a court order, but randomized testing renders all youths suspect and treats them as criminals. High expectations for our children may reap great rewards, but what will we sow with the expectation of deception? So we have to focus our efforts on helping our children, not punishing them, and we cannot allow the war on drugs to become a war on children.

I am sure there are many provisions of the bill before us that are aimed at helping many communities, but I just wanted to make this observation in general about our policies, so that as we get into a broader discussion on other legislation, that we pay close attention to the policies that we are considering or are enacting in our schools.

Mr. SOUDER. I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield 13 minutes to my distinguished colleague from the great State of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Maryland for yielding, and I thank him for his leadership, along with Mr. WAXMAN and Mr. SOUDER, who I have had the pleasure of working with on these issues, both from the perspective of interdiction, along the "third border," but also from the perspective of homeland security as it relates to the northern and southern borders.

I rise to acknowledge and appreciate the great amount of work that has gone into this legislative initiative, and particularly as it relates to the reauthorization of the Office of National Drug Control Policy.

I recall that one of my first introductions to the severity of drug usage and the willingness to work full time on this issue was the opportunity to visit with Mr. CUMMINGS in his area, the city of Baltimore, which he was not reticent to let us know that there was a problem, and a problem, of course, that was connected to HIV/AIDS, and he has been working without ceasing to make great strides in the city of Baltimore. Mr. CUMMINGS, I want to congratulate you both for introducing Members of Congress to the crisis early on, as well your leadership in this area.

So I don't take away from this legislative initiative the importance of stemming the rising tide of drug usage. In fact, we had thought, I think, in some years past that there was a curving down. But for those who are listening to this debate and the many drug treatment centers around America and the addicted persons, I know that they are willing to admit that we still have a concern and a crisis, and the reauthorization of this particular agency is important for the work that it does.

In particular, as cochair of the Congressional Children's Caucus, I see a frightening rise in the utilization of addictive substances by our children, particularly ages 12 to 17. We have seen a rising increase in the number of girls that are participating in drug usage, whether or not it is alcohol, starting in middle school; and we know that if you start taking substances like alcohol in middle school, by the time you reach the high school level you are addicted and we have a problem.

☐ 1215

We know also that the scourge of cigarettes, though we find that the usage overall may be going down, is still attractive to children. You say no and they want to say yes.

And then, of course, as a member of the House Judiciary Committee, we have consistently fought against the rising tide, the violent tide of methamphetamine use that started in our rural America, creeps into our cities; and the stories of blown up methamphetamine labs is a rage across America.

In fact, I remember one of the first legislative initiatives that I passed was to stand against or to stop the use of a date-rape drug which was being made in bathtubs across America.

So this is an important response to that, and I hope that we will have an opportunity to accept my amendment on the floor that hopes to provide an assessment of where we are as it relates to intervention; to Federal and State programs that deal with assessing the use of drugs by children ages 12 to 17, a very simple premise; and as well wants to give greater guidance to Federal, State and local authorities as to how they intervene, what is the value, the success story.

I hope my colleagues will join me with that support. It is clearly a road map to help us be more effective. I also want to make mention of the fact that this is a homeland security issue, because I believe Mr. SOUDER participated in hearings dealing with utilization of drugs as money that can be laundered for terrorist activity.

We are particularly focused on those areas in our borders around America. So we need to stop the violent tide of drugs. In fact, as a member of the Subcommittee on Immigration, we know that there are the combination of the smugglers of drugs with the huge cartels and the smugglers of human beings. They are intermixed and intertwined. They are there to do nothing but ill and evil. So these are important overlapping areas. I thank this committee for its leadership.

Let me mention an area, however, that I want to focus on, and I want to associate myself with Mr. KUCINICH and his concerns about the early incarceration, or trying juveniles as adults. That is why I want to have this assessment, because I believe it is important to be guided in the right procedures or right processes for our children, whether or not jail time, whether trying them as an adult is more effective than the intervention and good programs that are necessary.

Frankly, I think the good programs weigh more in stopping the tide of the utilization of drugs by our children. There should be some consideration to that.

And then let me, in conclusion, bring up Tulia, Texas, where, a, if you will, rogue cop was able to charge many, many of our constituents in Tulia, Texas, with false charges of drug use. In fact, most of the city found themselves charged with drug offenses down in the court house. This was a horrible episode of the utilization of the High Intensity Drug Trafficking Areas program.

This was an abuse that is beyond our appreciation. I am grateful to the Congressional Black Caucus and various leaders of that caucus who saw the injustices. No, we are not here to promote the proliferation of drug use, but we are here to cite some of the failings of the rogue activities that come out of the High Intensity Drug Trafficking Areas program, where there were innocent individuals who were, if you will, networked in, fish-netted in, conspiratorially grabbed into this whole drug conspiracy, mothers and uncles, brothers. Sometimes whole families were wrapped up in, indicted, tried and convicted, many of whom were serving jail time until we were able to get our hands on the investigation, lawyers were able to intervene, and the rogue cop was exposed and all of his testimony was discovered to be false.

So there needs to be an oversight and a concern about whether or not these are effective uses of our dollars and whether or not we can effectively have oversight, so that, yes, the drug dealers who are poisoning our community, real drug dealers, the cartels, the smugglers of drugs, the producers of methamphetamine labs, the sellers of prescription drugs for children to use and others, the abuse of cough medicine, all of that is important to be able to highlight, to indict, try and convict, but not to go in and use a fishnet, rely only on the testimony of a rogue cop and have no other evidence to be utilized and to break the backs, the hearts of families, and to destroy a community.

And so I hope that as we move this legislation forward, we will be able to be focused on the good items that are here, the direction that we can go with our children with an amendment that I have on the assessment of our programs; and, of course, Mr. CUMMINGS, thank you for the concern that when people are under this particular legislation, there is a basis for fairness and accuracy in any charges being made and that people are not singled out because of the color of their skin because they are associated with drug use.

With that, let me thank my colleagues for this legislation. I hope my words will be considered as we continue to debate this legislation and fight the war on drugs in a united and positive and successful manner.

Mr. SOUDER. Mr. Chairman, I continue to reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

In closing, Mr. Chairman, this is a very, very important piece of legislation. I think it was Mr. PASCRELL who said that we must act with a sense of urgency. And he was absolutely right. As we stand here today, there are so many people who are becoming addicted to drugs; there are people who are literally robbing their own relatives and robbing their neighbors to get the funds for drugs.

There are even people who are seeking drug treatment and finding it difficult to get that treatment. But what we have tried to do here today through this bill is to address this problem as best we could. One of the things that I must express appreciation for is Mr. SOUDER's candor with regard to this whole issue. Consistently, even when there were instances where the President's priorities seemed to be, and ONDCP's priorities seemed to be, a little out of line with the things that we felt should be done to most effectively and efficiently address this problem, Mr. SOUDER, every step of the way stood up and said, look, we are going to do what is right.

We worked together very cooperatively. I really do appreciate it. It does mean a lot to me as a Member of this great body. I can say to all of our Members that this is legislation that we all should vote for. It should be a unanimous vote. I urge all Members to vote for the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are a couple of comments I want to make in closing general debate here. One is, just for the record, though it is not part of this legislation, we have clearly corrected the misinterpretation of the student loan bill.

The Clinton administration had falsely interpreted the House legislation. The Bush administration continued to do that. It has been corrected. You only lose a student loan if you commit a drug crime while you have the loan.

That is the least that the taxpayers should expect; and even then, if you go to drug treatment and test clean, you can get your loan back. Even then, if you get convicted, not arrested, but convicted of a drug crime, you still can get it back after 2 years, or if you go through drug treatment and get clean.

The third time after you commit a drug crime and get convicted, then you lose your student loan. This is the least that the taxpayers should expect.

We also have this constant debate whether it is a war or a disease. Former drug czar Barry McCaffrey always said he felt it was both, and I agree. Because with heart disease you do not see doctors getting assassinated on the street. You do not see heart surgeons getting shot in deals about heart surgery.

Also it is a controllable disease. You do not have the equivalent of Alcoholics Anonymous or narcotics anonymous for Alzheimer's. But it is a disease. That is why treatment is very important. That is why the prevention programs are very important.

I appreciated Congressman PASCRELL, and actually it was Congressman CUMMINGS who first said that narcoterrorism is something that we live with every day.

As I said earlier, tragically, 3.500 people were killed on 9/11. But that fall, 7,500 died because of illegal narcotics; 30.000 in 2002; 30,000 in 2003: 30.000 in 2004; roughly 7,500 in the first quarter of this year 105.000 people have died.

While we get obsessed with every little thing going on in homeland security, we have terror on our streets, in our homes, and in our neighborhoods every day. We cannot forget and divert funds from the daily threat of narcoterrorism in the United States as we do this.

I want to again refer to the Government Reform Subcommittee report that was unanimously adopted today. You can find it on the Web site of the Criminal Justice Subcommittee under Government Reform, 154 pages, 607 footnotes. If you tap the footnote, you can get the actual source.

There you can get a full view of the whole narcotics policies, whether it is in HHS, Department of Justice, Defense, State Department. It is part of what we do in our committee.

The ONDCP, the direct bill in front of us, has two major functions. One is directly under the control of the so-called drug czar, the director of ONDCP. It is a national media campaign, the High Intensity Drug Trafficking Areas, and the Counterdrug Technology Assessment Center.

In addition, the drug czar reviews all budgets of all agencies with narcotics and has broad authority to make sure that we have a coordinated national drug policy, and this bill strengthens that.

This bill was not easily put together. I want to thank first off the Members of both parties. We have had an extraordinary working relationship and have become very close friends, Mr. CUMMINGS and I, but other members of our committee, too. We have had well-attended subcommittee hearings.

We have held field hearings as well as hearings in Washington. Our staff, particularly Nick Coleman, who has just recently left to go to the U.S. Attorney's Office, has visited almost every HIDTA in America.

We as Members have visited HIDTA directors here and have gone out and visited the different HIDTAs. Marc Wheat, the staff director; Dennis Kilcoyne; Jim Kaiser; Tony Haywood from the minority staff have worked hard in developing this comprehensive legislation.

Mr. CUMMINGS and I both thank our staff, because they help make us look good. In a bill this complicated, working with every agency in the Federal Government basically, in a bipartisan way, is not easy to do.

Mr. Chairman, I urge all Members to support this legislation.

Mr. SCHIFF. Mr. Chairman, I rise today in support of the Office of National Drug Control Policy Reauthorization Act, and I was pleased that the House Judiciary Committee adopted two amendments that I offered and that they are part of the base bill.

Street drug markets, such as open air drug dealing at the corner and at drug houses, are a serious public safety problem. Often located in poor, minority, and disadvantaged communities, they cause severe harm by easing initiation into drug use, supporting addiction, and by drawing youth into the drug trade.

My first amendment, which is designated Sec. 14 of H.R. 2829, provided for demonstration programs by local partnerships to shut down illicit drug market hot-spots by deterring drug dealers or altering the dynamic of drug sales. This provision authorizes funding for demonstration programs that seek to coordinate an effective intervention using a credible, deterrent message. This would encourage criminal justice agencies to collaborate with researchers and social welfare agencies to analyze local conditions and develop strategic, problem-solving interventions.

Such an approach was proven successful in High Point, NC. Upon identifying the drug market and its small group of active dealers, law enforcement carefully monitored and documented drug activity and probation/parole violations through surveillance and drug buys. Offenders with any violent criminal history were immediately arrested. Non-violent offenders, on the other hand, were confronted by law enforcement, city officials, service organizations and their families with a strong deterrent message. They were given a choice between facing immediate legal action or ceasing dealing and receiving rehabilitative services.

Consequently, the drug market promptly collapsed with minimal police intervention or crime displacement. Within one year of implementation, the drug crime rate of High Point fell by 34% and the violent crime rate was cut in half.

Sec. 14 of this bill authorizes $10 million for the next three years to fund demonstration programs supporting these interagency collaborations. The agencies would be responsible for evaluating the effectiveness of the strategic intervention, and the Director would be responsible for submitting to Congress a report identifying the best practices in drug market eradication.

My second amendment, which is designated Sec. 15 of H.R. 2829, provided for demonstration programs by local partnerships to coerce abstinence in chronic hard-drug users under community supervision through the use of drug testing and sanctions. This provision authorizes funding for demonstration programs that seek to reduce the use of illicit drugs by chronic hard-drug users living in the community while under the supervision of the criminal justice system.

Approximately 80 percent of the Nation's cocaine is consumed by a relatively small group of chronic users (approximately 4 million). Three-quarters of these users are under the supervision of the criminal justice system. By deterring these users, we would be able to reduce the nation's cocaine consumption by 60 percent—and these numbers are similar for other hard drugs, such as heroin and meth.

Coerced abstinence is a highly effective means for targeting these users. This model is based on predictable, frequent drug testing and known, non-negotiable, immediate, graduated sanctions. For example, a system where a participant is tested every 72 hours and a dirty test led to an immediate, unpleasant sanction—for example, 8 hours in a jury box or 24 hours in jail. Participants are simultaneously offered incentives such as drug treatment or other rehabilitative services.

An ongoing example of this model is being used in Hawaii, where substance abuse violations are common, with meth being the drug of choice. In October 2005, one year after the program began, program participants had an 83 percent reduction in positive test results (from 21.9% for control group to 3.8% for program participants) and an 87 percent reduction in missed appointments for testing (from 10% for control group to 1.3% for program participants).

This level of effectiveness we cannot ignore. For this reason, Sec. 15 of H.R. 2829 authorizes $10 million for the next 3 years for demonstration programs that administer drug tests to individuals at least twice a week and swiftly impose a known set of graduated sanctions for non-compliance. The program must include a plan for monitoring the progress toward reducing the percentage of positive drugs and missed testing appointments, and the Director would be responsible for submitting to Congress a report identifying the best practices in reducing the use of illicit drugs by chronic hard-drug users.

I commend the Office of National Drug Control Policy for publicly committing itself to the goal of reducing illegal drug use and abuse in the United States. However, I also call on the Director to increase the allocation of funds dedicated for treatment and demand reduction efforts, which have shown to be very successful in reducing drug use. To achieve this national drug control policy that efficiently reduces drug use and abuse in the United States, we need strategies that are as smart as they are tough. This requires that we remain open to evidence-based programs and respond with innovation. I commend ONDCP for the progress it has made, ask that the Director consider these recommendations and will support this legislation, H.R. 2829, to the reauthorize the Office.

Mr. UPTON. Mr. Chairman, as we work to reauthorize the Office of National Drug Control Policy today, I'd like to pay tribute to the work and dedication of Southwest Michigan's Regional Methamphetamine Taskforces. It is through their efforts that March is Methamphetamine Awareness Month in Southwest Michigan.

The unfortunate reality is that each and every one of our communities is vulnerable to the dangers of meth—it is a highly addictive drug that does not discriminate. However, the communities of Southwest Michigan are united in their fight against this epidemic. Regional meth taskforces consisting of dedicated law enforcement officials, pharmacists, firefighters, right down to the individual neighborhood watchman, are making headway in the fight against meth. This drug epidemic must be fought on the front lines, and the troops are assembled in Southwest Michigan.

I applaud the efforts of our dedicated Regional Meth Taskforce coordinators: Heidi

Bertschinger of Allegan, Liz Lenz of Barry, Kim Palchak of Branch, Jennifer Lester of Cass, Tina Harbaugh of Kalamazoo, Mike Wilson of St. Joseph, and EJ. McAndrew of Van Buren. I would also like to commend Rick Shanley of Kalamazoo for increasing public awareness of the progress that the task forces are accomplishing.

These folks, and many others who follow their lead, have worked diligently to educate communities on the dangers of this drug. Among their many contributions to our region, the taskforces have trained community members to recognize the warning signs of the meth production and addiction, conducted research used by local treatment providers and educated school groups. Our communities are better off for the efforts of our regional taskforces.

Special thanks also goes out to all of our local law enforcement officials, they face the dangers associated with meth abuse each and every day. While March is Methamphetamine Awareness Month in Southwest Michigan, this is a problem that must be addressed each and every month of the year, until it has been conquered.

Mr. MATHESON. Mr. Chairman, when I am home in Utah, I constantly hear about the prevalence of methamphetamines and the dangers to our community posed by this highly addictive drug. This legislation has some excellent measures to help the federal government better deal with the problem and I sincerely hope that it will help ONDCP to combat meth abuse.

The Office of National Drug Control Policy (ONDCP) was created in 1988 in order to establish policies, priorities, and objectives for our Nation's drug control program. Its stated goals are to reduce illicit drug use, manufacturing, and trafficking, drug-related crime and violence, and drug-related health consequences. I support this bill and am proud to vote for strengthening the agency in charge of producing the National Drug Control Strategy.

But it would be a mistake to look at this bill without also considering the need to fully fund local law enforcement. The drug problem in our nation and in my home State of Utah is so pervasive that it absolutely requires the dedication and the cooperative efforts of local, state, and federal law enforcement. I know that Utah is not alone—I've heard many of my colleagues talk today about the scourge of methamphetamines and other drugs in thousands of communities across the nation. As a result, I am gravely concerned about the President's budget proposal for funding local law enforcement.

The federal government needs to step up to the plate and properly fund law enforcement, if we are serious about national drug control policy. That's why I strongly support funding for critical law enforcement programs, such as Byrne grants, JAG grants, and the COPS program. During my time in Congress, every single person involved with law enforcement has made it a point to share with me exactly how these grants help protect Utah citizens.

As we vote today to reauthorize ONDCP, let us also remember that our commitment to safeguarding local communities. I don't think we can say enough about the men and women who use this funding to better patrol our streets, decrease the availability of drugs in our schools, and ensure that each and every citizen is safe and protected. I know that they, and their fellow officers across this nation, are committed to protecting all of us, just as I am committed to working in support of both homeland security and domestic security.

Mr. SHAW. Mr. Chairman, I rise today in support of the Office of National Drug Control Policy Reauthorization Act of 2006 (H.R. 2829).

I am proud to have been involved in the creation of the Office of National Drug Control Policy (ONDCP) in 1988. Legislation I introduced became part of the Anti-Drug Abuse Act of 1988, which created the Office of National Drug Control Policy (ONDCP).

Along with creating the office of the White House "Drug Czar," my legislation also permitted the U.S. military to help interdict drugs, called for the seizure of aircraft involved in drug smuggling, sped up the interdiction of foreign vessels carrying drugs, required minimum sentences for crack cocaine users, and required drug testing of key transportation workers.

The ONDCP is responsible for establishing policies, priorities, and objectives for our nation's drug control program. The reauthorization of ONDCP and its programs are essential to continue the reduction of illicit drug use, manufacturing, and trafficking, drug-related crime and violence, and drug-related health consequences.

The ONDCP Reauthorization Act of 2006 improves the ONDCP and its programs in many important ways. The bill requires that the Director of ONDCP to have the same rank and status as other executive department heads. This will ensure that the "Drug Czar" will be able to interact with other executive department heads to coordinate with them on anti-drug policies and programs.

The bill also preserves and strengthens the High-Intensity Drug Trafficking Area (HIDTA) program. The HIDTA program is ONDCP's principal law enforcement program.

Two counties in my district, Broward and Palm Beach, are part of the South Florida HIDTA. The mission of the South Florida HIDTA is to measurably reduce drug trafficking, related money laundering, violent crime and drug abuse in South Florida, thereby reducing the impact of illicit drugs in other areas of the country. The extensive shoreline of the Florida peninsula and the Florida Keys, combined with 3 major seaports and a close proximity to the Caribbean basin, make South Florida a prime target for maritime smuggling operations.

The South Florida HIDTA designation makes the local law enforcement agencies in Broward and Palm Beach Counties eligible for federal grant funding in order to facilitate the attack and the dismantling of high-value drug trafficking and related money laundering and violent crime organizations working throughout South Florida.

Mr. Chairman reauthorizing the ONDCP and it's programs will help us stay ahead of the war on drugs and drug abuse. I urge my colleagues to support the bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I submit the attached exchange of letters between Chairman BUCK MCKEON of the Committee on Education and the Workforce, Chairman PETER HOEKSTRA of the Permanent Select Committee on Intelligence, Chairman JAMES SENSENBRENNER of the Committee on Judiciary, and myself for the CONGRESSIONAL RECORD.

U.S. HOUSE OF REPRESENTATIVES,
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE.
Washington, DC, March 3, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: In recognition of the importance of expediting the passage of H.R. 2829, the "Office of National Drug Control Policy Reauthorization Act of 2005," the Permanent Select Committee on Intelligence hereby waives further consideration of the bill. The Committee has jurisdictional interests in H.R. 2829, including intelligence and intelligence-related provisions contained in the bill.

The Committee takes this action only with the understanding that this procedural route should not be construed to prejudice the House Permanent Select Committee on Intelligence's jurisdictional interest over this bill or any similar bill and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future. In addition, the Permanent Select Committee on Intelligence will seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the CONGRESSIONAL RECORD during the House debate on H.R. 2829. I appreciate the constructive work between our committees on this matter and thank you for your consideration.

Sincerely,

PETER HOEKSTRA,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, March 3, 2006.

Hon. HOWARD PETER HOEKSTRA,
Permanent Select Committee on Intelligence,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Permanent Select Committee's jurisdictional interest in H.R. 2829, the *Office of National Drug Control Policy Reauthorization Act of 2005.* As you have stated, your committee has a valid jurisdiction interest in the intelligence and intelligence-related provisions contained in the bill.

Thank you for waiving further consideration of H.R. 2829. I agree that waiving further consideration of this bill does not prejudice the jurisdiction of the Permanent Select Committee nor should it be considered as precedent for matters of jurisdictional interest in the future. In addition, I will support your request for conferees from your committee should a House-Senate conference on this or similar legislation be convened.

As you have requested, I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor. Thank you for your assistance as I work towards the enactment of H.R. 2829.

Sincerely,

TOM DAVIS,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, March 3, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to consideration of H.R. 2829, the *Office of National Drug Control Policy Reauthorization Act of 2005*, which the Committee on Government Reform reported on November 18, 2005. The bill was referred to the Committee on Government Reform and in addition to the Permanent Select Committee on Intelligence and the Committees on Education and the Workforce, Energy and Commerce, and the Judiciary. In the bill as reported by the Committee on Government Reform, Title II, the *Clean Sports Act*, specifically the provisions relating to high schools and collegiate athletics (proposed sections 21 U.S.C. §§725, 729, and 730) is within the jurisdiction of the Committee on Education and the Workforce.

Given the fact that the bill as reported by the Committee on the Judiciary on March 2, 2006, which does not contain the Clean Sports Act, will be the base text considered by the House, I do not intend to ask for continued referral of H.R. 2829. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogative on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Education and the Workforce be appointed to the conference committee on these provisions.

Finally I would ask that you include a copy of our exchange of letters in the CONGRESSIONAL RECORD during the consideration of this bill. If you have questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

HOWARD P. "BUCK" MCKEON,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, March 3, 2006.

Hon. HOWARD P. "BUCK" MCKEON,
Chairman, Committee on Education and the Workforce,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Education and the Workforce Committee's jurisdictional interest in H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005. As you have stated, the provisions relating to high schools and collegiate athletics in Title II, the Clean Sports Act, as reported by my Committee are within the jurisdiction of the Committee on Education and the Workforce.

Thank you for not requesting the continued referral of H.R. 2829. It is correct that the version of H.R. 2829, as reported by the Committee on the Judiciary, that will be considered in the House does not contain the Clean Sports Act or other provisions related to collegiate and high school athletics. I agree that not considering this bill in committee does not prejudice the jurisdiction of the Committee on Education and Workforce Committee nor should it be considered as precedent for matters of jurisdictional interest in the future. In addition, I would support your request for conferees from your Committee should a House-Senate conference on these or similar provisions be convened.

As you have requested, I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor. Thank you for your assistance as I work towards the enactment of H.R. 2829.

Sincerely,

TOM DAVIS,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, March 3, 2006.

Hon. F. JAMES SENSENBRENNER,
Chairman, Committee on the Judiciary,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to consideration of H.R. 2829, the "Office of National Drug Control Policy Reauthorization Act of 2005," on the House floor. The bill was referred to the Committee on Government Reform and in addition to the Permanent Select Committee on Intelligence and the Committees on Education and the Workforce, Energy and Commerce, and the Judiciary.

Thanks to your cooperation and diligent efforts to improve H.R. 2829, the bill, as reported by the Committee on the Judiciary, represents the legislative text that will be the basis for consideration by the House. I have therefore agreed to make in order the version of the bill reported by your committee. However, I do so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Government Reform and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request your confirmation of our mutual understanding. I will include a copy of our exchange of letters in the CONGRESSIONAL RECORD during the consideration of this bill. If you have questions regarding this matter, please do not hesitate to call me.

Sincerely,

TOM DAVIS,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 7, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 2829, the "Office of National Drug Control Policy Reauthorization Act of 2005," on the floor. I agree that the version of H.R. 2829 reported by the Committee on the Judiciary represents the text that should be considered on the House floor, and it is my understanding that the Committee on Rules will make in order the version of the bill reported by the Committee on the Judiciary. I agree that this procedural route does not prejudice the jurisdictional interests of the Committee on Government Reform.

Thank you for your attention to this matter and for your Committee's diligent work on this important legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 2829, the Office of National Drug Control Policy Reauthorization. Other than the TSA making grandmothers take off their shoes and infants discard their milk bottles prior to boarding airplanes, the War on Drugs might go down in history as the most ineffective program in the history of the United States.

We spend over $40 billion per year on the drug war and at least another $30 billion to keep over one million Americans in prison on drug charges. Yet, study after study shows that drugs are as readily available as ever and drug use rates have remained unchanged for the last decade. Incarcerating one person costs at least $30,000 per year, while a comprehensive residential drug treatment program costs about $7,000. Treating drug addiction as a criminal rather than medical problem is not only scientifically unsound—it's a waste of money.

If we're going to spare no dollar in the war on drugs, then let's have quality education and after-school options for every child in America. And let's reverse the diabolical and failed policy of denying college loans to students with prior drug offenses. Americans with drug problems obviously need more—not fewer—opportunities to change their lives for the better.

I urge my colleagues to join me in opposing this senseless, wasteful Office of National Drug Control Policy. Let's redirect these dollars to programs that work rather than "tough on crime" soundbites and countless useless government reports that do nothing to reduce drug use or addiction.

Mr. SOUDER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. BASS). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2829

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Office of National Drug Control Policy Reauthorization Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Office of National Drug Control Policy Reauthorization Act of 1998.
Sec. 3. Repeal of termination provision.
Sec. 4. Amendments to definitions.
Sec. 5. Amendments relating to establishment of Office of National Drug Control Policy and designation of officers.
Sec. 6. Amendments relating to appointment and duties of Director and Deputy Director.
Sec. 7. Amendments relating to coordination with other agencies.
Sec. 8. Development, submission, implementation, and assessment of National Drug Control Strategy.
Sec. 9. High Intensity Drug Trafficking Areas Program.
Sec. 10. Funding for certain High Intensity Drug Trafficking Areas.
Sec. 11. Amendments relating to Counter-Drug Technology Assessment Center.
Sec. 12. National youth antidrug media campaign.
Sec. 13. Drug interdiction.
Sec. 14. Awards for demonstration programs by local partnerships to shut down illicit drug market hot-spots by deterring drug dealers or altering the dynamic of drug sales.
Sec. 15. Awards for demonstration programs by local partnerships to coerce abstinence in chronic hard-drug users under community supervision through the use of drug testing and sanctions.
Sec. 16. Authorization of appropriations.
Sec. 17. Technical amendments and repeal.
Sec. 18. Requirement for disclosure of Federal sponsorship of all Federal advertising or other communication materials.
Sec. 19. Policy relating to syringe exchange programs.

SEC. 2. AMENDMENT OF OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Office of National Drug Control Policy Reauthorization Act of 1998 (Public Law 105–277; 21 U.S.C. 1701 et seq.).

SEC. 3. REPEAL OF TERMINATION PROVISION.

Section 715 (21 U.S.C. 1712) is repealed, and the law shall read as if such section was never in effect.

SEC. 4. AMENDMENTS TO DEFINITIONS.

(a) AMENDMENTS TO DEFINITIONS.—Section 702 (21 U.S.C. 1701) is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting ", including the testing of employees;"; and

(C) by adding at the end the following:

"(H) interventions for drug abuse and dependence; and

"(I) international drug control coordination and cooperation with respect to activities described in this paragraph.";

(2) in paragraph (6), by adding before the period at the end: ", including any activities involving supply reduction, demand reduction, or State and local affairs";

(3) in paragraph (7)—

(A) by striking "Agency" and inserting "agency";

(B) by striking "National Foreign Intelligence Program," and inserting "National Intelligence Program,"; and

(C) by inserting a comma before "or Tactical";

(4) in paragraph (9), by striking "implicates" and inserting "indicates";

(5) in paragraph (10)—

(A) by adding "National Drug Control Program agencies and" after "among" in subparagraph (B);

(B) by striking "and" at the end of subparagraph (B);

(C) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(D) by adding at the end the following:

"(D) domestic drug law enforcement, including domestic drug interdiction and law enforcement directed at drug users; and

"(E) coordination and enhancement of Federal, State, and local law enforcement initiatives to gather, analyze, and disseminate information and intelligence relating to drug control among domestic law enforcement agencies.";

(6) in paragraph (11)—

(A) by inserting before the semicolon in subparagraph (A) the following: ", including—

"(i) law enforcement outside the United States; and

"(ii) source country programs, including economic development programs primarily intended to reduce the production or trafficking of illicit drugs";

(B) by striking subparagraph (B) and inserting the following:

"(B) facilitating and enhancing the sharing of foreign and domestic information and law enforcement intelligence relating to drug production and trafficking among National Drug Control Program agencies, and between those agencies and foreign law enforcement agencies; and";

(C) by striking "; and" at the end of subparagraph (C) and inserting a period; and

(D) by striking subparagraph (D); and

(7) by adding at the end the following:

"(12) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except where otherwise provided, the term 'appropriate congressional committees' means the Committee on the Judiciary, the Committee on Appropriations, and the Caucus on International Narcotics Control of the Senate and the Committee on Government Reform, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

"(13) LAW ENFORCEMENT.—The term 'law enforcement' or 'drug law enforcement' means all efforts by a Federal, State, or local government agency to enforce the drug laws of the United States or any State, including investigation, arrest, prosecution, and incarceration or other punishments or penalties.".

(b) CONFORMING AMENDMENTS.—Section 703(b)(3) (21 U.S.C. 1702(b)(3)) is amended—

(1) in subparagraph (A), by striking "(G)" and inserting "(I)"; and

(2) in subparagraph (C)—

(A) by striking "through (C)" and inserting "through (E)";

(B) by striking "and subparagraph (D) of section 702(11)"; and

(C) by adding before the period at the end the following: ", and sections 707 and 708 of this Act".

SEC. 5. AMENDMENTS RELATING TO ESTABLISHMENT OF OFFICE OF NATIONAL DRUG CONTROL POLICY AND DESIGNATION OF OFFICERS.

(a) RESPONSIBILITIES.—Paragraph (4) of section 703(a) (21 U.S.C. 1702(a)) is amended to read as follows:

"(4) evaluate the effectiveness of the national drug control policy and the National Drug Control Program agencies' programs, by developing and applying specific goals and performance measurements.".

(b) RANK OF DIRECTOR.—Section 703(b) (21 U.S.C. 1702(b)) is amended in paragraph (1) by adding before the period the following: ", who shall hold the same rank and status as the head of an executive department listed in section 101 of title 5, United States Code".

(c) DEPUTY DIRECTORS.—Section 703(b) (21 U.S.C. 1702(b)) is amended in paragraph (3)—

(1) by striking "Office—" and inserting "Office the following additional Deputy Directors—"; and

(2) in subparagraph (B), by striking "who shall" and inserting the following: "who shall have substantial experience and expertise in drug interdiction operations and other supply reduction activities, and who shall serve as the United States Interdiction Coordinator and".

SEC. 6. AMENDMENTS RELATING TO APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTOR.

(a) DESIGNATION OF OTHER OFFICERS.—Section 704(a)(3) (21 U.S.C. 1703(a)(3)) is amended—

(1) by striking "permanent employee" and inserting "officer or employee"; and

(2) by striking "serve as the Director" and inserting "serve as the acting Director".

(b) RESPONSIBILITIES OF DIRECTOR.—Section 704(b) (21 U.S.C. 1703(b)) is amended—

(1) in paragraph (4), by striking "Federal departments and agencies engaged in drug enforcement," and inserting "National Drug Control Program agencies,";

(2) in paragraph (7), by inserting after "President" the following: "and the appropriate congressional committees";

(3) in paragraph (13), by striking "(beginning in 1999)";

(4) in paragraph (14)—

(A) by striking "Appropriations" and all that follows through "Senate" and inserting "appropriate congressional committees"; and

(B) by striking "and" after the semicolon at the end;

(5) in paragraph (15), by striking subparagraph (C) and inserting the following:

"(C) supporting the substance abuse information clearinghouse administered by the Administrator of the Substance Abuse and Mental Health Services Administration and established in section 501(d)(16) of the Public Health Service Act by—

"(i) encouraging all National Drug Control Program agencies to provide all appropriate and relevant information; and

"(ii) supporting the dissemination of information to all interested entities;"; and

(6) by inserting at the end the following:

"(16) shall coordinate with the private sector to promote private research and development of medications to treat addiction;

"(17) shall seek the support and commitment of State and local officials in the formulation and implementation of the National Drug Control Strategy;

"(18) shall monitor and evaluate the allocation of resources among Federal law enforcement agencies in response to significant local and regional drug trafficking and production threats;

"(19) shall submit an annual report to Congress detailing how the Office of National Drug Control Policy has consulted with and assisted State and local governments with respect to the formulation and implementation of the National Drug Control Strategy and other relevant issues; and

"(20) shall, within one year after the date of the enactment of the Office of National Drug Control Policy Reauthorization Act of 2005, report to Congress on the impact of each Federal drug reduction strategy upon the availability, addiction rate, use rate, and other harms of illegal drugs.".

(c) SUBMISSION OF DRUG CONTROL BUDGET REQUESTS.—Section 704(c)(1) is amended by adding at the end the following:

"(C) CONTENT OF DRUG CONTROL BUDGET REQUESTS.—A drug control budget request submitted by a department, agency, or program under this paragraph shall include all requests for funds for any drug control activity undertaken by that department, agency, or program, including demand reduction, supply reduction, and State and local affairs, including any drug law enforcement activities. If an activity has both drug control and nondrug control purposes or applications, the department, agency, or program shall estimate by a documented calculation the total funds requested for that activity that would be used for drug control, and shall set forth in its request the basis and method for making the estimate.".

(d) NATIONAL DRUG CONTROL BUDGET PROPOSAL.—Section 704(c)(2) is amended in subparagraph (A) by inserting before the semicolon: "and to inform Congress and the public about the total amount proposed to be spent on all supply reduction, demand reduction, State and local affairs, including any drug law enforcement, and other drug control activities by the Federal Government, which shall conform to the content requirements set forth in subparagraph (C) of paragraph (1) of this subsection".

(e) REVIEW AND CERTIFICATION OF NATIONAL DRUG CONTROL PROGRAM BUDGET.—Section 704(c)(3) (21 U.S.C. 1703(c)(3)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) SPECIFIC REQUESTS.—The Director shall not confirm the adequacy of any budget request that—

"(i) requests funding for Federal law enforcement activities that do not adequately compensate for transfers of drug enforcement resources and personnel to law enforcement and investigation activities not related to drug enforcement as determined by the Director;

"(ii) requests funding for law enforcement activities on the borders of the United States that do not adequately direct resources to drug interdiction and enforcement as determined by the Director;

"(iii) requests funding for drug treatment activities that do not provide adequate result and accountability measures as determined by the Director;

"(iv) requests funding for any activities of the Safe and Drug Free Schools Program that do not include a clear antidrug message or purpose intended to reduce drug use;

"(v) requests funding to enforce section 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) with respect to convictions for drug-related offenses not occurring during a period of enrollment for which the student was receiving any Federal grant, loan, or work assistance;

"(vi) requests funding for drug treatment activities that do not adequately support and enhance Federal drug treatment programs and capacity, as determined by the Director;

"(vii) requests funding for fiscal year 2007 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) by reason of a conviction for a drug-related offense not occurring during a period of enrollment for which the individual was receiving any Federal grant, loan, or work assistance; and

"(viii) requests funding for the operations and management of the Department of Homeland Security that does not include a specific request for funds for the Office of Counternarcotics Enforcement to carry out its responsibilities under section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458).";

(3) in subparagraph (D)(iii), as so redesignated, by inserting "and the appropriate congressional committees" after "House of Representatives"; and

(4) in subparagraph (E)(ii)(II)(bb), as so redesignated, by inserting "and the appropriate congressional committees" after "House of Representatives".

(f) REPROGRAMMING AND TRANSFER REQUESTS.—Section 704(c)(4)(A) (21 U.S.C. 1703(c)(4)(A)) is amended by striking "$5,000,000" and inserting "$1,000,000".

(g) POWERS OF DIRECTOR.—Section 704(d) (21 U.S.C. 1703(d)) is amended—

(1) in paragraph (8)(D), by striking "have been authorized by Congress;" and inserting "authorized by law;";

(2) in paragraph (9)—

(A) by inserting "notwithstanding any other provision of law," after "(9)"; and

(B) by striking "Strategy; and" and inserting "Strategy and notify the appropriate congressional committees of any fund control notice issued;";

(3) in paragraph (10), by striking "(22 U.S.C. 2291j)." and inserting "(22 U.S.C. 2291j) and section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-1); and"; and

(4) by adding at the end the following new paragraph:

"(11) not later than August 1 of each year, submit to the President a report, and transmit copies of the report to the Secretary of State and the appropriate congressional committees, that—

"(A) provides the Director's assessment of which countries are major drug transit countries or major illicit drug producing countries as defined in section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e));

"(B) provides the Director's assessment of whether each country identified under subparagraph (A) has cooperated fully with the United States or has taken adequate steps on its own to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and otherwise has assisted in reducing the supply of illicit drugs to the United States; and

"(C) provides the Director's assessment of whether application of procedures set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), as provided in section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-1), is warranted with respect to countries the Director assesses have not cooperated fully.".

(g) FUND CONTROL NOTICES.—Section 704(f) (21 U.S.C. 1703(f)) is amended by adding at the end the following:

"(4) CONGRESSIONAL NOTICE.—A copy of each fund control notice shall be transmitted to the appropriate congressional committees.

"(5) RESTRICTIONS.—The Director shall not issue a fund control notice to direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated, modified, or altered in any manner contrary, in whole or in part, to a specific appropriation or statute.".

(h) TECHNICAL AMENDMENTS.—Section 704 (21 U.S.C. 1703) is amended—

(1) in subsection (g)—

(A) by striking "National Foreign Intelligence Program" and inserting "National Intelligence Program"; and

(B) by inserting a comma before "and Tactical"; and

(2) in subsection (h), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence or the Director of the Central Intelligence Agency".

(i) REQUIREMENT FOR SOUTH AMERICAN HEROIN STRATEGY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to the Congress a comprehensive strategy that addresses the increased threat from South American heroin, and in particular Colombian heroin and the emerging threat from opium poppy grown in Peru and often intended for transit to Columbia for processing into heroin.

(2) CONTENTS.—The strategy shall include—

(A) opium eradication efforts to eliminate the problem at the source to prevent heroin from entering the stream of commerce;

(B) interdiction and precursor chemical controls;

(C) demand reduction and treatment;

(D) alternative development programs, including direct assistance to regional governments to demobilize and provide alternative livelihoods to former members of insurgent or other groups engaged in heroin, coca, or other illicit drug production or trafficking;

(E) efforts to inform and involve local citizens in the programs described in subparagraphs (A) through (D), such as through leaflets advertising rewards for information;

(F) provisions that ensure the maintenance at current levels of efforts to eradicate coca in Colombia; and

(G) assessment of the specific level of funding and resources necessary to simultaneously address the threat from South American heroin and the threat from Colombian and Peruvian coca.

(3) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the strategy that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant Federal agency, would be detrimental to the law enforcement or national security activities of any Federal, foreign, or international agency, shall be presented to Congress separately from the rest of the strategy.

(j) REQUIREMENT FOR AFGHAN HEROIN STRATEGY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to the Congress a comprehensive strategy that addresses the increased threat from Afghan heroin.

(2) CONTENTS.—The strategy shall include—

(A) opium crop eradication efforts to eliminate the problem at the source to prevent heroin from entering the stream of commerce;

(B) destruction or other direct elimination of stockpiles of heroin and raw opium, and heroin production and storage facilities;

(C) interdiction and precursor chemical controls;

(D) demand reduction and treatment;

(E) alternative development programs;

(F) measures to improve cooperation and coordination between Federal Government agencies, and between such agencies, agencies of foreign governments, and international organizations with responsibility for the prevention of heroin production in, or trafficking out of, Afghanistan; and

(G) an assessment of the specific level of funding and resources necessary significantly to reduce the production and trafficking of heroin.

(3) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the strategy that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant Federal agency, would be detrimental to

the law enforcement or national security activities of any Federal, foreign, or international agency, shall be presented to Congress separately from the rest of the strategy.

(k) REQUIREMENT FOR GENERAL COUNTERDRUG INTELLIGENCE PLAN.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and not later than every two years thereafter, the Director of the Office of National Drug Control Policy, with the concurrence of the Director of National Intelligence, shall submit to the appropriate congressional committees, a general counterdrug intelligence plan to improve coordination, and eliminate unnecessary duplication, among the counterdrug intelligence centers and information sharing systems, and counterdrug activities of the Federal Government, including the centers, systems, and activities of the following departments and agencies:

(A) The Department of Defense, including the Defense Intelligence Agency, and the joint interagency task forces.

(B) The Department of the Treasury, including the Financial Crimes Enforcement Network (FinCEN).

(C) The Central Intelligence Agency.

(D) The National Security Agency.

(E) The Department of Homeland Security, including the United States Coast Guard, the bureau of Customs and Border Protection, and the bureau of Immigration and Customs Enforcement.

(F) The Department of Justice, including the National Drug Intelligence Center (NDIC); the Drug Enforcement Administration, including the El Paso Intelligence Center (EPIC); the Federal Bureau of Investigation; the Organized Crime Drug Enforcement Task Force; and the Regional Information Sharing System.

(G) The Office of National Drug Control Policy, including the High Intensity Drug Trafficking Areas Program.

(H) The Counterdrug Intelligence Executive Secretariat.

(2) PURPOSE.—The purpose of the plan under paragraph (1) is to maximize the effectiveness of the centers and activities referred to in that paragraph in achieving the objectives of the National Drug Control Strategy promulgated under 21 U.S.C. 1705. In order to maximize such effectiveness, the plan shall—

(A) articulate clear and specific mission statements (including purpose and scope of activity) for each counterdrug intelligence center, system, and activity, including the manner in which responsibility for counterdrug intelligence activities will be allocated among the counterdrug intelligence centers and systems;

(B) specify each government agency (whether Federal, State, or local) that participates in each such center, system, and activity, including a description of the extent and nature of that participation;

(C) specify the relationship between such centers, systems, and activities;

(D) specify the means by which proper oversight of such centers, systems, and activities will be assured;

(E) specify the means by which counterdrug intelligence and information will be forwarded effectively to all levels of officials responsible for United States counterdrug policy; and

(F) specify mechanisms to ensure that State and local law enforcement agencies are apprised of counterdrug intelligence and information acquired by Federal law enforcement agencies in a manner which—

(i) facilitates effective counterdrug activities by State and local law enforcement agencies; and

(ii) provides such State and local law enforcement agencies with the information relating to the safety of officials involved in their counterdrug activities.

(3) DEFINITIONS.—As used in this subsection—

(A) the term "center" refers to any center, office, task force, or other coordinating organization engaged in counterdrug intelligence or information analyzing or sharing activities;

(B) the term "system" refers to any computerized database or other electronic system used for counterdrug intelligence or information analyzing or sharing activities; and

(C) the term "appropriate congressional committees" means the following:

(i) The Committee on Appropriations, the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, the Caucus on International Narcotics Control, and the Select Committee on Intelligence of the Senate.

(ii) The Committee on Appropriations, the Committee on International Relations, the Committee on the Judiciary, the Committee on Government Reform, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives.

(4) LIMITATION.—The general counterdrug intelligence plan shall not—

(A) change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws; or

(B) include any information about specific methods of obtaining, or sources of, intelligence or information, or any information about specific individuals, cases, investigations, or operations.

(5) CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the general counterdrug intelligence plan that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director of the Office of National Drug Control Policy, the Director of National Intelligence, or the head of any Federal Government agency whose activities are described in the plan, would be detrimental to the law enforcement or national security activities of any Federal, State, or local agency, shall be presented to Congress separately from the rest of the report.

(l) REQUIREMENT FOR SOUTHWEST BORDER COUNTERNARCOTICS STRATEGY.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and every two years thereafter, the Director of National Drug Control Policy shall submit to the Congress a Southwest Border Counternarcotics Strategy.

(2) PURPOSES.—The Southwest Border Counternarcotics Strategy shall—

(A) set forth the Government's strategy for preventing the illegal trafficking of drugs across the international border between the United States and Mexico, including through ports of entry and between ports of entry on that border;

(B) state the specific roles and responsibilities of the relevant National Drug Control Program agencies (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)) for implementing that strategy; and

(C) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement that strategy.

(3) CONSULTATION WITH OTHER AGENCIES.—The Director shall issue the Southwest Border Counternarcotics Strategy in consultation with the heads of the relevant National Drug Control Program agencies.

(4) LIMITATION.—The Southwest Border Counternarcotics Strategy shall not change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws.

(5) REPORT TO CONGRESS.—The Director shall provide a copy of the Southwest Border Counternarcotics Strategy to the appropriate congressional committees (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)), and to the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

(6) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the Southwest Border Counternarcotics Strategy that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, or local agency, shall be presented to Congress separately from the rest of the strategy.

(m) REQUIREMENT FOR SCIENTIFIC STUDY OF MYCOHERBICIDE IN ILLICIT DRUG CROP ERADICATION.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to the Congress a report that includes a plan to conduct, on an expedited basis, a scientific study of the use of mycoherbicide as a means of illicit drug crop elimination by an appropriate Government scientific research entity, including a complete and thorough scientific peer review. The study shall include an evaluation of the likely human health and environmental impacts of such use. The report shall also include a plan to conduct controlled scientific testing in a major drug producing nation of mycoherbicide naturally existing in the producing nation.

SEC. 7. AMENDMENTS RELATING TO COORDINATION WITH OTHER AGENCIES.

Section 705 (21 U.S.C. 1704) is amended—

(1) in subsection (a)(1)(A), by striking "abuse";

(2) in subsection (a)(2)(A), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence";

(3) in subsection (a)(2)(B), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence and the Director of the Central Intelligence Agency";

(4) by amending paragraph (3) of subsection (a) to read as follows:

"(3) REQUIRED REPORTS.—

"(A) SECRETARIES OF THE INTERIOR AND AGRICULTURE.—The Secretaries of Agriculture and Interior shall, by July 1 of each year, jointly submit to the Director, the appropriate congressional committees, the Committee on Agriculture and the Committee on Resources of the House of Representatives, and the Committee on Agriculture and the Committee on Energy and Natural Resources of the Senate, an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on lands owned or under the jurisdiction of the Federal Government for the preceding year.

"(B) ATTORNEY GENERAL.—The Attorney General shall, by July 1 of each year, submit to the Director and the appropriate congressional committees information for the preceding year regarding the number and type of—

"(i) arrests for drug violations;

"(ii) prosecutions for drug violations by United States Attorneys; and

"(iii) seizures of drugs by each component of the Department of Justice seizing drugs, as well as statistical information on the geographic areas of such seizures.

"(C) SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall, by July 1 of each year, submit to the Director, the appropriate congressional committees, and the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the

Senate, information for the preceding year regarding—

“(i) the number and type of seizures of drugs by each component of the Department of Homeland Security seizing drugs, as well as statistical information on the geographic areas of such seizures; and

“(ii) the number of air and maritime patrol hours undertaken by each component of that Department primarily dedicated to drug supply reduction missions.

“(D) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by July 1 of each year, submit to the Director, the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate, information for the preceding year regarding the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Defense.”;

(5) in subsection (b)(2)(B), by striking “Program.” and inserting “Strategy.”; and

(6) in subsection (c), by striking “in” and inserting “on”.

SEC. 8. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

Section 706 (21 U.S.C. 1705) is amended to read as follows:

“SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

“(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

“(1) IN GENERAL.—Not later than February 1 of each year, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan for reducing illicit drug use and the consequences of illicit drug use in the United States by reducing the demand for illegal drugs, limiting the availability of illegal drugs, and conducting law enforcement activities with respect to illegal drugs.

“(2) CONTENTS.—

“(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include the following:

“(i) Comprehensive, research-based, long-range, and quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States.

“(ii) Annual quantifiable objectives for demand reduction, supply reduction, and law enforcement activities, specific targets to accomplish long-range quantifiable reduction in illicit drug use as determined by the Director, and specific measurements to evaluate progress toward the targets and strategic goals.

“(iii) A strategy to reduce the availability and purity of illegal drugs and the level of drug-related crime in the United States.

“(iv) An assessment of Federal effectiveness in achieving the National Drug Control Strategy for the previous year, including a specific evaluation of whether the objectives and targets for reducing illicit drug use for the previous year were met and reasons for the success or failure of the previous year's Strategy.

“(v) A general review of the status of, and trends in, international, State, and local drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.

“(vi) A general review of the status of, and trends in, demand reduction activities by private sector entities and community-based organizations, including faith-based organizations, to determine their effectiveness and the extent of cooperation, coordination, and mutual support between such entities and organizations and Federal, State, and local government agencies.

“(vii) An assessment of current illicit drug use (including inhalants and steroids) and availability, impact of illicit drug use, and treatment availability, which assessment shall include—

“(I) estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of nondependent and dependent illicit drug use;

“(II) illicit drug use in the workplace and the productivity lost by such use; and

“(III) illicit drug use by arrestees, probationers, and parolees.

“(viii) An assessment of the reduction of illicit drug availability, as measured by—

“(I) the quantities of cocaine, heroin, marijuana, methamphetamine, ecstasy, and other drugs available for consumption in the United States;

“(II) the amount of marijuana, cocaine, heroin, methamphetamine, ecstasy, and precursor chemicals and other drugs entering the United States;

“(III) the number of illicit drug manufacturing laboratories seized and destroyed and the number of hectares of marijuana, poppy, and coca cultivated and destroyed domestically and in other countries;

“(IV) the number of metric tons of marijuana, heroin, cocaine, and methamphetamine seized and other drugs; and

“(V) changes in the price and purity of heroin, methamphetamine, and cocaine, changes in the price of ecstasy, and changes in tetrahydrocannabinol level of marijuana and other drugs.

“(ix) An assessment of the reduction of the consequences of illicit drug use and availability, which shall include—

“(I) the burden illicit drug users place on hospital emergency departments in the United States, such as the quantity of illicit drug-related services provided;

“(II) the annual national health care cost of illicit drug use; and

“(III) the extent of illicit drug-related crime and criminal activity.

“(x) A general review of the status of, and trends in, of drug treatment in the United States, by assessing—

“(I) public and private treatment utilization; and

“(II) the number of illicit drug users the Director estimates meet diagnostic criteria for treatment.

“(xi) A review of the research agenda of the Counterdrug Technology Assessment Center to reduce the availability and abuse of drugs.

“(xii) A summary of the efforts made by Federal agencies to coordinate with private sector entities to conduct private research and development of medications to treat addiction by—

“(I) screening chemicals for potential therapeutic value;

“(II) developing promising compounds;

“(III) conducting clinical trials;

“(IV) seeking, where appropriate, Food and Drug Administration approval for drugs to treat addiction;

“(V) marketing, where appropriate, the drug for the treatment of addiction;

“(VI) urging physicians, where appropriate, to use the drug in the treatment of addiction; and

“(VII) encouraging, where appropriate, insurance companies to reimburse the cost of the drug for the treatment of addiction.

“(xiii) Such additional statistical data and information as the Director considers appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences of illicit drug use, supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy.

“(xiv) A supplement reviewing the activities of each individual National Drug Control Program agency during the previous year with respect to the National Drug Control Strategy and the Director's assessment of the progress of each National Drug Control Program agency in meeting its responsibilities under the National Drug Control Strategy.

“(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

“(C) SELECTION OF DATA AND INFORMATION.—In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

“(i) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and

“(ii) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

“(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

“(A) CONSULTATION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

“(i) shall consult with—

“(I) the heads of the National Drug Control Program agencies;

“(II) Congress;

“(III) State and local officials;

“(IV) private citizens and organizations, including community- and faith-based organizations, with experience and expertise in demand reduction;

“(V) private citizens and organizations with experience and expertise in supply reduction;

“(VI) private citizens and organizations with experience and expertise in law enforcement; and

“(VII) appropriate representatives of foreign governments;

“(ii) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy;

“(iii) with the concurrence of the Director of National Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to implement the National Drug Control Strategy; and

“(iv) may make recommendations to the Secretary of Health and Human Services on research that supports or advances the National Drug Control Strategy.

“(B) COMMITMENT TO SUPPORT STRATEGY.—In satisfying the requirements of subparagraph (A)(i), the Director shall ensure, to the maximum extent possible, that State and local officials and relevant private organizations commit to support and take steps to achieve the goals and objectives of the National Drug Control Strategy.

“(C) RECOMMENDATIONS.—Recommendations under subparagraph (A)(iv) may include recommendations of research to be performed at the National Institutes of Health, including the National Institute on Drug Abuse, or any other appropriate agency within the Department of Health and Human Services.

“(D) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection shall include a list of each entity consulted under subparagraph (A)(i).

“(4) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

“(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or

“(B) if a new President or Director takes office.

“(b) PERFORMANCE MEASUREMENT SYSTEM.—Not later than February 1 of each year, the Director shall submit to Congress, as part of the National Drug Control Strategy, a description of a national drug control performance measurement system that—

“(1) develops 2-year and 5-year performance measures and targets for each National Drug Control Strategy goal and objective established for reducing drug use, drug availability, and the consequences of drug use;

“(2) describes the sources of information and data that will be used for each performance measure incorporated into the performance measurement system;

“(3) identifies major programs and activities of the National Drug Control Program agencies that support the goals and annual objectives of the National Drug Control Strategy;

“(4) evaluates the contribution of demand reduction and supply reduction activities implemented by each National Drug Control Program agency in support of the National Drug Control Strategy;

“(5) monitors consistency of drug-related goals and objectives among the National Drug Control Program agencies and ensures that each agency's goals, objectives, and budgets support and are fully consistent with the National Drug Control Strategy; and

“(6) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including an assessment of—

“(A) the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

“(B) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the illicit drug user population, and groups that are at risk for illicit drug use; and

“(C) the adequacy of the coverage of existing national treatment outcome monitoring systems to measure the effectiveness of drug abuse treatment in reducing illicit drug use and criminal behavior during and after the completion of substance abuse treatment; and

“(7) identifies the actions the Director shall take to correct any inadequacies, deficiencies, or limitations identified in the assessment described in paragraph (6).

“(c) MODIFICATIONS.—A description of any modifications made during the preceding year to the national drug performance measurement system described in subsection (b) shall be included in each report submitted under subsection (a).”.

SEC. 9. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

Section 707 (21 U.S.C. 1706) is amended to read as follows:

“SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program (in this section referred to as the ‘Program’).

“(2) PURPOSE.—The purpose of the Program is to reduce drug trafficking and drug production in the United States by—

“(A) facilitating cooperation among Federal, State, and local law enforcement agencies to share information and implement coordinated enforcement activities;

“(B) enhancing intelligence sharing among Federal, State, and local law enforcement agencies;

“(C) providing reliable intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and

“(D) supporting coordinated law enforcement strategies which maximize use of available resources to reduce the supply of illegal drugs in designated areas and in the United States as a whole.

“(b) DESIGNATION.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, heads of the National Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area. After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

“(1) obligate such sums as are appropriated for the Program;

“(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel;

“(3) take any other action authorized under section 704 to provide increased Federal assistance to those areas; and

“(4) coordinate activities under this section (specifically administrative, recordkeeping, and funds management activities) with State and local officials.

“(c) PETITIONS FOR DESIGNATION.—The Director shall establish regulations under which a coalition of interested law enforcement agencies from an area may petition for designation as a high intensity drug trafficking area. Such regulations shall provide for a regular review by the Director of the petition, including a recommendation regarding the merit of the petition to the Director by a panel of qualified, independent experts.

“(d) FACTORS FOR CONSIDERATION.—In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

“(1) the area is a significant center of illegal drug production, manufacturing, importation, or distribution;

“(2) State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

“(3) drug-related activities in the area are having a significant harmful impact in the area, and in other areas of the country; and

“(4) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

“(e) ORGANIZATION OF HIGH INTENSITY DRUG TRAFFICKING AREAS.—

“(1) EXECUTIVE BOARD AND OFFICERS.—To be eligible for funds appropriated under this section, each high intensity drug trafficking area shall be governed by an Executive Board. The Executive Board shall designate a chairman, vice chairman, and any other officers to the Executive Board that it determines are necessary.

“(2) RESPONSIBILITIES.—The Executive Board of a high intensity drug trafficking area shall be responsible for—

“(A) providing direction and oversight in establishing and achieving the goals of the high intensity drug trafficking area;

“(B) managing the funds of the high intensity drug trafficking area;

“(C) reviewing and approving all funding proposals consistent with the overall objective of the high intensity drug trafficking area; and

“(D) reviewing and approving all reports to the Director on the activities of the high intensity drug trafficking area.

“(3) BOARD REPRESENTATION.—None of the funds appropriated under this section may be expended for any high intensity drug trafficking area, or for a partnership or region of a high intensity drug trafficking area, if that area's, region's or partnership's Executive Board does not apportion an equal number of votes between representatives of participating Federal agencies and representatives of participating State and local agencies. Where it is impractical for a equal number of representatives of Federal agencies and State and local agencies to attend a meeting of an Executive Board in person, the Executive Board may use a system of proxy votes or weighted votes to achieve the voting balance required by this paragraph.

“(4) NO AGENCY RELATIONSHIP.—The eligibility requirements of this section are intended to ensure the responsible use of Federal funds. Nothing in this section is intended to create an agency relationship between individual high intensity drug trafficking areas and the Federal Government.

“(f) USE OF FUNDS.—The Director shall ensure that no Federal funds appropriated for the Program are expended for the establishment or expansion of drug treatment programs, and shall ensure that not more than five percent of the Federal funds appropriated for the Program are expended for the establishment of drug prevention programs.

“(g) COUNTERTERRORISM ACTIVITIES.—

“(1) ASSISTANCE AUTHORIZED.—The Director may authorize use of resources available for the Program to assist Federal, State, and local law enforcement agencies in investigations and activities related to terrorism and prevention of terrorism, especially but not exclusively with respect to such investigations and activities that are also related to drug trafficking.

“(2) LIMITATION.—The Director shall ensure—

“(A) that assistance provided under paragraph (1) remains incidental to the purpose of the Program to reduce drug availability and carry out drug-related law enforcement activities; and

“(B) that significant resources of the Program are not redirected to activities exclusively related to terrorism, except on a temporary basis under extraordinary circumstances, as determined by the Director.

“(h) ROLE OF DRUG ENFORCEMENT ADMINISTRATION.—The Director, in consultation with the Attorney General, shall ensure that a representative of the Drug Enforcement Administration is included in the Intelligence Support Center for each high intensity drug trafficking area.

“(i) ANNUAL HIDTA PROGRAM BUDGET SUBMISSIONS.—As part of the documentation that supports the President's annual budget request for the Office, the Director shall submit to Congress a budget justification that includes the following:

“(1) The amount requested for each high intensity drug trafficking area with supporting narrative descriptions and rationale for each request.

“(2) A detailed justification for each funding request that explains the reasons for the requested funding level, how such funding level was determined based on a current assessment of the drug trafficking threat in each high intensity drug trafficking area, how such funding will ensure that the goals and objectives of each such area will be achieved, and how such funding supports the National Drug Control Strategy.

“(j) EMERGING THREAT RESPONSE FUND.—

“(1) IN GENERAL.—The Director may expend up to 10 percent of the amounts appropriated

under this section on a discretionary basis, to respond to any emerging drug trafficking threat in an existing high intensity drug trafficking area, or to establish a new high intensity drug trafficking area or expand an existing high intensity drug trafficking area, in accordance with the criteria established under paragraph (2).

"(2) CONSIDERATION OF IMPACT.—In allocating funds under this subsection, the Director shall consider—

"(A) the impact of activities funded on reducing overall drug traffic in the United States, or minimizing the probability that an emerging drug trafficking threat will spread to other areas of the United States; and

"(B) such other criteria as the Director considers appropriate.

"(k) EVALUATION.—

"(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this subsection, the Director shall, after consulting with the Executive Boards of each designated high intensity drug trafficking area, submit a report to Congress that describes, for each designated high intensity drug trafficking area—

"(A) the specific purposes for the high intensity drug trafficking area;

"(B) the specific long-term and short-term goals and objectives for the high intensity drug trafficking area;

"(C) the measurements that will be used to evaluate the performance of the high intensity drug trafficking area in achieving the long-term and short-term goals; and

"(D) the reporting requirements needed to evaluate the performance of the high intensity drug trafficking area in achieving the long-term and short-term goals.

"(2) EVALUATION OF HIDTA PROGRAM AS PART OF NATIONAL DRUG CONTROL STRATEGY.—For each designated high intensity drug trafficking area, the Director shall submit, as part of the annual National Drug Control Strategy report, a report that—

"(A) describes—

"(i) the specific purposes for the high intensity drug trafficking area; and

"(ii) the specific long-term and short-term goals and objectives for the high intensity drug trafficking area; and

"(B) includes an evaluation of the performance of the high intensity drug trafficking area in accomplishing the specific long-term and short-term goals and objectives identified under paragraph (1)(B).

"(l) ASSESSMENT OF DRUG ENFORCEMENT TASK FORCES IN HIGH INTENSITY DRUG TRAFFICKING AREAS.—Not later than 180 days after the date of enactment of this subsection, and as part of each subsequent annual National Drug Control Strategy report, the Director shall submit to Congress a report—

"(1) assessing the number and operation of all federally funded drug enforcement task forces within each high intensity drug trafficking area; and

"(2) describing—

"(A) each Federal, State, and local drug enforcement task force operating in the high intensity drug trafficking area;

"(B) how such task forces coordinate with each other, with any high intensity drug trafficking area task force, and with investigations receiving funds from the Organized Crime and Drug Enforcement Task Force;

"(C) what steps, if any, each such task force takes to share information regarding drug trafficking and drug production with other federally funded drug enforcement task forces in the high intensity drug trafficking area;

"(D) the role of the high intensity drug trafficking area in coordinating the sharing of such information among task forces;

"(E) the nature and extent of cooperation by each Federal, State, and local participant in ensuring that such information is shared among law enforcement agencies and with the high intensity drug trafficking area;

"(F) the nature and extent to which information sharing and enforcement activities are coordinated with joint terrorism task forces in the high intensity drug trafficking area; and

"(G) any recommendations for measures needed to ensure that task force resources are utilized efficiently and effectively to reduce the availability of illegal drugs in the high intensity drug trafficking areas.

"(m) ASSESSMENT OF INTELLIGENCE SHARING IN HIGH INTENSITY DRUG TRAFFICKING AREAS—PROGRAM.—Not later than 180 days after the date of the enactment of this subsection, and as part of each subsequent annual National Drug Control Strategy report, the Director shall submit to Congress a report—

"(1) evaluating existing and planned intelligence systems supported by each high intensity drug trafficking area, or utilized by task forces receiving any funding under the Program, including the extent to which such systems ensure access and availability of intelligence to Federal, State, and local law enforcement agencies within the high intensity drug trafficking area and outside of it;

"(2) the extent to which Federal, State, and local law enforcement agencies participating in each high intensity drug trafficking area are sharing intelligence information to assess current drug trafficking threats and design appropriate enforcement strategies; and

"(3) the measures needed to improve effective sharing of information and intelligence regarding drug trafficking and drug production among Federal, State, and local law enforcement participating in a high intensity drug trafficking area, and between such agencies and similar agencies outside the high intensity drug trafficking area.

"(n) COORDINATION OF INTELLIGENCE SHARING WITH ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE PROGRAM.—The Director, in consultation with the Attorney General, shall ensure that any drug enforcement intelligence obtained by the Intelligence Support Center for each high intensity drug trafficking area is shared, on a timely basis, with the drug intelligence fusion center operated by the Organized Crime Drug Enforcement Task Force of the Department of Justice.

"(o) USE OF FUNDS TO COMBAT METHAMPHETAMINE TRAFFICKING.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—The Director shall ensure that, of the amounts appropriated for a fiscal year for the Program, at least $15,000,000 is allocated to combat the trafficking of methamphetamine in areas designated by the Director as high intensity drug trafficking areas.

"(B) ACTIVITIES.—In meeting the requirement in subparagraph (A), the Director shall transfer funds to appropriate Federal, State, and local governmental agencies for employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug prevention specialists.

"(2) APPORTIONMENT OF FUNDS.—

"(A) FACTORS IN APPORTIONMENT.—The Director shall apportion amounts allocated under paragraph (1) among areas designated by the Director as high intensity drug trafficking areas based on the following factors:

"(i) The number of methamphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the area during the previous fiscal year.

"(ii) The number of methamphetamine prosecutions in Federal, State, or local courts in the area during the previous fiscal year.

"(iii) The number of methamphetamine arrests by Federal, State, or local law enforcement officials in the area during the previous fiscal year.

"(iv) The amounts of methamphetamine or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the area during the previous fiscal year.

"(v) Intelligence and predictive data from the Drug Enforcement Administration showing patterns and trends in abuse, trafficking, and transportation in methamphetamine and listed chemicals (as that term is so defined).

"(B) CERTIFICATION.—Before the Director apportions any funds under this paragraph to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

"(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this section—

"(1) $280,000,000 for fiscal year 2007;

"(2) $290,000,000 for each of fiscal years 2008 and 2009; and

"(3) $300,000,000 for each of fiscal years 2010 and 2011.".

SEC. 10. FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) SHORT TITLE.—This section may be cited as the "Dawson Family Community Protection Act".

(b) FINDINGS.—Congress finds the following:

(1) In the early morning hours of October 16, 2002, the home of Carnell and Angela Dawson was firebombed in apparent retaliation for Mrs. Dawson's notification of police about persistent drug distribution activity in their East Baltimore City neighborhood.

(2) The arson claimed the lives of Mr. and Mrs. Dawson and their 5 young children, aged 9 to 14.

(3) The horrific murder of the Dawson family is a stark example of domestic narco-terrorism.

(4) In all phases of counter-narcotics law enforcement—from prevention to investigation to prosecution to reentry—the voluntary cooperation of ordinary citizens is a critical component.

(5) Voluntary cooperation is difficult for law enforcement officials to obtain when citizens feel that cooperation carries the risk of violent retaliation by illegal drug trafficking organizations and their affiliates.

(6) Public confidence that law enforcement is doing all it can to make communities safe is a prerequisite for voluntary cooperation among people who may be subject to intimidation or reprisal (or both).

(7) Witness protection programs are insufficient on their own to provide security because many individuals and families who strive every day to make distressed neighborhoods livable for their children, other relatives, and neighbors will resist or refuse offers of relocation by local, State, and Federal prosecutorial agencies and because, moreover, the continued presence of strong individuals and families is critical to preserving and strengthening the social fabric in such communities.

(8) Where (as in certain sections of Baltimore City) interstate trafficking of illegal drugs has severe ancillary local consequences within areas designated as high intensity drug trafficking areas, it is important that supplementary High Intensity Drug Trafficking Areas Program funds be committed to support initiatives aimed at

making the affected communities safe for the residents of those communities and encouraging their cooperation with local, State, and Federal law enforcement efforts to combat illegal drug trafficking.

(c) Funding for Certain High Intensity Drug Trafficking Areas.—Section 707 (21 U.S.C. 1706), as amended by section 9, is further amended by adding at the end the following new subsection:

"(q) Specific Purposes.—

"(1) In general.—The Director shall ensure that, of the amounts appropriated for a fiscal year for the Program, at least $7,000,000 is used in high intensity drug trafficking areas with severe neighborhood safety and illegal drug distribution problems.

"(2) Required uses.—The funds used under paragraph (1) shall be used—

"(A) to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimidation of potential witnesses of illegal drug distribution and related activities; and

"(B) to combat illegal drug trafficking through such methods as the Director considers appropriate, such as establishing or operating (or both) a toll-free telephone hotline for use by the public to provide information about illegal drug-related activities.".

SEC. 11. AMENDMENTS RELATING TO COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

(a) Chief Scientist.—Section 708(b) (21 U.S.C. 1707(b)) is amended—

(1) in the heading by striking "Director of Technology.—" and inserting "Chief Scientist.—"; and

(2) by striking "Director of Technology." and inserting "Chief Scientist.".

(b) Additional Responsibilities of Director.—Section 708(c) (21 U.S.C. 1707(c)) is amended to read as follows:

"(c) Additional Responsibilities of the Director of National Drug Control Policy.—

"(1) In general.—The Director, acting through the Chief Scientist shall—

"(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local law enforcement agencies relating to drug enforcement, including—

"(i) advanced surveillance, tracking, and radar imaging;

"(ii) electronic support measures;

"(iii) communications;

"(iv) data fusion, advanced computer systems, and artificial intelligence; and

"(v) chemical, biological, radiological (including neutron, electron, and graviton), and other means of detection;

"(B) identify demand reduction (including drug prevention) basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

"(i) improving treatment through neuroscientific advances;

"(ii) improving the transfer of biomedical research to the clinical setting; and

"(iii) in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

"(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counterdrug Research and Development Program;

"(D) oversee and coordinate counterdrug technology initiatives with related activities of other Federal civilian and military departments;

"(E) provide support to the development and implementation of the national drug control performance measurement system established under subsection (b) of section 706;

"(F) with the advice and counsel of experts from State and local law enforcement agencies, oversee and coordinate a technology transfer program for the transfer of technology to State and local law enforcement agencies; and

"(G) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counterdrug technology research and development.

"(2) Priorities in transferring technology.—

"(A) In general.—The Chief Scientist shall give priority, in transferring technology under paragraph (1)(F), based on the following criteria:

"(i) the need of potential recipients for such technology;

"(ii) the effectiveness of the technology to enhance current counterdrug activities of potential recipients; and

"(iii) the ability and willingness of potential recipients to evaluate transferred technology.

"(B) Interdiction and border drug law enforcement technologies.—The Chief Scientist shall give priority, in transferring technologies most likely to assist in drug interdiction and border drug law enforcement, to State, local, and tribal law enforcement agencies in southwest border areas and northern border areas with significant traffic in illicit drugs.

"(3) Limitation on authority.—The authority granted to the Director under this subsection shall not extend to the direct management of individual projects or other operational activities.

"(4) Report.—On or before July 1 of each year, the Director shall submit a report to the appropriate congressional committees that addresses the following:

"(A) The number of requests received during the previous 12 months, including the identity of each requesting agency and the type of technology requested.

"(B) The number of requests fulfilled during the previous 12 months, including the identity of each recipient agency and the type of technology transferred.

"(C) A summary of the criteria used in making the determination on what requests were funded and what requests were not funded, except that such summary shall not include specific information on any individual requests.

"(D) A general assessment of the future needs of the program, based on expected changes in threats, expected technologies, and likely need from potential recipients.

"(E) An assessment of the effectiveness of the technologies transferred, based in part on the evaluations provided by the recipients, with a recommendation whether the technology should continue to be offered through the program.".

(c) Assistance From Secretary of Homeland Security.—Section 708(d) (21 U.S.C. 1707(d)) is amended by inserting ", the Secretary of Homeland Security," after "The Secretary of Defense".

SEC. 12. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

(a) In General.—Section 709 (21 U.S.C. 1708) is amended to read as follows:

"SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

"(a) In General.—The Director shall conduct a national youth anti-drug media campaign (referred to in this subtitle as the 'national media campaign') in accordance with this section for the purposes of—

"(1) preventing drug abuse among young people in the United States;

"(2) increasing awareness of adults of the impact of drug abuse on young people; and

"(3) encouraging parents and other interested adults to discuss with young people the dangers of illegal drug use.

"(b) Use of Funds.—

"(1) In general.—Amounts made available to carry out this section for the national media campaign may only be used for the following:

"(A) The purchase of media time and space, including the strategic planning for, and accounting of, such purchases.

"(B) Creative and talent costs, consistent with paragraph (2)(A).

"(C) Advertising production costs.

"(D) Testing and evaluation of advertising.

"(E) Evaluation of the effectiveness of the national media campaign.

"(F) The negotiated fees for the winning bidder on requests for proposals issued either by the Office or its designee to enter into contracts to carry out activities authorized by this section.

"(G) Partnerships with professional and civic groups, community-based organizations, including faith-based organizations, and government organizations related to the national media campaign.

"(H) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

"(I) Operational and management expenses.

"(2) Specific requirements.—

"(A) Creative services.—

"(i) In using amounts for creative and talent costs under paragraph (1)(B), the Director shall use creative services donated at no cost to the Government (including creative services provided by the Partnership for a Drug-Free America) wherever feasible and may only procure creative services for advertising—

"(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

"(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost; or

"(III) the Director determines that the Partnership for a Drug-Free America is unable to provide, pursuant to subsection (d)(2)(B).

"(ii) No more than $1,500,000 may be expended under this section each fiscal year on creative services, except that the Director may expend up to $2,000,000 in a fiscal year on creative services to meet urgent needs of the national media campaign with advance approval from the Committee on Appropriations of the House of Representatives and of the Senate upon a showing of the circumstances causing such urgent needs of the national media campaign.

"(B) Testing and evaluation of advertising.—In using amounts for testing and evaluation of advertising under paragraph (1)(D), the Director shall test all advertisements prior to use in the national media campaign to ensure that the advertisements are effective and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this section in a fiscal year and no more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the national media campaign.

"(C) Evaluation of effectiveness of media campaign.—In using amounts for the evaluation of the effectiveness of the national media campaign under paragraph (1)(E), the Director shall—

"(i) designate an independent entity to evaluate annually the effectiveness of the national media campaign based on data from—

"(I) the Monitoring the Future Study published by the Department of Health and Human Services;

"(II) the Attitude Tracking Study published by the Partnership for a Drug Free America;

"(III) the National Household Survey on Drug Abuse; and

"(IV) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

"(ii) ensure that the effectiveness of the national media campaign is evaluated in a manner that enables consideration of whether the national media campaign has contributed to reduction of illicit drug use among youth and such other measures of evaluation as the Director determines are appropriate.

"(3) Purchase of Advertising Time and Space.—For each fiscal year, not less than 77 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the national media campaign, subject to the following exceptions:

"(A) In any fiscal year for which less than $125,000,000 is appropriated for the national media campaign, not less than 82 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the national media campaign.

"(B) In any fiscal year for which more than $195,000,000 is appropriated under this section, not less than 72 percent shall be used for advertising production costs and the purchase of advertising time and space for the national media campaign.

"(c) Advertising.—In carrying out this section, the Director shall ensure that sufficient funds are allocated to meet the stated goals of the national media campaign.

"(d) Division of Responsibilities and Functions Under the Program.—

"(1) In General.—The Director, in consultation with the Partnership for a Drug-Free America, shall determine the overall purposes and strategy of the national media campaign.

"(2) Responsibilities.—

"(A) Director.—The Director shall be responsible for implementing a focused national media campaign to meet the purposes set forth in subsection (a), and shall approve—

"(i) the strategy of the national media campaign;

"(ii) all advertising and promotional material used in the national media campaign; and

"(iii) the plan for the purchase of advertising time and space for the national media campaign.

"(B) The Partnership for a Drug-Free America.—The Director shall request that the Partnership for a Drug-Free America—

"(i) develop and recommend strategies to achieve the goals of the national media campaign, including addressing national and local drug threats in specific regions or States, such as methamphetamine and ecstasy;

"(ii) create all advertising to be used in the national media campaign, except advertisements that are—

"(I) provided by other nonprofit entities pursuant to subsection (f);

"(II) intended to respond to high-priority or emergent campaign needs that cannot timely be obtained at no cost (not including production costs and talent reuse payments), provided that any such advertising material is reviewed by the Partnership for a Drug-Free America;

"(III) intended to reach a minority, ethnic, or other special audience that cannot be obtained at no cost (not including production costs and talent reuse payments), provided that any such advertising material is reviewed by the Partnership for a Drug-Free America; or

"(IV) any other advertisements that the Director determines that the Partnership for a Drug-Free America is unable to provide.

"(C) Media Buying Contractor.—The Director shall enter into a contract with a media buying contractor to plan and purchase advertising time and space for the national media campaign. The media buying contractor shall not provide any other service or material, or conduct any other function or activity which the Director determines should be provided by the Partnership for a Drug-Free America.

"(e) Prohibitions.—None of the amounts made available under subsection (b) may be obligated or expended for any of the following:

"(1) To supplant current antidrug community-based coalitions.

"(2) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

"(3) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

"(4) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.

"(5) To fund advertising that does not contain a primary message intended to reduce or prevent illicit drug use.

"(6) To fund advertising containing a primary message intended to promote support for the media campaign or private sector contributions to the media campaign.

"(f) Matching Requirement.—

"(1) In General.—Amounts made available under subsection (b) for media time and space shall be matched by an equal amount of non-Federal funds for the national media campaign, or be matched with in-kind contributions of the same value.

"(2) No-Cost Match Advertising Direct Relationship Requirement.—The Director shall ensure that at least 70 percent of no-cost match advertising provided directly relates to substance abuse prevention consistent with the specific purposes of the national media campaign, except that in any fiscal year in which less than $125,000,000 is appropriated to the national media campaign, the Director shall ensure that at least 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the national media campaign.

"(3) No-Cost Match Advertising Not Directly Related.—The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention consistent with the purposes of the national media campaign includes a clear antidrug message. Such message is not required to be the primary message of the match advertising.

"(g) Financial and Performance Accountability.—The Director shall cause to be performed—

"(1) audits and reviews of costs of the national media campaign pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

"(2) an audit to determine whether the costs of the national media campaign are allowable under section 306 of such Act (41 U.S.C. 256).

"(h) Report to Congress.—The Director shall submit on an annual basis a report to Congress that describes—

"(1) the strategy of the national media campaign and whether specific objectives of the media campaign were accomplished;

"(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national media campaign;

"(3) plans to purchase advertising time and space;

"(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

"(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

"(i) Local Target Requirement.—The Director shall, to the maximum extent feasible, use amounts made available under this section for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

"(j) Prevention of Marijuana Use.—

"(1) Findings.—The Congress finds the following:

"(A) 60 percent of adolescent admissions for drug treatment are based on marijuana use.

"(B) Potency levels of contemporary marijuana, particularly hydroponically grown marijuana, are significantly higher than in the past, rising from under 1 percent of THC in the mid-1970s to as high as 30 percent today.

"(C) Contemporary research has demonstrated that youths smoking marijuana early in life may be up to five times more likely to use hard drugs.

"(D) Contemporary research has demonstrated clear detrimental effects in adolescent educational achievement resulting from marijuana use.

"(E) Contemporary research has demonstrated clear detrimental effects in adolescent brain development resulting from marijuana use.

"(F) An estimated 9,000,000 Americans a year drive while under the influence of illegal drugs, including marijuana.

"(G) Marijuana smoke contains 50 to 70 percent more of certain cancer causing chemicals than tobacco smoke.

"(H) Teens who use marijuana are up to four times more likely to have a teen pregnancy than teens who have not.

"(I) Federal law enforcement agencies have identified clear links suggesting that trade in hydroponic marijuana facilitates trade by criminal organizations in hard drugs, including heroin.

"(J) Federal law enforcement agencies have identified possible links between trade in cannabis products and financing for terrorist organizations.

"(2) Emphasis on Prevention of Youth Marijuana Use.—In conducting advertising and activities otherwise authorized under this section, the Director may emphasize prevention of youth marijuana use.

"(k) Authorization of Appropriations.—There is authorized to be appropriated to the Office to carry out this section, $195,000,000 for each of fiscal years 2007 and 2008 and $210,000,000 for each of fiscal years 2009 through 2011.".

(b) Repeal of Superseded Provisions.—The Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801 et seq.) is repealed.

SEC. 13. DRUG INTERDICTION.

(a) In General.—Subsections (a) and (b) of section 711 (21 U.S.C. 1710) are amended to read as follows:

"(a) United States Interdiction Coordinator.—

"(1) In General.—The Deputy Director for Supply Reduction in the Office shall serve as the United States Interdiction Coordinator, and shall perform the duties of that position described in paragraph (2) and such other duties as may be determined by the Director with respect to coordination of efforts to interdict illicit drugs from entering the United States.

"(2) Responsibilities.—The United States Interdiction Coordinator shall be responsible to the Director for—

"(A) coordinating the interdiction activities of the National Drug Control Program agencies to ensure consistency with the National Drug Control Strategy;

"(B) on behalf of the Director, developing and issuing, on or before March 1 of each year and in accordance with paragraph (3), a National Interdiction Command and Control Plan to ensure the coordination and consistency described in subparagraph (A);

"(C) assessing the sufficiency of assets committed to illicit drug interdiction by the relevant National Drug Control Program agencies; and

"(D) advising the Director on the efforts of each National Drug Control Program agency to implement the National Interdiction Command and Control Plan.

"(3) STAFF.—The Director shall assign such permanent staff of the Office as he considers appropriate to assist the United States Interdiction Coordinator to carry out the responsibilities described in paragraph (2), and may also, at his discretion, request that appropriate National Drug Control Program agencies detail or assign staff to the Office of Supply Reduction for that purpose.

"(4) NATIONAL INTERDICTION COMMAND AND CONTROL PLAN.—

"(A) PURPOSES.—The National Interdiction Command and Control Plan shall—

"(i) set forth the Government's strategy for drug interdiction;

"(ii) state the specific roles and responsibilities of the relevant National Drug Control Program agencies for implementing that strategy; and

"(iii) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement that strategy.

"(B) CONSULTATION WITH OTHER AGENCIES.—The United States Interdiction Coordinator shall issue the National Interdiction Command and Control Plan in consultation with the other members of the Interdiction Committee described in subsection (b).

"(C) LIMITATION.—The National Interdiction Command and Control Plan shall not change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws.

"(D) REPORT TO CONGRESS.—On or before March 1 of each year, the United States Interdiction Coordinator shall provide a report on behalf of the Director to the appropriate congressional committees, to the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives, and to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate, which shall include—

"(i) a copy of that year's National Interdiction Command and Control Plan;

"(ii) information for the previous 10 years regarding the number and type of seizures of drugs by each National Drug Control Program agency conducting drug interdiction activities, as well as statistical information on the geographic areas of such seizures; and

"(iii) information for the previous 10 years regarding the number of air and maritime patrol hours undertaken by each National Drug Control Program agency conducting drug interdiction activities, as well as statistical information on the geographic areas in which such patrol hours took place.

"(E) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the report described in subparagraph (D) that involves information classified under criteria established by an Executive order, or the public disclosure of which, as determined by the United States Interdiction Coordinator or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, or local agency, shall be presented to Congress separately from the rest of the plan.

"(b) INTERDICTION COMMITTEE.—

"(1) IN GENERAL.—The Interdiction Committee shall meet to—

"(A) discuss and resolve issues related to the coordination, oversight and integration of international, border, and domestic drug interdiction efforts in support of the National Drug Control Strategy;

"(B) review the annual National Interdiction Command and Control Plan, and provide advice to the Director and the United States Interdiction Coordinator concerning that plan; and

"(C) provide such other advice to the Director concerning drug interdiction strategy and policies as the committee determines is appropriate.

"(2) MEMBERSHIP.—The membership of the Interdiction Committee shall consist of—

"(A) the Commissioner of the bureau of Customs and Border Protection at the Department of Homeland Security;

"(B) the Assistant Secretary of the bureau of Immigration and Customs Enforcement at the Department of Homeland Security;

"(C) the Commandant of the United States Coast Guard;

"(D) the Director of the Office of Counternarcotics Enforcement at the Department of Homeland Security;

"(E) the Administrator of the Drug Enforcement Administration;

"(F) the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs;

"(G) the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict;

"(H) the Deputy Director for Supply Reduction of the Office of National Drug Control Policy, acting in his role as the United States Interdiction Coordinator;

"(I) the director of the Crime and Narcotics Center of the Central Intelligence Agency;

"(J) the Deputy Director for State and Local Affairs of the Office of National Drug Control Policy;

"(K) the Chief of the National Guard Bureau's Counterdrug Program; and

"(L) such additional persons as may be determined by the Director.

"(3) CHAIRMAN.—The Director shall designate one of the members of the Interdiction Committee to serve as chairman.

"(4) MEETINGS.—The members of the Interdiction Committee shall meet, in person and not through any delegate or representative, at least once per calendar year, prior to March 1. At the call of either the Director or the current chairman, the Interdiction Committee may hold additional meetings, which shall be attended by the members either in person, or through such delegates or representatives as they may choose.

"(5) REPORT.—Not later than September 30 of each year, the chairman of the Interdiction Committee shall submit a report to the Director and to the appropriate congressional committees describing the results of the meetings and any significant findings of the Committee during the previous 12 months. Any content of such a report that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director, the chairman, or any member, would be detrimental to the law enforcement or national security activities of any Federal, State, or local agency, shall be presented to Congress separately from the rest of the report.".

(b) CONFORMING AMENDMENT TO HOMELAND SECURITY ACT OF 2002.—Section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458) is amended—

(1) in subsection (c), by striking "Except as provided in subsection (d), the" and inserting "The"; and

(2) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 14. AWARDS FOR DEMONSTRATION PROGRAMS BY LOCAL PARTNERSHIPS TO SHUT DOWN ILLICIT DRUG MARKET HOT-SPOTS BY DETERRING DRUG DEALERS OR ALTERING THE DYNAMIC OF DRUG SALES.

Sections 713 and 714 (21 U.S.C. 1711) are redesignated as sections 715 and 716, respectively, and after section 712 (21 U.S.C. 1710) insert the following new section:

"SEC. 713 AWARDS FOR DEMONSTRATION PROGRAMS BY LOCAL PARTNERSHIPS TO SHUT DOWN ILLICIT DRUG MARKET HOT-SPOTS BY DETERRING DRUG DEALERS OR ALTERING THE DYNAMIC OF DRUG SALES.

"(a) AWARDS REQUIRED.—The Director shall make competitive awards for demonstration programs by eligible partnerships for the purpose of shutting down local illicit drug market hot-spots and reducing drug-related crime through evidence-based, strategic problem-solving interventions that deter drug dealers or alter the dynamic of drug sales.

"(b) USE OF AWARD AMOUNTS.—Award amounts received under this section shall be used—

"(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership;

"(2) to develop and field a directed and credible deterrent threat; and

"(3) to strengthen rehabilitation efforts through such means as job training, drug treatment, or other services.

"(c) ELIGIBLE PARTNERSHIP DEFINED.—In this section, the term 'eligible partnership' means a working group whose application to the Director—

"(1) identifies the roles played, and certifies the involvement of, three or more agencies or organizations, which may include—

"(A) State or local agencies (such as those carrying out police, probation, prosecution, courts, corrections, parole, or treatment functions);

"(B) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and United States Attorney offices); and

"(C) community-based organizations;

"(2) includes a qualified researcher;

"(3) includes a plan for identifying the impact players in, and assessing the nature and dynamic of, the local drug market and its related crime through information gathering and analysis;

"(4) includes a plan for developing an evidence-based strategic intervention aimed at quickly and sustainably eradicating the local drug market by deterring drug dealers or altering the dynamic of drug sales; and

"(5) includes a plan that describes the methodology and outcome measures proposed for evaluating the impact of that strategic intervention on drug sales, neighborhood disorder, and crime.

"(d) REPORTS TO CONGRESS.—

"(1) INTERIM REPORT.—Not later than June 1, 2009, the Director shall submit to Congress a report that identifies the best practices in drug market eradication, including the best practices identified through the activities funded under this section.

"(2) FINAL REPORT.—Not later than June 1, 2010, the Director shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2007 through 2009.".

SEC. 15. AWARDS FOR DEMONSTRATION PROGRAMS BY LOCAL PARTNERSHIPS TO COERCE ABSTINENCE IN CHRONIC HARD-DRUG USERS UNDER COMMUNITY SUPERVISION THROUGH THE USE OF DRUG TESTING AND SANCTIONS.

After section 713, as inserted by section 14 of this Act, insert the following new section:

"SEC. 714. AWARDS FOR DEMONSTRATION PROGRAMS BY LOCAL PARTNERSHIPS TO COERCE ABSTINENCE IN CHRONIC HARD-DRUG USERS UNDER COMMUNITY SUPERVISION THROUGH THE USE OF DRUG TESTING AND SANCTIONS.

"(a) AWARDS REQUIRED.—The Director shall make competitive awards to fund demonstration programs by eligible partnerships for the purpose of reducing the use of illicit drugs by chronic hard-drug users living in the community while under the supervision of the criminal justice system.

"(b) USE OF AWARD AMOUNTS.—Award amounts received under this section shall be used—

"(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership;

"(2) to develop and field a drug testing and graduated sanctions program for chronic hard-drug users living in the community under criminal justice supervision; and

"(3) to assist individuals described in subsection (a) by strengthening rehabilitation efforts through such means as job training, drug treatment, or other services.

"(c) ELIGIBLE PARTNERSHIP DEFINED.—In this section, the term 'eligible partnership' means a working group whose application to the Director—

"(1) identifies the roles played, and certifies the involvement of, two or more agencies or organizations, which may include—

"(A) State or local agencies (such as those carrying out police, probation, prosecution, courts, corrections, parole, or treatment functions);

"(B) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and United States Attorney offices); and

"(C) community-based organizations;

"(2) includes a qualified researcher;

"(3) includes a plan for using judicial or other criminal justice authority to administer drug tests to individuals described in subsection (a) at least twice a week, and to swiftly and certainly impose a known set of graduated sanctions for non-compliance with community-release provisions relating to drug abstinence (whether imposed as a pre-trial, probation, or parole condition or otherwise);

"(4) includes a strategy for responding to a range of substance use and abuse problems and a range of criminal histories;

"(5) includes a plan for integrating data infrastructure among the agencies and organizations included in the eligible partnership to enable seamless, real-time tracking of individuals described in subsection (a);

"(6) includes a plan to monitor and measure the progress toward reducing the percentage of the population of individuals described in subsection (a) who, upon being summoned for a drug test, either fail to show up or who test positive for drugs.

"(d) REPORTS TO CONGRESS.—

"(1) INTERIM REPORT.—Not later than June 1, 2009, the Director shall submit to Congress a report that identifies the best practices in reducing the use of illicit drugs by chronic hard-drug users, including the best practices identified through the activities funded under this section.

"(2) FINAL REPORT.—Not later than June 1, 2010, the Director shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2007 through 2009.".

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

Section 716 (21 U.S.C. 1711), as redesignated by section 14 of this Act, is amended—

(1) by striking "title," and inserting "title, except activities for which amounts are otherwise specifically authorized by this title,"; and

(2) by striking "1999 through 2003" and inserting "2007 through 2011".

SEC. 17. TECHNICAL AMENDMENTS AND REPEAL.

(a) AMENDMENT TO PUBLIC HEALTH SERVICE ACT TO REPLACE OBSOLETE REFERENCES.—Section 464P(c) of the Public Health Service Act (42 U.S.C. 285o–4(c)) is amended—

(1) in paragraph (1), by striking "under section 1002 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1501)" and inserting "under section 703 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1702)"; and

(2) in paragraph (2), by striking "under section 1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504)" and inserting "under section 706 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705)".

(b) REPEAL OF SPECIAL FORFEITURE FUND.—Section 6073 of the Asset Forfeiture Amendments Act of 1988 (21 U.S.C. 1509) is repealed.

SEC. 18. REQUIREMENT FOR DISCLOSURE OF FEDERAL SPONSORSHIP OF ALL FEDERAL ADVERTISING OR OTHER COMMUNICATION MATERIALS.

Section 712 is amended to read as follows:

"SEC. 712. REQUIREMENT FOR DISCLOSURE OF FEDERAL SPONSORSHIP OF ALL FEDERAL ADVERTISING OR OTHER COMMUNICATION MATERIALS.

"(a) REQUIREMENT.—Each advertisement or other communication paid for by the Office, either directly or through a contract awarded by the Office, shall include a prominent notice informing the target audience that the advertisement or other communication is paid for by the Office.

"(b) ADVERTISEMENT OR OTHER COMMUNICATION.—In this section, the term 'advertisement or other communication' includes—

"(1) an advertisement disseminated in any form, including print or by any electronic means; and

"(2) a communication by an individual in any form, including speech, print, or by any electronic means.".

SEC. 19. POLICY RELATING TO SYRINGE EXCHANGE PROGRAMS.

Section 703(a) (21 U.S.C. 1702(a)) is amended by adding at the end the following:

"When developing the national drug control policy, any policy of the Director relating to syringe exchange programs for intravenous drug users shall be based on the best available medical and scientific evidence regarding their effectiveness in promoting individual health and preventing the spread of infectious disease, and their impact on drug addiction and use. In making any policy relating to syringe exchange programs, the Director shall consult with the National Institutes of Health and the National Academy of Sciences.".

The Acting CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 109–387. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–387 offered by Mr. SOUDER:

Page 145, strike lines 3 through 9.

Page 145, line 10, strike "(vi)" and insert "(v)".

Page 145, line 15, strike "(vii)" and insert "(vi)".

Page 146, line 5, strike "(viii)" and insert "(vii)".

Page 148, line 19, strike "(g)" and insert "(h)".

Page 149, line 7, strike "(h)" and insert "(i)".

Page 149, strike lines 9 through 18 and insert the following:

(1) by amending subsection (g) to read as follows:

"(g) INAPPLICABILITY TO CERTAIN PROGRAMS.—The provisions of this section shall not apply to the National Intelligence Program, the Joint Military Intelligence Program, and Tactical and Related Activities unless such program or an element of such program is designated as a National Drug Control Program—

"(1) by the President; or

"(2) jointly by—

"(A) in the case of the National Intelligence Program, the Director and the Director of National Intelligence; or

"(B) in the case of the Joint Military Intelligence Program and Tactical and Related Activities, the Director, the Director of National Intelligence, and the Secretary of Defense. "; and

(2) by amending subsection (h) to read as follows:

"(h) CONSTRUCTION.—Nothing in this Act shall be construed as derogating the authorities and responsibilities of the Director of National Intelligence or the Director of the Central Intelligence Agency contained in the National Security Act of 1947 (50 U.S.C. 401 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or any other law.".

Page 149, line 19, strike "(i)" and insert "(j)".

Page 151, line 14, strike "(j)" and insert "(k)".

Page 153, line 3, strike "(k)" and insert "(l)".

Page 158, line 7, strike "(l)" and insert "(m)".

Page 160, line 14, strike "(m)" and insert "(n)".

Page 183, line 18, strike "The" and insert the following: "Subject to the availability of appropriations, the".

Page 187, line 22, insert after "Director" the following: ", in consultation with the Director of National Intelligence,".

Page 202, line 12, strike "No" and insert the following: "Subject to the availability of appropriations, no".

Page 204, line 21, strike "For" and insert the following: "Subject to the availability of appropriations, for".

Page 217, strike lines 14 through 19, and insert the following:

Director, the Director of National Intelligence, or the head of any Federal Government agency the activities of which are described in the plan, would be detrimental to the law enforcement or national security activities of any Federal, State, or local agency, shall be presented to Congress separately from the rest of the report.

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the manager's amendment makes technical and conforming changes to account for changes in the law within the jurisdiction of those committees that waived formal business meetings on H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005.

On page 145, the manager's amendment strikes the mandatory restrictions on certification of budgets related to enforcement in certain contexts of section 484(r)(1) of the Higher Education Act, more popularly known as the Drug-Free Student Loan provision.

The provision made students convicted of drug offenses temporarily not eligible to receive student loans. However, a significant problem had arisen in the Department of Education, beginning during the Clinton administration and continuing during the current administration, because they have misinterpreted the clear language of that statute to improperly deny loans to students whose drug convictions predated their enrollment in school.

□ 1230

Section 8021 of the Deficit Reduction Act, Public Law 109–171, signed into law on February 8, 2006, contained language that altered the interpretation of a provision included in the Higher Education Act, and therefore obviated the need to address this matter in H.R. 2829.

The manager's amendment changes made on pages 149, 187, and 217 and the related conforming amendments are based on technical recommendations made by the Office of the Director of National Intelligence through the House Permanent Select Committee on Intelligence. The technical amendments were thought desirable to make the ONDCP authorization reflect changes made by the Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108–458, and related authorizations.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Is the gentleman from Maryland opposed to the amendment?

Mr. CUMMINGS. No. As as matter of fact, I support the amendment, Mr. Chairman.

The Acting CHAIRMAN. Without objection, the gentleman from Maryland may control 5 minutes.

There was no objection.

Mr. CUMMINGS. Mr. Chairman, I support the amendment. I think it is a step in the right direction. There are so many young people who find themselves getting into difficulty with drugs. The fact is when it predated their getting Federal funding for schooling, that is one thing; it is another thing when it happens during the time that they are getting the Federal funding. I would like to see it all eliminated, but the fact still remains that I think this is a good amendment. It is a step in the right direction. It is one that I have heard a lot of concern. Every time I do a town hall meeting on scholarships, this issue comes up. I support the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to point out again the effect of taking that language out means the bill is now silent on the drug loan provision. The other changes had to do with the Intelligence Committee and other committees that waived jurisdiction.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SOUDER

The Acting CHAIRMAN. Does any Member rise to offer amendment number 2, designated to be offered by the gentleman from Washington or a designee?

Mr. SOUDER. I will introduce the Baird amendment. I am a cosponsor of the Baird amendment.

The Acting CHAIRMAN. Is the gentleman the designee of the gentleman from Washington?

Mr. SOUDER. Yes, I am acting as his designee.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–387 offered by Mr. SOUDER:

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 20. INTERNATIONAL SUMMIT ON METHAMPHETAMINE THREAT.

(a) SUMMIT REQUIREMENT.—The Director of the Office of National Drug Control Policy in the Executive Office of the President shall, in consultation with the Secretary of State, the Attorney General, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the United States Trade Representative, seek to convene an international summit on the threat of methamphetamine and synthetic drug precursor chemicals.

(b) PARTICIPATION OF OTHER COUNTRIES.—The Director shall seek to convene the summit with the participation and involvement of government leaders at the highest level from all countries that are direct sources of precursor chemicals and from all countries that are affected by methamphetamine production, trafficking, and use, to intensify and coordinate an effective international response in order to prevent methamphetamine production and precursor diversion.

(c) INTERNATIONAL AGREEMENTS.—The Director shall encourage the negotiation, drafting, and ratification of multilateral or bilateral agreements that may contain information-sharing treaties concerning provisions for precursor importation and exportation and additional provisions for annual assessments of medical and scientific needs of each signatory country.

(d) MATTERS ADDRESSED BY THE SUMMIT.—The summit may address the following:

(1) The greater involvement of international policing and customs organizations, such as Interpol, the United Nations Office on Drugs and Crime, and the World Customs Organization.

(2) Expanding resources and hired persons to track international shipments of ephedrine, pseudoephedrine, and other precursor substances as controlled by the International Narcotics Control Board.

(3) Working with the private sector and Federal agencies, as well as the World Health Organization, to support the research and development of substances that can effectively replace primary precursors used in the manufacture of synthetic drugs.

(e) DEADLINE.—The Director shall seek to convene the summit not later than 12 months after the date of the enactment of this Act and follow-up summits in subsequent years as the Director finds necessary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director $1,000,000 to carry out this section.

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to give my time to the gentleman from Washington (Mr. BAIRD).

The Acting CHAIRMAN. Without objection, the gentleman from Washington will control the time in support of the amendment.

There was no objection.

The Acting CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. BAIRD. Mr. Chairman, I yield myself such time as I may consume.

I thank my friend and colleague, the gentleman from Indiana (Mr. SOUDER). I appreciate the courtesy and I appreciate very much his leadership on this legislation and on the broad issue of methamphetamine in general.

Our Nation is truly safer for the efforts of Mr. SOUDER, and it has been a pleasure to work with him on the amendment we offer today. I also want to compliment my good friend and colleague, Mr. CARDOZA of California, and Ms. HOOLEY from Oregon.

Recent articles, a series in the Oregonian and also a Frontline special, have articulated the challenges that we face in fighting methamphetamine due to international supply of the methamphetamine precursor, pseudoephedrine and ephedrine.

We have done good work just recently with the passage of the Combat Meth Act to curtail the supply coming directly into the United States, but transshipment of pseudoephedrine, ephedrine, and other precursors is a terrific problem that is really leading to the supply increases that we are seeing on our streets.

The good news on the meth front is that we are seeing a reduction of the local clandestine labs. The bad news is that the international trafficking has increased. Indeed, recent DEA reports show that the purity of methamphetamine on the streets has reached the 70 percent level. Now, we know from clinical and historical data that what happens in that case is an increase in the number of addictions, an increase in the number of drug-related crimes, of hospital admissions, et cetera.

For that reason, we are offering today's amendment, and what it does is quite simple. It asks the administration to conduct an international summit to work with the other methamphetamine precursor producing countries to try to reach international accords that would curtail the production and shipment of pseudoephedrine and ephedrine and other precursors that would ultimately be manufactured into methamphetamine. It is a commonsense amendment. I think this is a drug that we can actually defeat if we can choke off the air supply of the precursors.

PARLIAMENTARY INQUIRY

Mr. SOUDER. Mr. Chairman, parliamentary inquiry. Has anyone claimed the time in opposition?

The Acting CHAIRMAN. No.

Mr. SOUDER. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I do not oppose the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not oppose this amendment and we are willing to accept this amendment. This amendment seeks to strengthen the bill by highlighting the problem of methamphetamine. I think it is very important that this House continue to go on record every day possible, every amendment possible.

Again, the gentleman from Washington has been the founder of the Meth Caucus and Congressman LARSEN, Congressman CANNON, and Congressman CALVERT in the Meth Caucus have been active in doing this. I think it is important to look at an international summit.

Clearly, as we dealt with the major methamphetamine bill that is part of the antiterrorism bill, we realize that as we get control of pseudoephedrine behind the counter, this becomes much more of an international problem. In Oklahoma, which was the first State, really, to enact tough legislation, they have seen crystal meth come in behind and become a scourge on their State. We see it in Oregon and Washington, other States around the country. As you crack down on the so-called "mom and pop labs" and the "Nazi labs" you move to crystal meth. That is better for local law enforcement but bad for the individuals because it is even more potent.

Crystal meth is coming from an international market. It started over in Asia. There are nine basic facilities in the world, the Czech Republic has closed theirs, but Germany as well as China and India. Much of it comes across our border from Mexico, and without cooperation on an international basis, without working with the U.N. antinarcotics efforts, we cannot tackle this in the United States.

We have attempted to put up walls in the Combat Meth Act. We had things for the spot market. We had new measuring things and so on, but ultimately that is just trying to put up a wall around the United States. We have to figure out how we are going to cooperatively work with India, China, and Mexico and other countries.

Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. CUMMINGS).

The Acting CHAIRMAN. The gentleman from Maryland (Mr. CUMMINGS) is recognized for 2½ minutes.

Mr. CUMMINGS. Mr. Chairman, I want to thank the gentleman for yielding. First of all, I want to compliment Mr. BAIRD and the other cosponsors of this amendment. There is no doubt about it, Mr. SOUDER and I, over and over again we see, as the ranking members of our subcommittee, so many of our members coming to us and telling us about the problems with methamphetamines in their districts. We have traveled across the country and listened to the testimony of various members and police and law enforcement folks and people who are trying to address this problem. And it is, in fact, a growing problem.

While we have seen a lot of emphasis put on it, I think that this amendment goes very far to try to shine even more light on this tragic problem. And one of the things that we found so interesting about the whole methamphetamine situation, it is a little different than other drugs in that you have to have a clean-up. We spent a lot of money for clean-up. And we find many instances where children are tremendously affected because they have to be placed in foster care programs, because they have to be literally taken out of the house, the house usually has all kinds of problems, and they end up basically with no parents that are available to take care of them.

So it has been a tremendous strain on our law enforcement agencies, our foster care agencies. I see this as a step in the right direction, and I would trust that we would support this amendment. I want to thank Mr. SOUDER for yielding.

Mr. BAIRD. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Oregon (Ms. HOOLEY) who has been a champion of the meth issue and has been a leader in passing legislation that would help combat this drug.

Ms. HOOLEY. I thank my colleague for yielding me time and for all the hard work that has gone on with methamphetamine, and I rise today in support of the Baird-Cardoza-Hooley amendment.

As meth has spread across this Nation, more and more States are taking action to cut off pseudoephedrine sales to meth makers who cannot make the poison without this common cold medication. But when 65 percent of the meth in this country comes from Mexico drug cartels, we cannot solve this problem through domestic means alone.

This amendment requires that our drug office join with other affected countries to coordinate an effective international response in order to prevent methamphetamine production and precursor diversion.

In a revealing investigation, the Oregonian newspaper determined that Mexico imports roughly 100 tons of pseudoephedrine more than is needed to fill its need for cold medicine. The rest, narcotic officials guess, is diverted from legitimate uses and turned into meth. Since roughly 200 tons of pseudoephedrine is needed to produce all the meth sold in the United States, this pseudoephedrine from Mexico can produce half of our Nation's supply of this deadly drug.

This amendment will bring together international leaders so they can work together and collaborate on a broad-based strategy that will not only keep meth away from our communities and families but would limit production and use of this deadly drug worldwide. I urge the support of this amendment.

Mr. BAIRD. Mr. Chairman, I thank the gentlewoman for her eloquent remarks and for her leadership. In closing, I would like to reiterate my gratitude for Mr. SOUDER. He has been a champion of this issue. I also want to acknowledge, as he did, the Caucus to Control and Fight Methamphetamine, which is cochaired by my dear friend, RICK LARSEN from Washington State, along with LEN BOSWELL from Iowa, CHRIS CANNON, and KEN CALVERT.

It is truly a bipartisan, nationwide effort. And now what we need to do with this amendment is expand that effort internationally. If we can stop the international supply of these precursors, our communities will be safer, our families will be safer, and a lot of people whose lives would be ruined will never have to suffer that tragic fate.

I am grateful for the support of Mr. SOUDER for this amendment and I urge its passage.

Mr. CARDOZA. Mr. Chairman, I rise in strong support of the amendment before us today calling for a global meth conference.

I commend Mr. Baird for working to bring this amendment to the floor. The amendment closely mirrors the bipartisan "Sense of the Congress" resolution I introduced in November calling for an international methamphetamine conference to develop a global strategy to control the trafficking of meth and its precursor chemicals.

I also would like to thank Chairman SOUDER of the Drug Policy Subcommittee for his support from the beginning of a global meth conference and his leadership on the Methamphetamine Epidemic Elimination Act which is set to be signed into law as part of the PATRIOT Act.

In my district in California's Central Valley, the meth epidemic has exacted a brutal toll on the environment, our children, and our communities. In the past 5 years alone, 15,000 children have been found at meth labs, not to mention the unknown number of children subjected to meth related domestic violence, abuse, and neglect.

Mr. Chairman, controlling the global trade in meth and its precursor chemicals, ephedrine and pseudoephedrine, is a critical part of any comprehensive strategy to fight the meth epidemic. A global meth conference is a logical next step that complements the international regulation provisions of the Meth Elimination Act.

It is about time that we develop a worldwide strategy to reduce illegal trade in meth and its precursor chemicals and stop the devastating impact that methamphetamine use is having on our children and our communities.

I urge my colleagues to vote "yes" on the amendment.

Mr. BAIRD. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

□ 1245

AMENDMENT NO. 3 OFFERED BY MR. BOOZMAN

Mr. BOOZMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. BASS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109–387 offered by Mr. BOOZMAN:

Page 168, line 17, strike "and".

Page 168, line 19, strike the period at the end and insert "; and".

Page 168, after line 19, insert the following:

"(IV) the effect of illicit drug use on children of substance abusers.

Page 170, line 12, insert after "drug use" the following: "(including the effects on children of substance abusers)".

At the end of the bill add the following new section (and conform the table of contents accordingly):

SEC. 20. STUDY ON DRUG COURT HEARINGS IN NONTRADITIONAL PLACES.

(a) FINDING.—Congress finds that encouraging drug courts and schools to enter into partnerships that allow students to see the repercussions of drug abuse by non-violent offenders may serve as a strong deterrent and promote demand reduction.

(b) STUDY.—The Director of the Office of National Drug Control Policy shall conduct a study on drug court programs that conduct hearings in nontraditional public places, such as schools. At a minimum, the study shall evaluate similar programs in operation, such as the program operated in the Fourth Judicial District Drug Court, in Washington County, Arkansas.

(c) REQUIREMENT.—At the same time the President submits to Congress the National Drug Control Strategy due February 1, 2007, pursuant to section 706 of the Office of National Drug Control Policy Reauthorization Act of 1998, the President shall submit to Congress a report on the study conducted under subsection (b). The report shall include an evaluation of the results of the study and such recommendations as the President considers appropriate.

(d) DEMAND REDUCTION.—In this section, the term "demand reduction" has the meaning provided in section 702(1) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701(1)).

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentleman from Arkansas (Mr. BOOZMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. BOOZMAN. Mr. Chairman, I yield myself such time as I may consume.

I appreciate this opportunity to offer an amendment which will strengthen the hand of Congress in the future as we work to protect the most vulnerable children in our society and as we work to deter the abuse of drugs in our culture.

This amendment would provide for two simple actions by ONDCP. First, the amendment would require the director of ONDCP to include in the National Drug Control Strategy statistical data and information to demonstrate and assess trends relating to the effects of illicit drug use on children of substance abusers. This information will assist Congress, as well as States, local governments and private groups, as we work to protect these children.

As we all know, one of the greatest tragedies of drug abuse is the terrible effect these crimes have on the most vulnerable members of society, children. Children of substance abusers are the innocent victims of drug abuse, and research shows that these children are much more likely to become drug abusers themselves when they reach adolescence or adulthood. Congress should do all it can to protect these innocent children, while we have the chance; and no effective National Drug Control Strategy would be complete without considering the effects on children of substance abusers and how we can help prevent the cycle of drug abuse.

We all know from experience that children who have grown up in homes in this sort of condition are much more likely to use drugs themselves. In Arkansas, State, local, and private groups are working hard to assist meth-endangered children, kids, who are some of the most vulnerable, of substance abusers. Several years ago, I visited with a high school young lady whose parent had recently committed suicide as a result of being high on meth. He was a truck driver. He had been on the drug for many, many years; and she was being a model student. There was really nothing, there was no agency, there was no help for her. So, again, I think this is very, very important and something that would be great if we could study and then use that information to go further.

The second part of this amendment requires the director of ONDCP to conduct a study on drug court programs that hold hearings in nontraditional public places, such as schools. As you all know, the mission of a drug court is to provide an alternative to incarceration for nonviolent persons convicted of alcohol or other drug-related charges. In order to reduce demand and deter our kids from getting involved in illegal drugs, we must make sure they understand the consequences of drug abuse. We spend a lot of time and money talking to kids about the repercussions of drug abuse, but this type of program allows us to show them the consequences.

In my congressional district, I have seen firsthand the strong impact that such a program has had on school-age kids. Judge Mary Ann Gunn of the Fourth Judicial District Drug Court in Washington County, Arkansas, has been taking her program into the schools for several years with the strong support of school administrators and the community. She uses the opportunity to visit with students about the drug problem, and it has had a profound effect on many kids. Experience has shown that her program is a strong deterrent for young people, and it strongly promotes demand reduction among our youth.

In conclusion, I urge my colleagues to join me in this effort to reduce the harm experienced by children of substance abusers and to study drug court programs that could be a tremendous deterrent to young people nationwide. These two items may seem small, but they are critical steps in saving future generations from the harm caused by drug abuse.

I commend Chairman SOUDER for his work on this very important bill. I appreciate the hard work that he and his staff and the other members of the committee, both Democrat and Republican, have put into this effort.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. Who seeks time in opposition to the bill?

Mr. CUMMINGS. Mr. Chairman, I ask unanimous consent to use the time in opposition to support the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Acting CHAIRMAN. The gentleman from Maryland is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

I just want to thank the gentleman for this amendment. It is a very important amendment, and I have no doubt that it makes the bill a better bill.

One of the things we have seen in my district and all over the country is that there are these cycles of drug addiction; and I think one of the saddest things, and I saw this as a lawyer, too, when I practiced, is to represent a parent and then a few years later see a child come in. They both have been drug users. So the cycle of drug addiction keeps going around and around. So I think that is a very, very important piece to look at, how the children are affected.

As far as the nontraditional places with regard to drug courts is concerned, I think that is another good idea. I think what happens too often is that you have young people who will experiment or they get involved, but there are even a lot of times you do not think about consequences. They do not think about how they may have to very well come in contact with our judicial system. I think that this is an excellent way that we need to look at that, figure out ways by which we might do that; and I support the gentleman's amendment.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I also strongly support this amendment. I appreciate the gentleman from Arkansas being one of the first Members to really push us to focus on methamphetamines. His district has been hard hit. Early on it was featured in People magazine. We did a congressional hearing in our subcommittee in his district where we heard from everyone, from drug court to people who were working directly with children and the impact on children.

At another hearing in Minnesota, at the request of a number of Members, we heard in Ramsey County, which is St. Paul, that they went from zero to 80 percent of the kids in child custody in the welfare department being addicts of meth. From nothing to 80 percent, in 6 months.

When methamphetamine hits your area, it takes over and overwhelms your juvenile systems, overwhelms the child custody system, and overwhelms the criminal system. I very much appreciate this amendment.

I thank the gentleman for yielding.

Mr. CUMMINGS. Mr. Chairman, I yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. BOOZMAN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–387 offered by Mr. CHABOT:

Page 161, after line 2, insert the following:

(n) REQUIREMENT TO SUBMIT NATIONAL SYNTHETIC DRUGS ACTION STRATEGY.—Not later than 120 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to Congress the National Synthetic Drugs Action Strategy outlined in the National Synthetic Drugs Action Plan submitted by the Director in October 2004.

(o) REQUIREMENT FOR STUDY OF STATE PRECURSOR CHEMICAL CONTROL LAWS.—

(1) STUDY.—The Director of National Drug Control Policy shall conduct a study of State laws with respect to precursor chemical controls.

(2) REPORT.—Not later than six months after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit a report to Congress on the results of the study under paragraph (1), including—

(A) a comparison of the State laws studied and the effectiveness of each such law; and

(B) a list of best practices observed with respect to such laws.

(p) REQUIREMENT FOR STUDY OF DRUG ENDANGERED CHILDREN PROGRAMS.—

(1) STUDY.—The Director of National Drug Control Policy shall conduct a study of methamphetamine-related activities that are conducted by different Drug Endangered Children programs administered by States.

(2) REPORT.—Not later than six months after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to Congress a report on the results of the study under paragraph (1). Such report shall include—

(A) an analysis of the best practices of the activities studied; and

(B) recommendations for establishing a national policy to address drug endangered children, based on the Drug Endangered Children programs administered by States.

(3) DEFINITIONS.—In this subsection—

(A) the term "methamphetamine-related activity" means any activity related to the production, use, or effects of methamphetamine; and

(B) the term "drug endangered children" means children whose physical, mental, or emotional health are at risk because of the production, use, or effects of methamphetamine by another person.

At the end of the bill, add the following new sections (and conform the table of contents accordingly):

SEC. 20. NATIONAL METHAMPHETAMINE INFORMATION CLEARINGHOUSE.

(a) SHORT TITLE.—This Act may be cited as the "National Methamphetamine Information Clearinghouse Act of 2005".

(b) DEFINITIONS.—In this section—

(1) the term "Council" means the National Methamphetamine Advisory Council established under subsection (c)(2)(A);

(2) the term "drug endangered children" means children whose physical, mental, or emotional health are at risk because of the production, use, or effects of methamphetamine by another person;

(3) the term "National Methamphetamine Information Clearinghouse" or "NMIC" means the information clearinghouse established under subsection (c)(1); and

(4) the term "qualified entity" means a State or local government, school board, or public health, law enforcement, nonprofit, or other nongovernmental organization providing services related to methamphetamine.

(c) ESTABLISHMENT OF CLEARINGHOUSE AND ADVISORY COUNCIL.—

(1) CLEARINGHOUSE.—There is established, under the supervision of the Director of National Drug Control Policy, an information clearinghouse to be known as the National Methamphetamine Information Clearinghouse.

(2) ADVISORY COUNCIL.—

(A) IN GENERAL.—There is established an advisory council to be known as the National Methamphetamine Advisory Council.

(B) MEMBERSHIP.—The Council shall consist of 10 members appointed by the Director of National Drug Control Policy—

(i) not fewer than three of whom shall be representatives of law enforcement agencies;

(ii) not fewer than four of whom shall be representatives of nongovernmental and nonprofit organizations providing services related to methamphetamine; and

(iii) one of whom shall be a representative of the Department of Health and Human Services.

(C) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for three years. Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) NMIC REQUIREMENTS AND REVIEW.—

(1) IN GENERAL.—The NMIC shall promote sharing information regarding successful law enforcement, treatment, environmental, social services, and other programs related to the production, use, or effects of methamphetamine and grants available for such programs.

(2) COMPONENTS.—The NMIC shall include—

(A) a toll-free number; and

(B) a website that—

(i) provides information on the short-term and long-term effects of methamphetamine use;

(ii) provides information regarding methamphetamine treatment programs and programs for drug endangered children, including descriptions of successful programs and contact information for such programs;

(iii) provides information regarding grants for methamphetamine-related programs, including contact information and links to websites;

(iv) allows a qualified entity to submit items to be posted on the website regarding successful public or private programs or other useful information related to the production, use, or effects of methamphetamine;

(v) includes a restricted section that may only be accessed by a law enforcement organization that contains successful strategies, training techniques, and other information that the Council determines helpful to law enforcement agency efforts to combat the production, use or effects of methamphetamine;

(vi) allows public access to all information not in a restricted section; and

(vii) contains any additional information the Council determines may be useful in combating the production, use, or effects of methamphetamine.

(3) REVIEW OF POSTED INFORMATION.—

(A) IN GENERAL.—Not later than 30 days after the date of submission of an item by a qualified entity, the Council shall review an item submitted for posting on the website described in paragraph (2)(B)—

(i) to evaluate and determine whether the item, as submitted or as modified, meets the requirements for posting; and

(ii) in consultation with the Director of National Drug Control Policy, to determine whether the item should be posted in a restricted section of the website.

(B) DETERMINATION.—Not later than 45 days after the date of submission of an item, the Council shall—

(i) post the item on the website described in paragraph (2)(B); or

(ii) notify the qualified entity that submitted the item regarding the reason such item shall not be posted and modifications, if any, that the qualified entity may make to allow the item to be posted.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(A) for fiscal year 2007—

(i) $1,000,000 to establish the NMIC and Council; and

(ii) such sums as are necessary for the operation of the NMIC and Council; and

(B) for each of fiscal years 2008 through 2011, such sums as are necessary for the operation of the NMIC and Council.

SEC. 21. REPORT ON SCHOOL DRUG TESTING.

(a) REPORT REQUIREMENT.—The Director of National Drug Control Policy shall prepare a report on drug testing in schools. The report shall include a list of secondary schools that have initiated drug testing from among those schools that have attended conferences on drug testing sponsored by the Office of National Drug Control Policy.

(b) DEADLINE.—Not later than 120 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to Congress the report required under subsection (a).

SEC. 22. REPORT ON METHAMPHETAMINE EPIDEMIC.

(a) REPORT REQUIREMENT.—The Director of National Drug Control Policy shall prepare a report on methamphetamine usage in the United States. The report shall describe the usage by zip code based on information obtained from industrial and school drug testing and seizures of clandestine laboratories.

(b) DEADLINE.—Not later than 120 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to Congress the report required under subsection (a).

SEC. 23. REPORT ON ONDCP PERFORMANCE BONUSES.

(a) REPORT REQUIREMENT.—The Director of National Drug Control Policy shall prepare a report on performance bonuses at the Office of National Drug Control Policy. The report shall include a list of employees who received performance bonuses, and the amount of such bonuses, for the period beginning on October 1, 2004, and ending on the date of submission of the report.

(b) DEADLINE.—Not later than 120 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to Congress the report required under subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of a bipartisan amendment that I have drafted with several Members of the Meth Caucus to address the national methamphetamine epidemic our Nation faces. I have offered this amendment along with Representatives BOSWELL, CALVERT, CANNON and LARSEN of Washington; and I would like to thank all of these gentlemen for their leadership in not only drafting this amendment but in working very hard in this fight against drugs in our country.

Specifically, I wanted to highlight the provisions of the amendment that would create a National Methamphetamine Information Clearinghouse. Several communities in my State have expressed the need to obtain and share information related to methamphetamine abuse and addiction. The national database would promote sharing of best practices among the law enforcement, prevention, treatment, and social services communities.

The database will be governed by an advisory council comprised of members from a variety of agencies and organizations. This council will be responsible for monitoring these submissions to the clearinghouse and making sure that information found on the site is accurate, up to date and useful.

The methamphetamine problem has grown at a dramatic rate and is now considered the most significant drug abuse problem in the country, surpassing marijuana. The impact of this problem has hit local law enforcement and communities with dramatic, direct, and collateral consequences.

The National Association of Counties recently published a survey that shows that 60 percent of responding counties stated that methamphetamine was their largest drug problem, 60 percent of these. Sixty-seven percent reported increases in meth-related arrests.

I will continue to support measures such as these and the Meth Elimination Act that was included in the PATRIOT Act to crack down on meth users and give local law enforcement and the public at large tools to help fight this national epidemic.

I would like to thank all those sponsors, Mr. BOSWELL and others who have been very active in this effort, for being cosponsors and supporters of this particular legislation.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who seeks time in opposition to the bill?

Mr. CUMMINGS. Mr. Chairman, I ask unanimous consent to use the time in opposition to support the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Acting CHAIRMAN. The gentleman from Maryland (Mr. CUMMINGS) is recognized for 10 minutes.

Mr. CUMMINGS. Mr. Chairman, I fully support this amendment, and I yield 3½ minutes to the gentleman from Iowa (Mr. BOSWELL) who is a member of the Meth Caucus and has been just a tremendous leader with regard to this issue and so many others, too.

Mr. BOSWELL. Mr. Chairman, I thank the gentleman from Maryland for yielding me the time. I appreciate it very much, and I would like to thank the gentleman from Ohio (Mr. CHABOT) for his willingness to work with the cochairs of the Meth Caucus. It has been exhilarating that we can get something done; and the Meth Caucus, with your help, is making strides. I appreciate it very much.

I would also like to thank the gentleman from Indiana (Mr. SOUDER) for his strong leadership on this issue.

Mr. Chairman, I represent Iowa. Sometimes we have referred to it as the Belt Buckle of the Heartland. Iowa is a small State, one that prides itself on a shared sense of community and responsibility, one that values a solid education and a hard day's work. When one thinks of Iowa, they might imagine vast fields of corn or soybeans, or they might imagine a small-town Main Street.

Unfortunately, they might also imagine meth. A couple of years ago, the meth epidemic in Iowa was highlighted in a documentary by HBO called "Crank." This detailed the meth problem of three Iowa families and showed the complete destruction this drug causes. This documentary shows how meth had taken hold in Iowa, but it just as easily could have been filmed in Missouri, Illinois, California, Washington, Oregon, Oklahoma, Nebraska, or any other State in the Union that has seen meth steadily infiltrate our communities.

I am sure everyone in this great House has heard the stories from their districts about meth. Meth does not care how much money you have, what kind of education you have, where you live, what color your skin is, how old you are, how young you are. Meth is quite simply an equal-opportunity destroyer. I am sure all of my colleagues here have seen all the pictures repeatedly shown by the gentleman from Nebraska (Mr. OSBORNE) which have shown the life of this young woman and how she deteriorated so fast.

I rise today in strong support of the Chabot-Boswell-Calvert-Cannon-Larsen amendment. This amendment will strengthen the ONDCP reauthorization bill by highlighting the continued commitment of this House in our national fight against methamphetamine.

Meth presents unique challenges to law enforcement, social services, and public health agencies. As such, the Congress must have extensive information on this epidemic from across the Nation. I believe this amendment will move us in that direction. By commissioning the reports outlined in this amendment, the Congress will be able to increase the information available to it on a wide range of issues, from the differing State precursor control laws to the Drug Endangered Children programs that have become all too valuable to the people we represent.

Furthermore, we must have the ability to quickly share information with Federal, State, and local governments. The National Methamphetamine Information Clearinghouse created by this amendment will provide us with the one-stop shop we need to share information on best practices in areas such as law enforcement, treatment, prevention, and social services.

The proposals in this amendment before you were crafted with close bipartisan cooperation and consultation. When dealing with the issue of meth, I have found this is the only approach to take. This drug does not care what side of the aisle you are on.

Mr. Chairman, I ask my colleagues to support this important amendment.

Mr. CHABOT. Mr. Chairman, I yield such time as he might consume to the gentleman from Indiana (Mr. SOUDER), who has been such a strong leader in the fight against drugs in this country.

□ 1300

Mr. SOUDER. Mr. Chairman, I want to thank my distinguished colleague from Ohio on the Judiciary Committee for his great work on this and so many other issues, on constitutional issues and on crime issues in this country, and I want to put this amendment a little bit in context.

First, we have a very strong Meth Caucus in this House, led by Congressman LARSEN, Congresswoman BOSWELL, Congressman CALVERT, and Congressman CANNON. Congressman CALVERT was one of the early leaders because in California we saw these super labs, just like in Washington State and Oregon. Actually, they started in Hawaii. Moved from Asia into Hawaii, into the west coast, into the Plaines, then into the Great Lakes States. It has now moved through the whole country.

Part of the reason the Meth Caucus is so frustrated and you will see so many amendments today, and even in the overriding bill, is because of an exasperation that while this is tearing up the grass roots, the Congress of Counties in the United States has said it is the number one drug problem in America; we have the HIDTAs coming in and saying it is, State and local law enforcement coming in and saying it is, the emergency rooms reflecting that, yet there has been no coordinated antimeth strategy.

The challenge we have when we do a bill like this, which is a 5-year bill, which may mean at different times that oxycontin may be the problem, crack is in other cities and heroin is in other cities, that you try not to micromanage any particular drug in a 5-year bill. But what has happened here is, because the Office of ONDCP in particular, as well as HHS for the most part, have had a tin ear and not responded, this bill is going to have a lot more micromanagement in it than you normally would in a 5-year authorization.

I believe methamphetamine will be around in 5 years. I don't believe we are going to get rid of it in 5 years. It originally was in the form of crack and was not that widespread. But as it spread, whether it is mom-and-pop labs or crystal meth, it will be here for 5 years. But this would not be necessary if they already had a clearinghouse. I can't believe we don't already have a clearinghouse. It wouldn't be necessary if we already had in the schools different programs like this amendment is prescribing.

The administration this morning said they oppose this bill because it ties their hands too much. I am sorry, when you do not respond to the crisis in America, when the American people are rising up in every county, every law enforcement organization, this is exactly what we need to do in legislation when you do not respond.

I strongly support this amendment and I hope the entire Congress will support this amendment.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. LARSEN), another leader in the Meth Caucus.

Mr. LARSEN of Washington. Mr. Chairman, I rise in support of this amendment today, and I want to thank my fellow Meth Caucus cochairs, Mr. BOSWELL, Mr. CALVERT, and Mr. CANNON, and also the gentleman from Ohio (Mr. CHABOT) for their work in drafting this critical amendment.

Methamphetamine is a highly dangerous drug that is wreaking havoc on families and communities throughout this country. The drug's use is spreading across the United States. And while meth produced in home-grown labs has actually decreased in certain parts of the country, meth use has exploded with the availability of crystal meth from superlabs from places like Mexico.

Meth impacts every aspect of our community, every aspect of our neighborhoods, of our businesses, of the environment, and of our children. According to a 2005 survey by the National Association of Counties, 58 percent of the counties across the country reported meth as their greatest drug problem. The Federal Government needs to treat our Nation's meth problem with the same urgency and commitment that our State and local governments have been treating it for years.

We must provide for local law enforcement, treatment professionals, and prevention experts with the tools they need to combat this deadly drug. Our amendment is a step in the right direction. For the past several years, the Meth Caucus has worked to engage the Office of National Drug Control Policy on this issue. We have tried to get their attention that meth requires a strong, comprehensive Federal policy. While some gains have been made, ONDCP must take meth more seriously and devote more resources to its eradication.

Our amendment calls on ONDCP to increase reporting on several critical meth issues, including State Drug Endangered Children programs and State laws and access to meth precursors. These reports will help us develop a coherent and comprehensive national strategy to fight meth. It is also creates the National Methamphetamine Information Clearinghouse to provide current information to Federal, State, and local agencies about meth's trafficking, abuse, treatment, and abuse prevention.

I want to conclude quickly by thanking the gentleman from Indiana (Mr. SOUDER) for working with us to craft this important amendment. I also want to thank him for his willingness to work with the Meth Caucus to get good meth policy passed. I urge my colleagues to vote "yes" on this amendment.

Mr. CUMMINGS. Mr. Chairman, may I inquire as to how much time we have?

The Acting CHAIRMAN (Mr. MILLER of Florida). The gentleman has 5 minutes remaining.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume. Let me just say this.

I want to congratulate Mr. CHABOT and all the members of the Meth Caucus, because I think they have done, I know that they have done an outstanding job. I certainly congratulate Mr. SOUDER, too.

We have seen meth and the effects of meth, and I can tell you that while I am from the inner city of Baltimore, I have seen the effect that crack cocaine and heroin and various other drugs have had on populations; but I was, to be very frank with you, a bit shocked at the effects of methamphetamines. I think the thing that struck me tremendously was the fact that these drugs could be easily manufactured and that somebody could actually, literally, look at a Web site and put together these drugs and the next thing you know you have got quite a few people using them.

We had testimony that came forward during one of our field hearings in Indiana, I think it was, where they were talking about how one person would learn how to create the lab, and then the next thing you know, they teach somebody else, and they teach somebody else, and the next thing you have a whole string of them.

I give Mr. SOUDER and all the members of our subcommittee a lot of credit. We try to address all of these problems, whether it is meth in the rural areas of our great country, or whether it is crack cocaine in urban areas. And here, this is another effort, as I said a little earlier, for us to address the problems of drugs in our country and the fact that it is destroying so many families, so many communities, and so many people.

A lot of people don't realize it, but when somebody becomes addicted to a drug, it not only affects them but it affects their families and it affects support agencies and it affects their entire neighborhood. And we have seen those effects.

So with that, Mr. Chairman, I support this amendment and I congratulate the sponsors.

Mr. Chairman, I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume, and I will be very brief, but I want to thank all the Members that have been so involved in passing this particular amendment and working on the entire bill. There are an awful lot of people, I think, in the House that realize what a scourge drugs are in this country and particularly in the last few years with methamphetamine.

This bill, whereas it is not a panacea, it will not solve the problem, it is at least a step in the right direction, and I want to thank my colleagues for their support.

Mr. CALVERT. Mr. Chairman, I rise in strong support of this bipartisan amendment which will strengthen the Office of National Drug Control Policy's, and in turn our nation's, efforts against methamphetamine—the deadliest and most devastating drug that faces our communities today. As a founding member and Co-Chair of the Congressional Caucus to Fight and Control Methamphetamine, commonly know as the Meth Caucus, I have seen our Caucus membership enrollment grow just as the meth epidemic has grown.

From a couple dozen Members representing Western states in 2001 to 140 today, the Meth Caucus membership hails from all regions of this country and across the political spectrum. Even the Senate has established their own Meth Caucus which is modeled after the House caucus. Each of these Members recognize the meth epidemic that is ravaging our communities on so many levels—from its toll on individual users, to the significant social costs it thrusts onto our law enforcement, prisons, hospitals, social and child welfare systems, and the environment.

As Mr. CHABOT stated, the amendment, through commissioned studies and reports, will provide information critical to assisting the Administration and the Congress in developing necessary and up-to-date policies to address the meth epidemic. In addition, the amendment would create an online National Methamphetamine Information Clearinghouse to serve law enforcement and the broader community with a forum for sharing of "best practices" information regarding successful anti-meth programs and activities. These measures will only strengthen the reauthorization bill and ensure that the Federal response to the meth epidemic does not waver.

I would like to express many thanks to Congressman SOUDER for his support on this amendment. He has been, with his staff, relentless in their work to improve federal drug control policy and I appreciate their readiness and eagerness to involve the Meth Caucus in their activities. I also want to thank Congressman CHABOT and his staff for shepherding this important amendment to the floor, and also my fellow Meth Caucus Co-Chairs, Representatives CANNON, LARSEN and BOSWELL and their staff for their constant vigilance on this issue and their efforts to make this one of the most proactive and effective Caucus' in the House. I strongly urge my colleagues to vote in favor of the amendment and the reauthorization bill.

Mr. CHABOT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–387 offered by Mr. CUELLAR:

Page 161, after line 2, insert the following:

(n) STUDY OF PERSONS KIDNAPPED, KILLED, AND MISSING ALONG THE BORDER BETWEEN THE UNITED STATES AND MEXICO.—

(1) IN GENERAL.—The Director of National Drug Control Policy shall study the specific impact on citizens of the United States of violence related to drug-trafficking along the international border between the United States and Mexico.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Drug Control Policy shall submit to Congress a report, including recommendations on methods to solve the offenses described in such paragraph and to reduce the occurence of such offenses.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2007 through 2011.

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank Mr. SOUDER and Mr. CUMMINGS, and I also rise in favor of this particular bill. I want to thank Mr. SOUDER for the leadership he has taken on this very important bill that is so important to us and, again, Mr. CUMMINGS, also for the work you both have been doing, your leadership and your bipartisan approach.

I also want to thank my colleague from Texas (Ms. JACKSON-LEE) for cosponsoring this amendment. My amendment to H.R. 2829 directs a study on the incidence of kidnapped, killed, and missing Americans along the United States-Mexican border. Within 180 days, the commission will submit a report to the U.S. Congress with recommendations on how to prevent these types of crime.

According to the FBI, 41 Americans have been kidnapped in Mexico since August of 2004. Two have been killed, some have been returned, but there are still 22 missing Americans that we have not been able to find answers to.

Last year, we witnessed a positive reaction from our country when we mobilized the resources to find the missing American in Aruba. It is my hope that we can also give the same type of attention to the missing Americans along the U.S.-Mexican border where many more people have gone missing.

I fully understand that the Office of National Drug Control Policy is not an enforcement or investigative agency, but I believe, very strongly, that this office can be another group of minds that can help us try to find initiatives to help prevent American citizens from suffering the same or similar fate in the future.

Since I have taken office, I have been asked by many of the mothers and fathers and the children of the missing Americans to help resolve the status of their loved ones. I believe that if we bring in many resources together that we can help to ensure we put a stop to these crimes, and hopefully give the families of these missing Americans some closure.

Again, congratulations to Mr. SOUDER for the leadership that he has taken, and Mr. CUMMINGS also, for coming together in a bipartisan approach. I believe this amendment is acceptable to both Mr. SOUDER and Mr. CUMMINGS.

Mr. Chairman, I yield back the balance of my time.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume. I strongly support this amendment by the gentleman from Texas. Without a doubt, our number one challenge is the southwest border, whether it is meth, whether it is cocaine, whether it is heroin, or whether it is marijuana.

The biggest bust in my hometown's history in Fort Wayne, Indiana, was in Laredo, headed up to Fort Wayne, and a very organized thing. We have had multiple hearings in El Paso, but I remember at one of the hearings in El Paso, the prisons in El Paso are full of people trying to ship drugs to other parts of the country, and they do not even arrest people with under 200 pounds anymore because their prisons are full. When we challenged that, he said, what are we supposed to do in Texas? Our prisons are full of people running drugs to Indiana and Maryland and Florida and everywhere else in the United States. There is only so much we can do.

Many problems along the border are related to immigration questions, but I do not think the violence in the southwest border is related to people coming up to work in manufactured housing in Indiana. The problem with violence at the southwest border is pretty directly related to drug trafficking; the assassinations we have seen on both sides of the border and how that spills in. Sometimes it is accidental, sometimes it is shootouts, sometimes it is kidnappings, sometimes it relates to people in law enforcement and other times it is individuals; whether it is at that Tohono O'odham reservation in Arizona that has been overrun, or whether it is ranches that have been overrun, or whether literally in El Paso it is assassinations that have occurred inside the city.

The drug czar's office does have the ability to do this kind of study. They are the overarching agency. We may also need to look, just like we need to look at legislation on these tunnels, what specific legislation may need to come from this, but first we need to know what the facts are. I appreciate the gentleman bringing the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I thank the gentleman for yielding me this time, and I wanted to just state that I wholeheartedly support the amendment. I think it makes a great bill an even better bill, and I thank the gentleman for sponsoring it.

Mr. SOUDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas to close.

Mr. CUELLAR. Yes, I want to thank Mr. SOUDER and Mr. CUMMINGS once again for their leadership on this very important issue.

Mr. SOUDER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–387 offered by Mr. FILNER:

Page 159, after line 5, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

(3) SPECIFIC CONTENT RELATED TO DRUG TUNNELS BETWEEN THE UNITED STATES AND MEXICO.—The Southwest Border Counternarcotics Strategy shall include—

(A) a strategy to end the construction and use of tunnels and subterranean passages that cross the international border between the United States and Mexico for the purpose of illegal trafficking of drugs across such border; and

(B) recommendations for criminal penalties for persons who construct or use such a tunnel or subterranean passage for such a purpose.

The Acting CHAIRMAN. Pursuant to House resolution 713, the gentleman from California (Mr. FILNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Chairman, I yield myself such time as I may consume.

I want to thank Chairman SOUDER and Ranking Member CUMMINGS for bringing us this bill, and I have an amendment based on my experience as the Congressman that represents the whole California-Mexico border.

Just a few weeks ago, we discovered almost a mile-long tunnel, half on each side of the border, in my district. We all like to take credit for things in our district, but this is one that I do not take credit for.

□ 1315

It was a very sophisticated tunnel the way it was constructed, the way it was shored up, the way it drained water, and it was even air-conditioned. We found 2 tons of marijuana that was left behind. Who knows what went through that tunnel, whether it was people, drugs or potentially weapons of mass destruction?

Thinking about that and looking at the reaction we had in San Diego over those tunnels, I thought we should slightly amend this bill to authorize the ONDCP to coordinate with all relevant agencies to combat border tunnels that are used to smuggle drugs, people, and could potentially be used to smuggle terrorists and their weapons, specifically between California and Mexico.

It gives the office authority to join in the development and implementation of a strategy to fight these subterranean border tunnels and requires that the office submit to Congress a recommendation for penalties for those involved either in digging or using these tunnels.

We have been dealing with this issue over many years. Eight tunnels between San Diego and Tijuana have been discovered this year alone, and there have been over 20 tunnels discovered in the last decade.

We know that with all of the fences that we are building, double fences, triple fences, walls, what we have here is an easy way under all of those fences that we are building. So we need to have a far more coordinated policy. There is not even a law against tunneling under the border! There are laws for smuggling and for other parts of the crime, but not specifically for tunneling under our international border. So we have to take note of them. We have to concentrate and focus our efforts. We have to understand that terrorism can find a whole new approach to getting into the United States through these tunnels underneath our international border. They are a threat to us and America. They allow drugs and people to come through.

These are busy times for the Border Patrol, the customs agents, immigration folks; but if we are going to send these agencies to fight a war on drugs, to fight a war against illegal behavior, we have to send them the proper tools. I believe this amendment will do it.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose this amendment.

The Acting CHAIRMAN (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

I rise to support this amendment. I do not oppose this amendment. I think it is a good amendment. It is a phenomenon we have dealt with for some time, and I appreciate Mr. FILNER's long, aggressive leadership with how best to deal with the southwest border in his district. We have worked together on border questions.

This has recently been in the news because there have been more tunnels discovered in the last period than we have had for some time. The gentleman is absolutely correct, it does not do any good to build fences if you dig tunnels underneath them. Some of these tunnels have gone into other businesses, some into homes, some into open areas. It has shown a gap in our legislation.

I am working with Chairman DREIER who is taking the lead on a bill similar to Senator FEINSTEIN and Senator KYL's bill to try to come up with appropriate laws that we need regarding these tunnels.

Clearly, if you catch the ton of marijuana going through, that is clearly a violation of the law; but even the tunnel itself and digging the tunnel under an international border should have stiff penalties.

I spoke yesterday with the Assistant Secretary of the Department of Homeland Security, Julie Myers, and she is head of ICE and has been working directly with them in trying to do more of the tunnel enforcement. They have stepped up DHS efforts, and Assistant Secretary Myers is fully aware of this. We need to develop whatever legislation is required.

What we need is our ONDCP director, and ideally he would have already submitted proposals to us. This says come up with proposals, and it gives him authority to develop implementation of a strategy and coordinate the other agencies. Some of this may be Department of Justice, EPA. That is why we have an Office of National Drug Control Policy to coordinate the different agencies that may be involved in this tunnel.

Mr. Chairman, I reserve the balance of my time.

Mr. FILNER. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the chairman for his leadership on these issues, for coming personally to the border to see the situation. Through my district, Mr. Chairman, every day 300,000 people go back and forth legally. That is the movement of a major amount of people, and we have to do that efficiently. But within that amount of movement, people take advantage with illegal movement. That is what we have to try to get at. We have to try to get at the illegal while making it efficient for all of those people going back and forth for trade, shopping, family visits, for schooling, for cultural visits. We have to allow that to continue efficiently while stopping, in a more efficient fashion, the illegal activity.

I thank both Mr. CUMMINGS and Mr. SOUDER for their support.

Mr. Chairman, I yield back the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I think this is a wonderful and very appropriate amendment. I think many Americans were shocked when they learned of this tunnel. As Mr. FILNER said, heaven knows what may have gone through it.

But I see another benefit, not only dealing with the drug issue, but certainly we are concerned about making sure that our homeland is properly secure. As he said, 300,000 to 400,000 people go across the borders legitimately every day. The fact with someone or any persons coming up with this scheme by which to go around the system that we have created, it cries out for ONDCP to look at it and I am sure other agencies are looking at it, too.

I support the amendment and thank the gentleman for offering it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. FILNER).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GRAVES

Mr. GRAVES. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report 109-387 offered by Mr. GRAVES:

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 20. REPORT ON GOVERNMENT-SPONSORED METHAMPHETAMINE CONFERENCE.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to Congress a report explaining the rationale and circumstances leading to the sponsorship by the Department of Health and Human Resources, and the participation by employees of such department, in a conference conducted by the Harm Reduction Coalition and the Harm Reduction Project on August 19th and 20th, 2005, in Salt Lake City, Utah, titled the "1st National Conference on Methamphetamine, HIV, and Hepatitis Science & Response".

(b) ADDITIONAL MATTERS COVERED.—The report shall include a description of the management and reporting systems of the Office of National Drug Control Policy that are in place or that will be put in place to ensure that the policy of the Federal Government is consistently supportive of efforts to prevent the use of methamphetamine.

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentleman from Missouri (Mr. GRAVES) and the gentleman from Maryland (Mr. CUMMINGS) each will control 5 minutes.

The Chair recognizes the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not have to tell you about the epidemic abuse of methamphetamine that has swept this country. It has devastated States such as mine. Missouri has one of the worst meth problems in the country. From 1995 to 2002, Missouri reported a 97.4 percent increase in methamphetamine-related admissions to emergency rooms. In 2003, Missouri had the highest number of meth lab seizures in the country.

Missouri is not alone. Meth abuse impacts every community; there is no State where meth cannot be found. In 2005 alone, approximately 5,000 meth labs were seized by law enforcement officials. This serious epidemic requires a serious response, and I believe we have to ensure that all agencies are vigorously fighting the meth epidemic.

This includes agencies such as Department of Health and Human Services. HHS sponsored and participated in a conference promoting the ideology of reducing the negative impact of drugs, or the safe use of drugs, rather than stopping the use of illegal drugs.

We need to take seriously the meth epidemic sweeping our Nation. Now is not the time to be lax on drug enforcement. We need to take a hard approach to fight this menace and ensure that the administration and agencies are taking the meth epidemic seriously and supporting efforts to prevent drug abuse, not the safe use.

My amendment is very simple. My amendment will demand that the Office of National Drug Control Policy conduct a report to explain how it happened that the Department of Health and Human Services sponsored this pro-meth conference and what management and reporting systems the Office of National Drug Control Policy will change to ensure that the Department of Health and Human Services is anti-meth and supportive of efforts fighting the meth epidemic.

I ask all Members to support this amendment. This is a serious issue in combating a very dangerous drug, and obviously the meth epidemic.

Mr. Chairman, I yield back the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

The Graves amendment requires ONDCP to produce a study on why the Department of Health and Human Services provided sponsorship support and sent HHS employees to a 2005 conference on methamphetamine and harm reduction.

In my opinion this amendment is totally unnecessary. The information sought could be obtained through regular oversight channels, and the request does not belong in an authorization statute. In addition, the amendment is an implicit ideological attack on harm-reduction efforts, such as needle exchange programs.

The purpose of needle exchange programs is to reduce the risk of transmission of HIV among injection drugs users. The amendment presupposes that needle exchange and prevention are incompatible, and that HHS participation in a harm-reduction conference cannot be constructive. That assumption is simply false.

HHS, the National Institutes of Health, the World Health Organization, and other health organizations have conducted comprehensive reviews of the research on needle exchange. Their research establishes the following conclusions: Needle exchange programs reduce the risk of transmission of HIV among injection drug users; they do not increase or encourage drug use; and they can be an important bridge to treatment aimed at achieving abstinence from drug use. Needle exchange can be an effective component of a strong, comprehensive drug reduction program. HHS and its drug prevention agencies have valuable expertise. HHS can and should provide information on treatment and prevention in settings where those subjects are discussed. For those reasons, I oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri (Mr. GRAVES) be able to reclaim the balance of his time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GRAVES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very simple. It is not going to take much. It will just ask that the National Office on Drug Control Policy explain to us their participation in this conference and show us that they are serious about the fight on drugs, they are serious about fighting this epidemic. It gives a report to Congress. That is all it does.

I would like an explanation for this action. I would like an explanation for what took place. Again, it is a very simple amendment, and I do not think it is asking too much.

Mr. GRAVES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, we will include for the RECORD a series of letters that we have written to Secretary Leavitt. One of the panels on this conference was: We Do Not Need a War on Methamphetamine.

Another title was: You Don't Have to Be Clean and Sober or Even Want to Be.

Sexual topics were also there. Harm Reduction: Tweaking Tips For Party Boys; Barebacking: A Harm Reduction Approach Without Condoms; Harm Reduction: Unprotected Sex, Gay Men and Barebacking.

It was awful, done with our tax dollars. But what is particularly outrageous, when we look at narcotics, is how can our Department of HHS be participating in something named "We Don't Need a War on Methamphetamine." That is why we are asking ONDCP to investigate this.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

Again, I reiterate. I think there are other ways to get this information. What is said during these conferences is not the responsibility of HHS, and I just think when we are in a situation where we are trying to make sure that we use our tax dollars efficiently and effectively, to go at trying to acquire this kind information through this method, an amendment on a very significant bill, I think is just inappropriate.

Mr. Chairman, I yield back the balance of my time.

☐ 1330

Mr. GRAVES. Mr. Chairman, I yield myself such time as I may consume.

That is exactly what we are trying to do, Mr. Chairman, is just ask that taxpayer dollars be used responsibly and not for conferences such as this. We need to fight drugs, not show people that they can be used in a safe manner. I think that is ridiculous.

Mr. SOUDER. Mr. Chairman, I submit these letters to further illustrate the matter raised by Mr. GRAVES.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, August 12, 2005.

Hon. MICHAEL O. LEAVITT,
Secretary, Department of Health and Human Services, Washington, DC.

It has been my understanding, from several sources, that the Department of Health and Human Services has been the principal barrier preventing the Administration from formulating a policy to address the methamphetamine epidemic. And now I have learned that the Department of Health and Human Services is a primary sponsor of a conference controlled by the Harm Reduction Coalition and the Harm Reduction Project in your home state of Utah, on August 19 and 20, 2005.

I find this all to be deeply offensive.

I am enormously frustrated with your Department for dithering on the meth issue while the rest of America fights an epidemic that is viciously tearing apart families and communities throughout the country.

A foundational premise of the so-called "harm reduction" ideology promoted at the HHS-sponsored conference is that we should not be fighting a "war on drugs," but rather limiting drugs' harmful effects. Harm reduction is, in fact, a vehicle drug legalization proponents have hijacked to pave the way to their ultimate objective.

Any claim that your Department is unaware of the pro-legalization agenda and "soft" approach to illegal narcotics of the harm reduction advocates is utterly implausible. This agenda is readily apparent from the conference topics sprinkled throughout the program, as well as the very websites of the assorted harm reduction organizations sponsoring and participating in the conference.

Shockingly, Major Session IV of the HHS-sponsored Harm Reduction Coalition and Harm Reduction Project conference next week is entitled, "We Don't Need a 'War' on Methamphetamine."

Other conference topics include, "You Don't Have to Be Clean & Sober. Or Even Want to Be!" and sexual topics consistent with the harm reduction ideology that shuns an abstinence-based approach for at-risk communities: "Tweaking Tips for Party Boys," and two sessions on engaging in sex without condoms, "Barebacking: A Harm Reduction Approach," and "Without Condoms: Harm Reduction, Unprotected Sex, Gay Men and Barebacking.

Among the speakers and moderators at this conference sponsored by your Department, five are identified in the program as representatives of the Drug Policy Alliance, giving seven presentations at the conference. The Drug Policy Alliance describes itself as "the nation's leading organization working to end the war on drugs." Along with its major donor George Soros, the Drug Policy Alliance helped produce It's Just a Plant, a pro-marijuana children's book. Marsha Rosenbaum, who is also presenting at the HHS-sponsored conference, wrote the epilogue for this disturbing book.

Both the Harm Reduction Coalition and the Harm Reduction Project are partners with the Drug Policy Alliance for its upcoming 2005 International Drug Policy Reform Conference. According to the Alliance's conference materials regarding who should attend this meeting: "Anyone who believes the war on drugs is doing more harm than good!"

The program for the HHS-sponsored conference next week also includes a "Special Thank You" to a handful of people, including HHS employee Dr. Glen Hanson, of the National Institute on Drug Abuse (NIDA). As you know, NIDA's mission is "to lead the Nation in bringing the power of science to bear on drug abuse and addiction." To what end is the Department's goal to "lead the nation" with harm reduction and drug legalization partners?

Luciano Colonna, Executive Director of the Harm Reduction Project and host of the DHHS-sponsored conference, and one reported as briefing your aides in advance of the conference, is quoted as stating that, "For a lot of people, meth use is a rite of passage and it really does increase sexual pleasure."

That Administration officials from your Department are consulting with harm reduction advocates such as Colonna, and sponsoring conferences controlled by the harm reduction network, completely undermines the work of the President, the Congress, and the men and women who work in law enforcement across the nation who are trying desperately to fight the meth epidemic.

Please provide the following materials no later than 5:00 p.m. Tuesday, August 16, 2005:

(1) An official statement of why the Department of Health and Human Services is sponsoring the August 19–20 Harm Reduction conference in Salt Lake City, and how such participation furthers the Administration's stated goal of reducing drug use.

(2) The names of all Department of Health and Human Services staff attending the August 19-20 Harm Reduction conference in Salt Lake City, and their contact information so we may conduct staff interviews.

Please provide the following materials no later than 5:00 p.m. Friday, August 26, 2005:

(1) All documents relating to the Department of Health and Human Services' involvement, including its role as a primary sponsor, for the August 19–20 Harm Reduction conference in Salt Lake City. See the attachment for a full definition of "documents" and "relating to."

Mr. Secretary, I have steadily worked for enhanced treatment and prevention funding and expanded treatment options. I was the House sponsor of the Drug Addiction Treatment Expansion Act just signed by President Bush. Treatment and prevention are not the issue here.

The issue is that the Administration has not yet put forth a strategy to address the meth epidemic, and your Department bears much of the responsibility for that failure. To procrastinate further while supporting the very people who advocate relaxed drug laws is unconscionable.

Sincerely,

MARK E. SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources, Government Reform Committee.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, August 19, 2005.

Hon. MICHAEL O. LEAVITT,
Secretary, Department of Health and Human Services, Washington, DC.

Your August 17, 2005 response to my letter regarding the sponsorship by the Department of Health and Human Services (HHS) of this week's Harm Reduction Coalition/Harm Reduction Project "methamphetamine" conference in Salt Lake City, Utah, simply does not answer the questions I asked. In fact, it raises many more serious questions.

First, and most importantly, I am incredulous that, even as you insist that HHS is not "sponsoring" the conference, you admit that HHS provided taxpayer dollars for it, and that you are sending six employees to participate in it. I would like to learn how it is that you differentiate between providing financing and employees for an event, and "sponsoring" it.

In fact, I am inclined to agree with one of the event's primary organizers, Mr. Luciano Colonna, who told a reporter, "They [HHS] were a sponsor and still are sponsors. If they weren't sponsors, why didn't they just say that nationally when attacked by Souder last week?" I further note that, as of Friday, August 19, 2005 at 9 a.m., the first day of the conference, your Department's name remains on the conference program.

Your Department's support for, and participation in, this conference has already served to confer undeserved legitimacy on the drug legalization proponents who organized it. HHS participation and public sponsorship of the conference influenced the judgment of other government entities. For example, Oklahoma state agencies originally planned to send officials to the conference in large part because of the federal government's sponsorship.

Second, you did not respond to the second stated request of my letter asking for the names of all HHS staff attending the Harm Reduction Conference. This request stands and is reiterated at the end of this letter.

I am, moreover, bewildered by your assertion that six Centers for Disease Control (CDC) employees will attend the conference "to learn how to reduce methamphetamine use." This conference, as the organizers clearly state, concerns so-called "harm reduction", that is, drug use maintenance. That is quite different from drug use reduction.

I believe that your Department's participation in this conference is a slap in the face to the federal, state, and local law enforcement, child welfare services, treatment and prevention, and other personnel who work so hard to stop meth trafficking, abuse, and addiction, and to clean up the wreckage left by this terrible drug.

To give you a specific example, Danni Lentine, one of the CDC employees, will be moderating a panel discussion at the conference entitled, "Demythologizing Methamphetamine Manufacture: Don't Believe the Hype" on Saturday, August 20. The very title of this "discussion" suggests that the law enforcement and child welfare services personnel, who have provided moving testimony to my Subcommittee of the deadly health hazards posed to police officers and children at meth lab sites, are perpetrating a "myth". That, Mr. Secretary, is disturbing, particularly when the Administration has proposed drastic cutbacks in federal programs that help state and local law enforcement agencies find and deal with meth lab sites.

Yesterday, you joined Attorney General Alberto Gonzalez and Director John Walters of the Office of National Drug Control Policy, and announced your support for the Administration's anti-meth proposals. Your words, however, ring rather hollow when your Department is providing aid and support for the very people who undermine antimeth policies.

I am attaching the same questions I put to you last week. I request that you provide the answers as soon as possible.

Thank you for your attention to this serious matter.

Sincerely,

MARK E. SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources.

Mr. GRAVES. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. MILLER of Florida). The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. HOOLEY

Ms. HOOLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109–387 offered by Ms. HOOLEY:

Page 161, after line 2, insert the following new subsection:

(n) REQUIREMENT FOR METHAMPHETAMINE STRATEGY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to Congress a comprehenisve strategy that addresses the increased threat from methamphetamine.

(2) MATTERS COVERED.—The strategy shall include—

(A) interdiction and precursor chemical controls;

(B) demand reduction and treatment;

(C) alternative development programs;

(D) efforts to prevent the diversion of precursor chemicals on an international level; and

(E) an assessment of the specific level of funding and resources necessary to significantly to reduce the production and trafficking of methamphetamine.

(3) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the strategy that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant Federal agency, would be detrimental to the law enforcement or national security activities of any Federal, foreign, or international agency, shall be presented to Congress separately from the rest of the strategy.

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentlewoman from Oregon (Ms. HOOLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. HOOLEY. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank Chairman SOUDER for all of his incredibly hard work that he has done on methamphetamine and all the work he has done in committee.

In my three decades of public service, I do not think I have ever seen a problem as pervasive or as damaging as the methamphetamine epidemic that is sweeping our country. This epidemic is tearing apart families, neighborhoods, communities. More and more States are taking action to cut off pseudoephedrine sales to methamphetamine manufacturers who cannot make this poison without this common-cold medication.

While a number of States, including Oregon, have enacted tough rules to control the availability of pseudoephedrine, this has become a national problem. The States need strong Federal support if we are going to have a fighting chance against this epidemic, and yet this administration and ONDCP have not focused on the drug as they should.

The meth epidemic is impacting all of us. Children in particular can face some of the most devastating effects, with tens of thousands of children suffering the consequences of their family meth habit. When parents crash after speeding on meth, their children are left to fend for themselves, sometimes for days. Parents can become abusive, and their children are exposed to highly toxic chemicals. The cost is overwhelming both in terms of human lives and financial resources needed to take care of our children.

Meth also brings increased crime to a community. A district attorney in Clackamas County, which is in my district, estimates that 99 percent of all ID thefts and 90 percent of all property crimes are related to meth.

This amendment would require the Office of National Drug Control Policy to submit to Congress a comprehensive strategy to address the increased threat of methamphetamine. The strategy would include interdiction and precursor chemical controls, demand reduction and treatment, efforts to prevent the diversion of precursor chemicals on an international level, and an assessment of the funding and resources necessary to significantly reduce the production and trafficking of methamphetamine.

ONDCP must make fighting meth a top priority, and this amendment would ensure that they did. The spreading of methamphetamine is a multifaceted problem ranging from the mom-and-pop labs to the sophisticated illegal drug factories in foreign countries. It is one that requires a multifaceted solution. We must take action to control the supply of, and access to, its ingredients both on a domestic and international level, which we have begun to do with the Combat Meth Act. But we also need to reduce the demand for this drug by educating our youth about the dangers of methamphetamine and ensure that addicts get the treatment they need.

The stated role of the Office of National Drug Control Policy is to establish policies, priorities, and objectives for the Nation's drug-control program. Their job is to reduce illicit drug use, manufacturing, and trafficking, drug-related crime and violence, and drug-related health consequences; and yet they refuse to devote the resources or attention that is needed to fight our meth epidemic while more and more Americans become addicted to this deadly drug.

As any cop in America will tell you, methamphetamine is destroying our communities; and fighting the production and importation of this dangerous drug has been one of my top priorities as a Member of Congress. It is long past time for ONDCP to join in the fight, and this amendment will require them to do so, so we have a fighting chance in this battle.

Mr. Chairman, I yield back the balance of my time.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from Indiana (Mr. SOUDER) will control the time in opposition.

There was no objection.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

I do not oppose this amendment. It is an excellent amendment. It requires ONDCP in 90 days to come up with a comprehensive strategy addressing the threat of methamphetamine.

In this bill we already require a coordinated strategy to combat South American and Afghan heroin, which we have not had. We already require a Southwest border narcotics strategy, which has not been effective.

But there has been nothing on meth, and this not only requires a strategy for the supply side, how it gets in internationally through the border, but the demand side as well. The National Ad Campaign has basically been absent, part of the ONDCP, on the meth issue; yet we have reduced the funding here. But this House clearly showed they would increase the funding on the National Ad Campaign if they put it in meth, and then they wonder why they cannot get more dollars for the National Ad Campaign.

We have had to do meth hot spots to try to address that at the grass-roots. That was opposed by the administration. We have now authorized that as part of the terrorism bill in the Combat Meth Act. An amazing individual in the State of Montana has put together a private sector program that is more effective in fighting meth than we have been able to come up with in the public sector.

This amendment will help direct and force the Department of ONDCP, the drug czar's office, to address in a coordinated way meth strategy.

I commend the gentlewoman from Oregon. The Portland Oregonian has been a champion nationally and internationally in identifying this. She has championed this issue in Oregon; as well Congressman WALDEN in the eastern side of Oregon that has been hit so hard; and we really appreciate all the efforts of those in the Northwest as this drug rips through the rest of the country, into Congressman PETERSON of Pennsylvania's district. Titusville, Pennsylvania is the capital of meth in Pennsylvania, ripping into North Carolina. We are doing a hearing with Congressman MCHENRY in the next few weeks. As we see it march into the East, this has now become a national problem; and we appreciate the leadership from the Northwest.

Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I too stand in support of Ms. HOOLEY's amendment. We have spent a tremendous amount of time in our subcommittee on methamphetamine. We see it as a problem that is spreading in many instances like wildfire. And I want to thank Ms. HOOLEY for her leadership and for the amendment.

We have expressed on numerous occasions to the drug czar the fact that we see methamphetamine and addressing the methamphetamine problem should be a major, major priority. And I think that this just helps us along the way with regard to addressing this very significant problem, and again I congratulate the gentlewoman and support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. HOOLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon will be postponed.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 printed in House Report 109–387 offered by Ms. JACKSON-LEE of Texas:

Section 6 is amended by adding at the end the following new subsection:

(n) REQUIREMENT FOR AN ASSESSMENT OF ILLICIT DRUG AND ALCOHOL USE BY CHILDREN, AND APPROPRIATE INTERVENTION METHODS.—

(1) IN GENERAL.—The Director of National Drug Control Policy shall complete an assessment of report materials, studies, and statistics with respect to the 5-year period before the date of enactment of this Act, to determine the extent to which children who are 12 to 17 years of age—

(A) experiment with and regularly use marijuana, alcohol, cigarettes, prescription drugs without a prescription, designer drugs (such as ecstasy), and other illicit drugs (such as cocaine); and

(B) have access to intervention services or programs, including drug testing, counseling, rehabilitation, legal representation, and other services or programs associated with prevention, treatment, and punishment of substance abuse.

(2) ASSESSMENT PROCEDURE.—In completing the assessment under paragraph (1), the Director—

(A) shall consider relevant public health and academic research materials and studies, and may also consider relevant statistics concerning illicit drug and alcohol use, and criminal convictions related to such use; and

(B) shall make findings, based on the information considered under subparagraph (A), regarding the nature and extent of illicit drug and alcohol use among children who are 12 to 17 years of age, and the availability of preventative, intervention, and rehabilitation services and programs to such children.

(3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report to Congress regarding the assessment under this subsection and the findings under paragraph (2)(B). Such report shall include, with respect to children who are 12 to 17 years of age, the following information:

(A) Services and programs that have been effective in preventing such children from experimenting with and beginning the regular use of illicit drugs and alcohol.

(B) The extent to which chronic drug and alcohol use occurs in such children.

(C) The extent to which schools and other public institutions provide intervention for such children who are chronic users of illicit drugs and alcohol, the specific roles such schools and institutions play, and the extent to which such interventions are successful.

(D) Additional resources schools and other public institutions need to provide successful intervention to such children, including funding.

(E) The role of Federal agencies in providing intervention to such children who are chronic users of illicit drugs and alcohol, and the extent to which Federal agency intervention is successful.

(F) Additional resources Federal agencies need to provide successful intervention to such children, including funding.

(G) The role of the Federal, State, and local criminal justice systems in providing intervention to such children who are chronic users of illicit drugs and alcohol, and the extent to which criminal justice interventions are successful.

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I want to acknowledge again Mr. SOUDER and Mr. CUMMINGS and certainly the members of the full committee, ranking member Waxman and Chairman DAVIS. We can all have our approaches to dealing with this fast-moving drug crisis in America, and it would seem that in 2006 we might be using other language other than "drug crisis," because I recall the Select Committee on Narcotics. I was not a Member of this body, but it had a very high profile. That committee, of course, chaired by Congressman RANGEL, was at a time when drug use in urban centers of America was at a fast-moving pace.

My amendment is one that seeks to be a tool for intervention, a guidepost for the right kinds of programs that can affect our youth. This is an amendment that in its simplicity says that we know that drug use among the ages of 12 to 17, and in many instances girls, is going up. The data is clear. We also know that there are many programs, a lot funded by this agency, of course, but we also need to have a complete understanding of the assessment of these programs, how they can be effective in local, State, and Federal governments.

Mr. Chairman, a recent Washington Post article from this past February describes how girls are trying alcohol and drugs at higher rates than boys. The National Survey on Drug Use and Health found that 730,000 girls between the ages of 12 and 17 started smoking cigarettes in 2004, compared with 565,000 boys; and 675,000 girls started using marijuana, compared with 577,000 boys; 14.4 percent of girls and 12.5 percent of boys in this study reported misusing prescription drugs; 1.5 million girls started drinking alcohol in 2004, compared to 1.28 million boys.

We also know that our particular communities have seen that at least, if it has not increased, it is still the same. There were 20,692 drug-related arrests in Houston, Texas, in 2003. In their lifetime, 32.9 percent of female and 48.9 percent of male Houston-area high school students will have a lifetime use of marijuana. In 2000 there were 115,589 Federal arrests made, 28 percent for drug offenses; 10.8 percent of youth 12 to 17 years old have used drugs in the past month alone. Among State prisoners, 83.9 percent were involved in alcohol or drugs at the time of their offenses; 53 percent of high school seniors reported using an illicit drug at least once in their lives.

These numbers are good for the record, but they impact people's lives. And frankly I believe that we have an opportunity to assess and report back to Congress on the programs that have been effective in preventing or responding to drug and alcohol use, the extent to which chronic use occurs in children, the extent to which schools and public institutions play a role in these programs, and the role of the Federal Government in these programs and the role of the criminal justice system.

Let me say that I am very grateful that this bill is silent on the issue dealing with scholarships because, unfortunately, we know that children and young people have used drugs but have straightened their lives up because of these intervention programs, and we want to make sure that they are not then thwarted and stopped from being able to finish their education. This, however, is a program that assesses the right kind of intervention. Certainly we know that we have drug courts. We want to know how effective they are. We know there is an amendment that has focused on that.

This focuses on, really, the kinds of programs that may be offered by nonprofits, the faith community, local governments so that funding can be both direct, correct, and effective.

Our children are our greatest resource. We are finding that they are victims, but also they are ripe for the target. They are ripe for amphetamines. They are ripe for over-the-counter drugs such as cough medicine. They are ripe for raiding their parents' prescription drugs in their medicine cabinet at home. So I am hoping that we can join together and understand the usage of these drugs, the alcohol in particular.

Now, let me make note of the fact that we know that smoking cigarettes or cigarettes and alcohol are legal aspects of potential addiction, but we believe that still the programs that deal with those elements, cigarette smoking, alcohol, are likewise equally involved in the idea of intervention and assessment of what programs work.

Let me conclude by simply saying a life saved, a life off the beaten path put on the straight path, is an investment in America's future. I believe this amendment helps us understand how to invest in America's future.

□ 1345

Mr. SOUDER. Mr. Speaker, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN (Mr. MILLER of Florida). Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have some serious reservations with this amendment, not with the goals, but whether many of these studies are not already being conducted. We have tried to work with the gentlewoman from Texas to sort that through. I have agreed to support this amendment and accept this amendment on the condition that we will continue to work in conference and to the degree there is not duplication, because I agree with two fundamental underlying points. One is that we have seen a rise in drug use among girls and women; in methamphetamine in particular we have seen a startling rise. Secondly, in our prisons, we need to continue to look at that.

I believe there are a number of private sector studies in addition to what ONDCP does that will reach much of that data. But I share her goals, and will continue to work in conference to do that.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I strongly, by the way, support this amendment. Ms. JACKSON-LEE talked about a recent Washington Post article from February 10 describing how girls are trying alcohol and drugs at a higher rate than boys, and then she went on to talk about the national survey on drug use and how it found that some 730,000 girls between the ages of 12–17 started smoking cigarettes in 2004, and it got compared with 565,000 boys, and then the 675,000 girls starting to use marijuana compared to 577,000 boys. It seems that there is something going on here that we definitely need to look at.

I know the chairman will work in conference to try to make sure that we address all of these problems. I would definitely support the amendment.

Mr. SOUDER. Mr. Chairman, I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Maryland, Mr. CUMMINGS, and I want to thank the chairman very much.

I look forward to making sure as we work our way to conference and through conference that we, too, have an effective amendment that addresses the concerns that we are all mutually concerned about: this ascending rate of usage by girls and boys, but by girls, and, of course, making sure we have an assessment of the effective programs. I look forward to working with the chairman, and I thank the chairman very much.

Mr. Chairman, and fellow members of the committee, I would like to draw your attention to an amendment that I think is crucial in ensuring the effectiveness of our Office of National Drug Control Policy domestically. A recent Washington Post article from February 10 described how girls are trying alcohol and drugs at higher rates than boys. The National Survey on Drug Use and Health found that

730,000 girls between the ages of 12 and 17 started smoking cigarettes in 2004, compared with 565,000 boys, and 675,000 girls started using marijuana, compared with 577,000 boys. In this study, 14.4 percent of girls and 12.5 percent of boys reported misusing prescription drugs. In 2004, 1.5 million girls started drinking alcohol compared with 1.28 million boys.

This is appalling, and saddening, and my amendment would directly address this by asking the Director of the ONDCP to assess the drug usage by children, as well as the existing preventive and treatment programs.

We can't let our children poison themselves—but in order to take decisive and effective action, we must know more about what the current situation is, and inform our decisionmaking. I hope you will agree that this is an urgent issue, and that this amendment begins the search for a solution.

Thank you for your consideration and your support, and thank you Mr. Chairman.

Rebuttal to the argument that the National Youth Media Campaign addresses this issue and the amendment would be redundant:

This amendment first and foremost requires the ONDCP to document and produce solid research on the occurrence of this problem nationwide. At this point in time, we have a single survey and anecdotal evidence. I think it is crucial to get the ONDCP to take responsibility for this issue and begin to inform decisionmakers.

The amendment specifies items to assess that were not considered by the National Survey on Drug Use and Health such as the role of Federal, State, and local criminal justice systems in providing interventions.

I would like to believe that the ONDCP can be considered an authority on matters having to do with drug use and abuse by children, and this amendment simply asks for an assessment and a report to Congress on the matter.

There were 20,692 drug related arrests in Houston in 2003 (ONDCP).

In their lifetime, 32.9 percent of females and 48.9 percent of male Houston area high school students will have a lifetime use of marijuana (ONDCP).

In 2000, there were 115,589 federal arrests made—28 percent for drug offenses.

In the past month alone, 10.8 percent of youth 12–17 years old have used drugs.

Among State prisoners, 83.9 percent were involved with alcohol and drugs at the time of their offense.

Fifty-three percent of high school seniors reported using an illicit drug at least once in their lives.

White House office of National Drug Control Policy—130 member group led by John Walters.

Some estimates say that the U.S. consumes 60 percent of the illicit drugs in the world.

Fiscal year 2007 budget request—35 percent for reducing demand of drugs, 65 percent for crackdown of supplies.

Mr. SOUDER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 printed in House Report 109-387 offered by Mr. DANIEL E. LUNGREN of California:

Page 161, after line 2, insert the following:

(n) MODEL STATE DRUG LAWS.—

(1) IN GENERAL.—The Director of the Office of National Drug Control Policy shall provide for a corporation that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code to—

(A) advise States on establishing laws and policies to address alcohol and other drug issues, based on the model State drug laws developed by the President's Commission on Model State Drug Laws in 1993; and

(B) revise such model State drug laws and draft supplementary model State laws to take into consideration changes in the alcohol and drug abuse problems in the State involved.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,500,000 for each of fiscal years 2007 through 2011.

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentleman from California (Mr. DANIEL E. LUNGREN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1992, while serving as California's attorney general, I was privileged to be appointed by President George H.W. Bush to be a commissioner on the President's Commission on Model State Drug Laws. This was a congressionally established commission that was charged with creating a model code of laws to help States effectively address alcohol and other drug abuse.

This commission conducted a thorough process which included five public hearings, 25 working sessions, travels around the country for that purpose, and input from hundreds of individuals and organizations working at the State and local levels, to address substance abuse.

The result of that commission was 44 model drug laws and policies which offered a comprehensive continuum of responses and services to address substance abuse problems. We had people from various disciplines in the mental health arena, in the law enforcement arena, in the educational arena, in the social services arena, all coming together to see whether or not they could come up with a continuum of responses to this terrible problem.

Since fiscal year 1995, Congress has provided funding for a nonprofit entity to advise States on laws and policies to address alcohol and other drug issues using as its base the model acts crafted by the President's Commission on Model State Drug Laws, to revise these model State drug laws and to draft supplementary model acts to meet changes in State substance abuse problems. They actually work with the States. They work with local governments to come up with these comprehensive approaches.

Having these services available to the States has been an enormous asset in combating substance abuse as States introduce and pass newer enhanced drug laws, create new guidelines and policies, coordinate funding streams to use resources effectively and efficiently and develop or strengthen multidisciplinary partnerships at the State and local level. That is absolutely necessary if we are going to make real progress on this war on drugs and war on other types of substance abuse. Just look at the number of States that addressed methamphetamine-related problems through legislation this past year alone. Many of them benefited from the services I mentioned.

Because effective and cost-efficient State drug laws and policies are vital components of a strong national effort to address substance abuse, this amendment is offered to authorize appropriations of $1.5 million for each of the fiscal years 2007 through 2011 to better ensure that these key functions in assisting States are retained in the national drug control effort.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Speaker, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not oppose this amendment. I think it is an excellent amendment. Mr. LUNGREN of California, who I like to think of as the Charlie Weis of Congress in the sense that since he has come in, he has helped organize us in homeland security and organize us in narcotics issues based on his experience as attorney general, and once again showing why the University of Notre Dame produces such great graduates who grasp the issue.

He has worked at the State level. We need clearer model State drug laws. We need to establish laws that are effective. I appreciate his leadership in this effort in multiple committees, on the Judiciary and Homeland Security.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, we certainly join in support of the amendment. We think it is a good amendment.

Mr. SOUDER. Mr. Chairman, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANIEL E. LUNGREN).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 printed in House Report 109–387 offered by Mr. LYNCH:

At the end of the bill, add the following (and make such conforming changes as may be necessary to the table of contents):

SEC. 20. STUDY ON PRESCRIPTION DRUGS ASSOCIATED WITH IATROGENIC ADDICTION.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall request the Institute of Medicine of the National Academy of Sciences to enter into an agreement under which the Institute agrees to conduct a study examining certain aspects of prescription drugs associated with iatrogenic addiction, including oxycodone hydrochloride controlled-release tablets.

(b) REQUIREMENTS.—The study conducted pursuant to this section shall evaluate—

(1) the rate and impact of iatrogenic addiction associated with the use of prescription drugs described in subsection (a); and

(2) the relative addictiveness of prescription drugs described in subsection (a) when compared with other opioids and other substances included in schedule I or II of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(c) REPORT.—The Director of the Office of National Drug Control Policy shall ensure that the agreement under subsection (a) provides for the submission of a report to the Congress, not later than one year after the date of the enactment of this Act, on the results of the study conducted pursuant to this section.

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to thank the gentleman from Indiana and the gentleman from Maryland on their leadership on this issue.

Mr. Chairman, the amendment that I have offered simply requests that the Director of the Office of National Drug Control Policy ask the Institute of Medicine at the National Academy of Sciences to conduct a study to examine certain aspects of iatrogenic addiction, which is associated with prescription drugs like OxyContin.

Back in September, our Subcommittee on Regulatory Affairs For Government Reform held a field hearing in Boston and it regarded the regulation of prescription drugs such as OxyContin. One of the primary concerns raised at those hearings by the experts was that they testified that the lack of information on the addictiveness of these type of drugs has created a great problem in society.

For this reason, the amendment calls for a study that would first look at the rate and impact of iatrogenic addiction; that is, addiction to properly prescribed prescription drugs, which is associated with the use of prescription drugs like OxyContin.

Iatrogenic addiction is addiction which occurs as a result of prescribed medical care. These are the accidental addicts, who, through no fault of their own, become hopelessly addicted to drugs like OxyContin, and in effect these individuals become customers for life.

Because there are some legitimate medicinal uses for some of these painkillers, it is increasingly difficult to balance the need of those people who are desperately in need of these drugs, to try to balance that against the problems of addiction. For this reason, it is necessary to have the information on addictiveness of drugs associated with iatrogenic addiction, including OxyContin.

I want to relate briefly, Mr. Chairman, a story of a young woman, and this is just one example of thousands, a young woman in my district from a good family who went to the dentist's office with tooth pain.

After the tooth extraction, she was given a prescription of OxyContin, and, after completing that, exhausting that prescription, she went back again for an additional prescription. Sometime thereafter, she went back in, complaining of additional tooth pain and had another tooth extracted, and again was given another prescription of OxyContin. It happened a third time.

To make a long story short, I met this young woman during an effort to create a detox center in my district, and she confesses now in rehab that she had become addicted to the first couple of prescriptions and she went back, falsely claiming tooth pain, just so she could get additional prescriptions for OxyContin. She became hopelessly addicted to OxyContin through no fault of her own.

Another observation in my own district, it is quite common, traveling to pharmacies in the malls or drugstores in my local downtown area, it is not uncommon to see big signs in the front windows of my pharmacies that say, "We do not carry OxyContin on the premises." In other words, please don't rob us.

There have been so many robberies trying to acquire this drug of addicts that now the pharmacies are just saying we don't carry it on the premises, do not rob us. I think it is a sad statement of the addictive quality of this drug and also our inability to police it.

At this point, there are no studies that help us understand why certain people become addicted, while others don't, to drugs like OxyContin. By conducting this study, we will be better able to understand how the brain interacts with this drug.

Secondly, the study will look at the relative addictiveness of prescription drugs such as OxyContin when compared with other pain killers as well as other controlled substances under Schedule I and Schedule II of the Controlled Substances Act.

Mr. Chairman, I want to thank Mr. SOUDER and Mr. CUMMINGS again for their leadership on this effort. I think they too are shining examples of bipartisanship on an issue that is very important to the American people.

Mr. Chairman, I yield back the balance of my time.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not opposed to this amendment, it is an excellent amendment, and I wanted to address the subject for a few minutes.

Mr. LYNCH has been a leader in this, as he has also been in the steroids battle, in the committee. I appreciate that. Chairwoman CANDICE MILLER conducted a hearing in his district on this subject. We worked together as committees, although I could not be at the hearing.

We also conducted a hearing on OxyContin down in Orlando. OxyContin has also hit my districts hard. There was a series of bank robberies and other robberies of pharmacies in the area, I think 19 total, that when people become addicted to this or become distributors of it, it can lead to other sorts of crime and organized crime in many areas of the country.

It is a little known fact that cocaine is not the number one killer in America through drug abuse, nor is heroin, nor is methamphetamine. It is abuse of prescription drugs. It is very hard for us, and we are going to see, as we make progress on methamphetamines through our control of pseudoephedrine and trying to get better control of the border at least someday in the future on crystal methamphetamine and some of the other drugs, that legal drugs are going to be possibly our biggest challenge.

One of the struggles with this, as we found out in the hearing in Orlando, that many of the medical community, not only are we fighting the pharmaceutical community, as we did in the methamphetamine bill and pseudoephedrine, we are also fighting the medical community.

Here we got in a very testy exchange about how we define pain control, and that comes as to how we regulate this, and what constitutes one person's pain control may not be another's, and it becomes an excuse for having no regulations on OxyContin.

□ 1400

So we had therapists opposed to us; we had certain medical communities opposed to us, who may have legitimate uses. But the bottom line is that we have an epidemic of abuse occurring with this and other prescription drugs.

We do not need to hear how not to regulate it. What we need to work with these industries is how best to regulate it, and part of that is getting a study on accuracy of how this addiction works. I appreciate the gentleman's leadership with this. I will support this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I, too, support this amendment. I want to thank Mr. LYNCH for his leadership. OxyContin is something that we have taken a look at, and we realize that it has had, as Mr. LYNCH has described, just all kinds of damaging effects. I think that the good thing is that this gives us an opportunity to get more information about it, because I think it is almost impossible to truly make good policy unless you have an adequate amount of information. So I think this will be helpful to our subcommittee as we move forward in trying to address this issue. The interesting thing that we note is it seems as if from time to time, and depending on the area in the country, certain drugs seem to become the drug of the time.

And so what we are constantly trying to do is make sure that we have every bit of detail that we possibly can so that we can create the kind of policies to effectively counter the abuse of certain drugs.

So, again, I applaud Mr. LYNCH. Thank you for bringing this to us. I thank you for yielding me time.

Mr. SOUDER. Reclaiming the balance of my time, as Mr. CUMMINGS just said, this shows the diversity of things that we tackle in our committee, in narcotics areas across the United States. We saw new shocking revelations yesterday on Barry Bonds. Masking agents are increasingly a challenge in trying to deal with steroids and other vitamin supplements and things that people are using in excess quantities to create artificial advantages in competition.

How this thing goes down to young people whose bodies cannot handle this, as we heard in our steroids hearing, watching OxyContin, which is one of the most effective painkillers being used by people, taking people's lives, and it becomes a way that people rob banks and pharmacies and violence in society, abuse of other prescription drugs.

In addition to cocaine, heroin, methamphetamines, different areas will have different things come up at different times. But we need to know the science behind it. We need to know how it affects the human brain. We need to know the best ways to fight this. We need comprehensive efforts.

That is what the Office of National Drug Control Policy is supposed to do. I commend the gentleman and support this amendment from the gentleman from Massachusetts.

Mr. Chairman, I yield back the balance of my time.

Mr. LYNCH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the last two points in closing: we have had to in my district open up two brand-new adolescent, one adolescent boys facility to deal with this problem and one adolescent girls facility.

I have extensive waiting lists at both facilities trying to deal with this problem. I think that somewhere down the line we have to address the fundamental question in this country about how addictive, how addictive are we going to let drugs become that are sold over the counter commercially. Because, eventually, we have to realize that there is a commercial advantage to selling an addictive drug.

And those drug companies, they are creating customers for life here who have no other alternative.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. MILLER of Florida). The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 printed in House Report 109-387 offered by Mr. PAUL:

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 20. SUNSET.

After section 716, as redesignated by section 14 of this Act, insert the following:

"SEC. 717. SUNSET.

"This Act shall not be in effect after September 30, 2011.".

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentleman from Texas (Mr. PAUL) and the gentleman from Indiana (Mr. SOUDER) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, my amendment is very simple. I thought it would be very noncontroversial, because it merely sunsets our provision. We have just gone through a period of time of 2 years where there has been no authorizations, but we have done appropriations as necessary.

The amendment merely says, this act shall not be in effect after September 30, 2011. So that is 5 years, which I think is very adequate. But I would want to express my agreement with the authors of this particular bill, because we do have a very serious problem in this country with drugs.

I, as a physician, am very much aware of the seriousness of it. I also agree that prescription drugs are probably every bit as bad or much worse, because there is so much dependency on psychotropic drugs.

But, nevertheless, I come down on the side of saying no matter how good legislation like this is, it backfires; there are too many unintended consequences. In such a short period of time, all I can suggest to my colleagues is that prohibition in the ultimate sense was tried with alcohol.

And alcohol is still now a severe problem in this country. And we knew that Prohibition produced many more problems than the alcohol itself. I think that is true with drugs. I think we have allowed ourselves to be carried away, to a large degree, because now we have laws that lack compassion. We do know, in the medical field, that marijuana can be helpful to cancer patients and AIDS patients can be helped where our drugs are not helpful; and to me this is just sad that we override State laws that permit it.

The overwhelming number of people in the country now are saying that we ought to allow marijuana to be used for very sick patients. Not too long ago, just this week, I had a meeting with a student that came from a central Asian country. He was an exchange student. He says the big subject at his school was, what is the age limit when I can drink alcohol? They would ask him that and he said, there is no age limit.

So I asked him, I said, is there a drinking problem in your country? And he says no. He says it is uneventful. It is the excitement of something being illegal that actually makes the problem a lot worse.

And even in our country, we had a grand experiment from the beginning of our country up until about 35 years ago. We had very few of these laws. Yet all we can notice now is that we have spent, in today's dollars, over $200 billion in the last 35 years and we do not have a whole lot to show for it.

So I would grant you there is a serious problem. We should do whatever we can to help. I just do not think more legislation is required.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I might consume. On the surface it looks fairly mild, but it is actually an attempt to eliminate the drug czar's office.

The gentleman from Texas is certainly the most principled Libertarian that we have in the Congress and probably one of the most principled Libertarians in the country. I presume he would favor sunsetting most Departments in the Federal Government. The question is, why would we single out the drug czar's office?

We have many programs that are unauthorized. That is an unfortunate thing. I believe all programs should, in fact, be authorized; and that is why we are going through this authorization. It got lost at the end of the last session in the Senate side, and we are proceeding again with Senate support.

It would be tragic if we got in the position where each Department, if Congress could not decide on the exact wording of the authorization bill, the office suddenly disappeared, and we would not have a national anti-drug media, we would not have the HIDTA programs, we would not have the technology that goes forth.

Dr. PAUL and I have deep differences on the effectiveness of narcotics. We both share a skepticism in the ability of government to solve things. But I believe in the drug policy area we can at least make a difference. And I believe it is an important difference.

He and I have our deep philosophical differences on this, but I very much respect his consistent opposition, basically to most legislation that comes forth in front of Congress. But I need to oppose this amendment.

This amendment would have the effect of singling out the Office of National Drug Control Policy solely among Cabinet positions to be put under this regulation. And it could, indeed, like many other programs that we do not get reauthorization, such as juvenile justice, such as Head Start, has at times not had its authorization, we have many different programs that do not get authorized.

We would not want to fold those programs merely because the two bodies could not agree on their final wording.

I also would like to at this time, I got a copy of the administration's statement of policy of why they oppose this bill, in spite of the fact it has gone unanimously through the subcommittee, unanimously through the full committee, gone with complete support of multiple other committees in Congress.

It is, quite frankly, a relatively insulting document. It says, for example, that it infringes on the prerogatives of the executive by designating ONDCP as a Cabinet-level official. As we explained earlier, that is not what the law says it does.

It says it has to be treated like a Cabinet-level position. Which, by the way, was what Congress passed in the beginning. It was a congressional designation. The bill duplicates the drug certification process, is another one of their complaints at the State Department. That is true. But ONDCP is a narcotics agency, and they should be advising the State Department, which has multiple different concerns when they do certification. It complains about the interdiction coordinator in the Department of Homeland Security being under a national drug control strategy, which seems odd that ONDCP would be objecting to this being in their Department.

Once again, it reiterates that they want to move the HIDTAs away right now in the Justice Department from ONDCP. The reason we have them there is the State and locals were drawn into HIDTA relationship where they had a vote and could have influence in the decision-making.

The administration's proposals would gut the funding, over half of it; would take away the vote of State and local officials, all of whom said unanimously they would withdraw from the program if the administration persists with this, which was denied in both Houses last year, denied overwhelmingly again by their own people.

When the narcotics officers of America unanimously oppose this, when the High Intensity Drug Trafficking Areas unanimously oppose it, how can the administration keep sending up this type of document? They are supposed to be the leaders of the world on narcotics, not fighting every police officer in America, every State trooper in America, every HIDTA in America. I do not understand this.

It also says that we are reducing its flexibility in the National Anti-drug Media Campaign. We certainly are. Because we are frustrated that they have not dealt with the problem of methamphetamine. So that allegation happens to be true. We are reducing the flexibility because he has refused to respond to the counties of America that methamphetamine is their number one problem in America, to the HIDTAs; and particularly he has been after the methamphetamine HIDTAs that were created, the Rocky Mountain HIDTA, the Missouri HIDTA, the Iowa HIDTA.

It has been very frustrating to see this persistent, persistent, even after we passed the Methamphetamine Act this past week, even as we moved this bill through, continuing to resist the efforts of Congress to try to tackle the problems of methamphetamine.

Also they dislike that we have restricted their reprogramming ability. Yes we have restricted their reprogramming ability, because every time the local HIDTAs or others try to deal with the methamphetamine problem, they want to reprogram the money away from the problem. So we have given them most of the flexibility there.

But while some of their charges are true, they fail to point out why the House and Senate unanimously from both parties are so frustrated that we have had to go forth with this. It would be tragic if my friend from Texas's amendment passed and would not let us move forward with this bill.

Mr. PAUL. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of the amendment by the gentleman from Texas that calls for the sunset of this legislation in 5 years, if enacted.

You know, I have heard a lot from the other side of the aisle about poverty programs that did not work, and I saw a lot of work to get rid of those programs.

This is a program that does not work. We need to get rid of it, and we need to get serious about doing something about drugs in America. We are sitting here talking about these HIDTAs. We are talking about advertisements while we have an unprotected border with the drug lords shooting it out with our sheriffs down in Texas and other places, bringing drugs into our country.

HIDTA does nothing to stop that. We have the deaths from overdoses from methamphetamines, crack cocaine, cocaine, pills, Ecstasy, heroin, marijuana, you name it. And we are doing nothing. America can do better than this.

Why should we keep a program without reviewing it, just put it into law forever? This is what you are trying to do. We need to sunset it. Period. As a matter of fact, I would get rid of it; it would not even be authorized. But if you insist, at least review it. Why do you want to put it in law forever without the kind of reviews that are necessary to determine its effectiveness?

☐ 1415

This does not work. It is costing the American taxpayers $870 million to run this ineffective program. I think we should get rid of it, and I support the gentleman's amendment.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent that each side be given 2 additional minutes.

The Acting CHAIRMAN (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PAUL. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Texas has 3 minutes remaining.

Mr. PAUL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, earlier I mentioned that prohibition was a total failure with alcohol and that it is very similar, and I think the gentleman from Indiana helped make my point. He is a bit frustrated with the enforcement of the laws on the books, and for what reason I do not know, but we certainly ought to be frustrated with the results. But the laws are difficult to enforce and I understand and sense his frustration with this.

One of the major reasons why I object to this approach is not only the cost. The cost is pretty important and I think it is pretty important to realize it does not work very well, if at all; but we also ought to look at the damage done with our mistaken thoughts that this is doing a lot of good.

Once a war is declared, whether it is a war overseas or whether it is a domestic war on some evil here, that is when the American people should look out for their civil liberties. There, the issue of privacy is attacked. So now we have a war on terrorism and we have the PATRIOT Act and all these other things that intrude on the civil rights and civil liberties of Americans, and, at the same time, not achieving a whole lot of good results.

This is what happens when there is a war on. Those people who are trying to avoid taxes, all law-abiding citizens have to obey all these laws. So as soon as there is a war, look out for your civil liberties and your privacy. The war on drugs has done a great deal of harm to our right of privacy.

Once again, I agree with the argument, there are a great deal of problems in this country with the illegal use of drugs, but what I am saying is it does not help to have this type of a war on drugs because it tends to distort things. It raises prices artificially high. It causes all kind of ramifications that actually cause more killing and dying. This is why prohibition of alcohol was stopped, because people died from drinking bad alcohol, and the gangs sold the alcohol. The same thing happens today.

Like I mentioned, that student that lived in the country, and he was 16 years old, and there were no rules or laws against teenagers drinking beer or alcohol and there was no problem. Kids did not drink. It was not exciting to do it. So there is a certain element of truth to that. Kids smoking cigarettes is against the law. You sneak off and smoke cigarettes. That happens to be what teenagers do.

So no matter how well-intended legislation like this is, it tends to have too many unintended consequences, it costs too much money. And we fail to realize that we in this country live with a greater amount of personal liberty and respect for State and local law enforcement, we had less drug problems. Think about it. Through the latter part of the 18th century, the 19th century, the early part of the 20th century, essentially no laws, and we had a lot less problems.

Mr. Chairman, I yield back the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, make no mistake about it, this amendment is whether you support the director's office or not. The fact is that we sunset everything every year, because if we do not appropriate, they do not have any dollars. If it never gets reauthorized and then you do not appropriate, it is sunsetted. We have sunset provisions in every piece of legislation we pass. All we have to do is not fund it. Then they do not have any staff. They do not have any offices. They do not have any rent.

This is a legitimate debate about whether the Federal Government should be involved in drug law enforcement.

I disagree with my colleague from Texas, across the board. We do not even agree on prohibition. Quite frankly, prohibition reduced alcohol abuse. It reduced spouse abuse. It reduced child abuse. People wanted to drink and we had a history of drinking. And it came back in mostly for political reasons, not because of all the other side reasons you have heard. In fact, it accomplished its goals; it just had a side goal, given the history of alcohol use in the United States. And ever since then we have been trying to control it even down to the point of now regulating bartenders who serve drinks to people who have consumed too much.

We still see the ravages of alcohol abuse. We see States that have passed liberal marijuana laws repealing those laws. Denmark and The Netherlands are retreating because when they legalized marijuana, it was not like the drug traffickers disappeared. They just moved to harder drugs and started to sell those. The marijuana that we see today isn't the ditch weed we used to have in Indiana or the sixties' marijuana. It is this hydroponic marijuana with 30 to 40 percent THC that sells on the streets much like crack cocaine. It has an impact on your brain much like crack cocaine.

The fact is that this is a great danger to this country, that we have made progress. The keen attitudes towards marriage have consistently declined. The cocaine in the United States has shown some movement based on what has happened in Columbia. Right now we have a problem that we cannot control the heroin out of Afghanistan. We are tackling the meth question. In fact, we have seen a broad move across the United States that has reduced drug abuse. It is important that we have a director there. We just want to see the director being more effective.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. REHBERG

Mr. REHBERG. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 printed in House Report 109-387 offered by Mr. REHBERG:

Page 213, after line 6, insert the following new subsection:

"(k) PREVENTION OF METHAMPHETAMINE ABUSE AND OTHER EMERGING DRUG ABUSE THREATS.—

"(1) REQUIREMENT TO USE 10 PERCENT OF FUNDS FOR METHAMPHETAMINE ABUSE PREVENTION.—The Director shall ensure that, of the amounts appropriated under this section for the national media campaign for a fiscal year, not less than 10 percent shall be expended solely for—

"(A) the activities described subsection (b)(1) with respect to advertisements specifically intended to reduce the use of methamphetamine; and

"(B) grants under paragraph (2).

"(2) GRANT AUTHORITY.—The Director may award grants to private entities for purposes of methamphetamine media projects. Any such project—

"(A) shall have as its goal the significant reduction of the prevalence of first-time methamphetamine use among young people; and

"(B) shall focus solely on the prevention of methamphetamine use, through, at a minimum, public service messages that are based on research showing what is effective in substantially reducing such use among young people, including public service messages in both print and electronic media and on websites.

"(3) AUTHORITY TO USE FUNDS FOR OTHER DRUG ABUSE UPON CERTIFICATION THAT METHAMPHETAMINE ABUSE FELL DURING FISCAL YEAR 2007.—With respect to fiscal year 2008 and any fiscal year thereafter, if the Director certifies in writing to Congress that domestic methamphetamine laboratory seizures (as reported to the El Paso Intelligence Center of the Drug Enforcement Administration) decreased by at least 75 percent from the 2006 level, the Director may apply paragraph (1)(A) for that fiscal year with respect to advertisements specifically intended to reduce the use of such other drugs as the Director considers appropriate.

Page 213, line 7, strike "(k)" and insert "(l)".

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentleman from Montana (Mr. REHBERG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Montana.

Mr. REHBERG. Mr. Chairman, I yield myself 2 minutes.

First of all, let me begin by thanking Mr. SOUDER for his tremendous leadership on this issue, and in taking a look at this amendment, this is an extremely important amendment.

What the amendment does is it ensures that no less than 10 percent of the national media campaign funds will be expended on advertisements specifically intended to reduce methamphetamine use, and it allows the director to award grants to private entities.

I heard the joke not long ago that said, creativity is nice but plagiarism is a whole lot quicker. Usually plagiarism is not a good thing, but in this particular case I want to talk about a project in Montana that is worthy of copying in all the other 49 States.

Some of you computer nerds might recognize the name Siebel. Tom Siebel sold his business to Oracle, so he is out of that business. He set up a 501(c)(3) called The Meth Project in Montana. The Montana Meth Project is the first affiliate.

We are spending currently about $10 million just on methamphetamine use alone, trying to get a targeted message to 12- to 17-year-olds. Our children are using meth. We need to get to it.

It is a fabulous program. We do not need to recreate the wheel. What we do need to do is allow the director the opportunity to have the flexibility to grant monies from this program to other entities to prove that there are other advertising strategies out there.

When you go to the doctor with an illness, usually you go to a family practitioner; but when you finally find out what is wrong, you will probably go to a specialist. Methamphetamine is a cancer. We can carve out surgically the problem if we identify it. We use a rifle-shot approach if we follow a model similar to what is happening in Montana. Let me use the numbers. Within the last 6 months we have had 30,000 minutes of television, 30,000 minutes of radio advertising, print, billboards, Internet ads. We are reaching each teen in Montana, on average, 3 times a day. It is phenomenal and we are seeing the numbers drop.

These are the kinds of exciting programs that, once you make the determination that not all good ideas originate in Washington, D.C., there are ideas throughout the Nation, the rest of the country will be jealous. They will want the opportunity to copy what we have got going on in Montana.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who seeks time in opposition?

Mr. CUMMINGS. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Maryland is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Chairman, I support this amendment. I think we have a situation where I have been a big proponent of the National Youth Anti-Drug Media Campaign, but I think we have to be very careful in how we spend our money.

There are parts of our country that are suffering tremendously with regard to methamphetamine. And I do not think it is unreasonable to take that 10 percent and make sure it is directed towards that problem. The fact still remains, and one of the things that I do like about this amendment is that if there is a decrease in the methamphetamine labs, then that money is then put back to be used for other purposes. I think that makes sense. Perhaps we ought to do that more in other legislation that we pass out of this House.

I support the gentleman. Our subcommittee has been very, very concerned about methamphetamines. This is just another way that perhaps we can prevent some of our young people from going that route.

During much of the testimony by the way that we received, there was a lot of testimony with regard to young people now looking more and more at ads, by the way, on the Internet. And I think that just as we have to adjust when we find that certain drugs become the drug of the day or the drug of the year, we have to adjust our methodology, too, and the amount of money that we are spending with regard to, like I say, a program like this for addressing methamphetamines.

I support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent that each side be given 5 additional minutes, given the numbers of speakers that we have on this amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. REHBERG. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chairman, I want to thank the gentleman from Montana (Mr. REHBERG) for working with me on this issue.

Meth abuse is prevalent in all the States and imposes a high cost on society, Mr. Chairman. Meth is highly addictive and its effects are severe and longlasting. Recent studies have demonstrated meth causes more damage to the brain than heroine, alcohol, or cocaine. Its abuse impacts not only the users but also the user's family and the general public. Thousands of children across the country have been taken away from their meth-abusing parents, placed with relatives, or shifted into the already overcrowded foster care system.

It is our duty in Congress to ensure that the public is informed and educated about the dangerous effects of this drug, and that is why I helped introduce this amendment.

This amendment is an important tool to fight the meth epidemic. It will require that at least 10 percent of the media budget for the Office of National Drug Control Policy be spent on advertising fighting meth abuse. With this minimum percentage we can ensure that the public is educated about the dangers and risks of this deadly drug and help prevent its further abuse.

Mr. CUMMINGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I rise in strong support of this amendment. I want to compliment Mr. REHBERG and the group of cosponsors who have all been active in the anti-meth efforts. Montana has been truly a model of what the private sector can do.

The campaign that Mr. REHBERG was talking about is so much more dramatic than what we have seen out of the Federal Government. It is extremely disappointing that we need to look at how to use this Montana model in how to get our national ad campaign engaged.

As has been pointed out, there are some risks when you designate a percentage of the national media campaign to be devoted to one particular drug. But this says if there is a reduction and there is a proven reduction, then that requirement will not be there. Plus, if the Congress of Counties in the United States say this is the number one drug problem in America, if we are hearing about it in basically in all 50 States now, but 37 States have heard about it so aggressively that they are banning pseudoephedrine or moving to ban pseudoephedrine. And we just passed a bill in the United States Congress to in effect reduce cold medicines from 120 choices down to 20 because of the ravages of meth, if we are willing to take those drastic strategies; if the county officials across the country say meth is the number one epidemic; if local law enforcement is telling us that in big cities like Minneapolis and St. Paul or Omaha or Portland that the bulk of their people that are in jail, kids in child custody, are because of meth; if small rural towns in the Midwest and the West are hard hit by meth, California has these super labs that are there; if we are seeing it move into Pennsylvania and North Carolina and down into Florida, and now getting into New England; if this is that big of a problem, is this so outrageous to ask that 10 percent of the national ad campaign be devoted to fighting meth?

□ 1430

Where have they been? I thank the gentleman who brought this amendment forward and strongly support the amendment.

Mr. REHBERG. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. BOOZMAN), one of the sponsors.

Mr. BOOZMAN. Mr. Chairman, I thank Mr. REHBERG, and we have really enjoyed working on this. I rise also in strong support. The only reservation I have at all is perhaps 10 percent is not enough. We are dealing with a situation that in Arkansas, started in the Midwest, started in Arkansas, States like that, very rapidly spread across the country.

When I talk to anybody in enforcement in my State, they tell us that 65 to 70 percent of crime in Arkansas now is directly attributed to methamphetamine. Our shelters are full. When you use this drug for an extended period of time you tend to get paranoid. You start beating up your family, and it is at an age when the children are invariably involved because it is in your 20s to 40s.

While I was waiting to come and speak on this, I went in and talked to my MediVac folks who are out there that wanted to tell me about their issues in transporting patients. I mentioned I was going to come here and speak on this bill. They started relating story after story of transporting burn patients, children, men and women that had been injured as they were cooking meth that exploded.

So, again, I appreciate the chairman and ranking member and strongly support the amendment.

Mr. CUMMINGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the gentleman from Maryland for the time.

I want to add that I, too, believe it should be more than 10 percent. Of course, the ONDCP director has that flexibility.

I would also like to additionally comment a little bit more on the statement of administration policy and the bill in general that shows our frustration.

I mentioned in the State Department on the certification process that the State Department has certification, but there are many other variables. In fact, that clause has been weakened to say "demonstrably failing." What this says is the drug czar has to show whether these nations, such as Mexico, whether the pseudoephedrine producers such as India and China are fully cooperating, because we need to have the drug czar say what is happening on narcotics, and the State Department can make their own rulings.

Furthermore, we have a big debate about how the budget should be counted. We believe that the administration has been misrepresenting what we are actually spending on narcotics in multiple ways. For example, in prisons, they count treatment as the only part of the prisons that is counted in the drug control budget. Well, we know many people are in jail because of narcotics. It leads to us not understanding what the actual costs of what we are doing are.

Now, I support all that. I am not trying to say it should be cut, but understating it does not give Congress an accurate impression of what we are spending on narcotics. Similarly, in the Department of Homeland Security.

So we are pushing in this legislation to address a wide range of things, and this particular amendment addresses one of the most egregious problems we have had, which anybody who has been watching this full debate sees, one amendment after another coming up on meth. That is because the people are speaking out. It is not just in the rural Midwest.

It started out in Hawaii, in Honolulu, had to fumigate certain apartments because you can endanger the children and the people moving in the next time. When we did a hearing in Congressman TURNER's district in Wilmington, Ohio, that very day in Dayton, Ohio, which is a large city, they found a string of seven houses that had the drug labs internally because you can smell it. That is partly why people go to rural areas, but they found the first big bust in Dayton because they brought up a string of houses so they could not smell it, much like they do with hydroponic marijuana. This is a thing with not only the crystal meth but even the drug labs are hitting the big cities. This is something that needs to be tackled.

This is one where we can win. This is one when you show the ads, like are shown in Montana, they capture the people. They understand the danger of this drug, and what we need to do is make sure our national ad campaign includes that.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

Let me just say this: I think that Mr. SOUDER makes a very good point. One of the things that I think we probably need to see, and particularly our young folk, is the devastation of meth and to see what it causes people to do to themselves and the effect that it has had on communities. I am convinced that if our young people just had any idea of what happens to people when they use meth, I think some of them would turn around.

During one of our hearings, we were shown numerous pictures of young people. One picture was taken before they used meth and then another taken even sometimes two or three months later, and the difference was incredible. Many of them looked like they had aged about 10 years in about three or four, five months. Many of them looked very drawn and, I mean, just had all kinds of blisters and marks on their faces and their bodies. If there is one thing that we have learned about certain actions of young people, many of them want to continue to look good. We discovered that when we dealt with the whole issue of steroids.

So I think it is important. We have not seen the kind of reduction that we would like to see in methamphetamine use. As a matter of fact, it is pretty stable, but we would like to see it go down, and I think that this is the appropriate approach.

Mr. Chairman, I reserve the balance of my time.

Mr. REHBERG. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. KING) who has played a very, very important role in the whole meth issue, and I thank him for helping to cosponsor this.

Mr. KING of Iowa. Mr. Chairman, I want to thank Mr. REHBERG for leading on this amendment and giving me an opportunity to participate in this.

I would like to also thank the Chairman, Mr. SOUDER, for the intensive work that he has done on meth. It has been a real catalyst for all of us that have joined together on this team.

This amendment would dedicate a minimum of 10 percent of the funds to the anti-meth ad campaign to win the war on meth. Meth destroys our rural communities from the inside out. We need to make sure that people, especially our young people, get the message: meth kills.

In Iowa, we are turning the tide in the war on meth with an 80 percent reduction in the number of meth labs after passing a tough precursor law. Unfortunately, meth continues to pour in from our southern border, primarily Mexico. The dedicated dollars in this amendment will help stop young people, especially, from using meth in the first place.

Meth is more than 10 percent of the illegal drug problem in America. Spending 10 percent on this ad campaign is the minimum that we should commit.

I thank you.

Mr. CUMMINGS. Mr. Chairman, I yield back the balance of my time.

Mr. REHBERG. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I just want to thank everybody, everybody who has talked on the issue today, everybody who has been involved on this amendment and the bill as well. Mr. CUMMINGS, Mr. SOUDER, your leadership on the whole drug issue has been very important to this country.

We are lucky in Montana. We have 930,000 people. We have 147,000 square miles, and we decided to make ourselves the pilot project to see if it could work, if we could have a massive campaign run like pretty much a political campaign. We have polling. We have focus groups. We have monitoring to see if our advertising is effective. We have both Senators, Senator BAUCUS, Senator BURNS and myself, Governor Schweitzer.

We have the State legislature, law enforcement, district courts, Supreme

Court, the judges and the U.S. Marshal all involved in this issue. It is the most phenomenal program I have ever seen, and I want to welcome you to the program, and I would like to share with you, as well, if you are interested in seeing the ads, if you would like a presentation, it is the kind of program that will make a government program that is already funded here in Washington even better.

We are not trying to replace it. All we are trying to do is present the idea to the drug czar, to the administration, to the director and say if you are interested in something like this, you ought to have the ability to either grant to an organization like this or this organization. It is a 501(c)(3), so it is a not-for-profit, but it is a great idea. So what we want to do is provide the flexibility.

Forty-four percent of teens believe meth helps you lose weight. Thirty-nine percent of teens believe that meth makes you feel happy. Thirty-five percent of teens believe meth gives you more energy. Twenty-three percent of teens have close friends who use meth. It scares me to death. I have a teenage daughter. I have one coming up shortly behind. Our children will tell you they are confronted by this problem every day at school. We did not have the fear that they do of going to school and being confronted with something that you use it once and it is proven it stays in your brain for many, many years, a drug that makes you want to pull your hair out, pick your skin off. You start bleeding. You lose your teeth.

This is the kind of thing we cannot allow in our country. There are a lot of issues we deal with on a daily basis in Congress. Sometimes we name post offices. Other days we deal with issues like September 11, and on a scale of 1 to 10 this is an 11. When it comes to issues that this country needs to deal with and this Congress needs to address, this methamphetamine use and drug use within our general population, especially among some of our most vulnerable, which are our teens, 13 to 17 or 12 to 17, we have got a program we would like to share with you as a pilot project.

There are many ideas out there coming up from all over the country, and what my amendment does is give the director the flexibility to try some new and creative things and require at least a simple 10 percent of the money for advertising be spent on methamphetamine.

Again, they have come in this year for a budget request of about $120 million. So this means at least $12 million would be spent. We are spending that much almost this year in Montana. So 10 percent is not enough.

Let me point out and thank at this time the other major players in this whole arena: television stations, radio stations, newspapers, the Internet. They are all voluntarily matching dollar for dollar every dollar that is being put in the Montana meth project. This is a tremendous volunteer organization and a tremendous advertising program. I think you will like it if you see it.

Again, I hope you will support the amendment; and to all my colleagues that spoke today, that worked on this amendment, thank you for giving us the consideration that you have. Please favorably look at this amendment and vote "yes."

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN (Mr. MILLER of Florida). The question is on the amendment offered by the gentleman from Montana (Mr. REHBERG).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. REHBERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Montana will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. RENZI

Mr. RENZI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 printed in House Report 109–387 offered by Mr. RENZI:

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 20. REPORT ON TRIBAL GOVERNMENT PARTICIPATION IN HIDTA PROCESS.

(a) REPORT REQUIREMENT.—The Director of the Office of National Drug Control Policy shall prepare a report for Congress on the representation of tribal governments in the High Intensity Drug Trafficking Areas Program and in high intensity drug trafficking areas designated under that Program. The report shall include—

(1) a list of the tribal governments represented in the Program and a description of the participation by such governments in the Program;

(2) an explanation of the rationale for the level of representation by such governments; and

(3) recommendations by the Director for methods for increasing the number of tribal governments represented in the Program.

(b) DEADLINE.—The report prepared under subsection (a) shall be submitted not later than 1 year after the date of the enactment of this Act.

(c) DEFINITION.—In this section, the term "High Intensity Drug Trafficking Areas Program" means the program established under section 707 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706)

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentleman from Arizona (Mr. RENZI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. RENZI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am fortunate to represent more Native Americans than any other district in Congress, and this amendment addresses the needs for the tribes and the Office of National Drug Control Policy to work together to combat drug trafficking throughout Indian Country.

The purpose of HIDTA is to enhance and coordinate drug control efforts among local, State, and Federal law enforcement agencies; and the HIDTA has proved to be an effective tool, and yet tribal governments need to play a greater role.

Our amendment will do just that. It requires a report from the director of the Office of National Drug Control Policy on the representation of tribal governments in the HIDTA process. The report would detail a list of tribal governments represented. It would explain the rationale for the level of tribal inclusion and would ask for recommendations to increase the number of tribal governments participating in the program.

I represent the Navajo Nation, the White Mountain Apaches, the San Carlos Apaches, the Yavapai Apaches. Their reservations alone are roughly the same size as the States of Maryland, New Jersey, Massachusetts, and Vermont all combined.

☐ 1445

These large land masses provide an ideal safe haven for drug smugglers, felons on the run, and these drug dealers. The reservations consist of vast rural areas, with little or no law enforcement to help provide protection. In addition, there is an abundance of tribal youth who in the eyes of these drug dealers serve as perfect innocent drug users.

In recent years, the choice of drugs on these reservations and throughout my district has been methamphetamines. It has destroyed the rule of law among the reservation people. It is killing our tribal youth in this country. More than 90 percent of the meth that comes into Arizona comes in through Mexico, and yet we have superlabs on the reservation that produce some of the purest form of highly addictive blend of toxics that make up methamphetamine. And the meth that is produced in these superlabs on the reservation sells for cheaper value on the street than the meth that is produced off the reservation.

My colleagues, I have to thank Chairman SOUDER. He has been out to northern Arizona. He is a champion of those among Indian country, particularly on this issue as it relates to helping so many of our youth combat the drug issue. I commend his efforts and I would ask my colleagues to help us with the most impoverished of our Nation and help our tribal youth say no to methamphetamine and be included in the HIDTA process.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume, and, as I said, I do not oppose this amendment. It is an excellent amendment.

We have known for a long time that drug and alcohol abuse has been particularly devastating where there is lack of job opportunities on many of the reservations of our Indian nations in America, and it has been historic in fetal alcohol syndrome and other challenges.

What is astounding to me is that the administration's Attorney General Gonzalez recently made the statement that meth is an epidemic, but the office that is supposed to control all this, the drug czar's office, continues to downplay meth and has actually said that it is not growing. Yet on the ground, none of us are hearing this.

For example, in the Indian nations, where it is relatively quiet in the sense of the national knowledge of what Mr. Just described, at a hearing in Minnesota, the U.S. Attorney was there. He is the lead for the northern tribes in Montana, Minnesota, North and South Dakota and so on, and he said that meth is tearing through the Indian nations in a way they haven't seen in other narcotics; at reservation in the southern part of Arizona, which is right on the border, and there they are right on the front lines of all kinds of narcotics as well, as the crystal meth that is going to come across.

This meth is going to move into upstate New York, where we have the reservation, the historic Mohawk reservation up on the Saint Lawrence Seaway, which once again is at a critical border point. And as we watch meth tearing through these Indian nations, we need to make sure when we put together these High Intensity Drug Trafficking Areas that are under this, that those tribal nations are included as representatives.

I appreciate the gentleman from Arizona taking the lead and making sure that as we have in these urban areas, whether it be in Arizona, whether it be in Minnesota, whether it be the Rocky Mountain HIDTA, or whether it be the northern upstate New York and other areas where we have major Indian nations, that they are included as we try to tackle drug trafficking and as we particularly get at the new scourge of methamphetamines.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I thank the gentleman for yielding me this time, and I take this moment to support the amendment. I think it is a very good amendment.

Our dealings in the subcommittee with HIDTA is that HIDTA allows for all of our law enforcement agencies to come together to address the issue of drugs. And certainly where there is a problem, we want to make sure that law enforcement is there.

I have often said that we cannot deal with drugs just from a law enforcement standpoint, but we have to couple that with effective treatment and try to prevent folks from even going on drugs. But the fact is I think it is a good amendment and it makes our bill a better one.

I think that what the gentleman has done through the amendment has brought something to the attention of the committee and certainly sort of shined a little light on so that perhaps we can more effectively deal with those problems in those tribal areas.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of my time, and I want to again compliment the gentleman from Arizona. The Navajo nation is in northern Arizona and spills over into New Mexico and is a huge dominant entity, and he has worked aggressively to defend their interests and to make sure they are included in efforts like this, where sometimes they are forgotten.

Oklahoma, which has been ravaged by narcotics, and as we see it go into the mountains of North Carolina, clearly the Cherokee nation and other nations are at risk with this, too. The gentleman's amendment will help in many of these areas as we try to tackle meth and other narcotics.

Mr. Chairman, I yield back the balance of my time.

Mr. RENZI. Mr. Chairman, I yield myself the balance of my time, and I want to thank the gentleman from Maryland for his kind words and his bipartisanship on this issue. It truly is bigger than any one party.

Also, I want to again thank the chairman for coming out to Arizona and seeing it firsthand, and I will end with this message: What alcohol did to our Native Americans in the late 1800s is now what is occurring with the methamphetamine pandemic across Indian country in our Nation.

These gentlemen and their committees stand in the gap to stop that.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. RENZI).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I claim the time on behalf of Mr. TERRY to offer his amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 printed in House Report 109-387 offered by Mr. SOUDER:

Page 143, after line 11, insert the following:

(1) Section 704(c)(2) is amended by inserting "and the head of each major national organization that represents law enforcement officers, agencies, or associations" after "agency".

Page 143, line 12, strike "Section 704(c)(2)" and insert the following:

(2) Section 704(c)(2).

The Acting CHAIRMAN. Pursuant to House Resolution 713, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Congressman LEE TERRY brought this amendment to the Rules Committee, and I strongly support this amendment. One of the things I should point out is that this has been an unusual day. We have been asking for some time to be able to have a meth day. Clearly, this has turned into a meth day, as well as when we did the terrorism bill. We had methamphetamines as part of that. And the reason is because we are hearing from the grass roots and they want to tackle the methamphetamine issue.

Earlier today, interestingly, we had the Meth Caucus and others who were not able to come to the floor because there was a major press conference with DEA and other agencies to talk about the bill that we passed earlier this week, the largest methamphetamine act in the United States' history as part of the terrorism bill. And Mr. TERRY and other Members, including Coach OSBORNE and others who come to the floor regularly on meth, are over at the White House for the signing ceremony on the methamphetamine bill. So I have been here on the floor today, and some Members have been able to make it over, but this has been a meth day and beyond on the House floor, and it is meth day at the White House as well as throughout Capitol Hill.

This particular amendment directs the director of ONDCP, the "drug czar" to consult with the head of each major national organization that represents law enforcement officers, agencies, or associations. That would include, for example, Ron Brooks of the National Narcotics Officers Associations Coalition, the Fraternal Order of Police, the national HIDTA directors. He must consult them prior to making recommendations to the President on national budget for drug control enforcement each year.

So why would we need this kind of amendment in this bill? I would think that this is what the director does for a living. But when we had a hearing and asked why the HIDTAs were being moved to the Justice Department at this hearing, we had the director of the narcotics officers who said they hadn't been consulted. We had the director of the Chicago HIDTA, the Speaker's HIDTA, and he said he hadn't been consulted. We had the directors of the Southwest border HIDTA, and they said they had not been consulted. We had the director of the Baltimore-Washington HIDTA, and he said he had not been consulted. We had the director of the Missouri HIDTA, the sheriff of our Whip ROY BLUNT's home area, and he said he had never been consulted.

The question is: Who did they consult? If they didn't consult the HIDTA directors, any of them, if they didn't consult the narcotics officers, if they didn't consult the police officers, on what grounds are they making recommendations to in effect gut these programs and move them to other departments? On what grounds are they proposing to wipe out the Byrne grants and the drug czar be silent or actually supportive? On what grounds are they proposing to wipe out the meth hot spots?

I think it would be just basic good procedure that the director would talk to these groups before he would make these recommendations. Yet all these groups say he has never had a meeting with them. He is not meeting with them before he makes these recommendations. I think, quite frankly, it is a sad day when the United States Congress has to put into a bill that the director meets with the people who are on the street fighting the drug war, which he should be doing as part of his job.

But I strongly commend Mr. TERRY for this amendment, because we need the director. If we are going to have a director, a drug czar who is going to make recommendations that impact State and local law enforcement all over the country, that impact our HIDTAs all over the country, we ought to at least know, and he can still make whatever recommendations he wants, and the President can still make whatever recommendations he wants, but we would like to know before that recommendation comes over that he has at least talked to the people doing the job at the grassroots level.

Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume, and I do support this amendment.

Let me go back for a minute, though. I agree with Mr. SOUDER in that I think it is unfortunate that we have to come to the floor of the House to ask ONDCP to consult with law enforcement. There is a thin blue line. We have our officers come in and ask us for all kinds of things in our subcommittee. And I always say that these are the people who are on the front lines. They are the ones who so often have to burst into houses when they do not know what is behind that door. They are the ones who leave home so often in the morning not knowing whether they are going to return to their families. They are the ones, for example in HIDTA, who sit down with the locals and the State folk and the Federal folk and come up with all kinds of strategies. They know what they need to do the job.

I have often heard the President say that when it comes to the war in Iraq, he wants to make sure he gets advice from the people that are on the ground. These are the folk that are on the ground.

But if I had my say about this amendment, I would expand it not only to our law enforcement folk but also to those people who day after day work, for example, in the drug-free communities effort, citizens who are working hard every day sacrificing their time and their resources to make their communities better. Hopefully, this will send a message, a very strong message to the drug czar.

What has happened is we have found ourselves, and I can understand our committee's frustration, because we get policies coming down from the White House which seem contrary to the very things that the people who are on the ground say that they need and the way they would like to see us proceed. Then we have to then change the White House policy so as to fit what is the reality on the ground. There just has to be a better way.

Again, one of the things we are concerned about, and I have said it many times, I think Republicans and Democrats can agree on one major thing, and that is that we want the people's tax dollars to be spent effectively and efficiently. And when the HIDTA folks came in and said to us, person after person, HIDTA after HIDTA, that they could not understand why it was that they were being shifted to the Justice Department and part of their budget was being taken away, I never got the impression for one second that it was just about a turf war or it was about just being petty in any way.

□ 1500

But I got the impression because they deal with this every day, they wanted to make sure that they had the tools and had the atmosphere and what they do, they could most effectively and efficiently do their job.

So like I said, it is unfortunate that we have to come to this point to basically mandate that consultation take place. But so often in our society we have a tendency to talk about each other and not talk to each other. I think perhaps, just perhaps by forcing folks to come together and at least talk, we will be able to address these problems more effectively so we do not have to go through this process over and over and over again.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent that each side be given 5 additional minutes.

The Acting CHAIRMAN (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

I think Mr. CUMMINGS' point is a fitting conclusion as we move to the end of this debate. Our frustration is that since there has not been an authorization, the director of ONDCP has proposed a number of changes which would greatly undermine what this Congress intended.

When we set up the High Intensity Drug Trafficking programs, the HIDTA, it was meant initially to focus on the Southwest border, which has not been particularly effective. In case anybody noticed, we do not have great control there, partly because we do not have an integrated Southwest border strategy. We have starts, we have a Southwest border HIDTA, but we need a Southwest border strategy.

In these High Intensity Drug Trafficking Areas, we move to the biggest cities and say, this is how the drugs come in and move into Indiana from Chicago and Detroit. You need the Baltimore-Washington HIDTA and the Los Angeles HIDTA, the Phoenix and the Houston HIDTAs behind the border.

Other States then saw the effectiveness. What made HIDTA effective? The idea was if the Federal Government tried to do everything through DEA, FBI, Coast Guard, Border Patrol, Customs, it would not work. Sometimes even our Federal agents were arresting each other, and we were not getting integrated with State and local law enforcement.

So the goal in HIDTA was if we put a 1 million, $2 million into an area, first off, we would require all of the Federal agents to be there and they would get half the votes, and then we would get the States and locals and they would get half the votes, and they would feel actual ownership of it. If they felt ownership, they would participate.

As the head of the Phoenix Police Department told us at a hearing, it was moved over to OCDETF. It has done wonderful work, but OCDETF talks to supposedly State and local law enforcement, but State and local law enforcement do not get a vote. So they get put on a board, and they come to a meeting once in a while. HIDTA actually gives them a vote. The head of the Phoenix Police Department said his city council asks him on a regular basis, can you justify this, can you justify that. He has kept three officers in the HIDTA because he sees how that HIDTA money gets leveraged with the State police, with the U.S. Attorney's Office, with the U.S. Marshals, with the FBI, DEA, and with everybody else.

Why, when we finally get a program that works at the State and local levels that leverages these dollars, would we gut it without even talking to the people involved? The Phoenix police chairman said he would pull his three officers out of the narcotics effort if it was moved. So did Chicago. So did city after city. And it is so exasperating that they continue to persist on this. But it shows it has done a great job of educating the HIDTAs.

The New York City HIDTA is integrated completely with terrorism, and it is an amazing operation as we see those to links occur. The national ad campaign we are addressing throughout this bill because we think it has been effective and we need to make it more effective, and it needs to include meth.

The administration was also proposing dramatic changes to the technology center. It is one of the most valuable things to State and local law enforcement because not only do we give them goods, but it is a model for what we are trying to do on homeland security, that is, when a police department says I would like this kind of radio, night goggle, protective gear, they analyze it. In my district, take Albion, 1,500, Kendallville is 10,000 people. Fort Wayne is 230,000 people. They can go through their list and say we would like these goggles, but then it goes through a review process and they say this is probably not what you need in Albion. Unless you can make a defense, you don't get that. You have to submit what kind of drug challenges you have, what types of things you need, and the Technology Assessment Center then, off of your list, you match up what your departments need.

Everybody in homeland security gets this pool of money, and now they have all kinds of things that they may not ever need and mismatches. Now we are trying to have the State say, what is your homeland security plan; to have the locals say, what is your homeland security plan. Then in a technology center, we should have it work like in the drug czar's office, except the drug czar wants to get rid of his own Department.

It is baffling why there is this persistent goal in the administration to wipe out the things that most benefit State and local and keep the parts that are nationally under their control.

So I think this bill will comprehensively address a whole series of those concerns. I am pleased that we have been able to do this. The Meth Caucus has been bipartisan; this subcommittee has been bipartisan with Mr. CUMMINGS and the full active membership of subcommittee. We have all been able to bring a bill forth and move through the full committee unanimously. Judiciary, Energy and Commerce, Education, and Intelligence committees all participated in this process, individual Members with their amendments as well as the Meth Caucus.

I hope this bill will receive unanimous support. Three of the amendments we need a "yes" on. There is one amendment that would get rid of ONDCP, and I urge a "no" vote on that.

Mr. CUMMINGS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to go back to this amendment for just a second. When I think about the entire process here and our subcommittee, we realized that there are experts in the area of narcotics, and we bring them before us all the time to seek their advice. In seeking their advice, we learn a lot. One of the things that we also realize is that this world of drugs is ever-changing from day to day, from hour to hour.

We also realized, as we moved throughout the country, that there are various law enforcement methods that may be effective against one drug versus another.

I think we have a situation here when we talk about the drug czar consulting with, and that is ONDCP consulting with law enforcement, there is a certain level of respect that many of these officers have said that they simply desire, respect for what they do every day.

I think a lot of times when they come to us and they come shaking their heads, one of the things that I know our subcommittee worries about is their morale when they are out there putting their lives on the line. And I have talked to these officers. I know Mr. SOUDER has. They will say to us, we are doing the best we can with what we have got. They say in most instances, we do not have enough; but if you are going to take away some of the tools that we do have, it is going to become even more difficult for us to do our job.

Basically, what they are asking for is simply to be consulted, somebody to sit down and say, How is it going in Idaho or Baltimore, or, How is it going in California? And we have learned so much from these HIDTAs because they have an opportunity to work on all levels of government. So they can bring things I would think to the drug czar's office that the drug czar may not be aware of.

That is why I am so supportive of this amendment; but I have to say, I do feel it is very unfortunate that we have to go through this process. I would hope that perhaps by doing this it will open those doors of communication so that these great men and women who courageously put their lives on the line and who have taken a phenomenal amount of time and energy to learn law enforcement, to understand it, to understand how the drug trade works, to understand the methods of combating folks who want to violate our drug laws, that we would have the benefit, that the drug czar would have the benefit of their knowledge and expertise so when we have legislation, we can have it from the very, very best.

I must tell you that I do believe that we have some of the best law enforcement in the entire country. But again as I have said to Mr. SOUDER, I wish that it went beyond just law enforcement, because I think if we are going to address the whole issue of drugs in consultation with the drug czar, it must also be with all of those people who are out there dealing in the area of prevention, dealing in the area of interdiction, addressing our children, dealing with methamphetamines and so on.

Mr. Chairman, I yield back the balance of my time.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent that each side be given an additional 2 minutes.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I thank the gentleman from Indiana and probably the leader in Congress in helping fight our war against drugs in our communities across this Nation.

I stand with my colleagues here in discussing a problem in our towns and our neighborhoods, particularly in Nebraska, and it is methamphetamines. Also, our teenagers are experimenting with prescription drugs where they can get a hold of them.

It is our police officers and our sheriffs and then our State patrol that are on the front lines. It was they 2 years ago who were telling me that some of the gangs in Omaha that had cocaine or marijuana were changing their product of distribution away from those drugs to crystal meth made in Mexico.

Mr. SOUDER held a hearing with Mr. Walters a year ago, who was really, I am not exaggerating here, flabbergasted that some of the grant moneys that the administration had zeroed out was actually being used for task forces against methamphetamines and these gangs, and yet my police department knew about it 2 years ago.

I know that this amendment that I have drafted sounds almost nonsensical in its common sense. Why would the national director of our drug policy not be communicating with local police officers who are our front line in this battle? But the reality is they have detached themselves and are advancing a policy to move all of this over to the Justice Department where there will be even less communication with those on the ground that know exactly what is occurring in our communities and what then we must do on the national level to make sure that we arm them correctly to protect our families from these international drug lords.

This is a commonsense amendment that I would encourage all of my colleagues to support.

Mr. CUMMINGS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. CHABOT of Ohio.

Amendment No. 8 by Ms. HOOLEY of Oregon.

Amendment No. 12 by Mr. PAUL of Texas.

Amendment No. 13 by Mr. REHBERG of Montana.

☐ 1515

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. CHABOT

The Acting CHAIRMAN (Mr. MILLER of Florida). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 403, noes 2, not voting 27, as follows:

[Roll No. 34]

AYES—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Flake
Paul

NOT VOTING—27

Bachus
Burton (IN)
Cantor
Costa
Davis (FL)
Deal (GA)
Evans
Ford
Gingrey
Gonzalez
Honda
Jenkins
Linder
Norwood
Oxley
Pallone
Pelosi
Peterson (PA)
Price (GA)
Reynolds
Royce
Salazar
Sanchez, Loretta
Shays
Sweeney
Tancredo
Westmoreland

☐ 1540

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MS. HOOLEY

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 403, noes 3, not voting 26, as follows:

[Roll No. 35]

AYES—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)

Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—3

Flake
Paul
Taylor (NC)

NOT VOTING—26

Bachus
Brady (TX)
Burton (IN)
Cantor
Costa
Davis (FL)
Deal (GA)
Evans
Ford
Gingrey
Gonzalez
Jenkins
Linder
Norwood
Oxley
Pallone
Peterson (PA)
Price (GA)
Salazar
Sanchez, Loretta
Shays
Sodrel
Sullivan
Sweeney
Tancredo
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1548

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. PAUL

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 85, noes 322, not voting 25, as follows:

[Roll No. 36]

AYES—85

Abercrombie
Alexander
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Boustany
Boyd
Brown-Waite, Ginny
Burgess
Campbell (CA)
Capuano
Conaway
Culberson
Davis (KY)
Delahunt
Doggett
Duncan
Feeney
Flake
Foxx
Frank (MA)
Garrett (NJ)
Gillmor
Gohmert
Hayworth
Hensarling
Hinchey
Holt
Honda
Hostettler
Hunter
Inglis (SC)
Jackson (IL)
Jackson Lee (TX)
Jindal
Johnson, E. B.
Jones (NC)
Kaptur
King (IA)
Kingston
Kolbe
Kucinich
LaHood
Lee
Lofgren, Zoe
Mack
Manzullo
Markey
McCarthy
McCaul (TX)
McCrery
McGovern
McKinney
Meehan
Miller, George
Moore (WI)
Moran (VA)
Neal (MA)
Nussle
Obey
Olver
Otter
Paul
Payne
Poe
Pombo
Rohrabacher
Royce
Rush
Ryan (WI)
Sánchez, Linda T.
Schakowsky
Scott (VA)
Sensenbrenner
Shimkus
Slaughter
Stearns
Sullivan
Tanner
Taylor (MS)
Tierney
Watson
Wilson (SC)

NOES—322

Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Baird
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Marchant
Marshall
Matheson
Matsui
McCollum (MN)
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Oberstar
Ortiz
Osborne
Owens

Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Bachus
Burton (IN)
Cantor
Costa
Davis (FL)
Deal (GA)
Dicks
Evans
Foley
Ford
Gingrey
Gonzalez
Jenkins
Linder
Norwood
Oxley
Pallone
Peterson (PA)
Price (GA)
Salazar
Sanchez, Loretta
Shays
Sweeney
Tancredo
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. There are 2 minutes remaining in this vote.

☐ 1556

Mr. TAYLOR of Mississippi changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FOLEY. Mr. Chairman, on rollcall No. 36 I was unavoidably detained. Had I been present, I would have voted "No."

AMENDMENT NO. 13 OFFERED BY MR. REHBERG

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Montana (Mr. REHBERG) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 399, noes 9, not voting 24, as follows:

[Roll No. 37]

AYES—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—9

Delahunt
Flake
Kennedy (RI)
Moore (WI)
Moran (VA)
Paul
Scott (VA)
Velázquez
Watt

NOT VOTING—24

Bachus
Burton (IN)
Cantor
Costa
Davis (FL)
Deal (GA)
Evans
Ford
Gingrey
Gonzalez
Jenkins
Linder
Markey
Norwood
Oxley
Pallone
Peterson (PA)
Price (GA)
Salazar
Sanchez, Loretta
Shays
Sweeney
Tancredo
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1604

Mr. DELAHUNT changed his vote from "aye" to "no".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no other amendments, the question is on the committee amendment in the nature of the substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2829) to reauthorize the Office of National Drug Control Policy

Act, pursuant to House Resolution 713, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CUMMINGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 399, noes 5, not voting 28, as follows:

[Roll No. 38]

AYES—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—5

Frank (MA)
McDermott
Paul
Stark
Waters

NOT VOTING—28

Bachus
Berman
Bishop (GA)
Burton (IN)
Cantor
Costa
Davis (FL)
Deal (GA)
Evans
Flake
Ford
Gingrey
Gonzalez
Jenkins
Jones (NC)
Linder
Norwood
Oxley
Pallone
Peterson (PA)
Price (GA)
Salazar
Sanchez, Loretta
Shays
Smith (WA)
Sweeney
Tancredo
Westmoreland

☐ 1622

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, on March 9, I was in Connecticut and, therefore, missed six recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "aye" on recorded vote No. 33, "aye" on recorded vote No. 34, "aye" on recorded vote No. 35, "no" on recorded vote 36, "aye" on recorded vote 37 and "aye" on recorded vote 38.

PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, I was not present to cast my votes on rollcall votes 34 through 38 earlier today, March 9, 2006. Had I been present, I would have voted "aye" on the Chabot amendment—rollcall 34, "aye" on the Hooley amendment—rollcall 35, "no" on the Paul amendment—rollcall 36, "aye" on the Rehberg amendment—rollcall 37, and "aye" on final passage of H.R. 2829—rollcall 38.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my good friend, the gentleman from Ohio (Mr. BOEHNER), the distinguished majority leader, for purposes of telling us what the schedule for the coming week is.

Mr. BOEHNER. I thank my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Tuesday at 12:30 for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will take up consideration of the emergency supplemental appropriations bill.

Finally, we will consider H.R. 1606, the Online Freedom of Speech Act. The Committee on House Administration completed consideration of this bill this morning, and we expect that the Rules Committee will take this up next week to bring it to the floor.

Mr. HOYER. I thank the gentleman. From what you have said, it is my presumption then that the Online Freedom of Speech Act will be the last order of business?

Mr. BOEHNER. It will be considered, we believe, on Wednesday, possibly Thursday, but probably on Wednesday.

Mr. HOYER. And the emergency supplemental appropriation, you say Wednesday or Thursday?

Mr. BOEHNER. Wednesday, and possibly Thursday.

Mr. HOYER. So would that mean that we might consider the Internet bill prior to the supplemental? I yield to my friend.

Mr. BOEHNER. That is a possibility.

Mr. HOYER. With respect, Mr. Leader, to the budget, I know there was some talk about doing it prior to our break, but you had indicated last week it might roll over. Do you have a guess?

Mr. BOEHNER. It appears that my guess last week was correct.

Mr. HOYER. Obviously. Can you tell us when you think the budget might come before the House? I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

I would hope that the House would complete its consideration of the budget in those 2 weeks that we are back after the March recess, sometime in that 2 weeks.

Mr. HOYER. So in the latter part of March or third or fourth week in March?

Mr. BOEHNER. And before April 8.

Mr. HOYER. I thank the gentleman for the information that he has given to us.

ADJOURNMENT TO MONDAY, MARCH 13, 2006 AND HOUR OF MEETING ON TUESDAY, MARCH 14, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, March 14, 2006, for morning hour debate.

The SPEAKER pro tempore (Mr. CAMPBELL of California). Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MARCH 15, 2006, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HER EXCELLENCY ELLEN JOHNSON SIRLEAF, PRESIDENT OF THE REPUBLIC OF LIBERIA

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, March 15, 2006, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting Her Excellency Ellen Johnson Sirleaf, President of the Republic of Liberia.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON AGRICULTURE

Mr. BOEHNER. Mr. Speaker, I offer a resolution (H. Res. 715) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 715

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Committee on Agriculture: Mr. Sodrel.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION OF MEMBER AND APPOINTMENT OF MEMBER TO HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore laid before the House the following communication from the Hon. TOM DELAY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER, I hereby resign my position as a member of the House Office Building Commission effective immediately.

Sincerely,

TOM DELAY,
Member of Congress.

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 2001, and the order of the House of December 18, 2005, the Chair announces that on February 13, 2006, the Speaker appointed the gentleman from Ohio (Mr. BOEHNER) to the House Office Building Commission to fill the existing vacancy thereon.

□ 1630

NEW MEDICARE PRESCRIPTION DRUG BENEFIT PROGRAM A SUCCESS IN FLORIDA

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I would like to read a letter that was in today's St. Petersburg Times about the Medicare prescription drug plan. It was from a gentlewoman by the name of Lois Scheff of St. Petersburg, not in my district; but I think she echoes the comments that I have heard from my constituents. The letter says, "It would be nice to see a positive article about the Medicare part D prescription drug plan. I believe the reason so many people are having trouble with the new prescription drug plan is that the media has been telling everyone how confusing and difficult it is to understand. If you say something often enough, people will start to believe it."

She goes on to say, "My experience with the new prescription drug plan has been very positive. Upon filling four of my January prescriptions, I paid about 50 percent of what I normally would have, due to certain deductibles. In February, my four prescriptions cost me less than one would have before the drug plan went into effect. The other day I filled a prescription that used to cost more than $100, and I paid 30 for it."

She goes on to say, "We might be elderly, but we are not stupid. Talk to the millions of us who have taken advantage of the program."

STUDY OF SECURITY AT OUR PORTS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, just this past week I held a press conference at the port in Houston, Texas, the Houston Port Authority, discussing the overall issue of comprehensive security at the Nation's ports. I want to remind the administration that even if you are operating at the ports, you are also privy to security.

So I rise today to comment on the so-called brokered deal that suggests that we are now going to allow an American entity to operate the particular purchases that are being made by Dubai Ports. I started out this week by saying this is not to stigmatize the Mideast or the Arab world. it is to question our confidence and commitment to security at our ports.

I question this deal. I would like to see how transparent it is. I want a complete transparency or a firewall between any foreign entity and the security of the Nation's ports. It is crucial that we do a study and assessment of how secure our ports are, and I will introduce legislation next week that calls for immediately an assessment of the Nation's ports and how secure they are.

YALE AND THE TALIBAN STUDENT

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, a former deputy foreign secretary and ambassador at large for the rogue Taliban regime is now a "special student" at the elitist Yale University. According to Yale's officials, they are proud to have this Taliban student.

He legally entered our country on a student visa, of all things, issued by the State Department. That seems like nonsense to me. This offensive disregard for national security is not only ridiculous, it is frightening, and it has happened before. The hijackers who flew planes into the World Trade Center on 9/11, and who crashed into the Pentagon just down the street from us, entered the United States on, yes, student visas.

What is even more incomprehensible is that Yale University is helping to educate this Taliban operative, who just 5 years ago was touring the United States for the Taliban, spreading propaganda and defending the Taliban's gospel of hate.

Mr. Speaker, the Taliban is against everything freedom-loving people advocate. They advocate public torture, false imprisonment, mistreatment of women, and promotion of worldwide anarchy. Those are not accomplishments to be proud of.

Yale would do well to admit students who are devoted to promoting peace and democracy, not those who so flagrantly advocate injustice, evil, and terror.

That is just the way it is.

UAE TAKEOVER OF U.S. PORTS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, so a back room deal has been cut for the UAE takeover of a number of U.S. ports. Now, just what does it mean? They do not say they are going to sell their interests. They say they are going to transfer their interests to a U.S. entity. So they are going to set up a wholly-owned and controlled subsidiary in Delaware and claim that somehow this resolves the issue?

Besides that, the issue is bigger than the UAE takeover of the U.S. port facilities. It is about other foreign takeovers of our assets. The administration is still rushing ahead to allow foreign airlines to control U.S. airlines, and there are a host of other areas where our infrastructure is up for sale.

Congress still needs to act and put in place rules to bring about the wholesale sell-off of America and its security interests.

IRAQ WAR IS AGAINST TRADITIONAL CONSERVATIVE POSITION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, William F. Buckley has often been described as the godfather of modern-day conservatism. In 2004, he wrote that if he had known in 2002 what he now knew, that he would have opposed the war in Iraq. Last June, he wrote that if we stayed much longer there, it would soon become misapplication of pride rather than steadfastness of purpose. Now, in one of his most recent columns, Mr. Buckley wrote that, "One can't doubt that the American objective in Iraq has failed."

Many conservatives said before this war started that it would mean massive foreign aid, huge deficit spending, and would place almost the entire burden of enforcing U.N. resolutions on our taxpayers and our military, when traditionally conservatives have been the biggest critics of the U.N.

The so-called neo-con architects of this unnecessary war have led people down a primrose path in the opposite direction of and very much against every traditional conservative position.

SPECIAL ORDERS

The SPEAKER pro tempo (Mr. CAMPBELL of California). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PASSAGE OF THE CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT

Mr. PENCE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, yesterday the House of Representatives passed the Child Safety and Violent Crime Reduction Act of 2005, and I am a strong supporter of the legislation. I hail its passage. But title VI of this legislation is drawn from a bill that I introduced in the first session of the 109th Congress.

My legislation is known as the Child Pornography Prevention Act of 2005. And as the title states, the intent of my legislation is to prevent American children from becoming victims of pornography. Every one of us knows that the fuel that fires the wicked hearts of child predators is child pornography and it must be confronted in America.

Every day in this country, children are sadly exploited in pornographic enterprises, sometimes by those closest to them, believe it or not, in their homes; sometimes by commercial producers. In the home, children are forced to pose for pornographic pictures or act in pornographic videos, sometimes by family members and even friends and caretakers and other trusted individuals. Sadly, our resources in the law enforcement community inform us that these pictures and videos are posted on the Internet or surreptitiously spread to sexual predators. In the commercial arena and in Hollywood, as our cultures become more and more youth oriented and sex has become more and more prevalent, we must ensure that children are not being used in the production of prurient material and provide law enforcement with the tools to prosecute those who exploit children.

A main tenet of my legislation is the language that will fix a technicality known as home pornographers, to get at the first problem that I just described. Home pornographers have used this loophole to evade Federal prosecution in child pornography cases. These individuals will use digital cameras, Polaroid cameras, video cameras to make pornographic images of children, download them and distribute them on the Internet. My legislation first and foremost makes it clear that Federal prosecutions of home pornographers may proceed in Federal Court because their activities impact on interstate commerce.

Another element of my bill, which has become in many ways more controversial, is the addition of a new section of the criminal code, section 2257A, which adds a recordkeeping requirement that will force people in even in the entertainment industry to keep records of the names and ages of their subjects, along with proof of their identification, when they are engaged even in simulated sexual activity on screen. Anytime Hollywood uses a simulated sex act in a soap opera, a cable television show, a movie, or other production, a record must be kept to show that a child was not used even in the creation of a simulated sex act.

Heretofore, the law has only required that such records be kept in the cases of hard-core pornography, where actual sex was being performed and recorded for entertainment value. But if a child is used in a simulated sex act, the impact of such abuse on that child is, in many ways, Mr. Speaker, just as real as it would be had the production involved actual sexual contact. Therefore, my bill requires these records be kept for simulated sex. Because by doing so, certain bad actors in the entertainment industry will be deterred from using children.

Also, my bill goes a step further by requiring that records be kept even in the case of what is known as lascivious exhibition. Once again, no child should be used in either nude pictures or sexually explicit materials or even in activities that have a prurient interest. This is, again, the type of images that fuel the flames of the wicked hearts of child predators and should be stopped.

Finally, the legislation expands the ability of investigators and prosecutors to pursue the people who are used to distribute child pornography. These distributors also will be required to follow these new recordkeeping provisions, and this will provide law enforcement with a powerful tool against them as well.

Providing law enforcement with the tools to combat child pornography contained in my legislation is a much-needed and overdue step that must be taken to protect our children from those in society who have no decency and no shame.

I also commend those legitimate producers of entertainment products in the United States of America, with whom we have had dialogue and with whom we have worked in the development of this legislation. It is not my purpose in any way, Mr. Speaker, to suggest that those that are involved in the legitimate entertainment industry in this country have anything to do with the illegitimate industry that is pornography in America. Nevertheless, it is important that even in Main Street Hollywood America, that we ensure that children are not used even in the creation of entertainment materials that simulate sex acts, and our legislation will create the recordkeeping to prevent just that.

I hail the passage of the Child Pornography Prevention Act as a part of the Child Safety and Violent Crime Reduction Act. It is time to protect our kids, and yesterday this Congress took a great step toward that goal in entertainment in America.

THE FEDERAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise this evening to talk about the Federal debt. Now, President Bush was going to be a fiscal conservative and we were going to have smaller government. We actually have larger government. He has, in his 5 short years in office, in concert with the Republican Congress, raised the entire debt of the United States of America by 45 percent in 5 short years.

That is some accomplishment. That figures out to $27,730 per person in the United States. But that is not enough because, actually, with a debt limit of about $8.3 trillion, we bumped up against it yet again because of the profligate borrowing by this President and the Republican Congress. So Secretary Snow has requested a fourth increase in 5 years in the national debt limit by another $781 million, which he says will tide us over for about a year.

Now, what is extraordinary is that right now the Government of the United States is teetering on the edge of default. In fact, the government has cashed in the retirement fund, the 401(k) of Federal employees, the G fund, in order to not exceed the debt limit set by Congress, because the leadership here doesn't want to admit to their profligacy. They will not allow a vote, an up-or-down vote here in the House, on raising the debt limit. So they are waiting for the Senate to sneak it into a really big bill on the Senate side, and then they can bring it back over here and pretend that they had nothing to do with it. I mean, who could have known the debt has gone up 45 percent in 5 years?

Well, it is time that they 'fessed up to what they are doing here. The fastest growing part of the Federal budget is not the entitlements which we hear so much about. We hear about those darned student loans that we cut last month so we could finance tax cuts for rich people; and those darned poor people who need health care that we cut last month to help finance tax cuts for rich people. Actually, the fastest part of the Federal deficit and budget is interest on the debt. That is true, interest on the debt, which will be $247 billion next year. One quarter of $1 trillion.

Now, that interest on the debt will not feed a single child. It will not help one young person get an education. It will not help one senior get a Medicare prescription drug benefit. It will not give one soldier help with needed equipment in the field. No, that $250 billion, a quarter of $1 trillion, will be paid out for profligacy and waste and debt.

What is even worse is, guess what, a lot of that money is not even flowing to investors here in the United States of America. This President has yet another record. He has, in 5 short years, created more foreign debt than the 42 Presidents that preceded him in office.

Now that is something. That is really something. One President, George Bush, has created more foreign debt than the 42 Presidents in more than 200 years that preceded him in office, this fiscal conservative, this small-government guy.

How has he do done it? Well, he has done it with a combination of increases in spending, a lot of corporate welfare, and tax cuts for rich people and major corporations, and subsidies to big corporations like in the energy bill, because there is not enough incentive at $60 a barrel to drill for oil; we have to borrow money, the taxpayers do, give it to the oil companies and ask them to go out and look for oil. That was sort of the core of the Bush energy bill.

Mr. Speaker, 48 percent of our public debt is now held overseas. Japan holds $687 billion. China is second and coming up fast at $300 billion, and on down the list. This is something that puts the future of our country in jeopardy. Huge amounts of our debt washing around overseas in countries that might or might not have our best interests in mind long term, and might or might not want to continue to lend us money to help finance this profligacy.

So now the President is saying that he is really serious. This time around he is really serious about it. He says we are going to address this. We are going to cut the debt in half in the next 4 years. What he does not tell people is that most of that so-called reduction of the debt is by borrowing all of the surplus that is supposed to flow into the Social Security trust fund and spending it and not counting it as part of the debt.

So as the Social Security surplus grows, he says that he is moving us toward a balanced budget. Of course someday we are going to have to honor those bonds to pay future Social Security benefits. It is time for fiscal sanity here in Washington, D.C. We need a change in the Congress and the White House to get it.

□ 1645

REMEMBERING REPRESENTATIVE WARREN "PETE" OLDHAM

Ms. FOXX. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina (Mr. JONES).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, last month, the State of North Carolina lost a fine man, former North Carolina Representative Warren "Pete" Oldham. I had the privilege of serving with Pete in the North Carolina General Assembly. While we did not always agree on every issue, I always respected and admired him for his commitment to constituent service and doing what he believed was right. He was always a very pleasant and polite person.

Mr. Speaker, I rise today to honor Pete Oldham for a life focused upon helping others. Pete wore many hats during his life. He was a loving husband and father, an athlete, a teacher, a coach, a referee, a university official, a church leader, a public servant and a gardener.

Pete was born in Indianapolis, Indiana, to the late Reverend Philander and Minta Oldham. After serving in the Navy during World War II, he enrolled in Virginia Union University, in Richmond, Virginia, on a football scholarship. He transferred to Bluefield State College in Bluefield, West Virginia, where he graduated in 1951 with a bachelor of science degree in secondary education and majors in social studies and physical education. He then went on to receive a master of science degree in physical education in 1958 from West Virginia University, and his principal certification from North Carolina A&T State University in 1962.

Pete was a teacher and coach at Atkins High School from 1951 to 1963. He then went to work at Winston-Salem State University for over 20 years, where he retired as the school's registrar. During his time at the university, Pete always reserved time to coach high school and college students in basketball and football.

Pete was elected to the North Carolina House of Representatives in 1990 where we went on to become the cochairman of the House Committee on Appropriations. Twelve years later, he retired from the Chamber to care for his wife who was suffering from Alzheimer's disease. He said, "I made a vow and a commitment, and I intend to honor them."

Pete leaves behind his loving wife, Gladys, and daughters Donna Oldham and Leslie Oldham Bolden. My thoughts and prayers are with the family during this difficult time.

Mr. Speaker, the State of North Carolina is fortunate to have been served by former Representative Warren "Pete" Oldham. He touched the lives of many and he will be missed.

IN HONOR OF INTERNATIONAL WOMEN'S DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, I rise today in honor of International Women's Day. More than 30 years ago, March 8 was designated by the United Nations as a day to reflect upon women's struggle for equality, justice, peace and development. In the decades since, International Women's Day has become a holiday in many countries around the world, and acts as an annual catalyst for the advancement of women.

Throughout our history, the United States has been a leader in advancing women's rights and opportunity. While much work remains here and abroad, I join many of my colleagues and constituents in saluting the contributions of women around the world.

Many of those contributions have been made through the recent election of women political leaders. Chile, Jamaica, Germany and Liberia have all elected women to head their governments in the past 6 months. Despite this encouraging trend, governments led by women remain an anomaly. Only 11 out of the more than 200 members of the United Nations have women leaders. Moreover, there remains persistent underrepresentation of women serving as legislators, parliamentarians, and government ministers. Globally, women hold only 16 percent of all seats, a disappointing increase of only 5 percent since 1975. The 109th U.S. Congress boasts 84 female Members, the highest number in our history, but women still make up only 6.4 percent of the membership of the House and Senate, well below the world's average.

Development experts and advocates have long identified education as the key to improving women's well-being. More than 180 governments committed to achieving gender equality in education by 2005 as one of eight U.N. Millennium Development Goals, but we have a long way to go.

In the developing world, 60 million girls aged 6 to 11 are not in school, which severely limits their political, physical, and social opportunities.

In developed countries, an increasing number of women are pursuing higher education, but they have been unable to secure academic employment or research funding proportionate to their male colleagues. Policymakers have become increasingly concerned about a growing shortage of men on America's college campuses, but several important departments in our universities remain disproportionately the province of men, especially at the graduate level. The percentage of women earning advanced degrees in science or engineering is especially low. Only one in four master's degrees in these fast-growing fields is awarded to a woman. Even women who do earn Ph.D.s in computer science and engineering earn, on average, $9,000 less per year than men in similar positions.

This income disparity is reflected throughout the workforce where women continue to face multiple impediments to their advancement. American women still earn an average of 25 percent less than their male colleagues, a wider wage gap than that in other developed countries, which affects women of all ages, races, and education levels. Unfortunately, the wage disparity is being narrowed at a rate of less than half a penny a year.

In the 108th Congress, I was proud to cosponsor the Paycheck Fairness Act to combat gender-based wage discrimination by requiring that employees be educated about their rights, and permitting women to seek recourse under the Equal Pay Act.

There are some positive trends. While less than one third of employers in the developing world are women, this percentage is growing, especially in the United States. Between 1997 and 2004, the number of American companies primarily owned by women grew by 23 percent, well above the 9 percent overall increase in U.S. businesses during this period.

Here and abroad, though, women remain vulnerable to violence. I was proud to cosponsor the Violence Against Women Reauthorization Act of 2005, and I have been a longtime advocate of efforts to prevent and treat domestic violence, child abuse, dating violence, and sexual assault. I have consistently advocated for greater Federal funding for research and treatment programs for breast cancer, ovarian cancer, heart disease and postpartum depression.

In acknowledging the challenges faced and overcome by women, I want to commend the sacrifices of America's brave women serving overseas, especially in Iraq. Women have served in every U.S. military conflict since the Revolution and have played an official role in the U.S. military for over 100 years. Today, women make up almost 15 percent of Active-Duty personnel. One in every seven U.S. soldiers in Iraq is a woman, and they are engaged in the conflict on a far greater scale than ever before, piloting helicopters, accompanying infantry on raids against insurgents, searching Iraqi women suspects for pistols and suicide belts. The contribution of American women has come at a high price. To date, 48 service women have been killed in Iraq and more than 300 have been wounded, but their service has inspired their compatriots on the front lines and here at home, as well as millions of women in Iraq, Afghanistan, and around the world, as symbols of women's courage and capacity. And today, we salute them and all women for their contributions.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order of the gentleman from Texas (Mr. POE) is vacated.

There was no objection.

THE AMERICAN FORM OF GOVERNMENT

Mr. OTTER. Mr. Speaker, I ask unanimous consent to claim the vacated time of the gentleman from Texas (Mr. POE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. OTTER) is recognized for 5 minutes.

Mr. OTTER. Mr. Speaker, in "The Glorious Quest," James R. Evans wrote, "No historian of the future will ever be able to prove that the ideas of individual liberty practiced in the United States of America were a failure. He may be able to prove that we were not yet worthy of them. The choice is ours."

I bring this to our attention, Mr. Speaker, because recently in a poll that was revealed by the McCormick Tribune Freedom Museum, a survey found out that on questions on the first amendment, one American in a thousand could name all five of the freedoms in the first amendment to the Constitution. However, in that same survey, 69 percent of those surveyed knew who the five members of the TV cartoon family "The Simpsons" was. They knew and could name all five members of the Simpson family.

I bring this to our attention because now more than ever, Mr. Evans' words ought to ring clear to us. And in that glorious quest that he talked about, educating ourselves and then using that education for political action was one of the most important things that we could do as Americans to sustain our form of government.

I bring this to our attention as well, because oftentimes I relish the opportunity to speak to students in my district, especially those in the honors government class. Invariably when I ask those students, whether they be high school seniors not too far off from casting their first vote to sustain this Republic, or to college freshmen somewhere in the curriculum, I ask them: Where do your freedoms come from? What are the source of your freedoms?

Many times they will raise their hand and say it is the first 10 amendments to the Constitution. Only one in a thousand can name the five freedoms in the First Amendment. Those students are sorely fit, I would say, to go forward and lead this great Nation under our constitutional form of government, because, as I usually explain to them, actually the 10 amendments are a document of prohibition, not a document of establishment of freedoms. That is your birthright from when you were born.

That was the great magic of the Founding Fathers. For the first time, they elevated the individual above the crown, above the king, above royalty, above all else except he who created them. For the first time, the individual was elevated higher than anyone else on this Earth.

If I might, let me briefly read from the first 10 amendments. Amendment I: The prohibition. Congress shall make no laws.

Amendment II: Shall not be infringed.

Amendment III: Without the consent of the owner.

Amendment IV: The right of the people shall not be violated.

Amendment V: No person shall be held, nor shall any person be subjected, nor shall any person be compelled, nor shall any person be deprived, nor shall any private property be taken without just compensation.

Finally, amendment VIII: Shall not be required, nor excessive fines imposed, nor crucial and unusual punishment inflicted.

These are all documents of prohibition because they recognize that the first 10 amendments were not the source of our freedom. That is our birthright. These are documents of prohibition against government action.

So if only one in a thousand can tell us what those first five freedoms are, how can they establish, then, the freedom of speech and religion and press, and freedom to address the government with our grievances; and finally, the freedom of assembly. Two of the most important elements, at one time or another, to resist our government.

So, Mr. Speaker, I conclude by pointing once again to one of the Founding Fathers, which I often do, maybe to the boredom of some, but it was Ben Franklin, as he walked out of a little church in Philadelphia, who was asked by a citizen, Mr. Franklin, what form of government have you given us?

And he said, Madam, we have given you a republic. And it will fall to each and every generation to defend, to sustain, and to improve it.

Mr. Speaker, with the results of that poll, I would tell you that we are tardy in our work and we need to pick up the speed and educate our people as to the form of government that we got.

□ 1700

ANOTHER RECORD TRADE DEFICIT

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from California (Ms. WOOLSEY).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, America's economic strength can be measured by her trade accounts, whether we are exporting more goods and services than we are importing; and if we do export more than we import, America's economic strength grows. But when America imports more than she exports, her economic muscle weakens.

This chart that I brought to the floor this evening shows that since the mid-1970s, when America began signing very unbalanced trade agreements with other countries, every single year America began to import more than she exports. This last year of 2005, we had a historic trade deficit with the world totaling over $750 billion, three quarters of $1 trillion. Indeed, it was $725 billion more in imports coming into our country than exports going out. This is not an insignificant amount. This has never happened to the United States of America before.

In January, America imported this year $68.5 billion more in goods and services than we exported. This was an all-time high just for 1 month, an increase of over 5 percent from last December. This year in agriculture alone for the first time in American history since the Pilgrims settled, the United States will import more food than we export. Think about that. Think about what that means for America's independence, our birthright of independence.

According to Alan Tonelson at the U.S. Business and Industry Council, America's condition cannot be explained by high oil prices. That makes these numbers worse, but Mr. Tonelson says the January trends spotlight the continued decline of U.S. national competitiveness in "industries of the future," such as high-tech hardware and services, and throughout our vital manufacturing sector.

Today, many companies, airline companies, automotive parts companies like Delphi, a data corporation in my own district which just announced bankruptcy, all of them are teetering and a sign that imports are displacing what America used to make and send elsewhere. Today's report by the U.S. Department of Commerce suggests that the U.S. current account trade deficit for this year will probably surpass $1 trillion, $1 trillion; and that is on top of the $9 trillion of public debt that has been amassed since 2000 in our country. Truly, we are a republic teetering financially, losing our independence because somehow we have to fund these gaps in what is owed publicly and in this trade account deficit. And we are borrowing in order to make up the difference, and we owe interest on those borrowings.

In order to sustain such an unprecedented and rapidly accumulating deficit, we are dependent on this massive borrowing from abroad and selling off valuable U.S. assets just like a fire sale, like you go to a pawn shop. To sustain a deficit like these, we are dependent upon investment by foreign agents like Dubai Ports World, which is in the headlines again today.

Our country cannot be secure, cannot be secure, from the defense standpoint or financially under conditions like these. And yet after 12 years of evidence of the failure of trade agreements like NAFTA, Trade Representative Portman continues to negotiate trade deals like the CAFTA agreement. This year the administration intends to bring new trade agreements under the same failed model like the U.S.-Peru Free Trade Agreement and an agreement with Colombia. Peru, a country that employs child labor, and Colombia, where labor leaders are more likely to be killed and are, summarily, more of them than anywhere else in the world.

How can our workers compete with these conditions? How can our small business people, how can our salaried executives compete with undemocratic places, no transparent legal system, no banking system that really functions openly?

The answer is we cannot. We simply cannot. So we are outsourcing everything to these places. And that is why imports are rising faster and faster and the people in those other places cannot afford to buy what is made by the people of this country who have sustained a middle-class life-style until now. Despite modest economic growth in our country, middle-class workers are not seeing any rise in their income. That is right: inflation-adjusted income for all households except the very wealthiest is flat. This may be the first generation in America when our children do not live as well as their parents before them. And you know what? The American people know it. They know it.

This is not the American Dream. This is the American nightmare.

Please sponsor the Balancing Trade Act, H.R. 4405, that would require action by the administration when we sustain these kinds of continued trade deficits with other nations. It is time for America to become independent again. It is time for America to restore her promise to all of her people.

THE ROLE OF THE FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, when we have the opportunity of bringing tourists to this great Hall, we show them the ceiling, the cameos of all the great lawgivers in the world, two of whom are actually Americans.

On the Speaker's left up there is George Mason, one of three people who stayed through the entire Constitutional Convention and then at the end refused to sign the document because it did not include a Bill of Rights. It was important for him because he thought that was the purpose of actually preserving individual liberty for people.

I sometimes find it unique that those great Founding Fathers, the people we venerate, Hamilton, Madison, Washington, Franklin, Dickinson, and others, refused to add a Bill of Rights. It was not because they were opposed to individual liberty. They found an alternative form of providing that particular liberty in the structure of government that we have.

One of the unwritten foundations of our system of government and the Constitution is the concept of federalism. We eventually did add a Bill of Rights, which is misnamed. It actually should be called a "bill of wrongs." It is a list of things that are wrong for the government to do no matter how many people want to do it.

But in addition to that, the Founding Fathers instilled within them a system of structure to preserve those same individual liberties. They realized that increasing the number of competitors of power is more significant than increasing the number of prohibitions listed. And what Madison said in his Federalist Papers about ambition counteracting ambition, they recognized very clearly as they established a system of government that had a horizontal separation of powers between the three branches of government but equally important to them was a vertical separation of powers between the national government and States, and the sole purpose of that structure was to preserve individual liberty.

The Federal Government has its role and function. There are certain things the Federal Government does. Well, what we bring to the table as the Federal Government is uniformity, which sometimes is a necessary need. If, indeed, uniformity is important, it is the Federal Government that can preempt States. But on the other hand, our States also bring something to the issue of governance. It is a State that can be innovative.

In one of these dissenting opinions in the 1920s, Justice Brandeis, and I will paraphrase, simply called the States the great laboratory of America where experimentation could be made without actually harming the entire country, where, indeed, creativity takes place. It is the States where justice can be maintained because there are mitigating circumstances in the lives of the individuals who make up this great Nation; and when you have a system that is uniform of one-size-fits-all, it cannot take account of all those mitigating circumstances. And, indeed, in having uniformity, we often harm people in the process of doing that.

The Federal Government is not vicious. It does not intend to do harm. But its very design of one-size-fits-all means that individual needs cannot be met and only State and local government can do that.

Our goal as the Congress should not be to create a more efficient government, a kinder and gentler way of controlling people. Our goal as the Federal Government should be to do less, to move the decisions of power from this city back to States and localities where creativity, where justice, where innovation can actually take place. If we do so, if we move those decision centers, we ennoble the spirit of this country. We empower people to solve their own problems in creative ways, and we may even learn something in the process.

In so doing, I am very grateful that the gentleman from New Jersey, who will be speaking in a minute to you, Representative GARRETT of New Jersey, has initiated a 10th Amendment Caucus aimed at trying to once again bring back those principles so we clearly understand this important lesson, the structural need that the Founding Fathers put into our system of government.

The 10th amendment, the last of the Bill of Rights, is still there. It clearly states: "The powers not delegated to the United States by the Constitution . . . are reserved to the States respectively, or to the people."

If we, indeed, learn that lesson, what I hope will be happening through this effort, spearheaded by Congressman GARRETT, will be an effort to illustrate, as time goes on, how the overhelpful hand of the Federal Government can actually harm people, not intentionally, but unintentionally actually harm people. We hope, as time goes on, to bring specific initiatives which will help this country reach the goal the Founding Fathers had of providing personal liberty by a strong balance of power between the national and State levels. For if Congress is willing to lose that power, the people will gain personal liberties in the process.

INTRODUCING THE CONGRESSIONAL CONSTITUTION CAUCUS' WEEKLY CONSTITUTION HOUR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I come here today to announce what we begin as hopefully a regular occurrence here on the House floor. Members of the Congressional Constitution Caucus will use these opportunities to highlight for our colleagues and for the Nation the need, justification, and plan to ensure that our government is operating consistently with our Founding Fathers' intent, and that is limited, leaving most authority over domestic issues to the States, local governments, and the people themselves.

As the founder of this caucus, a caucus dedicated to the adherence of the 10th amendment, I strongly believe that this body must begin to be more squarely focused on these important constitutional principles that we have already heard tonight.

Before I begin, let me express my sincere gratitude to my friend from Utah, who has volunteered to lead this effort here on the floor, this important education effort, but has also been a consistent and long-time champion of the notion of a limited and effective and efficient Federal Government. He routinely fights to ensure that his home State and the other States as well are entrusted with the authority and oversight promised to them as each was admitted to this Union.

I look forward to working with the other members of the caucus, as well, who share the sentiment that our Federal Government has taken far too much authority over programs that State governments have traditionally been much more effective in administering. And I invite my other colleagues to join with us.

This is really as old as our Nation itself. Our founders were very clear when establishing our system of government. They intended to set up a republic of sovereign States capable of self-governing, with a small, central government with clearly defined and limited powers.

Only the powers specifically limited and set out in the Constitution are to be administered by the Federal Government. All others are to be left to the States, local governments, or to the people themselves.

Dividing sovereignty between the Federal Government and those of the States and localities prevents an unhealthy concentration of power at any one level of government, and this is something that James Madison in The Federalist No. 51 wrote is a "double security" for the people.

Unfortunately, throughout the last few generations in particular, the intent of the 10th amendment, that of a limited and efficient central government, has basically melted away. There are those who support a bigger, more centralized government. They believe that a government-run bureaucracy can make the best decisions for the American people. They believe the good is in higher taxes. Well, sir, I strongly disagree. As a Member of the House Budget Committee, I am very much aware of where this leads our government, an overbloated Federal Government, consumed by deficits of over $400 billion that delivers sub-par public service.

Congress on almost a daily basis allows our government to grow, to push us further into debt and to take away from the limits imposed on the historic day when the Constitution was first ratified. What every Member of Congress needs to ask themselves each time they slide their card into one of these spots and votes, they must ask, does the bill I am voting on violate the U.S. Constitution? Does it take away the rights promised to our constituents and put them in the hands of the bureaucracy here in D.C. instead?

Mr. Speaker, I remind this body, the Constitution does not only protect the rights of the people, it also protects the rights of the States. This is our responsibility, to remember them when we write, debate and vote on legislation here in this Chamber.

What I am urging here is not only a political philosophy that most would argue has drifted from the mainstream, but a most important one that has affected our budget, and a gloomy budget forecast it has been for the future.

This is what the caucus is about, these weekly information sessions. It is really well past time that we turn a critical eye on to the Federal Government. This will be how we will lower our deficit, grow our economy and ensure that America remains that "beacon on the Hill."

Now, aside from being informational, this caucus also seeks to make specific legislative gains in the name of governmental efficiency and constitutional adherence. We will support legislation that seeks to return power and authority back to where it belongs, to the States, to the local governments and to the people.

So, to close, I look forward to working with my friend from Utah and other members of this caucus and other Members of this body, from both sides of the aisle, as we work each week in the days and weeks ahead. We owe nothing less to our constituents and to generations, both past and future, to defend this great experiment of American republicanism and democracy.

☐ 1715

THE OFFICIAL TRUTH SQUAD ON THE HISTORY OF AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the majority leader.

Mr. POE. Mr. Speaker, the Official Truth Squad tonight is going to continue the theme that has already been addressed by three of our friends, Mr. OTTER from Idaho, Mr. BISHOP from Utah and Mr. GARRETT from New Jersey. They have been talking about our history. They have been talking about the philosophy of America and who we are and what we are and what we stand for. So for the next few minutes we will be discussing our history, the American Revolution, the people who lived before us, what they thought, what they wrote, and what they said.

I have with me tonight my friend from Texas, another freshman, Mr. CONAWAY from West Texas, and he is going to start out discussing our heritage and giving us some truth about who we are, what we are, and what we stand for.

Mr. CONAWAY. Judge, I thank you. I appreciate the opportunity to share this hour with you tonight and to be able to discuss these very important topics with our colleagues in the House.

One of the things that occurred to me while I have been here in Congress is that we don't do a real good job of delineating between the role of the Federal Government and everybody else. There is a great push every single day while we are here to expand the reach, to expand the scope, to expand the Federal Government's role in all of our lives. One of the reasons for that is I don't think we have a really good, clear appreciation for our founding documents.

So I have introduced a bill, H. Res. 485, called the America Act, a modest effort to reinstitute the Constitution in America, which would require every Member of Congress, every Representative, every Senator, to read the Constitution once a year. It would also require our senior staffers to also read the Constitution, because an awful lot of what you and I do every single day is somewhat influenced by what our staff does; the idea being that you and I raise our hand in January of every odd-numbered year, one of the seminal moments of my short term here in this Congress in January of 2005 when we stood up to take our oath of office. We pledge to protect and defend the Constitution. In our role as lawmakers, we write laws to implement the Constitution, and, every once in a while, we attempt to change the Constitution.

So it seems pretty self-evident to me we should know what is in the Constitution, and, given the reach of this Federal Government over the years, it seems we may have lost our way with respect to that.

When the Constitution was being written 230-plus years ago, there was a constant struggle or tension, as has already been discussed on this floor tonight, of what the role of the Federal Government should and should not be. Those headed up by Alexander Hamilton thought a wide-ranging, wide-reaching government would be appropriate. Others, such as Adams and Jefferson, thought a much more narrow interpretation of the Constitution would narrow the scope of this Federal Government.

I doubt that if our Founding Fathers could join us today, that even the strongest proponents of the most expansive Federal Government would recognize what we have done under the Constitution with this Federal Government. It reaches into every single portion of our lives.

You and I also, when we campaign and when we are talking on this Hill, talk about reducing the size of government, reducing Federal spending, the threat that the growth in spending has to our way of life.

The real solution, in my mind, is going to lead to some hard decisions that sweep major programs, major perhaps Cabinet-level agencies, out of the Federal Government; a clear recognition that this Federal Government should be limited; that there should be certain things that are totally left up to the States. I am not going to name any of those tonight, because that is going to create some controversy when we begin to talk about that.

The truth of the matter is if we are, in fact, going to rein in the growth of the Federal Government, we have to begin limiting the reach into particular areas that our Founding Fathers did not envision. So a modest step, a new effort to try to help each of us understand clearer what our role should be and what this Federal Government's role should be in our day-to-day lives, will be a reading of the Constitution.

So I am going to begin asking each of my colleagues to cosponsor and join this effort to pass this resolution that would require all of us to read the Constitution once a year. It is going to be an honor system. We are honorable men and women in this body, and I think we can trust ourselves.

I am a CPA by trade. You are an attorney. Our professions all require continuing professional education: doctors, lawyers, engineers, CPAs. CPAs in particular have to have 40 hours a year of continuing education just to stay current.

It seems to me that politicians and folks serving this body should be as well informed about their job as anybody serving in a profession should be informed, and the start of that would be the Constitution, the base document on which this great hall is founded.

So this requirement would require each of us to read that Constitution once a year, and record that in our records, and be available for constituents to ask us, now, when is the last time you read the Constitution, Mr. Congressman?

I want to thank my good colleague from Texas, the great judge from the southeast part of the State. We are from the same State, but we are probably 600 miles apart in our homes. But it is a wonderful State to represent, and I am honored to have TED POE and the freshman group with me this year. I want to thank you for giving me this time to share this hour with you tonight.

Mr. POE. Thank you, Mr. CONAWAY. You made several excellent points about our heritage. Reading the Constitution is certainly something that all Members of this body ought to do on a regular basis.

I would hope all school teachers in this country would pick up this document, read it from time to time, and have their kids read this document. It is not very long. I have with me a pocket Constitution and Declaration of Independence that many of us in this House carry with us every day.

Your comment about taking an oath to uphold the Constitution: Not only do Members of the United States House of Representatives raise their right hand and swear to uphold the United States Constitution, but every elected official in this country takes that same oath. Members of the Supreme Court take it, the President takes it, every State representative, State senator, the Governor of every State. Every peace officer takes that oath, every member of a city council, every school board, every person in public service in our country takes an oath to uphold the Constitution. It is the only oath that most of us take while we are serving in office. It certainly is an oath that we are obliged to follow.

Several years ago the world was divided between free and unfree, and we had this Iron Curtain that existed in much of the world that separated those of us who are free and those that were not free. After the great wall came down, we heard many stories about those oppressed people who lived behind the Iron Curtain and what their life was like in that political slavery in which they found themselves.

Several prisons throughout the Eastern Bloc of Europe housed political prisoners, one of which was a Czechoslovakian student who had been imprisoned and sentenced to 5 years for reading from a prohibited document in that Communist nation.

What he did, he found himself on the steps of Prague University. He stood there, defiant, and quoted a document from history. It went something like this: "We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."

For reading from that document, that Czechoslovakian student went to prison. Yes, that is a portion of the Declaration of Independence, our Declaration of Independence, written by Thomas Jefferson.

Thomas Jefferson's Declaration of Independence justified to the world our independence from Great Britain. It gave the reasons why we had the divine right to leave that country.

It starts out, "When in the course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of Earth, the separate and equal Station to which the Laws of Nature and Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation."

That is how the Declaration of Independence starts. It gives the justification, the divine right, for an independent Nation, and, first and foremost, sets the parameters on where we get rights.

As many in this body do, I from time to time talk to kids in schools, the younger the better; talk to them about America and our history, our glorious history. And I ask the question many times to students, where do you get your rights? And I hear all kinds of answers. "My parents give me the rights." "Teachers give me rights." "The government gives me rights." More often than not, most of them say, I don't know where I get my rights.

But the Declaration of Independence establishes to the world, first and foremost, where we receive those rights.

So there is no misunderstanding, Thomas Jefferson in the Declaration of Independence wrote it down, that was later signed by 54 signers of the Declaration of Independence, that "We hold these Truths to be self-evident." The truth. It is obvious. That is what that means. We hold these truths to be obvious. "That all men are created equal, that they are endowed by," and notice what the word is, Mr. Speaker. It doesn't say government. It says "their Creator, with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

We live in a time where in our society we don't want to talk too much about the Almighty.

□ 1730

Or we may offend somebody. We may get sued. Our schools may get sued if they happen to mention God in the public school system.

Well, they are going to have to mention the Creator if they are going to mention the Declaration of Independence, because the philosophy of who we are is that we receive our dignity not from government but from a creator, from a supernatural being.

And the rights that we have come from the creator. Many times we hear about the right of life, liberty and the pursuit of happiness, but for some reason we seldom say where those rights come from.

Mr. Speaker, this is a big deal. It is not a minor deal. Because, you see, government does not have any rights; only people have rights. Government has power. And it gets power from us, the people. We are higher than government. We are not lower than government.

And this philosophy was new in 1776. Always before, the King was most powerful or the dictator was most powerful, or the military; Caesar was most powerful, not the people.

And so when our forefathers got together and started talking about this concept of freedom and independence and America, they knew that the rights that they wanted to talk about did not come from the King; they did not come from a dictator; and they did not come from some military official. They came from the Creator.

Because, you see, if they came from government, that means government can take them away. And the only way government gets its power is from us, the people. So the most important phrase in the Declaration of Independence establishes that the rights that we all claim to have come from a creator.

It is interesting to note when Thomas Jefferson first penned the Declaration of Independence, his first draft, the three rights that he mentioned were life, liberty and property. But after it was debated, the issue was changed from property to pursuit of happiness.

You know, it is important that we understand some basic principles about our past and who we are. Tonight, Mr. CONAWAY and several others have mentioned Alexander Hamilton. And Alexander Hamilton understood that principle that Jefferson wrote about, that our forefathers signed.

And he said in 1775, a year before Jefferson's Declaration of Independence, that sacred rights of mankind are not to be rummaged for among old parchment or musty records. They are written as with a sunbeam in the whole volume of human nature by the hand of the Divinity itself and can never be erased or obscured by mortal power.

One of our forefathers, once again speaking to the absolute truth, that rights that we have are because of a creator. And we have that right, those rights, because of the dignity and worth of the individuals, all of them because of that.

Now, government seems to be very powerful nowadays, our Federal Government does. As Mr. CONAWAY mentioned, I doubt if our forefathers would believe the power of the Federal Government over the people.

Now, whether we think it is a good idea or not, the power is tremendous. Now, think about the different things the Federal Government has gotten itself involved in since the Revolutionary War. For example, I will give you one minor example. Where in our Constitution do we give the Federal Government the authority to decide what every toilet bowl in the United States looks like and how much water runs through it?

But yet the Federal Government has assumed that authority, that power. And you can go on and on and on talking about the role of government and the power of government. But I think all of us would agree the Federal Government today is more powerful than it ever has been.

And every time we give government power, I am talking about the people, because we give them that authority, because government does not have any rights, we take a little bit of liberty away from the rest of us every time government makes those decisions.

And there is a difference between the government in control and having all authority, and the independent or the people having authority. I have used the example of the Iron Curtain and Communism. There are many Americans today who did not live during the time of what we call the Cold War or during the time and have watched what occurred behind the Iron Curtain.

I had the opportunity back in 1987, almost 20 years ago now, to go to the Soviet Union and it was the Soviet Union at that time, a Communist nation that believed that the state was all powerful and all authority and rights went to the state.

And the state doled those responsibilities and duties out to the people. But all citizens looked at the "Almighty State."

And I spent some time there traveling different portions of the Soviet Union. Quite an experience. Different than being here in the land of the free and the home of the brave.

But some examples of that. When I went to the Soviet Union, there was only just three of us that went over there. All of us were judges. And everywhere we went, we were followed. Usually by the KGB. We were followed two ways. Sometimes we were followed with the KGB agents right behind us. He or she wanted us to know that they are there. That was about half of the time.

Other times we were followed, and we knew that we were being followed, but they were where we could not see them. But every place we went, we were followed by the government.

We stayed in hotels in the Soviet Union. And the way it worked was you would give your passport to someone at the end of the hall, and they would give you a key to your room. When you left your room, you gave your key back to the person in charge, and they gave you your passport back.

They would also give you a slip of paper that allowed you to get out of the hotel. You needed that piece of paper and your passport to get back into the hotel. If you did not have this government document, you never got back into the hotel.

While we were gone, our hotel room was search every time. And those who searched our rooms wanted us to know that the room was searched. Our phones were bugged. We could tell, when we were listening to phone, that it was constantly bugged.

And the people in the Soviet Union, you know, they are good people. But you could tell by the way they walked and carried on their daily lives they were oppressed. What were they oppressed with? The power of government in their personal and private lives, because government completely controlled everything, from where they worked, to their health care system, to where they lived, to whether they could even leave the city on a little vacation. Total government control of the individuals, because government had to assert the individual's worth and had taken it on as the power of the state.

And we got to talk to a few Soviet citizens. They were very skeptical about talking to Americans. They would usually tell you directions, but they never wanted to talk much about life in the Soviet Union because, you see, there is a crime under the former Soviet regime that said it is a crime to engage in anti-Soviet activity.

Now, that is a very broad statement. What is anti-Soviet activity? Well, it is anything that the government says it is: talking to the wrong person, taking a photograph of a particular building, writing something in a letter, trying to get on television to say something about the government. Any of those could be engaging in anti-Soviet activity and would cause this citizen to be arrested and tried by that oppressive government.

After we left the Soviet Union, we flew out on a Soviet aircraft, Soviet commercial aircraft. There were not very many of us on the plane. We are all Westerners. As soon as the pilot comes on and announces in English that we are leaving the airspace of the Soviet Union and are now entering the airspace of Finland, everyone on the airplane immediately cheered.

I mean, it was spontaneous cheering. And when we were getting off the airplane in Europe, I asked this flight attendant, I said, what did you think about all of us Westerners cheering when we got out of the Soviet Union? He said, it did not surprise me, because it happens every time we fly out of the Soviet Union.

So the oppression in the Soviet Union was lifted because of the people in the Soviet Union and the people in the Free World. And that is why freedom is so important, because it is not just something Americans possess or want; it is something everybody wants. The people in the Soviet Union want freedom just like those people in Iraq want freedom, and Afghanistan, because it changes the worth of the individuals and puts the individuals most important and puts government below the individuals.

And that is exactly the way it ought to be. You know, the 54 signers of the Declaration of Independence, some people have said when our country got together and started, those 54 people from all walks of life, many of them very wealthy in their own right, were the smartest and wisest people that ever existed as a group in American history to formulate these concepts of freedom.

And the purpose of the Declaration of Independence was to establish the reasons why we had the right as a people to leave an oppressive government, Great Britain; and it was justified and outlined in the Declaration of Independence.

After the Declaration of Independence was signed and the war with Great Britain was won, after several years, it was noted that freedom is always expensive, it costs the lives of other freedom fighters, because it is that important that life is put on the line for freedom. Success occurred. The Nation was free. But we did not have a basic rule of law to follow as a people. We started with the Articles of Confederation and basically the Articles of Confederation gave the Federal Government very limited authority.

And so our Framers got together again at the Constitutional Convention and drafted the Constitution that we have now. There were 55 delegates to the Constitutional Convention; 39 of them signed the Constitution. Several of them did not, one of whom was Patrick Henry, one of my heroes from Virginia: Give me liberty or give me death.

He would not sign the Constitution. The reason he did not is because it did not ensure and protect individual liberty or what we now call the Bill of Rights. The average age was 42.

A French diplomat that was here in the United States at the time made this comment about those people who got together to frame our government. He said that never before, even in Europe, had there been an assembly of more respectable people for talent, knowledge, disinterestedness and patriotism to a cause than these that are assembled here, talking about our forefathers who got together to frame this document called the United States Constitution.

And before they started discussing this document, the Constitution, Benjamin Franklin, who was in his 80s at the time, said that if the Good Lord above is concerned about a sparrow that falls out of a tree, certainly he would be concerned about a new nation at its birth, and maybe we should ask for his guidance through prayer.

And when he made that statement, those men at the Constitutional Convention got together and prayed before they wrote that document. That is one reason why in this House every morning we start with a prayer, needing Divine guidance and wisdom for the decisions we make.

□ 1745

And so when they set up this new concept it started out with the simple phrase in the Preamble that, "We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

So the Constitution starts out with the purpose of government and why we as a people get together and form government. Government's main duty is to protect us, protect us from domestic and foreign enemies.

The Constitution established three branches of government. It established the legislative branch, the executive branch, and the judicial branch; and, if you read the Constitution, established it in that order.

This is part of the legislative branch. We call this the people's House. The reason we call this the people's House is because to be in the United States Congress as a Representative, you have to be elected. You cannot be appointed to the United States Congress. Even on a vacancy, there has to be an election.

So all Members of this House, all 435 of us are elected somewhere in these United States, each representing about, now, 651,000 citizens.

Down the hallway we have the second house, the United States Senate, two Members from every State in the United States. And when the Senate was first designed, the Senate's purpose was to represent States, and the representation of each State was put with two Senators, U.S. Senators. At first the legislative bodies of each State determined who the Senators were. And later, by a constitutional amendment, that was changed so that the people of the whole State elected their Senators.

So we have the people's House, we have the United States Senate down the hallway. And the reason we call that the Senate and this the people's House is because, even in the Senate, if there is a vacancy, there can be an appointment by the Governor until there is an election. And that was put as the basis for all democracy because we represent the will of the people of the United States of America in making our decisions.

Down the street is the second branch of government, the President of the United States and the Vice President, the executive branch of government. The purpose of the legislative branch is to write the law, or, I call it, write the will of the people. That is what we are supposed to do. That is what we are supposed to do, write the will of the people, enact the law and the will of the people. The President's, the executive branch, is to carry out the will of the people.

Unlike the House of Representatives, we are elected for 2 years, the Senate is elected for 6, the President is elected for 4 years. The second branch of government.

The third branch of government is on the other side of this House. It is across the street here. It is called the Supreme Court of the United States, the judicial branch of government. Members of the judiciary are appointed for life, at least in our Federal systems. I was not appointed for life. I had to stand for elections as a judge in Texas, and many States elect their judges, but in the Federal system judges are appointed for life.

So we have, in the middle, the legislative branch; down the street, we have the executive branch; and we have the judicial branch. And I think it is worthy to note that in the Constitution our forefathers envisioned that this body, Congress, should be the most powerful branch of government because we represent the people. The people put us here. And so that was their philosophy.

The second most powerful branch of government was to be the executive to carry out the law, the President. The weakest branch of government was to be the judiciary because, you see, they are not elected. They are appointed for life. And they were to interpret law to the extent that if a law passed by Congress was passed, and it violated the Constitution, it was to be overturned, and Congress was supposed to write another law that would pass muster.

It is interesting to note that that symbolism of Congress being the most powerful, legislative branch most powerful, the President being the second most powerful, and the judiciary being the weakest even occurs here in this House at the State of the Union message that just happened not too many weeks ago. And if you recall, Mr. Speaker, at the State of the Union message, at the top of the rostrum the Speaker of the House of Representatives was there along with the Vice President. The Vice President is the Speaker of the Senate.

The legislative branch was at the top of the podium. The President spoke from the second podium below the legislative branch. When President Bush spoke, he was below the legislative branch. And it is interesting to note that the Supreme Court of the United States sits even lower, down here on the House floor. It is symbolic of the way that our forefathers meant for government to work.

Even though that was the way they established our country and the Constitution, it is not that way anymore. I think few would argue that no longer is the legislative branch the most powerful branch of government. It is the weakest branch of government. The President is still the second most powerful branch of government, the executive branch. But the judiciary is now the most powerful branch of government; because, you see, in many cases the judiciary has taken over the role of not just the judiciary but the legislative branch. When they find a law they do not like, they do more than rule it unconstitutional; they move it a step further and legislate the way things, in their opinion, ought to be.

I personally think that is a disservice to our Constitution. Hopefully those nine men and women down the street will understand that their role in government was to be people who interpret the Constitution and not pass law. That is one reason myself and Judge Gohmert resigned as judges. We want to make law and pass law rather than interpret the law.

So in any event, that was the way our Constitution envisioned we were to work things and how this government we have is to function. The Constitution was inadequate because it did not provide for a protection of citizens of their basic rights. And we have even heard tonight some comments about the Bill of Rights, and it is really more than a Bill of Rights that we have. It is a bill of prohibitions against government.

If you go through and read each of the amendments to the Constitution, especially the first 10 amendments, you will see that the amendment's purpose is to protect us from government. It does not bestow rights on government. It bestows more prohibitions on government, on how government is to treat the people. And I will just mention one of these basic rights or amendments tonight.

The first amendment. It is first for a reason. It did not just happen to show up first. The people who put that first had an absolute commonsense reason for establishing the first amendment to be first because of what it says. That Congress shall make no law, it does not seem very difficult to understand that, Congress should make no law respecting an establishment of religion or prohibiting the free exercise thereof.

That is basically two rules that Congress, that is us, cannot violate. We cannot as a body establish a national religion. You see, the Church of England was a national religion and our forefathers, one of the reasons they came over here was because of religious persecution in Europe, England, and other places. And they did not want to uphold the national religion, and to prevent that from happening here in the United States, Congress was prevented from establishing a national religion.

You notice it says "religion." It does not say "prohibition about the Almighty." It says "establishing religion." And also Congress cannot make any laws prohibiting the free exercise of religion.

Now, the first amendment and the first phrase was first for a reason: because our forefathers wanted to practice religion and religious freedom, and they wanted government to stay out of the way of both of those.

Now, I wonder whether or not we are balancing these two prohibitions. Is government allowing in our country the free exercise of religion or not? And it all comes to the interpretation of this very simple phrase. The second right and prohibition by government is Congress shall make no law respecting the establishment of religion, prohibiting the free exercise thereof, or abridging the freedom of speech.

The freedom of speech was second in the Bill of Rights. Or freedom of press.

And you notice it does not say "fair press." It just says a "free press." That is what we are guaranteed. The right to have a free press, not necessarily fair, because fair is always in the eyes of the reader. In any event, the rights of freedom of speech and press were next, and then the right of us, the people, to peaceably assemble and petition the government for redress.

You see, these rights are first because if you do not have these, the rest of them in the Bill of Rights do not mean anything. And when this speech phrase was put here, it was put here because there were two types of speech our forefathers wanted to protect: religious speech and political speech. You see, that is the controversy. You could not say what you wanted to say about the king. You might get in trouble. And so political speech is protected. Religious speech is protected. And that is why you have the right of freedom of speech and, of course, the right of press. And a free press protects the rights in this amendment and all the others as well. And, of course, the right of the people to assemble and petition the government.

So as we progress in the next few weeks, we will talk more about our Constitution in detail, hopefully getting some interest in the American public, into reading this book. Most books like this have the Declaration of Independence in it and then the Constitution.

The Declaration of Independence was the promise. The Constitution was the fulfillment of that promise. And it is a philosophy our forefathers had that we still are arguing and debating about tonight and debating in this House on a constant basis. It is the idea of freedom from government, or government controlling us. That is the choice we make every time we pass legislation.

Every time we give government more authority, we are taking more authority and responsibility from us, the individual and the people, and willingly giving it to government. Maybe we should do that and maybe we should not. But freedom is something that is very valuable. It is, in fact, the most valuable thing that any of us as individuals have or will ever have. And that is why the Founders of our country believed and died and lost so much to be free from British rule.

It is now a world we live in, where many countries are free, that raise the value and worth of the individual to its highest level and put government below the people. And in this country we must constantly be vigilant to protect the people from government, because it is government's responsibility to do our will, not our responsibility to do government's will. Our will is paramount to the government's. And the only way government gets authority is because we decide to give it authority over the rest of us.

I want to thank you, Mr. Speaker, for allowing me to spend these few minutes talking about these great two documents, the Declaration of Independence, the Constitution of the United States. And as the weeks progress, we will talk more about these truths that are self-evident, that these two documents are who we are, what we are, what we stand for, and what we will continue to stand for.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1053. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

□ 1800

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor once again to come before the House. I would like to thank Democratic leader Nancy Pelosi for allowing us to have the time and the Democratic whip, Mr. HOYER; Mr. CLYBURN, our chairman; and Mr. LARSON, our vice-chair.

Mr. Speaker, we have been coming to the floor all this week. We are going to be talking tonight about our plans to hopefully move this country forward. Maybe we can work together in doing that in a bipartisan way. Mr. RYAN is here at the top of the hour tonight, and I am so glad that you are here.

Mr. RYAN of Ohio. Mr. Speaker, it is great to be here. We have a lot to talk about again, as we wrap up another week of business here at the Capitol.

There are a lot of issues facing our country, and I had a lot of meetings this week on different issues: education, folks in about manufacturing, about the local economy and the problems that they are having with pension and health care.

I think if you look at what is happening in the country, you will see that most Americans either intellectually or in their gut realize that the country is going in the wrong direction.

So our plan tonight, as we come here several nights a week, is to try to let the American people know that we are moving them forward.

Mr. MEEK of Florida. Mr. Speaker, it is very easy to say that, trying to let them know that we are moving forward because that is what we are trying to do, Mr. Speaker. We are trying to move this country in the right direction. Unfortunately, I must add there has been a lot of discussion here under the Capitol dome about who we are going to do business with, how we are going to do business with them, and how we are going to prevent ourselves from getting into a situation like this ongoing port situation that is some back-room deal that took place with a special committee, and we are finding out more and more about it each day.

When we start, I do not really want to focus on that, Mr. Speaker. I want to focus on the fact that we talk about working in a bipartisan way. The Republican Party here in this House is in the majority. That means that the majority has the opportunity to lead in a comprehensive way, including all Members of the U.S. House of Representatives, as we start to move down the road to not only making this country financially secure but secure its borders and secure all America.

Mr. RYAN of Ohio. One of the issues that I think is a fundamental issue that we have in the country facing us is the issue of balancing the budget here and making sure that our country pays its bills. The Republican majority has not been able to get themselves together in a comprehensive way, as you said, to try to balance the budget here in the United States.

I want to just make a point here, and we have got several charts I think that are pretty powerful in illustrating this point.

The Republicans have increased the debt limit, Mr. Speaker, by $3 trillion, $3 trillion. This Republican Congress, Mr. Speaker, has said to the Treasury Department, go ahead out and borrow that money. In June of 2002, increased by $450 billion. In May of 2003, increase of $984 billion. In November of 2004, $800 billion, and we have an increase coming that is going to probably come in the next couple weeks of another $781 billion. Over $3 trillion this Republican Congress has okayed for the Treasury to go out and borrow because this Republican Congress does not have the fiscal responsibility or the discipline to rein in spending.

Mr. MEEK of Florida. There is no probably about it. You are saying they probably will raise the debt ceiling. There is no probably about it. It is going to happen.

We have our rubber stamp here because you know that they are going to rubber-stamp this deal. They are going to take this stamp out, and they are going to rubber-stamp raising the debt ceiling. What does that mean? What that means, by some $821 billion, raising the debt ceiling, even more, beyond where it is now, and that is just the number that I received recently that Secretary Snow has predicted we need to raise the debt ceiling by.

It is because of the love affair with special interests, giving oil companies more subsidies or more money in the time that they are making record profits. It is when the President says let us make tax cuts permanent for billionaires, knowing that we have been fiscally irresponsible, Mr. Speaker; and I think it is important, I was about to just give some information that is pretty fresh about what happened last night in Appropriations Committee, and I think it is important for us to reflect on this.

We talk about bipartisanship. We talk about working in a comprehensive way. We are trying to make that happen. Like you said, we are trying to bring this government back into pay-as-you-go fiscal responsibility, making sure that we do things in the right way.

I just want to say that the Democrats, we want to keep America safe, and I know Republicans want to do it, too; but we are following the 9/11 Commission recommendations of trying to move towards 100 percent container screening. Now, there are some other countries on the globe, I know one in particular, that is doing that, and I think it is important for us to be the superpower of the world, we are supposed to be financial superpower of the world, and we are only checking less than 5 or 6 percent of containers; and I think it is important that I point this out. That is not what Democrats called for. That is what the 9/11 Commission called for, because we believe in working with those that have researched issues and flushed them out so that we can move forward in protecting Americans.

It is not something that came out of the back rooms of some Democratic club somewhere in Sioux City, Iowa. This came about by professionals coming together, past Members of this House, Governors, security people, testimony from FBI, CIA, port directors, individuals that specialize in terrorism.

That is just like our innovation plan. We did not over a cup of coffee and a muffin say, well, what do you think our innovation plan should be, and write it on a napkin. We went out to the CEOs. We went out to the universities of higher learning. We went out to everyday, front-line employers and asked them what do you think we should do as it relates to innovation and where we are lagging. We went to students that are trying to get into the math and sciences and said what do you need.

We went out and we talked to America. We did not just come up with a plan in the back rooms, and we definitely did not get in a room with the special interests and say let us write a bill like the oil industry has had the opportunity to do and some other industries have had an opportunity to do.

I am not holding the oil industry or any other industry at fault here. They are just doing their job. I hold the Republican majority at fault that has allowed us to get in a situation that we are in now.

Real quick, I just want to make sure, just fresh from last night, from the Appropriations Committee, we offered amendments to strengthen how government reviews foreign transactions by mandating a review of all foreign transactions. That amendment was offered, and it was voted down. All Democrats voted for it. Republicans voted against it with the exception of one Republican that voted with the Democrats. That is strengthening, making sure that all transactions are reviewed, not just a few, but all so that we do not have to continue to walk down the same road.

The second vote that came about was by Mr. SABO, basically providing $3.4 billion for critical homeland security shortfalls, including a $1.5 billion for port security needs. I think that it is important to say that, again: party-line vote, 27 Democrats voted for it, 34 Republicans voted against it.

I am glad that we get this information from the committees, and we are sharing with not only the Members who probably were not, there some Members with respect in the Appropriations Committee because all Members are not on the Appropriations Committee, but also, the American people should know. The American people should know exactly what we are trying to do here.

When I say trying, we are trying. If we were in the majority, it would be done. We would have all transactions reviewed dealing with foreign countries. It will happen. We would have had a Hurricane Katrina commission by now, and we would be taking action on what we should do to correct it, and so the oversight would have been different on Katrina. So I think it is important to bring these fresh votes to the floor, not even 24 hours ago.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield, just as you were saying, this is what you were saying: only 5 percent of the cargo coming in is inspected. Mr. Speaker, our source on this one, our third-party validator on this one, is Fox News. So that is where we are.

Now, here is the recommendation from the Coast Guard. Their own estimates, this is the U.S. Coast Guard and I know you have a Coast Guard, probably more than one facility, down in Miami, in the intercoastal for sure, but this is what the Coast Guard estimates that they may need, $7 billion in order to secure and meet their obligations through the Transportation Security Act. Here is what Congress has appropriated, $900 million, not even $1 billion. We need to be here. Here is where we are.

Now, what have the Democrats tried to do? We have been very aggressive and assertive and proactive in trying to make sure that we meet the obligations to protect and secure our own ports. This is just a laundry list. I am going to run through them real quick here.

November 28 of 2001, DAVE OBEY from Wisconsin tried to put $200 million in grants for port security and studies. Republicans knocked it down 216–211 in a party-line vote.

April of 2003, another OBEY amendment for $722 million to increase security. Again, 221–200. All the Republicans prevented us from increased port security.

Again, Democrats, June 17 of 2003, OBEY again, $500 million, shot down, party-line vote.

June 24 of 2003, OBEY again, Republicans blocked consideration of that amendment by a vote of 222–200.

All of the Republicans are voting to prevent the increase in funding just by a few hundred million dollars. It is not like we want to even say we are going to go for the whole $7 billion that we need, but we are trying to slowly increase the funding for this so we can make sure that we are protecting our ports.

Again, in September 17 of 2003, OBEY, SABO and Senator BYRD tried to increase funding to enhance ports by $475 million. Republicans defeated that amendment on a party-line vote.

Again, June 9 of 2004, Mr. Speaker, again, again and again; June 18 of 2004; October 7 of 2004; again and again, September 29 of 2005, $300 million, again shot down along party lines. March 2 of 2006, again.

Mr. Speaker, we have a real problem here because it seems that every time that the Democrats want to increase funding even marginally to protect our ports, there is a Republican party-line vote that prevents us from doing that. That is what the Democrats are trying to do.

That is our plan.

Mr. DELAHUNT. Mr. Speaker, I heard Mr. MEEK mention the lack of oversight that occurs within this institution, within this branch; and it is a very serious problem, and many have spoken to it.

What I found interesting, while I was at my desk, a friend and colleague of ours, I think it was Mr. CONAWAY from Texas, talked about a bill that he has, I presume, already filed, which would require Members of Congress to read the Constitution once a year.

I listened to him with some fascination, and I would propose that he should consider expanding that particular proposal to include a recognition that a constitutional responsibility of the House of Representatives is oversight of the executive branch and that every Member of Congress should make a solemn pledge before God to honor that responsibility, to conduct oversight.

□ 1815

Because I believe if every single Member of Congress, both Republicans and Democrats, respected that constitutional principle, we would not be beset by the problems that are becoming obvious to the American people. But I didn't hear any mention of that by our friend and colleague, Mr. CONAWAY.

We are not meeting our constitutional responsibility because the majority party, the Republican Party in this branch, refuses, refuses to conduct oversight of the executive branch because of fear of embarrassing the White House. Well, again, their constitutional responsibility does not flow to the White House. Their constitutional responsibility, Mr. Speaker, goes to the American people, not to the White House.

I mean, it is remarkable that during the course of the Bush Presidency we have failed to conduct in-depth probes about some of the most serious allegations of executive abuse and misconduct.

And let me just note a few. The possible role of the White House in promoting misleading intelligence about Iraq's weapons of mass destruction and ties to al Qaeda. Just recently, Mr. Speaker, a former CIA official, who served from 2000 to 2005 and has retired, penned a book that indicated that the intelligence was cherry-picked. Yet this House refused, refused to do any oversight; to ask a single question; to bring an executive branch official before the appropriate committee to ask questions that the American people deserve to have answers to.

And what about the responsibility of senior administration officials for abuses of detainees at Abu Ghraib and elsewhere? What about the role of the White House in withholding the Medicare cost estimates that were in their possession from Congress while we were debating a significantly expensive piece of legislation? In fact, it was acknowledged that the executive White House official in charge threatened to fire, he threatened to fire the Medicare actuary if he told Members of Congress that it was not going to cost $395 billion, according to their estimate, but about $700 billion. And again, no oversight.

And I could go on and on. But I have to tell you, if we are going to read the Constitution, if we are going to impose on ourselves the requirement, Mr. Speaker, to read the Constitution, then let us act in a constitutionally responsible way and meet our responsibility so that the American people know what is happening here in Washington and who is responsible.

Mr. RYAN of Ohio. And it is not just the war, Mr. DELAHUNT.

Mr. DELAHUNT. Of course not.

Mr. RYAN of Ohio. It is the war intelligence that no one here has asked any questions on. It is what is going on with the ports. It is the amount of borrowing that we are doing; this $3 trillion in new debt this Republican Congress and the Republican Senate and House and White House has incurred on the American people and, just like in our own houses, we have to pay interest on that debt, that money that we borrow.

What we are having happen now, because of the reckless and fiscally irresponsible behavior of the Republican majority, it is impossible for us to make the kind of investments that we need to make here, Mr. Speaker. Every single family fundamentally understands the importance of education; yet here is what we have to fund because of all this borrowing. We pay this much on our interest on the debt, not even buying the debt down, but just paying the interest on it, Mr. MEEK. We have to pay almost $230 billion in the 2007 budget.

These little blocks down here, these are the investments that we have to make in education, in homeland security, for veterans. Look how small they are compared to the interest on the debt.

Mr. MEEK of Florida. So what you are saying, Mr. RYAN, is that education could have $250 billion; am I correct?

Mr. RYAN of Ohio. Yes. Yes, if this money could be distributed to these other priorities.

Mr. MEEK of Florida. Like homeland security and veterans?

Mr. RYAN of Ohio. Yes.

Mr. MEEK of Florida. Just wanted to be clear.

Mr. RYAN of Ohio. Yes, these are our priorities as a country. And we can stand here and talk about port security, and we can talk about education all we want, and we can talk about what investments we need to make in alternative energy sources, and we can talk about the Democratic plan for innovation, research and development tax credits, broadband in every household, Mr. Speaker, in 5 years.

Mr. DELAHUNT. But the point is, Mr. RYAN, we cannot afford it because the debt that the American people now owe is in excess of $8 trillion, and on that $8 trillion we have to pay interest.

And what is the amount of interest on an annual basis, approximately? Do we have a range?

Mr. RYAN of Ohio. In 2007 it will be almost $230 billion, with some interest.

Mr. DELAHUNT. So that is interest of $230 billion. Just imagine what we could do with $230 billion.

That interest, by the way, do you know where that interest is going to, at least a significant piece of it?

Mr. RYAN of Ohio. Japan.

Mr. DELAHUNT. China.

Mr. MEEK of Florida. OPEC countries.

Mr. DELAHUNT. And OPEC and other countries. Because to subsidize these substantial, very large tax cuts for just a small segment of the American people, we have to go into the financial markets and borrow money so that we can reduce taxes, and then that tax relief ends up not benefiting the vast majority of Americans.

But we are borrowing it. We are borrowing it from overseas. We are borrowing it from nations, many of whom could be potential adversaries, yet we are sending dollars over there of interest payments so that they can invest in roads, in health, and particularly in education, while we are slipping behind. We are slipping behind.

You know, there is a lot of talk in Washington about how this economy is growing. But what you never hear about is that the average American family is losing every year in terms of its income. It is going down. The most recent statistic was that in this past year it went down 2.7 percent. Well, that is hurting families. And that $230 billion, let us say we just invested that. That is interest payments to China, to Japan, to other countries, and to the OPEC countries. With $230 billion, we could give every young person in this country a free college education, send them to the finest graduate schools in the country and ensure that their futures would be bright. But what we are doing is we are putting on our young people a debt that they will never, never in their lifetime be able to pay off. That is just simply wrong, and that is where we have a disagreement.

But you know what is interesting, and if I can just continue, because I am going to have to leave to catch a plane; but not only are Democrats criticizing this White House, but conservatives, people with impeccable conservative credentials like Bruce Bartlett, who just wrote a book and who served in the Reagan administration; like Andrew Sullivan, another noted conservative.

Well, here is what Andrew Sullivan said, and he wrote a book, too. I can't wait to read it. It is coming out soon. "The Conservative Soul: How We Lost It; How to Get It Back." Sullivan called Bush "reckless" and a "socialist" and accused him of betraying "almost every principle conservatism has ever stood for." Now, those are not my words, those are the words of Andrew Sullivan.

And Bruce Bartlett, a former Reagan administration official, had this to say. He called the administration unconscionable, irresponsible, vindictive and inept. And his book is entitled "How George W. Bush Bankrupted America and Betrayed the Reagan Legacy."

Yet here we are serving in this branch and we never, never meet or exercise our constitutional responsibility to review the actions of this administration, because the majority does not want to embarrass a Republican President. And I agree with much of what is said by these commentators: "This is a big government agenda. The notion that the Thatcher-Reagan legacy that many of us grew up to love and support would end this way is an astonishing paradox and a great tragedy."

Something is amiss when you have people with these conservative credentials making these harsh statements about this administration and this Republican Congress not daring to exercise its oversight.

Mr. RYAN of Ohio. If the gentleman will yield, that is powerful, very powerful stuff. I mean, that is good. And in addition to what the gentleman from Massachusetts said, the point is that it is not conservative to balance the budget. It just is what it is. You just do it. The Democrats did it in 1993 without one Republican vote. President Clinton got in with the Democratic House and a Democratic Senate and balanced the budget, Mr. MEEK. That is just what you do when you take your oath, when you swear to uphold the Constitution and preserve, protect, and defend the country.

Part of preserving, protecting, and defending the country is making sure we balance the budget, Mr. DELAHUNT.

□ 1830

Mr. MEEK of Florida. I want to thank the gentleman from Massachusetts (Mr. DELAHUNT) for spelling it out, and I do not want you to miss your plane. I want to thank you for coming down and sharing that information. We needed to hear it.

We have a number of Members running around here because they are following. They are following the Republican leadership on the Republican side and voting in a way that they probably could not go out on a street corner in their districts and if they were to ask 10 people, do you believe in this vote that I took, it would be probably two, maybe one and a half that may say that makes sense, give bigger subsidies to oil companies which are making record profits while we are paying more at the pump.

Mr. Speaker, I thank the gentleman from Massachusetts for putting the "something" into the 30-somethings.

Mr. RYAN, it comes down to leadership. That is the word, leadership, and making sure that the folks that woke up early one Tuesday morning to elect every Member of this House, if a Member leaves midterm, gets sick, whatever the case may be, I do not want to be in Congress any more, there has to be an election called and it has to be filled. The Governor cannot appoint someone like in the Senate.

I think it is important for us to be able to point out the irresponsibility that not only the President has carried out as it relates to being fiscally sound, not putting this country in a bad posture.

You have a chart there that talks about what we are facing right now. I am going to take maybe 5 minutes and go down the line, just in case a Member did not see us last night or the night before. I think it is important for everyone to understand what is going on.

Our good friend, Secretary Snow, the Secretary of the Treasury, wrote this letter about raising the debt ceiling on December 29, 2005. I was thinking about the new year, enjoying family. I was not in my office writing a letter saying we need to raise the debt ceiling. I do not blame Secretary Snow; I blame the policies of this Republican majority.

It says, "We will be unable to continue to finance government operations." Basically, he is saying we have to raise the debt ceiling, but that is the punch line. That is enough to send me running saying we need to do something immediately.

If the Democrats were in control, we would not have to go through this process because we believe in balancing budgets. The Republican majority says we want to cut it in half, or eventually by the year 2084 we would cut it in half. We are not saying that. We have balanced the budget, and we are about paying as we go so we do not get further into debt.

Secretary Snow wrote to Mr. SPRATT, the ranking member of the Budget Committee, just to say he has to now go into what they call the G Fund, the Government Security Investment Fund, that is for the Federal Employee Retirement System. They are saying they can no longer pay into that because there is no money to do it.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield, this means that we already are not meeting our obligations. That already means that the financial constraints that the Republican majority has put upon us already is forcing the Secretary of the Treasury to not put money in to meet the obligations of the Federal employment retiree program.

Mr. MEEK of Florida. Mr. Speaker, Mr. RYAN is 110 percent right.

Mr. RYAN of Ohio. That is the first step.

Mr. MEEK of Florida. Let me say this, Mr. RYAN. He says, starting today, February 16. Now that is when you have waited as long as you can. When you write a letter talking about an action that you are going to take on that day, the same day, not that we cannot do it a week from now. Not that we can't do it on the 18th; I cannot do it the day I sign this letter.

Mr. RYAN of Ohio. He must have faxed it.

Mr. MEEK of Florida. It must have been faxed.

March 6, this letter is very, very alarming. As you can see through our discussion, we have stamped the rubber stamp Congress onto it. We have this rubber stamp, and it should be very familiar to the Members right now.

This is about the fact that they are going to do exactly what the administration asked them to do, and that is why we are in this situation and not able to meet our obligations.

We are going to go down memory lane real quickly. This is saying for the first time in U.S. history we will not be able to meet our Federal Government obligation, our financial obligations. That means paying our bills if the debt ceiling is not raised immediately. The Secretary is going into in this letter that he is going to have to use his special powers that he has been given to divert and no longer pay into and suspend paying into not only the G Fund but other governmental accounts, and it has to happen as soon as possible.

Mr. RYAN, how did we get into this situation, and who do we owe? How did we make history? And when I say "we," the Republican majority. Well, they made history by following the President, and by following the President, they made it in a wrong way, Mr. Speaker. No other time in the history of this country, no other time since the beginning of this country, and I am saying the history, and I am trying to crumble this thing down, since the beginning of the United States of America have we ever been in this situation and borrowing from foreign nations that is now reaching the 50 percent mark that we are going to owe foreign nations; $1.05 trillion we have borrowed from foreign nations.

We have the Republican Congress right under the President's picture because the President could not do it on his own. Forty-two Presidents, $1.01 trillion, 224 years; it took 224 years for 42 Presidents to borrow $1.01 trillion from foreign nations.

Mr. RYAN, that means that the Great Depression, World War I, World War II, Korea, Vietnam, Grenada, all of the issues we have had as a country, they knew being financially sound as a country and paying our bills as we go, that borrowing, record-breaking borrowing from other countries was not a good thing to do, Democrats and Republicans. This President and this Republican Congress in 4 years.

So what is going to happen if we do not bring it under control now? You know we cannot do it alone. We have to have the majority to bring a stop to this.

Mr. RYAN of Ohio. Borrow and spend.

Mr. MEEK of Florida. Borrow and spend.

Mr. RYAN of Ohio. This President has not vetoed one spending bill, not one. So to say Congress needs to get its act in order, Congress is spending and the President is okaying it. Then the President puts his budget, and this Republican Congress gets out the rubber stamp, all at the expense of the next generation who are going to have to borrow and pay interest on this money to pay it back. Ultimately at the end of the day, Mr. Speaker, it weakens the country.

Mr. MEEK of Florida. To be able to paint this even further for the Members, I am going to put a couple of countries up, more than a couple up, thanks to the Republican majority, that own a piece of the American pie. This bothers me in putting these countries up, but I think it is important that we spell it out.

Mr. Speaker, when American civilization 500–600 years from now, when they start digging into the CONGRESSIONAL RECORD to find out what happened at this time, because I will guarantee you this, and I was talking to a group of veterans that came to my office today, this Congress, this Republican Congress, the 109th Congress and the President of the United States will go down in history, not in history of, oh, wow, something great happened, history in saying what were they doing? How did we get to the point that we owe so many foreign nations money? How did they buy a piece of the American pie? Why wasn't this an alarming time?

We want them to be able to unearth this map here.

U.K., they own $223.2 billion of our debt. The U.K. did not make us do it; they just were available to say fine, because you are going to owe us.

Germany, that should mean something to some veterans, $65.7 billion of our debt.

Taiwan, folks talk about Taiwan, many of the toys that are floating around the United States are made in Taiwan; and what they are doing with the money, they are buying our debt, $71.3 billion that they have of our debt.

Canada, the country just north of the United States of America, they own $53.8 billion of our debt.

Korea, and that should mean something to our veterans, $6.5 billion they have of our debt. We owe them.

OPEC nations, Iran, Iraq, Saudi Arabia, I can go down the line. OPEC nations, oil-producing nations, while we are here paying record-breaking prices for gas, they are flipping that around and getting a piece of the American pie financially at $67.8 billion, OPEC nations.

China, Red China.

Mr. RYAN of Ohio. Communists.

Mr. MEEK of Florida. Communist China, $249.8 billion of U.S. debt they have purchased. We owe them.

Japan, the island of Japan I must add, the island of Japan, not as big as the United States, but we owe them a whopping $682.8 billion. We owe them. The American people owe them. And we owe them because of the policies of the Republican majority and the White House.

Now, Mr. RYAN, let me say this. I do not care what party an American is affiliated with, if it is Republican, Democrat or Independent, or someone who does not vote at all. The bottom line is you are going to receive the tab for this. You are, not your children's children's children. You are. They are going to pay their fair share, but I guarantee if this Republican Congress continues to head down the track that it is heading down now, more countries will be on this map.

Like I said last night, when creditors call your house for you to pay them, they call you by your first name. They disrespect you from the beginning. They do not say, Mr. RYAN, maybe you can pay us whenever you feel like it. No, they say, TIM, you are going to pay this bill now. These are the terms; and if you do not do it, this is what we are going to do.

Mr. Speaker, I can see folks saying Mr. TIM RYAN and Mr. KENDRICK MEEK and Ms. DEBBIE WASSERMAN SCHULTZ and Mr. DELAHUNT and the rest of the 30-something Working Group, they are just down there talking fiction. This is fact. We should be alarmed. We are alarmed, and more Members of this House should be outraged by the fact that we have allowed these countries. It is not because of their doing; it is because of the votes that went down on a party-line basis, not votes that went down along lines that are in the better interests of the people of the United States of America.

I challenge Members to go to your constituents and say, is this okay with you all? Is it okay that foreign nations own $1.6 trillion of our debt? And this has all happened over a period of 4 years, and I want you to reelect me. I guarantee you there would not be a Member of this House that would put this on a T-shirt and say "reelect me." That is the reason why people need to understand how important this is.

Mr. RYAN of Ohio. At the same time, my friend, the Republican majority is borrowing and spending and borrowing and spending. They are not borrowing it from Sky Bank in downtown Warren, Ohio. They are not borrowing it from National Citibank.

□ 1845

They are borrowing it from these other countries. And at the same time, at the same exact time, Mr. Speaker, this Republican Congress has given $6 billion in corporate welfare to the energy companies, primarily the oil companies, which are having their most profitable quarter, one after another, one after another; $22 billion to the health care industry, Mr. Speaker. Corporate welfare.

So what the Republican majority is doing, my good friend, is they are borrowing money from the Japanese, the Chinese, and OPEC countries; and they are then taking that money that they are borrowing and then they are giving it in corporate welfare to the most profitable industries in the world. And at the same time, tuition costs go up, local property taxes go up, no investment into after-school programs, the significant kinds of investments that we need to allow our kids to be competitive in a global economy.

Mr. MEEK of Florida. Mr. RYAN, I want to say something about that chart that is right behind you. I am going to tell you, Mr. Speaker, how the American people end up going through what we call here in Washington the Potomac two-step. I will break it down a little further, how they get fooled, what one may say, bamboozled, hoodwinked. You go that way; I am going this way.

Let me just quarterback this thing for a minute, Mr. RYAN. As you can see, the increase in foreign borrowing is $1.16 trillion on this chart. What the President has done and what this majority, the Republican House, has done, Mr. Speaker, is they have said, well, we will put it in this column and further down here in the corner where you have a $0.02 trillion increase in domestic borrowing, we do not want folks to really know what we are doing. We want to borrow from these other nations and let us make a big deal here at home because if we make a big deal here at home, maybe, just maybe, Mr. RYAN, the American people will say, wait, slow down, easy on that credit card.

That is an interest rate. It is a $230 billion interest rate per year, more than what we are investing in education, more than what we are investing in homeland security, since the President and the Republican majority are supposed to be the big homeland security people. More than what we are doing there.

Mr. RYAN, I know it is tough because I am living it, getting in this building at 8 o'clock in the morning, being in the middle of meetings, running from this end, going to committee meetings, going to try to figure out what happened in the secret port deal, running over here and trying to get over to Armed Services so that we could hopefully get the truth of what is happening in Iraq or what is really going on. You have to run over to your other committees and try to figure out what is happening, meanwhile answering constituents' phone calls.

And, Mr. Speaker, meeting about what is happening in this dome, trying to find out what is going on, talking to staffers, I am going to tell you, I am just going to come clean, Mr. Speaker, we have got Republican staffers talking to the 30-something group about what is going on in the back scenes. That is how bad it is right here. That is how bad it is.

Congressman, excuse me, do not look at me, I just want to tell you something.

Congressman, here is a little note here. Maybe you need to talk about this because this is happening.

That is how we are able to unearth this stuff. That is how we are able to share with people what is going on. We have got Americans emailing us, saying, Hey, I am in the military and I am sick and tired of being sick and tired. Expose this.

The VA in my rural community is only open on the second Wednesday of each month, and they are talking about stopping that from happening.

Meanwhile, we have got folks around here advocating on behalf of billionaires, saying they want to make the tax cut permanent, or they want to give record-breaking subsidies to industries that are making record-breaking profits. And we have American families. Some are small businesses that are trying to provide health insurance for their employees, and we cannot help them?

The President marched down this aisle here. The Republican side stands up and claps, and we are all clapping when he comes in because he is the Commander in Chief and the President of the United States and the "leader" of the free world. And then we start talking about health care on only one side of the aisle. The Republican side can get up and start clapping. We are thinking the President is going to come with a comprehensive plan that we can all work together in a bipartisan way, a major paradigm shift in providing health care, Mr. RYAN.

No. What does he do? I just want to use an example. It is almost like going to the refrigerator, taking out a carton of milk, and saying, Oh, this is sour. Let me put it back in. Maybe it will be fresh tomorrow.

On the health care plan, they want to go back to health savings. There is already evidence that that is not working. We want to increase that plan. What do you have to do to be a part of the health savings plan? A, you have to have some savings. So you have to invest not only for your kid's college fund, where in the President's budget and the Republican budget they are cutting student aid, and talk about innovation, that students will be able to compete against the kids in China and these other countries that are cleaning our clock right now as it relates to training and innovation and all these other areas, not because our students are not up to the fight. It is because we are not putting forth the kind of platform they need to be able to educate themselves financially.

So, Mr. RYAN, when we start talking about this issue of responsibility, it is not serving Americans enough for us to go the extra mile.

A supermajority of Members, Mr. Speaker, right now are already home. But let me tell you something. It is important that we continue to hammer at this nail.

Mr. RYAN, I want to commend you for doing what you do. And I know it is hard. I know it is hard to come here and do it, because we are doing it together along with other Members of this House.

But, Mr. Speaker, I am going to say it time after time, that we must stop using the credit card and spending it on things that are not improving U.S. cities, that are not protecting America, that are not educating our children, and that are not bringing down gas prices that Americans are paying through the nose for right now.

So it is important because we are in this thing together. And I am going to tell you it is almost like the Congress being in first class and the American people being in coach. If the plane is going down, we are going down together. And I think it is important that we put a stop to using this credit card.

Mr. RYAN, I want you to put that chart up again about how much we are paying on the debt service. I want you to put that up because that goes right into what I am talking about. I want you to explain it one more time because the reason why I was able to make it through school was that my teachers kept going over the stuff, and we have got to make sure that some folks are coachable here because this is the information that is prepared and we get this from the U.S. Department of the Treasury, also from the Budget Committee.

Mr. RYAN, would you just explain that so people will understand what I am saying.

Mr. RYAN of Ohio. All of this money that we are borrowing, we have got to pay interest on it. And if we pay the interest on it, that means that we cannot spend that money in other areas or give it back, in fact, to the taxpayer maybe in the form of a tax cut so there may be some middle class people.

Mr. MEEK of Florida. For a change.

Mr. RYAN of Ohio. For a change, instead of giving it to Bill Gates and Warren Buffet, who themselves say they do not want the tax cut. Bill Clinton, who is making millions a year, we do not want the tax cut; make the proper investments.

From all the borrowing and spending and borrowing and spending that the Republicans have done, Mr. Speaker, this is the interest on the debt for 2007: $230-some-odd billion. Of the tax money that the American people will send down here, 230 billion of it will go to those countries that Mr. MEEK mentioned to pay off the debt service. Meanwhile, education, homeland security, and veteran spending will be reduced here, here, and here.

Now, what the Democratic plan is is to make sure that we ask the Warren Buffets of the world to pay their fair share, make the proper investments in the broadband research and development tax credit, and grow the economy so we can reduce this payment, and we can make sure that we properly fund and invest in education, homeland security, and veterans.

Now, if you want to just look at what we could do, my friend, if we did not have to pay that interest on the debt, the red bar, what would we be able to do with it? Sixty thousand kids we could enroll in Head Start to make sure that they have health care so they could be healthy, productive, educated citizens. Every single Member of Congress would get $1 million a day for their congressional district. $365 million for you, $365 million for me, $365 million for all 435 Members. Could you imagine what you could do in your district with $365 million a year to spend if we did not have to pay that interest on the debt? Your schools; your transportation issues; your ports; the Coast Guard, which I know is there in the intercoastal; health care. Almost 80,000 veterans would be able to get health care, improve Social Security solvency by $.5 billion. This is what we can do, my friend, when the Democrats take over. We will be able to move ourselves in this direction. Will it be a panacea? No. Because we have got a big mess to clean up when we take over this place.

But, Mr. Speaker, time and time and time again, the Republican majority went out, borrowed money, and spent it on corporate welfare for the most profitable industries, whether it was health care or whether it was the energy companies. Time and time and time again. And one of the provisions that the Democrats have tried and tried and tried to get on, we need a structure in which we could contain the reckless spending of the Republican majority, and what we have tried to do is put an amendment on bills that say if you spend money, you cannot borrow it. You either have to go and raise it, raise revenues somewhere, or you have to cut it out of another program so it is deficit neutral.

Mr. SPRATT, our leader on the Budget Committee, tried to put these PAYGO, pay-as-you-go, rules onto the 2006 budget resolution. It failed. Not one Republican voted for it. That is rollcall No. 87, March 17, 2005. I am not making this up. This is right in the rollcall. We wanted to put controls on spending. Republicans voted against it. Again in the 2005 budget resolution, Mr. SPRATT tried to do it again, rollcall vote No. 91, March 25 of 2004. Not one Republican voted to contain the spending and put the pay-as-you-go rules on.

We also have been trying to do this for years now. For years, MIKE THOMPSON in California tried to do it. Charlie Stenholm of Texas tried to do it. DENNIS MOORE of Kansas tried to do it. What are the Democrats for? We are for balanced budgets, and the proof is in the pudding. The proof is in the CONGRESSIONAL RECORD, because we have tried to do it time and time and time again, and every time we have been shot down by the Republican majority.

So we are trying to contain spending so that we could reduce our debt payments so that we could take that money and provide broadband for every citizen in the country in the next 5 years, to have a strong, sufficient research and development tax credit, to encourage spending, investment, into innovative programs. We have a plan, and we know what we want to do.

Mr. MEEK of Florida. Mr. RYAN, I want you to get the Web site information up because I want to make sure Members have accurate information.

Also, I would just like to say that Members can go onto the Web site and get any of these charts that we have shared with them in the past and tonight so that they can see exactly what we are talking about if they need further information, Mr. Speaker.

Mr. RYAN.

Mr. RYAN of Ohio. www.housedemocrats.gov/30something. Drop us a line.

Mr. MEEK of Florida. Mr. RYAN, I want to thank you. I want to thank Mr. DELAHUNT for being a part of this 30-something hour.

Mr. Speaker, we would like to thank the Democratic leadership for allowing us to have the time. It is an honor to address the House once again.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, MARCH 8, 2006, AT PAGE 3038

Rollcall No. 23 printed incomplete in the RECORD of March 8, 2006. The corrected version follows:

[Roll No. 23]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Blackburn
Brown-Waite, Ginny
Cannon
Doolittle
Foxx
Goode
Istook
Jones (NC)
McHenry
Paul
Shuster
Westmoreland

NOT VOTING—11

Burton (IN)
Capps
Costa
Cubin
Davis (KY)
Evans
Gonzalez
Hinojosa
Norwood
Salazar
Sweeney

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of illness.

Mr. NORWOOD (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. SWEENEY (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Ms. FOXX, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, March 14, 15, and 16.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OTTER, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on March 8, 2006, she presented to the President of the United States, for his approval, the following bill.

H.R. 3199. To extend and modify authorities needed to combat terrorism, and for other purposes.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 p.m.), under its previous order, the House adjourned until Monday, March 13, 2006, at 2 p.m.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of July 21, 2005, through January 3, 2006, shall be treated as through received on March 9, 2006. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant Congressional Record.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6584. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report of surplus real property transferred for public health purposes, including purposes authorized by the McKinney/Vento Homeless Assistance Act, pursuant to 40 U.S.C. 484(o); to the Committee on Financial Services.

6585. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2005 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

6586. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans [OAR-2003-0005; FRL-8018-9] (RIN: 2060-AM28) received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6587. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Emission Durability Procedures for New Light-Duty Vehicles, Light-Duty Trucks and Heavy-Duty Trucks [FRL-8019-2] (RIN: 2060-AK76) received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6588. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of the Vigo County Nonattainment Area to Attainment of the 8-Hour Ozone Standard [EPA-R05-OAR-2005-IN-0010; FRL-8019-5] received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6589. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Emission Reductions to Meet Phase II of the Nitrogen Oxides (NOx) SIP Call [EPA-R03-OAR-2005-WV-0002; FRL-8020-4] received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6590. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference [MD200-3116; FRL-8021-7] received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6591. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District [EPA-R09-OAR-2005-CA-0016; FRL-8007-6] received December 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6592. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2005-CA-0015; FRL-8010-7] received December 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6593. A letter from the Registrar of Copyrights, Copyright Office, transmitting a schedule of proposed Copyright Office fees and the accompanying analysis, pursuant to 17 U.S.C. 708(b); to the Committee on the Judiciary.

6594. A letter from the Ombudsman for Part E, Department of Labor, transmitting the First Annual Report of the Ombudsman for Part E of the Energy Employees Occupational Illness Compensation Program, pursuant to 42 U.S.C. 7385s–15(e); to the Committee on the Judiciary.

6595. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a copy of the reports of the Chief Engineers on the projects listed, consistent with Section 109 of Pub. L. 109–103; to the Committee on Transportation and Infrastructure.

6596. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the draft and final Programmatic Envionmental Impact Statment and Ecosystem Restoration Plan for Green/Duamish River Basin in King County, Washington; to the Committee on Transportation and Infrastructure.

6597. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the Hurricane and Storm Damage Reducation Project Report for the Dare County Beaches, North Carolina; to the Committee on Transportation and Infrastructure.

6598. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [CGD09-05-131] (RIN: 1625-AA11) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6599. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry [USCG-2004-17455] (RIN: 1625-AA85) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6600. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Shipping Technical, Organizational and Conforming Amendments [USCG-2005-22329] (RIN: 1625-ZA05) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6601. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations: San Pedro Bay, CA [CGD11-04-007] (RIN: 1625-AA01) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6602. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Models DG-800B and DG-500MB Sailplanes [Docket No. FAA-2005-22206; Directorate Identifier 2005-CE-45-AD; Amendment 39-14432; AD 2005-26-11] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6603. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BURKHARDT GROB LUFT-UND RAUMFAHRT GmbH & CO KG Model G103 TWIN ASTIR Sailplanes [Docket No. FAA-2005-22156; Directorate Identifier 2005-CE-43-AD; Amendment 39-14435; AD 2005-26-14] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6604. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BURKHARDT GROB LUFT-UND RAUMFAHRT GmbH & CO KG Models G103 TWIN ASTIR, G103 TWIN II, G103A TWIN II ACRO, G103C TWIN III ACRO, and G 103 C Twin III SL Sailplanes [Docket No. FAA-2005-20803; Directorate Identifier 2005-CE-19-AD; Amendment 39-14433; AD 2005-26-12] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6605. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. FAA-2005-21275; Directorate Identifier 2005-CE-28-AD; Amendment 39-14450; AD 2006-01-11] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6606. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Frakes Aviation (Gulfstream American) Model G-73 (Mallard) series airplanes and Model G-73 airplanes that have been converted to have turbine engines [Docket No. FAA-2005-23440; Directorate Identifier 2005-NM-256-AD; Amendment 39-14452; AD 2006-01-51] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6607. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation Ltd. Model 750XL Airplanes [Docket No. FAA-2005-23473; Directorate Identifier 2005-CE-54-AD; Amendment 39-14451; AD 2005-26-53] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6608. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; American Champion Aircraft Corporation Models 7AC, 7ACA, S7AC, 7BCM, 7CCM, S7CCM, 7DC, S7DC, 7EC, S7EC, 7ECA, 7FC, 7GC, 7GCA, 7GCAA, 7GCB, 7GCBA, 7GCBC, 7HC, 7JC, 7KC, 7KCAB, 8KCAB, and 8GCBC Airlines [Docket No. FAA-2005-23025; Directorate Identifier 2005-CE-50-AD; Amendment 39-14390; AD 2005-24-10] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2005-21975; Directorate Identifier 2005-NM-122-AD; Amendment 39-14365; AD 2005-23-07] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. FAA-2005-21835; Directorate Identifier 2005-CE-35-AD; Amendment 39-14357; AD 2005-22-13] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6611. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Power Systems (formerly Sundstrand Power Systems) Auxiliary Power Units Models T-62T-46C2, T-62T-46C2A, T-62T-46C3, T-62T-46C7, and T-62T-46C7A [Docket No. FAA-2005-21719; Directorate Identifier 2005-NE-19-AD; Amendment 39-14369; AD 2005-23-11] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80E1A1, -801E1A2, -80E1A3, -80E1A4, and -80E1A4/B Turbofan Engines [Docket No. FAA-2005-22712; Directorate Identifier 2005-NE-24-AD; Amendment 39-14367; AD 2005-23-09] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Supplemental Oxygen [Docket No. FAA-2005-22915; Amendment No. 121-322] (RIN: 2120-ai65) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6614. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Astazou XIV B and XIV H Turboshaft Engines [Docket No. FAA-2005-23004; Directorate Identifier 2005-NE-42-AD; Amendment 39-14405; AD 2005-25-12] (RIN: 2120-AA64) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6615. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No. 2003-NE-38-AD; Amendment 39-14404; AD 2005-25-11] (RIN: 2120-AA64) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6616. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Type R321/4-82-F/8, R324/4-82-F/9, R333/4-82-F/12, and R334/4-82-F/13 Propeller Assemblies [Docket No. 2001-NE-50-AD; Amendment 39-14403; AD 2005-25-10] (RIN: 2120-AA64) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CENTRAIR 101 Series Gliders [Docket No. FAA-2005-21951; Directorate Identifier 2005-CE-39-AD; Amendment 39-14381; AD 2005-24-01] (RIN: 2120-AA64) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes, and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-22256; Directorate Identifier 2005-NM-113-AD; Amendment 39-14378; AD 2005-23-20] (RIN: 2120-AA64) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6619. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on the regulatory status of the National Transportation Safety Board's (NTSB) "Most Wanted" Recommendations tothe Department and its Operating Administrations for calendar year ended 2005, pursuant to 49 U.S.C. 1135(d) Public Law 108—168, section 6; to the Committee on Transportation and Infrastructure.

6620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Federal Register Dispositions of Petitions for Exemption [Docket No. FAA-2005-22982; Amendment No. 11-51] (RIN: 2120-AI69) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Noise Stringency Increase for Single-Engine Propeller-Driven Small Airplanes [Docket No. FAA-2004-17041; Amendment No. 36-28] (RIN: 2120-AH44) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6622. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Maintenance Recording Requirements [Docket No. FAA-2005-23495; Amendment No. 21-87, 121-321, 135-104] (RIN: 2120-AI67) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6623. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities [Docket No. FAA-2002-11301; Amendment No. 121-315] (RIN: 2120-AH14) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6624. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Service Difficulty Reports [Docket No. FAA-2000-7952; Amendment Nos. 121-319, 125-49, 135-102, and 145-26] (RIN: 2120-AI08) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6625. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidelines for Awarding Clean Water Act Section 319 Base Grants to Indian Tribes in FY 2006; Request for Proposals from Indian Tribes for Competetive Grants under Clean Water Act Section 319 in FY 2006 (CFDA66.460-Nonpoint Source Implementation Grants; Funding Opportunity Number EPA-OW-OWOW-06-2) [FRL-8021-6] received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6626. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Beaches Environmental Assessment and Coastal Health Act [OW-FRL-8020-3] received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6627. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Allotment Formula for Clean Water Act (CWA) Section 106 Funds; Amendment [EPA-HQ-OW-2005-0038; FRL-8017-9] received December 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6628. A letter from the Secretary, Department of Commerce, transmitting the Department's Propane Consumer Impact Analysis regarding the operations of the Propane Education and Research Council, pursuant to Public Law 104–284, section 12; jointly to the Committees on Energy and Commerce and Science.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McKEON (for himself, Mr. Tiberi, Mr. Keller, Mr. George Miller of California, Mr. Kildee, and Mr. Hinojosa):

H.R. 4911. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NEY (for himself, Mr. Frank of Massachusetts, Ms. Waters, Mr. Davis of Alabama, Mr. Neugebauer, and Mr. Renzi):

H.R. 4912. A bill to amend section 242 of the National Housing Act to extend the exemption for critical access hospitals under the FHA program for mortgage insurance for hospitals; to the Committee on Financial Services.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mr. Al Green of Texas):

H.R. 4913. A bill to amend the Internal Revenue Code of 1986 to encourage the use of corrosion prevention and mitigation measures in the construction and maintenance of business property; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Ms. Berkley):

H.R. 4914. A bill to amend title 38, United States Code, to remove certain limitations on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MALONEY (for herself, Mr. Shays, Mr. Frank of Massachusetts, and Mr. Gutierrez):

H.R. 4915. A bill to amend section 721 of the Defense Production Act of 1950 to implement certain recommendations relating to the review of certain mergers, acquisitions, or takeovers by or with any foreign person, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mr. Frank of Massachusetts, Mrs. Maloney, and Mrs. Biggert):

H.R. 4916. A bill to authorize United States participation in, and appropriations for, the United States contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund; to the Committee on Financial Services.

By Mr. BARROW (for himself, Mr. Thompson of Mississippi, and Mr. Skelton):

H.R. 4917. A bill to amend the Defense Production Act of 1950 to require notification to Congress after receipt of written notification of proposed or pending mergers, acquisitions, or takeovers subject to investigation under such Act, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on International Relations, Energy and Commerce, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas:

H.R. 4918. A bill to permit the issuance of tax-exempt bonds for air and water pollution control facilities; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mrs. Musgrave, and Mr. Platts):

H.R. 4919. A bill to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999; to the Committee on Education and the Workforce.

By Mr. CASTLE:

H.R. 4920. A bill to amend the Rules of the House of Representatives to reform the ethics process, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself and Mr. Lewis of Georgia):

H.R. 4921. A bill to amend the Act popularly known as the Death on the High Seas Act to limit application of that Act to maritime accidents, and for other purposes; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 4922. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mr. Abercrombie, Ms. Baldwin, Mr. Capuano, Ms. Carson, Mr. Clay, Mr. Cleaver, Mr. Clyburn, Mr. Conyers, Mr. Cummings, Mr. Davis of Illinois, Mr. Delahunt, Mr. Farr, Mr. Filner, Mr. Grijalva, Mr. Gutierrez, Mr. Hastings of Florida, Mr. Hinchey, Mr. Honda, Ms. Eddie Bernice Johnson of Texas, Mr. Kildee, Ms. Kilpatrick of Michigan, Mr. Langevin, Ms. Lee, Mr. Lewis of Georgia, Mr. McGovern, Ms. McKinney, Mr. Markey, Mr. Meeks of New York, Ms. Moore of Wisconsin, Mr. Oberstar, Mr. Olver, Mr. Owens, Mr. Rangel, Mr. Rush, Mr. Sabo, Ms. Schakowsky, Mr. Serrano, Mr. Stark, Mr. Towns, Ms. Waters, Ms. Watson, Mr. Watt, and Ms. Woolsey):

H.R. 4923. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

By Mr. LATHAM (for himself, Mr. Leach, Mr. King of Iowa, Mr. Boswell, Mr. Nussle, Mr. Sabo, Mr. Kennedy of Minnesota, Mr. Peterson of Minnesota, Mr. Gutknecht, Mr. Oberstar, Mr. Kline, and Mr. Ramstad):

H.R. 4924. A bill to award a congressional Gold Medal to Dr. Norman E. Borlaug; to the Committee on Financial Services.

By Mr. MARKEY (for himself and Mrs. Maloney):

H.R. 4925. A bill to improve whistleblower protections; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 4926. A bill to amend the District of Columbia Home Rule Act to eliminate Congressional review of newly-passed District laws; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mr. McCaul of Texas, and Mr. Cannon):

H.R. 4927. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; to the Committee on Energy and Commerce.

By Mr. ROSS (for himself, Mr. SCOTT of Virginia, Mr. DOYLE, and Mr. BERRY):

H.R. 4928. A bill to amend part D of title XVIII of the Social Security Act to provide for counting expenses for nonformulary drugs against the Medicare annual out-of-pocket threshold for costs for covered part D drugs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABO:

H.R. 4929. A bill to amend section 721 of the Defense Production Act of 1950 to enhance the effectiveness of the investigations of certain mergers, acquisitions, and takeovers for national security implications, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, International Relations, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself and Mr. LOBIONDO):

H.R. 4930. A bill to amend title 49, United States Code, to clarify that State and local permitting requirements relating to the processing, sorting, or transporting of solid waste apply to rail carriers; to the Committee on Transportation and Infrastructure.

By Mr. SHAW (for himself, Mr. SWEENEY, Mr. KNOLLENBERG, and Mr. ROGERS of Kentucky):

H.R. 4931. A bill to direct the Federal Trade Commission to revise the regulations regarding the Do-not-call registry to prohibit politically-oriented recorded message telephone calls to telephone numbers listed on that registry; to the Committee on Energy and Commerce.

By Mr. STRICKLAND:

H.R. 4932. A bill to require businesses operating a call center to either initiate or receive telephone calls to disclose the location of such call center, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 4933. A bill to prevent acid mine drainage from sulfide mining into the Great Lakes; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of Colorado:

H.R. 4934. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to modify the definition of "Indian student count"; to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado:

H.R. 4935. A bill to designate as wilderness certain lands within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area on the Arapaho National Forest in the State of Colorado; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 4936. A bill to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education; to the Committee on Education and the Workforce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico:

H.R. 4937. A bill to amend part D of title XVIII of the Social Security Act to provide for continuity of coverage of prescription drugs under Medicare prescription drug plans for full-benefit dual eligible individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 4938. A bill to amend title XVIII of the Social Security Act to extend the 2006 open enrollment period for Medicare prescription drug plans and to eliminate any late enrollment penalty for enrollments in such plans at any time during 2006; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER (for himself and Mr. PORTER):

H. Con. Res. 355. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BOEHNER:

H. Res. 715. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. CANNON (for himself and Mr. DUNCAN):

H. Res. 716. A resolution expressing the sense of the House of Representatives regarding the establishment of a National Blood Reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GORDON (for himself, Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WOOLSEY, Ms. HOOLEY, Mr. UDALL of Colorado, Mr. WU, Mr. HONDA, Mr. MILLER of North Carolina, Mr. DAVIS of Tennessee, Mr. LIPINSKI, Ms. JACKSON-LEE of Texas, Mr. SHERMAN, Mr. BAIRD, Mr. MATHESON, Mr. COSTA, Mr. AL GREEN of Texas, Mr. MELANCON, Mr. MOORE of Kansas, and Mr. CARNAHAN):

H. Res. 717. A resolution directing the Secretary of Commerce to transmit to the House of Representatives a copy of a workforce globalization final draft report produced by the Technology Administration; to the Committee on Science.

By Mr. KUCINICH (for himself, Mr. LARSON of Connecticut, and Mr. BRADY of Pennsylvania):

H. Res. 718. A resolution requesting the President and directing the Secretary of Homeland Security to provide to the House of Representatives certain documents in their possession relating to the Dubai Ports World acquisition of 6 United States commercial ports leases; to the Committee on Financial Services.

By Mr. NADLER (for himself, Mrs. MALONEY, Mrs. LOWEY, Mrs. MCCARTHY, Mr. ENGEL, Mr. CROWLEY, Mr. ACKERMAN, Mr. HINCHEY, Mr. HIGGINS, Mr. SHAYS, Ms. BERKLEY, Mr. BROWN of Ohio, Mr. MCGOVERN, Mr. HOLT, and Mr. GRIJALVA):

H. Res. 719. A resolution honoring the life and legacy of Wendy Wasserstein; to the Committee on Government Reform.

By Mr. RYUN of Kansas (for himself, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. TIAHRT, Mr. MORAN of Kansas, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. OWENS, Ms. MOORE of Wisconsin, Mrs. JONES of Ohio, Mr. BISHOP of Georgia, Mr. FORD, and Ms. WATSON):

H. Res. 720. A resolution honoring the life of Gordon Roger Alexander Buchanan Parks; to the Committee on Government Reform.

By Ms. SOLIS (for herself, Mr. SERRANO, Mr. MORAN of Virginia, Mr. HONDA, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. COSTA, Mr. CUELLAR, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. LANTOS, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. CONYERS, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. REYES, Ms. ROYBAL-ALLARD, Ms. KAPTUR, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. VELÁZQUEZ, Ms. BERKLEY, Ms. LEE, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, Ms. WATSON, Mr. MEEKS of New York, Mr. BERMAN, Mr. MARKEY, Mr. KUCINICH, Mr. MCGOVERN, Ms. HARRIS, Mr. MCDERMOTT, Mrs. CHRISTENSEN, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. ENGEL, and Mr. VAN HOLLEN):

H. Res. 721. A resolution supporting the goals and ideals of a Salvadoran-American Day (El Dia del Salvadoreno) in recognition of all Salvadoran-Americans for their hard work, dedication, and contribution to the stability and well-being of the United States; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

269. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 95 memorializing the Congress of the United States to enact legislation reauthorizing the Ryan White CARE Act to provide comprehensive care for the neediest victims of HIV/AIDS; to the Committee on Energy and Commerce.

270. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 411 memorializing the Congress of the United States to authorize the development of a secure electronic balloting system for active duty military personnel; to the Committee on House Administration.

271. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 565 supporting the CORRIDORone regional rail proposal and encouraging its support by counties and municipalities in the region of the CORRIDORone project; to the Committee on Transportation and Infrastructure.

272. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 24 memorializing the Congress of the United States to take such actions as are necessary to immediately close the Mississippi River Gulf Outlet and return the area to essential coastal wetlands and marshes and memorializing the Louisiana congressional delegation to file the necessary legislation to accomplish this closure; to the Committee on Transportation and Infrastructure.

273. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 32 memorializing the Congress of the United States to take such actions as are necessary to close the Mississippi River Gulf Outlet; to the Committee on Transportation and Infrastructure.

274. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 461 memorializing the Congress of the United States to revise the requirement that applicants for hunting and fishing licenses provide their Social Security numbers; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. HAYES.

H.R. 97: Mr. CONYERS.

H.R. 159: Mr. FATTAH.

H.R. 161: Mr. FATTAH.

H.R. 164: Mr. FATTAH.

H.R. 170: Mr. YOUNG of Florida.

H.R. 202: Mr. CASE.

H.R. 282: Mr. PASTOR and Mr. CAMPBELL of California.

H.R. 303: Mr. RAMSTAD.

H.R. 311: Mr. CLYBURN.

H.R. 398: Mr. THOMPSON of Mississippi.

H.R. 475: Ms. LEE.

H.R. 478: Mr. MARKEY, Mr. BISHOP of Georgia, Mr. WYNN, Mr. HASTINGS of Florida, Mrs. MALONEY, Mr. BERMAN, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. LEWIS of Georgia, and Mr. CLAY.

H.R. 533: Mr. MEEHAN.

H.R. 550: Mr. RUPPERSBERGER.

H.R. 552: Mr. PICKERING and Mr. CANNON.

H.R. 561: Mr. GRIJALVA.

H.R. 583: Mr. WICKER, Mr. SENSENBRENNER, and Mr. WOLF.

H.R. 801: Mr. VAN HOLLEN.

H.R. 817: Mr. FOLEY, Mr. DENT, Mr. CRAMER, and Mr. BARRETT of South Carolina.

H.R. 838: Mr. HIGGINS and Mr. DINGELL.

H.R. 864: Mr. MICHAUD, Mr. FITZPATRICK of Pennsylvania, Mr. SNYDER, and Mr. MOORE of Kansas.

H.R. 874: Mr. FEENEY.

H.R. 880: Mr. DAVIS of Tennessee.

H.R. 898: Mr. LEACH, Mr. TOWNS, and Ms. JACKSON-LEE of Texas.

H.R. 986: Mr. MURPHY.

H.R. 1241: Mr. GRIJALVA and Mr. KUHL of New York.

H.R. 1302: Mr. SHERMAN.

H.R. 1306: Mrs. TAUSCHER, Mr. CRENSHAW, and Mr. PASTOR.

H.R. 1329: Mr. PLATTS.

H.R. 1333: Mr. LEWIS of Kentucky.

H.R. 1356: Mr. SIMMONS and Mrs. JOHNSON of Connecticut.

H.R. 1401: Mr. VAN HOLLEN.

H.R. 1504: Mr. CONYERS.

H.R. 1548: Mr. ROTHMAN and Mr. HOYER.

H.R. 1578: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1633: Mrs. JO ANN DAVIS of Virginia.

H.R. 1639: Mr. McINTYRE and Mr. MORAN of Virginia.

H.R. 1652: Mrs. BIGGERT.

H.R. 1814: Mrs. BIGGERT.

H.R. 1951: Mr. CONYERS.

H.R. 2047: Mr. RENZI.

H.R. 2070: Mr. MEEHAN.

H.R. 2121: Mr. ENGEL and Mr. BONNER.

H.R. 2134: Mr. HOYER.

H.R. 2177: Ms. BEAN.

H.R. 2257: Mr. NEAL of Massachusetts.

H.R. 2330: Mr. SIMMONS, Mr. WELDON of Pennsylvania, Mr. FILNER, Mr. EMANUEL, and Mr. RANGEL.

H.R. 2386: Mr. KINGSTON, Mr. CHANDLER, Mr. UDALL of Colorado, and Mr. ROGERS of Kentucky.

H.R. 2410: Mr. ROTHMAN.

H.R. 2416: Mr. VISCLOSKY.

H.R. 2421: Mr. SNYDER.

H.R. 2429: Ms. HERSETH and Mrs. LOWEY.

H.R. 2471: Mr. BAKER.

H.R. 2561: Mr. FATTAH and Mr. PETERSON of Minnesota.

H.R. 2719: Mr. SCHIFF.

H.R. 2780: Mr. EVANS.

H.R. 2861: Mr. LANTOS, Mr. DAVIS of Illinois, Mr. SANDERS, and Mr. BACHUS.

H.R. 2928: Mr. BAIRD and Mr. MOORE of Kansas.

H.R. 2952: Ms. HARMAN.

H.R. 2962: Mr. CONYERS.

H.R. 3019: Mr. LEWIS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. HERGER, and Mr. BECERRA.

H.R. 3037: Mr. HINCHEY and Ms. WOOLSEY.

H.R. 3098: Mr. BOOZMAN, Mr. KLINE, and Mr. HINOJOSA.

H.R. 3127: Mr. REICHERT, Mr. CONYERS, Mr. DELAHUNT, Mr. RUSH, and Mr. LoBIONDO.

H.R. 3145: Ms. JACKSON-LEE of Texas and Mr. BARROW.

H.R. 3159: Mr. COSTELLO, Mr. WELDON of Pennsylvania, Ms. CARSON, Mr. KIND, Mr. LaHOOD, and Mr. RAHALL.

H.R. 3248: Mr. FATTAH, Mr. WAXMAN, Mr. GENE GREEN of Texas, and Mr. McINTYRE.

H.R. 3267: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3352: Mr. CONYERS.

H.R. 3361: Mr. CAMP of Michigan.

H.R. 3380: Ms. SCHAKOWSKY.

H.R. 3476: Mr. RANGEL.

H.R. 3550: Ms. SOLIS, Ms. WOOLSEY, Mr. HINCHEY, Mr. RAMSTAD, Mr. SNYDER, Mr. PLATTS, Mr. GENE GREEN of Texas, Mr. BAIRD, Mr. LYNCH, Mr. STUPAK, Mrs. McCARTHY, Mrs. CAPPS, Ms. BORDALLO, Mr. PALLONE, Mr. DENT, Ms. LINDA T. SÁNCHEZ of California, Mr. ROSS, Mr. McINTYRE, Mr. DICKS, Mr. CARDIN, Mr. VAN HOLLEN, and Mr. KUCINICH.

H.R. 3559: Mr. LARSON of Connecticut.

H.R. 3576: Mr. RUPPERSBERGER, Mr. PAYNE, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. JEFFERSON, and Mr. WAXMAN.

H.R. 3579: Mr. MILLER of Florida.

H.R. 3598: Mr. FATTAH.

H.R. 3628: Mr. CLAY.

H.R. 3640: Mrs. LOWEY.

H.R. 3641: Mrs. LOWEY.

H.R. 3658: Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Ms. SCHAKOWSKY, and Mr. SERRANO.

H.R. 3717: Mr. LEWIS of Kentucky.

H.R. 3838: Ms. SOLIS.

H.R. 3858: Mr. DENT.

H.R. 3907: Mrs. CUBIN.

H.R. 3936: Mr. MEEHAN.

H.R. 4005: Mr. NEY, Mrs. CAPPS, Mr. PORTER, and Mr. LoBIONDO.

H.R. 4019: Mr. CAMP of Michigan.

H.R. 4022: Mr. PRICE of North Carolina and Mr. FRANK of Massachusetts.

H.R. 4033: Mr. HONDA, Mr. FITZPATRICK of Pennsylvania and Mr. GALLEGLY.

H.R. 4042: Mr. FORD.

H.R. 4045: Mr. TOWNS and Mr. RANGEL.

H.R. 4121: Mr. PENCE.

H.R. 4140: Mr. BERMAN and Mr. GENE GREEN of Texas.

H.R. 4156: Mr. SKELTON and Mr. DOYLE.

H.R. 4211: Mr. RANGEL.

H.R. 4217: Mr. ISSA and Mr. PETRI.

H.R. 4222: Mr. MOORE of Kansas.

H.R. 4227: Mr. SHUSTER and Mr. POMEROY.

H.R. 4229: Mr. McDERMOTT.

H.R. 4282: Mr. KUHL of New York.

H.R. 4298: Ms. SCHAKOWSKY.

H.R. 4318: Mr. MURPHY.

H.R. 4332: Mr. POE.

H.R. 4341: Mr. LUCAS.

H.R. 4366: Mr. MARIO DIAZ-BALART of Florida.

H.R. 4372: Mr. RUPPERSBERGER.

H.R. 4400: Mr. BROWN of South Carolina.

H.R. 4421: Mr. ENGLISH of Pennsylvania.

H.R. 4493: Mr. GRIJALVA.

H.R. 4547: Mr. BOUCHER, Mr. FORBES, Mr. BROWN of South Carolina, and Mrs. MILLER of Michigan.

H.R. 4609: Ms. SCHAKOWSKY.

H.R. 4666: Ms. HART and Mr. KANJORSKI.

H.R. 4681: Ms. FOXX, Mr. ROTHMAN, Mr. BROWN of Ohio, Mr. WELDON of Pennsylvania, Ms. SCHWARTZ of Pennsylvania, Mr. POMBO, Ms. MATSUI, Ms. LINDA T. SÁNCHEZ of California, Mr. FEENEY, Mr. GENE GREEN of Texas, Mr. ANDREWS, Mr. NUNES, Mr. FORBES, Mr. HASTINGS of Washington, Mr. CONAWAY, Mr. RUSH, Mr. McINTYRE, Mr. CAMPBELL of California, and Mr. BISHOP of Georgia.

H.R. 4704: Mr. MOORE of Kansas.

H.R. 4709: Mr. COSTELLO.

H.R. 4720: Mr. BERMAN, Mrs. BONO, Mr. ISSA, Mrs. NAPOLITANO, Mr. POMBO, Mr. RADANOVICH, Mr. SHERMAN, Mr. WAXMAN, Mr. CALVERT, Mr. GARY G. MILLER of California, Mr. DREIER, Mr. McKEON, Mr. LEWIS of California, Mr. CAMPBELL of California, Mr. ROYCE, and Mr. ROHRABACHER.

H.R. 4727: Mr. PLATTS.

H.R. 4740: Mrs. CUBIN.

H.R. 4747: Mr. RUPPERSBERGER, Mr. McDERMOTT, and Ms. JACKSON-LEE of Texas.

H.R. 4755: Mr. UDALL of Colorado, Mr. KANJORSKI, Mr. WEINER, Mr. WEXLER, Mr. SERRANO, Mr. UDALL of New Mexico, Mr. LINCOLN DIAZ-BALART of Florida, Ms. HOOLEY, and Mr. McNULTY.

H.R. 4760: Mr. MOORE of Kansas and Mr. CLEAVER.

H.R. 4761: Mr. EVERETT, Mr. DeLAY, Mr. THORNBERRY, Mr. MARCHANT, Mr. BRADY of Texas, Mr. WILSON of South Carolina, Mr. SHUSTER, Mr. CUELLAR, MR. BONILLA, Mr. POE, Mr. GOHMERT, and Mr. BURGESS.

H.R. 4772: Mr. KELLER.

H.R. 4773: Mr. DAVIS of Illinois and Mr. RUPPERSBERGER.

H.R. 4775: Mr. POE and Mr. PETERSON of Minnesota.

H.R. 4776: Mr. WHITFIELD and Mr. SAM JOHNSON of Texas.

H.R. 4780: Mr. CLAY.

H.R. 4781: Mr. RUPPERSBERGER.

H.R. 4790: Mr. MANZULLO.

H.R. 4793: Mr. OLVER, Mr. MICHAUD, Mr. RAMSTAD, and Mr. KENNEDY of Minnesota.

H.R. 4794: Mr. SANDERS, Mr. STARK, Mr. CHANDLER, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. JEFFERSON, and Ms. SCHAKOWSKY.

H.R. 4798: Mr. HONDA.

H.R. 4799: Mr. PLATTS.

H.R. 4806: Mr. WELDON of Pennsylvania.

H.R. 4813: Mr. PASTOR and Mr. CAPUANO.

H.R. 4824: Mr. LoBIONDO.

H.R. 4828: Mr. PETERSON of Minnesota.

H.R. 4830: Mrs. BONO and Mrs. MILLER of Michigan.

H.R. 4834: Mr. McCOTTER.

H.R. 4859: Mr. DANIEL E. LUNGREN of California and Mr. CLEAVER.

H.R. 4867: Mr. CLAY, Mr. SAXTON, Mr. ENGLISH of Pennsylvania, Mr. HINCHEY, Mr. LARSON of Connecticut, Mrs. MILLER of Michigan, and Mr. CASTLE.

H.R. 4873: Mr. PICKERING and Mrs. MALONEY.

H.R. 4881: Mr. GORDON and Mr. BARROW.

H.R. 4890: Mr. MARIO DIAZ-BALART of Florida, Mr. HEFLEY, Mr. GINGREY, Mr. AKIN, Mr. PORTER, Mr. CASTLE, Mr. TANCREDO, Mr. MCCAUL of Texas, Mr. FRANKS of Arizona, and Mr. COBLE.

H.R. 4899: Ms. PELOSI, Mr. RAHALL, and Ms. CORRINE BROWN of Florida.

H.R. 4902: Mr. SHIMKUS, Mr. SMITH of Texas, Mr. PETRI, Mr. HAYWORTH, Mr. LAHOOD, Mr. KING of Iowa, Mr. CARTER, Mr. KLINE, Mr. SHAYS, Mr. AL GREEN of Texas, Mr. DEAL of Georgia, Mr. CONAWAY, Mr. HYDE, Mr. WHITFIELD, Mr. TIBERI, Mr. MARCHANT, Mr. BOEHLERT, Mr. MCCOTTER, Mr. FRELINGHUYSEN, Mr. WESTMORELAND, Mr. DELAY, Mr. BLUNT, Mr. HOEKSTRA, Mr. THORNBERRY, Mr. SIMMONS, Mr. GILCHREST, Mr. BAIRD, Mr. WALDEN of Oregon, Mr. DREIER, Mr. EHLERS, Mr. MANZULLO, Mr. BOUSTANY, Mr. PUTNAM, Mr. KNOLLENBERG, Mr. STUPAK, Mr. PENCE, Mr. MCGOVERN, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. PITTS, Mr. GUTKNECHT, Mr. BRADY of Texas, Mr. ISSA, Mr. GINGREY, Mr. CHOCOLA, Mr. REYES, Mr. GERLACH, Mr. TANCREDO, Mr. OSBORNE, Mr. JONES of North Carolina, Mr. MCKEON, Mr. ENGLISH of Pennsylvania, Mr. HEFLEY, Mr. COLE of Oklahoma, Mr. MARSHALL, Mr. BOEHNER, Mr. KINGSTON, Mr. RANGEL, Mr. SMITH of New Jersey, Ms. JACKSON-LEE of Texas, Mr. WELDON of Florida, and Mr. CANTOR.

H.J. Res. 53: Mr. CHOCOLA.

H.J. Res. 55: Mr. PALLONE, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.J. Res. 78: Mr. EVANS.

H. Con. Res. 138: Mr. LEACH.

H. Con. Res. 197: Ms. ZOE LOFGREN of California.

H. Con. Res. 282: Mrs. CHRISTENSEN.

H. Con. Res. 287: Mr. KENNEDY of Rhode Island, Mr. JEFFERSON, Mr. KIND, Mr. WYNN, Mr. MCINTYRE, and Mr. SCHIFF.

H. Con. Res. 320: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 328: Mr. HAYWORTH, Mr. MCCAUL of Texas, Mr. BURTON of Indiana, Mrs. BONO, Mr. PENCE, and Mr. MARIO DIAZ-BALART of Florida.

H. Con. Res. 339: Mr. PEARCE, Mr. ISTOOK, Mr. KUHL of New York, Mr. BURTON of Indiana, and Mr. MILLER of Florida.

H. Con. Res. 340: Mr. PALLONE, Mr. WOLF, and Mr. MCGOVERN.

H. Con. Res. 353: Ms. JACKSON-LEE of Texas, Mr. CONYERS, Mr. OWENS, Mrs. JONES of Ohio, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Mr. RANGEL, Mr. RUSH, Mr. LEWIS of Georgia, Mr. WYNN, Ms. KILPATRICK of Michigan, Mr. CLYBURN, Mr. JEFFERSON, Ms. WATSON, Mr. CROWLEY, Mrs. CHRISTENSEN, and Mr. HINCHEY.

H. Con. Res. 354: Mr. MCKEON and Mr. KING of New York.

H. Res. 305: Mr. HOLT and Mr. BROWN of Ohio.

H. Res. 327: Mr. GRIJALVA.

H. Res. 498: Mr. LAHOOD, Mr. MCGOVERN, Mr. SOUDER, and Mr. WELDON of Pennsylvania.

H. Res. 526: Mr. SAXTON.

H. Res. 603: Mr. BACA.

H. Res. 635: Mr. CAPUANO and Mr. SANDERS.

H. Res. 636: Ms. MCKINNEY.

H. Res. 637: Ms. MCKINNEY.

H. Res. 675: Ms. WOOLSEY.

H. Res. 691: Mr. BERMAN, Mr. BISHOP of New York, and Mr. RANGEL.

H. Res. 700: Mr. AL GREEN of Texas, Mr. RANGEL, Mr. LINDER, and Mr. GERLACH.

H. Res. 707: Mr. MCNULTY.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. EDWARDS on House Resolution 271: Wm. Lacy Clay.

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Wm. Lacy Clay, Tom Lantos, Linda T. Sánchez, Bob Filner, and Xavier Becerra.

Petition 7 by Ms. HERSETH on House Resolution 568: Debbie Wasserman Schultz, Wm. Lacy Clay, Tom Lantos, Bart Gordon, Frank Pallone, Jr., Leonard L. Boswell, Louis McIntosh Slaughter, and Linda T. Sánchez.

Petition 8 by Mr. WAXMAN on House Resolution 570: Debbie Wasserman Schultz, Wm. Lacy Clay, Tom Lantos, Frank Pallone, Jr., Chris Van Hollen, Leonard L. Boswell, and Louis McIntosh Laughter.

Petition 9 by Mr. BOSWELL on House Resolution 584: Bernard Sanders, Debbie Wasserman Schultz, Wm. Lacy Clay, Tom Lantos, Grace F. Napolitano, and Dennis J. Kucinich.

Petition 10, by Ms. HERSETH on House Resolution 585: Bernard Sanders, Benjamin L. Cardin, Debbie Wasserman Schultz, Wm. Lacy Clay, Tom Lantos, Steve Israel, David Scott, Jim Marshall, Gregory W. Meeks, Edolphus Towns, Chris Van Hollen, Leonard L. Boswell, Grace F. Napolitano, and Dennis J. Kucinich.

Petition 11, by Mr. BARROW on House Resolution 614: Collin C. Peterson, Sherrod Brown, Elijah E. Cummings, Bernard Sanders, Peter A. DeFazio, Steny H. Hoyer, Wm. Lacy Clay, Rush D. Holt, Rosa L. DeLauro, Ted Strickland, Lloyd Doggett, Tom Lantos, Adam B. Schiff, Steve Israel, Sheila Jackson-Lee, Marion Berry, Vic Snyder, Arthur Davis, Raúl M. Grijalva, Michael H. Michaud, Michael M. Honda, Solomon P. Ortiz, Gene Green, Jim Cooper, Bart Gordon, Carolyn B. Maloney, James P. McGovern, Frank Pallone, Jr., Rick Larsen, Chris Van Hollen, Julia Carson, Leonard L. Boswell, Nydia M. Velázquez, Allyson Y. Schwartz, Darlene Hooley, Brad Sherman, Russ Carnahan, Stephen F. Lynch, David Scott, Grace F. Napolitano, Edward J. Markey, Bob Etheridge, Charles B. Randel, Henry A. Waxman, Bobby L. Rush, Corrine Brown, Anna G. Eshoo, Mike Ross, Donald M. Payne, Susan A. Davis, Linda T. Sánchez, Danny K. Davis, Hilda L. Solis, Charlie Melancon, Alcee L. Hastings, Bob Filner, Eliot L. Engel, C. A. Dutch Ruppersberger, Howard L. Berman, Brian Higgins, Diana DeGette, Robert A. Brady, Ed Pastor, Paul E. Kanjorski, Doris O. Matsui, Ben Chandler, Xavier Becerra, Emanuel Cleaver, Silvestre Reyes, Thomas H. Allen, Jay Inslee, Brad Miller, José E. Serrano, Mike McIntyre, Melvin L. Watt, Kendrick B. Meek, Rubén Hinojosa, Lucille Roybal-Allard, Albert Russell Wynn, Chaka Fattah, Gary L. Ackerman, William D. Delahunt, Joseph Crowley, Barbara Lee, John F. Tierney, Sander M. Levin, Tim Ryan, David R. Obey, Ron Kind, Rahm Emanuel, Robert E. (Bud) Cramer, Jr., Dennis A. Cardoza, Bill Pascrell, Jr., Michael E. Capuano, Lois Capps, Anthony D. Weiner, Sam Farr, Dale E. Kildee, Jerry F. Costello, Stephanie Herseth, Nita M. Lowey, Major R. Owens, Neil Abercrombie, Dennis J. Kucinich, and Robert C. Scott.

SENATE—*Thursday, March 9, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father John Ryan, St. Brendan Catholic Church, Ormond Beach, FL.

The guest Chaplain offered the following prayer:

Gracious and Creating God, before time began, You loved us. Before we were born, You knew us. You imagined us, then created us in Your holy image. From the beginning of time we were Your people, and through time You have been our Loving Father.

Blessed are You, Lord, Father of the universe and blessed is Your holy Name. Bless the work we do this day and the work yet to be done in these Chambers.

Gracious Father, without You nothing is worthwhile, nothing is of value. Grant to us and to our endeavors Your gracious and holy blessing. Keep us one Nation under Your loving gaze. Make us mindful of those who find life difficult and move us to be their voice, their advocates. May we always labor toward liberty and justice, dignity and goodness.

Blessed be God. Blessed be the nation whose God is the Lord both now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 9, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

SCHEDULE

ORDER OF PROCEDURE

Ms. COLLINS. Mr. President, this morning the Senate will be in a period of morning business. I ask unanimous consent that the period be extended until 12 noon with the time equally divided in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I further ask unanimous consent that the majority leader be recognized at the conclusion of morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, last night the majority leader filed cloture on the lobbying reform bill. Under the rule, that vote would occur on Friday although it is hoped that the vote could be expedited and occur sometime today.

As a reminder, the majority leader has announced that it is also possible—and indeed we hope—to consider the lobbying reform-related amendments throughout the day today if an agreement can be reached.

Also, Senators should be aware that all first-degree amendments to the lobbying reform bill must be filed at the desk by 1 o'clock today as provided for under rule XXII.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

LOBBYING REFORM

Mr. REID. Mr. President, prior to the distinguished Senator from Maine leaving the floor, I want to express my appreciation to her, Senator LIEBERMAN, Senator DODD, and Senator LOTT for their work on lobbying reform. We are going to complete this legislation; it is just a question of when we complete the legislation. It is something we need to do, and the American people want us to do it. Even though I am sure everyone's patience was tested yesterday—I have managed bills and I know how difficult it is when you can see the light at the end of the tunnel and somebody throws up a light and you can no longer see the end—we will complete the legislation. I am hopeful and I am confident we can do it on a bipartisan basis.

Ms. COLLINS. Mr. President, I thank the Democratic leader for his comments. This is an important piece of legislation. It has been completely bipartisan. The legislation reported by the Homeland Security Committee was reported with only one dissenting vote. The bill that was reported by the Rules and Administration Committee was reported unanimously. We have worked very closely with our ranking members, and I appreciate the assurances of the Democratic leader that his side of the aisle recognizes the importance of enacting this bipartisan legislation. There is no reason why with a good effort we can't complete the bill today.

I thank the Democratic leader for his comments.

I thank you, Mr. President.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PORT SECURITY

Mr. REID. Mr. President, I am going to suggest to Democratic Senators to oppose cloture today. I will say to all assembled that the vote under the rules is to occur tomorrow. If the majority leader decides he wants to do it today, we would not oppose even having that vote today. We are going to oppose cloture. The reason being, if you read newspapers today, you will see the House of Representatives, by a 99-percent margin in the supplemental appropriations bill, put a provision in that basically bans the Dubai Ports situation. I agree with that.

I suggested to the majority leader that we could have a vote on that matter right now after a very short time period to debate it. That would take it off of this bill. The majority leader

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

said he doesn't want that. He suggested voting on it tomorrow.

To make a long story short, the majority leader at this point has not agreed to do that. As a result of that, any other thing we come up with takes the second-degree amendment away. It doesn't allow that to be the matter before the Senate.

I had a conversation with Senator DODD last night, and he was telling me how disappointed he was that we weren't going to complete this bill today. But this is where the American people find the Senate today and that is where we as Senators find ourselves today.

As I said yesterday—I say again today—I don't know if there is a change of heart because of Congressman BOEHNER now having a leadership position in the House or whether it is a matter of mere coincidence, but I appreciate the House of Representatives being a legislative body, a separate and equal branch of government.

We do not have to take orders from the White House. We don't have to do what they tell us we should do, whether this is a Democratic Senate or Republican Senate. There has been no better spokesperson of that than Senator BYRD. Senator BYRD for years has said—and he has a portfolio to substantiate what he said—that we serve separately from the President. Whether it is Democrat or Republican down there, we have our responsibilities.

I admire what the House did. They said we know this President feels strongly about this. We know he said he is going to veto it, but we are going to do it because we think we have an obligation to our constituents. I am glad they did that. No rubberstamp. I think it is about time. The issue is of critical importance to our national security. Whether it is Iraq, Katrina, or protecting Americans from terrorist threats, we have seen this administration choose, I believe, the wrong course.

We have had amendments here on the floor where we wanted to increase the security at our ports, checking our cargo containers, our chemical plants, our nuclear plants. We could go down a long list. The White House said they don't want them. So we don't get them. By a straight party-line vote we lose over here. I hope this is coming to an end.

That is why it has been so difficult to work on a bipartisan basis most of the time. There have been no vetoes. There has been nothing to veto. Whatever the President wants, he has gotten. The losers have been the American people, in my opinion.

That is where we found ourselves yesterday.

My friend from New York—no one can question his having been out front on this issue from the very beginning. I appreciate his working on a bipartisan basis to move this matter along. I told Senator FRIST this. I went to our special caucus yesterday, and we had Democratic Senators coming from every side of the room saying I am going to move to do what the House has done. As a result of that, Senator SCHUMER came to the floor and offered an amendment which was going to be offered. His having been out in front—I am glad he proposed it. He is the face of this amendment. He deserves it. He was the first one who noticed this issue in the press or anywhere else. I admire the work he has done on this issue.

We can't turn over control of these ports to a foreign country. That is what this is about. This isn't a foreign company, it is a foreign country.

I received a 1½-page memo from the Commissioner of Ports of New Jersey and New York. He said in his memo that whoever got this contract was going to be all powerful. They would control the perimeters of the ports. They would control who worked in the port. They would do background checks of the people who work there. The American people could sense this.

I think we overuse certain terms, but we want an up-or-down vote.

On the "Lou Dobbs" show last night when he was questioning one of the guests—Lou Dobbs is on CNN—he said they are the same Republicans who were demanding an up-or-down vote on judges such as Alito and they won't give you a vote on this port thing. The only answer is, yes, it is true.

My friend, the distinguished majority leader, has decided it is not appropriate at this time to address this issue. That is a decision he can make.

We stand ready to vote on this port matter after a very short debate. I am sure Senator SCHUMER would agree to a couple hours, evenly divided, maybe even a shorter time than that, but at least a couple of hours would be appropriate at any time and move on.

I say through the Chair to anyone within the sound of my voice, lobbying reform will be completed, and it will be completed, I hope, sooner rather than later. This lobbying reform is important. We need to do everything we can to help restore integrity to what we do in Washington.

Having said that, it was absolutely wrong for the Senate not to take action yesterday on the most important issue the American people see today, and that is port security. I listened to Public Radio this morning. They had part of the debate that took place in the House of Representatives. I do not recall exactly what the vote was. I think it was 62 to 2 or something like that. MARCY KAPTUR, whom I came to the House of Representatives with, a Congresswoman from Ohio, said never in her long career in the House of Representatives has she received as many phone calls and other communications from constituents about an issue as the port security issue. And she speaks for the entire Congress. That is the way it has been. My phones in my office in the Hart Building of the Capitol area and in my Nevada offices are overwhelmed with people concerned about this issue.

I support what my friend from New York did. I hope in the near future the Senate will be able to vote on this matter.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I express my disappointment at the words of the Democratic leader urging our colleagues to vote against cloture on the lobbying reform measure. This is important legislation. This legislation matters. This legislation is bipartisan legislation. It is in response to declining public confidence in the integrity of the decisions made by Government officials.

It is extremely unfortunate and unfair for this much needed legislation to be slowed down by an important but completely unrelated issue, regardless of one's views on the Dubai transaction. The Presiding Officer knows I have been outspoken in calling for a full investigation of the national security implications of this transaction, but regardless of one's views on it, this issue should not be tangled up in the debate on whether or not to strengthen our lobbying disclosure laws.

We have worked hard to produce a bipartisan bill, two bipartisan bills, that have been married to strengthen our lobbying laws. It is extremely unfortunate to hear the Democrat leader say we should get it done sometime but everyone should vote against cloture. That leads me to question whether there really is a commitment to strengthening our lobbying laws.

There is no reason we cannot proceed to the many amendments that have been filed, to debate them fully, let the Senate work its will on each of the amendments, and then clear this legislation so we can go to conference with the House and send the bill to the President's desk.

Public confidence in Congress is very low right now, maybe at record low levels. This legislation helps to promote public confidence in the work we do and the decisions we make. This should not be a partisan issue, and it has not been until the Democrat leader came to the Senate to urge his colleagues to oppose cloture.

Why can't we proceed with the measure before the Senate? It is a bipartisan measure.

My colleague, Senator LIEBERMAN, has worked hand in hand with me on the Committee on Homeland Security to produce this bill. Senator MCCAIN, Senator SANTORUM, Senator DODD, Senator FEINGOLD—all have been involved and have worked very hard. Indeed, yesterday we were on the verge of enacting a bipartisan amendment with the lead sponsor being a Democratic Senator. I supported his amendment. It had to do with holds being placed on bills. I thought it was a good amendment that would help increase the transparency and accountability of what we are doing.

It is unfortunate the Democratic leader is urging delay, saying we should not proceed to wrap up this bill and, in fact, we should not vote for cloture.

I urge our colleagues on both sides of the aisle to support cloture. It is imperative we move ahead with this bill. If we do not act today to pass this legislation to strengthen public confidence in the decisions we make, shame on us.

I am not saying the issue raised by the Senator from New York is not an important issue. As I said, I have spoken time and again in favor of a full 45-day review, and we have gotten that. We need to find out the results of that investigation, have the Committee on Foreign Investment report not only to the President but to us, and then make our decisions.

I am introducing legislation to reform the entire Committee on Foreign Investment to give it a stronger homeland security and national security role and to house it in the Department of Homeland Security. That is an important issue. But it is not the issue before the Senate today. The issue before the Senate today is the lobbying reform measure, two bipartisan bills that have been put together that will help strengthen and promote public confidence in our decisions. Let's get on with the task before the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Maine for her very eloquent remarks. I thank the Senator from Connecticut for his hard work on behalf of shaping legislation and bringing to the Senate amendments that we can help bring about a restoration of confidence on the part of the American people in the way we do business. I also congratulate the Senator from Connecticut, Mr. LIEBERMAN, who has worked so closely with Senator COLLINS, as Senator DODD has worked closely with Senator LOTT.

There are a group of Senators from both sides of the aisle—Senator OBAMA, myself, Senators LIEBERMAN, COLLINS, LOTT, PRYOR, a number of other Senators—who, on an ad hoc basis, sat down for many hours to discuss the various measures we believe need to be taken.

Also, there is another group of Senators that is very concerned about the whole earmarking process which, in the view of any objective observer, has lurched completely out of control, and which is the source of a lot of the problems we are facing with the need for lobbying reform because we have a system that makes it so vulnerable to the exploitations of a few unscrupulous people—to wit, the Congressman Cunningham case, as well as others.

I have never come to the Senate in the years I have been here to talk about this institution. One, I didn't believe I had a need to, much less have a right to. I have only been here since 1987. There are a number of other Members who have been here a lot longer. But what I saw happen yesterday and what I have seen transpire makes me very concerned, and even to a degree saddened at the way the Senate has degenerated and deteriorated from an atmosphere of a willingness to address issues in the fashion that the Senate has to, which has to do with sitting down, discussing, agreeing, and moving forward. We are not the other body. Every Senator not only has individual rights, but, thank God, 40 or 41 of them can prevent action from being taken.

I see a degree of partisanship and bitterness and mistrust permeating this place which is not good not only for the institution of the Senate but for the United States of America. When I first arrived here, the leaders at that time, whether the other side was in the majority or minority, and various more senior Members would sit down and settle on an agenda that the Senate would pursue which, first and foremost, was in the interests of the American people and, secondarily, was in the interests of the respective parties.

Now we cannot move forward in the simplest fashion on issues that we are all in agreement on, much less come to some agreement as to how we can address an issue that is more contentious.

A lot of my colleagues say they love the institution of the Senate. I don't love the institution of the Senate, but I respect it. I respect it more than any institution I have ever been associated with. When I travel around the world, usually at taxpayer expense, I am even more proud of the institution of the Senate because it epitomizes what America is all about: participatory democracy, the ability of one another to fully debate and ventilate issues and come to consensus without taint of corruption or illegitimacy in any way.

Now I see this institution deteriorating and degenerating to a point where sometimes I am not only embarrassed but sometimes a little ashamed.

Yesterday, we had a procedure going on to address a major concern of the American people, and that is the lobbying practices and the ethics rules with which we conduct our business. This was a product of a bipartisan effort, both formal and informal, for many weeks. This was an agreement. Of course, there was a tinge of partisanship, as there always is, but 95 percent of it involved Members sitting down, recognizing that American people do not approve of what we are doing. A majority of the American people believe we do not share their priorities. Only 25 percent of the American people approve of Congress; 75 percent disapprove.

The major concerns the American people have is they fear there is corruption in our institutions. When we see the conviction of a Member of Congress, when we see continued allegations concerning special favors and the influence of special interests, there is at least smoke, if not fire, in those associated with those allegations.

Yesterday, thanks to a bipartisan effort, we were moving forward with an agenda. We had considered amendments. We had voted on one concerning gifts. There was another one coming up that was going to be contentious, and that is the use of corporate jets by Members of Congress, for paying first-class fare instead of the charter rate which every other citizen is required to do. Obviously, I will not get into that debate. And then we had a schedule of some other amendments.

Then the Senator from New York came to the Senate and said just before the vote, "Reserving the right to object . . . " because he was reserving the right to object to a unanimous consent agreement, as we do business here by unanimous consent agreement, "before we set it aside, on this amendment." On this amendment, that was his statement. It is part of the RECORD. Then when he was recognized, he reached into his pocket and pulled out an amendment.

It is the right of every Senator under the rules to propose an amendment. It is not the right of every Senator to mislead his colleagues. It is not the right of every Senator. How can we do business in this Senate if our colleagues mislead us?

The current Presiding Officer, who happened to be the Chair at the time, was surprised, as were the rest of us.

Fortunately, we keep a transcript of our remarks, and I went back and I quoted from it again. I do not in any way criticize the right of any Senator to propose an amendment at any time that is under the parliamentary rules. But to stand up on the floor of this Senate and say you are going to do one thing and then you do another is not only inappropriate, but it risks—it risks—a breakdown of the kind of courtesy we have to extend to each other if we are going to function as a body.

So now the larger issue. The Senator from Nevada and the Senator from New York are dead set on an amendment to negate the agreement concerning the leasing of terminals in the United States by the United Arab Emirates. I understand the passion they feel on that issue. I respect their views on that. But do we have to—knowing full well it would tie up the Senate—the Senator from Nevada has been around here as long as I have. Knowing full well it would tie up the Senate, bring to a halt any action we might take on ethics and lobbying reform, still we are insistent upon that.

Now, the Senator from Connecticut and the Senator from Nevada will stand up: It is our right, it is our right to propose any amendment that is in a parliamentary fashion acceptable. I agree with that. I do not dispute their right. I do dispute stopping—which it has; now we are not going to move forward until after the cloture vote—stopping our progress on the issue which is more important to the American people or as important in an orderly fashion.

The Senator from Nevada knows full well if we are going to act legislatively in this body he is going to have an opportunity to propose this amendment. If we are going to act legislatively, we could stop, we could not do anything in the Senate for 45 days or a month or until the upcoming elections.

But my point is—and I want to, in fairness, say I see a lot of the same thing on this side of the aisle quite occasionally, quite frequently, that we will propose amendments to gain some kind of political advantage. That has always been part of the way we have done business. But hasn't it gotten out of proportion to our first obligation, and that is to do the people's business? Isn't that the reason why only 25 percent of the American people approve of what we do and how we do it? Aren't we concerned? Aren't we concerned about how the American people feel about us, the people we purport to represent?

What we need to do here is for the leaders on both sides, with others, to sit down and map out an agenda we can all agree to. But to bring this process of ethics and lobbying reform and earmark reform to a halt for the sake of an amendment that has nothing whatsoever to do with the businesses at hand, which is highly contentious, I think is not doing the people's business.

I want to emphasize again, I do not dispute the right of the other side of the aisle to act in a parliamentary fashion. There is nothing illegal they are doing. But I would hope that perhaps the greater good would prevail here, and we could sit down and work these things out, which would require concessions made on both sides, which has been the case of the way the Senate functions.

So I must say, I have only been here since 1987, but I have never seen anything like I saw yesterday in the years I have been here. But it is also symptomatic of the bitter partisanship that prevails here, which prevents us from doing anything meaningful or doing very much meaningful for the American people.

If my friends on the other side of the aisle want to give this side of the aisle some of the blame for this partisanship we experience here, I accept it. I accept it. I do not debate it. My point is, it is time we sat down and mapped out an agenda we can all agree to, and start doing the business of the people of this country first and our parties' business and political advantage second.

I do not mean to be contentious in these remarks. I do not mean to be too critical. But I did happen to be on the floor yesterday and see something, as I said, I have never seen before. We have to stop, take a deep breath, sit down together, and start working together. That sounds a bit utopian or Pollyannaish, but it is not. And in the many years I have been here, I saw people able to sit down—even if they had strongly held feelings—together and work things out. We are not able to do that today. It is time we changed course.

I thank my colleagues for their patience. I hope I was not in any way condescending in my remarks concerning my concern about this body.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The minority leader.

UNANIMOUS CONSENT REQUEST

Mr. REID. Madam President, I ask unanimous consent that the Schumer amendment be withdrawn and that it be immediately considered as a freestanding bill, with a time limitation of 2 hours equally divided; no amendments or motions in order; and that upon the use or yielding back of time, the Senate then vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Maine.

Ms. COLLINS. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

The Senator from Connecticut.

LEGISLATIVE PROCESS

Mr. DODD. Madam President, let me, if I may, respond to some of the things that have been said. I see my good friend from New York is here as well. I expect he may want to share some thoughts. I will not be long. First, let me say to my good friends from Maine and Arizona, they are truly wonderful friends, and I have worked on countless occasions with both of them. I regret we are in this situation as well. I say to my friends, this is a matter that is extremely important. We have all worked very hard in a bipartisan fashion to bring up both this lobbying reform and ethics reform package. So I am still confident, despite the differences that occurred yesterday, that we are going to achieve that goal.

I had hoped we would be able to finish it by this week so we would not end up having an elongated debate about the subject matter. I do not think it needs that much time. I am sorry that is not going to occur.

Let me also quickly say to my friend from Arizona, much of what he has said I agree with. I am a product of this place in many ways. I have been here a long time. I sat here on the floor as a page back—I think Jefferson was President when I sat on the floor here, that is how long ago it was—watching Lyndon Johnson sitting as Vice President of the United States, and with the all-night civil rights debates, and so forth. So I am very much a product of this institution. My father served here, and so I have great reverence for the Senate.

I too regret what has happened in many ways, that we do not spend the time to work out matters, as we have done on this bill. I think this bill has been a good example of how the Senate ought to function in many ways. That is not to say we are all going to agree on every amendment offered, but we created a process by which this can be done. I am disappointed we come here on Tuesdays and leave on Thursdays. There was a time when we used to come on Monday and stay until Friday, and there was ample time during the week for consideration of matters.

Part of the difficulty is, today, when you know you have to come in on a Tuesday at about 5 and leave on Thursday at about 5, then in order to deal with all the matters in front of you, you start doing things or offering things in a fashion you might not otherwise were there more of an opportunity to deal with it.

I counted up last night. I suspect, if I am correct, that there are about 60 legislative days left in this session. Assuming we will probably adjourn sometime in September for the fall elections, we have 60 days left to deal with a variety of issues.

My colleague from Arizona is right. Look, the numbers are there. The American public is not happy with how they see their national legislative body functioning. There are many reasons for that, not the least of which is there are issues out there which they confront every single day that are staggering to them—their health care problems, employment issues, the education quality in our country. We all know what the issues are. We do not have to do a survey. They want to know whether we are going to pay attention to the matters they grapple with every single day.

This is also an important issue because it has to do with how we are perceived as a body. So I am not going to minimize this at all. I am not going to stand here and suggest we are all—at one time or another we have done things that I suspect if we had the chance to do them again, we would do them differently.

I will let my colleague from New York address and express what his intents were and what his purposes were, but he raised what, as my colleague from Arizona said, is a very important issue. All of us know that. We have had major hearings. My friend from Maine has had major hearings on this question already. The Banking Committee has had hearings. The other body has already passed, at least out of the Appropriations Committee—my good friend Congressman JERRY LEWIS has passed—I think 60 to 2 was the vote, something like that yesterday, a similar proposal dealing with this question about our port security.

So none of us minimalize this issue. This is not some extraneous matter that has marginal importance to people here. It is timely. It is important. It is critical. People are worried about it.

I would hope, because the hour of 2:15, or whatever the time for this cloture vote is to occur, has not arrived, that there might still be an opportunity for us to find some way to be able to say—next week, the week after, whenever it is here—that we have a chance for an hour or two to raise an important issue, have a good debate in the Senate—in fact, the leader mentioned 2 hours; I think 3 or 4 or 5 hours—for us to discuss an issue of that importance, and with that agreement being reached, we then would agree there will be no other extraneous matters brought up on this bill, and then we could move forward with it so we do not end up tying ourselves in a knot with cloture motions and voting against or for and whatever we are going to do here, delaying the consideration of this bill.

I will leave it to my colleague from New York to explain what his intentions are, what he would like to do. But having talked to him, I believe he is going to suggest we have something like that. I realize that causes some heartburn for others. But nonetheless, my hope is that we can get away from this, get back to where we were yesterday morning, moving rather smoothly through a process that Senator COLLINS and my colleague from Connecticut, Senator LIEBERMAN, and Senator LOTT and I were trying to create, with having one amendment going back and forth from either side, and getting down to a number where we actually had a good possibility of concluding the consideration of this bill by this evening.

That may not happen now because of the delay here. But my appeal would be to the Republican leader—I just heard the Democratic leader—to see if in the next hour or so we can't come to some agreement here to get back on this bill. Let's avoid the cloture votes and get through this legislation. Let's keep it a clean bill, if we can, despite the temptation to bring up other issues. Set aside some time for this debate, and discuss it here on the floor, dealing with the port security issues. That way I think we have satisfied our roles to deal with timely questions, to deal with this important matter, and avoid the kind of acrimony that can truly cause this place to crater again.

Again, I say I will let my friend from New York explain what he did. But I understand his motives to at least bring up this very important matter, and one that all of us care deeply about. We are hearing about it from our constituents.

Again, to my friend from Arizona, for whom I have the greatest respect and admiration—I have loved working with him over the years on many matters—I too worry. If more committees conducted themselves as the Homeland Security and Governmental Affairs Committee does—my Committee on Banking, by the way—with oversight, looking at issues—I think the Armed Services Committee is doing a pretty good job on a lot of these issues. That is the role of the Senate: to be engaged in the debate, the discussion, to provide the time here on the floor, with that Monday through Friday, so we have a good opportunity here to discuss the important issues of the day.

Again, the leadership has to work this out. A lot of us are at fault because we ask the leaders, we say: I can't be around on Friday. I can't be here on Monday. Can you wait until 6 o'clock on Tuesday? All of a sudden, you are arriving on Tuesday and leaving on Thursday night. No other job in America allows you to come for a couple days a week in order to do business.

So I am sorry in a way we are finding ourselves in this truncated situation. I regret we are in this situation, but we can get out of it as well. My hope would be we would find an opportunity to provide a window to discuss port security, which is critical, and clean this bill up. Let's deal with the issues before us. My friend from Maine said it well earlier: We need to get back on this question. I agree with her on that point. That appeal is out there. I will leave it up to the leaders to decide how to proceed, but I hope that will be the case.

Madam President, I see my friend from New York.

Mr. SCHUMER. Madam President, I thank my colleagues, particularly my good friend from Connecticut, as well as the minority leader, for laying out our position. Before I begin, I do want to thank the Senator from Maine, the Senator from Connecticut, his colleague, the other Senator from Connecticut, as well as the Senator from Mississippi for their hard work on this issue. Nobody gainsays the importance of doing ethics reform. I certainly have been a member of the Rules Committee and involved in it. The bottom line is very simple: Doing ethics reform and dealing with the Dubai issue are not mutually exclusive. We can do both. We can do both this week. The motion made by the minority leader makes that perfectly clear. The two are not mutually exclusive. Nothing would make us happier on this side of the aisle than working out an agreement where we would be given time to debate this amendment, separately or as part of the bill, whichever would be the majority's preference, and then move back to the very important, thoughtfully worked-out legislation on ethics reform.

We have to deal with the Dubai ports issue not in April or May but now. That is not only what the American people want, it is important to every one of us. I come from New York. We went through 9/11. Ever since that day, ever since the next day, when I put on this flag which I wear every day in memory of those who were lost, I have said: We have to do everything we can to make sure it doesn't happen again. That doesn't mean it should be No. 16 or No. 17 or even Nos. 3 or 4 on the list. It should be No. 1.

When we heard that Dubai Ports World was going to take over our ports, it naturally raised alarms, not because the country was an Arab country but because the country had had a long nexus with terrorism. The more you look at the deal, the worse it gets. That is the problem.

First, we find out that the review done by the CFIUS committee was cursory, quick. They didn't even call the port authorities, such as New York, New Jersey, and ask about it. The letter that my friend from South Carolina first procured, Senator GRAHAM, given to Senator REID and myself, lays out very clearly how an operator of a port can have a great deal to do with security. Then not only did we find out that the review was cursory and casual, it seemed that the wheels were greased to let this deal go through. Everything was quick. Everything was secret. Everything was quiet.

A group of us—myself, my colleague from North Dakota, both colleagues from New Jersey, my colleague from New York, both colleagues from Connecticut, many others from the metropolitan areas—said: We have to do something. We have to move because we can't wait. The bipartisan legislation that we introduced said: Put the deal on hold. Do the 45-day review. Make sure the report goes to Congress. We get to see it; a nonclassified version goes to the American people. And then we get the right, if we choose, to disapprove.

The 45-day review was going forward, but none of the other conditions have been met. Right now the law would be such that the 45-day review would go forward. We wouldn't know how thorough it would be because it would be secret. The Congress and the American people would never know the results of the review, and the President would get to say "yes" or "no." The President has already said "yes." If the President had said: I am going to take a new look at this after the 45-day review, it might give us some hope. But he didn't. It is Alice in Wonderlandlike—verdict first, trial second.

Then, this weekend, a few more things occurred. The head of Dubai Ports World was on national television in America on a CNN show. And when asked by Wolf Blitzer, chief correspondent in Dubai, how many containers do you inspect here in Dubai, he answered: I don't know.

When asked what kind of security guarantees do you have about the employees who might work on the perimeter or with the cargo manifests, he didn't even care. He simply said: We have to make our British shareholders happy. That has been the whole trouble with this process. That has been the trouble with the CFIUS process. It seems that economics and diplomacy trump security.

In fact, I have been around the CFIUS process for a while, being a member of the House Banking Committee and now the Senate Banking Committee. I have been on the Banking Committees for every one of my 26 years in Congress. Basically, it was passed before I got here, but the CFIUS process was basically done to give national security cover and allow economic deals to go forward. Because in the 1980s and the 1990s, the greatest concern we had was not security but economics. After 9/11, all that changed, but the CFIUS process did not.

Many of us have come to the same conclusion that JERRY LEWIS in the House came to, and I guess 62 of the 64 Appropriations Committee members, bipartisan, in the House Appropriations Committee, that this deal should be stopped.

We don't have the luxury of waiting. That appropriations bill may not get over here until April, the supplemental. It may not be voted on until May. The deal will be consummated and done. And then they will say: You can't undo it. There will be constitutional and legal problems.

We have to act now. There are a variety of ways to act. I have chosen one. There is no monopoly on that. Maybe there is another. And certainly there are a variety of procedures. We can vote, as Senator REID offered, as a separate standing bill today, tomorrow, early next week. We can do it as part of this bill. We can make an arrangement and make it somewhere else. But the voice of the Senate must be heard. Lobbying reform is important, yes, but so is security. Lobbying reform has some time urgency, given everything we have seen, yes, but not more time urgency than this deal which might engender our security.

Let me be clear: We can do both. This Chamber can walk and chew gum at the same time. We can spend some time debating this, go back to lobbying reform and accomplish both our goals. But let me make one thing clear: We will use whatever parliamentary means we can to make sure there is a vote on this issue. In recent months and years, the Senate has changed. It is much harder to offer amendments. The tree is filled up. There are agreements that amendments cannot be germane. Cloture is filed. Our job, my job, as I represent 19 million New Yorkers, is to see that they are secure, above all. Therefore, I believe that we must vote on this amendment soon, quickly, and move on to other business.

I tell my colleagues, certainly this Senator from New York and, I think, many of my colleagues, will do everything we can to make sure that there is a vote on Dubai Ports World, a meaningful vote that ends the deal before it is too late.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I have listened to the thoughtful comments this morning. I understand there is some controversy, some passion and anxiety about all of this. It is not partisan. There is nothing partisan about an amendment dealing with the Dubai Ports World issue. This is a significant issue. As my colleagues have said, the bill that is on the floor is also a significant issue. Both need to be dealt with. Both should be considered by this great deliberative body. But this is not about partisanship at all.

I understand partisanship. I regret that there is too much of it in this town. I left the House many years ago, decided I was going to leave the House. I did run for the Senate, but I was done with the House of Representatives. What did it for me was when they established, through then-Congressman Gingrich—I guess it is all right to say his name—something called GOPAC. And they word-tested through polls and then sent out a missive to everyone in his political camp that said: Here is the way we deal with this. When you are describing your opponent in a political election, use the words "sick," "traitor," "pathetic," "antifamily," "antiflag." That was sent all over this country by an organization that said: This is the way you should engage in politics. Here are the words you should use to describe your opponents. And we poll tested them. They work. Describe your opponents as sick, pathetic, traitor, antiflag. That was sent around the country. That is what polluted the House of Representatives. I had been there long enough when I saw that sort of thing.

I love the Senate. I respect the Senate. I like being here. It is a great privilege to serve in the Senate. I regret there is probably too much partisanship here as well. I don't think we have had the kind of partisanship that infected the House beginning in the late 1980s, but I realize that this body and the House and the President, for that matter, are not in good standing with the American people these days. That circumstance exists because the American people take a look at us and they say: Here is what we face in our daily lives, and you are not addressing it. You are doing nothing about it. Why aren't you sinking your teeth into the significant issues of the day? The issue that faces me when I pull up to the gas pump, why aren't you sinking your teeth into that issue?

Someone stood up in North Dakota recently from a human service nonprofit organization and said: I just had an 81-year-old woman come in looking for a job. She just lost her last job. Do you know what her last job was at age 81? Cleaning office buildings starting at 1 a.m. Then they cut back that employment, so now she needs another job because her Social Security is $170 a month. So at age 81 she is looking for a second job to clean buildings. Why aren't you doing something about that? Why isn't the Congress addressing that?

An hour ago, this Government announced that last month's trade deficit was $68.5 billion in 1 month, the highest in the history of the human race. What does that mean? It is not just 68.5 billion dollars, it is jobs, massive numbers of jobs moving overseas, and it is the selling of this country piece by piece; at a rate of $2 billion a day we are selling America. Why don't we sink our teeth into that? Stem cell research, reimportation of prescription drugs, why don't you sink your teeth into that, they wonder.

At least part of the reason in the Senate that we can't sink our teeth into these issues is because we are prevented from offering amendments to do so. My colleague has offered an amendment on a controversial issue, I understand. The issue of whether a United Arab Emirates company called Dubai Ports World should be managing America's seaports. Should they manage some of America's largest seaports? Is this issue controversial? I suppose it is. Is it urgent that the Congress address this? Of course, it is urgent. The House Appropriations Committee, controlled by the President's own political party, yesterday by a vote of 62 to 2 slapped an amendment on an emergency supplemental appropriations bill designed to provide money for the Department of Defense and for Hurricane Katrina recovery. They slapped an amendment on there to stop this ports deal. Good for them. So there has been offered in the Senate an amendment to stop the ports deal. All of a sudden the Senate is stopped, dead cold in its tracks. Why is it that a proposal such as this becomes a set of brake pads for the Senate? Who decides it should shut things down because someone offers an amendment to stop this takeover of the management of U.S. ports by a company from the United Arab Emirates? Why wouldn't we vote on it? How about yesterday when it was offered, after people got over being upset that we had to deal with it, how about voting on it and then moving ahead?

The underlying bill by Senator COLLINS and Senator DODD is a bill we should do.

I am enormously pleased with their leadership. That has not been easy to bring that bill to the floor. Senator LIEBERMAN, Senator LOTT, the two I have mentioned should be commended. Look, this is leadership. They have brought a bill to the floor that is important. We need to do it. But there is nothing that suggests that just because an amendment was offered dealing with Dubai Ports World, it ought to shut down the Senate. It didn't shut down the House yesterday when Congressman LEWIS offered it to an emergency supplemental appropriations bill. They just voted. Why have we not voted? Senator FRIST, I guess, has decided we won't vote on it. So we will stop the Senate cold in its tracks. We will pull down on the side of the road and hang out for while.

Does that make any sense to anybody? This doesn't make sense to me. Seventy, seventy-five percent of the American people—polls tell us—think that it is stark raving nuts to have a company owned by the United Arab Emirates manage our major ports. I know we have some people who are the elitists in Washington and who think they know better than all of the American people. They think they have greater wisdom and the American people just don't get it. These elitists think that the American people are isolationist xenophobes and cannot see over the horizon. So we have people in Washington who think this deal with Dubai Ports World is fine. It is not fine with me. It is not fine with 70, 75 percent of the American people.

If we get a vote on it in the Senate, it will not be fine with an overwhelming majority of the Senate. The question is, Will we be able to do in the Senate what the House did? That is, have an opportunity to vote on this proposition: Should a company owned by the United Arab Emirates be managing America's ports?

Well, it is interesting to read some of the things that have been written in recent days about this. United Arab Emirates, to the extent they have cooperated with us since 9/11, good for them. We hope they will continue. But there are questions about the extent to which they were involved in 9/11—yes, two of the hijackers were from there; yes, a substantial amount of evidence exists that the financing for the 9/11 plots went through financial institutions in the UAE. Dr. Khan from Pakistan was moving nuclear materials that were being pirated and shipped around the world to North Korea and Iran and other countries, and that was accommodated by the UAE ports.

Interestingly enough, the 9/11 Commission report—I have cited the page in a previous discussion—talks about when we knew where Osama bin Laden was in 1999. We knew where he was, because our intelligence pinpointed his location. They readied the cruise missiles to shoot at this location. Overnight, they decided they had to withhold and would not do it. Why? Because George Tenet later said we might have wiped out half of the royal family of the UAE, who were visiting Osama bin Laden at the time.

The 9/11 Commission report puts it a bit differently. It says UAE royal family members were there. But it is written and spoken by the head of the CIA. The reason the attack wasn't launched when we knew where Osama bin Laden was that he was being visited by the royal family of the UAE.

My point is this: That country has had some ties to terrorism. It was one of three countries to recognize the Taliban government, which accommodated Osama bin Laden in Afghanistan. It has ties to terrorism. When the American people learned about CFIUS and all these goofy acronyms and the work these folks have done in secret that says it is OK for a company such as this, owned by UAE, to manage our ports, the people of this country ask: Why is it that a country such as the United States cannot manage its own seaports? If we are so concerned about national security—and we are—and if we are threatened by terrorists consistently—and we are—and if seaports and airports are two of the important elements of national security—and they are—and if you go to the airport and try to board a plane, they will have you take off your shoes and belt, and as you go through the metal detector you will see a 6-year-old kid spread-eagle and being wanded because we are concerned about security, and if that is the case, why then would we turn to seaport security and decide this? With 5.7 million to 5.9 million containers coming in every year to our seaports, we have decided it is OK for a Middle Eastern country—the UAE—with its history, to manage our seaports through a company owned by that government. Does that make sense?

My former colleague, Fritz Hollings, who used to sit at this desk, used to talk about seaport security a lot. We don't have any seaports in North Dakota. But we went back and checked the Record: I came to the floor 13 times from 2001 until the end of 2005 to talk about seaport security—13 times. Almost every time I was here, Senator Fritz Hollings was also here talking about seaport security. We offered and offered and offered amendments to heighten and increase inspections and seaport security. Now we inspect only 4 to 5 percent of the containers that come in; 96 percent are not inspected. Does that make any sense?

This administration has not been willing to support the substantial enhancement that is necessary for real security at our seaports. One day, God forbid, there may be a terrorist attack that comes from America's seaports. We are spending somewhere close to $10 billion a year now on the issue of antiballistic missile protection, thinking that a rogue nation or a terrorist will acquire an intercontinental ballistic missile, put a nuclear weapon on the tip of it and shoot it at us at 15,000 miles an hour. That is the least likely threat America faces. A much more likely threat is a ship pulling up to a port at 2 to 4 miles an hour, up to the dock in a major American city, full of containers, one of which might have a nuclear weapon in it. Then we are not talking about 3,000 casualties; we are talking about 100,000 or even 300,000 casualties.

So is seaport security important? It is critical. We need to deal with it. We need to send a message to this administration and to all those involved in what is called CFIUS the Committee on Foreign Investment in the United States—that we don't improve security at our seaports by deciding we should have the UAE wholly owned company manage our seaports. Mr. Chertoff said it will actually improve security to have the UAE company managing America's seaports. That is so unbelievable that it is almost laughable. But you should not laugh when you are talking about national security issues.

This proposal is going to improve security at our seaports? Hardly. The reason the American people are concerned about it, the reason the Congress is concerned is that we understand this will diminish security. This will erode security at our seaports. Security is already too weak, and it must be dramatically strengthened.

Now, we are here in the Senate chambers with virtually nothing happening. The same thing happened yesterday afternoon. The bill is on the floor of the Senate and the Senate rules are such that you can offer amendments to that bill and they don't have to be germane prior to any cloture motion; they don't have to be relevant to the bill.

I will give you some examples of the problems of the Senate, the way the Senate works these days. I was promised—and others were as well—that we would have a vote on the issue of reimportation of prescription drugs. Reimportation would drive down the price of prescription drugs in the United States because we pay the highest prices in the world, and the same drug, made by the same company, put in the same bottle, made in the same manufacturing plant, is sent to Canada and is sold for one-tenth of the price. I recently sat on a hay bale talking with an old codger who is about 85 years old. He said: My wife has been fighting breast cancer for 3 years, and we have driven to Canada for 3 straight years, every 3 months, to get her medicine, and we have saved 80 percent on her medicine bill; the same pill I could have gotten on the North Dakota side of the border, but it is priced much higher in the United States.

So for several years now, we have had proposals that are bipartisan to allow for reimportation, but we have been prevented from having an opportunity to vote on it on the floor of the Senate, despite the fact that the majority leader at midnight one night made a commitment to do it. He thinks he didn't. It is written in the CONGRESSIONAL RECORD and somebody can look at it and see whether or not the commitment was made. But we didn't get a vote on it. So it is frustrating.

The Senate is a place where you ought to get a vote. The complaint now, I guess, is that the amendment was offered. It wasn't offered in violation of the rules. The rules allow it to be offered. Perhaps if somebody says let's not vote on it this afternoon but tomorrow, or let's vote on it next Tuesday, my guess is they can make an arrangement to have that happen. But this is a voluntary rest for the Senate. Deciding not to move forward with the bill is a decision by the majority leader. He has decided that he doesn't want to vote on an amendment offered under the rules and which deals with a very relevant issue that was voted on yesterday in a House Committee by the majority party on a piece of legislation that had nothing to do with the amendment. It was OK in the House to do that.

But the majority party in the Senate, even though it was offered under the rules of the Senate, said: No, no, if you are going to force us to talk about and vote on this issue of whether a UAE company should be managing America's ports, we are going to stop the process, stop progress of the Senate, and we are going to sit around and look at each other. That doesn't make any sense. Let's run the Senate the way it ought to be run. If you have amendments, let's debate the amendments and vote on the amendments. This isn't rocket science. If somebody offers an amendment, you have a debate. If you think the people are talking too long, get an agreement on restricting the debate, or get a time agreement and, at the end of the debate, you vote and count them. You don't weigh them; you just count them. It is very simple.

Apparently the majority leader wants to run this body like the House Rules Committee. They would have kind of a Rules Committee on the floor of the Senate that says you can offer this amendment, but you cannot offer that one. They have been doing that for a long while now. This body is run by people who want to emulate the House Rules Committee and prevent people from offering amendments that are perfectly allowable under the rules of the Senate. We are told, if you offer an amendment under the rules, we are going to shut the place down. We are going to stop and complain. So now that the majority party has decided that it doesn't want to move, it complains that we are not moving. A very strange complaint. They can fix this in 5 minutes.

I said the other day it doesn't take me 45 days to figure out the UAE ports issue. We have a 45-day review period—paradoxically requested by the company rather than our country. Our country should insist on that because it is our security. But the company asked our country to do a 45-day review. My point is I don't need 45 days, or even 45 minutes, to figure this out. Nor do most Americans. This deal erodes America's security. It should not take us 5 minutes to get this place back on track.

The underlying bill is important. It is brought to us by four pretty distinguished legislators. Let's proceed with that bill. How do you do that? Let's vote on this amendment in the next half hour or so and then move ahead. If you say there is a scheduling issue, then let's not vote on this amendment today and give us time on Tuesday. That would be all right.

I want to make one other point. I don't know how this is going to turn out, but I am on the Appropriations Committee, and on the emergency supplemental bill, when we mark that up, I intend to offer the identical amendment that a Congressman offered in the House Appropriations Committee so that we can have a vote on it and go to conference with the House on the emergency supplement with identical amendments. I think the Senate should pass an identical amendment in the emergency supplemental, no matter how this comes out, as a backstop. I intend to offer that in the future when we mark up the emergency supplemental bill.

Madam President, I wish to take an additional minute to talk about the news this morning about the $68.5 billion trade deficit, and then I will yield to my colleague from Connecticut, or whoever wishes to speak. The news is once again devastating: our trade deficit last month was $68.5 billion, which is the highest in our history. This relates to a trade policy that is fundamentally bankrupt and a Congress and a President that are not only asleep at the switch but have their heads buried deeper in the sand every month. And the trade deficit widened substantially with China again. I will not go through all the stories about unfair trade. But if this Congress and the President continue to ignore this issue, at some point, this country's currency will suffer a fate that I don't want to see. It will have enormous economic consequences.

This is a strategy that is unsustainable. It is hurting Americans and is shifting Americans' jobs overseas and selling part of America. By the way, this is related to the Dubai Ports World deal because all of this offshoring and outsourcing and globalization and the decision that anybody could do anything, anywhere, and there really are no rules. And the minute somebody says maybe there ought to be rules, they are xenophobes and isolationists. And I will talk about that at another time.

If this $68.5 billion is not a wake-up call, if this doesn't wake up the Congress and the President—and it likely won't—then I suggest this coma is probably irreversible, and I worry about the future of this country.

This country needs to stand up for its own economic interests. Whether it is trade with Japan or trade with China, trade with Europe, trade with Canada, trade with Mexico—we have very large deficits with all of them—and if we don't find a way to address this issue, this country's economy will not remain a vibrant world-class economy in the long term.

Again, we are in this deep sleep, or probably a coma, wanting to either deny or ignore the central facts of a trade policy that is awful. It is trading away American workers, trading away the middle class. We are hollowing out the center of this country. We are saying to this country's workers: If you can't compete with Chinese wages, if you can't compete with Indonesia, Bangladesh, or Sri Lanka wages, shame on you; your job is gone.

I have gone on at length talking about Huffy bikes, Radio Flyer, little red wagons—a whole host of products and companies that have moved offshore.

By the way, the thank-you for moving offshore from this Congress is to give them a big tax break. We voted to end this tax break four times, four amendments I have offered. All four have lost. I will continue to offer those amendments because I still believe that the last thing we ought to do is offer tax breaks to those who shut their American plants and move their jobs overseas. It is pretty unbelievable we do that, but it is part of the willingness to both ignore the circumstances of our trade deficit and the willingness to believe that a completely bankrupt strategy remains workable.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2349

Mr. FRIST. Mr. President, the Democratic leader and I have been in consultation over the course of the morning, and I come to the floor now with a unanimous consent request. I ask unanimous consent that notwithstanding the provisions of rule XXII, the cloture vote occur at 2 o'clock today and that second-degree amendments be filed not later than 2 p.m. on Monday, March 13. I further ask that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, is there any limit on the time for Senators at this point?

The PRESIDING OFFICER. There is 5½ minutes remaining on the minority side.

Mrs. BOXER. I ask unanimous consent that be extended on both sides by an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. Mr. President, if you would let me know when I have used up 9 minutes so I can wrap up?

The PRESIDING OFFICER. The Chair will so advise.

PORT SECURITY

Mrs. BOXER. Mr. President, I have been watching the developments on the Senate floor with, let's say, much surprise. It is very hard for me to understand why this Senate would not want to go on record in opposition to the Dubai ports deal when we have an opportunity to do that, to dispose of that amendment by Senator SCHUMER and go right back to the ethics reform bill that is before the Senate.

I thank Senator SCHUMER for his courage because I know how it is around here sometimes. You need courage to say: Look, this is so important I am not going to back down. Senator SCHUMER explained that he and his colleagues from New York and New Jersey and Connecticut suffered the biggest blow on 9/11, although, believe me, the whole country suffered a blow—certainly in Pennsylvania directly and in my home State of California, where all those planes were going. We lost many people on that day.

But Senator SCHUMER explains that when you tell the people at home: I am going to do everything in my power so that we never have another 9/11, you better mean it. You better mean it. That means you have to step up to the plate. If you believe this deal presents a danger to our security, you have to step up to the plate, you have to use every legislative prerogative at your disposal, and you have to say to your colleagues: I am sorry, we are going to take 5 minutes out, we are going to take 10 minutes out, we are going to take 15 minutes out of this bill, and we are going to vote on this.

My colleagues on the other side of the aisle, God bless them—I know they must have a reason for this—they have stopped us from voting. They have stopped us from voting to stop this Dubai ports deal. Why is it important? There are so many reasons. This deal involves a port operator that is fully owned and controlled by a foreign country. Do we, in a post-9/11 world, want to have our very important infrastructure controlled by another country? I say no. Pre-9/11 we didn't think this way so much.

We had a situation, Senator FEINSTEIN and I, in Long Beach, the Los Angeles port, where China took over the running of a terminal. We were very concerned. This was in about 1997, well before 9/11. We were concerned then, and we asked for a special report from then-Secretary of Defense Cohen and Sandy Berger—he was our National Security Adviser. We asked them to do a written report to us before we let that go through. I believe now it ought to be looked at again. Not only that, but for all of the other ports that are being operated by foreign countries, we ought to have a look back. We ought to see if that is the right thing to do.

But one thing I know for sure, today, this deal has to stop. We have a chance here, thanks to Senator SCHUMER, who took a lot of abuse—maybe not publicly but privately—for having the courage to do this. We have to have a vote. It is amazing to me that those on the other side would stop us.

This is the same group who said to the Democrats: You better step back and let us have a vote on every judge we want, you better step back and let us have votes on all these things, and they will not let us have a vote on the most sacred responsibility we have, which is to keep our country safe.

Let the American people understand what this is about. It is not as if we have done so much for port security in this Congress. We have gotten failing grades for what we have failed to do on port security. It is not for lack of trying.

I want to show you how many amendments we voted on, to try to increase port security, and what happened. In the 107th Congress, $585 million increase for port security in the fiscal year 2003 appropriations; another vote, $500 million increase for port security; another vote, $200 million increase for the Coast Guard; $1 billion for port security. Guess what happened in the 107th Congress. Every one of those amendments went down. Every one of those amendments went down because my colleagues on the other side pretty much voted party line, voted down.

What happened in the 108th Congress? An amendment for a $460 million increase for port security plus a $70 million increase for the Coast Guard for homeland security was voted down; $450 million increase for port security, voted down; $100 million increase—we went at it again and again—voted down; $324 million increase for the Coast Guard, voted down; $80 million increase for the Coast Guard, voted down; $150 million increase for port security grants, voted down.

My colleagues on the other side voted down every one of these while they voted for tax breaks for the most wealthy Americans who already earn $1 million a year.

I hope the American people are catching on to what is going on. Had we done some of these things and you had the country, the United Arab Emirates, that had connections to 9/11—two of the hijackers were from there. We know that money was laundered for the operation through Dubai. We know that Dr. Khan, the Pakistani scientist who turned on the civilized world and smuggled nuclear components to Iran, to North Korea, and to Libya—how did he smuggle those? Through the port of Dubai. And what we are going to do is reward these people, is give them the right to operate a terminal.

Then you hear from my colleagues: Oh, the terminal operator has nothing to do with security.

Wrong. We have a letter from the No. 2 man at the Port Authority in New Jersey and New York. Do you know what he said? The terminal operator is one of the major players in port security. They are the ones who decide who gets hired. They are the ones who do the background checks.

I have that letter. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: Honorable Lindsey Graham U.S. Senator.
From: James P. Fox, Deputy Executive Director, Port Authority of NY/NJ.
Date: March 1, 2006.
Re: port security-terminal operators.

PORT SECURITY: FEDERAL AGENDAS VS. TERMINAL OPERATORS RESPONSIBILITIES

The main players in port security consist of Customs and Border Patrol, U.S. Coast Guard, Immigration and Customs Enforcement and the marine terminal operators.

Due to the recent DP World Ports acquisition of P&O Ports, reports have debated the level of responsibility that marine terminal facilities operators have for security at their facilities. Too clarify, marine terminal operators schedule the ship traffic in and out of their terminals and they are also responsible for handling the loading and unloading of the vessels cargo. In 2004 alone, the Port Authority of New York and New Jersey's terminal operators combined handled 4,478,480 (twenty-foot equivalent units) or TEUs.

Marine terminal operators, such as P&O, are also responsible for the perimeter security of their leasehold. They hire the security guards and purchase the technology that will protect the terminals property, therefore having control over who can enter and exit a facility. Currently, each port, and each operator within the port, has its own system for checking and identifying workers. It is important that Congress and the administration understand the importance of funding the Transportation Worker's Identification Card in order to bring national uniformity to port worker identification. At this time, there are no required minimum standard security measures that the marine terminal operators must adhere too. Voluntary security is not security,

It is important to note that marine terminal operators must also act as an interface with the vessel and the federal agencies. For example, if Customs and Border Patrol wants to inspect a certain container they work through the terminal operator to make that container available. As a terminal operator, the management team and personnel are an intricate part of the overall security apparatus at the terminal. It is these personnel that will have an intimate role in the movement and scheduling of cargo.

To make a statement that the terminals do not play a role in the security checks and balances at the terminal is off-base. Therefore any change of management at a terminal facility brings with it the need to ensure that those directing and controlling the flow of cargo do not pose any risk to national security.

Mrs. BOXER. Mr. President, here is the letter. They hired two security guards—that would be the Dubai people—and purchased the technology that will protect the terminal properties. They have control over who can enter and exit a facility. They have their own systems for checking and identifying workers.

Let me tell you that the terminal operators, according to the people who know best, are very much into the loop of security. As a matter of fact, they are deemed one of the main players. That is what they are called—main players in port security consisting of Customs, Border Patrol, Coast Guard, Immigration, Customs enforcement, and the terminal operators.

If anyone says to you it doesn't matter who loses the terminal, you just relate to them that we know better. When Senator STEVENS had the CCO of Dubai Ports World before our committee, I said to him: What do you think about the fact that this Dr. Kahn got all of these smuggled nuclear components through Port of Dubai?

Do you know what he said? This is the chief corporate officer of Dubai Ports World. He said, "We don't know anything about it. We never look at containers."

Can you imagine? So here it is. We have a chance to stop this Dubai Ports deal in its tracks. To do so is in the best interests of the people of this country. To do so would be reflective of what the House of Representatives did yesterday in their Appropriations Committee. To do so is our highest responsibility to the people of this country. To do so is common sense. To do so is to stand for the security of this country.

This deal is greased. The underlying bill that Senator SCHUMER attached this to, you and I, Mr. President, could live by the rules of this bill. And I intend to do it whether it is passed today, tomorrow, or next week. But we have to stop this deal from going forward. Listen, that deal was greased. That deal was greased. The President is all for it. He said: I didn't know anything about it. But 50 seconds later he was all for it.

This is our only chance today, unless there is an agreement to have a standalone bill. I hope colleagues will fight for the right to vote for this important amendment. Thank you very much.

The PRESIDING OFFICER. The Senator from Minnesota.

EXTENSION OF MORNING BUSINESS

Mr. COLEMAN. Mr. President, I also ask unanimous consent that the period of morning business be extended until 2 p.m. with the time equally divided in the usual form, and the time between 1:30 and 2 p.m. be reserved for the proponents and opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

PORT SECURITY

Mr. COLEMAN. Mr. President, I want to speak a little bit about Iran and about the outrageous comments by the Iranians threatening the United States of America and continuing their perilous path to try to obtain nuclear weapons. But before I do that, I have to respond as I listened to the discussion about port security.

I am chairman of the Permanent Subcommittee on Investigation. For 2 years we have been looking at the issue of port security. We have looked at the possibility of someone bringing a nuclear bomb into this country, or weapons in one of the over 11 million cargo containers that come in from the seas. We have before us a situation and the prospect of UAE Dubai Ports World taking over a number of American ports on the east coast. It has raised a lot of concern, as it should. But some of the rhetoric is a little aboveboard.

When I say that, we need to do everything in our power to make sure that we are safe and secure. Ports are points of entry, and there are areas of vulnerability. This deal has raised very legitimate concerns.

First and foremost was the process. The process, while we look at foreign investment in the United States, as I would describe it, a pre-9/11 process and a post-9/11 world, about 1,500 of these have been done on a 30-day expedited basis.

When folks at the sub-Cabinet level looked at this—folks in Treasury, Homeland Security, other agencies of the administration looked at this—they saw that we were talking about taking control of ports, and, yes, by the UAE. It raises security issues. Under the law that calls for a 45-day review. It didn't happen. That was a mistake. That was the wrong thing. It was a violation of the law. It was a bad process and the process needs to be changed. But we have to tone down the rhetoric a little bit.

It is interesting. I have been, again, a major critic of the process. I signed a bipartisan letter with my colleague from New York, Senator SCHUMER, with Senator CLINTON from New York, and with both Senators from New Jersey. We signed a bipartisan letter that said we demand that this go back to the 45-day process; we demand that we take a close and serious look at it and we make sure we have looked at all the security concerns. Then, at the end of that 45-day process, we demanded that Congress have the right to review the conclusion. If the conclusion from our perspective did not appear to be in the best interests of our national security, we would then note our disapproval and the deal wouldn't go through. We had a bipartisan agreement to do that.

Today, clearly the American public is deeply concerned, as they should be. But instead of going through the process—by the way, we pride ourselves as being the greatest deliberative body in the world—instead of allowing the process to go through with Congress then being briefed, having the hearings—we have had to some degree, and we need more. We heard from the folks who made the decision in front of the Homeland Security Committee. They explained what happened. Then we went into private session. We went into the secure room in this building and had classified material. We had a review. We listened. We understand the review is ongoing. Nothing is going to change. There is no change in the status quo. Dubai is not going to be taking over any American port until the CFIUS process is done, not until the

President has exercised his authority under law and until we in Congress have a review.

My colleagues are talking about this is our only chance to stop this deal, and we have to act now. This is policymaking by poll taking. Clearly, the American public has been concerned, as they should be.

We have put in place a process by which there is a 45-day time to review. We have called for and demanded congressional oversight of that and the opportunity to be heard, and we will get that. We need to be assured that we are going to get that.

But to somehow communicate to the American public that this is our only chance and terrible things are going to happen if we do not stand up and stop this today is really more about pandering to the fears of the moment than doing what we are supposed to do in this bill; that is, be deliberative and thoughtful.

I have some deep concerns about the history regarding UAE—deep concerns about the trafficking of nuclear materials by Dr. Kahn from Pakistan. I have concerns about the UAE when they recognized the Taliban, as they did, by the way, Pakistan and Saudi Arabia.

One of our strongest allies today in the war on terror is Pakistan. Are my colleagues presuming that somehow we should be cutting off relations with Pakistan? I don't think so. They say there were concerns about what they did, but now they work with us.

I believe we have about 500 to 700 naval ships that are docked in the UAE on a regular basis. Our ability to fight the war on terror is dependent in part on the partnership we have with the UAE. They support us in the war in Afghanistan. We have a changed situation in the post-9/11 world. We have an ally whose policy I don't like when it comes to boycotting Israel. That is something that deeply troubles me, and it should be a factor that we look into. But the bottom line is you can't pick out all the negatives and not recognize in this post-9/11 world that we have a country that has been an ally, that does billions in trade with us. We put the safety of our sailors in their hands at their ports.

I think we have to look at the whole picture and allow the review to go forward with an understanding that nothing is going to happen within 45-days—no change of ownership and no increase in security problems.

Let me briefly try to address the overall issue of port security and container security. Some of us have been working on that before the issue became the issue de jour, the issue of the day. I have been to Hong Kong and looked at the operation. I have been at the Port of L.A. I have looked at the radiation portals, the radiation portal monitors that we have in various places throughout this country.

The reality is that today there are 11 million cargo containers coming into this country, and we actually closely look at perhaps 1 in 20—5 percent. That is what we look at. We have a system. It is not a random system. It is a targeted system. These are things that are based on the manufacturer, where the cargo came from, and a range of things—who the shipper is and who the receiving company is. We are looking at 1 in 20. We need to do better.

One of the things we should be doing—and I had a chance to review this when I was in Hong Kong. They have part of their operation in which they have put in place American technology. They are actually able to literally, almost like a moving CAT scan—as the trucks come from mainland China with the goods being sent to the United States, they don't stop. They just keep coming in. They go through two portals. You get a screening. You can see what is inside the vehicle. At the same time, right at the very end, there is a radiation portal monitor which gives us an indication of whether there is any nuclear material in that cargo.

At the same time, the operators—the folks who are watching this—have a manifest of what is in it. If the manifest says X-thousand DVDs and all of a sudden you see a big, solid kind of cylindrical object, you have a problem. You stop it and do further inspection. You take a look at it. They have an opportunity to screen 100 percent of that. That should be the standard we set.

I am introducing this morning a bill that will require the Department of Homeland Security to put in place a system to screen each and every one of the cargo containers that come into this country. That is the kind of security we need. In addition to that—and I believe the UAE deal represents a concern, even though security is being done, certainly, at home by the Coast Guard and Homeland Security, even though the reality is that cargo security starts at overseas ports, it is not when it comes into our waters—we have, I believe, 41 agreements called the "Container Security Initiative." We have the Department of Homeland Security sitting side by side in foreign countries with personnel who run their ports looking at every manifest that comes in, making some judgments about what is inspected and not inspected. At the same time, we have an agreement with private security, CT-PAT, Partnership Against Terrorism. We work, then, on the private side to have measures in place that will increase the measure of safety and security that we have regarding these containers coming in.

The bottom line is, I am concerned if we have a foreign entity that is owning or operating an American port, that they would have access, then, to our security procedures. That raises concerns.

The other reality is that 80 percent of the terminals in the United States are foreign owned—either foreign companies, or in some cases—by the way, I say to my colleague from California, there are four port operations on the west coast that are foreign owned by foreign countries—three by Singapore and one by China.

Do we feel any safer that China owns a major American port operation? The reality is there hasn't been a problem, by the way, until this deal. Now we hear there is a crisis. Now we have to hear we have to act today.

What is happening today is it is about politics. That is what is happening today. We had an understanding that we should have a 45-day review, that we should have access to then participate in that and look at the information as it comes in. And we should have a clear opportunity to make a judgment about that 45-day review.

We have something else today. But the bottom line, again, is that part of the bill that I will introduce today will require a separation of ownership, and we can't unravel 80 percent of the terminals that are foreign owned, foreign operations. Each of these operations should have an American company, folks who are operating these ports who understand the security procedures. They should be vetted. They should be cleared. We should know who they are.

If we can separate operations from ownership, if we can make sure we have in place a system whereby each and every piece of cargo in a container that is coming into this country—the 11 million that come in by ship, and then if we can reform the CFIUS process so it is more transparent, so Congress has a chance to review these things before they happen, we will be much better served. That is the way this deliberative body should act rather than playing with the politics, to demand that we have to do something today when, in fact, we have a process, a review process. We should let it go forward and not allow anything to change until our will has been heard, then do the things that we have to do to check out each and every piece of material coming into this country, require Homeland Security do that, and, as I said before, separate the operation of ports, where we have folks we can vet, who we can check out, those who own it.

By the way, we have, I believe, about $100 billion of foreign investment in this country. That is a good thing. It is called jobs for Americans, economic security, national security. Let us strengthen our national security when it comes to cargo container security, but let us not act on politics at the moment.

IRAN

Mr. COLEMAN. Mr. President, I want to move on to what I intended to talk about today, and that is Iran.

I will not speak that long.

I think it is important to respond to the outrageous comments made by the Government of Iran this week and this latest stunt by the despotic Iranian regime that said: The United States may have the power to cause harm and pain, but it is also susceptible to harm and pain. If the United States wishes to choose that path, let the ball roll.

First, there is a method to this madness. There is a method to this, with what this regime needs and is seeking to do. It needs crisis. It needs to raise the level of tension to justify its own increased militarization in the harsh security measures at home. That is what it is intending to do.

On the other hand, we have to take them at their threat, at their word. If they are threatening the United States, take them at their word. Hitler told us in "Mien Kampf" what he was going to do. We did not listen, and there was a terrible price to be paid.

The Iranian mullahs and the President are telling us they intend to destroy Israel. They are very clear that they are on a path to obtain nuclear weapons. We know it. Let's take them at their word. Let's say: Yes, this is what you want to do, we know it, and we will not let you do it.

When the President of Iran issued the first threat about the destruction of Israel, behind him was a huge banner, with good graphics. It was a big hourglass. The hourglass ball is dropping. That glass ball, which is very fragile, is Israel, about to be destroyed. But if you look very closely on the floor, already destroyed is the USA. That is their intention, what they intend to do. We have to understand we take them at their word, and we have to make sure they do not have the opportunity to develop a nuclear weapon. It is time for the international community to act stronger than it has acted, maybe call their bluff. Strong words from the Iranians require a strong response from the Security Council. Iran has threatened the United States with harm because we are looking to hold them accountable for their actions or to endorse their international commitments.

In light of this situation, no sound-minded diplomat can claim the purpose of the Iranian program is benign or that it can be trusted to uphold any part of a compromise agreement. They do not want agreement. We talk about continuing the discussions with the Russian plan they laid out. We have to presume that the other side really wants an end to the crisis, but there is no rational basis to presume they want an end to the crisis. They want the crisis. They want to push it forward. They want to engage in dialog as they continue their efforts to obtain nuclear materials. So there is no incentive for us to engage in the negotiation.

If you look at proposals—some unacceptable, to flatout dangerous—all require enormous concessions to the Iranians to get their buy-in. Again, we have to say, does the other side want an end to the crisis? Do they want to do a deal? The answer is "no."

The Iranians already rejected a Russian proposal to jointly enrich uranium on Russian soil. There has also been talk of a deal where Iran will be allowed to conduct small-scale research enrichment in exchange for postponing industrial-scale research. This is ludicrous to be talking about.

Our friends on the Security Council must recognize compromise with Iran is not an end to itself but only used when it is seeking to reach an objective, to prevent them from producing nuclear weapons. Any deal that allows Iran to retain uranium does not serve this objective.

This week, the IAEA must refer—and I use the word "refer"—Iran to the Security Council with a strongly worded IAEA resolution that will lead to robust Security Council action, not to rest on what was a weak IAEA resolution passed last month which reported Iran to the Council. Under the chart of the U.N., the Security Council is granted jurisdiction over "threats to international peace and security." There is no more evident, obvious threat to international peace and security than the attempt of Iran to obtain nuclear materials and to develop a nuclear weapon.

The Security Council action was absolutely necessary in dealing with Iran. I am aware that several of our partners on the Council—namely, Russia and China—have yet to come to understand the urgency of the crisis we face with Iranian's nuclear program. For this reason, I support the administration's efforts to build a coalition of allies who are willing to impose meaningful sanctions on Iran, should certain members of the Security Council fail to act responsibly by withholding support for sanctions. Action needs to be taken immediately. Sanctions need to be taken immediately. The international community cannot be constrained from action against imminent threat to peace and security by a few self-interested actors. We cannot be cowed and bowed by the threats of the Iranians.

We must move forward. This is a threat to peace and security of the entire world. We have to act now.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

DUBAI

Mr. LAUTENBERG. Mr. President, the focus today, as we look at reforming lobbyist activities, is trying to show that there is an honest face within the Senate and within the Congress. We must continue with those activities.

However, at the same time, we are looking at a situation that worries more than 70 percent of the American people today. There is no doubt about it, this deal is done. Today, Dubai Ports World owns shipping terminals throughout the United States and in my home State of New Jersey.

Frankly, it is an outcome we are all trying to prevent, and we need to do whatever we can to reverse it. I am not sure it is possible, despite the positive words from colleagues across the room. That is why I am a cosponsor of this amendment.

I know the port area very well in my State of New Jersey. It is called the Port of New York and New Jersey. It is the second busiest container port on the east coast. Millions of tons of cargo pass through it. It is strictly located to be near markets. It is less than 2 miles from the Newark Airport, one of the busiest in the country, and stretches almost to the shores of New York, 2 miles of land that the FBI says is the most dangerous 2 miles of territory in America for a terrorist attack.

The reason goes beyond the confluence of all kinds of activities. It also is an area where there is lots of chemical manufacturing, chemical transportation, and warehousing of chemical materials. And it is said that if an attack were successful in that area, we could be looking at millions of deaths. And we want to transfer the operation of that terminal container, the second biggest in the harbor, to Dubai? People are saying it is good business and something that we have to do in the interests of foreign trade and international economies.

The Dubai Ports deal has been mishandled by the administration from the beginning. President Bush gave the deal a casual "thumbs up" when it deserved the highest scrutiny. As a matter of fact, it wasn't even brought to the attention of senior Cabinet officials. Or if it was brought to their attention, they forgot it; they did not remember it.

Instead of a real investigation, the administration issued a document called a Statement of No Objection. We have heard the President's determination to have this go through, even suggesting that he would veto it if there were any attempt to block the transaction. It is a simple statement, the Statement of No Objection, issued by the Treasury Department that said: No problem, go ahead and take over these terminals in our country. Frankly, it was an irresponsible move.

On September 11, longshoremen, people employed on the docks at Port Newark, could see the smoke rising from the World Trade Center across the river. Indeed, throughout New Jersey, people looked to the sky in disbelief. And now, the President is telling these people, my constituents, not to worry? That is not good enough.

The Bush administration has been playing a shell game on this issue from the very beginning. First, they said no thorough investigation was necessary and approved the deal. What they were saying, basically, is "mission accomplished." "All done." We have heard that before, and we know the consequences that came after that. There was a public outcry.

Now the administration is supposedly conducting a thorough investigation. Frankly, it is a meaningless gesture. The deal is done. The deal is closed. Its final moments are today. So now the Ports World Company from Dubai owns those terminals. Before this new investigation even began, President Bush announced he had made up his mind. Last week he said: My position hasn't changed. That throws out the possibility of a truly objective investigation.

This is not simply a 45-day investigation. It is a 45-day stall while the administration hopes the American people will forget about the problem and they can go ahead with the business they plan. But we will not forget what happened on September 11 and we will not forget how much energy, resources, and prayers we devoted to keeping that kind of an incident from ever happening again in America, an attack that wounded us forever. We will not forget how the administration tried to rubberstamp this deal. Our constituents are alarmed. They should be.

I don't think Dubai is a terrible place or the people are awful people. But they consort with people with whom we do not agree. They have a terrible record in Dubai of controlling their own ports. Dubai was a key transfer point for illegal shipments of nuclear weapon components that were sent to Iran, North Korea, and Libya. The relationship with Iran and Dubai is one that is unholy. Iran's stated purpose, we heard our distinguished Senator from Minnesota state, the President of Iran says he will not be happy until Israel is blown off the map.

There is a constant support stream from Iran to terrorist organizations Hamas, Hezbollah, and Islamic Jihad. They all get support there. Dubai does over $1 billion a year's worth of business with Iran and now has a trade mission there. What does that do? That helps Iran earn money, helps them to supply terrorist insurgent groups to Iraq where they are out to kill our kids, our soldiers, and the Iraqi people. Those are their friends. And we say, according to the administration, come on, these are good people, they bring money, why shouldn't we let them take over a sensitive part of our functioning?

We are saying "no," and we are going to fight it in whatever ways we can. It may take a public demonstration of support that is overwhelming to keep it from happening. But right now, the presumed opportunity for negotiation over the next 45 days is not there.

There is no opportunity, there is no compulsion to bring the truth out. I want to see the administration offer to us, in whatever protected area is necessary, what CFIUS, the Committee on Foreign Investments in the United States—I want to see what they had in front of them. And I am putting in a formal request. I want to see what they had in front of them to let them make the decision that, again, did not get the attention of Secretary Snow of the Department of Treasury, to whom the CFIUS people should have reported. It did not seem to disturb Secretary Rumsfeld. It did not seem to bother the President, certainly.

These links are there also between Dubai and Osama bin Laden and 9/11. The FBI has determined that money used for the 9/11 attacks was transferred to the hijackers primarily through the UAE's—United Arab Emirates'—banking system. Further, after the 9/11 attacks, the Treasury Department complained of a lack of cooperation by the UAE as the United States was trying to track down Osama bin Laden's bank accounts.

Now, we all remember when the Taliban was harboring and protecting Osama bin Laden within its borders in Afghanistan. Civilized nations of the world were working to isolate this repressive regime. However, the UAE—the United Arab Emirates—was one of only three countries in the world that recognized the Taliban as the legitimate Government of Afghanistan.

Then there is another disturbing revelation about the UAE and Osama bin Laden. This seems impossible to conceive. The 9/11 Commission—a respected body that did a lot of hard work in trying to understand what took place on 9/11, what led up to it, and what we should do about preventing that kind of an occurrence again—the 9/11 Commission revealed, on pages 137 and 138 of its report, that members of the UAE Royal Family were secretly meeting with Osama bin Laden—this goes back to 1999—near his camp in Afghanistan. He had already done or led terrible actions against Americans. The UAE meetings with bin Laden came after bin Laden's 1998 bombing of United States Embassies in Africa, killing over 220 people, including 12 Americans. It was also after bin Laden issued something called a fatwa, stating that all Muslims have a religious duty to "kill Americans and their allies, both civilian and military" worldwide.

The UAE may also be responsible for undoing our best chance of getting rid of bin Laden himself. Former CIA Director George Tenet told the 9/11 Commission that the United States military was prepared to launch a missile strike against bin Laden in February of 1999, but it was called off. It was called off because United States officials discovered the presence of UAE officials near the bin Laden camp. Mr. Tenet, head of the CIA, testified to the 9/11 Commission that the attack was called off when the United States realized that we—and I quote here—"might have wiped out half the royal family in the UAE in the process." Kept them alive. We have heard stories here: Oh, we know where bin Laden is. We know what is going on. Well, if we know, why don't we get him?

And this government wants to be able to control terminals in our ports? I do not think so. And more than 70 percent of Americans do not think so.

So it is time—it is time—for the Senate to stand up and say no—no, no, no—to this takeover. We see how politically sensitive it is because the American people are often smarter in their thinking than sometimes we are here or in the House of Representatives.

The Republican-led House, the Republican Appropriations Committee, yesterday said this deal with Dubai should not go through. Imagine, Republicans challenging the President, the present leader of the country, the Commander in Chief, challenging the President, their party's President, where they have a majority in the House and here in the Senate. They say to President Bush, with all respect: Say no. We do not want this deal to go through. Say no to the giant international corporations that want this deal to go through at any cost. And say yes to this amendment. Do not let this contract go any further than it is.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have sat and listened to a lot of what we have heard today. I will tell you that myself and Senator LAUTENBERG and Senator SCHUMER raised this issue some 3½ weeks ago at a press conference, in which we agreed there ought to be a timeout on this. From that day forward, there has been significant increased knowledge by the American people. There has been significant uproar.

During all the time of that, the intention was—and I was led to believe by the Senator from New York—that the purpose was to find out what is best for the country, to find out what needs to be done, and to do it. That is not what we are doing today. That is not what this amendment does today.

I used to serve in the House, starting in 1994. The House Members do tend to reflect the current situations in the country. But a higher standard is required of us as a body. And one is to know the facts before we act. I would contend that the Senator from New

York and the Senator from New Jersey do not know the facts on this deal. Several statements have been made about this being a done deal; it is a closed financial deal. It is not a closed deal that Dubai Ports will, in fact, operate these ports. As a matter of fact, the company has been very straightforward with information with my office, the communications we have had.

I do not believe we have the answer to the problem as of yet, and I do not think we have clearly identified it. What it has done is give us a wonderful chance to look at two things. The first thing we need to look at is overall port security, which we know on the Homeland Security Committee, for which myself and the Senator from New Jersey are members, we have a lot of work to do still in terms of port security, especially container inspection overseas and limiting the risk of those things that come into this country.

But it also raises another opportunity, and it is something I have been calling for since I have been in this body. It is for us to start thinking long term and not about the politics. The tendency that we see negates that which my favorite hero of the 20th century espoused, Martin Luther King. He said: Vanity asks, is it popular? And cowardice asks, is it expedient? But conscience asks, is it right?

The right thing to do right now is not to vote on this amendment. The right thing to do is to fill ourselves with the knowledge we need to have and to exert our privilege in this body to do something once we have that knowledge. I would portend to you the amendment that is attempting to be offered is a political stunt. It is not based on knowledgeable information about what are and are not the facts. It is based on what is most politically expedient. I think that is harmful to our country, and I know it is harmful to the body.

If you go to the root cause of every problem we have in this country, it is because we are looking for political expediency rather than to make the hard choices about the long-term consequences of what is best for our country. Usually, when it gets into these things, since I am not an attorney and not a lawyer, but I am on the Judiciary Committee, I use a little book. It is called the Constitution of the United States. There are some pretty interesting things in the Constitution about where we are today on this issue.

Article I, section 10 of the U.S. Constitution provides:

> No State shall, without the Consent of the Congress, . . . enter into any Agreement or Compact with another State, or with a foreign Power. . . .

It is called the Compact Clause. It has been upheld multiple times.

Article II, section 2, provides:

> [The President] shall have Power, by and with the Advice . . . of the Senate, to make Treaties, provided two-thirds of the Senators present concur. . . .

In other words, for a State or a port authority to enter into a contract with a foreign government or a company wholly owned by a foreign government, they must receive permission from the Congress. That is what the Constitution says.

There is no question there needs to be CFIUS reform. But one of the ways out of this—to recognize the value of the ally we do have in Dubai, regardless of the negatives that may be associated with it, and to recognize other allies that also have negatives in terms of what we believe as parameters for faith and justice and liberty—is to do what the Constitution says, and that is recognize the Compact Clause and the treaty clause in the Constitution and to convince all those involved to take a timeout.

The Senator from New Jersey rightly states that the financial closings of DP Ports International did take over the assets of the previous owner, the British company, as of 1 o'clock yesterday or 2 o'clock yesterday. But that company has put forward that nothing has changed within the American ports. They have graciously, in the situation they find themselves, extended that period for 45 days, and probably will extend it for a longer period of time should we so desire.

But I think one of the most important points I want to make in this debate is, let's do what is right in the long run, not what is politically expedient in the short run.

For the American people to know, the real reason they want a vote is because they want to say, Who is going to vote against this so they can run a campaign commercial against you because you voted against them—not because you did not take the time to do what is right and to think and to, on the basis of knowledge and information and informed intellect, make a decision about what is best for this country. But hurry up and run a vote so we can create a politically intriguing moment.

That is not what the Senate was intended to be. It is not what we should be about. And it is not what we should be doing today.

I must express I am extremely disappointed with the Senator from New York in terms of the assurances he gave me that this stunt would not be pulled. But, in fact, he has done that. I do not know if that is because the Appropriations Committee in the House decided to run real quick and get it done and getting beat in terms of the headlines or he has some new information none of the rest of us knows that requires the immediate passing of this today. It does not. This is a political stunt.

Our obligation to the people of this country is to secure this country and to make sure we do it in a way that creates the best interests for us, both domestically and internationally. This amendment is not going to do that. What it is going to do is slap the country of Dubai, which may or may not need to be. But we do not know that information. It is going to insult them, somebody who is very critical to us in terms of what we are doing right now in the Middle East.

It is going to set us backwards. It is going to make this a more partisan body. I would remind the Senator that what goes around comes around. I can play hardball on this. I choose not to. The Senate was not designed for that. The Senate was designed to be a collegial body through thinking, knowledge, and informed consent, and coming together; that we, in fact, try to solve the problems of this country.

This is not trying to do this. This is trying to create division in the answer of political expediency, in the answer of vanity, not in response to conscience and courage. The courageous thing now is to take the timeout and find out what is going on and what needs to be changed, both in the process of how this came about, but also in the facts of this particular case. If that is the case—what the Senators from New York and New Jersey want to do—then why do we have COSCO running the Port of Los Angeles?

Why do we have foreign governments running other ports? If this was a sincere amendment, it would be reversing all of those. It is not a sincere amendment. It is an amendment about politics.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. COBURN. I want to finish my point, if I may. Federalist No. 44 commented on the compact clause saying that it was so clearly needed, that the particulars of the clause fall within reasonings which are either so obvious or have been so fully developed that they may be passed over without remark.

Our forefathers had this figured out. All we have to do is follow the Constitution. Senator SHELBY in the Banking Committee is looking at CFIUS reform. We have plenty of time to do what we need to do. But to run off in response to a motion without the facts is a dangerous precedent for this body. This is a reasoned body. The more partisanship we have, the less reason will prevail.

In several cases, courts have said the application of the compact clause is limited to agreements that are directed to the formation of any combination tending to increase a political power in States which may encroach on or interfere with the just supremacy of the United States. So we already have the power to fix this under the compact clause and the treaty clause, both under article I and article II of the Constitution. That is what we ought to be doing. We have plenty of time to address that, while the appropriate committees within Congress address the actual facts of this case.

The United States has no national port authority. Jurisdiction is shared by Federal, State, and local governments, but it does not lessen the power of the U.S. Congress to have control over this. We do need to make some changes. The CFIUS program is wrong. My fellow colleague from Oklahoma has a wonderful bill in terms of reforming that. Senator SHELBY is changing some things. The fact is, not a good job in looking at some of these things has been done, and we have shirked our responsibility as the Senate in looking at it. But to run now to an amendment on the basis of pure political expediency does a disservice to this country in the long run. We ought not to do it. We can do it, and lots of Americans would be happy, but the consequences that will follow are grave, not only the consequences with this act but the consequences of the behavior of this body in the future, if we so act that way.

I call on my colleagues to refrain from doing anything other than gathering the appropriate knowledge, the details, look at the workings of the committees that are going on. Homeland Security is looking at this. Banking is. There will be several opportunities for us to fix this so that we appropriately can take a look at it. When the time comes, if this is not appropriate for the United States, it won't go through. But it will be done on the basis of a reasoned analysis of what is both good for us domestically in terms of our security, our economic security, as well as our foreign policy. We can have all sorts of speeches that beat up the President. The fact is, he is operating under the law. He has operated under the law. There is a law that this body created and gave him. We may need to change that law, but to cavalierly criticize what has been done is inappropriate.

We have already said we want an extra 45 days. We have that. If we need additional time, we will get it. This company is more than willing to work to make sure that we assure ourselves of absolute security. If it is so that we should not have this go through, then this body will not allow it. But it will be on the basis of facts, not emotion and not political expediency and trickery.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we just heard from the Senator from Oklahoma, someone with whom I have been working since he has been here. We have significant differences of view on issues, but there is a mutual respect. He did join Senator SCHUMER from New York and me when we announced our opposition at first to this Dubai transaction. There was also a gesture of good faith. We were not expecting to have the political difference become so sharp and so angry over these next days, but information came out about how casually the disapproval took place from CFIUS, the Committee for Foreign Investment in the United States. It is supposed to get a review and had a 30-day review.

We listened to the recall by the Senator from Oklahoma about the compact section of the first amendment and reminding us that the Senate should advise and consent on matters like treaties, other things related to international relationships. But nobody knew anything about this. That was the interesting part. Here this thing suddenly pops up on the screen. There is a deal. The Emir of Dubai, a part of the United Arab Emirates, is going to buy this facility in a very sensitive part of the New York-New Jersey Harbor, one of the biggest harbors in the country and the world, all kinds of activities there. I mentioned them in my earlier remarks, a lot of industry, chemical manufacturing, gasoline distribution facilities, all kinds of things that are potentially subject to violent aftershocks if attacked, ignited. Deaths could range in the millions.

It so happened that the World Trade Center, which is on the perimeter of this area—the FBI considers the 2-mile stretch between Newark Airport and the New York-New Jersey Harbor as the most dangerous target for terrorism in the country; the most dangerous 2-mile stretch in the country, says the FBI. The port facility is right alongside this, as is Newark Liberty Airport.

Now we are hearing that Dubai has been friendly. They have helped us. They have let us dock our ships in their harbor.

How do we ignore their association? If someone is a member of a gang, a Mafia-type gang, and we know that they are a member, do we immediately invite them to join the bank board, or do we immediately invite them to one of the more important institutions in our country? Do we invite them to the Board of the Federal Reserve, the board of the stock exchange? Absolutely not. I ran a big company. I wouldn't have invited them to join the board of my company.

Here we have Dubai in a cozy relationship with Iran. Iran pours money into the Iraqi insurgent movement. Iran thusly kills some of our troops. Yesterday we lost a couple more. It seems endless. And Iraqi families are torn apart, children killed, mothers, fathers, brothers, sisters—all targets for attack by these insurgents supported by cashflow from Iran. Iran has plenty of cash; little moral principle—none—but plenty of cash, determined to wipe Israel off the map. They say so. That is the President of the country speaking officially to 4,000 students gathered. He said: We want to wipe Israel off the map.

That is a pretty bold threat. I wouldn't take it lightly. The Israelis shouldn't take it lightly, and America should never take it lightly.

Dubai helped them get nuclear components to build nuclear weapons. That is what this is about. Dubai helped finance the 9/11 attack through their financial system. It took money as well as madness. Dubai helped. What does that count for? Nothing?

The secret nature of the CFIUS meetings, we are to be consoled? As a matter of fact, it was even said by some that it was a victory getting this 45-day window for review. Victory? Like the devil it is a victory. The ball game is over. The deal is made. Dubai Ports World now owns the terminal in Newark and several other ports around the country. They paid $6 billion for it. The Emir bought it out of his own cash. So the deal is done. And the 45-day declaration of victory is a hollow response. There is nothing there. We can't do anything about it.

Yes, if the Republican majority in the House or the Senate say no, Mr. President, we are not going along with this deal, as was indicated by the 60-some Members of the Appropriations Committee in the House who voted against going through with this transaction with Dubai, that has to be a pretty significant revelation. If the President loses the troops that support him so fully, he ought to hear this. This is an unacceptable transaction. It has little to do with advice and consent.

I don't think there is any way we can stop this. This transfer has been made. But why should we waste 45 days to find out? That is what I don't get. We ought to simply take the vote up here. Let's vote in the Senate. Let us do it now, or next week, and decide do we approve of this transfer—and let it be amended any way we want to—from a company that has been operating there for a number of years, a British company. The history was already in place, so we had nothing to worry about there. But we only have 5 percent of the containers that come into the country that are thoroughly examined.

The committee on which I sit, the Governmental Affairs Committee, had a review. Witnesses came from the maritime community, a representative of Dubai, the chief financial officer, and the fellow who heads the World Ports organization. Everybody was convinced there would be few, if any, problems, with nothing to worry about. Then, suddenly, we find out there are things to worry about—a lot of things to worry about. It is said that you judge a person by the company they keep. Well, the company Dubai keeps is not very encouraging, as far as I am concerned.

Our mission and responsibility here is the safety and security of the American people. That is what this is all about. It is not hatred for Dubai, but it raises a question about the company Dubai keeps, about the actions they have taken, about the fact that they were the first to recognize the Taliban as a legitimate government in Afghanistan. That is pretty errant behavior, as far as I am concerned. So, my friends, when you get it all talked about and people start getting on their high horses, saying this can be an ad in a political election campaign, would you rather have something go awry instead of taking the extra layer of protection we have taken? Not I. If you think this transaction should be allowed to go ahead and be completed, don't worry about it, mission accomplished, then vote for permitting the action to go through. If not, then join the logic, join the examination, join the view that says these people have things to prove.

I throw out a challenge here to the Emir of Dubai, to the United Arab Emirates: Why don't you say you will remove the boycott that stops Israeli products from coming there, that wants to wipe Israel off the map—get off of that boycott team and show good faith. Do you mean you want to be a friend of ours? Then don't challenge the existence of one of our friends. Say that they are off the boycott and products can flow and passports can be honored.

I will never forget when I went to Saudi Arabia during the first gulf war. I was the first legislator to be in that country. The reason was, there was a big air base in New Jersey called McGuire Air Force Base, where troops and materiel are flown to the eastern theater very promptly. They were in Saudi Arabia and I went to visit them. When I went there, there was a question of whether my passport would be valid—a United States Senator, one of 100 in this country, an official part of the American Government—a question whether my passport would be valid entry into Saudi Arabia because I had once visited Israel on that passport, and it had a stamp that said Israel. They are so narrowminded there that they said: If you have been to Israel, you are not welcome in this country with that kind of a passport. That is how mad and crazed they are about that boycott business.

Right now, they have us by the barrels. Oil prices are going through the roof. Wealth is pouring into these countries as never before believed possible. Look at Dubai. I understand from the pictures it is beautiful—skyscrapers, and I think they even have an indoor ski hill. They have all kinds of things from money that we send. That money is used to buy ammunition for insurgents to continue to promote terrorism by supporting Hamas and Hezbollah and all the others through Iran. And Dubai says they are our pals.

What I conclude with is we ought to play showdown here—to use the expression—and vote on whether we want this deal to go through. It is so simple. Let the American people hear those who agree say yes, and those who disagree say no. It is not political, but let's do it.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALENT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I thank the Chair. I rise to speak about the motion to invoke cloture, which will be voted on in about an hour and 20 minutes. I must say that as the ranking Democrat on the Homeland Security and Governmental Affairs Committee, from which a significant part of the lobbying reform legislation before the Senate now came, I am deeply disappointed that we have reached this point in the debate on that critically important legislation. We have a once-in-a-generation opportunity to reform our lobbying laws and, in fact, touch other parts of the ethical standards by which we govern ourselves in the Senate. The Abramoff scandal and others have created this moment.

The Rules Committee has come forward with a constructive package of reforms. Our committee, on a bipartisan basis, brought out a significant series of amendments. The Lobbying Transparency and Accountability Act—this bill—is moving forward with a good, healthy debate. I actually believe we would have been coming close to passing it tonight if the amendment of my colleague from New York had not been offered yesterday and we are now in the gridlock we are in, requiring the cloture vote.

I am going to vote against cloture. I want to explain why. I assume cloture, from what I have heard, will not necessarily be achieved, and then we are going to face a moment of decision, which will call on all of us, including particularly our leaders, to reason together so we can get back to the lobbying reform legislation and presumably find another opportunity for Senator SCHUMER and others who wish to have this Chamber vote on the Dubai Ports World acquisition of terminals in this country.

I am going to vote against cloture for two reasons. First, this bill was on the floor and open to amendment for less than a day before the motion for cloture was filed. That simply is not enough time for the kind of debate and amendment for this bill, so critical to our institution's credibility with the American people, to be debated.

Second, there were several amendments which had not been introduced yet, awaiting discussion and debate and eventual vote, including some I wanted to offer or cosponsor that were relevant. But virtually all of these, I believe, would be ruled nongermane if cloture is granted and, thus, could not be offered.

There is one particular amendment I am focused on, joining with some colleagues to offer, that I have been informed by the Parliamentarian would not be germane if cloture were to be invoked. That is the amendment that Senators McCAIN, COLLINS, OBAMA, and I were going to offer to strengthen enforcement of the Senate ethics rules and oversight of the Lobbying Disclosure Act.

We have some excellent provisions already in the legislation before us—disclosure, prohibitions—but there is a second step we have to take to make sure these new standards we are setting become real, and that is to provide for enforcement and oversight. These are critical elements of reform that require us to establish what we have called an independent Office of Public Integrity.

This is a proposal that Senator COLLINS and I offered in committee markup. It did draw criticism from some of our colleagues and was defeated in the committee. We said then that we would reoffer it or offer something similar to it on the floor. Senators McCAIN and OBAMA, who have long been active in this particular area of enforcement of our lobbying disclosure and Senate ethics rules, have joined us. We are very proud they have joined us.

Since the committee vote against the amendment, Senator COLLINS and I have worked with our colleagues to address some of the concerns that were expressed in the committee. We have altered the office's oversight and limited it to the Senate so it will not now serve both the House and the Senate. It will be limited to the Senate so there will be no question about whether the House might have some effect—we didn't think so—but some effect on the right of the Senate under the Constitution to set its own rules and discipline its Members.

This proposal, we think, will increase the professionalism and credibility of the Senate's self-policing. It is in no way meant as criticism of the Senate Ethics Committee, which has served honorably and well.

We also believe, in the current situation, there is not adequate review, monitoring, and enforcement of the Lobbying Disclosure Act, and not enough personnel, not enough independence in the oversight. Since we are increasing the requirements on lobbyists for disclosure, we think we also would benefit from an independent office to carry out those requirements. Again, if cloture is invoked, we won't get to offer these particular amendments which are critical to this once-in-a-generation moment of opportunity for lobbying reform, and that alone is reason why I will vote against cloture.

There are other amendments. There is another amendment that may be ruled nongermane that would require Members of Congress to pay fair market value for travel on private planes. That is an important amendment. I intend to support it. It is quite possible that invoking cloture will make it not germane and, therefore, we will not able to offer it.

I want to say a final word about the amendment offered by the Senator from New York on the Dubai Ports deal. Apparently, there is such a strong feeling among the American people about this, as reflected now in the overwhelming vote in the House Appropriations Committee and the offering of this amendment, that I fear we are rushing to respond to that feeling rather than being leaders.

Here is the point I want to make. I would oppose this amendment as it has been put before us today. The most fundamental reason is this: This does something that we are not supposed to do in America, where we believe in the rule of law. We appeal to other nations around the world to follow the rule of law as a condition of a modern society. It is the underpinning of the kind of freedom and opportunity that we believe in our heart is right in this country.

I fear the rush of emotion and the anxiety, understandably, of the American people as we are involved in this war against Islamic terrorism—not against Islam, not against the Arab world—that we are forgetting that in America, we don't convict people without a trial. We don't convict people in America without a trial.

There has been a preliminary hearing in this case, if I may put it that way, using a judicial, criminal enforcement metaphor. The preliminary hearing was before the so-called CFIUS, the Committee on Foreign Investment in the United States. It reached a judgment that there was no reason, based on security concerns, to stop this acquisition from going forward.

In our Homeland Security Committee and Armed Services Committee on which I serve, I had an opportunity to question people who were involved in this review. I think the review was inadequate, and I know what was grossly inadequate is the way in which this decision to allow the acquisition of these terminals to go forward was explained to the American people. It was not explained to the American people, it was not explained to Members of Congress, and it apparently was not explained to the President of the United States. That was a terrible error. The Dubai Ports World company, after the initial furor, came back and submitted another application. There is an ongoing 45-day review. After the tremendous public uproar over this issue, this review will be thorough. I have spoken with people involved in the review. I said to the top people in the departments: Put your hands on this one, this is critical.

To rush ahead and say, no way, before this Commission has an opportunity to reach a judgment and advise Members of Congress and the American people about what their judgment, it seems to me, to be unfair. It is not the way we handle issues of this kind in America. It raises an awful question, which I ask everybody to think about because we promised people in this country—this extraordinary, greatest country in the world—that here you can be sure you will be judged by your merits, not by your race, or nationality, or religion, or gender, or sexual orientation, or age. I worry that in the midst of the war against Islamist terrorism, we are reaching a hasty judgment based on factors that ought not to be considered in the United States of America.

I don't know how I will vote ultimately on this proposal about the acquisition by Dubai Ports World, a company controlled by the United Arab Emirates. I don't know enough to reach a judgment on that. I am waiting for that 45-day review.

I do know that the United Arab Emirates has been, since September 11, an extremely important, constructive ally of ours in the war against terrorism. I know they have put their own people on the line in very dangerous places to assist us in the war on terrorism. I know that the Dubai Port, as I understand it, sees more visits by U.S. Navy ships than any other port in the world. So obviously, the U.S. Navy has enough confidence in the security of their port to have done that.

That doesn't mean that the acquisition of these terminals by Dubai Ports World should receive a free pass, but it should mean, in addition to the basic qualities of fairness that generally characterize American life, that this proposed acquisition does deserve a fair hearing, not a rush to judgment before all the facts are in, which I say respectfully is what the committee of the other body did yesterday and what the amendment offered by my friend and colleague from New York would have us do in this Chamber.

This is one of those moments where we are tested because the emotions are high, but we are leaders. We are elected leaders, and I hope we will rise to the occasion and at least let this company and this country have a fair trial before any of us reach a judgment about whether they are guilty or not guilty.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it so ordered.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 5 minutes of the minority's time on this.

Mr. WARNER. Mr. President, I have no objection. I would like to be recognized following the Senator from New York for a period of about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Thank you, very much, Mr. President. We are approaching this cloture vote at 2 o'clock.

One thing is very clear; that is, that doing ethics reform and dealing with the Dubai issue are not mutually exclusive. We can easily do both this week, and the motion made earlier by the minority leader makes that perfectly clear. The two are not mutually exclusive.

Mr. President, the Senator from Virginia has asked that he speak before me, which I will accede to. He has always been gracious on the floor. So I ask unanimous consent that immediately following his time I be given 5 minutes of the minority's time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PORT SECURITY

Mr. WARNER. Mr. President, I thank the courtesy of my colleague. I believe what I am going to say, since the Senator is addressing the issue of the DP World port terminal transaction, might bear on his remarks.

Mr. President, I have had the opportunity to work very closely with the White House and the administration, with our distinguished leader, BILL FRIST, and several other Senators on this question.

I have had the opportunity to meet and work with representatives of the DP World company who came to the United States for the purposes of sharing the importance of this contract and their perspective.

I shall not recount the events that have occurred here in the last few days. But I have just been contacted by Edward Bilkie, chief operating officer, of

DP World. And in an effort to get this message to all interested parties as quickly as possible, I indicated a willingness to read a press release that is now being issued by DP World. It reads as follows:

> Because of the strong relationship between the United Arab Emirates and the United States and to preserve this relationship, DP World has decided to transfer fully the U.S. operations of P&O Ports North America, Inc. to a United States entity. This decision is based on an understanding that DP World will have time to effect the transfer in an orderly fashion and that DP World will not suffer economic loss. We look forward to working with the Department of the Treasury to implement this decision.

His Highness Sheikh Muhammad al-Maktum, Prime Minister of UAE, has directed the company, in the interest of the UAE and the United States, to take this action as the appropriate course to take in the future.

Mr. President, I would say that I started the day with the Secretary of Defense, the Chairman of the Joint Chiefs, and General Abizaid—discussing with them not the politics strictly—but potential security implications. It is not just the security of the United States with which we are concerned, but that of the free world, for much of the world is engaged in this war on terrorism.

It is absolutely essential that we, the United States, and our coalition partners in the region of the Persian Gulf, who are doing our best to secure the stated goals in Afghanistan and in Iraq, sustain a strong working partnership. Indeed, the relationships among the coalition of partners—most specifically the United States, the Government of UAE, the Government of Bahrain, Kuwait, Qatar—must be maintained as strong as possible because they are valued partners in this war on terror.

This is not just a matter of importance regarding the current operations at the moment in Afghanistan and Iraq, but rather in looking to the indeterminate future as to how long our coalition partners will be engaged in the war on terrorism to deter any attacks, and if necessary, to use force of arms to prevent injury to life and limb of citizens in the free nations of the world.

This has been a very interesting chapter in my 28 years of having the privilege to be a Member of the Senate. But I believe both governments have collaborated and acted in good faith, recognizing the circumstances at hand and our shared objectives from this time forward.

Mr. President, I ask unanimous consent to have printed in the RECORD two letters addressed to me from the U.S. Marine Corps and the U.S. Army.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE JOINT CHIEFS
OF STAFF,
Washington, DC, March 9, 2006.
Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of 28 February 2006, the loss of access rights for US forces to the United Arab Emirates (UAE) would severely impact US operations in the US Central Command area of responsibility. These strategically located ports and airfields are crucial to providing timely logistical support to our military operating in the region. Beyond port and airfield access, this loss would negatively affect bilateral exercises and result in loss of support from a strong regional ally.

In particular, Jebel Ali is the premier naval refurbishment port in the region and hosts more US Navy ships than any port outside the United States. It provides a dedicated deepwater berthing space for aircraft carriers, and is the only carrier-capable port in the Arabian Gulf. Additionally, the Port of Fujairah faces the Indian Ocean and provides critical logistics support to US operations in the region. We assess that losing access to UAE ports would have a severe impact on US naval operations in support of Operations ENDURING FREEDOM and IRAQI FREEDOM. Finally, the UAE provides basing for US Air Force aircraft flying various missions in support of operations in Afghanistan, Iraq, and the Horn of Africa.

Very Respectfully,
PETER PACE,
General, United States Marine Corps, Chairman of the Joint Chiefs of Staff.

UNITED STATES CENTRAL COMMAND,
OFFICE OF THE COMMANDER,
Macdill Air Force Base, FL.
Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of 8 March 2006, the United Arab Emirates is a strategically important regional partner, and a supportive ally in the Global War on Terror. UAE occupies a critically important position relative to the Strait of Hormuz, and access to its naval and air bases is essential for maintaining presence in the region. The government of the UAE is a committed partner in support of operations throughout the region, providing vital military and humanitarian assistance as well as political support. For example, UAE has contributed over $100 million toward Tsunami relief operations, over $50 million in support of humanitarian mine clearance efforts in Lebanon, and over $100 million dollars in supplies, personnel, facilities, and funding during Pakistan earthquake relief operations.

UAE's cooperation in the Global War on Terror has been noteworthy. Less than 60 days after the 9/11 attacks, the first UAE liaison officer arrived at USCENTCOM headquarters. Since August 2003, UAE Special Forces have been deployed in support of Operation ENDURING FREEDOM. Additionally, a field hospital was deployed to Iraq from April 2003 to November 2005, providing critically important medical services and supplies. US Air Force assets utilize UAE base support for aerial refueling, intra-theater lift, and surveillance/reconnaissance missions in support of Operation ENDURING FREEDOM, Operation IRAQI FREEDOM, and Combined Joint Task Force Horn of Africa. Finally, the significance of UAE's support of the War on Terror is clearly evident in the $545 million of direct and indirect cost sharing in FY04 and FY05.

Our strong partnership with the UAE is similar to the support received from other moderate Arab nations. As you have noted, other nations provide critically important basing, overflight, financial, and in many cases, troop and equipment contributions to operations in the region. The cooperation of our moderate Arab partners is essential to the success of the mission, and UAE is a strong example of strategic partnership at work in the Middle East.

Very Respectfully,
JOHN P. ABIZAID,
General, United States Army, Commander.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, first, let me thank my colleague from Virginia for his unfailing efforts to try to find a solution here that would solve the many different goals and needs of the situation of the purchase by Dubai Ports World of British P&O.

I believe the words that were mentioned in Mr. Bilkey's letter—I tried to write them down here—were that DP World will "transfer fully" to a U.S. entity.

Could I ask my colleague to yield for a question? Did I get the words exactly right? I would be happy to yield for a question. I just want to make sure I got the words right in the letter which my friend from Virginia just read—that DP World will "transfer fully."

Mr. WARNER. Mr. President, I am having it duplicated, and I will hand the Senator a copy.

Mr. SCHUMER. Obviously, this is a promising development, but of course the devil is in the details. I think those of us who feel strongly about this issue believe that the U.S. part of the British company should have no connection to the United Arab Emirates or DP World, which is fully owned by the United Arab Emirates.

So therefore, we would have to examine their proposal.

The bottom line is, again, if U.S. operations are fully independent in every way, that could indeed be promising. If, on the other hand, there is still ultimate control exercised by DP World, I don't think our goals will be accomplished. Obviously, we will need to study this agreement carefully.

I again thank my colleague from Virginia for his unstinting efforts, like everything he does, to try to come up with a fair and reasonable compromise.

In the meantime, I urge my colleagues to join in voting against cloture at this point in time. Obviously, the vote occurs at 2 o'clock, and this brief statement by Mr. Edward Bilkey is something which has to be studied.

At this point in time, the amendment I have offered, along with so many of my colleagues on this side of the aisle, should remain in play.

I make a couple of points about that. First, I believe strongly in ethics reform. I believe this Senate can do both at once, ethics reform and deal with the Dubai issue. They are not mutually exclusive.

The bottom line is we have offered to take a few hours off ethics reform, vote on my amendment as a freestanding bill, and then go back to ethics reform. It is truly the actions of the other side—invoking cloture, refusing to let this amendment come up—if cloture is not invoked, which I believe it will not be, that will be slowing down ethics reform. It is the intention of those on this side—and I know our minority leader will speak to this—to turn to ethics reform when we can but not in exclusion, not in place of, getting a vote on this particular issue.

The bottom line is very simple. There have been too many concerns raised about DP Ports World and its views of security, its actions in regard to security. We cannot any longer play roll-the-dice. We cannot roll the dice when it comes to the security of our Nation. The way this deal was approved initially, the secret nature by which this investigation occurred—casual, cursory—is simply not good enough. We have to examine the whole issue of port security.

I have been pushing that issue for many years, ever since September 11. Hopefully, out of this sorry mess, we will look at that. In the meantime, this deal should not go through. This deal creates too many unanswered questions. To simply allow the President, who has already said he is for the deal even before the investigation is completed, to have the only and final say is wrong.

I urge a vote against cloture.

Mr. NELSON of Nebraska. Mr. President, I rise today to state that I will be voting against the motion to invoke cloture on the lobbying reform bill. Typically, I vote for cloture motions because they are usually intended to facilitate an up-or-down vote on a piece of legislation or a nomination that is being stalled. Today, that is not the case. Yesterday, cloture was filed on the lobbying reform bill to prevent an up-or-down vote on an amendment. In this case, it is an amendment on port security, an issue of critical importance to this country right now. As a result, I will vote against cloture today to ensure that up-or-down votes are allowed to occur.

The PRESIDING OFFICER (Mr. THUNE). The minority leader.

Mr. REID. Mr. President, there is a lot going on as to whether the port deal is there or not there. We have to wait and see what really is going to happen.

I want everyone to understand how we got to where we are today, how we got to this cloture vote. It is fair to say the minority, the Democrats, forced the debate on ethics reform with the legislation we introduced, the Honest Leadership Act. We did that in January. If it were not for us, I don't believe the Senate would be even talking about Government reform this week—maybe sometime in the future. We pushed this and pushed it hard. Regardless of what happens today, Democrats are committed to seeing this legislation through. We are going to complete lobbying reform legislation, and on my side I am committed to ensuring we do that.

The Senate has to be able to do two things at one time. We can handle the vote on the Dubai port situation and we can vote on honest leadership amendments. Historically, this body has been able to do both: that is, conduct its day-to-day business and address critical national security issues when they arise. That is all we are asking we do now.

Democrats believe it is important that we clean up what is in Washington with the lobbying, and we have heard the floor managers agree with me, but we also understand it is just as important that we stop a foreign government with connections to terrorism, which I will talk about in a minute, and even nuclear proliferation, from taking control of our ports.

The Senate must not look the other way, as this administration's dangerous, I believe, incompetence once again threatens our country. I understand the majority has in the past rubberstamped this administration's actions and activities; however, we on this side of the aisle are going to continue to call attention to this issue. We need tough and smart national security policies, not more of the same as we saw with Katrina and in Iraq.

It is a vision of the Democrats that the Senate can and should complete action on lobbying reform and also protect Americans by addressing port security.

Do we Senate Democrats want a country, not a company, running our seaports? No, especially a country that was one of only three countries in the entire world to recognize the Taliban government in Afghanistan. Do we want a country that has a trade boycott against Israel running our ports, a country that has not even recognized the State of Israel, which was formed in 1948? Do we want a country that was a staging ground for the September 11 terrorists running our ports? Do we want a country owning one of our seaports that was instrumental in allowing nuclear devices to make nuclear weapons go through its seaports to other parts of the world? The answer is no, we do not want that.

Just a year or so ago, it was exposed that Dubai was the center of the world's largest nuclear proliferation as the AQ Khan network used Dubai to traffic nuclear weapons technology to the highest bidders. Osama bin Laden's operatives are said to have used Dubai as a local hub after September 11. Terrorism money has been laundered through the United Arab Emirates. Several of the hijackers flew from Dubai to the United States in preparation for the attacks. The 9/11 Commission found that the United Arab Emirates represented a persistent counterterrorism problem for the United States.

We do not want such a country running our ports.

We believe there should be a vote today. There won't be one today on this issue. I understand that. The reason the leaders in the House and the Senate have done what they could in the last 24 hours to say there will not be a vote is because it is the hope of President Bush that this issue will go away some way.

That is why I will vote against cloture. The Senate needs to speak out against the seaport deal. We have heard the American people speak out against it. We heard the House of Representatives in their Committee on Appropriations speak out against it. It is now time for the Senate to do the same.

The PRESIDING OFFICER. The majority leader is recognized.

ETHICS REFORM

Mr. FRIST. Mr. President, Americans finish what they start, and they expect the Senate to do the same.

I open with that because we find ourselves once again in an unfortunate situation in that until yesterday afternoon, we were making steady progress, working together, all four managers on this important bill on lobbying reform, ethics review reform. We had the opportunity to have it finished by today or possibly tomorrow morning.

This is an important bill. We have come to a general consensus that it had to be one of the first bills we took to the Senate because it is so important to restore trust in this institution. It is a bill about making our Government more accountable, making it more transparent. It is a bill that strengthens our ethics rules to ensure we uphold the very highest standards of integrity. And it is a bill that will help restore America's confidence in this institution, in our Congress, in our Government.

It is also an issue that my friend, the Democratic leader, proposed as his top priority in this Congress. And we agreed. Unfortunately, some of my Democratic colleagues have chosen to hold this bill hostage for a totally unrelated issue. As we have seen even over the last 30 or 40 minutes, things are moving along aggressively toward a resolution. We do not know exactly what the resolution is going to be but toward a resolution.

The distinguished Democratic leader said just 48 hours ago to the effect of insisting that Democrats would not try to stall this lobbying reform bill by offering unrelated amendments, saying that:

> I have told the distinguished majority leader this is no attempt to stall this legislation. I have told the majority leader that unless there are issues outside of what the two committees did that are within their jurisdiction, we have no intention of offering a myriad of issues. We have Members clamoring to offer—issues on the port security deal . . . we are not going to do it on this legislation.

That was 48 hours ago, and then in the last 24 hours directly contradicted the assurances he made on Tuesday when he said:

> I believe that this lobbying reform is important. I believe that we need to do everything we can to help restore integrity to what we do here in Washington. But having said that, Mr. President, I think it would have been absolutely wrong for the Senate not to take action yesterday on the most important issue the American people see today, and that is port security.

That is from the statement on March 9.

I mention this because if we didn't have this what we call nongermane and totally not relevant amendment to an important issue on which we are making great bipartisan progress, working together—if that amendment had not come up, we would have been able to complete this bill. I have been in discussions with the Democratic leader, and we both understand we have the opportunity to finish this bill in the near future because the amendments are not that tough and there is general consensus around them, but we have to be allowed to finish what we start and not be pulled off with essentially the Senate shutting down last night and over the course of the morning on something that is totally unrelated to the bill itself.

Although I don't want to keep overstating it, there seems to be this pattern of obstruction and delay and pushing things off—Judge Alito, the PATRIOT Act, which, by the way, will be signed in an hour or so, and now on lobbying reform.

Yes, we have a cloture vote here in a few minutes so that we can continue to make progress on this bill. It is not an attempt in any way to foreclose the opportunity to offer lobbying-related amendments. As the Democratic leader knows and we have talked about, we are perfectly willing to agree on a list of amendments related to lobbying and ethics reform. We can set time agreements, debate the amendments, and vote. But what we are opposed to is considering amendments that are totally outside of the scope of the bill that is at hand. We are opposed to amendments designed to score partisan political points in one way or another.

The port security issue, I do not minimize it as an issue. I was one of the very early people who said we need a pause, we need to examine it in detail, and we need to get the information. That process is underway. We have our Commerce Committee looking at overall port security. The PATRIOT Act, signed in 45 minutes, has a whole 13 points on port security. And on what is called the CFIUS review, or the review of the process that created this problem in many ways, I believe, right now our Banking Committee is looking at that aggressively.

The Dubai Ports deal needs to be addressed in a thorough way. That is why we have called for—really, initiated by the Senate—this 45-day period, to collect all the information and consider that information as it comes forward.

We saw, 45 minutes ago, some real positive news that has been brought forward. It shows the importance of sitting back and getting the information. There is a system underway to address the port issue without injecting it into a lobbying reform bill, a bipartisan bill, that in essence brings it to a halt. The administration is moving toward this 45-day review of the deal. Let's get this review. Let's get information as it is underway.

The Senator from New York, I know, has been to the floor several times. In a letter to me this week, he had said—and I quote in the letter—he "decided not to press for a vote on [his] bill at this time in the hope that this new investigation will be thorough, fair, and independent."

So, Mr. President, we are about to vote. I do want to encourage my colleagues to vote for cloture because I want to stay focused on the lobbying bill, which we can finish if we get cloture.

Mr. President, I see the time has come for the vote.

The PRESIDING OFFICER. The Democratic leader.

UNANIMOUS CONSENT REQUEST

Mr. REID. Mr. President, I ask unanimous consent that the Schumer amendment be withdrawn and that it be immediately considered as a freestanding bill, with a time limit of 2 hours equally divided, no amendments in order; and that upon the use or yielding back of the time, the Senate then vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object, Mr. President, again, this looks like another effort to delay and postpone. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Resumed

Pending:

Wyden/Grassley amendment No. 2944, to establish as a standing order of the Senate a requirement that a Senator publicly disclose a notice of intent to object to proceeding to any measure or matter.

Schumer amendment No. 2959 (to amendment No. 2944), to prohibit any foreign-government-owned or controlled company that recognized the Taliban as the legitimate government of Afghanistan during the Taliban's rule between 1996–2001, may own, lease, operate, or manage real property or facility at a United States port.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2349: an original bill to provide greater transparency in the legislative process.

Bill Frist, Mitch McConnell, Rick Santorum, Mel Martinez, James Inhofe, Susan Collins, Trent Lott, John E. Sununu, John McCain, Judd Gregg, Norm Coleman, Michael B. Enzi, Wayne Allard, R.F. Bennett, Craig Thomas, Larry E. Craig, George Voinovich, Christopher Bond.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2349, the Legislative Transparency and Accountability Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Frist

Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Talent
Vitter
Wyden

NOT VOTING—2

Bunning
Inouye

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Mr. FRIST. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. LEAHY. Mr. President, I filed an amendment to the bill on Tuesday and look forward to an opportunity to offer that amendment and have it considered by the Senate. My amendment is the honest services amendment, No. 2924.

The purpose of my amendment is to articulate more clearly the line that cannot be crossed without incurring criminal liability. If we are serious about lobbying reform, the Senate will adopt this amendment. It was only with the indictments of Jack Abramoff, Michael Scanlon, and former Representative Randy "Duke" Cunningham that Congress took note of the scandal that has grown over the last years. If we are to restore public confidence, we need to provide better tools for Federal prosecutors to combat public corruption in our Government.

This amendment creates a better legal framework for combating public corruption than currently exists under our criminal laws. It specifies the crime of honest services fraud involving Members of Congress and prohibits defrauding or depriving the American people of the honest services of their elected representatives.

Under this amendment, lobbyists who improperly seek to influence legislation and other official matters by giving expensive gifts, lavish entertainment and travel, and inside advice on investments to Members of Congress and their staff would be held criminally liable for their actions.

The law also prohibits Members of Congress and their staff from accepting these types of gifts and favors, or holding hidden financial interests, in return for being influenced in carrying out their official duties. Violators are subject to a criminal fine and up to 20 years' imprisonment, or both.

This legislation strengthens the tools available to Federal prosecutors to combat public corruption in our Government. The amendment makes it possible for Federal prosecutors to bring public corruption cases without all of the hurdles of having to prove bribery or of working with the limited and nonspecific honest services fraud language in current Federal law.

The amendment also provides lobbyists, Members of Congress, and other individuals with much-needed notice and clarification as to what kind of conduct triggers this criminal offense.

In addition, my amendment authorizes $25 million in additional Federal funds over each of the next 4 years, to give Federal prosecutors needed resources to investigate corruption and to hold lobbyists and other individuals accountable for improperly seeking to influence legislation and other official matters.

The unfolding public corruption investigations involving lobbyist Jack Abramoff and MZM demonstrate that unethical conduct by public officials has broad ranging impact. These scandals undermine the public's confidence in our Government. Just last week, the Washington Post reported that, as an outgrowth of the Cunningham investigation, Federal investigators are now looking into contracts awarded by the Pentagon's new intelligence agency—the Counterintelligence Field Activity—to MZM, Inc., a company run by Mitchell J. Wade who recently pleaded guilty to conspiring to bribe Mr. Cunningham.

The American people expect—and deserve—to be confident that their representatives in Congress perform their legislative duties in a manner that is beyond reproach and that is in the public interest.

Because I strongly believe that public service is a public trust, I urge all Senators to support this amendment. If we are serious about reform and cleaning up this scandal, we will do so.

I ask unanimous consent that a copy of my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Purpose: To make it illegal for anyone to defraud and deprive the American people of the right to the honest services of a Member of Congress and to instill greater public confidence in the United States Congress)

At the appropriate place, insert the following:

SEC. . HONEST SERVICES ACT OF 2006.

(a) SHORT TITLE.—This section may be cited as the "Honest Services Act of 2006 ".

(b) HONEST SERVICES FRAUD INVOLVING MEMBERS OF CONGRESS.—

(1) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"§ 1351. Honest services fraud involving members of Congress

"(a) IN GENERAL.—Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud and deprive the United States, the Congress, or the constituents of a Member of Congress, of the right to the honest services of a Member of Congress by—

"(1) offering and providing to a Member of Congress, or an employee of a Member of Congress, anything of value, with the intent to influence the performance an official act; or

"(2) being a Member of Congress, or an employee of a Member of Congress, accepting anything of value or holding an undisclosed financial interest, with the intent to be influenced in performing an official act;

shall be fined under this title or imprisoned not more than 20 years, or both.

"(b) DEFINITIONS.—In this section:

"(1) HONEST SERVICES.—The term 'honest services' includes the right to conscientious, loyal, faithful, disinterested, and unbiased service, to be performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud, and corruption.

"(2) OFFICIAL ACT.—The term 'official act'—

"(A) has the meaning given that term in section 201(a)(3) of this title; and

"(B) includes supporting and passing legislation, placing a statement in the Congressional Record, participating in a meeting, conducting hearings, or advancing or advocating for an application to obtain a contract with the United States Government.

"(3) UNDISCLOSED FINANCIAL INTEREST.—The term 'undisclosed financial interest' includes any financial interest not disclosed as required by statute or by the Standing Rules of the Senate.

"(c) NO INFERENCE AND SCOPE.—Nothing in this section shall be construed to—

"(1) create any inference with respect to whether the conduct described in section 1351 of this title was already a criminal or civil offense prior to the enactment of this section; or

"(2) limit the scope of any existing criminal or civil offense.".

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 63 of title 18, United States Code is amended by adding at the end, the following:

"1351. Honest services fraud involving Members of Congress.".

(c) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE HONEST SERVICES FRAUD, BRIBERY, GRAFT, AND CONFLICTS OF INTEREST OFFENSES.—There are authorized to be appropriated to the Department of Justice, including the Public Integrity Section of the Criminal Division, and the Federal Bureau of Investigations, $25,000,000 for each of the fiscal years 2007, 2008, 2009, and 2010, to increase the number of personnel to investigate and prosecute violations of section 1351 and sections 201, 203 through 209, 1001, 1341, 1343, and 1346 of title 18, United States Code, as amended by this section.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I switched my vote from an "aye" to a "no" vote for procedural reasons so that I would have the opportunity as leader to bring the cloture vote back at some time in the future. I did support cloture, but for procedural reasons I switched that vote to a "no."

What that means is that over the next several days, after talking to the four managers who are working together in a cooperative, bipartisan way, once we can put together a group of amendments and packages of amendments, I, in all likelihood, will bring that cloture vote back, and we will be on the glidepath to completing this very important bill.

Mr. DODD. Will the majority leader yield for a question?

Mr. FRIST. Very quickly, and then I have a statement to make.

Mr. DODD. Mr. President, I wonder if the majority leader might give us an idea because we would like to get back to the bill. As one of the managers, my hope would be that we can get back to it right away. I would like to see us clean up this bill and get it done as soon as possible.

Could you give us some sense of when you think we might do that? I know there are a lot of matters to deal with, but this is very important.

Mr. FRIST. I would bring it back right now if I had the votes. We need to have the managers working together and stressing the importance that when we start our business, we need to finish it. This is no fault of the managers. They have done a superb job. We had a totally unrelated amendment injected, I believe, for partisan purposes. I say that and put it aside.

We need to get back to the bill as soon as possible. I encourage the managers to get the list of amendments, continue working, and at the first available time when we are allowed to proceed, we will be on that bill and we will finish it. I think we can finish it in less than a day.

Mr. DODD. Would it be possible, since this issue is one that many Members care about—in fact, the vote of the House Appropriations Committee yesterday was 62 to 2 on a similar provision, and I know there is talk of a resolution of this matter without ever going to the bill. But if we can agree that next week or so we might allocate an hour or two to do that, my view is we can move forward today and clean up this lobbying reform issue quickly—by agreeing to an hour or so next week to deal with this issue, if necessary, and we can move through this bill. I think, by tonight.

Mr. FRIST. What we have seen in the last hour is that there is a press announcement from DP World, and the Senator from Virginia, I believe, read that press announcement that "DP World decided to transfer fully the U.S. operations of P&O Ports North America to a United States entity." I am reading from the press release.

This should make the issue go away. On the other hand, that was an hour ago. It brings me back to the point that the DP World issue and port security and the CFIUS reform is underway. The process is moving quickly. We don't have to have votes on the floor of the Senate and disrupt your bill, our bill, which is another very important issue that the Democratic leadership and ours agree should be early. This body wanted to have working groups and, under your leadership, hold hearings and come to the floor, so we are committed to finishing it. We don't need to be dealing with something which is being dealt with, as we see through press releases, through meetings with the company, and a port security bill that we are addressing in the Commerce Committee and the CFIUS process reform being addressed in Banking Committee. That is underway.

We don't need to disrupt the bill. I think the distinguished manager and I are on the exact same page. Within several days, I think we will be able to work this out. I encourage the managers to work together so that when we bring it back, we can finish expeditiously. Next week, we have the budget and the debt ceiling and lobbying reform.

Mr. DODD. I thank the leader. I was suggesting that, if necessary, if we could agree to an hour or two after this bill is considered—and you may be right that we would not have to—then we might get to this reform bill today. That is all it would take to do so. We have taken the position that extraneous matters should not be on the bill.

My fear is—and I say this having been around here a quarter of a century—once you bump this off, the budget issue next week, immigration, and a recess for a week or two, we will not get back to this. If we don't stick to this, other matters can take over—another explosion somewhere in the world—and this institution finds itself dealing with a issue that would not be the lobbying reform issue. I have seen it happen so many times. Here is an opportunity, I say with all due respect, to give us that assurance, if necessary, and let us get back to the bill.

Mr. FRIST. With all due respect, there is no reason to give that assurance now. This is on a glidepath, based on what we have heard in the last 2 hours, to take care of itself. Again, it is through no fault of the managers of lobbying reform—on either side of the aisle—that we are where we are today. It is because we have had this extraneous issue injected into the system, which gummed up the works, and it is being resolved as we speak.

I just wish that amendment had not come to the floor. We were the first to put lobbying reform on the Congress's agenda. We were first to hold hearings, under the leadership of the distinguished chairmen. We were the first to mark up and the first to act, all as a result of the majority deciding that this is an important issue. The issue of Government reform is a key agenda item to help restore trust and faith in our Government.

I have to say that yesterday was a spectacular display, with the Senator from New York taking advantage of the goodwill that had been generated as we were moving forward together, which has led us to the point that we have had the cloture vote today.

I have been crystal clear throughout that when it comes to the port deal, Congress needs all of the facts. We don't have all of the facts. We are learning about them through press releases as we speak. But we are getting the facts by having this 45-day intensive review period, focused on the security issue. I think Congress is, at the appropriate time, going to need to make an independent judgment. Obviously, I don't believe it is today because we don't have the facts today. To take people in this body and say let's vote on something, let's kill the deal, or let's grandstand on it is just not appropriate for this body. Let's get the information into the system, and that strategy is underway.

Mr. President, we will keep working. We have a lot to do, and I look forward to staying above the issues of gumming up the system and let's move forward as we address these important issues that focus on restoring trust in this Government—lobbying reform, the bill at hand, and the budget of the country, which we will do next week, and facing the debt ceiling limit and taking appropriate action both in discussing and passing a statute that will raise that ceiling.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank the leader for responding to several questions. I appreciate that very much. I don't disagree. In fact, this may be very good news that we have heard in the last hour or so about the port security issue. Like all of us, I think the leader said it well. The devil can be in the details here. We are going to want to examine what was included there.

As I understood, my colleague from New York and the Democratic leader were willing to forgo offering this amendment that Senator SCHUMER has proposed on this bill for the simple assurance that, if necessary, they would like the opportunity to bring this up at a later time.

Many of us applauded that decision. In fact, the Democratic leader offered a unanimous consent request that would have done that, it would allow us to get back to the reform bill.

I see a number of my colleagues here. My colleague from Maine knows as well as I do these things can slip, and once they start to slip, other matters can overtake us, and we don't get back to the matter. We have seen it on asbestos and other matters. I am worried that will happen if we allow too much time to pass before we get back to the legislation.

I made the appeal earlier today to reach some accommodation among the leaders so we will be allowed to go forward with this bill that the Homeland Security and Governmental Affairs Committee worked so hard on and the Rules Committee worked so hard on. We did our job.

I think we can get this done in fairly short order. My colleague from Georgia was involved, as well, in the Rules Committee trying to put this together.

Again, I make the plea, I don't think there is any necessity at this juncture for the Schumer amendment to come up on this bill, but I think my colleagues can understand why the Senator from New York would like some assurance down the road, if necessary, that we can get to this particular proposal. It is not an extraordinary request. We do this all the time. That would allow us to move forward on this bill and try to keep extraneous matters off until we have completed the bill.

I thank the majority leader for responding to my questions. I am disappointed, to put it mildly, that we are not going to get to this bill. I raise the concern, having been here for some time and having watched the process work, that if we don't proceed quickly on this measure, then my fear is that we will not get back to it, and the window of opportunity to have done something on these critical issues will have been lost.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. Yes, it is.

Mr. CHAMBLISS. Mr. President, I thank my colleague from Connecticut, the ranking member on the Rules Committee on which I serve, and Senator LOTT, as well as Senator COLLINS and Senator LIEBERMAN, for their leadership on this issue. It has not been easy to get to the point where we are today. I am very disappointed we are not going to be able to finish this bill tonight, even though I am fixing to talk on it. I am not particularly happy with what is in this bill, but at least getting through the process, having the debate is extremely important.

I am very hopeful we can get this issue relative to Dubai resolved, and quickly return to lobby reform legislation and complete it in short order.

I do think we have seen strong, very positive leadership out of the Rules Committee chairman and ranking member, as well as the Homeland Security and Governmental Affairs Committee chairman and ranking member.

In thinking about this bill, I am concerned we are losing sight of something I think is very important. And which is putting in place today, a system which deals with both Members of Congress and outside lobbyists and how they interact.

How lobbyist treat Members of Congress and how we react to lobbyists from the standpoint of whether you call it favors or being receptive to demands or requests of lobbyists. The system we have in place today is working.

What generated this concern that we have seen on the floor this week and the dialog we have seen over the past few months on this particular issue? It was triggered by one particular man who was very egregious in the way he operated his lobbying shop. He appears to have been motivated by greed, not just operating outside the spirit of the law, but outside the letter of the law, even to the point of committing some criminal activity. In fact, he has pled guilty, and he is undoubtedly going to jail. I don't know that for certain, but I think it is a safe assumption.

The system, as it pertained to lobbyist, worked. But what about Members of Congress? Another incident that sparked debate was the activity of some other Members of Congress, particularly Members on the House side.

I don't think anybody on this side has even been implicated in this at this point. But there has been some activity on the other side that indicates that maybe some favors were given to lobbyists for consideration. In fact, there has been a guilty plea to that effect.

What has happened to that Member of Congress? That Member of Congress is going to jail—for a long time. That is the way the system is designed to work. That is the way it is working and, unfortunately, all of that casts a real shadow on the institution that those of us who have been privileged to serve here know and for which we have such great respect.

There is a situation, I think, where we have a solution that is looking for a problem. I will give a classic example of that.

Some have said: We think lobbyists who are former Members who utilize the gym are having an undue influence or the potential to have undue influence. Therefore, we are going to ban former Members who are lobbyists from using the gym. We also are going to ban former Members who become lobbyist from coming on the floor.

What is ironic is there are two former Members of the House of Representatives today who are in jail for different reasons. But when they are released from prison, those two individuals will have the right to use the House gym and to have access to the House floor. Yet former Members of the House who served with great distinction on both sides of the aisle who have the opportunity to go outside and make some money in whatever chosen field they want—and they happen to have chosen lobbying—they can't come on the floor of the House and can't be Members of the House gym. This proposal is a solution without a problem, irrespective of how one looks at it.

I have a personal situation. As the Senator from Connecticut said, I serve on the Rules Committee. I talked about this a little bit as we were going through the markup and debating this bill. There are a number of Members of this body who have either spouses or children who are lobbyists. My son happens to be a lawyer who does lobbying, and I am very proud of him. He works hard and does very well. I was a Member of the Senate before he made the decision to become a lobbyist.

At the time he made that decision, I went to Members on both sides of the aisle, and I said: Here's my deal. I have to figure this out somehow. It was recommended to me by folks on both sides of the aisle that I needed to go to the Ethics Committee and detail the facts of the situation and have it tell me what we could and could not do relative to my son being a lobbyist and having the potential of lobbying me or having contacts with me or my staff.

Before he accepted the job, I asked for and received a letter from the Ethics Committee defining what contact was permissible. We have strictly adhered to the terms of the letter. There is no discussion between the two of us relative to issues. He does not lobby me. He does not lobby my staff. While it gets very ticklish at times when people he works with come to my office to lobby me, if he accompanies them, he has to either stand out in the hall or go down the hall to the bathroom. I am not sure what he does, but he doesn't come in to lobby me, it is a little bit awkward from their standpoint. But that's the way it has to work, and that is the way it is going to continue to work.

With the passage of this bill, what changes? What changes is that we are taking the Ethics Committee letter that I have, that Senator REID has, whose sons are lobbyists, that Senator LOTT has, whose son is a lobbyist, and at least a dozen or 15 other Members of this body have, and it codifies the terms of the letters. All of a sudden, it makes it subject not only to a potential $200,000 fine, but criminal sanctions as well.

Figure this: We are in a very partisan political time in this country. Because of partisanship, often without merit, ethics charges can often—and it happens more on the House side, than it does over here—fly back and forth. For example, if I am at dinner with my son and somebody happens to be at a table next to me and think they hear conversation which they believe to be improper, but which was in fact not improper at all.

All of a sudden I am thrown in a situation where I have to defend myself, not before the Ethics Committee but from a civil sanction, as well as a potential criminal sanction. To say that can't happen in today's climate, I think we are kidding ourselves.

The same thing could happen to every other Member here. And I don't know of any Member who has ever violated the ethical rule relative to lobbying on the part of spouses or children.

To those folks who say this can't happen, let me tell you what happened to me this week, and it is a pretty good example of what can happen in these very difficult, these very complex, and these very partisan political times.

There is a lot of current discussion about Members taking trips on corporate aircraft. All of us—I assume all of us—at one time or another have used private aircraft. Congress has rules governing this practice which we must abide by.

I, like many of my colleagues, live in a rural area. I don't have commercial service to many areas of my state including my hometown. I also happen to represent the largest State east of the Mississippi River. If I want to go from point A to point B, whether it is on official business or on campaign business, it is often necessary to use private or chartered aircraft and I have to pay for it. The rules require it, and we pay for it.

The important point about it is, we disclose every bit of that information. We have a form we are required to file every year regarding every trip—where it was, where you went, what it was for, and how much you were required to pay for it, and how much you did pay for it. All of that is on our public disclosure forms.

This week, a group called Political Money Line issued a statement in which they said—of course, it was generated by the debate on the floor this week; otherwise it probably never would have come up. Political Money Line is, according to its statement, a company that provides comprehensive campaign finance and lobbying data to more than 500 clients, ranging from trade groups to the national political parties. So it has over 500 folks to whom they sent out not only a notice but also did some sort of press release or a release that at least got to the press which indicated that this Member of the Senate was the No. 1 user of corporate aircraft of all active Senators: that from the period 2001 through the 2005, I had flown over 60 times in corporate aircraft, according to the disclosure that I had filed, and that I had to pay in excess of $100,000. To make it exact, they said $101,795 for utilization of corporate aircraft.

I knew there was something wrong with that because that would have meant that during the 5-year period, I would have had to have flown on a corporate aircraft once a month, every month, for 5 years. And I knew I had not done that. So we made inquiry of Political Money Line as to where it got its information and what information did it use in calculating these numbers.

First of all, they told us: We will be glad to give you that information provided you pay a $2,000 subscription fee. I didn't think that was exactly right.

At the end of the day, they were cooperative, and they did provide us the information. As it turns out, just like I thought, the information was wrong.

The fact of the matter is that they said, according to their calculations, I had reported 60 reimbursements for use of corporate aircraft. In fact, they now have agreed that only 17 of those trips should have been credited to me. The other 43 reimbursements should have been credited to another or other Members of the Senate. And of those 17, on one occasion—I used corporate aircraft for a fundraiser in Florida—I sent three Members of the Senate down there and paid their way. That is a customary thing that happens. I flew commercial, but I paid their way.

The numbers were so out of line and so egregious that I don't mind telling you I got infuriated, and the more I think about it right now, I get even more infuriated about it because what happened was, once they put this information out, it was picked up by the New York Times. They did a story yesterday in which I was quoted as saying the solution to this problem is disclosure. And then they said, according to the Political Money Line, that I am the No. 1 abuser of utilization of corporate aircraft that is active in the Senate, and they were dead wrong.

Now the genie is out of the bottle, and the New York Times story has gone all over the country. It is in U.S. News & World Report. How do you get the genie back in the bottle? Well, you don't, and that is the unfortunate part about this. There was some irresponsible activity on the part of this group that, frankly, will be a political problem because the 527 operated by former Democratic National Committee individuals has already taken a shot at me as a result of this. We are all big boys in the Senate. We have been through political wars, and I always am prepared for criticism that may arise. But when the criticism is absolutely false, then it does infuriate you because there is no way you can accurately get information out once it has gotten out in the way this did.

When we talked to them about it yesterday and talked to them about it again today, they are agreeing to come back now and to correct their figures and to do a release. They have already done that. They have called the New York Times, according to the reporter I saw today. In spite of the fact that they will do another article now, the Political Money Line folks have admitted to making mistakes.

In any event, instead of being the No. 1 active Member of the Senate relative to utilization of corporate aircraft, according to their calculations, I would be No. 28. Under their calculations, instead of $101,000, it should have been $18,000. That is how egregious this situation has become.

Now what happens in the case of this sort of thing relative to what we have on the floor today? Well, here is the way I look at this, and I have talked with people all across my State about this. Are folks concerned about Members of Congress and ethics? You bet. Is there anybody in this Senate who campaigned on the fact that, You send me to Washington, you send me to the Senate, and, boy, I will get lobbyist reform? I think the answer to that question is absolutely not. That is not a typical campaign platform. Does everybody in this Senate go home and talk about what is going on in Iraq? Have any of us campaigned on what is happening in Iraq? You bet. People care about that. Are people upset about what is going on relative to the ports issue and the potential for Dubai to purchase the managerial contract for the six ports in the United States? You bet. People care about that.

People expect us, as Members of the Senate, to act in an ethical way. And those of us who have this unique problem, whether it is relative to a spouse or a child, in my opinion, must have acted in an ethical way because I don't know of any situation where what has happened as an ethical complaint has been brought forward. People do expect us to be ethical, and those of us who have this situation work very hard to make sure we are.

So I would hope since we are not going to be voting on this matter today, we may not be voting on it next week—I don't know when it will come up again—but I am very hopeful that the Members of this body will think through this and that we will look at legislation that encompasses issues such as Senator MCCAIN has talked about on earmarks. I think if you are going to reform Congress, which is what I think is most necessary, then reforming the earmark process is necessary. Senator MCCAIN talks about this every year during the appropriations process, and this year I think he is getting everybody's attention. That should be reformed. There are other issues in this congressional reform we ought to pay attention to. But I will have to tell you that if we are going to have irresponsible acts by folks who are taking information we disclose under the congressional reform action, whatever ultimate legislation may come out of this body, and they are going to utilize it in a wrong way, then it may be time we looked at taking some action against folks who do that as well as having the potential to take action against Members of the Senate.

Mr. President, I yield back, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THUNE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Chambliss). Without objection, it is so ordered.

Mr. ISAKSON. I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING ROBERT MOULTRIE

Mr. ISAKSON. Mr. President, in a few weeks in my home county of Cobb County, GA, a pretty normal occurrence is going to take place for someone who is anything other than a normal person. It is going to be the 65th birthday of a man named Robert Moultrie. Now, 65th birthdays are becoming pretty common. I am pretty happy they are, because I am about to have one in a couple of years. But Robert is an extraordinary individual. I hope he is not watching C SPAN right now because they are going to give a big surprise party for him, and if he is watching I am going to be in big trouble, but I doubt he is because he is a busy entrepreneur of unbelievable accomplishment.

He started a company in 1986 known as The Facility Group, and it was six individuals. Their revenues were about $10 million. Last year, Robert Moultrie's company, The Facility Group, employed 300 people and their revenues were $250 million.

He is an extraordinary individual, a graduate of Georgia Tech. He is a good engineer, as someone running a design/build firm should obviously be, but also a great benefactor to that institution, as well as Erskine College, where he led the $30 million capital campaign a few years ago.

What makes Robert extraordinary is not just those accomplishments in business, which are great, but the fact that he and his wife are a little bit like the title of Bob and Elizabeth Dole's famous book, "Unlimited Partners," because they are equal partners in their journey both in business as well as community service. When Robert chaired the Cobb County Chamber of Commerce, the second largest chamber in the State in 2002, everybody thought Cheryl was kind of cochairman because she was as involved as he was. When they chaired the Heart Ball for the community, they set an all-time record in our State, raising $600,000 in 1 night to benefit those who were fighting heart disease.

Girls Club, Boys Club, United Way, or simply a helping' hand, Robert and Cheryl Moultrie have always been there. As I said, 65th birthdays are very common but Robert Moultries are not. Our community is very fortunate to have had him there, and I am very fortunate to have the opportunity today in the Senate to commend him on his achievements for our community and commend him on this milestone in his life.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DeMint). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETROLEUM INDUSTRY ANTITRUST ACT OF 2006

Mr. SPECTER. Mr. President, the Judiciary Committee, which I chair, has from time to time examined the implications of mergers, acquisitions, and joint ventures among companies affecting various fields in the American economy.

Just a few days ago, a major proposal reached public view in the telephone industry. There have been major acquisitions and mergers in many lines of commerce, and there is special concern at the present time about the impact of acquisitions and mergers of major oil companies on the price of gasoline, which has soared for American consumers. I have been concerned about the actions of OPEC over the years in limiting production and undertaking joint actions which really violate the spirit of competition and increase the cost of oil.

I ask unanimous consent that at the conclusion of my comments, letters that I sent to the President as far back as the Clinton administration, and that I sent to President Bush, outlining the judge-made laws which have given OPEC immunity under our antitrust laws be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Exhibit 1

U.S. Senate,
Washington, DC, April 11, 2000.

President William Jefferson Clinton
The White House,
Washington, DC.

Dear Mr. President: In light of the very serious problems caused by the recent increase in oil prices, we know you will share our view that we should explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some considerable research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based, perhaps, upon an advisory opinion under "the general principles of law recognized by civilized nations," which includes prohibiting oil cartels from conspiring to limit production and raise prices.

(1) A suit in Federal district court under U.S. antitrust law.

A case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a "conspiracy in restraint of trade" in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration should consider suing OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an "injury" to U.S. "property." After all, the U.S. government is a major consumer of petroleum products and must now pay higher prices for these products. In *Reiter* v. *Sonotone Corp*, (42 U.S. 330 (1979), the Supreme Court held that the consumers who were direct purchasers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since "a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act]." Indirect purchasers would appear to be precluded from suit, even in a class action, under *Illinois Brick* v. *Illinois*, 431 U.S. 720 (1977), but this would not bar the United States Government, as a direct purchaser, from having the requisite standing.

One potential obstacle to such a suit is whether the Foreign Sovereign Immunities Act ("FSIA") provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, there has been a ruling on this issue in only one case. In *International Association of Machinists* v. *OPEC*, 477 F. Supp. 553 (1979), the District Court for the Central District of California held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in Int. Assoc. of Machinists turned on the technical issue of whether or not the nations which comprise OPEC are engaging in "commercial activity" or "governmental activity" when they cooperate to sell their oil. If they are engaging in "governmental activity," then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in "commercial activity," then they are subject to suit in the U.S. The California District Court held that OPEC activity is "governmental activity." We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in Int. Assoc. of Machinists in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the "act of state" doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its Int. Assoc. of Machinists opinion that "The [act of state] doctrine does not suggest a rigid rule of application," but rather application of the rule will depend on the circumstances of each case. The Court also noted that, "A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition." The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

> It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990s have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

You should also examine whether the anticompetitive conduct of the international oil cartel is being effectuated by private companies who are subject to the enforcement of U.S. antitrust laws (for example, former state oil companies that have now been privatized) rather than sovereign foreign states. If such private oil companies are determined to in fact be participating in the anticompetitive conduct of the oil cartel, then we would urge that these companies be named as defendants in an antitrust lawsuit in addition to the OPEC members.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations," which includes prohibiting oil cartels from conspiring to limit production and raise prices.

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a case against OPEC before the International Court of Justice (the "ICJ") at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate "the general principles of law recognized by civilized nations." Under Article 38 of the Statute of the ICJ, the Court is required to apply these "general principles" when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights. For example, as of December 1, 1999, the Yugoslavia tribunal alone had handed down 91 public indictments.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. Recently, the exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

The emerging scope of international law was demonstrated in an advisory opinion sought by the UN General Assembly in 1996 to declare illegal the use or threat to use nuclear weapons. Such an issue would ordinarily be thought beyond the scope of a judicial determination given the doctrines of national sovereignty and the importance of nuclear weapons to the defense of many nations. The ICJ ultimately ruled eight to seven, however, that the use or threat to use nuclear weapons "would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law." The fact that this issue was subject to a decision by the ICJ, shows the rapidly expanding horizons of international law.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official "Recommendation" that all twenty-nine member nations "ensure that their competition laws effectively halt and deter hard core cartels." The recommendation defines "hard core cartels" as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries "to cooperate with each other in enforcing their laws against such cartels."

On October 9, 1998, eleven Western Hemisphere countries held the first "Antitrust Summit of the Americas" in Panama City, Panama. At the close of the summit, all 11 participants issued a joint communique in which they express their intention "to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation." The communique further expresses the intention of these countries to "cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws." One of the countries participating in this communique, Venezuela, is a member of OPEC.

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. Consideration of such legal action could provide an inducement to OPEC and other oil-producing countries to raise production to head off such litigation.

We hope that you will seriously consider judicial action to put an end to such behavior.

Arlen Specter.
Herb Kohl.
Charles Schumer.
Mike DeWine.
Strom Thurmond.
Joe Biden.

U.S. Senate,
Washington, DC, June 15, 2000.

Hon. *William Jefferson Clinton*,
President of the United States, The White House, Washington, DC.

Dear President Clinton: We are writing to urge your Administration to take immediate and reasonable action in response to the Organization of Petroleum Exporting Countries' (OPEC) continued stranglehold on the global oil market. As you know, OPEC's agreement last March to automatically increase oil supply if global prices topped $28 per barrel for more than 20 days has been violated—the price of crude oil has closed over $28 since May 8, and is currently trading over $33—meaning sky-high oil and gasoline prices will increasingly, and indefinitely, take a toll on our economy. We strongly urge you to immediately counteract OPEC's dangerous intransigence through the use of oil from our nation's Strategic Petroleum Reserve (SPR) in order to increase supply, moderate prices, and significantly reduce our nation's dependence on OPEC decisions for our economic well-being.

OPEC's continued manipulation of the global oil market has translated into record high, and rising, gasoline prices in the United States, and the prospect of severe shortages in home heating oil next winter. Worst of all with global and American oil inventories approaching levels not seen since the mid-1970s, OPEC's continued price gouging will prevent refiners and distributors of petroleum products from stocking sufficient supply, meaning OPEC will continue to maintain its inordinate power over the global and American economies indefinitely.

Since last September, many of us have been calling on you and Secretary Richardson to use America's well-stocked SPR as leverage to counter OPEC's risky profiteering. With global supply, demand, and inventories remaining out of sync with each other, and OPEC ministers unwilling to play by the rules which they themselves created, the United States has every right to act decisively in the interest of its economic security. The immediate commencement of a "swaps" policy using SPR oil would moderate the global oil market, and generally buffer against foreign supply manipulations. And under current market conditions, a swaps policy provides the best way to increase the SPR from its current level of 570 million barrels, at no cost to the taxpayer.

OPEC has been emboldened by its highly successful quota policy over the past two years which has caused oil prices to effectively triple. OPEC ministers seem to now believe the United States and the world will accept, and call economically sustain, oil prices at $30 per barrel and above. Mr. President, it is simply unacceptable for us to allow our economy, and the world's economy, to be placed in jeopardy by a foreign oil cartel. With razor thin oil inventories and soaring gas prices coupled with new reports of a looming shortage of natural gas, we may be at the beginning of a serious and prolonged energy crisis that could send a chill through every economic sector of our country. The time to act is now.

Sincerely,

Charles E. Schumer; Carl Levin; Joseph I. Lieberman; Jack Reed; Patrick J. Leahy; Robert G. Torricelli; Susan M. Collins; James M. Jeffords; William V. Roth Jr.; Olympia J. Snowe; Christopher Dodd; Arlen Specter.

U.S. SENATE,
Washington, DC, April 25, 2001.

President GEORGE WALKER BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In light of the energy crisis and the high prices of OPEC oil, we know you will share our view that we must explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations."

(1) A suit in Federal district court under U.S. antitrust law.

A strong case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a "conspiracy in restraint of trade" in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration has the power to sue OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an "injury" to U.S. "property." After all, the U.S. government is a consumer of petroleum products and must now pay higher prices for these products. In *Reiter* v. *Sonotone Corp*, 442 U.S. 330 (1979), the Supreme Court held that the consumers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since "a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act]."

One issue that would be raised by such a suit is whether the Foreign Sovereign Immunities Act ("FSIA") provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, only one Federal court, the District Court for the Central District of California, has reviewed this issue. In *International Association of Machinists* v. *OPEC*, 477 F. Supp. 553 (1979), the Court held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in *Int. Assoc. of Machinists* turned on the technical issue of whether or not the nations which comprise OPEC are engaging in "commercial activity" or "governmental activity" when they cooperate to sell their oil. If they are engaging in "governmental activity," then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in "commercial activity," then they are subject to suit in the U.S. The California District Court held that OPEC activity is "governmental activity." We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in *Int. Assoc. of Machinists* in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the "act of state" doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its *Int. Assoc. of Machinists* opinion that "The [act of state] doctrine does not suggest a rigid rule of application," but rather application of the rule will depend on the circumstances of each case. The Court also noted that, "A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition." The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

> It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990s have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost 20 years ago.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations."

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a case against OPEC before the International Court of Justice (the "ICJ") at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the UN Security Council. The actions of OPEC in restraint of trade violate "the general principles of law recognized by civilized nations." Under Article 38 of the Statute of the ICJ, the Court is required to apply these "general principles" when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. The exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official "Recommendation" that all twenty-nine member nations "ensure that their competition laws effectively halt and deter hard core cartels." The recommendation defines "hard core cartels" as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries "to cooperate with each other in enforcing their laws against such cartels."

On October 9, 1998, 11 Western Hemisphere countries held the first "Antitrust Summit of the Americas" in Panama City, Panama. At the close of the summit, all eleven participants issued a joint communique in which they express their intention "to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation." The communique further expresses the intention of these countries to "cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws."

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. We hope you will seriously consider judicial action to put an end to such behavior.

We hope that you will seriously consider judicial action to put an end to such behavior.

Arlen Specter.
Charles Schumer.
Herb Kohl.
Strom Thurmond.
Mike DeWine.

Mr. SPECTER. Mr. President, today I am going to be putting into the Record at conclusion of my statement—again I ask unanimous consent—a proposed modification of the U.S. antitrust laws.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 2.)

Exhibit 2

S. _

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Petroleum Industry Antitrust Act of 2006".

SEC. 2. PROHIBITION ON UNILATERAL WITHHOLDING.

The Clayton Act (15 U.S.C. 12 et seq.) is amended—

(1) by redesignating section 28 as section 29; and

(2) by inserting after section 27 the following:

"SEC. 28. OIL AND NATURAL GAS.

"(a) In General.—Except as provided in subsection (b), it shall be unlawful for any person to refuse to sell, or to export or divert, existing supplies of crude oil, refined products derived from crude oil, or natural gas with the primary intention of increasing prices or creating a shortage in the market where the existing supplies are located or intended to be shipped.

"(b) Considerations.—In determining whether a person who has refused to sell exported or diverted existing supplies of crude oil, refined products derived from crude oil, or natural gas has done so with the intent of increasing prices or creating a shortage in the market under subsection (a), the court shall consider whether—

"(1) the cost of acquiring, producing, refining, processing, marketing, selling, or otherwise making such products available has increased; and

"(2) the price obtained from exporting or diverting existing supplies is greater that the price obtained where the existing supplies are located or are intended to be shipped.".

SEC. 3. PROHIBITION ON CERTAIN MERGERS IN THE OIL AND GAS INDUSTRY.

Section 7 of the Clayton Act (15 U.S.C. 18) is amended by adding at the end the following:

"Notwithstanding any other provision of this section, no person engaged in, or assets of a person engaged in, commerce in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, products derived from petroleum, or natural gas in any section of the United States may be acquired by another person, if the effect of such acquisition may be to appreciably diminish competition.".

SEC. 4. STUDY BY THE GOVERNMENT ACCOUNTABILITY OFFICE.

(a) Definition.—In this section, the term "covered consent decree" means a consent decree—

(1) to which either the Federal Trade Commission or the Department of Justice is a party;

(2) that was entered by the district court not earlier than 10 years before the date of enactment of this Act;

(3) that required divestitures; and

(4) that involved a person engaged in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, products derived from petroleum, or natural gas.

(b) Requirement for a Study.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study evaluating the effectiveness of divestitures required under covered consent decrees.

(c) Requirement for a Report.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress, the Federal Trade Commission, and the Department of Justice regarding the findings of the study conducted under subsection (b).

(d) Federal Agency Consideration.—Upon receipt of the report required by subsection (c), the Attorney General or the Chairman of the Federal Trade Commission, as appropriate, shall consider whether any additional action is required to restore competition or prevent a substantial lessening of competition occurring as a result of any transaction that was the subject of the study conducted under subsection (b).

SEC. 5. JOINT FEDERAL AND STATE TASK FORCE.

The Attorney General and the Chairman of the Federal Trade Commission shall establish a joint Federal-State task force, which shall include the attorney general of any State that chooses to participate, to investigate the information sharing practices among persons in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, products derived from petroleum, or natural gas, particularly any company about which the Energy Information Administration collects financial and operating data as part of its Financial Reporting System.

SEC. 6. NO OIL PRODUCING AND EXPORTING CARTELS.

(a) Short Title.—This section may be cited as the "No Oil Producing and Exporting Cartels Act of 2006" or "NOPEC".

(b) Sherman Act.—The Sherman Act (15 U.S.C. 1 et seq.) is amended—

(1) by redesignating section 8 as section 9; and

(2) by inserting after section 7 the following:

"SEC. 8. OIL PRODUCING CARTELS.

"(a) In General.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, in the circumstances described in subsection (b), to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product.

"(b) Circumstances.—The circumstances described in this subsection are an instance when an action, combination, or collective action described in subsection (a) has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(c) Sovereign Immunity.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(d) Inapplicability of Act of State Doctrine.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(e) Enforcement.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws, as defined in section 1(a) of the Clayton Act (15 U.S.C. 12(a)).".

(c) Sovereign Immunity.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking "or" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(8) in which the action is brought under section 8 of the Sherman Act.".

Mr. SPECTER. Mr. President, I am not introducing the bill today, but I am putting it forward so that my colleagues may consider it and it may be considered by the witnesses who are going to be testifying before the Judiciary Committee on March 14. I am putting it in the public view to solicit comments and to solicit responses and ideas as to the effectiveness or propriety or desirability of such legislation. I do so tentatively because it is a very complicated subject, and there have been relatively few modifications of the antitrust laws in the United States.

The basic antitrust law under which we operate is more than a century old. The Sherman Act, enacted in 1890, made it unlawful to enter into a contract, combination, or conspiracy in restraint of trade and prohibited monopolization. Then, 24 years later, we enacted the Clayton Act, which prohibits unlawful tying, corporate mergers and acquisitions that reduce competition and interlocking directorates, which lead principally to substantial restraint on trade. Those are the two principal statutes that mold the antitrust laws in the United States.

There have been some additions: in 1914, the Federal Trade Commission Act prohibiting unfair methods of competition affecting commerce; in 1936, the Robinson-Patman Act prohibiting sales that discriminate in the price or sale of goods to equally situated distributors where the effect of such sales is to reduce competition; in 1945, the McCarron-Ferguson Act applying antitrust laws to the insurance industry only "to the extent that such business is not regulated by State law;" and then the 1976 Hart-Scott-Rodino Act which amended the Clayton Act and required companies to give notice to the antitrust enforcement agencies prior to consummating a merger.

But in this long history, the principal acts have been the Clayton Act and the Sherman Act.

There has been from time to time other legislation touching the antitrust issues—the Soft Drink Interbrand Competition Act in 1980 permitting the owners of trademark soft drinks to grant exclusive territorial franchises to bottlers or distributors; the local government antitrust laws of 1984; the International Antitrust Enforcement Assistance Act of 1994; the Standards Development Organization Advancement Act of 2004 protecting organizations that develop industry standards from certain types of antitrust liability; and in 2004 the Antitrust Criminal Penalty Enhancement Reform Act.

There have been some modifications of the antitrust laws allowing the National Football League, for example, to have revenue sharing. From time to time, proposals have been made to limit the exemption that baseball enjoys from the antitrust laws as a result of decisions of the Supreme Court of the United States.

It is my concern that there ought to be some close analysis of the existing antitrust laws with what is happening in the marketplace. The outline of proposed legislation which I have denominated the "Petroleum Industry Antitrust Act of 2006" is an outline for analysis and for further thought. Again I will say that I am not introducing it as a bill today, but I will use it as a basis for discussion and questioning in the Judiciary Committee hearing that will be held on March 14.

This bill would eliminate the judge-made doctrines that prevent OPEC members from being sued for violation of the antitrust laws by conspiring to fix the price of crude oil. Section 1 of the bill amends the Sherman Act prohibiting oil and gas companies from diverting, exporting, or refusing to sell existing supplies of crude oil, refined products, or natural gas, with the primary intent of raising prices or creating a shortage in the market where the existing supplies are located or intended to be shipped.

Section 2 amends the Clayton act prohibiting the acquisition of an oil or gas company or, any assets of such a company, when the acquisition would lessen competition. Current law allows the antitrust agencies to challenge any acquisition that may "substantially" lessen competition. This change would significantly increase the level of scrutiny received by any large merger between competitors in the oil and gas industry.

Section 3 requires the Government Accountability Office to evaluate whether divestitures required by the Federal Trade Commission ("FTC") or the Department of Department ("DOJ") with regard to oil and gas industry mergers have been effective in restoring competition. Once the study is completed, the FTC and the DOJ must consider whether any additional steps are necessary to restore competition, including further divestiture or the unraveling of some mergers.

Section 4 requires that the FTC and the DOJ establish a joint federal-state task force to examine information sharing and other anticompetitive results of recent consolidation in the oil and gas industry.

These provisions might well be extended in a final legislative proposal to go beyond oil and gas, but that is the thrust of what we are considering as we prepare for the Judiciary Committee hearing on March 14.

Again, I wish to emphasize that this is an outline of proposed modifications to the antitrust laws. I approach it with an eye toward the spirit of the Sherman Act and the Clayton Act, both of which have existed for so long, but also with a sense that what is happening in the marketplace today requires some further analysis by the Judiciary Committee.

We are finding that the prices of heating oil are extremely high, the price of natural gas is extremely high, the price of gasoline at the pump is extremely high, and the American consumers and consumers beyond America deserve some attention, they deserve to have this situation analyzed and considered.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ETHICS REFORM

Mr. THOMAS. Mr. President, I will express some anxiety about the fact we are not moving forward with legislation we need to be considering. Interestingly enough, I came from a briefing upstairs by the Secretary of Defense and the general from Central Command. It reminds Members of the things out there that we need to deal with.

Members go home to their States and people talk about issues that are of interest to them—whether it is the economy, energy, budgets—and yet we find ourselves going day after day without being able to move forward to the topics that are of prime importance. Certainly, we should have the opportunity to talk about whatever people want to talk about. We should have the opportunity to discuss and debate issues, to come to conclusions on issues, but we need to come to a conclusion.

It is embarrassing to see what has happened today. We had an opportunity to move toward to resolve one of the issues we had before the Senate, the lobbying issue, which needs to be resolved. I don't happen to think it is the biggest issue in the world, but we were in the process of finding ways to get to it in a bipartisan effort that collapsed because of one effort to derail what we are doing.

I think we need to take a long look at ourselves. It would be good if we had a little time to lay out on a list those issues that are most important, the top-quality issues, and then really focus on those issues.

I think to bring up something here that is totally unrelated to the lobbying reform issue, which simply caused us to be stalled on an issue that is being resolved—whether it is the 45-day period, whether it is the agreement that has come forth since—there was no real reason to bring this up on the floor at this time except to obstruct moving forward.

I guess I am becoming sort of upset with the fact that we are not able to move forward. I think some of these things are pretty partisan issues, simply wanting to get this group out because there is something going on in the House to resolve that hard issue, and they do not want to be left behind. It is political. I am sorry, but that really is not what it is about to be on the Senate floor.

So I will not take any more time, except, I guess, to express my frustration when we do have important issues to deal with. There are a lot of issues out there that are so important. We are talking about energy and how we get some issues resolved so we can deal, in the long term, with energy, which is a big issue for us not only because it is energy but because it affects everyone every day. It affects jobs. It affects the economy.

I think one of the issues we need to be doing and continuously working on is health care so it is available for everyone and is affordable. We can make some changes there, there is no question.

We need to make sure we are doing all we can in taking a long look at what is happening in the Middle East, and that we can get our job completed in Iraq, and make sure we do not end up being singularly involved with Iran. Those are some of the issues.

I am, of course, very impressed with the way this system works and very impressed with the way this Senate works, but I do find sometimes that I think we get it all jammed up for reasons that are not really part of what we are here designated to do.

So I just wanted to share my frustration with that and hope we can work with the leaders on both sides of the aisle to find some ways for us to address those issues that are before us for the American people, to do the job we are assigned to do and have the responsibility to do, and to move forward.

It is frustrating to be here but once a day, for example, when there are lots of issues out there. Let's decide them, let's vote on them, let's get on with it, instead of—look at this place, empty, empty most of the day because we have an obstruction in the system.

So, Mr. President, I hope we can find some ways to remedy the situation. And I certainly would like to be a part of finding those remedies.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF NORMAL TRADE RELATIONS WITH UKRAINE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 370, H.R. 1053.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1053) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

There being no objection, the Senate proceeded to consider the bill.

Mr. LUGAR. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

I further ask consent that S. 632, the Senate companion measure, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1053) was read the third time and passed.

Mr. LUGAR. Mr. President, last November, the Senate passed a bill I introduced, S. 632, authorizing the extension of permanent normal trade relations with Ukraine. During the post-Cold War era, Ukraine has continued to be subject to the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. My bill repeals permanently the application of Jackson-Vanik to Ukraine.

Yesterday, the House of Representatives passed H.R. 1053, the House companion to my bill. I am extremely pleased that the Senate has passed this legislation today.

Since the end of the Cold War, Ukraine has demonstrated a commitment to meet freedom of emigration requirements, and to abide by free market principles and good governance. Improving trade will strengthen the growing relationship between our two nations. The United States will continue its strong support of Ukraine and its commitment to democracy and free markets.

I encourage President Yushchenko to continue his no-tolerance policy for antisemitism in Ukraine. I look forward to President Bush signing this bill into law as a further signal of United States support for democracy and free enterprise in Ukraine. This is especially important before the parliamentary elections in Ukraine on March 26.

Extraordinary events have occurred in Ukraine. A free press has revolted against intimidation and reasserted itself. An emerging middle class has found its political footing. A new generation has embraced democracy and openness. A society has rebelled against the illegal activities of the previous government. It is in our interest to recognize and to protect these advances in Ukraine.

The United States has a long record of cooperation with Ukraine through the Nunn-Lugar Cooperative Threat Reduction Act. Ukraine inherited the third largest nuclear arsenal in the world with the fall of the Soviet Union.

Through the Nunn-Lugar program, the United States has assisted Ukraine in eliminating this deadly arsenal and joining the Nonproliferation Treaty as a nonnuclear state. The United States can and should do more to eliminate conventional weapons stockpiles and assist other nations in detecting and interdicting weapons of mass destruction. These functions are underfunded, fragmented, and in need of high-level support.

This was pointed out to me during a visit Senator BARACK OBAMA and I enjoyed in Ukraine in early September of last year.

The Government's current response to threats from vulnerable conventional weapons stockpiles is dispersed between several programs at the Department of State. We believe the planning, coordination, and implementation of this function should be consolidated into one office at the State Department with a budget that is commensurate with the threat posed by these weapons.

We look forward to continuing to address these issues and making progress on all fronts in Ukraine. The permanent waiver of Jackson-Vanik and the establishment of permanent normal relations will be the foundation on which a burgeoning partnership between our nations can further grow and prosper.

Mr. President, I am pleased to mention that on this auspicious day of our relations with Ukraine, the Foreign Minister of Ukraine is in Washington. We have had opportunities to visit, to share views, and to assert, once again, the solidarity of our friendship.

Mr. OBAMA. Mr. President, I rise today to support H.R. 1053, legislation to extend permanent normal trade relations with Ukraine. This is the House companion to the bill, S. 632, that Senator LUGAR and I introduced and shepherded through the Senate last year.

Senator LUGAR just forcefully outlined the issues in only the way that the chairman of the Foreign Relations Committee can. I agree with what he said and cannot say it any better. So, I will be brief.

As the chairman mentioned, this bill comes at a critical time for Ukraine—on the heels of dramatic presidential elections and shortly before important elections in the Rada. This legislation grew out of our trip to Ukraine last August, as we saw firsthand the key role that the United States must play in consolidating prodemocracy, pro-free market reforms. I believe it is critical that we continue to send a clear message to the Ukrainian people that there are tangible benefits to continuing down this path. This bipartisan legislation does just that.

It is my honor to be the lead cosponsor of the Senate companion bill and I look forward to this legislation enhancing the U.S.-Ukraine relationship. I look forward to the President signing this bill into law.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRIZZLY BIG SKY CONFERENCE CHAMPION

Mr. BAUCUS. Mr. President, in Montana, we are as proud of Montana as Texans are of being from Texas; we just aren't as loud about it. Until today.

I rise today to congratulate the University of Montana Grizzlies men's basketball team.

For my colleagues who didn't stay awake last night, Montana's own Grizzlies, led by tournament MVP Virgil Matthews, upset the top-seeded Northern Arizona Lumberjacks 73 to 60 to win the Big Sky Conference tournament and earn an automatic bid to the NCAA tournament.

This marks the second straight year that the Griz will join the "big dance" and could be the start of a dynasty for our very own Coach K.

In only his second year, Coach Larry Krystkowiak has led his teams to conference titles in both years, and this marks the first time that the Griz have had back-to-back NCAA tournament appearances since 1991–1992.

Coach K's achievements both on the court and off are phenomenal. As a player, he is the University of Montana's all-time leader in scoring and rebounding. He went on to a long and successful career in the NBA. He is a true Montana legend.

And then the legend came home to lead his alma mater. And all the victories have been great.

But the class and leadership of Coach K stands out much more. One example that sticks out in my mind happened just recently, when Coach K, along with several members of the Griz athletic department, all shaved their heads to both raise money for "Coaches vs. Cancer" and to show support for a friend who had recently been diagnosed with the disease.

I can't say that Coach K looked very good, but his actions set an example throughout our State.

Coach K is a class act, a great example of a dedicated Montanan, and I just wanted to take a moment to congratulate him and his team and wish them success with their upcoming March Madness.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 2398 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

ONLINE FREEDOM OF SPEECH ACT

Mr. FRIST. Mr. President, yesterday, I filed the Online Freedom of Speech Act as an amendment to the lobbying reform bill.

This morning, the House Administration Committee will mark up identical legislation. We expect the House to act as early as next week to pass this vital protection of free speech.

Thomas Jefferson once quipped that, "Advertisements contain the only truths to be relied on in a newspaper."

But despite his low opinion of the press, he also observed that, "Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

From the earliest days of our Republic, freedom of speech and freedom of the press—be they anonymous pamphlets, celebrated essays, or local newspapers—were understood to be fundamental to the practice and defense of liberty.

Without the ability to convey ideas, debate, dispute, and persuade, we may never have fought for and achieved our independence.

Ordinary citizens—farmers, ministers, local shop owners—published and circulated their views, often anonymously, to challenge the conventional order and call their fellow citizens to action.

Indeed, as Boston University journalism professor Chris Daly points out, "What we think of as reporting—the pursuit, on a full time basis of verifiable facts and verbatim quotations—was not a significant part of journalism in the time of Thomas Jefferson and Thomas Paine. . . . In historical terms, today's bloggers are much closer in spirit to the Revolutionary-era pamphleteers."

And today, it is bloggers whom we now have to protect.

There are some who, out of fear or shortsightedness, wish to restrict the ability of our modern-day Thomas Paines to express political views on the World Wide Web.

They seek to monitor and regulate political speech under the guise of "campaign finance reform." They argue that unfettered political expression on the Internet is dangerous, especially during the highly charged election season.

Needless to say, I stand firmly against these efforts to hamstring the Internet and squarely with the champions of free speech—whether that expression takes place in the actual or virtual town square.

Free speech is the core of our first amendment. And the Internet represents the most participatory form of mass speech in human history.

It is no accident that this technology was invented here in America. Freedom of speech is encoded in our DNA. It is what allows us to be uniquely curious, daring and innovative.

And it is no coincidence that Americans, steeped in the tradition of inquiry and rebellion, would give flight to yet another revolution on behalf of the principle we value most.

In an era where technology has made instant, unfiltered communication possible, I believe that the Congress has a fundamental responsibility to allow this new medium to flourish.

As an amateur blogger myself, and soon-to-be private citizen, I am committed to ensuring that the extraordinary explosion of political debate in the blogosphere is protected from meddling bureaucrats and regulators in Washington, DC.

I commented on this very issue on my own blog last week. Free political expression is not a narrow privilege but a fundamental right.

Back in April of 1999, when observers and commentators were only beginning to glimpse the rich potential of the Internet, Rick Levine, Christopher Locke, Doc Searls and David Weinberger posted the "Cluetrain Manifesto."

In it they said that, "A powerful global conversation has begun. Through the Internet, people are discovering and inventing new ways to share relevant knowledge with blinding speed."

Since then, the conversation has only grown.

While authoritarian regimes like Communist China struggle to control the information crossing their borders, millions of private citizens, typing away on their home computers, are engaged in millions of discreet and overlapping conversations, exchanging information, and circulating ideas.

As Americans, we should be on the side of this dazzling development. As citizens of the 21st century, we should recognize we have no power to stop it.

Brian Anderson of the Manhattan Institute points out that the Supreme Court has extended free speech to include nude dancing, online pornography, and cross burning.

It seems only reasonable that free speech should include the humble act of posting a blog.

TRIBUTE TO GEORGE SMALL

Mr. REID. Mr. President, today I rise to honor a man who has dedicated himself to serving our country and has made the sacrifices necessary to protecting our Nation's freedom during one of our most trying times.

Mr. George Small was born in Montreal, Canada, in 1908 and then moved with his family to New York City as a child. Upon graduating from the Polytechnic Institute of Brooklyn in 1935, he began to look for work. The country was deep in the throws of the Great Depression however, and there was none to be found. This sparked a move to California, where he found a job with a chemical plant near Death Valley. When the employees of the plant went on strike, George went on Active Duty in the Army; where he was already a 2nd lieutenant in the Army Reserves.

George's active service began on April 25, 1941, and he began training at the Army Chemical Warfare School. In October of the same year, he was transferred to the Philippines. This proved to be a fateful event. He arrived 6 weeks before the attack on Pearl Harbor and America's involvement in World War II. He was ordered to Bataan on Christmas Eve of 1941. He fought bravely alongside the other men of the 31st Infantry against overwhelming odds until the surrender of Bataan on April 9, 1942.

Upon capture by the Japanese, George and the other 76,000 POWs set out on the infamous 55-mile Bataan death march to prison camps. Along the way, the prisoners endured intensely cruel and inhumane treatment. George watched as many of his friends were beaten and killed. It was during this agonizing journey that George promised himself he would survive the nightmare he was living.

After 3½ years in captivity, George was liberated on September 10, 1945. Even though he was severely malnourished, weighing only 98 pounds, and suffered from malaria, he was still alive. George was awarded the American Defense Service Medal with one Bronze Star, American Campaign Medal, Asiatic Pacific Campaign Medal with two Bronze Stars, Distinguished Unit Badge with Two Oak Leaf Clusters, Combat Infantry Badge, Philippine Liberation Ribbon with one Bronze Star, WWII Victory Medal, and the POW Medal.

Following discharge from the Army on November 26, 1946, George remained in the Army Reserves until he retired at the rank of major in 1968. He worked as a civil engineer for the State of California during the post-war years, and in 1954 he married his wife, Hadassa. They raised two daughters together.

George recently celebrated his 98th birthday in Reno, making him the oldest former POW living in Nevada. He is truly an American hero, and has earned my admiration and the respect of all those who have known him. I offer him my gratitude and wish him all the best in the years to come.

NEW U.N. INITIATIVE FOR CYPRIOT REUNIFICATION

Ms. SNOWE. Mr. President, I rise today to commend the President of Cyprus, Tassos Papadopoulos, for promoting a new U.N.-sponsored initiative to resolve the division of the island of Cyprus. Cyprus has been divided for more than 30 years, following a 1974 invasion by Turkey. The time is ripe for resolving this longstanding split, and I applaud President Papadopoulos for taking the initiative to end the division.

On February 28, 2006, President Papadopoulos met with U.N. Secretary-General Kofi Annan and proposed that the U.N. appoint a special envoy for Cyprus to lay the groundwork for negotiations to end the division of Cyprus. President Papadopoulos also proposed a number of cross-community confidence-building measures to strengthen the foundation for reunification. After the meeting, Secretary-General Annan and President Papadopoulos issued a joint statement agreeing on the resumption of bicommunal discussions on the technical aspects necessary to prepare the ground for full peace negotiations.

There have been significant developments in Cyprus over the past 2 years that make this the right time for reunification. Nearly 2 years ago, Cyprus joined the European Union, and in that time, the Government of Cyprus has promoted the opening up of several crossing points through the U.N.-patrolled cease-fire line. As a result, the Government of Cyprus has transformed the everyday realities on Cyprus to that unlike any other divided nation.

Unlike other divisions with which my colleagues may be familiar, such as East and West Berlin, the people of Cyprus are able to cross the dividing line to visit their ancestral lands, work, and shop. Indeed, since the opening of crossing points, there have been more than 9 million incident-free crossings. Every day, more than 10,000 Turkish Cypriots cross from the occupied territory to the government-controlled area to work. This increased economic activity and trade across the dividing line has contributed in more than doubling the per-capita income of the Turkish-Cypriots in the past 2 short years.

As confidence building measures, President Papadopoulos has proposed to take additional steps to build on the gains of the past 2 years. The Government of Cyprus has already proposed the reopening of the occupied Port of Famagusta and the return of the adjacent city of Varosha to its original inhabitants; a "ghost" city that has been abandoned since the 1974 Turkish invasion. Famagusta would operate under the joint administration of the two communities, bringing the two communities closer together, and also under the EU's regulatory auspices, enhancing trade opportunities. President Papadopoulos has also proposed to open additional crossing points to make travel and trade between the two communities easier.

Last week, the European Union announced economic aid to the Turkish Cypriots of 139 million eurodollars—approximately $165 million. The Government of Cyprus had pushed strongly for this aid, despite unfortunate attempts by others to attach preconditions and political stipulations to its release. This aid from the EU further demonstrates the positive effect of Cyprus's EU membership on the prospects for reunification.

I applaud the steps that the Government of Cyprus and President Papadopoulos have taken to encourage a just and lasting solution to the Cyprus division. His meeting with Secretary-General Annan is a positive first step toward the resumption of reunification negotiations. On Cyprus today, the two communities are closer together than at any time since the invasion. Although prior reunification efforts have failed, the developments of the past 2 years offer the greatest prospect for a peaceful and lasting solution to the division.

IN MEMORY OF DANA REEVE

Mrs. BOXER. Mr. President, I rise to pay tribute to an extraordinary woman, Dana Reeve, who died on Monday, March 6 at the age of 44. Dana's courage, grace and love in dealing with the tragic paralysis of her late husband, actor Christopher Reeve, were an inspiration to millions of Americans. Dana and Christopher's tireless advocacy on behalf of individuals and families living with spinal cord injury made them American heroes.

Dana Morosini was born in 1961 to Dr. Charles Morosini and Helen Morosini. She grew up in Scarsdale, New York, graduated cum laude from Middlebury College in Vermont and studied acting at the California Institute of the Arts.

Dana was an accomplished actress and singer. She appeared on Broadway, off Broadway and in regional theatre, on television and in HBO films, and performed as a singer on national television and in venues around New York. Reeve co-hosted "Lifetime Live," a daily women's information program on the Lifetime network.

It was while Dana performed in a late-night cabaret at the Williamstown Theatre Festival in 1987 that she met actor Christopher Reeve, who was in the audience. They married on April 11, 1992. Their son Will was born in 1992. She was also stepmother to Christopher's children Matthew and Alexandra Exton Reeve. She was a devoted and loving mother, deeply committed to her family.

In 1995, America watched in disbelief as an equestrian accident left Christopher Reeve, perhaps best known for his film role as Superman, paralyzed. America was inspired as Dana Reeve courageously and publicly supported Christopher with humor and grace. Dana and Christopher helped propel spinal cord injury into the national spotlight, working to increase funding and find a cure. They became actively involved in fighting for the rights of the disabled and helping families live with spinal cord injury. Our hearts went out to Dana and her family when Christopher Reeve passed away on October 10, 2004.

Dana was a founding board member of the Christopher Reeve Foundation, which became the Christopher Reeve Paralysis Foundation after its merger with the American Paralysis Association. Dana took over as chair after her husband's death. Dana was deeply involved with the Christopher and Dana Reeve Paralysis Resource Center, PRC, which promotes the health and well-being of people and families living with paralysis.

Dana was also committed to the Reeve-Irvine Center for Spinal Cord Research at the University of California, Irvine. The Reeve-Irvine Research Center is the premier research and education center working to find innovative new treatments for spinal cord injury. I was proud to work with Christopher and Dana to support therapeutic stem cell research, which holds the promise to treat a vast array of diseases, including juvenile diabetes, Parkinson's, Alzheimer's, heart disease, and cancer as well as spinal cord injuries.

Dana received numerous awards in recognition of her strength, courage and positive attitude: the American Cancer Society's Mother of the Year Award in 2005; the Visiting Nurses Association's Caregiver's Courage Award; and she was named one of America's Outstanding Women of 1995 by "CBS This Morning."

In August, 2005, America was upset to learn that Dana Reeve had lung cancer. Dana and Christopher were both nonsmokers. As always, Dana remained an inspiration. In a May 2005 interview, she said "Now, more than ever, I feel Chris with me as I face this challenge," she said. "As always, I look to him as the ultimate example of defying the odds with strength, courage, and hope in the face of life's adversities." She also said "There's a formula Chris and I used all the time. When you least feel like it, do something for someone else. You forget about your own situation. It gives you a purpose, as opposed being sorrowful and lonely. It makes me feel better when things are too hard for me."

Dana and Christopher showed a deep love for each other, their family and for humanity. They will always be remembered. We must renew our efforts to find cures for spinal cord injuries and cancer and to advance stem cell research on their behalf.

Dana Reeve is survived by her son Will; father, Dr. Charles Morosini; sisters Deborah Morosini and Adrienne Morosini Heilman; and two stepchildren, Matthew and Alexandra Exton Reeve.

HONORING THE LIFE OF KIRBY PUCKETT

Mr. COLEMAN. Mr. President, it is with great sadness that I rise to honor the life of Kirby Puckett, whose exuberant love of the game made him one of the best-loved players in baseball history. For many baseball fans, young and old alike, Kirby Puckett was the reason they picked up a baseball bat and kicked up their foot as the pitch approached. Kirby Puckett is Minnesota baseball.

Amazingly, Kirby was not the strongest, fastest, tallest, or most gifted baseball player ever. All you had to do was watch Kirby swing at a pitch three feet outside of the strike zone to understand that he did not succeed because of his mechanics. It was his gravity-defying leaps in center field, his hustling out an infield single, and his ability to hit the pitch three feet outside the strike zone that made him one of the greatest baseball players to grace the game. This honor was quickly rewarded in 2001, when at the age of 37 he was inducted into the Hall of Fame and became the third youngest living inductee, behind Sandy Koufax and Lou Gehrig.

Kirby Puckett's history-making career with the Twins began May 8, 1984. In his first game he became one of nine players in the history of baseball to collect four hits in their first game. For the next twelve seasons Kirby Puckett and his now retired No. 34 carried the Minnesota Twins out from obscurity to two World Series Titles in 1987 and 1991. He made ten straight all-star appearances from 1986 until 1995, and won six gold gloves over his career. Perhaps the defining moment in Kirby Puckett's legendary career came during Game Six of the 1991 World Series. Puckett hit a walk off home run in the eleventh inning, becoming the ninth player in history to hit a walk off home run in a World Series game. As Kirby rounded second base and pumped his fist into the air, he transcended the game itself and took his seat among the greatest players to swing the bat.

Tragically, Kirby was forced to retire from baseball on July 12, 1996, due to complications with glaucoma. In his retirement Puckett continued the charitable work he began as a player, raising money for glaucoma prevention and children's charities, perhaps most famously through his sponsoring of celebrity billiards tournaments to benefit the Children's Heart Fund. He won both the Branch Rickey Award, 1993, and the Roberto Clemente Man of the Year Award, 1996, for his community service.

Kirby's accomplishments were not predestined. Kirby willed his success from sheer attitude and hard work. He was born March 14, 1961, in Chicago, IL. Kirby grew up in Chicago's notorious Cabrini Green Housing Projects, "the place where hope died." Despite the daily barrage of drugs and gangs that surrounded him, Kirby went on to become an All-American at Calumet High School. While playing in a college baseball league in Illinois, Puckett caught the eye of some pro scouts, although he surely caught the ears of the scouts as well with his colorful clubhouse humor. Soon thereafter in 1982, Kirby Puckett was a first round draft pick of the Minnesota Twins.

As I said before, Kirby Puckett was not gifted with the greatest baseball talent. He did not physically dominate the game, but he did dominate it mentally. Ever since Kirby, little league coaches have always had to tell their kids that they could only swing like Kirby if they made the major leagues. The problem is that in order to make the Majors, those same coaches had to tell the kids they had to work and play as hard as Kirby did and have fun doing it. That is his legacy to baseball; he put the fun into baseball. It is now all of our responsibility to carry on that legacy.

If Kirby were alive he would want all of us to honor him with his trademark sign-of-the cross and promise to make the most out of life as he did. As Kirby remarked with his typical modesty after his baseball career ended prematurely:

> Kirby Puckett's going to be all right. Don't worry about me. I'll show up, and I'll have a smile on my face. The only thing I won't have is this uniform on. But you guys can have the memories of what I did when I did have it on.

Kirby, we know you are all right in heaven right now, but we are not all right. We loved you as a player, but most of all we loved how you always had a smile on your face. You made us believe in ourselves. On behalf of Minnesota and baseball fans everywhere, thank you for the memories. You will not be forgotten.

RAILROAD COMPETITION ACT 2005

Mr. BAUCUS. Mr. President, I rise today to express my support for a fair and competitive rail system. Our agricultural economy cannot operate the way it should. We cannot receive the materials we need at a decent price and we cannot distribute our products at a fair price.

We need to work on Federal rail policy that encourages competition. Farmers, businesses and consumers would all benefit from this policy.

Montana's rail infrastructure is controlled by a single rail carrier controlling over 96 percent of all rail miles, over 95 percent all grain elevator and terminal sites, and moving more than 95 percent all wheat from the State.

There is more control by a single railroad in Montana than any other State. The rail carrier controls and dictates the rail rates in all movements from Montana eastbound or westbound.

As a result, agricultural shippers in some parts of the United States are paying the highest rail freight rates in exchange for sporadic and unreliable service. It's unacceptable. And it's not right that our Montana producers are expected to do business under these conditions.

Our shippers need a clearly defined means for securing reliable service at a reasonable rate. It's fair. And it's the right thing to do.

Agricultural shippers are unique because the party that bears the cost of rail transportation—the farmer—is not the party that negotiates the rate for that transportation—the grain elevator.

Further, the farmer has no ability to pass on the costs associated with transportation to the customer.

To ship a 26 car shipment of wheat from Medicine Lake, MT, to Portland is $3.42 per mile. To ship a 26 car shipment of wheat from Commerce City, CO, to Portland is $2.61 per mile and Atchison, KS, to Portland is $2.34 per mile.

Montana rates are 31 percent higher than more distant points going to the same market because of lack of competition.

Consider this example: A bushel of spring wheat sells for approximately $1.10. More than $1.00 of that amount, or up to one-third of the price a farmer receives, goes to pay for rail transportation.

Stated another way, the average wheat farmer is working for the railroads up to four months out of the year.

We need to establish a national rail policy that encourages competition that helps both producers and consumers alike.

I'm committed to doing all I can to promote competition and to help our Montana producers.

On Captive Rail Day, I urge my Senate colleagues to join together and work on legislation that will create a more fair and competitive freight rail system.

INTERNATIONAL WOMEN'S DAY

Mrs. MURRAY. Mr. President, I rise today to speak about International Women's Day, which was yesterday, March 8. The theme this year is "women in decisionmaking." As I contemplated the meaning of this, I thought about how important it is for women to be involved in the decisionmaking about their own bodies.

And in this vein I would like to talk about the global gag rule.

When President Bush took office in 2001, he signed an Executive order known as the global gag rule. It denies U.S. funds to any overseas health clinic unless it agrees not to participate in any activities related to abortion services. Those activities include: providing legal abortions except in cases of rape, incest, or where the woman's life is endangered; and offering advice and information regarding the availability and benefits of abortion and providing referrals for abortion services.

The global gag rule denies U.S. funds even if the overseas health clinic is using its own privately raised funds for these services. What that means is that if you are a medical professional living in an impoverished country trying to help people and save their lives, you are gagged from even talking about certain reproductive health services. The gag rule places limits on women and doctors that we have deemed unacceptable here in the United States.

Last year, the Senate passed an amendment to the Foreign Affairs Authorization Act to reverse the President's policy and ensure that health care clinics for women and families receive this much needed funding. Unfortunately, this legislation has not been passed by the full Senate. The Foreign Operations Appropriations bill last year contained $34 million for the United Nations Population Fund, UNPA, for this purpose. But in order to ensure that this money goes toward funding health care clinics for women and families in poor countries, we must overturn this global gag rule.

In many poor countries around the world, nongovernmental organizations and medical professionals are working to make things better. They have set up clinics and reached out to the women and families in poor communities. They are doing great work. But their hands are tied, because the Bush administration has imposed a political ideology on the world.

Overturning the global gag rule is about safe access to health care for women. Hundreds of thousands of women are dying each year from complications from pregnancy. These women do not have access to the health care that they need, especially reproductive health care. I will continue to speak out about the importance of providing safe access to health care for women all over the globe until this dangerous policy is lifted.

ADDITIONAL STATEMENTS

GORDON PARKS

• Mr. ROBERTS. Mr. President, today I rise to honor the great life and many artistic contributions of Kansas native Gordon Parks who died Tuesday at the age of 93.

Through his poetry, books, music and photography, Mr. Parks showed America a truth about its society and challenged all of us to make the country a better place.

Born in Fort Scott, KS, in 1912, Mr. Parks's family faced both poverty and discrimination. Yet in spite of these challenges—and inspired by these challenges—Mr. Parks rose to the heights of success through his largely self-taught artistic ability. He found his life experiences helped shape his art as he chronicled the African-American experience.

In 1937, Mr. Parks bought his first camera. By 1948, he was hired at Life Magazine. There, he earned his reputation as a humanitarian photojournalist capturing images of the civil rights movement and of the poverty in America and abroad. Through his photographs he reminded Americans of the harsh realities present in our culture.

In 1968, he directed the movie version of his childhood memoir, "The Learning Tree." His direction of "The Learning Tree" also marked the first time an African American directed a major Hollywood production. He won an Emmy for his documentary "Diary of a Harlem Family," and in 1971 directed the critically acclaimed movie "Shaft." He is also known for composing the musical score for "Martin," a ballet documenting the life of civil rights pioneer Martin Luther King, Jr. In 1970, he helped found Essence magazine.

Kansas is forever grateful for his talents. In 1986, he was named Kansan of the Year. In 1999, Kansas City opened the Gordon Parks Elementary School. And most recently, in February, the University of Kansas's William Allen White Foundation honored Mr. Parks with its National Citation for journalistic merit.

Mr. Parks showed unrelenting spirit in his work. His civil rights contributions, as told through his art will go unmatched. Today, we proudly honor a remarkable artist and pioneer for all he did for Kansas and the Nation.•

TRIBUTE TO CALIFORNIA HIGHWAY PATROL OFFICER GREGORY JOHN BAILEY

• Mrs. BOXER. Mr. President, today I rise to honor and share with my colleagues the memory of a remarkable man, Officer Gregory "John" Bailey of the California Highway Patrol. Officer Bailey spent almost 10 years with the California Highway Patrol, serving the citizens of California. On February 25, 2006, while on motor patrol near the City of Hesperia, Officer Bailey was struck and killed by a driver suspected to be under the influence of a controlled substance.

Wearing a uniform came naturally to Officer Bailey after spending 8 years in the Army as a helicopter mechanic. Even after joining the California Highway Patrol, Officer Bailey chose to serve in the California National Guard, and just returned from a 14-month tour in Iraq last fall. Officer Bailey dutifully served the citizens and communities of the Inland Empire with great dedication and integrity. He combined his love of excitement and his passion for the uniform he wore to become a very successful motorcycle officer. Officer Bailey's colleagues in the California Highway Patrol and the National Guard shall always remember his upbeat attitude, ability to motivate others, and commitment to his job.

Officer Bailey was a devoted family man. He is survived by his wife Teresa, and children, Megan, Jared, Hannah and Dylan. When he was not on duty, Officer Bailey was a "true cowboy from head to toe," who enjoyed spending time with his family and listening to country music with his friends. Officer Gregory "John" Bailey served the State of California and the United States honorably and conscientiously, and fulfilled his oath as an officer of the law. Officer Bailey gave his life while protecting the safety of those he served. His contributions and dedication to law enforcement are greatly appreciated and will serve as his legacy.

Officer Gregory "John" Bailey gave his life doing what he loved to do—providing protection for the people he loved. We shall always be grateful for

Officer Bailey's heroic service to the California Highway Patrol and the community that he so bravely served.●

2006 U.S. WINTER OLYMPICS TEAM

● Mrs. BOXER. Mr. President, I rise today to commend the accomplishments of the incredibly hard-working and dedicated members of the 2006 U.S. Winter Olympics team. This year, our team won 25 individual and team medals, including 9 gold medals.

Olympic athletes commit years of time and effort to earning the honor of representing the United States at the Olympic Games. Upon reaching the games, their determination stayed constant, even when faced with injury and adversity. Their spirit and willingness to strive for excellence no matter what the situation serves as an example for all Americans.

I would especially like to recognize the 27 Californians who competed in Turin. While California is widely known for our wonderful weather and beautiful beaches, we also boast some of our Nation's finest winter athletes. The following seven California athletes won medals as well:

Chanda Gunn of Huntington Beach won bronze as a member of the U.S. Women's Hockey team.

Rusty Smith from Long Beach won a bronze medal as a member of the Short Track Speedskating 5,000-meter relay team.

Sasha Cohen of Corona del Mar won the silver medal in Figure Skating.

Valerie Fleming from Foster City won silver as a part of the two-member Bobsled Team.

Danny Kass of Mammoth Lakes won the silver medal in the Snowboarding Half-Pipe event.

Julia Mancuso from Olympic Valley won gold in the Alpine Skiing Giant Slalom.

Finally, Shaun White of Carlsbad brought home the gold medal in the Snowboarding Half-pipe event.

The spirit of adventure and determination displayed by these athletes is a wonderful example of our country's potential to achieve. I hope you are heartened, as I am, to learn of Americans striving for personal excellence. I extend my sincere congratulations to California Olympians and all of our country's athletes, and I thank them for their great team spirit.●

GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

● Mrs. BOXER. Mr. President, I rise to honor the 25th Anniversary of one of my State's great natural treasures, the Gulf of the Farallones National Marine Sanctuary.

The Gulf of the Farallones National Marine Sanctuary was designated in 1981 and was signed into law by President Jimmy Carter the day before he left office. I served on the Marin County Board of Supervisors at the time, and I remember how hard the community worked to establish this designation.

The year this sanctuary was established was a critical time in our country's debate about offshore oil drilling. Californians overwhelmingly rejected the idea of ocean drilling and the creation of a national marine sanctuary near the Farallones Islands was seen as an important way of advancing ocean conservation.

The Gulf of the Farallones National Marine Sanctuary encompasses 1,200 square miles of one of the richest marine ecosystems in the world. This sanctuary includes vital feeding and spawning grounds for one of the world's largest populations of the Great White Shark, a large variety of fish and shellfish, and over 36 marine mammals, including the endangered Humpback and Blue whales. The sanctuary also includes the Farallon Islands—the largest seabird nesting area in the contiguous United States.

In our efforts to protect ocean life and the marine environment, the Gulf of the Farallones National Marine Sanctuary plays a crucial role. Scientists from all over the world come to study this dynamic ecosystem.

Yet offshore oil drilling and exploration continue to threaten this sanctuary and the California coast. Earlier this year, I introduced the California Ocean and Coastal Protection Act with Senator DIANNE FEINSTEIN and Congresswoman LOIS CAPPS. This bill would provide permanent protection for California's coast from future offshore oil drilling.

Last year, Congresswoman LYNN WOOLSEY and I introduced legislation to expand the boundaries of the Gulf of the Farallones sanctuary and its neighboring Cordell Bank sanctuary, to protect the entire coast of Sonoma County from future oil and gas exploration. Californians have been demanding this type of protection for a generation.

The California coast is enjoyed by Californians and visitors from around the world, and the natural resources of the Pacific Ocean are priceless and vital to a healthy, growing California economy. My goal has always been permanent protection for the California coast, and I will continue fighting for this protection as long as I am in the United States Senate. We owe it to our children and grandchildren to protect the ocean, one of our greatest natural resources. The National Marine Sanctuary Program, established in 1972, plays a critical role in preserving our precious marine resources and protecting our coasts from offshore oil and gas development.

I applaud everyone who has worked to protect the marine ecosystem of the Gulf of the Farallones National Marine Sanctuary. I wish sanctuary staff and volunteers many years of ongoing success in protecting the California coastal environment. Please join me in celebrating the 25th Anniversary of the Gulf of the Farallones National Marine Sanctuary.●

HONORING THE LIFE OF MARTIN F. STEIN

● Mr. FEINGOLD. Mr. President, today people across my State of Wisconsin are deeply saddened by the loss of a man who dedicated so much of his time, and so much of himself, to strengthening our communities: Marty Stein.

I want to share what some other people have said about Marty's passing because I think it will give my colleagues a sense of who he was and the kind of contributions he made. Tommy Thompson, our former Governor, and the recent Secretary of Health and Human Services, said simply, "What will we do without him?"

The executive director of Hunger Task Force, a Milwaukee-based nonprofit, said, "We always referred to Marty as our angel. He solved the problems, opened the doors, fixed things that seemed like they would never get fixed. And he did it because he cared."

Those words tell you what a force Marty was in the Milwaukee area and throughout the State. His dedication to serving his community was unparalleled. We will miss not only what he did but the energy he brought to his efforts and the example he set for everyone he knew.

Marty was a skilled businessman who built not one but two thriving businesses—first the successful chain of Stein drug stores, and later Stein Health Services, which included the Stein Optical stores so well known in Wisconsin.

He took those same skills he used in business, that rare drive and dedication, and used them to help community organizations to thrive. An outstanding fundraiser, he was determined to engage others in his charitable work by asking for their contributions of money or time for a good cause.

It is impossible to talk about Marty's many good works without talking about the strength of his faith. Faith fueled his humanitarian efforts, as he worked to support local organizations like the Milwaukee Jewish Home and Care Center, and as he worked on international issues like chairing an effort to bring thousands of Ethiopian Jews to Israel.

His work will live on and act as a challenge to everyone who knew him—to ask what more each of us can do to serve our communities and to dedicate ourselves to those causes as he did, with unmatched energy and with the utmost integrity.

Today my thoughts and sympathies are with the Stein family. Marty's life and work created a lasting legacy that I am proud to honor today and that will be remembered and celebrated for many years to come.●

MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1190. An act to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes.

H.R. 2383. An act to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant".

H.R. 3505. An act to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes.

H.R. 4167. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

H.R. 4192. An act to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes.

H.R. 4472. An act to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

The message also announced that the House disagree to the amendment of the Senate to the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Education and the Workforce, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Mr. McKEON, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. TIBERI, Mr. GEORGE MILLER of California, Mr. PAYNE, and Mr. ANDREWS.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Mr. THOMAS, Mr. CAMP of Michigan, and Mr. RANGEL.

For consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Mr. BOEHNER.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed yesterday, March 8, 2006, by the President pro tempore (Mr. STEVENS).

H.R. 3199. An act to extend and modify authorities needed to combat terrorism, and for other purposes.

S. 2271. An act to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building".

H.R. 32. An act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

H.R. 1287. An act to designate the facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, as the "Robert T. Ferguson Post Office Building".

H.R. 2113. An act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building".

H.R. 2346. An act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the "John J. Hainkel Post Office Building".

H.R. 2413. An act to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building".

H.R. 2630. An act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the "J.M. Dietrich Northeast Annex".

H.R. 2894. An act to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the "Abraham Lincoln Birthplace Post Office Building".

H.R. 3256. An act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building".

H.R. 3368. An act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the "Gagetown Veterans Memorial Post Office".

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office".

H.R. 3548. An act to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building".

H.R. 3703. An act to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schafer Post Office Building" .

H.R. 3770. An act to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building".

H.R. 3825. An act to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building".

H.R. 3830. An act to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building".

H.R. 3989. An act to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert H. Quie Post Office".

H.R. 4053. An act to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office".

H.R. 4107. An act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building".

H.R. 4152. An act to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office".

H.R. 4295. An act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the "Mont and Mark Stephens en Veterans Memorial Post Office Building".

H.R. 4515. An act to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the "Corporal Jason L. Dunham Post Office".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1190. An act to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2383. An act to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant"; to the Committee on Energy and Natural Resources.

H.R. 3505. An act to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4167. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4192. An act to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 9, 2006, she had presented to the President of the United States the following enrolled bills:

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building".

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–264. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to using funds from the Federal Emergency Management Agency and the U.S. Department of Housing and Urban Development for modular homes as alternative housing for those affected by hurricanes Katrina and Rita; to the Committee on Banking, Housing, and Urban Affairs.

Senate Concurrent Resolution No. 7

Whereas, it is estimated that the two hurricanes rendered at least two hundred thousand to two hundred fifty thousand homes permanently uninhabitable, leaving those families without a home to return to; and

Whereas, in an effort to move people out of shelters and into longer term housing and to foster an environment that would allow families the privacy needed to re-establish some sense of normalcy, FEMA ordered one hundred twenty thousand travel trailers and announced a plan to establish FEMA trailer parks for evacuees; and

Whereas, while travel trailers may be adequate as a short-term housing solution, trailers are not adequate for the years it may require to rebuild the Gulf Coast cities, towns, and communities destroyed by the hurricanes, and evacuees and their families need a more appropriate housing solution during the long rebuilding period; and

Whereas, state and local leaders continue to try to find appropriate housing for hundreds of thousands of families still without adequate temporary housing; and

Whereas, approximately twenty-seven thousand families in FEMA-funded hotel rooms continue to face looming deadlines of forced eviction; and

Whereas, modular homes that are engineered and built in a factory-controlled environment and are constructed in sections and put together by a builder on a building site would provide more appropriate housing for the long rebuilding period ahead; and

Whereas, our goal should be to build new and better neighborhoods that support a better quality of life for displaced residents: Therefore, be it

Resolved, That the Legislature of Louisiana urge and request the Congress of the United States and the governor to consider using funds from the Federal Emergency Management Agency and the U.S. Department of Housing and Urban Development for modular homes as alternative housing; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress and to the governor.

POM–265. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to ensuring enactment of legislation to require the Federal Emergency Management Agency to provide the same level of assistance to the residents of certain parishes who were affected by Hurricane Rita as the residents of Louisiana affected by Hurricane Katrina, including funding assistance with demolition and removal of damaged housing; to the Committee on Banking, Housing, and Urban Affairs.

House Concurrent Resolution No. 20

Whereas, Hurricane Katrina struck many parishes in Louisiana on August 29, 2005, causing devastating damage to life and property in a wide area including the parishes of Orleans, St. Bernard, St. Tammany, Plaquemines, and other parishes; and

Whereas, Hurricane Rita struck several parishes in Louisiana on September 24, 2005, heavily affecting portions of Iberia Parish and other parishes and also causing devastating damage to property; and

Whereas, both hurricanes caused devastating damage to the affected areas and dramatically affected the lives and livelihoods of thousands of persons, in addition to adversely affecting the budgets of local, state, and federal governments; and

Whereas, the costs for demolition and removal of damaged housing and hurricane-related debris as a result of these hurricanes will be astronomical; and

Whereas, the Federal Emergency Management Agency (FEMA) provides assistance to persons affected by disasters such as hurricanes based on percentages determined from populations and areas affected; and

Whereas, assistance to all persons affected by these disasters should be impartially distributed by the state and federal governments, as all persons affected by hurricane damages have suffered similar losses, such as flooded houses, loss of homes, and loss of jobs and businesses, and are all affected in the same manner, whether their residences or businesses are located in heavily populated areas or are included in larger areas of their respective parishes that were affected by such storm damage, and they should be compensated in the same manner; and

Whereas, FEMA assistance to those so severely affected by hurricane damage, no matter which parish their property is located in, should also include funding assistance for the demolition and removal of damaged buildings: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request President George W. Bush, Governor Kathleen Babineaux Blanco, and the Louisiana congressional delegation to ensure enactment of legislation to require the Federal Emergency Management Agency to provide the same level of assistance to the residents of Iberia, Beauregard, Allen, Evangeline, Calcasieu, Jefferson Davis, Acadia, St. Landry, St. Martin, Lafayette, Cameron, Vermilion, and St. Mary parishes who were affected by Hurricane Rita as the residents of Louisiana affected by Hurricane Katrina, including funding assistance with demolition and removal of damaged housing; be it further

Resolved, That copies of this Resolution shall be transmitted to the President of the United States, the Governor of Louisiana, the members of the Louisiana congressional delegation, and the governing authority of each parish within the declared disaster area following Hurricane Rita.

POM–266. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to immediately close the Mississippi River Gulf Outlet and return the area to essential coastal wetlands and marshes; to the Committee on Energy and Natural Resources.

House Concurrent Resolution No. 24

Whereas, the Mississippi River Gulf Outlet (MRGO), a seventy-six-mile, manmade navigational channel which connects the Gulf of Mexico to the Port of New Orleans along the Mississippi River, was authorized by the United States Congress under the Rivers and Harbors Act of 1956 as a channel with a surface width of six hundred fifty feet, a bottom width of five hundred feet, and a depth of thirty-six feet, and it opened in 1965; and

Whereas, since MRGO was completed, the Army Corps of Engineers estimates that the area has lost nearly three thousand two hundred acres of fresh and intermediate marsh, more than ten thousand three hundred acres of brackish marsh, four thousand two hundred acres of saline marsh, and one thousand five hundred acres of cypress swamps and levee forests in addition to major habitat alterations due to saltwater intrusion from the loss of the marshes, which has resulted in dramatic declines in waterfowl and quadruped use of the marshes; and;

Whereas, the costs of maintaining MRGO rise each year, with the cost of dredging now over twenty-five million dollars annually, or more than thirteen thousand dollars for each vessel-passage, in addition to the expenditure of millions for shoreline stabilization and marsh protection projects, with an anticipated cost increase of fifty-two percent between 1995 and 2005; and

Whereas, concerns about the environmental impact have increased through the years as evidenced by the fact that in 1998 the "Coast 2050 Report" contained closure of MRGO among the consensus recommendations, and the technical committee of the Coastal Wetland Planning, Preservation and Restoration Act Task Force listed closure as one of the highest-ranked strategies for coastal restoration; and

Whereas, with the waterway increasing from its original authorized dimensions to a surface width of twenty-two hundred feet and a depth of over forty feet, in 1998 the St. Bernard Police Jury voted unanimously to request closure of the waterway because of fears that the dramatic loss of coastal wetlands and marshes caused by MRGO exposed the parish and the communities in the parish to much more severe impacts from the hurricanes and tropical storms that regularly occur in the Gulf of Mexico; and

Whereas, those concerns were echoed and amplified by scientists, engineers, and citizens throughout the region as reflected in requests from the Louisiana Legislature to congress in 1999 (SCR No. 266) and again in 2004 (HCR No. 35 and HCR No. 68) to close the waterway, and indeed, those concerns proved true in an extremely dramatic fashion on August 29,2005, when Hurricane Katrina washed ashore on Louisiana's coast with a tidal surge well in excess of twenty feet; and

Whereas, there is a growing consensus that the flooding that occurred in St. Bernard Parish and the Lower Ninth Ward of New Orleans was a result of storm surge that flowed up MRGO to the point where it converges with the Intracoastal Waterway and that the confluence created a funnel that directed the storm surges into the New Orleans Industrial Canal, where it overtopped the levees along MRGO and the Industrial Canal and eventually breached the levees and flooded into the neighborhoods that lie close to those three waterways, resulting in more than eleven hundred deaths in the Greater New Orleans area, destroying over twenty-four thousand homes, and rendering more than sixty-seven thousand residents of St. Bernard Parish and uncounted numbers in the Lower Ninth Ward of New Orleans homeless, without possessions, and unemployed; and

Whereas, only three weeks later, on September 24, 2005, storm waters from Hurricane Rita surged up MRGO and caused additional flooding in St. Bernard Parish and the Lower Ninth Ward of New Orleans, exacerbating the traumatic losses in that area; and

Whereas, since the two hurricanes caused such widespread damage in St. Bernard Parish and New Orleans, congress has declined to appropriate further funds for dredging MRGO; and

Whereas, some engineers have opined that the current base along MRGO was damaged to the point where it will not support a Category 3 levee in the future; and

Whereas, the cessation of dredging is not enough, the coastal wetlands and marshes which protect St. Bernard Parish and New Orleans must also be reestablished; and

Whereas, the Mississippi River is continually dredged to ensure safe passage for large ocean-going vessels and that dredge material from the Mississippi River could be piped into the marshes of St. Bernard Parish to encourage and allow the regrowth of coastal wetlands and marshes which in turn would protect the citizens returning to St. Bernard Parish, the Lower Ninth Ward, and New Orleans East; and

Whereas, the United States Army Corps of Engineers has stated that it has no authorization from congress to close the waterway or to make any attempt to return the coastal wetlands and marshes to their pre-waterway status or even to fill the waterway to allow for the development of marshes and wetlands; and

Whereas, as the only entity which can authorize the waterway to be closed and which can enable the reestablishment of our essential coastal wetlands, the United States Congress must come to the aid of the citizens of Louisiana, particularly those of St. Bernard Parish and New Orleans by authorizing the immediate closure of MRGO and the reestablishment of coastal wetlands and marshes in the area around Lake Borgne and throughout St. Bernard Parish and New Orleans East; and

Whereas, it is the responsibility of the Louisiana congressional delegation to file the necessary legislation to accomplish the immediate closure of MRGO and the return of the essential coastal wetlands and marshes to St. Bernard Parish: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to immediately close MRGO and return the area to essential coastal wetlands and marshes and to memorialize the Louisiana congressional delegation to file the necessary legislation to accomplish this closure; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–267. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to close the Mississippi River Gulf Outlet; to the Committee on Energy and Natural Resources.

House Concurrent Resolution No. 32

Whereas, Louisiana is losing its valuable coastal wetlands at an alarming rate; and

Whereas, Louisiana has initiated an aggressive program to reduce the rate of wetlands loss; and

Whereas, the Mississippi River Gulf Outlet was six hundred feet wide and thirty-six feet deep when it first opened for operation in 1968, but it now exceeds two thousand feet in width in some areas due to severe bank line erosion; and

Whereas, the Mississippi River Gulf Outlet has caused enormous wetland losses since its construction, including the loss of over eighteen thousand acres of wetlands since 1968; and

Whereas, the dredging of the Mississippi River Gulf Outlet and the failure of the United States Army Corps of Engineers to construct tidal surge barriers or to repair previous environmental damage caused by the Mississippi River Gulf Outlet is inconsistent with the intent of the Breaux Act and the Coastal 2050 plan; and

Whereas, over the last five years the number of vessels that use the Mississippi River Gulf Outlet has decreased from six hundred fifty-seven vessels to three hundred four vessels per year; and

Whereas, the cost of the annual dredging of the Mississippi River Gulf Outlet continues to rise and currently the yearly cost is twenty-two million dollars; and

Whereas, fears about the impact of the loss of coastal wetlands and coastal marsh proved true in an extremely dramatic fashion on August 29, 2005, when Hurricane Katrina washed ashore on Louisiana's coast with a tidal surge well in excess of twenty feet; and

Whereas, there is a growing consensus that the flooding that occurred in St. Bernard Parish, New Orleans East, and the Lower Ninth Ward of New Orleans was a result of storm surge that flowed up the Mississippi River Gulf Outlet to the point where it converges with the Intracoastal Waterway and that the confluence created a funnel that directed the storm surges into the New Orleans Industrial Canal, where it overtopped the levees along the Mississippi River Gulf Outlet and the Industrial Canal and eventually breached the levees and flooded into the neighborhoods that lie close to those three waterways, resulting in a yet uncounted number of deaths and rendering sixty-seven thousand residents of St. Bernard Parish and uncounted numbers in New Orleans East and the Lower Ninth Ward of New Orleans homeless, without possessions, and unemployed; and

Whereas, since the passage of Hurricane Katrina, the United States Congress has delayed the approval of funding for dredging the Mississippi River Gulf Outlet to the depth maintained prior to the passage of the storm, and there appears to be no movement in the congress to provide further funds for such dredging: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to close the Mississippi River Gulf Outlet; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–268. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to taking immediate action to provide federal financial assistance to aid Louisiana's recovery following the devastation caused by hurricanes Katrina and Rita, to expeditiously complete the needed repair to the levee system in the greater New Orleans area, to provide for the prompt construction of hurricane and tidal water protection for south Louisiana, and to provide assistance with coastal restoration and marsh management; to the Committee on Environment and Public Works.

Senate Concurrent Resolution No. 27

Whereas, in August and September 2005, Louisiana was decimated by multiple hurricanes striking the state—hurricanes Katrina and Rita—a combination of natural disasters of unprecedented proportions in American history, a burden no state has ever had to bear, including but not limited to loss of life, livelihoods, and homes, a negative impact on the state's economy and the earning power of the state's citizens and businesses in countless ways, destruction and damage to public buildings and other public works, damage to its levee system and the coastal wetlands and coastline; and

Whereas, during the devastation wreaked by hurricanes Katrina and Rita, certain forces of the Louisiana National Guard were not available to provide assistance at home due to their deployment to Iraq, in which call to arms Louisiana has suffered one of the highest casualty rates in the nation while its troops proudly serve their state and their country; and

Whereas, the citizens, businesses, communities, schools, and governments of Louisiana have suffered tremendous loss, as reflected in an economic downturn which has affected the state fisc such that the state was faced with nearly a one billion dollar operating deficit; and

Whereas, the ramifications of these events continue to affect every citizen of the state as the destruction and continuing interruption of business, industry, and infrastructure in these areas has severely reduced the state's revenue stream by over one-third; and

Whereas, the interruption of essential public services, particularly in the areas of health care, education, and infrastructure, has profoundly affected the quality of life in the state; and

Whereas, the state's Revenue Estimating Conference has projected next fiscal year's revenue forecast to show a deficit of nine hundred seventy million dollars, requiring massive budget reductions to comply with the state constitution that requires a balanced budget; and

Whereas, the coastal zone of Louisiana is of vital importance to the nation in oil and gas production and fisheries production; and

Whereas, prior to hurricanes Katrina and Rita, the state of Louisiana accounted for thirty percent of the commercial fisheries production of the lower forty-eight states, and ranked second in the nation for recreational harvest of saltwater fish; and

Whereas, prior to hurricanes Katrina and Rita, Louisiana produced more than 80% of the nation's offshore oil and gas supply and provided billions of dollars each year to the federal treasury, while subjecting the Louisiana coastline to damaging and long-term impacts from these activities; and

Whereas, the communities in south Louisiana that support these industries are subject to potential flooding from tropical storms and hurricanes; and

Whereas, the destruction of communities and industries in south Louisiana by hurricanes Katrina and Rita demonstrated the critical need for prompt action to provide tidal protection in south Louisiana; and

Whereas, through executive order and legislative action, Louisiana has made a coordinated effort to balance its budget by reductions in the amount of approximately six hundred million dollars; by withdrawing one hundred fifty-four million dollars from the state's "Rainy Day" fund; and by depositing the 2004 Fiscal Year surplus of two hundred fifty million dollars into the "Rainy Day" fund, thereby enabling the movement of one hundred eighty-nine million dollars to the State General Fund for budget reduction purposes; and

Whereas, the governor has issued an executive order directing a spending freeze in the executive branch of state government, which remains in effect; and

Whereas, the Louisiana Recovery Authority has been established as the state entity to recommend policy, planning, and resource allocation affecting programs and services for the recovery; and

Whereas, the Coastal Protection and Restoration Authority has been created as the single state agency to provide aggressive state leadership, direction, and consonance in the development and implementation of policies, plans, and programs to achieve comprehensive coastal protection, including the encouragement of multiple uses of the coastal zone and to achieve a proper balance between development and conservation, the restoration, creation, and nourishment of renewable coastal resources, including but not limited to coastal wetlands and barrier shorelines or reefs, through the construction and management of coastal wetlands enhancement projects, marsh management projects or plans, and to provide direction and development of the state's comprehensive master coastal protection plan, working in conjunction with state agencies, political subdivisions, including levee districts, and federal agencies; representing the state's position in policy implementation relative to the protection, conservation, and restoration of the coastal area of the state; and providing oversight of coastal restoration and hurricane protection projects and programs; and

Whereas, the Coastal Protection and Restoration Authority, in response to communications from the Louisiana congressional delegation and in accordance with the requirements of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act of2006, has been authorized and empowered to carry out any and all functions necessary to serve as the single entity responsible to act as the local sponsor for construction, operation and maintenance of all of the hurricane, storm damage reduction and flood control projects in areas under its jurisdiction, including the greater New Orleans and southeast Louisiana area; and

Whereas, the Coastal Protection and Restoration Authority is empowered to enter into contracts with the federal government or any federal agency or any political subdivision of the state or private individual for the construction, operation, or maintenance of any coastal restoration, hurricane, storm damage reduction, or flood control project and to this end, may contract for the acceptance of any grant of money upon the terms and conditions, including any requirement of matching the grants in whole or part, which may be necessary; and

Whereas, the Legislature of Louisiana has enacted legislation which, upon approval by the voters of this state, will consolidate certain levee districts and parishes into regional flood protection authorities to govern levee districts included in the authority and to establish on its own behalf or for the areas or the levee districts under its authority adequate drainage, flood control, and water resources development, including but not limited to the planning, maintenance, operation, and construction of reservoirs, diversion canals, gravity and pump drainage systems, erosion control measures, marsh management, coastal restoration, and other flood control works as such activities, facilities, and improvements relate to tidewater flooding, hurricane protection, and saltwater intrusion; and

Whereas, the state, with its limited and severely impacted resources, has taken these, and numerous other, proactive steps toward recovery and addressing the needs of the state's citizens and communities; however, additional, immediate, and continuing federal assistance is needed; and

Whereas, in a time of great and unprecedented tragedy, a state that has given so much to the rest of our country is in dire need of the continuing and focused assistance and support of our nation, through its federal government, for the full recovery of Louisiana's citizens and infrastructure: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to take immediate action to provide federal financial assistance to aid Louisiana's recovery following the devastation caused by hurricanes Katrina and Rita, to expeditiously complete the needed repair to the levee system in the greater New Orleans area, to provide for the prompt construction of hurricane and tidal water protection for south Louisiana, and to provide assistance with coastal restoration and marsh management; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-269. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to taking such actions as are necessary to provide funding for Louisiana's indigent defense system and to amend the Stafford Act or any other appropriate legislation to permit funding for Louisiana's indigent defense system; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 25

Whereas, during this time of statewide emergency due to hurricanes Katrina and Rita, public funding for indigent defender services have become inadequate; and

Whereas, the state's indigent defender system is in urgent need of funding assistance which is beyond the current capacity of state and local government; and

Whereas, hurricanes Katrina and Rita have caused mass disruption in the criminal justice system throughout the state and the closing of some courts due to storm damage; and

Whereas, there has been a need for redirection of resources to more critical life-threatening areas; and

Whereas, the dislocation of, and in many cases the relocation of, judicial employees and attorneys has put an undue hardship on the indigent defender system; and

Whereas, there is a buildup in the number of detained persons charged with offenses for which there is a constitutional requirement for legal representation; and

Whereas, there is a strain on state and local funding as the need in critical areas of public service has increased and the revenue has dramatically decreased; and

Whereas, it is the intent of the Congress, by the Stafford Act (42 USC 5121, et seq.), to provide an orderly and continuing means of assistance by the federal government to state and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters; and

Whereas, the Legislature of Louisiana does urge Congress to amend the Stafford Act or any other appropriate legislation to permit funding for Louisiana's indigent defense system; and

Whereas, the Legislature of Louisiana created the Louisiana Task Force on Indigent Defense Services in 2003 to study the system in Louisiana of providing legal representation to indigent persons who are charged with violations of criminal laws and the study is ongoing; and

Whereas, the 2006 fiscal year estimate for Louisiana indigent defense services is fifty-five million dollars; and

Whereas, any other federal funds that can be made available to assist the Louisiana indigent defense system are greatly needed: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to take such actions as are necessary to provide funding for indigent defendants and to amend the Stafford Act or any other appropriate legislation to permit funding for Louisiana's indigent defense system; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-270. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to urging and requesting the United States Army Corps of Engineers to provide a listing of all Hurricane Katrina and Hurricane Rita related projects, including specific details including the type of work, the name of the contractor, and the total price of the contract; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 26

Whereas, Hurricanes Katrina and Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state that has threatened the safety and security of the citizens of the affected areas of the state of Louisiana; and

Whereas, the destruction caused by these devastating storms damaged public works, such as levees, bridges, and highways, and spread debris over a wide area of the southern part of the state; and

Whereas, the United States Army Corps of Engineers has control over a great percentage of the contracts to repair levees, remove debris, and transportation of trailers and other important activities vital to the restoration and revitalization of the affected areas of Louisiana; and

Whereas, there have been many complaints about sluggish progress and the exorbitant cost of the work contracted under the United States Army Corps of Engineers, which is contrasted with the timely and frugal efforts of many local governments which chose to utilize other methods to handle hurricane-related work; and

Whereas, the magnitude of the devastation requires a cooperative effort between the governments of the affected states, local governments, and the federal government; and

Whereas, we live in an open society in which our governments allow citizens to have access to government information, as evidenced by the federal Freedom of Information Act and the Louisiana Public Records Law; and

Whereas, in order to completely fulfill our joint responsibility to the people of Louisiana to manage state and federal financial resources wisely and show that state and federal public servants are performing up to standard and according to the public interest, the corps should provide to the Legislature of Louisiana a listing of the contracts awarded by the Army Corps of Engineers; and

Whereas, this listing shall, at a minimum, include the type of work required by each contract, the name of each contractor and all subcontractors, the principal place of business of each contractor and subcontractor, the total cost of each contract, the separate price paid to each contractor and subcontractor under each contract, and the nature of the work performed by each contractor and subcontractor: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the United States Army Corps of Engineers to provide a detailed and comprehensive listing of all contracts awarded by the corps as a result of Hurricanes Katrina and Rita, including all of the aforementioned requested detailed information; and be it further

Resolved, That the Legislature of Louisiana does hereby urge and request the Louisiana congressional delegation to aid in this request by all means necessary, including Freedom of Information Act requests on behalf of the citizens of their districts; and be it further

Resolved, That a suitable copy of this Resolution be transmitted to Lieutenant General Carl A. Strock, the Commander and Chief of Engineers of the United States Army Corps of Engineers, and the Freedom of Information Act Program Manager for the United States Army Corps of Engineers, Mr. Richard Frank, and to each member of the Louisiana congressional delegation.

POM–271. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to authorizing the prompt construction of hurricane and tidal water protection for southwest Louisiana; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 16

Whereas, the southwest coastal zone of Louisiana is of vital importance to the nation in oil and gas production and fisheries production; and

Whereas, prior to hurricanes Katrina and Rita, the state of Louisiana accounted for 30% of the commercial fisheries production of the lower 48 states, and ranked second in the nation for recreational harvest of saltwater fish; and

Whereas, prior to hurricanes Katrina and Rita, Louisiana produced more than 80% of the nation's offshore oil and gas supply and provided billions of dollars each year to the Federal treasury, while subjecting the southwest Louisiana coastline to damaging and long-term impacts from these activities; and

Whereas, the communities in southwest Louisiana that support these industries are subject to potential flooding from tropical storms and hurricanes; and

Whereas, by causing total destruction of communities and industries, Hurricane Rita demonstrated the critical need for prompt action to provide tidal protection in southwest Louisiana: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to authorize the prompt construction of hurricane and tidal water protection for southwest Louisiana; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–272. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to amending the Stafford Act to permit funds to be used for permanent housing in the hurricane impacted areas of Louisiana; to the Committee on Environment and Public Works.

Whereas, it would be economically beneficial to Louisiana to amend restrictions on permanent housing contained in Section 408 of the Stafford Act for the catastrophically impacted hurricane areas in Louisiana; and

Whereas, Hurricane Katrina and Hurricane Rita struck the state of Louisiana causing severe flooding and damage to the southern region of the state adversely affecting the economy of our state as well as increasing the cost of supplies and services necessary to rebuild in the impacted areas thereby causing a dangerously regressive effect upon Louisiana and its citizens; and

Whereas, the flooding and damage of these storms has had a detrimental effect upon the availability of jobs, temporary housing, and permanent homes for many of our residents; and

Whereas, the effect of these storms has had a direct impact on many Louisianians ability to obtain any type of housing; and

Whereas, the Stafford Act provides an orderly means of assistance by the federal government to the state and local governments in carrying out their responsibilities to alleviate the individual suffering and damage caused by Hurricane Katrina and Hurricane Rita, but it also restricts the amount of assistance and types of housing assistance available to those most in need of assistance: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the President and the United States Congress to take such actions as are necessary to amend the Stafford Act to allow funds to be used for permanent housing in the areas devastated and catastrophically impacted in Louisiana; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the President of the United States, the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–273. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to allow a five hundred dollar federal tax deduction for people who housed evacuees rent free for at least sixty continuous days as a result of Hurricane Rita; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 17

Whereas, the federal government altered the federal tax code to assist individuals who suffered losses as a result of Hurricane Katrina and authorized incentives for individuals and companies to engage in charitable acts to benefit those affected by Hurricane Katrina, particularly, for offering rent-free housing to evacuees; and

Whereas, the federal government has not offered the same incentives to taxpayers who housed evacuees for Hurricane Rita; and

Whereas, Hurricane Rita evacuees were as equally impacted as Hurricane Katrina evacuees and are in need of the same benefits: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to allow a five hundred dollar federal tax deduction for persons who provided rent-free housing for at least sixty continuous days as a result of Hurricane Rita; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–274. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the opposition of the State Modernization and Regulatory Transparency (SMART) Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 162

Whereas, Traditionally, the United States insurance industry has been regulated by individual states. Under the McCarran Ferguson Act of 1945, state legislatures are the proper governmental entity to determine public policy on insurance issues. State legislatures are more responsive to the needs of their constituents and are more knowledgeable regarding the market conditions that exist in their states and regarding the need for unique insurance products and regulation to meet their specific market demands; and

Whereas, State legislatures and such organizations as the National Conference of Insurance Legislators (NCOIL), the National Conference of State Legislatures (NCSL), and the National Association of Insurance Commissioners (NAIC) recognize that in certain states marketplace difficulties have created regulatory hurdles or delayed speed-to-market processing of insurance products. To solve these problems, state legislatures, NCOIL, NCSL, and NAIC continue to address uniformity issues among states through the adoption of model laws that address market conduct, product approval, agent licensing, and rate deregulation; and

Whereas, Many state governments derive general revenue dollars from the regulation of the insurance industry. In Michigan, the insurance industry paid more than $241 million in state premium taxes in 2004; and

Whereas, The federal State Modernization and Regulatory Transparency (SMART) Act would create mandatory federal insurance standards preempting state law and undermining state sovereignty. By federalizing insurance regulation, this legislation would threaten the power of state legislatures, governors, insurance commissioners, and attorneys general to oversee, regulate, and investigate the insurance industry, impairing, eroding, and/or limiting their ability to protect the interests of their constituents: Now, therefore, be it

Resolved, by the House of Representatives, That we memorialize the United States Congress to oppose the State Modernization and Regulatory Transparency (SMART) Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the United States House of Representatives Committee on Financial Services, the members of the United States Senate Committee on Finance, and the members of the Michigan congressional delegation.

POM-275. A concurrent resolution adopted by the House of Representatives of the General Assembly of the State of Ohio relative to the Darfur genocide; to the Committee on Foreign Relations.

House Concurrent Resolution No. 19

Whereas, In February 2003, the Sudan Liberation Army (SLA) and Justice Equality Movement (JEM) from the Darfur region of Sudan clashed with the Janjaweed militia, a group supported by the government of Sudan, in an attempt to oppose the region's extreme political and economic marginalization. Since that time, tens of thousands of civilians have been killed and more than two million civilians have been made internally displaced peoples by the two warring factions. Furthermore, approximately two hundred thousand Darfur refugees have fled across the border to Chad; and

Whereas, On July 22, 2004, the United States House of Representatives and the United States Senate declared that the atrocities occurring in Darfur are genocide; and

Whereas, On September 9, 2004, Secretary of State Colin L. Powell stated before the United States Senate Committee on Foreign Relations, "When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the (Janjaweed) bear responsibility—and genocide may still be occurring"; and

Whereas, President George W. Bush, in an address before the United Nations General Assembly on September 21, 2004, stated, "At this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide"; and

Whereas, As a stabilizing force, the United States has an obligation to promote peace in the region and to work with other foreign governments to end the genocide in the Darfur region of Sudan; now, therefore be it

Resolved, That we, the members of the 126th General Assembly of the State of Ohio, wish to focus attention on the killing of tens of thousands of civilians at the hands of the armed belligerents; and be it further

Resolved, That we, the members of the 126th General Assembly of the State of Ohio, encourage the President of the United States and the Congress of the United States to continue supporting the humanitarian efforts of international aid groups to relieve the suffering of those who have been affected by the genocide occurring in the Darfur region of Sudan, to protect the workers of those aid groups, to encourage foreign governments to provide water, food, shelter, and medical care to those suffering in Darfur, and to lead multilateral efforts to bring those responsible for the egregious human rights violations to justice; and be it further

Resolved, That we, the members of the 126th General Assembly of the State of Ohio, encourage Ohio companies and institutions, multinational corporations operating in Ohio, and agencies and political subdivisions of the state to divest themselves of interests in any companies that conduct business in Sudan; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, the United States Secretary of State, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, the members of the Ohio Congressional delegation, and the news media of Ohio.

POM-276. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to amending the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

House Concurrent Resolution No. 30

Whereas, the No Child Left Behind Act of 2001 requires that paraprofessionals who are employed in Title I schools meet high standards of qualification and requires that students who need the most help receive instructional support only from qualified paraprofessionals; and

Whereas, for the purposes of No Child Left Behind, a paraprofessional is defined as a school employee who provides instructional support in a program supported with federal funds pursuant to Title I of the Elementary and Secondary Education Act; and

Whereas, this definition includes a paraprofessional who provides instructional support in any manner as follows:

(1) Provides one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

(2) Assists with classroom management such as organizing instructional and other materials;

(3) Provides instructional assistance in a computer laboratory;

(4) Conducts parental involvement activities;

(5) Provides support in a library or media center;

(6) Acts as a translator; and

(7) Provides instructional support services under the direct supervision of a teacher; and

Whereas, in compliance with the requirements of No Child Left Behind, Louisiana has developed different pathways for paraprofessionals who are employed in Title I schools to choose from in order to meet the definition of "highly qualified"; and

Whereas, these choices include taking forty-eight semester hours of relevant course work or taking and passing a paraprofessional academic assessment instrument; and

Whereas, these choices and the requirements of No Child Left Behind do not take into consideration the fact that some of these paraprofessionals were employed in public school systems prior to the enactment of No Child Left Behind and have many years of experience serving in such capacity; and

Whereas, there are concerns among many about the financial burden that the requirements of No Child Left Behind place upon paraprofessionals who receive minimal salaries and cannot afford the college courses, test preparation, or test costs; and

Whereas, although many local school systems in Louisiana are assisting paraprofessionals in paying these costs, there are other issues involved that make these requirements extremely difficult, if not impossible, for some paraprofessionals to meet—especially those who work in rural areas of the state and may not have access to postsecondary education; and

Whereas, these burdens have resulted in the loss of many paraprofessionals from the public schools in this state who have been forced to seek other types of employment; and

Whereas, paraprofessionals employed in Title I schools play a very important role in improving student achievement and many of them have been employed in such schools for a number of years and their experience and expertise in their jobs is a tremendous asset to public education; and

Whereas, because the legislature values these employees for the crucial role they play in public education and wants to keep them in our public schools where they can continue to make a difference in students' lives, it is imperative that all steps necessary be taken to remove these burdens which are forcing many of the more experienced and qualified paraprofessionals to leave the public education system: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to amend the No Child Left Behind Act to provide that paraprofessionals who were employed in Title I schools prior to the enactment of the No Child Left Behind Act shall be deemed to have met the definition of "highly qualified" for purposes of such legislation due to such employment and the experience gained as a result of such employment; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-277. A resolution adopted by the Senate of the State of Michigan relative to enacting legislation reauthorizing the Ryan White Care Act to provide comprehensive care for the neediest victims of HIV/AIDS; to the Committee on Health, Education, Labor, and Pensions.

Senate Resolution No. 95

Whereas, The numbers of children, youth, and particularly young women who are infected with HIV or have developed AIDS are increasing. In the United States, more than 9,000 children under the age of thirteen are living with HIV/AIDS. Of the nearly 40,000 Americans infected every year with HIV, nearly fifteen percent are under twenty-five years of age. Among the newly infected in the age group of thirteen to nineteen, fifty-eight percent are women; and

Whereas, Children and young people infected with HIV and living with AIDS have unique needs for specialized medical services and psychosocial support. Programs funded under the Ryan White CARE Act successfully deliver family-centered, coordinated health care and support services for women, children, youth and families. These programs have played a significant role in reducing the number of mother-to-child HIV infections from 2,000 to fewer than 200 per year; and

Whereas, Recent patterns in the United States show that HIV/AIDS increasingly affects African Americans, Latinos, and other racial and ethnic minorities. In 2004, minorities accounted for almost three-fourths of new cases of AIDS in an HIV/AIDS surveillance report by the Centers for Disease Control and Prevention (CDC). Of these newly identified AIDS patients, 48 percent were African Americans and 21 percent were Latinos. The rate also continued to rise among women, who accounted for 27 percent of new AIDS cases in 2004. Of these women newly diagnosed with AIDS, 67 percent were African Americans and 15 percent were Latinas; and

Whereas, In his State of the Union address, President George W. Bush supported reauthorization of the Ryan White CARE Act to encourage prevention of HIV/AIDS and provide care and treatment for the neediest HIV/AIDS victims. The Secretary of Health and Human Services proposed five guiding principles to reauthorize the Act. First, serve the neediest victims of HIV/AIDS. Second, focus on delivering life-saving and life-extending services. Third, increase prevention efforts through more routine testing. Fourth, increase the accountability of states and organizations receiving federal funds. Fifth, give the federal government flexibility to reallocate unspent funds. By following these principles, care will be delivered to the neediest patients that will help them live longer and healthier lives: now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation reauthorizing the Ryan White CARE Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–278. A resolution adopted by the Legislature of the Virgin Islands relative to amending 33 Code of Federal Regulations, Part 160, to exempt the Virgin Islands from the passenger information reporting requirements that went into effect in 2005; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. SNOWE for the Committee on Small Business and Entrepreneurship.

Eric M. Thorson, of Virginia, to be Inspector General, Small Business Administration.

By Mr. SPECTER for the Committee on the Judiciary.

Donald J. DeGabrielle, Jr., of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

John Charles Richter, of Oklahoma, to be United States Attorney for the Western District of Oklahoma for the term of four years.

Amul R. Thapar, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2009.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN (for himself, Mr. REED, Mr. TALENT, Mr. LIEBERMAN, Mr. ISAKSON, Ms. LANDRIEU, Mr. COCHRAN, Mr. CARPER, Mr. BUNNING, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. LAUTENBERG, and Mr. BURNS):

S. 2393. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON:

S. 2394. A bill to improve border security, to increase criminal penalties for certain crimes related to illegal aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 2395. A bill to amend title 39, United States Code, to require that air carriers accept as mail shipments certain live animals; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM (for himself and Mr. ALLEN):

S. 2396. A bill to direct the Administrator of the Small Business Administration to establish a pilot program to make grants to eligible entities for the development of peer learning opportunities for second-stage small business concerns; to the Committee on Small Business and Entrepreneurship.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 2397. A bill to amend the Internal Revenue Code of 1986 to establish long-term care trust accounts and allow a refundable tax credit for contributions to such accounts, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS:

S. 2398. A bill to establish an Advanced Research Projects Administration-Energy to initiate high risk, innovative energy research to improve the energy security of the United States, to extend certain energy tax incentives, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. DEWINE):

S. 2399. A bill to prohibit termination of employment of volunteers firefighters and emergency medical personnel responding to emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW:

S. Res. 394. A resolution expressing the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad; to the Committee on Armed Services.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mrs. BOXER, Mrs. MURRAY, Ms. STABENOW, and Mr. MENENDEZ):

S. Res. 395. A resolution establishing the American Competitiveness through Education (ACE) resolution; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. Res. 396. A resolution congratulating Rosey Fletcher for her Olympic bronze medal in the parallel giant slalom; considered and agreed to.

By Mr. COLEMAN (for himself and Mr. DAYTON):

S. Res. 397. A resolution recognizing the history and achievements of the curling community of Bemidji, Minnesota; considered and agreed to.

ADDITIONAL COSPONSORS

S. 304

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 304, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 451

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 451, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 484

At the request of Mr. WARNER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 811

At the request of Mr. DURBIN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 1038

At the request of Mr. LUGAR, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1038, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1112

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic

Growth and Tax Relief Reconciliation Act of 2001.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1907

At the request of Mr. JOHNSON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1907, a bill to promote the development of Native American small business concerns, and for other purposes.

S. 1948

At the request of Mr. BURNS, his name was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2157

At the request of Mrs. BOXER, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2157, a bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart.

S. 2305

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2305, a bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2351

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2351, a bill to provide additional funding for mental health care for veterans, and for other purposes.

S. 2355

At the request of Mr. BURNS, his name was added as a cosponsor of S. 2355, a bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country.

S. 2364

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2364, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2369

At the request of Mr. SPECTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2369, a bill to require a more reasonable period for delayed-notice search warrants, to provide enhanced judicial review of FISA orders and national security letters, to require an enhanced factual basis for a FISA order, and to create national security letter sunset provisions.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Maine (Ms. SNOWE), the Senator from Oregon (Mr. SMITH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alaska (Ms. MURKOWSKI), the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2389

At the request of Mr. ALLEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2389, a bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes.

S. 2390

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2390, a bill to provide a national innovation initiative.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 387

At the request of Mr. COLEMAN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 387, a resolution recognizing the need to replace the United Nations Human Rights Commission with a new Human Rights Council.

AMENDMENT NO. 2955

At the request of Mr. FRIST, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of amendment No. 2955 intended to be proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2959

At the request of Mr. SCHUMER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 2959 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN (for himself, Mr. REED, Mr. TALENT, Mr. LIEBERMAN, Mr. ISAKSON, Ms. LANDRIEU, Mr. COCHRAN, Mr. CARPER, Mr. BUNNING, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. LAUTENBERG, and Mr. BURNS):

S. 2393. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of my legislation, the Conquer Childhood Cancer Act of 2006, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conquer Childhood Cancer Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Cancer kills more children than any other disease.

(2) Each year cancer kills more children between 1 and 20 years of age than asthma, diabetes, cystic fibrosis, and AIDS, combined.

(3) Every year, over 12,500 young people are diagnosed with cancer.

(4) Each year about 2,300 children and teenagers die from cancer.

(5) One in every 330 Americans develops cancer before age 20.

(6) Some forms of childhood cancer have proven to be so resistant that even in spite of the great research strides made, most of those children die. Up to 75 percent of the children with cancer can now be cured.

(7) The causes of most childhood cancers are not yet known.

(8) Childhood cancers are mostly those of the white blood cells (leukemia's), brain, bone, the lymphatic system, and tumors of the muscles, kidneys, and nervous system. Each of these behaves differently, but all are characterized by an uncontrolled proliferation of abnormal cells.

(9) Eighty percent of the children who are diagnosed with cancer have disease which has already spread to distant sites in the body.

(10) Ninety percent of children with a form of pediatric cancer are treated at one of the more than 200 Children's Oncology Group member institutions throughout the United States

SEC. 3. PURPOSES.

It is the purpose of this Act to authorize appropriations to—

(1) encourage and expand the support for biomedical research programs of the existing National Cancer Institute-designated multicenter national infrastructure for pediatric cancer research;

(2) establish a population-based national childhood cancer database (the Children's Cancer Research Network) to evaluate incidence trends of childhood cancers and to enable the investigations of genetic epidemiology in order to identify causes to aid in development of prevention strategies;

(3) provide informational services to patients and families affected by childhood cancer;

(4) support the development, construction and operation of a comprehensive online public information system on childhood cancers and services available to families; and

(5) establish a fellowship program in pediatric cancer research to foster clinical and translational research career development in pediatric oncologists in the early stages of their career.

SEC. 4. PEDIATRIC CANCER RESEARCH AND AWARENESS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end thereof the following:

"SEC. 417E. PEDIATRIC CANCER RESEARCH AND AWARENESS.

"(a) PEDIATRIC CANCER RESEARCH.—

"(1) SPECIAL PROGRAMS OF RESEARCH EXCELLENCE IN PEDIATRIC CANCERS.—The Director of NIH, acting through the National Cancer Institute, shall establish special programs of research excellence in the area of pediatric cancers. Such programs shall demonstrate a balanced approach to research cause, prognosis, prevention, diagnosis, and treatment of pediatric cancers that foster translation of basic research findings into innovative interventions applied to patients.

"(2) FELLOWSHIP OF EXCELLENCE IN PEDIATRIC CANCER RESEARCH.—The Secretary shall develop a grant mechanism for the establishment, in cooperation with the National Cancer Institute-supported pediatric cancer clinical trial groups, of Research Fellowships in Pediatric Cancer to support adequate numbers of pediatric focused clinical and translational investigators thereby facilitating continuous momentum of research excellence.

"(b) NATIONAL CHILDHOOD CANCER REGISTRY.—The Director of NIH shall award a grant for the operation of a population-based national childhood cancer database, the Childhood Cancer Research Network (CCRN), of the Children's Oncology Group, in cooperation with the National Cancer Institute.

"(c) PUBLIC AWARENESS OF PEDIATRIC CANCERS AND AVAILABLE TREATMENTS AND RESEARCH.—The Secretary shall award a grants to recognized childhood cancer professional and advocacy organizations for the expansion and widespread implementation of activities to raise public awareness of currently available information, treatment, and research with the intent to ensure access to best available therapies for pediatric cancers.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended.".

Mr. REED. Mr. President, I join my colleague, Senator COLEMAN, in introducing the Conquer Childhood Cancer Act. I would also like to recognize Senators TALENT, ISAKSON, COCHRAN, BUNNING, MURKOWSKI, LIEBERMAN, CARPER, LANDRIEU, and LAUTENBERG who have all joined as original cosponsors of the bill.

This bipartisan legislation seeks to achieve several important goals in our battle against childhood cancer. Specifically, it will expand support for pediatric cancer research, foster the career development of more pediatric oncologists, and provide essential information and support to help families deal with this devastating disease. Childhood cancer impacts thousands of children and their families each year. While we have made great steps in treating cancer, we have made relatively little progress in advancing our understanding of the most common forms of pediatric cancer. This legislation will help to provide resources to hopefully one day find a cure.

Each year, more than 12,000 children are diagnosed with cancer, and more than 2,000 of them lose their courageous battle with the disease. Pediatric cancer not only takes a toll on the child, it affects the entire family—the parents, siblings, friends, and extended family all suffer when a child has cancer. I have had the honor of meeting one such family from Warwick, Rhode Island who has taken the pain and devastation of losing their young son to neuroblastoma, a very aggressive childhood cancer, and turned their tragedy into a message of hope. The Haight family is committed, in memory of their nine year old son Ben, to education, advocacy, and lending support to other families going through a similar struggle with pediatric cancer. I never had a chance to meet Ben Haight but his mother Nancy has told me of his tremendous strength and courage. Ben fought every day during his four and a half year battle with this disease and his tragic story highlights the importance of this legislation.

It is my hope that the bill we are introducing today will help to step up our efforts with regard to childhood cancer so that one day Ben's story, and thousands of other children like him, will be one of survival. In Rhode Island alone, a dozen children each year succumb to various forms of childhood cancer. Each of these children had hopes, dreams, and desires that will never be fulfilled and one cannot quantify the impact each of these children could have had on their communities and on society as a whole. We need to be doing more to give these children a chance to grow up and reach their full potential.

The Conquer Childhood Cancer Act will enhance federal efforts in the fight against childhood cancer and will also complement the incredible work of private organizations dedicated to the prevention and cure of pediatric cancer. I would like to commend the CureSearch National Childhood Cancer Foundation for its work in this area. CureSearch brings together academic and research institutions, medical professionals with expertise in pediatric cancer, and children and families afflicted with the disease, to form a national network committed to research, treatment, and cures for childhood cancer.

Thank you, Mr. President. I look forward to working with my colleagues toward swift passage of this important legislation.

By Mr. GRASSLEY:

S. 2395. A bill to amend title 39, United States Code, to require that air carriers accept as mail shipments certain live animals; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President I rise to introduce legislation that would address the concerns related to the shipping of live birds through the United States Postal Service. I introduced a similar bill during the 107th Congress with bi-partisan support. It was included in Public Law 107-67.

This bill should close some loopholes that some of the airlines are using to avoid the timely shipping of day-old baby chicks.

Some members of the airline industry stated that they commonly and regularly refuse to transport shipments of some species of live animals for its regularly scheduled cargo service and, therefore, can refuse to carry any live animals by mail under existing law. My bill will make the law apply to "any air carrier that commonly and regularly carries any live animals as cargo," thus making sure that if the air carrier does ship any live animals as cargo, it will be required to ship animals as mail.

There have been accusations that the shipping of day-old poultry could spread avian influenza. I have received information from Avian Health Veterinarians and they have informed me that avian influenza is not an egg transmitted disease. There are no reports of day-old poultry from infected breeders being infected with avian influenza when they hatch.

Poultry health specialists have been examining the vertical transmission.

or parents-to-chicks via the egg of avian influenza, for more than 30 years. Studies looking at the avian influenza have consistently failed to reveal evidence of avian influenza virus infections in newly hatched chicks from infected parent flocks.

This clearly shows that day-old poultry are not likely to be naturally infected. So the risk of transmitting avian influenza through shipment of day-old poultry is not an issue.

This bill would also address two other problems that have caused an adverse economic impact to bird shippers. First. the bill requires air carriers that take poultry as mail, to transfer such shipments so that the shipper is guaranteed that the shipment will reach its ultimate destination.

Second. it requires an air carrier to take shipments of poultry as air mail when the outside temperature is between 0 degrees Fahrenheit -17 degrees Celsius and 100 degrees Fahrenheit or 37.77 degrees Celsius from point of origin of the shipment through the point of destination. These temperature parameters are accepted by avian veterinarians as safe and humane.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection. the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTRACTS FOR TRANSPORTATION OF MAIL BY AIR.

Section 5402(e)(2)(A) of title 39, United States Code, is amended—

(1) in the first sentence—

(A) by inserting "(i)" after "(2)(A)"; and

(B) in clause (i) (as designated by subparagraph (A)), by striking "may" and inserting "shall"; and

(2) by striking the second sentence and inserting the following:

"(ii) A shipment described in clause (i) shall include the transfer of any cargo described in that clause from the point of origin of the shipment to the point of destination.

"(iii) An air carrier shall accept and carry cargo described in clause (i) when the outside temperature is between 0 degrees Fahrenheit (-17.77 degrees Celsius) and 100 degrees Fahrenheit (37.77 degrees Celsius) from point of origin through the point of destination.

"(iv) The authority of the Postal Service under this subparagraph shall apply to any air carrier that commonly and regularly carries any live animals as cargo.".

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 2397. A bill to amend the Internal Revenue Code of 1986 to establish long-term care trust accounts and allow a refundable tax credit for contributions to such accounts, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Long-Term Care Trust Account Act of 2006. I am pleased to be joined by my colleague Senator BLANCHE LINCOLN.

In the past few years the notion of estate planning has taken on a negative connotation. I am here to introduce a bill that will focus on the positive side of planning for one's future.

As the Chairman of the Senate Special Committee on Aging, I am committed to improving the financing and delivery of long-term care. The Centers for Medicare and Medicaid Services estimate that national spending for long-term care was almost $160 billion in 2002. representing about 12 percent of all personal health care expenditures. While those numbers are already staggering we also know that the need for long-term care is expected to grow significantly in coming decades. Almost two-thirds of people receiving long-term care are over age 65, with this number expected to double by 2030.

For many individuals it will be necessary to find a way to either save for the care needed or purchase long-term care insurance. Long-term care insurance protects assets and income from the devastating financial consequences of long-term health care costs. Today's comprehensive long-term care insurance policies allow consumers to choose from a variety of benefits and offer a wide range of coverage choices. They allow individuals to receive care in a variety of settings including nursing homes, home care, assisted living facilities and adult day care. Some of the most recent policies also provide a cash benefit that a consumer can spend in the manner he or she chooses. Lastly, long-term care insurance allows individuals to take personal responsibility for their long-term health care needs and reduces the strain on state Medicaid budgets. Unfortunately. for many the struggle to pay the immediate costs of long-term care insurance sometimes outweighs the security these products provide.

With our national savings rate in steady decline I fear the American middle class is woefully unprepared to meet the coming challenges of their long-term care needs. As we move forward in our effort to help individuals stay financially stable in their later years, we must encourage them to purchase long-term care insurance and save for long-term care services. The Long-Term Care Trust Account Act of 2006 achieves both goals. My legislation will create a new type of savings vehicle for the purpose of preparing for the costs associated with long-term care services and purchasing long-term care insurance. An individual who establishes a long-term care trust account can contribute up to $5,000 per year to their account and receive a refundable ten percent tax credit on that contribution. Interest accrued on these accounts will be tax free. and funds can be withdrawn for the purchase of long-term care insurance or to pay for long-term care services. The bill will also allow an individual to make contributions to another person's Long-Term Care Trust Account. This will help many relatives in our country that want to help their parents or a loved one prepare for their health care needs.

It is my hope that this legislation will help all Americans save for their long-term care needs. I urge my colleagues on both sides of the aisle to support this important bill.

Thank you. Mr. President.

By Mr. BAUCUS:

S. 2398. A bill to establish an Advanced Research Projects Administration-Energy to initiate high risk, innovative energy research to improve the energy security of the United States, to extend certain energy tax incentives, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, in the years when I first began to serve in Congress, America faced severe problems with supplies of oil. For years, long gas lines, frustration, and questions about the security of our oil supply drove the public debate.

Thirty years have passed. And, frankly, things have not changed all that much. We still use gasoline and coal at staggering rates. And we are still concerned about the security of our oil supply. We do not have lines at gas stations. But last year, prices rose to levels unimaginable just a few years ago.

Prices for gasoline, heating oil, electricity, and natural gas have soared in recent years, hitting working families hard. In the past few weeks, we have seen a terrorist attack on Saudi Arabian oil facilities.

We have seen oil workers kidnapped in Nigeria. We have seen Venezuelan President Hugo Chavez threaten that he would cut off our supply of oil from his country. And we have seen some question whether Iran's role as an oil supplier keeps other countries from properly addressing Iran's threat to nuclear proliferation.

Energy provides one of America's greatest challenges for the 21st century. Our economy has been dependent on oil and coal for about 100 years. And since World War II, natural gas has become part of the equation. Will we continue this dependency for the next 100 years?

The cost of energy will profoundly affect the future competitiveness of the American economy. As the Chinese and Indian economies grow, so will their demand for energy. And that will add further upward pressure to energy prices.

To respond to the challenges of the new world economy, I am introducing legislation in seven key areas to build a foundation for a more competitive America. We must improve education, health care, trade law enforcement, the tax code, and savings. And we must bring a greater focus to energy research and development. Today, I introduce the Energy Competitiveness Act of 2006.

We are trapped in an energy box. It is a box characterized by high imports, ever-increasing prices for oil and natural gas, and environmental danger. We must experiment with ways to break out of that box. To break out, we need an energy research effort modeled after the Manhattan Project, or the Apollo mission to the moon.

America has a brilliant record of gathering the best minds. We meet challenges that may at first seem to be impossible. During World War II, the Manhattan Project brought together brilliant physicists and engineers to build an atomic bomb in 3 short years. And after President

Kennedy described his vision to a joint session of Congress in May of 1961, the Apollo space program put a man on the moon in just 8 years.

Looking back, these achievements were stunning. Both projects started out with no guarantee of success. Each could have ended in utter failure. Yet because of the talent, ingenuity, and focus of creative minds, they both succeeded.

Breaking out of the energy box poses a similar challenge. Success is not guaranteed. But we have got to give it our best shot.

Today I am introducing the Energy Competitiveness Act of 2006. My legislation would create a new energy research agency. It would extend key alternative energy tax relief. It would help our Nation face the challenges of a newly competitive global economy. It would help to move us into a new energy future.

We have the greatest research scientists on the planet. We have the most technically talented workforce in the world. But we do not have the vigor that we need in energy research. Energy research is a backwater, compared to other research efforts in biotechnology, medicine, computers, and defense-oriented projects.

With the Manhattan Project and the Apollo space program, America proved that we can gather the best talent for a focused mission and succeed. It is time that we begin a similar effort on energy.

We need to create a new agency to initiate cutting-edge, innovative energy research and development aimed at taking us to a new energy future. Doing so is essential to our effort to improve our economic competitiveness.

The new agency is modeled on DARPA—the Defense Advanced Research Projects Agency—in the Department of Defense. Among the revolutionary technologies that DARPA has developed are the internet and stealth technology for aircraft. DARPA has been a tremendous success.

The National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine joined to form the Committee on Prospering in the Global Economy of the 21st Century. Norm Augustine chaired the Committee. Based on DARPA's achievements, last fall, the Committee recommended the creation of an ARPA–E: Advanced Research Projects Agency—Energy.

This was one of a number of recommendations that the Committee made in its impressive report on the future competitive challenges that America faces. The Committee recommended that ARPA–E be designed to conduct transformative, out-of-the-box energy research.

My bill proposes that ARPA–E be a small agency with a total of 250 people. A minimum of 180 of them would be technical staff.

A director of the agency and four deputies would lead ARPA–E. I propose that ARPA–E be funded at $300 million in fiscal year 2007, $600 million in 2008, $1.1 billion in 2009, $1.5 billion in 2010, and $2.0 billion in 2011.

We would require that the staff have a technical background. The agency would use the Experimental Personnel Authority designed for DARPA. That authority authorizes higher salaries than for typical Federal employees, and faster hiring, so that the agency could get to work quickly.

To keep the intense, innovative focus that we want, technical staff would be limited to 3 to 4 years at the agency. Managers would be limited to 4 to 6 years. The director could give both groups extended terms of employment if the director so chose.

For contracts, the agency would use the DARPA procedure. That procedure allows more flexible contracting arrangements than are normally possible under the Federal Acquisition Regulations. To ensure that ARPA–E would conduct innovative research, 75 percent of research projects initiated by ARPA–E would not be peer reviewed.

The ARPA–E would be authorized to award cash prizes to encourage and accelerate energy research accomplishments.

Finally, the bill would require a report by the end of fiscal year 2007 on whether ARPA–E would need its own energy research lab.

The Energy Competitiveness Act would also increase our commitment to develop promising energy technologies. In the Energy Policy Act of 2005, last year's Energy bill, we established several important incentives to foster new forms of energy production and to encourage conservation.

America's investment in alternative energy and conservation lags well behind that of other developed countries. The 2005 Energy bill put us on the right track by expanding the tax credit for electricity from renewable resources. It created incentives for coal gasification technologies. It encouraged investment in refineries that can handle North American feedstocks. And it established tax credits for energy-efficient buildings and equipment.

Unfortunately, these provisions are either short-term or capped at insufficient levels. The Energy Competitiveness Act that I introduce today would bolster the first steps made in 2005. The bill that I introduce today would extend these important provisions and increase the amount of tax incentives available.

The bill would extend through 2010 the tax credit for electricity produced from wind, biomass, geothermal, and other renewable sources. It would also increase the volume caps on Clean Renewable Energy Bonds and coal gasification tax credits.

The bill would make permanent enhanced depreciation for new refining capacity that is capable of refining non-conventional feedstocks.

North America has abundant energy resources that could ease our demand for oil from the Mideast. But today, many of our refineries are incapable of processing heavier feedstocks, such as oil from shale or tar sands. Making this provision permanent would provide the needed certainty for long-term investments in capital intensive refining projects.

The Energy Competitiveness Act that I introduce today would encourage businesses to purchase alternative fuel and electric vehicles. And it would extend through 2010 many of the incentives from the 2005 bill that promote investment in energy-efficient buildings and equipment.

We are seeing exciting new efforts in America to strengthen our energy competitiveness.

We need to build on this foundation by creating an aggressive energy research agency that will push the limits of new technology and discover alternative energy sources.

America has massive coal reserves. So coal gasification is receiving greater attention. Gasification involves breaking down coal under heat and pressure to create synthetic natural gas. We must address the environmental issues. But if this technology can be improved, then America will be able to take a huge step toward energy independence.

There are exciting developments in wind energy. In Montana, the Judith Gap Wind Farm has been generating power at full capacity for several weeks. The farm includes 90 wind turbines. Each turbine can produce enough electricity for roughly 400 homes.

The entire farm can produce the electricity needed to supply 300,000 customers. Montana was one of nine States that put in place more than 100 megawatts of wind power generation in

2005. And my State ranks in the top 15 States in the Nation for wind power capacity.

Fusion is another possible area where aggressive research could lead to huge payoffs. Continuing research will help us to determine whether energy production through fusion is a practical option.

Ethanol is also gaining as an alternative energy option. In 2005, Americans invested more than $850 million in ethanol plants. Ford Motor Company has plans for producing 250,000 vehicles in 2006 that will be able to use several different types of fuel, including ethanol.

Brazil, with the help of ethanol, expects to become energy independent this year. Ethanol accounts for 20 percent of Brazil's fuel transport market. Seven out of every 10 cars in Brazil can run on ethanol, gasoline, or a mixture of both.

In Iceland, all electricity generation is from renewable sources. Iceland is now taking the next step, and has started an initiative to replace the use of fossil fuels with hydrogen by 2050.

To achieve this, in 1999, Icelanders founded a public-private partnership called Icelandic New Energy. This partnership is the main driver in hydrogen energy research and implementation in Iceland. Public hydrogen-fueled buses began service in December of last year.

And experiments continue with hydrogen-driven consumer motorcycles, small cars, and fishing boats.

We live in a much larger and more complex nation than Iceland or Brazil. But we can share their vision of a future fueled by alternative energy and improved conservation.

There are also exciting developments in nanotechnology, solar power, energy-efficient materials, biomass, and green buildings.

All of these are examples of possible directions for our Nation's energy future. But we need a more aggressive and focused research and development effort to push these alternatives. And we need an effort to create scientific breakthroughs to supplement existing technologies.

We have got to give it our best shot. As President Franklin Roosevelt said, we must conduct "bold, persistent experimentation."

Our economic security is at stake. Our ability to compete in the new world economy is at stake.

ARPA-E will help us move forward on existing technologies. It will help us to find new technologies that are not even imaginable today. And the tax incentives will keep us on the right track until more dramatic breakthroughs occur.

I urge my colleagues to look closely at this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Competitiveness Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADVANCED RESEARCH PROJECTS ADMINISTRATION-ENERGY

Sec. 101. Advanced Research Projects Administration-Energy.

TITLE II—ENERGY TAX INCENTIVES

Subtitle A—Energy Infrastructure Tax Incentives

Sec. 201. Extension of credit for electricity produced from certain renewable resources.
Sec. 202. Extension and expansion of credit to holders of clean renewable energy bonds.
Sec. 203. Extension and expansion of qualifying advanced coal project credit.
Sec. 204. Extension and expansion of qualifying gasification project credit.

Subtitle B—Domestic Fossil Fuel Security

Sec. 211. Extension of election to expense certain refineries.

Subtitle C—Conservation and Energy Efficiency Provisions

Sec. 221. Extension of energy efficient commercial buildings deduction.
Sec. 222. Extension of new energy efficient home credit.
Sec. 223. Extension of residential energy efficient property credit.
Sec. 224. Extension of credit for business installation of qualified fuel cells and stationary microturbine power plants.
Sec. 225. Extension of business solar investment tax credit.

Subtitle D—Alternative Fuels and Vehicles Incentives

Sec. 231. Extension of excise tax provisions and income tax credit for biodiesel and alternative fuels.
Sec. 232. Exception from depreciation limitation for certain alternative and electric passenger automobiles.

TITLE I—ADVANCED RESEARCH PROJECTS ADMINISTRATION-ENERGY

SEC. 101. ADVANCED RESEARCH PROJECTS ADMINISTRATION-ENERGY.

(a) ESTABLISHMENT.—There is established the Advanced Research Projects Administration-Energy (referred to in this section as "ARPA-E").

(b) GOALS.—The goals of ARPA-E are to reduce the quantity of energy the United States imports from foreign sources and to improve the competitiveness of the United States economy by—

(1) promoting revolutionary changes in the critical technologies that would promote energy competitiveness;

(2) turning cutting-edge science and engineering into technologies for energy and environmental application; and

(3) accelerating innovation in energy and the environment for both traditional and alternative energy sources and in energy efficiency mechanisms to—

(A) reduce energy use;

(B) decrease the reliance of the United States on foreign energy sources; and

(C) improve energy competitiveness.

(c) DIRECTOR.—

(1) IN GENERAL.—ARPA-E shall be headed by a Director (referred to in this section as the "Director") appointed by the President.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director, Advanced Research Projects Administration-Energy.".

(d) DUTIES.—

(1) IN GENERAL.—In carrying out this section, the Director shall award competitive grants, cooperative agreements, or contracts to institutions of higher education, companies, or consortia of such entities (which may include federally funded research and development centers) to achieve the goal described in subsection (b) through acceleration of—

(A) energy-related research;

(B) development of resultant techniques, processes, and technologies, and related testing and evaluation; and

(C) demonstration and commercial application of the most promising technologies and research applications.

(2) SMALL-BUSINESS CONCERNS.—The Director shall carry out programs established under this section, to the maximum extent practicable, in a manner that is similar to the Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638) to ensure that small-business concerns are fully able to participate in the programs.

(e) PERSONNEL.—

(1) PROGRAM MANAGERS.—

(A) APPOINTMENT.—The Director shall appoint employees to serve as program managers for each of the programs that are established to carry out the duties of ARPA-E under this section.

(B) DUTIES.—Program managers shall be responsible for—

(i) establishing research and development goals for the program, as well as publicizing goals of the program to the public and private sectors;

(ii) soliciting applications for specific areas of particular promise, especially areas for which the private sector cannot or will not provide funding;

(iii) selecting research projects for support under the program from among applications submitted to ARPA-E, based on—

(I) the scientific and technical merit of the proposed projects;

(II) the demonstrated capabilities of the applicants to successfully carry out the proposed research project; and

(III) such other criteria as are established by the Director; and

(iv) monitoring the progress of projects supported under the program.

(2) OTHER PERSONNEL.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director shall appoint such employees as are necessary to carry out the duties of ARPA-E under this section.

(B) LIMITATIONS.—The Director shall appoint not more than 250 employees to carry out the duties of ARPA-E under this section, including not less than 180 technical staff, of which—

(i) not less than 20 staff shall be senior technical managers (including program managers designated under paragraph (1)); and

(ii) not less than 80 staff shall be technical program managers.

(3) Experimental personnel authority.—In appointing personnel for ARPA-E, the Director shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(4) Maximum duration of employment.—

(A) Program managers and senior technical managers.—

(i) In general.—Subject to clause (ii), a program manager and a senior technical manager appointed under this subsection shall serve for a term not to exceed 4 years after the date of appointment.

(ii) Extensions.—The Director may extend the term of employment of a program manager or a senior technical manager appointed under this subsection for not more than 4 years through 1 or more 2-year terms.

(B) Technical program managers.—A technical program manager appointed under this subsection shall serve for a term not to exceed 6 years after the date of appointment.

(5) Location.—The office of an officer or employee of ARPA–E shall not be located in the headquarters of the Department of Energy.

(f) Transactions Other Than Contracts and Grants.—

(1) In general.—To carry out projects through ARPA–E, the Director may enter into transactions (other than contracts, cooperative agreements, and grants) to carry out advanced research projects under this section under similar terms and conditions as the authority is exercised under section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)).

(2) Peer review.—Peer review shall not be required for 75 percent of the research projects carried out by the Director under this section.

(g) Prizes for Advanced Technology Achievements.—The Director may carry out a program to award cash prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the mission of ARPA–E under similar terms and conditions as the authority is exercised under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396).

(h) Coordination of Activities.—The Director—

(1) shall ensure that the activities of ARPA–E are coordinated with activities of Department of Energy offices and outside agencies; and

(2) may carry out projects jointly with other agencies.

(i) Report.—Not later than September 30, 2007, the Director shall submit to Congress a report on the activities of ARPA–E under this section, including a recommendation on whether ARPA–E needs an energy research laboratory.

(j) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $300,000,000 for fiscal year 2007;

(2) $600,000,000 for fiscal year 2008;

(3) $1,100,000,000 for fiscal year 2009;

(4) $1,500,000,000 for fiscal year 2010; and

(5) $2,000,000,000 for fiscal year 2011.

TITLE II—ENERGY TAX INCENTIVES

Subtitle A—Energy Infrastructure Tax Incentives

SEC. 201. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

Section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended by striking "2008" each place it appears and inserting "2011".

SEC. 202. EXTENSION AND EXPANSION OF CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

(a) In General.—Section 54(m) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "2007" and inserting "2010".

(b) Annual Volume Cap for Bonds Issued During Extension Period.—Paragraph (1) of section 54(f) of the Internal Revenue Code of 1986 (relating to limitation on amount of bonds designated) is amended to read as follows:

"(1) National limitation.—

"(A) Initial national limitation.—With respect to bonds issued after December 31, 2005, and before January 1, 2008, there is a national clean renewable energy bond limitation of $800,000,000.

"(B) Annual national limitation.—With respect to bonds issued after December 31, 2007, and before January 1, 2011, there is a national clean renewable energy bond limitation for each calendar year of $800,000,000.".

(c) Effective Date.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 203. EXTENSION AND EXPANSION OF QUALIFYING ADVANCED COAL PROJECT CREDIT.

(a) In General.—Section 48A(d)(3)(A) of the Internal Revenue Code of 1986 (relating to aggregate credits) is amended by striking "$1,300,000,000" and inserting "$1,800,000,000".

(b) Authorization of Additional Integrated Gasification Combined Cycle Projects.—Subparagraph (B) of section 48A(d)(3) of te Internal Revenue Code of 1986 (relating to aggregate credits) is amended to read as follows:

"(B) Particular projects.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

"(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

"(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

"(iii) $500,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(ii).".

(c) Application Period for Additional Projects.—Subparagraph (A) of section 48A(d)(2) of the Internal Revenue Code of 1986 (relating to certification) is amended to read as follows:

"(A) Application period.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

"(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(A) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

"(ii) for an allocation from the dollar amount specified in paragraph (3)(A)(iii) during the 3-year period beginning at the termination of the period described in clause (i).".

(d) Effective Date.—The amendments made by this section shall take effect as if included in the amendments made by section 1307 of the Energy Policy Act of 2005.

SEC. 204. EXTENSION AND EXPANSION OF QUALIFYING GASIFICATION PROJECT CREDIT.

(a) In General.—Section 48B(d)(1) of the Internal Revenue Code of 1986 (relating to qualifying gasification project program) is amended by striking "$350,000,000" and inserting "$850,000,000".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the amendments made by section 1307 of the Energy Policy Act of 2005.

Subtitle B—Domestic Fossil Fuel Security

SEC. 211. EXTENSION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) In General.—Section 179C(c)(1) of the Internal Revenue Code of 1986 (defining qualified refinery property) is amended—

(1) by striking "and before January 1, 2012" in subparagraph (B) and inserting "and, in the case of any qualified refinery described in subsection (d)(1), before January 1, 2012", and

(2) by inserting "if described in subsection (d)(1)" after "of which" in subparagraph (F)(i).

(b) Conforming Amendment.—Subsection (d) of section 179C of the Internal Revenue Code of 1986 is amended to read as follows:

"(d) Qualified Refinery.—For purposes of this section, the term 'qualified refinery' means any refinery located in the United States which is designed to serve the primary purpose of processing liquid fuel from—

"(1) crude oil, or

"(2) qualified fuels (as defined in section 45K(c)).".

(c) Effective Date.—The amendments made by this section shall take effect as if included in the amendment made by section 1323(a) of the Energy Policy Act of 2005.

Subtitle C—Conservation and Energy Efficiency Provisions

SEC. 221. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 222. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) In General.—Subsection (g) of section 45L of the Internal Revenue Code of 1986 (relating to new energy efficient home credit) is amended to read as follows:

"(g) Termination.—This section shall not apply to—

"(1) any qualified new energy efficient home meeting the energy saving requirements of subsection (c)(1) acquired after December 31, 2010, and

"(2) any qualified new energy efficient home meeting the energy saving requirements of paragraph (2) or (3) of subsection (c) acquired after December 31, 2007.".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the amendments made by section 1332 of the Energy Policy Act of 2005.

SEC. 223. EXTENSION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

Section 25D(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 224. EXTENSION OF CREDIT FOR BUSINESS INSTALLATION OF QUALIFIED FUEL CELLS AND STATIONARY MICROTURBINE POWER PLANTS.

Sections 48(c)(1)(E) and 48(c)(2)(E) of the Internal Revenue Code of 1986 (relating to termination) are each amended by striking "2007" and inserting "2010".

SEC. 225. EXTENSION OF BUSINESS SOLAR INVESTMENT TAX CREDIT.

Sections 48(a)(2)(A)(i)(II) and 48(a)(3)(A)(ii) of the Internal Revenue Code of 1986 (relating to termination) are each amended by striking "2008" and inserting "2011".

Subtitle D—Alternative Fuels and Vehicles Incentives

SEC. 231. EXTENSION OF EXCISE TAX PROVISIONS AND INCOME TAX CREDIT FOR BIODIESEL AND ALTERNATIVE FUELS.

(a) Biodiesel.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) of the Internal Revenue Code of 1986 are each amended by striking "2008" and inserting "2010".

(b) Alternative Fuel.—

(1) Fuels.—Sections 6426(d)(4) and 6427(e)(5)(C) of the Internal Revenue Code of 1986 are each amended by striking "September 30, 2009" and inserting "December 31, 2010".

(2) Refueling property.—Section 30C(g) of such Code is amended by striking "2009" and inserting "2010".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2007.

SEC. 232. EXCEPTION FROM DEPRECIATION LIMITATION FOR CERTAIN ALTERNATIVE AND ELECTRIC PASSENGER AUTOMOBILES.

(a) In General.—Paragraph (1) of section 280F(a) of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end the following new subparagraph:

"(D) Special rule for certain alternative motor vehicles and qualified electric vehicles.—Subparagraph (A) shall not apply to any motor vehicle for which a credit is allowable under section 30 or 30B.".

(b) Conforming Amendment.—Subparagraph (C) of section 280F(a)(1) of the Internal Revenue Code of 1986 is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 394—EXPRESSING THE SENSE OF THE SENATE THAT ALL PEOPLE IN THE UNITED STATES SHOULD PARTICIPATE IN A MOMENT OF SILENCE TO REFLECT UPON THE SERVICE AND SACRIFICE OF MEMBERS OF THE ARMED FORCES BOTH AT HOME AND ABROAD

Ms. STABENOW submitted the following resolution; which was referred to the Committee on Armed Services:

S. Res. 394

Whereas it was through the brave and noble efforts of the forefathers of the United States that the United States first gained freedom and became a sovereign country;

Whereas there are more than 1,300,000 active component and more than 1,100,000 reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all people in the United States cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of the people of the United States for putting their lives in danger for the sake of the freedoms enjoyed by all people of the United States;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all the people of the United States;

Whereas the United States officially celebrates and honors the accomplishments and sacrifices of veterans, patriots, and leaders who fought for freedom, but does not yet officially pay tribute to those who currently serve in the Armed Forces;

Whereas all people of the United States should participate in a moment of silence to support the troops; and

Whereas March 26th, 2006, is designated as "National Support the Troops Day": Now, therefore, be it

Resolved, That it is the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad.

SENATE RESOLUTION 395—ESTABLISHING THE AMERICAN COMPETITIVENESS THROUGH EDUCATION (ACE) RESOLUTION

Mr. HARKIN (for himself, Mr. Kennedy, Mr. Reid, Mrs. Boxer, Mrs. Murray, Ms. Stabenow, and Mr. Menendez) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. Res. 395

Whereas the economy and future of the United States depend on maintaining a highly skilled and educated workforce with the ability to compete in an increasingly high-tech global economy;

Whereas millions of hard-working middle-class families now struggle to afford the rising cost of higher education, which averages $12,127 per year at a public 4-year college and $29,026 per year at a private 4-year college for the 2005–2006 school year;

Whereas between 2000 and 2005, the cost of tuition and fees increased 57 percent at public 4-year colleges and 32 percent at private 4-year colleges;

Whereas during the 1985–1986 school year, the maximum Federal Pell Grant covered 55 percent of the cost of tuition, fees, room and board at a public 4-year college, but during the 2005–2006 school year the maximum Federal Pell Grant covers only 33 percent of such cost, leaving today's students burdened with more debt or unable to afford a college education at all;

Whereas at the same time that college costs are rising substantially, President Bush recently signed into law the largest cut in student loan programs in the history of the Nation and now proposes a budget for fiscal year 2007 that would eliminate new funding for Federal Perkins Loans and freeze the maximum Federal Pell Grant award at $4,050, where the maximum Federal Pell Grant has been since 2003, reducing the real value of the maximum Federal Pell Grant to the families who depend upon it;

Whereas the President's budget also breaks promises to our children, their parents, and their schools;

Whereas school districts must meet tough new standards under the No Child Left Behind Act of 2001 (Public Law 107–110; 115 Stat. 1425), but the President's budget underfunds this effort by $15,400,000,000;

Whereas all children deserve an education that will prepare them for the 21st century global economy, but the President is proposing to leave 3,700,000 children behind by failing to fully fund title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) at the level promised in the No Child Left Behind Act of 2001;

Whereas in 1975 Congress committed to fully funding the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), in order to provide an appropriate education to students with special needs, yet for the second year in a row the President's budget retreats on that commitment by reducing the Federal Government's share of the cost for educating students with special needs, placing a greater financial burden on States and local school districts;

Whereas research shows that every dollar invested in high-quality early childhood education yields $13 in benefits to the public, but the President's budget would eliminate Head Start services for 19,000 children;

Whereas despite the importance of education, the President now is proposing a $2,100,000,000 cut to Federal education funding, which would be the largest cut in the 26-year history of the Department of Education;

Whereas the President's budget proposes to eliminate or substantially reduce funding for 42 existing education programs, including Safe and Drug-Free Schools and Communities State Grants, Educational Technology State Grants, Elementary and Secondary School Counseling Programs, Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR–UP), and Federal TRIO Programs;

Whereas every child deserves a safe, healthy, supervised place to go after school, but the President's budget denies these opportunities to 2,000,000 disadvantaged students by funding 21st Century Community Learning Centers at less than half the level promised in the No Child Left Behind Act of 2001; and

Whereas the education cuts in the President's budget would eliminate the ability of many working families to ensure a quality education for their children, deny many young people the opportunities that flow from a college education, reduce the competitiveness of the United States workforce, and harm the Nation's economy: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) Congress should act to make college more affordable by—

(A) increasing tax benefits to offset college costs, such as expanding the Hope Scholarship Credit and the deductibility of college tuition;

(B) substantially increasing the size of Federal Pell Grants to better reflect the increase in the cost of higher education; and

(C) making student loans more affordable by reducing interest rates and fees for students and families;

(2) Congress should keep its promises to the children of the United States, particularly by fully funding the No Child Left Behind Act of 2001, the Individuals with Disabilities Education Act, and the Head Start Act (42 U.S.C. 9831 et seq.); and

(3) Congress should reject the cuts in the President's education budget for fiscal year 2007.

SEC. 2. SHORT TITLE.

This resolution may be cited as the "American Competitiveness through Education Resolution" or the "ACE Resolution".

SENATE RESOLUTION 396—CONGRATULATING ROSEY FLETCHER FOR HER OLYMPIC BRONZE MEDAL IN THE PARALLEL GIANT SLALOM

Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 396

Whereas on February 23, 2006, Rosey Fletcher became the first woman from the United States to win an Olympic medal in the parallel giant slalom;

Whereas Rosey Fletcher won a bronze medal for her performance at the 2006 Torino Olympic Winter Games;

Whereas Rosey Fletcher is the only snowboarder to have competed in 3 Winter Olympic Games;

Whereas Rosey Fletcher was a silver medalist at the 1999 and 2001 world championships and is ranked 8th in the parallel giant slalom on the World Cup circuit;

Whereas February 23, 2006, was declared "Rosey Fletcher Day" by Alyeska Resort in honor of her Olympic achievement and mentoring of young Alaskan athletes; and

Whereas Rosey Fletcher is a hometown hero from Girdwood, Alaska: Now, therefore, be it

Resolved, That the Senate congratulates Rosey Fletcher for winning the bronze medal in the parallel giant slalom.

SENATE RESOLUTION 397—RECOGNIZING THE HISTORY AND ACHIEVEMENTS OF THE CURLING COMMUNITY OF BEMIDJI, MINNESOTA

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 397

Whereas the citizens of Bemidji, Minnesota, have enjoyed the sport of curling ever since the Hibbing Curling Club demonstrated the sport during the Winter Carnival of 1932;

Whereas many families who live in Bemidji have participated in the sport for over 4 generations, the latest of whom enjoy the opportunity to enroll in high school courses that are held at the Bemidji Curling Club and focus on the fundamentals of curling;

Whereas members of the Bemidji community gathered at the Tourist Information Building and organized the now famous Bemidji Curling Club on January 13, 1935;

Whereas the Club brought the Bemidji community together, as members routinely shared their equipment with fellow curlers until the Club could afford to purchase a sufficient supply of stones, brooms, and other items;

Whereas the Bemidji Curling Club has promoted the participation of women in the sport of curling for almost 60 years;

Whereas the tireless efforts of parents and fellow members of the Club have inspired a large number of youths in the Bemidji community to participate in junior leagues;

Whereas teams belonging to the Bemidji Curling Club have won over 50 State and national titles;

Whereas, after producing generations of champion curlers, the City of Bemidji, the Bemidji Curling Club, and the town of Chisolm have the honor of calling themselves the home of the 2006 United States Men's and Women's Olympic Curling Teams;

Whereas the citizens of Bemidji and Chisolm celebrated the strong performances of each Olympic curling team, and watched with pride as the Men's Olympic Curling Team captured the bronze medal in Torino; and

Whereas the Bemidji Curling Club and the City of Bemidji continues to foster the growth and development of curling by hosting the United States World Team Trials in March of 2006: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the curling community of Bemidji for its efforts in promoting the sport of curling in Minnesota and the United States; and

(2) respectfully requests the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the City of Bemidji; and

(B) the Bemidji Curling Club.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2968. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 2969. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2970. Mr. SUNUNU (for himself, Mr. MCCAIN, Mr. GRAHAM, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2971. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2972. Mr. TALENT (for himself, Mr. FRIST, Mr. ALLEN, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2973. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2974. Mr. MCCAIN (for himself, Mr. KYL, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2975. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2976. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2977. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2978. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2979. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2980. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2981. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2982. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2983. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2984. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2985. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2986. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2987. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2988. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2989. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2990. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2991. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2992. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2993. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2994. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2995. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2996. Mr. HAGEL (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2997. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2968. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" means an Executive agency as defined under section 105 of title 5, United States Code.

(2) CONTRACTOR ENTITY.—The term "contractor entity" means any entity that receives Federal funds as a general contractor or subcontractor at any tier in connection with a Federal contract.

(3) COVERED ENTITY.—The term "covered entity" means any entity that receives Federal funds—

(A) through a grant or loan, except—

(i) a grant or loan under entitlement authority; or

(ii) a loan designated by the Office of Management and Budget under subsection (b)(3); or

(B) under a statutory provision that directly references the entity receiving Federal funds, including any appropriations Act (or related committee or conference report) that specifically identifies the entity.

(4) ENTITLEMENT AUTHORITY.—The term "entitlement authority" has the meaning given under section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622).

(5) ENTITY.—The term "entity"—

(A) includes any State or local government; and

(B) shall not include the Federal Government.

(b) OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget—

(1) shall issue a Federal funds application number to each covered entity or contractor entity that applies for such number, except that if more than 1 covered entity or contractor entity share a single tax identification number, only 1 Federal funds application number shall be issued for those covered entities or contractor entities;

(2) shall develop and establish an updated searchable database website accessible to the public of the information on—

(A) each covered entity required to be submitted under subsection (c)(3), including links to other websites described under subsection (c)(3); and

(B) each contractor entity required to be submitted under subsection (d)(3);

(3) may promulgate regulations to designate loan programs which are not covered by this section if—

(A) the Federal funds under that program are received only by individuals; and

(B) the agency administering the program exercises minimal discretion in determining recipients other than the application of specific criteria of eligibility; and

(4) after consultation with agencies, promulgate regulations to provide exemptions for disclosures of information, covered entities, and contractor entities in the interest of national defense or national security.

(c) REQUIREMENTS FOR COVERED ENTITIES.—Each covered entity shall—

(1) apply to the Office of Management and Budget for a Federal funds application number;

(2) use the Federal funds application number in any application or other document relating to the receipt of Federal funds; and

(3) not later than 45 days before the end of each fiscal year, file a report with the Office of Management and Budget that includes—

(A) the dollar amount, of any Federal funds received by the entity in the previous 5 years and the identification of such amounts in each year, including an identification of the source of funds from programs based on the Catalogue of Federal Assistance, if applicable;

(B) the entity's—

(i) primary office and any additional offices;

(ii) the tax status; and

(iii) tax identification number;

(C) the full name, address, and social security numbers of each officer and director of the entity;

(D) an overall annual financial disclosure statement for the previous year (with specific amounts for total lobbying expenses, travel expenses, rent, salaries, and decorating expenses);

(E) the full name, address, and social security number of each employee making more than $50,000 each year in gross income;

(F) any links to the website of the covered entity providing additional information on that covered entity; and

(G) any other relevant information the Office of Management and Budget may require.

(d) REQUIREMENTS FOR CONTRACTOR ENTITIES.—Each contractor entity shall—

(1) apply to the Office of Management and Budget for a Federal funds application number;

(2) use the Federal funds application number in any application or other document relating to the receipt of Federal funds; and

(3) not later than 45 days before the end of each fiscal year, file a report with the Office of Management and Budget that includes—

(A) the dollar amount, of any Federal funds received by the entity in the previous 5 years and the identification of such amounts in each year, including an identification of the source of funds from programs based on the Catalogue of Federal Assistance, if applicable; and

(B) the entity's—

(i) primary office and any additional offices;

(ii) the tax status; and

(iii) tax identification number.

(e) FEDERAL AGENCIES.—Each agency shall—

(1) use the Federal funds application number with respect to any document relating to a covered entity or contractor entity receiving Federal funds, including applications, correspondence, contracts, memoranda, proposals, agreements, and receipts; and

(2) make such information relating to covered entities or contractor entities and such documents available to the Office of Management and Budget as the Office may require.

(f) APPLICATION OF CERTAIN FEDERAL LAWS TO COVERED ENTITIES AND CONTRACTOR ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the provisions of law described under paragraph (2) shall apply to a covered entity or contractor entity to the greatest extent practicable as though that covered entity or contractor entity is a Federal agency, if the covered entity or contractor entity has business expenditures or a business budget in any year equal to or greater than 10 percent of the amount of Federal funds received by that covered entity or contractor entity in that year.

(2) APPLICABLE LAWS.—The provisions of law referred to under paragraph (1) are—

(A) section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); and

(B) subchapter I of chapter 57 of title 5, United States Code (relating to travel and subsistence expenses and mileage allowances).

(g) REGULATIONS.—The Office of Management and Budget shall promulgate regulations to carry out this section.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—This section shall take effect on January 2, 2007.

(2) REGULATIONS.—Subsection (g) shall take effect on the date of enactment of this Act.

SA 2969. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike after the first word and, insert the following:

SEC. ___. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" means an Executive agency as defined under section 105 of title 5, United States Code.

(2) CONTRACTOR ENTITY.—The term "contractor entity" means any entity that receives Federal funds as a general contractor or subcontractor at any tier in connection with a Federal contract.

(3) COVERED ENTITY.—The term "covered entity" means any entity that receives Federal funds—

(A) through a grant or loan, except—

(i) a grant or loan under entitlement authority; or

(ii) a loan designated by the Office of Management and Budget under subsection (b)(3); or

(B) under a statutory provision that directly references the entity receiving Federal funds, including any appropriations Act (or related committee or conference report) that specifically identifies the entity.

(4) ENTITLEMENT AUTHORITY.—The term "entitlement authority" has the meaning given under section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622).

(5) ENTITY.—The term "entity"—

(A) includes any State or local government; and

(B) shall not include the Federal Government.

(b) OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget—

(1) shall issue a Federal funds application number to each covered entity or contractor entity that applies for such number, except that if more than 1 covered entity or contractor entity share a single tax identification number, only 1 Federal funds application number shall be issued for those covered entities or contractor entities;

(2) shall develop and establish an updated searchable database website accessible to the public of the information on—

(A) each covered entity required to be submitted under subsection (c)(3), including links to other websites described under subsection (c)(3); and

(B) each contractor entity required to be submitted under subsection (d)(3);

(3) may promulgate regulations to designate loan programs which are not covered by this section if—

(A) the Federal funds under that program are received only by individuals; and

(B) the agency administering the program exercises minimal discretion in determining recipients other than the application of specific criteria of eligibility; and

(4) after consultation with agencies, promulgate regulations to provide exemptions

for disclosures of information, covered entities, and contractor entities in the interest of national defense or national security.

(c) Requirements for Covered Entities.—Each covered entity shall—

(1) apply to the Office of Management and Budget for a Federal funds application number;

(2) use the Federal funds application number in any application or other document relating to the receipt of Federal funds; and

(3) not later than 45 days before the end of each fiscal year, file a report with the Office of Management and Budget that includes—

(A) the dollar amount, of any Federal funds received by the entity in the previous 5 years and the identification of such amounts in each year, including an identification of the source of funds from programs based on the Catalogue of Federal Assistance, if applicable;

(B) the entity's—

(i) primary office and any additional offices;

(ii) the tax status; and

(iii) tax identification number;

(C) the full name, address, and social security numbers of each officer and director of the entity;

(D) an overall annual financial disclosure statement for the previous year (with specific amounts for total lobbying expenses, travel expenses, rent, salaries, and decorating expenses);

(E) the full name, address, and social security number of each employee making more than $50,000 each year in gross income;

(F) any links to the website of the covered entity providing additional information on that covered entity; and

(G) any other relevant information the Office of Management and Budget may require.

(d) Requirements for Contractor Entities.—Each contractor entity shall—

(1) apply to the Office of Management and Budget for a Federal funds application number;

(2) use the Federal funds application number in any application or other document relating to the receipt of Federal funds; and

(3) not later than 45 days before the end of each fiscal year, file a report with the Office of Management and Budget that includes—

(A) the dollar amount, of any Federal funds received by the entity in the previous 5 years and the identification of such amounts in each year, including an identification of the source of funds from programs based on the Catalogue of Federal Assistance, if applicable; and

(B) the entity's—

(i) primary office and any additional offices;

(ii) the tax status; and

(iii) tax identification number.

(e) Federal Agencies.—Each agency shall—

(1) use the Federal funds application number with respect to any document relating to a covered entity or contractor entity receiving Federal funds, including applications, correspondence, contracts, memoranda, proposals, agreements, and receipts; and

(2) make such information relating to covered entities or contractor entities and such documents available to the Office of Management and Budget as the Office may require.

(f) Application of Certain Federal Laws to Covered Entities and Contractor Entities.—

(1) In general.—Notwithstanding any other provision of law, the provisions of law described under paragraph (2) shall apply to a covered entity or contractor entity to the greatest extent practicable as though that covered entity or contractor entity is a Federal agency, if the covered entity or contractor entity has business expenditures or a business budget in any year equal to or greater than 10 percent of the amount of Federal funds received by that covered entity or contractor entity in that year.

(2) Applicable laws.—The provisions of law referred to under paragraph (1) are—

(A) section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); and

(B) subchapter I of chapter 57 of title 5, United States Code (relating to travel and subsistence expenses and mileage allowances).

(g) Regulations.—The Office of Management and Budget shall promulgate regulations to carry out this section.

(h) Effective Dates.—

(1) In general.—This section shall take effect on January 1, 2007.

(2) Regulations.—Subsection (g) shall take effect on the date of enactment of this Act.

SA 2970. Mr. SUNUNU (for himself, Mr. McCain, Mr. Graham, and Mr. Ensign) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 21 and all that follows through page 6, line 7, and insert the following:

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"EARMARKS

"1. In this rule—

"(1) the term 'earmark' means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

"(2) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

"2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

"(1) all earmarks in such measure;

"(2) an identification of the Member or Members who proposed the earmark; and

"(3) an explanation of the essential governmental purpose for the earmark;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.".

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) In General.—

(1) Amendment.—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

"7. It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.".

SA 2971. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 8, line 7, after "principal." insert "This clause shall not apply to a gift, meal, refreshment, or travel provided by a State, local, or tribal government.".

SA 2972. Mr. TALENT (for himself, Mr. Frist, Mr. Allen, and Mrs. Dole) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 16, between lines 3 and 4, insert the following:

SEC. 114. LINE ITEM VETO.

(a) Findings.—The Senate finds that—

(1) the Federal Government has struggled with deficits since World War II, balancing its budget only 9 times since 1950;

(2) the national debt is currently more than $8,200,000,000,000, or 66 percent of the total gross domestic product, and is a long-term threat to our economic health;

(3) the number of earmarks in appropriations bills has tripled over the last 5 years, to more than 14,000;

(4) every President for the last 25 years has asked Congress to pass a line item veto to help reduce the deficit by eliminating wasteful spending;

(5) 43 Governors have line item veto authority, and numerous studies have shown that the line item veto is effective at reducing State spending;

(6) Congress passed the Line Item Veto Act (Public Law 104-30; 110 Stat. 1200) in the 104th Congress, by a 294-134 vote in the House of Representatives and a 69-31 vote in the Senate;

(7) in 1998 the Supreme Court of the United States, in a 6-3 decision, found the Line Item Veto Act unconstitutional;

(8) the Congress and the President share a responsibility to the American people to spend their money wisely; and

(9) the Federal Government should use every tool possible to help reduce the deficit, and the line item veto is a time-tested method of doing so.

(b) Sense of the Senate.—It is the sense of the Senate that Congress should provide the President with a constitutionally acceptable line item veto authority.

SA 2973. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 14, between lines 2 and 3, insert the following:

SEC. 12. ADDITIONAL EMPLOYMENT RIGHTS.

(a) In General.—Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by striking subsection (j) and inserting the following:

"(j) Additional Employment Rights.—

"(1) Definition of tribal employee.—In this subsection, the term 'tribal employee', with respect to an Indian tribal government, means an individual acting under the day-to-day control or supervision of the Indian tribal government, unaffected by the control or supervision of any independent contractor, agency or organization, or intervening sovereignty.

"(2) RIGHTS OF CERTAIN EMPLOYEES.—Notwithstanding sections 205 and 207 of title 18, United States Code, an officer or employee of the United States assigned to an Indian tribe under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48), or an individual that was formerly an officer or employee of the United States and who is a tribal employee or an elected or appointed official of an Indian tribe carrying out an official duty of the tribal employee or official may communicate with and appear before any department, agency, court, or commission on behalf of the Indian tribe on any matter, including any matter in which the United States is a party or has a direct and substantial interest.

"(3) NOTIFICATION OF INVOLVEMENT IN PENDING MATTER.—An officer, employee, or former officer or employee described in paragraph (2) shall submit to the head of each appropriate department, agency, court, or commission, in writing, a notification of any personal and substantial involvement the officer, employee, or former officer or employee had as an officer or employee of the United States with respect to the pending matter.".

(b) EFFECTIVE DATE.—The effective date of the amendment made by this section shall be the date that is 1 year after the date of enactment of this Act.

SA 2974. Mr. MCCAIN (for himself, Mr. KYL, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 16, strike line 1 and insert the following:

SEC. 113. REPORTING OF CONTRIBUTIONS BY INDIAN TRIBES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 304 the following new section:

"REPORTS BY INDIAN TRIBES

"SEC. 304A. (a)(1) IN GENERAL.—Each Indian tribe shall file reports of contributions made to a candidate, a political committee, or a Federal account of a State, district, or local committee of a political party in accordance with the provisions of this subsection.

"(2) REPORTS.—

"(A) ELECTION YEAR.—

"(i) IN GENERAL.—In any calendar year during which there is a regularly scheduled election, an Indian tribe shall file a report—

"(I) for the first calendar quarter in which contributions are made that aggregate in excess of $1,000 for the calendar year; and

"(II) for any calendar quarter after the quarter described in subclause (I) in which additional contributions are made.

"(ii) TIMING OF REPORTS.—A report required under clause (i) shall be filed no later than the 15th day after the last day of the calendar quarter, and shall be complete as of the last day of the calendar quarter; except that the report for the quarter ending on December 31 shall be filed no later than January 31 of the following calendar year.

"(iii) INITIAL REPORT.—The report required under clause (i)(I) shall include information with respect to contributions made during all preceding quarters during the calendar year.

"(B) OTHER YEARS.—

"(i) IN GENERAL.—In any other calendar year, an Indian tribe shall file a report—

"(I) for the first reporting period described in clause (ii) in which contributions are made that aggregate in excess of $1,000 in the calendar year; and

"(II) for any reporting period after the period described in subclause (I) in which additional contributions are made.

"(ii) REPORTING PERIODS DESCRIBED.—The reporting periods described in this clause are—

"(I) the period beginning January 1 and ending June 30 of such calendar year; and

"(II) the period beginning July 1 and ending December 31 of such calendar year.

"(iii) TIMING OF REPORT.—The reports required under clause (i) shall be filed—

"(I) in the case of the reporting period described in clause (ii)(I), no later than July 31; and

"(II) in the case of the reporting period described in clause (ii)(II), no later than January 31 of the following calendar year.

"(iv) INITIAL REPORT.—The report required under clause (i)(I) shall include information with respect to contributions made during any preceding reporting period during the calendar year.

"(b) CONTENTS OF REPORT.—Each report under this section shall disclose—

"(1) the total amount of contributions made by the Indian tribe to candidates, political committees, and Federal accounts of State, district, and local committees of political parties during the reporting period;

"(2) the name and address of each such candidate, political committee, and Federal account to which the Indian tribe made a contribution during the reporting period, with respect to which the contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such contribution;

"(3) the name and address of the Indian tribe and the unique identifier assigned to the Indian tribe under subsection (c); and

"(4) the name, address, and position of the custodian of the books and accounts of the Indian tribe.

"(c) UNIQUE IDENTIFIER.—The Commission, in consultation with the Secretary of the Interior, shall assign a unique identifier to each Indian tribe for the purpose of filing reports under this section.".

(b) DEFINITION OF INDIAN TRIBE.—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

"(27) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

SEC. 114. EFFECTIVE DATE.

SA 2975. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, line 20 between "available" and "on", insert "in an electronically searchable format".

SA 2976. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 6, line 6 between "available" and "to", insert "in an electronically searchable format".

SA 2977. Mrs. FEINSTEIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, strike lines 4 through 17 and insert the following:

"(2) the term 'covered earmark' means an earmark that includes any matter not committed to the conferees by either House; and

"(3) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

"2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

"(1) all covered earmarks in such measure;

"(2) an identification of the Member or Members who proposed the covered earmark; and

"(3) an explanation of the essential governmental purpose for the covered earmark;

SA 2978. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE III—OFFICE OF PUBLIC INTEGRITY

SEC. 301. ESTABLISHMENT OF OFFICE OF PUBLIC INTEGRITY.

There is established, as an independent office within the legislative branch of the Government, the Office of Public Integrity (referred to in this title as the "Office").

SEC. 302. DIRECTOR.

(a) APPOINTMENT OF DIRECTOR.—The Office shall be headed by a Director who shall be appointed by agreement of the Speaker of the House of Representatives, the majority leader of the Senate, and the minority leaders of the House of Representatives and the Senate. The selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office.

(b) VACANCY.—A vacancy in the directorship shall be filled in the manner in which the original appointment was made.

(c) TERM OF OFFICE.—The Director shall serve for a term of 5 years and may be reappointed.

(d) REMOVAL.—

(1) AUTHORITY.—The Director may be removed by a majority of the appointing authority for—

(A) disability that substantially prevents the Director from carrying out the duties of the Director;

(B) inefficiency;

(C) neglect of duty; or

(D) malfeasance, including a felony or conduct involving moral turpitude.

(2) STATEMENT OF REASONS.—In removing the Director, a statement of the reasons for

removal shall be provided in writing to the Director.

(e) Compensation.—The Director shall be compensated at the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 303. DUTIES AND POWERS OF THE OFFICE.

(a) Duties.—The Office is authorized—

(1) to receive, monitor, and oversee reports filed by registered lobbyists under the Lobbying Disclosure Act of 1995;

(2) to assume all other responsibilities and authorities of the Secretary of the Senate and the Clerk of the House of Representatives under the Lobbying Disclosure Act of 1995;

(3) to refer to the Select Committee on Ethics of the Senate and Committee on Standard of Official Conduct of the House of Representatives, as appropriate, any information it comes across that relates to a possible violation of ethics rules or standards of the relevant body;

(4) to conduct periodic and random reviews and audits of reports filed with it to ensure compliance with all applicable laws and rules; and

(5) to provide informal guidance to registrants under the Lobbying Disclosure Act of 1995 of their responsibilities under such Act.

(b) Powers.—

(1) Obtaining information.—Upon request of the Office, the head of any agency or instrumentality of the Government shall furnish information deemed necessary by the Director to enable the Office to carry out its duties.

(2) Referrals to the department of justice.—Whenever the Director has reason to believe that a violation of the Lobbying Disclosure Act of 1995 may have occurred, he shall refer that matter to the Department of Justice for it to investigate.

(3) General audits.—The Director shall have the authority to conduct general audits of filings under the Lobbying Disclosure Act of 1995.

SEC. 304. ADMINISTRATION AND STAFF.

(a) Staff and Support Services.—The Director may appoint and fix the compensation of such staff as the Director considers necessary.

(b) Applicability of Civil Service Laws.—The Director and other members of the staff of the Office shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(c) Experts and Consultants.—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) Physical Facilities.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Office on a nonreimbursable basis. The facilities shall serve as the headquarters of the Office and shall include all necessary equipment and incidentals required for the proper functioning of the Office.

(e) Administrative Support Services and Other Assistance.—

(1) In general.—Upon the request of the Director, the Architect of the Capitol and the Administrator of General Services shall provide to the Director on a nonreimbursable basis such administrative support services as the Commission may request.

(2) Additional support.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Director such services, funds, facilities, staff, and other support services as the Director may deem advisable and as may be authorized by law.

(f) Use of Mails.—The Office may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) Printing.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Office shall be deemed to be a committee of the Congress.

SEC. 305. EXPENSES.

(a) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

(b) Financial and Administrative Services.—The Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the Government in the same manner and to the same extent as agencies are authorized to do so under sections 1535 and 1536 of title 31, United States Code.

SEC. 306. TRANSFER OF RECORDS.

Not later than 90 days after the effective date of this Act, the Office of Public Records in the Senate and the Office of Clerk of the House of Representatives shall transfer all records to the Office with respect to their former duties under the Lobbying Disclosure Act of 1995 and the Ethics in Government Act of 1978.

SEC. 307. TRANSFER OF JURISDICTION TO OFFICE OF PUBLIC INTEGRITY.

(a) Filing of Registrations.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(1) in subsection (a)(1), by striking "Secretary of the Senate and the Clerk of the House of Representatives" and inserting "Office of Public Integrity"; and

(2) in subsection (d), by striking "Secretary of the Senate and the Clerk of the House of Representatives" and inserting "Office of Public Integrity".

(b) Reports by Registered Lobbyists.—Section 5(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(a)) is amended by striking "Secretary of the Senate and the Clerk of the House of Representatives" and inserting "Office of Public Integrity".

(c) Disclosure and Enforcement.—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended by striking "Secretary of the Senate and the Clerk of the House of Representatives" and inserting "Office of Public Integrity".

(d) Penalties.—Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by striking "Secretary of the Senate or the Clerk of the House of Representatives" and inserting "Office of Public Integrity".

(e) Rules of Construction.—Section 8(c) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(c)) is amended by striking "Secretary of the Senate or the Clerk of the House of Representatives" and inserting "Office of Public Integrity".

(f) Estimates Based on Tax Reporting System.—Section 15(c)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610(c)(1)) is amended by striking "Secretary of the Senate and the Clerk of the House of Representatives" and inserting "Office of Public Integrity".

SEC. 308. OPI EMPLOYEES UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT.

Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 3) is amended—

(1) in paragraph (3)—

(A) in subparagraph (H), by striking "or";

(B) in subparagraph (I), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(J) the Office of Public Integrity."; and

(2) in paragraph (9), by striking "and the Office of Technology Assessment" and inserting "the Office of Technology Assessment, and the Office of Public Integrity".

SEC. 309. PROHIBITION ON FILING AND OTHER ASSOCIATED FEES.

The Office shall not—

(1) charge any registrant a fee for filings with the Office required under the Lobbying Disclosure Act of 1995; or

(2) charge such a registrant a fee for obtaining an electronic signature for such a filing.

SEC. 310. EFFECTIVE DATE.

(a) In General.—Except as provided by subsection (b), this title shall take effect on January 1, 2007.

(b) Exception.—Sections 302, 304, and 305 shall take effect upon the date of enactment of this Act.

SA 2979. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 22, lines 12 through 14, strike "the registrant or employee listed as a lobbyist provided, or directed or arranged to be provided," and insert "the registrant provided, or directed or arranged to be provided, or the employee listed as a lobbyist directed or arranged to be provided,".

SA 2980. Mr. ENSIGN (for himself and Mr. McCain) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 5, line 2 strike "a non-Federal" and insert "an".

SA 2981. Mr. ENSIGN (for himself and Mr. McCain) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 3, strike line 9 and all that follows through page 4, line 20, and insert the following:

(a) In General.—A point of order may be made by any Senator against consideration of a conference report that includes any new or general legislation, any unauthorized appropriation, or new matter or nongermane matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) Disposition.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITIONS.—In this section:

(1)(A) The term “unauthorized appropriation” means an appropriation—

(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

(2) The term “new or general legislation” has the meaning given that term when it is used in paragraph 2 of Rule XVI of the Standing Rules of the Senate.

(3) The term “new matter” means any matter not committed to conferees by either House.

(4) The term “nongermane matter” has the meaning given that term when it is used in Rule XXII of the Standing Rules of the Senate.

SA 2982. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 25, after line 11, insert the following:

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by adding at the end the following: “An officer of an organization described in section 501(c) of the Internal Revenue Code of 1986 who engages in lobbying activities with Federal funds as prohibited by section 18 shall be imprisoned for not more than 5 years and fined under title 18 of the United States Code, or both.”.

SA 2983. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 3, line 12, strike “shall be made and voted on separately for each item in violation of this section” and insert “may be made and voted on separately for each item in violation of this section”.

It shall be in order for a Senator to raise a single point of order that several provisions of a conference report or an amendment between the Houses violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (g), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

SA 2984. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, line 21, strike “24 hours” and insert “48 hours”.

On page 6, line 7, strike “24 hours” and insert “48 hours”.

On page 16, between lines 3 and 4, insert the following:

SEC. 114. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

(a) IN GENERAL.—Rule XVI of the Standing Rules of the Senate is amended by adding at the end the following:

“9. (a) On a point of order made by any Senator:

“(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

“(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

“(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

“(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

“(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

“(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment, as directed by the chairman of the Committee on the Budget, shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly.

“(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, then an amendment to the House bill is deemed to have been adopted that—

“(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

“(B) modifies, if necessary and as directed by the chairman of the Committee on the Budget, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly.

“(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

“(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained, then—

“(A) the unauthorized appropriation shall be struck from the amendment;

“(B) any modification of total amounts appropriated, as directed by the chairman of the Committee on the Budget, necessary to reflect the deletion of the matter struck from the amendment shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly; and

“(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

“(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained, then—

“(A) an amendment to the House amendment is deemed to have been adopted that—

“(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

“(ii) modifies, if necessary and as directed by the chairman of the Committee on the Budget, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly; and

“(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

“(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

"(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

"(g) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (f), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

"(h) For purposes of this paragraph:

"(1) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this rule.

"(2) The term 'new matter' means matter not committed to conference by either House of Congress.

"(3)(A) The term 'unauthorized appropriation' means an appropriation—

"(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

"(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

"(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

"10. (a) On a point of order made by any Senator, no new or general legislation, nor any unauthorized appropriation, new matter, or nongermane matter may be included in any conference report on a general appropriation bill.

"(b) If the point of order against a conference report under subparagraph (a) is sustained—

"(1) the new or general legislation, unauthorized appropriation, new matter, or nongermane matter in such conference report shall be deemed to have been struck;

"(2) any modification of total amounts appropriated, as directed by the chairman of the Committee on the Budget, necessary to reflect the deletion of the matter struck shall be deemed to have been made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be deemed to be reduced accordingly;

"(3) when all other points of order under this paragraph have been disposed of—

"(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck (together with any modification of total amounts appropriated and reduction in the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) deemed to have been made);

"(B) the question shall be debatable; and

"(C) no further amendment shall be in order; and

"(4) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

"(c) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

"(d) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

"(e) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a conference report on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (d), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

"(f) For purposes of this paragraph:

"(1) The terms 'new or general legislation', 'new matter', and 'unauthorized appropriation' have the same meaning as in paragraph 9.

"(2) The term 'nongermane matter' has the same meaning as in Rule XXII and under the precedents attendant thereto, as of the beginning of the 109th Congress.".

(b) PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.—

(1) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term "assistance" includes an award, grant, loan, loan guarantee, contract, or other expenditure.

(B) The term "congressional report" means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term "earmark" means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term "entity" includes a State or locality.

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2006.

(c) LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

"SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

"(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

"(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

"(2) the amount of money paid as described in paragraph (1).

"(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means any recipient of Federal funds, including an award, grant, loan, loan guarantee, contract, or other expenditure.".

SA 2985. Mr. McCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, between lines 3 and 4, insert the following:

SEC. 114. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

Rule XVI of the Standing Rules of the Senate is amended by adding at the end the following:

“9. (a) On a point of order made by any Senator:

“(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

“(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

“(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

“(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

“(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

“(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment, as directed by the chairman of the Committee on the Budget, shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly.

“(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, then an amendment to the House bill is deemed to have been adopted that—

“(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

“(B) modifies, if necessary and as directed by the chairman of the Committee on the Budget, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly.

“(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

“(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained, then—

“(A) the unauthorized appropriation shall be struck from the amendment;

“(B) any modification of total amounts appropriated, as directed by the chairman of the Committee on the Budget, necessary to reflect the deletion of the matter struck from the amendment shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly; and

“(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

“(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained, then—

“(A) an amendment to the House amendment is deemed to have been adopted that—

“(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

“(ii) modifies, if necessary and as directed by the chairman of the Committee on the Budget, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly; and

“(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

“(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

“(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

“(g) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (f), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

“(h) For purposes of this paragraph:

“(1) The term ‘new or general legislation’ has the meaning given that term when it is used in paragraph 2 of this rule.

“(2) The term ‘new matter’ means matter not committed to conference by either House of Congress.

“(3)(A) The term ‘unauthorized appropriation’ means an appropriation—

“(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

“(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

“(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

“10. (a) On a point of order made by any Senator, no new or general legislation, nor any unauthorized appropriation, new matter, or nongermane matter may be included in any conference report on a general appropriation bill.

“(b) If the point of order against a conference report under subparagraph (a) is sustained—

“(1) the new or general legislation, unauthorized appropriation, new matter, or nongermane matter in such conference report shall be deemed to have been struck;

“(2) any modification of total amounts appropriated, as directed by the chairman of the Committee on the Budget, necessary to reflect the deletion of the matter struck shall be deemed to have been made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be deemed to be reduced accordingly;

“(3) when all other points of order under this paragraph have been disposed of—

“(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck (together with any modification of total amounts appropriated and reduction in the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) deemed to have been made);

“(B) the question shall be debatable; and

“(C) no further amendment shall be in order; and

“(4) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

“(c) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

“(d) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

"(e) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a conference report on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (d), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

"(f) For purposes of this paragraph:

"(1) The terms 'new or general legislation', 'new matter', and 'unauthorized appropriation' have the same meaning as in paragraph 9.

"(2) The term 'nongermane matter' has the same meaning as in Rule XXII and under the precedents attendant thereto, as of the beginning of the 109th Congress.".

SA 2986. Mr. McCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, between lines 3 and 4, insert the following:

SEC. 114. PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.

(a) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "assistance" includes an award, grant, loan, loan guarantee, contract, or other expenditure.

(2) The term "congressional report" means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(3) The term "earmark" means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(4) The term "entity" includes a State or locality.

(c) EFFECTIVE DATE.—This section shall apply to appropriation Acts enacted after December 31, 2006.

SA 2987. Mr. McCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, between lines 3 and 4, insert the following:

SEC. 114. LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.

The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

"SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

"(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

"(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

"(2) the amount of money paid as described in paragraph (1).

"(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means any recipient of Federal funds, including an award, grant, loan, loan guarantee, contract, or other expenditure.".

SA 2988. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE III—REFORM OF SECTION 527 ORGANIZATIONS

SEC. 301. SHORT TITLE.

This title may be cited as the "527 Reform Act of 2005".

SEC. 302. TREATMENT OF SECTION 527 ORGANIZATIONS.

(a) DEFINITION OF POLITICAL COMMITTEE.—Section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(2) by adding at the end the following:

"(D) any applicable 527 organization.".

(b) DEFINITION OF APPLICABLE 527 ORGANIZATION.—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

"(27) APPLICABLE 527 ORGANIZATION.—

"(A) IN GENERAL.—For purposes of paragraph (4)(D), the term 'applicable 527 organization' means a committee, club, association, or group of persons that—

"(i) has given notice to the Secretary of the Treasury under section 527(i) of the Internal Revenue Code of 1986 that it is to be treated as an organization described in section 527 of such Code; and

"(ii) is not described in subparagraph (B).

"(B) EXCEPTED ORGANIZATIONS.—A committee, club, association, or other group of persons described in this subparagraph is—

"(i) an organization described in section 527(i)(5) of the Internal Revenue Code of 1986;

"(ii) an organization which is a committee, club, association or other group of persons that is organized, operated, and makes disbursements exclusively for paying expenses described in the last sentence of section 527(e)(2) of the Internal Revenue Code of 1986 or expenses of a newsletter fund described in section 527(g) of such Code;

"(iii) an organization which is a committee, club, association, or other group that consists solely of candidates for State or local office, individuals holding State or local office, or any combination of either, but only if the organization refers only to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does not refer to a Federal candidate or a political party in any of its voter drive activities; or

"(iv) an organization described in subparagraph (C).

"(C) APPLICABLE ORGANIZATION.—For purposes of subparagraph (B)(iv), an organization described in this subparagraph is a committee, club, association, or other group of persons whose election or nomination activities relate exclusively to—

"(i) elections where no candidate for Federal office appears on the ballot; or

"(ii) one or more of the following purposes:

"(I) Influencing the selection, nomination, election, or appointment of one or more candidates to non-Federal offices.

"(II) Influencing one or more applicable State or local issues.

"(III) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

"(D) EXCLUSIVITY TEST.—A committee, club, association, or other group of persons shall not be treated as meeting the exclusivity requirement of subparagraph (C) if it makes disbursements aggregating more than $1,000 for any of the following:

"(i) A public communication that promotes, supports, attacks, or opposes a clearly identified candidate for Federal office during the 1-year period ending on the date of the general election for the office sought by the clearly identified candidate (or, if a runoff election is held with respect to such general election, on the date of the runoff election).

"(ii) Any voter drive activity during a calendar year, except that no disbursements for any voter drive activity shall be taken into account under this subparagraph if the committee, club, association, or other group of persons during such calendar year—

"(I) makes disbursements for voter drive activities with respect to elections in only 1 State and complies with all applicable election laws of that State, including laws related to registration and reporting requirements and contribution limitations;

"(II) refers to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does not refer to any Federal candidate or any political party in any of its voter drive activities;

"(III) does not have a candidate for Federal office, an individual who holds any Federal office, a national political party, or an agent of any of the foregoing, control or materially participate in the direction of the organization, solicit contributions to the organization (other than funds which are described under clauses (i) and (ii) of section 323(e)(1)(B)), or direct disbursements, in whole or in part, by the organization; and

"(IV) makes no contributions to Federal candidates.

"(E) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II), a voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the activity is—

"(i) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

"(ii) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue, including a reference that constitutes the endorsement or position itself.

"(F) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II), a voter drive activity shall not be treated as referring to a political party if the only reference to the party in the activity is—

"(i) a reference for the purpose of identifying a non-Federal candidate;

"(ii) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

"(iii) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

"(G) APPLICABLE STATE OR LOCAL ISSUE.—For purposes of this paragraph, the term 'applicable State or local issue' means any State or local ballot initiative, State or local referendum, State or local constitutional amendment, State or local bond issue, or other State or local ballot issue.".

(c) DEFINITION OF VOTER DRIVE ACTIVITY.—Section 301 of such Act (2 U.S.C. 431), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

"(28) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' means any of the following activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot):

"(A) Voter registration activity.

"(B) Voter identification.

"(C) Get-out-the-vote activity.

"(D) Generic campaign activity.

"(E) Any public communication related to activities described in subparagraphs (A) through (D).

Such term shall not include any activity described in subparagraph (A) or (B) of section 316(b)(2).".

(d) REGULATIONS.—The Federal Election Commission shall promulgate regulations to implement this section not later than 60 days after the date of enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 60 days after the date of enactment of this Act.

SEC. 303. RULES FOR ALLOCATION OF EXPENSES BETWEEN FEDERAL AND NON-FEDERAL ACTIVITIES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 325. ALLOCATION AND FUNDING RULES FOR CERTAIN EXPENSES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.

"(a) IN GENERAL.—In the case of any disbursements by any political committee that is a separate segregated fund or nonconnected committee for which allocation rules are provided under subsection (b)—

"(1) the disbursements shall be allocated between Federal and non-Federal accounts in accordance with this section and regulations prescribed by the Commission; and

"(2) in the case of disbursements allocated to non-Federal accounts, may be paid only from a qualified non-Federal account.

"(b) COSTS TO BE ALLOCATED AND ALLOCATION RULES.—

"(1) IN GENERAL.—Disbursements by any separate segregated fund or nonconnected committee, other than an organization described in section 323(b)(1), for any of the following categories of activity shall be allocated as follows:

"(A) 100 percent of the expenses for public communications or voter drive activities that refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

"(B) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications and voter drive activities that refer to one or more clearly identified candidates for Federal office and one or more clearly identified non-Federal candidates shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

"(C) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party, but do not refer to any clearly identified Federal or non-Federal candidate, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

"(D) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party and refer to one or more clearly identified non-Federal candidates, but do not refer to any clearly identified Federal candidates, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

"(E) Unless otherwise determined by the Commission in its regulations, at least 50 percent of any administrative expenses, including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate, shall be paid with funds from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

"(F) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event shall be paid with funds from a Federal account, except that for a separate segregated fund such costs may be paid instead by its connected organization. This paragraph shall not apply to any fundraising solicitations or any other activity that constitutes a public communication.

"(2) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the communication or activity is—

"(A) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

"(B) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue (as defined in section 301(27)(G)), including a reference that constitutes the endorsement or position itself.

"(3) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a political party if the only reference to the party in the communication or activity is—

"(A) a reference for the purpose of identifying a non-Federal candidate;

"(B) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

"(C) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

"(c) QUALIFIED NON-FEDERAL ACCOUNT.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified non-Federal account' means an account which consists solely of amounts—

"(A) that, subject to the limitations of paragraphs (2) and (3), are raised by the separate segregated fund or nonconnected committee only from individuals, and

"(B) with respect to which all requirements of Federal, State, or local law (including any law relating to contribution limits) are met.

"(2) LIMITATION ON INDIVIDUAL DONATIONS.—

"(A) IN GENERAL.—A separate segregated fund or nonconnected committee may not accept more than $25,000 in funds for its qualified non-Federal account from any one individual in any calendar year.

"(B) AFFILIATION.—For purposes of this paragraph, all qualified non-Federal accounts of separate segregated funds or nonconnected committees which are directly or indirectly established, financed, maintained, or controlled by the same person or persons shall be treated as one account.

"(3) FUNDRAISING LIMITATION.—

"(A) IN GENERAL.—No donation to a qualified non-Federal account may be solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of section 323.

"(B) FUNDS NOT TREATED AS SUBJECT TO ACT.—Except as provided in subsection (a)(2) and this subsection, any funds raised for a qualified non-Federal account in accordance with the requirements of this section shall not be considered funds subject to the limitations, prohibitions, and reporting requirements of this Act for any purpose (including for purposes of subsection (a) or (e) of section 323 or subsection (d)(1) of this section).

"(d) DEFINITIONS.—

"(1) FEDERAL ACCOUNT.—The term 'Federal account' means an account which consists solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this section or in section 323(b)(2)(B)(iii) shall be construed to infer that a limit other than the limit under section 315(a)(1)(C) applies to contributions to the account.

"(2) NONCONNECTED COMMITTEE.—The term 'nonconnected committee' shall not include a political committee of a political party.

"(3) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' has the meaning given such term in section 301(28).".

(b) REPORTING REQUIREMENTS.—Section 304(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(e)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) RECEIPTS AND DISBURSEMENTS FROM QUALIFIED NON-FEDERAL ACCOUNTS.—In addition to any other reporting requirement applicable under this Act, a political committee to which section 325(a) applies shall report all receipts and disbursements from a qualified non-Federal account (as defined in section 325(c)).".

(c) REGULATIONS.—The Federal Election Commission shall promulgate regulations to implement the amendments made by this section not later than 180 days after the date of enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 180 days after the date of enactment of this Act.

SEC. 304. CONSTRUCTION.

No provision of this title, or amendment made by this title, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission;

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986; or

(3) as affecting the determination of whether a group organized under section 501(c) of the Internal Revenue Code of 1986 is a political committee under section 301(4) of the Federal Election Campaign Act of 1971.

SEC. 305. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this title or any amendment made by this title, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this title or any amendment made by this title is raised (including but not limited to an action described in subsection (a)), any Member of the House of Representatives (including a Delegate or Resident Commissioner to Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this title or any amendment made by this title.

(d) APPLICABILITY.—

(1) INITIAL CLAIMS.—With respect to any action initially filed on or before December 31, 2008, the provisions of subsection (a) shall apply with respect to each action described in such subsection.

(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2008, the provisions of subsection (a) shall not apply to any action described in such subsection unless the person filing such action elects such provisions to apply to the action.

SEC. 306. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the amendments made by this title, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

SA 2989. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 6, line 7, strike "for at least 24 hours before its consideration." and insert "for (1) at least 24 hours before its consideration; and (2) for at least 72 hours before its consideration if at least 35 percent of the conferees have filed a notice with the Senate that such final conference report was not debated and voted upon in open session."

SA 2990. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended to read as follows:

"1. (a) Except as provided in subparagraph (b), all motions and amendments shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.

"(b) All amendments and all motions to recommit with instructions, shall be reduced to writing and copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader and shall be read before being debated.".

SA 2991. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 6, line 7, strike "24 hours" and insert "48 hours".

SA 2992. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 6, after line 7, insert the following:

"8. It shall not be in order to consider a report of a committee of conference under paragraph 1 of this rule unless an official written cost estimate or table by the Congressional Budget Office is available at the time of consideration.".

SA 2993. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 6, after line 19, insert the following:

(c) CBO SCORE.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by adding at the end the following:

"(g) CBO SCORE FOR CONFERENCE REPORTS.—It shall not be in order to consider a report of a committee of conference for any measure that has a budgetary impact unless an official written cost estimate or table by the Congressional Budget Office is available at the time of consideration.".

SA 2994. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike Title 2, Section 220.

SA 2995. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . PROHIBITION ON PAID COORDINATION LOBBYING ACTIVITIES.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. A Member of the Senate or an employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall not engage in paid lobbying activity in the year after leaving the employment of the Senate, which shall include the development, coordination, or supervision of strategy or activity for the purpose of influencing legislation before either House of Congress.".

SA 2996. Mr. HAGEL (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUDIT AND STUDY RELATING TO GOVERNMENT-SPONSORED ENTERPRISES.

(a) ANNUAL AUDITS.—The Secretary of Housing and Urban Development shall annually conduct an audit of the Fannie Mae Foundation and the Freddie Mac Foundation, or any successors thereto.

(b) STUDY AND REPORT ON LOBBYING ACTIVITIES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the lobbying activities of government-sponsored entities to examine whether such activities further each of their congressionally chartered missions.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study under paragraph (1).

(c) DEFINITIONS.—As used in this section, the term "government-sponsored enterprise" means—

(1) the Federal National Mortgage Association and any affiliate thereof;

(2) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

(3) the Federal home loan banks.

SA 2997. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, line 8 strike "the" and "Transparency", strike "Legislative" and insert "Lobbying."

On page 44, line 18 between "section" and "; or" strike "503" and insert "263."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, March 9, 2006, at 10:30 a.m. in SR328A, Senate Russell Office Building. The purpose of this committee hearing will be to review the United States Department of Agriculture's Management and Oversight of the Packers and Stockyards Act

The PRESIDING, OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 9, 2006, at 9:30 a.m., in open session to receive testimony on the defense authorization request for fiscal year 2007 and the future year's defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 9, 2006, at 10 a.m., to conduct a hearing on "A Review of Self-Regulatory Organizations in the Securities Markets."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 9, 2006, at 3:15 p.m., on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 9 at 10 a.m. The purpose of this hearing is to consider the pending nominations of Raymond L. Orbach, of California, to be under Secretary for Science, Department of Energy; Alexander A. Karsner, of Virginia, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy); Dennis R. Spurgeon, of Florida, to be Assistant Secretary of Energy (Nuclear Energy); and David Longly Benhardt, of Colorado, to be solicitor of the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 9, 2006, at 9 a.m. in Senate Dirksen Building Room 226.

Agenda

I. Nominations: Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; John F. Clark, to be Director of the United States Marshals Service; Donald J. DeGabrielle, Jr., to be U.S. Attorney for the Southern District of Texas; John Charles Richter, to be U.S. Attorney for the Western District of Oklahoma; Amul R. Thapar, to be U.S. Attorney for the Eastern District of Kentucky; Mauricio J. Tamargo, to be Chairman of the Foreign Claims Settlement Commission of the United States.

II. Bills: S. ___Comprehensive Immigration Reform, Chairman's Mark; S. 1768, A bill to permit the televising of Supreme Court proceedings; Specter, Leahy, Cornyn, Grassley, Schumer, Feingold, Durbin; S. 829, Sunshine in the Courtroom Act of 2005; Grassley, Schumer, Cornyn, Leahy, Feingold, Durbin, Graham, DeWine, Specter; S. 489, Federal Consent Decree Fairness Act; Alexander, Kyl, Cornyn, Graham, Hatch; S. 2039, Prosecutors and Defenders Incentive Act of 2005; Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges; Specter, Leahy, Cornyn, Feinstein, Biden.

III. Matters: S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, "The President's FY2007 Budget Request and Legislative Proposals for the SBA" on Thursday, March 9, 2006, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 9, 2006, to hear the legislative presentation of the Paralyzed Veterans of America, the Blinded Veterans of America, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Jewish War Veterans.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 9, 2006 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COLEMAN. Mr. President, I as unanimous consent that the Special Committee on Aging be authorized to meet Thursday, March 9, 2006 from 10 a.m.–12 p.m. in Dirksen 138 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAR AIR, CLIMATE CHANGE AND NUCLEAR SAFETY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to hold a hearing on Thursday, March 9th at 9:30 a.m. to conduct oversight of the Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup to consider S.J. Res. 12, The Flag Desecration Resolution on Thursday, March 9, 2006 at 1:30 p.m. in Dirksen Senate Office Building Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, March 9, 2006, at 2:30 p.m. for a hearing regarding "Reporting Improper Payments: A Report Card on Agencies' Progress"

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 10 a.m. on Monday, March 13, the Senate begin consideration of the budget resolution, if available; provided further that the time until 11:30 be equally divided; and I further ask that the Senate then proceed to a period of morning business from the hours of 11:30 to 1:30 p.m. with that time equally divided.

I further ask unanimous consent that at 1:30 the Senate resume consideration of the budget resolution.

Finally, I ask unanimous consent that on Friday, March 10, it be in order for the Budget Committee to file reported legislation from 11 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING ROSEY FLETCHER FOR WINNING GIANT SLALOM OLYMPIC BRONZE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 396 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 396) congratulating Rosey Fletcher for winning the Giant Slalom Olympic Bronze Medal.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 396) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 396

Whereas on February 23, 2006, Rosey Fletcher became the first woman from the United States to win an Olympic medal in the parallel giant slalom;

Whereas Rosey Fletcher won a bronze medal for her performance at the 2006 Torino Olympic Winter Games;

Whereas Rosey Fletcher is the only snowboarder to have competed in 3 Winter Olympic Games;

Whereas Rosey Fletcher was a silver medalist at the 1999 and 2001 world championships and is ranked 8th in the parallel giant slalom on the World Cup circuit;

Whereas February 23, 2006, was declared "Rosey Fletcher Day" by Alyeska Resort in honor of her Olympic achievement and mentoring of young Alaskan athletes; and

hereas Rosey Fletcher is a hometown hero from Girdwood, Alaska: Now, therefore, be it

Resolved, That the Senate congratulates Rosey Fletcher for winning the bronze medal in the parallel giant slalom.

RECOGNIZING THE HISTORY AND ACHIEVEMENTS OF THE CURLING COMMUNITY OF BEMIDJI, MINNESOTA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 397 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 397) recognizing the history and achievements of the curling community of Bemidji, Minnesota.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 397) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 397

Whereas the citizens of Bemidji, Minnesota, have enjoyed the sport of curling ever since the Hibbing Curling Club demonstrated the sport during the Winter Carnival of 1932;

Whereas many families who live in Bemidji have participated in the sport for over 4 generations, the latest of whom enjoy the opportunity to enroll in high school courses that are held at the Bemidji Curling Club and focus on the fundamentals of curling;

Whereas members of the Bemidji community gathered at the Tourist Information Building and organized the now famous Bemidji Curling Club on January 13, 1935;

Whereas the Club brought the Bemidji community together, as members routinely shared their equipment with fellow curlers until the Club could afford to purchase a sufficient supply of stones, brooms, and other items;

Whereas the Bemidji Curling Club has promoted the participation of women in the sport of curling for almost 60 years;

Whereas the tireless efforts of parents and fellow members of the Club have inspired a large number of youths in the Bemidji community to participate in junior leagues;

Whereas teams belonging to the Bemidji Curling Club have won over 50 State and national titles;

Whereas, after producing generations of champion curlers, the City of Bemidji, the Bemidji Curling Club, and the town of Chisolm have the honor of calling themselves the home of the 2006 United States Men's and Women's Olympic Curling Teams;

Whereas the citizens of Bemidji and Chisolm celebrated the strong performances of each Olympic curling team, and watched with pride as the Men's Olympic Curling Team captured the bronze medal in Torino; and

Whereas the Bemidji Curling Club and the City of Bemidji continues to foster the growth and development of curling by hosting the United States World Team Trials in March of 2006: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the curling community of Bemidji for its efforts in promoting the sport of curling in Minnesota and the United States; and

(2) respectfully requests the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the City of Bemidji; and

(B) the Bemidji Curling Club.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, March 13, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 520, Leo Gordon to be a Judge of the United States Court of International Trade; provided further that following that vote the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS RECOMMITTED

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that Executive Calendar Nos. 550 and 561 be recommitted to the HELP Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 13, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Monday, March 13; I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to the budget resolution as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, I say to our colleagues, we have a number of items to complete next week before the March recess. This afternoon, the Committee on the Budget, under the leadership of Chairman GREGG, ordered reported a budget resolution that we will take up for floor consideration on Monday at 10 o'clock. In addition to the budget resolution, we will have to address the debt limit and other Executive Calendar items. We will have a full week, and Members should expect some late nights.

The first vote of next week will occur on Monday at 5:30. This vote will be on an Executive Calendar item.

ADJOURNMENT UNTIL MONDAY, MARCH 13, 2006, AT 10 A.M.

Mr. McCONNELL. Therefore, Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:42 p.m., adjourned until Monday, March 13, 2006, at 10 a.m.

EXTENSIONS OF REMARKS

CONGRATULATING THE SLOVAK LEAGUE OF AMERICA ON THE OCCASION OF ITS 54TH CONGRESS IN SCRANTON, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Slovak League of America which is celebrating its 54th Congress on March 31 in Scranton, Pennsylvania, an event hosted by the Ladies Pennsylvania Slovak Catholic Union.

The Slovak League of America is a civic and cultural federation of Americans of Slovak ancestry that was founded in Cleveland, Ohio, in 1907.

The Slovak League was founded in response to the need to bring the sad political and social plight of the Slovak nation to the attention of all Americans.

Since Slovakia's independence from the Czech Republic in 1993, the Slovak League actively promotes close American-Slovak ties through various cultural and educational exchanges and projects.

As an umbrella organization, it represents the overwhelming majority of organized Americans of Slovak ancestry. The Slovak League remains a positive bridge uniting the old world and the new so that Slovak culture and traditions are better appreciated. Slovak Americans can be very proud of their many contributions to the cultural, educational, business and religious traditions which form the fabric of American life.

Mr. Speaker, please join me in congratulating the Slovak League of America on this auspicious occasion. The determination and commitment of a proud people to celebrate their ethnic heritage and pass on their cultural traditions to new generations enriches the quality of life in this nation for all and should be applauded.

CONGRATULATING MS. CHELSEA COOK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Ms. Chelsea Cooke for being named to the 2006 University Interscholastic League Class 2A All-Tournament team for girl's basketball. Ms. Cook helped lead Argyle to its first state championship in any team sport with the 51–33 victory over Wall in the Texas State Championship Game.

In addition to her valuable teamwork in the state championship game, Cook shined as she dominated in the semifinal win over Poth, just missing a triple-double with 14 points, 8 rebounds and 8 assists. She then followed that up with seven points, eight rebounds and five assists in the title game.

Chelsea Cook has illustrated her talent and team spirit. She is very deserving to be named as a member of the All-Tournament team.

I extend my sincere congratulations to Ms. Chelsea Cook on receiving this award and praise her dedication to help fellow teammates, her sport, and her school.

PAYING TRIBUTE TO MARIANNE BLUM FOR 50 YEARS IN THE NURSING PROFESSION

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Marianne Blum, who, this month, will pass the 50-year mark in her career as a nurse.

Enrolled in grammar school 2 years early and finishing high school a year ahead of her classmates, Marianne entered the Long Island College Hospital School of Nursing at age 16. After graduating in 1956, she began her career at the Manhattan Veterans Hospital, and then moved to Queens General Medical Center to be a surgical staff nurse. There, she met her husband Herbert, an emergency room physician. The two moved to California in the 1980s.

Marianne is known for her compassionate, kind and level headed demeanor. Even in chaotic situations she can be counted on for excellent care. Patients will say that she does everything she can to make sure they are comfortable and keep their dignity and self esteem while being institutionalized.

At the age of 66, Marianne is currently working at Del Mar Gardens Nursing and Rehabilitation Center, a long-term assisted care center in Henderson, NV. Retirement is nowhere in her near future and, at a time when nursing shortages are a nationwide concern, her continued service is greatly appreciated.

Mr. Speaker, it is an honor to recognize Marianne Blum on the floor of the House. She is a fine example of the workforce in Nevada and a good role model for aspiring young women.

A TRIBUTE TO SARAH KEYS EVANS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Sarah Keys Evans, a distinguished member of hte Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Sarah Keys Evans was born in rural Washington, NC, in 1929. As the second oldest of seven children, she lived in a small community and is a proud graduate of Mercy Catholic High School. She went on to Perth Amboy, NJ Hospital School of Nursing in 1948, and moved to New York that December. She found a kind home at the Franciscan Handmaids of Mary Convent in Harlem for Career Girls, and remained in New York for 2 years before enlisting in the Women Army Corps in 1951.

Following her honorable discharge as a private first class in 1953, she worked full-time and attended beauty school at night. What followed was a successful 30-year career as a hair stylist, including her ownership of Glamour Nook, Ltd. However, Sarah Keys Evans had no way of knowing that her stand for dignity would lay the foundation for Rosa Parks and the Montgomery, AL, bus boycott.

In August 1952, while traveling home on furlough from the Army in uniform, Sarah Keys Evans was asked to give up her seat on the bus for a white sailor. She refused and was arrested and fined $25.00 for her actions. Her proud stance led to a 3-year legal battle that culminated in the historic ruling that outlawed segregation in interstate bus travel. In November of 1955, the Interstate Commerce Commission reversed the "separate but equal" policy and ruled that black passengers who paid the same amount for rail and bus fare as white passengers must receive the same service, without being shunted into seats reserved only for Blacks.

Sarah Keys Evans' brave actions resulted in many well-deserved honors. Her contributions to America's civil rights movement brought an award from the New York State Beauty Culture Association and the Martin Luther King, Jr. "Living the Dream Award."

The former Sarah L. Keys married George C. Evans, Jr., a native of Beaumont, TX, in 1958. She has lived in Brooklyn since 1954.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Sarah Keys Evans, as she offers her talents, perseverance and community services for the good of our Nation.

Mr. Speaker, Sarah Keys Evans' selfless service has continuously demonstrated a level

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of altruistic dedication that makes her most worthy of our recognition today.

Mr. Speaker, please join our community in honoring Sarah Keys Evans for her dedication and outstanding service to our community.

CONGRATULATING THE 2005 PENN HIGH SCHOOL SPELL BOWL TEAM ON WINNING THE STATE CHAMPIONSHIP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. CHOCOLA. Mr. Speaker, I rise today to congratulate the 2005 Penn High School Spell Bowl Team on winning its seventh consecutive Indiana State Championship on November 12, 2005.

This incredible team won all six of its invitational competitions in 2005, as well as eight consecutive regional championships.

The Penn High School Spell Bowl Team has been unbeaten since the beginning of the 1999 season, winning a State-best 44 consecutive competition championships.

The 2005 Penn High School Spell Bowl team members are Carolyn Chang, Jenny DeVito, Linda Huang, Josh Kelver, Kelsey McClure, Calvin Molnar, Jasmyn Russell, Kurt Vanlandingham, Yeona Chun, Sarah Han, Eunice Jeong, Sarah Kiefer, Adam McGinn, Vik Rao, Courtney Stuck, Justin Villa, Ashika David, Alvin Hu, Virginian Johnson, Alissa Kish, Laura McGinn, Brendan Roberts, Naoko Sugama, and Abby Walton.

The team is coached by Pete De Kever.

Mr. Speaker, this amazing team deserves our admiration, but without the support and help of their parents, these young men and women would not have been able to accomplish these great things, so I stand here to congratulate them as well.

On behalf of the citizens of the Second Congressional District of Indiana, I congratulate the Penn High School Spell Bowl Team on winning the 2005 Indiana State Spell Bowl Championships.

IN HONOR OF THE 60TH ANNIVERSARY OF THE CATHOLIC WAR VETERANS, POST 579 OF SS. CYRIL AND METHODIUS CATHOLIC CHURCH OF LAKEWOOD, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of all members past and present, of the Catholic War Veterans, Post 579, as they commemorate sixty years of unity, honor and steadfast service to our community and to our country.

The members of the Catholic War Veterans, Post 579, reflect a legacy of support andfriendship for United States Veterans and their families. Their individual and collective service is framed in honor, integrity, courage and great sacrifice. The Catholic War Veterans, representing all branches of the U.S. Armed Forces, is a brethren of soldiers connected by triumph, tragedy and is held aloft by friendship, faith and community.

Led by Post Commander and WWII Veteran John Sterba, the Catholic War Veterans volunteer their time and efforts to ensure that the memory and service of the men and women who served our country, will never be forgotten. Every Memorial Day for the past fifty-four years, nearly 14,000 American Flags mark the graves of veterans laid to rest at Holy Cross Cemetery—a unified community endeavor organized and carried out annually by the Catholic War Veterans and volunteers from local churches.

Mr. Speaker and Colleagues, please join me in honor and recognition of the 60th Anniversary of the Catholic War Veterans, Post 579, of SS. Cyril and Methodius Catholic Church. Unwavering service and deep sacrifice personifies the duty of our United States Veterans, forever reflecting humankind's innate struggle and quest for peace, justice and resolution—and their individual and collective contribution to our Nation will be remembered for all time.

TRIBUTE TO WILSON HIGH SCHOOL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an extraordinary group of students and their dedicated teacher and mentor. They are one of the American Government classes from Wilson High School and will represent the state of South Carolina in the national We the People . . . The Citizen and the Constitution Mock Congressional Hearing Competition. That event will be held here in Washington, DC during the month of April. Located in Florence, South Carolina, Wilson High School is one of the outstanding public schools I proudly represent in this body.

These young scholars have worked diligently to reach the national finals and through their experiences have gained profound knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The students are: Jordan Berry, Robert Bonanno, Alyssa Carver, Kevin Cielo, Alexx Diera, Amanda Fan, Jessica Frieson, Carrie Goforth, Meagan Harley, James Howell, David Hubbs, Praveen Jacob, Challis King, Amit Om, Bradley Orr, Louis Palles, Robert Razick, Daniel Schuetz, and Ana Weiland.

In addition, I would like to commend their teacher, Yvonne Rhodes, who deserves much of the credit for the success of the class. This is the third time Mrs. Rhoads has led a team of Wilson High Students to these national competitions. We certainly hope for their continued success. Also worthy of special recognition is Beth DeHart, the state coordinator, and Marsha Burch, the district coordinator, who are among those responsible for implementing the We the People program in my district.

We the People is one of the most extensive educational programs in the country specifically developed to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after congressional hearings and they consist of oral presentations by the high school students before a panel of judges. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

Findings suggest that national finalists are less cynical about politics and public officials and participate in politics at a higher rate than do their peers. Administered by the Center for Civic Education, the We the People program has provided curriculum materials at the upper elementary, middle, and high school levels for more than 26.5 million students nationwide. Members of Congress and our staffs enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities. As a former high school history teacher, I am pleased to know that this program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of our democratic government.

The class from Wilson High School is currently conducting research and preparing for the upcoming national competition in Washington, D.C. I wish these young scholars the best of luck at We the People's national finals and I look forward to greeting them when they visit the Capitol.

Mr. Speaker, please join me and my colleagues as we congratulate these young scholars from Wilson High School as they compete in this national civics competition.

RECOGNIZING MURRAY UFBERG AS HE IS HONORED BY THE FRIENDS OF SCOUTING OF THE NORTHEASTERN PENNSYLVANIA COUNCIL, BOY SCOUTS OF AMERICA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Attorney Murray Ufberg, of Wilkes-Barre, Pennsylvania, who is being honored by the Friends of Scouting of the Northeastern Pennsylvania Council, Boy Scouts of America.

Mr. Ufberg was chosen by the Friends of Scouting for this honor due to his years of community service and civic leadership.

Mr. Ufberg is the managing partner of the law firm of Rosenn, Jenkins and Greenwald, L.L.P. He currently serves on the Commonwealth of Pennsylvania Independent Regulatory Review Commission.

He is a member of the board of trustees of College Misericordia, the board of directors of WVIA-TV/FM and he serves as the chairman of the Community Relations Council of the Jewish Federation of Greater Wilkes-Barre.

Mr. Ufberg also serves on the boards of directors of the Jewish Federation, the Jewish Community Center of Wyoming Valley and Penn's Northeast, Inc. He is a member of the Luzerne County Advisory Committee to the Pennsylvania Economy League and of the Keystone College President's Advisory Council.

Mr. Ufberg has served as chairman of the United Way of Wyoming Valley's General Campaign in 1990 and he served on and chaired the board of directors of the United Way. He is a past chairman of the Greater Wilkes-Barre Chamber of Business and Industry and he chaired the Luzerne County Business Roundtable.

He is past president of Congregation Ohav Zedek, the Jewish Community Center and the Jewish Federation of Greater Wilkes-Barre. He also served as president of the Seligman J. Strauss Lodge and he was past president of the Duquesne University School of Law Alumni Association of Northeastern Pennsylvania.

Mr. Ufberg has been a practicing attorney in the Wyoming Valley for 37 years. He is admitted to practice law before the Pennsylvania Supreme Court, the Luzerne County Court of Common Pleas and various federal courts. He is a member of the Wilkes-Barre Law and Library Association and the Pennsylvania and American Bar Associations. He graduated from Wyoming Seminary and received degrees from Bucknell University and the Duquesne University School of Law.

Mr. Ufberg resides in Kingston, Pennsylvania, with his wife, Margery Ann. They are the parents of three children.

Mr. Speaker, please join me in congratulating Mr. Ufberg on this auspicious occasion. His commitment to community service has helped improve the quality of life in the greater Wyoming Valley and it is fitting that the Northeastern Pennsylvania Council, Boy Scouts of America, recognizes his contributions.

CONGRATULATING MS. ALLY CLARDY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Ms. Ally Clardy for being named to the 2006 University Interscholastic League Class 2A All-Tournament team for girl's basketball. Ms. Clardy helped lead Argyle to its first state championship in any team sport with the 51–33 victory over Wall in the Texas State Championship Game.

In addition to being an outstanding team member, Ms. Clardy was selected the tournament's "Most Valuable Player" honor by scoring 20 points in the Texas State Championship Game. She also contributed 14 points in the state semifinal game.

Ally Clardy has illustrated her talent and team spirit. She is very deserving to be names as a member of the All-Tournament team.

I extend my sincere congratulations to Ms. Ally Clardy on receiving this award and praise her dedication to help fellow teammates, her sport, and her school.

IN HONOR AND RECOGNITION OF OTHMAN SHEMISA, M.D.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Othman Shemisa, MD., Ph.D, for his dedication and concern for families and individuals in need, here in Cleveland and miles beyond.

Dr. Shemisa was recently honored by the Islamic Center of Cleveland for his volunteer efforts in assisting the victims of Hurricane Katrina. Last September, Dr. Shemisa traveled to New Orleans, where he lived for more than a month, volunteering his time and medical expertise to heal the women, men and children who had been left injured or sick in the wake of the devastating storm.

Dr. Shemisa 's professional excellence, integrity and contribution is reflected throughout his family medical practice, as well as within the research and academic community, where he has served as professor, lecturer and researcher. Moreover, Dr. Shemisa's unwavering focus on assisting the most vulnerable members of our society—our poor and disenfranchised citizens, has uplifted the lives of countless families and individuals throughout the Cleveland area. His focus on outreach and advocacy is clearly evidenced throughout Cleveland's Arab American community, where he is an active member and leader.

Mr. Speaker and Colleagues, please join me in honor and recognition of Dr. Othman Shemisa, whose willingness to help those in need and sincere concern for others reflects America's greatest legacy—our generous and compassionate citizenry. Dr. Shemisa's medical expertise, energy and efforts in giving back to the community serves to strengthen the very foundation that unifies our Cleveland community, reflecting hope for a better tomorrow for each and every one of us.

PAYING TRIBUTE TO BILL BOYD

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Bill Boyd who died on December 21, 2005. Bill will be remembered for his contributions to the Southern Nevada Officials Association as a baseball umpire and to the youth of Henderson and Las Vegas as a mentor and friend.

Bill began his career as an umpire in San Diego, where he was president and instructional chair-person of the Baseball Umpires Association from 1986 to 1993. He was also a football coach at three different high schools in the San Diego area. His most famed pupil was current NFL player John Lynch, whom he coached at Torrey Pines High School in Del Mar, California. In 1995, Bill moved with his family to Henderson and began serving as an umpire. He umpired Division I collegiate baseball in the Mountain West conference and the Western Athletic Conference, and was an alternate umpire for the Las Vegas 51s.

Youth Baseball, however, was his passion. Bill could be seen at almost every youth playoff game or tournament in the area. He umpired at the American Legion World Series and many other youth sporting events, including football around the Las Vegas Valley. He cared for everyone around him and showed it through his dedicated service and good example, on and off the field.

Mr. Speaker, today, as I stand on the floor of the House, I am honored for the opportunity to pay tribute to Bill Boyd and the great life that he lived.

A TRIBUTE TO DR. SHEILA TOMLIN-REID

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. TOWNS. Mr. Speaker, I ask today that we recognize Dr. Sheila Tomlin-Reid, a distinguished member of the Brooklyn community. I am honored to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Dr. Sheila Tomlin-Reid excelled in her education earning both a Masters of Science Degree in School Administration, Supervision and Leadership from Touro College School of Education and Psychology in New York City and a Masters of Science Degree and Advanced Post Graduate certificate in Guidance and Counseling from Brooklyn College of the City University of New York. In addition, she received a Doctorate in Education from Nova Southeastern University, Fort Lauderdale, Florida.

Dr. Sheila Tomlin-Reid has worked with energy and dedication for many years as an Assistant Principal with the Department of Education at FDNY High School for Fire and Life Safety. Her passion and concern for New York's youth inspired her to found The Tomlin Foundation in 2003. Dr. Reid, who is currently CEO of the foundation, established the foundation to commemorate the life and visions of Elliott and Michael Tomlin. The foundation strives to provide educational scholarships to inner-city youth, which financially assists their goals and educational pursuits. The foundation also provides mentorship programs and health awareness programs to inner-city children and community residents.

Dr. Reid is an active member of the community, especially in the area of health and wellness of women. Dr. Reid is a member of the Professional Women's Speaker Bureau which specializes in seminars, workshops and counseling designed to motivate women to increase self-esteem, personal and professional development, business etiquette and leadership skills. She is also a member of the Women's Caucus of Edolphus Towns Organization and a member of Calvary U.F.W Baptist Church in Brooklyn.

Dr. Sheila Tomlin-Reid is a phenomenal role model to not only the women of our community, but to our community as a whole. She has worked to better the lives of women and young children with contagious persistence. Her passionate and sensitivity deserves our thanks and f(x that I ask that we applaud Dr. Reid's outstanding achievements in our community.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Dr. Sheila Tomlin-Reid, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Dr. Sheila Tomlin-Reid selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

Mr. Speaker, please join our community in honoring Dr. Sheila Tomlin-Reid for her dedication and outstanding service to our community.

CONGRATULATING THE JIMTOWN JIMMIES ON WINNING THE INDIANA CLASS 2A FOOTBALL CHAMPIONSHIP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. CHOCOLA. Mr. Speaker, I rise today to congratulate the Jimtown Jimmies on winning the Indiana Class 2A Football Championship.

The Jimmies scored 31.1 points per game, allowing their opponents only 6.7. They averaged 12.7 first downs per game, and 293.7 yards. Their strong showing on both sides of the ball led them to a 14-1 season record.

It was truly a remarkable season for Jimtown. Their 14-win season included six shutouts, and in 11 of those victories, they held their opponent to 10 points or less.

Their season culminated in the Class 2A state championship game on November 26, 2005, at the RCA Dome in Indianapolis, Indiana.

Deadlocked at seven points with the North Posey Vikings at halftime, the Jimtown Jimmies went on to score 28 second-half points, while holding their opponents to zero, and won the game 35-7.

I'd like to congratulate everyone involved in making this season successful: Their school Superintendent Jerry Cook, Principal Nathan Dean; Assistant Principal Mitch Mawhorter; Athletic Director Bill Sharpe; Head Coach Bill Sharpe; Assistant Coaches: Ned Cook, Gene Johnson, Mark Ward, Mark Kerm, Scott Bovenkerk, David Sharpe, Matt LaFree, Mike Hosinski, David Pontius, Travis Daniels, Athletic Trainer Rick Yurko; Student Managers: Julia Politowics, Nicole Hayes, and Ricky Hayes.

The Indiana Class 2A Football Champs are: Caleb Pettis, Matthew Yurko, Zachary Fisher, Zachary DuBois, Colton Vincent, Adam Sharpe, Mark Svetanoff, John Soli, Tyler Nine, Mike Meyer, Joshua Ruben, Tony Byers, Brandon Kozelka, Brian DeShone, Joshua Deak, Tyler Forgey, Garrett Kavas, Mark Clere, Tyler Spurgeon, Ryan Konrath, David Schenk, Nate Klosinski, Lantz Kulp, Zach Spurgeon, Ross Bauman, Allen Konrath, Nick Maygar, Braxton Metcalf, Jason Sharp, Owen Peterkin, Jared Ward, Chris Vogel, Logan Frye, Josh Polston, Brett Horien, Scott Kindig, Travis Barber, J.J. Short, Seth Anglemeyer, Brad McClellan, Robert Morris, Josh Slocum, Anthony Lowe, Steve Thayer, Brandtley Miller, Kyle Clodfelter, Adam Zimmer, Nick Pooler, Jordan Pirtle, Ty Thomsen, Shazzar Mack, Chris Gregory, Rob George, Jesse Bowen, Andrew Allman, Leon Myrick, James Byers, Chris Reid, Eric Vance, Adrian Worsham, Seth Kindig, Ryan Johnson, Graig Armstrong, Tristin Funnell, Justin Nowak, Ron Shekell, Brandon Riffle, Robert Reid, Rich Hahn, Brandon Bridwell, Ethan Legg, Matt Peters, Zach Stone, Kevin Kelley, Jon Shafer, John Dickson, Derek Willard, Anthony Edwards, Dalton Swann, Austin Pirtle, Elijah Tucker, Matt Pepple, Trevor Herrli, David Johnson, Kyle Moyer, and Derek Watts.

Mr. Speaker, as a parent myself, I would be remiss if I did not congratulate the parents of these young men as well. Their support was vital to the victory of this team and they deserve our gratitude as well.

Again, on behalf of their parents, fans, and classmates as well as the very proud citizens of the Second Congressional District of Indiana, I would like to congratulate the Jimtown Jimmies on winning the Indiana Class 2A Football Championship.

TRIBUTE TO ORANGEBURG COUNTY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to commend Orangeburg County, South Carolina upon their receipt of the All-America County Award. This award, the oldest and most prestigious civic award in existence, recognizes communities for their outstanding problem solving efforts through local collaboration. It gives me great pleasure to acknowledge their tremendous achievement.

I would also like to applaud the efforts of the local leaders that have worked so hard and accomplished so much. They include the Orangeburg County Council: John H. Rickenbacker, Harry F. Wimberly, Clyde B. Livingston, Heyward H. Livingston, Johnny Ravenell, and Johnnie Wright, Sr.; the Orangeburg County Administrator: Bill Clark; and the Orangeburg County Development Commission: B. Jeannine Kees, George R. Dean, Joey A. Williamson, Jr., E. J. Ayers, Willie R. Cantey, Barron Driskell, James C. Hunter, Jr., Ken Middleton, Marion F. Moore, Harry Nesmith, Alva Whetsell, Jr., and C. Gregory Robinson.

Community pride has spurred many of the creative ideas leading to Orangeburg County's All-America County Award. This honor is a testament to business, government, and education communities working together for the good of the whole. These partnerships can be seen throughout the county. With this cooperative approach by the entire "county community," improvements have been made to the quality of life for all citizens in the County of Orangeburg. Inventive initiatives have been implemented in the following areas: community development and revitalization, creative funding for public infrastructure, and improvement of the lives of "at-risk" children.

Revitalization and community development have also been achieved in all 17 municipalities. This economic development achievement reflects 100 percent participation of local areas, including the following: Orangeburg, Livingston, North, Neeses, Woodford, Norway, Branchville, Santee, Rowesville, Springfield, Holly Hill, Eutawville, Bowman, Cordova, Cope, Vance, and Elloree.

Funding through the Penny Sales Tax Capital Project has provided critical infrastructure investment in road construction, water and wastewater facilities, and other important areas such as parks and recreational projects. The original penny tax in 1998 funded 116 projects across the county, totaling $53 million in investment. The renewal in 2004 provides investment funds for 108 projects totaling $71 million.

Creative youth and outreach projects such as Healing Species, a 3rd grade curriculum, which uses neglected and abused dogs in crime prevention seminars, have improved the lives of "at-risk" children county-wide. Created by Orangeburg County, the program is now being replicated nationally. The Youth Enhancement Summit is another successful community collaboration. Partnering with the County, South Carolina State University, and the South Carolina Department of Juvenile Justice, the initiative brings children's service agencies across the entire county together to improve their overall effectiveness.

Additionally, Orangeburg County's Community of Character effort is a collaborative initiative to partner with all segments of the community such as education, business, industry, family, faith, government, media, and civic. It establishes a community culture that encourages, recognizes, and rewards good character. Orangeburg County is one of only two counties in South Carolina, and 28 counties nationwide who have passed character resolutions.

Mr. Speaker, I ask that you and my colleagues join me in commending Orangeburg County for its well-deserved distinction as All-America County. Orangeburg County continues to make great strides in education, economic growth, and community development. Its dedicated citizens work everyday to create new promise. I am proud to represent them in this body and of their hard work and vision.

RECOGNIZING THOMAS KARAM AS HE IS HONORED BY THE FRIENDS OF SCOUTING OF THE NORTHEASTERN PENNSYLVANIA COUNCIL, BOY SCOUTS OF AMERICA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Thomas F. Karam, of Waverly, Pennsylvania, who is being honored by the Friends of Scouting of the Northeastern Pennsylvania Council, Boy Scouts of America.

Mr. Karam was chosen for this accolade due to his business accomplishments and his community service.

Mr. Karam is recently retired from Southern Union Company, where he served from 2001 to 2005 as president and chief operating officer.

He previously served as executive vice president of corporate development for the company and president and CEO of its PG Energy Division.

Mr. Karam had also been president and CEO of Pennsylvania Enterprises, Inc., from 1996 until 1999, when it was acquired by Southern Union. From September, 1995, to August, 1996, he served as executive vice president of Pennsylvania Enterprises.

Before joining Pennsylvania Enterprises and then Southern Union, from 1986 to 1995, Mr. Karam developed a strong background in finance and investment banking as vice president of investment banking at Legg Mason, Inc., Baltimore. From 1984 to 1986, he served as vice president of investment banking for Thomson McKinnon, New York City.

Mr. Karam earned bachelor of science degrees in political science and accounting from the University of Scranton. He serves on the board of trustees of the University of Scranton. He also serves on the executive committee of the board of directors of Team Pennsylvania and on the board of directors of the Boys and Girls Clubs of Northeast Pennsylvania.

Mr. Karam and his wife, Flora Keating Karam, reside in Waverly, Pennsylvania. They are the parents of two children.

Mr. Speaker, please join me in congratulating Mr. Karam on the occasion of this honor. His leadership and commitment to service is an inspiration to the entire community and his recognition by the Northeastern Pennsylvania Council, Boy Scouts of America is well deserved.

IN MEMORY OF MR. JOSEPH "JOE" BLAIR, JR.

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Mr. Joseph "Joe" Blair, Jr., from Everman, Texas in the 26th Congressional District of Texas, for his lifelong contributions to his community. Mr. Blair was a founder of the Wildcat Sportsman Club, which is dedicated to helping Dunbar High School student athletes. Mr. Blair died on February 21, 2006 at the age of 66.

I would like to recognize and celebrate Joseph Blair's life. Born and raised in Stop Six, Mr. Blair was a long time resident of Everman. After graduating from Prairie View A&M University he became a local businessman and was owner of Hipper-Throne Shoe Repair Service. In addition to his professional career, he was an active member of Allen Chapel African Methodist Episcopal Church and participated on the Fort Worth school district's redistricting committee. Throughout his life he was passionate about bettering his community.

Through the Wildcat Sportsman Club, Mr. Blair was able to mentor local students. Joe was proud of Dunbar High School, and he wanted the students there to know they were capable of achieving great things. In an effort to spread this message of encouragement to college students, he regularly planned trips to Prairie View A&M with fellow alumni to discuss the importance of continuing their education.

Joe Blair has been honored by receiving a proclamation from the Fort Worth City Council for his many years of community service, and today, I extend my sympathies to his family and friends on his passing.

The compassion shown by Mr. Joseph Blair is truly remarkable, and he should serve as an example to all. Such a man can never be replaced and will be dearly missed.

IN HONOR OF JAMES "JIMMY" DEANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Jimmy Deane, as he is named the Irish Good Person of the Year by the Irish Good Fellowship Club of Cleveland, Ohio. Mr. Deane's lifelong leadership and advocacy on behalf of worker's rights has served to empower countless individuals and families throughout our labor community.

With the promise of honest work and hope for a new beginning, Mr. Deane journeyed to America from Ireland in 1962. He began work as a laborer in the construction trades and became a member of the union in 1962. In 1991, he was appointed to the position of Field Representative, and in 1995, he accepted the appointment of Business Manager. Throughout his union tenure, Mr. Deane remained focused on workers' rights, benefits, and safety. As a result of his concern, expertise and leadership, Laborers' Union, Local 310 reflected fiscal responsibility, integrity and effectiveness in representing and protecting its members.

Mr. Deane's activism extends throughout our local labor and political landscapes. He is a member of the Laborers District Council of Ohio, an Executive Board Trustee of the Ohio Laborers Training Fund, and has also served as delegate to the AFL–CIO. Though his Irish homeland lives forever in his heart, Mr. Deane wholly embraced all that is America. His activism within our democratic processes and support of local candidates continues to strengthen our community and illuminates the core foundation of America—a union of workers who fight for equal representation, protection and justice for all.

Mr. Speaker and Colleagues, please join me in honor, gratitude and recognition of my good friend, Mr. Jimmy Deane, as he is rightfully named the Irish Good Person of the Year. Mr. Deane's integrity, conviction, and exceptional ability to bring people and ideas together for the common good, has served to raise the bar on all levels within the union, the workplace, and within our community. I wish Jimmy Deane and his entire family an abundance of health, peace and happiness, today and always.

PAYING TRIBUTE TO BOULDER CITY, NEVADA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Boulder City, Nevada, which celebrates its seventy-fifth anniversary on March 11, 2006.

Boulder City is a unique community located in southern Nevada, with a population of approximately 15,000 people. The City was created by the Federal Government to provide homes for those who built Hoover Dam. In April 1931, the Boulder City Company was organized to manage the town of Boulder City for the Government, and the majority of the town was ready for occupancy by the end of that same year.

Constructed during the Great Depression, Boulder City was designed to be a model city to which Americans could look to in hope of a better future. In order to accommodate more than 5,000 men and their families in boulder City, Six Companies built housing for employees, a department store, a post office, a laundry, a recreation hall, a school, and a hospital. For a mere $1.60 per day, the workers received a private room with a bed, mattress, pillow, bedding, chair, meals, and transportation to work.

Life during construction of Hoover Dam was not easy. Temperatures would often reach more than 115 degrees during the day and only fall to 95 degrees at night. The heat was so intense that groups of people would huddle beneath the shadows or stand in the river in an effort to keep cool. During the summer of 1933, one worker every two days died due to heat prostration.

Although the population of Boulder City declined following the completion of Hoover Dam, it did not become a ghost town as many predicted. October 1, 1959, Boulder City was incorporated under Nevada law, and it was officially separated from the U.S. Government. There was some opposition to the separation of Boulder City from the Government and concerns that the policies prohibiting gambling and hard liquor sales would be overturned. The leaders of Boulder City elected to continue the conservative restrictions set by the Government during the construction of Hoover Dam. Boulder City today is the only town in Nevada that does not allow gambling establishments within its City limits.

Today, Boulder City is a place where you can enjoy numerous outdoor activities. Consider climbing the river mountain trail with it breathtaking view of Lake Mead and Las Vegas. The world-renown Bootleg Canyon Trail is located in Boulder City. It has cross country trails and downhill trails used primarily by bicyclists, but also enjoyed by hikers. Boulder City's newest recreational project is the Bootleg Canyon Park. This area is currently being developed for various desert preserves and gardens, with walking trails throughout the park. Boulder City treasures its valuable assets and its uniqueness. It will continue to maintain and embellish its resources, both natural and man-made, to ensure future generations will benefit from its numerous outdoor activities, its recreational areas and parks, its walk able areas, and its open spaces.

Mr. Speaker, It is an honor to recognize Boulder City and its accomplishments in Nevada's history. It was built as a model for all American cities and continues to give hope for a better future.

A TRIBUTE TO ESTER E. WATERMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Ester E. Waterman, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Ester E. Waterman is the daughter of Joseph and Mavis Waterman. Ms. Waterman was born in Trinidad, West Indies and spent her childhood in San Fernando, Trinidad. In 1970, Ms. Waterman migrated to the United States where she attended Erasmus Hall High School. Upon high school graduation, Ms. Waterman was accepted to New York University. A tireless and devoted undergraduate, Ms. Waterman worked her way through college and graduated with a degree in Computer Science. Her professional experience includes American Express, Alexander & Alexander Benefit Services and AON Consulting Company.

Today, Ester E. Waterman is an active community resident of Brooklyn, New York and an inspiration to those around her. She is deeply committed to her love for children and learning. In 1998, Ms. Waterman fulfilled her community's need for a childcare service when she established "Loving Arms Learning Day Care Center."

Community members and leaders alike have praised Ms. Waterman's work. In 2002, The Caribbean American International Child Care Network Inc. & United Family Services Inc. recognized Ms. Waterman for her work and dedication to children. In 2004, New York City Councilmember Leroy Comrie awarded Ms. Waterman with the New York City Council Citation for Child Care and in 2005, New York State Assemblyman Nick Perry presented her with the New York State Assembly Certificate of Merit.

Ms. Waterman continues to dedicate her time to the people and children of Brooklyn. She has truly made a strong positive impact on the community and for that I ask that we recognize and give thanks to Ester E. Waterman for her wonderful contribution to our community.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Ester E. Waterman, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Ester E. Waterman selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

Mr. Speaker, please join our community in honoring Ester E. Waterman for her dedication and outstanding service to our community.

CONGRATULATING ROBERT COLLINS AS HE IS NAMED "MAN OF THE YEAR" BY THE PITTSTON FRIENDLY SONS OF SAINT PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Robert P. Collins, of Wyoming, Pennsylvania, who is being honored by the Friendly Sons of St. Patrick of Greater Pittston as their "Man of the Year" for 2006.

Raised in the city of Wilkes-Barre, Pennsylvania, he attended St. Mary's High School in Wilkes-Barre. He also attended St. Joseph's Seminary in Callicoon, New York. He is a member of the Third Order of St. Francis.

Mr. Collins served with the United States Army during the Korean War and has been the president of the United States Army 306th Field Hospital Association for the past 20 years.

He is a life member of the Disabled American Veterans, Kingston Post 102, and the Veterans of Foreign Wars, Wyoming Post 396. He is a past commander of American Legion Post 670 and the Korean Veterans Association of the Wyoming Valley.

Mr. Collins is a member of St. Joseph's Church in Wyoming where he has served as a lector and altar server. He is a life member of the Knights of Columbus Council 302, Wilkes-Barre, and Bishop Hafey Assembly Fourth Degree Knights of Columbus.

Mr. Collins is a life member of the Wyoming Hose Company, No. 1, and is a former school board member of the Wyoming Area School District.

Mr. Collins is a past president of the Ancient Order of Hibernians, Avoca Division, the Northeastern Pennsylvania Emerald Society and the Donegal Society of Wilkes-Barre.

Mr. Collins was a member of the Governor's Committee on the Handicapped, having served three Pennsylvania Governors. He was also a member of the White House Committee on the Handicapped, having served three Presidents.

Mr. Collins was assistant to the President of Nelson Manufacturing Company for seven years and has been affiliated with the Metcalf and Shaver Funeral Home for 36 years.

Married to the late Mary Eicke Collins of Wyoming, they had three children.

Mr. Speaker, please join me in congratulating Mr. Collins on the occasion of this honor. Mr. Collins epitomizes what it means to be a community servant. The countless hours he has spent supporting worthy causes and projects has improved the quality of life in the greater Wyoming Valley immensely.

CONGRATULATING MR. MIKE TRIMBLE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mike Trimble of the Denton Record-Chronicle for winning the Distinguished Writing Award for Editorials from the American Society of Newspaper Editors.

The American Society of Newspaper Editors is the principal organization of American newspaper editors and annual awards for distinguished individuals in various categories of writing and photography are given. This year, the awards will be presented on April 27th during ASNE's convention in Seattle.

Mr. Trimble, who is described by coworker Donna Fielder as having "a down-home, Mark Twain kind of way that is always engaging and sometimes mind-boggling," was chosen in the category of Editorial Writing from a contest that attracted almost 600 entries this year. Trimble is often described as a man who "inspires people to laugh, to cry, to think and to protest."

The Denton Record Chronicle is my hometown paper and since coming to Congress, I have frequently worked with Mike Trimble. His writing is both informative and fair, and I commend Mike for the integrity and honesty of his writings over the years. I look forward to many more years of excellent journalism.

I extend my sincere congratulations to Mr. Mike Trimble on receiving the ASNE Distinguished Writing Award and commend his dedication and desire to help educate our local community through quality writing.

PAYING TRIBUTE TO SONJA AND MIKE SALTMAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Sonja and Mike Saltman for their contributions to the communities of southern Nevada and their humanitarian efforts worldwide. On Saturday, March 11, 2006 they will be presented with the David L. Simon Bridge Builder for Peace Award during the Champions of Freedom Dinner Gala at the Venetian Resort Hotel Casino.

Mike Saltman is President of The Vista Group, a developer and manger of office, retail, industrial and housing projects in Nevada, California, Florida and Utah. He is a partner with FFL Partners, Bounty Hunter, LLC, VMA California, LLC, a Director of US Bank's Advisory Board in Las Vegas, and practiced as a private attorney in Munich, Germany, in the 1970s. While in Munich, he also held the post of Corporate Counsel and Director of International Operations for Shareholders Capital

Corporation. Additionally, Mike served as Staff Counsel, IOS in London and Geneva. Mike Saltman's community activities include membership in the Urban Land Institute, Nevada Development Authority Board of Trustees, National Home Builders Association, the Clean Air Action Plan Task Force and the World Presidents' Organization. He is a member of the Young Presidents Association and a board member of the Nevada Dance Theatre, the Las Vegas Symphony, KNPR—Nevada Public Radio and The Nevada Institute of Contemporary Arts.

Sonja Saltman earned her master's degree in psychology from the University of Nevada, Las Vegas in 1980, is a Co-Founder and board member of the Existential Humanistic Institute, which seeks therapeutic methods for dealing with psychological problems, and is the only non-Jewish member of the Anti-Defamation League. Sonja is an Emerald Lion of Judah, has served on the Women's Division Board and currently serves on the Women's Philanthropy Executive Council of The United Jewish Community.

In 2003, Sonja and Mike co-founded the Saltman Center for Conflict Resolution at UNLV's William S. Boyd School of Law. The Saltman Center has already undertaken significant efforts related to teaching, scholarship and public service. Sonja and Mike also support several UNLV academic programs through the President's Inner Circle Giving Club and a graduation award in the College of Liberal Arts.

Not only interested in the local area, Sonja and Mike have devoted their lives to many causes around the world. In 1967, Mike set up several companies in Israel to help put the country on the fast track to success. In Bosnia, Sonja and Mike have done incredible work. Undeterred by the front line proximity to the fighting, they buy and rebuild damaged homes in the ravaged country to provide shelter for those who are most needy. Mike actually strapped on his tool belt and grabbed a hammer to help. This is a man of great determination who is unable to sit by and watch his dream being built by others. They also provide food and other basic needs to grateful Bosnians.

While working with a group that brings humanitarian aid to all walks of life in Bosnia, Mike came across a family who had to wade across a river in order to rebuild their home on the other side. Efforts to rebuild the bridge had been thwarted by conflicts with Serbs in the area. Mike offered his finances and services and the bridge was built. Several families have used the bridge to help rebuild their homes.

Mr. Speaker, I am honored to recognize Sonja and Mike Saltman on the floor of the House today. Through their promotion of peace, understanding and compassion throughout the world, they have built many bridges, traversing great spans that bring people, ideas and dreams together.

IN HONOR OF JUSTICE ADRIAN HARDIMAN OF THE SUPREME COURT OF IRELAND AND JUSTICE YVONNE MURPHY OF THE CIRCUIT COURT OF IRELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor, welcome and recognition of Justice Adrian Hardiman of the Supreme Court of Ireland and Justice Yvonne Murphy of the Circuit Court of Ireland—united in marriage and also in their quest for truth and justice—and I welcome them both to Cleveland, Ohio, on St. Patrick's Day, March 17, 2006.

For the past twenty-seven years, Tim Collins and Thomas Scanlon have organized the St. Patrick's Day Party and Parade, a joyous event that brings people together in the heart of Cleveland and is one that promotes and preserves the treasured traditions of their beloved Irish homeland. Once again, Euclid Avenue will spring to life as a sea of green and the spirited sound of drums and bagpipes begin their march along our city streets. This enchanted day promises old friendships renewed, the discovery of new ones, and serves as a living bridge that transcends space and time, connecting the north coast of Cleveland to the shores of the Emerald Isle.

Justice Adrian Hardiman was born in Dublin and was called to the Bar in 1974, the Inner Bar as Senior Counsel in 1989, and was appointed to the Supreme Court in 2000. Justice Hardiman continues to be actively involved in social issues in Ireland. He speaks fluent Irish and is an advocate within the Court on behalf of the rights of those who speak native Irish. In 1974, Justice Hardiman married Justice Yvonne Murphy, judge of the Circuit Court of Ireland. They have three sons. Justice Murphy was born in Donegal and was a practicing barrister in County Donegal until being appointed as Judge of the Circuit Court in 1998. She has worked as a journalist in both print and radio mediums and is the author of several books, including "Journalism and the Law" and "Insider Dealing". Justice Murphy is chairwoman of the Irish Association of Women Judges.

Mr. Speaker and Colleagues, please join me in honor of the Honorable Justice Adrian Hardiman and the Honorable Justice Yvonne Murphy, for joining us in Cleveland as we celebrate St. Patrick's Day. Please also join me in recognition of Tim Collins and Thomas Scanlon for organizing this wondrous St. Patrick's Day party this year, as they have for the past 27 years. "Ni dheanfaidh smaoineamh an treabhadh duit—You'll never plough a field by turning it over in your mind"—Old Irish Proverb.

RECOGNIZING WILLIAM ANZALONE AS HE RECEIVES THE SWINGLE AWARD FROM THE PITTSON FRIENDLY SONS OF SAINT PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my good friend Attorney William Anzalone of Wilkes-Barre, Pennsylvania, who is being honored by the Friendly Sons of St. Patrick of Greater Pittston as the recipient of their annual Swingle Award.

Mr. Anzalone owns and operates Anzalone Law Offices, a personal injury trial practice with offices in Wilkes-Barre, Scranton and Stroudsburg, Pennsylvania.

A past president of the Luzerne County Bar Association, the Northeastern Pennsylvania Trial Lawyers Association and the Luzerne County Bar Charitable Foundation, he has received certification by the National Board of Trial Advocacy and the American Board of Trial Advocates.

Attorney Anzalone has been chosen by his peers for the title of "Super Lawyer" for the past three years, a distinction that places him in the top five percent of practicing lawyers in Pennsylvania.

Bill has served numerous civic organizations. He is a past president of the Wilkes-Barre Chapter of UNICO, having chaired its annual football game for several years. He currently serves as chairman of UNICO's gift committee.

He is a past member of the board of directors of the St. Vincent DePaul Soup Kitchen, the Lackawanna Junior College, the Greater Wilkes-Barre Chamber of Business and Industry and Leadership Wilkes-Barre.

In 2005, he was inducted into the Luzerne County Sports Hall of Fame due to his performance as a defensive back on Temple University's football team.

Bill is married to the former Tina Medico and they are the parents of three beautiful children.

Mr. Speaker, please join me in congratulating Attorney Anzalone on this auspicious occasion. Attorney Anzalone's contributions to his community speak for themselves. His commitment to service is an inspiration to all.

CONGRATULATING THE DALLAS/FORT WORTH INTERNATIONAL AIRPORT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate The Dallas/Fort Worth International Airport for being named the best cargo airport in the world by Air Cargo World magazine.

Based on an evaluation by survey participants, the winner is chosen from the categories of performance, value, facilities and operations. The survey was announced in Air Cargo World in the March 6th issue.

The Dallas/Fort Worth International Airport soared above tough competition in order to earn the title of "World's Best Cargo Airport." Not only has the airport been experiencing impressive growth this past year, they have also done so while maintaining excellence as a top priority.

As a representative of part of the DFW Airport, and a frequent traveler between DFW and Washington Reagan, I am grateful to know that they have earned such a wonderful distinction of excellence.

I extend my sincere congratulations to the Dallas/Fort Worth International Airport and its CEO Jeff Fegan, for their demand for quality and merit, as well as their integral role in securing our citizens.

PAYING TRIBUTE TO AMERICAN LEGION BOULDER CITY POST 31

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor American Legion Boulder City Post 31 which celebrates its 87th birthday this month.

American Legion Boulder City Post 31 was organized October 12, 1931 by WWI Veterans working on the Hoover Dam project, with a charter membership of over 400. The permanent charter was granted March 28, 1932.

After being without their own building for several years, the members decided to construct a permanent home for Post 31. They made extensive use of volunteer labor, including many recently discharged WWII Veterans, and used surplus building materials obtained from a number of government agencies. The building was completed in 1948 and has been the home of Post 31 since that time. Activities held in the new building, such as movies and dances with live bands, constituted some of the first entertainment in Boulder City.

One of the most popular events put on by Post 31 is the well-known Fourth of July celebration and parade known as the "Damboree." A symbol of the service to and involvement with the community, the parade is still popular, with the American Legion Post 31 Color Guard leading the event every year.

Post 31 continues to give dedicated service the community and the military. They reinitiated the blue star program used in the Second World War so that families may show a banner in their windows when they have someone in the active military. When conflicts began in Iraq and Afghanistan, Post 31 had beautiful metal signs made to display names of members of the military from Boulder City that are on active duty. These signs are on every light pole along Veterans Memorial Drive in Boulder City. Each month Post 31 collects used ink cartridges and old cell phones to raise money that goes toward the American Legion Legacy Fund, which helps educate children of members of the military who lost their lives during the present conflict in the Middle East.

Mr. Speaker, I am honored to recognize American Legion Boulder City Post 31 on the floor of the House today. I congratulate them for 87 years of contributions to the veterans and citizens of southern Nevada and thank them for their continued service.

CONGRATULATING JUDGE MARK CIAVARELLA, JR. AS HE IS NAMED "MAN OF THE YEAR" BY THE WILKES-BARRE FRIENDLY SONS OF SAINT PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Luzerne County Court of Common Pleas Judge Mark A. Ciavarella, Jr., who is being honored by the Wilkes-Barre Friendly Sons of St. Patrick as their 2006 "Man of the Year."

A son of Mary Cunningham Ciavarella and the late Mark A. Ciavarella, Sr., Judge Ciavarella was born and raised in the East End section of Wilkes-Barre, Pennsylvania.

Following his graduation from St. Mary's High School, he earned his Bachelor of Arts degree with honors in history/government and pre-law from King's College. While at King's he attained membership in the Aquinas Honor Society.

He was awarded his Juris Doctorate degree from Duquesne University School of Law in 1975. While at Duquesne, he was inducted into the Order of Barristers, which is an organization that recognizes individuals who have attained outstanding achievement in appellate advocacy.

From 1975 until 1995, Judge Ciavarella maintained a private law practice in the City of Wilkes-Barre. He was a partner in the law firm of Lowery, Ciavarella and Rogers.

From 1976 until 1978, he served as solicitor for the City of Wilkes-Barre and from 1978 until December 31, 1995 he served as solicitor for the Wilkes-Barre City Zoning Hearing Board.

In November of 1995, he was elected to the Luzerne County Court of Common Pleas and in November 2005, he was retained by the voters of Luzerne County for another 10-year term.

Judge Ciavarella was formerly a member of Wilkes-Barre Police Civil Service Commission; the pastoral council and finance committee of St. Therese's Church in Wilkes-Barre; Scranton Catholic Diocesan School Board; United Rehabilitation Services, Inc.; Wilkes-Barre Area School District Long Range Planning Committee; Wyoming Valley Catholic Youth Center Girls Co-Swim Coach and a member of the board of directors of the Luzerne County Association for Retarded Citizens.

He also served as chairman of the Wyoming Valley Catholic Youth Center's Board of Directors and he was an assistant little league coach.

Judge Ciavarella is currently a member of the Wyoming Valley Catholic Youth Center's Board of Directors and the Wilkes-Barre Chapter of UNICO.

In addition to his duties handling criminal and civil judicial matters, he also serves as Luzerne County Juvenile Court Judge.

Judge Ciavarella is married to the former Cindy Baer. The couple has three children.

Mr. Speaker, please join me in congratulating Judge Ciavarella on the occasion of this fine honor. Judge Ciavarella has served his community well both on the bench of the Luzerne County Court and in the many leadership roles he has undertaken with numerous civic organizations. The quality of life in the greater Wyoming Valley is made better due to the works of people like Judge Mark Ciavarella.

TRIBUTE TO SHANNON ALLEN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Shannon Allen for her heroic actions Wednesday, January 25, 2006 at Rayburn Elementary School in McAllen, Texas.

At approximately 2:00 pm on Wednesday, an intruder entered the Rayburn Elementary School where Mrs. Allen is the Principal. Maria Tovar, the academic coordinator, escorted the intruder to the administrative office for failure to have a school identification card. Mrs. Tovar discovered the intruder was carrying a handgun and instructed him to place the weapon in a nearby waste basket. Mrs. Allen was informed of the situation and initiated a lock down of the entire school via code over the intercom. When Mrs. Allen approached the intruder he became agitated and attempted to reach for the loaded and cocked handgun in the waste basket. Mrs. Allen, out of concern for the safety of her students and staff, tackled the intruder to prevent him from retrieving the gun.

Mrs. Allen was able to restrain the intruder with the assistance of Coach Jason Duon and custodian Joe Rico. Seconds later, Officer Ed Perez handcuffed and placed the intruder in custody.

Mr. Speaker, Shannon Allen endangered her life to protect her students and staff at Rayburn Elementary School. Given her heroic actions, I rise to honor Shannon Allen.

TRIBUTE TO WILLIAM "JACK" GENTRY ON EARNING THE BEN FRANKLIN AWARD

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to congratulate Mr. Jack Gentry, the winner of the Benjamin Franklin Community Newspaper and Postal Partnership Award of Excellence.

Nominated for this award because of his commitment to provide top-notch customer service, it is an honor to highlight the Florida postmaster's excellence on the floor today.

It is encouraging to learn of the many lengths Mr. Gentry would reach to ensure reliable delivery of the community's newspapers.

Rather than going through the everyday motions of his postal route, Jack helped improve the delivery system—even making it more efficient.

I am sure the members of the community who benefit from Mr. Gentry's dedication to quality service are as thrilled as I am he will be recognized for his great work.

Mr. Gentry will receive this award today at the Library of Congress. I commend him for his work ethic and commitment to community newspapers.

HONORING THE RANDOLPH-CLAY RED DEVILS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. BISHOP of Georgia. Mr. Speaker, Cuthbert, Georgia is a small, rural community, six hundred and sixty-nine miles from the U.S. Capitol. It is home to a rich agrarian tradition, the oldest known pecan tree in the state of Georgia and a high school basketball team known as the Red Devils, who on March 1, 2006, did something that they hadn't done in over three years. They lost a game.

Yet I rise today, not in recognition of this inconsequential loss, but in honor of the remarkable team that won ninety straight games, breaking the Georgia High School Association's record for the most consecutive wins and inspiring a community to believe in the impossible.

For forty-four years, Coach Joe Williams has led the Randolph-Clay Red Devils to 964 wins and six state titles. His focus on aggressive, man-to-man defense has forced his players to test their limits and grow as competitors, at the same time that he has molded boys into a team of men that every young player in Cuthbert dreams of playing for.

For three years the Red Devils have dominated every court that they have taken, winning nearly all of their games by double figures, including a 100–30 victory over Central Talbotton. Yet they took every game seriously, stating simply, "We play basketball."

As long as high school basketball is played in the state of Georgia, teams will attempt to duplicate the Red Devils' history-making streak. But they won't succeed; because, while they will emulate their style of play, it is impossible to capture the passion and the ability that has defined these exceptional young men and the dream that they have made legend.

Therefore, here in this hallowed hall, I rise on behalf of the people of Cuthbert, the Second Congressional District and the state of Georgia to honor the extraordinary accomplishment of Coach Williams and the Randolph-Clay Red Devils. You have inspired us all.

ARTHUR WINSTON "EMPLOYEE OF THE CENTURY"

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Ms. WATSON. Mr. Speaker, I rise today to honor a great American and my constituent, Mr. Arthur Winston. This year Mr. Winston will mark over three quarters of a century as an employee of the transportation agencies that have made Los Angeles County's buses and trains move millions of people a year. In fact, since Mr. Winston began his employment with the Los Angeles County Metropolitan Transportation Agency's (Metro) predecessor agencies in 1924, millions of people have been safely delivered on billions of trips across Los Angeles County. Arthur can and should be proud to have been an important part of the historic growth of mass transit in California's 22nd Congressional District, which I proudly represent, and throughout the rest of Los Angeles County.

Arthur Winston was born in Okemie, Oklahoma on March 22, 1906 before Oklahoma was officially recognized as a state. He and his family moved to Los Angeles in 1918, when Arthur was 12. His father found work in the maintenance department for one of Metro's predecessors, the Pacific Electric Railway Company. Arthur attended Jefferson High School in Southern California, graduating in 1922.

Arthur Winston was 28 years old when he started his remarkable 72 years of continuous work at Metro. If you account for the years he spent, beginning at age 15, helping his father at the Pacific Electric Railway Company, Arthur has worked a remarkable 76 years for Los Angeles transit agencies. Mr. Winston was first employed by Metro's predecessor agency in December 1924 and worked until mid-1928. He resumed his employment with the agency in January of 1934. Amazingly, Arthur has missed only one day of work in 76 years, having taken a day off on the day of his wife's death in 1988.

In 1996, Arthur Winston received a Congressional Citation from President Clinton as "Employee of the Century." In his more than seven decades of Metro employment, Arthur has received many honors for his work ethic and longevity on the job. In 1997 Metro's Board of Directors named the agency's bus operating division in South Central Los Angeles (Chesterfield Square) after him. He has also appeared on the Oprah Winfrey television show and has appropriately been honored by a large number of community and civic organizations in Los Angeles County.

At the Arthur Winston Division, Arthur is a service attendant leader, directing a crew of 11 employees who clean, maintain, and refuel 240 Metro buses before they go out onto city streets. Remarking about his longevity at Metro, Arthur had this to say, "I stayed with Metro through all these years because I felt comfortable here. After a certain age I decided to stay on the job until I'm 100 years old."

Arthur Winston turns 100 on March 22, 2006 and has announced his retirement from Metro, quite fittingly, on his birthday. In the meantime, Arthur will spend his remaining days on the job waking up at his usual time, 4 a.m., and driving his 1994 Toyota sedan to work.

Mr. Speaker, I am pleased to join Los Angeles Metro in saluting Arthur Winston and his unparalleled work ethic. May Arthur Winston's long record of public service serve to inspire Americans, young and old, to dedicate their energy and intellect for the benefit of the general public.

TRIBUTE TO JASON MCELWAIN

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. REYNOLDS. Mr. Speaker, today I rise to recognize an outstanding young man, his supportive teammates, and an inspirational performance on the basketball court. In a matter of just 4 minutes, Jason McElwain and the Greece Athena High School Trojans showed us all the power of dedication, teamwork, and perseverance.

Jason has always been a steadfast and energetic contributor to the Greece Athena Varsity Basketball team in his role as team manager. Although never getting a chance to play, Jason placed his heart and soul into helping the team and became an indispensable teammate, day in and day out.

Jason also has been challenged everyday by autism, a disability that, while difficult, has not undercut Jason's goals or his involvement with the team. In turn, Jason's teammates, led by Coach Jim Johnson, have embraced him and believed in him. To them, Jason is not an autistic team manager; rather he is simply, emphatically a teammate. And a passionate teammate—Jason never misses practice and is always a helpful supporter at games, dispensing water bottles and advice from the team bench dressed in his trademark shirt and tie.

That was until February 15, when Coach Johnson told Jason to suit up in the Trojan uniform for the first time for the last game of the regular season. Jason's dedication, his teammates' support, his coach's trust, all were set to pay off in a most dramatic way.

With only 4 minutes remaining in the game, Jason got the call off the bench. He took the floor, and his fellow students went wild. They held up signs. They chanted his nickname, "J-Mac." The cheers and chants would only grow louder as Jason put on a performance that the town of Greece will never forget. In his short but remarkable debut for Greece Athena, Jason made not one, not two, but six 3 pointers, and finished the game with 20 points. As his final shot swished clean through the net with 2 seconds to play, the raucous fans rushed the court. Coach Johnson, along with most, was brought to tears. Jason's teammates hoisted him upon their shoulders. A true hero and the true meaning of teamwork were discovered that night on the hardwood in Greece.

And the Trojans weren't finished. Two weeks later, that teamwork propelled the Spartans to the very top, as they won their sectional championship. Jason, back in his shirt and tie, yet never more important a teammate, cheered and assisted from the bench. When the championship trophy was presented, Jason was the first to lift it over his head.

Jason's perseverance and his teammates' support serve as a great example to us all. Mr. Speaker, in recognition of their remarkable achievement, I ask that this honorable body join me in honoring Jason McElwain and the Greece Athena High School Basketball Trojans.

BRAIN INJURY AWARENESS DAY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I am a member of the Brain Injury Task Force—a group dedicated to drawing attention to this tragic and life-altering impairment. I am also proud to represent Nazareth Hospital, a facility that has provided healthcare services to the Philadelphia region for over 60 years and a national leader in the acute and chronic care of stroke.

Today, representatives of Nazareth Hospital are on Capitol Hill for Brain Injury Awareness Day. This important event helps to increase awareness for Traumatic Brain Injury, TBI, and the specific challenges facing individuals who have suffered brain injury and their families.

As many know, brain injury comes in many forms. The two most prevalent brain injuries—stroke and trauma—affect more than 2.2 million Americans, and these numbers are expected to grow. TBI has been called "the signature injury of modern American warfare" due to the unprecedented number of service men and women who have suffered from head trauma while deployed in Iraq and Afghanistan. This reality, coupled with the growing number of seniors in the U.S., means that our healthcare system will have to provide for more and more brain injury patients in the coming years.

There is currently no cure for individuals with brain injuries. So they must vigilantly manage their chronic symptoms, often relying on the care and assistance of their families, friends and facilities like Nazareth Hospital.

Nazareth is ahead of the curve—providing high-quality education and case management system for brain injury patients based on years of experience of working with patients, primary care physicians, nurses, family members, and other care givers.

Because of their experience, the Department of Defense is considering a partnership with Nazareth. The DOD recognizes that Nazareth has a proven education and brain injury management plan, and believes it might be a system worth applying to military hospitals and clinics. As a strong supporter of public-private sector cooperation, I will be working to advance this shared effort.

Together, I know we can reduce the emotional and financial effects of brain injury, and I am honored to represent an organization at the forefront of developing new treatments and discoveries. And, I am confident that Nazareth Hospital's first-rate care, which has benefited so many in my district, will be an asset for DOD as it expands continuing care services for the men and women who have sacrificed so much for our Nation.

HONORING WALT AND KAREN WORTHY AND THE STAFF OF THE DAVENPORT HOTEL

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Miss McMORRIS. Mr. Speaker, I rise today to recognize Walt and Karen Worthy and the staff of The Davenport Hotel for ranking among the top ten hotels nationwide in customer satisfaction. In a recent survey completed by Expedia.com, The Davenport Hotel was the only Pacific Northwest hotel on the list. The Davenport Hotel also ranked third on Expedia.com's traveler's picks for the top ten four-star hotels nationwide.

Originally built in 1914 by Mr. Lewellyn "Louis" Davenport, The Davenport Hotel quickly became known around the world. It was the first hotel to have air conditioning, a central vacuum system, housekeeping carts, and accordion ballroom doors. Mr. Davenport sold the hotel in 1945 and the hotel was eventually closed in 1985.

Mr. Worthy and his wife, Karen, purchased The Davenport Hotel in May 2000 after most lost hope that the abandoned hotel would ever regain its grand status among hotels in America. Through their hard work and personal financial investment, they, along with their staff, have restored The Davenport Hotel to its once world famous status. To this day, the motto of Mr. Davenport remains their own:

"In all things, the hotel sincerely tries to so well please its guests that they will be glad they came, sorry to leave and eager to return."—Louis Davenport. 1914, Walt Worthy, 2002.

Mr. Speaker, I rise today to acknowledge Mr. and Mrs. Worthy and the staff for their exceptional service to the city of Spokane and the nation, and to thank them for the role they have played in revitalizing the downtown area of Spokane, Washington. I invite my colleagues to join me in congratulating Walt and Karen Worthy and the staff of The Davenport Hotel on this hard earned, and much deserved, rank among the top ten hotels nationwide for customer satisfaction.

CONGRATULATING THE CORNELL BLACK ALUMNI ASSOCIATION ON ITS 30TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. RANGEL. Mr. Speaker, it is with great pride that I rise today to honor The Cornell Black Alumni Association as they prepare to celebrate not only the 30th Anniversary of their revered organization, but the 100th Anniversary of Alpha Phi Alpha Fraternity, Inc.

Founded in 1976, the Cornell Black Alumni Association, CBAA, was conceived as an organization devoted to providing a communication network for Black alumni. It's current mission is to promote the professional development of Black alumni; to provide opportunities for alumni to give back to the Cornell community; to provide support for current Black students at Cornell through the endowment of scholarships and the development of other resources; and to aid in maintaining the diversity of the student body at Cornell by assisting the University in its recruitment efforts.

The distinctive attributes of this fine Association speak volumes for their ambition, commitment, and drive to inspiring young people to pursue higher education, is to be applauded.

Through their leadership, knowledge, and vigorous enthusiasm, the Cornell Black Alumni Association has served the Cornell family and community admirably and with great integrity. They have, in the very best traditions of Cornell University, reached out and have given back whereby their efforts have resulted in countless programs that have had a direct and significant impact on alumni and future Cornell students.

By the same token, Alpha Phi Alpha Fraternity, Inc., of which I am a proud member has supplied voice and vision to African-Americans and people of color around the world since its inception in 1906 on the campus of Cornell University. This first intercollegiate Greek-letter fraternity initially served as a study and support group for minority students who faced racial prejudice, both educationally and socially at Cornell. However, in time, the Fraternity would succeed in laying a firm foundation for Alpha Phi Alpha's principles of scholarship, fellowship, good character, and the uplifting of humanity.

Mr. Speaker, this June as the Cornell Black Alumni Association celebrates their 30th Anniversary and the centennial of Alpha Phi Alpha, it is my hope that they will seize every opportunity to "celebrate the legacy and embrace the future.

FREEDOM FOR FIDEL GARCÍA ROLDÁN

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Fidel García Roldán, a political prisoner in totalitarian Cuba.

Mr. García Roldán is a pro-democracy activist and a member of the 24 February Movement, named for both the commencement of the glorious Cuban War of Independence in 1895, and the day in 1996 when two civilian aircraft carrying four members of the Brothers to the Rescue organization were shot down over international waters by the Cuban dictatorship's fighter jets. The 24 February Movement desires, and struggles for, freedom in Cuba.

According to reports, Mr. García Roldán has been imprisoned since April 16, 2004 and, after a sham trial, sentenced to 4 years in the totalitarian gulag. In the U.S. Department of State's Country Reports on Human Rights Practices—2005, it is reported "On February 19, a 'reeducation specialist' forced political prisoner Fidel García Roldán into a cell, pushed him against the wall, then hit him repeatedly in the head."

That same report details the abhorrent conditions in the gulag:

> Prison conditions continued to be harsh and life threatening. Conditions in detention facilities also were harsh. Prison authorities frequently beat, neglected, isolated, and denied medical treatment to detainees and prisoners, particularly those convicted of political crimes or those who persisted in expressing their views . . . Prisoners sometimes were held in "punishment cells," which usually were located in the basement of a prison, with continuous semi-dark conditions, no available water, and only a hole for a toilet.

Mr. García Roldán, despite being imprisoned, despite facing even more severe maltreatment in the inhuman gulag, continues to advocate for liberty. Mr. García Roldán is a brilliant example of the heroism of the Cuban people. No matter how intense the repression, no matter how horrifically brutal the consequences of a dignified struggle for liberty, the totalitarian gulags are full of men and women of all backgrounds and ages who represent the best of the Cuban nation.

Mr. Speaker, we must speak out and act against this abominable disregard for human rights, human dignity, and human freedom just 90 miles from our shore. It is categorically unacceptable that men and women who demand freedom from tyranny are locked in dungeons and abused by totalitarian monsters. My Colleagues, we must demand the immediate and unconditional release of Fidel García Roldán and every political prisoner in totalitarian Cuba.

ENDORSEMENT OF PROFESSOR JEFFREY LEIGH SEDGWICK

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. OLVER. Mr. Speaker, I ask that this statement be inserted into the CONGRESSIONAL RECORD at the appropriate place:

"On Tuesday the Senate Judiciary Committee will hold a hearing on the nomination of Professor Jeffrey Leigh Sedgwick to head the Bureau of Justice Statistics. For over 24 years Professor Sedgwick has taught students at the University of Massachusetts the intricacies of the American Political System. Throughout the course of his established career he has also spread his expertise to other educational institutions, such as Smith College in Massachusetts and the University of Virginia. It is time now for Professor Sedgwick to loan his knowledge and experience to the Federal Government as the head of the Bureau of Justice Statistics.

"Professor Sedgwick has devoted much of his career to the study and interpretation of criminal justice and through the years he has developed a strong sense of our Nation's criminal justice system. His in-depth research has led to a number of books, articles and editorials offering insight into crime and punishment in the United States. These qualifications give Professor Sedgwick a solid foundation for taking over the responsibilities of the head of the Bureau of Justice Statistics.

"This would not be Professor Sedgwick's first experience in the Federal Government. In 1984 he served as the Deputy Director for Data Analysis within the Bureau of Justice Statistics. In this position he gained a familiarity for the work that this bureau does and moved on to a career of studying crime and justice. Professor Sedgwick is indisputably qualified to take over operations at the Bureau of Justice Statistics and I urge my colleagues in the Senate to confirm him for this post."

HONORING GREATER BETHEL AFRICAN METHODIST EPISCOPAL CHURCH IN OVERTOWN FOR 110 YEARS OF SERVICE TO THE COMMUNITY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. MEEK of Florida. Mr. Speaker, today I rise to pay tribute to the Greater Bethel African Methodist Episcopal Church (BAME) as it celebrates its 110th Anniversary on Sunday, March 12, 2006 in the Overtown community of Miami-Dade County, Florida. This important milestone is truly a testament to the leadership of the church and the commitment of the faithful and the church's theme reflects it: "Greater Bethel AME: A Beacon of Light Shining Bright for 110 Years."

I commend the entire Greater Bethel AME family, including the Senior Pastor, Reverend Milton Broomfield and Ms. Barbara Brown, the Chairperson, on this wonderful occasion. It is the thorough exercise of faith that we are emboldened by God's Blessed Assurance spoken through the Prophet Isaiah (Chapter 58, Verses 9–11): ". . . You shall call, and the Lord will answer. For if you bestow your bread on the hungry and satisfy the afflicted, then light shall rise for you in the darkness . . . and the Lord will guide you always."

Greater Bethel AME Church symbolizes an unshakable monument that has manifested and continues to manifest our community's faith in God. The longevity of this landmark church—not only through its members' genuine caring of one another, but also through the outreach efforts of its services and good works for those it has been privileged to serve—is truly remarkable. Despite the pain and agony that our community suffered in the midst of many years of disenfranchisement and misrepresentation, Greater Bethel AME Church stood out as a beacon of Hope and a citadel of Truth by which God has called our community to respond to the mandate of Christian stewardship.

It is with this spirit that I recognize this historic Church on its 110th Anniversary, defined by determination and courage throughout its ministry. We are grateful for what Greater Bethel AME Church symbolizes for all of us, even as we look forward to the challenges of the future.

PRESENTATION OF THE TOUCHSTONE AWARD TO RICHARD J. KURTZ

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. ROTHMAN. Mr. Speaker, I rise today to recognize my good friend, Richard J. Kurtz, as he receives the prestigious Touchstone Award, the highest honor bestowed by the Englewood Hospital and Medical Center in Englewood, New Jersey. This award is bestowed by the Medical Center to an individual who exemplifies the premier standard for philanthropic endeavors.

Richard Kurtz, the founder of the Kamson Corporation in Englewood Cliffs, is a prominent real estate investor, developer, philanthropist, and a good friend to so many. The leadership and unwavering dedication shown by Richard to community service, humanitarian values and charitable causes is well-known, both in northern New Jersey and throughout the Nation.

Richard actively serves on many boards including the Jewish Community Center (JCC) on the Palisades, the Englewood Hospital and Medical Center, and he serves as chairman of the Englewood Hospital and Medical Center Foundation. He has also given his enthusiastic and generous support to the Boy Scouts of America, Cresskill Athletic Boosters, Walk for Awareness: Our Fight Against Breast Cancer, Quest Autism Foundation and the Jewish Home at Rockleigh. Richard has given generously to his alma mater, the University of Miami, and the Katrina relief efforts. His service to these distinguished boards and causes embodies his belief in and commitment to compassion and caring for others.

Richard's devotion to his wife, Patti, his children and their spouses, Pamela Kurtz, Sharon and Jeff Kurtz, and Kimberly and Joseph Spadaccini, and six grandchildren is a reflection of this dedicated family man and community leader. Richard is an extraordinary individual, and he is very deserving of the renowned honor embodied by the Touchstone Award. I am pleased to extend my congratulations to my good friend Richard Kurtz and his family on this wonderful occasion.

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS AND THE INDIAN PEAKS WILDERNESS EXPANSION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing a revised bill to designate as wilderness most of the lands within the Rocky Mountain National Park, in Colorado.

Since introduction of my previous bill (H.R. 3193), I have heard from a number of local communities and other interests on the western side of the park regarding some issues and accommodations they would like to see reflected in the bill. The bill I am introducing today reflects that input.

This legislation will provide important protection and management direction for some truly remarkable country, adding well over 200,000 acres in the park to the National Wilderness Preservation System. The bill is similar to one previously introduced by my predecessor, Representative David Skaggs, and one I introduced in the 107th and 108th Congresses. Those bills in turn were based on similar measures earlier proposed, including some by former Senator Bill Armstrong and others.

Over a number of years my predecessor and I have worked with the National Park Service and others to refine the boundaries of the areas proposed for wilderness designation and consulted closely with many interested parties in Colorado, including local officials and both the Northern Colorado Water Conservancy District and the St. Vrain & Left Hand Ditch Water Conservancy District. These consultations provided the basis for many of the provisions of the bill I am introducing today, particularly regarding the status of existing water facilities.

Unlike these previous bills, the new bill includes designation as wilderness of more than 700 acres in the Twin Sisters area south of Estes Park. These lands were acquired by the United States and made part of the park after submission to Congress of the original wilderness recommendation for the park in the 1970s, and so were not included in that recommendation. They are lands of a wilderness character and their designation will not conflict with any current uses.

Since I introduced the earlier bill in this Congress, the communities bordering the park have been considering this wilderness proposal. The communities and local governments along the eastern side of the Park have expressed support for this proposal, including the Town of Estes Park and Larimer County.

On the west side, the Town of Grand Lake and Grand County requested that about 650 acres inward from the Park boundary around the Town be omitted from the wilderness designation in order to allow the Park to respond to potential forest fire threats. The revised bill reflects this change.

In addition, the Town of Grand Lake, Grand County and the Headwaters Trails Alliance (a group composed of local communities in Grand County that seeks to establish opportunities for mountain biking) requested that an additional non-wilderness area remain along the western park boundary, running south along Lake Granby from the Town to the park's southern boundary. This request was made to allow the National Park Service to retain the option of authorizing construction of a possible future mountain bike route within this part of the park.

The revised bill introduced today responds to that request by omitting from wilderness an area, called the East Shore Trail Area, in this part of the park. However, it provides that the area will become wilderness 25 years after enactment unless a bicycle trail has been constructed before then.

During the discussions of the previous version of the bill, it was suggested that the existing Indian Peaks Wilderness Area (within the Arapaho National Forest) should be expanded.

The new bill adopts that suggestion by inclusion of a new section that would expand the Indian Peaks Wilderness Area by 1,000 acres in the area south of the park and north of Lake Granby. The lands involved are currently managed as part of the Arapaho National Recreation Area, which accordingly would be reduced by about 1,000 acres.

In addition, this section of the revised bill would amend the original Indian Peaks Wilderness Act to reflect this additional acreage as well as the 2,232-acre Ranch Creek Addition and the 963-acre Fourth of July Addition to the Indian Peaks Wilderness Area that were made in the James Peak Wilderness and Protection Area Act in 2001. These changes will be reflected by a new official map for both areas which will establish the precise location of the Indian Peaks Wilderness Area boundary north of Lake Granby and the corresponding boundary change to the Arapaho National Recreation Area.

Finally, a new section has been added to authorize the park to lease a property called the Leiffer Property. This 11-acre property was donated to the National Park Service in 1977, under terms requiring it to be retained by the Park Service. It is an isolated tract outside the boundaries of the park and has two buildings, including a house that is listed on the National Register of Historic Places. The Park Service would like to have the option of leasing the tract, but their leasing authority is limited to "property administered . . . as part of the National Park System," and this property does not qualify because it is neither within nor contiguous to the park's boundaries. The new section would allow the Park Service to lease the property as if it were located inside or contiguous to the park.

The wilderness designation for the park will cover some 94 percent of the park, including Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammeled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of the Park are included in the wilderness that would be designated by this bill.

The features of these lands and waters that make Rocky Mountain National Park a true gem in our national parks system also make it an outstanding wilderness candidate.

The wilderness boundaries will assure continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services. In addition, specific provisions are included to assure that there will be no adverse effects on continue use of existing water facilities.

This bill is based on National Park Service recommendations, prepared more than 25 years ago and presented to Congress by President Richard Nixon. It seems to me that, in that time, there has been sufficient study, consideration, and refinement of those recommendations so that Congress can proceed with this legislation. I believe that this bill constitutes a fair and complete proposal, sufficiently providing for the legitimate needs of the public at large and all interested groups, and deserves to be enacted.

It took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass a statewide national forest wilderness bill. Since then, action has been completed on bills designating wilderness in the Spanish Peaks area of the San Isabel National Forest as well as in the Black Canyon of the Gunnison National Park, the Gunnison Gorge, the Black Ridge portion of the Colorado Canyons National Conservation Area, and the James Peak area of the Arapaho-Roosevelt National Forests.

We now need to continue making progress regarding wilderness designations for deserving lands, including other public lands in our state that are managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in the bill I am introducing today.

All Coloradans know that the question of possible impacts on water rights can be a primary point of contention in Congressional debates over designating wilderness areas. So, it's very important to understand that the question of water rights for Rocky Mountain National Park wilderness is entirely different from many considered before, and is far simpler.

To begin with, it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive federal reserved water rights arising from the creation of the national park itself.

This is not, so far as I have been able to find out, a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And, since the park sits astride the continental divide, there's no higher land around from which streams flow into the park, so there is no possibility of any upstream diversions. And it's important to emphasize that in any event water rights associated with wilderness would amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park, but it doesn't affect downstream water use.

The bottom line is that once water leaves the park, it will continue to be available for diversion and use under Colorado law regardless of whether or not lands within the park are designated as wilderness.

These legal and practical realities are reflected in my bill—as in my predecessor's—by inclusion of a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation of such right, and an explicit disclaimer that the bill effects any such reservation.

Some may ask, why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good? The answer is that the wilderness designation will give an important additional level of protection to most of the park.

Our national park system was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 83 years has kept most of the park in a natural condition. And all the lands that are covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As nearby land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year as does our first national park.

At the same time, designating these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

So, Mr. Speaker, this bill will protect some of our nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live. So, I think the bill deserves prompt enactment.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

February 28, 2006: Rollcall vote 14, on the motion to suspend the rules and pass H.R. 1096, to establish the Thomas Edison National Historical Park, I would have voted "aye." Rollcall vote 15, on the motion to suspend the rules and agree to H. Res. 668—celebrating the 40th anniversary of Texas Western's 1966 NCAA Basketball Championship, I would have voted "aye." Rollcall vote 16, on the motion to suspend the rules and pass H.R. 1259—to authorize the President to award a gold medal on behalf of the Congress, I would have voted "aye."

March 1, 2006: Rollcall vote 17, on the motion to suspend the rules and agree to H. Res. 357—honoring Justice Sandra Day O'Connor, I would have voted "aye."

March 2, 2006: Rollcall vote 18, on ordering the previous question, H. Res. 702—providing for consideration of H.R. 4167, to amend the Federal Food, Drug, and Cosmetic Act, I would have voted "aye."

TRIBUTE TO FAMILY-LIFE TV

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today I rise to recognize and honor the 30th Anniversary of Family-Life TV. Throughout its existence, Family-Life TV has offered quality religious, entertainment, and informational programming and it is my hope that it will continue to provide these services long into the future.

Founded on March 7, 1976, Family-Life TV was the brainchild of David J. Croyle. Too young to legally run the station himself, David's father, Reverend Robert F. Croyle, served as the station's first President. This role passed to David upon his father's death in 2001.

The station initially broadcasted three hours each day and only reached cable subscribers in central Armstrong County. Since that time, Family-Life TV has grown rapidly. It now offers 24 hour programming and reaches cable subscribers well beyond its initial range. Additionally, Family-Life TV has ventured into the realm of the internet, touching the lives of individuals from over 30 different nations worldwide.

Family-Life TV has become the thread that binds the Armstrong community together and ties it to the world. For this, its record of impeccable quality programming, and its 30 years of broadcasting, Family-Life TV deserves thanks and congratulations.

Mr. Speaker, I hope my fellow members will join me at this time, and once again congratulate Family-Life TV on its 30th Anniversary and wish it a long and successful future.

OPPOSITION TO LIMITATIONS ON RELIGIOUS FREEDOM IN ROMANIA

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. JONES of North Carolina. Mr. Speaker, I rise today to express my opposition to any limitations on religious freedom In Romania.

The religion bill that recently passed the Romanian Senate, discriminates against virtually all Christians except the dominant Orthodox Church. The bill that now stands before the Chamber of Deputies would in many ways treat Evangelical Protestants and Catholics as inferior.

The Romanian bill would restrict minority religious education and the use of church cemeteries, and would not protect private legal rights for all religious denominations or allow tax incentives to donors.

The spokesperson for a leading human rights group in Bucharest said "the draft law infringes many laws and the Constitution of Romania, as well as international human rights commitments to which Romania is subject" and that "it would close the possibility for religious communities, such as the Greek Catholic churches, to reclaim any property in the hands of other faiths." The head of the Romanian Evangelical Alliance, Dr. Paul Negrut, pronounced NAY GROOTS, with whom I met two weeks ago said: "this is a very critical time for religious liberty in Romania."

Because we as Americans have to stand for religious freedom everywhere, we are especially concerned about this development in an emerging democracy that is a friend and ally of the U.S.

As one who has championed the Houses of Worship bill in the U.S. Congress, it is a personal matter of importance to me.

I urge the Romanian President and the Romanian Parliament to reject this discriminatory religious bill to help protect freedom of religion and to help improve U.S.-Romanian relations.

CALLING FOR THE IMMEDIATE CONSIDERATION OF THE "FAIR LABOR STANDARDS ACT OF 2005"

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. BACA. Mr. Speaker, I rise to call for the immediate passage of H. Res. 614, a bill which allows for the consideration of the Fair labor Standards Act of 2005, to provide for an increase in the Federal minimum wage.

The Fair Labor Standards Act of 2005 will provide a desperately needed raise in the minimum wage from $5.15 per hour to $7.25 per hour.

The members of the Congress that have denied a minimum wage increase while voting themselves seven pay increases worth $28,000 should be ashamed of themselves.

On Tuesday, January 17th, 2006, Maryland became the 18th state in the Nation to enact a law that will make Maryland's minimum wage higher than the federal. Even in my home state of California, the minimum wage is $6.75 an hour. The current minimum has not been raised in over 7 years!

The minimum wage was established to assure that people who work are not forced to live in poverty. Wage inequality keeps increasing in the United States, in part because of the declining real value of the minimum wage, yet this Congress refused to adjust the minimum wage even for inflation. If the minimum wage had kept pace with inflation since 1968 (when it was $1.60 an hour) it would have been $9.14 an hour in 2005.

Nearly 36 million people live below the poverty-line today—4.3 million more than when President Bush took office—and that number includes 13 million children. Among full-time, year-round workers, poverty has doubled since the late 1970s—from roughly 1.3 million then to more than 2.6 million today. And a report from the Children's Defense Fund shows that a single parent working full-time at the current minimum wage earns enough to cover only 40 percent of the cost of raising two children.

Today, the minimum wage is 33 percent of the average hourly wage of American workers, the lowest level since 1949.

Contrary to misinformation spread by opponents of the minimum wage, adults make up the largest share of workers who would benefit from a minimum wage increase. Forty percent of minimum wage workers are the sole breadwinners in their families. Moreover, despite what many opponents of the minimum wage say, there is no evidence of job loss from the last minimum wage increase.

A hike in the federal minimum wage is long overdue! We must restore the value of the federal wage floor in order to lift families out of poverty. An increase in the minimum wage is both humane and good for the economy because it would raise the standard of living of millions of Americans, while providing the economy with a needed boost by increasing the purchasing power of working families.

Seven and a half million workers and their families would directly benefit from the proposed minimum wage increase. An additional eight million workers would benefit indirectly, via resulting raises. Women and minorities would especially benefit. 61 percent of minimum wage earners are women and almost one-third of those women are raising children; And 35 percent of them are their families' sole earners! 19 percent of minimum wage earners are Hispanic American; and 15 percent are African American.

Women and minorities are disproportionately affected by the refusal of this Congress to pass a higher minimum wage. This issue shouldn't be a political debate. It should simply be about helping America's families. And that help won't come until workers in those low-wage occupations are paid more than poverty-level wages. I have always and will continue to fight for a minimum wage that provides a future for America's families.

COMMEMORATING THE SESQUICENTENNIAL ANNIVERSARY OF LA CROSSE, WISCONSIN

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. KIND. Mr. Speaker, I rise today in celebration of the sesquicentennial anniversary of my hometown of La Crosse, Wisconsin. I cannot think of a better place to grow up, live, and raise a family. From the rolling bluffs to the lakes and rivers and the miles of hiking and biking trails, La Crosse truly is God's country. Its warm, generous, and adventurous citizens are examples of the best our country has to offer.

This beautiful river town was founded at the confluence of the Mississippi, the La Crosse, and the Black Rivers, an area first used by Native Americans as a passageway through the prairie lands of the Upper Midwest. The Native Americans were followed by French fur traders, who established commerce with the Indians living along the river's edge. The traders named La Crosse after the Native American game played with netted sticks used to catch a ball. From the Native Americans and French fur traders to the vast grain barges of today, the movement of goods along the water keeps La Crosse thriving.

La Crosse was founded in 1841, by a pioneer from New York named Nathan Myrick. Myrick established a trading post on Barron Island where he first traded with the Ho-Chunk Indians. Once Myrick extended his business to trading with steamboat passengers, settlers began targeting La Crosse for its rich farming potential. Soon thereafter, the lumber industry blossomed. Using the river as their natural transportation, lumberjacks floated logs downriver to be processed. By 1858, the railroad was built, bringing with it additional growth and development.

Having been born and raised in the city and traveled to other places around the world, I truly appreciate the solid Midwestern values and spirit of the people in La Crosse—values that emphasize kindness, honesty, family, and community combined with the can-do attitude of the town's founders.

Home to ten grade schools, two high schools, two universities, and one technical school, La Crosse highly values quality education for its youth. The city has adjusted to the changing times to remain an important center of transportation, commerce, and industry in western Wisconsin. La Crosse has succeeded in establishing a family- and business-friendly environment and will continue to thrive well beyond its next 150 years.

La Crosse's sesquicentennial provides an opportunity to commemorate the town's history, ancestors, and traditions. With its historic homes, commercial district, natural areas, museums, restaurants, and specialty shops, La Crosse provides residents and visitors with much to choose from. I enthusiastically invite all my colleagues, their families and friends to visit the Coulee Region and the city of La Crosse.

The people of La Crosse are committed to growth in their community while maintaining the harmony of the surrounding land, and I am proud to call this beautiful and friendly city my home.

CONGRATULATING PETER J. FORBES AS HE IS HONORED BY THE QUIET MAN SOCIETY OF SCRANTON, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Peter J. Forbes, of northeastern Pennsylvania, this year's recipient of The Quiet Man Society's "Michael F. King, Jr. Armed Forces Veterans Award."

The award is presented annually to a local individual who, after serving in the Armed Forces, by their actions and involvement in community events, exhibited exemplary continued service to God, family and country.

The award was endowed by The Quiet Man Society in honor of Mr. King, a charter member of the Society, who was wounded twice in World War II. He is best remembered for the countless hours he spent serving St. Paul's Church, Holy Rosary Church, Holy Family Residence, The Penn Ridge Club and the Irish American Men's Association.

Mr. Forbes served with the Australian Army in the Republic of South Vietnam in the 3rd Battalion, Royal Australian Regiment, in 1971 as a combat medic. He also served as a drum major and a piper.

Following a successful business career, Mr. Forbes settled in northeastern Pennsylvania where he currently serves as national commander of the Veterans of the Vietnam War, Inc., and the Veterans Coalition, which is headquartered in Pittston, Luzerne County.

Mr. Forbes has made it known that he will dedicate his award to the memory of three Scranton natives who served during the Vietnam War and are believed to have made the ultimate sacrifice and were declared missing in action. Their names are: Frederick Krupa, Wesley Ratzel and Lothar Terla.

To further honor the memories of these men, Mr. Forbes will present a synopsis of their service records to student representatives at each of Scranton's four high schools so the stories of their heroic service can be retold and so the present generation understands that they and all others who have died fighting for our country are gone . . . but not forgotten.

Mr. Speaker, please join me in congratulating Mr. Forbes for his selfless service to military veterans. Those who serve to protect others deserve the best this grateful nation has to give. Mr. Forbes has spent many years advocating for veterans rights, a crusade that has improved the quality of life for all who have worn a uniform and volunteered to place themselves in harm's way.

TRIBUTE TO HARRY BERGER

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Ms. SCHAKOWSKY. Mr. Speaker, in honor of the 90th birthday of Harry Berger, I am proud to share with my colleagues a tribute to this great American, lovingly written by his son Robert I. Berger. Clearly Mr. Berger is deserving of this recognition by the United States House of Representatives.

Harry Berger was born on March 26, 1916 in Hungary. During World War II, he and his family were forcibly removed from their homes and taken by the Nazis to live in a crowded Jewish ghetto. Not long after, my father, along with other men his age, were taken by German and Hungarian soldiers to work as slave laborers for the balance of the war. After my father was liberated by American soldiers, and unable to return to his home because it was then under Russian control, he obtained a temporary visa to live and work in Brussels, Belgium. It was there that my father met my mother, Helen Berger, a survivor of Auschwitz, with whom he will celebrate 58 years of marriage on February 28, 2006.

My parents, together with me age 2½, arrived in the United States on January 6, 1952, and settled in the Albany Park neighborhood of Chicago. My sister Margaret was born in Chicago in 1954. My parents and I became naturalized citizens in 1957. In 1964, my parents achieved the American dream and purchased their own home in the Rogers Park neighborhood of Chicago where they lived until 1992 when they moved to Lincolnwood, Illinois.

My father worked as a tailor at Broadlane Clothiers in the Uptown neighborhood of Chicago from the time he arrived in the United States until the store closed in approximately 1980. My father then worked for Lytton's and then Mark Shale on Michigan Avenue, where he was awarded Employee of the Year honors before retiring in 1995.

In addition to having worked hard to provide for his family, my father made time and worked tirelessly for many good causes in the service of others. My father served on the Synagogue Board and Men's Club Board of Congregation Ezras Israel in the Rogers Park neighborhood of Chicago and served two terms as President of the Men's Club and two terms as President of the Congregation. More amazing is that my father served as President of the Congregation when he was in his mid-eighties.

My father was also a Board Member and two term President of the Zionist Organization of Chicago (ZOC), the Chicago chapter of the Zionist Organization of America (ZOA). The ZOA is one of the oldest and largest Israel advocacy organizations in the United States. Founded in 1897, to support the establishment of a Jewish state, past presidents of the ZOA include Justice Louis D. Brandeis. In 1996, the ZOC honored my father and mother with the State of Israel Award for their long-time commitment and service to the organization and to the State of Israel.

My father has also helped raise hundreds of thousands of dollars for the State of Israel. In 2001, my father and mother were honored at an Israel Bond Luncheon that raised over one half million dollars in Israel bonds. My father has supported many other Jewish charities including the JUF.

My father has lived in the United States for the past 54 years and has loved all of the ideals for which this country was founded. He has been an exemplary citizen, never taking for granted the freedom and opportunity that this country afforded him and his family. He has voted in every election, he has always kept informed of the issues facing America, and he has worked for candidates for various elective office. My father has lived the American dream. He came to this country a Holocaust survivor and refugee with a wife and young son and barely a penny to his name. He worked hard, bought a home, paid off the mortgage, raised two children, provided for his family, and has and continues to live a decent and productive life.

One of my father's great pleasures is sports. As a young boy in Hungary he loved to play soccer. In his new home, he came to understand and love baseball, football and basketball. He loves the White Sox, Cubs, Bears and Bulls, and would often take me to games on Sundays, his one day off of work. My father's joy was immeasurable when his beloved White Sox finally won the World Series this past Fall.

My father's 90 years, 54 of them in the United States, is an example of what Tom Brokaw called "The Greatest Generation." He provided for his family and found time and energy to help others. His life is to be celebrated and honored.

HONORING EDGERTON PUBLIC LIBRARY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Ms. BALDWIN. Mr. Speaker, I rise today to extend congratulations to the Edgerton Public Library in Edgerton, Wisconsin, on the occasion of its grand opening celebration. Housed in the Carnegie building originally built in 1907, the library is an impressive tribute to the people of Edgerton.

A public library serves as the cornerstone of democracy. A library fosters intellectual freedom and makes available to all citizens an extensive information network. In a local setting, citizens have access to global resources of information. The educational importance of a public library is immensely important in improving the community by providing access to higher learning, A library is a requirement for a cultivated democratic society.

A public library allows citizens to perform their civic duties placed upon them in our noble democratic nation. It not only provides free worldwide access to information, but also is a place where residents can obtain information about their community, and where internet access, tax forms and voter registration forms are provided. The role of the public library is essential in supporting a democratic state. The Edgerton Public Library has gone beyond its civic duty in providing these services for the public.

In spite of the many challenges they faced, the people of Edgerton were committed to this important project. I am proud to recognize the efforts of a community that created a dream and followed through to success. I join the residents of Edgerton in celebrating the grand opening of the newly expanded and renovated Edgerton Public Library and wish them the best for many years to come.

INTRODUCTION OF THE DISTRICT OF COLUMBIA LEGISLATIVE AUTONOMY ACT OF 2006

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Ms. NORTON. Mr. Speaker, I am introducing the District of Columbia Legislative Autonomy Act of 2006, the second in a series of "Free and Equal D.C." bills to remove the remaining congressional statutes that impose discriminatory and unequal treatment on the District of Columbia as a U.S. jurisdiction, on its elected and public officials, and on its citizens. These bills are different from the No Taxation without Representation Act, which in addition to providing equal treatment, would remedy a major violation of basic human rights recognized under international law and treaties and, moreover, a human rights denial found only in the United States. Residents justifiably focus on this most basic of infringements, but our city can and must make more progress on other unnecessary requirements and denials that violate the rights of the taxpaying American citizens who live in the Nation's capital as well.

The Free and Equal D.C. series addresses privileges, rights and benefits universally enjoyed not only by the citizens of State and local jurisdictions, but also by the four territories, under Federal principles of local control that govern the United States. Among the most important are the right to enact local budget, civil and criminal laws free from Federal interference. This bill's fraternal twin, the most important in the Free and Equal D.C. series, H.R. 1629, the District of Columbia Budget Autonomy Act of 2005, sponsored by Government Reform Committee Chairman TOM DAVIS and I, was introduced last year as the first bill of the series. The Senate passed the bill in 2003, and my goal is to achieve passage by both Houses this session.

Because the period of congressional review involves only legislative days, when Congress is in session, not calendar days, D.C. laws typically do not become law for months, not days. A required hold on all D.C. bills, forces the City Council to pass most legislation using a cumbersome and complicated process in which bills are passed concurrently on an emergency, temporary, and permanent basis to ensure that the operations of the large and rapidly changing city continue. The Legislative Autonomy bill would eliminate the need for the District to engage in this Byzantine process that often requires a two-thirds super majority even for ordinary legislation.

This second bill in the Free and Equal D.C. series would eliminate the congressional review period for civil and criminal District acts of 30 days and 60 days respectively. I have introduced today's legislative autonomy bill before, but today's bill is particularly timely because of substantial changes in congressional approach and practices in responding to Council-passed law. In effect, Congress has eliminated the review or layover period. My bill would do no more than align D.C. City Council practices with the approaches Congress uses today.

Moreover, although control of the Congress changed in 1994 for the first time in 40 years, no resolution of disapproval has been heard in committee or used on the floor of either House. Instead of the cumbersome formal filing of bills that require processing in the House and the Senate, both use other more efficient processes, particularly appropriations or attachments to other bills. My bill would eliminate a formal review system that has died of old age and non-use. Congress has walked away from layover review and should allow the city to do the same.

Today's bill, of course, does not prevent review of District laws by Congress. Under Article I, Section 8 of the Constitution, the House Government Reform Committee and the Senate Government Affairs Committee could scrutinize every piece of legislation passed by the

City Council, if desired, and could change or strike legislation under the plenary constitutional authority over the District. However, today Congress prefers more rapid approaches. My bill merely eliminates the automatic hold placed on local legislation and eliminates the need for the City Council to use a Byzantine emergency and temporary process to keep the District functioning under law.

Since the Home Rule Act became effective in 1974, of over 2000 legislative acts that have been passed by the Council and signed into law by the Mayor, only three resolutions to disapprove a D.C. bill have been enacted, and two involved a distinct Federal interest; only 43 acts have been challenged by a congressional disapproval resolution. Federal law to correct for a Federal interest, of course, would be appropriate for any jurisdiction, but placing a hold on 2000 bills has not only proved unnecessary, but has meant untold costs in money, staff and time to the District and the Congress.

We continually urge the District government to pursue greater efficiency and savings. Congress must now do its part to promote greater efficiency both here and in the District by streamlining its own cumbersome, redundant, and obsolescent review processes. Eliminating the hold on D.C. legislation would not only save scarce D.C. taxpayer revenue; my bill would benefit the city's bond rating, which is effected by the shadow of congressional review that delays the certainty of finality to District legislation. At the same time, Congress would give up none of its plenary power because the Congress may intervene into any District matter at any time.

Thus, the limited legislative autonomy granted in this bill would allow the District to realize the greater measure of meaningful self-government and Home Rule it deserves and has more than earned in the 32 years since the Home Rule Act became effective. This goal can be achieved not only without prejudice to congressional authority. A congressional practice for many years now that has meant savings to Congress should now be reciprocated to the City Council as well. I urge my colleagues to pass this important measure.

ON THE INTRODUCTION OF HER BILL SUPPORTING A SALVADORAN-AMERICAN DAY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Ms. SOLIS. Mr. Speaker, I rise today to introduce a bill supporting the goals and ideals of a Salvadoran-American Day (El Dia del Salvadoreño) in recognition of all Salvadoran-Americans for their hard work, dedication and contribution to the stability and well-being of the United States.

Forty years of internal political turmoil forced hundreds of thousands of individuals from the Republic of El Salvador to flee the country and seek peace and security in the United States. Currently, there are over 900,000 Salvadoran-Americans living in the United States, with the majority of them living in California, the Washington, DC Metropolitan Area and New York. In the Los Angeles metropolitan area alone, there are roughly 400,000 Salvadoran-Americans.

In California, the state with the largest population of Salvadoran Americans, El Dia del Salvadoreño is widely celebrated among the Latino community. This celebration of Salvadoran traditions dates back to 1525, when on August 6 the city of Villa De San Salvador was founded. August 6 also marks the date when Salvadorans around the United States celebrate the "Fiestas Agostinas" (August Holidays.) This celebration pays homage to the cultural festivities of El Salvador while adapting itself to the lives of Salvadorans in the United States. Celebrated by Salvadoran-Americans in California and throughout our country, Salvadoran-American Day has grown in significance over the years.

Let us not forget that our Nation was built by people from many nations and cultures whose lives and work have contributed to the greatness of our Nation. Likewise, we must recognize the efforts of Salvadoran-Americans for their cultural and economic contributions to the United States and support the ideals of a Salvadoran-American Day.

IN HONOR AND REMEMBRANCE OF LENA CARDOSO COSTA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. HONDA. Mr. Speaker, I rise today with my colleague Congressman DENNIS CARDOZA, to share the obituary of Lena Cardoso Costa a loving mother to our dear friend and colleague, Congressman JIM COSTA. She was a loving mother, grandmother, and great-grandmother who meant a great deal to a great many people. Knowing of the important bond between JIM COSTA and his mother Lena, we express our deepest sympathies for his loss.

Mr. Speaker, please join us in honoring and remembering the life of Lena Cardoso Costa.

OBITUARY TO LENA CARDOSO COSTA

Surrounded by loved ones Lena Cardoso Costa completed her long journey of 90 years during which she contributed generously to the lives of her family and her community. As a member of what has been described as "America's Greatest Generation", she knew first hand the hard-scrabble days of the Great Depression, the uncertainty of living in a nation at war and the joy that comes from seeing the success of her children and family.

Born in Corcoran, California on August 20, 1915 to Joseph and Georgina Cardoso, Portuguese emigrants from the Azore Islands, Lena Cardoso was raised in Stratford, California along with her 5 brothers and 2 sisters. Her parents came to America to establish for themselves and their children a better life. During Lena's childhood her family endured very difficult economic times, but they persevered to realize the American Dream. The values of Lena's parents, hard work and dedication to family, were passed on to their children.

On October 11, 1936, Lena Cardoso married Manuel Costa and joined the large extended family of John C. Costa Sr. Along with his brother and his wife, John and Mary Costa, Lena and Manuel established a dairy and farming business that moved permanently to the Kearney Park area in 1942.

During the 1950's, 1960's and 1970's Lena was deeply involved in her community, cooking at the Kearney Elementary School and serving on the school's district's Board of Trustees. Because she had to quit school at the 9th grade to help her family, she placed an extraordinary importance on education for her children and grandchildren. As a matter of fact, Lena decided for her own satisfaction in 1985, at age 70, to go back to school and earned her General Education Degree.

In addition, Lena was appointed to the Fresno County Social Services Commission upon which she served through the late 60's and early 70's. She was active in the Fresno County Cabrillo Club for over 60 years in support of the club's numerous civic and charitable events and for years represented the club at the Naturalization ceremonies for new citizens. Lena served as a delegate to the state Democratic convention and was a member of the Fresno Democratic Women's Club. One of her proudest moments was on January 4, 2005 when she saw her son, Jim, sworn in as a Member of Congress in Washington, D.C. as the Representative for the 20th Congressional District.

During her lifetime Lena was well read and enjoyed as hobbies traveling, painting, ceramics and playing cards. For over 50 years she and a group of friends played bridge together at least once a month. Lena was also active within the Portuguese lodges SPRSI and as a charter member of the UPPEC of Kerman.

Lena Costa is survived by her children, Congressman Jim Costa of Fresno and Bette O'Sullivan and her husband Denis of Mountain Lakes, NJ; grandchildren Roberta Rasmussen Vinkhuyzen and her husband Dr Erik Vinkhuyzen of Tokyo, Japan; Eric Rasmussen of Los Gatos; Dr Christopher Rasmussen of Pasadena; Kurt Rasmussen of Eureka; and Laura Rasmussen Nichols and her husband Kallen, who is stationed at Lemoore Naval Air Station; Kerin O'Sullivan Berghaier and her husband Richard of Chalfont, PA; Cathlyn O'Sullivan Markel and her husband Howard of Zephyrhills, FL; and Patricia O'Sullivan Jacobson and her husband Michael of Randolph, NJ. Lena is also survived by her great-grandchildren Saskia, Pascale, and Lukas Vinkhuyzen; Shayla Nichols and Tucker Rasmussen; Nikolas and Alexander Jacobson; and Emma Rose Markel.

She is also survived by her sister Elsie Martin of Hanford; brothers Tony Cardoso of Kerman, Emidio Cardoso of Fresno, Lee Cardoso of Hanford, Dimas Cardoso of Pismo Beach; and brother-in-law Leonel Costa of Fallon Nevada. She leaves 26 nieces and nephews that she loved dearly.

Lena Costa was preceded in death by her husband Manuel and sister Georgina Roza.

IN MEMORY OF KUNI HIRONAKA

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Ms. MATSUI. Mr. Speaker, today I rise in tribute to a dear friend, tireless volunteer and community leader. Kuni Hironaka, served our nation through many decades of service at

McClellan Air Force Base as well as volunteering with numerous community organizations in the Sacramento region with great passion, integrity and commitment. He passed away on March 8th. As his family and friends gather to honor and remember his wonderful life, I ask all my colleagues to join me in saluting one of Sacramento's most well-respected figures, and my friend, Kuni Hironaka.

Kuni was born and raised in Sacramento, where he lived for most of his life. He worked for 37 years at McClellan Air Force Base as a civilian employee. In 1967 he observed that Asian Americans were not a protected minority in the federal workforce. At McClellan there were no Asian American supervisors or foremen in the maintenance department or in the base's management, even though there were a considerable number of qualified individuals with the experience and education necessary to do the job well.

Taking a personal and professional risk, Kuni strived to change this. He repeatedly inquired with the McClellan Air Force Base chain of command and did not rest until the Department of Defense reviewed their hiring and promotion practices. Ultimately, his decision to challenge the status quo resulted in more qualified Asian Americans being promoted in the civilian workforce and the removal of the term "Oriental" as an ethnic identifier. Kuni played a crucial role in ensuring that all minorities were treated fairly and protected in the workplace.

Kuni was always one to give back to our community, spending most of his free time helping others. He was active with the Sacramento Chapter of the Japanese American Citizens League, the Sacramento Asian Sports Foundation, Bocho Doshi Kai and the South Tanoshimi Kai. The day of his passing, he spent all morning volunteering at the Japanese American National Bowling Association's annual tournament.

In recognition of his longtime dedication to numerous non-profit causes and his commitment to civil rights, Kuni was honored as an "Asian Pacific American Heritage Hero" by Sacramento's public television station, KVIE, just last April. It was a fitting honor for a man who gave so much to so many others.

Bob and I were truly lucky to know Kuni so well and to be able to call him our friend. He was always there to help us and our family. Brian, Amy, Anna and I, as well as countless others in Sacramento will miss him deeply.

Kuni is survived by a loving family, including his wonderful wife Rose, their four children, David, Amy, Arlene, and Richard, and seven grandchildren.

Mr. Speaker, as Kuni Hironaka's family members and friends gather to honor his legacy and many contributions, I am honored to pay tribute to one of my closest friends. I ask all my colleagues to join with me in paying respect to and acknowledging the life of an extraordinarily caring man.

IN RECOGNITION OF 50-YEAR MEMBERS OF KAPPA ALPHA PSI FRATERNITY, INC.

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. WYNN. Mr. Speaker, I rise today to recognize and thank my college fraternity, Kappa Alpha Psi Fraternity, Inc., for the support and encouragement they are providing to the Eastern Province of Kappa Alpha Psi Fraternity, Inc., in recognizing its 50-year brothers and senior Kappas. I have been a member of this great fraternity for 36 years.

Kappa Alpha Psi Fraternity, Inc. was founded nearly 100 years ago, in 1911, at Indiana University, Bloomington, Indiana, by eleven young African American male students, and chartered by the State of Indiana on May 15, 1911. These undergraduate students were in their late teens and early twenties and were sophomores and juniors, at Indiana University. Their parents and/or grandparents had been either slaves or freed slaves. An excerpt, in pertinent part, from the articles of incorporation reads as follows: "All the subscribers hereto, who are colored citizens of the United States and Students of Indiana University, do hereby associate themselves together . . . for the purpose of founding a National, Secret, Greek Letter Fraternity . . . to stimulate fellow students to the attainment of high, intellectual, moral and social worth."

During the past nearly 100 years, the fraternity has grown to 370 alumni chapters and 375 undergraduate chapters. The fraternity is divided into 12 provinces (regions) throughout the United States, and in several countries abroad. My local chapter, the Hyattsville/Landover (MD) Alumni Chapter is situated in the Eastern Province. The province has 53 Chapters with approximately 1,800 brothers affiliated with chapters assigned to it.

New membership in the fraternity is not limited or restricted to undergraduate students only. Unlike many other national college fraternities, our alumni chapters are most viable and play a significant "training for leadership" role to its undergraduate brothers. This role is accomplished while these alumni members are raising families and achieving in all fields of human endeavor, including rendering community services. We also provide scholarships and loans to high school students, as well as college students, even to those who are not members of Kappa Alpha Psi.

It is noteworthy, that social outlets available to these alumni brothers during the last nearly 100 years made it most feasible and propitious to continue bonding together as they worked with the younger brothers and others in the community.

The Eastern Province has been diligent in its recognition of its senior brothers and brothers who have been members of the fraternity for fifty or more years. Beginning in May 2006, they will initiate an annual recognition activity for these brothers, in conjunction with national initiatives and special amenities, honoring their length of life and service to the fraternity and community-at-large.

Somewhere in heaven, the chapter invisible, I know our esteemed founders are smiling after noting that our senior and fifty year brothers are not being placed on the shelf and forgotten.

KBBF'S 35TH ANNIVERSARY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the Bilingual Broadcasting Foundation, Inc. for establishing KBBF 89.1. This station has served my constituents in Sonoma County for 35 years. KBBF is an example of how local broadcasters can serve and benefit their communities. In an era where media outlets are owned by fewer and fewer corporations, KBBF's voice rings brightly throughout the North Bay.

KBBF was the dream of a few Sonoma State University students who had a vision of establishing a community owned and operated, non-commercial, bilingual, bi-cultural, educational FM radio station that would be committed to social change and advocacy for the poor and would be devoted to meeting the educational, informational, and cultural needs of the Spanish speaking community.

Its founding Board of Directors was far from the Fortune 500. It was made up of people like you and me; a farm worker, a lawyer, a housewife, a local professor and a college student. No wonder KBBF connects so well to the community it serves.

The first test broadcast of KBBF–FM on March 31, 1973 made radio history by being the first public bi-lingual radio station in the United States. Regular broadcasts began two months later on May 31, 1973.

By 1976 the Bilingual Broadcasting Foundation, Inc. Board of Directors developed a statement of goals consistent with the philosophy of the original founders. In addition to social change and advocacy, the Board charged KBBF with programming goals to coordinate and facilitate efforts to advance the political, social, educational and economic conditions of the Chicano, and Spanish-speaking community and to provide an avenue to develop leadership and creative potential for the youth. The Board of Directors and KBBF have received national recognition from the John F. Kennedy Foundation and the Corporation for Public Broadcasting for achieving these goals.

Mr. Speaker, I congratulate KBBF 89.1 on its 35th Anniversary for serving my constituents and the nation by being the first bilingual educational FM radio station in the United States.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. LARSON of Connecticut. Mr. Speaker I regret that I was out of the Chamber on Wednesday, March 8, 2006 and was unable to return before time expired on rollcall vote No.

32 on HR 4167, the National Uniformity for Food Act of 2005. Had I been allowed to record my vote, I would have voted "no" on rollcall vote No. 32.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE BLINN HOUSE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Blinn House in Pasadena, California. This year, the Blinn House will celebrating its 100th Anniversary.

Edmund Blinn, an Oak Park, Illinois native enjoyed Pasadena when visiting with his wife Kate and their four children. In 1905, the Blinns decided to leave Oak Park for the warm climate and beauty of Pasadena. They hired George W. Maher to design their California home in the Midwestern Prairie School Style in 1906. Maher designed the interior of the house using harmonious natural materials with a repeated theme of wisteria vines. In his design for the Blinn house, Maher used a segmental or broken-arch theme throughout the house. Tiffany inspired leaded-glass windows with a wisteria vine motif artfully border the broken-arch windows.

At the turn of the last century a group of prestigious Chicago architects led the world in the advancement of new ideas in the design and construction of commercial buildings. Their work is better known as the Chicago School of Architecture. One of the architects, Louis Sullivan, embellished his building designs to incorporate simple repetitive patterns taken from nature. Young architects such as George W. Maher and Frank Lloyd Wright admired Sullivan's work, and while working in a community with other Midwestern architects founded the Prairie School of Architecture. The Prairie School architects created a uniquely American style of architecture which brought natural elements of the countryside to the cities.

The Blinn House was designated a Pasadena Cultural Heritage Landmark in 1977. In 2001, it was placed on both the National Register of Historic Places and the California Register of Historical Resources. In 2002, the Blinn House Foundation was formed for the purpose of maintaining and preserving this Pasadena legacy. Home to the Women's City Club since 1945, the Blinn House continues to serve the Pasadena community as a meeting place for women's civic, cultural, and educational activities.

I am proud to recognize the Blinn House upon its 100th Anniversary and I ask all Members to join me today in honoring this historic house.

INTRODUCTION OF H.R. XXXX, COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES REFORM ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mrs. MALONEY. Mr. Speaker, this bill reforms the process by which the government reviews foreign acquisitions of companies doing business in the United States for national security concerns. These reforms are badly needed. Even prior to the Dubai ports debacle, the nonpartisan Government Accounting Office had identified several serious problems with the process by which the interagency Committee on Foreign Investment in the United States reviews foreign acquisitions. The need for reform was dramatically illustrated by the failure of CFIUS process in the Dubai ports deal. Not one of the twelve agencies involved managed to identify the Dubai ports deal as one which "could affect the national security" of the United States—even though it involved acquisition of port management at 20 ports on the East Coast and Gulf by the government of Dubai.

As a threshold matter, the bill creates the CFIUS by statute and specifies the membership. It adds the Director of National Intelligence to the present group, so that the concerns of the intelligence community are represented.

The bill requires a 45-day investigation of national security concerns by CFIUS, and a , recommendation to the President, in all cases of acquisition by foreign governments. This was Congress' clear intent in enacting the Byrd Amendment. But as the GAO reported, and as we have seen in the Dubai ports case, the Administration has found several ways to evade doing an investigation through strained interpretations of the statutory language.

The bill also requires that sign off at the Deputy Secretary level or above for any transaction that is not subject to a 45-day investigation but which is subject to a mitigation agreement to resolve national security concerns raised. These agreements need to be reviewed at the highest levels.

The bill also requires CFIUS to consider and specifically respond to a list of factors that might affect national security. The present statute allows but does not require such consideration. Most important, the bill adds to the list of factors that must be considered whether the transaction affects critical infrastructure. According to the GAO report, the Departments of Justice, Homeland Security and Defense all believe that a deal's effect on critical infrastructure should be considered in the CFIUS process but Treasury has prevented such consideration.

The bill requires an annual report to Congress on transactions completed and a quarterly report on pending transactions. Although the present law expressly permits Congress access to all information in the CFIUS process, Treasury has refused and continues to refuse Congress access to key information. These reports will provide, among other things, information on the nature of the transaction, the national security concerns raised by any agency; how those concerns were mitigated; and whether such acquisition was completed or not, as well as any Presidential decisions made under the statute.

Perhaps the most dangerous transactions are those that escape the CFIUS process altogether through withdrawal, as the GAO reported. To correct the problem created by companies that withdraw before completion of the CFIUS process but proceed with the transaction, the bill requires that CFIUS impose restrictions on the company after withdrawal to address any national security concerns raised, set specific time frames for the company to refile, and track actions taken by the company during the withdrawal period.

IN TRIBUTE TO THE SHREWSBURY HIGH SCHOOL DREAM TEAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. McGOVERN. Mr. Speaker, I rise today to recognize the Shrewsbury High School DREAM Team. During their 10 years of exceptional service, the DREAM Team, which stands for Daring to Reform Education on AIDS Matters, has played a vital role in helping those impacted by the AIDS virus. In addition to spreading awareness about AIDS, the DREAM Team is committed to helping those in the Worcester area plagued by hunger, homelessness, and other problems.

Since its creation in 1996, the Shrewsbury High School DREAM Team has raised awareness in youth of the importance of not being complacent about social crises. Although the organization's initial objective was helping the local population affected by the AIDS virus, their objective has widened to a variety of social causes, as can be seen by their involvement with the Holiday Christmas Party this year at the Community Health Link Shelter in Leominster, through which over 400 presents were collected. The Dream Team also sponsored a food drive at Thanksgiving that benefited St. Anne's Outreach Services and the Worcester County Food Bank in Shrewsbury.

The DREAM Team's concern for those in need and their acknowledgement of the critical role today's youth play in alleviating social problems is fundamental in the education of the town of Shrewsbury and the nation at large. I am grateful to the DREAM Team for their contribution to my community and ask my colleagues to join in me in honoring this exemplary organization.

IN MEMORY OF HELEN MARY WILLIAMS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor the life of Helen Mary Williams. Helen Mary passed away on Tuesday, January 10,

2006. She will be missed dearly by countless members of the community which she served so thoughtfully over the past 30 years.

Helen Mary was born in Chicago, Illinois and grew up during the Great Depression. She attended Coe College and graduated Cum Laude in 1942 with a Bachelor's degree in Speech. While in college, she volunteered for her local radio station, becoming one of the first women in Iowa to be on the radio. She went on to become Assistant Program Director at WIND in Gary, Indiana. Later, she moved back to Chicago where she was a writer and broadcaster for CBS.

In the late 1950s, Mrs. Williams decided to become a teacher and she made her way to Pasadena, California. As a science teacher at Cleveland Elementary School, Mrs. Williams founded the Junior Audubon Science Club in 1959. The Club was dedicated to teaching inner-city youth about nature. With the help of community activists and involved parents, the science club expanded and was renamed Outward Bound Adventures (OBA) and incorporated as a nonprofit environmental educational youth organization. When asked about the beginnings of OBA, Mrs. Williams said, "It was really laughable when we started doing these trips back in 1959 and 1960. None of the leaders had done much in the way of High Sierra trips, so we goofed a bit. But we also learned. And now we found out that kids are basically kids; by that I mean, they respond well to positive reinforcement both inside and outside the classroom."

Mrs. Williams knew that OBA was exactly the type of program that every inner-city youth should have available to them, and by 1969, Mrs. Williams and OBA had served over 20,000 urban youth. Helen Mary Williams was a visionary. She had faith that people would believe in her vision; she had faith that every child could learn and improve academic and social skills by being exposed to the wonders of the great outdoors. Mrs. Williams served on the OBA Board of Directors until her death and received many awards throughout her career. The time and energy she gave to children and their parents was remarkable. Helen Mary leaves behind more than 30,000 youth and adults whose lives have been forever changed.

I ask all Members of the United States House of Representatives to join me today in honoring the life of Helen Mary Williams.

HONORING THE LIFE OF GORDON ROGER ALEXANDER BUCHANAN PARKS

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. TIAHRT. Mr. Speaker, I rise today to honor the life of Gordon Roger Alexander Buchanan Parks and to extend my condolences to his family and friends on his death this week.

Mr. Parks was born in 1912 in Fort Scott, Kansas, where he also spent his childhood years. His life was an example of hope, tenacity, courage and accomplishment. He inspired many with thought-provoking photographs and images as seen through his lenses. He captured the poverty of many Americans, highlighted racism, and made us aware of people largely ignored.

He also captured inspiring images of beauty and courage that attested to the freedom of the human spirit. Mr. Parks was a man who found beauty nearly everywhere he went. His work told the story of freedom, of breaking boundaries and of hope in difficult times.

Freedom was, in Mr. Parks' own words, what his work was about. He helped African Americans gain new ground in their struggle for recognition of their civil rights. He helped make America aware of the gang wars within some of our urban cities. And he captured beauty wherever he saw it.

He brought to America many untold stories from other parts of the world, including his famous Life magazine account of Flavio da Silva, the young Brazilian boy suffering from tuberculosis. Like other works of Mr. Parks, his pictures elicited action. Approximately $30,000 was sent from readers to help bring Flavio to America where he was soon cured of tuberculosis.

Mr. Parks' success was not just in his numerous honors and awards for a lifetime of outstanding work as a photojournalist, author, film director, and musician, but also as an individual who triumphed over racism, poverty and a lack of formal education. Rather than lashing out in anger at the injustice he both experienced and witnessed though much of his life, he chose to challenge the status quo through his photography, his writings and his stories.

Kansans learned many important lessons from Mr. Parks. It took a lot of grace and courage for him to address the injustices of his past, and for that we are grateful. America needs more people who will strive to do good in the face of adversity. Our country and the world are a better place because of his example.

In 1986 Kansas honored Mr. Parks by naming him Kansan of the Year. Then in 1988, President Ronald Reagan awarded him with the National Medal of Arts. More recently, he received the University of Kansas' William Allen White Foundation National Citation for journalistic merit in 2006.

I hope the House of Representatives will quickly pass the resolution in honor of Mr. Parks sponsored by my Kansas colleague, JIM RYUN. It is appropriate that Congress acknowledge his life and many positive contributions to our country.

I hope the memory of Mr. Parks will live on for generations and that his family and friends will find solace in the legacy he leaves behind. May Gordon Parks rest in peace.

CELEBRATING THE 45TH ANNIVERSARY OF THE PEACE CORPS AND NATIONAL PEACE CORPS WEEK

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor the many men and women that serve on the Peace Corps. I believe you can either be part of the problem or part of the solution. The many men and women that serve on the Peace Corps are part of the solution in creating international peace. In 1961 when John F. Kennedy established the Peace Corps he intended to promote world peace and friendships.

Today, in the twenty first century Peace Corps members play a vital role in the United States by serving other countries in the cause of peace. The volunteers work on many different projects that help people in interested countries meet their needs for trained men and women, and also help encourage a better understanding of Americans on the part of the peoples served.

Members of the Peace Corps serve our country by assisting countries around the world. Finding common ways to address global challenges such as, the HIV/AIDS epidemic and also building unbending bonds of friendship across an ever shrinking world is one of the many developmental programs the Peace Corps offers.

Another project that Peace Corps members assisted in was the Hurricane Katrina relief efforts project. Along with FEMA they aided the many victims in need of help from the unfortunate natural disaster. Members of the Peace Corps not only bring back ideas from different cultures, they also share their American culture with foreign countries.

Join me in applauding our fellow Peace Corps members on 45 years of dedicated service to our country. I wish them much success and encourage our young people to take advantage of the great opportunities the Peace Corps has to offer.

A TRIBUTE TO FOOTHILL FAMILY SERVICE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor Foothill Family Service of Pasadena, California. During the month of March, 2006, Foothill Family Service will be celebrating its 80th Anniversary.

Believing that strong communities begin with healthy families, the mission of Foothill Family Service is to strengthen and support adults, children and families so that they can lead productive lives. Foothill Family Service is committed to the prevention and treatment of child abuse, domestic violence, school failure, teen pregnancy and school violence.

Foothill Family Service offers a plethora of mental health and social service programs to residents of the San Gabriel Valley, Pomona Valley, Glendale and Burbank communities. Some of the programs offered are Child Abuse Prevention and Treatment, Mental Health Treatment, Family Violence Prevention, Teen Pregnancy Prevention, Dual Diagnosing Services, Counseling, and Senior Services. ESTEEM School-Based Services is a program that provides on-site counseling and mental health services at schools in the San Gabriel Valley and in Glendale.

The organization has widespread support throughout the community with many volunteers that donate thousands of hours. Last year, Foothill Family Service assisted more than 20,000 children, adults, and families, most of whom receive subsidized services and have a monthly net income of under $1 ,000. Services are provided in many languages, including English, Spanish, Armenian, Korean, Farsi, Vietnamese, Cantonese, Mandarin, and Japanese.

I am proud to recognize Foothill Family Service upon its 80th Anniversary and I ask all Members to join me in congratulating this invaluable organization for their remarkable achievements.

RECOGNIZING JIM MALONEY, RECIPIENT OF THE 2006 GOIN' SOUTH CIVIC PRIDE AWARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. HIGGINS. Mr. Speaker, it gives me great pleasure to stand here today to recognize Jim Maloney a remarkable citizen who will be honored on March 11, 2006, by Goin' South, a civic, social, and cultural organization based in South Buffalo, New York.

Jim is a retired railroad conductor from South Buffalo, NY. He and his wife Delores have 4 children, 12 grandchildren and 3 great grandchildren. Mr. Maloney is actively involved at St. Thomas Aquinas Parish and serves as President of the S.T.A. Travel Club. He also volunteers his time to assist Bishop Timon/St. Jude High School in their fundraising efforts.

Mr. Maloney's recent and most notable contribution to the South Buffalo community was unveiled in the summer of 2005 in the form of a Law Enforcement Memorial at McKinley Parkway and Abbott Road in Heacock Park. Jim and Delores Maloney's son Daniel died tragically in the line of duty and it was his heroic sacrifice that served as Jim's inspiration. He sought to create a visual reminder of the sacrifices that law enforcement officers make every day.

Turning his vision into reality, Jim worked tirelessly with the help of friends to create the beautifully designed memorial which displays the names of over 70 fallen Western New York Law enforcement officers.

Mr. Speaker, Jim Maloney is being honored as the recipient of the 2006 Goin' South Civic Pride Award for his hard work, civic contributions and steadfast commitment to honoring Western New York's law enforcement officers who died in the line of duty. It is my distinct honor to recognize him here today.

RECOGNIZING DR. TAN SIU LIN FOR HIS SERVICE TO OUR COMMUNITY ON GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Dr. Tan Siu Lin for his service to our community and his civic involvement on Guam. Dr. Tan, an entrepreneur and philanthropist, has supported many community projects and initiatives since he and his family first established a business on Guam in 1972. His civic contributions have spanned the fields of education, journalism, information technology and business. Today, Dr. Tan continues to fill important leadership roles on our island and remains involved in many notable community and philanthropic projects that benefit the Western Pacific Region.

The preservation of culture has always been an important goal of Dr. Tan, who was born in Quanzhou, China in 1930. He founded the Chinese School of Guam, the Chinese Park of Guam, and Gee How Oak Tin Association of Guam. He served as the chairman of the United Chinese Association of Guam during its early stages and successfully led the organization through a period of sustained growth and activity. Today, he continues to serve the United Chinese Association of Guam as their Honorary Chairman.

He has endowed a scholarship at the University of Guam in support of academic excellence. He established "The Overseas Chinese Newspaper of Guam" to share news among the Chinese community of Guam and to promote and highlight accomplishments of their community.

His entrepreneurial success has not overshadowed his humanity and his community service. His personal motto is: "deliver to the community with what you have earned from it." He has been recognized by the governments of Malaysia and the Philippines for his philanthropic contributions. Organizations in Hong Kong and Micronesia have also honored him for his work in support of charitable causes.

As he marks another milestone this week with the opening of a new business venture on Guam, I take this occasion to recognize his achievements and his community service. I join his wife Lam Pek Kim and his children Henry, Willie, Lilly, Jerry, Raymond and Sunny in recognizing his many professional accomplishments and his service to our community.

TRIBUTE TO MR. RAÚL DÁVILA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. SERRANO. Mr. Speaker, I rise today to honor the life and work of Raúl Dávila, the late, great Puerto Rican actor. Mr. Dávila was a leading light in the Hispanic acting community and a good friend. He will be missed by all who knew or knew of him.

Mr. Dávila was born in San Juan, Puerto Rico on September 15, 1934. He graduated from the University of Puerto Rico and Tulane University. By the time he was in his early twenties, he was acting in soap operas and other works broadcast on the island of Puerto Rico. In spite of his success in Puerto Rico, he soon felt the pull to move to a larger market and to take on more challenges. In late 1963, like so many of his generation, he moved to New York.

Upon arriving in New York, he immersed himself in the vibrant and vital Hispanic acting and arts scene. He began to work as an actor, and starred in many television shows, both in Spanish and English. He, along with other Hispanic actors, fought valiantly for the rights and recognition that Hispanic actors deserved.

One manner in which Mr. Dávila successfully pushed for equal opportunities for Hispanic actors was through his leadership at the Hispanic Organization of Latin Actors, or HOLA, of which he was president many times. Part of HOLA's mission statement reads that the organization seeks "to expand the presence of Hispanic actors in both the Latino and mainstream entertainment and communications media by facilitating industry access to employing professional and emerging Hispanic actors." Raúl Dávila's service to the community, of which he was such a vital part, focused directly on that mission. He sought to open doors for Hispanic actors here in the United States.

Today we often take for granted much of the success that Latino performers have in show business. It is important, however, to remember that this was not always the case. We must recognize those who led the way. For this reason, it is fitting that we honor this Puerto Rican actor, who was not only a pioneer in his field, but also set the standard for others to follow in the decades to come.

We must also recognize Mr. Dávila's artistic achievements, which were many. He was the star of many "telenovelas," popular Spanish-language soap operas, as well as well-received appearances in movies like "The Believers," "The Man with My Face," and "Counterplot." He was perhaps best known for his role in "Carmelo Y Punto." His acting in the play "Who's Afraid of Virginia Woolf" won him a prize in 1972 from the Puerto Rican Cultural Institute, and a prize from the newspaper "El Tiempo." He also never gave up his love of learning about his craft, earning a Masters in Dramatic Arts from the Pasadena Playhouse in California later in life.

Mr. Speaker, with the passing of Raúl Dávila, we have lost one of the leaders in the Hispanic acting community. His passion for acting and his dedication to promoting opportunities for other Hispanic actors was truly inspirational. Although he has passed on, his works will continue to inspire and impact the lives of generations to come. Surely, that is the mark of great life. I ask that my colleagues join me in paying tribute to Raúl Dávila.

IN SUPPORT OF H.R. 1259—TO AWARD A CONGRESSIONAL GOLD MEDAL ON BEHALF OF THE TUSKEGEE AIRMEN

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in strong support of this resolution, H.R. 1259, to authorize the President to award a gold medal on behalf of the Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

The Tuskegee Airmen, formed from 1,000 pilots, bombardiers and navigators, overcame segregation and racial discrimination to become national heroes and advanced our society by desegregating our armed forces. While in combat, the Tuskegee Airmen completed 15,000 missions and never lost an Allied bomber under their escort.

The Tuskegee Airmen were the first people of color in U.S. military history to see air combat. This group of brave soldiers became one of the most respected Army Air Corp Fighter Groups of World War II.

In joining the fight to save Europe and the world from a cruel and heinous regime, the Tuskegee Airmen fought for freedom that they could not enjoy in their own country. In taking to the air during the launch of military aviation, these brave men were also fighting a war against bigotry and racism at home. Thus, they deserve the kind of recognition that the Gold Medal will give them.

The Tuskegee Airmen are now in their 80's, so we must pass this bill immediately to honor these WWII heroes so these medals will not be a posthumous honor.

RECOGNIZING DAVID D. TUNCAP FOR HIS YEARS OF SERVICE TO THE PEOPLE OF GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to recognize David D. Tuncap of Tamuning, Guam for his service to our community in four decades of public service and leadership both in government and the private sector. Mr. Tuncap is one of those rare individuals on Guam whose vision and contributions to our visitor industry have benefited our community and made our island a better place to live.

Mr. Tuncap served in the Government of Guam as a Director of the Department of Commerce from 1975 to 1976 and as the first Executive Manager of the Guam Airport Authority from 1976 to 1978. He also served from 1976 to 1978 and from 1981 to 1996 as the Chairman of the Board of Directors of the Guam Visitors Bureau. In addition to his government experience, Mr. Tuncap held several senior management positions in the private sector in businesses related to the visitor industry. Mr. Tuncap was a key player in the development of Guam's visitor industry and in the period of rapid growth and expansion of our island's tourist infrastructure in the 1970s and 1980s. During his tenure at GVB he promoted the Chamorro culture as the foundation of the visitor experience to Guam.

David Tuncap has been a leader on Guam both within the visitor industry and as a community advocate. He is recognized as a visionary who helped to diversify and grow our island's economy. On the occasion of his retirement, I join our island in saluting his impressive accomplishments and in thanking him for his years of service to our community.

I know his wife Dolores, and his daughters, Antoinette Jo Ann, Nora Jean, Tania Paulette, are especially proud of his accomplishments. I also join them in commending David Tuncap for his lifetime of achievements and for the fine example of what it means to be a dedicated public servant and a successful business leader.

HOUSE OF REPRESENTATIVES—*Monday, March 13, 2006*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. WOLF).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 13, 2006.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Again out of Your infinite goodness and with wise provident love, Lord our God, You have given us a new day, another week.

We ask that You send Your spirit upon America and in particular the U.S. Congress. We do not seek simply a blessing upon human deeds performed routinely, inattentive to Your commands and devoid of the best in human performance. Instead, we beg Your spirit to penetrate all conversations and deliberations, the very manner in which we deal with others, every complicated issue to be addressed, our very being.

In this way, fashioned for Yourself, a people will know Your will and build Your kingdom upon Earth. How? By creating a better world, affecting those who are close to them and even those who are united only in the common bond of humanity because they are willing to be changed themselves by Your word and Your spirit.

Through Your activity in and through us, we are recreated now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 13, 2006, at 12:38 p.m. and said to contain a message from the President whereby he notifies the Congress he has extended the national emergency with respect to Iran.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–95)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on March 14, 2005 (70 *FR* 12581).

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 13, 2006.*

REPORT ON H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 2006

Mr. LEWIS of California, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–388) on the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on March 10, 2006, she presented to the President of the United States, for his approval, the following bills:

H.R. 32. To amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

H.R. 1287. Designating the facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, as the "Robert T. Ferguson Post Office Building".

H.R. 2113. To designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building".

H.R. 2346. To designate the facility of the United States Postal Service located at 105 NW. Railroad Avenue in Hammond, Louisiana, as the "John J. Hainkel, Jr. Post Office Building".

H.R. 2413. To designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building".

H.R. 2630. To redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the "J.M. Dietrich Northeast Annex".

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 2894. To designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the “Abraham Lincoln Birthplace Post Office Building”.

H.R. 3256. To designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the “Congressman James Grove Fulton Memorial Post Office Building”.

H.R. 3368. To designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the “Gagetown Veterans Memorial Post Office”.

H.R. 3439. To designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the “Ava Gardner Post Office”.

H.R. 3548. To designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the “Heinz Ahlmeyer, Jr. Post Office Building”.

H.R. 3703. To designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the “Staff Sergeant Michael Schafer Post Office Building”.

H.R. 3770. To designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the “Grant W. Green Post Office Building”.

H.R. 3825. To designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the “Clayton J. Smith Memorial Post Office Building”.

H.R. 3830. To designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the “U.S. Cleveland Post Office Building”.

H.R. 3989. To designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the “Albert H. Quie Post Office”.

H.R. 4053. To designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the “Lillian Kinkella Keil Post Office”.

H.R. 4107. To designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the “Maryland State Delegate Lena K. Lee Post Office Building”.

H.R. 4152. To designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the “Raymond J. Salmon Post Office”.

H.R. 4295. To designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the “Mont and Mark Stephensen Veterans Memorial Post Office Building”.

H.R. 4515. To designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the “Corporal Jason L. Dunham Post Office”.

ADJOURNMENT

Mr. LEWIS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 14, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6629. A letter from the Administrator, FSIS, Department of Agriculture, transmitting the Department's final rule—Ante-Mortem Inspection of Horses [Docket No. 05-0361IF; FDMS Docket Number FSIS-2005-0040] (RIN: 0583-AD21) received February 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6630. A letter from the Team Chief, ABCMR, Department of Defense, transmitting the Department's final rule—Personnel Review Board (RIN: 0702-AA51) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6631. A letter from the Publications Control Officer, Department of the Army, Department of Defense, transmitting the Department's final rule—Obtaining Information From Financial Institutions (RIN: 0702-AA49) received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6632. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Consolidated Plan Revisions and Updates [Docket No. FR-4923-F-02] (RIN: 2501-AD07) received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6633. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Amendments to HUD Acquisition Regulations (HUDAR) [Docket No. FR-4705-P-01; HUD-2006-0002] (RIN: 2535-AA26) received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6634. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937 [Docket No. FR-5036-F-01] (RIN: 2501-AD19) received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6635. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Revisions to FHA Credit Watch Termination Initiative [Docket No. FR-4625-F-03] (RIN: 2502-AH60) received February 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6636. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Renewel of Expiring Section 8 Project-Based Assistance Contracts [Docket No. FR-4551-F-01] (RIN: 2502-AH47) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6637. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule—Chronic Beryllium Disease Prevention Program; Worker Safety and Health Program [Docket No. EH-RM-04-WSHP] (RIN: 1901-AA99) received February 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6638. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—HIPAA Administrative Simplification: Enforcement (RIN: 0991-AB29) received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6639. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect [DOT Docket No. NHTSA-05-23407] (RIN: 2127-AJ74) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6640. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Devices; Hybrid III 6-year-old Weighted Child Test Dummy [Docket No. NHTSA-2004-18075] (RIN: 2127-AJ79) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6641. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Tires [Docket No. NHTSA-2005-23439] (RIN: 2127-AJ65) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6642. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Excepted Service—Temporary Organizations (RIN: 3206-AJ70) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6643. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Examining System (RIN: 3206-AK35) received January 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6644. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Environmental Differential Pay for Asbestos Exposure (RIN: 3206-AK64) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6645. A letter from the Acting Director, Office of Surfacing Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV-106-FOR] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6646. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV-106-FOR] received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6647. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in ALaska During the 2006 Season (RIN: 1018-AU39) received March 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6648. A letter from the Acting Principal Deputy Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Reindeer in Alaska (RIN: 1076-AE37) received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6649. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Texas Regulatory Program [Docket No. TX-055-FOR] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6650. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Training Requirements; Correction [Docket No. FAA-2003-15085; Amendment Nos. 121-318 and 145-25] (RIN: 2120-AG75) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6651. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule—Commercial Driver's License Standards; School Bus Endorsement [Docket No. FMCSA-2005-21603] (RIN: 2126-AA94) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6652. A letter from the Assistant Chief Counsel, PHMSA, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Requirements for Lighters and Lighter Refills [Docket No. RSPA-2004-18795; (HM-237)] (RIN: 2137-AD88) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6653. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule—Incentive Grant Criteria for Occupant Protection Programs; final rule [Docket No. NHTSA-2005-22879] (RIN: 2127-AJ72) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6654. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule—Project Authorization and Agreements [FHWA Docket No. FHWA-2005-20764] (RIN: 2125-AF05) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6655. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—FAA Accident and Incident Data System Records Expunction Policy—received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6656. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Change in Definition of Head of the Contracting Activity (RIN: 2700-AD21) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6657. A letter from the Assistant Secretary for Veterans' Employment and Training, Department of Labor, transmitting the Department's final rule—Uniformed Service Employment and Reemployment Rights Act of 1994, As Amended [Docket No. VETS-U-04] (RIN: 1293-AA09) received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6658. A letter from the Office of Regulation Policy and Management, Department of Veterans' Affairs, transmitting the Department's final rule—Traumatic Injury Protection Rider to Servicemembers' Group Line Insurance (RIN: 2900-AM36) received Janaury 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6659. A letter from the Secretary for Regulation Policy and Management, Department of Veterans' Affiars, transmitting the Department's final rule—Filipino Veterans' Benefits Improvements (RIN: 2900-AK65) received February 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6660. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule—Establishment of the Rattlesnake Hills Viticultural Area (2004R-678P) [T.D. TTB-43; RE: Notice No. 47] (RIN: 1513-AA77) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6661. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treaury, transmitting the Department's final rule—Establishment of the Covelo Viticultural Area (2003R-412P) [T.D. TTB-42; Re: Notice No. 32] (RIN: 1513-AA90) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6662. A letter from the Chief, Trade and Commercial Regulations Bureau, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule—Dominican Republic—Central America—United States Free Trade Agreement [USCBP-2006-0012] (RIN: 1505-AB64) received March 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6663. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Extension of Port Limits of Rockford, Illinois [CBP Dec. 05-38] received January 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6664. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Energy Efficient Home Credit; Manufactured Homes [Notice 2006-28] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6665. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Credit for Nonbusiness Energy Property [Notice 2006-26] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6666. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Certification of Energy Efficient Home Credit [Notice 2006-27] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6667. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Qualifying Gasification Project Program [Notice 2006-25] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6668. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Qualifying Advanced Coal Project Program [Notice 2006-24] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6669. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Special Rules Regarding Certain Section 951 Pro Rata Share Allocations [TD 9251] (RIN: 1545-BE71) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6670. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 2006-8) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6671. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Procedures for administrative review of a determination that an authorized recipient has failed to safeguard tax returns or return information [TD 9252] (RIN: 1545-BF22) received February 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6672. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding Reporting WHFITs [Notice 2006-29] received February 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6673. A letter from the Office of Regulation Policy and Management, Department of Veterans' Affairs, transmitting the Department's final rule—Reservists' Education: Revision of Eligibility Requirements for the Montgomery GI Bill—Selected Reserve (RIN: 2900-AL69) received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Armed Services and Veterans' Affairs.

6674. A letter from the Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting the Administration's final rule—Implementation of the Anabolic Steroid Control Act of 2004 [Docket No. DEA-264] (RIN: 1117-AA95) received January 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee on Appropriations. H.R. 4939. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-388). Referred to the Committee of the Whole House on the State of the Union.

Mr. EHLERS: Committee on House Administration. H.R. 1606. A bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication (Rept. 109-389). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FRANK of Massachusetts (for himself and Mr. TIERNEY):

H.R. 4940. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; to the Committee on Resources.

By Ms. WATERS (for herself, Mrs. JONES of Ohio, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. RANGEL, Mr. RUSH, Mr. LEWIS of Georgia, Ms. LEE, Mr. OWENS, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. PAYNE, Mr. CLYBURN, Ms. WATSON, Mr. SCOTT of Virginia, Mr. MEEK of Florida, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. MELANCON, Mr. ABERCROMBIE, Mr. HONDA, and Mr. WATT):

H. Con. Res. 356. Concurrent resolution calling upon the President to meet with a joint session of Congress to discuss the Government's plan for post-Hurricane Katrina recovery efforts; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 198: Mr. BERMAN.

H.R. 625: Mr. MOORE of Kansas.

H.R. 807: Ms. ESHOO.

H.R. 808: Mr. DOGGETT, Mr. LEACH, and Mr. LARSON of Connecticut.

H.R. 880: Mr. THORNBERRY.

H.R. 998: Mr. BONILLA.

H.R. 2073: Mr. EVANS.

H.R. 2989: Ms. ROYBAL-ALLARD and Mr. CARDIN.

H.R. 3127: Mrs. SCHMIDT, Mr. WYNN, Mr. RYAN of Wisconsin, and Mr. SCOTT of Georgia.

H.R. 3533: Mr. ENGLISH of Pennsylvania.

H.R. 3883: Mr. SPRATT and Ms. BERKLEY.

H.R. 4186: Mr. FOLEY and Mr. GONZALEZ.

H.R. 4547: Mr. CONAWAY.

H.R. 4646: Mr. THOMAS, Mr. DREIER, Mr. ROYCE, Mr. CAMPBELL of California, and Mr. HUNTER.

H.R. 4708: Ms. SCHAKOWSKY and Ms. BERKLEY.

H.R. 4733: Mr. DINGELL.

H.R. 4740: Mr. CLEAVER.

H.R. 4780: Mr. GERLACH.

H.R. 4917: Mr. MARSHALL.

H. Con. Res. 318: Mr. ROTHMAN.

H. Con. Res. 320: Mr. BROWN of Ohio.

H. Con. Res. 343: Ms. SLAUGHTER.

H. Con. Res. 353: Mr. FORTENBERRY, Mr. GRIJALVA, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. KUCINICH, Mr. LYNCH, Mr. WEXLER, Mr. MORAN of Virginia, and Mr. BROWN of Ohio.

H. Con. Res. 354: Mrs. MUSGRAVE, Mr. PEARCE, and Mr. MCCOTTER.

H. Res. 85: Mr. PICKERING.

H. Res. 544: Mr. WILSON of South Carolina.

H. Res. 638: Mr. BAIRD, Mrs. MALONEY, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. RANGEL, and Mr. WEXLER.

H. Res. 720: Ms. CARSON, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, and Ms. JACKSON-LEE of Texas.

SENATE—*Monday, March 13, 2006*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious Father, You have set before us many ways of doing Your work in our world. Empower us to creatively use our abilities for Your glory. Open our eyes to see possibilities in seemingly barren places. Use us to open new channels of blessing to those who need it most.

Speak to our Senators and give them a willingness to obey Your voice. Strengthen them to follow Your precepts and to trust You in quietness and confidence.

Renew us so we will mount up on wings like eagles. Help us to run and not be weary, and to walk and not faint.

And Lord, today, we pray for those affected by the Midwest tornadoes.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we are starting consideration of the budget resolution which was reported out of the Committee on the Budget on Thursday. The chairman and ranking member are here and we will open the debate this morning.

The Budget Act provides for up to 50 hours of debate. Therefore, I hope Senators will come to the Senate today and use that time for their opening statements.

This week will be quite busy as we consider the budget resolution each day and night as that clock ticks. We will finish the resolution this week, and that will normally require full sessions with votes, which I expect. We would like to minimize the so-called vote-a-rama at the end of the process. I know the two managers have been talking, are talking, and will be working together in an effort to avoid that, if at all possible.

This week we will also complete the extension of the debt limit. The Democratic leader and I are working on an agreement for the consideration of that bill. I hope we can reach a reasonable period for the debate on that must-do legislation. Needless to say, there is a lot of work to be done prior to the adjournment. We will stay in session as necessary to give the managers the best opportunity to complete our business.

This week we will complete action on the budget. And we will complete action on the debt limit. On Wednesday of this week, we will have a joint meeting with the House to hear an address by President Ellen Johnson Sirleaf of Liberia. That address will begin at 2 p.m.; therefore, Senators should gather in the Senate Chamber at 1:30 so we can proceed at 1:40 to the Hall of the House of Representatives.

Lastly, I remind my colleagues we have a rollcall vote scheduled for 5:30 this evening. That vote will be on the confirmation of Leo Gordon to be a judge for the U.S. Court of International Trade. That will be the first vote of the day.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent the call of the quorum be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of the budget resolution, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Con. Res. 83) setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

The PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. shall be equally divided.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, we are now proceeding to the budget?

The PRESIDENT pro tempore. That is correct. The budget is before the Senate.

Mr. GREGG. I begin by thanking the committee, the committee staff, both the majority and Democratic side, for the assistance in getting us to this point. We had a markup last Thursday which was done very professionally. A lot of issues were raised. A lot of votes were taken. We were able to complete the budget on a timely schedule pursuant to the rules of the Senate.

Now we are in the Senate. As everyone knows, under the rules of the Senate, we have 50 hours on the bill. Then we have what is known as the vote-arama. The Senator from North Dakota and I have been talking. We hope we can coordinate things so that Members will be comfortable getting their amendments up and have adequate time and have certainty as to when their amendments are coming up, and in doing that, hopefully, actually reduce the vote-arama at the end. And cooperation would be helpful.

Right off the bat, I thank the Senator from North Dakota and his staff. They have been extraordinarily cooperative as we moved forward throughout this process.

Let me ask Members, if Members have an amendment, all on our side, tell us about it so we can get you a time slot.

On the substance of the bill, the purpose of a budget, of course, is to be a blueprint for how the Government will spend its money in the coming year. The year for our Government begins on October 1, 2006. We are already into the 2006 year, so this is the budget for 2007. It is important, when we are doing a budget, of course, to be reasonably realistic about what the opportunities are, the demands are, what the needs are for saving money, what the tax structure will be in the country. We have attempted to do that in this budget.

We began, basically, with the President's proposal. He sent up a budget. Ironically, under the rules of the Congress, the President's budget has no actual impact on the substance of the process. In fact, the budget of the Congress is never signed by the President. It is a document entirely within the Congress. Clearly, the President gives his thoughts and his guidelines. He is in charge of the executive branch. We take it seriously.

We have looked at the President's budget and used it as a template for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

much of what we have done in this budget, although we have departed in a few significant ways. I congratulate the President for sending up a budget that is responsible. He controlled spending on the discretionary side and the non-Defense accounts. He did make proposals in the area of entitlement spending which were significant and which would bring about some restraint in the rate of growth, for example, of the biggest entitlement, which is Medicare and pensions, and even in the agricultural area he made some proposals. His budget is a legitimate and effective document talking about how we should, as a Government, go forward relative to the spending which we are going to undertake in the year 2007.

We have, however, marked up the budget a little differently. Our purpose, honestly, my purpose is to reduce the deficit of the United States. That is critical. We have a situation facing us as a people and as a Nation which is unique in our history in that we have this large generation called the baby boom generation. It is the largest generation in our history, with 70 million people, about twice the size of any other generation.

The baby boom generation is headed toward retirement. As they retire, it will put a huge strain on the operation of the fiscal house of the United States. That retirement begins in earnest in about the year 2008 and accelerates and peaks in the year 2030. At that point, we have serious issues relative to how we control our budget, and we should be focusing on those concerns.

But in the short run, there are things we can do to bring the deficit under control, and we should do this. This budget attempts to do that. In fact, this budget will reduce the deficit of the United States in half over the next 4 years. That is a fairly significant step forward. As a percentage of gross national product, by the year 2010, we will actually be down to about 1 percent of gross national product, which will be well below the historical norm of deficits in this country.

Our deficit in the coming year, however, will be higher, and I will get into that discussion in a few minutes, but let me go back to this entitlement question because it is important as we start the discussion that we frame it in the context of the issues that concern me the most.

We have outstanding at the Federal level, as a result of the coming retirement of the baby boom generation, an obligation of the Federal Government which amounts to $65 trillion. That is trillion, with a "T." It is hard to understand what a trillion is. I don't know what it is. I have heard all sorts of different explanations. I will try to put it in perspective. If you take all the taxes paid into the Federal Government since our country was founded, since we began to have taxes as a Federal Government in 1789, it represents $40 trillion. That is all taxes ever paid into the Federal Government. If we take the net worth of everyone in this country—their cars, their houses, their stock, whatever they own that is an asset, and we add it all up—the net worth of the American people is $51 trillion. That is the second blue chart.

The total outstanding debt, therefore, of three major programs—Medicare, Social Security, and Medicaid—represents $65 trillion. So it is more than what has been paid in taxes since the beginning of time, as far as this country is concerned, and it is more than the net worth of our Nation. It is a staggering figure. That is a 75-year figure. And it is all driven by the fact that this baby boom generation is so large, and when it retires it will demand so much in the way of services.

What is the issue? The issue is, if we have this type of an outyear liability, we need to do things today to try to structure our house and get it under control. In the last budget cycle, for the first time in 8 years, we stepped forward as Republicans—I think we had two Democratic votes—we stepped forward as Republicans and passed what was known as the reconciliation bill to reduce entitlement spending by $39 billion over 5 years. Anyone would have thought we were scorching the earth in passing that bill from the outcry from the other side of the aisle, that all poor people, all people of need were being thrown out the door as a result of that reduction. Well, to try to put it in perspective, it was $39 billion. Actually, within that, the most significant item was the Medicaid item, which was $5 billion over 5 years, or in that period of 5 years, the Medicaid system was going to spend $1.2 trillion.

So $5 billion and $1.2 trillion would have meant that Medicaid—which was going to grow at 40 percent over that 5-year period, after this scorched-earth policy which we put in place, according to the folks on the other side of the aisle—Medicaid would still grow at 40 percent over that 5-year period.

We did not even move it a percentage point. We moved it a fraction of a percentage point in the rate of growth of Medicaid. But it was a difficult exercise to get that through this Congress because we got no Democratic votes—well, we got two. I am sorry. And we had to pass it here with the Vice President voting for it.

Well, we are now in an election year, and the President sent up a budget which, in an almost heroic way, he said, even though it is an election year, we should address some of these entitlement accounts, with Medicare being the biggest. He suggested $35 billion in savings in Medicare over the 5-year period. Medicare will spend $2.2 billion over that period, and it would mean the rate of growth of Medicare, instead of being 38 percent, would be 35 percent. I believe those are the numbers. I am not sure of those two numbers, but I think those are the numbers.

In any event, it became very clear from statements made by my colleagues on the other side of the aisle they were opposed to that. In fact, immediately—as soon as the President sent it up—they started saying Medicare was going to be slashed—of course, it was still going to grow at 35 percent—and that senior citizens would be harmed. That drumbeat immediately met it, as it did when the President suggested we should do something about Social Security. So no progress was made on that side with that, and, unfortunately, on our side of the aisle there was also a fair amount of hesitancy on that issue.

I went to the chairmen of the various committees that the President suggested do these entitlement changes, and they all said they could not get the votes on their own committees to pass them out because the committees are ratioed in a way that means if you have one Republican who opposes it, you cannot pass out these types of things, and in each committee there was at least one Republican, unfortunately, who opposed it.

So it became fairly clear to me, regrettably, that a major reconciliation bill this year, on the side of entitlements—because it is an election year—was not going to accomplish much other than to give people who were not willing to be constructive on the issue, and wanted to create a political issue, a sort of free shot at people who were trying to be constructive on the issues, specifically the President. So we did not put reconciliation instructions in this bill. But we still are aggressive in the accounts which we think are important and which will lead to getting us back to reducing the deficit in half.

What are some of the other structures of this bill that I think are positive? Well, specifically, in the entitlement accounts—well, let me step back. In the area of discretionary spending, the President sent up a number, which was $30 billion over last year's spending. Last year, we spent about $843 billion on discretionary accounts. Now, discretionary accounts—for those of you listening who don't understand these arcane terms we use around here—discretionary accounts are for spending we do every year which we do not have to do, but we do it because it involves the necessity obligations of the Government. But it can be adjusted each year.

Entitlement accounts, which I was talking about before—Medicaid, Medicare, Social Security—those accounts spend automatically. They do not adjust every year. If you meet certain conditions of income, of economic well-being, of health, of experience, you have a right to certain payments.

Those are called entitlements. To control those, you have to change the law. That is why you have to have a reconciliation bill.

To control spending, you have to reduce or adjust the spending in what is known as an appropriations bill as it comes through the Congress every year. So the Congress has its most significant impact on discretionary spending in that the budget can set a limit on how much money can be spent by the Federal Government under these discretionary accounts.

Now, discretionary accounts would be things such as national defense, education, and laying out roads in some instances—although that is pretty much off-budget now—environmental concerns, some health care accounts.

The President sent up this number, which was $30 billion above last year. Last year, we spent $843 billion. This year, the President's number was $870 billion. It was rescored by CBO to be $873 billion.

So we said that is a reasonable number. We are going to hold that number. That is called the top-line discretionary cap. So all discretionary spending in the Federal Government will be held at $873 billion under this cap.

What does that mean? That means, essentially, if anybody wants to come to the floor and spend more money than that, they are going to have to get 60 votes to do it because they will be violating the budget discretionary cap. That is an enforcement mechanism we have around here, and sometimes the 60 votes are here and it gets waived, but, hopefully, people will be aggressive in protecting this number.

With that number, defense spending goes up, under the President's proposal, about $28 billion of the $30 billion. And social spending, or nondefense spending—not all social spending—basically is held flat. In fact, in some accounts it actually goes down.

We have aligned ourselves with the President's top-line number in our bill and recognize we need to make some adjustments in the way it was allocated, although our committee does not do allocations. That is done by the Appropriations Committee. We have suggested different allocations than what the President might have used. We put, for example, an additional $1.5 billion into education. We put an additional $1.5 billion into health care. We put an additional $2 billion into border security.

If we were the appropriating committee, that is what we would do. But we do not have control over this. This is entirely a decision made by the Appropriations Committee. But it is a statement of what the Budget Committee believed was a good allocation because we are required by law to allocate, but our allocations have no force of law. The only allocation that has force of law is, of course, that done by the chairman of the Appropriations Committee, Senator COCHRAN of Mississippi.

So within the discretionary caps we have moved money around. There will be a lot of amendments that come to this floor over the next week as we debate this bill that will try to move the money around again. I would simply note that most of them will be statements of what people want but will have virtually no impact, even if they are successful in what people get because, once again, the budget does not control the allocations. The Appropriations Committee controls the allocations. Even if the cap were to be lifted, it would be entirely up to the Appropriations Committee as to where the extra money would go.

But we feel strongly, or at least I feel strongly, and the Republicans on the Budget Committee—this was reported out of committee on a party-line vote, as it has been the last few years—we feel strongly that rationing, controlling, being aggressive in controlling the discretionary accounts is critical.

Now, that brings me to the second topic. There is a lot of resistance to that, by the way. You would think that when you are running these types of deficits that people would be willing to be fiscally responsible around here, but, believe me, there is a lot of resistance because in general terms people are always willing to be fiscally responsible, but when they get specific, they have programs they want to see increased, which is human nature, I guess.

Within the budget we have an allocation for defense. But what has happened recently—and this is an issue I have some concerns about—is that since the war on terrorism has begun, a war we did not ask for but which we are prosecuting aggressively, and I strongly support the President's efforts to fight terrorism—we have felt the need—it is an absolute need, and I do not think it is argued on either side of the aisle—to make sure we fully support our military in a way that is appropriate, and especially in a way that those men and women in the field in Afghanistan, Iraq, and other places have the things they need to fight effectively.

So what has happened is we have created this new budget process around here. We have the basic budget process, which is the core, which comes under the discretionary account, which I have been talking about, the $873 billion number, of which approximately half will be defense money. That is shown in green on the chart. That is what we call the core defense budget, national defense budget. That operates the national defense system.

But on top of that, as part of the warfighting effort, there has been an emergency funding bill every year now for 4 years in a row, which has been very significant. Traditionally, emergencies used to run about—we would have emergency spending in the Federal Government of about $16 billion, on the average, throughout the 1990s. They represented usually disasters that had to be dealt with. Many of them were farm disasters. Some of them were floods.

Now we are seeing basically a process where emergency spending has become what I call a shadow budget, but at a minimum, it is an alternative budgeting process where you essentially have two budgets around here. You have the budget, which is fairly aggressively disciplined through points of order, many of which I have put in place, some of which were put in place with the cooperation of the Senator from North Dakota, some of which were put in place by my predecessor, Senator Nickles, and some of which were put in place by Senator DOMENICI, the predecessor of Senator Nickles.

But budget points of order lie in order to discipline us on the floor so the core spending of the Defense Department and other discretionary accounts is reviewed. It goes to the authorizing committees. It comes out of the authorizing committees. It comes to the floor and gets reviewed. If certain things are not appropriate, in some instances a budget point of order lies against it.

This second budget which we now have around here—and it is an entirely separate budget. In fact, the average amount spent annually is about $90 billion, which would run the State of New Hampshire for about 20 years—one emergency budget. So it is a pretty big budget. That budget has no controls at all. Essentially, that comes up here as an emergency. It does not go through the authorizing committee. It goes through the appropriating committee, which is very effectively led by the President pro tempore, who is now presiding.

But the fact is, it does not have any of the controls that have traditionally gone with regular budgeting, and it has become basically a fact of life. We are not going to get around it. We are going to be in this war for a while. It is going to be expensive.

So I feel, and there are others who feel—I think the Senator from North Dakota agrees with me on this—we have to do something to make sure there is some review of this that puts it more in the camp of being a traditional budget rather than an extraordinary emergency budget which has no discipline to it at all.

So in this bill, we essentially pick a number, $90 billion. Now, historically, the White House was not sending up any number for these emergencies. In fact, in the years 2003, 2004, 2005, and 2006 they sent up zero. They assumed no emergency at all. That was a bit of gamesmanship, in my humble opinion, to be kind.

Last year, we, as a Budget Committee, put in a figure of $50 billion. So this year they assumed $50 billion. And when I asked the Assistant Secretary of Defense why they put in $50 billion, they said they did not put it in. It was in there only because last year the Congress put it in, and they felt they needed to have it in there in order to reflect what the Congress wanted last year and they didn't think it had any relevance at all.

That being the case, what we decided to do this year is take the average of the last 4 years and put that in as the number because I want to get a reasonably accurate number so we have some truth in budgeting. So we put in a number of $90 billion for emergencies that we are assuming, which is why—if you go back to the first chart—in our budget the deficit actually exceeds the President's deficit because the President, in his budget submission, did not have the full cost of the emergencies which we know are coming up. I believed we should have it in there, so our budget deficit is projected as higher.

My hope—and I think it is a reasonable hope—is that this will not go on forever. We are, hopefully, going to start drawing down troops, in Iraq especially, soon. And the cost of that war will recede. Obviously, the cost of Katrina, which was a big part of the cost last year, is already in place. That is pretty well spent out, or has been put in place—over $100 billion for the Gulf States.

So, hopefully, this number will come down. But we are assuming next year, to the extent it comes down, it will be about $90 billion. In that $90 billion we are assuming a budget deficit that is about $40 billion higher than the President's, based on the additional money we put in for the emergencies.

Now, in order to put a little discipline into this exercise, we also put in a new point of order. I want to be very forthright about this. If we go over that $90 billion, there will be a point of order that will be put in against emergencies. They really should not be called emergencies because they are known commodities that are coming up here. They should be called extra budgeting for the war on terrorism.

What we have done is put in a point of order which says if you go over the $90 billion, there has to be a more serious justification of why that money is spent, considering the average is $90 billion over the last 5 years, and it can be raised with a 60-vote point of order to try to get that discussion going around here. It is a minor attempt—not a very big one—to try to put some discipline into this exercise.

In addition, because of the fact that I still believe entitlements are the biggest issue the Federal Government has to face and recognizing that I was not successful in convincing my colleagues to do reconciliation this year, if you look at this chart, you will see the cost of entitlements going through the roof, especially Medicare. If you take Medicare, Medicaid, and Social Security and combine them, we will spend more in 2030 than we spend today on the entire Federal Government. They keep going up. Basically we would have to radically increase taxes on working Americans beginning in about 2015 and ratchet up dramatically by the year 2030 to remain solvent, well over historical norms, if we are not going to do something about entitlements before then.

In order to address that, I have asked for a new point of order. I didn't ask for it. This idea came from Mr. Leavitt, the Secretary of Health and Human Services. He suggested we put in place a tree which essentially says that if Medicare, which is supposed to be an insurance program, everybody goes to work and they get a Medicare insurance tax, it is supposed to accumulate and you are supposed to be able to pay for your retirement health care through the insurance tax. Parts of Medicare don't have the insurance. Part B, Part D are a little different, but the basic Part A is supposed to be fully insured by then. If the Medicare accounts dip into the general fund—and they shouldn't be dipping into the general fund at all—for more than 45 percent of the cost of Medicare so they are basically not an insurance account anymore, they are basically a general fund account, which means that the general taxpayer is paying them twice—they are paying at the workplace, and then they are paying them out of the general fund—then at that point, if the Medicare trustees tell us that is going to happen for 2 years in a row, it is going to be more than 45 percent in 1 year and more than 45 percent the next year, then a point of order arises which says we need 60 votes to spend money on these entitlements, new money. The idea is to simply generate the discussion necessary to get some constructive activity around here on the issue of how we control spending in light of projected deficits caused by the baby boom generation retirement.

There is going to be a lot of discussion today about tax policy. It is important to understand our view of tax policy. Obviously, there are two ways you address the deficit. You address it through spending and through revenues. I take the basic view that we are not an undertaxed society. I think Americans pay a lot of taxes. Whether they get what they deserve for what they pay in taxes, I am not so sure, but they certainly pay a lot of taxes. We will see charts from the other side of the aisle—I can't count how many times I have seen these charts, but we will see charts coming from the other side of the aisle which will say that revenues have dropped precipitously since President Clinton was President and that they have only started to recover incrementally in the last few years. The representation will be made that the majority of this drop is a function of cutting taxes which was put in place by President Bush in the first 2 years of his Presidency.

Let me say that I disagree with that representation. We were in the biggest bubble in the history of the world. It was a bigger bubble than the tulip bubble, bigger than the south seas bubble. It was the Internet bubble of the 1990s when people were speculating and creating paper money without anything behind it through speculation on stocks relative to Internet assets. That bubble generated tremendous revenues as people sold stock and bought stock. But when it collapsed, which it inevitably would and did—and interestingly enough, there is a great history of these bubbles, all these bubbles collapsed, and they were all driven by the same philosophy: Somebody had the belief that the basic economics had changed and something had been invented which was going to circumvent the business cycle and there would be no more business cycles. It is a concept which people believed in in the late 1990s. They generally believed that the technology advantages were going to cause us to expand revenues that would allow them to invest and speculate at rates which were massive and historical proportions never seen before.

When that bubble collapsed, it generated a recession which obviously contracted Federal revenues. On top of that recession, we had the attack of 9/11 which generated even a larger recession. The economic damage done by 9/11 was massive. The reallocation of resources that had to occur, the basic grinding to a halt and hiatus taken relative to investment for a while as a result of Wall Street being in chaos for a period of time, all of this led to an even more severe recession or potentially more severe. However, prior to that event, the President had put in his first tax cut. Then after that event, he put in the second tax cut. Those two tax cuts together were the perfect relief, the perfect formula for basically curing a recession and making it a more shallow recession than one might have expected. We are fortunate that we didn't actually fall into a deep and severe recession during that period. The primary reason we did not was because of the tax cuts.

Another factor of these tax cuts was that they were oriented toward the productive side of our economy so that they created an incentive for entrepreneurs to invest. As a result of that investment, they created an incentive for people to generate economic activity. What comes from that? Jobs. We have had a massive economic expansion in jobs. We have had a massive expansion as a result of the incentives created in the tax law.

Another thing was created by that. When people have more jobs, when there is more economic activity, we get more revenue. This chart reflects that dramatically. We see revenues jumping here. In fact, in 2005, we had the largest increase in revenues in our history. If you go before 2005, you will see revenues coming up. But they are coming up dramatically, 6 percent, 7 percent. About an average of 6.5 percent is the projected revenue increase. It is a function of the fact that we have in place incentives today such as the capital gains and dividends rates that basically create an atmosphere where people are willing to go out and invest. As a result of those investments, they generate capital activity, which creates jobs, which creates taxable events and creates income to the Federal Government. In fact, as we can see from this chart, the historical level of receipts for the country is about 18.4 percent of gross national product. Yes, we dropped down dramatically, but now we are seeing that line come up dramatically. We will reach a historical level of revenues fairly soon—if not next year, certainly the year after—and receipts will be back to what they should be as a percentage of gross national product because we will have put in place an economic engine to generate revenues, called a tax code, which creates an incentive for people to be productive and take risks and create jobs. That is what we wanted.

The other side is going to hold up chart after chart which says, the tax cut was this big for this group, this big for this group, implying that what they want to do is raise those taxes. We don't happen to think raising taxes is the way you keep this economic activity going. We think the way you keep the economic activity going is to continue to drive the incentive for people to invest, take risk and, as a result, create jobs which creates economic activity and basically creates revenues.

Another thing this chart shows that I believe is true is that you can't close this gap between expenditures and receipts on the revenue side unless you are willing to significantly increase the historic tax burden on the American people. You can't do it. You have to address the spending side of the ledger. You have to be willing to slow the rate of growth on discretionary accounts and hopefully soon on the entitlement accounts of the Federal Government, but you can't get there on the revenue side. And you certainly can't get there on the revenue side once the baby boom generation starts to retire because the numbers are too staggering. You would basically tax the young people, the working Americans, out of an existence, out of the capacity to have an existence of a high quality of life which we should be passing on to them, not taking from them, by creating a burden that is so high in the Federal Government that they can't afford it.

So the issue is, generate revenues but don't do it by raising taxes. Generate revenues by creating an atmosphere where people are willing to take risk, be entrepreneurs, create jobs and, as a result, create economic activity.

We have a fundamental disagreement between the two sides of the aisle. That has been obvious for a long time. If you listened to Senator KERRY when he ran for President, the theme of his campaign was: If we hadn't had those tax cuts, things would be great in this country. I take the opposite view. The tax cuts were what gave us less of a recession and what is giving us a recovery which is continuous and has created jobs. I think the last job numbers were something like 243,000 new jobs, which is staggering, or a drop in unemployment claims or something. It was a huge number. We are seeing an economic continuation of economic activity which has been historic in its robustness and continuation. It is a function of the fact that we now have a tax code which to some degree—it isn't a great tax code—addresses what generates revenue which is that you give people an incentive to go out there and be risk takers and create jobs.

On another issue of revenue where the Senator from North Dakota and I do agree—and we have accepted language which he suggested or we are going to before we finish—we believe strongly there are a lot of taxes which should be paid the Federal Government that are not being paid. We had testimony on this before our committee. I am not talking about drug money; I am talking about people underreporting. The Senator from North Dakota has been aggressive in pointing this out, and correctly so. We can collect more money. We don't get the score for that, unfortunately. Even though we are going to increase significantly the amount of money that will flow to the general revenue services for the purposes of audits—and they tell us that is going to generate between 10 and 40, maybe even $50 billion of revenue we are not getting today—we don't get the score for that. CBO won't score it. Still it is what we should do. So on the revenue side we are going to do that.

That brings me to my conclusion so that we can hear from the Senator from North Dakota. We have an obligation to do a budget. We as a nation should not go forward without a budget in place; it is not appropriate to running a fiscal house. A lot of people can disagree with this budget—and just about everybody who comes up to me seems to—but the fact is, it is a budget which has made decisions. You can disagree or agree with them. Over the next 50 hours you can offer amendments to try and change it. But at the end of the day, a government that is spending $2.8 trillion needs to have some guideposts as to how it will be spent. There needs to be a blueprint. There needs to be definition. Every American who runs a household works off a budget, and it would be totally irresponsible if we did not have a budget.

I hope the other side of the aisle will offer a budget as their alternative. There have been some rumblings that they may. In committee they offered a series of amendments which would have significantly raised spending and significantly raised taxes. If that is their budget, fine. But put a budget on the table. We have put our budget on the table. We think it is reasonable. There are things I would have done. I would have gone further in accounts if I had had the ability to pull it off. But independent of that, this budget is a responsible budget. It addresses spending in a responsible way, and it puts in place enforcement mechanisms which allow us as a Congress to put at least warning signs in the road when we start to get off the road of fiscal responsibility.

I yield the floor and appreciate the courtesy of the Senator.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague, the chairman of the Budget Committee, for his many courtesies during the budget process and the budget hearings. There has been full consultation with respect to the operations of the committee, the hearings that we have held, the way we have conducted the markup, the way we will proceed here on the floor. I thank him very much for that set of courtesies. I also thank him for his professionalism. There are many places he and I agree. I think both of us would be the first to acknowledge that we are on an unsustainable course and that the country is going to have to face up to these growing deficits and debt. And the sooner we do it, the better.

With that said, I do disagree with this budget. I don't think it meets the needs of our time. I don't think it faces up to this rapidly growing debt. I don't think it has the right priorities for the American people. And I don't think it has the right balance.

If there is one message I would want to communicate, it is this: The debt is the threat. We hear a lot of talk about deficits, but really the threat to our country is the growing indebtedness of our country, an indebtedness that is increasingly being financed by foreigners.

How did we get into this mess? We can go back to 2001 when the President told us that if we would adopt his financial plan, everything would go well. He told us:

> [W]e can proceed with tax relief without fear of budget deficits, even if the economy softens.

That is what he told us back in 2001. Now we are able to check the record and see, was the President right? This chart shows very clearly the President was wrong. We had a $236 billion surplus in the year before he took office, and this is the fiscal record since. The President's plan has plunged us into deep deficit, the largest deficits in our country's history.

The next year, 2002, the President revised his position and said:

> . . . Our budget will run a deficit that will be small and short-term. . . .

He retreated from the assertion that we were not going to have deficits because obviously that proved wrong. Then he said the deficits are going to be small and short term. That was the next year. Now we are able to check that statement and see if that was right.

Once again, the President was simply wrong. The deficits have not been small and short term; they have been large and long term. In fact, virtually every year, the deficits have gotten worse. In the first year under the President's plan, we had a $158 billion deficit. In 2003, that exploded to $378 billion. It increased even more in 2004 to $413 billion. Then we had some improvement in 2005 with $319 billion. In 2006, we are now forecasting once again the deficit going up.

Far more serious than the deficit is the increase in the debt because the debt is increasing much more rapidly than the size of the deficits. I indicated for 2006, we are anticipating a deficit now of $371 billion, but the debt is going to increase by $654 billion.

I find very often people are confused on this point. They think the deficit is the amount by which the debt increases, and that is not the case. The biggest difference is Social Security funds that are in temporary surplus that are being used under the President's plan to pay for other things—to pay for tax cuts, to pay other bills. And when you add up the deficit and the amount being taken from Social Security, which has to be paid back, and other trust funds that are also being diverted and being used for other purposes, what we find is the debt in this year will increase not by $371 billion, the amount of the deficit, but instead by $654 billion. That is why I say the debt is the threat.

The next year after 2002, the President, in 2003, no longer made the argument that the deficits were going to be small and short term because that was clearly not going to be the case. Now he revised his argument for the second time when he said:

> Our budget gap is small by historical standards.

That is not really right, either, because here is the record with respect to the deficits in comparison to back in 1970, 36 years of comparisons. We can see the deficit under the President's plan has been the largest in dollar terms in our history. In fact, he is in first, second, and third place. He has the top three deficits in our country's history.

There is a new report out that says the deficits as reported are themselves understated. Not only is the debt going up more rapidly than the deficits, but this is a report about what would happen if we were under the kind of accounting system virtually every company in America is under, accrual accounting. Here is what it says. This is a Gannett News Service report from March 3 of this year:

> If the United States kept its books like General Motors and nearly every other business in the country, the 2005 budget deficit would be $760 billion and rising, not $319 billion and falling, as is commonly reported. . . .

They go on to ask the question:

> How can two reports on the same budget be so different? It's a matter of what's counted. The budget figures usually bandied about in Washington are the amounts the Government takes in and spends each year. The financial report, which has been an annual requirement since the mid-1990s, does what businesses are required to do: include the cost of promised benefits.

If that were done, the deficit for 2005 would not have been $319 billion, the deficit would have been $760 billion.

I am increasingly persuaded that the language we use in Washington misleads people. I go back to when President Bush came in and we were told we were going to have $5.6 trillion surpluses. It was never true. Much of that money was Social Security money. There wasn't much of a surplus at all. It was a temporary surplus, but every dollar of that money was going to be needed.

This shows that if we were on an accrual basis such as virtually every other institution in this country operates on, we would not have had a deficit of $319 billion in 2005, we would have had a deficit of $760 billion.

Then in 2004, the President changed his argument once again. He went from there are going to be no deficits, to they are going to be small and short term, to they are small by historical standards. When all of those proved wrong, then the President said: I am going to cut the deficit in half over the next 5 years. This is what he said in August of 2004:

> So I can say to you that the deficit will be cut in half over the next five years. . . .

I think the President will be proved wrong once again. Why? Because in reaching that calculation, the President simply left out things. He left out any war costs past 2007. He left out all the costs of fixing the alternative minimum tax, which will cost $1 trillion to fix. He didn't put any money in his budget for it past this year.

When we add back in the items the President has left out and we go beyond the 5 years in his budget to capture the full effect of his proposed tax cuts, what we see is some modest improvement during the 5 years in terms of the deficit—that is not true of the debt, by the way; it is true of the deficit—but past the 5 years, things get much worse as the full effects of the President's tax cuts take effect. Here is why.

This chart shows the full effect of the President's proposed tax cuts. The President's budget only goes to this dotted line. But look what happens beyond the dotted line in terms of the cost of his tax cut. It absolutely explodes. Of course, not all this is captured in his budget.

Similarly, none of the costs beyond fiscal year 2006 are in his budget for fixing the alternative minimum tax. The alternative minimum tax, the old millionaire's tax, is rapidly becoming a middle-class tax trap. It costs $1 trillion to fix over 10 years. The President doesn't have a dime in his budget to do it beyond 2006.

The President has what I would call a rosy scenario. He says he is going to cut the deficit in half, but it is largely based on a fiction. It is not really a budget at all.

On the alternative minimum tax, again the President has nothing in his budget past 2006 to deal with it. Mr. President, 3.6 million taxpayers were affected in 2005. By 2010, there will be 29 million taxpayers affected. And the President does nothing to address this need. There is no money in his budget past 2006 to face up to it.

But that is not the only place the President has understated the costs. With respect to the war, in 2006 and 2007, the supplementals he has provided, he has $118 billion budgeted. The CBO says $312 billion is needed.

Once again, the President is badly understating the true cost to the country and, as a result, winds up with a misleading budget result.

When I say the debt is the threat—and I hope, if people take nothing else away from my discussion today, they will begin to understand that the great threat to this country is the burgeoning debt of our Nation. The debt is the threat.

As I have indicated, the President has funded the war with a series of supplementals. The chairman of the committee had this chart up as well. In 2006, $118 billion; in 2007, he is only asking for $50 billion at this point. Really, is that what the war is likely to cost? Is all of a sudden the need for these additional funds going to be cut more than 50 percent? Or is the President playing hide the ball from us in terms of these costs?

When I talk about the debt, the President early on acknowledged how important it is to face up to the debt. This is what he said in 2001:

> . . . My budget pays down a record amount of national debt. We will pay off $2 trillion of

> debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

The President was exactly right. I agree with every one of these words in terms of the need to pay down the debt and we should not be shuffling this responsibility off on our children and grandchildren. That is what the President said. He said he would have maximum paydown of the debt.

Let's look and see what has actually happened because, once again, the President was simply wrong. There has been no paydown of the debt. This is what the debt was at the end of his first year. We don't hold him responsible for what happened the first year because he is operating under the previous administration's budget.

At the end of the first year, the debt was $5.8 trillion. At the end of this year, the debt will be $8.6 trillion. The President said he would have maximum paydown of debt. There is no paydown of debt here. The debt has exploded. And if the President's budget or the budget that is offered on the floor is adopted, at the end of the next 5 years, the debt will be $11.8 trillion—a national debt that will have more than doubled since the end of the President's first year in office, all of this before the baby boom generation retires.

This President has racked up already more debt than any President in history and by a large measure. The debt limit has already increased over $3 trillion: $450 billion in 2002 was added to the debt limit; in 2003, $984 billion; in 2004, $800 billion; now this week, they are asking for another almost $800 billion increase in the debt limit. That is why I say the debt is the threat.

And what are the ramifications? Here is one that I find most stunning. It has taken 42 Presidents—all of these Presidents pictured here going back to the time of George Washington, through every President, including the President's father, and then President Clinton—it took 42 Presidents 224 years to run up $1 trillion of external debt, our debt held by foreigners. This President has more than doubled that amount in 5 years.

This is an utterly unsustainable course. It is an absolutely unsustainable course. Unfortunately, in this budget, nothing is being done about it except to make it much worse.

The result of these extraordinary debts being held by foreigners—and there was a recent article in the Washington Post that indicates now that foreigners hold almost 50 percent of the U.S. debt. It used to be that we would borrow from ourselves to finance this debt. Not any more. Now we are borrowing from every country all around the world. We have borrowed over $680 billion from the Japanese. We have borrowed more than $250 billion from the Chinese. We have borrowed more than $230 billion from the United Kingdom and, my favorite, we have borrowed more than $100 billion from the Caribbean Banking Centers. Why, we have even borrowed $60 billion, more than $60 billion, from South Korea.

This is a course that is utterly unsustainable. Chairman Greenspan has said it. The Comptroller General of the United States has said it. The head of the Congressional Budget Office has said it.

Now we have this budget on the floor, and this budget basically is a stay-the-course budget. It keeps running up the debt. It keeps running up the debt, and in record amounts.

If that is what you want to support, I would say to my colleagues, vote for this budget. If you think the appropriate course for the country is record additions to our debt, then vote for this budget. Because in this budget, they have left out 10-year numbers, so they hide the effect of the tax cut proposals of the President. They don't have funding for the ongoing war costs beyond 2007. They don't fund the alternative minimum tax reform beyond 2006. They have left out entirely the President's Social Security privatization proposal.

If we put back some of those things that have been left out, instead of the chart that the chairman showed with these red blocks with the budget deficit going down or appearing to go down, if you add back the omitted costs and you add back the money that is being taken from Social Security that adds to the debt—all of it has to be paid back—and you add the associated interest costs, what you find is the debt is going up each and every year of this budget proposal by more than $600 billion.

In 2007, the debt is going to go up $680 billion. In 2008, it is going to go up $656 billion. In 2009, it is going to go up $635 billion. In 2010, it is going to go up $622 billion. In 2011, it is going to go up $662 billion.

Now, unless somebody thinks I am just imagining these numbers, making them up, let's look at what is in the budget offered by our colleagues, their calculation, their calculation of how much the debt is going to go up during this period. And, remember, they have left out war costs past September 7, 2007. They have left out the need to fix the alternative minimum tax. They have left out the associated interest costs. But even their calculations—even their calculations—show the debt going up this year, 2007, by $663 billion; in 2008, $577 billion; in 2009, $536 billion; in 2010, $513 billion; in 2011, $539 billion. This debt is running out of control.

If we look at what are the causes, it is very simple. We are spending more money than we are raising in revenue. That is why we have explosions of deficit and debt. We are spending more than we are raising, and our colleagues on the other side don't want to reduce their spending to the amount of revenue they are able to provide, nor are they willing to raise the revenue to meet their spending. The result is an explosion of deficit and debt.

This shows the relationship between spending and revenue going back to 1980. The red line is the spending line. You can see during the previous administration, spending as a share of gross domestic product came down each and every year. Why do we use gross domestic product? It is because economists say that is the way to take out the effects of inflation and real growth, so that you are comparing apples to apples.

With the new President, President Bush, spending went up. Why did it go up? Overwhelmingly, it went up because of the need for more spending for national defense and homeland security, and to rebuild New York. Those are increases in spending that all of us supported on a bipartisan basis, and that took the spending up to something over 20 percent of GDP. But look what happened to the revenue side of the equation. The revenue side of the equation went from a record level in President Bush's first year, and the revenue side of the equation collapsed. Part of it, as the chairman rightly describes, is as a result of economic slowdown, but about half of the reduction is because of tax cuts. Now we can see the revenue in 2004 was actually the lowest as a share of GDP since 1959—the lowest since 1959.

We have seen a bump-up as we have seen economic recovery. The chairman is absolutely right; economic recovery does lead to revenue. Absolutely. The place where we disagree is the notion that some on that side of the aisle have that tax cuts generate more revenue. I have heard this so often from the other side: Tax cuts generate more revenue.

Let's check the facts. What the chairman showed was projections. He showed what he forecasts or somebody forecasts is going to happen in the future. Let's not rely on future projections. Let's look at what has actually happened in the real world to revenue after the massive tax cuts of this administration. Did we get more revenue? That is a pretty simple question to ask and a pretty simple question to answer. The answer is no, we didn't. In 2000, before the big tax cuts, we had over $2 trillion of revenue. Then we had the massive tax cuts of 2001, and look what happened to revenue: It went down in 2002. It went down in 2003. In 2004, it still was well below where it had been in 2000. We didn't get back to the revenue base that we had in 2000 until the year 2005.

At what point are we going to dispel the myth that tax cuts create more revenue? They didn't, they haven't, and they won't.

That is not my view. I am taking my view from what has actually happened in the real world, instead of some ideological belief and hope. Let's go on facts. Let's go on what has happened. Here is what Chairman Greenspan says:

> It is very rare and very few economists believe that you can cut taxes and you will get the same amount of revenues.

This is not based on just what Chairman Greenspan says added to the facts of what happened since 2001; here is what an Economy.com report says on the U.S. macroeconomy:

> Economists find no support for the claim that tax cuts pay for themselves. Four years after income taxes were first cut and nearly four years after the recession ended, Federal revenues are still slightly below their early 2001 peak on a nominal basis; on a real basis, adjusted for inflation, revenues are down 11 percent from their all-time high. Therefore there is no support for the Laffer Curve effect: the view that a tax cut can actually boost government revenues as workers and entrepreneurs respond with large increases in effort.

From that, I don't make the argument that the answer to our problem is tax increases at this point. I do believe revenue has got to be part of the solution.

Our friends on the other side and the chairman have said it has to be done on the spending side. Absolutely, the spending side has to be a very significant part of addressing this problem. But revenue also has to be a part of addressing this problem, and the first place we ought to look for revenue is not a tax increase. The first place we ought to look for revenue is the tax gap, the difference between what is owed and what is being paid.

The revenue department says the tax gap is now $350 billion a year. Let me repeat that. The tax gap, the difference between what is owed and what is being paid, the revenue commissioner tells us, is now $350 billion a year. If we were to just collect revenue due under the current revenue table, we would virtually eliminate the deficit. We would still have a problem with the debt because, as I have indicated, the debt is going up much faster than our deficits. But if we could collect the amount of money that is actually due, we would make meaningful inroads into this incredible abyss of deficits and debt, and we ought to do it.

Also, as the chairman has said—and this is a place I agree—we are going to have to deal with the entitlements. Entitlements are growing much more rapidly than the size of the economy, and they are going to be added to by the baby boom generation. The baby boom generation is going to change all of this very dramatically. So at some point, we are going to have to face up to that.

I think it is increasingly clear that the only way this is going to be faced up to is if we do it together. Republicans can't do it alone; Democrats can't do it alone. It is going to require Democrats and Republicans working together to face this challenge of a burgeoning debt, and the sooner we do it, the better.

On the assertions that the economy is doing great, here is what the Comptroller General said about our current fiscal path before the Senate Budget Committee last month:

> Continuing on this unsustainable fiscal path will gradually erode, if not suddenly damage, our economy, our standard of living, and ultimately our national security. Is anyone listening? Is anyone listening? Here is the Comptroller General of the United States telling us we can't stay on this course, that it threatens our economy and even our national security.

For those who say the economy is doing fine, I present an alternative view. Here is what has happened to real median household income. It has declined for 4 straight years. Median household income has declined for 4 straight years. We have looked at previous recoveries since World War II. There have been nine economic recoveries from recessions since World War II. We have compared this recovery to the previous recoveries. Here is what we found. Growth of the economy lags behind the typical recovery. On average in the previous 9 recoveries, GDP has averaged 3.2 percent; in this recovery, it is averaging 2.8 percent.

It is not just economic growth, it is also business investment. Here is the average. This dotted red line is the average of the nine previous business cycles in terms of business investment. Here, the black line is this recovery. Business investment is lagging the average of the nine previous recoveries by 62 percent. What is wrong here? Something is wrong. Something has changed from our previous economic recoveries.

It is not just growth of GDP, it is not just business investment, it is also job creation. This red line is the average of the nine previous recoveries from recessions since World War II. The black line is this recovery. We are running 6.6 million private sector jobs behind the typical recovery. At this very same period in the cycle, this very same time period, we are 6.6 million private sector jobs behind the average recovery since World War II.

We have to face up to what is happening: burgeoning deficits and debt; a recovery that is not producing the same economic growth, the same business investment, the same job creation we have seen in other recoveries since World War II; and then we have a budget that I believe is also wrong on priorities. This budget says that in 2007, the tax cuts going to those who earn on average over $1 million a year will cost $41 billion for the year. Let me repeat that. Under the budget that is presented here and the budget of the President, the tax cuts going to those who on average earn over $1 million a year, the tax cuts for 1 year alone will be $41 billion. Meanwhile, the President says cut education $2.2 billion, the biggest cut education has ever been asked to take. I don't believe that is the right priority for the country.

It is not just with respect to education. Veterans are being asked to take reductions such that it would cost $800 million—$795 million to restore those reductions, those cuts, in terms of what they receive. Actually, this $800 million is the $250 annual enrollment fee the President is asking for and the increase in their drug copayments that he is asking for—$800 million to eliminate those increased fees and costs to veterans. But the President's budget says: No, it is 50 times more important to provide tax cuts to those earning over $1 million a year. Those are his priorities. I don't think those are the priorities of the American people.

When I look at law enforcement, I see the same thing. It would cost about $400 million to restore the COPS Program. The President cuts the COPS Program that puts police officers on the street. He cuts it about $400 million, which is one one-hundredth as much as is going to tax cuts for those who earn over $1 million a year. Are those really the priorities of the American people? Is it 100 times more important to give tax cuts to those earning over $1 million a year than it is to put police on the street? I don't think so.

It doesn't end there. This budget, the President's budget, on local law enforcement grants, they don't just cut those, they eliminate them. The Byrne Justice Assistance grants, Safe and Drug-Free Schools—they eliminate them. They don't just cut them, they eliminate them. Vocational education—they don't just cut it, they eliminate it. The COPS Program, as I indicated, is cut 78 percent; firefighter grants, cut 55 percent; essential air service, cut 54 percent.

I am not talking Washington-talk about cuts. I am not talking about restricting the rate of growth. I am talking about cutting from what was provided last year. Weatherization grants are cut 2 percent, Amtrak is cut 32 percent, community development block grants are cut 20 percent, and the Low-Income Home Energy Assistance Program is cut 17 percent.

This is a budget that I believe is just wrong. I believe it is wrong for the American people. It is wrong because it explodes deficits and debt. It is wrong on its priorities. Let me just sum up with what the National Catholic Reporter wrote on February 17 of this year:

> But what has become clear during five years of the Bush administration is now glaringly apparent in the easily discerned outlines of its proposed 2007 budget: Cuts in vital programs that benefit the poor and middle class, continuing tax relief for the very wealthy.
>
> If budgets are, as some contend and we would agree, moral documents, then this one

suggests we have abandoned a basic sense of right and wrong and any notion that we are at our best when we strive to make life better for all, not just those who manage to accumulate wealth.

I want to end as I began. I believe the fundamental threat of our time is the growth of the debt. The debt is the threat. This budget absolutely fails to face up to that growing and burgeoning debt.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from New Hampshire.

Mr. GREGG. Mr. President, just to briefly respond because obviously the Senator has made numerous points here. I agree with some, and with some I disagree. But I think this focus on the debt is an interesting approach and one which I can certainly be sympathetic to, and I would be more sympathetic to it if during the markup on this bill we had amendments offered from the other side that would have significantly reduced the debt. That is not what we had. We had amendments which would increase the spending of the Federal Government by about $150 billion in entitlement accounts, about $16 billion approximately on discretionary accounts for this coming year, and then they raise taxes or proposed raising taxes in order to meet those new spending initiatives.

If you are going to reduce the debt, you can do it, of course, by raising taxes. The last group of charts the Senator highlighted would be one way, and maybe the alternative they could seek on their side of the aisle would be where they would raise taxes by $41 billion on one segment of Americans, or they can raise taxes across the board, or they can raise taxes on specific groups. All of that is possible to reduce the debt, but that is not what they offered in committee. What they offered in committee was to increase spending on all sorts of initiatives and then raise taxes to cover the spending, which does nothing significant to reduce the debt.

You can also reduce the debt by reducing the deficit because every deficit dollar is added to the debt. That is what we have attempted to do in this bill. We will attempt and we intend to reduce the deficit in half over 4 years on this bill, and we do it by aggressively addressing discretionary spending.

The Senator is suggesting there are other places not mentioned in this bill, such as the AMT. Yes, we do not address the AMT. I believe the AMT, if it is going to be addressed, should be addressed in the context of tax reform where it is a revenue-neutral event. I would also point out the vast majority of AMT is paid for by people in high incomes; 75 percent of the AMT tax, I believe, comes from people with incomes over $100,000.

First they put up a chart that says high-income individuals should have their taxes increased, and then they put up a chart that says we don't account for cutting taxes on high-income individuals. There is a little bit of inconsistency there, in my opinion. But the AMT fix should not be done in a vacuum. It should not be a hit on the Treasury to the tune of almost $1 trillion. It should be done in the context of major revenue reform, which allows us to adjust it so if low-income people or moderate-income people—there are no low-income people covered by AMT, but if moderate-income people find themselves falling in the AMT, the tax laws will be adjusted so they will be taken out of that, but at the same time we adjust in other areas to make the laws more fair and maintain the revenue base. That is the way to address that. You don't just unilaterally act on that. So I don't find that to be a compelling case they are making.

They make the case on Social Security. We would have been happy to put Social Security in here if the other side of the aisle had not shot the idea down of any Social Security reform—which we really need, we need Social Security reform—shot it down before it even got up to the Congress.

The President went around the country talking about a variety of ideas. He put everything on the table, and the other side of the aisle just started attacking him for even addressing the issue of Social Security. We know Social Security is a serious problem. We know it. But there is no point in moving forward on it if the other side of the aisle has an attitude that we are not going to do anything, we are just going to use it as a political club, which was exactly the approach that was taken when the President addressed it. So that is hard to accept as a valid thing that should be in this budget, Social Security.

This budget does not assume the present tax increases after the budget window, which is different from the President's budget, so it is a different approach we have taken in this bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GREGG. How could my time possibly expire? I think I have 25 hours.

The PRESIDING OFFICER. The time until 11:30 was evenly divided. So it is out before 11:30.

Mr. GREGG. It is only 11:25.

The PRESIDING OFFICER. The Senator from North Dakota has the remainder of the time.

Mr. CONRAD. I will be happy—maybe we can make an adjustment here, so the Senator can finish his thoughts and then I would have a brief time to respond.

Mr. GREGG. That sounds good to me. Why don't we extend this for 15 minutes? Divide the time equally?

Mr. CONRAD. Could we do it for 12?

Mr. GREGG. Whichever. Twelve is fine to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. We can split the time so the Senator has a chance to conclude his thoughts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. The context of my comments are basically directed to the issue of debt. I believe debt should be reduced. I believe the way you reduce debt is to begin by reducing the deficit, which is what the budget does. But the presentation that this budget uniquely aggravates the debt is really not viable in the context of the solutions which are being offered by the other side because none of the solutions being offered by the other side would reduce the debt, either. They are basically offering—or at least they did in committee—amendments which increase spending and increase taxes, thus taking resources which logically the other side would want to use to reduce the debt but isn't, and spending the money. In the end, that doesn't reduce the debt at all.

I didn't see in the markup at all any proposals that would reduce the debt coming from the other side. We look forward to them offering a budget which accomplishes that. I would be most interested in such a budget because I do think it is important we do that. We tried to do it in our bill by reducing the deficit in half over the next 4 years, which does take money and reduce the debt because any time you reduce the deficit, you reduce the debt. You are not adding to the debt.

Mr. President, I ask unanimous consent that the use of calculators be permitted on the floor Senate during consideration of the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent the following staff members from my staff and from Senator CONRAD's staff be given all-access floor passes for the Senate floor during consideration of the budget resolution. From the Republican staff: Cheri Reidy, Denzel McGuire, Jim Hearn; from the Democratic staff: John Righter, Steven Posner, Sarah Kuehl.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that the staff of the Budget Committee be granted the Senate floor privileges for the duration of the consideration of the budget resolution:

Amdur, Rochelle; Bailey, Stephen; Bargo, Kevin; Binzer, Peggy; Brandt, Dan; Cheung, Rock E.; Delisle, Jason; Donoghue, Samuel; Esquea, Jim; Fisher, David; Forbes, Meghan; Friesen, Katherine; Green, Vanessa; Gudes, Scott B.—Staff Director, Full Access Pass; Halvorson, Dana; Hearn, Jim; Holahan, Betsy; Isenberg, Cliff; Jones, Michael; Kermick, Andrew.

Klumpner, James; Konwinski, Lisa—General Counsel, Full Access Pass; Kuehl, Sarah; Kuenle, Jason; Lewis, Kevin; Lofgren, Michael; Mashburn, John; McGuire, Denzel; Millar, Gail—General Counsel, Full Access Pass; Miller, Jim; Mittal, Seema; Morin, Jamie; Myers, David; Nagurka, Stuart; Naylor, Mary—Staff Director; Full Access Pass; Noel, Kobye; Olivero, Tara; O'Neill, Maureen; Page, Anne; Pappone, David.

Parent, Allison; Pollom, Jennifer; Posner, Steven; Reese, Ann; Reidy, Cheri; Righter, John; Seymour, Lynne; Smith, Conwell; Soskin, Benjamin; Turcotte, Jeff; Vandivier, David; Weiblinger, Richard; Woodall, George; Wroe, Elizabeth.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I go back to where I started. The debt is the threat. This budget before us increases the debt $600 billion a year, each and every year of its term. That is the reality. That is the budget we have before us. It is the obligation of the majority to offer a budget, and they have done so. It is our obligation to comment and critique their budget, which we have done.

The most important critique that I offered is that this budget explodes the debt. It is undeniable. It is clear. Their own numbers show that it explodes the debt.

Beyond that, the chairman references what happened in the committee. I believe he didn't mention our first amendment—it will be our first amendment on the floor—which is a pay-go amendment to restore budget discipline to require that if you want to have more mandatory spending, you have to pay for it. And if you want to have more tax cuts, you have to pay for them. But they defeated that budget discipline. They defeated that budget discipline, and they proposed this budget that explodes the debt.

In addition, every one of our amendments—I don't know where the chairman got his number—that cost $128 billion in committee, we provided $134 billion of funding for those amendments.

We reduced the buildup of deficit and debt by $6 billion. But that is not the point. The point is, what needs to be done—and I think the chairman might agree with this—is to take on this debt threat. The only way it is going to happen is if we do it together. Your budget doesn't do it. We are not going to offer a budget that is going to do it because if you offer one on your own, you couldn't pass another one. If we offered one on our own, we couldn't pass it on our own—certainly not in the minority.

I have come to the conclusion—I have talked to colleagues over the weekend, and I believe the chairman may share this view—that the only way we are going to take on this debt is to march together. It has become so serious and so big that neither party can do it alone. That is the truth.

Again, we didn't offer tax increases in the Budget Committee. We did offer to more aggressively close the tax gap to pay for these measures. And the biggest spending measure that we offered—in fact, nearly all the increase in the spending, or a significant majority of it—was in one amendment, and that was to take veterans' benefits from the discretionary side of the budget to the mandatory side of the budget. We do not believe veterans' benefits should be considered discretionary. It is not discretionary. It is mandatory that we provide for these veterans. That amendment cost $104 billion. But we paid for it.

Unless anybody wonders if there are tax loopholes out there to close, let me tell you about one of the most recent scams which was uncovered where companies in the United States are buying sewer systems of European cities, depreciating them on their books in the United States, and then leasing the facilities back to European cities.

Is that a tax increase to take away that scam? I don't think so. Is it a tax increase to take away the scam that allows a five-story building in the Cayman Islands to be home to 12,500 companies which claim they are doing business in the Cayman Islands? They have a five-story building down there that is the home to 12,500 companies. Is it a tax increase to end that scam because there are no taxes in the Cayman Islands and that is where those companies want to show their profits?

Shame on those companies, shame on the Cayman Islands, shame on us for allowing that to happen, and shame on us for not collecting the revenue that is due under the current system. The vast majority of us pay what we owe. The vast majority of companies pay what they owe. But we have an increasing number of individuals and an increasing number of companies that aren't, and we ought to go after them. It is $350 billion a year. The revenue commissioner said we could get at least $50 billion to $100 billion of that amount without fundamentally changing the relationship of the revenue service to the taxpayers of the company.

Social Security reform: What the President proposed is not what I would consider Social Security reform. Once again he was going to borrow the money. He was going to borrow hundreds of billions of dollars to change the Social Security system. Of course we opposed that. Not only was he going to borrow hundreds of billions of dollars, but he himself was going to cut benefits. We oppose that. I am proud to have opposed that.

I am not for any more of these plans that explode the debt of the country. We have had enough of that. The debt does represent an enormous threat to the economic security of America. I believe that.

Could I be advised of the time remaining, how it is divided?

The PRESIDING OFFICER. The Senator has 3 minutes 50 seconds, and the Senator from New Hampshire has 3 minutes 40 seconds.

Mr. CONRAD. Mr. President, at this point, would the Senator join me in yielding that time?

Mr. GREGG. Take it off the bill.

Mr. CONRAD. We yield the time remaining.

The PRESIDING OFFICER. The time is yielded.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business from 11:30 a.m. until 1:30 p.m.

Mr. GREGG. Mr. President, I ask unanimous consent that during the period of morning business it be deemed the clock is running on the budget bill, and the time will be charged equally.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, we urge our colleagues who want to make a statement on the budget, this is the time where they could come and do that. We are going to be working very hard. The chairman and I are trying to develop a plan that would give people certainty and that we would have time agreements to shorten the amount of time on each amendment so we could get more amendments concluded before we begin the vote-arama. I think that would dramatically improve the quality of the debate. I think it would improve the quality of experience for Members of this body.

The chairman and I have talked about this. Perhaps he would want to comment on what we are trying to do as well, so we alert colleagues and their staff that we are going to be coming to them with relatively short time agreements on amendments with a certainty of schedule so that we try to get our business conducted to the extent we can before we begin the vote-arama.

The PRESIDING OFFICER. Acting as the Presiding Officer and as a Member of the Senate, the Senator from Ohio objects.

Objection is heard.

Mr. GREGG. Mr. President, I ask unanimous consent that as time is running during morning business, the next hour and half also be running against the budget bill.

The PRESIDING OFFICER. The Senator from Ohio does not object.

Without objection, it is so ordered.

Mr. GREGG. I thank the Senator for his courtesy.

The PRESIDING OFFICER. The Senator is more than welcome.

Mr. GREGG. Mr. President, I understand that will be equally divided.

The PRESIDING OFFICER. That is correct.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2400 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

THE BUDGET

Mr. McCONNELL. Mr. President, I understand this is fiscal responsibility week on the Democratic side of the aisle. It is a good time to talk about that and to talk about the strength of the American economy. It is certainly no secret to any in Congress or to the American people that when the President came to office we had a terrorist attack, we have had corporate accounting scandals, a bursting stock bubble, and, of course, our share of natural disasters.

In spite of all that, our economy is in extraordinarily good shape. It is very strong, and it is not by accident. It is a direct result of the policies of the President of the United States and of the Republican Congress.

Since the enactment of the Jobs and Growth Act of 2003, more Americans are working than ever before. Five million new jobs have been created since May 2003 alone. Unemployment is at 4.8 percent. That is lower than the average of the 1970s, the 1980s, and even the boom 1990s that our good friends on the other side of the aisle claim is the best the economy could ever do. Current unemployment is lower than the average of the 1990s.

Home ownership, the American dream, has reached an all-time high and remains near that high today. The stock market, a good way to measure prosperity, is up more than 2,500 points since May 1, of 2003. That is nearly a 30-percent increase in the stock market since we passed the Jobs and Growth Act of 2003.

Americans have more money in their pockets. Aftertax income is up 7.9 percent since President Bush took office. We cut the capital gains tax rate. I remember all the comments on the other side of the aisle about how this was a tax cut for the rich and how it was going to cost the Government all kinds of revenue. The results are in. By cutting the capital gains tax rate, we increased the revenues to the Federal Government by $20 billion. In other words, the receipts from capital gains went from $58 billion, when we had a higher rate, to $78 billion with a lower rate, exactly as the occupant of the chair, myself, and these in the Bush administration predicted. Cutting capital gains tax produces more revenue for the Government. Now we have proven that to be the case.

We are taking more important steps to put our fiscal house in order. The deficit reduction bill which the President signed within the last month actually reduces the deficit by $40 billion for the first time since the late 1990s. It is an actual deficit reduction bill, a reduction in the entitlement spending, one of the hardest things to do around here. We did not pass it by a landslide, but we got it done.

What is this all about? It is all about the American people. The Government does not create jobs and opportunity; the private sector does. The policies of the President and the Republican Congress have stimulated the private sector, allowed our country to work its way through some of the most dramatic setbacks imaginable, from the first big terrorist attack—hopefully the last one on our soil—corporate scandals, the stock market bubble bursting, all of that, and yet our economy is roaring.

What do our good friends on the other side of the aisle think the prescription is in the wake of this riproaring economy and all of this success? We saw some of it in the Committee on the Budget last week. First, they want to increase the discretionary cap on this budget we are now considering, increase that by $19 billion. In other words, have some more spending over and above what the President has recommended and what the budget that came out of the Committee on the Budget recommends, $873 billion. They want to increase that by $19 billion. They also would have mandatory spending increases of $109 billion. The President just got through signing, after Congress passed, a deficit reduction bill to reduce mandatory spending by $40 billion over the next 5 years and the Democrats on the Committee on the Budget want to increase it by $109 billion. That will wipe out all those savings and add another $50 billion or so on top of it.

Our Democratic friends also proposed tax increases of $134 billion in the committee last week. It strikes me that their solution in the wake of this stunningly robust economy we find ourselves with is to tax and spend, the old formula.

I hope we will not go down that road as we move toward passing the budget this week. We have an opportunity to demonstrate that we are willing to restrain ourselves, that we are willing to cap the rate of discretionary spending. We will have that vote at the end of the week. I hope it will be successful.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2007—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 1:30 p.m. having arrived, the Senate will resume consideration of the budget resolution, which the clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 83), setting forth the congressional budgets of the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I listened to the very able Senator from Kentucky. His description of this budget does not quite fit the budget I have seen, both in the Senate and in the committee. He talks about deficit reduction. There is no deficit reduction here. Let's be clear with people. There is no deficit reduction.

He talks about the deficit reduction bill offered last year by the Republicans. They called it "deficit reduction," but there was no deficit reduction. They cut taxes $70 billion, cut spending $40 billion. Do the math. That did not reduce the deficit. It increased the deficit. Is the deficit going to be lower this year after their deficit reduction bill? Or is it going to be higher? It is going to be higher. There is more deficit after their deficit reduction bill of last year. Not only is there more deficit, but there is a whole lot more debt.

Let me say to my colleagues, here is what is happening under our colleagues' fiscal plan. Here is what is happening to the debt of the country. When President Bush came in at the end of his first year—we do not hold him responsible for the first year because that is operating under the previous year's Presidency—at the end of his first year the debt was $5.8 trillion. At the end of this year, the debt will be $8.6 trillion. If this budget is adopted, this 5-year budget, at the end of the 5 years the debt will be $11.8 trillion. And they are talking about deficit reduction? Where? Where is it? Show me. Show me where they are reducing the deficit. This is the debt of the country. The debt is skyrocketing under their plans.

Now the Senator talks about their deficit reduction plan of last year. This is last year. The deficit was $319 billion, one of the biggest ever. In fact, in the 5 years of this Presidency, he has had—count them—four, when this year is complete, four of the biggest deficits in the history of the country. In dollar terms, the four biggest.

Last year, the deficit was $319 billion. The Congressional Budget Office says if this budget is agreed to, this year the budget will be $371 billion based on the President's proposal. Actually, the proposal in the Senate is a little worse, at $371 billion. Is $371 billion more of a deficit than $319 billion or less? This is after their big deficit reduction plan. There is no deficit reduction.

What about going forward? What will happen going forward? Here is what will happen, going forward, to the debt of the country. They say the deficit will go down each and every year of this budget. Well, not quite. The last year they say it blips up a little. They claim the deficit will be going down. But, of course, they have left out some pretty big things. They have left out any war costs past 2007. They have left out any cost to fix the alternative minimum tax passed this year. Over 10 years, that costs $1 trillion to fix. That is a big item. They have left out the associated interest costs of those items, which is "other" on the chart. They have also left out the money they are taking from Social Security each and every year of this budget, all of which gets added to the debt, all of which has to be paid back.

So when we add it all up, here is how much the debt is going to grow under the plan before the Senate: In 2007, it will go up $680 billion. Not the deficit they are talking about of $319 billion; the debt will go up $680 billion. The next year it will go up $656 billion; the next year it will go up $635 billion; the next year it will go up $622 billion; the next year it is going up to $662 billion.

Is there any improvement here? They are talking about deficit reduction, they are talking about their improving the fiscal picture of the country. No, they are not. The debt is going to grow every year by more than $600 billion. The result is going to be at the end of this period, the debt of our Nation will reach $11.8 trillion. Now I project at the end of this year it will be $8.6 trillion. By the way, they are getting ready to increase the debt limit by almost $800 billion in 1 year. We are going to have that vote this week.

So when they say they are reducing the deficit, it is just talk. There is no reduction in the deficit going on here. In the deficit reduction package they say they had last year, the deficit went up, and the deficit is going up under their deficit reduction package. So let's be straight with people.

Now, my colleague called the economy "stunningly robust." No, the economy is not stunningly robust. In fact, the unemployment rate just went up. The unemployment rate just went up from 4.7 to 4.8 percent. That is not good news. That is going the wrong way.

But I think of more concern is, if you compare this recovery to the nine previous recoveries since World War II, what you see is this one is far weaker than the average of the nine previous recoveries.

Let's look at what the numbers show. Here is real median household income, as shown on this chart. Now, this would tell us whether the economy is doing well. If this is such a robust economy, why isn't household income going up? It is not going up. It is going down. Real median household income has declined 4 years in a row.

To try to determine what is happening with this economy, we went and looked at all the recoveries since World War II. Here is what we found. On average, at this stage of recovery, the economy would be growing at 3.2 percent a year. That is what we have seen in the previous recoveries: 3.2 percent growth; this recovery: 2.8 percent. It is weaker than the average of the nine previous recoveries.

That is not the only indicator that things are not going as well as we have seen in other recoveries. For the nine other recoveries since World War II, this dotted line on the chart shows business investment. The black line shows this recovery. It is 62 percent behind the average of the nine previous recoveries.

My colleague just talked about how strong job growth has been. No, job growth has not been strong. We went and looked at the nine previous recoveries since World War II. This dotted red line on the chart shows the average. This black line shows this recovery. And, look, we are 6.6 million private sector jobs short of the typical recovery. So when they say things are going great, that is not what any serious analysis reveals.

What any serious analysis reveals is that this recovery is lagging in a substantial way behind the nine recoveries since World War II. It is lagging in business investment by 62 percent. It is lagging in economic growth—3.2 percent is the average of the nine previous recoveries, and in this period, 2.8 percent. On job creation, we are 6.6 million private sector jobs behind the average of the nine other recoveries since World War II.

But I said this morning the debt is the threat. And here it is, as shown on this chart. Our friends on the other side have been in charge since 2001. This is their record. This is what has happened under their fiscal plan.

The President told us if we adopted his fiscal plan, he would have maximum paydown of the debt. Remember? He was going to virtually eliminate the debt. It has not worked out that way. Not only has there been no reduction in the debt, the debt has skyrocketed, and the debt has gone up approaching—well, with this latest increase that is being sought that they want to vote on this week—the debt under this President will have gone up $3 trillion. If we adopt this plan, it is going to go up another $3 trillion.

That is the hard reality of what we see before us. If you love debt, you are going to love this budget plan. Our friends on the other side accuse us of tax and spend. They are guilty of spend and borrow. Borrow and spend, borrow and spend, spend and borrow, borrow and spend, spend and borrow—that is their policy, to drive us deep into debt.

As I showed on the Senate floor, one of the most alarming things is, increasingly, this debt is financed by foreigners. About half of our debt now is held abroad. This morning I showed what an incredible legacy this President is going to leave because it took 42 Presidents 224 years to run up $1 trillion of external debt, debt held by foreigners. This President has more than doubled that in 5 years. That is truly stunning.

Let me repeat, it took 42 Presidents 224 years—in fact, here is the chart I used this morning that shows it—it took all these Presidents, from George Washington to Bill Clinton—42 Presidents—224 years. Some of them were sons of Virginia. The occupant of the chair is a proud representative of Virginia. They were much more careful with public money than this President. It took all these Presidents—42 of them—224 years to run up $1 trillion of external debt. This President has more than doubled it, in fact, substantially more than doubled it, in just 5 years.

Now, as a result of this, we owe Japan over $700 billion. We owe China over $250 billion. Here it is, as shown on this chart: Japan; China; the United Kingdom, my favorite; the Caribbean banking centers. We owe the Caribbean banking centers $111 billion. I sometimes ask audiences back home: Are any of you doing your banking in the Caribbean? I get very few takers on that. Somebody is doing their banking in the Caribbean, and we are borrowing huge amounts of money from them. We owe Taiwan over $70 billion. We owe South Korea over $66 billion.

Now, whatever else is going on, No. 1, this fiscal plan is not working as advertised. The President said, very clearly, he was going to have maximum paydown of the debt. The debt is skyrocketing, and when our friends come out here and say, well, they have a deficit-reduction plan, where is it? It certainly is not in this budget that is going to increase the debt over $3 trillion over the next 5 years.

This year, the deficit, according to the Congressional Budget Office, is going to be bigger than the deficit last year, after our friends came out here and said they had a deficit reduction plan. In fact, they passed it and they labeled it "deficit reduction," but the deficit is going up, not down. So their deficit reduction plan, like all these other plans they have come out with, has not worked.

The President said he was going to have maximum paydown of the debt. The debt is increasing. They say they have a deficit reduction plan. The deficit is increasing, not being reduced.

And talk about economic recoveries, this is one of the weakest economic recoveries of the nine we have had since World War II. Something is not working. I believe one of the things that is not working is that this pileup of debt is creating an enormous weight on our country. At some point we have to take this on. This budget does not do it. My own belief is, the only way we are going to take this on is to do it together, Democrats and Republicans. Democrats certainly cannot do it. We are in the minority. I do not think Republicans can do it alone because they have proven they are not going to do it. And if they wanted to do it, I do not believe they could do it on their own. I think this is going to take us working together. And the sooner we get together and the sooner we face up to this, the better off our country will be.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I join in the desire of the Senator from North Dakota to move forward in a bipartisan way.

We could start by approving this budget in a bipartisan way. But independent of that, I agree, we—and we have talked about this; actually I think we are the only two people talking about this, but we have talked about trying to develop a framework where we could actually address this issue.

But that is a global settlement. I would like to see it done. It is going to have to address Medicare. It is going to have to address Medicaid. It is going to have to address Social Security. It is going to have to address revenues. And it needs to be done sooner rather than later. But it is such a large idea that it is not going to occur this week.

This week, what is going to occur, hopefully, is a step forward in the exercise of disciplining ourselves through budget processing, setting out a blueprint which defines where the Federal Government is going to spend money, how it is going to spend money, and constrains the Federal Government, especially on the discretionary side of the ledger. I would like to have constrained the Federal Government a little bit in its rate of growth on the entitlement side of the ledger, but that is not possible, primarily because I get no votes from the other side of the aisle.

The Senator from North Dakota has made a point of talking about economic statistics relative to what the Bush administration and the Republican leadership have done relative to this economy. His structure and definition of this is, it is sort of dire, this economy. Well, that is hard to accept on its face. This is not a dire economy. In fact, it is a fairly robust economy that has gone through very significant growth now for 5 years.

We have had 17 consecutive quarters of expansion of this economy. That is big, 17 consecutive quarters. We came out of one of the most difficult times, from an economic standpoint, in the history of this country, probably the most difficult time in the postdepression period, when we had the largest bubble in history, the Internet bubble collapse, and when we were attacked and America was at war and found the essence of our economy—Wall Street—basically destroyed in the World Trade attack.

So they were double blows to our economy, and yet we have responded as a government the right way. We cut taxes. We gave people an incentive to go out there and be productive and create jobs. The response has been that people have gone out, risked their capital, taken risks, been entrepreneurs, created small business, and created jobs.

We have had 17 consecutive quarters of expansion of this economy, which is a lot of growth. We had a 3.5-percent rate of growth in 2005. That is higher, as an average, than the 20-year average of the prior 20 years. We are growing at a rate faster than the average over the last 20 years.

Just last month, the Bureau of Labor Statistics announced we created 243,000 new jobs. That is a huge jump in new jobs when you put it in the context of the fact that for 30 straight months we have been creating new jobs in this economy. Literally, 5 million new jobs have been created in this economy since 2003. It is a result, in large part, of the economic engine created by giving people the right to be investors and entrepreneurs and capitalists and market-oriented, taking risks and creating jobs—5 million new jobs. Do you know how many jobs that is? That is more jobs than was created in Japan and Europe combined. I would point out that Japan and Europe combined have a population which is about half, again, larger than the United States.

So we have had 17 quarters of consecutive growth. We have had 3.5 percent GDP growth, which is above the economic average for the last 20 years. We have had 5 million new jobs created. Just last month, we added 243,000 jobs. Those are pretty good numbers.

Let's put it in the context of the Bush administration versus the Clinton administration.

Real disposable income—which is basically the essence of what you really look at when you are talking about how people's lives are getting better or worse—has increased $1,905 since President Bush has been in office, which has been for about 5 years, 4½ years.

Under President Clinton, what was the increase? For the last term of his office, the last 4 years when he was in office, during this period, when we were going through this economic bubble, real disposable income only went up $1,500.

So this President has exceeded the rate of growth, in real disposable income, of the Clinton final 4 years, for which we hear so much about what a great job President Clinton did on the economy. And except for the fact he did not control the bubble, the fact is, the economy did pretty well during his administration.

Real hourly compensation has gone up 8.9 percent during this same period, whereas if you compare it to President Clinton's second term, real hourly wage growth went up only three-tenths of 1 percent.

The rate of growth of a person's actual wages has jumped dramatically in comparison to the Bush years versus the last 4 years of President Clinton. This is true economic growth. It is hard to deny that. You can deny it, you can be pessimistic about it, but the fact is the economy is doing very well, especially in the context of the fact that we are fighting a war on terrorism in the middle of all this, which has been a fairly significant stress on our economy, and that we had the largest natural disaster in the history of our Nation—exceeding even the San Francisco earthquake of 1906—in the Katrina and Rita storms in the Gulf States which essentially wiped out one of the great engines of our economy, the Gulf States, especially in the area of energy production. Still the economy grows.

In fact, interest rates—I remember the Senator from North Dakota making a statement, I think it was last year, maybe the year before, saying that interest rates were going to have to go up because the Federal Government was crowding out borrowing—haven't gone up. Interest rates continue basically to be affordable in the context of historical interest rates. Yes, they are off a historic low, but they are still well below what is the historic mean for interest rates.

So the economy is not only not dire, it is rather robust. It is robust in large part because of the fact that we made the right decisions at the beginning of this administration on the issue of tax policy. We gave people an incentive to be productive, an incentive to invest, to take risks, all of which translates into jobs, and jobs translate into more revenue for the Federal Government.

We have gone through the charts of how much the revenue to the Federal Government is jumping as a result of this economic activity. It is a consistent statement made by the Senator from North Dakota that the economy is terrible, but I don't think it is a correct statement.

Furthermore, this budget is obviously not a magic wand. It doesn't have the capacity to say: Eliminate the debt or eliminate the growth of the debt as we fight this war and we face issues of financial pressure. But without this budget, the debt will be significantly larger. In fact, as has been said before, spending will go up if the Democratic proposals that came out of committee are allowed to pass. Taxes will also go up because they propose tax increases. But that will have no impact on the debt. That is a wash, according to their representation. They spend $120 billion, and they raise taxes $125 billion or something like that, so they may have gotten $5 billion over 5 years back for deficit reduction. We usually underestimate the spending in those programs and we usually overestimate the revenue, especially when you are talking about loophole closing. That definitely usually overestimates revenue. So I suspect we would have found the debt would have increased, too.

But giving them the benefit of the doubt, there is no initiative here on the floor—and there was no initiative in committee—which significantly addresses the debt other than the budget that is before us which puts a hard freeze on nondefense discretionary spending. That addresses the debt. That means that next year you will add less to the deficit than you would have if you didn't have that hard freeze. It is not a big number in the context of the overall issue, but it is a big number by New Hampshire standards. It represents billions of dollars which will not be added to the deficit and therefore not added to the debt. That is a positive.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from New Hampshire has very ably used the oldest debate tactic known to man, which is the straw man argument. He suggested I have said that the economy is terrible. Those are not my words. I have not described the economy as terrible. I have described the economy as not performing as well as it has in other recoveries since World War II.

Let me repeat: Real median household income has declined 4 straight years. That is not a sign of economic strength; that is a sign of economic weakness. The economic growth in this recovery has substantially lagged the economic growth we saw in the other nine recoveries since World War II. In the other recoveries since World War II, economic growth averaged 3.2 percent. In this recovery, it is averaging 2.8 percent.

On business investment, this dotted line is the average of nine previous recessions. This recovery is the black line. It is 62 percent behind what we have seen in the other nine recoveries since World War II. That is also true of job creation. The red dotted line is job creation and the average of nine recessions since World War II. The black line is this recovery, 6.6 million private sector jobs behind.

The most dramatic result is this: This is how our friends have propped up the economy. They have done it by running up the biggest debt in the history of America. Their proposal in this budget is to keep on doing it, more debt on top of debt that is already at record levels. When this President came in, at the end of his first year the debt was $5.8 trillion. At the end of this year, it will be $8.6 trillion, headed for $11.8 trillion if this budget is adopted. That is the wrong course for America. It is a mistake, and we will regret it deeply if we allow this to go forward. That is why this budget ought to be defeated. Only if this budget is defeated are we going to have a chance to change course and get America on a firmer fiscal footing.

I yield the floor.

AMENDMENT NO. 3002

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 3002.

Mr. GREGG. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make technical and conforming amendments)

On page 3, line 11, strike "$1,694,445,000,000" and insert "$1,694,455,000,000".

On page 3, line 23, strike "reduced" and insert "changed".

On page 21, line 3, strike "$441,150,000,000" and insert "$411,150,000,000".

On page 28, line 15, after "000" insert ",000".

On page 28, line 16, after "000" insert ",000".

On page 29, line 18, strike "by $0 for fiscal year 2007 and".

On page 42, strike beginning with line 11 and all that follows through page 43, line 4, and insert the following:

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR CHRONIC CARE CASE MANAGEMENT.

If the Senate Committee on Finance reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that would provide $1,750,000,000 to the Centers for Medicare and Medicaid Services (CMS) to create a demonstration project or program that assigns a case manager to coordinate the care of chronically-ill and other high-cost Medicare beneficiaries in traditional fee-for-service Medicare, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution by the amount provided in such measure for that purpose, provided that such legislation would not increase the deficit for the period of fiscal years 2007 through 2011.

Mr. GREGG. This is an amendment to make corrections to the resolution so it conforms to the resolution as ordered reported by the committee. It has been agreed to by both sides. I ask unanimous consent that it be agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, reserving the right to object—I certainly will not object—this is something both sides are in complete agreement on. I ask my colleagues to understand that this is a technical matter to make certain that the resolution conforms to what was done in committee.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 3002.

The amendment (No. 3002) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. I see the Senator from Massachusetts seeking recognition. I yield the Senator 20 minutes off the resolution.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank our friend and colleague from North Dakota for his leadership on this issue. I hope that those who have had the chance to listen to opening debate will pay close attention over the next 4 days. This is an enormously important document we are debating. It is an indication of a nation's priorities. It is important that we listen with care to the discussion.

Money isn't everything, but it is a measure of a nation's priorities. Budgets are moral documents. They represent who we are and what we value. Just 6 weeks ago, the President delivered a State of the Union Address that gave hope to many of us in Congress for a budget that meets the needs of the American people. The President told us that night that a hopeful society comes to the aid of fellow citizens in times of suffering and emergency and stays at it until they are back on their feet. But the budget before us tells a different story. It fails to meet the security needs of Americans who are looking for real security in the face of terrorism.

We have seen the failed response to Hurricane Katrina, the failure in Iraq, a failing grade from the 9/11 Commission, failure on the security of our ports, failure in curbing nuclear power in Iran and North Korea, failure after failure when it comes to our national security. But you would never know it from this budget. Does it prepare us for the next disaster? Does it support a winning strategy in Iraq? Does it fully invest in the recommendations of the 9/11 Commission? Does it secure our ports and inspect every shipping container crossing our shore? When it comes to nuclear weapons, does it provide the resources needed for real nonproliferation? The answer to each one of these questions is no. The administration and the Republicans may talk about national security, but the real record is one of mistake and failure.

This budget is a failure, too, when it comes to meeting the needs of our families here at home. When it comes to healing the sick, feeding the hungry, caring for the poor, the elderly, or the disabled, this budget falls short. When it comes to strengthening our economy, opening the doors of opportunity, creating new jobs, and equipping America to compete in the global economy, this budget again falls short. Instead, it cuts vital programs on which people rely and offers even more tax cuts to the wealthy.

Franklin Roosevelt had it right: The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little. This budget does none of that. Countless families are facing serious problems. They are being hit on all sides with higher health costs, higher heating costs, higher college costs, higher gas prices. Their jobs and pensions are in danger. Their savings are at an all-time low. They are caught in a prescription drug nightmare because of a bill that put the drug industry and the insurance industry ahead of patients.

These are hard-working men and women who play by the rules and take care of their families, but this budget lets them down. Instead of investing in education, it cuts school programs. Instead of helping the elderly with their heating bills, it slashes funding for low-income heating programs. Instead of training workers for new jobs, it eliminates job training and vocational education programs. Instead of helping our young people afford college, it cuts college aid. But it provides for $1.7 trillion in tax cuts over 10 years. Those are the wrong priorities for America. Compare that to the recent cuts to Medicaid. Compare that with the $379 million cut in heating assistance for the poor. Compare that with the cuts to education. Compare that with the $456 million needed to help disadvantaged high school students reach college under the TRIO, Upward Bound, or Talent Search Programs.

Yes, a budget is a statement of priorities, and we have seen where this administration's priorities are on health. The Medicaid Program is key to promoting a real culture of life in America. Medicaid provides care to a third of all mothers giving birth, including the prenatal, pediatric care their children need to be healthy.

Mere hours after the President declared in the State of the Union Address that the Government would meet its responsibility to provide health care for the poor and elderly, the President signed a bill to impose draconian cuts on the Medicaid Program. According to the Congressional Budget Office, that bill will cause 45,000 poor Americans to lose coverage over the next 5 years, and 65,000 will lose coverage within 10 years, and 60 percent of those losing coverage will be children.

In Maryland, a quarter of families subject to increased premiums disenrolled. In Oregon, higher costs caused disenrollment, and 67 percent of those who disenrolled became uninsured. Because of these Medicaid cuts, 13 million Medicaid beneficiaries will have to pay more for their prescriptions over the next 5 years, and 20 million will have to pay more over the next 10 years.

When copayments rise for the poorest patients, health declines. A study in the Journal of the American Medical Association shows that increased copayments for medications for poor families caused an 88-percent increase in adverse events, such as heart attacks and strokes, and caused a 78-percent increase in emergency room visits.

This is what happens. If you cut back on providing assistance with copays for individuals who otherwise would be eligible, we are finding out, you end up paying a great deal more out of the health care budget, in addition to increasing the pain, anxiety and difficulties these families are facing.

A single mother with two children who makes $8 an hour currently pays $3 when she visits the doctor and does not have any cost sharing when her children go to the pediatrician. Under the new law, when her child goes to the pediatrician with an ear infection, she may be charged $20. When she goes to a doctor for treatment and a test for diabetes, she will pay $50. She may have to pay as much as $832 a year.

A single mother with two children earning $25,000 now pays no premiums or cost sharing for a child's medical care and pays $3 copayments for herself. Under the new law, she will now be charged monthly premiums for Medicaid coverage for herself and her children. Even if she manages to pay the premiums, she may have to pay $40 for a visit to the pediatrician, and she will have to pay as much as $1,250 a year for Medicaid.

Do you know what happens? Those parents, when they have that sick child who has the ear infection or has that cough, are thinking: Is this child $40 sick or $50 sick? Or if I go to the emergency room, is this child $125 sick? Is my child $125 sick? I think I will wait tonight. Sure, they are coughing, and sure they are in pain, sure they are suffering, but I am working at a low paying job, and I have to make the decision about whether I can afford care.

For a single mother of two earning the minimum wage, the new Medicaid law imposes additional cost sharing on her children. They would now face copayments for certain prescription drugs, and these copayments would, for the first time, be indexed to the rate of medical inflation, which is higher than the general inflation. And on minimum wage, her income would not even keep up with general inflation since the minimum wage has not been increased since 1997.

To add to these damaging reductions, the President's budget proposes another $14 billion in reductions to Medicaid. The Senate budget resolution has not adopted these serious cuts, but time and again, we have seen how the House-Senate conferees follow the administration's proposal rather than the Senate's measure.

The President's budget proposes $36 billion in Medicare cuts over the next 5 years and $105 billion over the next 10 years. This means higher premiums for seniors and the disabled and will result in reductions of quality of care at hospitals and home health agencies.

In Massachusetts, President Bush's Medicare proposal will mean that our hospitals will have to cut their budgets by more than $400 million, home health agencies by $50 million, and nursing homes by $150 million.

Again, the Senate resolution has not adopted these reductions, but we know where the conference report is likely to end up.

In addition, the budget resolution includes a deeply troubling procedural barrier to fixing the problems in the Medicare drug program. The Republican budget effectively torpedoes any sensible measure to improve the benefit provided to seniors by requiring any such improvements to overcome a point of order.

The budget resolution has adopted major reductions to public health programs. Under these reductions, Massachusetts would lose millions of dollars for programs that protect the health and safety of our people. That cut means 17 rape crisis centers across our State will face significant financial hardship, and our programs on violence prevention and suicide would effectively be eliminated.

The cuts mean that programs to keep our children healthy would be eliminated. Programs to screen newborns as early as possible for hearing loss would be eliminated and so would our State oral health program. That means 59,000 children would not get basic dental screening, and over 35 programs that train health care providers to deliver care in underserved areas and support diversity and proficiency in health care would be eliminated.

Although we are living with the threat of natural and manmade disasters, the proposed cuts would compromise our emergency medical services and impair the system's ability to function as a safety net for catastrophe.

Under the chairman's budget, NIH funding will barely keep up with inflation. Last year's budget was cut so our medical research programs are still suffering setbacks. Over the last 2 years, the NIH budget has increased by an average of 1 percent per year. Not since 1970 has the NIH been so consistently underfunded. If the NIH budget were simply to keep up with inflation since 2005, we will have to increase the budget by another $1.8 billion.

This chart indicates the Bush administration cuts to vital NIH research. We see the important increases during early 2000, 2001, 2002, and 2003. Then we see dramatic reductions. Under the President's budget, the NIH budget would be flat for the second year in a row. That hasn't happened in more than half a century.

This is the century of the life sciences. With all that we know about the slicing of the gene, DNA, and all the possibilities of stem cell research, most researchers believe that the opportunities to make enormous progress on the diseases which affect every family, whether it is cancer, Alzheimer's, or heart disease, are immeasurable. But we are not going to have those promises fulfilled if we see the kinds of reductions that we have seen in this budget.

We hear a great deal about the challenges we are facing to compete internationally. We are told we need to be an innovative society, and an innovative society needs innovative life sciences. That is certainly an area of enormous possibility if we are going to provide resources for the basic research. But, no, we are cutting back in these extremely important areas. These are the areas in which we are cutting back: We have seen reductions in the Cancer Institute, a reduction in the Heart, Lung, and Blood Institute, reductions in research in diabetes and kidney diseases. We know that $1 out of $4 spent under Medicare are spent on diabetics; $1 out of $10 in the general health area are spent on diabetics.

When we make breakthroughs in the diabetes treatments, we are going to see an enormous change for the people who are affected by this disease, and we are going to have an enormous impact in terms of total health care costs. But we are cutting back on those areas of research and we are cutting back on mental health and cutting back on child health and development. 18 of the 19 NIH institutes will suffer cuts compared to the rate of inflation, which means that NIH will fall behind in the race for new cures.

I don't believe those are America's priorities, but they are the priorities of this President, and we are going to find out if they are the priorities of this Senate.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has approximately 4½ minutes remaining.

Mr. KENNEDY. Mr. President, I want to address the issue of education. This budget also fails to make education a priority. In this shrinking world, education is an even greater priority than ever before, and our budget should reflect that.

As a nation, we must invest in Americans by ensuring access to the highest quality educational opportunities. We need to have the best educated, the best trained, the most sophisticated individuals, and we need to nourish the capacities of every person in the Nation.

Yet the President's budget has proposed the biggest cut to education in the 26-year history of the Department of Education.

Here is what we have seen on the No Child Left Behind Act—I will have an opportunity in the debate to go through this in greater detail—but the commitment to No Child Left Behind, an Act signed into law by the President, is to take every child who is not up to proficiency and to make sure they are going to have the support systems to get them up to proficiency—smaller class sizes, better trained teachers, supplementary services, and greater involvement of parents in these various programs.

However, what we have seen is that we are not living up to that commitment—instead, we are leaving children behind because of inadequate funding. This year alone, 3.5 million to 4 million of the nation's students will be left behind.

We are seeing now under the current program that 29 States are going to lose Title I funding, which are funds for the schools in greatest need. Under this budget, there are going to be some 29 States, including the State of Virginia, that are going to lose funding.

Many of the programs that the President has slated for elimination—GEAR UP, TRIO Upward Bound and Talent Search—have been incredibly successful in terms of providing students who might not have had the opportunity to continue their education with the support they need to do so. In the TRIO Upward Bound program we find that when measured against students of similar backgrounds, nearly 70 percent of the students who participate in these programs go on to higher education. If we take a similar review of the students who don't participate, only about 54 percent of them attend college.

Now let's look at what is happening in higher education. This chart shows the cost of attendance at a 4-year public college versus the maximum Pell grant. In 2001, we look at the gap between the cost of going to a 4-year public college, and we look at it today, and we see how this gap has grown to about 8,000 dollars. We have about 400,000 young Americans who would be able to go to college and who want go to college, who have the intellectual ability to go to college, but who just cannot afford it. And those numbers are increasing dramatically over time.

At an appropriate time, I intend to offer an amendment, hopefully with my colleague Senator MENENDEZ and others, that will increase the maximum Pell grant from $4,050 to $4,500, restore the eliminations of TRIO, GEAR UP, the LEAP program, and Perkins loans, and further increases the funding for all student aid programs, including what they call the SEOG, work study and graduate education, and restores cuts in vocational education and job training programs.

The cuts in the job training program make no sense whatsoever. We have 73,000 jobs that are going begging in my State of Massachusetts. We have 156,000 people who are looking for jobs. What is missing is the connection between the training of those people who want the jobs and the jobs that are there, and in this particular budget, we are cutting those training programs, cutting the education programs, cutting the training programs, and even reducing the title I programs that are so essential.

The PRESIDING OFFICER. The Senator has used 20 minutes.

Mr. KENNEDY. Mr. President, I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, how much additional time does the Senator need?

Mr. KENNEDY. An additional 4 minutes.

Mr. CONRAD. I yield an additional 4 minutes to the Senator from Massachusetts on the resolution.

Mr. KENNEDY. Mr. President, please let me know when I have 30 seconds left.

At some time, we will have an opportunity to see the Senate vote for an increase in the areas of education, offset by closing a loophole that has been accepted here in the Senate by 80 votes or more that are available out there at the present time.

As many of us have seen, in a recent report, it was stated that about 650,000 engineers will graduate from China this year. There will be 330,000 engineers graduating from India, and 72,000 engineers from the United States—and half of those are foreign students. We are falling further and further behind. We are not talking just about outsourcing, we are talking about outsourcing basic research. When we find IBM opening up their new research centers in Bangalore, Intel opening up their new research centers abroad, hiring 2,500 engineers over there, we have to ask: Where are we here in the United States? Are we giving the appropriate kinds of support for students to continue their education?

We have seen the request and the statements that have been made in a bipartisan way by Senator ALEXANDER and Senator BINGAMAN, the reports of the Academy of Engineers, the National Academy of Sciences, all of which say that we need to respond here in the United States the way we responded at the time the Russians sent up Sputnik, and that is to have a major investment in the young people of this country.

Yes, we can give focus and attention just narrowly to math and science, and certainly we ought to provide that, but in order to really meet the challenge we are facing because of globalization, we have to make sure we have the best trained, best educated young people and that they are ready to meet these challenges. We need to equip every single American with the ability to compete and succeed, and we need to equip our country to be able to deal with globalization and ensure that we are well-educated, that we will be an innovative economy, and that we will provide innovative research. And when we have an innovative economy, we will have an innovative defense.

This is a matter of national security. This is a matter of national security and national defense, making sure that we are going to be at the cutting edge of all of the research that is possible over a period of years. That is going to be the issue in question on which we will have an opportunity to vote during the course of this debate and discussion, and I look forward to the opportunity to do so.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I say to colleagues on our side of the aisle, what we are attempting to do is change the way we handle the budget debate this year and to do it in a way that will have more of the votes occur before the vote-athon on Thursday night. That is what Senator GREGG and I are attempting to accomplish. It is going to take cooperation.

What we are doing with our colleagues now, we have agreed on the first six amendments to be debated and the time for each. What we are asking our colleagues to do is agree to exchange time for certainty—certainty of when their amendment would be considered, certainty for the amount of time they would have but less time than they could have under the rules. People can disagree and they can say: No, we won't agree to that. If they don't agree, we are going to be right back in the soup, and we will be here until the wee hours Thursday. We don't think that is the best way to debate this issue. We don't think that is the best way for colleagues, all of our colleagues, to have the best chance of having their amendments considered.

So I am sending this message out to colleagues: If we work together, I think we can improve this budget debate process and have a whole series of votes tomorrow afternoon that we won't then have to have Thursday and do it again the next day and do it again the next day. That is what we are asking colleagues to do.

Mr. President, would 20 minutes be sufficient for the Senator from North Dakota?

Mr. DORGAN. Twenty minutes, yes.

Mr. CONRAD. Mr. President, I yield 20 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I have enjoyed the debate, the discussions today, and I have watched some of it from my office. The budget is a discussion about this country's value systems. It is very simple. I have mentioned many times on the floor the proposition that if someone asked you to write an obituary for someone you had never met but who had died and the only information you had about that person was their check register, what would you write? Well, you would write a little something about what that person felt were his priorities in life, what was his or her value system. What did they invest in? What did they spend money on? That would represent their value system. That is what you would tell about that deceased person you never met.

One hundred years from now, we will all be dead. Historians will be able to look back at this moment and say: What were our values? What was our value system? By looking at the Federal budget, they will say: Here is what the United States held dear; here is what they invested in; here is what their priorities and their values were.

Now, because this budget represents a set of priorities and values, it is important to take a look at the first step in the budget process, and that is the budget sent to us by President.

I recall, in the year 2001, the debate on the floor of the Senate about the President's fiscal policy. This President came to town at the time when we had a very large budget surplus for the first time in many decades, and were predicting surpluses in future years.

This President said: Let's give away this future surplus. This money doesn't belong to the Government; it belongs to the taxpayers.

Some of us said: Well, we don't have that surplus yet. Yes, the year that we are in is a surplus, but we don't have the next 10 years as a surplus. What if something should happen? Maybe we should be a little conservative.

The President said: No, don't worry about being conservative. Let's give back money we don't have but are expected to have because experts tell us we will have a big surplus during the next 10 years.

So the President got his way and gave very large tax cuts. The most significant amount went to the wealthiest Americans. And those large tax cuts which now eat quite a hole in our revenue stream for this Government turned out to be tax cuts, cutting revenue at the time when we hit a recession some months later, the 9/11 attacks in 2005, about 9 months, 8 months later; then we had the war on terrorism, the war in Iraq. So these large budget surpluses turned into very large budget deficits.

My colleague, Senator CONRAD, has described with this chart where this administration will take us. This doesn't take an advanced degree from Wharton School of Economics to understand. All you have to do is look at this red ink and evaluate where this fiscal policy is taking America.

I believe both political parties have contributed mightily to this country. These are political parties, Democrats and Republicans, that have a grand tradition of offering good ideas to America.

One of the things you used to be able to count on the Republicans for was fiscal policy. The caricature was that they wore wire-rimmed glasses and gray suits, they looked like they just swallowed a lemon, and you could always count on them saying: We demand a balanced budget; we demand a fiscal policy that adds up for the good and for the wealth and for this country's future. There is no such thing as those conservative Republicans anymore. There is a Republican in the

White House, and Republicans in the U.S. House and U.S. Senate who have a completely different fiscal policy. It is a fiscal policy that steps us up year after year after year after year toward greater debt.

I told you, things didn't turn out quite the way the President suggested. He got his way here in the Congress because he had the votes to get his way. So we have a fiscal policy that cut taxes mostly for the wealthy—a few crumbs for the rest but mostly tax cuts for the wealthy—and increased spending, especially relating to the aftermath of 9/11 and the war in Iraq. We had the Emergency Terrorism Response Supplemental Appropriations Act and DOD Appropriations Act, $17.6 billion added to that as an emergency in the fiscal year 2002; emergency supplemental, $13.6 billion, 2002; emergency supplemental, $65.9 billion, 2003; emergency supplemental, $85 billion, 2004. I could go on and on. Over $400 billion sent to us by this President as an emergency request passed by the Congress, none of it paid for, all of it piled right on our children's debt which they will pay for at some point in the future.

Now, did Congress vote for this? Sure. Is anybody going to say: Let's send our troops, but let's not provide the equipment they need? No, I don't think so. I think most of us have the same view on that. You send troops to go into harm's way, then you have a responsibility to provide the things they need to do their job. But shouldn't there be some requests of the rest of the American people—not just the troops but the rest of the American people—to weigh in here and to help pay for some of these things? If we are going to ask that it be spent in support of the troops, shouldn't we ask that it also be paid for?

As I said, we have a fiscal policy that is out of balance, out of control, and we need to put it back on track. Let me describe what is happening with some of this emergency money. It is the case that we have been hit with a lot of things: a recession back in 2001—and no, President Bush didn't inherit a recession. Let's set the facts straight, if we can. The recession that began on this President's watch, then 9/11, and then a series of others things, including Hurricane Katrina.

Not only do we have a fiscal policy that is completely and thoroughly out of whack, adding debt after debt after debt to our children year after year, we also have a sea of incompetence almost never before seen. Let me describe that with respect to Hurricane Katrina.

This is a picture of Paul Mullinax. Do you see Paul there? He has a portable radio, he has a couple of bottles of water, it looks like maybe he has some chips, and I think this is a little stove.

Paul is a really interesting guy. I met him, actually. He is an independent truck driver from Florida. As you see, he is sitting out in front of his truck. This is Paul's truck. He was sitting with a long line of trucks, and that picture was taken on a base, Maxwell Air Force base in Montgomery, AL. There were 100 refrigerated trucks at Montgomery, AL.

Mr. Mullinax was instructed by FEMA, in the post-Katrina Hurricane period, to take a truckload of ice from Newburgh, NY, to Montgomery, AL. Actually they said take it to Carthage, MO, first so he picked up the ice at Newburgh, NY, and then he went to Carthage, MO, and the minute he got there they told him you need to go to Maxwell Air Force Base in Montgomery, AL, so he got there.

Then Mr. Mullinax sat there in front of his refrigerator truck for 12 days with 100 other refrigerator trucks that were also hauling ice. The victims of Katrina desperately needed this ice, but it just sat there at an Air Force base in Alabama.

So here was Paul, a Florida trucker who hauled the ice to Missouri, then was told you need to go to Alabama, and with 100 other truckers. Paul sat in front of his truck for 12 days. Then he was told by FEMA, you need to take this ice to Massachusetts. You think I am kidding. I hear someone giggling about that. The folks who were the victims of Katrina needed the ice but he was told by FEMA to deliver it to Gloucester, MA, and so he did. I don't know what happened to the other trucks. There were 100 trucks lined up there.

It cost $15,000 to have the American taxpayers have Paul pick up ice in New York and deliver it to Massachusetts by way of Carthage, MO, and Maxwell Air Force Base, AL. In the meantime, the victims of Hurricane Katrina could not get any ice. So Paul sat. Then he went to Massachusetts to offload his ice. One load of ice, and there were hundreds and hundreds of such trucks—and just one load of ice cost $15,000, and was hauled from New York ultimately to Massachusetts.

A Mississippi sheriff, in the middle of all this, got so frustrated with the ice truck fiasco that he ended up commandeering 2 trucks full of ice and sending them directly to the relief centers for Hurricane Katrina. Sheriff Billy McGee saw trucks sitting at a staging area in Camp Shelby, MS, so he ordered two of the trucks to be sent to Brooklyn and Sheeplow, MS, and a National Guard man tried to stop the sheriff from rerouting these two trucks. The sheriff had the guardsman arrested and got the trucks where they were to be offloaded for the victims, and now the sheriff is being prosecuted for a misdemeanor.

Why do I tell you all this? Because we are spending a massive amount of money with parts of a Government that are fundamentally incompetent.

It is almost unbelievable to see the way some of this money is wasted. I think a lot of people take a look at the Federal Government and they say there is a lot of waste, and I agree with that. We ought to tighten our belts. We ought to get rid of some of this waste.

But there are lots of programs that are vitally important, and that deserve funding. This includes, for instance, health programs for people who live in rural areas of America. The President doesn't distinguish between good spending and bad spending. The President doesn't do that. He says my biggest priority is to preserve a 15-percent tax rate on capital gains and, oh, by the way, everything else can go by the wayside to pay for it.

So the community service block grant—it doesn't matter, we can get rid of that if we want to. Rural health, we can get rid of that. All these issues are less important to this administration than the issue of preserving the 15-percent tax rate on capital gains. That is a fact.

I have worked with Senator CONRAD for many years. We both come from the same State. There is nobody better prepared on the floor of the Senate to make the case on thoughtful and solid budgeting than Senator CONRAD. He understands common sense, understands the numbers.

I see another of my colleagues volunteering for recognition here—and I will say that the chairman of the committee and the ranking member of the committee have had an impossible job.

Trying to make sense of the budget sent to us by this administration is like trying to connect two ends of two plates of spaghetti. It is impossible. It cannot work because this is a budget that does not add up under any set of circumstances.

Social services, that is the money that goes in grants and direct appropriations to both agencies and nonprofits to help people around this country—they are the ones that take a hit in many of these areas. I held a meeting with social service groups and nonprofits in North Dakota and asked them about this budget. They told me about the people who are going to get hurt as a result of this. None of those people serve here in this Chamber. They are just people who try to make a living every day or try to exist in retirement with little income.

One of the stories that was interesting to me was a nonprofit group which the day before had an 81-year-old woman show up applying for a job. This is a group that helps people get work. The 81-year-old woman wanted a job. Why? Because she lost her last job. What was her last job, at 81 years old? Cleaning office buildings at 1 a.m. Go in at 1 in the morning and clean office buildings at age 81. The company downsized a little bit and she lost her job and now she wants another job.

Why? Because her payment under Social Security was $170 a month. That is what she was left with. So she has to work at 81.

Should this budget reflect the needs of this woman who is cleaning buildings at 1 in the morning at age 81? Sure it should. There are a lot of people in this country who are vulnerable, who are in difficulty, who understand they need some help. A good budget, a thoughtful budget reaches out to those folks to say here is a helping hand. We want to help you up. This budget doesn't do that.

This budget offers a helping hand only to the rich. In fact, every budget since 2001 has been a budget that says let's give a helping hand—to those who have much. That is the way the budget has been working. It is unbelievable.

I want to put up another picture. I have used this a fair number of times. I do it because a budget is about how much revenue do you have and how much spending are you going to have. Let me tell you why we don't have enough revenue, and why the President wants to cut funding for key programs, especially program cuts that will hurt the most vulnerable in our country.

This is a nice picture of something called the Ugland House. It is a five-story white building on Church Street in the Cayman Islands. According to David Evans, an enterprising reporter who did the story about this building, this building houses 12,748 companies. The companies are not all there in person. I am not suggesting that. But this is the official home in the Cayman Islands, on Church Street, for 12,748 companies.

Do you know why? It is their mailing address. They need a formal mailing address in a tax haven country so they can run their income through a tax haven country and avoid paying the taxes they would owe to the United States of America.

This goes on, getting worse. Is anybody talking about cutting that? No, not really. In fact, this issue of cutting taxes for those who are the most well off in America is not abating at all. This administration believes its highest priority is to retain that 15 percent.

Interestingly enough, we don't have enough money for community development block grants, rural health, the Byrne grants and so on, but last year there was enough money in this Chamber to decide that these companies and many more should get a 5.25-percent tax rate. That is right, 5.25-percent tax rate on money they repatriate from abroad. The expectation was they were going to pay a 35-percent tax rate. That was the statutory rate. But we said—I didn't vote for it—but we said as a Congress, we want to be generous so all of those big companies with standard brands out there you would recognize, they want to repatriate $30 billion worth of income, bring it back to this country. Did they pay 10-percent income taxes on it as most people would at the lowest income Americans? No, they didn't. Fifteen percent or 25 percent or 30? No, they didn't pay any of that. They paid 5.25 percent. They saved $102 to $104 billion.

This Senate had enough resources to decide we want to give the biggest interests of this country a $102 billion tax break by allowing them to pay a 5.25-percent tax rate but now we say we are out of money, we can't afford to deal with those ends of the spending side that affect the most vulnerable in our country.

I think those are very strange priorities. There is much to be said about this budget. I am mindful, also, that it is easier to criticize than it is to propose. I think it was Mark Twain who was once asked if he would be engaged in a debate and said, Of course, as long as I can take the negative side. They said, We haven't told you the subject. He said, It doesn't matter, the negative side takes no preparation.

This takes even less than no preparation, to look at this budget and look at what this is doing to America and understand that this is to fiscal policy like mud wrestling is to the performing arts. This is an abysmal failure that is dragging this country down, down, down into deeper debt. The question I think most people would ask—they certainly ask those who propose this from the White House, and those who construct it here, is do you believe adding additional debt is a move toward greater sensibility in fiscal policy?

The answer has to be no.

I have a whole series of recommendations on where we should cut funding. I will not go over them at the moment and I will be happy to come back at some point. I would start with programs such as TV Marti. We actually spend money—we bought a new airplane last year to send television signals to Cubans that they can't see. We have spent close to $200 million on that program. It ought to be shut off immediately, but we can't do it because too many of the Members of the Senate keep voting for it. Why? Because of Florida. Why? Because of politics.

That is for another day. I have a whole series of recommendations. These are areas where we can and should cut Federal spending. I think we ought to. We ought to begin collecting revenues from companies that have been generously provided tax breaks from the Senate and our colleagues in the House, pushed by this President. We ought to get our fiscal house in order.

As I started, I said I watched some of this debate today. This is very important. This establishes some of the priorities for this Congress and I hope finally this year we might get them right.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota, Senator CONRAD.

Mr. CONRAD. Mr. President, I thank my colleague, the Senator from North Dakota, for his comments and for his insights. I especially like his picture of the building in the Cayman Islands that is the home to more than 12,700 companies. Why is it their home? Because they are engaged in a giant tax dodge, that is why. What they are doing is acting as though they are doing business in the Cayman Islands so they can show their profits in the Cayman Islands, because the Cayman Islands do not have any taxes. What these companies are doing, many of them are operating in the United States where they earn their money, but they don't show their profits here. They have a series of subsidiaries and they show the profits of the subsidiaries in the Cayman Islands so they avoid their taxes here. That is what is going on. It is a giant scam. That is not the only scam. There are all kinds of scams going on.

One of perhaps the most remarkable scams is that companies in the United States are buying sewer systems of cities in Europe and depreciating them on their books in the United States to reduce their tax burden here. Then they lease back the sewer systems to the cities in Europe that are actually using them. If that isn't an outrageous scam, I don't know what is. They are not just doing it with sewer systems, they are doing it with metro systems, they are doing it with all kinds of public infrastructure. That should not be permitted. Some say if you shut that down you are increasing taxes. I don't think so. I think you are collecting taxes that were legitimately owed in the first place and you are stopping a scam. That is what we did in the Budget Committee. When we offered additional spending—and we did, we offered $126 billion of additional spending and $104 billion of it was one amendment.

Some might say, there the Democrats go again, spending money. What were we spending money on? What was that amendment about? I will tell you what it was about. It was to make the assistance for veterans in this country mandatory, not discretionary. I think people will be surprised to find out that the way our budget is devised, support for our veterans is considered discretionary. Medicare is considered mandatory. Social Security is considered mandatory, but aid to our Nation's veterans is considered to be discretionary.

We thought that was not right so we proposed switching aid to veterans from discretionary accounts to mandatory accounts because we think that is what the American people intend. I don't think they think it is a discretionary matter, to provide assistance to young men and women who have been fighting for us in Afghanistan and

Iraq. So we proposed putting that on the mandatory side of the budget. That shows up as a cost—$104 billion. We offset it by proposing closing tax loopholes in the tax gap.

The tax gap is now running at $350 billion a year. The difference between what is owed and what is being paid is $350 billion a year, according to the testimony of the Revenue Commissioner of this administration. He said it before the Senate Budget Committee, and he said we could capture $50 billion to $100 billion a year without fundamentally changing the relationship of taxpayers to the Revenue Service. We should do that.

Some say that is a tax increase. I don't think that is a tax increase; I think that is collecting taxes that are already due and owed but aren't being paid. If we are not going to start insisting that everybody pays, we are just going to run a system where some pay, then shame on us, shame on the system. That is unfair to the vast majority of people who are paying what they owe. The vast majority of people and the vast majority of companies pay what they owe, but unfortunately we have an increasing number of people and an increasing number of companies that aren't. That is unfair to all the rest of us, and it is dramatically increasing the debt of our country at the worst possible time.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. DORGAN. Mr. President, there are two other issues that relate to a tax hike, because a budget is about how much revenue you have coming in and how much you are preparing to spend. I mentioned this little Christmas gift—it is not really little—$102 billion given by the Congress to companies that had parked income overseas but were anticipating having to repatriate to this country and pay a 35-percent corporate tax rate. This Congress and the President felt: Gee, we probably should—maybe I should not include the President so much; it was more the Congress decided that we really ought to give those corporations a 5¼-percent tax rate or a $102 billion tax break. So the Congress did, and not with Senator CONRAD's vote nor my vote, but nonetheless the Congress did that. About $330 billion was repatriated.

Very quickly, we learned that the pharmaceutical industry repatriated at the early stages—I am not sure what the final stage was—$75 billion which they earned abroad. The interesting thing was the pharmaceutical industry said: We charge the highest prices to American consumers because we don't make money elsewhere. We have to charge lower prices in other countries because we are prevented from charging higher prices. Now we discover they were making a lot of money overseas because given the chance to pay a 5¼-percent tax rate, when they repatriated it, they repatriated a bunch of money they earned overseas at lower prices for the same prescription drugs. We not only saw the taxpayers short shrifted by the highest prices in the world, but now we see the drug companies getting $75 billion of their income being taxed at 5¼ percent.

If I might make one additional point, we also have a provision in tax law which says to companies: Shut down your plant in America, fire your workers, move it to China, and we will give you a tax cut. And by the way, the Joint Tax Committee says that is worth $1.2 billion a year or $12 billion in 10 years. So we will spend $12 billion in the next 10 years giving tax cuts to companies that shut their American plants, fire their American workers, and move their jobs overseas. If there is any perversity in this Congress, it is those who refuse to be willing to shut down that kind of a tax break. We have had four votes on it. I have offered it four times. We have lost all four times. And on four occasions, people stood up here in the Senate and supported a tax break to companies that would ship their jobs overseas. It is almost unbelievable.

The reason I mention this is that in the case of putting together a budget, you ought to be able to at least shut down those drains on the revenue side that run against the public interest in this country. Is it in the public interest to pay those companies to shut down their American plants and fire their workers? I don't think so. Certainly it is not. It is just nuts for the Congress to be saying: Let us reward that behavior. And that is exactly what is happening this year to the tune of $1.2 billion.

I say to my colleague from North Dakota that there are many areas in revenue where we would try to plug a drain on our revenue, and the other side will say: You are increasing taxes. Yes. I am increasing taxes for those who aren't paying, for God's sake.

Maybe somebody camped out in the Ugland House, an official address in the Cayman Islands, with a lawyer camped out, so they can move their jobs to China, sell their products in America, and run their income through a house in the Cayman Islands and avoid paying taxes. Do we want to increase their taxes? Darned right. Why? Because they are not paying their fair share. Everybody else does. What about them? Yet the majority party keeps saying that if you are going to plug these loopholes, you are increasing taxes. That is a strange viewpoint, and I think one we need to fix. We need to solve these problems.

I appreciate the work of Senator CONRAD.

Mr. CONRAD. Mr. President, I thank the Senator. I don't consider it a tax increase to actually collect the taxes that individuals or companies already owe which they are not paying. That is not a tax increase. No tax rate is increased. That is not creating a new tax; that is collecting the taxes that are already owed.

The Revenue Commissioner testified before the Senate Budget Committee that the tax gain—the difference between what is owed and what is actually being paid—is $350 billion a year. The deficit is going to be $371 billion, and we are not collecting $350 billion of revenue that is owed. I don't consider that a tax increase. I think that is simply enforcing the laws that already exist.

I want to again alert colleagues. We are trying to change the way the budget debate occurs. The chairman and I are trying very hard. We have heard the complaints of our colleagues about vote-aramas. A vote-arama typically occurs because time runs out before the amendment that has been offered has a chance to be voted on under the rules of the Senate. We are trying to make sure that the people have a chance to debate those amendments and get a vote and dispense with some of these votes before we get to Thursday night.

I hope very much that colleagues are going to agree to the timeframe that we have set out in order to accomplish that purpose. If people resist that, then we are going to be right back in a vote-arama Thursday night and voting until the wee hours of the morning. If people want a reform of the way we do business here, we need them to cooperate and help us.

Perhaps the chairman could review what the order of business is going to be for the rest of the afternoon and this evening in terms of the opportunities that are going to exist for colleagues to come to the floor tonight and talk about their amendments and make their opening statements. We are going to be in business to the extent that people take advantage of the time that is available.

Mr. GREGG. Mr. President, I thank the Senator from North Dakota. I agree with him and thank him for encouraging our membership to participate actively early in the debate.

As he mentioned, we hope to reduce the exercise known as vote-arama so we are not here until the wee hours of Friday morning or Thursday night, and one way to do that is to get these amendments up and get them offered.

What we are going to do this evening is reach an agreement for the first six amendments, which we will begin debating tomorrow in sequence, and then we will vote them tomorrow, with the vote time coming off the bill. This evening, we are going to have a vote at 5:30. I hope Members will come down between now and 5:30 and talk about the bill or talk about their amendments. Then, after the vote at 5:30, the floor will be open for Members to come forward and talk about their amendments—not to offer them at that time because we are going to set up this sequence. If Members have amendments they wish to offer, get in touch with us, and we will get them in debating order.

That is the game plan at the moment. I appreciate the efforts of the Senator from North Dakota in making that happen.

Mr. CONRAD. Mr. President, we have Members who are now on their way to the floor to speak on the budget.

I again implore colleagues, if they want to make an opening statement, tonight is the opportunity to do so. If they want to talk about an amendment and not offer it tonight but talk about it, tonight is the opportunity.

As we get into tomorrow, the time is going to be very scheduled in a very disciplined way so that we can make maximum progress. It is going to be that way Tuesday and Wednesday and Thursday until we finish. Tonight is the opportunity to make opening statements. Tonight is the night to talk about amendments that you might otherwise not get time to talk about. Again, this won't be the time to actually offer amendments, but you can describe it, you can debate it, and you can discuss it. Please. We are giving colleagues this opportunity tonight so that tomorrow we can get amendments up and vote on amendments and get the work of the Senate concluded.

I thank the Chair.

Mr. DORGAN. Mr. President, I talked earlier about the $12 billion expenditure, $1.2 billion a year over the next 10 years, according to the Joint Tax Committee, that we use to reward companies that move their jobs overseas by giving them a tax break for such activity.

I have previously offered this on four occasions. I have lost it on four occasions in the Senate. I can't believe there is anyone left in the Senate who, having thoughtfully evaluated this, would believe we should continue to give tax breaks to those who ship jobs overseas.

In the hope that other of my colleagues have seen the light or felt the heat or some way or other found an epiphany about this subject, I anticipate offering this again and consider my previous statement to be an opening statement when I would offer such an amendment, so I wouldn't require any particular time on it. I have already spoken on it, and perhaps my two colleagues would consider at an appropriate point accepting the amendment. It is infused with such wildly common, common sense my hope would be that my colleagues would decide to simply accept the amendment on this fifth occasion on the floor of offering the amendment, especially inasmuch, I might say, as Ford Motor announces that they are going to close plants and get rid of 30,000 workers, General Motors is going to get rid of 25,000 to 30,000 workers—and the list goes on. By the way, not only get rid of their workers but cut their pensions and run them through with health care problems and payment of corporate health care accounts.

Given all that news, my guess is that perhaps the sentiment would have changed, believing maybe now is the appropriate time to shut down this perverse tax incentive that rewards companies that fire their American workers and move their jobs overseas.

At some appropriate point, I will consider offering it. I would not need time to debate it.

Again, I say to my two colleagues that my hope and expectation would be that you would just accept the amendment at some appropriate time. And this would stand as some future discussion, if I offer that amendment at the appropriate time.

Mr. GREGG. Mr. President, I may have already asked, but let me renew this unanimous consent request that for the duration of the budget debate, when there is a quorum call, the time be deemed to be running against both sides equally.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

WATER INFRASTRUCTURE

Mr. CRAPO. Mr. President, I rise to engage the distinguished chairman in a colloquy.

Mr. GREGG. I yield to the Senator.

Mr. CRAPO. I wish to express my appreciation for your efforts to put together a well-crafted fiscal year 2007 budget resolution that balances the need for critical Government programs while taking a strong stand against our budget deficit.

As the committee works to address these critical needs, one area of the administration's request in particular needs special mention—the proposal to reduce funding for the Clean Water State Revolving Fund, CWSRF, and the Drinking Water State Revolving Fund, DWSRF. Although the administration's budget submission makes a number of difficult choices, the recommendation to reduce funding to the CWSRF and the DWSRF represents a tremendous hardship for communities throughout the country.

Recent studies show that our Nation's water and wastewater infrastructure needs severely exceed the availability of resources at the local and State level to meet them. So many towns and cities across our country have exhausted their abilities to raise utility rates and issue bonds to pay for needed improvements. At the same time, increasing Federal water quality and drinking water standards force utility managers to upgrade systems or fall into noncompliance.

No community or customer wants to be served by a failing water or wastewater facility, but the Federal Government's commitment to addressing these regulatory mandates must be mated with its assistance. Without this commitment, communities can be left with nowhere to turn for help. The Congressional Budget Office estimated in 2002 that the United States has between $132 billion and $388 billion in clean water infrastructure needs alone over the next 20 years and the spending gap over that time will reach $70 to 360 billion. Similar figures affect the Nation's drinking water infrastructure.

Idaho, a small State by population and infrastructure needs, still only receives about $15 million annually, but its aggregate water and wastewater needs over the next 20 years will approach $1 billion by some estimates. For instance, the rural city of Castleford, ID, has become out of compliance with the EPA's arsenic standard for drinking water. In order to conform with the rule, the town, with a population of less than 200, will have to expend more than its entire annual operating budget to update the water infrastructure system.

The principal means for assisting utilities are the SRFs, which provide a loan pool for State agencies to work with distressed communities. The SRF assistance help finance infrastructure projects at the local level, and those communities in turn repay those loans so that the State might aid other communities in need.

That is why I believe it is so problematic to see a continuing decline in funding for the CWSRF and DWSRF. As recently as 2 years ago, funding was $1.35 billion and $850 million, respectively. Unfortunately, budget pressure has forced the CWSRF down to $900 million in the current fiscal year, and the President has proposed to reduce that to $688 million for the next year. While the DWSRF is proposed at only an $8 million reduction, a fateful and disturbing trend is developing.

As the past chairman of the Environment and Public Works Subcommittee on Fisheries, Wildlife, and Water, I led efforts in two successive Congresses to update and increase the authorization for the CWSRF and DWSRF. Although those legislative initiatives never made it to the Senate floor, I remain committed to helping communities in Idaho and throughout the country address their water and wastewater needs.

During the debate on this budget resolution in the Budget Committee, an amendment was offered to condemn the President's call for reductions in those important accounts. I opposed that amendment because I want to focus effort where it counts, by working with my distinguished chairman and the Appropriations Committee to restore funding for the two SRFs to the best of our abilities.

Mr. Chairman, I ask that you join me in working through the balance of the budget resolution process, as well as during your service on the Appropriations Committee, to help restore these vital funds.

Mr. GREGG. Thank you, Senator CRAPO. I agree with your comments about the importance of these resources, and I applaud your leadership in this area. While the President's request for these accounts is lower than many would like, I believe that during the appropriations process, Congress will try to remedy this problem. As you know, historically, the President tends to request lower funding levels for these accounts, and Congress usually pluses them up through the appropriations process, often quite significantly. For example, in 2004, 2005, and 2006, Congress provided considerably more for the Clean Water SRF Program than the President requested, +492 million, +291 million, and +$157 million, respectively. As Congress works to finalize the fiscal year 2007 budget resolution, I will continue to work with you on these issues.

Additionally, in my role as a member of the Appropriations Committee, I will certainly be cognizant of the funding needs for SRF Programs.

Mr. CRAPO. Thank you, Mr. Chairman.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that following the vote scheduled for 5:30 today the Senate resume consideration of the budget resolution for debate only this evening; provided further that when the Senate resumes debate on the resolution on Tuesday, the Senate begin consideration of the following amendments in the order listed below under the listed times for debate: Conrad amendment, the Conrad-Feingold amendment on pay-go for an hour, equally divided; the Talent amendment on defense for an hour, equally divided; the Kennedy amendment on education for an hour, equally divided; the Chafee amendment on IDEA special education, an hour equally divided; the Byrd amendment on veterans, equally divided; the Akaka veterans amendment, equally divided.

I further ask consent the votes occur in relationship to the amendments beginning at approximately 3 p.m. on Tuesday, with no second-degree amendments in order prior to the votes in relationship to the amendments. I ask consent that the vote time consumed under this agreement count equally against the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I thank the Senator from North Dakota for working this out. It is a good start to this bill. It gives us an opportunity to get out of the box with a series of amendments, get them voted on and hopefully reduce the vote-arama at the end of the bill.

Mr. CONRAD. Mr. President, I thank the chairman for working this out, as well. I thank our colleagues for their willingness to cooperate and to say to other colleagues that this sets a good example. I hope very much other colleagues and their staff are listening and that they understand if we continue on this course, we could have a much better budget debate and not wind up in that vote-arama, voting four times an hour with very little discussion or debate intervening. I hope very much colleagues are listening and that they will continue to cooperate.

I am especially grateful to the six colleagues who have already agreed in this order to these time limits, at these times.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I take it the parliamentary situation is such that it is in order for me to now be recognized?

The PRESIDING OFFICER. The Senator is recognized.

Mr. SARBANES. I thank the Chair.

Mr. President, at the very outset, let me say I have closely followed Senator CONRAD's remarks on the budget. It is something I have done each year he has served as the ranking member on the Budget Committee. As always, I found his presentation to be both clear and insightful. For anyone who cares deeply about fiscal responsibility, as he does, the picture he has painted of America's fiscal condition is deeply troubling. I express my own deep appreciation to Senator CONRAD, as I think people all across the country should do, for seeking to focus attention on this important problem.

Day by day, we have different issues which grab the headlines and the public's attention, but, meanwhile, this deteriorating situation of America moving further and further down into a fiscal box goes on. The implications of that are very far reaching.

Senator CONRAD has sought to call our attention to that, to focus our attention upon it, and to make us come to grips with this challenge. I commend him for what I think has been a very important public service.

As we set out to consider the budget for fiscal year 2007, I think it is necessary for all of us to recognize the budget resolution is, in a very basic sense, the most important document we will deal with in this Congress.

The budget contains within it literally hundreds and hundreds of decisions that are critical to our national life. Each time it comes before us, it puts to us the questions: What are our values? What are our priorities? What are we trying to accomplish as a society?

It is within the budget that we set our priorities. We make these judgments: how much of our resources to commit, how much to raise through the taxing system, how large a deficit to run. All of these are very basic questions, and the priorities set among these programs determine the direction of our national life.

Now, I think in order to judge the current budget and to develop some informed and responsible answers, we need to place that budget in the fiscal and economic context in which the Nation now finds itself.

You do not need a very long memory to recall that a few short years ago, under President Clinton, as he was moving through his second term, after we, the President and the majority in Congress, had made some very hard choices on taxes and spending, restraining spending and raising some taxes, primarily on upper-income people—we were able to turn around the Nation's fiscal status.

In 1998, the Federal Government reported its first surplus in the budget since the 1960s. When President Bush took office, we were in our third straight year of a surplus in the Federal budget, and we were projecting surpluses over the next 10 years of $5.6 trillion—five and a half trillion dollars in surpluses projected over a 10-year period.

Obviously, this was a pretty healthy position to be in. It would have, of course, allowed the Nation to pay down the large national debt that had been accumulated as we moved through the 1980s and into the 1990s. But in what I predict history will write as a gross irresponsibility, President Bush, in effect, squandered the projected surpluses by instituting irresponsible and reckless tax cuts—tax cuts whose overwhelming beneficiaries were those at the very top of the income and wealth scale. These were not broad-based tax cuts. These were tax cuts whose benefits, upon analysis, were seen to be focused very much on the top few percent of the income scale.

When the President submitted his first budget proposal, he asserted:

> We can proceed with tax relief without fear of budget deficits, even if the economy softens.

"We can proceed with tax relief without fear of budget deficits, even if the economy softens."

The following year, with a budget already in deficit, the President advocated for yet another tax cut—yet another—promising that "our budget will run a deficit that will be small and short term." In fact, the President's budget that year, 2002, stated the deficits would be so short term that today—as he was looking ahead—the Government would be back in surplus.

Now, let's look at what has happened. Exactly the opposite of what the President predicted has happened. Under the irresponsible fiscal policy that this President has pursued, we have run deficits each and every year since 2001.

In 2002, the deficit was $158 billion. President Bush inherited a surplus in 2001 of $128 billion. The three previous years had had surpluses as well, and then there was a $158 billion deficit in 2002. The deficit rose to $378 billion in 2003, rose again in 2004 to $413 billion, fell slightly in 2005 to $319 billion, and is now projected to go back up again in 2006 to $371 billion. Far from being small and short term, these deficits are at record levels.

This chart shows the deterioration in the Nation's fiscal position over the last 35 years. As we see, the budget went into the red more and more and more. In fact, in 1992, we had the previous record deficit of $289 billion. Then there were the years I referred to when we came out of deficit and ran a surplus. Now we have dived back into deficit, thanks primarily to the excessive tax cut and other factors, including the slowing of the economy and the involvement in Iraq. We ran a record deficit in 2004 of $413 billion. What an extraordinary deterioration in fiscal position to go from here to there.

The deficits would be even larger if we were not using the Social Security trust fund each year to mask the cost of the President's policies. When we do a unified budget, we include in it any surplus or deficit in the Social Security trust fund, and the Social Security trust fund has been running a positive balance. That offsets the picture of the deficits, but it is not a totally accurate picture.

The President has submitted a budget this year that would cause our Nation's fiscal health to continue to deteriorate. Regrettably, the President's budget does not even tell the whole story. It fails to account for very significant and substantial obligations overseas and for significant and substantial obligations at home. I want to give two examples of that. There are others. We could develop a longer list. But for purposes of illustration in terms of dealing with a budget that is not fully transparent and fully accountable, I will give two examples.

From the very start of the war in Iraq, the administration has not reflected its true cost in the budget and in the budget submissions. In retrospect, one is given pause by the fact that the very day the bombing started on Baghdad in March of 2003, we were debating the budget resolution on the floor of the Senate—3 years ago.

Of course, since the war had just started at that time, the budget resolution before us did not contain funding for that war. Instead, the President came along and submitted a request for an emergency supplemental appropriation to cover the initial war cost. That is not out of the ordinary. The budget had been submitted. The war had not been started. The money was not included for the war. I noted at the time that the money requested in the emergency supplemental appropriations was clearly only a downpayment and that much more would be needed to cover the full cost of the war and of the reconstruction. I am frank to say to my colleagues, I fully expected that the President would include those costs in his next budget submission. In other words, I expected that, having now become involved, the costs of that involvement would be reflected in subsequent budget submissions, and yet the President's budgets in fiscal year 2005 and fiscal year 2006 did not include a single cent for the ongoing cost of operations in Iraq and Afghanistan. Instead, the President continued to ask for funding for Iraq and Afghanistan outside of the regular budget process.

This year the President has included a placeholder of $50 billion in his budget. Even for the administration, after 2 years of not recognizing these costs, it finally hit home that they had to do something. So they put, as it were, a placeholder of $50 billion in the budget that was submitted, when everyone knows that significantly more than that figure will be needed. This is not responsible budgeting. The President is refusing to own up to the true cost of his policies.

Let me turn to a domestic issue which is not fully reflected in the budget but, again, as we know, is going to happen. That is the cost of fixing the alternative minimum tax. This tax was put in place as part of our Tax Code in order to require that very wealthy people, who are using various exemptions and deductions in the Tax Code to avoid paying any taxes at all, would pay at least a certain amount of tax. It was an effort to assure some equity and fairness in the workings of the tax system. What has happened is that the threshold levels of the alternative minimum tax have not been adjusted for inflation. As a consequence, this tax is beginning to affect middle-class Americans to whom it was never intended to apply. We have adjusted it in previous years. It is clear it will need to be adjusted again at a significant cost. But those costs are not reflected in the budget the President has submitted to us.

When these two items are taken into account, plus the deficits the President is projecting on the basis of his revenue and spending programs, we are now projecting a 10-year deficit of $3.5 trillion. Think about that. When the President came into office we were projecting a surplus over 10 years of $5.6 trillion. Now we are projecting a $3.5 trillion deficit. This is a deterioration in fiscal position of over $9 trillion. Because of these annual budget deficits, which we are running and are projected to continue to run, the debt of the country is projected to explode. It is now projected to rise to $11.8 trillion, almost $12 trillion, in gross Federal debt by the year 2011.

Look at this incredible runup in debt that has happened since 2001. We have moved up in an escalating way. We are at $8.6 trillion in 2006. We are projected to go to almost $12 trillion by 2011. Net interest payments on this debt are expected to consume more than $1 trillion over the next 5 years. These are just the interest payments on the debt. Each dollar that we pay in interest is one less dollar that we can invest in key areas that will help to keep our economy competitive in the future. We face a global competition. Other nations are investing in workforce training, physical infrastructure, transportation networks, research and development. If we fail to rise to that competitive challenge, we are going to fall behind, not move ahead.

These debt figures, some say, are just numbers. It is hard to get your imagination around $12 trillion in debt. But these numbers all reflect real obligations. These will have to be paid off by the next generation and the generation after them through higher taxes and a reduced standard of living. As the New York Times put it in an editorial entitled "The Pain That is Yet to Come":

> America cannot escape the consequences of its debt indefinitely. The effects may be sudden or gradual, but either way they mean a weaker economy than would otherwise be the case.

This debt has another troubling aspect to it as well. We are financing this deficit by mortgaging our financial future to foreign lenders. The United States, in roughly a quarter of a century, has gone from being the world's largest creditor nation to being the world's largest debtor nation. In my view, there is a basic contradiction between being the world's largest debtor nation and asserting a role as the world's leading nation.

Our international deficit, called our current account deficit, was nearly $800 billion last year, over 7 percent of our Nation's gross domestic product. In effect, we rely on over $2 billion of foreign inflow into the country each and every day. Warren Buffett was recently quoted as saying:

> Right now the rest of the world owns 3 trillion more of us than we own of them. In my view it will create political turmoil at some point. Pretty soon I think there will be a big adjustment.

This large adjustment could come in the form of higher interest rates here at home, a sudden crash in the value of the dollar or a sharp drop in our stock and bond markets. We don't know exactly what will happen because we are not in control of our own economy. Much of that control is in the hands of others overseas.

As Blanche DuBois said in Tennessee Williams' play, "A Streetcar Named Desire":

> We have become utterly dependent on the kindness of strangers.

"Utterly dependent on the kindness of strangers." Obviously, this situation should raise serious concerns about our ability to conduct our foreign policy in the future if we are constrained and limited by the need to keep our creditors willing to lend us money.

Regrettably, in the budget plan submitted this year, the President offers no solution to bringing this national debt under control. In fact, the President is calling for the permanent extension of his tax cuts for the wealthy at a cost of trillions of dollars.

I didn't agree with the President's tax plan in the days in which we had a budget surplus. I felt then it was too large, too heavily weighted toward the wealthy. Some argued—and I thought it had some logic to it—for a short-term targeted tax cut aimed primarily to middle- and working-class Americans and, at the same time, using the surplus to pay down our debt. In other words, to do a combination of those things.

What I opposed and did not understand was the very excessive tax cuts the President put forward then and his continued support today for tax cuts in times of war and enormous budget deficits.

We keep moving along year to year in this way, and we make these budget decisions, and then we go on to other business, but all the time these policies are working to drive us deeper into debt. As I said, much of this debt is held by foreign lenders, and that amount is growing all the time.

At the end of fiscal year 2001, 31 percent of the outstanding Federal Government debt was held by foreign lenders. Over the succeeding 4 years, borrowing from abroad accounted for more than 80 percent of the increase in our Government debt. So we have seen the debt rise and the portion of the debt held by foreign lenders, in percentage terms, rise at a much more rapid rate.

If foreign lenders continue to buy 80 percent of new Federal debt, the Federal Government will owe more than half of the debt to foreign lenders by 2011. That is equivalent to almost 25 percent of our expected gross domestic product. Think of the leverage we are placing in the hands of foreign lenders. And a shift has also occurred from private to Government lenders with respect to where those funds are coming from.

Regrettably, the President's budget also cuts substantially a number of programs designed to help working and middle-income people in this country. For example, Federal education funding has been cut by the largest amount in the 26-year history of the Department of Education. These cuts come at a time when tuition and fee increases have placed college education out of reach for many students. Since 2000, tuition and fees have increased almost 60 percent for public 4-year colleges and 32 percent for private 4-year colleges.

The budget for the Department of Housing and Urban Development is, once again, marked by cuts in programs that provide housing services and a healthy home environment for millions of American households. The President has proposed a 20-percent cut in community development block grants, a 25-percent cut in elderly housing, a 50-percent cut in housing for the disabled, and despite everyone's recognition of the essential services provided by our police and firefighters—everyone waxes eloquently about our first responders—the budget proposes to cut funding for community police by close to $400 million and to cut the fire programs by more than half.

Let me try to put this in a little bit of context in terms of the choices being made with respect to priorities.

In fiscal year 2007, the benefit of the President's tax cuts for millionaires, those with incomes over $1 million, will total $41.3 billion. That is the benefit for millionaires resulting from those tax cuts.

I mentioned cuts in education, housing, police, and fire. We could fund all of those programs that I listed—in other words, bring them back up to the current levels—for less than 10 percent of the benefits flowing from that tax cut for millionaires—less than 10 percent. I am not supportive of the bulk of that tax cut. I think it was giving much to those who already had more when we had other pressing needs facing us. But just 10 percent of it would bring education, housing, fire, and police back up to current base levels.

What does it say about our priorities as a nation that we are placing these tax cuts for people at the very top ahead of investments in these programs?

What is said, of course, is: We can't do the programs because we have a deficit. The public needs to ask: Why do we have this deficit? And the reason we have it is because of the tax cuts. So in terms of setting priorities, the tax cuts were given a higher priority than investments in education or in housing or in stronger police and fire, and I could go through the rest of the budget reflecting the same decisions and the same choice in terms of priorities.

I could develop that list at some length, but let me conclude with one last point. I think the American people have a strong sense of fairness and equity. There have been a number of events during the course of this administration which have underscored the necessity to come together as a nation with this sense of fairness and equity—the attacks of 9/11, the war in Afghanistan and then in Iraq, the devastation of Hurricane Katrina, most prominent among them. But to move ahead, we must share the burden, and, unfortunately, the President's budget continues to favor the very wealthy. They are not carrying the burden. In fact, they are being relieved of some of the burden through the tax cuts while leaving the majority of Americans to carry the burden.

So as we move forward with this budget process, we need to ask ourselves: What are our priorities as a nation? In my judgment, the President's budget does not reflect the values of the American people. It is neither fair nor responsible. While some changes were made in the Budget Committee, I still think it basically reflects the policies submitted to us by the President which I think are not fair, not responsible, and I urge my colleagues to reject the budget resolution.

Mr. President, I know Senator FEINGOLD is here on the floor and would like to be recognized for up to 25 minutes.

The PRESIDING OFFICER. The majority leader.

Mr. SARBANES. I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object, I have a short statement to make, and then I will be happy to yield to the Senator from Wisconsin or have the ranking member yield to him.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. FRIST. I object.

The PRESIDING OFFICER. Objection is heard. The majority leader.

Mr. FRIST. Mr. President, I will be very brief. I am obviously disturbed—I know what the Senator from Wisconsin will be presenting shortly. I expect him to offer a resolution to censure the President of the United States—he made those intentions clear yesterday, and I expect him to do that shortly—a censure of the President for defending the United States of America and protecting our homeland security.

As I implied in some statements I made publicly yesterday, I do believe this is a political stunt, a political stunt that is addressed at attacking the President of the United States of America when we are at war, when the President is leading us with a program that is lawful, that is constitutional, and that is vital to the safety and security of the American people. It is being offered at a time—with really an attack on what the President is doing—

at the same time we have terrorists right now intending to attack Western civilization and, indeed, the people of our homeland.

With that being my feeling and the intention being so apparent to me, I do want to make it clear that if that is the case, and if this resolution is offered tonight, we will be ready to vote on that censure resolution tonight.

That being the case, then I will offer a unanimous consent request at this juncture.

Mr. President, I ask unanimous consent that immediately after the 5:30 vote this evening, the Senate proceed to a vote on the resolution of censure to be submitted by the Senator from Wisconsin, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, I understand this has not been discussed with the minority leader, this proposal for a vote, and I would therefore object.

The PRESIDING OFFICER. Objection is heard. The unanimous consent request is not agreed to.

Mr. SARBANES. I would respectfully request of the leader that he should have a discussion with the minority leader before seeking to set the agenda.

Mr. FRIST. Mr. President, I then ask unanimous consent that immediately following the budget vote scheduled for tomorrow afternoon, the Senate proceed to the consideration and an immediate vote on the resolution of censure that will be submitted by the Senator from Wisconsin without any further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, I object for the same reason. I think the majority leader should have a responsible discussion with the minority leader before setting the agenda of the Senate. It should be an elemental courtesy in the conduct of the Senate's business.

Mr. FRIST. Mr. President, I heard the objection. I just wanted to discuss our willingness on what is an important issue. We are talking about the censure of the President of the United States, and we are ready to vote on that this afternoon.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, does the Senator from Maryland yield me time?

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be recognized for up to 25 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. I understand, Mr. President, this is off the resolution; is that right?

The PRESIDING OFFICER. The Senator from Wisconsin asked to speak as in morning business. Is there objection?

Mr. SARBANES. I think an agreement was reached that it would be off the resolution and count toward the time on the resolution.

The PRESIDING OFFICER. Is there objection to that stipulation?

Mr. FRIST. Mr. President, it is our understanding that 25 minutes would count on the underlying bill.

Mr. REID. Reserving the right to object, is there a unanimous consent request pending?

Mr. SARBANES. Only that the 25 minutes that Senator FEINGOLD is going to use will come off the resolution.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. FEINGOLD. I understand I have been recognized for 25 minutes as in morning business; is that correct?

The PRESIDING OFFICER. An objection has been heard to the unanimous consent request of the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thought that was the second unanimous consent. I simply asked originally for 25 minutes in morning business, and I believe that was approved.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin to speak as in morning business for 25 minutes?

Mr. FRIST. Mr. President, reserving the right to object, and I will object, we are perfectly willing to have the Senator speak but have the 25 minutes count to the underlying bill.

The PRESIDING OFFICER. There is an objection.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what we need here in the Senate is more debate, not less debate. I certainly have no problem with the Senator from Wisconsin speaking for as long as he wishes, and if the managers of the bill wish to yield time off the resolution to him, it is fine with me. I do want to say this, however: For the majority leader—and he has the right. I don't dispute that at all—to come to the floor without notice to his counterpart and offer a unanimous consent request is something that I never tried to do. I always tried to give him the benefit of my telling him what I plan to do, and I think that is the right thing to do. I am sure there was nothing willful in what he did; I am sure it was just an oversight.

To try to limit debate on this most important matter that Senator FEINGOLD is going to put before the Senate is not appropriate. I have no problem with arranging a time to finish debate on the Feingold proposal, but it seems to me what is happening in the Senate is there is no time to debate much. And we are under a statute, and that is why we are here today with the budget resolution, with 50 hours on this.

But if we look at what we have facing us in the future, in the immediate future, the Secretary of the Treasury has asked us to increase the national debt from $8.2 trillion to $9 trillion. Now, if there were ever an opportunity for the American people to hear the differences between the two parties, I think it would be on that debate. Or, even if that weren't the case, something where we are being asked to increase the national debt by $800 billion, shouldn't there be a debate on that?

To show our willingness to cooperate on something this important, I agreed with the distinguished majority leader that we would have 5 hours of debate on the national debt and three amendments that we would offer. We would have a half hour on each of ours, an hour and a half time is all we wanted. When we are going to be asked to increase the national debt by approximately $800 billion, I think it is fair that we could have a few hours to talk about that.

But it appears at this stage that is not going to happen. It appears there will be the 50 hours on this matter that is now before the Senate which will be completed sometime Thursday, and there will be a mad rush to get out of here for the week break that we have. Of course, offering amendments after the matter is brought to the attention of the Senate, I mean we can't do that because we may shut down the Government. And that is why the majority has waited so long, even though Secretary Snow advised us in December that there was going to be a problem with the national debt ceiling.

So I have no problem with the Senator from Wisconsin being yielded time off the resolution by the distinguished ranking member of our Banking Committee who is now managing this bill for Senator CONRAD, but I want the record to be spread with the fact that this is an issue that deserves more debate, not less debate. I don't care if the time is used off the budget resolution.

So I would ask the distinguished Presiding Officer to read, or recall, at least, the unanimous consent request that was made by the distinguished majority leader.

The PRESIDING OFFICER. The unanimous consent request of the majority leader?

Mr. REID. Yes. It was my understanding the request was that the Senator from——

The PRESIDING OFFICER. The Senator from Wisconsin would be recognized for 25 minutes as in morning business.

Mr. REID. But the time would be used off the budget resolution.

The PRESIDING OFFICER. That is correct.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, reserving the right to object, I yield first to the majority leader to comment.

Mr. FRIST. Mr. President, a lot is happening very quickly now. In a very few minutes, we are going to get to the Senator from Wisconsin who has appropriately requested 25 minutes, and the unanimous consent request will be that the time would come off the bill and it will be as in morning business.

Just to clarify, he has said his intentions representing the other side of the aisle to offer a resolution to censure the President of the United States for a program that I have said and will restate is a lawful program, is a program that is constitutional, and is a program that is vital to the safety and security of the American people. My response to that unanimous consent request was if that is the case and if that is the position of the Democratic Party, that we are ready to vote at 5:30 or after our 5:30 vote today. That unanimous consent request was objected to by the other side of the aisle.

Then the second unanimous consent request that I propounded was that we would vote after a series of stacked votes tomorrow on the resolution to censure. There was an objection from the other side of the aisle.

When we are talking about censure of the President of the United States, at a time of war when this President is out defending the American people with a very good, lawful, constitutional program, it is serious business. And if it is an issue that the other side of the aisle wants to debate or debate through the night, I guess we are willing to do that as well. But the censure of the President is important, and if they want to make an issue of it, we are willing to do just that.

I have no objection to the unanimous consent request that has been made.

Mr. REID. There is no unanimous consent request now pending; is that right?

The PRESIDING OFFICER. No. You reserved the right to object, but there is only one pending before the Senate at this time.

Mr. SPECTER. Mr. President, I ask that the unanimous consent request giving Senator FEINGOLD 25 minutes be expanded to give this Senator 25 minutes, with the time running off the bill.

Mr. REID. So now we have Senator FEINGOLD speaking for 25 minutes, that would be yielded off the budget resolution, and Senator SPECTER speaking for 25 minutes, that being yielded off the resolution; is that right?

The PRESIDING OFFICER. That is the pending request. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, and there is no other unanimous consent request before the Senate at this time?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Wisconsin.

RESOLUTION OF CENSURE

Mr. FEINGOLD. Mr. President, when the President of the United States breaks the law, he must be held accountable. That is why today I am submitting a resolution to censure President George W. Bush.

The President authorized an illegal program to spy on American citizens on American soil, and then misled Congress and the public——

Mr. SPECTER. Mr. President, will the Senator from Wisconsin yield for a question? May we have a copy of your resolution?

Mr. FEINGOLD. I will be introducing it at the conclusion of my remarks. I will be happy to supply the Senator with a copy of the resolution, but I do intend to introduce it at the conclusion of my remarks.

Mr. SPECTER. Mr. President, if the Senator from Wisconsin would let this Senator have a copy of it now.

Mr. FEINGOLD. Mr. President, I just said I would be happy to give the Senator a copy of the resolution right now.

Mr. President, I ask unanimous consent that my time be started over again.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair.

Mr. President, when the President of the United States breaks the law, he must be held accountable. That is why today I am submitting a resolution to censure President George W. Bush. The President authorized an illegal program to spy on American citizens on American soil, and then misled the Congress and the public about the existence and the legality of that program. It is up to this body to reaffirm the rule of law by condemning the President's action.

All of us in this body took an oath to support and defend the Constitution of the United States and bear true allegiance to the same. Fulfilling that oath requires us to speak clearly and forcefully when the President violates the law. This resolution allows us to send a clear message that the President's conduct was wrong.

And we must do that. The President's actions demand a formal judgment from Congress.

At moments like this in our history, we are reminded why the Founders balanced the powers of the different branches of Government so carefully in the Constitution. At the very heart of our system of government lies the recognition that some leaders will do wrong and that others in the Government will then bear the responsibility to do right.

This President has done wrong. This body can do right by condemning his conduct and showing the people of this Nation that his actions will not be allowed to stand unchallenged.

To date, Members of Congress have responded in very different ways to the President's conduct. Some are responding by defending his conduct, ceding him the power he claims, and even seeking to grant him expanded statutory authorization powers to make his conduct legal. While we know he is breaking the law, we do not know details of what the President has authorized or whether there is any need to change the law to allow it. Yet some want to give him carte blanche to continue his illegal conduct. To approve the President's actions now without demanding a full inquiry into this program, a detailed explanation for why the President authorized it, and accountability for his illegal actions would be irresponsible. It would be to abandon the duty of the legislative branch under our constitutional system of separation of powers while the President recklessly grabs for power and ignores the rule of law.

Others in Congress have taken important steps to check the President. Senator SPECTER has held hearings on the wiretapping program in the Judiciary Committee. He has even suggested that Congress may need to use the power of the purse to get some answers out of the administration. Senator BYRD has proposed that Congress establish an independent commission to investigate this program.

As we move forward, Congress will need to consider a range of possible actions, including investigations, independent commissions, legislation, or even impeachment. But at a minimum Congress should censure a President who has so plainly broken the law.

Mr. President, our Founders anticipated that these kinds of abuses would occur. Federalist Paper No. 51 speaks of the Constitution's system of checks and balances. It says:

> It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections of human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.

We are faced with an executive branch that places itself above the law. The Founders understood that the branches must check each other to control abuses of Government power. The President's actions are such an abuse. His actions must be checked and he should be censured.

This President exploited the climate of anxiety after September 11, 2001, both to push for overly intrusive powers in the PATRIOT Act and to take us into a war in Iraq that has been a tragic diversion from the critical fight against al-Qaida and its affiliates. In both of these instances, however, Congress gave its approval to the President's action, however mistaken the approval may have been.

Here is the difference, Mr. President: This was not the case with the illegal domestic wiretapping program authorized by the President shortly after September 11. The President violated the law, ignored the Constitution and the other two branches of Government, and disregarded the rights and freedoms upon which our country was founded. No one questions—no one questions—whether the Government should wiretap suspected terrorists. Of course we should and we can under current law. If there were a demonstrated need to change the law, of course, Congress should consider that step. But instead, the President is refusing to follow the law while offering the flimsiest of arguments to justify his misconduct. He must be held accountable for his actions.

The facts are pretty straightforward. Congress passed the Foreign Intelligence Surveillance Act, known as FISA, nearly 30 years ago to ensure that as we wiretap suspected terrorists and spies, we also protect innocent Americans from unjustified Government intrusion. FISA makes it a crime to wiretap Americans on U.S. soil without the requisite warrants, and the President has ordered warrantless wiretaps of Americans on U.S. soil. So it is pretty simple. The President has broken that law and that alone is unacceptable.

But the President did much more than that. Not only did the President break the law, he also actively misled Congress and the American people about his actions and then, when the program was made public, about the legality of the NSA program. He has fundamentally violated the trust of the American people. The President's own words show just how seriously he has violated that trust.

We now know that the NSA wiretapping program began not long after September 11. Before the existence of this program was revealed, the President went out of his way, he went out of his way in several speeches to assure the public that the Government was getting court orders to wiretap Americans in the United States, something he now admits was not the case.

On April 20, 2004, for example, the President told an audience in Buffalo, "Any time you hear the United States government talking about wiretaps it requires a court order. Nothing has changed, by the way."

In fact, a lot had changed. But the President wasn't upfront with the American people. Just months later, on July 14, 2004, in my own State of Wisconsin, the President said, "Any action that takes place by law enforcement requires a court order. In other words, the government can't move on wiretaps or roving wiretaps without getting a court order."

And then, Mr. President, last summer on June 9, 2005, the President spoke in Columbus, OH, and again insisted that his administration was abiding by the laws governing wiretaps. "Law enforcement officers need a federal judge's permission to wiretap a foreign terrorist's phone, a federal judge's permission to search his property. Officers must meet strict standards to use any of these tools. And these standards are fully consistent with the Constitution of the U.S."

Now, Mr. President, in all of these cases the President knew that he wasn't telling the complete story. But engaged in tough political battle during the Presidential campaign and later over the PATRIOT Act reauthorization, he wanted to convince the public that a system of checks and balances was in place to protect innocent people from Government snooping. He knew when he gave those reassurances that he had authorized the NSA to bypass the very system of checks and balances that he was using as a shield against criticisms of the PATRIOT Act and his administration's performance.

This conduct is unacceptable. The President has a duty to play it straight with the American people. But for political purposes, he just ignored that duty.

After a New York Times story exposed the NSA program in December of last year, the White House launched an intensive effort to mislead the American people yet again. No one would come to testify before Congress until February, but the President's surrogates held press conferences and made speeches to try to convince the public that he had acted lawfully.

Most troubling of all, the President himself participated in this disinformation campaign. In the State of the Union Address he implied that the program was necessary because otherwise, the Government would be unable to wiretap terrorists at all.

Now, Mr. President, that is simply untrue. In fact, nothing could be further from the truth. You don't need a warrant to wiretap terrorists overseas, period. It is clear. You do need a warrant to wiretap Americans on American soil, and Congress passed FISA specifically to lay out the rule for these types of domestic wiretaps.

FISA created a secret court made up of judges who develop national security expertise to issue warrants for surveillance of suspected terrorists and spies. These are the judges from whom the Bush administration has obtained thousands of warrants since 9/11. They are the judges who review applications for business records orders and wiretapping authority under the PATRIOT Act. The administration has almost never had a warrant request rejected by these judges. It has used the FISA Court thousands of times, but at the same time it asserts that FISA is an "old law" or "out of date" in this age of terrorism, that it can't be complied with. Clearly the administration can and does comply with it except when it doesn't. Then it just arbitrarily decides to go around these judges and around the law.

The administration has said that it ignored FISA because it takes too long to get a warrant under that law. But we know that in an emergency where the Attorney General believes that surveillance must begin before a court order can be obtained, FISA permits the wiretap to be executed immediately as long as the Government goes to the court within 72 hours. Now, the Attorney General has complained that the emergency provision does not give him enough flexibility; he has complained that getting a FISA application together, of getting the necessary approvals, takes too long. What the Attorney General is actually talking about, the problems he has cited, are bureaucratic barriers that the executive branch put in place. They are not mandated by Congress. They are not mandated under FISA. These were put into place by the Justice Department, the executive branch itself, and they could be removed if they wanted.

FISA permits the Attorney General to authorize unlimited warrantless electronic surveillance in the United States—unlimited—during the 15 days following a declaration of war to allow time to consider any amendments to FISA required by a wartime emergency. This is the time period that Congress specified very clearly. Yet the President thinks he is above the law. He thinks that he can just ignore that 15-day period and do this indefinitely. The President has argued that Congress gave him authority to wiretap Americans on U.S. soil without a warrant when it passed the authorization for use of military force after September 11, 2001.

That is ridiculous. Members of Congress did not pass this resolution to give the President blanket authority to order warrantless wiretaps. We all know that. Anyone in this body who tells you otherwise either was not there at the time or isn't telling the truth. We authorized the President to use military force in Afghanistan, a necessary and justified response to September 11. We did not authorize him to wiretap American citizens on

American soil without going through the process that was set up nearly three decades ago precisely to facilitate the domestic surveillance of terrorists with the approval of a judge. That is why—and I have heard them do this very clearly—many Senators, both Republicans and Democrats, have come forward to question this bogus theory.

This particular claim is further undermined by congressional approval of the PATRIOT Act just a few weeks after we passed the authorization for use of military force. The PATRIOT Act made it easier for law enforcement to conduct surveillance on suspected terrorists and spies while maintaining FISA's baseline requirement of judicial approval of wiretaps of Americans in the U.S. It is also ridiculous to think that Congress would have negotiated and enacted all the changes to FISA in the PATRIOT Act if it thought it had just authorized the President to ignore FISA in the AUMF.

In addition, in the intelligence authorization bill passed in December 2001, we extended the emergency authority in FISA at the administration's request from 24 hours to 72 hours. Why did we do that? Why do that if the President has some kind of inherent power or power under the authorization of force resolution to just ignore FISA? That makes no sense at all.

The President has also said that his inherent executive power gives him the power to approve this program, but here the President of the United States is acting in direct violation of a criminal statute. That means his power is, as Justice Jackson said in the steel seizure cases a half century ago, "at its lowest ebb." A letter from a group of law professors and former executive branch officials points out, "Every time the Supreme Court has confronted a statute limiting the Commander-in-Chief's authority, it has upheld the statute." The Senate reports issued when FISA was enacted confirm the understanding that FISA overrode any preexisting inherent authority of the President. As a 1978 Senate Judiciary Committee report stated, FISA "recognizes no inherent power of the President in this area." And "Congress has declared that this statute, not any claimed Presidential power, controls." So contrary to what the President told the country in this year's State of the Union, no court has ever approved warrantless surveillance in violation of FISA.

The President's claims of inherent executive authority and his assertions that the courts have approved this type of activity are baseless. But it is one thing to make a legal argument that has no real support in the law; it is much worse to do what the President has done, which is to make misleading statements about what prior Presidents have done and what courts have approved to try to somehow make the public believe that his legal arguments are much stronger than they really are.

For example, in the State of the Union, the President argued that Federal courts have approved the use of Presidential authority that he was invoking. I asked the Attorney General about this when he came before the Judiciary Committee, and he could point me to no court—not the Supreme Court or any other court—that has considered whether, after FISA was enacted, the President nonetheless had the authority to bypass it and authorize warrantless wiretaps. Not one court. The administration's effort to find support for what it has done in snippets of other court decisions would be laughable if this issue were not so serious.

In the same speech, the President referred to other Presidents in American history who cited executive authority to order warrantless surveillance. But of course, those past Presidents—like Wilson and Roosevelt—were acting long before the Supreme Court decided in 1967 that our communications are protected by the fourth amendment, and before Congress decided in 1978 that the executive branch could no longer unilaterally decide which Americans to wiretap. I asked the Attorney General about this issue when he testified before the Judiciary Committee. And neither he nor anyone in the administration has been able to come up with a single prior example of wiretapping inside the United States since 1978 that was conducted outside FISA's authorization.

So again the President's arguments in the State of the Union were baseless, and it is unacceptable that the President of the United States would so obviously mislead the Congress and American public.

The President also has argued that periodic internal executive branch review provides an adequate check on the program. He has even characterized this periodic review as a safeguard for civil liberties. But we don't know what this check involves. And we do know that Congress explicitly rejected this idea of unilateral executive decisionmaking in this area when it passed FISA.

Finally, the President has tried to claim that informing a handful of congressional leaders, the so-called Gang of 8, somehow excuses breaking the law. Of course, several of these members said they weren't given the full story. And all of them were prohibited from discussing what they were told. So the fact that they were informed under these extraordinary circumstances does not constitute congressional oversight, and it most certainly does not constitute congressional approval of the program.

In fact, it doesn't even comply with the National Security Act, which requires the entire memberships of the House and Senate Intelligence Committee to be "fully and currently informed of the intelligence activities of the United States." Nor does the latest agreement to allow a seven-member subcommittee to review the program comply with the law. Granting a minority of the committee access to information is inadequate and still does not comply with the law requiring that the full committee be kept fully informed.

In addition, we now know that some of the Gang of 8 expressed concern about the program. The administration ignored their protests. One of the eight members of Congress who has been briefed about the program, Congresswoman JANE HARMAN, ranking member of the House Intelligence Committee, has said she sees no reason why the administration cannot accomplish its goals within the law as currently written.

None of the President's arguments explains or excuses his conduct, or the NSA's domestic spying program. Not one. It is hard to believe that the President has the audacity to claim that they do.

And perhaps that is what is most troubling here. Even more troubling than the arguments the President has made is what he relies on to make them convincing—the credibility of the Office of the President itself. He essentially argues that the American people should trust him simply because of the office he holds.

But Presidents don't serve our country by just asking for trust, they must earn that trust, and they must tell the truth.

This President hides behind flawed legal arguments, and even behind the office he holds, but he cannot hide from what he has created: nothing short of a constitutional crisis. The President has violated the law, and Congress must respond. Congress must investigate and demand answers. Congress should also determine whether current law is inadequate and address that deficiency if it is demonstrated. But before doing so, Congress should ensure that there is accountability for authorizing illegal conduct.

A formal censure by Congress is an appropriate and responsible first step to assure the public that when the President thinks he can violate the law without consequences, Congress has the will to hold him accountable. If Congress does not reaffirm the rule of law, we will create another failure of leadership, and deal another blow to the public's trust.

The President's wrongdoing demands a response. And not just a response that prevents wrongdoing in the future but a response that passes judgment on what has happened. We in the Congress bear the responsibility to check a President who has violated the law.

who continues to violate the law, and who has not been held accountable for his actions.

We are hearing people say that somehow this censure resolution sends a terrible signal to the terrorists who want to do us harm. I tell you what is a terrible signal, that we are so meek in response to this terrorist threat that we are going to let the President of the United States break the law of this Nation and not do anything about it. Now that is a victory for the terrorists if we won't even stand up for our system of Government because everybody has to be afraid to mention that this President broke the law.

Passing a resolution to censure the President is a way to hold this President accountable. A resolution of censure is a time-honored means for the Congress to express the most serious disapproval possible, short of impeachment, of the Executive's conduct. It is different than passing a law to make clear that certain conduct is impermissible or to cut off funding for certain activities.

He should be censured.

The Founders anticipated abuses of Executive power by creating a balance of powers in the Constitution. Supporting and defending the Constitution, as we have taken an oath to do, requires us to preserve that balance and to have the will to act. We must meet a serious transgression by the President with a serious response. We must work, as the Founders urged in Federalist 51, to control the abuses of Government.

The Constitution looks to the Congress to right the balance of power. The American people look to us to take action, to speak out with one clear voice, against wrongdoing by the President of the United States.

To conclude, in our system of government, no one, not even the President, is above the law.

I send the resolution to the desk.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. FEINGOLD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized for 25 minutes.

Mr. SPECTER. Mr. President, might I ask the Senator from Wisconsin to stay on the floor?

Mr. President, I think this subject matter is worthy of debate, but notwithstanding my experience of debating, I don't think I can debate without someone to debate with. I tried to attract the attention of the Senator from Wisconsin before he departed the Chamber. I think I got in right as he was on the way out the door.

But let me ask his staffers if they would invite the Senator from Wisconsin to return to the floor. Having listened to his long soliloquy, I would appreciate the benefit of his presence so we can deal with these issues in some substantive detail.

At the outset, I say that I agree with a number of things which the Senator from Wisconsin said and items which are in his resolution.

When he comes to the resolve clause and speaks about censure and condemnation of President Bush, I think he is vastly excessive. Call it over the top, call it beyond the pale, the facts recited in this resolution simply do not support that kind of conclusion.

Going right to the heart of the issue, the Senator from Wisconsin says in the fourth "whereas" clause on page 2 that the President does not have the inherent constitutional authority to act in distinction and difference from the Foreign Intelligence Surveillance Act.

That is what you call a naked assertion unsupported by any statement of law, unsupported by any rationale.

The Judiciary Committee, of which the Senator from Wisconsin is a member, has held two hearings on the authority of the President to conduct electronic surveillance. And there has been a great deal of testimony from reputable sources saying that the President does have inherent authority under article II of the Constitution.

If that legal conclusion is correct, then constitutional authority trumps a statute.

The Congress cannot legislate in derogation of the President's constitutional authority.

We cannot enact laws which take away authority prescribed to the President under the Constitution, just as we cannot legislate to take away authority that the Supreme Court has under the Constitution. Just as we cannot delegate our authority which the Constitution gives to the Congress, we cannot delegate our authority in derogation of our constitutional responsibilities and authorities.

Those are very basic principles of law.

I am sorry that the Senator from Wisconsin saw fit to condemn and excoriate the President for 25 minutes but doesn't have time to come to this floor to answer a simple question. And that simple question is, Doesn't the Constitution trump statute?

A subordinate part of that question is if the President has inherent authority under article II, isn't it incorrect to say that the President has violated the Foreign Intelligence Surveillance Act, which would be superseded or trumped by the President's constitutional authority?

We are going to have some more hearings before the Judiciary Committee. If I don't have an opportunity to confront the Senator from Wisconsin this afternoon, I will find another opportunity to do so.

But I think the RECORD should be plain that in the hearing last month a number of academicians testified that the President does have inherent authority under article II to supersede the Foreign Intelligence Surveillance Act. And the Attorney General testified at length that the President has inherent authority under article II, which would lead to the conclusion that if Attorney General Gonzalez is correct, as a matter of law, then there is no violation of law by the President. Admittedly he is taking the President's side, but that is the job of Attorney General as a generalization. He also represents the American people, and he has to discharge his oath consistent with his duties to the American people.

There are a number of points, as I have said earlier, where I think the Senator from Wisconsin makes a valid argument.

I think on his third "whereas" clause on page 1 of the resolution, where he says that the Foreign Intelligence Surveillance Act is the exclusive statutory authority for electronic surveillance, he is correct. That doesn't rule out the Constitution superseding the statute, however.

When the Senator from Wisconsin says on his third "whereas" clause on page 2 that the resolution authorizing the use of military force did not change the Foreign Intelligence Surveillance Act, I think the Senator from Wisconsin is correct. But the correctness of those two propositions do not supersede the inherent article II authority of the President. And that is the issue which has yet to be resolved.

The majority leader spoke very briefly this afternoon before the Senator from Wisconsin presented his resolution. Senator FRIST said that we are dealing with a lawful program. Senator FRIST is in the position to make an evaluation on that subject because Senator FRIST is one of the so-called Gang of 8, which has had access to the program. He has been briefed on the program.

I believe the Senator from Wisconsin is correct in the body of his resolution when he raises an issue that the statute requires all members of the Intelligence Committee to be briefed. That is the applicable law. It may be that there are good reasons for not briefing all the members of the Senate Intelligence Committee and all members of the House Intelligence Committee. Perhaps because members of the Congress leak. But if good reasons do exist, then the President ought to come to the Congress and ask it to change the law. I agree with him that the Congress leaks. I have to say, in the same breath, that the White House also leaks. That is not a very good record for either the Congress or the White House.

That is why I have prepared legislation which would submit the NSA electronic surveillance program to the Foreign Intelligence Surveillance Court.

That court now passes on applications for search-and-seizure warrants under the Foreign Intelligence Surveillance Act. They apply the standard, which is different than the standard for a search-and-seizure warrant in a criminal case. They have expertise in the field. They also have an exemplary record for keeping secrets.

That is the way to deal with this issue. There must be a determination on constitutionality. It is not possible, in my legal judgment, to make a determination as to whether the President's inherent article II powers authorize this kind of a program, without knowing what the program is. I don't know what the program is. The Attorney General would not tell us what it is when he testified last month. I understood his reasons for not telling us, even though we could have gone into a closed session. But the Judiciary Committee was looking at the legalities of the program. We were in a position to render a judgment on whether the Foreign Intelligence Surveillance Act was the exclusive remedy, and whether the resolution to authorize the use of force changed the FISA act. But it is a matter for the Intelligence Committee to get into the details of the program which, until last week, the administration has been unwilling to do.

I have great respect for my colleague Senator DEWINE, and have talked to him extensively about this issue. He and I serve on the Judiciary Committee together. I like his idea about getting the administration to submit the program to, at least, the eight members of the Senate Intelligence Committee who, according to the press accounts, were briefed about it last week. I do not think it is adequate, as other parts of the DeWine legislation propose, to allow the surveillance to go on for 45 days, and at the end of that 45-day period to then give the administration the option of going to the FISA Court or to the Senate subcommittee. The subcommittee does not grant authorization for warrants. The subcommittee function is oversight. It is not a replacement for the Foreign Intelligence Surveillance Court.

A way is at hand to deal with this issue. The majority leader, Senator FRIST, said we have a lawful program. That opinion has weight, substantial weight in my mind, but it is not conclusive. Senator FRIST is not a judicial official. It may be that a more detailed analysis is necessary than has been presented to the Gang of 8. I don't know, because I don't know what they heard or what they learned.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11½ minutes.

Mr. DURBIN. Will the Senator yield the floor?

Mr. SPECTER. No, but I will at the conclusion of my presentation.

We ought to focus for a few moments on the importance of judicial review on the fourth amendment issues of search and seizure.

With the limited time I have left, I have only a few references, but I begin with a famous case in 1761 where a Boston lawyer defended Boston merchants who had been searched by customs house officials. James Otis gave a stirring 5-hour speech, charging the customs officers "break locks, bars, and everything in their way; and whether they break through malice or revenge, no man, no court may inquire." Very weighty words in 1761. Maybe if James Otis had seen this program, we could take his word on its constitutionality.

John Adams described this case as the spark of the American Revolution. He stated:

> Then and there was the child Independence born.

Then in the Declaration of Independence in 1776, it is stated that one of the key reasons for the American Revolution involved the King allowing his officers to violate the rights of Americans and then protecting them "by a mock trial, from punishment," for the injuries that they had committed.

And then we have the fourth amendment. We need to go back to the basics of this amendment, which prohibit unreasonable searches and seizures. That is the question in this matter.

In 1916, in the Weeks case, the Supreme Court of the United States ruled that evidence obtained in violation of the fourth amendment could not be used in a criminal trial. In 1961, in Mapp v. Ohio, the Supreme Court of the United States ruled that the due process clause of the 14th amendment prohibited States and State criminal prosecutions from using evidence obtained as a result of an unreasonable search and seizure.

We have had the Supreme Court of the United States intervene, even in time of war, to limit the President's authority. During the Korean war, President Truman cited "the existence of a national emergency" to "be able to repel any and all threats against our national security."

The Supreme Court of the United States, in Youngstown Sheet v. Sawyer, said the President did not have that authority. They said it exceeded his authority.

In the Hamdi case, 2004, 18 or 20 months ago, the Supreme Court stated:

> We have long since made it clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens.

And the Court went on to say:

> . . . whatever power the United States Constitution envisions for the Executive in its exchanges with other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all three branches when individual liberties were at stake.

We have a way through this maze. The way through the maze is for the Congress to give jurisdiction to the FISA Court. That is our job, to give jurisdiction to Federal courts. We have dealt with the issue as to whether there is a case or a controversy. There is one. Without going into details here, it is not an advisory opinion.

But this resolution calling for the condemnation and the censure of the President is out of line and out of bounds. In listening to the Senator from Wisconsin, I did not hear, at any time, him say the President has acted in bad faith. The President may be wrong, but he has not acted in bad faith. I think all would concede that the President was diligently doing the best job he can. And I agree with him. I think the President's best job is satisfactory, and that no one has ever accused him of bad faith.

In the absence of any showing of bad faith, who has standing to censure and condemn the President and then not stay in the Chamber to debate the issue? I do hope this matter is referred to the Judiciary Committee, and not to the Rules Committee. We have already had two hearings on matters relating to this subject. I especially want to see this resolution referred to the Judiciary Committee because if it is in the Judiciary Committee, I can debate Senator FEINGOLD. If it goes to the Rules Committee, I cannot debate Senator FEINGOLD. Now, isn't that a powerful jurisdictional argument for the Judiciary Committee?

Mr. DURBIN. Will the Senator yield?

Mr. SPECTER. I do.

Mr. DURBIN. First, through the Chair, I commend the Senator from Pennsylvania. As a member of the Senate Judiciary Committee, he has shown extraordinary leadership in convening two separate hearings on this question of the wiretap issue, the first with Attorney General Gonzales which I attended and thought to be one of the more challenging and interesting committee hearings I have ever attended—it went on for a whole day—the second, sadly, was in conflict with another meeting, a Rules Committee on ethics reform and I did not attend it, but he invited constitutional scholars to come and speak to the same issue. Many on Capitol Hill may shy away from controversial issues, particularly if they involve an administration of the same party. I commend the Senator from Pennsylvania for being an exception to the rule on this issue and for speaking up and standing up.

I wish to ask a question. After listening to Attorney General Gonzales' testimony before our committee, it appears that the thrust of the constitutional argument justifying the wiretap goes back to a vote that we share, a vote we both cast in favor of authorizing the use of military force on September 18, 2001. I ask the Senator from Pennsylvania if he believed that in casting his vote for that resolution authorizing force to pursue those responsible for September 11 that he was giving the President authority to wiretap American citizens without obtaining a court order required by the Foreign Intelligence Surveillance Act of 1978?

Mr. SPECTER. No.

Mr. DURBIN. The next question I wish to ask the Senator from Pennsylvania, and I appreciate his forthright response, the majority leader, Senator FRIST, came to the Senate a few moments ago and said he believed the wiretap program of President Bush was constitutional and legal. Does the Senator from Pennsylvania agree with that conclusion?

Mr. SPECTER. I neither agree nor disagree. I do not know. As I said more extensively in the body of my comments, I do not have any basis for knowing, because I do not know what the program does. I think it may be that the program could be structured as going after only al-Qaida conversations. And I would like to see some proof of that. Quite frankly, I would like to see some proof that they have reasonable grounds to think one party or the other is al-Qaida. That is in the body of Senator FEINGOLD's whereas clauses.

It may be that they have been able to take a limited amount of information, destroying the rest, and that it has produced very important results with a minimal incursion. I do not know the answers to those questions. But I certainly think you ought not castigate the President as a criminal until you do know the answers to those questions.

Mr. DURBIN. If the Senator will yield for a further question.

Mr. SPECTER. I do. And I want to thank you for being here in Senator FEINGOLD's stead.

Mr. DURBIN. Well, I am standing here——

Mr. SPECTER. You are a little tougher to debate than he, but I thank you for coming.

Mr. DURBIN. I would like to ask the Senator from Pennsylvania one last question.

When you referred to the suggestions of our colleague, Senator DEWINE, on the Judiciary Committee, and other proposals to change the law that might accommodate what we are now seeing in this wiretap program, is that not an admission that what is going on now is violative of law or at least outside the bounds of the laws as written which authorize wiretaps?

Mr. SPECTER. No, I do not think it is an admission because, like consent, it has to be informed. And I do not think he is informed. I do not think anybody is informed. I do not think Senator DEWINE intends to make an admission. I think Senator DEWINE, in good faith—very good faith—is searching for a way out. And I think he made a significant step forward when his actions resulted in seven members of the Senate Intelligence Committee being briefed. The reason I say "I think" is because I do not know what they were told. But I think that is a significant step.

Senator DEWINE's proposal of legislation to allow the program to go on for 45 days is no concession. It is going on anyway. His idea to bypass the FISA Court and allow the Administration instead to go to the Intelligence Subcommittee, I think, is not appropriate because the Intelligence Subcommittee does not have the function of a court.

So I think he is doing the best he can. But right now we are flying blind on a great deal of this, and we have to accept very limited representations by the Gang of 8, and now the new Gang of 7. And no matter what, it does not amount to judicial review.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. Mr. President, I have an important announcement to make.

Will my friend yield to me?

Mr. SPECTER. I do.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired. The Senator does not control time.

The Senate minority leader is recognized.

DEATH OF MAGGIE INOUYE

Mr. REID. Mr. President, at 4 o'clock this afternoon, an hour and 15 minutes ago, Maggie Inouye died. I had the good fortune of being able to visit with the Inouyes Friday night.

On behalf of the entire Senate, I extend condolences to Senator INOUYE and his son Daniel Jr. This wonderful couple had been married 57 years. They were married in 1949. Senator INOUYE proposed to Maggie on their second date. Daniel Jr. goes by the name of Ken. He has been at his mother's side, as has Senator INOUYE, for many days.

She was a wonderful woman. She formerly taught at the University of Hawaii. She was such a steadfast supporter of her husband in everything that he stood for.

Anyone who has spent any time at all with them knows how much they cared for each other, loved each other. Her death brings sadness to the entire Chamber because it is a loss for the entire Senate family.

Senator INOUYE is a very nonpublic person. He holds everything very close to his vest, and he was not someone who came to luncheons or meetings with us and talked about his wife's illness. That was a personal thing for him.

But she needed the support of her family. She had a very difficult time. She will now have peace, and to a certain extent so will Senator INOUYE because he has suffered with her.

Senator INOUYE is such a wonderful human being. In my visit with him and Ken on Friday,—his wife was there but in another room—we talked about a lot of things. We laughed a little bit. We cried a little bit. Here is a man who is a true American patriot. We throw those words around a lot, but we are not throwing this word around. DAN INOUYE is a true American patriot who served with distinction and valor during World War II, and that is an understatement. He was awarded the Congressional Medal of Honor for courage above and beyond the call of duty.

Senator INOUYE will be away from the Senate for a while. He is going to take Maggie back to Hawaii. But I wish my words were adequate to convey my personal affection for Senator INOUYE and that of the entire Senate, but they are not. So the RECORD will have to stand on that.

Mr. DURBIN. Mr. President, if the Senator will yield for a moment?

Mr. REID. Mr. President, I am happy to yield.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank Senator REID for bringing this sad news to the attention of the Senate family. There are many things that divide us, but there are things that unite us. We are united when Members of our Senate go through personal tragedy. Senator REID knows better than anyone on our side of the aisle the personal sacrifices Senator INOUYE has made over the last months and years as his wife has gone through this serious illness.

It is clear, from what he has given of his life, he took his vow very seriously to stand by her in sickness and in health. It is a tribute to this man, his devotion, and to their love which sustained them for 57 years.

I thank the Senator from Nevada for bringing this to our attention. We all join in expressing our sadness at her loss and will stand by Senator INOUYE and his family to ask them to try to remember, at this time of loss, those good memories of times together. We hope those memories will sustain their family.

I thank the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it has already been announced that Senator INOUYE's wife Maggie has passed away.

I ask unanimous consent that the statement made by my great friend about his wife be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR DANIEL K. INOUYE ON THE PASSING OF HIS WIFE, MAGGIE INOUYE

WASHINGTON.—I am saddened to report that my dear and lovely wife of nearly 57 years, Margaret Awamura Inouye, passed away today at 4 p.m. Eastern Standard Time at Walter Reed Army Medical Center. She was 81, and her death was due to complications resulting from colon cancer.

"Maggie was recently hospitalized because an examination found small blood clots and some fluid in her right lung, and she had been undergoing a process of draining out the fluid and dissolving the blood clots.

"This most recent medical challenge came after Maggie underwent surgery in November 2004 to remove a cancerous growth from her large intestine. Her surgeons had pronounced that operation a success.

"As she has done throughout her life, Maggie handled her difficult situation without complaint, and with dignity and grace. Although her chemotherapy treatments would leave her drained, she always had a smile for you and she retained her optimistic outlook.

"It was a most special blessing to have had Maggie in my life for 58 years. She was my inspiration, and all that I have accomplished could not have been done without her at my side. We were a team. She always supported me, listened to my ideas, and many times offered invaluable suggestions that always proved she was capable of achieving as much on her own right, given her intelligence and education. Instead, she chose to join me on a special journey that took us to Washington, and gave us the privilege of serving the people of Hawaii.

"On the campaign trail, she was invaluable. During my first race for the U.S. Senate in 1962, legislative work in the U.S. House permitted me to make only short trips back to Hawaii. I was facing a formidable opponent, the son of the wealthiest man in Hawaii. Both Time and Newsweek magazines didn't think much of my chances of winning. But Maggie put some magic into my campaign. She returned to Hawaii that June, and spent seven days a week visiting every island and making hundreds of speeches on my behalf. When I finally did get back in October, my campaign manager met me at the airport and said, 'We're glad to have you, but Maggie's been doing great.' I won, and I won big. In my heart, I know that without her I could not have won that pivotal race that put me on the path to become a United States Senator.

"I first met Maggie in the autumn of 1947, a week before Thanksgiving, when we were introduced to each other. She was already known as a poised, graceful, articulate, and gentle lady from a good family who was very much ahead of her time. Back then, few women went to college. But Maggie not only earned her undergraduate degree in education from the University of Hawaii, she went on to earn a master's in education from Columbia University in New York City. With her graduate degree, she returned home to Hawaii, and began her career as a speech instructor at UH.

"I, too, had returned home—from the war and from my injury rehabilitation regimen that I had undergone on the mainland. I was enrolled at the University of Hawaii, and was still trying to chart my future. However, I was certain of one thing almost immediately after I met Maggie: I was going to marry her. I don't think the possibility of marriage had ever occurred to me before that moment, but afterward it never left my mind. Everything I had and wanted to have suddenly became absolutely meaningless unless Margaret Awamura would share it with me.

"On our second date on December 6, 1947, I asked her to marry me. Without hesitation, she said, 'Yes.' Her answer made me feel like I was in heaven. She was willing to have as her lifelong partner a man who at that time was nothing more than a combat veteran on the GI Bill whose future was still uncertain. Her numerous other suitors had much more to offer, as they were already professional men.

"During the 18 months before our marriage on June 12, 1949, we were an unusual couple on the UH campus. She was an instructor; I was an underclassman. Of course, it was Maggie's salary as a teacher at the university that saw us through those first years of our marriage.

"In the early 1950s when I was studying at George Washington to earn my law degree, Maggie was the breadwinner, while I contributed what I received from my GI education benefits and my pension as a retired Army Captain. While I was in class, she was working at the Department of the Navy's Bureau of Yards and Docks, first as a file clerk and soon she was promoted to administrative secretary.

When we returned to Hawaii, I went to work for the City and County of Honolulu as a Deputy Public Prosecutor, while Maggie returned to the University of Hawaii as an instructor in education. It was a position she would hold for six years.

"In 1964, five years after she left UH, Maggie gave birth to our son, Daniel K. Inouye, Jr. That was a most special day, perhaps because we became parents at a rather late stage in our lives.

"Kenny and I—as well as the people of Hawaii—were blessed to have had Maggie in our lives. She was a most special woman, and she will always be in my heart."

In addition to Senator Inouye and Daniel K. Inouye, Jr., Mrs. Inouye is survived by five sisters, Edith Satow of Carmarillo, California; Grace Murakami of Honolulu; Betty Higashino of Orinda, California; Shirley Nozoe of Honolulu; and Patricia Tyler of Sudbury, Massachusetts. Funeral arrangements are pending.

MARGARET AWAMURA INOUYE AT A GLANCE

Personal

Born on June 23, 1924, in Wailuku, Maui.

Married Daniel K. Inouye on June 12, 1949. One son.

Education

Kaiulani School, Honolulu.

Central Intermediate School, Honolulu.

Roosevelt High School, Honolulu.

University of Hawaii at Manoa, bachelor's in education, 1946.

Columbia University, New York, master of arts, 1947.

Career

Instructor in speech, University of Hawaii, 1947–50.

File clerk and later promoted to administrative secretary, Bureau of Yards and Docks, Department of the Navy, Washington, DC, 1950–52.

Instructor in education, University of Hawaii, 1953–59.

Recent Honors

The Dan and Maggie Inouye Distinguished Chair in Democratic Ideals at the University of Hawaii.

In 2005, Maggie Inouye was selected as one of Roosevelt High School's most distinguished alumni.

In 2003 at the Philadelphia Kvaerner Shipyard, she christened Matson's new containership, *MV Manukai*.

Mr. AKAKA. Mr. President, I thank the Chair for this time.

Mr. President, on behalf of my wife Millie and my entire family, I rise to express our sincere sympathies, our deepest condolences, and our warmest aloha to my dear friend and my colleague, Senator DANIEL K. INOUYE, for the loss of his lovely wife Maggie, who passed away this afternoon.

Over the past year, whenever I spoke to Senator INOUYE, I would ask him about Maggie, and his reply to me was: She is a trooper. She is doing the best she can. And that really sums up it so well about Maggie.

Maggie was definitely a trooper. She was a wonderful, wonderful lady who served our country as a Senate spouse for the past 40-plus years. Maggie was a classy woman who was well respected everywhere she went. She had a heart of gold and will definitely be missed by the people of Hawaii and the families here in Washington, DC. My thoughts and prayers go to Senator INOUYE, to his son Kenny and his wife, their extended family, and all of the Inouye staff here and in Hawaii. We stand waiting to do whatever we can to help in this difficult time. We will miss Maggie. May Maggie's soul rest in peace.

Mr. LAUTENBERG. Mr. President, I rise standing near our friend and colleague from Hawaii as we think about his colleague in the Senate and the fond relationship they enjoyed. If a poll was conducted in this Chamber or among the Members of this Chamber, if you said: Who is the most respected, beloved, wise Member of the U.S. Senate, you would come up with only one name, not that there aren't others of friendship and good will and intellect and all of those things, but DANNY INOUYE is the exceptional person. His demeanor was quiet and thoughtful and always helpful, and he served his country in a way that few have in our history, having lost his arm in Italy and fighting on to lead his troops.

I give you that background that all of us are so familiar with: a Medal of Honor winner, a distinction so rarely given, only to true heroes, to true leaders. But DANNY is a multidimensional person. He always had room for friendship, warmth, and affection, and his companion of 57 years, someone he always talked of with respect and admiration, and the linkage was true and fast. He relied on some people for advice and counsel and always cleared the air with his own thinking. But Maggie, his wife, was someone who was such an integral part of DANNY INOUYE's living that this moment is especially tragic. He looked after her with love and affection and talked to those with whom he had contact about her, never really resigning in tone or in words the fact that she was not doing well.

So when a Member, a friend like DANNY INOUYE loses his dearest friend, his beloved wife of 57 years, their relationship, we all feel sadness, we all feel touched by his loss and want him and his family, his son and all of the Inouye family, to know that we all care, we all share DANNY's grief. We all are ready to stand with him as friends and try to bolster his view about the future by reminding him how valuable he is to all of us and that we understand his pain, his anguish, and the sadness he feels. I think I speak for many in this Chamber: We want to express our feeling and devotion to DANNY INOUYE, friend, soldier, leader, our sadness, our grief at this terrible loss he has sustained.

I yield the floor.

Mr. WYDEN. Mr. President, I join with the other Senators in expressing my sadness tonight as to Senator DAN INOUYE's loss. I think all of us see Senator INOUYE as the gold standard of caring. He has always cared about his constituents. He has always cared about his colleagues. But, most of all, he has cared about his family, and he threw himself with every ounce of his energy and strength into caring for his spouse who has passed today.

It is important for the Senate to note that in addition to his caring, what Senator INOUYE is best known for is his quiet sense of dignity. This is a place where it can get loud and clamorous at times, and what DAN INOUYE has always done is to try to always take the quiet path, to lower the decibel level, to try to get Senators to keep a perspective. That is why he always put his family first.

There are many fine people in the Senate, but when we think about our colleague DAN INOUYE tonight and all he did for his spouse in those last few months, there is no better person, no better colleague, no better friend all of us could have than DAN INOUYE. I just wanted to, along with my colleagues, let him know he is in my thoughts and prayers tonight.

Mr. SESSIONS. Mr. President, I join my colleagues in expressing our sincere sympathy to Senator INOUYE on his loss. He is certainly one of the finest, most respected Members of this body. He is one of the great Senators who have served here and has been a true American patriot, serving his country with such fidelity and putting his very life on the line, and nearly losing it, and winning the Nation's highest honors in the course of serving his country.

So I would just say from this Senator, and on behalf of so many of us, we are sorry to hear this news, and our prayers and support are with Senator INOUYE at this time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise this evening to talk about the budget that is before the Senate. But before I do, I want to add my voice to my colleagues who have come out here to express their condolences to our colleague, Senator INOUYE, on the loss of his wife and long-time partner. Certainly, as the Senator from New Jersey said, Senator INOUYE is the most respected Senator in this body, and he served his country well. Mrs. Inouye, too, has served her country by allowing Senator INOUYE to be such a historic figure in this country and such a great leader and by all the time that was demanded by that. She has served her State, she has served her country, and we are all grateful. And to Senator INOUYE, he and his family are in my thoughts and prayers as well.

Mr. BAUCUS. Mr. President, I would like to offer my deep condolences to our good friend and colleague, DAN INOUYE, and his family and to the people of Hawaii on the death of our friend DAN's wife, Maggie, who died this afternoon.

The death of anyone is cause for grief. The death of a spouse is an even greater cause for grief. The death of the spouse of a good friend, DAN INOUYE, is even more grievous to all of us.

Knowing DAN INOUYE as we do, we are all hard pressed to find anyone who is as wonderful and caring, a statesman, generous, as wise a man as DAN INOUYE. A Japanese American under the most difficult of circumstances, he served his country—and served it with tremendous valor.

His wife Maggie I did not know well. You can tell a lot about a person in the first 5 or 10 minutes of just meeting someone. Maggie was just like DANNY—very wise, very deep, very caring, very generous, classy like DAN.

I say to DAN, to his family, and to the people of Hawaii, you all have our hearts, you have our prayers, our thoughts are with you as well as with Maggie in this most difficult time. Know that we are thinking of you, we are praying for you and for your family.

Mr. FRIST. Mr. President, I come to the floor on a matter of great sadness for the Senate family. Today, at 4 p.m. at the Walter Reed Army Medical Center, after a long and difficult struggle with colon cancer, Margaret Awamura Inouye, the lovely and gracious wife of Senator DAN INOUYE, passed on.

On behalf of my colleagues, I offer my deepest condolences to the esteemed senior Senator from Hawaii. Our hearts go out to the Inouye family as they mourn their loss.

DAN and Maggie were married for 58 blessed years. They met in Hawaii in 1947 right before Thanksgiving. He had just returned from the war and rehabilitation. She was back from Columbia University with a master's degree in education.

For DAN, it was love at first sight. And he didn't hesitate to make his intentions known. He popped the question on their second date, and to his great, good fortune, she said yes.

For nearly 6 decades, she stood by him, encouraged him, and believed in his success. DAN credits Maggie for putting him on the path to becoming a U.S. Senator. Without her, he said he couldn't have made it.

The Senator tells us that Maggie handled her illness with dignity and grace—that she always had a smile and kept a bright outlook.

Mrs. Inouye is survived by her husband, DAN, their son, Dan Jr., and her five sisters, Edith, Grace, Betty, Shirley and Patricia.

Our thoughts and prayers go out to the Inouye family.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, if I might ask to be recognized for 3 minutes on the budget resolution now pending.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you very much.

Mr. President, I would like to conclude the matter raised between Senator SPECTER and myself about the resolution brought to the floor by Senator FEINGOLD.

I heard yesterday that Senator FEINGOLD was going to offer this resolution. I did not realize he would do it today. I have spoken to Senator FEINGOLD, and I believe it is his intention not to bring this to a vote today, as some have suggested, but, rather, to use this as a catalyst to bring about the kinds of hearings and investigations that this Congress owes to the people of the United States on the wiretap program.

I have saluted Senator SPECTER earlier for his leadership on the Senate Judiciary Committee. I am sorry the Senate Intelligence Committee, given a chance to do the same thing, failed to exercise its oversight responsibility on this same program.

I think it is important, regardless of party affiliation, that we ask the critical constitutional and legal questions about this wiretap program. This resolution by Senator FEINGOLD will be a catalyst for that type of investigation, those types of hearings. Whether that results in a censure of the President or any further action against the President remains to be seen. But it certainly says to the American people, we are not going to ignore what could be one of the most serious constitutional issues to come before this Government in decades.

I have read this resolution Senator FEINGOLD has offered. I agree with Senator SPECTER, I do not think when we voted to go to war against the Taliban we said to the President that he could ignore the law, that he could go about wiretapping Americans without court approval. That is basic to America.

The President has said over and over publicly, if we are going to wiretap people, we will get court approval. Well, it turns out that is not the case at all. I do not know how often because I have not been briefed on the details, but apparently on many occasions this

Government has wiretapped the conversations of American citizens without court approval. The President and the administration have not followed the clear letter of the law. That is an important and serious constitutional question.

I think the resolution being brought to us by Senator FEINGOLD will cause us to look anew at this critically important issue. Whether it results in any action by Congress, as I said, remains to be seen. But I think it is important that we accept this challenge by the Senator from Wisconsin and that hearings be held in the Judiciary Committee, if that is where the resolution is eventually referred, and possibly even in the Intelligence Committee.

I hope the Intelligence Committee will start to move on this on a bipartisan basis. It has historically been a bipartisan committee. But recently in the last few weeks there have been many important votes taken on partisan rollcalls, votes relative to the authority and exercise of that authority by this committee in investigating this Bush administration.

It would be good if the committee could return to its bipartisan ways. I think it would give the institution of the Senate a vote of confidence that we can stand and investigate Presidents of either political party if there is serious and important policy questions to be determined.

I yield the floor.

Mr. SESSIONS. Mr. President, what is the time agreement?

The PRESIDING OFFICER. There is a previous order that at 5:30 we will move to executive session and proceed to a vote on Calendar No. 520.

Mr. SESSIONS. Mr. President, I think back to a young Senator INOUYE, serving in our military, putting his life at risk and nearly losing it for our country. One thing he had a right to expect of his Congress was, as a soldier, he would be supported in the conflict.

We are here today hearing of a resolution presented by Senator FEINGOLD to censure the President of the United States. It is baseless. It is not sound in law, and it is not sound in policy. We, by over a three-quarters vote, voted to send our soldiers in harm's way. This Senate voted to do that. We authorized the President, in a use of force resolution, to identify those responsible for attacking us and to attack and destroy them, to use such military force as he deemed appropriate to attack and kill them. And our soldiers have been doing that.

The Supreme Court recently had to deal with the situation in which an American citizen was captured abroad, Hamdi. They caught him. It went before the Supreme Court of the United States, and the issue was whether he was entitled to a trial.

The question was, Was he entitled to a trial? The Supreme Court held otherwise. The Supreme Court said that he was a prisoner of war, and the authorization of military force authorized the military to attack and kill enemies of the United States. It also authorized them to capture them. That was incident to the use of military force.

It is quite plain that our history of military affairs supports the concept that surveilling in a time of war is incident to the carrying on of war. In the same way that we have a right to take an American citizen and lock them up in jail without trial if they are identified to be with the enemy, we can surveil the enemy's communications.

The President authorized simply this: al-Qaida conversations in which one of the parties to that conversation is outside the United States could be monitored. We know it was through those kinds of communications that 9/11 occurred. We had sleeper cells here activated by foreign communications.

It is wrong to undermine this President while we have our soldiers at war and at risk, to suggest that he has done something wrong and needs to be censured.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. I express my strongest disapproval of the propriety of this resolution.

EXECUTIVE SESSION

NOMINATION OF LEO MAURY GORDON TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE

The PRESIDING OFFICER (Mr. ALEXANDER). Under the previous order, the hour of 5:30 p.m. having arrived, the Senate will go into executive session and proceed to a vote on Calendar No. 520, which the clerk will report.

The legislative clerk read the nomination of Leo Maury Gordon, of New Jersey, to be a judge on the United States Court of International Trade.

Mr. LEAHY. Mr. President, this evening the Senate will consider another lifetime appointment to a circuit court. The nominee is Leo Maury Gordon, who is nominated to serve on the U.S. Court or International Trade. Mr. Gordon is the court's longtime clerk, and he is very familiar with its important work. I urge all Senators, Republican and Democratic, to support this nomination.

His confirmation will bring the total number of judicial appointments since January 2001 to 232, including the confirmations of two Supreme Court Justices and 43 circuit court judges. Of course, 100 judges were confirmed in the 17 months that Democrats were in the Senate majority. In the other 45 months, 132 judges have been confirmed. Ironically, under Democratic leadership, the Senate was almost twice as productive as under Republican leadership.

It is most regrettable that this President has not fulfilled his promise to the American people to be a uniter. Nor has he fulfilled his pledge to complete his work in advance of vacancies and to make nominations promptly. Judicial vacancies have grown to more than 50, and the White House has failed to send a nominee for more than half of those. Some of those vacancies have been sitting empty for more than a year. Over and over the White House has missed the deadline the President established for himself, and today, half of the judicial vacancies, 27, are without a nomination. One-third of those vacancies are already more than 180 days old, and one-third of the judicial emergency vacancies are without a nominee.

If the White House would eliminate its partisan political and ideological litmus tests from the judicial nominations process and its emphasis on rewarding cronies and focus only on qualifications and consensus, the job of selecting nominees and our job of considering them for confirmation would be much easier. That is what this confirmation demonstrates.

Recently we have seen the President withdraw a circuit nomination after information became public about this nominee's rulings in a number of cases in which he appears to have had a conflict of interest.

At a minimum, this case reinforces a point about this White House's poor vetting process for important nominations. A number of nominations by this President have had to be withdrawn. Among the more well known are Bernard Kerik to head Homeland Security and Harriet Miers to the Supreme Court, which were withdrawn for different reasons. It was, as I recall, reporting in a national magazine that doomed the Kerik nomination.

When we are considering lifetime appointments of judicial officers who are entrusted with protecting the rights of Americans and when we are reviewing important law enforcement officials, it is important to be thorough. Unfortunately, this White House seems more interested in rewarding cronies.

Ms. CANTWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Leo Maury Gordon to be a judge of the United States Court of International Trade?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Minnesota (Mr. COLEMAN), the Senator from Idaho (Mr.

CRAIG), the Senator from Nevada (Mr. ENSIGN), the Senator from Wyoming (Mr. ENZI), the Senator from Georgia (Mr. ISAKSON), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oregon (Mr. SMITH).

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. DAYTON), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI), the Senator from Florida (Mr. NELSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote "yea."

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 0, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—82

Akaka
Alexander
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Cochran
Collins
Conrad
Cornyn
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Jeffords
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—18

Bayh
Chambliss
Coleman
Craig
Dayton
Ensign
Enzi
Inouye
Isakson
Johnson
Landrieu
Menendez
Mikulski
Murkowski
Nelson (FL)
Rockefeller
Santorum
Smith

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from North Dakota.

ORDER OF PROCEDURE

Mr. CONRAD. Mr. President, I ask unanimous consent that Senator AKAKA and Senator LAUTENBERG be authorized to speak on the death of Senator INOUYE's wife, Maggie, and then that Senator WYDEN be recognized for 12 minutes, Senator MURRAY for 15 minutes, and Senator BAUCUS for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SNOWE-WYDEN AMENDMENT TO LIFT NEGOTIATION RESTRICTIONS ON MEDICARE

Mr. WYDEN. Mr. President, on this difficult evening, I wish to take just a few minutes to talk about the budget.

Last Congress, Senator SNOWE and I, on a bipartisan basis, saw 51 Members of the Senate support our bipartisan legislation to lift the restriction on Medicare so that program could bargain to hold down the cost of medicine. That vote, where a majority of Senators went on record in supporting the effort to hold down the cost of medicine, took place before the program went into effect. It seems to me everything that has happened over the last few months, since a majority of the Senate voted for our bipartisan amendment, supports our case for passing that legislation now.

We will be offering our bipartisan proposal, the Snowe-Wyden amendment, later this week, and I wish to take just a few minutes to outline why it is so important.

The American Association of Retired Persons says it all in a letter endorsing our bipartisan Snowe-Wyden proposal. I ask unanimous consent that the AARP letter endorsing the Snowe-Wyden legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP,
March 13, 2006.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: AARP supports your amendment to the Senate fiscal year 2007 budget bill to provide for the ability of the Secretary of Health and Human Services to participate in negotiations with pharmaceutical manufacturers under the Medicare prescription drug program.

Prescription drug prices continue to rise much faster than the rate of inflation. AARP's latest Rx Watchdog report released in February 2006 found that prices for nearly 200 of the brand name medications most commonly used by older Americans rose 6.0 percent during the 12 month period from October 2004–September 2005. At the same time, the rate of general inflation was 3.3 percent. These drug price increases particularly hit older Americans, who use prescription drugs more than any other segment of the U.S. population.

Millions of older and disabled Americans now have the opportunity to choose prescription drug coverage as part of their 2006 Medicare benefit options. To date, millions of Medicare beneficiaries have enrolled in the program and as a result are realizing savings on their prescription drugs. However, improvements to the Medicare Modernization Act are necessary to strengthen the benefit and the Medicare program. We believe the first step is to keep the drug benefit affordable for beneficiaries as well as taxpayers.

While we have seen that the current competitive structure existing in the MMA has helped to bring prescription drug prices down, we believe that giving the Secretary the authority to participate in negotiations may also help to make prescription drugs more affordable for Medicare beneficiaries.

We look forward to working with you and your colleagues on both sides of the aisle to ensure that the new Medicare Part D benefit remains affordable over time. If you have any further questions, please feel free to contact me, or have your staff contact Anna Schwamlein of our Federal Affairs staff at 202-434-3770.

Sincerely,

DAVID P. SLOANE,
Sr. Managing Director,
Government Relations and Advocacy.

Mr. WYDEN. Mr. President, as AARP notes—and they publish an Rx Watchdog report—they have noted that for the nearly 200 brand-name medications most commonly used by older people, the costs of those medicines have gone up twice the rate of inflation. So all Americans get hit by prescription drug costs. Particularly hard hit are older people, and low-income older people, and people with very big prescription drug bills. As noted by AARP, these seniors are hit more than any other segment of the U.S. population by prescription drug costs.

At a time when the costs of this program and the costs of Government have gone through the stratosphere, one would think the Government would be doing everything possible to hold down costs. Yet, unfortunately, in the original prescription drug legislation, a bizarre restriction was put in place that literally bars the Government from being a smart shopper. Everybody else in this country tries to use their clout in the marketplace to get the best possible deal, but not Medicare—not Medicare, which offers a benefit to more than 30 million older people. They are not using the opportunity to go into the marketplace and hold down the costs.

I compare the Government's approach to buying prescription drugs under Medicare to somebody going into Costco and buying toilet paper one roll at a time. Nobody would shop that way. No savvy shopper would ever give up, even before they walked into the store, the opportunity to hold down the costs. But that is what Medicare is doing, and that is what Senator SNOWE and I want to change.

Now, we have seen over the last couple of months older people and their families absolutely up in arms, up in arms about the frustrations of getting this prescription drug program out and usable in a commonsense kind of fashion. It is far too complicated. There are far too many alternatives. Some seniors say that even with a Ph.D. they can't sort it out. But what is especially troubling is at a time when the costs of the program continue to go up and up and up, the Government isn't even taking commonsense steps to hold down the cost of these medicines.

So what Senator SNOWE and I have tried to do in a bipartisan effort for going on 3 years now is to make sure that when necessary the Secretary of Health and Human Services can negotiate for the best possible prices of prescription drugs for older people.

Now, this isn't price control. Specifically, our bipartisan amendment stipulates that the authority granted here cannot be used to set prices or to set a uniform formulary. Nowhere in this amendment is there a call for price controls or anything that can be interpreted as price controls. This is about using marketplace forces. This is about using the market just as millions of Americans do every day to hold down the cost of medicine.

Senator SNOWE and I believe one of the most flagrant mistakes in the Medicare law—and both of us voted for that legislation—was to write into law that the Secretary could not have bargaining power under any circumstances at all. We have seen drug prices increase, as AARP has noted, far higher than the rate of inflation. The Wall Street Journal has reported price spikes. The Congressional Budget Office has indicated there can be savings from negotiations in the area of single-source drugs that do not face competition, and suffice it to say, many of the single-source drugs are ones that are commonly used by Medicare patients, such as Lipitor and Zocor and Prevacid.

I will wrap up, Mr. President, with only a couple of additional points because I know my colleague from Washington has been very patient. The authority that Senator SNOWE and I seek to grant to the Department of Health and Human Services is the authority that Secretary Thompson at his last press conference as head of the Department of Health and Human Services, said he wished he had. So the last head of that agency, at a time when they were moving to implement the prescription drug law, said specifically he wished he had had this authority.

The last point I would make, Mr. President, is that some have said: Well, seniors are seeing some savings already. If that is the case, we are glad to see it, but it comes about because the basic benefit covers 75 percent of the cost of the drug after the $250 deductible. So the question for the Senate is where are you going to look in order to hold down the cost of this program? Are you going to look at taxpayer subsidies? Are you going to look at marketplace forces? Senator SNOWE and I believe that at a time when the costs of Government are soaring and the costs of this prescription drug benefit are soaring, we ought to use commonsense marketplace principles to hold down the cost of medicine, not continue to rely on taxpayer subsidies, and that is what our amendment is all about.

Mr. President and colleagues, I do not know of a single private sector entity, whether it is a timber company in my home State of Oregon, or a big auto company in the Midwest, that when they are buying something in bulk, say: What about the possibility of some discounts? So why shouldn't Medicare ask that question, just to have that authority so as to make marketplace forces work? Why wouldn't we want to assure that there is every possible tool to help seniors hold down the costs of medicine?

We will debate this at greater length in the course of the week. As I noted, Senator SNOWE and I received 51 votes, a majority of the Senate, for this legislation before the program went into effect. I would just say to our colleagues tonight, everything that has happened in the last few months suggests that there is an even better case for the bipartisan Snowe-Wyden amendment to hold down the costs of medicine.

Mr. President, with that I yield the floor.

THE BUDGET

Mrs. MURRAY. Mr. President, I have risen tonight to express my deep concerns about the budget that is before us. I am concerned that the budget that this Senate is now considering does not pass the test of protecting our homeland. It does not pass the test of promoting fiscal responsibility. And it does not pass the test of fighting for our middle-class families.

Let me start by putting this discussion in the right context. The budget decisions that we make now will either empower us or tie our hands when we turn to write the appropriations bills this year. That means you cannot vote for an unrealistic budget now and then act surprised in the summer and fall when painful cuts are required. Just look at what happened last year. The logjam that we experienced at the end of last year was not a surprise. It was the logical outcome of decisions that were made regarding the budget.

Starting last March, many of us saw that there was no way we could meet our obligation to our veterans, honor our commitment to America's working families, enact huge cuts in entitlement programs such as Medicaid and Medicare, enact another round of tax cuts, and continue to cut our Nation's deficit. And when you added the growing cost of the war and Hurricane Katrina, the legislative train wreck was entirely predictable. I hope we do not repeat the same mistakes this year—starting with the wrong priorities and unrealistic assumptions here in the budget process which will lead to constrained appropriations bills that will end up hurting our American families.

Mr. President, a budget is more than just a bunch of numbers on a piece of paper. It is a statement of our values, and it reflects our priorities. The budget this Senate is now considering closely follows the President's budget, and it is based on the wrong priorities. It is clear to me that we need to invest here at home to make our country strong again. That means investing in education and in health care, in infrastructure and housing, in safety and security, and on each of those fronts the Bush priorities have been time and again misguided, adrift, and downright painful for millions of Americans.

You know, Mr. President, when I am at home in Washington State or here in the Nation's Capital I hear a lot of concern from the business community, from local governments, and from families across the United States about us losing our global competitiveness. They talk to me about the challenges they face in keeping and growing good jobs right here at home, and they tell me that education is one of the elements for our success. But last year's budget, the fiscal year 2006 budget, set us on the path of undermining our competitiveness by weakening educational programs at all levels, and I fear that this budget, the fiscal year 2007 budget, will do the exact same thing.

Last year's budget, the 2006 budget so constrained education, the Labor, Health and Human Services and Education appropriations bill failed once in the House and almost did not pass at all. In the end, the programs faced one last hit, a 1-percent across-the-board cut that further hindered education at all levels.

At a time when our schools are facing the increasing requirements of No Child Left Behind, our families are facing rising college tuition costs, and employers are crying out for highly skilled, educated workers, this is no time for our Nation to be shortchanging education.

Because of laws Congress has passed and President Bush has signed, school districts are facing increasingly rigorous academic standards and working very hard to meet the new requirements for highly qualified teachers.

How has Congress responded? Well, a majority in this Congress cut funding for the No Child Left Behind Act by 3 percent, or $13.1 billion below what was promised when we passed that bill. The fiscal year 2006 budget from last year also led the Government to slide backwards on its commitment to students with disabilities for the first time in 10 years. The Federal share of educational costs dropped from 18.6 percent in 2005 to 18 percent in 2006. Funding for disadvantaged students eligible for title I was inadequate. The fiscal year 2006 funding from last year is $9.9 billion less than what Congress and President Bush committed to spending in that law. That bill would leave behind 3.1 million students who could be fully served by title I if the program were funded at the level to which we committed.

The reason I feel the need to talk about last year's budget at length is to put this year's budget proposal in context because the budget we are considering, the 2007 proposal, continues that dangerous trend. The President proposed the largest cut to education in 26 years. Sadly, this budget resolution makes it impossible to restore those proposed cuts. It would eliminate vocational and technical training efforts and college prep programs that have been so successful, such as TRIO and GEAR UP.

This year, unless we change course, $11.9 billion is going to be cut from student loans, loans that help our low-income and middle-income families pay for college, and 70 percent of those cuts is going to come right out of the pockets of students and their families.

Those cuts, by the way, will not go for balancing the budget. They are going to go for tax cuts for those who need them the least. We are trading the higher education of the Nation's families for our majority's misguided fiscal policy.

Tuition and fees increased by 7.1 percent this year for 4-year public universities and 5.9 percent for private universities. The policies that are pursued in this budget are not just wrong for our country, they are going to cost our Nation dearly in the long term. Today, one-third of the U.S. workforce has a postsecondary education—one-third. But it is estimated that 60 percent of the new jobs in the 21st century are going to require a college education. Workers who have attended college on average have higher incomes and lower rates of unemployment than those who don't. And those with a college education are more likely to have jobs with benefits like health care and retirement and pension plans.

We should be helping to break down the barriers to a college education, not building them up with this budget. We will not succeed in preparing our students for the 21st century by cutting their support, and we will put our country at a competitive disadvantage as we confront the world's challenges unless we change course.

On the workforce issue, the GAO has said that business and customer satisfaction with our workforce system has never been better. But this President is now proposing hundreds of millions of dollars in budget cuts that effectively dismantle our local one-stop system of providing training and employment services for our workers.

I have 5,000 people in my home State of Washington who are desperately seeking training right now, and there are over 50,000 jobs that employers are looking to fill. We should be increasing our investment in worker training—not ensuring that all of our good-paying jobs are going to be outsourced abroad.

Finally, this budget fails to adequately protect our miners and our other workers from health and safety dangers they face in their workplace.

On housing, this budget resolution will mean painful cuts—housing for the elderly cut 26 percent, housing for the disabled cut 50 percent, community development block grants cut by more than $1 billion. Those are the wrong priorities. We should be providing more help for the disabled and the elderly and for community development.

Everywhere I travel in Washington State, I hear from families struggling to find a safe and affordable place to live. Whether it is a young couple looking to buy their first home or a family searching for rental housing close to their job or a senior citizen who wants better access to social services, it is harder than ever to find affordable housing.

Across the country, public housing agencies and nonprofit organizations are working hard to help families find a place they can call home. At the same time, they are contributing to community revitalization efforts that will bring new jobs and opportunities. But a lack of funding threatens the achievements that have been made and the work that is yet to be done.

This budget resolution that is before us assumes the President's proposal to cut the Community Development Fund, which includes the Community Development Block Grant Program, by more than $1 billion. That, by the way, is on top of a $.5 billion cut the program received this year.

Every Senator here knows how successful the Community Development Block Grant Program is. You can see its impact in communities across the country. Whether it is construction of new affordable housing or supporting community revitalization, CDBG is bringing hope and opportunity to some of our country's most vulnerable.

The budget resolution we are looking at this week does not restore funding for the Community Development Block Grant Program. That will make it virtually impossible to restore cuts in housing and community development, including that $1 billion reduction in CDBG.

I refer my colleagues to the views and estimates filed on the Budget Committee resolution from the chairman and ranking member of the Appropriations Committee, and I want to quote directly from those views:

> We reiterate that unless the committee—the Appropriations Committee—receives substantial relief from these unachievable assumptions, the committee will be unable to fund the President's request much less items of Congressional interest.

I think that is wrong.

I am going to be offering an amendment, with the support of many of my colleagues, to restore that funding.

I believe it is also critical that we continue to invest in our Nation's infrastructure. Recent cuts in transportation spending are threatening to weaken our airline safety. They are imposing new transportation costs on American businesses, and they cost tens of thousands of construction jobs. Investing in our Nation's transportation infrastructure helps reduce congestion, improves safety, and supports continued economic growth.

On veterans, this budget does not keep America's commitment to our veterans because it is built on making it harder for veterans to get the health care they have earned. The Bush administration wants to close the doors of VA hospitals to 1.1 million veterans. It is going to keep another 200,000 from accessing the VA. The Bush administration is imposing new fees, copayments, and blocking access, and that is just wrong.

The committee resolution will simply make it impossible to fully fund VA health care without additional cost sharing. The resolution assumes the President's increase for VA health care, but this increase is matched in part through higher premiums and copayments.

I offered an amendment during markup to restore full funding for VA health care without forcing our veterans to pay for the care they earned. Unfortunately, it failed in committee, but we are going to try again on the floor.

One of the biggest flaws in this budget is in homeland security. I know a lot of Senators recognize the inadequacies of the administration's approach, with the chairman of the Budget Committee, who also serves as chairman of the Homeland Security Appropriations Subcommittee, characterizing it as "gross malfeasance."

I thank the chairman for recognizing this and for making a gesture in the budget toward addressing this gaping hole. But gestures are not enough, and if the Senate passes the caps proposed by the administration and contained in this budget, no Senator should be under any illusion that we will have any other choice but to once again underfund our Nation's defenses.

In recent weeks, we have all heard about the issue of cargo and port security. It is looming large, and we have had a vigorous debate here and across the country. No matter the particular outcome of this one transaction, this country is not adequately prepared to confront the threats we face to our security through our trading system.

Sadly, this budget continues that regretful trend.

On health care, the President wants to cut 2.2 percent from HHS. That is going to reduce our investment in medical research, in disease prevention, and in important safety net programs such as urban Indian health.

During the Budget Committee, I actually offered an amendment to try to provide some direction and flexibility to the Finance Committee to act on legislation aimed at addressing the problems with the Medicare Part D benefit, to provide them with a deficit-neutral reserve fund to deal with the copayments our States are facing.

It is only a matter of time and our States are going to revolt, and our pharmacists are already paying the price. I hope we again address that.

Let me conclude by saying this budget is neither fiscally responsible nor disciplined. Under the assumptions in this resolution, the deficit is actually going to get worse. Debt is going to continue to increase. The only fiscal constraint included in this resolution is a cap on discretionary spending that will make it almost impossible to meet our country's needs or our appropriations deadline of October 1.

I will have more to say.

Let me end by saying that this budget is based on unrealistic spending targets and lacks any real fiscal discipline. Simply providing unrealistic caps on domestic spending while assuming additional tax cuts is not fiscally responsible. I believe this budget is neither honest nor responsible.

We have a lot of work to do to make our country strong again. We need a budget that reflects our priorities and values. And we cannot forget that the choices we make today will empower us—or entrap us—months from now. I hope we can work together on both sides of the aisle to create a budget that protects our homeland, ensures fiscal responsibility, and stands up for our middle-class families.

Thank you Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

BUDGET DEFICITS

Mr. BAUCUS. Mr. President, the Book of Proverbs says: "The borrower is servant to the lender."

This is a sad week for America, for we have become servants to many nations.

This week, we debate legislation to raise the Government's borrowing by $781 billion. That is more than three-quarters of a trillion dollars.

This will be the fourth largest debt increase in the history of our country, and it will be the fourth debt limit increase enacted in this administration.

In 2002, the Government raised the debt ceiling by $450 billion. The next year, 2003, the Government raised it by $984 billion—nearly a trillion dollars. That was an alltime record. And in 2004, the Government raised the debt ceiling by another $800 billion.

This week, we consider legislation to raise the debt ceiling by another $781 billion. When added to the three other debt ceiling increases during this administration, the total increase in the debt ceiling will be a mammoth $3 trillion. That is servitude.

When this administration took office, the limit on Treasury borrowing was about $6 trillion. It took us as a country 212 years to accumulate that much debt. Now, a mere 5 years later, this administration has added another $3 trillion. This one administration has added half again as much debt as all the other administrations that came before it put together. That is servitude.

During the period that this administration has been in office, the debt has gone up by about $10,000 for every man, woman, and child in America. For a family of four, that is an increase of $40,000 just during the time this President has been serving as President.

What would an average American family think of that amount of debt? Imagine an average American family sitting at the kitchen table. Imagine them looking at $40,000 in new debt. What would they think? Would they just call up the credit card company and ask for a higher limit?

The right thing to do would be to turn over a new leaf. The right thing to do would be to balance the family budget. When your debt spins out of control, you cut up the credit card, you try to live within your means, and you stick to a budget for the future of your family.

The question is, Will Congress show the kind of fiscal discipline that is necessary? Will Congress show that discipline that any American family should be expected to show?

And to whom are we servants? We are servants to foreigners. Much of the Treasury debt is now owned by foreigners. That includes both foreign citizens and central banks in foreign countries. That means we pay interest to foreign citizens and foreign central banks. Over time, this will lower America's standard of living.

How is debt like servitude? These large foreign holdings of our Treasury debt are a risk to our homeland security and our economic security. Suppose the President thinks that another country is jeopardizing America's security. Suppose the President would like to tell that country that America would like action from it and would take action against it if it did not change its actions. If that country's central bank owned a large amount of our Treasury debt, it could threaten to sell it quickly. That sale would drive up interest rates and cause the dollar to fall. That would cause a recession in America. As a result, the President might have to back down from threats against that other country. America would be at greater risk.

Or take the situation where America has a trade dispute with a foreign country. Imagine that the foreign country's central bank owned a lot of our debt. Then that country could threaten to sell the debt to force America to back down from our position in a trade dispute. America would be weaker in trade.

Foreigners own more than $2 trillion of Treasury debt today. This is double the amount they owned at the beginning of this administration.

Mr. President, 96 percent of the increase in debt held by the public between December 2004 and December 2005 resulted from foreign purchases of that debt. The bottom line is simple. These massive increases in debt harm America. They make us the servants of foreign nations.

How did we get to this point? Federal budget deficits drive up our debt, and these deficits have been huge during this administration. When this administration took office we were running large budget surpluses—not deficits, surpluses. In fiscal year 2000, the last year of the previous administration, we ran a surplus of $236 billion. We ran a surplus of $86 billion even without counting Social Security. By fiscal year 2001, the surplus, counting Social Security, had dropped to $128 billion, down from the $236 billion in the prior year. Then, the tide of red ink really flowed. In fiscal year 2002, the Government ran a deficit of $158 billion. The following year, 2003, the Federal Government ran a budget deficit of $375 billion. That was an all-time record. But that record lasted just 1 year.

The next year, fiscal year 2004, the Government set a new record by running a deficit of $413 billion. The following year, fiscal year 2005, the Government ran a deficit of $319 billion. Although this was not a record, it was still larger than deficits run in any year before this administration took office. In the current year, the deficit will go up again. The administration predicts that the deficit will rise to $423 billion. This represents yet another all-time record.

To make matters worse, these record deficits are occurring just at the time the retirement of the baby boom generation is about to begin. The retirement of the baby boom generation will put enormous stress on the Federal budget. It will lead to huge increases in the cost for Social Security, Medicare, and Medicaid, and this will drive up budget deficits.

The fiscal policy of this administration has been the most irresponsible in the Nation's history. This fiscal policy has generated huge budget deficits, and these deficits, in turn, have contributed to massive increases in Federal debt.

We need to change course. We must reenact the tough pay-go budget rule. The pay-go rule says if you want to increase entitlement spending or tax cuts, we have to pay for them. Senators CONRAD and FEINGOLD will offer an amendment to the budget and again to the debt limit legislation to restore tough pay-go rules.

I will have more to say about that when the amendment is offered, but for now let me cut to the chase. Every Senator ought to vote for that amendment. We need to enact a tough pay-go rule. We need to work together to stop increasing the budget deficit. We need to vote against the hemorrhaging of debt that has afflicted us these last few years. That is what we need to do.

The choice is clear. Will we fall further into debt to foreign powers or do we have the will to break the bonds of our debt servitude? All that is at stake is our freedom.

I urge Senators to think deeply about the upcoming vote. The future of our country, in many deep senses of the term, depends on that vote, especially the future of our children and our grandchildren.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING DR. BRUCE MCMILLAN

Mr. DURBIN. Mr. President, I rise today to honor a constituent, Dr. Bruce McMillan, director of the Illinois State Museum, and congratulate him on his retirement.

Dr. McMillan began his career at the Illinois State Museum in 1969 as associate curator of anthropology. Since becoming director in 1977, Dr. McMillan has guided the museum through an expansion from two to six facilities throughout Illinois.

The Illinois State Museum serves the State of Illinois through its excellence in interdisciplinary research and its commitment to innovation in exhibits and education. With collections in the natural sciences, anthropology, and art, the museum tells the story of the land, life, people, and art of Illinois.

Dr. McMillan has brought to his work a true passion for research, travel, and the outdoors. Those who know him best call him a natural leader who inspires those around him to do things they would never try on their own. An avid outdoorsman, Dr. McMillan has led yearly field trips for friends and colleagues, including one to the dry shelters of Arkansas that has become legend amongst his friends.

Known to be a sports enthusiast, Dr. McMillan has played in the Springfield senior softball league for years and has admirably represented Illinois in the Senior Olympics. He is supported by his wife Virginia and his three children in all of his many varied pursuits.

Through his decades of service as director of the Illinois State Museum, Dr. Bruce McMillan has promoted discovery, learning, and an appreciation of Illinois' heritage. Under his leadership, the Illinois State Museum has become one of the premier State museums in the country, and the legacy he has created will continue to benefit the State of Illinois in the years to come.

Mr. President, I congratulate Dr. Bruce McMillan on his many accomplishments throughout his long and successful career, and I wish him many more years of happiness and accomplishment in retirement.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS MATTHEW LEE BERTOLINO

Mr. GREGG. Mr. President, I rise today to pay tribute to PFC Matthew Lee Bertolino of Hampsted, NH, for his service and supreme sacrifice for his country.

Matthew, a 2003 graduate of Pinkerton Academy, Derry, New Hampshire, entered the Marine Corps through the Marine Corps Delayed Entry Program on September 30, 2004. He started his initial training on January 26, 2005, at the Marine Corps Recruit Depot, Parris Island, SC. Upon completion of his training he became an infantry marine with an 0351 assaultman specialty. His awards include the Afghanistan Campaign Medal, Global War on Terrorism Service Medal, National Defense Service Medal, and Expert Rifleman Medal.

Tragically, on February 9, 2006, this courageous young marine, only 20 years of age, died as a result of a nonhostile accident while operating as part of a combat patrol near Jalalabad, Afghanistan. At the time Private First Class Bertolino was serving with A Company, 1st Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force which was deployed to Afghanistan in support of Operation Enduring Freedom—Afghanistan.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Afghanistan—and Matthew served in that fine tradition. Daniel Webster said: God grants liberty only to those who love it, and are always ready to guard and defend it. Matthew was one of those proud and dedicated volunteers who chose to serve our Nation, and guard our precious liberty, and for that we will always owe our sincere gratitude.

Family, friends, and fellow marines will no longer be able to enjoy the company of PFC Matthew Lee Bertolino. Yet memories of this young patriot will last forever with those who were fortunate enough to have had the opportunity to know him. He realized a calling for a higher service and chose to employ his considerable talents in the service of his country. He understood that the freedoms and opportunities provided by this Nation need continuous defense and that they are among the most precious gifts he can give to his family and loved ones. We honor Matthew for the dedication he has shown to his family and our Nation. Because of his efforts, the liberty of this country is made more secure.

CONGRATULATING LOYOLA SACRED HEART SPEECH AND DEBATE

Mr. BURNS. Mr. President, on January 27 and 28, a remarkable group of students from Loyola Sacred Heart High School in Missoula, MT, won the State B-C Title for Speech and Debate. This is the 23rd consecutive State championship for this squad. I rise today to congratulate this team on their hard work and success.

Loyola's accomplishment is truly remarkable. Out of 50 schools competing at the State Tournament, Loyola's squad of 26 students scored 167 points. Twenty-one of these twenty six earned medals. And Paul Stergios and Paul Dallapiazza were the State champions in team debate, while Dan Evans took home the gold in extemporaneous speaking.

These events, which focus on current events and policy, are a fantastic educational tool for students to learn about their world and their government. In fact, I have several former Montana team debaters on my staff, including a former State champion in team debate.

By winning its 23rd straight State championship, the Loyola Sacred Heart speech and debate team extends its State record for the most consecutive titles in any division in any activity. A lot of things have changed since they won their first title in 1984, but the success enjoyed by Loyola Sacred Heart in speech and debate has remained consistent. Since 1981, over 1,000 students have competed for Loyola Sacred Heart and the team has produced 34 individual State champions and over 225 medalists.

Students competed in two debate events—team debate and Lincoln-

Douglas debate—and seven individual public speaking events—extemporaneous speaking, impromptu speaking, original oratory, memorized public address, expository speaking, serious oral interpretation of literature, and humorous oral interpretation of literature.

I congratulate head coach Matt Stergios and his team for their continued success in attaining their 23rd consecutive State title. Matt has coached the team since 1981. His daughter Sarah won gold last year, and his son Paul won this year.

Loyola Sacred Heart Speech and debate 39-person divisional and State team roster: Michael Breuer, Mary Callahan-Baumstark, Nick Corn, Paul Dallapiazza, Jason Dark, Justin Dart, Miles Dauterive, Erin Demerle, Jasen Devoe, Liz Diehl, Ryne Dougherty, Brian Doyle, Kyle Doyle, Matt Eddy, John Eikens, Dan Evans, Andrew Fortunate, Brian Geer, Sarah Giuliani, Megan Hess-Homier, Joe Hurd, Julie Hurd, Erik Kappelman, Tricia Karsky, Ian Kefler, Emilie Loran, Kathleen Lowery, Emily Mihalic, Nick Mihalic, Katie Neher, Alice Phoenix, Charlie Pritchard, Mariah Rys-Sikora, Joe Sanders, Paul Stergios, Will Taylor, Madison Unsworth, James Winegart, and Chris Yoder.

Head coach: Matthew Stergios

Assistant coaches: Sarah Jennings, Charles Hansberry, Theresa Stergios and Jessica Weinert.

ADDITIONAL STATEMENTS

HONORING TRANSPO

• Mr. BAYH. Mr. President, I rise today to applaud the Transportation Corporation in South Bend, IN, for its decision to use biofuels to power the South Bend public transit system, the second largest public transit system in all of Indiana. This is good news for the environment and good news for the economy. By using biofuels to power South Bend's public buses, Indiana is setting an example for the rest of the Nation and leading the way on the path to greater energy security.

Ending our dependence on foreign oil is one of the defining challenges of our generation and it's going to affect America for generations to come. It will affect our economy, our finances, our Nation's security and, ultimately, the kind of world our children inherit from us.

If we learned anything from September 11, it is that we can no longer afford to be dependent on places like Saudi Arabia, Russia, and Venezuela for our energy supply. Yet unfortunately, we are more dependent on foreign oil from hostile countries today than we were on September 11—making us more vulnerable and putting the United States in the uniquely disturbing and intolerable position of bankrolling both sides in the war on terror.

By tapping the energy potential of Indiana's farm fields, we can ensure a reliable domestic energy supply to meet our Nation's needs while ending our reliance on unstable countries for their oil and, at the same time, creating thousands of jobs for Hoosier farmers. South Bend's buses will run on B20 soy biodiesel, a clean renewable fuel that creates a new market for Indiana's 28,000 soybean farmers. Indiana's farmers represent some of the very best of our State's traditions and history, and I am proud that they will be our partners as we chart a path to energy independence in the 21st century.

Although it may seem daunting, we can reduce our dependence on oil. Brazil has announced that it expects to be energy independent by the end of the year by fulfilling its energy needs in part from domestically produced biofuels. If they can do it, so can we. And here in Indiana, we are beginning to understand the power and potential of renewable energy sources. Last year, the Indy Racing League announced its decision to use ethanol in its IndyCars. Beginning in 2006, all IndyCars will race on an ethanol-blend before switching to 100 percent ethanol fuel the following year. If a high performance vehicle running on ethanol can win the Brickyard, surely ethanol is good enough for the family minivan, too.

Today's announcement builds on Indiana's prominent leadership role in the country's growing renewable fuel industry. If cities around the country would follow South Bend's lead, step-by-step we could move towards energy independence.

Here in the Senate, I have introduced bipartisan legislation aimed at breaking America's dependence on foreign oil by reducing our use of oil by 7 million barrels a day by 2026. My legislation would achieve that goal by creating incentives to encourage the use of alternative fuels like those being used by TRANSPO and promoting greater energy efficiency. A key part of accomplishing this goal involves increasing America's use of biofuels through significant increases in tax credits and grants. By letting America's farmers produce America's fuel, we will help truly set our country free.

I want to thank South Bend and TRANSPO for showing us how to start making that progress.•

RONALD SEAWRIGHT OF ST. LOUIS

• Mr. BOND. Mr. President, I rise today to recognize the achievements of an exceptional Missouri student.

Second grader Ronald Seawright of St. Louis has taken it upon himself to lead his peers in the St. Louis Public School District in an effort to end school violence, particularly bullying. Using his personal experiences at Laclede Elementary School during his first grade year, Ronald published a short book entitled "The Bully," which he hopes will guide other students to free themselves from bullying.

Ronald's book, "The Bully," explains who bullies are and what they do, as well as how to respond when you are frightened by a bully. Ronald's advice is sound: do not suffer the intimidation of a bully. He stresses the importance of communicating to trusted adults in order to help students overcome peer violence and abuse in its early stages before the school's learning environment is disrupted.

With the aid of his mother and local leaders, Ronald continues to spread his message. On March 14, 2006, public schools across the city of St. Louis are celebrating Live Bully-Free Day. Ronald has invited other school children to join him in learning the personal and social skills necessary to protect themselves from bullies, gangs, and their tactics. Ronald deserves to be commended not only for his courage but also for his great service and leadership in our community.

Mr. President, I encourage you and other Members of the Senate to join me in recognizing the initiative of this brave and creative young man, Ronald Seawright.•

IN MEMORIAM TO SAM CHU LIN

• Mrs. BOXER. Mr. President, I take this opportunity to honor the life of Sam Chu Lin, who broke new ground as one of the first Asian American journalists. Mr. Chu Lin passed away on March 5, 2006, at the age of 67.

Mr. Chu Lin was born and raised in Mississippi. He had a lifelong interest in news and journalism. When he was a teenager, Mr. Chu Lin would listen to the radio at night, emulating the voices of the top broadcasters. His practice paid off in 1956, when he convinced his hometown radio station in Greenville, MS, that he could find sponsors and host a show of his own. Mr. Chu Lin later attended Michigan State University, where he received degrees in journalism and communications.

In the 1960s, Mr. Chu Lin began his career as a journalist, working as a reporter and anchor at television and radio stations, including KRON-TV in the San Francisco Bay area, and KTLA Channel 5 and KFWB radio, both in Los Angeles. In the 1970s, he became one of the first Asian-American journalists to rise from local to network news, working for CBS News in New York. While at CBS, Mr. Chu Lin reported to a national television audience the historic news that the Vietnam War was over.

Throughout his career, Mr. Chu Lin demonstrated his versatility as a reporter. He interviewed Presidents and world leaders, and he covered earthquakes and other natural disasters. In the late 1980s, he reported from China about the government crackdown on the Tiananmen Square demonstration for democracy. Since 1995, Mr. Chu Lin worked at KTTV Fox 11 News in Los Angeles. In addition, he wrote numerous articles about Asian-American affairs for news publications such as Asian Week, Rafu Shimpo, the Nichi Bei Times, and the San Francisco Examiner. He was also a regular contributor to KQED radio in San Francisco.

Over the years, Mr. Chu Lin was the recipient of many awards and accolades from prestigious organizations, including the Associated Press, United Press International, the Academy of Arts and Sciences, the Greater Los Angeles Press Club, and the Radio and Television News Association. As a strong advocate for Asian-Pacific-Americans and their contributions throughout history, Mr. Chu Lin was also the recipient of many awards from Asian-Pacific-American organizations, most recently the 2005 Spirit of America Award from the Chinese American Citizens Alliance.

Sam Chu Lin believed that journalism should be educational, and that "informing and helping others is what makes journalism exciting." He felt that journalism was a "chance to use your roots for a positive purpose." In his reports, articles, and stories, it was evident that Mr. Chu Lin did just that. He was a tireless advocate on behalf of the Asian-Pacific-American community, whether he was producing documentaries on the Asian-Pacific American experience or speaking to organizations about the importance of civic participation. His contributions to the field of journalism, especially within the Asian-Pacific-American community, will not be forgotten.

Mr. Chu Lin is survived by his wife, Judy; his two sons, Mark and Christopher; and his mother. I extend my deepest sympathies to his family.

Sam Chu Lin was a pioneer among Asian-American journalists, and he will be missed by all who knew him. We take comfort in knowing that future generations will benefit from his tenacity, his strength and his desire to make America a better place to live.●

HONORING MAJOR JEFF JURGENSEN

● Mr. OBAMA. Mr. President, it is my pleasure and privilege to honor an exceptional Marine, MAJ Jeff Jurgensen. Major Jurgensen has served our Nation for more than 20 years. Rising from the rank of Marine Private, he has served around the globe in both war and peace. Major Jurgensen was born in Oak Park, IL, and spent much of his youth in the Chicago area.

He began his Marine Corps service at the Marine Corps Recruit Depot, Parris Island, SC. He also completed the School of Infantry, Camp Lejeune. Assigned duties as a Marine Corps Combat Correspondent, he subsequently graduated from the Military Print and Broadcast Journalist Program at the Defense Information School.

Major Jurgensen was then stationed in Tokyo, Japan, as a Correspondent for the Armed Forces Radio and Television Service. Promoted to Corporal while in Japan, Major Jurgensen was selected for the Enlisted Commissioning Program and transferred to Quantico, VA, where he attended Officer Candidate School and the Basic School—graduating with Honors. As a Marine Officer, Major Jurgensen has served in North Carolina, Missouri, Louisiana, and Washington, DC. In addition, during his career, he has deployed in support of Hurricane Andrew Relief Operations in Dade County, FL, Operation Enduring Freedom in the Horn of Africa, and Operation Iraqi Freedom in Bahrain, Kuwait, and Iraq.

Since 2004, Major Jurgensen has been assigned to the Marine Corps' Office of Legislative Affairs as a Congressional Liaison Representative. Responding to more than 4,000 inquiries from Members of Congress, Major Jurgensen has worked aggressively to provide our Nation's elected leaders with critical information regarding Marine Corps operations, policies, programs, and personnel. His efforts have measurably contributed to the mission of the Marine Corps, U.S. House of Representatives, and Senate. His skill, judgment, and complete dedication to duty are in keeping with the highest traditions of the United States Marine Corps and the United States Naval Service.

I wish Major Jurgensen, his wife Kamlyn—also from Illinois—and their wonderful family the very best as they begin a new life. I am particularly proud that residents of the great State of Illinois choose to join the Marine Corps and serve this Nation. Major Jurgensen has done so with distinction. On behalf of the Senate, I wish to extend my heartfelt thanks and gratitude. May he have many more years of continuing success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN THAT WAS DECLARED IN EXECUTIVE ORDER 12957—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on March 14, 2005 (70 FR 12581).

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 13, 2006.*

MESSAGE FROM THE HOUSE

At 10:19 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2829. An act to reauthorize the Office of National Drug Control Policy Act.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2829. An act to reauthorize the Office of National Drug Control Policy Act; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5974. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Community Services Block Grant Discretionary Activities: Community Economic Development and Rural Communities Facilities Discretionary Grant projects funded during Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-5975. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Country Reports on Human Rights Practices for 2005; to the Committee on Foreign Relations.

EC-5976. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of Lieutenant General David W. Barno, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5977. A communication from the Assistant to the Board, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Y: Capital Adequacy Guidelines for Banking Holding Companies; Small Bank Holding Company Policy Statement: Definition of a Qualifying Small Bank Holding Company" (Docket No. 1235) received on March 8, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-5978. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt: Addition and Removal of Regulated Areas in Arizona" (Docket No. 05–078–2) received on March 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5979. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Peppers from Certain Central American Countries" (Docket No. 05–003–3) received on March 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5980. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Alternative Market Risk and Credit Risk Capital Charges for Futures Commission Merchants and Specified Foreign Currency Forward and Inventory Capital Charges" (RIN3038–AC05) received on March 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5981. A communication from the Deputy Director, Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of confirmations for the positions of Chief Information Officer and Director of the National Counterterrorism Center and a recess appointment for the position of General Counsel, received on March 8, 2006; to the Select Committee on Intelligence.

EC-5982. A communication from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting, the report of a draft bill entitled "Reclamation Water Management Improvement Act" received on March 8, 2006; to the Committee on Environment and Public Works.

EC-5983. A communication from the Director, Office of National Drug Control Policy, Department of Justice, relative to the transfer of the High Intensity Drug Trafficking Area Program from the Office of National Drug Control Policy to the Department of Justice; to the Committee on the Judiciary.

EC-5984. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–287, "National Opera Street Designation Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5985. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–288, "Dishonored Check Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5986. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–289, "Other Tobacco Products Tax Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5987. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–290, "Uniform Environmental Covenants Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5988. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–291, "Illegal Dumping Enforcement Amendment Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5989. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–292, "Residential Energy Conservation Tax Credit Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5990. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–294, "Fiscal Year 2007 Budget Tax Relief Priorities Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5991. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–295, "Drug Offense Driving Privileges Revocation and Disqualification Temporary Amendment Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5992. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–296, "Identity Theft Technical Temporary Amendment Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5993. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–302, "Income Withholding Transfer and Revision Amendment Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5994. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–303, "Non-Health Related Occupations and Professions Licensure Temporary Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5995. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–304, "Finance and Revenue Technical Amendments Temporary Amendment Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5996. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–305, "Department of Mental Health Collective Bargaining Agreements Temporary Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-5997. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–306, "DC USA Parking Garage Bond Security Documents Approval Temporary Act of 2006"; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of March 9, 2006, the following reports of committees were submitted on March 10, 2006:

By Mr. GREGG, from the Committee on the Budget, without amendment:

S. Con. Res. 83. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GREGG:

S. Con. Res. 83. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; from the Committee on the Budget; placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. AKAKA, Mr. TALENT, and Mr. GRAHAM):

S. 2400. A bill to transfer authority to review certain mergers, acquisitions, and takeovers of United States entities by foreign entities to a designee established within the Department of Homeland Security, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2401. A bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. KYL, Mr. CORNYN, Mr. DEWINE, and Mr. GRAHAM):

S. 2402. A bill to improve the prohibitions on money laundering, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS:

S. 2403. A bill to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEMINT:

S. 2404. A bill to extend the duty suspension on o-tert-Butylcyclohexanol; to the Committee on Finance.

By Mr. DEMINT:

S. 2405. A bill to extend the temporary duty suspension for acetanisole; to the Committee on Finance.

By Mr. DEMINT:

S. 2406. A bill to suspend temporarily the duty on 1,2 Pentanediol; to the Committee on Finance.

By Mr. DEMINT:

S. 2407. A bill to suspend temporarily the duty on p-Anisaldehyde; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD:

S. Res. 398. A resolution relating to the censure of George W. Bush; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. SARBANES, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mrs. BOXER, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. OBAMA, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. THOMAS, Mr. VOINOVICH, and Mr. WYDEN):

S. Res. 399. A resolution designating March 25, 2006, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; considered and agreed to.

By Mr. BIDEN (for himself, Mr. SMITH, Mr. LUGAR, and Mr. DURBIN):

S. Res. 400. A resolution expressing the sense of the Senate on the constitutional reform process in Bosnia and Herzegovina; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LUGAR, Mr. BIDEN, Mr. BROWNBACK, Mr. MCCONNELL, and Mr. SUNUNU):

S. Res. 401. A resolution urging the Republic of Belarus to conduct planned presidential elections March 19, 2006, in a free, fair, and transparent manner and with respect for human rights; considered and agreed to.

ADDITIONAL COSPONSORS

S. 408

At the request of Mr. DEWINE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 503

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 707

At the request of Mr. ALEXANDER, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Maryland (Mr. SARBANES), the Senator from Minnesota (Mr. COLEMAN), the Senator from North Dakota (Mr. DORGAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 809

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 809, a bill to establish certain duties for pharmacies when pharmacists employed by the pharmacies refuse to fill valid prescriptions for drugs or devices on the basis of personal beliefs, and for other purposes.

S. 1086

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1112

At the request of Mr. GRASSLEY, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1607

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1607, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1721

At the request of Mr. VOINOVICH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1721, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

S. 2134

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2134, a bill to strengthen existing programs to assist manufacturing innovation and education, to expand outreach programs for small and medium-sized manufacturers, and for other purposes.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2266

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2266, a bill to establish a fellowship program for the congressional hiring of disabled veterans.

S. 2287

At the request of Ms. SNOWE, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2287, a bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses.

S. 2300

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2300, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to market exclusivity for certain drugs, and for other purposes.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2340

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2340, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 2362

At the request of Mr. BYRD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2362, a bill to establish the National Commission on Surveillance Activities and the Rights of Americans.

S. 2389

At the request of Mr. ALLEN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2389, a bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes.

S. 2390

At the request of Mr. ENSIGN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2390, a bill to provide a national innovation initiative.

S. 2393

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 224

At the request of Mr. DEWINE, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 359

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. AKAKA, Mr. TALENT, and Mr. GRAHAM):

S. 2400. A bill to transfer authority to review certain mergers, acquisitions, and takeovers of United States entities by foreign entities to a designee established within the Department of Homeland Security, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce legislation to reform and strengthen the national security review process for foreign investments in the United States. I am very pleased to be joined by three of my colleagues—Senator LIEBERMAN, Senator COLEMAN, and Senator AKAKA—in introducing this legislation.

In a global economy, foreign investment in this country is becoming increasingly common. The national security and homeland security implications of those investments must be scrutinized by the departments with responsibility for those critical matters.

The controversy over the Dubai ports transaction has exposed serious flaws and shortcomings in the current law and process that is used to review foreign investments in our country.

In 1988, Congress passed the Exon-Florio provision of the Defense Production Act to get the President the authority to suspend or prohibit any foreign acquisition, merger, or takeover of a U.S. corporation that is determined to threaten our national security.

Through an Executive order, the President gave a new committee—known as the Committee on Foreign Investment in the United States, often referred to as CFIUS—the responsibility of reviewing transactions pursuant to the Exon-Florio law and to make recommendations to the President.

The law is something of an anachronism because of what it doesn't say. It focuses on acquisitions of American companies that are either important to our military industrial base or have technology that could help a terrorist state develop weapons of mass destruction. Obviously, both of those concerns are very important. We do want to preserve our military industrial base, and we do want to safeguard technology that could help terrorists or anyone else develop weapons of mass destruction. But neither of those transactions or those requirements address transactions that could assist terrorists in threatening our security right here at home.

Obviously, there are other ways for terrorists to undermine our security that might be completely separate from the military industrial base issues or the technological issues related to weapons of mass destruction. In other words, the law is simply too narrow in its application. The current CFIUS process is not designed to analyze transactions that involve a port terminal or other critical infrastructures within our borders.

The Government Accountability Office, in a report issued last September, found that the Exon-Florio law's effectiveness in protecting U.S. national security may be limited—limited because the Department of Treasury, as the chairman of the Committee on Foreign Investment in the United States, narrowly defines what constitutes a threat to our national security. The Committee on Foreign Investment in the United States, CFIUS, focuses too much on the financial component and not enough on security.

I think that is what many of us concluded happened in the review of the Dubai ports transaction. The focus was on investment, needed investment in our ports, rather than being focused on the national security or homeland security implications that could possibly arise from that transaction. The committee is supposed to identify transactions that could affect our national security. It doesn't say "harm" our national security; it says "affect" our national security. That is supposed to be sufficient to trigger a full 45-day investigation. But, unfortunately, that is not initially what happened with the proposed Dubai ports transaction.

I would like to draw the attention of my colleagues to a broader issue, and that is the composition of CFIUS. Remember, this is supposed to be a national security review, but who chairs the committee? Not the Department of Homeland Security, not the Department of Defense, not the Department of Justice. The committee is chaired by the Department of the Treasury, and chairing this committee is meaningful because the chairman's interpretation of the law, including the provision that makes a 45-day investigation mandatory in the case of foreign government control to entities that could affect national security, tends to govern. In other words, what the chairman decides in interpreting whether the 45-day investigation is triggered tends to be what happens.

I suggest to you, and to my colleagues that the system is fundamentally flawed if it has the Secretary of Treasury, no matter how capable and well qualified he is—and I believe he is all of those things—chair a committee that is supposed to be looking at national security. Thus, I believe the CFIUS process has been weighed too much toward investment considerations and not sufficiently attentive to the national security and homeland security implications. Indeed, the GAO found that Treasury is "reluctant to initiate investigations to determine whether national security concerns require a recommendation for possible Presidential action." That is what GAO found, and that certainly seems to be an accurate finding.

These are concerns which we simply cannot tolerate given today's threat environment, and that is why I am introducing legislation to abolish the CFIUS process and to create a new interagency, interdepartmental mechanism chaired by the Department of Homeland Security to analyze transactions for both their homeland security and national security implications. Our bill is designed to fix the process through the following changes:

First, the bill would establish a new committee, the Committee for Secure Commerce, to replace the old CFIUS. The Committee for Secure Commerce would be chaired by the Secretary of Homeland Security, and the Secretary of Defense would serve as the vice chairman. The Director of National Intelligence would be specifically designated as a standing member of the committee in order to ensure that important intelligence information is part of the deliberative process. The Department of Treasury will still be represented on the committee, but with respect to the other members, the President shall name the appropriate agencies and departments to sit on the committee. This is an important change because it helps ensure that the focus will, indeed, be national homeland security, and it corrects what I believe to be a major shortcoming in the composition of the current committee, and that is that the intelligence community is not represented. That is extraordinary, given the purpose of this committee.

Second, the bill would explicitly include homeland security among the factors the committee would evaluate in deciding whether to review or investigate a transaction.

Third, the Secretary of Homeland Security would establish a process by which the committee reviews transactions and would establish the role and responsibility of each member.

In addition, each member would establish the process and procedure by which each respective agency would conduct its review, sharing that with the other committee members. It is important that committee members each have a general understanding of the scrutiny being applied to a transaction both within their own agencies and across the government. Such understanding was not apparent in the current CFIUS process.

Should a transaction warrant an investigation, the bill would require the Director of National Intelligence to consolidate intelligence assessments.

Lastly, this legislation would strengthen the reporting requirements to Congress. The existing process lacks transparency and does not allow sufficient oversight. It may be appropriate for the reviews, which may involve proprietary data and classified information, to be conducted confidentially. However, it is wholly appropriate that Members of Congress be briefed in a timely manner.

The bill would also address the so-called Byrd amendment loophole, requiring an investigation where the entity would be controlled by a foreign-government. In looking at the plain language of the existing statute, a 45-day investigation should have taken place in the Dubai Ports World purchase of Peninsular & Oriental Steam Navigation Company. However, the Treasury Department interpretation of the statute for nearly 15 years has been contrary to congressional intent, and thus, Treasury found there was no need for the 45-day investigation. That so-called ambiguity has been clarified in our bill. The law requires a 45-day investigation in cases where an acquirer is controlled by a foreign government, as in the case of DP World, and the acquisition could affect the national security of the U.S.

It is important that Congress take action to reform the review process for foreign investment in the U.S. This bill provides a new structure, appropriately focused on national security and homeland security. I seek my colleagues support in moving this legislation forward.

The Dubai ports controversy may have temporarily or perhaps permanently been set aside, but that does not mean we should abandon the efforts to reform and strengthen the law to ensure a proper review of foreign transactions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF AUTHORITY TO REVIEW CERTAIN MERGERS, ACQUISITIONS, AND TAKEOVERS.

(a) REPEAL OF DEFENSE PRODUCTION ACT PROVISION.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is repealed.

(b) TRANSFER TO HOMELAND SECURITY.—Title II of the Homeland Security Act of 2002 (6U.S.C. 121 et seq.) is amended by adding at the end the following:

"Subtitle—E—Review of Mergers, Acquisitions, and Takeovers by Foreign Entities

"SEC. 241. AUTHORITY TO REVIEW CERTAIN MERGERS, ACQUISITIONS, AND TAKEOVERS.

"(a) REVIEW AND INVESTIGATION.—

"(1) IN GENERAL.—The President or the President's designee may undertake an investigation to determine the effects on national security or homeland security of mergers, acquisitions, and takeovers proposed or pending on or after the date of enactment of this section by or with foreign persons which could result in foreign control of persons engaged in interstate commerce in the United States.

"(2) REVIEW.—For purposes of determining whether to undertake an investigation under this subsection, the President or the President's designee shall conduct a review of the proposed or pending merger, acquisition, or takeover, which review shall be completed not later than 30 days after the date of receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover.

"(3) TIMING.—If it is determined that an investigation should be undertaken under this subsection, such investigation—

"(A) shall commence at such time as the determination is made under paragraph (2), and not later than 30 days after the date of receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover, as prescribed by regulations promulgated pursuant to this section; and

"(B) shall be completed not later than 45 days after the date of its commencement.

"(4) INTELLIGENCE ASSESSMENT REPORTS.—With respect to any investigation undertaken under this subsection, the Director of National Intelligence shall create a report that consolidates the intelligence findings, assessments, and concerns of each of the relevant members of the intelligence community. Such report shall be considered as part of the investigation, provided to all members of the Committee, and included as part of any recommendation to the President.

"(b) MANDATORY INVESTIGATIONS.—

"(1) IN GENERAL.—The President or the President's designee shall undertake an investigation, as described in subsection (a)(1), in any instance in which an entity controlled by or acting on behalf of a foreign government seeks to engage in any merger, acquisition, or takeover which would result in control of a person engaged in interstate commerce in the United States.

"(2) TIMING.—An investigation undertaken under this subsection—

"(A) shall commence not later than 30 days after the date of receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover, as prescribed by regulations promulgated pursuant to this section; and

"(B) shall be completed not later than 45 days after the date of its commencement.

"(c) COMMITTEE FOR SECURE COMMERCE.—

"(1) ESTABLISHMENT.—There is established the Committee for Secure Commerce, which shall serve as the President's designee for purposes of this section.

"(2) CHAIRPERSON.—The Secretary, or the designee thereof, shall serve as the chairperson of the Committee.

"(3) VICE CHAIRS.—The Secretary of Defense, or the designee thereof, and the Secretary of the Treasury, or the designee thereof, shall serve as vice chairs of the Committee.

"(4) MEMBERSHIP.—The standing members of the Committee shall—

"(A) be made up of the heads of those executive departments, agencies, and offices as the President determines appropriate; and

"(B) include the Director of National Intelligence.

"(5) ASSISTANCE FROM OTHER FEDERAL SOURCES.—The chairperson of the Committee may seek information and assistance from any other department, agency, or office of the Federal Government, and such department, agency, or office shall provide such information or assistance, as the chairperson determines necessary or appropriate to carry out the duties of the Committee under this section.

"(6) REVIEW PROCESS; DOCUMENTATION.—

"(A) COMMITTEE REVIEW PROCESS.—The chairperson of the Committee shall establish written processes and procedures to be used by the Committee in conducting reviews and investigations under this section in any case in which the Committee is acting as the President's designee, including a description of the role and responsibilities of each of the member departments, agencies, and offices in the investigation of foreign investment in the United States.

"(B) DEPARTMENTAL REVIEW PROCESS.—The head of each department, agency, or office that serves as a member of the Committee shall establish written internal processes and procedures to be used by the department, agency, or office in conducting reviews and investigations under this section, and shall provide such written procedures to the Committee.

"(7) INDEPENDENT AGENCY REVIEWS REQUIRED.—In any case in which the Committee is acting as the President's designee under this section, each member of the Committee shall conduct, within the department, agency, or office of that member, an independent review of each proposed merger, acquisition, or takeover described in subsection (a) or (b), and shall timely provide to the Committee written findings relating to each such review.

"(8) DETERMINATIONS NOT TO CONDUCT AN INVESTIGATION.—A determination by the Committee not to conduct an investigation under subsection (a) shall be made only after a review required by subsection (a)(2), and shall be unanimous.

"(d) ACTION BY THE PRESIDENT.—

"(1) IN GENERAL.—Subject to subsection (e), the President may take such action for such time as the President considers appropriate to suspend or prohibit any acquisition, merger, or takeover of a person engaged in interstate commerce in the United States proposed or pending on or after the date of enactment of this section, by or with a foreign person so that such control will not threaten to impair the national security or homeland security.

"(2) ANNOUNCEMENT BY THE PRESIDENT.—The President shall announce the decision to take action pursuant to this subsection not later than 15 days after the investigation described in subsection (a) is completed. The President may direct the Attorney General to seek appropriate relief, including divestment relief, in the district courts of the United States in order to implement and enforce this section.

"(e) FINDINGS OF THE PRESIDENT.—The President may exercise the authority conferred by subsection (d) only if the President finds that—

"(1) there is credible evidence that leads the President to believe that the foreign interest exercising control might take action that threatens to impair the national security or homeland security; and

"(2) provisions of law, other than this section and the International Emergency Economic Powers Act, do not, in the judgment of the President, provide adequate and appropriate authority for the President to protect the national security or homeland security in the matter before the President.

"(f) ACTIONS AND FINDINGS NONREVIEWABLE.—The actions of the President under subsection (d) and the findings of the President under subsection (e) shall not be subject to judicial review.

"(g) FACTORS TO BE CONSIDERED.—For purposes of this section, the President or the President's designee shall, taking into account the requirements of national security and homeland security, consider among other factors—

"(1) critical infrastructure, the control of which is important to homeland security;

"(2) domestic production needed for projected national defense and homeland security requirements;

"(3) the capability and capacity of domestic industries to meet national defense requirements, including the availability of human resources, products, technology, materials, and other supplies and services;

"(4) the control of domestic industries and commercial activity by foreign citizens as it affects the capability and capacity of the United States to meet the requirements of national security or homeland security;

"(5) the potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

"(A) identified by the Secretary of State—

"(i) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

"(ii) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

"(iii) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons; or

"(B) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978, on the 'Nuclear Non-Proliferation-Special Country List' (15 C.F.R. Part 778, Supplement No. 4) or any successor list; and

"(6) the potential effects of the proposed or pending transaction on United States international technological leadership in areas affecting United States national security or homeland security.

"(h) CONFIDENTIALITY OF INFORMATION.—Any information or documentary material filed with the President or the President's designee pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this subsection shall be construed to prevent disclosure to either House of Congress or to any duly authorized committee or subcommittee of Congress.

"(i) REPORTS TO CONGRESS.—

"(1) REPORTS ON INVESTIGATION.—The President, or the President's designee, shall immediately upon completion of an investigation under subsection (a) or (b) transmit to the members of Congress specified in paragraph (3) a written report of the results of the investigation, before any determination by the President on whether or not to take action under subsection (d), including a detailed explanation of the findings made under subsection (e), details of any legally binding assurances provided by the foreign entity that were negotiated as a condition for approval, and the factors considered under subsection (g). Such report shall be prepared in a manner that is consistent with the requirements of subsection (h).

"(2) QUARTERLY SUBMISSIONS.—The President, or the President's designee, shall transmit to the members of the Congress specified in paragraph (3) on a quarterly basis, a detailed summary and analysis of each merger, acquisition, or takeover that is being reviewed, was reviewed during the preceding 90-day period, or is likely to be reviewed in the coming quarter by the President or the Committee under subsection (a) or (b). Each such summary and analysis shall be submitted in unclassified form, with classified annexes, as the Secretary determines are required to protect company proprietary information and other sensitive information. Each such summary and analysis shall include an appendix detailing dissenting views.

"(3) MEMBERS OF CONGRESS.—The reports required by this subsection shall be transmitted to—

"(A) the Majority Leader and the Minority Leader of the Senate;

"(B) the chairs and ranking members of the Committee on Homeland Security and Government Affairs, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate;

"(C) the Speaker and the Minority Leader of the House of Representatives; and

"(D) the chairs and ranking members of the Committee on Homeland Security, the Committee on Armed Services, and the Committee on Financial Services of the House of Representatives.

"(j) REGULATIONS.—The Secretary shall issue regulations to carry out this section. Such regulations shall, to the extent possible, minimize paperwork burdens and shall to the extent possible coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law.

"(k) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to alter or affect any existing power, process, regulation, investigation, enforcement measure, or review provided by any other provision of law.

"(l) TECHNOLOGY RISK ASSESSMENTS.—In any case in which an assessment of the risk of diversion of a critical technology is performed by a person designated by the President for such purpose, a copy of such assessment shall be provided to each member of the Committee for purposes of reviewing or investigating a merger, acquisition, or takeover under this section.

"(m) QUADRENNIAL REPORT.—

"(1) IN GENERAL.—In order to assist the Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall complete and furnish to the Congress, not later than 1 year after the date of enactment of this section and every 4 years thereafter, a report which—

"(A) evaluates whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire critical infrastructure within the United States or United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer; and

"(B) evaluates whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies or critical infrastructure.

"(2) RELEASE OF UNCLASSIFIED STUDY.—The report required by this subsection may be classified. An unclassified version of the report shall be made available to the public.

"(n) EXEMPTION.—Notwithstanding any other provision of law, the provisions of section 872 do not apply to the Committee or with respect to any provision of this subtitle.

"(o) DEFINITIONS.—As used in this section—

"(1) the term 'critical technologies' means technologies identified under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976, or other critical technology, critical components, or critical technology items essential to national defense identified pursuant to this section;

"(2) the term 'Committee' means the Committee for Secure Commerce, established under subsection (c);

"(3) the term 'foreign person' means any foreign organization or any individual resident in a foreign country or any organization or individual owned or controlled by such an organization or individual; and

"(4) the term 'intelligence community' has the same meaning as in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).".

Mr. LIEBERMAN. Mr. President, I rise today to speak on behalf of legislation introduced by Senator COLLINS and myself that would create a new Committee for Secure Commerce at the Department of Homeland Security to review the proposed sale of U.S. properties to foreign investers. This Committee would replace the Committee on Foreign Investments in the United States, whose hasty approval of the Dubai Ports World acquisition of terminals at several U.S. ports led to a public outcry, which eventually led to DPW's withdrawal from the deal.

The entire affair has been poorly handled, from the original failure to conduct a thorough investigation to the failure to consult with and inform the Congress and the American public. Any proposed foreign investment in this country needs a thorough and fair review to ensure that our national security or homeland security is not jeopardized. I was not among those who called for the deal to be prohibited before a thorough investigation was conducted, because I felt that Dubai Ports World never got a chance to make a case that its ownership of port terminals in the U.S. would not jeopardize our homeland security. Because of the initial public outcry, they were condemned before they were allowed to stand trial, and I believed that violated this Nation's commitment to the rule of law. A required 45-day investigation of the deal should have been initiated. Congress should have been better informed of the proposed acquisition in the works. And the American people deserved a clear explanation from their President about why he thought the sale was in our interest.

National security must be the first consideration in the sale of U.S. property to foreign investors, especially at this period in our history, when the threat of terrorist attack is always present. Our legislation would ensure that foreign investments are scrutinized by the agencies most directly responsible for protecting this Nation.

That is the underlying purpose of our legislation.

Our bill would create the Committee for Secure Commerce within the Department of Homeland Security to review and investigate any mergers, acquisitions, or takeovers of assets within the U.S. by foreign companies.

Like CFIUS, the new Committee would have 30 days to conduct a review of transactions, but could also seek a longer, 45-day investigation as well. A 45-day investigation would be obligatory if a company controlled by a foreign government tries to purchase assets involved in U.S. interstate commerce. And if any member of the Committee objected to a proposed deal, the President would have the final say on whether it went forward, or whether a divestiture, or some other remedy, was necessary.

The Committee would be chaired by the Department of Homeland Security. The Defense Department would serve as a vice chair. Our bill also strengthens Congressional oversight by requiring immediate congressional notification of all mandatory investigations, and quarterly reports on all other transactions.

The Senate Committee on Homeland Security and Governmental Affairs received an illuminating briefing on the Dubai Ports World deal late last month. At that briefing, we learned that the Coast Guard had expressed some intelligence concerns about the transaction but that not all CFIUS members were informed of these concerns. Our legislation addresses this shortcoming by adding the Director of National Intelligence as a full member of the committee and ensuring all intelligence assessments are consolidated and shared with all Committee members and the President.

Our legislation is intended to directly address the concerns raised by the Government Accountability Office that CFIUS tended to focus more on investments issues rather than security issues—by placing DHS and DoD in charge, and by specifically including homeland security issues as factors to be considered by the new committee.

The rush to judgment on the DPW deal did not allow the company to stand or fall on its own merits. And that is not how we do things in America. We do not judge people in our democracy by their race, nationality, religion, gender, sexual orientation, or age. We judge people on their merits.

I believe this legislation would establish a better process for judging the wisdom or folly of selling U.S. property to foreign owners by establishing that the Nation's security should be the preeminent consideration in foreign purchases of U.S. property and by ensuring that everyone's concerns about such sales get a fair hearing.

Mr. AKAKA. Mr. President, I am pleased to join Senator COLLINS and Senator LIEBERMAN in introducing a bill to transfer the authority of reviewing foreign investment in the United States to the Department of Homeland Security and to impose additional structure and increase congressional oversight on the review process. There has been a failure in Government procedure that must be corrected, and this legislation will address those procedural failures.

I am concerned that our process to review acquisitions, mergers or takeovers of U.S. corporations by foreign entities that "may" pose a national security threat, did not trigger the Committee on Foreign Investment in the United States, CFIUS, to conduct a more thorough review. While the United Arab Emirates has supported the United States in the war against terrorism, its past activities related to terrorist groups should have triggered CFIUS to conduct a more thorough review.

More specifically, the act states that if there is an acquisition, merger, or takeover of a U.S. corporation by a foreign entity, then CFIUS, an interagency committee chaired by the Secretary of Treasury, reviews the deal to ascertain if there is any threat to our national security. In addition, in accordance with Section 837(a) of the National Defense Authorization Act for fiscal year 1993, called the Byrd amendment, amended Section 721 of the Defense Production Act, the Exon-Florio provision, a more extensive review should have been conducted on the Dubai Ports World deal, especially since certain members of CFIUS did have national security concerns about the acquisition.

Given the questionable interpretation by CFIUS on the Byrd amendment, I believe it is important for Congress to revisit the act and clarify the provisions that require CFIUS to conduct a thorough review of foreign acquisitions, mergers, and takeovers.

Our legislation removes any ambiguity by specifically requiring an investigation any time a foreign government-owned corporation is involved in a transaction. As ranking member on the Oversight of Government Management Subcommittee, it is my responsibility to evaluate governmental processes and develop solutions that ensure our national and homeland security while maintaining the favorable promotion of foreign investments in the United States.

I was pleased to work with Senator COLLINS and Senator LIEBERMAN, chairman and ranking member of the Homeland Security and Government Affairs Committee, respectively, on drafting the legislation to address these process shortcomings, which will promote reasonable transparency and oversight within the foreign investment review process. The security of U.S. ports is of great concern to me because my home State of Hawaii receives 98 percent of its imports via sea-based transportation.

Given the national and homeland security implications of the proposed DP

World takeover. I believe it is absolutely necessary for Congress to ensure that the executive branch performs a rigorous review of the transaction. Our bill ensures that Congress is informed of pending investigations that may impact national or homeland security prior to the President making a decision whether to disapprove the transaction. I believe that additional intelligence community resources should have been drawn upon before the President made his determination to support the transaction. There should have been a consolidated intelligence assessment, and this report should have been provided to all senior members of the review committee. The bill we introduce today requires consolidated intelligence assessments to be developed by the Director of National Intelligence and provided to all review committee members, thereby ensuring that all members are sufficiently informed.

I was also disturbed that two of the reviewing Departments—the Departments of Defense and Homeland Security—do not currently have internal written instructions on their review processes. How do we know that adequate reviews of foreign investment in the United States are being conducted by these two critical CFIUS members if a systematic and documented process, subject to audit, does not exist? Our legislation requires the development and documentation of internal procedures to ensure that all reviewing members use a standardized process while conducting their review of foreign investment proposals.

Mr. President, I am pleased that Dubai Ports World is attempting to address the concerns of the American public. However, this problem is bigger than just a single transaction, which is why we are introducing this legislation today. I am honored to cosponsor, with Senator COLLINS and Senator LIEBERMAN, this bill which reforms the process of reviewing foreign investment in the United States.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2401. A bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise to speak in support of a bill that I am introducing today, the Combating Money Laundering and Terrorist Financing Act of 2006.

I first introduced the Combating Money Laundering and Terrorist Financing Act in 2003 to address what I saw as a significant threat to the security of our Nation. Money laundering is an issue of profound importance to our national security because it undermines financial stability by infiltrating and using legitimate financial institutions to hide the illegitimate source of these funds. Money laundering also affects our national security simply because money is the motivating factor for so much of the criminal activities that affect our daily lives, from shoplifting and petty theft to drug trafficking and multi-million dollar stock frauds.

We also know that money laundering is a key tool for terrorist groups because it fuels their ability to spread murder, fear and destruction throughout the world. One of the 9/11 Commission Report recommendations stated that, "Vigorous efforts to track terrorist financing must remain front and center in the U.S. counter-terrorism efforts." The Commission expressed its concerns about terrorist financing and "the need to crack down on terrorist organizations and curtail their funding." I strongly share the Commission's concerns and support their recommendations that they provided in their final report.

However, I am very concerned about the 9/11 Commission's Final Report Card, released on December 5, 2005, which gave the U.S. Government an A- for our "vigorous efforts against terror financing." After the release of the 9/11 Commission Report and nearly 4 years after the terrorist attacks on the World Trade Center and the Pentagon, our Government is still too ill-equipped and fraught with in-fighting to rate an A– for its efforts. While we have made significant strides in identifying the methods used to earn, store and move this money, we are still far behind the curve on shutting down the flow of illicit financing permanently.

Billions of dollars continue to be funneled to terrorist and criminal organizations after being laundered for these organizations around the world. Therefore, we must continue to increase the pressure we put on these organizations until we reach the point where their ever-changing money laundering methods are no longer convenient, profitable or effective.

The legislation I am introducing today includes several provisions that will strengthen our current money laundering laws by streamlining a number of statutes, clarifying language in the current law and closing loopholes that are often exploited by criminal organizations. As our new anti-money laundering laws have proven to be effective and make money laundering through traditional financial institutions more difficult, criminals are forced to shift methods to launder their illegally gained funds. As these criminals change their tactics, so must we. Allow me to tell you about some of the key changes that this bill includes to meet these challenges.

To begin with, under current law there are over 200 "specified unlawful activities" or "SUA's" that serve as predicate offenses for money laundering charges. As criminals continue to alter their methods of laundering illegal funds, this list of required "SUA's" is sure to grow. My legislation will eliminate the need to continually update the statutes by consolidating the growing list of "specified unlawful activities" to include all offenses punishable by imprisonment for more than 1 year. This legislation also recognizes the global aspect of money laundering by including foreign offenses that would be illegal money laundering offenses had they occurred within U.S. jurisdiction.

This bill also simplifies current law by allowing the government to charge money laundering acts as a "course of conduct." Currently, in most circuits, courts are required to charge each money laundering transaction as a separate count. This legislation allows, but does not require, courts to charge a series of money laundering offenses as a "course of conduct." This change would reduce the time and expense currently incurred by courts that are required to charge and prosecute each separate violation of the money laundering laws.

As new laws have made money laundering through traditional financial institutions more difficult, criminals are turning to riskier methods of moving their money. One growing area is bulk cash smuggling, and as such, this bill increases the penalty for bulk cash smuggling to 10 years.

In addition, many "money service businesses," or "MSB's" have also come under increased scrutiny because of their suspected role in moving funds from the United States to terrorist organizations throughout the world. Another provision of my legislation amends Section 373 of the USA PATRIOT Act regarding money service businesses to read "illegal" instead of "unlicensed" to ensure that the law covers any money service business that promotes unlawful activity as a course of business.

Another money laundering technique is for couriers to carry checks that are complete except for the dollar amount. Under this approach the couriers attempt to avoid U.S. Customs reporting requirements through the movement of monetary instruments that are in bearer form and are worth over $10,000. Even though the blank checks are in bearer form, they argue that the value being left blank is not over $10,000 and does not need to be reported. Once they and the blank check reach their destination, all they need to do is to fill in the amount, whatever that may be, and have it negotiated. This legislation removes any confusion as to whether this act is a violation of the reporting requirement. This bill would resolve this issue by clarifying that a check in bearer form, with an amount left blank shall be deemed to have a value equal to the highest amount in the bank account that it is drawn upon while the check was being transported, or when the blank check is cashed or intended to be cashed.

My legislation eliminates confusion or ambiguity about the definition of "commingled funds," and structured transactions. "Commingling of funds" is a method often used by criminals to disguise illegal money from legal money by mixing the funds together in one account. "Structured transactions" is a method used to circumvent our monetary transaction reporting requirements by breaking monetary transactions into several smaller dollar amounts so as to avoid a Government reporting requirement if the transaction had been only one transaction with a value over $10,000. Plus, this legislation clarifies extraterritorial jurisdiction to include money laundering acts that have an effect in the United States.

Often, money couriers are intercepted before they reach the collection point but are released because they claim that they didn't know that the money was derived illegally. My bill ensures that the courier can no longer be released from responsibility in the money laundering chain by claiming ignorance about how the money was derived, which means the law enforcement agency can get both the courier and the money off the street.

Finally, this bill updates counterfeiting statutes to keep them current with new technology and devices, such as holograms, that are used to produce counterfeits of U.S. obligations and securities.

The battle against terrorism and organized criminal groups must be fought on many fronts—including the financial front. We know that we have made strides in this area as evidenced by the money launderers' use of different techniques. As important as it is to learn what techniques these criminals use, it is just as important to act upon this knowledge. If we can shut down the flow of illegal money, whether generated by drug sales or in support of terrorist activities, I believe we will make a significant impact on the demise of these criminal and terrorist groups. This bill is important to identifying particular criminal and terrorist financing operations and putting them out of business. I urge my colleagues to support my legislation and strengthen our national efforts against the continued threat of terrorist financing and financial crimes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combating Money Laundering and Terrorist Financing Act of 2006".

TITLE I—MONEY LAUNDERING

SEC. 101. SPECIFIED UNLAWFUL ACTIVITY.

Section 1956(c)(7) of title 18, United States Code, is amended to read as follows:

"(7) the term 'specified unlawful activity' means—

"(A) any act or activity constituting an offense in violation of the laws of the United States or any State punishable by imprisonment for a term exceeding 1 year; and

"(B) any act or activity occurring outside of the United States that would constitute an offense covered under subparagraph (A) if the act or activity had occurred within the jurisdiction of the United States or any State;".

SEC. 102. MAKING THE DOMESTIC MONEY LAUNDERING STATUTE APPLY TO "REVERSE MONEY LAUNDERING" AND INTERSTATE TRANSPORTATION.

(a) IN GENERAL.—Section 1957 of title 18, United States Code, is amended—

(1) in the heading, by inserting "**or in support of criminal activity**" after "**specified unlawful activity**";

(2) in subsection (a), by striking "Whoever" and inserting the following:

"(1) Whoever"; and

(3) by adding at the end the following:

"(2) Whoever—

"(A) in any of the circumstances set forth in subsection (d)—

"(i) conducts or attempts to conduct a monetary transaction involving property of a value that is greater than $10,000; or

"(ii) transports, attempts to transport, or conspires to transport property of a value that is greater than $10,000;

"(B) in or affecting interstate commerce; and

"(C) either—

"(i) knowing that the property was derived from some form of unlawful activity; or

"(ii) with the intent to promote the carrying on of specified unlawful activity;

shall be fined under this title, imprisoned for a term of years not to exceed the statutory maximum for the unlawful activity from which the property was derived or the unlawful activity being promoted, or both.".

(b) CHAPTER ANALYSIS.—The item relating to section 1957 in the table of sections for chapter 95 of title 18, United States Code, is amended to read as follows:

"1957. Engaging in monetary transactions in property derived from specified unlawful activity or in support of criminal activity.".

SEC. 103. PROCEDURE FOR ISSUING SUBPOENAS IN MONEY LAUNDERING CASES.

(a) IN GENERAL.—Section 986 of title 18, United States Code, is amended by adding at the end the following:

"(e) PROCEDURE FOR ISSUING SUBPOENAS.—The Attorney General, the Secretary of the Treasury, or the Secretary of Homeland Security may issue a subpoena in any investigation of a violation of sections 1956, 1957 or 1960, or sections 5316, 5324, 5331 or 5332 of title 31, United States Code, in the manner set forth under section 3486.".

(b) GRAND JURY AND TRIAL SUBPOENAS.—Section 5318(k)(3)(A)(i) of title 31, United States Code, is amended—

(1) by striking "related to such correspondent account";

(2) by striking "or the Attorney General" and inserting ", the Attorney General, or the Secretary of Homeland Security"; and

(3) by adding at the end the following:

"(iii) GRAND JURY OR TRIAL SUBPOENA.—In addition to a subpoena issued by the Attorney General, Secretary of the Treasury, or the Secretary of Homeland Security under clause (i), a subpoena under clause (i) includes a grand jury or trial subpoena requested by the Government.".

(c) FAIR CREDIT REPORTING ACT AMENDMENT.—Section 604(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(1)) is amended—

(1) by striking "or"; and

(2) by inserting before the period the following: ", or an investigative subpoena issued under section 5318 of title 31, United States Code".

(d) OBSTRUCTION OF JUSTICE.—Section 1510(b) of title 18, United States Code, is amended—

(1) in paragraph (2)(A), by inserting "or an investigative subpoena issued under section 5318 of title 31, United States Code" after "grand jury subpoena"; and

(2) in paragraph (3)(B), by inserting ", an investigative subpoena issued under section 5318 of title 31, United States Code," after "grand jury subpoena".

(e) RIGHT TO FINANCIAL PRIVACY ACT.—Section 1120 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3420) is amended—

(1) in subsection (a)(1), by inserting "or to the Government" after "to the grand jury"; and

(2) in subsection (b)(1), by inserting ", or an investigative subpoena issued pursuant to section 5318 of title 31, United States Code," after "grand jury subpoena".

SEC. 104. TRANSPORTATION OR TRANSHIPMENT OF BLANK CHECKS IN BEARER FORM.

Section 5316 of title 31, United States Code, is amended by adding at the end the following:

"(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT BLANK.—For purposes of this section, a monetary instrument in bearer form that has the amount left blank, such that the amount could be filled in by the bearer, shall be considered to have a value equal to the highest value of the funds in the account on which the monetary instrument is drawn during the time period the monetary instrument was being transported or the time period it was negotiated or was intended to be negotiated.".

SEC. 105. BULK CASH SMUGGLING.

Section 5332(a) of title 31, United States Code, is amended—

(1) in subsection (b)(1), by striking "5 years" and inserting "10 years"; and

(2) by adding the end the following:

"(d) INVESTIGATIVE AUTHORITY.—Violations of this section may be investigated by the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service.".

SEC. 106. VIOLATIONS INVOLVING COMMINGLED FUNDS AND STRUCTURED TRANSACTIONS.

Section 1957(f) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(4) the term 'monetary transaction in criminally derived property that is of a value greater than $10,000' includes—

"(A) a monetary transaction involving the transfer, withdrawal, encumbrance or other disposition of more than $10,000 from a bank account in which more than $10,000 in proceeds of specified unlawful activity have been commingled with other funds;

"(B) a series of monetary transactions in amounts under $10,000 that exceed $10,000 in the aggregate and that are closely related to each other in terms of such factors as time, the identity of the parties involved, the nature and purpose of the transactions, and the manner in which they are conducted; and

"(C) any financial transaction covered under section 1956(j) that involves more than $10,000 in proceeds of specified unlawful activity; and

"(5) the term 'monetary transaction involving property of a value that is greater than $10,000' includes a series of monetary transactions in amounts under $10,000 that exceed $10,000 in the aggregate and that are closely related to each other in terms of such factors as time, the identity of the parties involved, the nature and purpose of the transactions, and the manner in which they are conducted.".

SEC. 107. CHARGING MONEY LAUNDERING AS A COURSE OF CONDUCT.

(a) IN GENERAL.—Section 1956 of title 18, United States Code, is amended by adding at the end the following:

"(j) MULTIPLE VIOLATIONS.—Multiple violations of this section that are part of the same scheme or continuing course of conduct may be charged, at the election of the Government, in a single count in an indictment or information.".

(b) CONSPIRACIES.—Section 1956(h) of title 18, United States Code, is amended by striking "or section 1957" and inserting ", section 1957, or section 1960".

SEC. 108. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 1960 of title 18, United States Code, is amended—

(A) in the heading by striking "**unlicensed**" and inserting "**illegal**";

(B) in subsection (a), by striking "unlicensed" and inserting "illegal";

(C) in subsection (b)(1), by striking "unlicensed" and inserting "illegal"; and

(D) in subsection (b)(1)(C), by striking "to be used to be used" and inserting "to be used".

(2) CHAPTER ANALYSIS.—The item relating to section 1960 in the table of sections for chapter 95 of title 18, United States Code, is amended to read as follows:

"1960. Prohibition of illegal money transmitting businesses.".

(b) DEFINITION OF BUSINESS TO INCLUDE INFORMAL VALUE TRANSFER SYSTEMS AND MONEY BROKERS FOR DRUG CARTELS.—Section 1960(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) the term 'business' includes any person or association of persons, formal or informal, licensed or unlicenced, that provides money transmitting services on behalf of any third party in return for remuneration or other consideration.".

(c) PROHIBITION OF UNLICENSED MONEY TRANSMITTING BUSINESSES.—Section 1960(b)(1)(B) of title 18, United States Code, is amended by inserting the following before the semicolon: ", whether or not the defendant knew that the operation was required to comply with such registration requirements".

(d) AUTHORITY TO INVESTIGATE.—Section 1960 of title 18, United States Code, is amended by adding at the end the following:

"(c) AUTHORITY TO INVESTIGATE.—Violations of this section may be investigated by the Attorney General, the Secretary of the Treasury, and the Secretary of Homeland Security.".

SEC. 109. KNOWLEDGE THAT THE PROPERTY IS THE PROCEEDS OF A SPECIFIC FELONY.

(a) PROCEEDS OF A FELONY.—Section 1956(c)(1) of title 18, United States Code, is amended by inserting ", and regardless of whether or not the person knew that the activity constituted a felony" before the semicolon at the end.

(b) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(i), by striking "specified unlawful activity" and inserting "some form of unlawful activity"; and

(2) in paragraph (2)(B)(i), by striking "specified unlawful activity" and inserting "some form of unlawful activity".

SEC. 110. EXTRATERRITORIAL JURISDICTION.

Section 1956(f)(1) of title 18, United States Code, is amended by inserting "or has an effect in the United States" after "conduct occurs in part in the United States".

SEC. 111. CONDUCT IN AID OF COUNTERFEITING.

(a) IN GENERAL.—Section 474(a) of title 18, United States Code, is amended by inserting after the paragraph beginning "Whoever has in his control, custody, or possession any plate" the following:

"Whoever, with intent to defraud, has custody, control, or possession of any material that can be used to make, alter, forge, or counterfeit any obligation or other security of the United States or any part of such obligation or security, except under the authority of the Secretary of the Treasury; or".

(b) FOREIGN OBLIGATIONS AND SECURITIES.—Section 481 of title 18, United States Code, is amended by inserting after the paragraph beginning "Whoever, with intent to defraud" the following:

"Whoever, with intent to defraud, has custody, control, or possession of any material that can be used to make, alter, forge, or counterfeit any obligation or other security of any foreign government, bank, or corporation; or".

(c) COUNTERFEIT ACTS.—Section 470 of title 18, United States Code, is amended by striking "or 474" and inserting "474, or 474A".

(d) MATERIALS USED IN COUNTERFEITING.—Section 474A(b) of title 18, United States Code, is amended by striking "any essentially identical" and inserting "any thing or material made after or in the similitude of any".

TITLE II—TECHNICAL AMENDMENTS

SEC. 201. TECHNICAL AMENDMENTS TO SECTIONS 1956 AND 1957.

(a) UNLAWFUL ACTIVITY.—Section 1956(c) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "'conducts'" and inserting "'conduct'"; and

(2) in paragraph (7)(F), by inserting ", as defined in section 24(a)" before the semicolon.

(b) PROPERTY FROM UNLAWFUL ACTIVITY.—Section 1957 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "engages or attempts to engage in" and inserting "conducts or attempts to conduct"; and

(2) in subsection (f)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) the term 'conduct' has the meaning given such term under section 1956(c)(2).".

By Mr. GRASSLEY (for himself, Mr. KYL, Mr. CORNYN, Mr. DEWINE, and Mr. GRAHAM):

S. 2402. A bill to improve the prohibitions on money laundering, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of a bill introduced by me today that may be cited as the "Alternative Energy Extender Act" be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Alternative Energy Extender Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENERGY INFRASTRUCTURE TAX INCENTIVES

Sec. 101. Extension of credit for electricity produced from certain renewable resources.
Sec. 102. Extension and expansion of credit to holders of clean renewable energy bonds.
Sec. 103. Extension and expansion of qualifying advanced coal project credit.
Sec. 104. Extension and expansion of qualifying gasification project credit.

TITLE II—DOMESTIC FOSSIL FUEL SECURITY

Sec. 201. Extension of election to expense certain refineries.

TITLE III—CONSERVATION AND ENERGY EFFICIENCY PROVISIONS

Sec. 301. Extension of energy efficient commercial buildings deduction.
Sec. 302. Extension of new energy efficient home credit.
Sec. 303. Extension of residential energy efficient property credit.
Sec. 304. Extension of credit for business installation of qualified fuel cells and stationary microturbine power plants.
Sec. 305. Extension of business solar investment tax credit.

TITLE IV—ALTERNATIVE FUELS AND VEHICLES INCENTIVES

Sec. 401. Extension of excise tax provisions, income tax credits, and tariff duties.

TITLE I—ENERGY INFRASTRUCTURE TAX INCENTIVES

SEC. 101. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

Section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended by striking "2008" each place it appears and inserting "2011".

SEC. 102. EXTENSION AND EXPANSION OF CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Section 54(m) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "2007" and inserting "2010".

(b) ANNUAL VOLUME CAP FOR BONDS ISSUED DURING EXTENSION PERIOD.—Paragraph (1) of section 54(f) of the Internal Revenue Code of 1986 (relating to limitation on amount of bonds designated) is amended to read as follows:

"(1) NATIONAL LIMITATION.—

"(A) INITIAL NATIONAL LIMITATION.—With respect to bonds issued after December 31, 2005, and before January 1, 2008, there is a national clean renewable energy bond limitation of $800,000,000.

"(B) ANNUAL NATIONAL LIMITATION.—With respect to bonds issued after December 31, 2007, and before January 1, 2011, there is a national clean renewable energy bond limitation for each calendar year of $800,000,000.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 103. EXTENSION AND EXPANSION OF QUALIFYING ADVANCED COAL PROJECT CREDIT.

(a) IN GENERAL.—Section 48A(d)(3)(A) of the Internal Revenue Code of 1986 (relating to aggregate credits) is amended by striking "$1,300,000,000" and inserting "$1,800,000,000".

(b) AUTHORIZATION OF ADDITIONAL INTEGRATED GASIFICATION COMBINED CYCLE PROJECTS.—Subparagraph (B) of section 48A(d)(3) of te Internal Revenue Code of 1986 (relating to aggregate credits) is amended to read as follows:

"(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

"(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

"(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

"(iii) $500,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(ii).".

(c) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) of the Internal Revenue Code of 1986 (relating to certification) is amended to read as follows:

"(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

"(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(A) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

"(ii) for an allocation from the dollar amount specified in paragraph (3)(A)(iii) during the 3-year period beginning at the termination of the period described in clause (i).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1307 of the Energy Policy Act of 2005.

SEC. 104. EXTENSION AND EXPANSION OF QUALIFYING GASIFICATION PROJECT CREDIT.

(a) IN GENERAL.—Section 48B(d)(1) of the Internal Revenue Code of 1986 (relating to qualifying gasification project program) is amended by striking "$350,000,000" and inserting "$850,000,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1307 of the Energy Policy Act of 2005.

TITLE II—DOMESTIC FOSSIL FUEL SECURITY

SEC. 201. EXTENSION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) IN GENERAL.—Section 179C(c)(1) of the Internal Revenue Code of 1986 (defining qualified refinery property) is amended—

(1) by striking "and before January 1, 2012" in subparagraph (B) and inserting "and, in the case of any qualified refinery described in subsection (d)(1), before January 1, 2012", and

(2) by inserting "if described in subsection (d)(1)" after "of which" in subparagraph (F)(i).

(b) CONFORMING AMENDMENT.—Subsection (d) of section 179C of the Internal Revenue Code of 1986 is amended to read as follows:

"(d) QUALIFIED REFINERY.—For purposes of this section, the term 'qualified refinery' means any refinery located in the United States which is designed to serve the primary purpose of processing liquid fuel from—

"(1) crude oil, or

"(2) qualified fuels (as defined in section 45K(c)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 1323(a) of the Energy Policy Act of 2005.

TITLE III—CONSERVATION AND ENERGY EFFICIENCY PROVISIONS

SEC. 301. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 302. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L of the Internal Revenue Code of 1986 (relating to new energy efficient home credit) is amended to read as follows:

"(g) TERMINATION.—This section shall not apply to—

"(1) any qualified new energy efficient home meeting the energy saving requirements of subsection (c)(1) acquired after December 31, 2010, and

"(2) any qualified new energy efficient home meeting the energy saving requirements of paragraph (2) or (3) of subsection (c) acquired after December 31, 2007.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1332 of the Energy Policy Act of 2005.

SEC. 303. EXTENSION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

Section 25D(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 304. EXTENSION OF CREDIT FOR BUSINESS INSTALLATION OF QUALIFIED FUEL CELLS AND STATIONARY MICROTURBINE POWER PLANTS.

Sections 48(c)(1)(E) and 48(c)(2)(E) of the Internal Revenue Code of 1986 (relating to termination) are each amended by striking "2007" and inserting "2010".

SEC. 305. EXTENSION OF BUSINESS SOLAR INVESTMENT TAX CREDIT.

Sections 48(a)(2)(A)(i)(II) and 48(a)(3)(A)(ii) of the Internal Revenue Code of 1986 (relating to termination) are each amended by striking "2008" and inserting "2011".

TITLE IV—ALTERNATIVE FUELS AND VEHICLES INCENTIVES

SEC. 401. EXTENSION OF EXCISE TAX PROVISIONS, INCOME TAX CREDITS, AND TARIFF DUTIES.

(a) BIODIESEL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) of the Internal Revenue Code of 1986 are each amended by striking "2008" and inserting "2010".

(b) ALTERNATIVE FUEL.—

(1) FUELS.—Sections 6426(d)(4) and 6427(e)(5)(C) of the Internal Revenue Code of 1986 are each amended by striking "September 30, 2009" and inserting "December 31, 2010".

(2) REFUELING PROPERTY.—Section 30C(g) of such Code is amended by striking "2009" and inserting "2010".

(c) ETHANOL TARIFF SCHEDULE.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are each amended in the effective period column by striking "10/1/2007" each place it appears and inserting "1/1/2011".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2007.

SUBMITTED RESOLUTIONS DURING ADJOURNMENT

ORIGINAL MEASURE REPORTED OUT DURING ADJOURNMENT

SENATE CONCURRENT RESOLUTION 83—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2007 AND INCLUDING THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2006 AND 2008 THROUGH 2011

Mr. GREGG from the Committee on the Budget; submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2007 is hereby established and that the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011 are set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2007.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the Senate.

TITLE III—RESERVE FUNDS

Sec. 301. Reserve fund for the uninsured.
Sec. 302. Reserve fund for health information technology.
Sec. 303. Reserve fund for the Asbestos Injury Trust Fund.
Sec. 304. Reserve fund for the safe importation of prescription drugs.
Sec. 305. Reserve fund for Secure Rural Schools and Community Self-Determination Act Reauthorization.
Sec. 306. Reserve fund for comprehensive immigration reform.

Sec. 307. Reserve fund for Indian Claim Settlement.
Sec. 308. Reserve fund for the National Flood Insurance Program.
Sec. 309. Reserve fund to protect America's competitive edge.
Sec. 310. Reserve fund for Land and Water Conservation Fund.
Sec. 311. Reserve fund for chronic care case management.
Sec. 312. Reserve fund for receipts from Bonneville Power Administration.

TITLE IV—ENFORCEMENT

Sec. 401. Restrictions on advance appropriations.
Sec. 402. Emergency legislation.
Sec. 403. Discretionary spending limits.
Sec. 404. Application and effect of changes in allocations and aggregates.
Sec. 405. Adjustments to reflect changes in concepts and definitions.
Sec. 406. Direct spending limitation.
Sec. 407. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2006 through 2011:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2006: $1,694,445,000,000.
Fiscal year 2007: $1,786,173,000,000.
Fiscal year 2008: $1,914,133,000,000.
Fiscal year 2009: $2,012,736,000,000.
Fiscal year 2010: $2,122,301,000,000.
Fiscal year 2011: $2,203,236,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2006: −$9,746,000,000.
Fiscal year 2007: −$33,426,000,000.
Fiscal year 2008: −$7,643,000,000.
Fiscal year 2009: −$18,835,000,000.
Fiscal year 2010: −$13,676,000,000.
Fiscal year 2011: −$153,835,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2006: $2,279,715,000,000.
Fiscal year 2007: $2,317,893,000,000.
Fiscal year 2008: $2,339,415,000,000.
Fiscal year 2009: $2,429,717,000,000.
Fiscal year 2010: $2,532,787,000,000.
Fiscal year 2011: $2,655,164,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2006: $2,246,519,000,000.
Fiscal year 2007: $2,340,463,000,000.
Fiscal year 2008: $2,379,718,000,000.
Fiscal year 2009: $2,441,569,000,000.
Fiscal year 2010: $2,530,892,000,000.
Fiscal year 2011: $2,645,373,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2006: −$552,064,000,000.
Fiscal year 2007: −$554,290,000,000.
Fiscal year 2008: −$465,585,000,000.
Fiscal year 2009: −$428,833,000,000.
Fiscal year 2010: −$408,591,000,000.
Fiscal year 2011: −$442,137,000,000.

(5) DEBT SUBJECT TO LIMIT.—The appropriate levels of the public debt are as follows:

Fiscal year 2006: $8,526,578,000,000.
Fiscal year 2007: $9,190,311,000,000.
Fiscal year 2008: $9,766,883,000,000.
Fiscal year 2009: $10,302,957,000,000.
Fiscal year 2010: $10,815,812,000,000.
Fiscal year 2011: $11,355,281,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2006: $4,966,840,000,000.
Fiscal year 2007: $5,336,498,000,000.
Fiscal year 2008: $5,599,634,000,000.
Fiscal year 2009: $5,809,201,000,000.
Fiscal year 2010: $5,980,485,000,000.
Fiscal year 2011: $6,169,011,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2006: $608,408,000,000.
Fiscal year 2007: $641,747,000,000.
Fiscal year 2008: $676,433,000,000.
Fiscal year 2009: $711,760,000,000.
Fiscal year 2010: $747,339,000,000.
Fiscal year 2011: $782,032,000,000.

(b) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2006: $425,033,000,000.
Fiscal year 2007: $442,275,000,000.
Fiscal year 2008: $458,076,000,000.
Fiscal year 2009: $476,224,000,000.
Fiscal year 2010: $496,886,000,000.
Fiscal year 2011: $516,292,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2006:
(A) New budget authority, $4,568,000,000.
(B) Outlays, $4,576,000,000.
Fiscal year 2007:
(A) New budget authority, $4,721,000,000.
(B) Outlays, $4,750,000,000
Fiscal year 2008:
(A) New budget authority, $4,862,000,000.
(B) Outlays, $4,836,000,000.
Fiscal year 2009:
(A) New budget authority, $5,009,000,000.
(B) Outlays, $4,983,000,000.
Fiscal year 2010:
(A) New budget authority, $5,159,000,000.
(B) Outlays, $5,133,000,000.
Fiscal year 2011:
(A) New budget authority, $5,314,000,000.
(B) Outlays, $5,287,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2006 through 2011 for each major functional category are:

(1) National Defense (050):
Fiscal year 2006:
(A) New budget authority, $561,144,000,000.
(B) Outlays, $525,955,000,000.
Fiscal year 2007:
(A) New budget authority, $545,366,000,000.
(B) Outlays, $550,497,000,000.
Fiscal year 2008:
(A) New budget authority, $481,696,000,000.
(B) Outlays, $514,796,000,000.
Fiscal year 2009:
(A) New budget authority, $501,780,000,000.
(B) Outlays, $508,078,000,000.
Fiscal year 2010:
(A) New budget authority, $511,863,000,000.
(B) Outlays, $511,154,000,000.
Fiscal year 2011:
(A) New budget authority, $522,791,000,000.
(B) Outlays, $521,870,000,000.

(2) International Affairs (150):
Fiscal year 2006:
(A) New budget authority, $31,936,000,000.
(B) Outlays, $34,193,000,000.
Fiscal year 2007:
(A) New budget authority, $31,430,000,000.
(B) Outlays, $34,266,000,000.
Fiscal year 2008:
(A) New budget authority, $34,420,000,000.
(B) Outlays, $33,226,000,000.
Fiscal year 2009:
(A) New budget authority, $34,417,000,000.
(B) Outlays, $33,202,000,000.
Fiscal year 2010:
(A) New budget authority, $34,138,000,000.
(B) Outlays, $32,637,000,000.
Fiscal year 2011:
(A) New budget authority, $34,577,000,000.
(B) Outlays, $32,361,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2006:
(A) New budget authority, $24,936,000,000.
(B) Outlays, $24,059,000,000.
Fiscal year 2007:
(A) New budget authority, $26,238,000,000.
(B) Outlays, $25,159,000,000.
Fiscal year 2008:
(A) New budget authority, $27,446,000,000.
(B) Outlays, $26,279,000,000.
Fiscal year 2009:
(A) New budget authority, $28,493,000,000.
(B) Outlays, $27,395,000,000.
Fiscal year 2010:
(A) New budget authority, $29,710,000,000.
(B) Outlays, $28,525,000,000.
Fiscal year 2011:
(A) New budget authority, $30,989,000,000.
(B) Outlays, $29,745,000,000.

(4) Energy (270):
Fiscal year 2006:
(A) New budget authority, $1,829,000,000.
(B) Outlays, $2,030,000,000.
Fiscal year 2007:
(A) New budget authority, $2,212,000,000.
(B) Outlays, $905,000,000.
Fiscal year 2008:
(A) New budget authority, $2,638,000,000.
(B) Outlays, $673,000,000.
Fiscal year 2009:
(A) New budget authority, $2,267,000,000.
(B) Outlays, $863,000,000.
Fiscal year 2010:
(A) New budget authority, $2,140,000,000.
(B) Outlays, $817,000,000.
Fiscal year 2011:
(A) New budget authority, $2,044,000,000.
(B) Outlays, $661,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2006:
(A) New budget authority, $35,188,000,000.
(B) Outlays, $32,533,000,000.
Fiscal year 2007:
(A) New budget authority, $29,637,000,000.
(B) Outlays, $33,026,000,000.
Fiscal year 2008:
(A) New budget authority, $28,830,000,000.
(B) Outlays, $30,770,000,000.
Fiscal year 2009:
(A) New budget authority, $29,585,000,000.
(B) Outlays, $30,408,000,000.
Fiscal year 2010:
(A) New budget authority, $29,036,000,000.
(B) Outlays, $29,958,000,000.
Fiscal year 2011:
(A) New budget authority, $28,937,000,000.
(B) Outlays, $29,655,000,000.

(6) Agriculture (350):
Fiscal year 2006:
(A) New budget authority, $28,258,000,000.
(B) Outlays, $26,489,000,000.
Fiscal year 2007:

(A) New budget authority, $27,362,000,000.

(B) Outlays, $26,788,000,000.

Fiscal year 2008:

(A) New budget authority, $25,214,000,000.

(B) Outlays, $24,573,000,000.

Fiscal year 2009:

(A) New budget authority, $24,524,000,000.

(B) Outlays, $23,841,000,000.

Fiscal year 2010:

(A) New budget authority, $23,382,000,000.

(B) Outlays, $22,572,000,000.

Fiscal year 2011:

(A) New budget authority, $23,023,000,000.

(B) Outlays, $22,293,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2006:

(A) New budget authority, $14,536,000,000.

(B) Outlays, $7,938,000,000.

Fiscal year 2007:

(A) New budget authority, $16,516,000,000.

(B) Outlays, $8,025,000,000.

Fiscal year 2008:

(A) New budget authority, $13,175,000,000.

(B) Outlays, $7,990,000,000.

Fiscal year 2009:

(A) New budget authority, $13,275,000,000.

(B) Outlays, $7,983,000,000.

Fiscal year 2010:

(A) New budget authority, $17,057,000,000.

(B) Outlays, $8,852,000,000.

Fiscal year 2011:

(A) New budget authority, $11,861,000,000.

(B) Outlays, $5,385,000,000.

(8) Transportation (400):

Fiscal year 2006:

(A) New budget authority, $74,858,000,000.

(B) Outlays, $70,889,000,000.

Fiscal year 2007:

(A) New budget authority, $78,268,000,000.

(B) Outlays, $75,774,000,000.

Fiscal year 2008:

(A) New budget authority, $81,293,000,000.

(B) Outlays, $78,562,000,000.

Fiscal year 2009:

(A) New budget authority, $72,888,000,000.

(B) Outlays, $78,336,000,000.

Fiscal year 2010:

(A) New budget authority, $72,936,000,000.

(B) Outlays, $77,837,000,000.

Fiscal year 2011:

(A) New budget authority, $73,487,000,000.

(B) Outlays, $77,842,000,000.

(9) Community and Regional Development (450):

Fiscal year 2006:

(A) New budget authority, $38,306,000,000.

(B) Outlays, $59,547,000,000.

Fiscal year 2007:

(A) New budget authority, $14,657,000,000.

(B) Outlays, $31,182,000,000.

Fiscal year 2008:

(A) New budget authority, $11,672,000,000.

(B) Outlays, $25,111,000,000.

Fiscal year 2009:

(A) New budget authority, $11,766,000,000.

(B) Outlays, $20,843,000,000.

Fiscal year 2010:

(A) New budget authority, $11,798,000,000.

(B) Outlays, $16,945,000,000.

Fiscal year 2011:

(A) New budget authority, $12,053,000,000.

(B) Outlays, $12,693,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2006:

(A) New budget authority, $112,611,000,000.

(B) Outlays, $106,461,000,000.

Fiscal year 2007:

(A) New budget authority, $86,899,000,000.

(B) Outlays, $89,291,000,000.

Fiscal year 2008:

(A) New budget authority, $87,710,000,000.

(B) Outlays, $85,968,000,000.

Fiscal year 2009:

(A) New budget authority, $87,579,000,000.

(B) Outlays, $85,959,000,000.

Fiscal year 2010:

(A) New budget authority, $86,993,000,000.

(B) Outlays, $86,082,000,000.

Fiscal year 2011:

(A) New budget authority, $86,958,000,000.

(B) Outlays, $86,167,000,000.

(11) Health (550):

Fiscal year 2006:

(A) New budget authority, $267,375,000,000.

(B) Outlays, $264,431,000,000.

Fiscal year 2007:

(A) New budget authority, $277,757,000,000.

(B) Outlays, $275,319,000,000.

Fiscal year 2008:

(A) New budget authority, $291,712,000,000.

(B) Outlays, $292,529,000,000.

Fiscal year 2009:

(A) New budget authority, $311,810,000,000.

(B) Outlays, $310,164,000,000.

Fiscal year 2010:

(A) New budget authority, $328,268,000,000.

(B) Outlays, $328,026,000,000.

Fiscal year 2011:

(A) New budget authority, $349,921,000,000.

(B) Outlays, $348,486,000,000.

(12) Medicare (570):

Fiscal year 2006:

(A) New budget authority, $336,887,000,000.

(B) Outlays, $331,524,000,000.

Fiscal year 2007:

(A) New budget authority, $382,068,000,000.

(B) Outlays, $387,541,000,000.

Fiscal year 2008:

(A) New budget authority, $441,150,000,000.

(B) Outlays, $411,217,000,000.

Fiscal year 2009:

(A) New budget authority, $440,764,000,000.

(B) Outlays, $440,455,000,000.

Fiscal year 2010:

(A) New budget authority, $470,247,000,000.

(B) Outlays, $470,523,000,000.

Fiscal year 2011:

(A) New budget authority, $520,312,000,000.

(B) Outlays, $520,350,000,000.

(13) Income Security (600):

Fiscal year 2006:

(A) New budget authority, $345,572,000,000.

(B) Outlays, $356,189,000,000.

Fiscal year 2007:

(A) New budget authority, $357,862,000,000.

(B) Outlays, $362,689,000,000.

Fiscal year 2008:

(A) New budget authority, $371,276,000,000.

(B) Outlays, $374,323,000,000.

Fiscal year 2009:

(A) New budget authority, $381,802,000,000.

(B) Outlays, $384,128,000,000.

Fiscal year 2010:

(A) New budget authority, $391,687,000,000.

(B) Outlays, $393,080,000,000.

Fiscal year 2011:

(A) New budget authority, $406,513,000,000.

(B) Outlays, $406,810,000,000.

(14) Social Security (650):

Fiscal year 2006:

(A) New budget authority, $14,820,000,000.

(B) Outlays, $14,820,000,000.

Fiscal year 2007:

(A) New budget authority, $17,022,000,000.

(B) Outlays, $17,022,000,000.

Fiscal year 2008:

(A) New budget authority, $18,914,000,000.

(B) Outlays, $18,914,000,000.

Fiscal year 2009:

(A) New budget authority, $20,794,000,000.

(B) Outlays, $20,794,000,000.

Fiscal year 2010:

(A) New budget authority, $22,966,000,000.

(B) Outlays, $22,966,000,000.

Fiscal year 2011:

(A) New budget authority, $26,580,000,000.

(B) Outlays, $26,580,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2006:

(A) New budget authority, $72,041,000,000.

(B) Outlays, $69,843,000,000.

Fiscal year 2007:

(A) New budget authority, $73,954,000,000.

(B) Outlays, $73,054,000,000.

Fiscal year 2008:

(A) New budget authority, $76,130,000,000.

(B) Outlays, $76,463,000,000.

Fiscal year 2009:

(A) New budget authority, $77,019,000,000.

(B) Outlays, $77,318,000,000.

Fiscal year 2010:

(A) New budget authority, $77,437,000,000.

(B) Outlays, $77,579,000,000.

Fiscal year 2011:

(A) New budget authority, $81,603,000,000.

(B) Outlays, $81,537,000,000.

(16) Administration of Justice (750):

Fiscal year 2006:

(A) New budget authority, $40,707,000,000.

(B) Outlays, $40,769,000,000.

Fiscal year 2007:

(A) New budget authority, $45,891,000,000.

(B) Outlays, $46,296,000,000.

Fiscal year 2008:

(A) New budget authority, $41,999,000,000.

(B) Outlays, $43,907,000,000.

Fiscal year 2009:

(A) New budget authority, $42,545,000,000.

(B) Outlays, $43,366,000,000.

Fiscal year 2010:

(A) New budget authority, $42,907,000,000.

(B) Outlays, $43,136,000,000.

Fiscal year 2011:

(A) New budget authority, $43,952,000,000.

(B) Outlays, $43,582,000,000.

(17) General Government (800):

Fiscal year 2006:

(A) New budget authority, $18,831,000,000.

(B) Outlays, $18,969,000,000.

Fiscal year 2007:

(A) New budget authority, $19,534,000,000.

(B) Outlays, $19,252,000,000.

Fiscal year 2008:

(A) New budget authority, $18,536,000,000.

(B) Outlays, $18,485,000,000.

Fiscal year 2009:

(A) New budget authority, $20,878,000,000.

(B) Outlays, $20,624,000,000.

Fiscal year 2010:

(A) New budget authority, $18,049,000,000.

(B) Outlays, $17,844,000,000.

Fiscal year 2011:

(A) New budget authority, $18,679,000,000.

(B) Outlays, $18,435,000,000.

(18) Net Interest (900):

Fiscal year 2006:

(A) New budget authority, $317,020,000,000.

(B) Outlays, $317,020,000,000.

Fiscal year 2007:

(A) New budget authority, $354,318,000,000.

(B) Outlays, $354,318,000,000.

Fiscal year 2008:

(A) New budget authority, $384,341,000,000.

(B) Outlays, $384,341,000,000.

Fiscal year 2009:

(A) New budget authority, $407,021,000,000.

(B) Outlays, $407,021,000,000.

Fiscal year 2010:

(A) New budget authority, $428,960,000,000.

(B) Outlays, $428,960,000,000.

Fiscal year 2011:

(A) New budget authority, $451,181,000,000.

(B) Outlays, $451,181,000,000.

(19) Allowances (920):

Fiscal year 2006:

(A) New budget authority, $0.

(B) Outlays, $0.

Fiscal year 2007:

(A) New budget authority, −$500,000,000.

(B) Outlays, −$500,000,000.

Fiscal year 2008:

(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2006:
(A) New budget authority, −$57,140,000.
(B) Outlays, −$57,140,000.
Fiscal year 2007:
(A) New budget authority, −$68,598,000,000.
(B) Outlays, −$69,440,000,000.
Fiscal year 2008:
(A) New budget authority, −$68,737,000,000.
(B) Outlays, −$68,409,000,000.
Fiscal year 2009:
(A) New budget authority, −$79,489,000,000.
(B) Outlays, −$79,208,000,000.
Fiscal year 2010:
(A) New budget authority, −$66,787,000,000.
(B) Outlays, −$66,600,000,000.
Fiscal year 2011:
(A) New budget authority, −$70,297,000,000.
(B) Outlays, −$70,260,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE SENATE.

The Committee on Energy and Natural Resources shall report to the Senate a reconciliation bill not later than May 16, 2006, that consists of changes in laws within its jurisdiction sufficient to reduce budget authority and outlays by $0 for fiscal year 2007 and by $3,000,000,000 for the period of fiscal years 2007 through 2011.

TITLE III—RESERVE FUNDS

SEC. 301. RESERVE FUND FOR THE UNINSURED.

If—

(1) the Committee on Finance or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) addresses health care costs, coverage, or care for the uninsured;

(B) provides—

(i) safety net access to integrated and other health care services; or

(ii) increases the number of people with health insurance, provided that such increase is not obtained primarily as a result of increasing premiums for the currently insured;

(C) increases access to coverage through mechanisms that decrease the growth of health care costs, including tax measures (such as tax credits and deductibility) market-based measures (such as regulatory reforms, consumer-directed initiatives) and other measures targeted to key segments of the uninsured, including individuals without employer-sponsored coverage, college students, recent graduates, or chronically ill individuals); and

(D) improves the transparency of the cost and quality for medical care; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SEC. 302. RESERVE FUND FOR HEALTH INFORMATION TECHNOLOGY.

If—

(1) the Committee on Finance or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment is offered thereto or if a conference report is submitted thereon, that—

(A) provides incentives or other support for adoption of modern information technology to improve quality in health care; and

(B) provides for performance-based payments, which are based on accepted clinical performance measures that improve the quality in health care; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and the period of fiscal years 2007 through 2011.

SEC. 303. RESERVE FUND FOR THE ASBESTOS INJURY TRUST FUND.

If—

(1) the Committee on Judiciary reports legislation, or if an amendment is offered thereto or if a conference report is submitted thereon, that—

(A) provides monetary compensation to impaired victims of asbestos-related disease who can establish that asbestos exposure is a substantial contributing factor in causing their condition;

(B) does not provide monetary compensation to the unimpaired claimants or those suffering from a disease who cannot establish that asbestos exposure was a substantial contributing factor in causing their condition; and

(C) is estimated to remain funded from nontaxpayer sources for the life of the fund; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for the period of fiscal years 2007 through 2057.

SEC. 304. RESERVE FUND FOR THE SAFE IMPORTATION OF PRESCRIPTION DRUGS.

If—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that permits the safe importation of prescription drugs approved by the Food and Drug Administration from specified countries with strong safety laws; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SEC. 305. RESERVE FUND FOR SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT REAUTHORIZATION.

If—

(1) the Committee on Energy and Natural Resources of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that provides for reauthorization of the Secure Rural Schools and Community Self-Determination Act (Public Law 106–393); and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SEC. 306. RESERVE FUND FOR COMPREHENSIVE IMMIGRATION REFORM.

If—

(1) the Committee on the Judiciary of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that—

(A) provides for comprehensive immigration reform;

(B) provides for increased interior enforcement including legal employment verification; and

(C) provides for increased border security and enhanced information technology systems; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for the fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SEC. 307. RESERVE FUND FOR INDIAN CLAIM SETTLEMENT.

If—

(1) the Select Committee on Indian Affairs of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that—

(A) creates an Indian accounting claims settlement fund for trust accounting deficiencies related to Individual Indian Moneys accounts;

(B) extinguishes all claims arising before the date of enactment for losses resulting from accounting errors, mismanagement, or interest owed in connection with Individual Indian Moneys accounts; and

(C) provides for new accounting practices for the Individual Indian Moneys accounts; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SEC. 308. RESERVE FUND FOR THE NATIONAL FLOOD INSURANCE PROGRAM.

If—

(1) the Committee on Banking, Housing, and Urban Affairs reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that—

(A) establishes more actuarially sound rates on policies issued by the National Flood Insurance Program;

(B) phases out flood insurance subsidies on pre-FIRM structures not used as primary residences;

(C) denies flood insurance to repeatedly flooded properties not used as primary residences and make such other program reforms that would mitigate flood insurance losses in future natural disasters; and

(D) takes action to forgive the debt that the National Flood Insurance Program owes to the Treasury and provides an appropriation, not borrowing authority, to pay outstanding flood insurance claims; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates by the amount provided by that measure for the purpose of liquidating the National Flood Insurance Fund's remaining contractual obligations resulting from claims made as a result of floods that occurred in 2005, but not to exceed $5,600,000,000 in new budget authority for fiscal year 2006 or 2007 for that purpose.

SEC. 309. RESERVE FUND TO PROTECT AMERICA'S COMPETITIVE EDGE.

(a) Health, Education, Labor, and Pensions.—If—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) increases the number of students and graduates pursuing science, technology, engineering and math (STEM) or foreign language courses, degrees and occupations; or

(B) improves educational programs in these fields; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

(b) Energy and Natural Resources.—If—

(1) the Committee on Energy and Natural Resources of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) increases investment in basic and applied research at the Department of Energy; or

(B) improves educational opportunities in math, science, or engineering; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

(c) Commerce, Science, and Transportation.—If—

(1) the Committee on Commerce, Science, and Transportation of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) increases investment in basic and applied research at the National Aeronautics and Space Administration, the National Institute of Science and Technology, and the National Science Foundation; or

(B) improves quality, coordination, or support for such research; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SEC. 310. RESERVE FUND FOR LAND AND WATER CONSERVATION FUND.

(a) Energy and Natural Resources.—If—

(1) the Committee on Energy and Natural Resources reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that—

(A) permits exploration and production of oil in the 1002 Area of the Arctic National Wildlife Refuge; and

(B)(i) such measure is enacted; and

(ii) the reconciliation instruction set out in section 201 is met; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget of the Senate may make the adjustments described in subsection (b).

(b) Adjustment for the Land and Water Conservation Fund Programs and Additional Land Conservation Programs.—If the Committee on Appropriations of the Senate reports a bill or joint resolution, or if an amendment is offered thereto or a conference report is submitted thereon that—

(1) provides funding for the programs described in this subsection at least at the previous year's levels, adjusted for inflation; and

(2) makes available a portion of the receipts resulting from enactment of the legislation described in subsection (a) for—

(A) the Land and Water Conservation Fund;

(B) the Federal Land Acquisition and Stateside Grant Programs;

(C) the Coastal and Estuarine Land Protection Program; and

(D) the Forest Legacy Program;

the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but the adjustment may not exceed $350,000,000 in new budget authority in each of fiscal years 2009 through 2011.

SEC. 311. RESERVE FUND FOR CHRONIC CARE CASE MANAGEMENT.

If—

(1) the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that would provide $1,750,000,000 to the Centers for Medicare and Medicaid Services (CMS) to create a demonstration project or program that assigns a case manager to coordinate the care of chronically ill and other high-cost Medicare beneficiaries in traditional fee-for-service Medicare; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for the period of fiscal years 2007 through 2011.

SEC. 312. RESERVE FUND FOR RECEIPTS FROM BONNEVILLE POWER ADMINISTRATION.

If—

(1) the Committee on Energy and Natural Resources of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that prohibits the Bonneville Power Administration from making early payments on its Federal Bond Debt to the United States Treasury; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for the fiscal year 2007 and for the period of fiscal years 2007 through 2011.

TITLE IV—ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) Point of Order.—

(1) In general.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) Advance appropriation.—An advance appropriation may be provided for the fiscal years 2008 and 2009 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS" in an aggregate amount not to exceed $23,158,000,000 in new budget authority in each year.

(3) Operation of point of order.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate paragraph (1). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report), then only those provisions (including provisions of an amendment, motion, or conference report) shall be deemed stricken pursuant to this subsection.

(4) Waiver and appeal.—Before the Presiding Officer rules on a point of order under paragraph (1), any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. After the Presiding Officer rules on a point of order under paragraph (1), any Senator may appeal the ruling of the Presiding Officer as it applies to some or all of the provisions. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(5) Conference reports.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or a joint resolution, upon—

(A) a point of order being made under subsection (a); and

(B) such a point of order being sustained,

such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, and the matter stricken may not be offered as an amendment from the floor.

(6) Advance appropriation.—In this subsection, the term "advance appropriation" means any new budget authority provided in

a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2007 that first becomes available for any fiscal year after 2007 or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2008, that first becomes available for any fiscal year after 2008.

SEC. 402. EMERGENCY LEGISLATION.

(a) Budgetary Treatment of Emergency Legislation.—

(1) Authority to designate.—With respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in a measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purposes of this subsection.

(2) Exemption of emergency provisions.—As limited in paragraph (3), any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 403 of this resolution (relating to discretionary spending limits in the Senate), section 406 of this resolution (relating to limits on direct spending), section 407 of the concurrent resolution on the budget for Fiscal Year 2006, H. Con. Res. 95 (relating to the long term direct spending), and section 505 of the Concurrent Resolution on the Budget for Fiscal Year 2004, H. Con. Res. 95 (relating to the paygo requirement in the Senate), until the adoption of a subsequent budget resolution.

(3) Limitation.—For fiscal year 2007 the total exemption under paragraph (2) for emergencies shall not exceed $90,000,000,000 in new budget authority and outlays associated with the budget authority for the global war on terrorism and other emergencies, of which—

(A) $50,000,000,000 in new budget authority (and outlays associated with the budget authority) may be available for the global war on terrorism; and

(B) $2,000,000,000 in new budget authority (and outlays associated with the budget authority) may be made available for United States border security initiatives; and

(C) $2,300,000,000 in new budget authority (and outlays associated with the budget authority) may be available for pandemic influenza initiatives.

(4) Point of order.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(5) Exception for defense spending.—Paragraph (4) shall not apply against an emergency designation for a provision making discretionary appropriations under the defense function (050), subject to the limitation set forth in paragraph (3).

(6) Operation of point of order.—It shall be in order for a Senator to raise a single point of order against several emergency designations in a bill, resolution, amendment, motion, or conference report. The language making the designations shall be stricken from the measure and may not be offered as amendments from the floor.

(7) Waiver and appeal.—Before the emergency designation or designations are stricken pursuant to paragraph (4), any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. Paragraph (4) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. After the Presiding Officer strikes the designation on such a point of order, any Senator may appeal the action of the Presiding Officer as it applies to some or all of the provisions. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (4).

(8) Conference reports.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or a joint resolution, upon—

(A) a point of order being made in paragraph (4); and

(B) such a point of order being sustained, the emergency designation in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, and the matter stricken may not be offered as an amendment from the floor.

(b) Definitions and Criteria.—

(1) Definitions.—

(A) In general.—In this subsection, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" means any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(B) Designation.—Subject to the limitation in subsection (a)(3), for purposes of paragraph (4), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(2) Designations.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (3).

(3) Criteria.—

(A) In general.—Subject to the limitation in subsection (a)(3), any provision may be designated as an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful and beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) Unforeseen.—An emergency that is part of aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

SEC. 403. DISCRETIONARY SPENDING LIMITS.

(a) Discretionary Spending Limits.—As used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2006, $900,927,000,000 in new budget authority and $1,002,145,000,000 in outlays for the discretionary category;

(2) for fiscal year 2007, $872,504,000,000 in new budget authority and $963,048,000,000 in outlays for the discretionary category;

(3) for fiscal year 2008, $895,784,000,000 in new budget authority for the discretionary category; and

(4) for fiscal year 2009, $919,178,000,000 in new budget authority for the discretionary category; as adjusted in conformance with the adjustment procedures in subsection (d).

(b) Discretionary Spending Point of Order.—

(1) In general.—Except as otherwise provided in this subsection, it shall not be in order to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) Waiver and appeal.—Before the Presiding Officer rules on a point of order under this subsection, any Senator may move to waive such a point of order. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. The point of order may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on the point of order.

(c) Procedure for Adjustments.—

(1) In general.—

(A) Chairman.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority and outlays in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority.

(B) Matters to be adjusted.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget; and

(ii) the allocations made pursuant to the concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974.

(2) Amounts of adjustments.—The adjustment referred to in paragraph (1) shall be an amount provided for fiscal year 2007 if a bill or joint resolution is reported making appropriations for fiscal year 2007 that appropriates $6,824,000,000 to the Internal Revenue Service for enhanced tax enforcement to address the "Federal tax gap" and provides an additional appropriation of $274,000,000 to the Internal Revenue Service for enhanced tax enforcement to address the "Federal tax gap" then the chairman of the Committee on the Budget of the Senate may make the adjustments in paragraph (c)(1)(B).

(3) Reporting revised suballocations.—Following any adjustment made under paragraph (1), the Committee on Appropriations of the Senate shall report appropriately revised suballocations under section 302(b) of

the Congressional Budget Act of 1974 to carry out this subsection.

SEC. 404. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made for any measure of legislation pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be printed in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the chairman of the Committee on the Budget.

SEC. 405. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 406. DIRECT SPENDING LIMITATION.

(a) MEDICARE FUNDING WARNING.—The chairman of the Committee on the Budget may submit to the Senate a notification of a Medicare funding warning. Such warning is defined as a projection that within 7 years General Fund contributions to Medicare funding expressed as a percentage of total Medicare outlays, exceed 45 percent.

(b) POINT OF ORDER.—It shall not be in order to consider any bill, joint resolution, amendment or conference report that would cause any increase in direct spending, net of proposals to change in direct spending, receipts, or revenues contained in the measure, if a Medicare Funding warning has been submitted to the Senate pursuant to subsection (a) for 2 consecutive calendar years.

(c) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATIONS.—For the purposes of this section, the determination of whether Medicare funding warrants a funding warning and when it may be appropriate to withdraw such warning, as well as the levels of net direct spending as required under subsection (b), shall be provided by the chairman of the Committee on the Budget.

(f) CANCELLATION.—Should legislation be enacted to reduce the general fund contribution below 45 percent as determined by the chairman of the Committee on the Budget, the notification of a Medicare funding warning is withdrawn.

SEC. 407. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, respectively, and as such they shall be considered as part of the rules of each House, or of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change those rules (so far as they relate to that house) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 398—RELATING TO THE CENSURE OF GEORGE W. BUSH

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 398

Whereas Congress passed the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and in so doing provided the executive branch with clear authority to wiretap suspected terrorists inside the United States;

Whereas the Foreign Intelligence Surveillance Act of 1978 has been amended multiple times since 1978, to expand the surveillance authority of the executive branch and address new technological developments;

Whereas the Foreign Intelligence Surveillance Act of 1978 states that it and the criminal wiretap law are the “exclusive means by which electronic surveillance” may be conducted by the United States Government and makes it a crime to wiretap individuals without complying with this statutory authority;

Whereas the Foreign Intelligence Surveillance Act of 1978 permits the Government to initiate wiretapping immediately in emergencies as long as the Government obtains approval from the court established under section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) within 72 hours of initiating the wiretap;

Whereas the Foreign Intelligence Surveillance Act of 1978 authorizes wiretaps without the court orders otherwise required by the Foreign Intelligence Surveillance Act of 1978 for the first 15 days following a declaration of war by Congress;

Whereas the Authorization for Use of Military Force that became law on September 18, 2001 (Public Law 107–40; 50 U.S.C. 1541 note), did not grant the President the power to authorize wiretaps of Americans within the United States without obtaining the court orders required by the Foreign Intelligence Surveillance Act of 1978;

Whereas the President's inherent constitutional authority does not give him the power to violate the explicit statutory prohibition on warrantless wiretaps in the Foreign Intelligence Surveillance Act of 1978;

Whereas George W. Bush, President of the United States, has authorized and continues to authorize wiretaps by the National Security Agency of Americans within the United States without obtaining the court orders required by the Foreign Intelligence Surveillance Act of 1978;

Whereas President George W. Bush has failed to inform the full congressional intelligence committees about this program, as required by the National Security Act of 1947 (50 U.S.C. 401 et seq.);

Whereas President George W. Bush repeatedly misled the public prior to the public disclosure of the National Security Agency surveillance program by indicating his Administration was relying on court orders to wiretap suspected terrorists inside the United States, by stating—

(1) on April 20, 2004, that “When we're talking about chasing down terrorists, we're talking about getting a court order before we do so.”;

(2) on July 14, 2004, that “the government can't move on wiretaps or roving wiretaps without getting a court order”; and

(3) on June 9, 2005, that “Law enforcement officers need a federal judge's permission to wiretap a foreign terrorist's phone, a federal judge's permission to track his calls, or a federal judge's permission to search his property. Officers must meet strict standards to use any of these tools.”;

Whereas President George W. Bush has, since the public disclosure of the National Security Agency surveillance program, falsely implied that the program was necessary because the executive branch did not have authority to wiretap suspected terrorists inside the United States, by making statements about the supposed need for the program, including—

(1) on January 25, 2006, stating at the National Security Agency that “When terrorist operatives are here in America communicating with someone overseas, we must understand what's going on if we're going to do our job to protect the people. The safety and security of the American people depend on our ability to find out who the terrorists are talking to, and what they're planning. In the weeks following September the 11th, I authorized a terrorist surveillance program to detect and intercept al Qaeda communications involving someone here in the United States.”; and

(2) on January 31, 2006, asserting during the State of the Union that “The terrorist surveillance program has helped prevent terrorist attacks. It remains essential to the security of America. If there are people inside our country who are talking with al Qaeda, we want to know about it, because we will not sit back and wait to be hit again.”; and

Whereas President George W. Bush inaccurately stated in his January 31, 2006, State of the Union address that “Previous Presidents have used the same constitutional authority I have, and federal courts have approved the use of that authority.”, even though the President has failed to identify a single instance since the Foreign Intelligence Surveillance Act of 1978 became law in which another President has authorized wiretaps inside the United States without complying with the Foreign Intelligence Surveillance Act of 1978, and no Federal court has evaluated whether the President has the inherent authority to authorize wiretaps inside the United States without complying with the Foreign Intelligence Surveillance Act of 1978: Now, therefore, be it

Resolved, That the United States Senate does hereby censure George W. Bush, President of the United States, and does condemn his unlawful authorization of wiretaps of Americans within the United States without obtaining the court orders required by the Foreign Intelligence Surveillance Act of 1978, his failure to inform the full congressional intelligence committees as required by law, and his efforts to mislead the American people about the authorities relied upon by his Administration to conduct wiretaps and about the legality of the program.

SENATE RESOLUTION 399—DESIGNATING MARCH 25, 2006, AS "GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY"

Mr. SPECTER (for himself, Mr. SARBANES, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mrs. BOXER, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. OBAMA, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. THOMAS, Mr. VOINOVICH, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 399

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you":

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, beyond the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day, said, "Greece and America have been firm allies in the great struggles for liberty. Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom . . . [and] as the 21st Century dawns, Greece and America once again stand united; this time in the fight against terrorism. The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.";

Whereas President Bush stated that Greece's successful "law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism";

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over $10,000,000,000 in the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received world-wide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes from 202 countries and over 2,000,000 spectators and journalists, which it did so efficiently, securely, and with its famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of over $1,390,000,000 and assignment of over 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between these 2 nations and their peoples;

Whereas March 25, 2006, marks the 185th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2006, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 400—EXPRESSING THE SENSE OF THE SENATE ON THE CONSTITUTIONAL REFORM PROCESS IN BOSNIA AND HERZEGOVINA

Mr. BIDEN (for himself, Mr. SMITH, Mr. LUGAR, and Mr. DURBIN) submitted the following resolution, which was considered and agreed to:

S. RES. 400

Whereas the General Framework Agreement for Peace in Bosnia and Herzegovina (commonly referred to as the "Dayton Peace Accords") was agreed to at Wright Patterson Air Force Base in Dayton, Ohio, on November 21, 1995;

Whereas the signing of the Dayton Peace Accords was a historic accomplishment that was made possible through the strong leadership of the United States;

Whereas the signing of the Dayton Peace Accords ended a brutal 3½-year conflict marked by aggression and genocide in which many tens of thousands lost their lives;

Whereas the Dayton Peace Accords created a framework for a common state in Bosnia and Herzegovina, but was crafted amidst the exigencies of war and included many compromises imposed by the need for quick action to preserve human life;

Whereas in the 10 years since the signing of the Dayton Peace Accords, there has been considerable progress in building a peaceful society in Bosnia and Herzegovina;

Whereas this progress in building a peaceful society has been facilitated by both the citizens of the country and the international community;

Whereas, during the 9 years that the peacekeepers of the North Atlantic Treaty Organization worked to keep order in Bosnia and Herzegovina, their forces suffered no intentional casualties and never fired a single shot in combat;

Whereas Bosnia and Herzegovina has demonstrated a willingness to contribute to the work of the international community and sent 36 troops to assist in efforts to stabilize the country of Iraq;

Whereas the full incorporation of Bosnia and Herzegovina into the Euro-Atlantic community is in the national interest of the United States;

Whereas, past accomplishments notwithstanding, the citizens of Bosnia and Herzegovina continue to face significant challenges on their road toward further Euro-Atlantic integration;

Whereas the Council of Europe's Venice Commission has concluded that the current constitutional arrangements of Bosnia and Herzegovina are neither efficient nor rational, and that the state-level institutions need to become more effective and democratic if Bosnia and Herzegovina is to move toward membership in the European Union;

Whereas Secretary of State Condoleezza Rice has said that the people of Bosnia and Herzegovina need "a stronger, energetic state capable of advancing the public good" and pledged that the United States will remain a dedicated partner to Bosnia and Herzegovina as it moves toward further Euro-Atlantic integration;

Whereas leaders of Bosnia and Herzegovina have already agreed to significant reforms of the budget process, intelligence services, criminal prosecution offices, justice ministry, border and customs services, and defense sector;

Whereas, on November 22, 2005, political leaders of Bosnia and Herzegovina met in Washington and signed a Commitment to Pursue Constitutional Reform in which members pledged to continue working toward the creation of stronger and more efficient democratic institutions; and

Whereas it is imperative that changes to the constitution of Bosnia and Herzegovina be agreed to by April 2006 to take effect prior to national elections in October 2006: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is time for Bosnia and Herzegovina to work toward the creation of a state with more functional, self-sustaining institutions;

(2) any agreement on constitutional reform in Bosnia and Herzegovina should advance the principles of democracy and tolerance;

(3) the constitutional reforms of Bosnia and Herzegovina should be consistent with, and bring the country closer to, the goal of membership in the European Union;

(4) the United States supports the development of Bosnia and Herzegovina as a unified, fully democratic, and stable state on the path toward Euro-Atlantic integration;

(5) all parties to negotiations on the reforms of the Constitution of Bosnia and Herzegovina should work together and seek compromises so that a first set of revisions to the Constitution can take effect before national elections in October 2006;

(6) all groups responsible for past violence and atrocities in Bosnia and Herzegovina must accept responsibility for their actions and promote reconciliation among the different ethnic groups of Bosnia and Herzegovina; and

(7) all levels of government in Bosnia and Herzegovina must comply with the directives of the International Criminal Tribunal for the Former Yugoslavia (ICTY), arrest persons indicted for war crimes, and turn over fugitives to face justice at the International Criminal Tribunal.

SENATE RESOLUTION 401—URGING THE REPUBLIC OF BELARUS TO CONDUCT PLANNED PRESIDENTIAL ELECTIONS MARCH 19, 2006, IN A FREE, FAIR, AND TRANSPARENT MANNER AND WITH RESPECT FOR HUMAN RIGHTS

Mr. McCAIN (for himself, Mr. Lieberman, Mr. Lugar, Mr. Biden, Mr. Brownback, Mr. McConnell, and Mr. Sununu) submitted the following resolution; which was considered and agreed to:

S. Res. 401

Whereas the Government of Belarus has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Co-operation in Europe (OSCE), including provisions of the 1990 Copenhagen Document;

Whereas the Belarus parliamentary elections of 2000 failed to meet international standards;

Whereas the Belarus presidential elections of 2001 failed to meet international standards;

Whereas the local elections in Belarus in 2003 failed to meet international standards;

Whereas the Belarus parliamentary elections of 2004 failed to meet international standards;

Whereas the 2004 vote on the constitutional referendum in Belarus failed to meet international standards;

Whereas Belarus is scheduled to conduct presidential elections on March 19, 2006;

Whereas President of Belarus Alexander Lukashenko has placed tight controls on the press, jailed opposition party members, violently disrupted protests, conducted surveillance of opposition candidates, and been implicated in the disappearance of at least 3 opposition members and a journalist;

Whereas, on March 2, 2006, opposition candidate Alexander Kazulin and 20 of his supporters were beaten and detained.

Whereas the campaign of Alexander Milinkevich, the main opposition candidate, has been subject to repeated government harassment and bureaucratic obstacles to open campaigning; and

Whereas the intimidation and arrest of opposition parties and candidates, including the reported March 8, 2006, arrest of Vincuk Viachorka and 5 other members of Alexander Milinkevich's campaign team, represents a deliberate assault on the democratic process and sends a clear signal that government officials in Belarus are not committed to holding free and fair elections: Now, therefore, be it:

Resolved, That the Senate—

(1) supports the people of Belarus as they face the dictatorship of President Lukashenko;

(2) notes that the integration of Belarus into the Western community of nations will suffer delay so long as President Lukashenko prevents the development of a democratic political system;

(3) urges the Government of Belarus to ensure a free, fair, and fully transparent 2006 presidential election, in accordance with Organization for Security and Co-operation in Europe (OSCE) standards, including unobstructed access to all aspects of the election process by the OSCE Office of Democratic Institutions and Human Rights (ODIHR), opposition parties, and nongovernmental organizations;

(4) encourages the international community, including the Council of Europe and the OSCE, to continue supporting democracy in Belarus, and thanks the governments and people of neighboring countries such as Poland, Lithuania, and Latvia for continuing to promote democracy and human rights in Belarus; and

(5) expresses its belief that tyranny in Belarus will not forever endure and that the people of Belarus will one day enjoy the benefits of democracy and human rights at home.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2998. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table.

SA 2999. Mr. BURNS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3000. Mr. HAGEL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3001. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3002. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3003. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3004. Ms. SNOWE (for herself, Mr. Wyden, and Mrs. Feinstein) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3005. Mr. BURNS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3006. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3007. Mr. AKAKA (for himself, Mrs. Murray, Mr. Dorgan, Mr. Nelson of Florida, Mr. Kerry, Mr. Schumer, Mr. Salazar, Mrs. Lincoln, Mr. Lautenberg, Mr. Obama, Mr. Dodd, Ms. Mikulski, and Mr. Jeffords) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3008. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3009. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3010. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3011. Mr. TALENT (for himself, Mr. Lieberman, and Mr. Thune) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3012. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2998. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING A COMMISSION TO REVIEW THE PERFORMANCE OF PROGRAMS.

It is the sense of the Senate that a commission should be established to review Federal agencies, and programs within such agencies, including an assessment of programs on an accrual basis, with the express purpose of providing the Congress with recommendations on legislation to realign or eliminate Federal agencies and programs that are wasteful, duplicative, inefficient, outdated, irrelevant, or have failed to accomplish their intended purpose.

SA 2999. Mr. BURNS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 23, line 24, increase the amount by $823,000,000

On page 23, line 25, increase the amount by $733,000,000.

On page 24, line 3, increase the amount by $854,000,000.

On page 24, line 4, increase the amount by $845,000,000.

On page 24, line 7, increase the amount by $888,000,000.

On page 24, line 8, increase the amount by $880,000,000.

On page 24, line 11, increase the amount by $923,000,000.

On page 24, line 12, increase the amount by $914,000,000.

On page 24, line 15, increase the amount by $958,000,000.

On page 24, line 16, increase the amount by $949,000,000.

On page 27, line 23, decrease the amount by $823,000,000

On page 27, line 24, decrease the amount by $733,000,000.

On page 28, line 1, decrease the amount by $854,000,000.

On page 28, line 2, decrease the amount by $845,000,000.

On page 28, line 4, decrease the amount by $888,000,000.

On page 28, line 5, decrease the amount by $880,000,000.

On page 28, line 7, decrease the amount by $923,000,000.

On page 28, line 8, decrease the amount by $914,000,000.

On page 28, line 10, decrease the amount by $958,000,000.

On page 28, line 11, decrease the amount by $949,000,000.

SA 3000. Mr. HAGEL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE V—SENSE OF THE SENATE

SEC. 501. SENSE OF THE SENATE SUPPORTING ESTABLISHMENT OF A COMPREHENSIVE ENTITLEMENT REFORM COMMISSION.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that there should be established a Comprehensive Entitlement Reform Commission in accordance with subsections (b) through (e).

(b) PURPOSE.—The Commission should review Social Security, Medicare, and Medicaid and make comprehensive recommendations to sustain the solvency and stability of these three programs for future generations.

(c) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission should conduct a comprehensive review of Social Security, Medicare, and Medicaid consistent with the purpose specified in subsection (b) and should submit the report required under paragraph (2).

(2) REPORT.—

(A) REPORT.—Not later than 1 year after the selection of the 2 Co-Chairpersons and the Executive Director of the Commission, the Commission should prepare and submit a final report that contains a detailed statement of the recommendations, findings, and conclusions of the Commission to the appropriate Committees of Congress and the President.

(B) PUBLIC AVAILABILITY.—The report submitted under this paragraph should be made available to the public.

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission should be composed of 8 members, to be appointed as follows:

(A) The majority leader of the Senate should appoint 2 members.

(B) The minority leader of the Senate should appoint 2 members.

(C) The Speaker of the House of Representatives should appoint 2 members.

(D) The minority leader of the House of Representatives should appoint 2 members.

(2) PERIOD OF APPOINTMENT.—Each member should be appointed for the life of the Commission. Any vacancies should not affect the power and duties of the Commission but should be filled in the same manner as the original appointment.

(3) DATE.—Members of the Commission should be appointed by not later than 30 days after the date of enactment of this Act.

(4) INITIAL ORGANIZATION PERIOD.—Not later than 60 days after the date of enactment of this Act, the Commission should develop and implement a schedule for completion of the review and report required under subsection (c).

(5) CO-CHAIRPERSONS.—The Commission should select 2 Co-Chairpersons from among its members.

(6) TERMINATION.—The Commission should terminate on the date that is 30 days after the date on which the Commission submits the report required under subsection (c)(2).

(e) ADMINISTRATION.—

(1) QUORUM.—Five members of the Commission should constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

(2) MEETINGS.—

(A) IN GENERAL.—The Commission should meet at the call of the Co-Chairpersons or a majority of its members.

(B) OPEN MEETINGS.—Each meeting of the Commission, other than meetings in which classified information is to be discussed, should be open to the public.

(3) HEARINGS.—The Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties.

(4) TRAVEL EXPENSES.—Members should receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(5) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission should have a staff headed by an Executive Director. The Executive Director should be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

(B) STAFF APPOINTMENT.—With the approval of the Commission, the Executive Director may appoint such personnel as the Executive Director determines to be appropriate.

(C) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail should not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(E) OTHER RESOURCES.—The Commission should have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Chief Actuary of Social Security, the Congressional Budget Office, and other agencies and elected representatives of the executive and legislative branches of the Federal Government. The Co-Chairpersons of the Commission should make requests for such access in writing when necessary.

SA 3001. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $975,000,000.

On page 3, line 15, increase the amount by $1,037,000,000.

On page 3, line 17, increase the amount by $792,000,000.

On page 3, line 19, increase the amount by $826,000,000.

On page 3, line 21, increase the amount by $861,000,000.

On page 4, line 1, increase the amount by $975,000,000.

On page 4, line 2, increase the amount by $1,037,000,000.

On page 4, line 3, increase the amount by $792,000,000.

On page 4, line 4, increase the amount by $826,000,000.

On page 4, line 6, increase the amount by $861,000,000.

On page 4, line 13, increase the amount by $975,000,000.

On page 4, line 15, increase the amount by $1,037,000,000.

On page 4, line 17, increase the amount by $792,000,000.

On page 4, line 19, increase the amount by $826,000,000.

On page 4, line 21, increase the amount by $861,000,000.

On page 5, line 4, increase the amount by $975,000,000.

On page 5, line 6, increase the amount by $1,037,000,000.

On page 5, line 8, increase the amount by $792,000,000.

On page 5, line 10, increase the amount by $826,000,000.

On page 5, line 12, increase the amount by $861,000,000.

On page 9, line 20, increase the amount by $975,000,000.

On page 9, line 21, increase the amount by $975,000,000.

On page 9, line 24, increase the amount by $1,037,000,000.

On page 9, line 25, increase the amount by $1,037,000,000.

On page 10, line 3, increase the amount by $792,000,000.

On page 10, line 4, increase the amount by $792,000,000.

On page 10, line 7, increase the amount by $826,000,000.

On page 10, line 8, increase the amount by $826,000,000.

On page 10, line 11, increase the amount by $861,000,000.

On page 10, line 12, increase the amount by $861,000,000.

SA 3002. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 11, strike "$1,694,445,000,000" and insert "$1,694,455,000,000".

On page 3, line 23, strike "reduced" and insert "changed".

On page 21, line 3, strike "$441,150,000,000" and insert "$411,150,000,000".

On page 28, line 15, after "000" insert ",000".

On page 28, line 16, after "000" insert ",000".

On page 29, line 18, strike "by $0 for fiscal year 2007 and".

On page 42, strike beginning with line 11 and all that follows through page 43, line 4, and insert the following:

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR CHRONIC CARE CASE MANAGEMENT.

If the Senate Committee on Finance reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that would provide $1,750,000,000 to the Centers for Medicare and Medicaid Services (CMS) to create a demonstration project or program that assigns a case manager to coordinate the care of chronically-ill and other high-cost Medicare beneficiaries in traditional fee-for-service Medicare, the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution by the amount provided in such measure for that purpose, provided that such legislation would not increase the deficit for the period of fiscal years 2007 through 2011.

SA 3003. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—ELIMINATING CHILD POVERTY

SEC. ___1. SHORT TITLE.

This title may be cited as the "End Child Poverty Act".

SEC. ___2. FINDINGS.

Congress makes the following findings:

(1) More than 13,000,000 children in the United States who are younger than 18 live below the poverty line.

(2) Most parents of poor children are playing by the rules by working to support their families. Despite their efforts, many of these parents still cannot help their children get ahead. Seven out of 10 poor children live in a working family and 1 poor child in 3 lives with a full-time year-around worker.

(3) Poor children are at least twice as likely as non-poor children to suffer stunted growth or lead poisoning, or to be kept back in school. Poor children score significantly lower on reading, mathematics, and vocabulary tests when compared with otherwise similar non-poor children. In more than half of poor households with children in the United States, the members of the households experience serious deprivations during the year, including lack of adequate food, utility shutoffs, crowded or substandard housing, or lack of needed medical care.

(4) Over 8,000,000 children under age 18 in the United States lack health insurance. With a 2004 uninsured rate of 18.9 percent, poor children are more likely to be uninsured than children generally.

(5)(A) The members of 1 in 6 households with children in the United States are hungry or on the verge of hunger, largely due to inadequate household income.

(B) Hungry children—

(i) tend to lack nutrients vital to healthy brain development;

(ii) tend to have difficulty focusing their attention and concentrating in school; and

(iii) often have greater emotional and behavioral problems, have weaker immune systems, and are more susceptible to infections, including anemia, than other children.

(6) Child poverty has risen significantly, by 1,440,000 since 2000.

(7) The poverty rate for children in the United States is substantially higher than that in most other wealthy industrialized nations.

(8) Children in the United States are more likely to live in poverty than any other age group in the United States.

(9) African-American and Latino children are much more likely to live in poverty than White children. One third of African-American children are low-income, as are nearly a third of Latino children.

(10) Great Britain made a public commitment to cut child poverty in half in 10 years, and end child poverty by 2020, and it has already successfully lifted 2,000,000 children out of poverty.

(11) Poverty is a moral issue and Congress has a moral obligation to address it.

SEC. ___3. PURPOSES.

The purposes of this title are—

(1) to set a national goal of cutting child poverty in half within a decade, and eliminating child poverty entirely as soon as possible; and

(2) to establish a Child Poverty Elimination Trust Fund as an initial measure to fund Federal programs to achieve that goal.

SEC. ___4. DEVELOPMENT OF PLAN BY CHILD POVERTY ELIMINATION BOARD.

(a) IN GENERAL.—There is established a board to be known as the Child Poverty Elimination Board (referred to in this title as the "Board").

(b) COMPOSITION.—

(1) APPOINTMENTS.—The Board shall be composed of 12 voting members, to be appointed not later than 60 days after the date of enactment of this Act, as follows:

(A) SENATORS.—One Senator shall be appointed by the majority leader of the Senate, and one Senator shall be appointed by the minority leader of the Senate.

(B) MEMBERS OF THE HOUSE OF REPRESENTATIVES.—One Member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the minority leader of the House of Representatives.

(C) ADDITIONAL MEMBERS.—

(i) APPOINTMENT.—Two members each shall be appointed by—

(I) the Speaker of the House of Representatives;

(II) the majority leader of the Senate;

(III) the minority leader of the House of Representatives; and

(IV) the minority leader of the Senate.

(ii) EXPERTISE.—Members appointed under this subparagraph shall be appointed on the basis of demonstrated expertise in child poverty issues.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Board. Any vacancy on the Board shall be filled in the manner in which the original appointment was made. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

(3) CHAIRPERSON AND VICE CHAIRMAN.—The Board shall elect a chairperson and a vice chairperson from among the members of the Board.

(4) MEETINGS.—The Board shall first meet not later than 30 days after the date on which all members are appointed, and the Board shall meet thereafter at the call of the chairperson or vice chairperson or a majority of the members.

(c) PLAN AND REPORT.—

(1) PLAN.—The Board shall meet regularly to develop a plan for cutting child poverty in half within a decade, and eliminating child poverty entirely as soon as possible. The plan shall include recommendations for allocations of funds from the Child Poverty Elimination Trust Fund established in section 9511 of the Internal Revenue Code of 1986, to carry out the plan.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Board shall prepare and submit a report containing the plan to the Committee on Education and the Workforce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the President.

(d) POWERS.—

(1) HEARINGS AND SESSIONS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers appropriate. The Board may administer oaths or affirmations to witnesses appearing before it.

(2) ACCESS TO INFORMATION.—The Board may secure directly from any Federal agency information necessary to enable the Board to carry out this title, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the chairperson or vice chairperson of the Board, the head of such agency shall furnish such information to the Board.

(3) USE OF FACILITIES AND SERVICES.—Upon the request of the Board, the head of any Federal agency may make available to the Board any of the facilities and services of such agency.

(4) PERSONNEL FROM OTHER AGENCIES.—On the request of the Board, the head of any Federal agency may detail any of the personnel of such agency to serve as an Executive Director of the Board or assist the Board in carrying out the duties of the Board. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Board may accept for the Board voluntary services provided by a member of the Board.

(e) COMPENSATION.—

(1) PAY.—Members of the Board shall serve without compensation.

(2) TRAVEL EXPENSES.—Members of the Board shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Board.

SEC. ____5. ISSUANCE AND IMPLEMENTATION OF PLAN.

(a) ISSUANCE.—Not later than 90 days after receiving the report containing the plan developed by the Board under section ____4(c), the President shall review the report, and shall issue a plan for cutting child poverty in half within a decade, and eliminating child poverty entirely as soon as possible. The plan shall include specifications and allocations of funds to be made from the Child Poverty Elimination Trust Fund, to carry out the plan.

(b) RELATIONSHIP TO BOARD PLAN.—The plan issued under subsection (a) shall be the same as the plan developed by the Board under section 4(c) except insofar as the President may determine, for good cause shown and stated together with the plan issued under subsection (a), that a modification of the Board's plan would be more effective for eliminating child poverty.

(c) IMPLEMENTATION.—Not later than 90 days after issuing a plan under subsection (a), the President shall ensure the implementation of the plan issued under subsection (a), and shall work with Congress to ensure funding for the implementation of the plan.

SEC. 6. IMPOSITION OF INDIVIDUAL INCOME TAX SURCHARGE TO FUND CHILD POVERTY ELIMINATION FUND.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 (relating to imposition of tax on individuals) is amended by adding at the end the following new subsection:

"(j) ADDITIONAL INCOME TAX.—

"(1) IN GENERAL.—If the adjusted gross income of an individual exceeds the threshold amount, the tax imposed by this section (determined without regard to this subsection) shall be increased by an amount equal to 1 percent of so much of the adjusted gross income as exceeds the threshold amount.

"(2) THRESHOLD AMOUNTS.—For purposes of this subsection, the term 'threshold amount' means—

"(A) $1,000,000 in the case of a joint return, and

"(B) $500,000 in the case of any other return.

"(3) TAX NOT TO APPLY TO ESTATES AND TRUSTS.—This subsection shall not apply to an estate or trust.".

(b) COORDINATION WITH MINIMUM TAX.—Section 55(c) of the Internal Revenue Code of 1986 (defining regular tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) COORDINATION WITH MINIMUM TAX.—Solely for purposes of this section, section 1(j) shall not apply in computing the regular tax.".

(c) ESTABLISHMENT OF CHILD POVERTY ELIMINATION FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following:

"SEC. 9511. CHILD POVERTY ELIMINATION TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Child Poverty Elimination Trust Fund' (referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There is hereby appropriated to the Trust Fund an amount equivalent to the increase in revenues received in the Treasury as the result of the surtax imposed under section 1(j).

"(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, to make expenditures in connection with Federal programs designed to carry out the plan issued by the President under section 5 of the End Child Poverty Act, to eliminate child poverty.".

(2) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following:

"Sec. 9511. Child Poverty Elimination Trust Fund.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(e) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SA 3004. Ms. SNOWE (for herself, Mr. WYDEN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. . RESERVE FUND FOR THE NEGOTIATION OF THE BEST POSSIBLE PRICE FOR PRESCRIPTION DRUGS THROUGH MEDICARE PART D.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that allows the Secretary of Health and Human Services to use the collective purchasing power of 40,000,000 Medicare beneficiaries to negotiate the best possible prices for prescription drugs provided through part D of title XVIII of the Social Security Act in fallback plans and, if asked, by private drug plans, and in other circumstances, but not permitting price setting or a uniform formulary, by the amount of savings in that legislation, to ensure that those savings are reserved for deficit reduction or to improve the Medicare part D drug benefit.

SA 3005. Mr. BURNS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE 10-PERCENT TAX RATE BRACKET.

It is the sense of the Senate that—

(1) the aggregate reduced levels of Federal revenues under section 101(1)(B) assume the extension of the 10-percent rate bracket under section 1(i)(1) of the Internal Revenue Code of 1986 through September 30, 2011, and

(2) the 10-percent rate bracket should be made permanent.

SA 3006. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 15, line 21, increase the amount by $121,000,000.

On page 15, line 22, increase the amount by $85,000,000.

On page 16, line 1, increase the amount by $28,000,000.

On page 16, line 5, increase the amount by $7,000,000.

On page 16, line 9, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $121,000,000.

On page 27, line 24, decrease the amount by $85,000,000.

On page 28, line 2, decrease the amount by $28,000,000.

On page 28, line 5, decrease the amount by $7,000,000.

On page 28, line 8, decrease the amount by $1,000,000.

SA 3007. Mr. AKAKA (for himself, Mrs. MURRAY, Mr. DORGAN, Mr. NELSON of Florida, Mr. KERRY, Mr. SCHUMER, Mr. SALAZAR, Mrs. LINCOLN, Mr. LAUTENBERG, Mr. OBAMA, Mr. DODD, Ms. MIKULSKI, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $1,350,000,000.

On page 3, line 15, increase the amount by $135,000,000.

On page 3, line 17, increase the amount by $6,000,000.

On page 3, line 19, increase the amount by $2,000,000.

On page 4, line 1, increase the amount by $1,350,000,000.

On page 4, line 2, increase the amount by $135,000,000.

On page 4, line 3, increase the amount by $6,000,000.

On page 4, line 4, increase the amount by $2,000,000.

On page 4, line 13, increase the amount by $1,500,000,000.

On page 5, line 4, increase the amount by $1,350,000,000.

On page 5, line 6, increase the amount by $135,000,000.

On page 5, line 8, increase the amount by $6,000,000.

On page 5, line 10, increase the amount by $2,000,000.

On page 23, line 24, increase the amount by $1,500,000,000.

On page 23, line 25, increase the amount by $1,350,000,000.

On page 24, line 4, increase the amount by $135,000,000.

On page 24, line 8, increase the amount by $6,000,000.

On page 24, line 12, increase the amount by $2,000,000.

On page 53, line 1, increase the amount by $1,500,000,000.

On page 53, line 2, increase the amount by $1,350,000,000.

SA 3008. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. . RESERVE FUND TO IMPROVE THE MEDICARE PRESCRIPTION DRUG BENEFIT; REPEAL OF DIRECT SPENDING LIMITATION.

(a) RESERVE FUND.—The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or conference report thereon, that would—

(1) require the Secretary of Health and Human Services to offer a Medicare guaranteed prescription drug plan under part D of title XVIII of the Social Security Act that would be operated by the Secretary and that would have a service area that consists of the entire United States;

(2) improve the coverage under the program under such part D, including through the reduction of the annual deductible and the required coinsurance and through the elimination of the coverage gap, cost-sharing above the annual out-of-pocket threshold, and the assets test for low-income beneficiaries;

(3) eliminate overpayments to Medicare Advantage plans under part C of such title, including through the elimination of the MA Regional Plan Stabilization Fund, through the extension of refinements to the health status adjustment to plan payments, and through requiring that the Medicare Advantage capitation rate be based on the fee-for-services rate;

(4) reduce costs by allowing the Secretary of Health and Human Services to negotiate discounted prices on prescription drugs offered under a drug plan under such part D;

by the amount provided in such measure for those purposes.

(b) REPEAL OF DIRECT SPENDING LIMITATION.—Section 406 shall be null and void.

SA 3009. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND TO PROTECT MEDICARE BENEFICIARIES WHO ENROLL IN THE PRESCRIPTION DRUG BENEFIT DURING 2006.

The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or conference report thereon, that would—

(1) extend the annual open enrollment period under the Medicare prescription drug program under part D of title XVIII through all of 2006 without imposing a late enrollment penalty for months during such period; and

(2) allow a one-time change of plan enrollment under such program at any time during 2006;

by the amount provided in such measure for those purposes, provided that such legislation would not increase the deficit for the period of fiscal years 2006 through 2011.

SA 3010. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 24, line 24, increase the amount by $2,000,000,000.

On page 24, line 25, increase the amount by $2,000,000,000.

On page 27, line 23, decrease the amount by $2,000,000,000.

On page 27, line 24, decrease the amount by $2,000,000,000.

SA 3011. Mr. TALENT (for himself, Mr. LIEBERMAN, and Mr. THUNE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 9, line 20, increase the amount by $3,000,000,000.

On page 9, line 21, increase the amount by $3,000,000,000.

On page 27, line 23, decrease the amount by $3,000,000,000.

On page 27, line 24, decrease the amount by $3,000,000,000.

SA 3012. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING AN INCREASE IN THE MINIMUM WAGE.

It is the sense of the Senate that the levels in this resolution assume that Congress should enact legislation to amend the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to increase the Federal minimum wage by $2.10, with a $0.70 increase effective 60 days after the passage of this resolution, a $0.70 increase effective 12 months after that 60th day, and a $0.70 increase effective 24 months after that 60th day.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 13, 2006, at 3 p.m. in closed session to receive a briefing from the Joint Improvised Explosive Device Defeat Organization.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following detailees and interns with the Senate Finance Committee be granted privileges of the floor during the Senate's consideration of the budget resolution: Mary Baker, Robin Burgess, Tiffany Smith, Tom Louthan, Margaret Hathaway, Laura Kellams, Leona Cuttler, Deidra Henry-Spires, David Schwartz, Richard Litsey, Stuart Sirkin, Zachary Henderson, Lesley Meeker, Britt Sandler, Lauren Shields, Jordan Murray, and Will Larson.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 549, 551, 552, 554, 555, 557, 558, 559, 560, 562, 563, 564, 565, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Terrance P. Flynn, of New York, to be United States Attorney for the Western District of New York for the term of four years.

DEPARTMENT OF EDUCATION

Michell C. Clark, of Virginia, to be Assistant Secretary for Management, Department of Education.

DEPARTMENT OF LABOR

Edwin G. Foulke, Jr., of South Carolina, to be an Assistant Secretary of Labor.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jean B. Elshtain, of Tennessee, to be a Member of the National Council on the Humanities for the remainder of the term expiring January 26, 2010.

Allen C. Guelzo, of Pennsylvania, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

George Perdue, of Georgia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 5, 2006.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

Anne-Imelda Radice, of Vermont, to be Director of the Institute of Museum and Library Services.

DEPARTMENT OF EDUCATION

Craig T. Ramey, of West Virginia, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

LEGAL SERVICES CORPORATION

Sarah M. Singleton, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2008.

DEPARTMENT OF JUSTICE

Donald J. DeGabrielle, Jr., of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

John Charles Richter, of Oklahoma, to be United States Attorney for the Western District of Oklahoma for the term of four years.

Amul R. Thapar, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2009.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

PUBLIC HEALTH SERVICE

PN936 Public Health Service nomination of Leah Hill, which was received by the Senate and appeared in the Congressional Record of September 28, 2005.

PN937 Public Health Service nominations (262) beginning Gregory A. Abbott, and ending Carl A. Huffman III, which nominations were received by the Senate and appeared in the Congressional Record of September 28, 2005.

NOMINATION OF DONALD DEGABRIELLE, JR.

Mr. CORNYN. Mr. President, I rise to express my enthusiastic support for Don DeGabrielle, an outstanding attorney and committed public servant who has been nominated by the President to serve as the U.S. attorney for the Southern District of Texas.

The Southern District of Texas is home to Houston, our Nation's fourth largest city. The district extends from Houston to the U.S.-Mexico border, and includes the cities of Brownsville, McAllen, and Laredo—all of which are located on or near the border.

The position for which Don DeGabrielle is nominated has been vacant for some time now. As my colleagues know, the U.S. attorney is each district's chief Federal law enforcement officer. So it is critically important to the Department of Justice and to the people of the Southern District that this vacancy be filled as soon as possible.

Don DeGabrielle is an outstanding selection for this post. He brings extensive and praiseworthy prosecutorial experience. Don DeGabrielle has served the Southern District as an assistant U.S. attorney for the past 20 years—the last 4 as first assistant U.S. attorney. As first assistant, he was responsible for the day-to-day management of the district, supervising an extensive criminal, civil, and appellate docket.

Don DeGabrielle has unimpeachable credentials as a prosecutor. He has tried nearly 200 cases in both State and Federal courts, has been an instructor at the National Advocacy Center, and has provided legal instruction to Federal agents.

Don DeGabrielle's diverse experience includes a stint in 2001 as the Resident Legal Adviser to the Republic of South Africa, where he advised that nation's prosecutors and helped reorganize its Justice Ministry. Prior to his career as a prosecutor, he served as an FBI special agent in New Orleans and New York City.

In short, Don DeGabrielle's unique qualifications make this nomination a superb one. I am confident that he will serve this country with distinction. And I am proud to support his nomination.

NOMINATION OF AMUL R. THAPAR

Mr. McCONNELL. Mr. President, it is my great honor and privilege today to speak on behalf of Amul R. Thapar, the President's nominee to be the next U.S. Attorney for the Eastern District of Kentucky. Mr. Thapar is an outstanding man of great credentials and character. He has many years of experience successfully prosecuting some of America's most wanted criminals, and his confirmation will lead to a safer, more just Kentucky.

Mr. Thapar has served as an Assistant U.S. Attorney in Cincinnati since 2002. In that position, he has managed the successful prosecution of a wide variety of Federal crimes, with an emphasis on public corruption, homeland security, and violent crimes.

Mr. Thapar led the Southern Ohio Mortgage Fraud Task Force, which successfully prosecuted approximately 40 perpetrators of mortgage fraud. Last year, he led the successful investigation and prosecution of a conspiracy ring to provide illegal aliens with fraudulent drivers' licenses.

Mr. Thapar also served as an Assistant U.S. Attorney right here in Washington, DC, from 1999 to 2001. He went after violent criminals in the District, and had a role in prosecuting the notorious "Starbucks Homicides" that happened in Georgetown several years ago.

For his excellence in public service, Mr. Thapar has been recognized by the Department of Justice, which honored him with a special achievement award; by the Postal Inspection Service, for his many successful investigations of violent and white-collar crimes; by the Secret Service for his efforts to fight counterfeiting; and the FBI for his campaigns against bank fraud and election fraud.

Mr. Thapar is an accomplished attorney in private practice as well. He has worked as an associate at both the prestigious Squire, Sanders & Dempsey law firm of Cincinnati and the Williams & Connolly law firm of Washington, DC. In both of those jobs, he managed and litigated complex cases on behalf of major corporations in both Federal and State courts.

Mr. Thapar has served as an adjunct professor at Georgetown University Law Center, and until recently served as an adjunct professor at the University of Cincinnati College of Law, where he taught Federal criminal practice. He has clerked for Judge Nathaniel R. Jones of the U.S. Court of Appeals for the Sixth Circuit and Judge S. Arthur Spiegel of the U.S. District Court for the Southern District of Ohio.

Even while managing such an impressive career, Amul still finds time to volunteer in his community. In 1995, he founded the Cincinnati chapter of the well-respected Street Law program. Street Law sends law school students into underprivileged high schools to teach kids about the basic underpinnings of our legal system, and the rights and responsibilities inherent in being an American citizen. Hundreds of students have benefited from Amul's initiative, and the program is larger and more successful than ever after 11 years.

Amul graduated from the renowned Boalt Hall School of Law of the University of California after receiving his undergraduate degree with high honors from Boston College. In addition to his remarkable career accomplishments, Amul has a remarkable family, and I am sure his wife, Kimberly, and his children, Zachary, Carmen and Nicholas, are very proud of him and all he has achieved.

The President has made the right choice by calling on Amul to serve the people of Kentucky as the chief law enforcement officer for the State's Eastern District. Amul's entire career has prepared him for this assignment. He has risen to the top of his field to become a stellar career prosecutor. He has gained valuable experience in handling all types of cases. And, most importantly, he is a man of integrity, intelligence, and spirit, who has a deep desire to seek out justice on behalf of those who deserve it.

I appreciate my fellow Senators' expeditious handling of Mr. Thapar's nomination, and I am confident he has the energy and the experience to excel as Kentucky's next U.S. Attorney.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 399, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 399) designating March 25, 2006, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 399) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 399

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, beyond the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day, said, "Greece and America have been firm allies in the great struggles for liberty. Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom . . . [and] as the 21st Century dawns, Greece and America once again stand united; this time in the fight against terrorism. The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.";

Whereas President Bush stated that Greece's successful "law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism";

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over $10,000,000,000 in the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received world-wide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes from 202 countries and over 2,000,000 spectators and journalists, which it did so efficiently, securely, and with its famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of over $1,390,000,000 and assignment of over 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between these 2 nations and their peoples;

Whereas March 25, 2006, marks the 185th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2006, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

EXPRESSING THE SENSE OF THE SENATE ON THE CONSTITUTIONAL REFORM PROCESS IN BOSNIA AND HERZEGOVINA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 400, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 400) expressing the sense of the Senate on the constitutional reform process in Bosnia and Herzegovina.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 400) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 400

Whereas the General Framework Agreement for Peace in Bosnia and Herzegovina (commonly referred to as the "Dayton Peace Accords") was agreed to at Wright Patterson Air Force Base in Dayton, Ohio, on November 21, 1995;

Whereas the signing of the Dayton Peace Accords was a historic accomplishment that was made possible through the strong leadership of the United States;

Whereas the signing of the Dayton Peace Accords ended a brutal 3½-year conflict marked by aggression and genocide in which many tens of thousands lost their lives;

Whereas the Dayton Peace Accords created a framework for a common state in Bosnia and Herzegovina, but was crafted amidst the exigencies of war and included many compromises imposed by the need for quick action to preserve human life;

Whereas in the 10 years since the signing of the Dayton Peace Accords, there has been considerable progress in building a peaceful society in Bosnia and Herzegovina;

Whereas this progress in building a peaceful society has been facilitated by both the citizens of the country and the international community;

Whereas, during the 9 years that the peacekeepers of the North Atlantic Treaty Organization worked to keep order in Bosnia and Herzegovina, their forces suffered no intentional casualties and never fired a single shot in combat;

Whereas Bosnia and Herzegovina has demonstrated a willingness to contribute to the work of the international community and sent 36 troops to assist in efforts to stabilize the country of Iraq;

Whereas the full incorporation of Bosnia and Herzegovina into the Euro-Atlantic community is in the national interest of the United States;

Whereas, past accomplishments notwithstanding, the citizens of Bosnia and Herzegovina continue to face significant challenges on their road toward further Euro-Atlantic integration;

Whereas the Council of Europe's Venice Commission has concluded that the current constitutional arrangements of Bosnia and Herzegovina are neither efficient nor rational, and that the state-level institutions need to become more effective and democratic if Bosnia and Herzegovina is to move toward membership in the European Union;

Whereas Secretary of State Condoleezza Rice has said that the people of Bosnia and Herzegovina need "a stronger, energetic state capable of advancing the public good" and pledged that the United States will remain a dedicated partner to Bosnia and Herzegovina as it moves toward further Euro-Atlantic integration;

Whereas leaders of Bosnia and Herzegovina have already agreed to significant reforms of the budget process, intelligence services, criminal prosecution offices, justice ministry, border and customs services, and defense sector;

Whereas, on November 22, 2005, political leaders of Bosnia and Herzegovina met in Washington and signed a Commitment to Pursue Constitutional Reform in which members pledged to continue working toward the creation of stronger and more efficient democratic institutions; and

Whereas it is imperative that changes to the constitution of Bosnia and Herzegovina be agreed to by April 2006 to take effect prior to national elections in October 2006: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is time for Bosnia and Herzegovina to work toward the creation of a state with more functional, self-sustaining institutions;

(2) any agreement on constitutional reform in Bosnia and Herzegovina should advance the principles of democracy and tolerance;

(3) the constitutional reforms of Bosnia and Herzegovina should be consistent with, and bring the country closer to, the goal of membership in the European Union;

(4) the United States supports the development of Bosnia and Herzegovina as a unified, fully democratic, and stable state on the path toward Euro-Atlantic integration;

(5) all parties to negotiations on the reforms of the Constitution of Bosnia and Herzegovina should work together and seek compromises so that a first set of revisions to the Constitution can take effect before national elections in October 2006;

(6) all groups responsible for past violence and atrocities in Bosnia and Herzegovina must accept responsibility for their actions and promote reconciliation among the different ethnic groups of Bosnia and Herzegovina; and

(7) all levels of government in Bosnia and Herzegovina must comply with the directives of the International Criminal Tribunal for the Former Yugoslavia (ICTY), arrest persons indicted for war crimes, and turn over fugitives to face justice at the International Criminal Tribunal.

REPUBLIC OF BELARUS PRESIDENTIAL ELECTION

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 401 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 401) urging the Republic of Belarus to conduct planned presidential elections March 19, 2006, in a free, fair, and transparent manner, and with respect for human rights.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 401) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 401

Whereas the Government of Belarus has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Co-operation in Europe (OSCE), including provisions of the 1990 Copenhagen Document;

Whereas the Belarus parliamentary elections of 2000 failed to meet international standards;

Whereas the Belarus presidential elections of 2001 failed to meet international standards;

Whereas the local elections in Belarus in 2003 failed to meet international standards;

Whereas the Belarus parliamentary elections of 2004 failed to meet international standards;

Whereas the 2004 vote on the constitutional referendum in Belarus failed to meet international standards;

Whereas Belarus is scheduled to conduct presidential elections on March 19, 2006;

Whereas President of Belarus Alexander Lukashenko has placed tight controls on the press, jailed opposition party members, violently disrupted protests, conducted surveillance of opposition candidates, and been implicated in the disappearance of at least 3 opposition members and a journalist;

Whereas, on March 2, 2006, opposition candidate Alexander Kazulin and 20 of his supporters were beaten and detained.

Whereas the campaign of Alexander Milinkevich, the main opposition candidate, has been subject to repeated government harassment and bureaucratic obstacles to open campaigning; and

Whereas the intimidation and arrest of opposition parties and candidates, including the reported March 8, 2006, arrest of Vincuk Viachorka and 5 other members of Alexander Milinkevich's campaign team, represents a deliberate assault on the democratic process and sends a clear signal that government officials in Belarus are not committed to holding free and fair elections: Now, therefore, be it:

Resolved, That the Senate—

(1) supports the people of Belarus as they face the dictatorship of President Lukashenko;

(2) notes that the integration of Belarus into the Western community of nations will suffer delay so long as President Lukashenko prevents the development of a democratic political system;

(3) urges the Government of Belarus to ensure a free, fair, and fully transparent 2006 presidential election, in accordance with Organization for Security and Co-operation in Europe (OSCE) standards, including unobstructed access to all aspects of the election process by the OSCE Office of Democratic Institutions and Human Rights (ODIHR), opposition parties, and nongovernmental organizations;

(4) encourages the international community, including the Council of Europe and the OSCE, to continue supporting democracy in Belarus, and thanks the governments and people of neighboring countries such as Poland, Lithuania, and Latvia for continuing to promote democracy and human rights in Belarus; and

(5) expresses its belief that tyranny in Belarus will not forever endure and that the people of Belarus will one day enjoy the benefits of democracy and human rights at home.

JOHN H. BRADLEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 1691 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1691) to designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic."

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1691) was read the third time and passed.

ORDERS FOR TUESDAY, MARCH 14, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Tuesday, March 14. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. Con. Res. 83, the budget resolution, as under the previous order; provided further that there be 40 hours equally divided remaining for debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, we are going to have a very busy day tomorrow and, indeed, a very busy week. We need to work through amendments on the budget resolution. At 3 p.m. tomorrow, we will have a series of votes on amendments. Senators should plan to be in the Chamber for six back-to-back votes. Senators who are planning to offer amendments should be working with the two managers, Senator GREGG and Senator CONRAD. Senators should expect full days and some late nights and should plan their schedules accordingly. There will be additional votes tomorrow after the stacked votes at 3 p.m.

Mr. President, as I said earlier today, we will complete action on the budget resolution this week, and we absolutely must address the issues surrounding the debt ceiling as well.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Tuesday, March 14, 2006, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 13, 2006:

DEPARTMENT OF STATE

ROBERT D. MCCALLUM, JR., OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICATO AUSTRALIA.

LEGAL SERVICES CORPORATION

JONANN E. CHILES, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2008, VICE ROBERT J. DIETER, RESIGNED.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

J. C. A. STAGG, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2011, VICE JAY PHILLIP GREENE, TERM EXPIRED.

DEPARTMENT OF JUSTICE

KENNETH L. WAINSTEIN, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CHRISTINE L. BLICEBAUM, 7383
HERBERT E. B. COKER, 1893
HECTOR L. COLONCOLON, 3566
DAVID W. DEPINHO, 8068
MATTHEW P. FRANKE, 6516
PATRICK A. GENSEAL, 6149
SHERROL L. JAMES, 6968
LESLIE A. JANOVEC, 8460
ROBERT W. JOHNSON, 0445
EDDIE JONES, 2781
DANIEL N. KARANJA, 9972
DWAYNE W. KEENER, 7319
STUART A. KING, 4196
DONALD A. LEVY, 4968
KEVIN L. LOCKETT, 8798
JOSHUA NARROWE, 2390
GLENNDON E. PAGE, JR., 3758
JOSEPHINE E. PINKNEY, 1582
TIMOTHY J. PORTER, 8357
JOSE H. TATE, 0614
ABNER PERRY V. VALENZUELA, 1578

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KRISTINE M. AUTORINO, 5651
SHANNON ANN BENNETT, 2523
COREA K. BERGENSER, 1017
YAVONTKA V. BOOSE, 7859
MICHAEL A. BORDERA, 8969
RODNEY D. BULLARD, 4961
ERIC J. CADOTTE, 5230
TANIKA M. CAPERS, 0946
ROBERT P. CHATHAM, 8253
JENNIFER A. CLAY, 8186
MATT D. COAKLEY, 4561
CHADWICK A. CONN, 7980
MICHELLE L. CRAWFORD, 4971
DON D. DAVIS III, 9298
JOHN C. DEGNAN, 5534
KIMANI R. EASON, 6958
MARK S. ETHERIDGE, 3448
KARI M. FLETCHER, 1923
JOHN M. FULTZ III, 1631
JEFFREY S. B. HARR, 8993
MARK D. HOOVER, 5660
CINNAMON M. HOWARD, 5566
MATTHEW C. HOYER, 6273
WILLIAM D. JOHNSON, 9457
SHERI K. JONES, 5269
MELANIE S. KEIPER, 6292
RYAN J. LAMBRECHT, 6654
HEATHER N. LARSON, 3346
OREN D. LEFF, 4918
LINELL A. LETENDRE, 1280
JASON R. LINDBLOOM, 8406
CHRISTOPHER D. MAY, 4664
SHAWN D. MCKELVY, 4228
CHRISTOPHER S. MORGAN, 2282
ERIK M. MUDRINICH, 1482
PETER C. MYERS, 8760
TARALYNN M. OLAYVAR, 1220
KRISTIN L. PETERSEN, 2555
JOSEPH A. POLLARD, 6590
JEFFREY M. POZEN, 2001
KIMBERLY A. QUEDENSLEY, 3588
MALCOLM R. RICHARD, 9210
JOHN P. RIEDER, 3254
DONNA S. RUEPPELL, 6317
ARIE J. SCHAAP, 1302
LYNN SCHMIDT, 6672
CHRISTOPHER M. SCHUMANN, 6164
STEVEN M. SOLLINGER, 2734
RICHARD J. STABILE, JR., 5207
ALEXIS N. STACKHOUSE, 8181
MATTHEW P. STOFFEL, 9866
LYNN R. SYLMAR, 5248
SAMUEL B. WAKEFIELD, 4011
DAMUND E. WILLIAMS, 9660
JASON S. WRACHFORD, 1100
TIWANA L. WRIGHT, 3015

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, March 13, 2006:

DEPARTMENT OF EDUCATION

MICHELL C. CLARK, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR MANAGEMENT, DEPARTMENT OF EDUCATION.

DEPARTMENT OF LABOR

EDWIN G. FOULKE, JR., OF SOUTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF LABOR.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JEAN B. ELSHTAIN, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 2010.

ALLEN C. GUELZO, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

GEORGE PERDUE, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2006.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

ANNE-IMELDA RADICE, OF VERMONT, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

DEPARTMENT OF EDUCATION

CRAIG T. RAMEY, OF WEST VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS.

LEGAL SERVICES CORPORATION

SARAH M. SINGLETON, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2008.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

LEO MAURY GORDON, OF NEW JERSEY, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.

DEPARTMENT OF JUSTICE

TERRANCE P. FLYNN, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

DONALD J. DEGABRIELLE, JR., OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

JOHN CHARLES RICHTER, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

AMUL R. THAPAR, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

MAURICIO J. TAMARGO, OF FLORIDA, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2009.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATION OF LEAH HILL TO BE SENIOR ASSISTANT SURGEON.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH GREGORY A. ABBOTT AND ENDING WITH CARL A. HUFFMAN III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 28, 2005.

EXTENSIONS OF REMARKS

TRIBUTE TO MR. JAMES ROBERT SHERMAN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2006

Mrs. MUSGRAVE. Mr. Speaker. I rise today to honor Mr. James Robert Sherman, winner of the Eugene Casson Crittenden Award.

The Eugene Casson Crittenden Award was first presented in 1967 recognizing superior achievement by permanent employees of the National Institute of Standards and Technology, also known as NIST. James Sherman is a recipient of this award for performing services that had a significant impact on technical programs beyond his own office, going above and beyond the call of duty.

James Sherman, "Jim" to family and friends, grew up on a small family farm and he worked hard each day with his father and brothers. He learned the value of a good work ethic early on. Married to his wife Betty, and soon to be a father, Jim began work at the Colorado Research Corporation as a machine sheet metal welder. Among many important technological milestones at CRC, Jim helped to build parts for the analog computer as well as special components for Boeing.

On October 20, 1965, Jim Sherman became an employee for the National Bureau of Standards, known as the NBS, which would later be called NIST. Jim joined the NIST team in the Boulder Laboratories as part of the technical community and the Engineering, Maintenance, and Support Services Division, EMSS, as a laboratory mechanic. In 28 years in this position, Jim worked diligently on sheet metal work for the first atomic clock and on a device used to measure the ozone layer. Jim worked to acquire more warning time for the tornado warning system and in doing so provided research which aided in the development of the Doppler radar system as we know it today. In 1995 the shops in Boulder came to a close, and Jim gladly accepted his new position as Shop Planner.

Since, Jim has been the one responsible for ensuring the town streets are clear of snow. Right from the start, Jim was given the responsibility for maintaining the snow removal equipment before the first snowfall of the season and he did this with much success. Of his own accord, Jim, using his own mastery of welding, would even recondition the blades of the snow plows saving the EMSS from the necessity of contracting outside help. Soon, Jim was given the responsibility of leading the snow crew and overseeing the operation. As he took on this leadership role he always conducted himself in a truly professional manner. On many occasions Jim could be found arriving much before a site opened and leaving far after the close of business. This can-do attitude left him with the reputation as the go-to guy.

As of October 20, 2005, James Robert Sherman worked for the National Institute of Standards and Technology for 40 years. His dedication, reliability, and work ethic through the years made Jim the ideal candidate for the Crittenden Award as well as a model citizen of the great State of Colorado. Not only has Jim worked hard for the State of Colorado with passion and drive, but he is also extremely well respected by his peers.

Mr. Speaker, I rise today to honor Jim Sherman, a man of great integrity, dedication, and commitment. Jim has worked tirelessly, time and time again, going above and beyond the call of his regular duties. As a Member of Congress I am proud to represent such a fine citizen of the 4th District of Colorado.

TRIBUTE TO MR. ROY HERBERT NIX

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the profound bravery and selfless patriotism of Mr. Roy Herbert Nix. Mr. Nix proudly served our Nation in U.S. Army during the tumultuous times of the Second World War. The sacrifices he made to ensure the liberty and freedom of future generations will never be forgotten.

Born in the mountains of Northern Georgia, Roy's family later moved to Colorado when he was five years old. In 1943, at the age of 19, Mr. Nix was drafted into the Army and was assigned to the 112th Infantry. From the farms and fields of Colorado, Mr. Nix soon found himself on the violent, battle-hardened shores of Normandy following the Allies' D-Day invasion of German-occupied France.

In August 1944, Mr. Nix was captured by German soldiers and became a prisoner of war. Mr. Nix and his fellow POWs were forced to march at night from Normandy to a camp outside Paris. They were then herded into boxcars and transported, under constant threat of strafing by Allied aircraft, deep inside German territory. Sixty men where piled into each boxcar in which they could neither stand, nor lie down. With the exception of two, ten-minute toilet breaks a day, the POWs were forced to remain in the squalid boxcars twenty-four hours a day for sixteen days.

For what undoubtedly seemed like an eternity, Mr. Nix was confined to a prisoner of war work camp at Moosburg, Germany, at Stalag 7–A. Humiliated and near starvation, Mr. Nix and his fellow prisoners were forced to fill bomb craters. Working in the nearby forests, the prisoners were forced to endure the extreme cold wearing nothing on their feet except rags.

For a time, he was put out on a farm to work. There, a young child named Sophie would come talk to him by the barn. In the gravity of the moment, even this young girl was scared, because she knew that Roy Nix's life could be taken at any time.

As the war drew to a close and their captors grew desperate, the prisoners at Moosburg were forced to march seventy-five kilometers into the frigid Alps. Finally, after months of captivity, Mr. Nix's day of liberation arrived.

At this time, his brother Fred who also served in Germany, remained with occupation forces. Later, the brothers found out they were in close proximity to each other while Roy was in German captivity.

Mr. Nix returned home to his wife Irene. Though they moved to North Carolina, they later moved back to Colorado to raise their children. Roy and Irene had twin sons Bruce and Gerald, who were born during his captivity. The young couple was also blessed with a beautiful daughter, Janet.

Mr. Nix has lived his life as a hardworking family man who is always the first to help those in need. He is a lifelong member of the local VFW and the local Baptist Church. His love of family and commitment to community confirm Mr. Nix's integrity and character.

Mr. Speaker, I am honored to represent Mr. Nix and other men and women who have given so much for our freedom. Like so many other members of the "Greatest Generation," Mr. Nix set aside his ambitions and risked his life for our nation. I urge my colleagues to join me in expressing my heartfelt gratitude and sincere appreciation for the patriotic service of Mr. Roy Herbert Nix.

TRIBUTE TO MR. JOHN HOLTORF, JR.

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to John Holtorf, Jr., for his impressive contributions to Colorado agriculture. John is a successful producer who is a leader in the use of innovative agricultural practices. He has compassion for the land and has been able to consistently demonstrate good stewardship. Additionally, John's willingness to involve local area youth in the daily ranch activities has had an extensive impact on numerous young lives.

John attended a one-room schoolhouse as a young person, and then went on to attend Colorado A&M College, now Colorado State University. He joined the U.S. Army and served from 1956–1957. Following his service, he returned home to the family ranch 14 miles north of Akron. In 1961, John became secretary-treasurer of Holtorf Incorporated and manager of the 8,000 acre Buffalo Springs Ranch. Under his management, pastures were

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

reseeded and fenced to prevent overgrazing and the Hereford cow operation was converted to a crossbred Angus cows/Hereford bull operation. In 1994, John built a 3,000-head custom feedlot.

John tested and incorporated many innovative management practices, including artificial insemination, estrus synchronization and rotational grazing. He has worked with the Colorado Division of Wildlife to reintroduce antelope to the area, and to select a suitable location for prairie chickens. He offered the spring-fed ponds at Buffalo Springs for local public fishing and established a trophy bass breeding and Canada Goose reserve. John and his brother Tom became the first U.S. certified natural and organic beef producers and feeders in the region.

John has been a positive influence on many young lives in the area by opening his home to the area youth by sharing his time and knowledge. He has taken young people under his wing and taught them responsibility, respect for the land, the value of hard work, and the ability to embrace new challenges with enthusiasm. He has helped them select, train, and prepare beef cattle for shows. He shared with them all the joy of living, learning and working in agriculture. He and his wife Lea raised 3 boys; Vincent, a Lieutenant Colonel serving in the U.S. Army; Victor, who owns his own consulting firm and Richard, a Lieutenant Colonel in the Colorado National Guard.

John's lifelong contributions to agriculture have earned him induction into the Colorado Agriculture Hall of Fame in February of 2006. He has helped sustain a way of life that honors the land while helping feed the world. I am proud to honor John Holtorf, Jr., for his devotion to Colorado agriculture.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 14, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 15

9 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider S. 1955, to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.
SD–430

Judiciary
Business meeting to consider the nominations of Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit, Patrick Joseph Schiltz, to be United States District Judge for the District of Minnesota, and Steven G. Bradbury, of Maryland, to be an Assistant Attorney General, and John F. Clark, of Virginia, to be Director of the United States Marshals Service, both of the Department of Justice, proposed comprehensive immigration reform legislation, S. 1768, to permit the televising of Supreme Court proceedings, S. 829, to allow media coverage of court proceedings, S. 489, to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, S. 2039, to provide for loan repayment for prosecutors and public defenders, S. 2292, to provide relief for the Federal judiciary from excessive rent charges, and S.J. Res. 1, proposing an amendment to the Constitution of the United States relating to marriage.
SD–226

9:30 a.m.
Armed Services
To hold hearings to examine the Joint Strike Fighter F136 Alternative Engine Program in review of the defense authorization request for fiscal year 2007 and the future year's defense program.
SH–216

Foreign Relations
To hold hearings to examine Post-Palestinian election challenges in the Middle East.
SD–419

Indian Affairs
To hold hearings to examine S. 1899, to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children.
SR–485

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine ground forces readiness in review of the defense authorization request for fiscal year 2007.
SR–222

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of the Navy.
SD–192

Aging
To hold hearings to examine eliminating retirement income disparity for women.
SD–106

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Secretary of the Senate, Architect of the Capitol, including an update on the progress of the Capitol Visitor Center.
SD–138

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

1:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine innovation and competitiveness legislation.
SD–562

2:30 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine hospital group purchasing, focusing on if the industry's reforms are sufficient to ensure competition.
SD–226

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the progress of the programs on the Government Accountability Office's high-risk list, including whether a proposal to create a Chief Management Officer at the Department of Homeland Security and Department of Defense would foster a culture of accountability necessary for improved high-risk program performance.
SD–342

3 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine Air Force and Navy tactical aviation programs in review of the defense authorization request for fiscal year 2007 and the future years defense program.
SR–232A

MARCH 16

9 a.m.
Judiciary
To hold hearings to examine pending calendar business.
S–207, Capitol

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session in SH–219.
SH–216

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Forest Service.
SD–124

Finance
International Trade Subcommittee
To hold hearings to examine Cuno and competitiveness.
SD–215

Appropriations
Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Transportation and Amtrak.
SD–138

10 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for Farm and Foreign Agricultural Services, Research, Education, and Economics, Rural Development, and Natural Resources Conservation Service.

SD-192

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold hearings to examine impacts on aviation regarding volcanic hazards.

SD-562

Environment and Public Works

To hold hearings to examine the Great Lakes Regional Collaboration's strategy to restore and protect the Great Lakes.

SD-628

Veterans' Affairs

To hold hearings to examine the homeless programs administered by the VA.

SR-418

10:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine reauthorization of Public Health Security and Bioterrorism Preparedness and Response Act relating to enhancing public health and medical preparedness.

SD-430

1:30 p.m.

Judiciary

Constitution, Civil Rights and Property Rights Subcommittee

Business meeting to consider S.J. Res. 12, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SD-226

2 p.m.

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine an overview of democracy programs.

SD-138

2:30 p.m.

Appropriations

Energy and Water Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the National Nuclear Security Administration budget.

SD-124

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine understanding the obligation of Funds Transparency Act, focusing on the need for earmark reform and legislation that would be an important step toward achieving such reform.

SD-342

3 p.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

S-128, Capitol

3:30 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine Global Strike Plans and programs in review of the defense authorization request for fiscal year 2007.

SR-222

MARCH 28

9:30 a.m.

Indian Affairs

To hold hearings to examine the settlement of Cobell v. Norton.

SR-485

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine Federal Aviation Administration budget and the long term viability of the Aviation Trust Fund.

SD-562

Health, Education, Labor, and Pensions

Bioterrorism and Public Health Preparedness Subcommittee

To hold hearings to examine public health infrastructure.

SD-430

Appropriations

Energy and Water Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for Bureau of Reclamation.

SD-138

2:30 p.m.

Commerce, Science, and Transportation

National Ocean Policy Study Subcommittee

To hold hearings to examine offshore aquaculture.

SD-562

Health, Education, Labor, and Pensions

Retirement Security and Aging Subcommittee

To hold hearings to examine Older Americans Act.

SD-430

MARCH 29

9:30 a.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine U.S. nonproliferation strategy and the roles and missions of the Department of Defense and the Department of Energy in nonproliferation in review of the defense authorization request for fiscal year 2007 and the future years defense program.

SR-222

Indian Affairs

Business meeting to consider pending calendar business.

SR-485

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine the importance of basic research to United States competitiveness.

SD-562

2:30 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine missile defense programs in review of the defense authorization request for fiscal year 2007.

SR-222

MARCH 30

10 a.m.

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold an oversight hearing to examine National Polar-Orbiting Operational Environmental Satellite System.

SD-562

Appropriations

Energy and Water Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for Ycca Mountain/EM/Office of Safeguards and Security.

SD-138

Veterans' Affairs

To hold hearings to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, the AMVETS, the American Ex-Prisoners of War, and the Vietnam Veterans of America.

SD-106

2 p.m.

Armed Services

Personnel Subcommittee

To hold hearings to examine reserve component personnel policies in review of the defense authorization request for fiscal year 2007.

SD-106

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine competition and convergence.

SD-562

APRIL 4

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine Federal Aviation Administration funding options.

SD-562

APRIL 5

9:30 a.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine Department of Defense's role in combating terrorism in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session.

SR-222

Indian Affairs

To hold hearings to examine the problem of methamphetamine in Indian country.

SR-485

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Sergeant at Arms and U.S. Capitol Police Board.

SD-138

3 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine improving contractor incentives in review of the defense authorization request for fiscal year 2007.

SR-222

APRIL 6

10 a.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine offshore aquaculture, focusing on current proposals to regulate offshore aquaculture operations, discuss research in this field being conducted off the coasts of New England and Hawaii, and the impacts that expanded aquaculture operations would have on fishermen, seafood processors, and consumers.
SD–562

APRIL 26

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine fostering innovation in math and science education.
Room to be announced

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

MAY 3

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.
SD–138

MAY 17

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
Room to be announced

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

POSTPONEMENTS

MARCH 15

2:30 p.m.
Appropriations
Military Construction and Veterans' Affairs and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for military construction.
SD–138

SENATE—*Tuesday, March 14, 2006*

The Senate met at 9 a.m. and was called to order by the Honorable MEL MARTINEZ, a Senator from the State of Florida.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of Hosts, thank You for being with us. Speak plainly to Senators today, sensitizing them to the needs of our Nation and world. Make them bold to do Your will at a time when evil often seems to have the upper hand. Give our lawmakers the insights they need to set their priorities by seeking to please You. Empower them with the courage to be the heart and hands of truth and righteousness.

Deliver us all from the mirage that there can be safety without You. May what we do here today bring joy to You, our source of hope for years to come.

Today, be especially close to Senator INOUYE during this time of grief. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MEL MARTINEZ led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 14, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MEL MARTINEZ, a Senator from the State of Florida, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. MARTINEZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we are immediately resuming debate on Senate Concurrent Resolution 83, the budget resolution. We start this morning with 40 hours remaining under the 50-hour debate limitation. Yesterday, Senators GREGG and CONRAD set up an order of amendments to be debated throughout the morning and afternoon. We now have six amendments lined up for consideration with each amendment debated for up to an hour. Votes on those amendments will occur in sequence beginning about 3 o'clock today.

Also, today are the weekly policy meetings. Normally, we would recess for those meetings, but we will need to allow debate to continue on proposed amendments occurring at that time. We will need to use up every other day effectively until the end of the week in order to finish the budget as well as the other item we will address this week, the debt limit extension. Both of those items will be completed this week. Therefore, if necessary, we will have votes throughout each day and into the evening.

On Wednesday, at 2, we will have a joint meeting with the House to hear an address by the President of Liberia. Senators should gather in the Chamber at 1:30 in order to depart at 1:40 to the House of Representatives.

HALABJA ANNIVERSARY

Mr. FRIST. Mr. President, briefly, I wish to speak to another issue, an issue that relates to an anniversary that will occur on March 16. On March 16, 18 years ago, Saddam Hussein launched one of the most brutal and indiscriminate attacks against his own people. On that day, a group of eight Iraqi aircraft began dropping chemical munitions on the town of Halabja in northern Iraq. According to Kurdish commanders on the scene, the planes made multiple passes before their gruesome task was complete.

The planes would drop chemical munitions, including mustard agent and nerve gas, for 45 minutes. After they had gone, another group would come 15 minutes later to continue the assault with drop after drop after drop. They concentrated their attack on the city and the roads leading out to safety.

I had the opportunity to visit with a number of the Kurdish physicians about 2 years ago who described in detail to me what they saw and what they treated following these gruesome attacks. Many of the victims were drenched in liquid mustard gas, as well as these nerve agents, and others were breathing this toxic vapor. The physicians described to me the fact that this mustard gas and the nerve agents were segmented in parts of little hotels, where one week one wing would get a mustard gas, another a nerve agent, in order that the Saddam Hussein people would see which of these would be the most deadly, which would cause the most suffering.

After the onslaught, Saddam sent soldiers in their protective gear to study the impact in these wings of these hotels and throughout these communities. They wanted to see how effective and which agent would be most effective to be used in the future. The soldiers actually divided the city into grids, determining the number and location of the dead and the extent of injuries inflicted on this defenseless population. More than 5,000 people were killed and another 10,000 were injured.

To see the images of the heaps of lifeless bodies and mothers still clutching their babies is to see a waking nightmare.

Eighteen years later, the people of Halabja are still suffering the effects. Physicians describe to me cancer and birth defects, stillborns and miscarriages. For the people of Halabja, the nightmare is still not over.

Nor did Saddam Hussein limit his use of weapons of mass destruction to just Halabja. He used these weapons of mass destruction to destroy scores of Kurdish towns and villages. These gruesome attacks were a part of a year-long campaign which resulted in the deaths and disappearances of more than 182,000 Iraqi Kurds.

These attacks bear on me heavily, as a Senator from Tennessee, because many of the Kurds migrated to Tennessee, especially the middle Tennessee area. Many live in Nashville. In fact, the other day as I was going through the airport, 20 or 30 of the Kurdish people came up to express to me their appreciation to the United States in receiving them and in Tennessee, in particular, for receiving them so well, so they could live lives that could move toward freedom and prosperity. Some of the people I now represent have friends and family who suffered at the hands of Saddam Hussein. He killed them. He tortured them. He oppressed the Iraqi Kurds for decades.

During the 1990s, the United States helped Iraq's Kurds achieve some degree of autonomy. Last year, we helped them achieve the right to vote for a Constitution and for a new Iraqi Government. The Kurds of northern Iraq knew for years what many Americans

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

have been very slow to realize. Saddam and his chemical weapons were a threat not only to the Iraqi people but to the region, to our friends and our allies.

Saddam Hussein and his cohorts are now behind bars and standing trial for their crimes. Unlike the victims of his regime, they are being afforded the opportunity to defend themselves. The Iraqi people are committed to seeing justice done, they are bravely building a new order based on the rule of law and freedom. It has been a difficult journey, but they are working hard to reconcile their political differences and establish a government of national unity.

2005 was a year of progress. The Iraqis held three national elections. They approved a permanent Constitution. And thousands of young Iraqi citizens exhibited tremendous courage by joining the Iraqi security forces. They accomplished all of this in the face of vicious terrorist violence. The attack on the Golden Mosque in Samarra a few weeks ago was another cruel and craven attempt to ignite a civil war.

Iraq's political, ethnic, and religious leaders deserve credit for appealing for calm in working to diffuse the violence. They recognize that every Iraqi has a stake in their new democracy and that a free democratic and prosperous Iraq is in the best interests of all.

Their task now is to swiftly forge a national unity government so that leaders of Iraq's diverse population have the opportunity to peacefully appropriate the interests of their constituents. I am confident the Iraqi people will work to include all of Iraq's ethnic and religious communities in the democratic process. Indeed, they have no other choice.

Iraq's political leaders must come together and continue to work for national unity so that the Iraqi people can live in the freedom they deserve and so that tragedies such as Halabja remain irrevocably in the past. The fight for Iraq is far from over. Every day ruthless criminals are trying to smash all of the progress that has been made, but they will not succeed. Iraq has been set on a historic path.

This week, as we look back, we also press forward. With the continued courage and determination of the Iraqi people, Iraq will emerge a beacon of freedom and prosperity in the heart of the Middle East.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 83, which the clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 83) setting forth the congressional budget for the United States Government for fiscal year 2007, and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

The ACTING PRESIDENT pro tempore. Under the previous order, there are 40 hours equally divided remaining for debate.

Mr. GREGG. I ask unanimous consent the time consumed since 9 o'clock be credited to the budget time and the budget time be reduced by that amount of time and that it be allocated to our side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I understand Senator FEINGOLD will speak to the amendment offered by himself and Senator CONRAD and after Senator FEINGOLD finishes speaking, I ask we go into a quorum call with the time equally divided as was ordered.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from New Hampshire. I am very pleased to join the Senator from North Dakota in the pay-go amendment, which I understand he will be offering soon.

There is no Senator more dedicated to a fiscally responsible Federal budget and to restoring sound budget rules than Senator CONRAD. He is an acknowledged expert on the budget and the rules that govern its consideration. One might say he is the "Robert C. Byrd" of the budget.

You do not have to be a Kent Conrad to understand the pay-go rule. Our amendment is the same amendment one or the other of us have offered since the original pay-as-you-go rule expired a few years ago. It simply reinstates the pay-as-you-go rule that had been such an effective restraint on the fiscal appetites of Congress and the White House.

Over the past 5 years, we have seen a dramatic deterioration in the Government's ability to perform one of its most fundamental jobs, and that is balancing the Nation's fiscal books. In January of 2001, the Congressional Budget Office projected, in the 10 years thereafter, the Government would run a unified budget surplus of more than $5 trillion. But little more than 5 years later, we face immense deficits and backbreaking debt.

This must stop. Running deficits causes the Government to use the surpluses of the Social Security trust fund for other Government purposes, rather than to pay down the debt and help our Nation prepare for the coming retirement of the baby boom generation.

Every dollar we add to the Federal debt is another dollar that we are forcing our children to pay back in higher taxes or fewer Government benefits. When we choose to spend on current consumption—through appropriated accounts or mandatory spending or tax cuts—without paying for that spending, we are robbing our children of the opportunity to have their own choices.

When we spend on our wants, by cutting taxes or through Government programs, without paying for those decisions, we are saddling our children and even our grandchildren with debts they must pay from their tax dollars and their hard work. That is not right.

That is why I am joining Senator CONRAD in his amendment to fully reinstate the pay-go rule. We need a strong budget process. We need to exert fiscal discipline.

When the pay-go rule was in effect, that tough fiscal discipline actually governed the budget process. Under the current approach, it is actually the other way around: the annual budget resolution determines how much fiscal discipline we are willing to impose on ourselves.

Obviously, it is not surprising to know that simply has not worked. When Congress decides it would be nice to create a new entitlement or enact new tax cuts and then adjusts its budget rules to permit those policies, we are inviting a disastrous result. And actually that is what we have seen happen—a disastrous result in terms of the fiscal health of our country.

I have tried in the past to contrast this approach to going on a diet. If you want to lose weight, you set the number of total calories you are allowed to consume first, and then what you are supposed to do, I understand, is to make the meals fit under that cap—not the other way around.

Imagine trying to lose weight by deciding what you want to eat first and then setting a calorie limit to accommodate all of your cravings. If you want a few extra beers, fine, just dial up the limit on your calorie intake. If you want some fudge brownies, that is fine, too, just raise the calorie limit accordingly.

It may taste pretty good at the time, but it is awfully sure you will end up gaining weight, such as the Nation is racking up debt. Because this ill-advised diet is exactly how the current, mutated version of pay-go works—and we have seen the results—the results are the debt we are leaving our children and grandchildren, and that debt continues to balloon and balloon.

In the case of the budget resolution before us, Members are permitted to indulge themselves in tax cut and mandatory spending policies—that are normally restrained by pay-go—to the tune of an estimated 10-year cost of $270 billion without having to find offsetting savings.

We need to return to the wise restraints under which Congress functioned during the 1990s and which were instrumental in balancing the Federal budget. That is precisely what this amendment the Senator from North Dakota and I are offering would do.

Many of us have lived under this rule, and we know how effective it was. If this budget does nothing else, it should reinstate the old pay-go rule. If we do that, maybe we can begin to turn these annual budgets around and stop racking up these deficits and adding to the already enormous Federal debt.

I urge my colleagues to support the commonsense, time-tested pay-go amendment by my colleague from North Dakota.

Mr. President, of course, that time I used was, as I understand, to come off the budget resolution; is that correct?

The ACTING PRESIDENT pro tempore. That is the Chair's understanding.

Mr. FEINGOLD. I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARPER. Mr. President, what I want to do is to follow up today on the comments by Senator FEINGOLD, who has been talking about pay-go as a tool to begin reducing our budget deficit. As I do that, though, I want to say there are a lot of things we can do to reduce our budget deficit.

First of all, the fact is, the budget deficit last year was over $300 billion; this one we expect to be over $400 billion. That is on a cash basis of accounting. David Walker, the Comptroller General of our country, tells us if we were to use an accrual basis of accounting, which we require by law our businesses, our corporations to use, our budget deficit for the current year would be over $700 billion. But we operate under a cash basis of accounting, so we are told it is going to be over $400 billion.

As we look forward, down the road, by monkeying with the rules, by making some misassumptions, we can pretend the deficit is going to get smaller over the next several years. We can pretend, for example, we are not going to be spending more money in Iraq or Afghanistan, and we can pretend we are not going to fix the alternative minimum tax. We can pretend a wide variety of things. But the truth is, as the baby boomers get ready to retire and we play this game of pretend, the budget deficit does not get any smaller.

I think we are on a road to ruin. With the notion of $400 billion budget deficits and $700 billion trade deficits for as far as the eye can see, as the baby boomers get ready to retire, I do not see a whole lot of likelihood things are going to get better unless we do things differently in our Nation's capital. I am tired of hearing people just blame the Senate or just blame the House or just blame the administration. We are all in this together. If we are going to get out of this mess, we are going to get out of it together.

Let me mention a couple things before I talk about pay-go that we ought to be doing. The Internal Revenue Service reported last month that the tax gap for calendar year 2005 was about $290 billion. What they mean by that is there was about $290 billion—this is the net number—$290 billion that was owed in taxes that were not collected by the Federal Government.

In a few minutes, I am leaving and going to a hearing of the Governmental Affairs Committee. We will be having a hearing on contractors, how we are doing with respect to making sure that contractors we retain to do work for the Department of Defense or for civilian agencies; that before we start paying them the money they are charging for the work they are doing, we are taking out of that payment the taxes they owe and have not paid. We are talking about literally billions—with a "B"—billions of dollars that are going uncollected, going to contractors we retain.

The President has proposed in his own budget some things we can do differently, some additional moneys for the IRS, to enable them to collect taxes that are owed. For every extra $1 we provide to the IRS, they will probably collect $7 or $8 that is not being collected that is owed. Senator BAYH, from Indiana, has a proposal that would probably enable us to collect another $15 billion a year to cut the tax gap further. There are other ideas we need to consider.

But before we go raising taxes—and somewhere down the road we are going to have to—but before we raise taxes, we simply need to do a better job of collecting the taxes that are owed that are not being collected.

Let me also mention improper payments. We find, on the same committee I mentioned before, the Committee on Homeland Security and Governmental Affairs—one of the subcommittees that Senator COBURN and I serve on has been working on improper payments. What do I mean by an "improper payment"? It is a payment the Federal agency makes that is wrong. It is either too much or too little. As it turns out, there are a lot more improper payments that are too much than too little. Overall, the net number for improper payments is close to $50 billion a year. That does not include all the agencies.

Another thing we can do a whole lot better on is with respect to oversight. I think there is something to be said for divided Government, where you do not have one party in charge of everything, whether it is Democrats or Republicans, because right now we do not do a very good job of oversight. The Democrats do not control the committees, do not control subcommittees. For the most part, we have not done the job we need to do on oversight of this Republican administration. I do not say that in a partisan way. It is the fact. If the shoe was on the other foot and the Democrats were running everything—the House, the Senate, and the White House—we might be guilty of the same kind of thing.

But there are moneys we are spending in the Department of Defense—and some of it is in Iraq and some of it is in other places—that is shameful in the way we are misallocating it. And even when it is pointed out by whistleblowers, we still go ahead and pay the money. It is crazy. We are doing the same kind of thing with some of our domestic agencies as well. We have begun putting a spotlight on this kind of behavior in order to reduce it, and I think it is actually starting to have an effect, but we need to keep it up.

The President has proposed something called expedited recision powers. It is also called a line-item veto. It is another thing we are going to be probably debating here: whether it makes any sense to help reduce the budget deficit. We actually passed—in fact, I authored, when I was in the House of Representatives, gosh, almost 20 years ago, at least 15 years ago—expedited line-item veto power for the President. I called it a sort of 2-year test drive on line-item veto powers, to see if the President would abuse the power.

The Congress could override the line-item veto with a simple majority of either the House or the Senate. It was a power that would last for 2 years. If the President abused it, it would not be renewed. If the President did not abuse it and it was actually helpful, then it could be renewed beyond that 2 years. I think that is probably a better approach, if we are going to try something such as this, than what the President has suggested. I think his suggestion is wrought with the temptation for abuse by the executive branch.

That brings us to pay-go. Some of you have heard me quote Denis Healey.

former chancellor of the Exchequer, many times—the "theory of holes." What is the "theory of holes"? The Senator from North Dakota has heard me say this more than a few times. He has probably used this line a time or two as well: When you find yourself in a hole, stop digging. We are in a hole. It is time to stop digging.

Whenever any of us come to the floor and we say we want to cut taxes, even though we know it is going to increase the deficit, we ought to have an offset for it. When any of us come to the floor and say we want to increase spending on our favorite program, however meritorious, we ought to come with an offset. We ought to come up with a way to have no effect on the budget deficit, which is already huge. And we can do it by either cutting spending somewhere else or we can do it with respect to raising some revenues somewhere else.

But these pages in front of me, I do not know how old you guys and gals are—probably 15, 16 years old—you are juniors in high school. Someday somebody is going to have to pay the debt. Someday these chickens are going to come home to roost. They probably are not going to come home on my generation. They are probably going to come home on your generation. You guys and gals are the same age as my own children. It is not fair. It is not fair to you.

We should simply decide to set aside some of the rancor that goes on around here, and with Democrats who have good ideas, and Republicans who have good ideas, and the White House that has some good ideas, take that collection of ideas, which includes, as far as I am concerned, looking at entitlement programs. I am never interested in savaging entitlement programs, but they should not be off limits either.

If some of them can be means tested, we should consider doing that. We are going to have to do some things we as Democrats don't want to do and some things Republicans and the White House don't want to do if we are going to make serious progress. We need to make serious progress because we have a serious problem. One way we can start is by adopting pay as you go. It had a great road test for many years. We ought to put it in place today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

AMENDMENT NO. 3013

Mr. CONRAD. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. WYDEN, Mr. OBAMA, Mr. BAUCUS, Mr. HARKIN, Mr. KERRY, Mr. SALAZAR, Mrs. CLINTON, Ms. MIKULSKI, Mr. CARPER, Mr. BYRD, Mr. KOHL, and Mr. CHAFEE, proposes an amendment numbered 3013.

Mr. CONRAD. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fully reinstate the pay-as-you-go requirement through 2011)

At the appropriate place, insert the following:

SEC. ___. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) Point of Order.—

(1) In general.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of the 3 applicable time periods as measured in paragraphs (5) and (6).

(2) Applicable time periods.—For purposes of this subsection, the term "applicable time period" means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) Direct-spending legislation.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) Exclusion.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) Baseline.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) Prior surplus.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) Waiver.—This section may be waived or suspended in the Senate only by the affirmative vote of ⅗ of the Members, duly chosen and sworn.

(c) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) Determination of Budget Levels.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) Sunset.—This section shall expire on September 30, 2011.

Mr. CONRAD. The amendment I have sent to the desk is the pay-go amendment. In many ways I believe this is the most important amendment to be considered today. This amendment would reestablish the budget discipline that worked so well in previous years, a rule that has been allowed to lapse by our colleagues on the other side of the aisle.

Here is where we are. The debt of our country is skyrocketing. At the end of the first year of this Presidency, the debt stood at $5.8 trillion. That year the President told us if we adopted his fiscal plan, he would have maximum paydown of the debt. In fact, he said if we adopted his strategy, we would virtually eliminate the debt. The President was wrong. The debt was not paid down. The debt was certainly not virtually eliminated. Instead, the debt has skyrocketed. At the end of this year, they now tell us the debt will be $8.6 trillion. And if the budget before us is adopted, by 2011 the debt will be $11.8 trillion. It will have doubled on this President's watch. All of this is before the baby boomers retire. We are on an unsustainable course, and it must be changed. We need to do it as soon as we can.

On the question of pay-go, that simply says if you want more spending on mandatory programs, you have to pay for it. If you want to have more tax cuts, you have to pay for them, or you have to get a supermajority vote in the Senate. That is the pay-go discipline. It says, yes, you can have more tax cuts, but you have to pay for them; you can have more spending on mandatory programs, such as Medicare and Social Security, but you have to pay for them. That is what pay-go is about.

Here is what Chairman Greenspan said:

> All I'm saying is my general rule is I like to see the tax burden as low as possible. And in that context, I would like to see tax cuts continued. But, as I indicated earlier, that has got to be, in my judgment, in the context of a pay-go resolution.

We have not only heard that advice from the Chairman of the Federal Reserve, but from the respected Concord Coalition, a bipartisan group that says deficits do matter, that the buildup of debt is unsustainable, and said this about pay-go:

> Exempting tax cuts from pay-go does nothing to promote fiscal discipline. It would neither control spending nor shrink the deficit. All it would do is exempt any tax legislation from fiscal scrutiny, regardless of the circumstances. Such an enormous and unnecessary loophole would not be wise policy given that deficits are back for as far as the eye can see. Since spending and tax decisions both have consequences for the budget, there is no good reason to exempt either from enforcement rules.

I believe they have it exactly right. Our friends, having adopted an enormous loophole, say: You can have all the increased spending you want, all the increased tax cuts you want, as long as they are in the budget resolution. If they are in the budget resolution, they are exempt from pay-go.

Here is what has happened as a result. This chart goes back to 1990. We had a strong pay-go rule in effect from 1991 until 2002. We climbed out of the deficit ditch during those years. In fact, we actually went into surplus. In fact, we went into surplus to such an extent we stopped raiding Social Security trust funds to pay other bills.

Then our colleagues on the other side got control of the White House and both Houses of Congress, and they ended the pay-go rule. Look what has happened. Surpluses were eliminated. We have plunged back into deficit, bigger deficits than we had even back here.

That is what has happened without the discipline of pay-go. What we are saying today is, let's reinstitute the discipline of pay-go. Let's do it now.

This chart shows how we would eliminate the loophole that currently exists. The current loophole put in place by our colleagues on the other side exempts all tax cuts and mandatory spending increases assumed in any budget resolution, no matter how much they increase deficits. What we are offering today is the budget discipline, the pay-go rule that worked so effectively in the past. It says all mandatory spending and tax cuts that increase deficits must be paid for or require a supermajority, 60 votes, in the Senate. That is what we ought to do.

This is what has happened in terms of deficit increases when we had the budget pay-go loophole that is currently in effect. In 2006, $12.5 billion allowed under the Senate GOP budget with their pay-go loophole. In 2007, $36 billion of additional deficit allowed. In 2007 to 2011, almost $214 billion is going to be permitted, if we don't shut it down.

I hope my colleagues will adopt the pay-go rule, the budget discipline that has worked so well in the past. It is critically important that we do that. This is our opportunity. For those who say they are fiscally responsible, here is your chance. You are going to be able to prove with one vote whether you are serious about doing something about these runaway debts and runaway deficits or whether it is all talk. This is going to be the chance. This will be a vote that tests whether Members are willing to stand up and take a tough vote and reimpose the budget discipline that has worked so well in the past.

I ask what the time situation is.

The ACTING PRESIDENT pro tempore. The Senator has consumed 7½ minutes on the amendment.

Mr. CONRAD. I thank the Chair.

If there are others who want to speak on pay-go, this is an opportunity. We have hopefully a few minutes left on this amendment before we go to the next one. We have been taking time so far this morning off the resolution. Perhaps when the chairman returns, we can make an arrangement to take additional time off the amendment as well so we can keep on our schedule.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that the 5 minutes Senator FEINGOLD used be attributed to the amendment and taken off the amendment time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. If the Chair could inform me how much time is left on our side on the amendment?

The ACTING PRESIDENT pro tempore. There is 15 minutes remaining.

Mr. CONRAD. And how much time remains on the other side on the amendment?

The ACTING PRESIDENT pro tempore. There is 28 minutes.

Mr. CONRAD. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise to speak to the pay-go amendment. Pay-go is a term that has sort of taken on a motherhoodlike atmosphere around here. There are some terms which occur in the legislative process or in the political arena that become perceptionwise different than what they are in substance. The perception becomes the issue versus the substance.

Pay-go has taken on that sort of status because it sounds like something that makes sense. But to be honest, what pay-go is is a tax increase. It is that simple. The way this amendment is structured, it guarantees a tax increase. Rather than saying they are for tax increases, they are saying they are for pay-go. In fact, the last chart the Senator referred to which showed very large numbers in this bill which he didn't call taxes were just that—taxes.

If you want to adjust those numbers, you are going to have to raise taxes by the $214 billion he cited in that chart. So pay-go is a stalking horse for a tax increase. It is really that simple. It is also technically not an appropriate approach, and this is why.

CBO scores things around here, and CBO basically drives the decisions of the budget process because what the Congressional Budget Office says is what the baseline is; in other words, how much a program will cost in the outyears, how much tax revenue will occur in the outyears as a result of a tax proposal. But CBO uses different standards for different groups of spending and taxes. For discretionary spending, they have one set of standards. For entitlement spending, they have another set of standards. For tax revenues and tax cuts, they have another set of standards.

So when you create this pay-go language, which the Democratic side is offering, you are creating a one-size-fits-all and applying it to different accounting systems, and it produces perverse effects. The most perverse effect is it basically means you have to raise taxes, but you will never actually impact entitlement spending.

Why is that? Because under the way CBO works, they say entitlement programs never end. It is amazing. You can have an entitlement which had an authorization life of, say, 10 years, but CBO would score it as if it went on forever, never sunsets, never is perceived by CBO as having to be reduced or in any way adjusted. That is the decision they have made in scoring entitlements.

On the tax side, however, they take the exact opposite approach. If you have a tax cut which is authorized for 5 years or 10 years, at the end of the 5 years or 10 years, they presume that tax cut is followed by a tax increase and, as a result, they presume there has to be more income coming in because taxes will go up.

The practical effect of that is that this pay-go proposal will never actually be applied to an entitlement that already exists, but it will always be applied to a tax cut that already exists, which results in tax cuts being significantly prejudiced by this approach because it is a one-size-fits-all approach.

If CBO were to change its scoring mechanisms and say that entitlements didn't go on forever, then it would be logical to have this type of an approach—potentially logical—because then you would actually have to pay for entitlements and you would have to pay for tax cuts. But under this proposal, that is not the case. Under this proposal, only tax cuts would have to be adjusted and paid for and would be affected by pay-go, and it would essentially be, therefore, a tax increase mechanism. So when our colleagues vote for this, they are voting for tax increases. It is that simple.

Another problem with this technical problem is it again goes to CBO scoring. For example, under the CBO scoring, CBO uses capital gains as a revenue loser. It does not score capital gains for the dynamic effect it has on the economy. When we cut capital gains rates—it has been proven every time we have done it—we generate revenue. Why is that? It is called human nature, and human nature usually overwhelms accountants. They just sometimes cannot handle the concept of human nature, but human nature goes to work when you cut the capital gains rates because when somebody owns an asset and has owned it for a while, it is an asset which they know if they sell they are going to have to pay 30 percent taxes on. Then we cut the tax rate on that asset to 15 percent, if they sell it, and there is an incentive for them to sell that asset and to reinvest those dollars in something that is probably more productive. But if the tax rate stays at 30 percent, there is no incentive for them to go out and make that sale because they recognize they are going to pay a very high level of taxes on it. So assets get locked up. Stocks that might be sold get locked up, investments in real estate that might be converted get locked up, small businesses that might be converted get locked up, and farms that might be sold get locked up because the incentive to sell is reduced by the high level of taxes.

So when we cut capital gains rates, which is what we have done, we create this huge infusion of economic activity. People start to sell assets which they wouldn't otherwise have sold, and that generates income to the Federal Government because taxes are being paid that would not have been paid before and there would be no tax revenue coming in because people would sit on these assets. We generate a tax event.

More important, the money which was invested in that asset is reinvested and, by human nature, it is reinvested in something that, to the person doing the investing, is going to be more productive. By creating more productive investments, we end up creating more economic activity, more jobs—many more jobs—and, as a result, once again, we generate more revenue to the Federal Government.

A capital gains cut actually generates a lot of revenue. We see on this chart that CBO—the blue line—simply is not willing to score that type of economic activity, the real economic activity, the actual economic activity generated from capital gains cuts. We have had a huge infusion of revenues into the Federal Treasury as a result of the capital gains tax, huge—$60 billion, $75 billion, $81 billion.

What happens is CBO uses these artificially low numbers to score that capital gains cut even though capital gains is paying for itself. If they used the accurate numbers, then pay-go wouldn't even apply to a capital gains cut because capital gains would pay for itself. It would pay for itself because it would generate so much revenue. But CBO scores it as a loser, even though it is a winner, so a capital gains cut is subject to the perverse approach under the CBO scoring rules of having to pay twice if you have pay-go in place. First, it would pay because it would generate the revenue to cover the cost of the cut, which CBO claims is a cost—it is not a cost; it is actually a revenue winner—and then it would have to pay on the presumption it was going to cost money, when, in fact, it is not going to cost money, and then you have to find revenues to cover it.

There is a perverse accounting mechanism working here if we put pay-go in place relative to items such as capital gains reductions. That is a technical reason this proposal does not work.

The bottom line of this proposal is simple: It is a tax increase. The basic engine of this proposal, the basic effect of this proposal would be the engine to drive tax increases.

There is a fundamental disagreement between the two parties as to whether we should have tax increases driven by an accounting mechanism or whether we should have them driven by policy. It may be we should do some tax increases around here in certain areas. The Senator from North Dakota has pointed out some loopholes that should be closed, and I am for that. And he has suggested we should collect more taxes that are owed. I am for that, too. But I don't think we should use an accounting mechanism to basically repeal the capital gains rate and the dividends rate, which is the purpose of this amendment.

This amendment is targeted to two tax cuts: dividends and capital gains. And then later on, when the rates adjust, when the rate adjustment comes to an end, it will be targeted on rates. It is like a laser beam aimed at those two issues. If it were to be in place today, it is unlikely we would have a capital gains rate or dividend rate at the present levels.

The result, in my opinion, would be to chill the economic recovery because I think a huge part of our economic recovery has been these numbers right here, capital gains activity: people realizing their gains, selling an asset, and reinvesting it in something more productive, which creates economic activity, jobs, and revenue.

There is a fundamental disagreement here. This is a stalking horse for a tax increase, in my opinion. It is doing it through a technical vehicle, but it is clearly going to have that result. If we were to put a major new entitlement on the books, it would actually impact that, I give it credit for that. But we already have on the books a pay-go which affects new entitlements—new entitlements. I would love to have a pay-go that affects existing entitlements, and if they want to redraft the amendment to do that, I would be happy to take a look at that.

The practical effect of this amendment is singular in purpose: It will force a tax increase.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I could not disagree more. I could not disagree more. Pay-go doesn't require a tax increase. This is just not true. What does pay-go say? Pay-go says if you want to have new mandatory spending, you have to pay for it. If you want to have new tax cuts—new tax cuts—you have to pay for them. That is what pay-go says. Nowhere does it say anything about increasing taxes. The chairman is just wrong; it doesn't say that. It doesn't require that.

It does say if you want new mandatory programs, such as the new prescription drug benefit that was passed—if we had pay-go in effect at the time the new prescription drug program was offered, we would have had to pay for it either through increased revenue or from cuts elsewhere. That is what pay-go says. It doesn't say there has to be a tax increase. That is just a red herring argument. Frankly, I am surprised the chairman makes it.

Here is what the chairman used to say about pay-go not so very long ago. In 2002, the chairman, who now argues against pay-go, said this:

> The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event that also lapses.

That is what the chairman said in 2002 when he was an advocate for pay-go. He went on to say:

> . . . If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress, and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

That was the chairman 4 years ago, and he was absolutely right in his support of pay-go then and in his recognition that pay-go was essential to budget discipline. He was right. He wasn't talking about requiring a tax increase then. This is a new argument which has been concocted to try to derail putting back the budget discipline which is absolutely needed.

Pay-go doesn't require anything unless you try to increase mandatory spending, in which case you have to pay for it or get a supermajority vote. It doesn't do anything to taxes unless you try to cut taxes without paying for it. That is what pay-go does. There is no requirement of a tax increase here; there is a requirement we start paying for programs.

When—when, I ask—are we going to start paying for things around here instead of just increasing the spending, cutting the taxes, and running up the debt? Because that is what we are doing. Since pay-go lapsed, the deficits and the debt have exploded. This is an opportunity to begin the process to rein in the growth of deficits and debt. That is what pay-go is about, and that is why it should be supported today.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me briefly respond to the Senator from North Dakota. I was right then, and I am right now. Times change and dynamics of what is happening around here change substantively.

The only thing that will be impacted by this pay-go amendment, if it is adopted, is tax increases. That is it, because there isn't a major new entitlement being proposed. In fact, as I mentioned before, the way the scoring occurs around here, all the entitlements will continue.

These are the entitlements that are exempt: Food Stamp Program, TANF, Commodity Credit Corporation, veterans compensation, child care, State children's health, rehabilitation services, ground transportation, Federal unemployment insurance, child nutrition, and the list goes on of entitlement accounts exempt from the Senator's pay-go and pay-go generally. There is a pay-go in the bill.

What isn't exempt is the fact if this were in place today, capital gains and dividends would be subject to it. And that is totally inconsistent because capital gains, as I pointed out—what happened to my chart? Somebody took it down, I guess as a courtesy to the Senator from North Dakota because this is such a devastating chart and he didn't want it to undermine his arguments.

As this chart points out definitively, the money is in the bank, or at least it is in the Federal Treasury until we spend it. We are generating huge amounts of revenues from capital gains. Under this pay-go amendment, were it in place, you would have to pay for capital gains because CBO does not score it relative to what it actually does.

The next event to which this is going to apply is the death tax, if pay-go is in place. That is the only thing it will impact in this budget window over the next 5 years because the only thing that is planned in this next 5 years will be the death tax and the rates, and it will be used as the club to generate tax increases. That is all it is for in the context of today.

You look over this 5-year window of what this budget says, you take this pay-go language and lay it over that 5-year window, and the only thing it will impact is taxes, and it will basically be used as a lever, as a club, to raise taxes. It shouldn't be called pay-go, it should be called tax-go. The Senator from North Dakota made this case for us when he held up his chart that showed all these bars—and he didn't identify what they were—of numbers that this budget allegedly doesn't cover that are losses of revenue, according to the Senator from North Dakota, because we have cut taxes. He didn't actually say they were loss of revenue from tax cuts, he used some other term for it. I don't know what the term was, but he had one bar that was $216 billion. Well, that is death taxes, rate cuts, dividends and interest, for the most part.

There might also be some R&D tax credits in there and some State and local deductibility. So it is ironic, to say the least, that they would claim that this is a balanced approach.

Another ironic thing is we have heard the Senator from North Dakota and other Members come to the floor and say the AMT is an outrage, the alternative minimum tax. Well, I haven't heard them suggest how they are going to pay for fixing the AMT, but under their amendment, they would have to, and that is an $800 billion hole. I happen to think we should fix the AMT, and we should fix it in the context of revenue neutrality. But I don't see any amendments floating around here, and I haven't seen any amendments floating around here to accomplish that.

So I don't see how you can argue anything other than the fact that this proposal, as it is presented, has one fundamental impact: and that will be that over the next 5 years any attempt to extend any tax cut will be put to a 60-vote point of order and will be, therefore, pressure to raise taxes. It will be pressure to raise taxes to do that extension. It will have no impact on anything else because there are no new entitlement programs planned in this bill. And because CBO scores all entitlements that already exist as going on forever, they won't be hit by this proposal.

So as I said earlier, it is a one-size-fits-all proposal that disadvantages tax cuts. The irony is the tax cuts that pay for themselves, such as capital gains and dividends cuts, which generate economic activity, which generate income, will end up having to be paid for twice. That really doesn't make any sense, and it will be driven by an accounting mechanism. I don't think policy should be driven by an accounting mechanism when it is so unfairly applied where it basically impacts tax policy one way and entitlement policy another way. I would rather see something that was fair. But, in any event, I don't support this because it is a tax increase mechanism.

Mr. CONRAD. Mr. President, the chairman keeps repeating himself: this is a tax increase. You can use the words, you can repeat it 100 times, it doesn't make it true. It is not a tax increase. Pay-go very simply says: if you want to increase or create a new mandatory spending program, you have to pay for it. You don't have to pay for it with a tax increase, you can pay for it by cutting other spending. If you want to have more tax cuts, you can have them, but you have to pay for them, either through cutting spending or raising other taxes. That is what pay-go says. That is what pay-go does. It restores a budget discipline that is desperately needed.

The chairman says they have pay-go. They have a figment of pay-go because their pay-go exempts all tax cuts and mandatory spending increases that are assumed in any budget resolution, no matter how much they increase the deficit. The record is very clear. What has happened with weakened pay-go? What has happened?

Let's go back. Pay-go was put in place right here, and we climbed out of the deficit ditch and we actually achieved budget surpluses. When it was weakened, here is what happened: surpluses were eliminated, we plunged back into deficit, and the debt is skyrocketing.

That is the choice before the body. Do we really want to continue on this path of running up the debt of the country to record levels? That is the course we are on.

I would again remind my colleague of what he said in previous years. Back in 2002 the distinguished chairman, in floor debate, said this about pay-go:

> The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program, or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event.

He went on to say:

> If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress.

He was right then. He continued:

> And, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

The chairman argues on one tax type alone. He argues on capital gains. Let me say that CBO has reviewed that question, and they wrote a letter to the chairman of the Finance Committee that said this:

> After examining the historical record, including that for 2004, we cannot conclude that the unexplained increase in capital

gains tax revenue is attributable to the change in capital gains tax rates.

This is after their careful analysis. I would acknowledge the chairman's chart that shows increased capital gains tax receipts higher than previously projected. CBO has studied this, and they say they can't attribute that to the lower rates. I think most people would say the increased revenue is initially, in part, an effect of lower capital gains rates. But over time, a capital gains tax reduction loses revenue, not gains it. In other words, you get an initial bump, but after that you start losing it.

On the larger question of whether tax cuts pay for themselves, we don't have to have a theoretical discussion. We have what has happened in the real world.

In 2000, we collected over $2 trillion in revenue. Then we had the big tax cuts of 2001, and our Republican colleagues and the President all assured us: Don't worry, that will generate more revenue.

Well, guess what. It didn't. That is the problem with their argument. It didn't work. It failed, and it failed miserably.

In 2001, we had almost $2 trillion in revenue, big tax cuts, and the revenue went down; in 2002, less revenue than 2001; in 2003, less revenue than in 2001; in 2004, less revenue than in 2001. We didn't get back to the revenue base we had in 2000 until 2005. In real terms, we are nowhere close to the revenue base we had in 2000. We are nowhere close because this ideological argument failed in the real world. That is a fact. It failed. It didn't work.

One of the reasons we have runaway deficits and debts is our colleagues have just been wrong. They bet the farm on a concept that didn't work in the real world. Now the question is, Do we do something to reestablish budget discipline, or don't we? I hope we will.

I yield the floor.

Mr. GREGG. Mr. President, how much time is left on this amendment?

The PRESIDING OFFICER (Mr. DEMINT). The Senator from North Dakota has 5 minutes. The Senator from New Hampshire has 11 minutes.

Mr. GREGG. Mr. President, let me simply respond to some of the things the Senator said.

We haven't seen a budget plan from the Democratic side of the aisle for the last 2 years. In fact, even when they were in control of the Senate, we didn't get a budget across the floor from the other side of the aisle. I think one of the reasons is because they would have to openly admit to the fact that what they are basically saying, in language which is not specific but which is clear, is that they are going to raise taxes, that they want to raise taxes, and pay-go is just a stalking horse to accomplish that. It is that simple. The facts are very clear.

If you take this pay-go language and you template it over this budget, there are no entitlements that are going to be impacted. None. But there are taxes that are going to be impacted: specifically, capital gains, dividends—if they aren't addressed in this reconciliation package that is still being worked on—and the death tax.

I think most people in this country know that when their rates go up, they are getting a tax increase. And the effect of the pay-go language will be that if you get to the time when the rates have to be extended, the pay-go language will either force them to go up or force taxes to be raised somewhere else. It will be basically a major club used for the purpose of defeating the maintenance of things like the capital gains rate, dividend and interest rate, the dividend rate, and the death tax. That is the purpose, and it couldn't be any clearer from the facts.

I wish the Senator would present a budget because I think if he did, you would see that. Clearly, he hasn't addressed how they are going to do AMT. That amendment has been offered from their side. It was in committee, and it is, I presume, going to be offered again before we finish. Are they going to offset that with tax increases, that almost $1 trillion tax event? If they are going to stick to their language, they should. I don't think they will. So there is a different standard.

The point is obvious. This language, as it is presently structured, because of the facts that we have before us, which is a 5-year budget which has no new entitlements in it, and because CBO scores entitlements as going on forever and therefore they are never impacted by this pay-go language, this pay-go language will not affect the spending side of the ledger at all. But it will affect the tax side of the ledger. And when the death tax needs to be extended, this pay-go language will require a tax increase. When rates need to be extended, this pay-go language will require a tax increase. When dividends and interest, dividends and capital gains, should they not be extended in this reconciliation agreement need to be extended, this pay-go will require a tax increase, and that is the purpose of this.

This concept that CBO writes us back and says: Well, we can't really figure out that the capital gains cut generated capital gains income, that is one of the problems here. The CBO is taking a very strict green-eyeshade approach to budgeting. The way they build their baseline, they use four or five different major assumption groups. The assumption group they use for entitlement, the assumption group they use for taxes is entirely opposite and unfair and disproportionately impacts the capacity to do anything on the tax side of the ledger around here. And this amendment, if it were agreed to, would lock in that unfairness.

Clearly, capital gains generate revenue. Now, maybe the Senator from North Dakota wants to repeal the capital gains rate. He is saying in the outyears they don't generate revenue, they lose revenue. I happen to think they create a great deal of capital activity and investment and people are willing to take risks because they have a tax rate that is reasonable.

In the industrialized world, in major industrialized countries, we still have one of the highest rates of taxation on capital there is. Most industrial nations don't even tax capital formation because they recognize it creates jobs. We do, and the rate we have is reasonable, in my opinion. But if the Senator from North Dakota wants to raise it because he thinks in the outyears it is a revenue loser—fine. Say so. Offer a budget that does that. I would be happy to debate that rather than move under the terminology that is misleading, this motherhood terminology of pay-go, which is nothing more than "tax-go" in the way it will be applied to this bill and to the next 5 years. Obviously I oppose this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, again the chairman repeats over and over that this requires a tax increase. He is wrong. No colleague should be fooled by that rhetoric. It requires new mandatory spending to be paid for. You can pay for things one of two ways: You could do it with a tax increase. You could also do it by spending cuts.

The same is true of new tax reductions. Under pay-go, you have to pay for them. You could pay for them with tax increases elsewhere, but you could pay for them by reducing spending elsewhere. The chairman seems to have forgotten that is the way pay-go works.

What the chairman is saying is he doesn't want to worry about increases in the deficit and debt. What the chairman is saying is he wants to continue this pattern because this is what has happened under his fiscal plan. The debt is skyrocketing: $5.8 trillion at the end of 2001, $8.6 trillion at the end of this year, headed toward $11.8 trillion if this budget is adopted.

What the chairman is saying is he doesn't want to worry about paying for tax cuts or more spending. He wants to continue to charge up the credit card. He wants to continue sending this debt to our kids and our grandkids. He wants to be free to take the easy political course, that is saying we can have new spending, such as the new prescription drug plan, and not pay for it; that we can have more tax cuts even though we are deep in deficit and not pay for them. That is the position he is taking. If we want to be clear here, that is what this debate is about. Do you want to stay on this reckless course of running up the debt? And the chairman says, not only with his speech here today and his position on pay-go here today, but with his budget, that he wants to run up the debt. He wants to take no responsibility to either reduce spending or to pay for more tax cuts. Instead, he prefers to send the bill to our kids and our grandkids. Let the foreigners continue to loan us the money so they can buy up U.S. assets. That is his position.

I think that is a reckless position. I think that is a position that weakens America. I think that is a position that makes us more vulnerable. I take the chairman back to the position he took previously on pay-go. At that point he was right. In 2002, he argued for pay-go and he said then:

> . . . if we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues but especially impacts Social Security.

That is what he said then. He was right then and it is the right position now. If you don't have this budget discipline, you are going to continue on this path and this course of running up the debt. That is what the chairman's budget does. It is precisely what we should not do.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the Senator from North Dakota telling us what I am saying. I do wish the Senator from North Dakota had brought forward a budget so we could see what he is saying and what their side thinks they should do. Right now their budget is a blank piece of paper as an overall document, and it has been for the last few years. But if we look at what they did in committee, I think you can get an idea. They proposed amendments which would have increased discretionary spending by almost $19 billion and mandatory spending by $127 billion. That is a lot of new spending. And they raised taxes by about $130 billion. That is a lot of new taxes. So there is no discipline on their side of the aisle relative to controlling the rate of growth of this Government. In fact, just the opposite. They want to expand the rate of growth significantly and they want to raise taxes on the American people to accomplish that. That has always been their position and we are going to see amendment after amendment offered to this budget which will essentially increase spending.

We have already got a few in line here. I think Senator KENNEDY is going to offer one for $6.5 billion as the next amendment, or one of the coming amendments here. There are others coming down the pike. They are all going to be paid for by raising taxes.

The position of the other side of the aisle on this, although they manage to keep it a little foggy because they don't put forward their own budget, is pretty clear. They want to increase and grow the size of this Government significantly and they want to raise taxes to do that.

What the pay-go amendment does is raise taxes. You can't deny this. There are only three items of any significance that they are going to impact in this budget. My budget has no new entitlement spending in it so pay-go won't apply to any entitlement spending. It has a lot of entitlement spending presumed in it because entitlement spending is, of course, a big part of the budget. But none of that entitlement spending is affected by pay-go because, as a practical matter, pay-go will be exempting those entitlement accounts.

This reflects what were the amounts of tax increases offered from the Democratic side in committee when we marked this bill up: $133 billion, and the amount of new spending, $127 billion. It puts in stark terms how much new spending was proposed in committee by the Democratic membership, and new taxes.

Now they want to use this vehicle of pay-go to essentially repeal the tax cuts. That is what they are trying to do. The only items, as I mentioned, that are going to be impacted by this pay-go language will be the extension of the tax cuts. What tax cuts will need to be extended in the next 5 years? There are the rates, there are capital gains and dividends, and there is the death tax. Those are the big ones. Also maybe State and local deductibility in that category; I am not sure. That may be extended further than this window. But in any event, those are the big ones.

They are saying to a person whose rates go up: Your rates are either going to go up or taxes are going to have to be raised somewhere else to keep them at their present level. This argument that you are going to cut spending around here, and to raise taxes—I would love to see the other side of the aisle come forward with that proposal. I might be willing to do that and there might be two other people on this side of the aisle who might be willing to do that, but I have not seen a proposal from the other side of the aisle to cut spending anywhere.

The Senator from North Dakota argues that this budget adds enormously to the debt. It adds a lot less to the debt than anything the Senator from North Dakota has presented because he is not willing to freeze nondefense discretionary spending. He has not put forward a budget that reduces debt.

What this budget at least does is put in place discipline on the discretionary side of the ledger. It sets a cap—$873 billion. As long as you have that cap you have something around here to enforce so you can limit spending. It doesn't do as much as I would like to do on the entitlement side, but at least it puts in place a mechanism for us to have a point of order should entitlement spending get out of control—should more than 45 percent of an entitlement account, which is supposed to be an insurance account, end upcoming out of the general treasury—and I understand they are going to try to repeal that point of order. And then they claim they are for budget discipline?

The inconsistency of their position is reflected by the facts on the ground and the facts on the ground are pretty clear. The only thing this pay-go amendment will affect is taxes and it will force tax increases and it will make the extension of the tax cuts much more difficult to accomplish, which will be a tax increase.

If your rates go up, if your tax rates go up, that is a tax increase. I think everybody in America probably understands that. You can call it pay-go if that is the term you want to use. If that is the new term we are going to use around here for raising taxes, we will call it pay-go and I guess that is what they want to say. When you raise taxes around here, we will call it pay-go.

Mr. CONRAD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1½ minutes.

Mr. CONRAD. Mr. President, the chairman says we have offered no budget. The chairman well knows the majority has the responsibility to offer a budget. Our responsibility is to critique that budget. We have done so by pointing out that this is the effect of the chairman's budget. It increases the debt every year by over $600 billion. That is the budget that has been offered by the majority. When we were in control, they didn't offer alternative budgets.

Mr. GREGG. That is because you didn't offer a budget.

Mr. CONRAD. They didn't offer alternative budgets.

Mr. GREGG. Will the Senator yield on that point?

Mr. CONRAD. I am afraid I have only got a minute left.

Mr. GREGG. I will give you another minute if you want to yield on that point.

Mr. CONRAD. I will be happy to complete my thought and finish.

Over all the years when we were in control, Republicans did not offer alternative budgets.

With respect to what we did in committee, every amendment we offered was paid for. The Senator is entirely correct. We offered amendments with revenue of $133 billion and with increased spending of $126 billion. So we paid for every amendment. We didn't pay for it with tax increases. We paid for it by closing the tax gap, money that is owed that is not being paid, which the revenue commissioner has said could be collected.

I ask for an additional 30 seconds.

Mr. GREGG. I ask for 30 seconds also.

Mr. CONRAD. Let's take a minute and a half.

Mr. GREGG. Take a minute.

Mr. CONRAD. We ask unanimous consent for a minute apiece.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. And we offered to close tax loopholes, these egregious tax loopholes that we have pointed out repeatedly. That is not a tax increase. It is more revenue. It is not a tax rate increase on anyone.

But that gets us back to the fundamental question of, What is the direction we are going to take? Are we going to continue to run up the debt of the country, as the chairman proposes? Or are we going to take a new turn and go back to the budget disciplines that have worked in the past? I urge my colleagues to go back to the budget disciplines we have had in the past. If you want to spend more money, you have to pay for it. If you want to have more tax reductions, you have to pay for them. It is a simple principle. We have had it in the past. The chairman has endorsed it in the past. It is the right course.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I think the Senator is making my case. Basically, he is admitting the fact that he is proposing to raise taxes by $133 billion. You can't do it the way he is reflecting. You are going to have to do it some other way. In fact, all his offsets raise about $11 billion, according to the Finance Committee. The uncollected taxes there—sure, we would like to get them, but CBO won't score them so we can't use it. The fact is the pay-go language is one way to generate a lot of new revenue because it will essentially say you can't extend the tax cuts and you are going to have to raise taxes dramatically if you do try to extend those tax cuts, so if you want to raise some big-time taxes around here you vote for this pay-go language.

Simply as an aside, I have to say the reason we didn't offer a budget, in response to the Senator, when they were in control of the Senate was because the last year they were in control of the Senate, they didn't offer a budget themselves. They haven't offered a budget now for 6 years, I think—maybe it is 5. We would love to have them offer a budget because then we would see very specifically this philosophy which is reflected in the amendment process, which is one of growing the Federal Government, spending a lot more money and raiseing a lot of taxes to do it.

Mr. President, I understand under the prior order the Senator from Missouri is to be recognized to offer an amendment.

Mr. OBAMA. Mr. President, I speak in favor of the PAYGO amendment introduced by my friend, and ranking member of the Budget Committee, Senator CONRAD. This amendment, of which I am a cosponsor, seeks to fully reinstate the pay-as-you-go requirement for direct spending and revenue legislation in the Senate through 2011.

During the 1990s, the Senate's PAYGO rule worked well to reduce Federal deficits, and the rule is badly needed today. Back then, PAYGO applied equally to increases in mandatory spending and decreases in revenue. It neither forced tax increases nor spending cuts but rather enforced fiscal balance and budget discipline. New spending or tax cuts could only become law if they were offset or found 60 votes in support.

Unfortunately, the original PAYGO rules were abandoned to provide for a series of unfunded tax breaks. Those tax breaks were not paid for by reductions in Federal spending and there was only one way to pay for them—by increasing our deficit to historically high levels and borrowing more and more money. Now we have to pay for those tax breaks plus the cost of borrowing for them.

Instead of reducing the deficit, as some people claim, the fiscal policies of this administration and its allies in Congress will add more than $600 million in debt for each of the next 5 years. This budget does nothing to reduce our deficits and, in fact, makes them worse.

Americans deserve better financial leadership. The people I talk to in Illinois are not fooled by what's going on. Working families understand that the same principles that apply to their family budgets should apply to our national budget as well. They understand that, in this life, you get what you pay for and if you don't pay for it today, it will cost you more tomorrow.

You don't have to be a deficit hawk to be disturbed by the growing gap between revenues and expenses. Americans are willing to share in the hard choices required to get us back on track, as long as they know that everyone is pulling their weight and doing their fair share. That's why it is so important that we reinstate PAYGO in a way that meaningfully enforces the budget discipline that both sides of the aisle need in order to honestly tackle our country's short-term and long-term fiscal challenges.

This is an important amendment at an important time for our country. I am pleased to once again join Senators CONRAD and FEINGOLD on this amendment and to be part of a bipartisan group of cosponsors. I urge my colleagues to vote for fiscal responsibility and for good budget leadership. I urge my colleagues to support this PAYGO amendment.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 3011

Mr. TALENT. Mr. President, I thank the chairman and the ranking member for arranging the debate on this amendment. I call up an amendment we have at the desk, Talent-Lieberman amendment No. 3011.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. TALENT], for himself, Mr. LIEBERMAN, Mr. THUNE and Mr. WARNER, proposes an amendment numbered 3011.

The amendment is as follows:

(Purpose: To increase funding for defense)

On page 9, line 20, increase the amount by $3,000,000,000.

On page 9, line 21, increase the amount by $3,000,000,000.

On page 27, line 23, decrease the amount by $3,000,000,000.

On page 27, line 24, decrease the amount by $3,000,000,000.

Mr. TALENT. I ask unanimous consent to add Senator CARPER as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, this amendment is a rather simple one. It raises the number in the budget for defense up to what the administration proposed. The budget resolution, as it came out of committee, would have reduced the amount of money requested for national defense by $3 billion. This restores that. It is in my judgment, as I said often on the Senate floor, not all we need to do but it is a first step.

We have to understand context here. The number the President submitted was itself almost $4 billion the President submitted was itself almost $4 billion less than what only a year and half ago the President and the administration said they would need for fiscal 2007.

Under the pressure from the Office of Management and Budget, the Department of Defense has had to reduce its request for the last 2 fiscal years by an amount totaling almost $10 billion and, at the same time, has reduced the amount it said it is going to request for the next 5 years by almost $670 billion—this while we are in a war and this while our responsibilities around the world and even outside the global war on terror have never been greater is a mistake.

I think the first step to correcting that mistake is to pass this bipartisan amendment and restore at least what the President has requested for fiscal 2007.

Let me give some history, some context. We need to go back to the early 1990s and the collapse of the Soviet Union.

At that time, there were concerns about the budget as well and the Government took those concerns out on the national defense. All throughout the 1990s, the Defense budget shrunk. It was the only part of the budget that shrunk. There were some years it shrunk in normal dollars, not even just as against inflation. There was a belief at the time of the collapse of the Soviet Union that we were in an era of peace and we would not need to spend as much on the national defense. Certainly, that was true with regards to certain parts of the national defense. Unfortunately, it turned out not to be true with the Defense budget. I will explain that in a minute.

First, in order to accommodate those shrinking budget there were reductions in the force structure. The number of people we have in the Department was cut across the board by anywhere from a quarter to a third.

The problem with that is we anticipated we would need the men and women in America's military less with the collapse of the Soviet Union, but it turns out that we needed them more. It turned out that history had not ended—it had been frozen during the time of the Cold War, and it thawed out with a vengeance. All the regional and ethnic rivalries that had been submerged in the bipolar nature of the Cold War era came to the surface. We had to deploy our men and women in conventional exercises of one kind or another far more in the 1990s than we had to do in the Cold War decades in the years before.

What happens when you have fewer people and you use them more? You stress the force, you stress the people, you stress the equipment, you increase the operation and maintenance budgets.

In an era when we thought we would be able to save money on defense, we actually had to spend more, and increasingly the urgent crowded out the important.

Money was put in O&M in order to keep the tip of the spear sharp, if you will, while the rest of the spear rusted.

We took, for many years as a practical matter, a procurement holiday. We did not buy the equipment we needed to buy to recapitalize the platforms, which is what we in the Armed Services Committee call the weapons, the trucks, the support equipment that the men and women in America's military use.

In the 15 years from 1975 to 1990, we typically bought 78 scout and attack helos. In the years from 1991 to 2000, we bought, on average, seven. Whereas, we would buy 2,083, tanks, artillery, and other armored vehicles; we bought, on average, 145. In some cases we acquired about 10 percent of the platforms that we had bought in the 15 years previous to 1990. As a result, the capital equipment that the military is using is old.

Let us talk about some of our aircraft: B–52 bombers are 44 years old; C–130 transports, 33 years old; and KC–135 tankers, 43½ years old. I could give similar statistics for the other parts of the services as well.

The number of ships we have is going down. In the 1980s we aimed at a 600-ship Navy, and we are now below 300. If we continue at the current shipbuilding levels, we will get down to 200 or below. That is not consistent with the national security of the United States.

But what happened? The Bush administration took over, and to their credit, they raised Defense spending above inflation. There were modest increases in the early part of this decade, and part of the hope was we could recapitalize the infrastructure and make up for that procurement holiday. For a lot of reasons, that didn't happen. The operational tempo continued to grow.

We all know about the military employment level in the global war on terror. There has been what we call mission creep in other areas as well. Think about the tsunami that occurred about a year and a half ago. It was American military forces that were the structure through which we delivered that relief.

We have increased the homeland security mission, the international humanitarian relief operation, special operations, ongoing training operations. The operational tempo was at a historic high, and that ate up a lot of the increases.

Personnel costs: We have great men and women in the military. They are very highly skilled people. There is no such thing as a "grunt" anymore in America's military. Today, you have highly skilled people, and we owe it to them, and we must pay them accordingly.

Personnel costs are now $17 billion more per year, adjusted for inflation than in 1999. Seventeen billion dollars more comes out of the hide of the rest of the budget.

China is 5 to 10 years ahead of schedule in what we figure would be a rearmament process. I am not saying China needs to become an enemy of the United States. I hope that doesn't happen. I believe it need not happen. But they are clearly attempting to develop a military capability to exclude the United States from the Western Pacific, should she choose to do so. And the thing that is more likely to encourage them in that ambition than anything else is the reality or even the perception of American weakness.

In addition, we now have the new generation of platforms coming on line. Remember, platforms are ships, planes, tanks, trucks, and other kinds of support equipment.

For the generation of platforms that the new generation of servicemen and women are going to be using to replace the old ones, it is essential that we complete the development of these programs and that we buy out the platforms that we have proposed to buy. The DDX destroyer and the Joint Strike Fighter combat systems, which is the heart of America's Army, its F–22, air-to-air superiority fighter, the new aircraft carriers, the submarines which are essential to our national defense strategy both for intelligence and also in the western Pacific, all of these are coming online in the next few years.

Even with the President's submitted proposal, we cannot purchase the required new generation of platforms.

For all of these reasons, I have been urging for months—in fact, my advocacy on this point goes back to 1993, when I was a new Congressman in the House—I have been warning that we needed to spend more on defense.

I need to point out to the Senate that this is an obligation of the United States we cannot escape. It is similar to the basic capital assets of a company. You have to keep it up. It is not optional to allow the military equipment that our men and women use to age and eventually to collapse. We are going to pay this bill. The longer we wait, the bigger the bill will be.

That is one of the reasons why the investments which the President has proposed and which this Congress has provided in the last 5 years have not been enough even to allow us to tread water. We have continued to slip backward because we did not do what we needed to do in the 1990s.

What do we need to do now? There are a number of us on both sides of the aisle who are proposing, first of all, to restore the number the President has proposed.

I would like to see us go above that in this fiscal year, about $3 billion more than what the President has proposed. That is the amount that the Department of Defense said it needed for fiscal 2007 in the fall of 2004. That was the last budget projection we got from the Department of Defense that was unaffected by the stricture of the OMB. I think we need to go to that point. I said that in speeches on the floor of the Senate last fall. A number of us sent a letter to the President urging him to submit a budget at that number. That is about $443 billion apart from the spending on the Department of Energy that is also included in the defense budget.

Then I think we need to take next year for a searching and honest review of what the Defense budget needs to be in the near future.

I am not the only one who has proposed that. There are a number of Senators on both sides of the aisle and the Armed Services Committee who suggest that we need a systematic increase in the Defense budget. It is now about 3.7 or 3.8 percent of the gross domestic product.

Let me emphasize that. I don't want that figure to slip by without people marking it.

We are spending about 3.8 percent of the gross domestic product on national defense. That includes the supplemental, 3.8 percent in a time of war.

Whatever else is causing the deficit—and there are obviously disagreements on the floor of this body, and we just witnessed an eloquent debate highlighting those disagreements—whatever else is causing it, the Department of Defense and military budget is not. That figure is historically very low. It is much lower than the late 1970s when Jimmy Carter was President.

To try to save money on defense, to believe that you are saving money by reducing the Defense budget below the minimum, is a classic example of being pennywise and pound foolish because the bill comes due. We do not have the option of not meeting our responsibilities in the world today.

The reality, the perception but much less the reality of American weakness encourages instability in the world. Instability in the world is antithetical to the kind of security that people need for economic growth. So I can put it on as low a level as possible. If we do not adequately support the national defense, we are certainly going to get ourselves into bigger economic trouble.

American weakness leads to conflict abroad, conflict abroad can lead to war, and war is very bad for the national deficit.

So we need this searching review. We can have that. We can decide where we need to be structurally beginning next year. I think the Armed Services Committee is going to do that.

I want to close on a hopeful note. This is well within our capability. This is a great nation, a strong nation.

If the Government will meet its obligations and do what it is supposed to do, the people will drive the prosperity of this country. They will produce the wealth on which they depend, on which this Government depends, to sustain those programs that are necessary to protect our security and also help the weak and the helpless among us.

We had a funeral for President Reagan in the recent past. He laid in State. And I thought Members of both parties did a wonderful job eulogizing him.

We should learn the lesson of history that his administration taught us. He understood the importance of American power in the world.

When he became President, we also had gone through a time when the forces had become hollow, when that shaft of the spear, if you will, had rusted. President Reagan dealt with it decisively. He proposed two double-digit increases in the national defense, which the Congress sustained him on. And it was that action which was a key factor in winning the Cold War because the rest of the world saw America's commitment, America's willingness, America's strength, America's confidence in the future and eventually decided that freedom and democracy was the future of the world because we were leading in that direction. We were willing to make the commitment necessary to walk that path.

Let us do the same thing today. This is a bipartisan amendment. Senator LIEBERMAN and I are offering it.

I have been handed a note that Senator GRAHAM wishes to be added as a cosponsor.

I ask unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. We can do this.

Yes, we have to resolve the other problems in the budget that are causing the deficit, but defense is not that area. Defense has given at the office. Now it is time to tend to American security and American needs. For that reason, I offer the amendment. I hope the Senate will sustain it and support our men and women in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Will the Senator yield for a question?

Mr. TALENT. Sure.

Mr. CONRAD. Mr. President, I will not argue with the Senator on the need for this additional defense spending. My own view has been that what the President asks for at a time of war with respect to the defense, we ought to provide. We ought to stand shoulder to shoulder with the President at a time of war with respect to defense expenditures.

What I do want to ask the Senator, how is he funding this increase? Is it correct that the Senator is paying for this increase with cuts in function 920?

Mr. TALENT. The Senator is correct.

Mr. CONRAD. Am I correct, then, in understanding that the Senator would pay for this increase in defense in part by cutting homeland security?

Mr. TALENT. The function 920, as I understand, is essentially the overhead across the board from a number of different agencies. So it comes out of administrative overhead, travel, et cetera, and I believed that funding these essential programs for the military was more important than that. So I challenge the agencies to find that funding to support this amendment.

It is similar to what has happened in the past. We had several amendments last year that took substantial amounts out of function 920 in order to increase programs.

Mr. CONRAD. Mr. President, I say to my colleague, the Senator is correct; function 920 is the other discretionary accounts. So the effect of the Senator's amendment is to "plus up" defense, but he does so by cutting homeland security, cutting law enforcement, cutting veterans' benefits, cutting defense itself.

I say to my colleague, there is no new money here. This is taking out of one pot and putting it into the other pot. And one of pots that is being taken from is defense itself, homeland security, law enforcement, and others. My own assessment of cutting these function 920 accounts is that it is kind of robbing Peter to pay Paul. I hope we do not do much of this in the process of writing this budget.

I support the underlying interest of the Senator in restoring the defense money that was cut in the Committee on the Budget by the mark of the Committee on the Budget chairman. However, I alert my colleagues, it is being paid for—are you willing to cut homeland security and law enforcement, veterans, and other defense accounts?

Mr. TALENT. No. I am willing to ask all the agencies to sacrifice travel budgets and expenses in order to fund the national defense.

I say again, this has happened in the past to support other important programs. The Coleman amendment last year, for example, increased CDBG funding by $2 billion with a function 920 offset. I am telling the Senator what he knows. The Senator is an expert on the budget.

So we have gone into administrative overhead in the past, where necessary, to support important programs. I cannot think of anything more important than giving the President at least what he has asked for for national defense. This is a question of whether we will fund the national defense in time of war at the President's request, at least.

Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator yielded for a question. The Senator from Missouri still has the floor.

Mr. TALENT. Again, I thank the Senator and admire very much the sincerity with which he confronts these budgetary problems.

Perhaps in view of the Senator's question, it would be good for me to emphasize the point I made during the speech. There are certain functions of the Government which, if we do not perform at least at a minimal level, have the opposite effect that people want when they seek to reduce the deficit. This is one of them. These bills must be paid, and the longer we wait to pay them, the more they will cost.

For me, it is deja vu all over again. I said this in the 1990s. We were successful as a Congress in the 1990s in the latter part of the decade in getting more money into the budget above what the Clinton administration requested, but we did not get enough in. So those bills which were not paid have accumulated, with compound interest, at very substantial amounts.

It is true that an increase which is slightly above inflationary rates, which would have been adequate if we had done it in the 1990s, is not adequate anymore. And if we do not do something of the nature I am talking about now—not just with this budget but next year's budget as well—then the bill will grow and grow and grow, and 2 and 3 and 4 years from now, it will be even greater. My friend and the Senator from New Hampshire are going to have an even bigger problem to confront in trying to deal with the budget deficit.

It is not an option to not sustain the national defense. To the extent America is perceived as weak, much less to the extent that America is weak, it promotes instability and conflict in the world. Apart from the threat to human freedom, I will say to those who are concerned about the budget, that is very bad for the deficit. That is really negative for the deficit.

Let us sustain the national defense. I encourage the Senator to continue working with his friend and my friend from New Hampshire to solve these other structural problems in the deficit and would be happy to support some bipartisan resolution. Let us not take it out on defense.

I yield the floor.

Mr. CONRAD. Mr. President, let me say this Senator agrees with the Senator on the need to deal with the fundamental defense needs of the country. I say to the Senator, I know it is his intention to be cutting travel and overhead, but the way function 920 works is these will be across-the-board cuts to the other domestic elements of the budget; that is, homeland security will take a cut. They will decide where it goes. The Committee on the Budget does not decide that. So homeland security, in the programs themselves, may take reductions. That will be up to the Committee on Appropriations. Law enforcement will be cut to pay for this increase in defense. Defense itself may well be cut to pay for this increase in defense. Veterans programs will be cut, or at least the veterans function will be cut.

I want my colleagues to understand how this works. Although I know it is the stated intention to cut overhead and to cut travel, that may well not be the result here because the way function 920 works, there will be an across-the-board cut to discretionary programs, and those accounts—and this will be a decision by the appropriators, how they spread these reductions—will be the money used to pay for an increase in defense. I find it a troubling approach in terms of the pay for—not the plus-up. The Senator is correct to ask that we provide the funding the President has requested in defense.

Let me say that one of the great concerns I have in these defense accounts going forward—and I say this to my colleague from Missouri, and I think the Senator referenced this—we have these systems which are aging, whether it is our bombers, our fighters, our ships in the Navy, our aircraft carriers. The tanker fleet is more than 40 years old, much of the bomber fleet is more than 40 years old, and many of our naval ships are reaching the end of their useful lives. So how are we going to recapitalize the defense accounts? It will be one of the great challenges of our generation. I don't begrudge for a moment this increase in defense. It will help us take on some of those very substantial challenges we will confront in the future.

We will have to do some thinking outside the box on how we will recapitalize the force going forward. I am told by National Guardsmen that much of the equipment they took to Iraq is never coming back. It is junk. The incredible heat, the combat conditions they have faced—much of this equipment is simply being eaten alive.

Mr. TALENT. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. TALENT. Given the time available, I did not speak as long as I could on this subject, but the Senator is referring to what the Pentagon calls resetting the force. In other words, after a war, we pay through the supplementals for the equipment that is actually destroyed. But a lot of the equipment is not destroyed; it is either left there or it suffers what a business would call accelerated depreciation. It comes back, but it only has a few years of useful life.

The Senator is correct, we have that bill to deal with, as well.

Mr. CONRAD. I have now talked to officials at the Department of Defense, I have talked to the leaders of the services, at least some of them, about the daunting challenge we face for the future. My own view is we are probably going to have to think outside the box in terms of how we fund recapitalization on the force going forward. It will behoove us to begin thinking how we will take on those challenges.

I personally believe we will need to consider leasing or some other way of spreading costs instead of our current practices of paying for new systems with cash on the barrelhead. I do not believe we are going to be able to recapitalize the force in the way we have in the past.

I thank the Senator for, on the one hand, the proposal on restoring some of the proposed cuts here, but I am concerned about the way it is being paid for. I know the intention is to take it out of overhead. The way 920 works, we really do not know how it will be done. The fact is, the budget resolution controls the numbers that will be given to the Committee on Appropriations, but it does not tell them how to make the reductions. We do not control that. That is controlled in the appropriations process, as the Senator knows. The unintended consequence might be that actually this increase in defense be paid for by reducing homeland security, law enforcement, veterans, and defense itself. Those are decisions which will be made by the appropriators. That is why I wish that instead of paying for it in this way, we paid for it in some other way that assured that it was not just taking out of one pocket and putting it in the other.

With that said, we need to restore this funding. We have a very serious problem going forward. Because of the burgeoning debt of the country and the deficits, defense is going to face very difficult challenges in the future when we try to rebuild these aging systems which are critically important to our national defense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. I think I had half an hour. How much time remains?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. TALENT. Mr. President, I will not take the whole 11 minutes. I will do the Senate that favor, anyway.

First of all, the Senator is tremendously knowledgeable about the budget. I respect very much what he is saying. I am pleased he recognizes the importance of the underlying thrust of the amendment. My understanding is the function 920 line has about $11 billion in it, so what I am calling for is a reduction of about a quarter in our overhead expenses, travel expenses. That has been done in the past in order to fund important programs.

We are in agreement that there is a shortfall in defense. Nothing is more important across the board right now than sustaining at least the President's request. I argue, and perhaps will argue further in this process, that we need to do a little more this year, but we should at least do this, and we can do this with a reduction in overhead that occurs all the time in the private sector. I think we should.

Now, the Senator mentioned various efficiencies we can use to make the money go further. I have been a strong supporter of those on the Armed Services Committee. I think there are efficiencies we can gain in terms of leasing and other kinds of measures. I would not want to leave the floor this morning leaving the Senate with the impression that is going to be enough to meet the obligations we have before us for national defense and national security.

Remember, we are talking about the security of our homes, our families, our jobs. Remember what the attack on 9/11 did to the economy. We just saw numbers about how revenues were off in the early part of the decade. Well, that was not unrelated to the fact we were attacked. I am not saying we would not have been attacked had we been stronger throughout the 1990s; I am saying that right now, we are too far out on a margin of risk. The further you go on that margin of risk, the greater instability, the greater the lack of confidence in the world, and that hurts our economy.

I said substantially the same thing a couple years ago when we were debating the highway bill. I was arguing in favor of bonding for infrastructure investment. Investment in defense, like investment in infrastructure, is not an optional expenditure of the Government. We have, if you want to look at it this way, a deficit in the national defense. As bad as the budget deficit is, I would argue the deficit in the national defense is worse because that deficit imperils both the national security and the economic security of the United States.

So we need to make some tough decisions. I agree with the Senator when he says that. We can at least take this decision now. This amendment is offered on a bipartisan basis. And this concern is bipartisan in the Armed Services Committee. When we had what we call our posture hearing, looking at the posture of defense, Senator INHOFE, Senator DAYTON, Senator MCCAIN, Senator LIEBERMAN, and I all raised the issue of whether, going forward, we needed a structural increase in the national defense.

We are not asking for that here. We are not asking for that this year. We want to do a study of this issue. We want to look at it in a searching and bipartisan way and then report back, I hope next year—early next year—to the Senate on what we need to do. But right now, we need at least to give the President what he has asked. I would hope we could find a way to go a little further than that in this budget and give the President what he asked for in the fall of 2004, before the Office of Management and Budget got at the Defense projections. That is why I am offering the amendment.

I very much appreciate the spirit in which the Senator has responded. I hope he can stretch a point and perhaps find a "yes" vote for this amendment, and then debate, in as bipartisan a fashion as possible, the other structural issues we are dealing with with the deficit.

I thank the Senate again, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, I wish to say to the Senator, I intend to support his amendment.

Mr. TALENT. I am very grateful.

Mr. CONRAD. Even though I think using section 920 is the wrong way to go. The Senator indicated he has been informed there is $11 billion in the 920 accounts. I just direct the Senator's attention to page 29 of the concurrent resolution on the budget.

If the Senator would direct his attention there and go down the table to allowances, 920, I think the Senator would see there, in fact, is no money in section 920. In fact, section 920 is $500 million in the hole. There is no $11 billion there. That is the problem we have. There is no $11 billion there. Section 920 is actually $500 million underwater. This will just put it further underwater, which will require an across-the-board cut in these other areas: homeland security among them, law enforcement, veterans benefits, defense. Actually, we do not know what the appropriators will do. So I just say that for the information of my colleagues, who may have some sense that there is money in this account, that there really is not.

Mr. President, is the Senator prepared to yield back his time? Because I would be willing to yield back our time in the interest of trying to get back on schedule.

Mr. TALENT. Mr. President, I am more than happy to yield back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I am prepared to yield back time on this side as well, so we can go to Senator KENNEDY's amendment and try to get back on schedule as much as we can.

The PRESIDING OFFICER. Without objection, it is so ordered. All time on the pending amendment is yielded back.

Under the previous order, the Senator from Massachusetts is now recognized for the purpose of offering an amendment. Under the agreement, there will be 1 hour of time equally divided.

The Senator from Massachusetts is recognized.

AMENDMENT NO. 3028

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself, the Senator from Maine, Ms. COLLINS, and the Senator from New Jersey, Mr. MENENDEZ, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Ms. COLLINS, and Mr. MENENDEZ, proposes an amendment numbered 3028.

The amendment is as follows:

(Purpose: To support college access and job training by: (1) restoring program cuts slated for vocational education, TRIO, GEAR UP, Perkins Loans, and other student aid programs; (2) increasing investment in student aid programs, including increasing the maximum Pell Grant to $4,500; and (3) restoring cuts slated for job training programs; paid for by closing $6.3 billion in corporate tax loopholes.)

On page 3, line 13, increase the amount by $1,479,000,000.

On page 3, line 15, increase the amount by $3,988,000,000.

On page 3, line 17, increase the amount by $634,000,000.

On page 3, line 19, increase the amount by $206,000,000.

On page 3, line 21, increase the amount by $19,000,000.

On page 4, line 1, increase the amount by $1,479,000,000.

On page 4, line 2, increase the amount by $3,988,000,000.

On page 4, line 3, increase the amount by $634,000,000.

On page 4, line 4, increase the amount by $206,000,000.

On page 4, line 6, increase the amount by $19,000,000.

On page 4, line 13, increase the amount by $6,326,000,000.

On page 5, line 4, increase the amount by $1,479,000,000.

On page 5, line 6, increase the amount by $3,988,000,000.

On page 5, line 8, increase the amount by $634,000,000.

On page 5, line 10, increase the amount by $206,000,000.

On page 5, line 12, increase the amount by $19,000,000.

On page 18, line 24, increase the amount by $6,326,000,000.

On page 18, line 25, increase the amount by $1,479,000,000.

On page 19, line 4, increase the amount by $3,988,000,000.

On page 19, line 8, increase the amount by $634,000,000.

On page 19, line 12, increase the amount by $206,000,000.

On page 19, line 16, increase the amount by $19,000,000.

On page 53, line 1, increase the amount by $6,326,000,000.

On page 53, line 2, increase the amount by $1,479,000,000.

Mr. KENNEDY. Mr. President, this amendment will provide $6.3 billion to restore the cuts in key student aid programs, vocational education, and job training, and increase investment in those programs by 15 percent. That is the total: $6.3 billion. To pay for these investments, we close tax loopholes, laws that have no purpose, that allow corporate tax evasion. These offset provisions have been passed in the Senate on numerous occasions and have not survived the conference. But they have been voted on and passed. So this amendment effectively pays for itself. That is enormously important.

These two charts indicate where the United States is internationally in the areas of math and science. The chart on the right shows that the United States has fallen behind in mathematics, and this other chart shows that American colleges and universities have fallen behind in the development of professionals in the natural sciences. That is effectively math, science, and engineering. If you look at this chart, it shows that in 1975, the United States was third in the world. If you look at the year 2000, we are 15th in the world. Really, no one disputes these findings and these conclusions.

I once again draw the attention of our Members to three excellent studies. These three excellent studies, which have been done by the National Academy of Sciences, the Academy of Engineering, and the Institute of Medicine, all make the same case as these charts do and make a number of recommendations. We have included a number of the recommendations that these institutions which reviewed our education system have made in order that the United States continue to be a highly innovative economy in the next 15 to 20 years. They make the very strong and powerful case that by being an innovative economy, we are also going to be the strongest economic power in the world and also have the strongest national security.

Education is key to our national security. This is "Rising Above the Gathering Storm", the report by the National Academy of Sciences. That report was requested by our former Secretary of Education, Senator LAMAR ALEXANDER, and JEFF BINGAMAN. It is an excellent study and review. I am going to include just selected parts of these reports in my remarks.

And now we have the report from the Council on Competitiveness which has reached effectively the same judgment and decision as the National Academies report. The Council on Competitiveness talks about recommendations organized in three broad categories: education; training; and lifelong skill development, the continuation of training. That is exactly what our amendment addresses.

And then, finally, the National Association of Manufacturers—not known to be a particular Democratic organization—talks about the importance—again, these are studies that were completed in 2005—the importance of emphasizing science and math technology, including enhancing our education, career training, and continuing education and training programs.

These are exactly the programs included in our particular amendment that the Senator from Maine and I offer with the Senator from New Jersey. It is in response to the challenge we are facing internationally. We offset that by closing tax loopholes.

First let's talk about Pell grants. In this amendment, we have increased the maximum Pell grant to $4,500. As you can see, this has been frozen at $4,050 over the period of the last 4 to 5 years. There will be those who will say: Well, we have increased the total amount of funding because there are more children who are receiving the Pell grants. But the reason there are more students receiving Pell grants is because there are more students in need.

This amendment will increase immediately the Pell maximum up to $4,500. This is not enormously inconsistent with what the President has said. In his last two Presidential campaigns, he has indicated that he favored the $4,500 maximum. The cost for this will be $1.8 billion. So this is the increase in the Pell Grant Program.

The second aspect of this amendment is to open up access to educational opportunity by investing in the TRIO Program, the GEAR UP program, and the LEAP program. This amendment provides the additional help and assistance for those programs.

Let me show who is affected by these programs. Nearly 1.5 million students benefit from the tutoring, the counseling, and other services provided by the Gear Up programs in over 1,700 schools. This program keeps students interested in school and prepares them to attend college. It has been enormously successful in opening up opportunities for helping young children, many from disadvantaged communities, into the colleges and universities across our country.

The amendment also addresses the TRIO Talent Search and Upward Bound Programs, special programs to recognize talented young people who perhaps might not have had the range of courses in their high schools but, nonetheless, have demonstrated a commitment and a desire to enhance their own educational opportunities. The results have been absolutely extraordinary.

If you look at the difference in the success of students in these programs compared to students who don't participate, you will see that nearly 90 percent of the Upward Bound students graduate from high school, compared to only 68 percent of all low-income students.

You will also find that nearly 70 percent of Upward Bound students attend college, compared to only 54 percent of low-income students. And 50 percent of Upward Bound students attend a 4-year college, compared to just 22 percent of low-income students. So this is really about access to higher education. We are basically saying, with these reports, the United States needs every talented person in our country, and these programs help achieve that goal. We are offering an amendment that is going to open up that kind of opportunity for individuals to take advantage of and participate in this effort to maximize our ability to be competitive.

Next, there is an important aspect for us in this amendment, as it will invest in critical career and technical education programs. I have taken the figures from Massachusetts, but this is typical of what is happening around the country. We have a total of 61,000 students in career and technical education in Massachusetts, and about 90 percent of them pass what they call the MCAS test. That is a stringent test that our State has instituted and has been commended on for years as being the gold standard in terms of measuring the academic achievement of students. This is the continuing vocational education programs, and it amounts to $1.3 billion of the amendment.

What this does show is that individuals are gaining the skills they are going to need to compete in this era of globalization. About 90 to 95 percent of those who graduate from career and technical education programs in Massachusetts go on to college or get good jobs. This amendment invests in these programs that are critically important.

We have seen in the chairman's mark on the budget that with regard to discretionary spending in 2000, the chairman's mark includes the President's proposed level of $873 million. You will hear descriptions of how that provides additional opportunities to enhance education for young people. But the fact remains, we need a quantum jump in investing in young people. We need it in the areas I have outlined, and we need it in additional areas. This year the Chinese will be graduating 600,000 engineers, according to one report. India graduates 350,000 engineers. The United States is graduating 72,000 engineers, and half of those are foreign students. We have seen the expansion of research that is taking place in India, where Intel has just hired 2,500 Indian engineers to do some of their most advanced research. IBM is following a similar kind of program. We are talking about outsourcing and offshoring jobs, and we are not talking about blue-collar jobs. We are talking about those who are going to be at the cutting edge of investment.

What we are saying now is that we have to equip every young person with the ability to deal with the challenges of globalization. That means they are going to have to attain these kinds of skills for themselves. This is going to be a continuing learning process, and it has to be a national commitment.

This Nation has responded when it has been educationally challenged. When we had the Industrial Revolution, we developed the public school system. At the end of World War II, we had 10 to 12 million Americans serving in the armed forces who had given 3 to 4 years out of their lives. We had the GI bill. Those Americans came back and they participated in our educational system. What we found is that they repaid $7 for every dollar invested in them. When you are investing in education, the benefits to society are huge. They come back manyfold in terms of our prosperity and our world leadership. This is not a no-sum game. This is a process by which the Nation gains.

Then we were faced with the Sputnik challenge when the Russians sent Sputnik into space. Virtually overnight Republicans and Democrats came together and passed the National Defense Education Act. Many of those students who have gone through the National Defense Education Act Scholarship Program serve in our Defense Department today with great success.

Today we have a similar challenge with globalization. Are we going to say it is business as usual, as this budget says, or are we going to say this is serious business? In a budget that reflects a nation's priorities, are we going to say we are sufficiently concerned about this kind of challenge that we are not going to hold the young people behind by denying them the opportunity to deal with the challenges of global education? That is what the amendment is basically about. That is why we strongly believe in it. It is clearly in the national interest. It is a reflection of what the priorities are for the American people. The American people understand the importance of investing in students and workers. It is key to their prosperity. We cannot have a competitive economy with breakthroughs in innovation unless we have highly skilled, highly trained individuals. If you look over the various scientific magazines you see that in the last twenty years the U.S. share of research articles has declined from 38 percent to 30 percent. Meanwhile, China's share of articles more than doubled. Other countries are investing in their young people, and the United States can't afford to fall behind in this regard. The challenge to the Senate is whether we are going to begin that process of investing in the young people of this Nation or whether we are going to be an also-ran Nation down the line.

I will include in the Record the names of the more than 100 groups that support this amendment. I ask unanimous consent to print that in the Record.

The being no objection, the material was ordered to be printed in the Record, as follows:

100 Groups Support the Kennedy-Collins Amendment

Association of Jesuit Colleges and Universities.*

American Association of Community Colleges.*

Coalition of Higher Education Assistance Organizations.*

National Council for Community and Education Partnerships.*

National Association of State Directors of Career and Technical Education.

National Association for College Admission Counseling.

National Women's Law Center.

National Alliance for Partnerships in Equity and its 30 members: American Association of University Women, Washington, D.C.; American School Counselors Association, Alexandria, VA; Barre Technical Center, Barre, VT; Bismarck State College, Bismarck, ND; Burlington Technical Center, Burlington, VT; Cape Cod Community College, W. Barnstabe, MA; Career Communications, Overland, KS; Center for Technology, Essex, Essex Junction, VT; Cisco Systems, Inc., Annapolis, MD; Cold Hollow Career Center, Enosburg Fall, VT; Douglas County School District, Highlands Ranch, CO; Educational Equity Consultants, St. Joseph, MO; Feminist Majority Foundation, Arlington, VA; GrayMill Consulting, Tehachapi, VT; Her Own Words, Madison, WI; MAVCC, Stillwater, OK; Mid-Atlantic Equity Center, Chevy Chase, MD; Minot Public Schools, Minot, ND; Missouri Gender Equity Program, Columbia, MO; National Women's Law Center, Washington, D.C.; Nontraditonal Career Resource Center, New Brunswick, NJ; North Dakota Department of Public Instruction, Bismarck ND; Northeast Community College, Norfolk, NE; Northern New England Tradeswomen, Essex, VT; Patricia A. Hannaford Career Center, Middlebury, VT; Project Lead the Way, Clifton Park, NJ; Randolph Area Vocational Center, Randolph, VT; TALL, The College of New Jersey, Ewing, NJ; Thompson School District, Loveland, CO; Tradeswomen Now and Tomorrow, Chicago, IL; West Virginia Women Work!, Morgantown, WV; Wider Opportunities for Women, Washington, D.C.; Williston State College, Williston, ND; Women Work!, Washington, D.C.

PIRG Higher Education.*

US Student Association.*

The Workforce Alliance.

Student Aid Alliance (66 Members): American Association of Colleges of Nursing; American Association of Colleges of Pharmacy; American Association of Colleges for Teacher Education; American Association of Collegiate Registrars and Admissions Officers; American Association of Community Colleges; American Association for Higher Education; American Association of State Colleges and Universities; American Association of University Professors; American College Personnel Association; American College Testing; American Council on Education; American Dental Education Association; American Federation of Teachers; American Indian Higher Education Consortium; American Jewish Congress; American Psychological Association; American Society for Engineering Education; American Student Association of Community Colleges; APPA: The Association of Higher Education Facilities Officers; Association of Academic Health Centers; Association of Advanced Rabbinical and Talmudic Schools; Association of American Colleges and Universities; Association of American Law Schools; Association of American Medical Colleges; Association of American Universities; Association of Catholic Colleges and Universities; Association of Community College Trustees; Association of Governing Boards of Universities and Colleges; Association of Jesuit Colleges and Universities; Citizen's Scholarship Foundation of America; Coalition of Higher Education Assistance Organizations; College Board; College Parents of America; College and University Personnel Association for Human Resources; Council for Advancement and Support of Education; Council for Christian Colleges and Universities; Council on Government Relations; Council of Graduate Schools; Council for Higher Education Accreditation; Council of Independent Colleges; Council for Opportunity in Education; Educational Testing Service; Hispanic Association of Colleges and Universities; Lutheran Educational Conference of North America; NAFSA: Association of International Educators; National Association for College Admission Counseling; National Association of College and University Business Officers; National Association of College Stores; National Association for Equal Opportunity in Higher Education; National Association of Graduate and Professional Students; National Association of Independent Colleges and Universities; National Association of State Student Grant and Aid Programs; National Association of State Universities and Land-Grant Colleges; National Association of Student Financial Aid Administrators; National Association of Student Personnel Administrators; National College Access Network; National Collegiate Athletic Association; National Council for Community and Education Partnerships; National Council of University Research Administrators; National Education Association; NAWE; Advancing Women in Higher Education; United Negro College Fund; United State Public Interest Research Group; United States Student Association; University Continuing Education Association; and Women's College Coalition..

*Also members of Student Aid Alliance.

Mr. KENNEDY. I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment is a classic tax-and-spend amendment of which we have seen a large number coming from the other side during markup. In fact, $133 billion in new taxes and $126 billion in new programs were offered by the other side. That is called growing the Government—dramatically. It is also called putting a lot of burden on people working to pay taxes.

This amendment is a continuation of that approach. The euphemism "loophole" is used to try to avoid the fact that what we are proposing is major tax increases to pay for this. If you are going to have a responsible budget, you have some budget discipline. You have set priorities. We have attempted to do that with this budget.

Certainly this Presidency has done a great deal in the area of education. The Senator from Massachusetts says we need a massive effort in the area of education. I would say adding $9 billion just last month into the higher education accounts is a pretty big effort. The Senator from Massachusetts voted against that. It was in the Deficit Reduction Act where we took a big chunk of money and put it into higher education. I believe $4.5 billion went to low-income students who were college bound. There was about $4 billion which went to reduce origination fees for students who want to go to college. Those are big numbers. And $1.9 billion went to people who were taking up special education as their vocation when they got out of college or math/science. There was loan forgiveness for those folks who decided to pursue those disciplines which are in great need. That was a huge infusion, and this administration supported that.

In general, this administration's support for education has been so much more dramatic than the last Democratic administration that it is almost embarrassing, I would think, for members of the other party to come to the floor and claim this administration hasn't done too much in this area when you consider what they have done in comparison to what the Clinton administration did.

This chart reflects that in dollar terms, the type of increases we have seen on an annual basis. You can see that the Clinton increases for title I, for example, were about a third of what this President did. Clinton increases in IDEA special education were about one-seventh of what the President has done. The Pell grants, this President has significantly increased Pell grant funding. The Clinton administration actually reduced it. And the total discretionary funding on an annual basis, this administration has added an annual $3 billion increase; the Clinton administration about half a billion dollars. Those are big numbers, a big commitment to education.

Yes, the President's budget, as it was sent up, in some of those accounts that have grown so dramatically did limit the rate of growth this year. But we actually adjusted that in our bill, and we have put another $1.5 billion into these accounts which is reasonable.

Of course, I have to emphasize that we don't actually control that number. That is controlled by the Appropriations Committee. All we do is control the top number. The Appropriations Committee makes the allocations. We have departed from the guideposts which the President put out there and put in some ideas of our own, but they will all be decided, of course, by the allocations made by Senator COCHRAN, chairman of the Appropriations Committee.

The number commitment which is shown by this chart is dramatic, and it is reflected in the fact that we just did a $9 billion infusion in the higher education accounts over 5 years, which is significant. Every time we have done a Republican budget, the Senator from Massachusetts has, in his own inimitable way, come to the floor and offered an amendment to dramatically increase spending. This year isn't any different. I am not surprised by the amendment. But I do think if you are going to have a disciplined budget, you have to live within the spending restraints with which you are confronted.

We have heard a lot from the other side about the failure to address the issue of debt. The failure to address the size of the Federal Government is what drives debt. If you are going to allow the Federal Government to grow by $6.3 billion, which is what this amendment does, if you are going to raise the cap so that spending is not limited but is suddenly exploded by $6.3 billion, you are going to aggravate the debt. You are going to pay for it with loophole closings, but we all know it is a little difficult to do that. The spending is easy, but the paying for it is hard. As a result, you will end up without any discipline.

This amendment is essentially an attempt to break the caps, to eliminate fiscal discipline, and to do it in account areas in which every account could use more money, but these accounts have not been underfunded. These accounts have been aggressively funded by this administration, especially in comparison with the prior administration. It is hard to argue that on top of these dramatic increases, the $9 billion which we specifically put in for higher education is not a fairly significant commitment—in fact, a very large commitment—to funding higher education. Where this money is going to flow, I am not sure. That will be the decision of the Appropriations Committee. But I am confident that, because year in and year out the Appropriations Committee has supported programs such as TRIO and GEAR UP, those accounts will be funded because we have adequate resources to do it.

I strongly oppose the amendment on the grounds that, A, it breaks the caps and therefore ends fiscal discipline; B, it is a tax-and-spend amendment in the tradition of some of our more liberal colleagues; and, C, it is spending money in accounts where we have already made very strong commitments as a party and as a Government under this President. Those accounts have received substantial increases and will continue to receive strong support.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Under the time agreement, the Senator from Massachusetts controls 15 additional minutes; the Senator from New Hampshire controls 23 minutes. Who yields time?

Mr. KENNEDY. I yield myself 1 minute and then I yield 10 minutes to the Senator from Maine.

I quickly want to respond to my colleague from New Hampshire. When you say there was $9 billion in aid added last month to higher education, this includes 3.7 billion for a grant program that only helps ten percent of students who need it. Most of this $9 billion helps banks, not students. The $6 billion increase for the Pell grant that I supported and worked on with the Chairman of the HELP Committee was jettisoned completely in the Senate bill. Instead there was no additional grant aid for 90 percent of poor students, and this is at a time when 400,000 students would like to go to college, are ready to attend college, but can't because of cost. Now I will yield to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 10 minutes.

Ms. COLLINS. Mr. President, I am very pleased to join my colleague from Massachusetts in sponsoring this important amendment. I want to recognize that the Senator from New Hampshire is a longtime champion of education programs and, indeed, under President Bush, education programs have received considerable additional spending. But we can and we should do more. There is no greater investment in the future of this country than to invest in the education of our young people. This amendment would restore cuts and increase funding for absolutely critical education and job training programs in this budget.

Let me talk about some of those programs. Let's begin with the Pell Grant Program. Pell grants go to our neediest families. The average income of a family whose student is receiving a Pell grant is only about $16,000 a year. We are proposing to provide a $450 increase in the Pell grant maximum award. That would increase it from $4,050 to $4,500.

The maximum award has not been increased for 4 years, while the cost of higher education has skyrocketed. Let's look at the impact on students.

In 1975, the year I graduated from college, the amount of the maximum Pell grant award was sufficient to cover approximately 80 percent of the average costs of attending a public 4-year institution—80 percent. Today it covers less than 40 percent of those costs. That disparity means that higher education is further and further out of reach for too many low-income students.

Let's talk about the impact of another program. It is the TRIO Programs, the aspirations-raising programs. I know firsthand what a difference these programs make in my home State of Maine where too few families have experience with higher education and, thus, their children find higher education to be something unknown or something they are not sure they can handle.

These aspiration-raising programs give the mentoring assistance, the encouragement, the help that is needed so that talented young people realize that higher education is within their grasp.

The Upward Bound Program is a wonderful program that has changed so many lives. Just yesterday, I talked with a student from the University of Southern Maine who told me that but for the TRIO Programs, he would not today be in college.

The GEAR UP Program has been very successful in my State. I have met with members of the University of Maine at Farmington GEAR UP partnership which partners with the middle school in Dicksfield, ME. Listen to these results and I think it will help convince my colleagues of the need to maintain an increased funding for this important program.

When this middle school first got its GEAR UP grant in 1999, only 37 percent of the graduating high school students went on to postsecondary education—only 37 percent. But last June, the first group of students that had gone through the GEAR UP Program graduated. Mr. President, do you know how many of them went on to higher education? More than 82 percent. What a difference this program has made. It doubled the number of students going on to higher education. It has completely changed the aspirations of students growing up in this small rural community in western Maine.

Another important restoration in the Kennedy-Collins amendment is for vocational education under the Perkins program. Again, I have seen firsthand the incredible results of Federal investments in vocational education. The United Technology Center in Bangor is a wonderful example of a regional technical high school that encourages students to stay in school, to expand their horizons, and to gain new skills.

I visited the United Technology Center twice and, believe me, the Federal funding, the $171,000 that this school receives, is making all the difference in the lives of the students enrolled there. I saw an excitement about learning. I talked to students who told me that the standard high school curriculum didn't reach them. They are learning so much in this vocational education setting, and that Federal investment, again, changes lives.

I hope very much that we will adopt this amendment. The budget is all about setting priorities, and surely—surely—in this country we can make the investments we need to help our neediest students pursue higher education, to help families who may not have the experience of going on to college so they receive the encouragement, mentoring, and support they need, and to help our vocational education programs.

Finally, my State has seen a real loss of manufacturing jobs in the past decade. The workforce investment training programs have been essential in helping displaced workers start new careers and new lives.

I hope we will adopt this amendment. I think it will make a great deal of difference to individual families, to our States, and to our economy.

The PRESIDING OFFICER (Mr. BURR). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I am not sure what budget the Senator from Maine is talking about, but it is not the budget we brought to the floor as a Republican Senate. The budget that was reported out of committee by the Republican membership funds vocational education. The President's may not have, but our does, and there is $1.4 billion in the budget for that program. We actually put in money that would allow the TRIO Program, the GEAR UP Program, the LEAP Program, and the Perkins loan programs to be increased if the committee wants to do that. We added $1.5 billion of additional funding.

What the Senator from Maine and the Senator from Massachusetts are suggesting is that we should blow the caps by $6.3 billion, raise taxes by $6.3 billion, and do that to fund accounts which already have received significant dollars and which are going to continue to receive significant dollars.

As I mentioned, the higher education funding has received a $9 billion infusion just by the passage of the reconciliation bill in February which was voted against by the Senator from Massachusetts.

This budget has a very strong commitment to education, as have budgets that have come before this body, as has this President who has done more for title I, IDEA, and Pell grants by a factor of three, four, five times what the prior administration did and has made a stronger commitment in the education accounts than probably in any other account, with the exception of accounts necessary to fight the war on terrorism that are discretionary.

It does seem to me a bit over the top to say that within the number $873 billion, which is what we are already spending in discretionary money, there is no ability to adequately fund education in light of the track record that we have funded education very well.

I yield 5 minutes to the Senator from New Hampshire, Mr. SUNUNU.

Mr. SUNUNU. Mr. President, I rise in opposition to the amendment. The senior Senator from New Hampshire I think has laid out a very strong case for why this amendment fails to enact the kind of basic fiscal restraint, basic fiscal responsibility that is essential—essential in this particular time and place in our country's history, but I think essential at any time exercising that financial responsibility on the behalf of the taxpayers.

I wish to talk, though, about the broad failings of this amendment, and I am concerned that we are going to see similar failings in amendment after amendment offered in this debate. This amendment fails on a number of counts.

First, to pick up on the point that was made by the committee chairman, there is a complete failure to recognize the additional funds and resources that are already part of this budget, the additional funds in the education account that have been made available for vocational education, for TRIO, for Perkins, depending on what the priorities and desires and goals of the committees of jurisdiction are.

By offering this amendment, the suggestion is that those resources mean absolutely nothing in this debate, that we cannot possibly get the job done with the allowances made in those areas, and I think that suggests either a lack of leadership within the Congress or the Senate on those particular areas, a lack of confidence in the committees of jurisdiction to do their job, or a lack of homework being done to understand how much has been made available in the last several years and what resources are actually available.

Second, this amendment carries with it a suggestion that under no circumstances should any program in the education accounts ever be eliminated or redirected to better use those resources elsewhere. I think anyone outside of Washington who hears that statement—that no program should ever be eliminated, no funds should ever be redirected—would think that cannot possibly be so; people within Washington, within the beltway, within the Senate cannot possibly think in those terms. But, unfortunately, this amendment makes plain they do think in those terms and, in fact, some legislation now being proposed in this very area creates 10 or 15 new education programs without looking at what exists currently and trying to find a way to better use those dollars.

It is unfortunate because it does those who are in the greatest need of these kinds of programs, support, and services an injustice because we don't want to do the hard work of oversight, of looking at when programs were created and how funding can be better used.

In the case of TRIO, for example, which has been mentioned, it is a worthwhile program, it is a program I have supported, but I have always made clear that I am willing to look at other programs in the Department and redirect funds and redirect resources to make sure a worthwhile effort such as TRIO gets the resources it needs.

So, one, there is no regard made for the resources that are actually in the budget.

Two, there is the suggestion that we couldn't possibly ever modify or eliminate a program to get more resources into the areas targeted by this amendment.

Three, there is the suggestion that we couldn't possibly redirect resources in any other part of the budget to education, that we wouldn't want to touch something politically sensitive such as agricultural subsidies, such as spending subsidies for fossil fuel, oil and gas research and development, which we greatly expanded in the Energy bill that was passed last year. No effort has been made to honestly identify areas that should be a lesser priority than those targeted by this amendment.

Fourth is the assumption that seems all too common, that if we want to spend more money, we should just raise taxes. We can talk about loopholes all we want, but the fact is, it is a tax increase, and they are tax increases that may have been passed in the United States Senate but were not signed into law, were not supported in the other body, and have little or no likelihood of ever making it through. So I think throwing out a tax increase in an effort to make an amendment budget neutral when you know those resources are never going to be delivered is deficit spending, pure and simple. It is wrong, it is not fiscally responsible, and it should be rejected.

Budgets are about setting priorities. We can do a better job, a more honest job of setting priorities. I am always willing to look at redirecting resources, whether it is from within the Department of Education to things that should be a priority, whether it is from other programs to this. If we are not willing to do that, we shouldn't be willing to vote for amendments that blow the budget caps.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 6 minutes remaining.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from New Jersey and 1 minute to the Senator from Maine.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 4 minutes.

Mr. MENENDEZ. Mr. President, I rise in support of the Kennedy-Collins-Menendez amendment. It is an amendment that sends an important message to our Nation. Yes, budgets are about values and priorities. We tell our children in this country that education is a fundamental value that is of the highest importance, and then we submit a budget that speaks of much different values than that which, in fact, we hold up to our children.

If this amendment is passed, it says: If you work hard, if you are aiming for a goal, we will help you achieve it. It says no matter the happenstance of where you were born, the station in life into which you were born, we will give you the opportunity to fulfill your God-given potential. That is what this amendment says. It says we are willing to make the investments necessary in our young people to strengthen our country's future.

However, the budget before us does none of those things. I sat as a member of the Budget Committee listening through this process and, I must say, eventually cuts have to come from someplace. The suggestion that everything is in the education budget that we have had in the past is simply not reality. At the end of the day, we are still over $700 million short in higher education than from where we were. It does nothing to increase the maximum Pell grant, and we can see from this chart no matter what we talk about in terms of how we try to portray the numbers, there is one unmistakable fact: In the cost of attendance at a 4-year college institution, at a public college, versus the ability of what you can maximally achieve with a Pell grant, there is a huge gap, and that gap has continued to grow. So what we are telling our young people is, yes, education is a value, a higher education, college education degree is incredibly important for your own fulfillment, for the Nation's success in a global economy, but, sorry, we are just largely not going to help you. You are going to have to do that on your own. You are going to have to borrow and graduate under a mountain of debt. That is not a value that I think Americans share. They want to see the fulfillment of their children's potential realized.

So this does nothing to increase the maximum Pell grant, which will be frozen for the fifth year, and will decrease the actual real dollars in values as it has over the last 4 years. It does nothing to increase work-study grants, which will mean 1,000 fewer students will receive awards next year. It would take away low-cost loans in terms of the underlying budget for nearly a half million low-income students, loans that are forgiven—forgiven—for those who are serving in vital public service sectors such as teachers, nurses, law enforcement, or military officers. It will mean that more than 1.5 million low-income students would lose out on early intervention and college preparation programs that help make sure they are enrolled in and graduate from college.

That is why I am proud to be offering this amendment with my distinguished colleague and a tremendous leader on education, Senator KENNEDY. I am also glad to be joined with Senator COLLINS in this effort. This amendment provides a real opportunity to change the course of events for our Nation and to meet our competitive future.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. COLLINS. Mr. President, the need to more widely invest in education is widely recognized by our Nation's employers. We have seen recent studies by the National Academy of Sciences warning that our country is losing its edge in math and science education. We have seen employer groups such as the National Association of Manufacturers call for greater investment. We have the opportunity to answer those calls by approving this amendment.

Prior to my election to the Senate, I worked at a college in Maine, and I saw firsthand how vital these Federal programs were. I hope we will adopt the amendment. It will make a difference to our families, our States, and our Nation.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Massachusetts.

Mr. KENNEDY. How much time remains on either side?

The PRESIDING OFFICER. The Senator from Massachusetts has 50 seconds remaining. The Senator from New Hampshire has 15½ minutes remaining.

Mr. GREGG. Mr. President, there is an inconsistency in the argument coming from the other side of the aisle. The Senator from New Jersey and the Senator from Massachusetts argue that we need a significant infusion of funds into higher education funding to assist students going on to college. Yet they both voted—I believe the Senator from New Jersey, in the House at the time, and the Senator from Massachusetts, in the Senate—against the deficit reduction bill which included a $9 billion infusion into higher education. That was a big number.

The argument that Pell grants haven't been increased flies in the face of the fact that we have created a new account which actually allows up to $8,000 of the cost for a low-income individual to go to college, to be reimbursed on the basis of the Pell structure, and as a result those funds which weren't available prior to the deficit reduction bill are available today. That is $8,000 for low-income students who pursue certain types of disciplines that they can get.

In addition, our commitment as a Federal Government since President Bush took office has been dramatic in the area of title I. These are the numbers. They have gone up exponentially—exponentially—under President Bush. Look at what they did under President Clinton. They just crept along. They just crept along. President Bush came into office and we increased them dramatically.

What about the IDEA? IDEA funding, once again, under President Clinton, just crept along. When President Bush came into office they increased dramatically. Massive increases in funding in IDEA, massive increases of money in title I, massive increases of money going into higher education accounts to assist people wanting to go to college. Not enough. Not enough. You have to come here and propose an amendment which breaks the caps and ignores the fact that we put an extra $1.5 billion into these education accounts over what the President requested with our budget and ignore the fact that we fully funded the vocational accounts over what the President requested and say, no, we have to raise taxes by $6.3 billion and raise the caps by $6.3 billion. Tax and spend.

I have to say this President has had a commitment to education which has been unique in the history of this country relative to dollars, relative to philosophy, and relative to results. I take a back seat to no one on funding education in this institution, and I believe we have a record to stand by, and this budget continues that record.

I yield the remainder of our time to the Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the distinguished chairman of the Budget Committee. First of all, let me try and set up my remarks. I chaired the State Board of Education in the State of Georgia from 1996 to 1998, which is a period of time during the last administration. When I heard some of the speeches this morning about our commitment to education and about this budget, I found myself compelled to come to the floor and maybe add a perspective that might not yet have been heard on some of the comments that were made.

First of all, I commend Senator GREGG and the committee on what they have done. As the Senator said as he left a minute ago, this represents a

$1.5 billion increase over the President's budget for education. When this Education bill passes this year in the appropriations act, we will have increased Federal spending on education by 33 percent since the election of President Bush. It is unprecedented in the history of this country, our commitment to elementary and secondary education.

The Senator from Massachusetts made a comment about the Pell grants. He said: Well, you will hear us say that we are really spending more on Pell because there are more students receiving them. And his comment was—and I wrote it down: Well, there are more poor children receiving Pell money. That is why there is more money going out.

There is a phrase that was left out of that. Today, there are more poor children qualifying for higher education, and that is a good thing, not a bad thing. That is why more money has gone out while the level of Pell funding might not have been raised from the $4,050 level.

In fact, this President's commitment to leaving no child behind, seeing to it that students can read and compute math at grade level and can go to high school ready to learn in the sciences and those other areas that are a prerequisite for a postsecondary education, no administration ever in the history of this country has made the commitment this one has.

With regard to the comments on Perkins—and I am a big Perkins person. I will tell you now, I will be on the floor of the Senate when the appropriations bill comes through fighting for Perkins money. But the illusion was created that the President zeroes out Perkins. Perkins is a discretionary program. Perkins was not delineated in last year's budget resolution, but it was fully funded in the appropriations act. So anyone who says this budget cuts out Perkins is making the assumption that of the $1.5 billion in increased funding that we are going to spend in this budget resolution, none of it would be appropriated by this Senate to go to Perkins.

Let me tell you how bad that is in terms of an idea. Last year, the budget read exactly the same way, and this Senate, by a vote of 99 to 0, funded Perkins. So this budget resolution gives a $1.5 billion increase in discretionary spending so that programs such as Perkins, which are not delineated because they are not mandatory in the budget resolution, are funded in the appropriations act.

But let us get to mandatory. IDEA is kind of my special passion. Children with disabilities is something I have worked on all my life. I married a special education teacher. I married a special education teacher 10 years before Public Law 94-142 was passed, which was the Special Education Act that really put in the mandates that today are IDEA. And for years, this Congress and this Nation mandated on our local governments that they spend 40 percent more per FTE, full-time equivalent, on a special needs child than they did on an average child or a nonspecial needs child. Yet we funded none of it. For years we funded none of it.

Under this administration, we have gone from funding what was about 10 percent when the President was elected, to where now we are almost to half of that 40 percent mandate or 20 percent in total of the FTE the Federal Government is funding. In this budget resolution, as a mandatory item, there is inclusion from now through 2011 for that commitment to IDEA and to children with disabilities to increase so that we meet the Federal promise made over 30 years ago, or almost 30 years ago. So we shouldn't play word games.

I will be the first person to tell you that I will be on the floor with the appropriations bill fighting for pieces of that $1.5 billion increase to go to enhanced programs such as Perkins. I believe in our commitment to the less fortunate, whether they be disabled or whether they be in poverty, and I was proud to be one of the coauthors of No Child Left Behind which, in and of itself, is a commitment to our title I children who are free and reduced lunch children and, in fact, our children most in need. But we should not characterize this budget as cutting short a commitment to America's children but, rather, a reaffirmation of a commitment that was made in 2001 and has continued to result in a 33-percent increase in the investment in our children.

One last point. I didn't hear this said, but I know I will hear it said before this debate is over, or certainly before the appropriations bill passes. We do two things in the Congress of the United States. We authorize and we appropriate. A lot of times because of the public misunderstanding of the difference between the two, people will say we are cutting short our commitment to this or to that or the other because we authorized X but we appropriate Y. Well, from defense to education to everything in between, we always have an authorization that is higher than the appropriation, but the appropriations for education are not in this budget resolution. It does not portend a reduction but an increase—in this case, $1.5 billion, and in the case of education, 33 percent in the first 5 years of this President of the United States, the President who declared and this Congress affirmed that we shall leave no child behind.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. The Senator from Maine, Ms. COLLINS, the Senator from New Jersey, and myself understand that we are facing a worldwide challenge. That is not just what we are saying; that is what the Academy of Sciences is saying, the Academy of Engineering is saying, the Institute of Politics is saying, National Association of Manufacturers, Council of Competitors. You can't do business as usual. The rest of the world is playing for keeps. The question is whether we will or not. When we faced the challenge of Sputnik, America responded and doubled its involvement in education. We are facing a worldwide challenge now, and we believe these investments will make sure we move toward the goal of maintaining the United States as No. 1. Anything else will put us behind.

I believe my time is up.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

The Senator from New Hampshire.

Mr. GREGG. I appreciate the Senator's passion. I just wish he had been there when we voted on the deficit reduction bill and we put $9 billion in student assistance and increased the Pell grant concept $8,000 per student, students with low income to pursue academic careers which are needed in this country so we could be more competitive.

As I have mentioned before, the numbers are pretty staggering, what we put into education accounts, and this budget puts in another $1.5 billion over what the President suggested, although again it is not binding. Nothing we do in this budget is binding in a specific account. The only binding number we have and we should keep is that top line on the issue of how much we are going to spend as a Government. I would say not only is it important to pass along good education to our children, but it is also important to pass along a healthy economy to them and a nation which they can afford to live in. But raising their taxes as this amendment does is not going to make us more competitive or make them have a better lifestyle. It means they end up paying more taxes. Not living within your budgets is not a good idea for government, it is not a good idea certainly for students, and I think this amendment sets a bad precedent. It establishes a precedent of saying, well, we will just blow the cap off with either higher taxes or more debt. It is a very inappropriate approach and certainly unfair to those kids who want to go to college and have a country they can afford to live in and be able to make a decent living in and not have to pay too much in taxes.

This amendment, in my opinion, is excessive, inappropriate, and clearly, as a result of busting the budget, is not constructive to fiscal responsibility and to maintaining fiscal discipline here at the Federal level.

Now I would yield back the remainder of my time. I understand the next amendment will be offered by the Senator from Rhode Island.

The PRESIDING OFFICER. The next amendment is to be offered by the Senator from Rhode Island.

Mr. CONRAD. Mr. President, might I ask my colleague from Rhode Island if we could allow Senator KENNEDY to pay respects to Maggie Inouye for 1 minute? We will extend the time of the Senator appropriately.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KENNEDY. I thank my colleagues.

(The remarks of Mr. KENNEDY are printed in today's RECORD under "Morning Business.")

AMENDMENT NO. 3014

Mr. CHAFEE. Mr. President, I call up amendment 3014 which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 3014.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for part B of the Individuals with Disabilities Education Act)

On page 18, line 24, increase the amount by $2,000,000,000.

On page 18, line 25, increase the amount by $40,000,000.

On page 19, line 4, increase the amount by $1,320,000,000.

On page 19, line 8, increase the amount by $600,000,000.

On page 19, line 12, increase the amount by $40,000,000.

On page 27, line 23, decrease the amount by $2,000,000,000.

On page 27, line 24, decrease the amount by $40,000,000.

On page 28, line 2, decrease the amount by $1,320,000,000.

On page 28, line 5, decrease the amount by $600,000,000.

On page 28, line 8, decrease the amount by $40,000,000.

The PRESIDING OFFICER. Under the order, the Senator from Rhode Island is recognized and in control of 30 minutes and the opposition controls 30 minutes.

Mr. CHAFEE. Mr. President, I further ask unanimous consent that Senators HAGEL, COLLINS, KOHL, COLEMAN, and ROBERTS be added as cosponsors if they are not already so listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I rise today to offer an amendment that moves us closer to honoring the promises we made when we enacted the Education For All Handicapped Children Act of 1975 which later became the Individuals with Disabilities Education Act or IDEA. IDEA has its genesis in the Supreme Court's decision in Brown v. Board of Education in 1954. As we all know, this decision declared separate but equal is inherently unconstitutional. Prior to 1975, it was estimated that 2 million young people either were not receiving any public educational services or the services they were receiving were inadequate.

Based on the Supreme Court's decision in Brown v. Board of Education, parents of disabled children sought redress through the courts. In 1972, the District Court of the Eastern District of Pennsylvania in PARC v. Pennsylvania and the U.S. District Court of the District of Columbia in Mills v. Washington, DC Board of Education applied the principle in Brown to the education of disabled children. As a result, States felt compelled to provide educational services to individuals with disabilities and sought the Federal Government's help in providing those services.

On November 18, 1975, the House of Representatives passed the Education for All Handicapped Children Act by a vote of 404 to 7. The Senate followed the next day by passing the bill by a vote of 87 to 7. They were overwhelming majorities, as they should have been.

As it was enacted, IDEA mandated that States provide public education to all children, and it also must provide a free appropriate public education to special needs students. In return, the Federal Government promised to pay 40 percent of the per-pupil expenditures for students with disabilities. Unfortunately, we have failed to fulfill our promise to this program. We have made great strides since 1995 when we were contributing just 7.3 percent of the cost. I would like to say a little bit about who pays these costs. There is a lot of talk in this Chamber about income taxes and marginal rates and dividend taxes and capital gains taxes. There is not enough talk in this Chamber about property taxes and that these special education costs are borne by the property tax payer. Now, the income tax—obviously you pay more the more you make no matter what the percentage. The more you make, the more you pay. The less you make, the less you pay. If a streak of bad luck hits and you unfortunately lose your job, you pay less income tax. The same thing with a sales tax. You don't have to buy the deluxe model, whatever it might be. You can buy the economy model and pay less sales tax. If you want to buy a Cadillac, you pay more sales tax. If you buy a Chevrolet, you pay less sales tax. That is your choice. But with property taxes, they are always there. You lose your job, that property tax is always there. And for many people, even if they have paid for that house, their castle, whatever it might be, their 2-bedroom castle, 10-bedroom castle, those property taxes are still there. And if an area gets gentrified or increases in value, sometimes those property taxes can soar. So for people on fixed incomes in particular, this is a very difficult tax, especially compared to income and sales taxes. And this IDEA is borne by the property tax payer.

In fiscal year 2005, we were providing 18.5 percent—far from the goal of 40 percent for IDEA—and last year, we actually regressed. We went down to only 17.8 percent of our promised 40 percent for IDEA—contributing only 40 percent. We are not to 40 percent of these special education costs which are borne by the property tax payer. Essentially what these percentages mean is this: For fiscal year 2006, we provided $10.5 billion for part B grants to States, and our Federal share last year should have been $23.8 billion—far, far away from our goal. In fiscal year 2007, the President has proposed a $100 million increase. Our estimated full funding cost is $25.1 billion. Under this proposal, we fall further behind, and my amendment would increase funding by $2 billion and have the Federal Government pay at least half of what was promised or 20 percent. We are only going half of what was promised back in 1975.

Mr. President, our budget decisions have real-life consequences for our constituents. The burden of the Federal Government's failure to live up to its promises as I said is borne by these property tax payers. Full funding of IDEA is not a choice for State and local schools; it is a mandate. Schools are the largest cost to property tax payers; sometimes as much as 80 percent of the municipal cost is borne by its tax payers. It is usually above 50 percent. For any municipality all across the country, the most rapidly increasing school costs are in special education.

Listen to this. In North Providence, while general school spending has gone up $11 million or 19 percent over the last 5 years, special education has gone up $7.5 million or 74.9 percent in 5 years. And this is typical. That is just one town in Rhode Island, North Providence, RI. General school spending has gone up 19 percent over 5 years, special education has gone up 74 percent. And that is typical.

The Federal Government has an obligation, as we set forth in 1975, to help with these rising costs. That property tax is a tough tax to pay, as we all know. The IDEA burden on school districts is increasing because the costs are rising the more we learn about children's disabilities. We are getting better at diagnosing, but that is why these costs are increasing so much.

Mr. President, I thank the chairman for his continued leadership on this issue. I also thank Senators COLLINS, KOHL, COLEMAN, and ROBERTS for their support.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. CONRAD. Mr. President, let me just say——

The PRESIDING OFFICER. Is the Senator from North Dakota speaking in opposition to the amendment?

Mr. CONRAD. Mr. President, I am just going to take time off the amendment on our side, not speaking in opposition. I do want my colleagues to know what is occurring here. I entirely agree with the Senator from Rhode Island in terms of his priorities, in terms of additional funding for IDEA. I just want to rise and make the point that I made on the previous amendment that used section 920 funding.

The problem is there is no 920 money available. In fact, if we look at the budget, we see that 920 is already $500 million in the hole. So the result of this amendment, which seeks to add $2 billion, is really a nullity because what it is going to do in terms of what the appropriators see is on the one hand they will get $2 billion, on the other hand $2 billion will be taken away. So what happens, what do the appropriators do? We don't know what they will do. They could add $2 billion to this account and take $2 billion from other accounts. They could. They could just wind up doing nothing.

That is the reality of the budget resolution. I know it is confusing to people. But I am entirely in sympathy with the Senator from Rhode Island in what he is seeking to do in terms of adding funding. The problem we have is using 920 as the function to fund these things because there is no money there. It is an across-the-board cut, and the appropriators will see no real increase. This becomes more than anything a statement of what one wants to accomplish. But the hard reality here is there is no 920 money available. It will have to be an across-the-board cut, however the appropriators determine to make it. There is no new money here.

I yield the floor.

Mr. GREGG. Mr. President, will the Senator from Rhode Island yield?

Mr. CHAFEE. Yes.

Mr. GREGG. Mr. President, first I want to congratulate the Senator from Rhode Island. I think this is a good amendment, and it is done the right way. He has basically come to the conclusion—and a lot of us agree—that IDEA could use some more money, that there is an unfunded mandate.

There are some issues here, of course, as to whether, like a dog chasing its tail, we can ever catch up with the level of Federal funding that should be in IDEA because some States in some ways are overcoding too many kids in the system. But that is a debate for another time.

We have already tried to address that in the most recent IDEA reauthorization. But his initiative of putting $2 billion into this account is an appropriate one and he has done it the right way. He basically says within the budget we are going to set the priorities working with a spending cap. He is saying let us do it as an across-the-board cut and put the additional money we would have into the IDEA account. It is a legitimate way to approach this 920 act because it actually delivers the message which the Senator from Rhode Island wishes to deliver, and as it is executed the Appropriations Committee would actually get the money over there into that account with an across-the-board cut.

The argument which is made is, Well, this has no substance because the 920 account is going to be left up to the appropriators as to whether they would take the approach of the across-the-board cut, which is equally applicable in moving this budget, other than the top line cap number. The top line cap number, which is $873 billion, is the only number in this budget that has force of law. Everything else below that—$400-plus billion that we have allocated in this budget theoretically to defense, an extra $1.5 billion we put into education, the money we put into health care, the money we put into environmental protection—all of those are suggestions essentially to the appropriate committee, which is the Appropriations Committee in this context, in the discretionary account. They may or may not follow it.

But I think the Senator from Rhode Island is bringing this forward in a way which is responsible, staying within the caps provision increase, and proposing an across-the-board cut to pay for it. He is giving responsible suggestions to the Appropriations Committee, which is all the budget does, anyway. It gives suggestions, and they have no binding effect other than the top line cap number, as I mentioned before. I congratulate him on the proposal. Considering the cards which we played, which were dealt relative to the budget, he is doing it in the proper way.

We all recognize that there is a certain illusoriness to all of these numbers because they do not have the force of law. But even the amendment offered by Senator KENNEDY has no impact other than to raise the cap by $6.5 billion. It doesn't raise taxes. He claims it does. But we have no authority to raise taxes in this resolution, and we are certainly not doing anything that would legally bind the Finance Committee to raise taxes. All he is doing is raising the caps by $25 billion. That could be spent on defense, all of it, if the Appropriations Committee wants to do that. He is suggesting that it be spent somewhere else.

The Senator from Rhode Island is at least doing it the right way, which is living within the spending priorities which will make the Government fiscally responsible on the discretionary side of the ledger, but within those let us allocate some more money for IDEA. He has a good proposal. It is the way it should be done. I congratulate the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, will the Senator yield for a question?

Mr. GREGG. Certainly.

Mr. CHAFEE. Mr. President, the State of New Hampshire doesn't have an income tax or State sales tax. All of its revenue is generated by a property tax. Am I correct?

Mr. GREGG. We do have a State corporate income tax but all of the school funding in the State essentially is generated by local property taxes—the vast majority of it. There is a sliver of it that comes from the State government but it is not a significant amount in the treasury overall.

Mr. CHAFEE. Does the Senator hear from his school committees and local councilmen about the rising costs of special education and the difficulty that places on the property tax payer?

Mr. GREGG. Mr. President, there is no question that the Senator from Rhode Island has touched on an important subject with this amendment, which is the fact that the Federal Government has never fully lived up to the commitment to special education as initially made. We have made dramatic progress under this President, especially in comparison to the prior Presidency. We are almost up to 20 percent of funding. But there was an original commitment of 40 percent. Certainly every community in New Hampshire—and I am sure Rhode Island—feels they have to pick up a Federal share from here and take it from some other part of the education which they think is important in order to pay the Federal share of special education.

Mr. KOHL. Mr. President, I rise today in support of the Chafee amendment, of which I am a cosponsor.

Prior to the enactment of IDEA, students with disabilities were too often left out of our public education system. Today, IDEA is making sure that they have the same access to a high quality education and a real chance to live successful, productive lives—as their peers. Yet year after year, school districts in Wisconsin tell me that IDEA needs more funding. This year's budget is especially worrisome. It proposes to cut the Federal share of IDEA costs from 18 percent to 17 percent. That is less than half of the 40 percent "full funding" level that Congress committed to paying when IDEA was first adopted 31 years ago.

I believe that a budget resolution serves as a statement of our Nation's values and priorities. Even though this amendment will not provide the funding increase needed for special education, it states in no uncertain terms that our Nation's priority must be to fully fund special education. I support the Chafee amendment and expect to support additional IDEA amendments that will go a step further and provide real increases for this important program. I hope my colleagues will join me in making a strong statement in support of special education as a top priority.

The PRESIDING OFFICER. Does the Senator yield the remainder of his time?

Mr. CHAFEE. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota controls the time in opposition, 28 minutes. Does the Senator wish to use any of that, or does the Senator yield that time?

Mr. CONRAD. Mr. President, for a moment, let me consult with the chairman and bill manager. Let me take one moment to consult with him and see how we might proceed.

I ask if the Senator from Rhode Island would be prepared to yield back his time.

The Senator has already yielded the time. I am prepared to yield back the time on our side as well.

Let me say that it would be very helpful, if Senator BURNS and his staff are listening, if he could come and do his amendment next—I know it is not scheduled until 1 o'clock—so we are using the time efficiently here on the floor.

With that, I yield my time on the Chafee amendment.

Mr. GREGG. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be allocated equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, it might be useful to use this time to alert our colleagues on where we are. We will have six votes at roughly 3 o'clock. At 1 o'clock Senator BURNS will offer his amendment on veterans, and then Senator AKAKA will offer his. I urge colleagues to be alert to what is actually occurring on the floor. It may be that we will have other circumstances in which the full time is not used.

If Senators are in the queue, it would be very helpful if they can be prepared to come if all time is not used on an amendment.

The other thing I want to make certain colleagues understand is right now we have over 100 amendments pending. Let me repeat that. We have over 100 amendments pending. We know we can do three amendments an hour when we are voting. If we were to vote starting now on all of these amendments, it would take 33 hours of straight voting. And we are not done debating amendments yet.

Colleagues need to understand exactly where we are. If we play this out, if everybody insists on their amendment, we are going to be here probably until the wee hours of Saturday morning. We will be here all day today, on into the night, all day the next day, and all day the next day. We won't complete business until some time Saturday morning in the wee hours. That is where we are headed.

The chairman and I are asking Members to take shorter time agreements. We will ask the next sponsors of amendments to take half an hour, equally divided. If Members could take less than that, please do so. Remember, the alternative is to be in vote-arama where Members get a minute per side.

The only conceivable way we get done Thursday night is No. 1, Members take short time agreements; No. 2, some Members reserve their amendments and save them for another day or another vehicle.

That is where we are. Colleagues should know that. I hope very much colleagues and their staff understand the posture of the Senate. If we do not find a way to get cooperation from Members on taking short time agreements, if we do not get agreement from Members on restricting the number of amendments, we will be here until some time early Saturday morning. Do the math. It is inescapable that is the case.

With that, I hope Members will take this opportunity. If colleagues want to speak on the budget, we have time now until 1 o'clock. At 1 o'clock the next amendment will be offered. It will be Senator BURNS on veterans. There is time now. We have half an hour. I hope colleagues will use that time so it is not lost.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2999

Mr. BURNS. Mr. President, I rise today to offer an amendment and to speak on the budget. I congratulate my good friend from New Hampshire who has had this job, and my good friend from North Dakota.

The PRESIDING OFFICER. Does the Senator intend to send an amendment to the desk?

Mr. BURNS. I ask unanimous consent the amendment now before the Senate be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent my amendment which is at the desk be called up.

The PRESIDING OFFICER. The clerk will report.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report. The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself and Mr. CHAFFEE, proposes an amendment numbered 2999.

Mr. BURNS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide increased funding for veterans health programs, and to negate the need for enrollment fees and increase in pharmacy copayments)

On page 23, line 24, increase the amount by $823,000,000

On page 23, line 25, increase the amount by $733,000,000.

On page 24, line 3, increase the amount by $854,000,000.

On page 24, line 4, increase the amount by $845,000,000.

On page 24, line 7, increase the amount by $888,000,000.

On page 24, line 8, increase the amount by $880,000,0000.

On page 24, line 11, increase the amount by $923,000,000.

On page 24, line 12, increase the amount by $914,000,000.

On page 24, line 15, increase the amount by $958,000,000.

On page 24, line 16, increase the amount by $949,000,000.

On page 27, line 23, decrease the amount by $823,000,000

On page 27, line 24, decrease the amount by $733,000,000.

On page 28, line 1, decrease the amount by $854,000,000.

On page 28, line 2, decrease the amount by $845,000,000.

On page 28, line 4, decrease the amount by $888,000,000.

On page 28, line 5, decrease the amount by $880,000,0000.

On page 28, line 7, decrease the amount by $923,000,000.

On page 28, line 8, decrease the amount by $914,000,000.

On page 28, line 10, decrease the amount by $958,000,000.

On page 28, line 11, decrease the amount by $949,000,000.

The PRESIDING OFFICER. The Senator from Montana is recognized for 30 minutes. Under the order, time is equally split, 30 minutes to the Senator and 30 minutes to the other side.

Mr. BURNS. Mr. President, I rise today to introduce this amendment.

but first I congratulate the managers of this bill. It is their responsibility to hammer out a budget in very difficult times. I cannot think of two managers who are more capable of doing this.

I understand the need to hold the line in discretionary spending and to make some reasonable modifications to a lot of programs. I support those goals. We need to get a handle on Government spending, but in doing so, we have to make sure we do not ask some folks to bear more than their fair share when it comes time to cutting back.

I speak in two areas today, one in agriculture and agricultural programs. Right now, it has been forecast there will be some cuts there. We want to make sure those are moderated or do not happen. We have a situation in agriculture right now where with the unprecedented amount of dollars we are spending on energy and fertilizer costs, the farm is in dire trouble. We will be talking about that later. In fact, next year when we redo the farm bill, that will be the proper time to start talking about any kind of cuts or modifications to agriculture.

The amendment I am offering today, along with Senator CHAFEE, is designed to ensure that the U.S. Government keeps our promise to our veterans. There is nothing more important to the American people than this particular item in our budget.

The VA budget proposes $795 million in savings by increasing fees placed on Priority 7 and 8 veterans. The suggested increases includes a $250 annual enrollment fee and more than doubling prescription copays, from $7 to $15. This increased burden placed on our veterans is not acceptable.

Approximately half of these cuts come from the expected collection from fees and the other half is through forcing over a million veterans to opt out of the system. That is not right, either.

Prescription drug costs have risen steadily over the past few years. I have a chart that shows this. On the national average, $634 was the average annual prescription drug cost for veterans in Fiscal Year 1999 compared to what we see instead now, with $762 in prescription drug costs for veterans in the Rocky Mountain region.

Recently, we have also seen spikes in the price of gas. The inflationary pressures add a burden to our veterans and those retirees who live on fixed income.

This budget asks our veterans to pay even more just to be part of the VA health care system. These fees lead us down the road to turn the VA into another HMO, which will make it harder and harder for our veterans to be able to afford basic care.

We need to reject these fees and copays. When we do, we need to ensure that we include the additional $795 million in the budget or we will leave the VA underfunded. This increase I am proposing will be fully offset with no additional taxes or added taxes.

These fees are not what we promised our military folks when they went off to war and when they stood ready to defend this country. For those folks who signed up to fight for this country, this was not their expectation, and it was not our promise at the time, either.

In addition, my amendment includes a $27 million increase in budget requests in the area of medical and prosthetic research. The increase will maintain funding for critical medical research programs.

The budget proposes a decrease in funding for medical and prosthetic research, from $412 million down to $399 million. When inflation is factored in, these programs need to be increased to $426 billion in order for us to maintain the critical research regarding serious injuries for our veterans returning home from Iraq and Afghanistan. Let's face it, we have a lot more research to do while we are involved with this particular conflict than any other conflict we have ever faced.

This research funding is critical for unique problems associated with our veterans who are returning from overseas with traumatic amputations, central nervous system injuries, loss of sight or hearing, and other serious injuries which prevent them from returning to a full and productive life. We have to do everything we can to make sure they have the ability to recover. I am a veteran. I know how important VA health care programs are to those who served this Nation.

We have invested a great deal in health care services for veterans. Because of these investments, the quality of care offered at VA facilities has surpassed the care at regular health care facilities. In fact, our satisfaction rate with the veterans today is much better than it was just 5 or 6 years ago.

The VA hospital and our 10 outpatient clinics in Montana are some of the best in the Nation. We must ensure that our veterans can afford the care offered in these great facilities.

We did not used to have outpatient clinics in the VA. We all had to go to the hospitals that were in each State or in each region. Those outpatient clinics have filled a void by helping to cut down on travel and to serve people instead of serving a bureaucracy.

I am committed to doing everything I can to help our Nation's veterans, and this amendment today is a first step to ensure that our veterans get the health care they deserve.

I have never felt so strongly about this as I did after visiting Iraq. Whenever you visit Bethesda Naval Hospital, whenever you visit Walter Reed, you will see our young men and women coming home with injuries we have never seen before because we are saving more lives on the battlefield—lives that would have been lost. Now we save them there, and we are able to bring them home, repair them, and get them ready for public life.

Mr. President, I see no other person on the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise to respond to a statement made by my good friend, Senator BURNS.

The PRESIDING OFFICER. Does the Senator speak in favor or in opposition to the amendment?

Mr. AKAKA. Mr. President, I rise to speak against the amendment offered by my friend, Senator BURNS.

The PRESIDING OFFICER. The Senator controls the time in opposition.

Mr. AKAKA. Mr. President, we must go beyond what his amendment seeks to accomplish. In a few minutes, we will begin discussion of our alternative amendment. Our amendment would provide the funds to ensure that veterans will not see their out-of-pocket costs increase. Our amendment would add resources to care for newly returning servicemembers. Our amendment would shore up the system for all veterans needing mental health care.

The Burns amendment is based on the premise that the President's budget is "good enough." The opposition urges veterans to be pleased that they are getting an increase at all in this tough budget climate. In my view, especially in this time of war with so many competing demands, we can and should do much better. Veterans should not have to "get what we give them." They ought to be provided with what they deserve. Let us not forget the sacrifices made by these men and women and the sacrifices made by their families.

What we have heard much about is that VA is already adequately funded. The administration, and my friends on the other side of the aisle, continually cite a 50-percent increase in veterans spending since the year 2001. I applaud my colleagues for their support of veterans as demand for VA's top-quality health care services has increased.

It only makes sense for spending on veterans programs to increase in accordance with the increases we have seen in the defense budget, particularly since Operations Iraqi and Enduring Freedom. Colleagues, these increased costs for veterans are a direct result of our global war on terrorism. As we so willingly fund them while they are on active duty, we must be willing to fund taking care of them after they have served our great Nation.

Let there be no mistake, it is, in fact, Congress that has done the heavy lifting. Each year, it is the veterans' leaders in the Senate and the House who go beyond what President Bush has proposed. I do not say this to laud Congress. I say it to remind my colleagues that we need to make veterans a priority. We need to make sure veterans are taken care of. Veterans are looking to us to make a difference, and we cannot let them down.

The opposition warns that too many veterans are eligible for VA care and too many are depending upon VA for help. I take a different approach. I am thrilled that veterans are turning to VA for their care. For years, we struggled to make the VA health care system something to be proud of. And it has accomplished that. It is highly rated. It seems cruel now to tell veterans: Now that VA care is good, we are going to force you out.

We must go beyond "good enough." I urge my colleagues to support our alternative amendment.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. DEMINT). Who yields time?

The Senator from Montana.

Mr. BURNS. With regard to what my friend from Hawaii has done today, I remind my colleagues that there has already been an increase in this budget since a year ago. We are basically prioritizing our money to be spent where it is supposed to be. If you look at the total budget growth, it has grown from about $72.6 billion to $74.9 billion in the last 5 years, an increase of around 50 percent. The result is a 69-percent increase in veterans health care since President Bush has taken office. So we are not underspending. We are just not doing a very good job of assigning our priorities where the money should be spent.

We asked the VA to look at their costs to give us some idea of how they are being more efficient now. The reporting of the VA has become a lot better. It gives us a better handle on where we should be spending those dollars. My amendment does not shortchange any veteran. We just have to do a better job in our priorities. We have asked the VA to be outcome-oriented, and the outcomes have been improved. Access to health care has increased. The quality of care has increased. Patient satisfaction is up to 83 percent. That was unheard of just 4 or 5 years ago.

By asking for increases over and above, basically we are doing nothing more than engaging in a bidding war. I can use the auction method pretty easily because that is where I cut my teeth. I don't mean to make light of the process, but we have to draw the line somewhere.

I am a veteran. I respect the effort to take care of veterans. In our State of Montana, we now have outpatient clinics that are taking care of our veterans, not just at Fort Harrison but at several other locations where veterans do not have to travel long distances either to get their drugs, be a part of their prescription drug programs or to get their health care. What we are doing with this amendment is putting the money right back into the system where it should be spent. We are paying for it with no impact on the budget and without raising taxes.

I think my good friend from Hawaii raises taxes with his amendment. I thank him for his diligence and his love for veterans. I don't have any opposition to that. What we are doing right now is talking about how we approach taking care of these fine young men and women who find themselves needing medical care that they can get nowhere else in America.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I thank the chairman for yielding. I will speak softly today because I am just recovering from laryngitis. I believed it was important, as chairman of the authorizing committee who proposed to the chairman of the Budget Committee the underlying budget proposal for the funding of the VA for this coming year, that I discuss the Burns amendment.

When I consider the Burns amendment, I feel the same way I felt with the President's 2007 budget and the announcement for VA. On the one hand, I am pleased that the VA budget is a top priority during debate on the budget resolution. It should be. America's veterans have always been and will remain a top priority of this Senate. On the other hand, I am sobered that the President and the underlying resolution propose a 9.6-percent increase in funding for veterans medical care, with additional revenue generated on top of that through various fee proposals on higher income veterans with no service-connected injuries. The chart to my left clearly demonstrates my concerns. From 2001 to this budget, it is visible what this Congress has done to fund veterans, a 69-percent increase in a very short time.

Let me remind everyone that there is plenty of money in the President's budget request for returning Iraqi veterans and Afghan veterans. They represent only 2 percent of VA's patient population. They are and will remain our top priority, and they are funded. There is also plenty of money in the President's budget for the care of service-connected veterans and low-income veterans. I believe those are statements of fact. They should not be, nor do I believe they can be, challenged. There are significant increases for important initiatives we all support for our veterans: an additional $345 million for mental health services, including PTSD treatment; $64 million for homeless programs; and $161 million for prosthetics and sensory aids.

The question before us now is the extent the Congress will fund medical care services to every veteran who shows up at the door, irrespective of their income or their need for treatment associated with a service-related disability. In other words, are our veterans hospital doors open for all?

Assuming the adoption of the Burns amendment, this resolution will assume a 12.4-percent increase in direct appropriations for VA medical care. Senator AKAKA is proposing an amendment of an increase of about 15 percent, or may. Any way you cut it, the spending proposed for the 2007 budget under either amendment will result in a 70-percent-plus increase in VA medical care from 2001 to 2007. That is the reality of the numbers being played within these amendments. Assuming a 12.4-percent rate of growth, VA medical care will double every 6 years. I never dreamed when I became chairman of the VA Committee that in my tenure I could preside over a $100 billion-a-year VA budget.

These amendments simply advance that to a reality. With Senator AKAKA's 15 percent annual growth, the budget would double every 5 years. Is it right? Is it justifiable? Is it reasonable in today's care of America's veterans? The bottom line is this: At these rates, VA spending will soon collide with demands made on all other areas of Government. The President's budget proposal began to address the fiscal challenge we faced. I thought he was responsible in doing it. I could not deny that it was a responsible act, and I encouraged the Budget chairman to put it in the budget. I continue to believe those proposals were eminently reasonable. However, I know that the majority of my colleagues do not find these proposals reasonable. Why? In large part because every veteran service organization in the Nation doesn't want them. They have lobbied and argued that they should not happen. I understand why.

I have also spoken directly to all of those organizations and suggested if not now, when. If not now, when do we begin to face the reality of not a doubling every 6 years but a doubling every 5 years? When do we face the reality of VA colliding with Social Security and Medicare and Medicaid and the military defense budget itself? Those are the realities we face in this Congress, not in 2007. We will not face them because we are going to choose not to face them. I do not believe that is responsible.

I am left with a tough decision. Without enactment of the President's proposal, the system will need an additional $800 million. That is what Senator BURNS recognizes. That is what he is offering. I cannot in good conscience vote to purposefully underfund VA medical care, if the President's fee proposals will not be carried forward. Therefore, I will support the Burns amendment. Is it fiscally responsible? I will leave that to the decision of fellow Senators.

What isn't fiscally responsible under today's budget system is to suggest that we will double this budget every 5 years and have it collide directly with every other program that is out there, without saying to those veterans who are capable and able that if they want service from the finest health care delivery system in the country today—and that is our VA—and they are not service connected and they are not disabled and they are income disqualified, that they ought not pay $21 a month to gain access to the best health care system in the country. That is less than a carton of cigarettes. No, this Senate does not have the political will to say so. Or $15 a month for a pharmaceutical that could cost you $300. It is the best deal in the country, folks. I am proud of it. I defend it because I support our veterans. But I am also asking every veterans service organization, starting today, working through next year, to help us find a solution to this problem other than just dumping billions more into it each year out of the general fund budget.

To suggest that these needs are not there is to deny reality, but to suggest there are alternative and responsible ways of funding them is a reality we must face. Simply throwing more and more money at the budget is shirking that responsibility, especially when doing so sets up painful choices. I have spoken to them. Those choices collide directly with Medicare, Medicaid, and Social Security. We won't face those choices yet, either.

I want to avoid the painful choices because I want to make sure the VA system is there today for America's veterans and there tomorrow for tomorrow's veterans because our history would suggest to us there will be tomorrow's veterans. We are a nation which has found it necessary from time to time to use force as an extension of our foreign policy for the purpose of securing our freedoms and maintaining our Nation. That policy approach produces a veteran. And because of that, in the words of Abraham Lincoln, for he who hath borne the battle and for his widow and for his orphan, that is our responsibility as a nation. The Burns amendment recognizes it in the broad sense. I believe it fails to recognize the reality of where we must go in the long term. The President attempted that this year. I agreed with him. The Budget chairman agreed with him.

We will see where the Senate takes us. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Hawaii.

Mr. AKAKA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 21 minutes 14 seconds remaining.

Mr. AKAKA. Mr. President, I say to my friends, the Senator from Montana and the Senator from Idaho, that we agree that veterans need quality care and services, but we differ on how much to provide for this care and who is eligible.

I believe all veterans deserve access to quality care. I also believe that we must make this a priority. I say again to my friends, VA health care should grow, and that is not a bad reality. We spend exorbitant amounts on these men and women while they are in active service. They deserve our care when they are done serving.

The budget has gone up. Let's think about what we have purchased with that budget: hundreds of new clinics, hundreds of thousands who never had insurance and who can now come to the VA for world-class care, a leading research program, and a system where care is second to none. Let's not deny that health care costs money. We agree on that.

Indeed, there is an increase in the VA budget, but it undercounts the number of returning service members. It does not do enough for mental health, and it flat lines rehabilitation care.

As I have said, we are pleased that the President's budget is much better than last year's. This is not a bidding war; this is getting it right.

Mr. President, I yield the remainder of my time on this amendment to Senator MURRAY.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. MURRAY. Mr. President, first, I thank Senator AKAKA for his tremendous leadership on this veterans issue. I couldn't agree with him more. This isn't about a bidding war; this is about getting it right.

I want to, first of all, thank Senator BURNS for his amendment because what it does is recognizes and acknowledges the serious problem we have today in making sure we have the funds available to pay for the services that our veterans not only deserve but were promised to them.

We are at a critical time in our Nation's history. We are at war. What message does it send to those we have sent overseas if we are telling veterans today that they are going to have to pay copays and increased fees once they return? What message does it send to those who are serving us overseas today that the veterans who have gone before them are waiting in long lines, they are not getting help and the promises that were given to them?

What I appreciate is that Senator BURNS' amendment acknowledges the serious challenge we have within this budget in making sure we meet the rising demand for our veterans today.

I know Senator CRAIG has said we have increased the VA budget dramatically. My colleagues all remember us last year having to come to the floor to add billions of dollars to the veterans budget because we were shorthanded. But, Mr. President, to many of us, you will recall, it was not a surprise. We have hundreds of thousands of men and women who are coming home from a war in which we are currently engaged who are now needing to access veterans health care facilities. Of course, there is an increased cost. At the same time, we have an aging Vietnam veterans population who are accessing our veterans health care services. At the same time, health care across the board is increasing the costs. Everyone who is providing health care has to pay increased costs. So of course the VA budget, as a health care system, has to increase its costs as well.

I also should remind my colleagues that because so many employers today cannot afford the cost of rising health care, they are not providing health care to their employees, and those who are veterans are turning to the VA, increasing the numbers who access it, and they have a right to do that.

On top of that, Medicare Part D, which we need to talk about, is already a problem. Our folks across the country are calling in to ask: Whom do we sign up with for Medicare Part D? And they are being asked by our own DHS: Are you a veteran? And if they say, yes, they say: Don't sign up for Medicare Part D, go to the VA. That is great. They deserve that, but it is increasing the numbers accessing our VA.

Yes, of course, the budget has gone up, but does it meet the need? That is the test this country needs to consider and that we as Senators need to consider in this budget.

Again, my colleague from Montana has acknowledged that in his amendment. Here is where we have a problem. How do you pay for it, and when you pay for it, is it a reality?

This function 920 everybody is robbing from is merely saying that we are not going to increase the budget to pay for this, we are going to pretend there is money out there. That may work very well now, but it will not work when we get to next fall, probably after the election, and we actually are sitting down and writing our appropriations bills and passing them on this floor, within the cap of those appropriations bills, and there will not be the funding to increase this.

So let's not do some imaginary proposal and all go home and get well on making sure we provide the services. We will be offering an amendment with Senator AKAKA that actually provides the increased costs, to make sure we have the funding available.

The acknowledgment is clear on this floor. Charging our veterans a fee and a copay for health care that they were promised is not the right way to balance this budget.

Should we be providing tax cuts for the wealthiest or should we be providing within our budget the means to keep the promises that were made to those men and women who served our country honorably before and are serving it honorably today and, I might add, we will be asking another generation, no doubt in the future, to serve us.

They will watch what we do on this floor. They will watch what we do and how it impacts us next fall and whether we have the actual money within our budgets to provide the health care that is promised when we ask them to sign on the dotted line and serve our country in the future.

Although I commend the Senator from Montana for the sentiments in this amendment, I actually believe the amendment coming from Senator AKAKA and myself is the right amendment because it is not an empty promise. It actually is a promise fulfilled, and our veterans deserve that.

Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 13½ minutes remaining.

Mrs. MURRAY. Mr. President, I retain the remainder of our time.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BURNS. Mr. President, I yield to the Senator from Texas in support of my amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of the Burns amendment and ask to be added as a cosponsor.

It is very important that we add something to this budget to accommodate the extra needs we are seeing for veterans coming back from Iraq and Afghanistan.

I think it is especially important that we not make the decision right now about the copays. I do not support what is in the President's budget regarding copays for the category 7 and category 8 veterans. I am looking for some alternatives that might bring in some income, that might give health insurance capabilities to these people who have no health insurance coverage.

We are looking at some other threshold besides $27,000 annual income of a veteran who does not have service-related injuries. That is the definition of a category 7 and category 8 veteran. They are not veterans who have had service-related injuries, they are veterans who have had no service-related injuries who make about $27,000 a year or more. I think that is a pretty low floor.

I would like to look at ways to increase it to a higher floor or make sure they have access to health insurance, which many of them do not. I haven't run the numbers on that, but I certainly think we should be working with the veterans groups to determine what would be reasonable and still allow us to prioritize the health care for our veterans which is what all of us want.

Senator BURNS is right, we need more research into prostheses. The good news is that they are coming back, they are not being killed in war, as we have seen in so many previous wars. But the bad news is they are losing limbs, and we need to help them have the very best prostheses they could possibly have and enhance their ability to use them.

We will be working on those items. Senator BURNS' amendment is the right approach because we do need to have that flexibility in this budget to try to come up with the right approach. It is too early to say what we are going to do with the President's proposal, that there be a $250 enrollment fee for these category 7 and category 8 veterans. I thank the Senator from Montana for putting this amendment forward, and I certainly hope we will adopt his amendment, which I think is a step in the right direction.

I yield the floor.

Mr. CHAFEE. Mr. President, I am a proud original cosponsor of Senator BURNS's amendment to the budget resolution that increases VA funding by $823 million. Properly caring for our veterans is our Nation's duty. We asked these men and women to risk their lives in service of our country, and medical care is the least our country can give in return.

The President's budget request for VA medical services assumes an added $795 million in revenues; but it does this by more than doubling copays and instituting a $250 enrollment fee for certain categories of veterans. The cost of $795 million then is shifted from the Government to veterans themselves.

Not only would many veterans have to pay higher fees under the President's proposals, but those who could not afford the fees would have no choice but to abandon VA healthcare altogether.

Especially in a time of war, a policy that leads to increased denial of service to veterans is simply unacceptable. Battlefield medicine has made huge strides in the last few decades. The result has been a much higher percentage of wounded soldiers living through their initial injuries, able to return home to their families. These wonderful advances in medicine deserve and receive our praise, but they mean that the VA will be caring for more and more injured soldiers as they return home. And many of these injuries, such as burns, amputations, and blindness, are of the type that will require care for a lifetime. The United States owes these injured soldiers this care, and thus the funds to provide it should not come from other veterans.

Senator BURNS' amendment will address these problems by adding $795 million to the VA budget in order to eliminate the higher copays and enrollment fees. Furthermore, it adds another $28 million to compensate for cuts in VA medical R&D.

I will proudly cast my vote for this veterans healthcare funding measure, and I urge my colleagues to do the same.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3007

Mr. AKAKA. Mr. President, I rise to call up amendment No. 3007 and ask for its consideration.

The PRESIDING OFFICER. If all time on the amendment is yielded back, the clerk will report the next amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Mrs. MURRAY, Mr. DORGAN, Mr. BILL NELSON, Mr. KERRY, Mr. SCHUMER, Mr. SALAZAR, Mrs. LINCOLN, Mr. LAUTENBERG, Mr. OBAMA, Mr. DODD, Ms. MIKULSKI, Mr. JEFFORDS, and Mr. ROCKEFELLER, proposes an amendment numbered 3007.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase Veterans medical services funding by $1.5 billion in FY 2007 to be paid for by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $1,350,000,000.

On page 3, line 15, increase the amount by $135,000,000.

On page 3, line 17, increase the amount by $6,000,000.

On page 3, line 19, increase the amount by $2,000,000.

On page 4, line 1, increase the amount by $1,350,000,000.

On page 4, line 2, increase the amount by $135,000,000.

On page 4, line 3, increase the amount by $6,000,000.

On page 4, line 4, increase the amount by $2,000,000.

On page 4, line 13, increase the amount by $1,500,000,000.

On page 5, line 4, increase the amount by $1,350,000,000.

On page 5, line 6, increase the amount by $135,000,000.

On page 5, line 8, increase the amount by $6,000,000.

On page 5, line 10, increase the amount by $2,000,000.

On page 23, line 24, increase the amount by $1,500,000,000.

On page 23, line 25, increase the amount by $1,350,000,000.

On page 24, line 4, increase the amount by $135,000,000.

On page 24, line 8, increase the amount by $6,000,000.

On page 24, line 12, increase the amount by $2,000,000.

On page 53, line 1, increase the amount by $1,500,000,000.

On page 53, line 2, increase the amount by $1,350,000,000.

Mr. AKAKA. Mr. President, I yield myself 10 minutes.

Mr. ALLARD. Mr. President, will the Senator from Hawaii restate that unanimous consent request? He just yielded himself 10 minutes? I have no objection.

The PRESIDING OFFICER. Without objection, the Senator has 10 minutes.

Mr. AKAKA. Mr. President, I ask unanimous consent to add Senators ROCKEFELLER, CLINTON, DURBIN, FEINGOLD, DODD, BINGAMAN, and LAUTENBERG as cosponsors to amendment No. 3007.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I am pleased to stand here with my colleagues who join me in offering this veterans health care amendment which adds $1.5 billion for health care. What we have before us are two different approaches, similar to what we had last year.

I want to take my colleagues back a year when we offered a similar amendment to the budget resolution at that time. We argued that more attention must be given to mental health, prosthetics, and to keeping veterans from being homeless.

The opposition questioned our number, as there was the belief that the VA could continue providing quality care with fewer resources. And that belief prevailed. Our amendment was rejected at that time, virtually along party lines. The prevailing votes were misled to believe that the budget year was too tight and that a much smaller amount of funding was needed.

Unfortunately, this turned out to be the wrong course. Four months and two supplemental requests later we finally ended up with more funding, nearly the exact amount we advocated for earlier in the year. We must not repeat this mistake and we must get it right the first time.

I want to say at the outset that the President's budget is much more robust than his budget last year. The veterans called last year's budget "tightfisted" and "miserly." I view this budget as a much better starting point.

What is again missing—in dollars and in deed—is this administration still does not count caring for veterans as part of the cost of war. Defense spending for our servicemembers while in combat has necessarily gone up; accordingly, so must our commitment to caring for our veterans once they return home.

We are all too familiar with the scenario last year. You remember the VA wildly underestimated the number of younger vets returning from Iraq and Afghanistan. And this year, the administration thinks even fewer vets will come for care. This is a terrific gamble, as this miscalculation was one of the primary causes of last year's shortfall.

While I largely agree with the President on the overall amount needed for VA health care this year, I take issue with how he chooses to fund the system.

Let's make this crystal clear: The administration's approach and the resolution that is before us asks veterans to pay more for their care through increased copayments for medications and a new user fee for middle-income veterans. Our approach instead asks for appropriated dollars.

Middle-income veterans will see their prescription drug bills doubled, and it forces veterans to pay a $250 fee for simply choosing VA as their health care provider. With these substantial new out-of-pocket costs, the administration is banking on 200,000 veterans being unable to afford VA care.

Many have argued that a user fee imposed upon middle-income veterans is only fair. They say it equates to a modest sum each month. If my friend, Lou Green, a veteran from the Korean war, living in New Jersey on a fixed income, could stand here, he would ask which of his monthly expenses would we have him forgo. If these proposals were enacted, his five prescriptions would add $35 per month, and the new fee would add $21 per month. This would bring his new expenses to $670 a year. He would have to choose which bills to pay. Would it be his medications? Would it be his gas bills for his car? Would it be the cost of heating his home?

What we have heard much about is that the VA is already adequately funded. The administration, and my friends on the other side of the aisle, are claiming a 50-percent increase in veteran spending since the year 2001.

Let there be no mistake: It is in fact Congress that has done the heavy lifting. Each year, it is the veterans' leaders in the Senate and House who go beyond what President Bush has proposed. The simple fact is that the administration has requested less than half of the new funding made available to veterans during its tenure. Congress, by approving amendments to increase VA funding, has added another 39 percent of funding. Even with large increases since fiscal year 2001 this is an average increase of less than 10 percent to accommodate high medical care inflation and a high annual growth in patients. The growth in the number of patients is almost twice the amount in resources. These facts underscore the need to support my amendment.

Our amendment would add $1.5 billion to the resolution in real money by closing tax loopholes. The Burns amendment is merely a budget gimmick which fails to raise the top line for VA funding. I would like to elaborate on how our $1.5 billion number was arrived at, and you can see it on this chart.

We add $825 million to reject the policy proposals—the copay increase and enrollment fee. In addition, there is a seldom-talked-about proposal to discontinue the practice of using insurance moneys to offset out-of-pocket costs for veterans. Each of these proposals must be rejected. It seems shortsighted and cruel to enact proposals which will drive veterans out of the VA health care system.

The VA also requires funding to absorb new patient workload from new veterans returning home from both Operations Iraqi and Enduring Freedom and from older veterans who are just now turning to the VA. In the first quarter of this year, the VA saw a 21-percent increase in OIF/OEF veterans seeking VA care. They are now seeing 144,424 OIF/OEF veterans total. This is 32 percent more than they project for fiscal year 2007.

Our amendment adds $231 million, taking into account that new veterans are eligible for 2 years of VA care immediately upon their return and separation from service.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. AKAKA. Mr. President, I ask for additional time to complete my statement.

The PRESIDING OFFICER. The Senator has that right.

Mr. AKAKA. Mr. President, the other amendment accepts the administration's estimate, which already looks wrong.

Funding is added for vet centers and rehabilitative care—two accounts which did not fare well under the proposed budget. Both programs are critically important. Vet centers are the first place returning servicemembers go for care. Yet vet centers have continually been underfunded. Again, the alternative amendment provides not one penny more than the administration.

The amendment also provides funds to allow for a substantial increase in mental health care. Experts predict that as many as 30 percent of those returning servicemembers may need some kind of mental health care treatment, from basic readjustment counseling to care for debilitating PTSD.

A recent study published in the Journal of the American Medical Association reported that 35 percent of Iraq veterans received mental health care during their first year home. Our amendment adds $321 million for mental health care. Again, the opposing amendment chooses to rely on the administration's estimate, despite these recent findings.

Each year the Congress debates its priorities and concerns for our Nation through the budgetary process. This is one of the few times the citizens of this country can cut through the rhetoric and the complicated legislative maneuvers to see what each of us truly stands for. This budget is a good starting point for our veterans, but we certainly can and should do more.

At this time I yield to the Senator from Washington, my good friend, Senator MURRAY.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I wonder if I might take a few moments to speak in opposition, if it is all right with the Senator from Washington, and then also there are a couple of other housekeeping issues I would like to deal with.

No. 1, I ask unanimous consent that the remaining time on the Burns amendment on both sides be yielded back. I have checked with the other side, and they agreed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Second, I ask unanimous consent that Senator MIKULSKI be added as a cosponsor to the Burns amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I rise in opposition to the Akaka amendment. The reason I do is I am supporting the Burns amendment primarily because it negates the need for the fee proposals in the President's budget and increases funding for research. The President already provides an 11-percent increase from the fiscal year 2006 level, and over the years from 2001 it is a 69-percent increase. There may be some increased needs as we move through the next budget year for veterans. If that happens, then I see no problem with us going ahead, and the Senate historically has always been more willing to put that money in an emergency supplemental.

The concern I have with the Akaka amendment is that it increases taxes. There were a number of amendments that were offered—and I assume they will be offered on the floor—in the Budget Committee that raise taxes to take care of this program or that program. The point I would make is that the tax reductions we did a number of years back have served this economy well, and when you allow the economy to grow, then all these programs are going to benefit indirectly because you increase revenues to the Federal Government. I would like to elaborate on that just a little bit before the Senator from Washington makes her statement.

If I might just talk a little bit about some of the comments made by the other side, in particular Senator CONRAD, as to what happens when we cut those taxes, reduced those taxes known as the President's economic growth package. It was predicted that when we would do that we would reduce employment. Senator CONRAD noted for the record that the President has "put us on a fiscal course that means lower employment." In reality, employment went up as reflected in this chart. He predicted that there would be "a raise in interest rates," that the Republican budget would "raise equilibrium real interest rates." That is Senator CONRAD, again, in the CONGRESSIONAL RECORD.

In reality, interest rates have stayed down. The statement was made that "the economic growth package will crowd out private sector investment." Again, the comments were proven wrong by what happened to our economy. We see here that the private business investment surges.

Then, the "determining the economic growth" comment that was made by Senator CONRAD, again in the CONGRESSIONAL RECORD, that "the budget will undermine potential gross domestic product and hurt economic growth," we see right here that we sustained economic growth.

So the bottom line is that when we cut taxes, we help the economy. So I think it is bad to try to increase taxes at a time when our economy is doing so well. That is the objection I have to the Akaka amendment.

I sympathize with him in making sure that we have enough money to take care of our veterans, particularly at a time when we are in conflicts. But I also need to make sure we have some accountability as far as taxpayer dollars are concerned, how they are spent. I think the President has been very generous with the 11-percent increase he is advocating from 2006 to 2007. He does that without increasing taxes. He has found a source of funding which negates the fees that were proposed in the President's budget a lot of us would just as soon not be there.

So I find myself supporting the Burns amendment and opposing the Akaka amendment pretty much based on tax issues that are in those two amendments. I just think this would be the wrong time to increase taxes, when it would have just the opposite effect of the tax cut we implemented a few years back.

So I just wanted to make that point. I think on this side you are going to find that we all support veterans. I can't recall a year when we haven't given substantial increases to veterans. But we also need to have some accountability in this process, and I think we restore that through the Burns amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is left on our side?

The PRESIDING OFFICER. There is just under 17 minutes.

Mrs. MURRAY. I thank the Chair.

Mr. President, I rise to support Senator AKAKA and the amendment he has offered today that will truly and in reality help make sure we keep the promises we made to the men and women who serve this country overseas and who fought for us in the past and are fighting for us today and will be asked to fight for us in the future. These are people who have served our country. They have kept us safe. They have sacrificed for each and every one of us, and now they need our help. They need the support and the health care that was promised to them when they joined the service, and they need the health care and support in coming home and making sure that we have the services available to them.

Unfortunately, the budget that is now before us is going to leave many of those veterans who have served this country so honorably without health care, without job assistance, and without the support they need to rebuild their lives on the homefront.

Any of my colleagues who have gone out to their State and talked to these men and women, particularly the ones coming home today, you know they are having a hard time with getting jobs, dealing with health care issues, dealing with posttraumatic stress syndrome, facing lines at our veterans facilities, and not being adequately served, much less those veterans who are facing the same long lines and who are being ultimately denied care. Our veterans deserve better. That is why Senator AKAKA and I are here today offering this amendment to provide $1.5 billion to keep that promise to America's veterans.

There are two amendments in the Chamber, one offered by Senator BURNS and one offered by Senator AKAKA. Our colleagues need to understand that the amendment that has been offered by Senator BURNS is window dressing. How do I know that? Because we were offered the same amendment last year by, I believe it was Senator ENSIGN. And what happened? As we warned our colleagues time and time again from the beginning of last year until June, we are billions of dollars short in health care. Finally, in June, the VA Secretary came to us and he said: You know what, you are right; we were $3 billion short. If we sit here in the Chamber and do an empty-promise amendment again, we are going to find ourselves back in the same position.

The Akaka amendment adds real dollars. It puts real, actual money into the budget, so next fall, when we are writing our appropriations bills, we have the capacity within the veterans subcommittee to make sure we can provide the real services our veterans were promised.

I believe our veterans deserve better, and I believe America can do better, and I believe the Senate ought to stand up right now when we are at war and tell those who are serving us that we are going to be there for them and support the Akaka amendment which provides real dollars.

One of the real concerns I have with the budget that is in the Chamber today, that Senator AKAKA is trying to amend, is it balances the VA health care dollars by assuming fees and copayments, new fees and new copayments to our veterans. I will tell you, I have talked to many people who have served our country. Not one of them signed a form saying, I will join the service and fight for my country with an asterisk on it, without the promise that we will provide the health care for them when they come home. It is a disservice to those veterans now for us to have a budget in the Chamber of the Senate that says, never mind, now that you have served, now that you are home, now that you need health care, we are going to charge you a fee, we are going to charge you copayments which will dissuade you from getting the health care that you need. That is really the wrong message to send. There is no fine print when someone signs up to serve our country saying "exclusions apply." For us to impose those fees is wrong, and I hope this Senate goes on record today supporting the Akaka amendment that will make sure that next fall when our budget is tight, there is money there to make sure we are not having to come forward with proposals to do that.

That is why it is so important that we support the Akaka amendment. It is the real amendment in the Chamber. It is not an empty promise. It is not just a be-happy amendment, everything is great, we-supported-veterans amendment. It has real dollars in it, and it is absolutely critical.

Senator AKAKA has done an excellent job of defining what is in this amendment. It is really critical that we help our Iraq war veterans who are making the transition back home with the $231 million for transition assistance. Any one of us out talking to our veterans knows they are having trouble coming home and getting a job and getting health care. This is critical outreach money, increasing support for PTSD and menatl health care.

Senator DURBIN is on the floor. He has been a strong advocate for making sure we adequately fund PTSD for veterans out in rural communities who do not have access.

I talked to a woman the other day who was talking about the fact that 80 percent of our Guard and Reserve are coming home and getting a divorce. Divorce should not be a result of serving your country. We ought to make sure we have the funds to help those in need, to make sure they transition back into our communities.

This amendment includes support for our veterans clinics, $81 million. Anyone who has been out there knows we do not have enough clinics available, especially in our rural communities, to make sure those folks who have served us get the services they need. Importantly, this amendment and this amendment alone eliminates the fees and copayments that are a tax on our veterans, that this Senator says they should not have to pay. I heard my colleagues from the other side say this amendment raises taxes. What this amendment does is pay for this. Senator says they should not have to pay with real dollars by closing corporate tax loopholes.

I would ask any one of us to go home and ask a corporation or ask a millionaire: Are you willing to pay a little bit more to make sure that those who served us are taken care of when they return home? I doubt any one of us will get a letter from any one of them saying: I am not willing to pay.

The Akaka amendment is the real amendment. It provides real dollars, assures that when we are here next fall doing the VA budget that we actually have the dollars to make sure we are supporting our veterans. This amendment is supported by the independent budget.

I would ask unanimous consent to have printed in the RECORD the letter from AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars in support of the Akaka amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE INDEPENDENT BUDGET,
March 14, 2006.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the authors of The Independent Budget, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars of the United States, we are writing in support for the Akaka-Murray VA Health Care Amendment, which would add $1.5 billion for the Department of Veterans Affairs (VA) medical care account in fiscal year (FY) 2007.

We firmly believe that asking veterans to pay for part of the benefits a grateful nation provides for them is fundamentally contrary to the spirit and principles underlying the provision of benefits to veterans. No requirement that veterans be burdened with co-payments is justified, especially in a time of war.

To ensure that VA would have the necessary resources, your amendment would mitigate additional burden otherwise intended to be placed on sick and disabled veterans through the expansion of VA's collection authority, increased co-payments, and new enrollment fees. Moreover, this amendment would provide additional funds for VA to treat Operations Iraqi and Enduring Freedom veterans. Over 144,000 have already sought care from the VA for such services as mental health, readjustment counseling, and rehabilitative care, which is well over the projected number of 109,191 for FY2007.

Thank you for your efforts on behalf of our nation's sick and disabled veterans.

Sincerely,

DAVID G. GREINEDER,
Deputy National Legislative Director, AMVETS
RICHARD B. FULLER,
National Legislative Director, Paralyzed Veterans of America
JOSEPH A. VIOLANTE,
National Legislative Director, Disabled American Veterans
DENNIS CULLINAN,
National Legislative Director, Veterans of Foreign Wars of the United States.

Mrs. MURRAY. I commend Senator AKAKA, and I tell my colleagues, when we vote in a few minutes, you can vote for the Burns amendment if you want to say: I support veterans. But if you want to make sure we are there for our veterans when they come home with real dollars, you will vote for the Akaka amendment.

I thank the Chair. I yield the floor.

Mr. AKAKA. I thank the Senator from Washington for her eloquent statement. I know we have other Members who want to speak on this amendment. I yield 5 minutes to Senator DURBIN from Illinois.

Mr. DURBIN. I thank the Senator from Hawaii for his leadership on this issue.

How many of us in this Senate have been visiting with the families of veterans, welcoming the veterans home, being there when the soldiers are sent off to battle, standing and saying: We will not forget you—trust us, we will not forget you? Now we have a chance to vote. And the American people can judge whether we are going to remember these soldiers and these veterans.

Senator AKAKA and Senator MURRAY have come forward with an honest way of paying for the help veterans need. They have said it is not free. They acknowledge that it is going to cost us, but they acknowledge that it is a promise we made. Did we not say to these young men and women: If you will risk your life for America, if you will put your life on the line for our country, we will not forget you, we will stand by you? And they come home, some of them wounded, some of them broken in spirit, and need our help. As Senator AKAKA has said, now is the moment to stand up and say that we will be there.

There is an amendment to be offered on the other side without money. Senator AKAKA does the responsible thing for our veterans.

We are going to say to the wealthiest among us and to the most profitable corporations: You have to give back a little bit. Is that such a hard ask? Is that difficult for us to do at a time when we are asking hundreds of thousands of our sons and daughters, brothers and sisters, the husbands and wives of America, to give up parts of their lives in service of our country? Is it too much to ask that a wealthy corporation give back a little bit so that these veterans will be taken care of?

I have been out to Walter Reed. Senators on both sides of the aisle have visited veterans. We meet these young men and women. Some of them have lost a leg, an arm, sometimes two legs, some suffered head injuries. They are fighting to come back through rehabilitation, and once they have made it through the critical phase and they are back home, we want the veterans hospitals to be there to help them, and that is what the Akaka amendment is all about, so that we keep that commitment.

We know as well many of these veterans come back without any visible scars, but because of what they have seen, the stress they have lived under, things they have been asked to do, they are haunted by that experience. They don't want to lose their marriage. They don't want to turn to alcohol and drugs. They want the helping hand of counseling.

I went out to the Heinz VA Hospital outside Chicago and sat in on one of these sessions with these returning bright, strong, healthy looking soldiers who were torn inside because of demons in their minds from what they had seen, and they sit there in counseling sessions and try to come to grips with the struggles that they have in their lives. Should we not be sitting there with them? Should we not give them the very best counseling? That is what Senator AKAKA proposes. The Senator challenges this Senate not just to wave the flags in the parade but to stand up for the soldiers and the veterans who march behind those flags every single day for America.

I am proud to support the Akaka and Murray amendment. I do not stand alone. Virtually every major veterans group in America knows that this is the real deal, the Akaka-Murray amendment is the real amendment. That is why it has the support of so many organizations—the Paralyzed Veterans of America, Disabled American Veterans, Retired Enlistment Association, the American Legion. These are men and women we counted on for America's safety and America's future. Now they count on us. I urge my colleagues to join in supporting the Akaka-Murray amendment. It is the real amendment to help our veterans.

Mr. President, I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

The Senator from Colorado.

Mr. ALLARD. Mr. President, Senator VITTER has asked to be added as a cosponsor to the Burns amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I do not have any further speakers on this side of the aisle. I don't know whether Senator AKAKA has any further speakers on his side or whether he is willing to yield back some time.

Mr. AKAKA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 47 seconds.

Mr. AKAKA. Mr. President, I had another Member who had wanted to speak. I would at this time reserve my time.

Mr. ALLARD. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Who yields time?

Mr. AKAKA. Mr. President, I yield as much time as he needs to Senator SALAZAR of Colorado.

The PRESIDING OFFICER. The Senator from Hawaii controls 3 minutes.

The Senator from Colorado.

Mr. SALAZAR. Mr. President, I would like to speak in support of Senator AKAKA's amendment to provide an additional $1.5 billion in funding for veterans' healthcare.

As our Nation struggles with a growing healthcare crisis, we can all agree that the VA healthcare system serves as an example for how healthcare should be provided. In addition, through its medical research programs, the VA is frequently responsible for great strides in medical science that contribute significantly to the quality of healthcare services across the country.

We owe it to our service members, our veterans, and our Nation to be honest about our needs, and to provide funding adequate to meet those needs.

While this budget represents an improvement in terms of VA healthcare over last year's budget, it continues to propose revenue-generating policies that would increase costs for our Nation's veterans and serve to drive many of those veterans out of the system.

For example, the administration has once again proposed to raise premiums and co-pays for Priority 7 and 8 veterans. But we all know the impact these policies will have on veterans in our States—over 27,000 veterans in my State of Colorado alone would be forced out of the system.

This amendment, which I am proud to cosponsor, would add $1.5 billion in funding for VA medical services, and would offset that increase by closing corporate tax loopholes. It would ensure adequate funding for VA healthcare without increasing costs for Priority 7 and 8 veterans, and would provide needed resources for the specific areas of mental health, readjustment counseling, and rehabilitative care.

At a time when some of our veterans are returning home from Iraq and Afghanistan, it is important that we stand up as a Senate in full support of our veterans.

Our veterans deserve better. They deserve our support of Senator AKAKA's amendment. I urge my colleagues to support this important amendment.

I yield the floor.

Mr. OBAMA. Mr. President, I rise to discuss an issue on which I hope we can find common ground—veterans care.

At this moment, we are debating two different amendments: one is very good, the other is significantly better. I remind my colleagues that we were in the same position almost exactly 1 year ago.

In March of last year, we stood here and debated competing veterans amendments. The Senate voted down an amendment by Senator AKAKA 47 to 53. It instead embraced a smaller amendment by Senator ENSIGN. Just a few months later, we learned the VA would face a billion-dollar budget shortfall. This shortfall was avoidable, regrettable, and threatened care for our veterans.

I know that none of us wants to relive the experience of last summer. We don't want to have to explain to our veterans why we didn't support them, why we didn't demand a budget that matched their sacrifice, why we yet again took the President's word on how much funding our veterans needed.

Senator BURNS' amendment is a good step forward. It eliminates, for the fourth year in a row, the President's proposal to establish a new enrollment fee and double prescription drug copayments for Priority 7 and 8 veterans. That proposal would have balanced the budget on the backs of moderate-income veterans. It sends the wrong message to our troops in Iraq. I urge my colleagues to vote for Senator BURNS' amendment.

But like last year, Senator AKAKA's bill offers a better option, grounded in real estimates of the VA's need. In addition to blocking the new fees, Senator AKAKA's amendment would add $231 million for treating Iraq and Afghanistan veterans. The underestimation of this workload was one of the major contributors to the shortfall crisis last year.

It also would add $321 million for mental health initiatives. A recent Army report indicates that more than one-third of soldiers and marines who served in Iraq have subsequently sought mental health care. This is a rate that is higher than in other recent conflicts. The report may even understate the issue because two-thirds of Iraq veterans who screened positive for PTSD and other psychiatric disorders are not receiving treatment, according to The Washington Post.

It would add $122 million for readjustment counseling at vet centers, and rehabilitative care. These are areas that desperately need additional resources.

Today, we have thousands of brave men and women risking their lives for us halfway around the world. At home, we have millions more who were equally courageous in defending our freedom in previous wars and conflicts. When it comes to honoring these soldiers and these veterans, we can and must do more.

Today, the state of care for America's veterans is not worthy of their service to this country. The VA, for example, continues to insist on banning new Priority 8 enrollments. Through this ban, the VA has denied health care to 260,000 vets who assumed upon enlistment that a working class salary of $25,000 wouldn't prevent them from receiving the health care they were promised. In Illinois, 8,944 Illinois veterans were denied health care through the ban just in the last year.

When it comes to America's veterans, it is not only our patriotic duty to care, it is also our moral duty. When our troops return from battle, we should welcome them with the promise of opportunity, not the threat of poverty.

Senator BURNS' amendment is an improvement over the President's original budget. But given this President's record of underestimating veterans' budgets in the past, we must do more.

It is time to reassess our priorities. A budget is more than a series of numbers on a page; it is the embodiment of our values. I urge my colleagues to support the Akaka amendment.

Mr. JEFFORDS. Mr. President, the proposed budget, while far more realistic than previous years, falls short of our commitment to America's veterans. The amendment would provide an additional $1.5 billion for VA health care in fiscal year 2007, improving funding for mental health, vet centers, and rehabilitative care, among others. The increase would be offset by closing corporate tax loopholes, rather than by increasing overall taxes. I am pleased to cosponsor this amendment, and I urge my colleagues to support it.

We have a moral responsibility to provide this care to all veterans, regardless of income. This amendment removes both the $250 enrollment fee for Priority 7 and 8 veterans, and the copay increase from $8 to $15. While these amounts may seem inconsequential to some, many of these veterans make as little as $26,902 a year. At this income level, such added expense forces difficult choices between essential needs. All veterans have served our country without reservation. Our commitment to them should not be contingent on income level.

The VA faces a growing challenge as soldiers return to their homes and families from Iraq and Afghanistan. Their return will impose new demands for care directly related to injuries and experiences in Iraq and Afghanistan and for routine health care. Growing demand, coupled with the rising costs of health care nationally, increases pressure on the VA budget. We must ensure that the VA has adequate funding to meet these growing costs.

This amendment provides support for an essential program and has a fiscally responsible source of funding. I urge my colleagues to vote in favor of this amendment. Our moral responsibility to America's veterans must not be limited.

Mrs. LINCOLN. Mr. President, today, I rise in support of an amendment to the budget resolution that would provide an additional $1.5 billion for our veterans. I am a cosponsor of this amendment because this budget's modest increase in veterans funding is only a small step toward addressing the needs of veterans in Arkansas and across the country. It does not go far enough.

I continue to hear from Arkansas veterans who have been subject to increasingly long waiting lists for VA hospital appointments and who have experienced unnecessary hardships because the VA does not have the resources to process their benefits applications in a timely manner. This situation is unacceptable and our veterans deserve better.

As we look to the VA to provide for our growing veterans population and to meet the evolving health care needs of our returning brave men and women in uniform, we must ensure that the VA is provided with the resources it desperately needs to meet these challenges.

This amendment, which I am proud to support and cosponsor, would enable the VA to better absorb the new veterans being added to the system and would provide much-needed funding for the growing mental health care needs of our veterans. Additionally, this amendment rejects the budget provisions proposed by the President that would impose a $250 enrollment fee and a doubling of the cost of prescription drug copayments from $8 to $15. These provisions would force thousands of middle-income veterans to pay substantially more for their care.

As the daughter of a Korean war veteran, I was taught from an early age about the sacrifices our troops have to make to keep our Nation free, and have been grateful for the service of so many of our brave men and women from the State of Arkansas. On behalf of them and their families, I will continue to fight to ensure they are provided with the benefits, pay, and health care that they have earned. It is the least we can do for those whom we owe so much and to reassure future generations that a grateful Nation will not forget them when their military service is complete. I urge my colleagues to support this amendment because it is our moral responsibility to do so. It is the right thing to do and it should be a priority for each and every one of us.

The PRESIDING OFFICER. Who yields time?

Mr. AKAKA. Mr. President, I thank the Senator for that excellent statement.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

Mr. GREGG. Mr. President, what is the time remaining?

The PRESIDING OFFICER. Twenty-one minutes in opposition.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, we yield back the remainder of our time on the Akaka amendment.

I believe the next amendment in order will be the Talent-Cantwell amendment.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 3019

Mr. TALENT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. TALENT], for himself and Mrs. FEINSTEIN, Ms. CANTWELL, Mrs. LINCOLN, Mr. SMITH, Mr. BIDEN, Mr. KOHL, Mr. HARKIN, Mr. BAYH, Mr. WYDEN, Mr. JOHNSON, Mrs. DOLE, and Mr. COLEMAN, proposes an amendment numbered 3019.

Mr. TALENT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide $99,000,000 in COPS Hot Spots funding as authorized in the Combat Meth Act)

On page 24, line 24, increase the amount by $99,000,000.

On page 24, line 25, increase the amount by $99,000,000.

On page 27, line 23, decrease the amount by $99,000,000.

On page 27, line 24, decrease the amount by $99,000,000.

Mr. TALENT. Mr. President, I rise today to offer an amendment with my colleague from California, Senator FEINSTEIN, to provide additional funding for the COPS Hot Spots Program.

I am grateful, also, for Senator CANTWELL's work in this area and her commitment to provide additional funding to help our law enforcement officers in fighting methamphetamine. As my colleagues know, last week President Bush signed into law the most comprehensive antimethamphetamine legislation ever offered in the Congress, much less passed. I am pleased we were able to pass an initiative that is going to reduce the number of methamphetamine labs around the country and therefore the number of methamphetamine addicts and kids who are raised in settings where there are toxic meth labs. That legislation is going to reduce the number of fires related to methamphetamines but this is not a fight that is ever over.

Methamphetamine is the most deadly, fiercely addictive, and rapidly spreading drug America has ever known. The drug is not only sold and consumed in our neighborhoods—that would be bad enough—it is made there as well using a toxic process that combines cold medications with harmful chemicals such as iodine, ammonia, starter fluid, drain cleaner, and rubbing alcohol. The hazardous byproducts of meth production threaten the health and life of those making the drug, but also their families, the communities around them, as well as law enforcement officers who respond when somebody spots the meth lab.

These makeshift chemistry laboratories are found in homes, in hotels, even the trunks of cars. In addition to the risks of those around the labs, these kinds of laboratories create a huge amount of environmental waste. Cleaning up even one of the laboratories can cost $10,000 or more. That cost alone is devastating to the budgets of State and local governments around the country.

That is one of the reasons the National Association of Counties lists methamphetamine as the No. 1 problem counties are confronting.

Among the many provisions in the Combat Meth Act that was passed as part of the PATRIOT Act reauthorization last week is a provision that authorizes an additional $99 million per year for the next 5 years under the COPS Meth Hot Spots Program, which is a program designed to train State and local law enforcement to investigate and lock up meth offenders, and also to expand the funding available for personnel and equipment for enforcement, prosecution, and environmental cleanup. This additional $99 million is meant to supplement the $63 million that is already authorized under the Hot Spots Program.

I cosponsored an amendment with my colleague from Arkansas, Mrs. LINCOLN, to restore full funding to that account. This assistance to State and local agencies has a national impact in importance.

I know many of my colleagues have seen firsthand the immense need for and benefit of this funding. State and local law enforcement personnel are fighting on the front lines in the struggle to stop drug trafficking. They need our help.

I urge the Senate to vote in favor of the amendment.

I ask unanimous consent that the following Senators be added as cosponsors: Senators LINCOLN, SMITH, BIDEN, CANTWELL, KOHL, HARKIN, BAYH, WYDEN, JOHNSON, DOLE, and COLEMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, as the Senate can see, methamphetamine is not a partisan issue. There is strong support on both sides of the aisle for fighting this drug and for this amendment.

I urge the Senate to support it.

Senator FEINSTEIN has done great work in this area. I know she would like to be here to speak. I do not know if she will be able to get down to speak on it. I congratulate her again on her leadership in this field.

Mr. CONRAD. Mr. President, let me indicate that on our side Senator CANTWELL had this very same amendment funded in a somewhat different way. Nonetheless, it is the identical amendment. The two Senators have agreed to make this the Talent-Cantwell amendment because that eliminates, then, one amendment that we would otherwise have voted on. I thank Senator CANTWELL for her leadership. I very much thank her for her willingness to work together with Senator TALENT to achieve this bipartisan amendment.

I also want to say how critically important dealing with this methamphetamine threat is. I just held a Budget Committee hearing in North Dakota with the attorney general of North Dakota, the U.S. attorney from North Dakota, the State's attorney in the affected county, and with the heads of law enforcement. Without exception they told me the meth threat is the worst thing they have ever faced in terms of a drug; that it is destroying people's lives.

I was recently at a meeting. The man next to me was clearly terribly upset—somebody I have known for a long time, a prominent member of our community in North Dakota. Finally, he told me his son had that day been diagnosed as a methamphetamine addict. He told me it was destroying his family, that he was on the brink of bankruptcy as a result of a long meth addiction by his son, a meth addiction that was proving extremely difficult to treat.

We need more money for prosecutors. We need more money for law enforcement. We need more money for treatment.

This meth epidemic, which may have started in rural areas—I know some of our colleagues in urban areas have acted as though they are not aware of this, that this is not on their agenda. Let me assure Members, it will be on their agenda because we have never seen anything worse. Nothing has affected rural communities in a more adverse way than this meth epidemic.

I again thank the Senator from Washington for her leadership and for her willingness to work across the aisle to come up with a bipartisan amendment.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Washington.

Ms. CANTWELL. I rise in support of this amendment offered by my colleague from Missouri who has played a leadership role in trying to tackle a very difficult problem that is impacting various parts of our country. It is unfortunate the parts of our country that have seen this problem have to come to the Senate and wage this battle to convince people who have not had this problem occurring in their communities how important it is.

I say that because if we do not fight meth and combat it on a nationwide basis, we will see the meth problem continue to grow across the country. That is why this particular amendment is so important.

Two weeks ago we took an important step in combating this crisis by passing legislation to actually authorize a comprehensive program to combat meth across the country and in the Hot Spots Program. In Washington State, we have seen methamphetamine grow, first being the second State in the Union with the number of meth drug labs. Only with a comprehensive approach by law enforcement, prevention, and a variety of people in the community were we able to lower that ranking from second in the country down to fifth in the country. While we have made some progress, unfortunately, we pushed the problem to our neighboring State to the south and Oregon became the No. 1 spot in the country for meth labs.

As we have lowered the number of meth labs being discovered in Washington State, we also saw a different effect taking place, an actual increase in the number of deaths related to methamphetamine. We saw the superlabs coming in, in bigger and stronger positions, trying to continue to move this deadly product through our communities.

What the Combat Meth Act does is provide resources to State and local Governments, law enforcement and investigative teams in shutting down labs, investigating the violent crimes, educating the public, and helping children impacted by this terrible product. In one county alone—the Presiding Officer will understand because it is a neighboring county to his State—in the city of Spokane, 90 percent of identity theft and 70 percent of burglaries are related to methamphetamine. During the bust of meth houses in Spokane County, police find children at least 50 percent of the time. This is a problem that is much more comprehensive in the impact it is having on communities than people realize.

When we have a meth house in a community, it not only impacts that particular neighborhood and community, but it impacts law enforcement who also have to come in and investigate and clean up the drug labs. We know of law enforcement officers injured from trying to fight this problem by not having the proper equipment when going into these locations.

This is a problem that is not small or isolated or one that is going to be fought and won in 1 year's battle. That is why we need to support this amendment today and continue our efforts, not just authorizing but actually appropriating the resources to fight this problem.

We must continue to be true to what we have said, that we believe this battle is worth fighting and that we are going to provide the resources to do so.

I applaud my colleague from Missouri for his leadership on this issue. I am sure the people of Missouri, as in Washington State and other places throughout the country who have this problem, know how important it is to battle this issue.

It is important we realize a comprehensive approach is showing success. In Washington, we have seen a comprehensive approach has actually educated more people and the public to understand how one use of methamphetamine can be so addicting and lead to such a devastating result, for individuals, families, communities, and to everyone impacted in its path.

I applaud my colleague from Missouri for his leadership. I am glad to join him in this bipartisan effort. I also congratulate Senator FEINSTEIN who has made this a priority, and to our budget leader for his help in this issue.

I yield the floor.

Mr. CONRAD. Mr. President, I ask unanimous consent to be added as a cosponsor to the Talent-Cantwell amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I ask unanimous consent that Senator FEINSTEIN be added to the Conrad-Feingold amendment on pay-go.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, Senator BINGAMAN is available.

How much time remains on the Talent-Cantwell amendment?

The PRESIDING OFFICER. There is 56 minutes remaining in favor of the amendment and 52 minutes on the other side.

Mr. CONRAD. I don't think that is correct. We only had an hour available on that amendment.

The PRESIDING OFFICER. The previous order did not cover this amendment.

Mr. GREGG. If the Senator will allow me, I suggest we go to the amendment of Senator BINGAMAN.

Mr. CONRAD. Senator BINGAMAN wishes to speak on the Cantwell amendment for 2 minutes and then to his amendment.

Mr. GREGG. I agree.

Mr. CONRAD. That will take us to 3 o'clock, at which time we will be voting.

I yield to Senator BINGAMAN 2 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague. I congratulate Senator TALENT and Senator CANTWELL for their leadership on this amendment related to methamphetamine use and the epidemic of that use in my State and in many parts of the country.

I have had a series of meetings with law enforcement and local officials throughout New Mexico over the last year. During that time, one thing rings loudly and clearly: That is that the chief law enforcement problem facing many of our communities in New Mexico is methamphetamine use; not just the use itself but all of the resulting crime that occurs by virtue of people using this terrible drug.

The addiction is very difficult to shake once you become addicted. We have done way too little to alert young people in our country, as well as adults, about the dangers involved. We see catastrophic, tragic results in many of our communities.

This funding will help. It will allow the Federal Government to assist local law enforcement to some extent in coming to grips with this. I compliment the Senators on this amendment.

Mr. REID. Mr. President, I rise today to express my support for the COPS Hot Spots amendment to S. Con. Res. 83, the budget resolution, which increases funding for the Meth Hot Spots program to $99 million. Last week, the Combat Meth Act was signed into law as part of the larger USA PATRIOT Act reauthorization measure. The Combat Meth Act is designed to stop the production, sale, and use of methamphetamines. It authorizes funding for the Meth Hot Spots program, which trains local and State law enforcement officials to combat this destructive and addictive drug.

Illegal drugs are a devastating problem in communities across the country. The production and abuse of methamphetamine, more commonly known as "meth," has become rampant in recent years, especially in rural areas—including many counties in Nevada.

In 2005, 50 meth labs were busted in Nevada alone. This drug affects the health of those who consume it, destroys families, and harms the future of our communities. This drug is especially dangerous because it is extremely addictive, inexpensive to manufacture, and created from common household products.

There is no doubt meth is sweeping the Nation, and we must work together to stop it. Despite the fact that many of our Nation's communities, especially those in rural areas, are fighting valiantly against the devastating effects of this drug, the President's fiscal year 2007 budget provides only $40 million for the Meth Hot Spots program, nearly a 24 percent decrease from fiscal year 2006.

Meth is insidious; it literally robs its victims of their lives. We must aid local enforcement, as well as fund treatment and prevention efforts, if we are to emerge victorious.

I applaud the Senate for accepting this amendment in light of the President's decision to try to slash funding for this important program. I urge my colleagues to maintain this funding in the final version of the budget resolution.

The PRESIDING OFFICER. The question is on agreeing to the Talent amendment.

The amendment (No. 3019) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I thank again both Senator CANTWELL and Senator TALENT for the work on that amendment, first, for working together to come up with an amendment that is bipartisan; second, for the good manners to the rest of the Members of the Senate for agreeing to take a voice vote. That is an excellent example for others. We deeply appreciate Senators accommodating the work of the Senate on this matter.

I ask unanimous consent Senator COLLINS be added as a cosponsor of my pay-go amendment numbered 3013.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3039

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN], for himself, Ms. CANTWELL, Mr. SALAZAR, Mr. KERRY, Mr. MENENDEZ, Mr. LIEBERMAN, Mrs. CLINTON, Ms. MIKULSKI, and Mr. HARKIN, proposes an amendment numbered 3039.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make energy more affordable and sustainable, to increase our national security through foreign oil replacement biofuels and alternative fuels and advanced/hybrid vehicle use, to accelerate production and market penetration of clean and renewable energy technologies and generation, and to more fully utilize energy efficiency and conservation technologies and practices)

On page 3, line 13, increase the amount by $1,689,000,000.

On page 3, line 15, increase the amount by $1,654,000,000.

On page 3, line 17, increase the amount by $1,454,000,000.

On page 3, line 19, increase the amount by $1,152,000,000.

On page 3, line 21, increase the amount by $1,264,000,000.

On page 4, line 1, increase the amount by $1,689,000,000.

On page 4, line 2, increase the amount by $1,654,000,000.

On page 4, line 3, increase the amount by $1,454,000,000.

On page 4, line 4, increase the amount by $1,152,000,000.

On page 4, line 6, increase the amount by $1,264,000,000.

On page 4, line 13, increase the amount by $4,049,000,000.

On page 5, line 4, increase the amount by $1,972,000,000.

On page 5, line 6, increase the amount by $1,535,000,000.

On page 5, line 8, increase the amount by $365,000,000.

On page 5, line 10, increase the amount by $177,000,000.

On page 5, line 19, decrease the amount by $283,000,000.

On page 5, line 21, increase the amount by $119,000,000.

On page 5, line 23, increase the amount by $1,089,000,000.

On page 5, line 25, increase the amount by $975,000,000.

On page 6, line 2, increase the amount by $1,264,000,000.

On page 6, line 8, increase the amount by $283,000,000.

On page 6, line 10, increase the amount by $164,000,000.

On page 6, line 12, decrease the amount by $925,000,000.

On page 6, line 14, decrease the amount by $1,900,000,000.

On page 6, line 16, decrease the amount by $3,164,000,000.

On page 6, line 22, increase the amount by $283,000,000.

On page 6, line 24, increase the amount by $164,000,000.

On page 7, line 2, decrease the amount by $925,000,000.

On page 7, line 4, decrease the amount by $1,900,000,000.

On page 7, line 6, decrease the amount by $3,164,000,000.

On page 12, line 21, increase the amount by $3,549,000,000.

On page 12, line 22, increase the amount by $1,597,000,000.

On page 13, line 1, increase the amount by $1,420,000,000.

On page 13, line 5, increase the amount by $355,000,000.

On page 13, line 9, increase the amount by $177,000,000.

On page 21, line 24, increase the amount by $500,000,000.

On page 21, line 25, increase the amount by $375,000,000.

On page 22, line 4, increase the amount by $115,000,000.

On page 22, line 8, increase the amount by $10,000,000.

On page 53, line 1, increase the amount by $4,049,000,000.

On page 53, line 2, increase the amount by $1,972,000,000.

Mr. BINGAMAN. Mr. President, the amendment I have sent to the desk on behalf of myself and many of my colleagues does three things. First, it fulfills the commitment to secure affordable and clean energy that we made in the Energy bill we passed through the Congress last year, which is a commitment that has been essentially not honored by the administration in the budget they have sent to us and not honored in this budget resolution.

The second thing the amendment does is enable us to take the major step forward to clean and affordable electricity beyond what was contained in the Energy bill by extending for 4 years the renewable energy production tax credit.

Third, the amendment accomplishes these goals in a budget-neutral fashion. In fact, the amendment overall reduces the deficit by $3.2 billion over 5 years because it raises more funds than it would spend by assuming the reinstatement of the superfund tax.

Every Senator knows that America faces huge energy challenges. Energy prices and energy security are among the top concerns we hear about as we go around our State. Americans want their energy to be more secure, they want it to be more affordable, and they want it to be cleaner. Every one of us has devoted a lot of our time in the last three Congresses to developing legislation that delivers secure, affordable, and clean energy. Last year, we were successful in passing the first comprehensive energy bill in 13 years, the Energy Policy Act of 2005. We did so after repeated requests from the White House to send the President a comprehensive energy bill. It was a substantial bipartisan accomplishment.

The President, of course, spoke very glowingly about this legislation when he signed the bill last August in my home State of New Mexico. If we finally have a new energy strategy for the 21st century, as the President said we do now, then where is the funding to implement that strategy when it comes to energy? Where is the beef in this budget resolution? If we look at the budget that was sent to the Congress in early February by the President and at this budget resolution, you would have a hard time finding that beef.

Let's begin with the President's budget request. Instead of making a strong push forward on programs to deliver new forms of secure and affordable energy, the administration budget request basically treads water. The bottom line proposed for the Department of Energy in the new budget is almost exactly the same funding level as the current fiscal year. Some individual programs are up, other programs that are equally important to our energy security and to affordable energy are cut.

When you look at this budget resolution, you also see an energy policy that is dead in the water. The budget resolution has a specific function that is devoted to energy. That is function 270. In the tables that have been distributed by the chairman of the Committee on the Budget describing the mark he has presented to the Senate, discretionary spending in the energy function, function 270, falls from $3.84 billion in the current fiscal year to $3.83 billion next year. In fact, the projected spending on energy in 4 out of the next 5 fiscal years in this budget resolution is less than we are spending this year on energy. I don't think it is acceptable to have an energy policy over the next 5 years that is basically a policy of less of the same. That is not what we voted for. That is not what we supported last year when we passed the Energy bill.

Let me describe in detail the areas in which this Amendment will enable us to meet the challenges of energy security and affordability.

The first area is the area of energy efficiency. Nothing lowers your energy bill more than saving energy. Nothing makes us less dependent on foreign oil than using less of it. Maximizing the usefulness of every barrel of oil we consume and every watt of electricity we generate enjoys broad bipartisan support because it is almost a no-brainer. For that it was very disappointing to see major cuts to energy efficiency being proposed by the administration and being carried forward in this budget resolution.

The disconnect on saving energy dollars and being more secure through efficiency is even more striking, because energy efficiency is one of the areas of the energy bill that the President singled out for praise when he signed it.

Here are his words:

> The bill makes an unprecedented commitment to energy conservation and efficiency—an unprecedented commitment. The bill sets higher efficiency standards for federal buildings and for household products. It directs the Department of Transportation to study the potential for sensible improvements in fuel-efficiency standards for cars and trucks and SUVs. It authorizes new funding for research into cutting-edge technologies that will help us do more with less energy.

Yet in this first budget that we are getting after the enactment of the bill, those authorizations for cutting-edge energy efficiency technologies are being cut, as is funding for energy efficiency in many other programs.

I think that this budget resolution needs to keep the commitment to energy efficiency in the Energy Policy

Act that the President praised, and then his administration ignored.

In the area of transportation vehicles, we have identified $629 million of funding, over what the President proposed, that would be required to meet the levels we all authorized when we voted for the Energy Policy Act of 2006, including:

This amendment would allow full funding for the advanced vehicle deployment programs at the Department of Energy.

It would accelerate new hybrid vehicle technologies into the market.

It would encourage the development of engines that would run biodiesel.

It would give a strong push to fuel cells in school buses and transit buses, and would make the Federal government a leading-edge customer for fuel cells.

This amendment would bolster other technology programs for vehicle efficiency, and provide full funding for the hydrogen research and development programs contained in the Energy Policy Act. There was a lot of enthusiasm in the Senate last year for the long-term promise of hydrogen-fueled vehicles. But the current budget proposal short-changes these hydrogen programs, compared to what we authorized, by $268 million. If we want to see a technological revolution in the long term that takes us toward hydrogen-powered cars, then we need to step up the funding at the Department of Energy beyond what this budget resolution will allow.

Another key area in keeping energy affordable relates to the efficiency with which we heat and cool buildings, and the energy we use when operating appliances in our homes and commercial equipment in the workplace. This winter, consumers have been paying unprecedented prices for heating oil and natural gas. And we have been lucky—the exceptionally mild winter prevented us from seeing sharp price spikes and spot shortages resulting from the loss of natural gas and oil production from the hurricanes of last year. But consumers are still paying too much for energy, and improved energy efficiency can make a real difference to families struggling to pay the bill from one month to the next.

In this area, the administration's budget request makes some completely wrongheaded choices. For example, there has long been a Federal program to help States implement weatherization programs to reduce energy waste and save consumers money. By all accounts, it is an effective way to help cut monthly energy bills for working families. In the Energy Policy Act, we slated that program for a substantial increase. In the administration's budget request, though, that program is going to be cut by 32 percent. That makes no sense, so my amendment to this resolution provides for the full funding of weatherization programs, as well as other State energy programs to help consumers, at the levels we all agreed to in the Energy Policy Act last year.

In the area of energy efficiency for affordability, then, this amendment would add $1.17 billion. That's the amount that we have authorized for these programs last year that the administration left out of its budget request. This funding would fully support key new programs to help keep energy costs down for consumers.

It would fund rebate programs for energy-efficient appliances.

It would help utilities with new programs to encourage their customers to save energy.

It would help States improve their building codes for energy efficiency.

It would accelerate Federal energy conservation standards.

It would capitalize on opportunities to save energy in low-income communities, where some of the most energy-inefficient buildings and equipment can be found.

Finally, this amendment provides full funding for the energy efficiency research and development authorized last year by the Energy Policy Act. The administration's budget request was $462 million short of what we agreed made sense for these programs in the Energy Policy Act and we provide this additional funding, that will make American industries—like our steel, aluminum, and forest industries—more competitive by lowering their energy requirements. This funding will also allow us to make a stronger push towards the next generation of lighting, in which the old incandescent bulb, which wastes most of the energy you put in it as heat, is replaced(, by semiconductor lighting that is incredibly long-lived and energy efficient.

Saving energy through conservation is one way in which we can make energy more affordable. But conservation is just part of the answer. We also need to develop new supplies of clean energy to meet our future needs.

All of us are concerned about the security implications of our dependence on foreign oil. Improved transportation efficiency is one key part of the solution, but so is greater reliance on domestic sources of energy for transportation. One area that captured a great deal of attention and support in the Energy Policy Act is making ethanol out of cellulosic plant materials. This would expand the resource base for ethanol beyond cornstarch, which is the current feedstock for making ethanol. It would allow ethanol to be made in a wider geographic area than the Midwest. This is important, because ethanol is difficult to transport in pipelines and needs to be trucked to fuel terminals in order to be mixed into gasoline. The energy bill authorized a half billion dollars in production incentives and conversion assistance for making ethanol from cellulosic biomass. The administration's budget request did not include any funding for this purpose. The budget amendment I have offered would allow for full funding for important initiatives in the production of ethanol from cellulose.

This amendment also allows for full funding of the renewable energy research and development programs in the energy Policy Act. In the Budget request, the administration proposed to terminate research and development programs in geothermal energy and in hydropower. These are important resources that we can't ignore as part of the energy mix. If my amendment were adopted, they could be fully funded, instead of being terminated.

Finally the area of renewable energy production, this amendment takes the first big step beyond the Energy Policy Act. The Energy Policy Act expanded the renewable production tax credit, and created a companion Clean Renewable Energy Bond program for public power. Both the tax credit and the bonds aimed at stimulating the construction of new capacity for generating electricity from solar, wind, biomass, geothermal, and other renewable energy sources. These fiscal incentives, though, expire on December 31, 2007. To qualify, generating facilities have to be placed in service by that date, which is less than 2 years away. That means that these incentives are not going to be stimulating much activity over the next year, because unless your project is already well along, you will not be completed in time to benefit from the tax credit or the bond.

My amendment allows for a 4-year extension of both the renewable energy production tax credit, and the comparable Clean Renewable Energy Bonds. We need to get these fiscal incentives on a time scale that actually matches the requirements of putting electric generation construction projects together. I believe that there is tremendous interest in building new renewable electricity capacity in this country. If we could give the market the certainty of knowing that this tax credit would remain in place until 2011, at this juncture, I believe that we would see an explosion of new construction. That would help us in two important ways. First, the new renewable generation would tend to back out power generated by natural gas, which would take pressure off of natural gas prices. All consumers would benefit from that. Second, the additional construction would provide employment both in States with renewable resources and States where renewable energy generation equipment is manufactured.

Right now, the extension of these fiscal incentives for energy production is not in the budget resolution or in the plans of the Finance Committee for this year. If this amendment were to pass, though, we would have the resources to act on extending this tax credit in this Congress, when it can do the most good.

This amendment also adds funding for a variety of other secure, affordable, and clean energy generation technologies that were left out of the administration's budget request.

It fully funds the Clean Coal Technology program, which received almost no funding in the administration's proposals. This program is essential to helping coal find a place in the generation mix of the future, which will place a premium on controlling emissions and capturing carbon. This amendment also makes a major commitment on distributed electric generation technology, which is likely to have greater overall system efficiencies.

This amendment also allows us to fix one of the most glaring errors in the administration's energy budget request—its recommendation that we terminate all domestic oil and gas research and development programs. For a country facing $60-per-barrel oil and high natural gas prices, the idea that we will cut off R&D spending for domestic production is a little bizarre. When you realize that most of the Department of Energy program being terminated is focused on helping independent oil and gas producers, and not the major oil companies, it is even harder to understand. There are a lot of small oil and gas producers in my State of New Mexico, and they certainly are benefiting from current high prices. But none of them are in the position to start up R&D departments. And oil and gas is a boom-and-bust business, while R&D is something that you need to have a long-term commitment to, in order to achieve results.

The administration's proposed termination of domestic oil and gas research and development flies in the face of its own statements.

For example, when the President signed the Energy Policy Act last August, he favorably singled out some of the oil and gas programs it authorized. Here are his words:

> The bill authorizes research into the prospects of unlocking vast amounts of now—energy now trapped in shale and tar sands.

Last October, the Secretary of Energy announced funding for 13 R&D projects aimed at tapping unconventional sources of natural gas. That funding, like most of DOE's funding for oil and gas R&D, went to universities, National Laboratories, and independent oil and gas producers. In announcing these projects, he stated, "The projects we are funding today are an investment in our Nation's energy security and economic security, and will help us obtain the maximum benefit of our domestic energy resources in an environmentally sensitive way." But 3 months later, the administration proposed to zero out those same programs in the Budget request, at a time when our need for new domestic sources of natural gas and oil are quite clear.

Finally, just earlier this month, the Department of Energy made another announcement. It released a set of reports stating that state-of-the-art enhanced oil recovery techniques could significantly increase recoverable oil resources of the United States in the future. According to the Department's reports, 89 billion barrels or more of oil could eventually be added to the current U.S. proven reserves of 21.4 billion barrels. That would be a huge improvement to our energy security—an amount of oil that is 9 times greater than even the most optimistic projection of the resources of the Arctic Refuge. And this oil would mostly be produced from existing drilling sites in the United States, with little additional environmental impact. So here is the irony—both the program that produced the reports and the program conducting the research on enhanced oil recovery is the same program that the administration is terminating.

Our need for new domestic sources of oil and gas is quite clear, as is the need to use advanced technology to find and produce those resources. There is no argument about the promise of such research—even the administration agrees. I believe that the Senate should be more willing to match its rhetoric with funding than the administration has been. Therefore, my amendment restores the existing oil and gas research and development programs to the levels appropriated for the current fiscal year. In my view, that is the bare minimum that we should do.

Our amendment would add $500 million to Function 600 to increase discretionary spending for the Low Income Home Energy Assistance Program. The pending Budget Resolution assumes that appropriations for LIHEAP will be $1.8 billion in fiscal year 2007—the same as the President's budget request. We know from recent experience that this simply is not enough money. Due to very high oil, gas and electricity prices, the fiscal year 2006 funding of about $2 billion has been totally inadequate, despite a winter that was milder than normal many states.

Applications for assistance this winter increased an average of 11.4 percent across the country. In New Mexico, the number of fiscal year 2006 applications is projected to be 20 percent higher than last year. New Hampshire—30 percent more applications. Texas—63 percent more. Wyoming—47 percent more. Several states have completely run out of funds. Because of this dire situation, the Senate recently passed Senator SNOWE's bill adding an additional $1 billion for LIHEAP grants in fiscal year 2006 by a vote of 68 to 31.

Experts predict that energy costs are going to remain high this year and next winter. Contracts for natural gas to be delivered in January 2007 are currently selling for over $10 per MMBtu. Our amendment provides for a needed increase in LIHEAP funds for next winter.

Good energy policy is not something that happens by default. You need to set out with a clear, comprehensive vision and then—most importantly—stick with it when it comes to implementation. If we don't keep our focus on a comprehensive, balanced approach to both energy efficiency and energy supply, we will not achieve the goals of energy security and energy affordability that we want. I think that the administration's budget suffers from that loss of focus. Somewhere between the signing ceremony and the submission of the next budget, the energy security of our country was not given a high enough priority. I believe that this budget resolution before us now perpetuates that loss of focus. Under its terms, we will actually spend less on our energy security in four out of the five next fiscal years than we did before we passed comprehensive energy legislation. Something is wrong with that picture.

I don't think it's appropriate to set up some zero-sum game on the DOE budget, where we have to rob Peter to pay Paul down in the Appropriations Committee this summer. The provisions of the Energy Policy Act of 2005 are important enough to the country that we should be working together to increase the bottom line for all energy programs in the energy function of the budget.

A lot of hard work went into crafting the Energy Policy Act of 2005 on the part of all of us in the Senate. Important priorities for Senators—both Republican and Democratic—in areas such as energy efficiency, oil, natural gas, clean coal, and others have not been requested at levels that will allow the Act to be properly implemented.

I believe that we should use this Budget Resolution to get to better energy outcomes for the nation. At a minimum, we need to fund the programs we authorized to bring us better energy security and make energy more affordable in the future. It is not a mystery as to what those programs are. We extensively debated them at the Committee level, here on the Senate floor, and in conference during the passage of the Energy Policy Act of 2005. Seventy-four Senators voted to set up those programs when they voted for the Energy Policy Act of 2005. There may be those who say we should go beyond those authorizations and do even more for our energy future, and I would not disagree. But if the good work we have done to date on energy bill is not to be wasted, then we need to vote on this budget resolution to at least fund the programs that we established. That is what this amendment does, and I hope that I will have the support of a broad majority of my colleagues to pass it.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry: How much time do I have in opposition to the amendment?

The PRESIDING OFFICER. Up to an hour.

Mr. DOMENICI. Fine. I yield the floor and suggest the absence of a quorum, and let it be charged to me.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I believe there was a unanimous consent agreement that the Bingaman amendment would run until 3 o'clock, and then we would start voting. I believe the time was to be equally divided between the proponents and the opponents. So my understanding would be the Senator from New Mexico would have about half of that time. I think it started at about 2:25, so the Senator from New Mexico would have half of 35 minutes.

Was that not the understanding that was reached? I thought it was the understanding reached.

Mr. CONRAD. I agree.

The PRESIDING OFFICER. There was no such order requested.

Mr. CONRAD. Maybe we could at this moment then put that in place.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I would ask that the time between now and 3 o'clock be divided so that the senior Senator from New Mexico, Mr. DOMENICI, would have 15 minutes, the junior Senator from New Mexico, Mr. BINGAMAN, would have 5 minutes, and at 3 o'clock the voting will proceed, and that all time on this amendment will have expired, and that it will be included in the votes which we will proceed with. I will ask for unanimous consent. In fact, I ask unanimous consent right now. I ask unanimous consent that—

Mr. DURBIN. Reserving the right to object, I wish to ask the chairman if he would withhold for a moment, as I make a personal request.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I am going to ask unanimous consent, and then I am going to modify it.

Mr. President, I ask unanimous consent that the votes for 3 p.m. today occur in the following order, with 2 minutes equally divided between the votes, and all votes after the first be limited to 10 minutes in length: The first would be Conrad and Feingold, No. 3013; second, Talent, No. 3011; Kennedy, No. 3028; Chafee, No. 3014; Burns, No. 2999; and Akaka, No. 3007. I further ask consent that immediately following the votes, the Senate proceed to a vote in relation to the Bingaman amendment No. 3039, with the same 2 minutes of debate time, and no second degrees in order to the amendment prior to that vote. I further ask consent that the votes now start at 3:05, and that the time between now and 3:05 be divided as follows: 5 minutes to Senator BINGAMAN, 15 minutes to Senator DOMENICI, and then, at 3 o'clock, 5 minutes to the Senator from Illinois, Mr. DURBIN.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will start my 15 minutes. I ask I be notified when I have used 10 minutes, please.

The PRESIDING OFFICER. The Chair will be glad to notify the Senator from New Mexico.

Mr. DOMENICI. I thank the Chair.

First, might I say to my friend Senator BINGAMAN, it is not to my liking we are here opposing each other. We produced the Energy bill, which we are discussing or debating today, together. Today we have an argument about how to implement it, how fast to implement it. I am on the side of the President in terms of implementing it, and the Senator wants to implement it faster. That does not mean we are at odds with reference to what we tried to do. It is just how fast we will do it.

I wish to suggest to the Senate that when you have a budget, you have to make choices. The President made some very significant choices in this area of how much of the Energy Policy Act should be implemented. In his State of the Union Address, he spoke rather eloquently about our addiction to oil. It is interesting, when he spoke about that, he then turned to issues and matters within the Energy Policy Act, which was passed by 74 Senators—bipartisan—when he said: Let us move ahead to substitute in the tanks of our automobiles—instead of gasoline, let us substitute ethanol and a related product that eventually will come from cellulose that will be produced, that grows. And we are about to the point where we know exactly how to convert that to something that can be used in the tanks of our cars. The President asked for that. That is a very large item. That is funded. Senator BINGAMAN has no argument with that. Obviously, he is for that.

In addition, the President said: We should move ahead with a technology toward batteries so a hybrid automobile will come onboard more quickly. That is another $31 million add-on. I am sure the proponent, my friend, my colleague, supports that also.

He asked for $289 million for hydrogen fuel cells and $281 million for the development of clean coal technology, including $54 million for the FUTGEN Initiative, one of the most important projects in the country. In addition, the President asked for $250 million for the Global Nuclear Energy Partnership—the name for that is GNEP; we have all heard about it; $148 million for the new Solar America Initiative, a very important initiative—again, I am sure that is wholeheartedly supported by the proponent of the amendment, and which I oppose; and then there is $44 million for wind research to try to make the technology for wind energy, which is good. It is already producing, and we are generating great quantities in the State of Colorado, the State of New Mexico, and many others.

But the distinguished Senator, my colleague, asked for much more than that. He asked that we add $3.5 billion to this function called function 207. That just means it is the function that contains energy. I wish it were increasing funding for all the items the amendment seeks. I wish the President asked for them. I wish it were possible. I believe we can go much further for the cause of energy efficiency and renewable energy as well as conventional forms, but we can't do it all right now. We have to be realistic about using the funds currently available.

For that reason, although many of the proposals are very good and I believe we will do them in due course, I can say to the Senate and those who are interested in the issues and ideas raised by my colleague, I believe they are going to be implemented, just not by this budget. How do you pay for them? Because you see, Senator BINGAMAN would not want to say we broke the budget. So he says: Let's pay for them. The way he suggests we pay for them is dubious. He suggests that we pay for them by reauthorizing Superfund taxes. That is an assumption made in this amendment, that we will find the money, the $3.5 billion, by reauthorizing the Superfund, which has been controversial. It has not been reauthorized in a long time. I don't believe there is a way to do it. So we are increasing taxes that should not even be used for these programs. We are assuming that will happen in order to make this amendment look as if it is a budget-neutral amendment, and then we are asking for these good things to be paid for in that manner. I believe the Senate should reject it.

Again, many, if not all, of the items are good for the country and should eventually be done. To the extent that we work together to get them in an energy act, I think we will ultimately work together to get them funded one way or another. I hope we don't do it today because I don't think that will add to the budget and to the requirement that we as an institution produce a budget. That is our primary requirement, to produce the outline. I think this amendment will not help do that.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. BURR). The Senator from New Mexico.

Mr. BINGAMAN. I yield 5 minutes to my colleague, Senator SALAZAR of Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, let me say to my friends and colleagues from New Mexico, Senators BINGAMAN and DOMENICI, I very much appreciate the bipartisan leadership they are exercising in moving us forward in grappling with the imperative of national energy independence. I believe the National Energy Policy Act of 2005 was a first step in the right direction, and we must take additional steps.

It is because I believe we must take additional steps that I rise today in support of this amendment for energy independence and energy security. Our amendment will add about $3.5 billion to energy efficiency and renewable energy programs authorized in the bipartisan energy bill of last year; $500 million for the LIHEAP program to help low-income families heat their homes; it importantly extends the production tax credit and clean energy bonds for renewable energy. This is a fiscally responsible way of fulfilling our mandate to lead America to energy independence.

In his State of the Union Address, we heard the President commit to replace 70 percent of our oil imports from the Middle East by the year 2025. This is actually a modest goal. I am a member of a bipartisan group of Senators—six Republicans and six Democrats—that supports S. 2025, the Vehicle and Fuel Choices for American Security Act. That legislation would lead our country on a path to save 2.5 million barrels of oil per day by the year 2016, 7 million per day by 2026, and 10 million barrels per day by the year 2031. We can reach these goals and the President's goals, but we can only do it if we invest adequate resources in renewable and energy efficiency programs for the Nation.

The importance of making these investments now could not be more clear. Today we import almost 60 percent of our oil, accounting for one-quarter of the U.S. trade deficit. At our current rate of consumption, we will be importing 70 percent by 2020. We are currently held hostage by our dependence on foreign oil, jeopardizing our national security and our Nation's economic stability.

This amendment takes concrete steps toward the goal of energy independence. It builds on proposals we have been working on in the Energy and Natural Resources Committee, ideas we have laid out in S. 2025 and ideas that I have discussed with the President in his recent trip to the National Renewable Energy Lab in Golden, CO.

Our amendment would speed up development of renewable energy technologies, incentivize alternative fuels production, and improve energy efficiency in our cars and homes. Currently, transportation accounts for two-thirds of domestic oil consumption. That is why this amendment is so important, because it will provide full funding for the Energy Policy Act advanced vehicle deployment programs. We want to accelerate the development of hybrid vehicle technology, create fuel cells for school buses and transit buses, and improve the technology in biodiesel engines. Our amendment makes smart investments in renewable energy to make it affordable and accessible to all Americans.

It will fund research and development for renewable energies to the levels we authorized last year as a Senate in the Energy Policy Act of 2005. This amendment will double the funding for renewable energy development at DOE's top renewable energy lab, the National Renewable Energy Lab in Golden, CO. By supporting the technological advances occurring at places such as the National Renewable Energy Lab, we will usher in a new era in solar production, wind power, and biofuels.

It extends existing production tax credits for electric power and liquid fuels produced from renewable resources until 2011. This will provide greater predictability for manufacturers and purchasers that want to make renewables a viable alternative.

Our amendment will also place an additional $296 million into clean coal R&D. We are on the brink of breakthroughs in coal gasification and clean coal technology that will allow us to take full advantage of America's unparalleled coal resources. We must support these technologies and get them to the market as soon as possible. This energy independence amendment will also provide funding for the production incentives for cellulosic ethanol that we authorized in last year's Energy bill. Cellulosic ethanol is an untapped and potentially massive energy source. I appreciate the President's expression of support for its development. Current methods of producing ethanol have an energy return of about 35 percent. We can do much better.

The PRESIDING OFFICER (Mr. COLEMAN). The time of the Senator has expired.

Mr. SALAZAR. I ask unanimous consent for an additional 20 seconds to finish my statement.

Mr. CONRAD. Mr. President, I yield the Senator off the resolution an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, the investments we make as a nation in wind energy, solar power, and cellulosic ethanol are important for the energy independence of America. As I have often said, the bipartisan leadership of the Senate Energy Committee can get us to energy independence if we make sure that what we do is take care of the cornerstones of energy independence, which include renewable energy, conservation, new technologies, and balanced development of our natural resources.

I yield the floor and thank Senator CONRAD.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator REID of Nevada be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the distinguished Senator from New Mexico has 8 minutes remaining. Does the senior Senator wish to yield back his time?

Mr. DOMENICI. Are we there now?

The PRESIDING OFFICER. The senior Senator has 7 minutes remaining.

Mr. DOMENICI. If I yield back, do we go to votes? Are we finished?

Mr. CONRAD. No, we would not.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is to be recognized.

Mr. CONRAD. Senator DURBIN has a disaster in his hometown.

Mr. DOMENICI. I yield back.

The PRESIDING OFFICER. The Senator yields back his time.

Under the previous order, the Senator from Illinois, Mr. DURBIN, is recognized for 5 minutes.

Mr. CONRAD. Mr. President, as the Senator from Illinois is coming to speak about a natural disaster that has hit his hometown, let me alert colleagues to once again please cooperate with the chairman and myself on trying to work out the timing of amendments. We have a series of amendments we are trying to get lined up to be debated tonight which we would then vote on tomorrow morning. We are running into a little bit of difficulty because of Senators' schedules. We urge people to try to work with us to resolve those matters as expeditiously as possible.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that after the first vote in the seven votes that are coming at 3:05, that all further votes would be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant Democratic leader.

SPRINGFIELD TORNADOS

Mr. DURBIN. Mr. President, I thank the chairman of the committee, Senator GREGG, as well as Senator CONRAD, for yielding this time.

For the last 2 days, I have been asked by many of my colleagues in the Senate and I have received calls and e-mails from across the country about my hometown of Springfield, IL, which was hit by two tornados on Sunday evening. I wanted to take a few minutes to tell the Senate where things stand.

On behalf of the people of Springfield, IL, our State capital, Mr. Lincoln's hometown, we are grateful for the outpouring of support from all across the State and all across the region. We will get through this disaster together, and we will rebuild Mr. Lincoln's hometown. A series of photographs which I have here show homes and businesses blown apart by the tornados. Imagine this image multiplied by hundreds of times, and you have an idea what Springfield looks like.

This morning, I was on the phone early with Mayor Tim Davlin, who had gone through the area, visited some of the neighborhoods, and was speechless to describe what has happened to the homes of so many fine families in Springfield, IL. These two tornados were part of a violent storm system that claimed at least nine lives across the Nation and wreaked havoc along a 350-mile corridor from Lawrence, KS, through Illinois. They were the worst tornados people can remember in Illinois. We are somewhat proud of the distinction of being Tornado Alley, so we have seen some bad ones. They tore through Springfield at 120 miles an hour, followed by fierce rain and hail. The first tornado touched down around 8:20 Sunday evening. It was on the ground for almost 6 minutes and left a path of destruction 5.5 miles long and a half mile wide. The second tornado touched down at 8:25. It was on the ground for 5 minutes and left damage 4 miles long, 300 yards wide. The winds ripped off the roof of our Springfield Wal-Mart, peeled the siding off buildings, and blew the windows out of countless buildings, including our State capitol building. Many homes and businesses were completely leveled by this tornado.

Trees were pulled up by their roots, utility polls were snapped in half, traffic signs and signals were toppled, forcing the closure of major roads into the city of Springfield.

Twenty-four people in central Illinois were injured in the storms, including 19 in my hometown of Springfield. We are very grateful no one died. That is due partly to luck but also to the excellent storm warning system operated by the city of Springfield and Sangamon County. I salute the Sangamon County government, as well as the city of Springfield, Andy Van Meter, chairman of the board, and Mayor Tim Davlin for their great cooperation during this disaster.

The early warning gave people a chance to save their lives. Governor Blagojevich has already declared a State disaster in Sangamon County and in six neighboring counties—Ford, Greene, Logan, Morgan, Randolph, and Scott.

The worst damage by far is in Springfield. Nearly 1,000 homes have been damaged or destroyed. 10,000 people without electricity, schools remain closed, and many roads are still not passable.

The worst disasters tend to bring out the best in Americans. That is true in Springfield today. There has been an amazing outpouring of courage and generosity. The Red Cross, God bless them, are already seeking temporary housing for 50 families who have no place to turn. All the other people whose homes were damaged or destroyed have been taken in by friends and family.

I commend Governor Blagojevich, Springfield Mayor Tim Davlin, Chairman Andy Van Meter, and their staffs, and so many community leaders who have been working around the clock to get help to the victims.

I commend the mayors of two neighboring towns that were also hit. Mayor Harry Stirmell of the village of Jerome, which is just a few blocks from where I live, and Mayor Joe Rusciolelli of the village of Riverton, which were hit hard, are also working with State and local officials and with FEMA.

The Governor's office and the mayors' offices are scheduled to meet with FEMA officials tomorrow. It is my understanding that the FEMA officials are on their way to Springfield to assess the damage and map out a recovery plan.

I know I speak for Senator OBAMA, my colleague, when I say we stand ready to help. We are going to bring together a bipartisan delegation that represents this area, including Congressman LAHOOD, Congressman SHIMKUS, and Congressman EVANS. We will work together in concert on a bipartisan basis to make sure help is on the way.

Based on what we already know, we expect Springfield and other central Illinois communities hit by these tornadoes will qualify for Federal emergency disaster assistance. We are going to do our best to make sure that comes quickly.

I close with a real-life story. A story in today's Springfield Journal Register quotes a man named Tim Williams. Before the tornado, Mr. Williams' garage in Springfield was filled with antiques, including a 1955 Buick Roadmaster Riviera that he had just finished restoring and had driven only 87 miles. Today the car is damaged, but Mr. Williams' antiques are scattered across the neighborhood.

Like everybody else, he considers himself really lucky. He and his family made it through this tornado of 2006 alive. Like many in our town, he is feeling a renewed empathy for the victims of Hurricane Katrina. As Mr. Williams told a reporter:

> You don't realize until it happens to you.

I want to say to my fellow residents of Springfield and to others who suffered severe losses in these storms: You are not alone. We are part of an American family. We stand together when times get tough. I didn't know that today I would be asking for help from across the Nation for my hometown, but tomorrow it can be the hometown of any Senator on the floor of the Senate.

I know my colleagues on both sides of the aisle, government at every level, will do everything they can to put Mr. Lincoln's hometown back together again. That is the American spirit. That is the American family. We are 50 States, but we are one American family.

I am looking forward to working with my colleagues to make sure we deliver and that the people of Springfield, Sangamon County, and all the affected counties from this tornado are made whole as quickly as possible.

Mr. President, I yield the floor.

AMENDMENT NO. 3013

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Conrad-Feingold amendment No. 3013.

Mr. GREGG. Mr. President, I ask unanimous consent that we deem the yeas and nays to have been ordered on all seven amendments.

The PRESIDING OFFICER. Is there objection to requesting the yeas and nays on all the amendments?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, let's make clear, when we say "all the amendments," what we are intending is that all the amendments that are in order to be voted on at this point.

Mr. GREGG. Correct, the seven amendments we are about to vote on.

Mr. CONRAD. There is no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

Mr. GREGG. To all of them.

The PRESIDING OFFICER. There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CONRAD. Mr. President, is it not correct that under the previous understanding, there will be 2 minutes before each vote for a wrapup? That has been our usual practice. That was the unanimous consent agreement previously entered.

Mr. GREGG. Mr. President, I ask unanimous consent that we vitiate this rollcall so we can do the 2 minutes and go back to the rollcall as would be the proper order. It has not started.

The PRESIDING OFFICER. The rollcall has not started. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is the pay-go amendment. In some ways, I think this is the most important amendment we face. It is an attempt to reestablish the budget disciplines that have worked in the past. Here is where we are headed: Debt up, up, and away.

Pay-go simply says: If you want new mandatory spending, you have to pay for it. If you want more tax cuts, you have to pay for them. I know the chairman says that means a tax increase. Not at all. You can pay for increased tax reductions or increased spending by offsetting other spending reductions. It is critically important we do this.

I want to emphasize, here is what has happened: We weakened the pay-go rule after we got back into surplus, and it has been red ink all the way down. This is our opportunity to reenact the budget discipline of pay-go. I urge my colleagues to vote aye.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the practical effect of this is to raise taxes. That is the only effect it has. If you take the pay-go language and put it on top of the 5-year budget we offer today, the only thing it will impact is the fact that taxes will have to be increased to pay for extending the rate cuts, for extending the repeal of the death tax, and capital gains and dividends. It is not pay-go, it is tax-go.

For all practical matters, this is a vote on whether you want to raise taxes.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3013. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

The amendment (No. 3013) was rejected.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, could the Chair inform the body what is next in order?

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the Talent amendment.

AMENDMENT NO. 3011

Mr. TALENT. Mr. President, this is the amendment which I offered on behalf of myself, Senator LIEBERMAN, and Senator WARNER.

This amendment raises the top line for Defense in the number which the President requested to an approximately $3 billion increase. It is paid for. In time of war, the minimum we ought to do is have the Defense top line at the number which the President requests.

It is a bipartisan amendment. I ask the Senate for its support.

Mr. GREGG. Mr. President, I ask unanimous consent that the yeas and nays on this amendment be vitiated and Senators agree to take it by voice vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 3011) was agreed to.

AMENDMENT NO. 3028

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the Kennedy amendment.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I offer this amendment along with the Senator from Maine, Ms. COLLINS, and the Senator from New Jersey, Mr. MENENDEZ.

As we confront the global economy, America is facing a massive new challenge. It affects our jobs, our way of life, and even our national security. Education is the key to meeting that challenge.

This last year, we had many important reports ranging from the National Association of Manufacturers to the National Academy of Sciences and Engineering and the Institute of Medicine. All of them say we have to invest in education to meet the global challenge.

When we faced the challenge of Sputnik, we doubled our investment in education overnight. We need that kind of commitment again so that we can compete with China and India and maintain our position as No. 1 economically and militarily.

The amendment that Senators COLLINS and MENENDEZ and I offered increases Pell Grants, student aid, and job training. It pays for these new investments by closing egregious tax loopholes that the Senate has approved before.

The amendment is supported by 100 organizations, and I ask unanimous consent to include in the RECORD a sample of the letters of support we have received.

This amendment is a downpayment on our future. I urge the Senate to accept it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STUDENT AID ALLIANCE,
Washington, DC, March 14, 2006.

DEAR SENATOR: On behalf of the Student Aid Alliance, a coalition of 60 associations representing college students, parents, college and university presidents, faculty, administrators, and others, we urge you to support the amendment to the FY 2007 Budget Resolution being offered by Sens. Kennedy, Collins and Menendez. This amendment will help millions of students fulfill their dream of a college education.

The administration's budget will put college out of reach for far too many American children. It calls for the elimination of seven higher education programs: the Perkins Loan Program, the Leveraging Educational Assistance Partnerships Program (state grants), the Thurgood Marshall Legal Educational Opportunity Program, GEAR UP, and three of the highly successful TRIO programs: Upward Bound, Upward Bound Math/Science, and Talent Search. It also freezes funding for the Supplemental Educational Opportunity Grant, the Federal Work-Study Program, and freezes the maximum award for the Pell Grant—the anchor of the federal commitment to ensuring equal educational opportunity—at $4,050 for the fourth year in a row.

The Kennedy-Collins-Menendez Amendment puts a halt to this backward momentum, and sends a clear message that as a nation, we can ill afford to fall behind nations like China, India, South Korea, and much of the European Union in producing the intellectual capital needed to boost economic growth and challenge the United States in the decades ahead. Given the high stakes involved, this is not the time to cut federal student financial aid.

We urge you to adopt the Kennedy-Collins-Menendez Amendment.

Sincerely,

DAVID WARD,
Co-Chair.
DAVID WARREN,
Co-Chair.

THE WORKFORCE ALLIANCE,
Washington, DC, March 13, 2006.

Re Menendez-Kennedy-Collins Amendment to FY07 Budget Resolution

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: The Workforce Alliance wholeheartedly supports the budget amendment offered by yourself, Senator Menendez and Senator Collins to increase our nation's investment in higher education, job training and vocational education programs that are so vital to economic future of this country, as well as to the economic prosperity of America's working families.

Your amendment would bring an additional $6.3 billion into the FY07 budget in order to expand these critical education and training programs at a time when our country desperately needs to increase the skill levels of its workforce in order to compete in a 21st Century global economy. Your amendment would finally stop the several-year slide in combined federal funding for these programs.

The Workforce Alliance (TWA) is a national coalition of local leaders from the field of workforce development—including community-based organizations, community colleges, labor unions, business and trade associations, and state and local public agencies—who want to improve our nation's investments in the skills of all its workers, so that more of America's workers will have the skills they need to advance, and so that more American businesses will have the skilled workers they need to compete in today's economy. Your amendment takes an important step in that direction.

We appreciate your attention to this important matter and look forward to working with you to ensure that our nation's budget reflects the right priorities for American workers and businesses.

Sincerely,

ANDY VAN KLEUNEN,
Executive Director.

ASSOCIATION OF JESUIT
COLLEGES & UNIVERSITIES,
Washington, DC, March 13, 2006.

Hon. EDWARD KENNEDY,
Ranking Minority, HELP Committee, U.S. Senate, Washington, DC.

Hon. ROBERT MENENDEZ,
Member, Budget Committee U.S. Senate, Washington, DC.

DEAR SENATORS KENNEDY AND MENENDEZ: On the behalf of the Association of Jesuit Colleges and Universities and the twenty-eight Jesuit higher education institutions, I write in strong support of the Kennedy-Menendez Student Aid and Job Vocation Amendment to the Senate Budget Resolution for FY07. This amendment totals $6.3 billion and critically addresses the increases needed in all student aid programs.

For over four years, the Pell grant maximum award has been frozen at $4,050. Last year, we finally retired the Pell Grant shortfall and we had hoped for some increase on Pell grant maximum award for FY06, but that did not occur. Even though there were remaining Pell grant surplus funds from FY06, the administration did not use that additional $273 million for an increase on the FY07 Pell grant maximum award. This amendment will increase the Pell grant maximum award and would address the declining value of the Pell grant program resulting from four years of level funding.

Your amendment also restores critical higher education access programs such as TRIO programs and GEARUP, in addition to restoring LEAP and the Perkins Loan Program which were called for elimination in the President's budget. We greatly appreciate the restoration of the Perkins loan program, an integral part of student aid on Jesuit campuses across the country.

Ironically, the White House and Members of Congress talk about America being globally competitive, but we cannot continue to do so unless the investment to federal student aid programs increases, remains consistent, and involves students from low incomes. Otherwise, those global competitive goals are only rhetoric.

Thank you for your efforts in offering this amendment. AJCU stands ready to assist your efforts throughout the budget process and the year.

Sincerely,

CYNDY LITTLEFIELD,
Director of Federal Relations.

NATIONAL ALLIANCE FOR
PARTNERSHIPS IN EQUITY,
Cochranville, PA, March 13, 2006.

Senator EDWARD M. KENNEDY,
Committee on Health, Education, Labor and Pensions, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: When the President released his FY 2007 Budget we were all in a state of dismay. Considering the increasingly competitive global economy and the importance of maintaining our competitive edge, the budget cuts to education and job training were short sighted. Critical programs that open the doors of opportunity for students, workers and families will be closed if the administrations budget proposal is not corrected.

The National Alliance for Partnerships in Equity applauses your effort to rally your colleagues by developing the Menendez-Kennedy Student Aid/Job Training Budget Amendment and wholeheartedly support its introduction and eventual passage. We are particularly concerned about the elimination of the Perkins Vocational Education program and are pleased to note that your proposal will restore full funding to these very important programs.

The National Alliance for Partnerships in Equity is a consortium of state agencies and affiliates who have joined forces to work collaboratively to promote equity in education and workforce development, including career and technical education. NAPE's membership is committed to the creation of equitable classrooms and workplaces where there are no barriers to opportunities. Budgets, such as the one proposed by the administration, will only eliminate opportunities for students.

Thank you for your vision and support for education programs and the students who benefit from them.

Sincerely,

MIMI LUFKIN,
Executive Director.

THE STATE PIRGS' HIGHER EDUCATION PROJECT; UNITED STATES STUDENT ASSOCIATION,
March 13, 2006.

Hon. EDWARD KENNEDY,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of students across the country we would like to thank you for introducing an amendment to restore cuts to, and provide critical increases for, education funding in the FY07 Senate budget.

Students and families face one of the most difficult years in to attempt to finance a college education, as increased tuition costs and severe state budget cuts are creating enormous barriers for students pursuing higher education degrees. Already, too many students take on substantial loan debt and work long hours in order to cover the costs of a college education. Nearly two-thirds of all students graduate with federal education loan debt, and the average student loan debt has nearly doubled over the past eight years to almost $17,000. In addition, nearly half of all full-time students who were employed while in school during this time worked 25 hours or more every week.

Without change, the FY07 Senate budget threatens to leave millions of students and families in a deep financial hole. The original budget proposal called for the elimination of several vital student aid programs that make college more affordable, including LEAP funding, Perkins Loans, the Thurgood Marshall fellowship, and the TRIO and GEAR UP programs. We support the effort to restore funding for these programs.

In addition your amendment provides increases to critical grant programs such as the Pell Grant. The maximum Pell Grant has been frozen at $4,050 for the past four years. As college costs continue to rise, students experience these increases as a cut to funding.

We thank you for standing up for students and introducing this amendment. We look forward to working with you to build support for increase funding for our nation's students.

Sincerely,

LUKE SWARTHOUT,
State PIRGs' Higher Education Associate.
JASMINE HARRIS,
Legislative Director, United States Student Association.

COALITION OF HIGHER EDUCATION
ASSISTANCE ORGANIZATIONS,
Washington, DC, March 13, 2006.

DEAR SENATORS: I am writing to urge your support for amendments that would permit an increase in federal funding for education that may be offered during Senate consideration of the Congressional Budget Resolution for fiscal year 2007. I understand that Senators Specter and Harkin and Senators Kennedy, Menendez and Collins plan to offer such amendments. We strongly urge all senators to vote yes on these amendments, which would permit extremely important investments in our nation's future. Without additional spending authority for education provided for in the Budget Resolution, it will be impossible for the Appropriations Committee to adequately complete its work this year.

The Coalition of Higher Education Assistance Organizations (COHEAO) is a coalition of colleges, universities and commercial organizations that work to foster improved access to postsecondary education, particularly through the Perkins Loan Program. The Perkins program plays a critical role in our nation's financial aid system, especially for the lowest-income students. It is the original student loan program created by the National Defense Education Act of 1958 in response to the Sputnik launch by the Soviet Union. National Defense Student Loans were needed then, and, renamed, they are needed today as our country continues to face challenges that require a highly educated workforce to respond. In order for this program to remain healthy and to avoid cutting students off from the financing they need, annual appropriations are needed of a modest capital contribution and to reimburse schools for loans cancelled when borrowers go into public service jobs. Schools partly match the capital contribution and when Perkins Loans are repaid, the funds are relent to other students who need to borrow, making this a highly efficient way to finance students' higher education.

America's students need your support. Please vote for the Spector-Harkin and Kennedy-Menendez Amendments to expand funding for education as part of the Congressional Budget Resolution.

Sincerely,

ALISA ABADINSKY,
President.

Mr. GREGG. Mr. President, this budget commits a tremendous amount of resources to education, as has this President. A few weeks ago, we voted for an additional $9 billion for student assistance for students who are going to college. This budget adds in an extra $1.5 billion. In addition, it sets up a reserve fund with $6 billion for the American competitiveness proposal. It fully funds vocational technical education.

So the commitment is strong in this budget, as it has been for many years under the leadership of this President, with dramatic increases in education.

This amendment would significantly raise the caps by $6.3 billion and in turn would raise taxes by $6.3 billion. It is a classic tax-and-spend amendment.

I hope Members will vote against it.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 3028) was rejected.

Mr. McCONNELL. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3014

The PRESIDING OFFICER. There are 2 minutes equally divided prior to the vote on the Chafee amendment.

The Senator from North Dakota.

Mr. GREGG. I ask that the yeas and nays be vitiated on this amendment and we do a voice vote.

The PRESIDING OFFICER. Is there an objection?

Mr. KENNEDY. Reserving the right to object, does that mean the outcome is determined? Do we have to accept the voice vote? Do we still preserve our own Senate rules so we can ask for yeas and nays after a voice vote if we are not satisfied?

The PRESIDING OFFICER. Nothing would preclude the Senator from asking for the yeas and nays after the voice vote but before the result is announced.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I call this amendment the Property Tax Relief Amendment of 2006. This amendment moves funding of IDEA to 20 percent of the cost of a municipality, only 20 percent of the promised 40-percent goal set in 1975.

Schools account for the majority of property taxes and special education costs are rising much faster than inflation. If we fund this to 20 percent, it will go right down to the property tax payer. We all know the property tax is one of the most difficult taxes of all we pay.

I urge passage of this amendment.

Mr. CONRAD. Mr. President, I agree with the Senator's intention to plus up IDEA. The problem is the pay-for here is section 920. There is no money in 920. What will happen is other domestic accounts will be cut. There is no new money here. The appropriators will get $873 billion without this amendment; they will get $873 billion with this amendment. There is no new money here, just so my colleagues understand that before the vote.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Does the Senator from Rhode Island still have time?

The PRESIDING OFFICER. He has 23 seconds.

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent to add Senator WARNER and Senator SANTORUM as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I also add that of all the talk about tax relief in this Chamber, we do not get enough talk about property tax relief.

I urge your support for this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3014) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2999

Mr. GREGG. Mr. President, we now turn to Senator BURNS, I believe.

The PRESIDING OFFICER. We now have 2 minutes equally divided on the amendment.

The Senator from Montana.

Mr. BURNS. Mr. President, I assume this is my amendment. Everybody is looking toward me, so I will make that assumption.

The PRESIDING OFFICER. It is the Burns amendment.

Mr. BURNS. Mr. President, this amendment is a responsible method of addressing the essential needs of veterans health care. The amendment is cosponsored by Senators CHAFEE, HUTCHISON, and VITTER. Also, Senator HAGEL and Senator SESSIONS are on this amendment.

It proposes, we cannot live with a copay and then the additional cost as far as prescription drugs. I realize there is a litmus test that is trying to be imposed into our VA care. I would say that anybody who qualifies for veterans health care has already passed his litmus test; they served. So we should not ask of them who have given so much for this Nation to offer up a copay or any other fees that might come with VA.

I urge your support of this amendment. It is fully paid for.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me indicate, once again, this funding, which is absolutely meritorious, is paid for out of section 920. There is no money in 920. In fact, 920 is $500 million underwater already. What this will result in is an across-the-board cut in all discretionary accounts. So in voting for this amendment, you are voting to reduce homeland security, you are voting to reduce defense, you are voting to reduce law enforcement, you are voting to reduce all of the other domestic accounts, because there is no money in 920.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I have a letter in support of my amendment from the Veterans of Foreign Wars. I ask unanimous consent that the letter in support of this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, March 14, 2006.

Hon. CONRAD BURNS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BURNS: On behalf of the Veterans of Foreign Wars of the United States, we are writing in support of your amendment which would eliminate the need to raise co-payments and charge enrollment fees by providing increased funding for Veterans Administration (VA) health care programs.

We firmly believe that asking veterans to pay for part of the benefits a grateful nation provides for them is fundamentally contrary to the spirit and principles underlying the provision of benefits to veterans. No requirement that veterans be burdened with co-payments is justified, especially in a time of war.

Thank you for your efforts on behalf of our nation's sick and disabled veterans.

Sincerely,

DENNIS CULLINAN,
Director, National Legislative Service.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I want my colleagues to know that this amendment fails to raise the top line of VA funding and would not fully fund mental health. I will tell you, we are going to have an opportunity, in a moment, to do better with our Akaka-Murray amendment.

I yield back my time.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—100

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

The amendment (No. 2999) was agreed to.

Mr. STEVENS. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3007

The ACTING PRESIDENT pro tempore. There is now 2 minutes equally divided prior to a vote on the Akaka amendment. Who yields time?

Mr. AKAKA. Mr. President, I ask unanimous consent to add Senators BAUCUS, BYRD, LIEBERMAN, and LANDRIEU as cosponsors to my amendment No. 3007.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, our amendment would add $1.5 billion, real money, by closing tax loopholes. We said last year that more attention should be given to mental health and prosthetics. The opposition prevailed. It took months and two budgets to get to the right number. We must reject the administration's new fees, and we must shore up the system for returning veterans who will need all kinds of health care. VA's estimates for returning service members who will come for care are already off by 35,000 at least. I urge support for the Akaka-Murray amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Idaho.

Mr. CRAIG. Mr. President, we have just passed the Burns amendment. The Burns amendment is a 12.2-percent increase for veterans, the largest increase in the history of this Government for veterans. All incoming veterans from Iraq and Afghanistan are paid for. All veterans of current service needs, both disability and service related, are paid for. This is a doubling of the veterans budget every 5 years on the amendment we just voted for.

There is a fundamental question to be asked: How much is enough? This Congress, this Senate just now was generous, and appropriately so, to America's veterans. I urge a "no" vote on the Akaka amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3007. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 3007) was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3039

The ACTING PRESIDENT pro tempore. There is now 2 minutes equally divided for debate before a vote on the Bingaman amendment.

Mr. GREGG. Mr. President, this will be the last vote, I suspect, tonight.

Mr. CONRAD. Mr. President, could we ask Members, we are getting a feedback through the system of somebody's BlackBerry. If Members can make sure to check their electronics before they come on the floor.

Will the Chair inform us what the order is?

The ACTING PRESIDENT pro tempore. There is 2 minutes equally divided prior to voting on the Bingaman amendment.

Mr. CONRAD. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, first, I ask unanimous consent that Senator DURBIN of Illinois be added as a cosponsor of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, last year 74 of us voted to pass the Energy Policy Act of 2005. The amendment I have offered is to provide the funds to implement that act. If Members want to be able to tell their constituents that they actually were serious about those provisions and wish to see them implemented before 2012, they need to support this amendment.

The budget resolution before us through 2011 does not provide the funding that was called for in that legislation either for clean energy production or for energy conservation and energy efficiency. If my colleagues want to be able to say that we are taking serious action in Washington to provide secure and affordable and clean energy for this country in the future, support this amendment. This amendment provides the actual funds. This is the beef. if you are interested in where the beef is in this energy debate.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who yields time? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I think my colleague knows it is with reluctance that I must stand and oppose his amendment. We wrote the bill he is talking about. The President chose to fund provisions in the Energy Policy Act amounting to $1.2 billion. He didn't fund everything. My colleague intends to add items that were not funded.

We will have an opportunity in the appropriations process to move the money around and do some of what he seeks rather than some of those the President seeks. But the issue here is that to do what he wants, we have to add more than $3.5 billion. We add that to the bottom line which we have to pay for. The Senator pays for it by assuming that we will reauthorize the Superfund tax. That is how he pays for it. That has not been reauthorized for years. If it was. it shouldn't be used for this purpose.

So essentially. we should not adopt this amendment because it breaks the budget.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed for 1 minute to propound a unanimous consent request.

The ACTING PRESIDENT pro tempore. Without objection. it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that after we conclude the vote on the Bingaman amendment, the next amendment in order will be the Specter-Harkin amendment for half an hour, followed by the Stabenow amendment for half an hour. We are working on a unanimous consent request to line up a whole series of amendments, which unanimous consent request we hopefully will be able to offer at the end of this amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the Bingaman amendment No. 3039. The yeas and nays were previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 3039) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote. and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent to add Senator KYL as a cosponsor to Senator BURNS' amendment No. 2999.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that we now proceed to the consideration of the following amendments in the order listed and the times for debate equally divided for today and into the evening:

Senator SPECTER relative to Labor-HHS, 30 minutes; Senator STABENOW relative to interoperable, 30 minutes; Senator FRIST, or his designee, relative to Menendez subject matter, ½ hour; Senator MENENDEZ relative to port security, ½ hour; Senator BYRD on mining, ½ hour: Senator CHAMBLISS and Senator DAYTON, Byrne grants, 30 minutes; and Senator MURRAY on CDBG, 30 minutes.

Beginning on Wednesday at 9 a.m., the following will be considered: Senator KYL on immigration, 15 minutes; Senator GRASSLEY on Medicare, 30 minutes; Senator NELSON on Medicare, 30 minutes; and Senator SANTORUM on CDBG, 30 minutes.

I further ask unanimous consent that following the debate or yielding back of time on these amendments the Senate proceed to a vote in relationship to the amendments with no second degrees in order to amendments prior to the vote; further, that the time used during the votes count equally against the resolution. I further ask unanimous consent that the votes occur in the order listed above with the exception of the Santorum vote which will occur immediately following the Murray amendment: provided that prior to each vote there will be 2 minutes equally divided for debate, and that in each stacked series all votes after the first be limited to 10 minutes each.

For clarification, tomorrow morning after the debate on the Santorum amendment, we will begin a series of votes. We have some scheduling issues and, therefore, we will pause that sequence at some point and resume around 1 p.m. We have a joint meeting beginning at 2 p.m., and therefore we will then begin the next series of votes at 3 or 3:15.

I further ask unanimous consent that no other amendments or motions be in order other than those listed during the pendency of this request.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, reserving the right to object, could the chairman of the committee clarify when he intends to bring the so-called Specter-Harkin amendment to a vote?

Mr. GREGG. That will be the first amendment voted on, beginning probably around 11, maybe a little earlier, tomorrow morning.

Mr. SPECTER. Mr. President, I am advised there will be two Senators absent at that time who are in favor of this amendment. If I may have the indulgence of the chairman for one moment to find out when they will be here, may I inquire of the chairman when the last vote is scheduled in his unanimous consent request.

Mr. GREGG. We presume it would occur at some time around 3:35 or 4 o'clock.

Mr. SPECTER. Mr. President, may I inquire of the chairman if the vote on the Specter-Harkin amendment could be scheduled at the end of the sequence.

Mr. GREGG. I will amend the unanimous consent request so that the amendment on Specter-Harkin will be the last amendment to be voted on in the series.

Mr. SPECTER. Mr. President, I thank the distinguished chairman.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. Mr. President, let me say that Senator HARKIN is telling us they do not know yet whether they will be back at that hour. So maybe we can leave that, have the debate tonight.

and schedule that vote tomorrow as we know better the information that is of interest to the two Senators.

Mr. SPECTER. Mr. President, I think that is an excellent idea. I thought we would be in the safe range, but if there is some possibility that 3:30 will not be a time when those two Senators will be present, I ask that the suggestion by the Senator from North Dakota be agreed to.

Mr. GREGG. Why don't we amend the unanimous consent request to say that the Specter-Harkin amendment will be voted on when the managers of the bill reach an agreement as to a time certain.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, may I add that with the concurrence of Senator HARKIN and myself.

Mr. GREGG. That is asking for a lot, it seems to me. But I guess it will be all right.

Mr. SPECTER. It is not asking for a lot in my short tenure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I want to again say to our colleagues that I thank all of our colleagues who have worked very hard to put these agreements together today and ask for additional cooperation through the evening as we work to put a list together for tomorrow. If we want to get the Senate's business completed, including dealing with the debt limit, it is going to take very serious cooperation from Members.

I repeat that we have 100 amendments pending. We could be voting right through Friday. We could be voting into Saturday if Members don't cooperate. The vast majority have. We have a number of colleagues who have been somewhat reluctant to make commitments to us about time agreements, and about the staging of their amendments. That makes it extremely difficult to reach a conclusion.

I hope some people have an epiphany here overnight and realize that if we don't find a way to cooperate and work together, we will be here until Saturday.

Mr. GREGG. Mr. President, I have one more unanimous consent request which is that during the time we are in joint session with the House and hear the message from the President of Liberia, for which I guess we would be in recess, that time be counted against the bill equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, there is no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

AMENDMENT NO. 3048

Mr. SPECTER. Mr. President, I am sending an amendment to the desk on behalf of Senators HARKIN, SMITH, KENNEDY, LAUTENBERG, MURRAY, LINCOLN, LIEBERMAN, KERRY, CLINTON, BINGAMAN, AKAKA, OBAMA, CANTWELL, KOHL, DODD, MIKULSKI, DAYTON, DURBIN, COLLINS, LANDRIEU and myself, and ask for its consideration in terms of the unanimous consent agreement already reached.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. HARKIN, Mr. SMITH, Mr. KENNEDY, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. LINCOLN, Mr. LIEBERMAN, Mr. KERRY, Mrs. CLINTON, Mr. BINGAMAN, Mr. AKAKA, Mr. OBAMA, Ms. CANTWELL, Mr. KOHL, Mr. DODD, Ms. MIKULSKI, Mr. DAYTON, Mr. DURBIN, Ms. COLLINS and Ms. LANDRIEU, proposes an amendment numbered 3048.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the advance appropriations allowance in order to fund health, education and training, and low-income programs)

On page 44, line 13, strike "$23,158,000,000" and insert "$30,158,000,000".

Mr. SPECTER. Mr. President, before proceeding into the details of this amendment, let me state that it is an amendment which seeks to offer $7 billion to increase the cap on advanced appropriations under section 401 of this resolution. The budget resolution has increased the President's mark by some $3 billion so that if accepted this amendment for $7 billion will constitute an increase over the President's mark of some $10 billion.

Let me say at the outset that notwithstanding the sizable figure involved here, the funding for the subcommittee, which I chair and where Senator HARKIN is the ranking member, we will still be more than $5 billion short of where we would have been had the budget for fiscal year 2006 been frozen with an inflation increase, and then the budget for 2007 again frozen accommodating an inflation increase. That has come about. The figures are complicated and technical, but I think it is important to understand where we are coming from on this amendment.

For fiscal year 2005 the budget enacted was $143.4 billion. The budget enacted was $141.5 billion for fiscal year 2006, almost $2 billion less. The inflation factor was $4.8 billion. If we take the $1.9 billion reduction and the $4.8 billion, our budget for the fiscal year 2006 was $6.7 billion under a freeze.

The budget for fiscal year 2007 has come in at $137.5 billion. What we have is a President's budget which is $5 billion under the enacted budget for fiscal year 2006. If we add an inflation factor of $5 billion, the budget for fiscal year 2007 should be $153.2 billion, which means that under the current figures we are $15.7 billion short.

Now, that is on a freeze. There has been a lot of rhetoric about maintaining fiscal responsibility, which I subscribe to. That is something we should be doing. We should be, as a nation, living within our budget. It is unfortunate we did not pass a constitutional amendment for a balanced budget, which would have compelled us to live within our means, as every citizen must do so and the States and the cities and other governmental units, but we did not pass that.

But what I call fiscal restraint is if you have a freeze; that is, you do not increase the spending. But when you have had this sequence where the budget has been cut, plus the failure to have an allowance for an inflation factor, we have done more than cut out the fat, we have done more than cut through the muscle, we have done more than cut through the bone; we have cut into the marrow. It is that serious as to what has happened.

In the Subcommittee on Labor, Health, Human Services and Education, we are dealing with our two major capital assets—health and education. Without health, individuals obviously cannot function. And without education, individuals cannot reach their potential. And the Department of Labor—workforce, job training, worker safety—again, very vital functions.

In an earlier vote today, I voted against the amendment offered by Senator KENNEDY for $6.3 billion which would have increased Pell grants by $1.8 billion, would have increased funding for other higher education programs by $2.4 billion, would have increased funding for Perkins vocational education by $1.3 billion and other revenues by $750 million. Much as I would have liked to have voted for the Kennedy amendment, I voted against it because it seemed to me an impossibility for Senator KENNEDY's amendment to be agreed to and to have the Specter-Harkin amendment agreed to.

I tried to persuade my distinguished colleague, Senator HARKIN, to vote against the Kennedy amendment and join me on that. He told me about some of the practical facts of life on his side of the aisle. I relented, notwithstanding our general partnership agreement, and released him from his obligations. So Senator HARKIN voted for the Kennedy amendment, which I would have liked to have done, and I voted against it, although it was a very painful vote.

Now we come to the addition of $7 billion. Let me explain briefly, before yielding to Senator HARKIN, what this amendment does. In the Department of Labor, the fiscal year 2007 budget proposes to eliminate $49 million for reintegration of youthful offenders. This will be reinstated, but this is what the resolution calls for. Would reinstate the $7 billion as added, $49 million for the reintegration of youthful offenders, obviously, a very important program. The budget eliminates $79 million for training migrant and seasonal farmworkers and dislocated worker assistance by $232 million, cut adult training by $152 million, and cut the Job Corps by $62 million. This amendment will restore those indispensable items.

This amendment restores $637 million for the Community Service Block Grant Program. This amendment also provides funding for low-income energy assistance. This amendment restores funding for the National Institutes of Health. The current budget resolution recommends $29.350 billion, which is $1 billion over the fiscal year 2006 appropriation and the President's request. This amendment provides NIH with a $2 billion increase over the President's budget. Even with this increase, the amount is below what has been provided in the 2005 budget, adjusted for inflation.

Just a word or two about the National Institutes of Health. The subcommittee has taken the lead in the past several years of more than doubling funding for the National Institutes of Health from $12 billion to more than $29 billion. What has happened in the last 2 years, has eventuated in a reduction in the number of grants which may be offered. In this field, there is panic among the applicants for NIH funding.

Dr. John Glick, noted oncologist, Philadelphian—happens to be my oncologist; I am unfortunate to need one, but he is a superb oncologist—has confirmed what I have heard reported around the country about how the National Institutes of Health are not able to perform their function. They are dealing with rock-bed American health. They are dealing with the potential cures for heart disease, cancer, Alzheimer's, Parkinson's, diabetes. When we have the hearing in a few weeks, we will be bringing in 21 experts of these various disciplines to testify what the impact has been.

The Department of Education has had the President's budget proposal to reduce it by more than $2.1 billion. This budget resolution assumes an increase of $1.5 billion over the President's budget request but would still result in cuts below the fiscal year 2006 level. We detail what we are doing for education. We will be providing the kind of funding, in large measure, which the Kennedy amendment was looking for which, as I say, I had voted against.

The managers of this budget resolution have done an outstanding job of dealing with a very difficult situation. What we are doing is simply not looking at reality on discretionary spending. There is a great deal of spending which is being undertaken by the Federal Government at the present time. Entitlements are precisely what they say. They are established. We have tremendous expenses with the hurricanes. We have tremendous expenses with Afghanistan. We have tremendous expenses with Iraq.

I am not going to direct any comments on any of those directions as to whether we are doing the right thing in what we are spending. I do know, when it comes to health, education, worker training, worker safety, we cannot move below a freeze on fiscal year 2005 and have anything but chaos. I have detailed why we are now $15.7 billion below what we should have been in 2005 had there been a freeze without the cuts and allowing for inflation.

When you talk about fiscal responsibility, I do not think anyone, including our so-called base, would expect us to do more than freeze—not to cut education, not to cut health care, not to cut job training, not to cut worker safety but to hold the line, tighten our belts, and have a freeze. So when we end up with $3 billion added by the committee and $7 billion if this amendment passes, we are still far short of where we need to be.

As I have advised the leadership, I have grave doubts about supporting the budget resolution, even with the adoption of this amendment. The budget resolution does not end the day. There has to be a conference. There have to be allocations in the Committee on Appropriations. I put the Republican leadership and the Democratic leadership and the House and the White House and the Presiding Officer, everyone on notice that I will want to see some real assurances that we are dealing with hard money, not with confederate dollars, not with something on a printout but something which will eventuate in having an appropriation for our subcommittee which will enable us to do a decent job—not an adequate job, not the proper job but at least a decent minimal job on these important functions.

I ask unanimous consent that my full statement be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR ARLEN SPECTER

Mr. President, I have sought recognition today to offer a $7 billion amendment to increase the cap on advance appropriations under section 401 of this resolution. By increasing allowable advance funding, this amendment would add to the amounts already included in the resolution for the National Institutes of Health, the Centers for Disease Control and Prevention and other public health service activities; education and job training; and anti-poverty programs, including Low-Income Home Energy Assistance. By increasing advance funding, this amendment does not raise the overall discretionary spending limit.

The Harkin/Specter amendment adds $7 billion to the $3 billion increase over the President's request assumed in the resolution reported by the Budget Committee and thereby allowing a $10 billion to partially restore funding for programs within the jurisdiction of the Labor-HHS-Education Appropriations Subcommittee. This is a modest amendment when you take into account inflationary costs and that fact that last year's appropriation was reduced by $1.9 billion below the previous year's funding level.

The amendment restores the President's proposed cuts in workforce investment programs, including dislocated worker assistance and the Job Corps. It will also prevent the termination of 6 Labor Department programs the Administration has proposed to eliminate, including Reintegration of Youthful Offenders, and Migrant and Seasonal Farmworkers. With the shortage of skilled workers in many fields, including health care occupations such as nursing, we should not be cutting back on training programs for the unemployed. This amendment will restore 124,000 training opportunities for youth and adults. It will also provide services to an additional 1.2 million workers through job placement at our nation's One Stop Career Centers.

My amendment would restore the $637 million for the Community Services Block Grant Program that the budget proposed to eliminate. This block grant program provides services and activities to reduce poverty. The strength of the program is in its ability to tailor itself to best enhance local community programs and address their individual needs. Dollars are used for food programs, administration of LIHEAP services, employment issues, or for a variety of other issues that are vital to healthy communities. These funds leverage $20 for every $1 provided through state, local and private contributions.

LIHEAP helps states assist low-income households to meet the cost of home heating and cooling. This winter, we saw drastic increases in home heating fuel costs. To respond to the need for immediate relief, the Senate has passed legislation shifting $1 billion appropriated for fiscal year 2007 for use in 2006; the House Appropriations Committee has taken similar action. Once completed, this shift will require at least a $1 billion restoration of fiscal year 2007 funds.

DEPARTMENT OF EDUCATION

My amendment also intends to ensure that discretionary funding for the Department of Education is not cut below the amount provided by Congress last year. The resolution currently assumes a cut of $600 million below the FY'06 appropriation. My amendment would provide additional resources to help schools raise achievement levels for all of their students and to ensure that they are prepared for postsecondary education and work.

Many members have pointed out that the budget for the Department of Education has been increased significantly over the past several years. In fact, discretionary funding has been raised from $24.7 billion in FY'95 to $56 billion in FY'05, an increase of 129%. My subcommittee has taken the lead in raising funding for Title I grants for Disadvantaged Students, Special Education and Pell Grants. The spending limit established in the FY'06 budget resolution forced my subcommittee to reduce investments in education for the first time in a decade. The FY'06 Labor-HHS-Education bill, including the 1 percent across the board reduction, provided $624 million less for the Department of Education than the agency had in FY'05. The progress that was achieved over the past decade in specific areas was halted, and in some cases, reversed. For example, the federal contribution for special education has increased from 7.3 percent in FY'96 to 18.5 percent in FY'05, almost halfway to the 40 percent goal. However, under the President's budget request the federal contribution will drop to 17 percent.

In the area of Title I—grants for disadvantaged students, the foundation of federal support for elementary and secondary education, significant increases have been made since the No Child Left Behind Act was passed in 2000. However, with more than 9,000 schools nationwide identified as in need of improvement, this is the time to ensure that struggling students get the extra help they need to demonstrate that they have the knowledge and skills to proceed to the next grade.

In the area of postsecondary education, the President's budget proposes a $4,050 maximum grant under the Pell program, which, if adopted, would mean the fifth straight year that the maximum award was at that level. The budget also proposes to eliminate LEAP and the Perkins Loans program. More than 1 million additional students are receiving Pell Grants than they were five years ago. However, last year, the average tuition and fees increased by more than 7 percent, decreasing the purchasing power for low- and middle-income Pell grant recipients.

The budget also proposes to eliminate the $303 million GEAR UP program, which the Administration itself has acknowledged is performing adequately and successfully prepare students for college enrollment. The $1.1 billion Perkins Vocational and Technical Education programs, which the Senate voted 99-0 to reauthorize last year is also proposed for elimination. Additional resources provided by this amendment will ensure that these investments can be made without reductions to other education initiatives.

NATIONAL INSTITUTES OF HEALTH

The budget resolution currently recommends $29,350,000,000 for the NIH in FY'07, which is $1 billion over the FY'06 appropriation and the President's request. This amendment would provide NIH with a $2 billion increase over the President's budget. Even with this increase, the amount is below the amount provided in FY'05 when adjusted for inflation.

As Chairman of the Appropriations Subcommittee for Labor, Health and Human Services, Education and Related Agencies, I have said many times that the National Institutes of Health is the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government. When I came to the Senate in 1981, NIH spending totaled $3.6 billion. The FY 2003 omnibus appropriations bill contained $27.2 billion for the NIH which completed the doubling begun in FY 1998. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, HIV-AIDS, Alzheimer's disease, Parkinson's disease, mental illnesses, diabetes, osteoporosis, heart disease, ALS and many others. It is clear that Congress' commitment to the NIH is paying off. Now it is crucial that increased funding be continued in order to translate these advances into additional treatments and cures. Our investment has resulted in new generations of AIDS drugs which are reducing the presence of the AIDS virus in HIV infected persons to nearly undetectable levels. Death rates from cancer have begun a steady decline. With the sequencing of the human genome, we will begin, over the next few years, to reap the benefits in many fields of research. And if scientists are correct, stem cell research could result in a veritable fountain of youth by replacing diseased or damaged cells. I anxiously await the results of all of these avenues of remarkable research. This is the time to seize the scientific opportunities that lie before us.

On May 21, 1997, the Senate passed a Sense of the Senate resolution stating that funding for the NIH should be doubled over five years. Regrettably, even though the resolution was passed by an overwhelming vote of 98 to nothing, the Budget Resolution contained a $100 million reduction for health programs. That prompted Senator Harkin and myself to offer an amendment to the budget resolution to add $1.1 billion to carry out the expressed sense of the Senate to increase NIH funding. Unfortunately, our amendment was tabled by a vote of 63-37. We were extremely disappointed that, while the Senate had expressed its druthers on a resolution, it was simply unwilling to put up actual dollars to accomplish this vital goal.

The following year, Senator Harkin and I again introduced an amendment to the Budget Resolution which called for a $2 billion increase for the NIH. While we gained more support on this vote than in the previous year, our amendment was again tabled by a vote of 57-41. Not to be deterred, Senator Harkin and I again went to work with our Subcommittee and we were able to add an additional $2 billion to the NIH account for fiscal year 1999.

In fiscal year 2000, Senator Harkin and I offered another amendment to the Budget Resolution to add $1.4 billion to the health accounts, over and above the $600 million increase which had already been provided by the Budget Committee. Despite this amendment's defeat by a vote of 47–52, we were able to provide a $2.3 billion increase for NIH in the fiscal year 2000 appropriations bill.

In fiscal year 2001, Senator Harkin and I again offered an amendment to the Budget Resolution to increase funding for health programs by $1.6 billion. This amendment passed by a vote of 55–45. This victory brought the NIH increase to $2.7 billion for fiscal year 2001. However, after late night conference negotiations with the House, the funding for NIH was cut by $200 million below that amount.

In fiscal year 2002, the budget resolution once again fell short of the amount necessary to achieve the NIH doubling. Senator Harkin and I, along with nine other Senators offered an amendment to add an additional $700 million to the resolution to achieve our goal. The vote was 96-4. The Senate Labor-HHS Subcommittee reported a bill recommending $23.7 billion, an increase of $3.4 billion over the previous year's funding. But during conference negotiations with the House, we once again fell short by $410 million. That meant that in order to stay on a path to double NIH, we would need to provide an increase of $3.7 billion in the fiscal year 2003. The fiscal year 2003 omnibus appropriations bill contained the additional $3.7 billion, which achieved the doubling effort. In FY'04, I and Senator Harkin offered an amendment to add an additional $2.8 billion to the budget resolution to ensure that the momentum achieved by the doubling could be maintained and translated into cures. The vote was 96–1. Unfortunately, the amendment was dropped in conference. We worked hard to find enough funding for a $1 billion increase in FY'04. We fought long and hard to make the doubling of funding a reality, but until treatments and cures are found for the many maladies that continue to plague our society, we must continue our fight.

In FY'05, once again, Senators Harkin, Collins and I offered an amendment to add $2 billion to discretionary health spending, including NIH. The amendment passed 72-24. However, the Subcommittee's allocation did not reflect this increase. The final conference agreement contained an increase of $800 million over the FY'04 funding level.

In FY'06, the Senate voted 63–37 to accept my budget resolution amendment to add $1.5 billion for NIH and $500 million for education, but again, the funding was dropped in conference with the House. With overall funding for the Labor-HHS-Education Subcommittee cut $1.9 billion below the FY'05 enacted level, NIH did not receive an increase for the current fiscal year.

I, like millions of Americans, have benefited tremendously from the investment we have made in the National Institutes of Health and the amendment that we offer today will continue to carry forward the important research work of the world's premier medical research facility.

In summary, this amendment permits greater use of advance funding for existing health, education and job training programs, in order to free up resources to restore proposed cutbacks and increase high-priority activities. Currently, the cap on advance funding is $23.1 billion, which this amendment would raise to $30.1 billion. The portion of advances in the Labor-HHS-Education Subcommittee would increase from $18.8 billion to $25.8 billion. The $7 billion freed up in fiscal year 2007 budget authority would be used as I have described.

Mr. President, I urge adoption of this amendment.

Mr. SPECTER. Mr. President, I am delighted to yield to my distinguished colleague from Iowa for some forceful rhetoric on this important subject.

The PRESIDING OFFICER. The Senator is recognized for up to 1 minute.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARKIN. How much time do I have?

The PRESIDING OFFICER. You have 45 seconds.

Mr. HARKIN. I don't seem to understand why this situation has developed where the Senator from Iowa has 45 seconds.

The PRESIDING OFFICER. There is 30 minutes on the amendment equally divided.

Mr. SPECTER. How long did I speak?

The PRESIDING OFFICER. Fourteen minutes.

Mr. SPECTER. We have 30 minutes.

The PRESIDING OFFICER. Thirty minutes equally divided.

Mr. GREGG. How much time does the Senator need?

Mr. HARKIN. Less than 10—7 minutes.

Mr. SPECTER. Did we not have 1 hour?

The PRESIDING OFFICER. We had 30 minutes equally divided between the opponent and proponents.

Mr. SPECTER. I express my regrets to the Senator from Iowa, I thought it was an hour.

Mr. HARKIN. So did this Senator.

Mr. SPECTER. I took one half of what I expected our allocation to be.

Mr. GREGG. I can help this situation. I am claiming the time in opposition and I will yield to the Senator from Iowa 8 minutes off of my 15 minutes.

Mr. HARKIN. I appreciate that.

Mr. GREGG. So there are 8 minutes and 45 seconds.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the Specter-Harkin amendment would add back $7 billion to the President's proposed budget, allowing us to fund the 2007 Labor, HHS appropriations bill at the level of 2005.

I am proud to join my friend and colleague from Pennsylvania in offering this amendment. I thank Senator SPECTER for his great leadership in all the areas of health, education, human services, medical research. He has been a tireless leader in all these areas. Once again, he has stepped to the forefront to basically say that we are not going to keep cutting back to the bone and the marrow, which he said earlier today.

This is not a radical proposal. In fact, it is almost an embarrassingly modest proposal. But it is important. It is an important first step. At least we are saying it is enough, no more; it is time to reorder our priorities. Year after year we have been cutting the programs that support working families, people with disabilities, students struggling to afford college, elderly trying to heat their homes, put food on the table, people with cancer and other diseases desperate for a cure.

As my friend, Senator SPECTER, said this morning we are beyond cutting the fat and beyond cutting bone. We are now into the marrow. I add, when you start cutting into the marrow, you are endangering the very lifeblood of an organism—in this case, our American society.

Something is seriously wrong in terms of our priorities and our values when we are presented with a budget that slashes funding for the National Cancer Institute, jeopardizing critical lifesaving research.

That is just one of the many critical program areas threatened by the proposed budget. President Bush, in his budget, proposed to slash the Labor-Health-Education budget by $4.2 billion for this year. Meanwhile, in Iraq, he is spending nearly $5 billion a month. These are not the priorities of the American people.

I believe this amendment is the single most important amendment that we will consider on this budget resolution. I want to emphasize to my colleagues, this is very likely our last, best chance to restore funding for critical health, education, and social services programs.

Last year, we saw what happens when Congress passes a bad budget resolution. The reason why we had a bad Labor-HHS bill last year and could not get it done is because we were boxed in by the budget resolution. Exactly the same thing will happen this year. It will be worse. It will be worse since it is an election year, unless we pass the Specter amendment, which he just offered, putting back this $7 billion.

So I say to my colleagues, this is the decisive vote. This is sort of the showdown. This is our best, maybe last real opportunity to change our budget priorities. If we fail to act, then we will indeed be cutting into the bone and marrow of our most important programs.

Let me be somewhat specific.

This budget would cut funding for the Centers for Disease Control, despite the fact we are facing the twin threats of bioterrorism and a possible avian flu pandemic.

This budget would cut funding for 18 of the 19 institutes at NIH. It would cut the Social Services block grant by $500 million, completely eliminate the Community Services block grant—two of the biggest discretionary programs for the poor.

The number of children served by Head Start would be reduced. Even Meals on Wheels would be cut.

At the Labor Department, the Disability Employment Office would be cut by 26 percent, on top of a 41-percent cut last year. Funding for the Workforce Investment Act would be cut. Even the program we have had for several years now to combat child labor and child slavery would be cut.

In education, the President's budget proposes the largest cut to Federal education funding in the 26-year history of the Department of Education.

And I speak to the occupant of the Chair, who is a distinguished former Secretary of Education, and who has a deep and abiding interest and support for education.

The No Child Left Behind Act would be underfunded by a whopping $15.4 billion from what we were planning to spend when we passed it.

Title I would be frozen. Twenty-nine States would get less title I funding next year. How are we ever going to expect poor kids to meet the demands of No Child Left Behind if we are cutting title I funding, which President Bush himself said was the cornerstone of No Child Left Behind?

In special education—this is something the chairman of the Budget Committee has talked about and has been supportive of for a long time—we are going backwards. We promised years ago—30 years ago—that the Federal Government would pick up 40 percent of the additional costs of funding for special education.

Two years ago, which was a high watermark, we were at 19 percent. Last year, we went to 18 percent. This budget will take us to 17 percent. We are supposed to be at 40 percent. So we are going in the wrong direction. What that translates into is more property taxes for our beleaguered property tax owners in our school districts.

And need I talk about Pell grants? They are frozen at $4,050 for the fifth year in a row. I asked Secretary Spellings, when she was before our committee, name me one college in the country where tuition is the same today as it was 5 years ago. Meanwhile, the Perkins Loan Program would be completely eliminated. And the two TRIO programs—Upward Bound and Educational Talent Search—were eliminated in the President's budget.

So again, I think these are misplaced priorities. That is why we are offering this amendment. That is why Senator SPECTER and I have worked together to try to get us at least back on the road. As I said, this is a modest proposal. It only takes us back to 2005.

The amendment offered, I repeat, by the Senator from Pennsylvania simply takes us back to where we were before all of the cuts and the across-the-board cut of 2006. It puts us right back where we were in 2005. I do not think that is radical. I think it is very modest.

Again, I say to my friends, fellow Senators, I believe this is the decisive vote on priorities on this budget, and I urge my colleagues to support Senator SPECTER's amendment.

Mr. President, I thank the Senator from New Hampshire for giving me the time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise in opposition to the amendment, although I yielded time off my time in support of the amendment to Senator HARKIN. I was happy to do that, obviously.

First, on the substance, Senator HARKIN was speaking to the President's budget, not to this budget. I can understand, he probably has a lot of things going on and maybe has not had the time to take a look at this budget. But we actually—assuming we had any force of law in allocation, which I pointed out a number of times is not the case—took $3 billion and moved it from Defense over to the Labor-HHS bill—$3 billion; $1.5 billion for education, $1.5 billion for health care.

In fact, we address some of the concerns specifically. We upped NIH by $1 billion. We put enough money in so the GEAR UP and TRIO and voc ed was fully funded. We increased funding for bioterrorism. So we adjusted.

Furthermore, we put in a reserve fund of $6 billion to address the American Competitiveness Initiative, which is the initiative of the Senator and the Presiding Officer. And that is a big number.

We have made a strong commitment toward education, and we have basically relieved the pressure that was put there by the President's budget—which would have actually cut, by going to levels slightly above a freeze—with our budget. So I think a lot of what the Senator from Iowa said may have been directed to the President's budget, but it is not accurately directed at this budget.

Secondly, I have a problem with the way this is paid for. This is an advance appropriation. What is an advance appropriation? Well, basically, it is borrowing from next year to fund things this year, which creates a hole in the next year, which then has to be filled.

So as a practical matter, what you are doing is adding to debt, but, more importantly, you are adding to the base and you are basically creating a problem for the next budget, as well as creating significant increases in spending in this budget.

This advanced appropriation in this amendment is, I think, about $8 billion, or something in that range. The practical effect of it would be that advanced appropriations—which have grown over the years, unfortunately, and are now up to about $23 billion—would jump to about $30 billion—$30.1 billion, $30.2 billion. That is a big number because that number gets carried forward every year. It is not good budgeting to do that type of action, where you borrow from a future year to fund this year and represent that you are basically doing sound budgeting. That is not sound budgeting.

Advanced appropriations are a thin ice of budgeting to step on. We should not be moving in that direction. We should not be expanding the advanced appropriations. We have carried the $23 billion advanced appropriation number in this bill. That has, over the years, been built up. But I do not want to have to, next year, have a $30 billion advanced appropriation, which is what this amendment would create if we were to approve it.

So I must, regrettably, oppose this amendment. I understand the position the chairman and the ranking member of the subcommittee for Labor-HHS find themselves in. But I think there are other ways to solve this problem. I hope we would not do it in this manner. Plus, I do think we did make a genuine attempt within this budget to try to address these concerns by moving $3 billion into these accounts.

With that said, I believe we are on to the amendment by the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I actually have two amendments.

AMENDMENT NO. 3055

Mr. President, the first one I will send to the desk. I want to indicate what this is, and I appreciate the fact that I understand my leadership on the Budget Committee is willing to accept the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for herself, Ms. SNOWE, Mr. LIEBERMAN, Mr. KOHL, Mr. DEWINE, Mr. REED, and Mr. GRAHAM, proposes an amendment numbered 3055.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure appropriate funding for the Manufacturing Extension Partnership Program of the Department of Commerce.)

On page 15, line 21, increase the number by $60,000,000.

On page 15, line 22, increase the number by $10,000,000.

On page 16, line 1, increase the number by $29,000,000.

On page 16, line 5, increase the number by $14,000,000.

On page 16, line 9, increase the number by $6,000,000.

On page 16, line 13, increase the number by $1,000,000.

On page 27, line 23, decrease the number by $60,000,000.

On page 27, line 24, decrease the number by $10,000,000.

On page 28, line 2, decrease the number by $29,000,000.

On page 28, line 5, decrease the number by $14,000,000.

On page 28, line 8, decrease the number by $6,000,000.

On page 28, line 11, decrease the number by $1,000,000.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3055) was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I want to indicate that this amendment is a bipartisan amendment that is cosponsored by Senators SNOWE, REED, LIEBERMAN, KOHL, DEWINE, and GRAHAM. It is an amendment that restores the critical funding for the Manufacturing Extension Partnership Program, which has helped over 150,000 small- and medium-sized manufacturers in this country.

It is based on the cooperative extension model with Agriculture in that it is set up to provide best management practices, efficiencies, and support for our manufacturers as they compete in a global economy. It has helped them to maintain and increase jobs and be able to increase sales by——

The PRESIDING OFFICER. The Senator will suspend, please.

Who yields time?

Ms. STABENOW. Mr. President, I was simply explaining the amendment that was adopted.

Mr. GREGG. Mr. President, there is 30 minutes on her amendment, equally divided.

The PRESIDING OFFICER. Would the Senator send her amendment to the desk.

Ms. STABENOW. Actually, Mr. President, I think the confusion is that I am speaking for a moment about what was just accepted and wanted to say thank you to the chairman and the ranking member for accepting our restoration of the Manufacturing Extension Partnership Program funding. There was a 60-percent cut proposed by the President. This, in fact, restored it. And I want to say thank you, and then also indicate that the chairman of the committee, while there are not always amendments or policies or approaches we agree on, has been extraordinary as a leader of the Budget Committee. I want to say thank you to him and to our ranking member, Senator CONRAD, who have worked so well together.

AMENDMENT NO. 3056

With that, Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. Without objection, that time will be taken from the resolution.

Ms. STABENOW. Thank you.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 3056.

Ms. STABENOW. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide $5 billion for our emergency responders so that they can field effective and reliable interoperable communications equipment to respond to natural disasters, terrorist attacks and the public safety needs of America's communities and fully offset this by closing tax loopholes and collecting more from the tax gap)

On page 3, line 13, increase the amount by $1,000,000,000.

On page 3, line 15, increase the amount by $3,700,000,000.

On page 3, line 17, increase the amount by $3,100,000,000.

On page 3, line 19, increase the amount by $2,200,000,000.

On page 4, line 1, increase the amount by $1,000,000,000.

On page 4, line 2, increase the amount by $3,700,000,000.

On page 4, line 3, increase the amount by $3,100,000,000.

On page 4, line 4, increase the amount by $2,200,000,000.

On page 4, line 13 increase the amount by $5,000,000,000.

On page 5, line 4, increase the amount by $500,000,000.

On page 5, line 6, increase the amount by $1,850,000,000.

On page 5, line 8, increase the amount by $1,550,000,000.

On page 5, line 10, increase the amount by $1,100,000,000.

On page 5, line 19, increase the amount by $500,000,000.

On page 5, line 21, increase the amount by $1,850,000,000.

On page 5, line 23, increase the amount by $1,550,000,000.

On page 5, line 25, increase the amount by $1,100,000,000.

On page 6, line 8, decrease the amount by $500,000,000.

On page 6, line 10, decrease the amount by $2,350,000,000.

On page 6, line 12, decrease the amount by $3,900,000,000.

On page 6, line 14, decrease the amount by $5,000,000,000.

On page 6, line 16, decrease the amount by $5,000,000,000.

On page 6, line 22, decrease the amount by $500,000,000.

On page 6, line 24, decrease the amount by $2,350,000,000.

On page 7, line 2, decrease the amount by $3,900,000,000.

On page 7, line 4, decrease the amount by $5,000,000,000.

On page 7, line 6, decrease the amount by $5,000,000,000.

On page 17, line 22, increase the amount by $5,000,000,000.

On page 17, line 23, increase the amount by $500,000,000.

On page 18, line 3, increase the amount by $1,850,000,000.

On page 18, line 7, increase the amount by $1,550,000,000.

On page 18, line 11, increase the amount by $1,100,000,000.

On page 53, line 1, increase the amount by $5,000,000,000.

On page 53, line 2, increase the amount by $500,000,000.

Ms. STABENOW. Mr. President, I rise today to offer an amendment to this budget resolution that would provide $5 billion for our first responders so they can effectively and reliably communicate with each other with equipment that can speak to each other: interoperable communications equipment.

I regret to say this administration has been dangerously incompetent in providing homeland security funding, and particularly when we talk about what is happening for our first responders in their ability to communicate, whether it is a terrorist attack, whether it is in the gulf and what has happened with our natural disasters, or any other kind of emergency in our communities.

We have seen a dangerously incompetent situation that has put our families and our communities at risk. We have known for a long time that too many of our police and fire and emergency medical workers and transportation officials cannot communicate with each other or they are not able to link up with State or Federal agencies.

The September 11 attacks highlighted this problem, when New York police and fire personnel were on different radio systems, couldn't communicate, people running into buildings when they should have been running out. The 9/11 Commission found that the inability to communicate was a critical element at the World Trade Center, at the Pentagon, and in Somerset County, PA, where multiple agencies and multiple jurisdictions responded.

Last December, the 9/11 Commission gave Congress a failing grade—an F—because it had not set a date for the transfer of analog spectrum to first responders for their interoperable communications needs.

A June 2004 U.S. Conference of Mayors survey found that 98 percent of cities do not have interoperable communications. In other words, the police department can't talk to the fire department or can't talk to emergency medical personnel, or they can't talk to folks at the county or the city or the township or the State. And 60 percent of the cities do not have the ability to talk with their State emergency operations centers. This is not acceptable. I believe this shows a dangerously incompetent situation. Almost half of the cities that responded to the survey said that a lack of interoperable communications had made a response to an incident within the last year difficult.

The most startling finding was that 80 percent of the cities don't have interoperable communications with the Department of Homeland Security or the Department of Justice—80 percent of our cities not wired to be able to talk to Homeland Security or the Justice Department. This is a dangerously incompetent situation. Despite these warnings, the Federal Government still has not taken decisive action to solve the problem, and we saw the devastating cost of this with Hurricanes Katrina and Rita. In New Orleans, the police departments and three nearby parishes were on different radio systems. Police officers were calling Senator LANDRIEU's office here in DC because they couldn't reach the commanders on the ground in New Orleans. That is unacceptable. We can do better than this, and we must.

During my visit to the region with the Senate leadership, I had the opportunity to speak to many men and women who were working very hard in those initial days. Sitting in front of the New Orleans Convention Center talking to someone from the Michigan Army National Guard and the Michigan Coast Guard, which were both there working very hard, I asked them if they had radios, and they said yes. I asked if the radios could talk to each other, and they said no.

I said: What happens when you are out in a boat? What happens when you are trying to communicate?

One gentleman said: We use hand signals.

In the United States of America, in 2006, that is a dangerously incompetent situation.

We know this is an ongoing problem, not only because police and firefighters tell us that it is, but high-ranking Government officials concede this is a problem. In November of 2003, the White House Office of Management and Budget testified before a House committee that there was insufficient funding in place to solve the Nation's communications interoperability problem. It would cost over $15 billion to begin to fix the problem. Yet again we have been dangerously incompetent in addressing this critical threat.

The Federal Government must make a substantial financial commitment to solve this problem. At this time, our State and local governments are stretched too thin and have too many urgent and competing priorities to effectively and completely solve this on their own. In fact, we have an obligation. As we talk about security, as we talk about making sure we are safe, how in the world can we do that if we in 2006 have not figured out how to have the radios connected to each other so folks can talk to each other in an emergency? The Federal Government has not made the necessary commitment. My amendment begins to do that. It takes a major step in the right direction.

According to the Department of Homeland Security, from 9/11 through 2005, the Federal Government has spent only $280 million directly on interoperable communications. But none of those funds has been provided to help State and local emergency responders purchase equipment they need to talk to each other. I know our esteemed leader on the Budget Committee will argue that Congress has provided Homeland Security grants to our State and local emergency responders and that interoperable communications are an eligible expense. Saying that radio equipment is an eligible expense for funding and actually providing the funding are two different things.

The problem is, these Homeland Security grants have also been subjected to repeated cuts, including in this year's budget. Our first responders are being given less overall support in funding to try to meet a growing list of homeland security needs that includes radio communications. That is not a real solution. We can do better, and we must.

We need direct funding to solve this problem. That is what my amendment does. God forbid there is another terrorist attack or a natural disaster. Are we going to tell the American people that we didn't provide direct funding to fix a failed communications system because it was eligible under another underfunded grant program? This is a dangerously incompetent response to a critical threat to our families' safety.

I understand fixing our first responders' interoperability crisis is not only a funding problem but also a problem of allocating necessary spectrum. I know this is a difficult issue to solve. I believe we need to eliminate these barriers as quickly as possible.

I also agree that nationwide standards must be set to ensure that any money spent is spent wisely. I am a cosponsor of legislation introduced by Senator LIEBERMAN and approved by the Senate Committee on Homeland Security and Governmental Affairs. The Assure Emergency and Interoperable Communications for First Responders Act not only begins to provide the resources necessary to solve this problem but ensures that the Federal Government takes a strong role in leading our State, local, and Federal assets toward true communications interoperability.

I have offered several amendments since 9/11 to provide our first responders with the equipment they need to keep our communities safe. Last year, I offered this same amendment to the Department of Homeland Security appropriations bill and the Science-State-Justice-Commerce appropriations bill. While I have not yet been successful, I assure you, I will continue to fight until the men and women in Michigan and all across our country and their families, the people on the front lines of our homeland security, have the equipment they need and the ability to communicate effectively and reliably when we have an emergency. This is one of the most fundamental issues for us in making sure our families are safe. I am hopeful that my colleagues will support this amendment.

May I ask how much time remains on the amendment?

The PRESIDING OFFICER. The Senator has 4 minutes 20 seconds remaining.

Ms. STABENOW. Mr. President, is that the time on my side or the time in total?

The PRESIDING OFFICER. The time on the side of the sponsor.

Ms. STABENOW. I will take the remaining 4 minutes and then turn it over to the chairman.

This evening, there will be an amendment offered by Senators DAYTON, CHAMBLISS, and myself to address what is another important part of homeland security or law enforcement funding that the Federal Government provides, and that is through the Byrne/JAG grant program. This was proposed for complete elimination in the administration's budget. It provides critical support as it relates to addressing drug crimes, helping with juvenile delinquency, addressing community policing, other important items that help keep our communities safe. I am very pleased to be a sponsor. It is a bipartisan amendment. I am hopeful that it will pass.

In my State, we have 1,543 fewer police officers on the street since 9/11/01. Those are shocking numbers. The Byrne program is critically important in supporting our law enforcement officials. For example, in 2004 alone, Michigan drug task forces rescued 423 children from drug houses and arrested 659 major drug traffickers. They have been able to deal with the meth problem and assist victims of domestic violence. The list goes on and on. The Byrne program is an incredibly important part of supporting law enforcement. My colleagues and I will be offering this later this evening. I am hopeful we will receive support for it.

We are seeing too many cases where law enforcement is losing the resources they need to be effective. I am hopeful that the Byrne grant program will be reinstated and that we will join in a bold, effective approach for interoperability communications so that we know, whether it is natural disasters, a terrorist attack, or just keeping us safe in our communities, that, in fact, our local responders will be connected, not only to each other but to State and Federal agencies. It is critical that we get this done.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I greatly respect the Senator from Michigan. I especially respect and appreciate her dedication to trying to make sure we straighten out this issue of interoperability because she clearly has identified it as a critical issue in the area of first responders. And we know it is. We know it has to be addressed. I don't, however, agree with the approach she is taking, which is essentially to put significantly more dollars into the pipeline. Why? Basically for this reason: In the last budget process, the Commerce-State-Justice committee put $2 billion of additional money into the interoperability pipeline. Then in the deficit reduction bill, which no Democrats voted for, but this was not the big item that caused that to happen—actually, I am sorry, I think two Democrats voted for it—we put an additional billion dollars into interoperability. And really a large part of that was in response to some of the points that have been made by the Senator from Michigan. So she has done a pretty good job of energizing money flowing into these accounts—in fact, so much so that when you tie that in with the first responder funds which are already in the pipeline, $5 billion of which have not been drawn down yet, which funds will go disproportionately, I suspect, toward interoperability issues, easily being a plurality the way the funds will be spent, if not a majority of the way the funds will be spent, you literally have a huge amount of money in the pipeline headed out to the States, to communities for the purposes of addressing the issue of interoperability.

The problem isn't dollars right now. The problem is the technical ability of different agencies to agree on an interoperable standard. Every State sees it. You certainly see it across State lines where State police organizations have trouble communicating with local police organizations and fire departments have a different system than the other police in the community. And then the Federal agencies on top of that—Customs, Immigration, FBI, ATF—have problems communicating with the State people. The county people have problems communicating with the State people. They have all, over the years, bought different systems. There is already in place a massive amount of communications equipment out there, and you can't just replace it all. We could never afford to do that. You have to create an atmosphere where, as they either upgrade or they change or they basically agree to try to work together, there is a system to accomplish that.

The problem we have today is that those systems are not in place. Most of the State plans we have received that involve interoperability as an element—every State plan has interoperability as one of its priorities—have not been executed because of the fact that they can't figure out how to do interoperability. Literally, they have been negotiating now for 5 or 6 years on a regime, an understanding, a protocol for general interoperability, and they can't reach agreement.

What is happening is—and the Senator from Michigan makes this point, too. I don't know if she did in her statement; I regrettably had to leave the Chamber—there is a lot of inventiveness out there. We have turned loose the creative juices of America on this because there is a lot of money in the pipeline, and a lot of people want to participate in it. There are a lot of good ideas coming up quickly as to how to do interoperability without having to do massive hardware changes, and how you can get different systems built by different contractors to communicate with each other. They are not in place yet, but the dollars are there to buy them. A lot of money is there to buy them. We do not need this money at this time.

At some point in the future, we are going to need the money—when the house starts to get in order and there is a sugaring off of what the proper technology is and maybe there is an agreement on a national standard or something, then we will need some more money. We will put more money in at that time. To put more money in at this time is unnecessary, to be very honest. I am afraid we will simply overwhelm the system with dollars and end up with a lot of blue lights and cruisers being purchased and not a lot of good, standardized, interoperable communications systems. That is one reason I oppose it.

The other reason I oppose the amendment is it would raise the caps. I don't think we should be raising the caps in this budget. I made that case about 15 times in the last 2 days, so I won't state that case. It is a pretty valid case. We are opposed to this amendment. I appreciate the energy of the

Senator from Michigan on this issue. I think she has had an impact already, and I believe it is reflected in the fact that there is so much money presently in the pipeline. But it has not been spent. Until there is a better plan to spend it, I don't think we need additional funds.

I yield back our time on this amendment. I think the Senator's time has expired; is that correct?

The PRESIDING OFFICER. The Senator has 1 minute 24 seconds.

Mr. GREGG. I yield back our time.

Ms. STABENOW. I yield back our time.

Mr. GREGG. Mr. President, we are ready to go to the next amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

AMENDMENT NO. 3054

Mr. MENENDEZ. Mr. President, I call up amendment No. 3054 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Jersey [Mr. MENENDEZ], for himself, Mrs. CLINTON, Mr. DURBIN, Mrs. BOXER, Mr. NELSON of Florida, Mr. LIEBERMAN, Mr. INOUYE, Mr. REED, and Mr. SCHUMER, proposes an amendment numbered 3054.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional $965 million to make our ports more secure by increasing port security grants, increasing inspections, improving existing programs, and increasing research and development, and to fully offset this additional funding by closing tax loopholes)

On page 3, line 13, increase the amount by $704,000,000.

On page 3, line 15, increase the amount by $517,000,000.

On page 3, line 17, increase the amount by $445,000,000.

On page 3, line 19, increase the amount by $264,000,000.

On page 4, line 1, increase the amount by $704,000,000.

On page 4, line 2, increase the amount by $517,000,000.

On page 4, line 3, increase the amount by $445,000,000.

On page 4, line 4, increase the amount by $264,000,000.

On page 4, line 13, increase the amount by $965,000,000.

On page 5, line 4, increase the amount by $352,000,000.

On page 5, line 6, increase the amount by $259,000,000.

On page 5, line 8, increase the amount by $223,000,000.

On page 5, line 10, increase the amount by $132,000,000.

On page 5, line 19, increase the amount by $352,000,000.

On page 5, line 21, increase the amount by $258,000,000.

On page 5, line 23, increase the amount by $222,000,000.

On page 5, line 25, increase the amount by $132,000,000.

On page 6, line 8, decrease the amount by $352,000,000.

On page 6, line 10, decrease the amount by $610,000,000.

On page 6, line 12, decrease the amount by $832,000,000.

On page 6, line 14, decrease the amount by $964,000,000.

On page 6, line 16, decrease the amount by $964,000,000.

On page 6, line 22, decrease the amount by $352,000,000.

On page 6, line 24, decrease the amount by $610,000,000.

On page 7, line 2, decrease the amount by $832,000,000.

On page 7, line 4, decrease the amount by $964,000,000.

On page 7, line 6, decrease the amount by $964,000,000.

On page 17, line 22, increase the amount by $600,000,000.

On page 17, line 23, increase the amount by $60,000,000.

On page 18, line 3, increase the amount by $222,000,000.

On page 18, line 7, increase the amount by $186,000,000.

On page 18, line 11, increase the amount by $132,000,000.

On page 24, line 24, increase the amount by $365,000,000.

On page 24, line 25, increase the amount by $292,000,000.

On page 25, line 4, increase the amount by $37,000,000.

On page 25, line 8, increase the amount by $37,000,000.

On page 53, line 1, increase the amount by $965,000,000.

On page 53, line 2, increase the amount by $352,000,000.

Mr. MENENDEZ. Mr. President, I offer this amendment on behalf of not only myself but Senators CLINTON, DURBIN, LAUTENBERG, BOXER, NELSON of Florida, and LIEBERMAN. I also ask unanimous consent to add Senator REED of Rhode Island and Senator SCHUMER as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, the 9/11 Commission told us that to prevent a terrorist attack, we had to think outside the box. If an ordinary envelope could be turned into a biological weapon and a passenger plane into a weapon of mass destruction, then it takes little imagination to see how a container could be used to transport a nuclear weapon to the port of New York and New Jersey, or any other seaport, causing tens of thousands of casualties.

The 9/11 Commission told us to think outside the box, but when it comes to port security, I believe we must think inside the container. The bottom line is, we don't know what is inside the vast majority of containers entering this country because despite repeated warnings from security experts from both within and without our Government, only 1 of every 20 containers that passes through our ports is inspected—inspected. That is very important. Not screened but inspected. Ninety-five percent of the cargo received no inspection other than a cursory glance at the cargo manifest.

Now, let me point out what the Government Accounting Office said when it stated that the manifest information, the listing of what goes into these containers "may be unreliable and incomplete. There is no method to routinely verify whether the manifest data accurately reflects the contents within the cargo container."

That is why I am offering this amendment with our colleagues, which will put us on the road to 100 percent container scanning.

As port security experts Stephen Flynn and James Loy point out—James Loy was the former Deputy Secretary of Homeland Security and the Commandant of the Coast Guard, and Stephen Flynn is well known in this field. They said:

> To ensure port security, we must construct a comprehensive global container inspection system that scans the contents of every single container destined for America's waterfront before it leaves a port.

We need to take advantage of existing technologies that can scan the inside of a container and create a downloadable image of what is inside. That image can be viewed in real time back here in the United States so we know what exactly is in these containers. When this technology is combined with scans for radioactive materials, we can find dangerous materials before it is too late.

That is why our amendment provides $105 million for this dual technology in the United States. It provides $50 million to help developing countries which may not have the funds to buy this new technology. In fact, these ports could be the weakest link in our international port security chain. We must be sure they do not become easy targets for terrorists looking for lax security practices. And it provides $10 million to make sure the United States can integrate these new technologies into our existing scanning and inspection system.

While we are waiting for this new international scanning system to become fully operational, we must make sure we increase inspections through our existing programs and improve on-the-ground security at our ports. That is why this amendment provides $100 million for at least 400 additional inspectors, both here and abroad. I would note the funding in my amendment is specifically for staff at ports, both here and abroad. I believe we need to make this increase in port security and staffing explicit in our budget.

I would also note that the Government Accounting Office—in a report on the container security initiative, which is supposedly this administration's focus on how we do the best we can as it relates to port security, and which is designed to target and inspect high-risk cargo before it leaves the ports, pointed out that staffing problems—the GAO specifically noted that:

> Staffing imbalances are one of the factors which limit the Custom and Border Patrol's ability to successfully target containers to determine if they are high-risk.

The Government Accounting Office went on to say:

> As a result of staffing shortages abroad, 35 percent of U.S.-bound shipments from these CSI ports were not targeted and were not subject to inspection overseas . . .

The essence, the key goal of the CSI program, they said it wasn't accomplished.

In the Customs-Trade Partnership Against Terrorism, the C-TPAT Program, staffing was also a problem. Specifically, the GAO report points out that the Customs and Border Patrol is not able to validate the self-reported information of C-TPAT members because of "staffing constraints." This means companies which receive less scrutiny and inspection under the C-TPAT Program receive these benefits before "they undergo the validation process, which is the Custom and Border Patrol's method to verify that members' characterization of their security measures are accurate and that the security measures have been implemented."

We also provide $600 million for the Port Security Grant Program, more than tripling last year's budget. As this budget reflects no changes over the President's request, we can only assume there is no specific money going to port security grants. The American Association of Port Authorities notes that their recommendation to double the funds is only "a modest investment." In fact, they point out that doubling these funds would represent "36 percent of the Coast Guard's projected cost of the facility improvements." I believe that falls short of the mark.

> Security experts tell us that we could more than triple the funding for these grants, and we still wouldn't meet the requirements to implement security measures at our Nation's ports.

Finally, we must make sure that we have cutting edge technology to safeguard our ports. This amendment provides $100 million for research and development. Up to now, we have not focused enough on creating second generation technologies for nonintrusive inspections, which the private sector is unlikely to develop. It is time for that to change.

Strengthening security at our ports will not be cheap, and given the budgetary challenges our Nation faces, every dollar is hard to come by. But the status quo is unacceptable. An attack on one of our ports would not just cause a tremendous loss of life that has no monetary equivalent, but would also shut down a port and all of the economic activity it generates at a cost of billions of dollars to our economy.

If we could roll back the clock 10 years and spend a few billion dollars to raise the levees in New Orleans to be able to withstand a category 5 hurricane, we could have saved hundreds of lives, as well as the billions of dollars it will take to rebuild the city. I don't want this country to look back in hindsight a few years from now with the realization that had we spent the necessary dollars to improve the security at our ports now, we could have prevented a major terrorist attack.

Who among us would be satisfied in the aftermath of an attack that we did not take the steps that could have prevented it because we were unwilling to dedicate the necessary resources? That is the choice the Congress faces, and for the security of our country it is essential that we make the right one.

This amendment is also fully paid for by closing corporate tax loopholes that this body has supported before. I urge all of our colleagues to join me in supporting this amendment. I reserve the remainder of my time.

Mr. GREGG. Mr. President, this amendment, as the Senator from New Jersey mentioned at the end, raises taxes. It raises the cap, so it spends a lot more money. And in the context of overall port security, although it makes a statement, it is not necessarily going to do a whole lot more than what we are doing already.

There is, of course, because of the Dubai Ports World situation, a human cry for more port security. We have attempted over the last few years to try to address port security, and there is still a lot more to do. But there has been a very large commitment to port security, and there has been a lot done. Over $10 billion has been committed to port security since 9/11. By next year, 2007, 85 percent of all cargo coming into the United States will be screened. We have in place at the 42 largest shipping ports that ship to the United States significant infrastructure which actually checks the cargo that is going on those ships.

What has happened here is that there has been a decision made, and it is the right decision, that the best way to protect ourselves is not to wait for the cargo, the container to end up on a shipping dock in Newark or a shipping dock in Long Beach, but to have that container checked before it gets on the boat that is going to bring it across the ocean to Long Beach or to Newark.

So a huge amount of infrastructure commitment, people and personnel and technology, is being put into that goal. Of course, it doesn't get scored as port grants, which is what this amendment is offering up, a port grant. Rather, it actually does what the port grant money can't do: it gives us offshore protection of cargo coming into the United States.

As I said, by 2007, as a result of this initiative, 85 percent of all cargo will be screened. In addition, the Coast Guard has been tooled up so that it can actually physically go out and stop a container vessel or a tanker on the open ocean if it is concerned that the vessel is coming from a port that doesn't have adequate security relative to the loading of the ship, or if it has some other concern, such as information that the ship might have some threatening cargo. We have put in place an outer curtain, which the Coast Guard is pursuing. So a lot has been done.

Not only has a lot been done, but we are still doing more. In the last budget from Homeland Security, we dramatically increased port security funding for this type of a grant program that the Senator from New Jersey has proposed. In this budget, we propose $2 billion of new spending for border security, which can be used for port security in the underlying budget over what the President asked for, and then we proposed another $2 billion of border security which can be used for port issues in the supplemental budget, which runs parallel to this basic budget.

So that is $4 billion of new funds which are going to flow into border security, of which a fair amount will go into the ports. So the commitment has been significant and continues to be significant, and it is hard to claim that we aren't actually starting to get results from what we are buying.

A lot of this port grant money, on the other hand, which goes to the port that is in place, that goes to the facility on American soil, is ending up, unfortunately—maybe not so much going to—it is going to security needs, but it is going to security needs which traditionally would have been paid for by the managers of these ports. Basically what they are doing is they are taking the Federal grant money, and instead of building a fence, which they should have built anyway and they needed anyway, or instead of building major lighting which they needed and should have put in place anyway out of their own funds, they are replacing those funds with Federal dollars and using Federal dollars to do what they should have done anyway. So there is an issue there as to whether we are getting the most bang for the buck through the Port Security Grant Program.

But, in any event, independent of that, to represent that this has not been a very robust effort in the area of port security is wrong. Is there a way to go? Of course there is a way to go.

The Senator from New Jersey is suggesting that we should physically inspect every cargo container coming into the United States. We don't physically inspect every car that comes across our border. We don't physically inspect every individual who comes across our border, or every piece of luggage that comes across our border. And there is a reason for that. It is called: You can't do it and still have an economy that is going to function.

What we do, however, is set up a very aggressive regime at these various ports around the world that are shipping to us, especially the major ports where we check for what we think is the most threatening potential cargo, which we all know what it is. And we are expanding that regime out beyond those shipping ports to the actual place where the containers are filled and putting in place certification programs which are reviewed and which have on-the-ground inspection capability.

Is there more to do? Yes, there is more to do, no question about it. But the point is, this budget assumes there is more to do and puts the money in it to do more, significantly more. However, this is the cause du jour—I recognize that—and the relevance of what is actually being done isn't considered. The relevance of the money that is in the pipeline isn't considered. It simply becomes an issue of throw more money at it and therefore claim that we are resolving the problem faster.

As a practical matter, the $4 billion that we have allocated towards border security in this bill is a huge increase, and it significantly increases accounts. The $10 billion that we have already put into this effort is showing results, and we are on the path to a very organized approach toward how we deal with our ports. We intend to do more, and we believe we have funded that adequately in this bill.

However, I know there are going to be additional amendments. I think the leader has an amendment on this point which is at least paid for directly. The biggest problem with this amendment is it is not only a large number, especially in the context of the $4 billion that is already there on top of that, but it is a number that is paid for with a tax increase. I do not believe increasing taxes is the right way to go, nor do I believe breaking the cap is the right way to go.

Mr. President, how much time is remaining on this amendment?

The PRESIDING OFFICER. The sponsor has 5 minutes 45 seconds, and the manager has 6 minutes 30 seconds.

Mr. GREGG. I reserve the remainder of my time.

Mr. MENENDEZ. Mr. President, I yield 3 minutes to the distinguished Democratic whip.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this is an interesting amendment. I am happy to cosponsor it with Senator MENENDEZ, Senator SCHUMER, and Senator CLINTON.

Consider this: When you went to the airport this week and you wanted to get on an airplane, they asked you to take your shoes off, right? That is what we do every week around here. That is what we do in America to make sure we are safe on an airplane.

Now comes the Senator from New Jersey with a request and a suggestion that, in the scheme of things, is much more valuable to our security. Millions of containers come into the United States every year. The General Accounting Office took a look at the containers we inspect and found that fully one out of three of the most risky containers are not even being looked at. We are not inspecting them. So the next time you take your shoes off at the airport, you might ask yourself: Is this keeping America safe? Or would it be keeping America safe to have our containers inspected, as Senator MENENDEZ is suggesting with his amendment?

The Senator from New Hampshire says it is a lot of money. It is a lot of money. It is $900 million for new technology, for new inspectors, for better approaches to looking at these containers. But when you talk about the security of America and the expense we are going through and the lives that are at risk across this Nation and overseas in keeping America safe, can we do anything less? I think the Senator from New Jersey has an excellent suggestion to make America safer.

Improving port security is an important part of homeland security because the U.S. maritime system includes more than 300 sea and river ports. The system also has more than 3,700 cargo and passenger terminals and more than 1,000 harbor channels spread along thousands of miles of coastline.

Port security is a multi-layered system of defenses that includes monitoring the people, cargo and vessels entering our ports from the time they leave a foreign port to the time they arrive in the United States. Additional port security funding is needed to improve dockside and perimeter security, provide important security upgrades such as surveillance equipment, access controls to restricted areas, communications equipment, and the construction of new command and control facilities.

This funding is crucial because our Nation's ports were identified by GAO as the remaining "vulnerability" in our transportation system and that efforts to secure our Nation's ports "lacked clear goals and measures that track progress." GAO has also stated that, as a result of staffing imbalances, 35 percent of high-risk containers were not inspected.

In addition, GAO reported that the security checks performed by Customs and the Border Patrol are not rigorous enough and that staffing problems have kept Customs from validating participant's security information.

In Illinois, the Chicago Port is the 36th largest port in the Nation and the largest on the Great Lakes. Chicago is also the largest inland general cargo port in America, and the city as a whole is the commercial transportation crossroads of the Nation. Illinois and the Port of Chicago link waterborne commerce, foreign and domestic, via our vast rail and highway systems for distribution throughout all of North America, Canada, Mexico, and the world. Global cargo movement through the Chicago area in containers, barges, vessels, trucks, airplanes, and railcars totals hundreds of millions of tons annually. Chicago ranks seventh in the Nation among the United States Census Bureau 2004 statistics of the "Top Twenty-Five Customs Districts. Chicago's total dollar value of goods imported and exported is about $94 billion.

The City of Chicago and the Chicago police department provide local security and the Coast Guard patrols the waterways but additional funding is needed for patrol vessels, security enhancements and cameras, and inspection equipment.

The Coast Guard estimates that over $7 billion is needed through 2012 for ports to comply with Federal security standards and to date, only 13 percent of that amount has been provided.

In 2006, $175 million was provided for port security which is not nearly enough to secure all of the Nation's ports.

In 2006, $138 million was provided for the Container Security Initiative—CSI—which is not enough to examine high-risk containers at every foreign port with vessels destined for the U.S.

I am concerned that 6 percent of the 9 million containers arriving at U.S. ports are scanned or inspected each year due to a billion dollar funding shortage for critical port security needs. Until the administration is willing to work with Congress to fund, equip and hire the needed personnel to protect our ports from being used by terrorists, it will not matter if a U.S. or a foreign company is in charge of our ports. In that regard, our Nation's ports and infrastructure are so important to the security of our homeland that the approval process for foreign companies that want to manage U.S. infrastructure should include greater Congressional oversight and involvement.

The President's budget folds port security in with all other transportation and critical infrastructure needs, eliminating the port security grant program in favor of a Targeted Infrastructure Protection Grant.

The budget also forces ports to compete for limited resources with mass transit, rail, and other critical infrastructure sectors.

The President's budget requests $139 million for CSI whereby containers deemed to be high risk are opened and inspected. The President's budget also requests $76 million for the Customs Trade Partnership Against Terrorism—C-TPAT—program which screens shipping companies and the companies that provide them with any services. More money is needed than is provided in the President's budget for the CSI and C-TPAT programs to inspect containers at foreign ports and validate security information.

The Menendez-Clinton-Durbin Port Security Amendment moves the U. S. toward the goal of 100 percent scanning of containers. Currently, Customs screens all cargo coming into the U.S. using a combination of intelligence information and data provided on shipping manifests. The amendment provides an additional $600 million for port security grants, $100 million for at least 400 new staff to increase inspections and identify high-risk containers as part of CSI and C-TPAT, and $105 million for radiation portal monitors and gamma/x-ray imaging technology.

Specifically, the amendment triples the current amount of funding for the Port Security Grant Program to $600 million. These funds are highly sought by local port authorities such as the Port of Chicago.

The amendment provides $100 million to increase the number of inspectors at foreign ports and improve the process for validating security information.

The amendment also provides $100 million in funding for more finely tuned technologies that can locate contraband material in shipping containers.

The amendment provides $105 million for U.S. ports to install cargo imaging and radiation portal monitors to detect radiation and identify high density shielding used to block radiation emissions.

In addition, the amendment provides $10 million for U.S. ports to update technology so that officials can receive and integrate downloadable images of containers at foreign ports into our existing scanning and inspection system.

Finally, the amendment provides $50 million to help developing countries purchase equipment to scan and inspect containers.

I ask all my colleagues to stop and reflect for a moment. This is about more than Dubai and who is going to manage our ports. It is about the safety of America. God forbid something happens, let's be on the right side of history. Let's support the Menendez amendment and make sure these containers are inspected.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is my understanding the Senator from New York and the Senator from New Jersey wish to speak, and the junior Senator from New Jersey only has 2 minutes remaining or something like that?

The PRESIDING OFFICER. There is 3 minutes 39 seconds remaining to the Senator from New Jersey.

Mr. GREGG. My understanding was the Senator from New York wanted 2 minutes and the Senator from New Jersey wanted 2 minutes. Does the junior Senator from New Jersey desire more time?

Mr. MENENDEZ. One minute.

Mr. GREGG. I will yield 2 minutes off my time, even though I disagree vociferously with their position, but out of the kindness of my heart, I yield a minute to the Senator from New York, the senior Senator from New York, so they can make their case, which is only worth about 2 minutes, anyway.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, first I thank my colleague from New Hampshire. He is a tough old New Englander, but he has a heart of gold, even when he is wrong on the merits.

Mr. President, I salute my colleague from New Jersey for offering this amendment. It says one thing loudly and clearly. Even though, as we hope and believe, the Dubai Ports World deal is now scuttled as far as American ports, we have miles and miles to go on port security. This is not new to this Chamber. I have introduced amendment after amendment. I know my colleague from Washington, PATTY MURRAY, and the Senator from Maine, SUSAN COLLINS, and others have all tried to do more for port security. This amendment does much of the job. We have to inspect more than 5 percent of the containers. We need a crash research project so we can develop devices that can scan for nuclear or biological or chemical weapons. We need our ports to have employees who cannot forge documents and get a job for bad purposes.

The PRESIDING OFFICER. The Senator has consumed the 1 minute given to him by the Senator from New Hampshire.

Mr. MENENDEZ. Mr. President, I yield the Senator 1 additional minute.

Mr. SCHUMER. Mr. President, we need to make sure, for those who operate the ports, when they are checked for security that it is a real check and they can't forge documents or sneak in.

There are so many things to do on port security. Even if every port were owned by an American company that had the best of intentions, we would not be doing close to enough.

So I urge my colleagues to support the amendment of my colleague from New Jersey because we have such a long way to go on port security. It is a neglected stepchild of our homeland security project, and you cannot do it, you cannot do it without the dollars the Senator from New Jersey has suggested.

I urge my colleagues to support this amendment to make sure more cargo is scanned, to have better screening equipment, tighter security among employees, and the other many good things this amendment does.

I yield my remaining time back to my colleague from New Jersey.

The PRESIDING OFFICER. Who yields time?

Mr. MENENDEZ. Mr. President, can you tell me how much time there is on both sides?

The PRESIDING OFFICER. The Senator from New Jersey has 2 minutes 25 seconds. The Senator from New Hampshire has 4 minutes 3 seconds.

Mr. MENENDEZ. Mr. President, I yield 2 minutes to the senior Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, when you look over at this section of the Chamber, you see three Senators who were front and close to what results from an act of terrorism. We saw it in the World Trade Center. We lost over 700 people from the State of New Jersey, and the combination was almost 3,000 people. We know what you have to do to prevent anything like that from ever happening.

We are going to spend up to $500 billion before this year is over on our security interests in Iraq and Afghanistan, and we have an obligation to do as much as we can for people we serve in an area that has been subjected to terrorism and is classified as the worst 2 miles in the country for terrorist attack. Much of that will come as a result of the activity in our harbors and our ports.

I salute my colleague, new to this body but leaderly in his actions that we have seen thus far, and particularly with this, stepping up, as we say in the vernacular, to the plate to say: OK, Mr. President, you want to protect our people? The leadership here in the Senate certainly says they want to protect our people. Then, by golly, spend the money. We are looking for $900 million for the additional port security funds. Let's do it.

We survey 5 percent of the cargo that comes in, in containers, to the country. That is nothing, on a relative basis. We ought to spend the money and say to the people in those neighborhoods, the people across the country who would be affected by a terrorist attack: We are going to do what we can to protect you. We say it all the time. Now we have to put up or, as they say, be quiet.

I yield my time.

The PRESIDING OFFICER. The time of the sponsor has expired.

Mr. GREGG. Mr. President, I yield a minute to the junior Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to include Senator MURRAY as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, let me make three quick points.

No. 1, we don't raise taxes here. We fully pay for it by closing corporate tax loopholes that the Senate has voted on before. That is much more important to be done, closing those loopholes in favor of security, than keeping them open.

Second, this is not about physically going into each container, but it is about scanning each container so we can see its contents, because only 5 percent get screened. Screened is not an inspection, physical or otherwise. That means 95 percent of the cargo that comes into the United States is really untouched.

Last, we cannot have it both ways. Either that $4 billion that the distinguished Senator from New Hampshire talks about is about the northern and southern border and border patrol and inspection and the Iraq contingency funding, or it is about port security. But it cannot be about both. If you want to protect the ports of the United States, if you want to make sure the economic consequences of an attack do not take place, if you want to make sure that we save lives, the only way to do that is to adopt the Menendez amendment.

I urge our colleagues to do so. We believe in doing so we will have come a significant way on securing the ports of the Nation and, most importantly, securing the citizens of this country.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 3061

Mr. McCONNELL. I send an amendment to the desk on behalf of myself and Senator HUTCHISON and Senator FRIST.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mrs. HUTCHISON, and Mr. FRIST, proposes an amendment numbered 3061.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for maritime security, including the Container Security Initiative, improved data for targeted cargo searches, and full background checks and security threat assessments of personnel at our nation's seaports)

On page 16, line 21, increase the amount by $978,000,000.

On page 16, line 22, increase the amount by $782,400,000.

On page 17, line 1, increase the amount by $195,600,000.

On page 27, line 23, decrease the amount by $978,000,000.

On page 27, line 24, decrease the amount by $782,400,000.

On page 28, line 2, decrease the amount by $195,600,000.

Mr. McCONNELL. Mr. President, this amendment will provide funding for maritime security, including the container security initiative, improved data for targeted cargo searches, and, most important for purposes of this amendment, full background checks and security threat assessments of personnel at our Nation's seaports. It makes no sense to be obsessed with what is in the containers and ignore those in our own ports who will handle the containers.

In the past few weeks, there has been a new focus on national security concerns surrounding our seaports. We have had a lot of discussion about that issue. Many have called for greater limitations on foreign ownership as well as increased oversight and inspection of cargo ships and loading facilities. This amendment says: Yes, fund port and maritime security. But if this is truly a national security issue, we should ensure that we have background checks and security threat assessments of the personnel at our seaports.

So I repeat, unless we are certain of the individuals who are handling this cargo at our own seaports here in the United States, we clearly have not done the job. This amendment provides $978 million to initiate an enhanced maritime security. Of that amount, $728 million is provided as recommended by the Commerce Committee for maritime security in S. 1052, the Transportation Security Act, and another $250 million is provided to fund these background checks that I was just talking about of the people in our ports who are handling the cargo, the security of which and the contents of which we have all indicated we are so concerned about. The cost of this amendment is offset within the budget's overall discretionary allocation.

So if we really believe, as I know we all do, that our Nation's seaports are a national security issue, we ought to enhance port security, of course, but all that is completely meaningless unless we are certain of the qualifications, the integrity of the individuals in our ports here in the United States handling this cargo when it comes in. When it comes to port security, you can check all the containers you want, but it does no good unless you have also checked those who handle the containers. We have seen numerous reports of false ID's, criminal activity, and organized crime right here in our own country at our seaports. We can't place Americans at risk because we turn a blind eye to this risk.

Let me just sum it up before yielding the floor. What this is about is making sure that these individuals at our ports here in America who are handling this cargo we have all indicated we have enormous concern about, coming from overseas into the United States, into our ports—that the people handling this cargo in our ports meet the highest standards of integrity because it does not make any difference in the world if we have made sure that the container at its original port of embarkation is OK, it doesn't make any difference if we have made sure it is OK on the ship on the way over here. If we have the wrong people handling the cargo here in the United States, America is at risk.

The amendment I have offered on behalf of Senator HUTCHISON and Senator FRIST would secure the funding for these background checks and assessments of employees here in our own country handling the cargo in our ports.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be set side so I may offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3062

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. ROCKEFELLER, and Mr. KENNEDY, proposes an amendment numbered 3062.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide $184 million over five years for the Mine Safety and Health Administration to hire additional mine safety inspectors, paid for by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $32,000,000.

On page 3, line 15, increase the amount by $35,000,000.

On page 3, line 17, increase the amount by $36,000,000.

On page 3, line 19, increase the amount by $36,000,000.

On page 3, line 21, increase the amount by $37,000,000.

On page 4, line 1, increase the amount by $32,000,000.

On page 4, line 2, increase the amount by $35,000,000.

On page 4, line 3, increase the amount by $36,000,000.

On page 4, line 4, increase the amount by $36,000,000.

On page 4, line 6, increase the amount by $37,000,000.

On page 4, line 13, increase the amount by $36,000,000.

On page 4, line 15, increase the amount by $36,000,000.

On page 4, line 17, increase the amount by $37,000,000.

On page 4, line 19, increase the amount by $37,000,000.

On page 4, line 21, increase the amount by $38,000,000.

On page 5, line 4, increase the amount by $32,000,000.

On page 5, line 6, increase the amount by $35,000,000.

On page 5, line 8, increase the amount by $36,000,000.

On page 5, line 10, increase the amount by $36,000,000.

On page 5, line 12, increase the amount by $37,000,000.

On page 19, line 24, increase the amount by $36,000,000.

On page 19, line 25, increase the amount by $32,000,000.

On page 20, line 3, increase the amount by $36,000,000.

On page 20, line 4, increase the amount by $35,000,000.

On page 20, line 7, increase the amount by $37,000,000.

On page 20, line 8, increase the amount by $36,000,000.

On page 20, line 11, increase the amount by $37,000,000.

On page 20, line 12, increase the amount by $36,000,000.

On page 20, line 15, increase the amount by $38,000,000.

On page 20, line 16, increase the amount by $37,000,000.

On page 53, line 1, increase the amount by $36,000,000.

On page 53, line 2, increase the amount by $32,000,000.

On page 53, line 4, increase the amount by $36,000,000.

On page 53, line 7, increase the amount by $37,000,000.

Mr. BYRD. Mr. President, historian and author Henry Adams wrote that "practical politics consists in ignoring facts."

Here is a fact.

Without offsets, we cannot afford to continue to cram hundreds of billions of dollars of new tax cuts into the federal budget. To create the illusion of affordability, this budget already excludes the costs of the war in Iraq beyond next year. It excludes the costs of protecting middle-income taxpayers from the alternative minimum tax beyond next year. It excludes the costs of putting Social Security and Medicare on sounder footings. It excludes a host of critical domestic investments—everything from education funding to highway maintenance—and continue to postpone them year after year. Even while it excludes or hides all of these inevitable costs, this budget still projects that our national debt will continue to rise to stratospheric levels.

Here is another fact.

Relying primarily on domestic discretionary funding cuts will never, never seriously reduce the annual spending-spree deficits of this administration. The part of the federal budget known as domestic discretionary spending comprises only one-sixth of the total federal budget. The squeeze on domestic discretionary spending these past few years has already produced funding shortfalls that are not only impractical, but also wholly irresponsible and damaging to our country's future.

These cuts have real-world consequences. They are not just accounting exercises. Look at what happened to FEMA's ability to respond to natural disasters. Look at the shortfalls in the LIHEAP program affecting so many needs of our citizens in our States. Look at the costly reduction of federal mine safety inspectors, and at the spike in mine fatalities this year.

Look at the paltry amount included in the budget to prepare and respond to a possible Avian Flu Pandemic—one of the most dangerous health threats confronting the United States today. Medical experts warn that a global, cataclysmic pandemic is not a question of "if," but "when." Like any natural disaster, it could strike at anytime. Avian flu could take the lives of tens of millions of people, and deliver a devastating $675 billion blow to the U.S. economy. Yet, we are failing to adequately safeguard the American people because of political convenience and lust for cuts in domestic spending.

Look, for instance, at the shortfalls in veterans funding, with the administration trying to backfill by raising copayments and fees for veterans health care services, not to mention the submission of a supplemental budget amendment last year to avoid emergency cuts in VA medical care and services.

Witness the gaping holes in our border security, marked by federal agents releasing or not even bothering to pursue illegal aliens because of lack of detention space and personnel. We can only hope and pray that those determined folks who daily circumvent our border security are not al-Qaida operatives.

Congested roads, overcrowded schools, deteriorating rail and transit systems, corroding and structurally deficient bridges, functionally obsolete locks and dams, overflowing sewers and wastewater mismanagement, energy bottlenecks causing higher prices and electricity failures and power outages—these are the festering signs of a nation's infrastructure being slowly starved. Meanwhile, our once strong and proud manufacturing sector is buckling from intense foreign competition by companies heavily subsidized by their governments. Health care and education expenses are both rising to prohibitive levels for families and their employers, and the United States of America is becoming more and more addicted to foreign capital and immigrant labor to power our economy.

For years we have been determinedly squeezing the wrong pieces of the federal budget in order to fund other pieces, and believe me the chickens are coming home to roost.

This week, the Congress will vote to raise the debt ceiling to $9 trillion—the fourth nasty increase in 5 years. President Reagan said a $1 trillion debt "can only be compared to the universe because it, too, is incomprehensible in its dimensions." One way to put that number in perspective is to imagine counting $1 trillion at the rate of $1 per second. At that rate, it would take 32,000 years to count $1 trillion. Imagine, 32,000 years to count $1 trillion, and then, when finished, counting it eight more times to reach the total debt of this country. Such massive debt, and what have we to show for it?

An editorial in The Washington Post last year described the situation: "[We] have let the nation's plumbing rust, its wiring fray, its floor joists warp and its walkways crumble . . . Sooner or later, though, we're going to have to pony up . . . If you continue to ignore that drip, drip, drip in the upstairs bedroom, pretty soon you're going to be pricing a new roof." And don't forget, we will have to borrow to pay for that roof.

This editorial appeared only weeks before Hurricane Katrina. The investments we delayed and postponed for years in New Orleans are now costing tens of billions of dollars in repairs and new building. It is a painful lesson, and the government of this country does not seem to learn very fast. We are foolishly ignoring the drip, drip, drip in the upstairs bedroom, while the plaster weakens and costs for repairs mount.

I sympathize with the plight of the chairman of the Budget Committee. Chairman GREGG didn't craft the budget submitted by the administration, but he has made the loyal decision to adopt and defend the president's discretionary spending limits. I say to my colleagues that the Congress cannot fund this great country's essential needs within those limits. Too much of that money is eaten by fighting wars without allied assistance, and by waste in the defense discretionary budget for contracts that rip off the taxpayer and skimp on essential services for our troops.

Within a few days, I will offer two amendments to accommodate the critical investments that we must not continue to postpone. I will propose amendments for mine safety, and Amtrak.

Today, I offer the first of those two amendments, which would add $184 million to the budget for mine safety inspectors and rescue technology.

West Virginia has lost 16 miners this year. Their emergency communications and breathing equipment proved insufficient, and the federal mine regulator, known as the Mine Safety and Health Administration, MSHA, of the U.S. Department of Labor, is operating on an insufficient budget.

There is no question that the federal coal enforcement budget has been squeezed in recent years, and that the attrition of federal mine safety inspectors has been ignored as part of an effort to carve out more room in the budget for non-essential tax cuts. Those budget cuts have resulted in gross deficiencies at the Department of Labor.

The miners trapped underground at the Sago and Alma mines had only a one-hour oxygen supply to last through a 40-hour rescue. The miners trapped underground could not communicate with the rescue effort on the surface, and the rescue effort on the surface could not locate the miners trapped underground. Meanwhile, the number of safety inspectors charged with enforcing the Mine Act has dwindled since 2001, with 217 fewer inspectors today to ensure the safety of miners, and the vigorous enforcement of the Mine Act.

These budget cuts have had real and deadly consequences for coal miners. Ask the families about how that feels.

This amendment, which I offer with Senators ROCKEFELLER and KENNEDY, would be sufficient to replace the 217 safety inspectors that have been lost since 2001, and to help get emergency communications and breathing equipment into the mines rapidly.

In the wake of 21 coal mining deaths this year, and the closure of mines for emergency safety inspections, it is essential that the Congress provide the Department of Labor with the funds it needs to keep our nation's coal mines operating safely.

I am also hopeful that we will soon see legislation from the Health, Education, Labor, and Pensions, HELP, Committee to address the other mine safety initiatives that still have not been implemented by the Department of Labor—emergency communications and tracking requirements, increased and minimum penalties for habitual violators, a suspension of belt-air ventilation for the working areas of mines. These components are addressed by the West Virginia Delegation mine safety authorization bill that still awaits action by the HELP Committee and the Senate. I, and the miners and mining widows of my state, continue to urge the HELP Committee to act quickly on this essential legislation. We could have more deaths in the mines any day.

In the meantime, we have an opportunity today to address the mine safely budget. It is a critical piece of our infrastructure that we dare not continue to ignore. The fact is that cuts in domestic discretionary spending are weakening mine safety efforts. Decency demands that we not wait until more miners die before we do something about it.

I urge Senators to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator's time is expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the amendment of the Senator from West Virginia. I understand the personal involvement and concern he has for the mine safety in his State and the extraordinary tragedies they have experienced. I hope there is a way we can work this amendment out. In its present form it does raise taxes to pay for it, which I will not be able to support, but I am hopeful we can work something out.

I yield back the balance of our time in opposition to this amendment.

Mr. KENNEDY. Mr. President, I support the amendment offered by the senior Senator from West Virginia and am pleased to cosponsor this amendment. This amendment would add $184 million to the budget for mine safety inspectors.

The need for this type of investment is clear. Twenty-four miners have already died this year, 21 of them in coal mines, just one of the total number of coal mine deaths for all of last year.

We know that coal plays a vital role in meeting the Nation's need for energy. Over half of Americans get their electricity from coal. It is essential for mines to remain productive. But safety can't yield to production goals.

Protecting our miners is a moral obligation and a national priority. We must do everything in our power to minimize the risk of injuries and deaths.

This January, I joined Senator ISAKSON, Senator ENZI, and Senator ROCKEFELLER on a trip to the Sago Mine. We met with the families of the fallen miners, and they shared their thoughts and memories in a way that deeply touched us all, and made action by Congress all the more essential.

We need strong mine safety enforcement and inspections. The Bush administration has jeopardized the safety of our Nation's miners by continuing to cut the number of positions from coal mine safety enforcement. The administration's fiscal year 2007 budget continues this trend by proposing a cut of 27 more positions, for a total of an 18 percent reduction in staff since fiscal year 2001. And there are now 217 fewer mine safety inspectors than we had in 2001.

NIOSH warns that our Nation's mine safety inspectors are aging. Approximately 44 percent of the MSHA's underground coal mine inspectors employed in 2003 will be eligible for retirement by 2008. MSHA has not adequately prepared for their departure from the workforce.

This amendment will help us restore the critical funding needed to provide more mine safety inspectors and ensure that our Nation's miners are safe now and in the future, and I urge my colleagues to join me in supporting it.

Mr. GREGG. The next amendment in order, I believe, is the amendment of the Senator from Georgia.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Georgia.

AMENDMENT NO. 3018

Mr. CHAMBLISS. Mr. President, I ask unanimous consent 3018 be called up at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for Mr. DAYTON, for himself and Mr. CHAMBLISS, Ms. STABENOW, Mr. TALENT, Mr. OBAMA, Mr. HAGEL, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. LEVIN, Mr. KERRY, Mr. SALAZAR, Mr. KOHL, Mr. BINGAMAN, Ms. MIKULSKI, Mr. BAUCUS, Mr. HARKIN, Mr. NELSON of Florida, Mr. BIDEN, and Mr. DURBIN, propose an amendment numbered 3018.

Mr. CHAMBLISS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore funding for the Byrne/JAG grant program to the FY 2003 level of $900 million, offset with an across the board cut to administrative expenses, travel, and consulting services)

On page 24, line 24, increase the amount by $900,000,000.

On page 24, line 25, increase the amount by $198,000,000.

On page 25, line 4, increase the amount by $270,000,000.

On page 25, line 8, increase the amount by $180,000,000.

On page 25, line 12, increase the amount by $135,000,000.

On page 25, line 16, increase the amount by $117,000,000.

On page 27, line 23, decrease the amount by $900,000,000.

On page 27, line 24, decrease the amount by $198,000,000.

On page 28, line 2, decrease the amount by $270,000,000.

On page 28, line 5, decrease the amount by $180,000,000.

On page 28, line 8, decrease the amount by $135,000,000.

On page 28, line 11 , decrease the amount by $117,000,000.

Mr. CHAMBLISS. Mr. President, this amendment is offered by Senator DAYTON and myself, along with Senators TALENT, HAGEL, BEN NELSON, STABENOW, OBAMA, SNOWE, MIKULSKI, LEVIN, KOHL, KERRY, BINGAMAN, SALAZAR and BAUCUS. It restores funding to Fiscal year 2003 funding levels for the Byrne/JAG law-enforcement grant program. I have worked closely with Senator DAYTON on this issue for some time. Last year we succeeded in amending the CJS Appropriations bill in the Senate to restore funding to the 2003 level, only to see the funds thereafter again removed from the final appropriations bill.

The increasingly sophisticated techniques employed by drug traffickers requires a coordinated response by State, local and Federal law-enforcement. Multijurisdictional cooperation is an essential component of any national response.

The Byrne Justice Assistance Grants, have been an important part of this essential coordinated response. Programs funded by Byrne/JAG grants have shown dramatic results in reducing crime, particularly drug and firearm trafficking, gangs, pharmaceutical diversion, and organized crime. According to data compiled by the National Criminal Justice Association from self-reported metrics submitted by individual State Administering Agencies for the 2004 grant year, task forces funded in part by Byrne/JAG were responsible for: 54,050 weapons seize, 5,646 methamphetamine labs seize, $250,000,000 in seized cash and personal property, and massive quantities of narcotics removed from America's streets, including: 2.7 million grams of amphetamines/methamphetamine, 1.8 million grams of powder cocaine, 278,200 grams of crack, 73,300 grams of heroin, 75 million cultivated and non-cultivated marijuana plants, and 27 million kilograms of marijuana.

These are real results which have made America safer and contributed greatly to a 30 year reduction in violent crime in America.

Our amendment restores funding to fiscal year 2003 levels, and provides an offset from administrative expenditures. It is money well spent to protect Americans from criminal activities.

I appreciate greatly the cooperation of the Senator from Minnesota and his working together with me on this issue. He has been tireless in his efforts to make sure this amendment has been passed in the budget process and that we have it included in the appropriations process. While we were successful last year in the budget and in appropriations, in the end it lost this year. We will work harder together to make sure the full spending for the Byrne/JAG grants is included.

I yield to the Senator from Minnesota for such time as he may consume of the time remaining.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank my distinguished colleague and friend, the distinguished Senator from Georgia, for his leadership on this amendment. It has been a privilege to work with him during the last couple of years. I appreciate his deep commitment to this program. It means a great deal because it demonstrates very clearly to our colleagues that this is a bipartisan commitment, as demonstrated by the cosponsors for our amendment.

I ask unanimous consent to add Senators HARKIN, ROCKEFELLER, NELSON of Florida, BIDEN, and DURBIN as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I am astonished that there is any disagreement about the need for increased funding for the Byrne grants. This is one of the critical programs we fund through the Congress. I am amazed, as my colleague from Georgia said, that last year the amendment we passed together, which the Senate passed unanimously, was then basically gutted entirely in the conference committee at the insistence of the House and the administration. And, in fact, the funding for the Byrne grant program for this year is cut by one-fourth from what it was the previous year.

I have heard suggestions from people that this money is not well spent or that it is not needed in particular States. To them, I say, please, please, send your money back. Send it to Minnesota, send it to Georgia. I can assure Members the money in Minnesota is extremely well used. It is absolutely necessary.

Let me quote, as evidence of that, Mr. Robert Bushman, president of the Minnesota Police and Peace Officers:

> Without the support of the Byrne Justice Assistance Program funding, these drug task forces face reductions that will decrease their abilities and effectiveness. Should this occur, Minnesota's ability to fight the war on drugs would undoubtedly be diminished, with potentially dangerous consequences.

We talk of the need to protect this country from terrorists. I support that as strongly as anyone. We have terrorists operating on the streets of Minnesota and I suspect through this country every day. They are drug-dealing terrorists.

The methamphetamine epidemic which is plaguing my State—small communities, large cities, rural, urban, everywhere, drugs that I am told are coming in from Mexico in increased numbers, concentrations, and potency—is destroying the lives of children as young as 10 years old and senior citizens who are in their eighties. It is an equal opportunity destroyer.

These drug-dealing terrorists are operating with impunity because our local law enforcement officers do not have the resources, do not have the funds, do not have the numbers, do not have all the resources necessary to combat it and defeat it. That is shameful. This is a matter of priorities.

Again, I thank the Senator from Georgia. I commend the distinguished chairman of the Senate Committee on the Budget and the ranking member for their support. I hope we can have this pass as a voice vote, one that will demonstrate clearly to the House overwhelming support. I ask they do their utmost to preserve our position in conference so we can get this funding back up from its devastating cut last year to where it needs to be.

I yield the floor.

Mr. OBAMA. Mr. President, I know I speak for the entire Senate when I say we fully understand the importance of supporting our Nation's law enforcement officers and that we all want to do everything possible to make the safety of our communities one of our top budgetary priorities. This is why I rise today to support the amendment offered by my colleagues, Senators DAYTON and CHAMBLISS, to restore funding for the Byrne Justice Assistance grants program.

Unfortunately, once again, the President's budget request for fiscal year 2007 does not recognize this priority. In fact, it cuts the entire program for the second year in a row.

During Senate debate on the fiscal year 2006 Department of Commerce, Justice, Science and State Appropriations Act, I cosponsored a Byrne grant amendment with Senators DAYTON and CHAMBLISS that would have increased the funding for the JAG program to $900 million. That amendment passed the Senate, but was stripped in conference.

I am disappointed that the President's fiscal year 2007 budget request once again cuts this important law enforcement program, a program that has suffered significant cuts in the last few years, despite providing real results and benefits around the country. For fiscal year 2005, the Byrne/JAG program was appropriated $634 million, an overall cut of 12 percent for both programs from fiscal year 2004, and a 30 percent cut from the fiscal year 2003 funding.

As for fiscal year 2006, the President's budget request proposed the elimination of the Byrne/JAG program, but Congress refused. However, the Byrne/JAG program still received a $218 million cut from fiscal year 2005 level.

This year, the President's budget request once again eliminates the Byrne/JAG program from the $416 million—a 34 percent cut from fiscal year 2005 funding level—passed by Congress last year.

In Illinois, these cuts will have an immediate and direct effect on the ability of law enforcement to use Byrne grant funds to fight one of the gravest drug threats facing the nation today—methamphetamine.

In downstate Illinois, as in other rural communities around the country, there has been a tremendous surge in the manufacture, trafficking, and use of meth. Illinois State Police encountered 971 meth labs in Illinois in 2003, more than double the number uncovered in 2000. According to the Illinois Criminal Justice Information Authority, the quantity of meth seized by the Illinois State Police increased nearly tenfold between 1997 and 2003. This surge is placing enormous burdens on smalltown police forces which are suddenly being confronted with a large drug trade and the ancillary crimes that accompany that trade.

These police departments rely on Byrne grant funding to participate in meth task forces, such as the Metropolitan Enforcement Group or the Southern Illinois Enforcement Group. These task forces allow police in different communities to combine forces to battle a regional problem. There are a total of seven meth taskforce zones in Illinois, and these task forces have seen real results with Byrne grant funding.

In 2004, the Southern Illinois Enforcement Group accounted for more than 27 percent of the State's reported meth lab seizures, and in that same year alone, Byrne/JAG grants helped Illinois cops make over 1,200 meth-related arrests and seize nearly 350,000 grams of meth.

In towns like Granite City and Alton, cuts in Byrne grant funding will force them to make difficult choices about how to allocate already scarce police resources. Indeed, the chief of police in Granite City told my staff last year that cuts in Byrne/JAG grant funding would threaten the fundamental viability of his meth task force.

While meth use continues to grow, it is inconceivable to me that the President would propose another cut to the resources needed by law enforcement to fight crime and clean up the streets. To me, this is yet another example of the misplaced priorities of this administration.

We all know that we are facing a real budget crisis in this Nation. The deficit is growing, and we must enforce some fiscal discipline. But I don't believe we should be balancing the budget on the backs of our Nation's law enforcement officers who keep our families and communities safe every day.

I am disappointed by the President's fiscal year 2007 budget request and hope that the Senate will support my colleagues' amendment and find the necessary funding that local law enforcement needs.

Mr. KOHL. Mr. President, I rise in support of the Dayton amendment that increases funding for the Byrne grant program by $900 million. This is a straightforward amendment worthy of unanimous support.

As most of us know, the Byrne grant program is a law enforcement funding program run by the Department of Justice. For 20 years, Byrne grants have funded State and local drug task forces, community crime prevention programs, substance abuse treatment programs, prosecution initiatives, and many other local crime control programs. Unfortunately, all of this funding is eliminated in the Senate budget resolution which follows the administration's budget proposal.

This marks the second year in a row in which President Bush has tried to kill the Byrne grant program. Given the Bush administration's attack on law enforcement funding, this proposed cut should come as no surprise. That said, the Byrne Justice Assistance Grant Program was appropriated a little more than $416 million last year in formula funds—despite the administration's desire to eliminate it. But this amount is less than half of what the program received just a few short years ago.

Quite simply, funding for local law enforcement has taken a nosedive under this administration, and it is our local police chiefs and sheriffs who are feeling the pain of these cuts. Consider this: since President Bush has taken office, funding for local law enforcement in Wisconsin via the Byrne grant program has been cut by more than two-thirds. As recently as 2001, Wisconsin received more than $9.2 million from the Byrne grant program. Thanks to this administration, Byrne grant funding has been steadily declining ever since, with Wisconsin receiving just a little under $3 million last year. Nonetheless, President Bush wants to go even further and eliminate this funding entirely. Of course, this would leave Wisconsin law enforcement nothing from the Byrne program.

What do these cuts mean? It means law enforcement personnel are getting laid off, and that translates to fewer cops patrolling the beat, fewer assistant district attorneys prosecuting cases, and fewer detectives working drug cases, to cite just a few examples. Talk to any police chief, sheriff, or prosecutor back in your home State and they will tell you that the Byrne program is the backbone of Federal Aid for local law enforcement. Do we really want to walk away from a program with twenty years of success supporting our local police chiefs, sheriffs, and district attorneys? We can and must block the elimination of the Byrne grant program. The Dayton amendment would achieve this by boosting Byrne grant funds back to the fiscal year 2003 level of $900 million. I urge my colleagues to vote in favor of this amendment which supports our local law enforcement agencies.

Mr. GREGG. How much time remains on the measure?

The PRESIDING OFFICER. The sponsor has 8 minutes 20 seconds and the opposition has 15 minutes.

Mr. GREGG. I don't believe there is opposition. The Senator from Missouri is ready to go and then we go to the Senator from Washington for her amendment.

Mr. TALENT. I have no objection to the Senator from Washington going ahead because she was here.

Mr. GREGG. I don't think she is speaking on this amendment.

Mrs. MURRAY. I am ready to go with my amendment which follows this.

Mr. GREGG. Complete your statement on this topic.

Mr. TALENT. Mr. President, I rise to speak in support of the amendment offered by Senator CHAMBLISS and Senator DAYTON, to congratulate them on their efforts in this important area to restore funding for the justice assistance grants, which we have known in the past as the Byrne grants, and the local law enforcement program to the fiscal year 2003 level of $900 million. I am pleased to be a cosponsor of the important amendment.

The amendment is almost identical to what was offered on the relevant appropriations bill last fall. That amendment passed unanimously. It raised the funding amount at that time to $900 million. Unfortunately, as Senators have noted, the final appropriations more than stripped the amendment. It cut Byrne/JAG grants by 34 percent from fiscal year 2005 which resulted in only $416 million for the program. It is even more unacceptable that the administration has zero funded the program in its 2007 budget request.

Justice assistance grants fund a number of local drug education and drug law enforcement programs. These include the crucial multijurisdictional task forces which are especially important in combating the rising rates of methamphetamine production and distribution in communities across the country. Over the past 5 years, funding for Byrne grants and the local law enforcement block grants, which again are JAG predecessors, have been cut significantly despite the fact that State and local law enforcement have not only been saddled with the additional burden of homeland security but also with fighting the methamphetamine scourge that has grown in rural and urban communities across the Nation.

These grants are an essential component of statewide efforts to address violent crime and drugs in my State of Missouri. They funded vital projects in the State, including a multijurisdictional task force program that worked to integrate Federal, State, and local law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence.

To cut this funding would severely damage law enforcement's ability to address the methamphetamine crisis in Missouri and would place communities at risk across the country. That is why major law enforcement organizations, including the National Sheriffs Association, the National Police and Peace Officers, and the National Narcotics Coalition have all endorsed the amendment.

In short, the funding is crucial in fighting the Nation's war against methamphetamine and other drugs and necessary for keeping America's neighborhoods safe. So I congratulate Senator DAYTON and Senator CHAMBLISS for offering this amendment and urge the Senate to approve it.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GREGG. Mr. President, I will claim the time in opposition and yield it back.

The PRESIDING OFFICER. All time is yielded back.

Mr. GREGG. Mr. President, I think Senator MURRAY is next to be recognized.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 3063

Mrs. MURRAY. Mr. President, I send an amendment to the desk on behalf of myself, Senator SARBANES, and Senator LEAHY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. SARBANES, and Mr. LEAHY, proposes an amendment numbered 3063.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore funding for the Community Development Block Grant Program to the fiscal 2004 level by closing tax loopholes previously slated for elimination in Senate-passed legislation)

On page 3, line 13, increase the amount by $26,000,000.

On page 3, line 15, increase the amount by $416,000,000.

On page 3, line 17, increase the amount by $546,000,000.

On page 3, line 19, increase the amount by $182,000,000.

On page 3, line 21, increase the amount by $65,000,000.

On page 4, line 1, increase the amount by $26,000,000.

On page 4, line 2, increase the amount by $416,000,000.

On page 4, line 3, increase the amount by $546,000,000.

On page 4, line 4, increase the amount by $182,000,000.

On page 4, line 6, increase the amount by $65,000,000.

On page 4, line 13, increase the amount by $1,300,000,000.

On page 5, line 4, increase the amount by $26,000,000.

On page 5, line 6, increase the amount by $416,000,000.

On page 5, line 8, increase the amount by $546,000,000.

On page 5, line 10, increase the amount by $182,000,000.

On page 5, line 12, increase the amount by $65,000,000.

On page 17, line 22, increase the amount by $1,300,000,000.

On page 17, line 23, increase the amount by $26,000,000.

On page 18, line 3, increase the amount by $416,000,000.

On page 18, line 7, increase the amount by $546,000,000.

On page 18, line 11, increase the amount by $182,000,000.

On page 18, line 15, increase the amount by $65,000,000.

On page 53, line 1, increase the amount by $1,300,000,000.

On page 53, line 2, increase the amount by $26,000,000.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add as cosponsors to the amendment Senators REED, KENNEDY, LAUTENBERG, STABENOW, SCHUMER, MIKULSKI, DURBIN, ROCKEFELLER, and AKAKA.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, the amendment I have sent to the desk tonight, that we will vote on tomorrow, restores the $1 billion cut in funding for Community Development Block Grant Programs that are assumed in the budget resolution that is before the Senate this week.

For more than 30 years, the Community Development Block Grant Program, known as the CDBG, has served as a tremendous catalyst for change in communities across the Nation. It has brought hope and opportunity to families and to residents and to communities everywhere we look in this country. For both cities that are urban and rural, CDBG has supported efforts to expand affordable housing. It invests in neighborhoods, and it supports local economic development projects that have literally revitalized communities.

But tonight, as we look at this budget resolution, that future, that hope is really being diminished. The actual opportunity that so many families have seen is threatened by the work that will not be done if this budget resolution passes in its current form.

The budget resolution we are now considering assumes the President's proposed cap on domestic discretionary spending. And that includes a $1 billion cut to the Community Development Block Grant Program. By the way, that is on top of a $500 million cut that this program received last year.

Now, every one of my colleagues knows how successful this CDBG Program is. You can see its impact in every community back home. Over the past 4 months, I have had the opportunity to talk with mayors and housing authority officials and other local leaders to see how they are using CDBG, and there are some great examples I want to share with the Senate tonight.

The city of Spokane, WA, used $220,000 in CDBG funds and helped remodel and expand the Native Health Clinic and Community Center. This is a clinic in Spokane that provides medical care, substance abuse treatment, mental health and counseling services to economically disadvantaged children, youth, and adults. This money made a difference.

In Vancouver, WA, in the other corner of my State, the Vancouver Housing Authority used CDBG funds to help fund the Esther Short Commons. This is a mixed-use, mixed-income building with 160 units of affordable workforce housing. It is home to businesses in the Vancouver Farmers Market. That building is a very important part of downtown Vancouver's redevelopment. Those funds made a critical difference.

In Bremerton, in Kitsap County, Kitsap Community Resources is using $950,000 in CDBG funding to help build a new facility that will serve the needs of low-income people in Bremerton and Kitsap County. That facility houses a WIC clinic and employment and education programs and is a great addition to the city's efforts to revitalize its downtown. It is a great investment of Federal dollars.

And in Seattle, the Delridge Neighborhoods Development Association received $850,000 in CDBG and home funds from the city of Seattle and developed the Croft Place Townhomes. That is a development that is now providing good housing for 21 families at or below the 30- and 50-percent of median income, including families who were previously homeless.

These are just a few examples of how these Federal dollars leverage a difference in our home States. I know every one of my Senate colleagues has heard from their mayors and their communities about the importance of the flexibility of this money and the critical difference it makes in the lives of so many.

As I have said on this floor many times, if we want to be strong abroad, we have to be strong at home. And investing in our infrastructure, bringing new economic revitalization, making sure that affordable housing is available for families, is an absolutely essential part of making sure our country is strong at home.

Any one of us can tell you that if a family does not have a place to call home, then they are not going to be strong, and they are not going to feel their family has opportunity in the future. If you are a young woman trying to raise a family alone, you know you need to have a place to live or those kids are not going to do well in school and your opportunity to send them to college is minimized.

Every one of us knows that a senior citizen who does not have a place to call home that is convenient to services they need—whether it is their doctor or physical activities—is not going to be able to have the dignity they deserve at the end of their life.

And every one of us knows that for families who cannot afford housing in many communities across our States—my State and across the Nation—if they do not have a place to call home that is close to a job, they are not going to be economically self-sufficient.

These CDBG funds have made an incredible difference in people having the security of housing, a place to call home, and financial stability. At the same time, they are bringing economic development, new jobs, new businesses, new economic revitalization, to many of our communities.

Cutting these programs by $1 billion is a disservice to those families, but it is a tragedy for this Nation because we cannot be strong if our families are feeling insecure at home because of the lack of housing. These dollars, we all know, make an incredible difference. This program has changed lives and changed communities.

Now, tomorrow our colleagues on the other side are going to offer an amendment they say will do the same thing. First of all, I thank them for recognizing the budget resolution is not sufficient and does not do the job when it comes to CDBG. But I will call them on how they are going to fund it. Once again, we will see them funded with funny money, saying: We are going to take it from section 920.

Well, already today, this Senate has gone on record taking $6.5 billion from the so-called 920 fund. And it is not there. Why do I know this? Because last year, at this same exact time, Senators on the other side offered an amendment to restore funding for CDBG, and come October, November, and December, when we were doing appropriations bills, this Senate cut half a billion dollars from CDBG. Why? Because the money offered in the amendment on their side was not real.

The same thing is going to happen tomorrow. Senators will have an opportunity to pass a phony amendment and to go home and say to their constituents: Oh, I voted for CDBG. But the bill will come due in the fall, when we do an appropriations bill and that money is not available, and we will see CDBG cut dramatically.

As ranking member on the TTHUD Subcommittee that has the funding on this, I know where this is going to go. I urge my colleagues, and I will tell this country, if you vote for the Murray amendment, you are asking for real dollars. You are telling your communities you are going to be there to help families with affordable housing and communities with redevelopment. If you vote for the amendment from the other side offered by Senator SANTORUM, you are going to get a nice vote for the day. All Senators will support it. But all it does is say, politically: Yes, I think CDBG is good. It will not provide one single additional dollar when we come to actually appropriating these funds.

So this is extremely critical. Everywhere I go in neighborhoods across my State, I see the insecurity of so many families. They are worried about their jobs. They are worried about whether their kids can go to college. They are worried about whether their pension is going to be there. They worry about whether transportation infrastructure is going to be capable of getting them to their job or back home again. Part of that insecurity, and the most basic part of that insecurity, is housing.

That is what these CDBG funds do. Every Senator on this floor knows it. When you invest in our infrastructure, whether it is housing or transportation, especially through funds such as this, you are creating new jobs, new economic development, and revitalizing communities in ways that I have seen no other dollars do.

Mr. President, tomorrow, again, we will have an opportunity to do a political move if we vote for the Santorum amendment and say we are going to take money from this 920 fund that does not exist, or we can raise the cap, and then, when we are here next fall, actually fund CDBG at a promised level that this Senate will go on record on. It is a critical amendment. I urge its adoption by my colleagues tomorrow.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Washington has 5 minutes 20 seconds.

AMENDMENT NO. 3054

Mrs. MURRAY. Mr. President, I will take one additional minute and then yield back my time. But I did want to say, while I had the floor, that I added myself as a cosponsor to the Menendez port security amendment. This is a critical amendment. It is an issue I have been working on since September 11. I have joined with Senator COLLINS to introduce the GreenLane Maritime Cargo Security Act.

I think what we have all learned over the past week is that our ports and our cargo containers are a huge hole in our Nation's security. We cannot fix it with more rhetoric from this floor. We can fix it if we fund it adequately. This Senate will have an opportunity to vote on that tomorrow. I urge my colleagues to support that amendment when it comes to the floor.

Thank you, Mr. President. I will yield back my time in order to move to the next amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 3063

Mr. GREGG. Mr. President, in a second we are going to go to the Senator from Ohio, who is going to speak relative to the resolution. But I want to quickly respond.

The Senator from Washington has proposed an amendment which raises the cap, and it raises taxes. There is a better way to do it. The better way is Senator SANTORUM's amendment, which will come tomorrow, which says we identify CDBG as a priority, and within the caps we find the money for CDBG recognizing we may have to do an across-the-board cut of other accounts. That is the right way to do this. It sets priorities.

The Senator from Washington is the ranking member on the appropriating committee which will have responsibility for this. Historically that committee has always funded this account. They have always found this to be a priority, and they have always found the money to do it. I do not think that history is going to change this year.

I do think Senator SANTORUM has the right way to do this. We should not be passing a tax-and-spend amendment, which is what this amounts to.

At this point, I will yield back the remainder of the time in opposition to the Murray amendment and yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today to speak not only on the fiscal year 2007 budget resolution that has been placed before this body but also on the environment in which Chairman GREGG has had to write the resolution.

First of all, I thank our chairman for his yeoman effort to bring this budget to the floor. Chairman GREGG has produced a very strong effort under difficult circumstances.

For once, I am excited to see the chairman's limitation on the use of "emergency" designations for the fiscal year 2007 budget. While utilizing "emergency" spending may be necessary, Senator GREGG has put in place a process to force us to reflect on what should be deemed as an "emergency" and consequently sidestep the regular budgetary process versus what should be moved as part of the regular appropriations process. In other words, all of us feel that in terms of our emergency spending, much of it should be actually in the regular budget resolution rather than considered as emergency spending.

I also applaud the chairman's inclusion of a new point of order against direct spending that would apply once it was determined that the general fund would contribute more than 45 percent of total Medicare outlays. This new point of order serves to highlight what all of us know is decimating future budgets—the impending costs of Medicare and other entitlements.

While I respect the efforts required in producing this budget, and the effort to try to comply with the cap that the President issued, it is the view of this Senator that the budget falls short of meeting the current pressing needs of our country, and those sentiments are reflected in some of the amendments that have and will later be offered to the budget.

Each of us must be able to justify our actions on behalf of our constituents. During my first biennial budget, as Governor of Ohio, I had to go back to the budget four separate times to find additional areas to cut. But after cutting program after program, I could not justifiably say I provided for the public good by slashing more. Indeed, I made the difficult choice to ask the legislature to increase taxes at the margins. After keeping spending to its lowest growth in 30 years, we were able to reduce taxes my last 3 years in office. But we did take care of the needs of the people of the State of Ohio.

I am not calling for raising revenues at this time. However, I am calling attention to what I view as a lackadaisical attitude toward what I believe is a freight train bearing down on our fiscal house. I voted for tax cuts in 2001, 2002, and 2003. In 2001, we were projecting surpluses beyond the horizon, I think a $5.4 trillion surplus in 10 years. We believed those surplus funds were better utilized in what I called the three-legged stool of fiscal responsibility—pay down the debt, spending restraint, and returning excess funds to households so as not to be unwisely spent.

In 2002, I supported additional tax cuts to stimulate our economy in the aftermath of September 11. And in 2003, our country was still reeling from September 11, the war against terror, and corporate accounting scandals. We needed additional stimulative medicine. I fought to ensure that the amount we passed was the right amount. I said that $350 billion in tax cuts would be enough to get the economy moving, and I believe that it worked.

However, the world does not stand still, and we now face different challenges. Since that time, the economy has grown. The Nation's GDP grew by 4 percent in both 2003 and 2004 and 3.5 percent in 2005. Unemployment has dropped since we enacted the tax cuts from 6.6 percent to the current 4.8 percent. I wish it were as good in the State of Ohio as that, but overall that is what it is. While the tax cut stimulation worked, making these tax cuts permanent should be subject to pay-go. I am sorry today that we didn't have the votes to do that.

While the economy has been renewed, our Nation has had to pay for the extraordinary expenses of Iraq and Afghanistan, as well as responding to our concern for homeland security for which, since 2001, we have tripled governmentwide spending related to nondefense homeland security, and on top of that add in the expenses of Hurricane Katrina. What I am saying is that with the 22 agencies we brought together after 2001, 180,000 people, we have tripled the budget of those agencies since 2001. While we are dealing with all these expenses, we are ignoring the 800-pound gorilla in the room: the impending tidal wave of entitlements coming due. In his State of the Union Address, President Bush acknowledged that:

> The retirement of the baby boom generation will put unprecedented strains on the federal government. By 2030, spending for Social Security, Medicare, and Medicaid will be almost 60 percent of the entire federal budget. And that will present future Congresses with impossible choices—staggering tax increases, immense deficits, or deep cuts in every category of spending.

I am pleased that the President decided to focus on what some have called the demographic tsunami coming our way and the necessity to reform entitlement programs before it hits. The 77 million baby boomers coming into Social Security and Medicare Programs will put the Federal budget under unprecedented pressure. Chairman GREGG took the courageous step to take on entitlement spending through the Deficit Reduction Act of 2005, and I supported those efforts. However, this was just the tip of the iceberg. I would support greater efforts to continue to debate on entitlement reform so that we may make wise decisions and not decisions stemming from unneeded dawdling and delay.

No matter which way you look at it, if we leave reform of entitlement programs to future Congresses to handle as well as a mountain of national debt to pay off, it will have devastating consequences on the economy and our children.

We owe it to the American people to let them know the true condition of our Federal budget. Currently, governmental expenditures absorb about 20 percent of the GDP, while our tax receipts are only 17.5 percent of GDP. The debt has grown from about $5.5 trillion when I first came into office in 1999 to a staggering $8.1 trillion today. That is a 47-percent increase. The debt service alone threatens to gobble up revenues in the near future.

According to the CBO, in fiscal year 2005, interest on the public debt grew more rapidly than any other major spending category, rising 14 percent above the fiscal year 2004 level. Without major spending cuts, tax increases, or both, the national debt will grow more than $3 trillion through 2010 to $11.2 trillion according to GAO—nearly $38,000 for every man, woman, and child in the United States. The interest alone will cost $561 billion in 2010, the same as today's budget for the Pentagon. Think of that.

However, we all know that the real problem is our long-term debt. I might mention in terms of our interest costs, if the central banks of foreign countries that are investing in our debt decide to redo their portfolios, we are really going to be in trouble because we will see our interest costs spike dramatically.

By the General Accounting Office's own estimates, about 35 years from now, when my grandchildren have their own children to care for, balancing the budget will require actions as large as cutting total Federal spending by 60 percent or raising taxes to 2½ times today's levels. Think about that. And if we are going to be honest with the American people about the shape of our fiscal house, we should be honest on budgeting. Accrual accounting is what we require private businesses to use in presenting their finances to give an honest snapshot. On an accrual basis, our Federal deficit for fiscal year 2005 was $760 billion, representing an increase of $144 billion or 23 percent over the previous year's deficit of $616 billion. That is a stark difference from the $319 billion deficit that was reported. That is what we told the American people: It is $319 billion. Under this convenient Government accounting, it made it look as if we had a decrease in the deficit of $93 billion from the previous year's deficit of $412 billion.

Frankly, if the Treasury Department already has the numbers, why don't we use the accrual method of accounting for our budget? I want to remind the American people again, as well as my colleagues in the Senate, that the true deficit in 2005 was $760 billion—an increase of $144 billion or 23 percent over the previous year's deficit.

I have also introduced a bill called the Truth in Budgeting Act, cosponsored by Senator CONRAD, which stops the Federal Government from using surplus trust fund revenues to hide the true size of the Government's deficit and highlighting the true size of the Federal debt by forcing the Government to increase borrowing from the public to cover general fund expenses. It is important to have an honest accounting of where we are and where we are headed from a fiscal perspective. We need to change the current Federal accounting and reporting model and budgeting systems to better reflect the Government's true financial condition. This will bring about greater transparency and accountability in Government operations and really let the American people know what is happening here in Congress.

Additionally, if we are to be honest about the budget, we should make reasonable assumptions. The administration's budget assumes enactment of more than a dozen user fees totaling $3.2 billion in 2007 to offset discretionary spending increases. The user fee proposals in the budget include an increase in airline passenger security fees, changing some veterans' enrollment fees for medical care—which, by the way, was rejected by the Senate today 100 to 0—increased TRICARE enrollment fees and deductibles for military retirees under 65, regulatory fees for explosives, and Food Safety and Inspection Service user fees. These proposals have been rejected by Congress in the past and are unlikely to materialize. What they will do is, because that money is not going to come in, it is just going to squeeze other priorities.

Additionally, we are not being honest about the Medicare physician fee schedules. Physicians are reimbursed for treatment of Medicare patients through that fee schedule. Right now, physicians are facing another 5 percent decrease in their Medicare payment on January 1, 2007. Reducing physician payments will have a direct negative impact on seniors' access to quality health care. Last year, we responsibly offset funding to avoid a scheduled 4-percent reduction. We included a freeze in their payment rates in the deficit reduction bill. It has become evident that we must face this annually, but never truly budget for it. In other words, we know that we can't cut the reimbursement for doctors in this country for Medicare patients, but we just assume that we are going to do it, at least the administration does, knowing full well that Congress is going to have to come in with that additional money—in this case, $1.5 billion—and that means that there is just going to be less money for other priorities that we have on our domestic side of the budget.

The administration's budget also accounts for an extension of AMT relief in 2006 but not for 2007 or the rest of the 5-year budget window. The administration says that a permanent solution to the AMT issue should be enacted as part of tax reform. However, the likelihood of Congress passing tax reform this year, as much as I would like to see it since I offered the legislation calling for the blue ribbon panel on tax reform, is slim to none. I feel bad that the administration has backed away from tax reform as a priority since simplifying the Code to make it more simple, fair, and honest could, by some estimates, save taxpayers $260 billion in costs associated with preparing their taxes. That is across the country. Saving that cost would be a real tax reduction and not cause the Treasury to lose one dime of lost revenue.

The question we must ask ourselves is, If we don't have enough revenue to pay our current bills, how in the world are we going to prepare to cover much larger future promises? The simple fact is that we can't have it all. We need to set priorities. We need to make choices; otherwise, our children will end up paying for it.

Our forefathers recognized the inequity of passing on debt to future generations. George Washington in his farewell address stated:

> [likewise avoid] the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertion in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.

In other words, throwing the cost of a war on to the next generation. Frankly, if we are willing to be honest with ourselves and make the hard decisions, the last thing we should be doing is talking about making tax cuts permanent. If we are to be honest and forthright with the American people, we should be asking them to pay for the extraordinary cost of the war and improving our homeland security. Because if we are not willing to do so, it will not be Members of this body who are going to be paying the tab. We will be gone. Instead, repayment of the debt will land squarely in the lap of our children and grandchildren. I don't know any parents or grandparents who would think it was a good idea to run up huge personal debts that their children and grandchildren would have to pay at the time of their death, but that is exactly what we are doing with our Federal budget—passing it on to our children and grandchildren. The major reason I sought reelection to this venerable body was to make sure that was not going to be our legacy or the legacy I left my three children and seven grandchildren and my fellow Americans.

According to the administration's fiscal year 2000 budget, mandatory spending will take up 54 percent of the $2.8 trillion budget; net interest we will have to pay on the debt will eat up 9 percent; 18 percent would be allocated for the defense discretionary budget, leaving 19 percent for all the discretionary programs or about one-fifth of the budget. And what we have been doing the last couple of years is flat-funding discretionary spending, the real increases in this budget. People say: You are spending money. The money is being spent on the war and on homeland security. And in terms of discretionary nondefense spending, we basically have flat-funded that.

As I quoted, by the administration's conservative estimate, the programs on auto-pilot, such as Social Security, Medicare, and Medicaid, will account for over 60 percent of the budget by 2030. That does not leave much for all other governmental obligations we have. We are putting the squeeze on just one-fifth of the budget while the rest sees large increases.

We must make entitlement reform a priority, but in the meantime, we should not pretend that by flat funding or cutting nondefense, nonhomeland security needs or programs that work and serve a critical governmental purpose will get the job done. Some of these programs actually save the Government money by benefiting the economy or avoiding further costs down the road.

The point is that in this global economy, we are confronted with the most competitive environment our Nation has ever faced, at least in my lifetime. Anyone who has read Tom Friedman's book "The World is Flat" or read the National Academy of Sciences report "Rising Above the Gathering Storm" gets it. They get it.

In the big picture of where the United States stands, it is clear to me that the economic framework of our Nation needs to be refurbished. There are certain investments and responsibilities that this Senator believes we can no longer ignore and must address. We should be rebuilding an infrastructure of competitiveness so that future generations can compete in that global marketplace and have at least the same opportunity to enjoy our standard of living and quality of life.

We cannot remain competitive without a workforce full of educated and motivated young Americans. As a nation, we have to invest in our children and enable them to fully develop their God-given talents in order to compete in a knowledge-based global economy. This means we have to place more emphasis on careers in science, engineering, and math. And right now we are not getting the job done.

Globally, the United States ranks 17th in proportion to college aid population earning science and engineering degrees, down from third place several decades ago. In fact, the percentage of 24-year-olds with science or engineering degrees is now higher in many industrialized nations, including England, South Korea, Germany, Australia, Singapore, Japan, and Canada. All produce a higher percentage of science and engineering graduates than the United States.

The National Academy of Sciences released a report this fall that recommends action that the Federal Government should take to enhance our ability to compete in our global economy. The recommendations range from those that will improve our Nation's math and science coursework and establish a workforce of qualified teachers who will prepare our students for futures in highly innovative careers, to the crucial need for energy independence, and an investment in research.

I am encouraged the President recognized that America needs to wake up and build a new infrastructure for competitiveness, and I applaud his American competitiveness agenda.

Also, I have joined a number of my colleagues as an original cosponsor of the Protecting America's Competitive Edge Act of 2006, PACE. This legislation is aimed at improving our Nation's competitiveness through advancements in and emphasis on math and science education. Like the President's initiative, this legislation is comprehensive in its aim to increase our Nation's research capacity, emphasize strong science and math education, but it will require a national commitment to reengage our Nation's youth in science and math, similar to our response in the late 1950s to Russia's launch of Sputnik and the ensuing space race.

In order to implement PACE, it is going to take $10 billion a year for the next 10 years, including making the research and development tax credit permanent. That money is not in this budget. That money is not in this budget.

Funding for nuclear engineering programs truly showcases the disconnect between our stated priorities and the budget. The administration and numerous Members in this body are supportive of the recommendations in the National Academy's report, which also highlighted the importance of moving toward greater energy independence. However, the administration's budget zeroes out funding for the Department of Energy's University Nuclear Reactor Infrastructure and Education Assistance Program from $27 million in fiscal year 2006—it is a relatively innocuous amount within the context of a $2.6 trillion budget. But with our renewed focus on our Nation's competitiveness and the need to address our education and energy policies, it doesn't make sense to eliminate this program. That is what we see all the way through this budget.

Additionally, beyond our human capital infrastructure needs, our physical infrastructure needs are facing a real dilemma as well. In other words, we have to build that infrastructure of competitiveness. We are not getting it done. We desperately need to provide increased funding for the Army Corps of Engineers, including funding for levees and additional civil engineers. This Nation has an aging national water resources infrastructure. If we continue to ignore the upkeep, the deterioration of locks, dams, flood control projects, and navigation channels, we risk disruptions in waterborne commerce, decreased protection against floods, as we saw in Katrina, and other environmental damage.

I have been concerned about the backlog of unfunded Corps projects since I was chairman of the Subcommittee on Transportation and Infrastructure in 1999 and 2000 on the Environment and Public Works Committee. When I arrived in the Senate in 1999, the operation and maintenance deficit was about $250 million. Today it is $1.2 billion. In 2001, there was $38 billion in active resources projects waiting to be funded. Today there is $41 billion in active construction general projects that need to be funded. This budget is only going to increase this backlog.

This budget proposes a 33-percent cut in the Corps construction budget and a 42-percent cut in the Corps investigations budget. Currently, the Corps is able to function only at 50-percent capacity at the rate of funding proposed by this budget. Listen to this: Currently the Corps is able to function only at 50-percent capacity at the rate of funding proposed by this budget.

Can you believe this, after the lesson we learned from Hurricane Katrina? We had people testify before the Environment and Public Works Committee who were a part of the American Civil Engineers Society saying that if we had properly funded the levees in New Orleans, they would have survived Katrina.

Let's talk about our highways. According to the Federal Highway Administration 2002 Conditions and Performance Report, $106.9 billion through 2020 is needed to maintain and improve our highways and bridges. We are just not getting the job done.

Community development block grants, which was spoken to by Senator MURRAY earlier, is another example. These grants support State and local government-directed neighborhood revitalization, housing rehabilitation, and economic development activities. I know in my time being mayor of the city of Cleveland how important CDBG is in terms of providing funds to local government officials so they can do housing rehabilitation, neighborhood revitalization, and economic development. I refer to it as the yeast that raises the dough. It is probably the best leveraged Federal program we have for our cities in the United States of America.

By the way, it is a program that was put in place by Richard Nixon when he was President of the United States.

When we fail to recognize our country's needs, it is at the expense of our seed corn programs that are essential to the future of our country. We must not be pennywise and pound foolish while we consider this budget. While cuts and reforms need to be made, it should not be made at the expense of programs that our country relies on, such as these.

It is too bad that we don't have to balance our budget. That would be beautiful. The thing that drives me crazy about this place, after being mayor for 10 years and doing 10 budgets, and being Governor and having to do four budgets when we had to balance our budget, is that we are irresponsible when it comes to budgeting.

I recall as Governor, as I mentioned earlier, we had to raise taxes at the margin to balance the budget and respond to critical needs of Ohio. It was through cuts in spending and making very difficult choices that we balanced the budget and accumulated over $1 billion in our rainy day fund. It was through these efforts—in other words, we tried to do everything, and at the end, through what I call the strong-management, good-economy bonus, we reduced our State income tax 3 years in a row, including almost 10 percent in 1998.

It is difficult for this Senator to believe that we have the ability to fund the war on terror, respond to homeland security needs, pay for emergencies such as Hurricane Katrina, deal with explosions in entitlement costs, guarantee our country will have the infrastructure of competitiveness to battle the global marketplace, balance budgets, pay down the debt by focusing our attention solely on the discretionary, nondefense, nonhomeland security part of the budget—it doesn't make sense, and it is not fair. It is not fair, and I think the American people understand what I am talking about.

The problem is that Congress has not told the truth about what we can and cannot afford. We want to have it all but don't want to pay for it. America's families don't live like that, nor should we. I learned this difficult lesson while serving as mayor of Cleveland for 10 years and Governor of Ohio for 8 years. It is time that we in Congress learned that lesson as well.

Yesterday, I sat in the Presiding Officer's chair listening to Chairman GREGG and Senator CONRAD debate. I was heartened to hear these two budgeteers agree that we have to take on the debt on a bipartisan basis, and sooner rather than later. I wish to be associated with those sentiments, and I hope both sides of the aisle will promptly realize the dilemma and heed the words of Senators GREGG and CONRAD. We can get the job done. We can be responsible, but we have to do it on a bipartisan basis.

When I had my problems when I was Governor of Ohio, I had the strongest leader we ever had, a Democrat, in the House of Representatives. He had been there for 24 years. We named a building after him while he was alive. In fact, I had to genuflect to his statue every day when I went to my office at the State House. He was a very powerful guy. We had problems. I went to him and said: Vern, we have to do something about this. He said: Partner, OK, but you have to give a little, we will have to give a little. We spent 3 weeks and came up with a program to get the job done.

The President recognized this. One of the things I felt very bad about last year is we spent all this time on dealing with Social Security when I knew right from the beginning if it wasn't going to be on a bipartisan basis, it would go nowhere, and it went nowhere. The President wasted a lot of time—I give him credit for pointing out the fact that we had a problem with Social Security, but it had to start out on a bipartisan basis.

I was so delighted. I got up and clapped when the President said: We have to put together a commission of the best and brightest to tackle the problem of entitlements so we can move toward fiscal sanity.

We have to do that. The American people are looking at what we are doing here and they are saying: Put aside your partisan differences; come together for the benefit of our country, for our children, for our grandchildren.

I am concerned about this budget, but I am more concerned about the direction we are going. Our problem is that we are unwilling to pay for things or do without them. Unless we wake up to that fact, we are in very deep trouble.

MORNING BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAGGIE INOUYE

Mr. KENNEDY. Mr. President, we join our dear friend and colleague, Senator INOUYE, in remembering his wonderful wife and life-long companion, Margaret Inouye.

She faced her cancer as she lived her life—with dignity, grace, a ready smile, and a firm resolve.

I read DAN INOUYE's own words about her passing. He said,

> It was a most special blessing to have had Maggie in my life for 58 years. She was my inspiration, and all that I have accomplished could not have been done without her at my side. We were a team.

Senator INOUYE and Maggie came to the Senate just months after I did. It has been one of my greatest pleasures to serve with DAN over these many years. He is our rock, our steady hand, our wise counselor. And we know that in no small measure, Maggie made that possible.

Our thoughts and our prayers are with DAN and his son Kenny as they face this great loss. DAN, we love you, we care for you, and we look forward to your return as you continue to serve the people of the State you love.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the Chair. I share Senator KENNEDY's thoughts of prayer and peace for Senator INOUYE. My thoughts are with the Inouye family.

Mr. CARPER. Mr. President, I came to the floor today to talk about our budget deficit and a couple things we ought to be doing to turn it around to begin reducing it. Before I do that, I want to extend my sympathy and the sympathy of the people of Delaware to Senator INOUYE and his family on the death of Maggie Inouye yesterday.

For those who have lost loved ones recently, those who have lost parents, those who have lost spouses, they may have just the beginning of a feeling for the tough time that our colleague is going through. To those of us who were privileged to know his wife, she was a wonderful, vibrant, and valiant woman and a great partner for him right to the end.

So to DAN INOUYE, our deepest sympathy. It was a privilege to know your wife.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On May 3, 2005, Galo Garcia was walking on the Harvard University campus in Cambridge, MA, when a passing driver began yelling sexually derogatory terms at him and his companion. Garcia confronted the driver, who then allegedly beat Garcia. Garcia received cuts, bruises, and a severe concussion during the attack.

According to reports, Garcia claims he was verbally and then physically assaulted because he was walking with his arm around another man.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

VOTE EXPLANATION

Mr. JOHNSON. Mr. President, I would like the RECORD to reflect that I was necessarily absent on Monday March 13, 2006, for rollcall vote No. 37, the confirmation of the nomination of Leo Maury Gordon, of New Jersey, to be a Judge of the United States Court of International Trade. Unfortunately, my flight from South Dakota to Washington, DC was delayed due to bad weather. Had I been present for this vote, I would have voted in favor of the nomination.

Mr. NELSON of Florida. Mr. President, I was necessarily absent for yesterday's vote on the confirmation of the nomination of Leo Maury Gordon, of New Jersey, to be a Judge of the United States Court of International Trade. I would have voted "aye."

PORT SECURITY

Mr. SANTORUM. Mr. President, I rise today to address the Dubai Ports World acquisition and the subsequent announcement to transfer operation of U.S. port terminals to a U.S. entity. Last week, my colleague from New York offered an amendment to S. 2349, the Legislative Transparency and Accountability Act of 2006. While the security of our ports is my foremost concern, especially as a Senator representing a State where one of the ports in question is located, I do not believe the time or the vehicle was appropriate for a vote on Senator SCHUMER's amendment. I have been a vocal critic of this transaction for weeks, but when my colleague's amendment was offered, Dubai Ports World had already resubmitted its application to the Committee on Foreign Investment, CFIUS. A second review of the transaction was pending. Furthermore, I had signed onto a bipartisan letter with Senator SCHUMER and eight other Members just the week before to the majority and minority leaders. In that letter, we expressed our desire to closely examine the facts that would be presented, and we retained our right to pursue legislative action after the review was completed should the outcome prove unsatisfactory.

Then, just last Friday, DP World announced their decision to transfer the U.S. port terminals acquired from Peninsular and Oriental Steam Navigation Company to a U.S. entity. While we are still seeking clarification of exactly what that means, my hope is that this decision will allay our concerns about this particular transaction. I expect a thorough review of this proposal by the appropriate agencies, and Congress assuredly has the will to act if concerns remain.

Should the immediate need for action disappear, Congress cannot ignore the underlying problems this acquisition has brought to light. First, we need to remain diligent in securing ports both domestically and abroad. Significant investments at foreign ports are critical. We cannot allow hazardous materials or weapons of mass destruction to enter our ports in the first place. By then, it could be too late. Second, Congress must undertake a comprehensive review of the CFIUS process. Chairman SHELBY has already begun that process in the Banking Committee. I look forward to working with him and my colleagues to aggressively execute our oversight authority and expeditiously enact any reforms that may be necessary to ensure the safety and economic vitality of my State and this great Nation.

I ask unanimous consent that a copy of the above mentioned letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, March 3, 2006.

Senator WILLIAM H. FRIST,
U.S. Capitol,
Washington, DC.
Senator HARRY REID
U.S. Capitol,
Washington, DC.

DEAR LEADERS FRIST AND REID: As you know, we recently joined together to introduce S. 2333, The Foreign Investment Security Act of 2006, a bill to require a 45-day CFIUS investigation and a Presidential determination regarding the national security implications of Dubai Port World's takeover of Peninsular and Oriental Steamship Navigation Company. This bill stemmed from our joint concern that allowing the takeover of U.S. terminal operations after only a cursory review raised serious national security concerns.

The President and the companies have now moved voluntarily to provide for such a 45-day investigation, and we are encouraged by that decision. Though some of us remain troubled about how this new review will proceed given the Administration's continued support of the deal, we have decided not to press for a vote on our bill at this time in the hope that this new investigation will be thorough, fair, and independent.

Nevertheless, several key components of our legislation have yet to be addressed namely, the notification to Congress and the ability of Congress to disapprove the deal within thirty days if security concerns are not met.

As a result, we write to ask for your assistance in guaranteeing that:

(a) the Congress is kept fully informed as the 45-day review progresses, and notified how security concerns are being investigated and addressed;

(b) the Congress is provided 30 days to review the results of the report including reasoning for the decision to either approve or disapprove of the deal; and

(c) once this 45-day review period is over, Congress reserves the ability to vote to disapprove the deal if the security concerns have not been adequately addressed.

We hope you will work with us and with the Administration to ensure that this review is a thorough, effective look at whether this deal truly poses a threat to our national security. If we need to press for a vote on our legislation or to introduce further legislation to achieve the goals outlined above, we hope you will work with us in the coming weeks. The Administration must know that we stand united to examine and review this deal independently, and that Congress must have a role in determining whether it should go forward or be stopped as a result of national security concerns.

Sincerely,

Charles E. Schumer, Robert Menendez, Hillary Rodham Clinton, Jack Reed, Frank Lautenberg, Norm Coleman, Olympia Snowe, Susan Collins, Dr. Tom Coburn, M.D., Rick Santorum,
Members of Congress.

VISIT OF LIBERIAN PRESIDENT ELLEN JOHNSON SIRLEAF

Mrs. CLINTON. Mr. President, tomorrow, we will convene for a Joint Session of Congress to hear comments by the new Liberian President, Ellen Johnson Sirleaf.

I hope that we will give her a warm welcome and send her home to the 3.3 million people of Liberia with a simple and strong message: We will stand by you as you work day-by-day to build a safer, more prosperous country.

It is an exciting and hopeful time for the people of Liberia. Civil conflict has been replaced by civil discourse. Free and fair Presidential elections have taken place, with dozens of candidates and three-fourths of voters turning out to shape the country's future.

Looking back, it is clear what the Liberian people were voting for when they elected President Sirleaf: honest government, economic growth, an expansion of infrastructure, and greater opportunity for all Liberians, regardless of gender.

They also chose a leader with three decades of experience. President Sirleaf has served as Finance Minister in Liberia, and she has also held high-level positions at the United Nations and World Bank.

It is no surprise that in just 8 weeks in her new job, President Sirleaf is already making progress. She has taken bold steps to reduce corruption, and she has rightly emphasized the need to get ex-combatants into schools and jobs. After more than a decade of conflict, this is vitally important.

Now, Liberians in every part of the country are turning to President Sirleaf's government for things like clean water, electricity, health care, roads, and jobs. These are enormous challenges for the Government of Liberia, but they are also opportunities. They are opportunities to educate, to employ, to strengthen the rule of law, and to consolidate the peace. These opportunities are the bedrock of Liberia's great hope.

We have an opportunity also. It is an opportunity to partner with more than 3 million people as they rebuild their country from conflict, using the bricks and glue of peace. And it is an opportunity to demonstrate to all the people of West Africa—and the world—that greater riches flow from peace than from any form of violence.

In the last 2 fiscal years, Congress has appropriated almost $900 million to reconstruction efforts in Liberia. Many Americans have participated personally in this noble work, through USAID, other government agencies, and many NGOs.

We must continue these efforts. President Sirleaf and the people of Liberia have embraced democracy and peace. We must embrace them as our friends.

NATIONAL SAFE PLACE WEEK

Mr. JOHNSON. Mr. President, I would like to publicly discuss the importance of the Project Safe Place Program and extend my support for designating the week of March 13, 2006, as "National Safe Place Week."

Project Safe Place is a nationally acclaimed youth outreach and education program that provides immediate help and support to youth who are in crisis or at risk for abuse, neglect, or serious family problems. This easily replicated community initiative, which takes place in more than 700 communities around the country, educates thousands of young people every year about dealing with difficult, threatening situations such as child abuse, substance addiction, crime, and family problems. Qualified agencies, trained volunteers, and community partners such as businesses, local government, and law enforcement agencies, work together to sustain Safe Places where youth in crisis can gain immediate, free, and confidential assistance. Safe Place sites, which are designated by distinctive yellow and black Safe Place signs, include youth-friendly businesses, schools, fire stations, libraries, Boys & Girls Clubs, YMCAs, and even buses.

S. Res. 390 provides an opportunity to recognize the youth-serving agencies, community partners, counselors, and trained volunteers who work together to sustain safe places for children to turn to. We can show them that they have our support and appreciation and that we value communities actively working together to help young people in crisis.

Throughout my tenure as a legislator, I have done my best to support initiatives that work to improve child welfare. Our Nation's children are its greatest asset and our most precious treasure. It is vital that we help them get the right start, nurture their development, and provide for their well being. Quality childcare, nutrition programs, children's health initiatives, and overall poverty reduction measures are critical to ensuring that the children have the tools they need to grow up safe, happy, and healthy. Providing services for at-risk youth is particularly essential because these young men and women often do not have the support that would help them through the transition from childhood to adulthood. These services can help young people continue their education, find jobs, and improve family relationships.

I urge my colleagues in the Senate to join me in supporting this resolution. This resolution will affirm the work of those individuals and organizations sustaining Safe Places around the country and encourage them to continue making a difference in the lives of at-risk youth.

MICHAEL BERMAN

Mr. LEAHY. Mr. President, my dear friend of over 30 years, Michael Berman, has just written his memoir, "Living Large: A Big Man's Ideas on Weight, Success and Acceptance." Mike possesses one of the most astute political minds along with a generous heart and kind soul. I am proud of his courage in writing about his struggle with weight control and hope his book will encourage others to honestly confront and overcome their weight challenges.

This week, both The Washington Post and Roll Call reviewed Mike's book. I ask unanimous consent that those articles be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Roll Call, Mar. 14, 2006]

WEIGHING IN ON WEIGHT

(By Elizabeth Brotherton, Roll Call Staff)

Michael Berman is kind of a big deal.

Now president of the lobbying firm the Duberstein Group Inc., Berman has worked on every Democratic presidential campaign since 1964. He was even deputy chief of staff to former Vice President Walter Mondale.

That's on top of all the nonprofit boards he sits on.

But to Berman, there has been one lingering thing that has followed him all those years: his weight.

See, Michael Berman is kind of a big deal.

"Food," Berman said. "It's like a drug."

Berman's lifelong struggle with food is chronicled in his new book, "Living Large: A Big Man's Ideas on Weight, Success, and Acceptance," set to hit bookstores Wednesday.

Berman said he wrote the book primarily because in all his years of reading weight loss books, he rarely found one about overweight men. Even more rare was trying to find a book written by an overweight man.

So he decided to provide that voice.

"I'm hoping that some people will come to understand more of what fat people go through," Berman said.

Berman said the book, which he co-authored with writer Laurence Shames, took seven years to complete.

"It really became kind of a vehicle to help me," Berman said of the book. "It kind of helped me stay on path with my weight management."

Berman, who has struggled with food since he was a child, has always been conscious of his weight. He has tried every diet imaginable, he said, from South Beach and Atkins to even undergoing two hospitalized starvation diets. He once hallucinated cheeseburgers.

But whenever he managed to get his weight under control, it would shoot back up again.

The 66-year-old tipped the scales at 317 pounds in January 1999. (He now weights 240 pounds, he said.)

"I really have the view, for really fat people like myself there's a significant psychological component as to why we are fat," Berman said. "There's some issues, some of which kind of get revealed in the book."

"Living Large" reads a lot like a biography. Berman talks about his childhood, meeting his wife and his career in politics.

He also includes first-hand views from his wife, Carol, on how his heavy stature has affected their marriage.

"One day, I said to her, 'Why don't you write a chapter called: 'Living with a fat man: A Spouse's Perspective'" he said. "I just came to realize that I had an enormous effect on her."

Only parts of his wife's chapter made it into the book (the entire section is available on Berman's Web site, www.mikelivinglarge.com). But Berman also manages to touch on some serious issues.

For example: Why did he gain weight at certain times? How has his weight affected his life and the lives of those -around him?

Plus, he deals with the issues behind his significant weight, issues he has kept secret for quite some time.

"I feel like, OK. I've shared this stuff with the psychologist I had all these years, and I'm really comfortable with myself," Berman said. "I just became more and more comfortable."

The book's release comes at a time when the United States appears to be losing the war against obesity.

About 119 million adults in the United States—64.5 percent of the adult population—are either overweight or obese, according to the nonprofit group Trust for America's Health.

Obesity has been linked to a slew of serious health problems, from diabetes and heart disease to strokes and some cancers, according to the Centers for Disease Control.

That means the issue will be relevant—and political—for quite some time, Berman said.

"It's going to kind of be an issue of, 'Are we going to apply resources to beginning education campaigns to show young people that we are going to do something about it?'" he said. "I think it's increasingly going to be a political issue. But it is going to be a resource issue."

Berman said that he now has created a manageable situation for controlling his weight. He monitors his daily calorie intake in a meticulous journal, and he regularly gets on the scale.

"I'm never going to be a thin person," Berman said. "But, by golly, maybe I can keep (my weight) in a somewhat healthy range."

[From the Washington Post, Mar. 13, 2006]

THE MEASURE OF A MAN: LOBBYIST MICHAEL BERMAN COMES TO TERMS WITH SIZE AND SELF IN "LIVING LARGE"

(By Laura Sessions Stepp)

For more than six decades, Michael Berman has lived as a fat person. At 5 feet 9 inches, he has weighed as much as 332 pounds. He has been known to eat three racks of ribs at one sitting, or a 40-ounce steak, or a whole box of saltines. In 1986, after dropping a few pounds, he spent $2,100 on three custom-made, pinstriped suits in gray, blue and brown. By the time the suits were ready, 10 weeks later, they no longer fit. Eleven years after that he gave them away, having never been able to wear them.

A highly successful political campaigner and Washington lobbyist, Berman, 66, doesn't deny the dangers of fatness or the urgency of encouraging people to exercise and eat healthier. He acknowledges that with 60 percent of the U.S. population overweight or obese, and the rate of obesity increasing particularly dramatically in children, being fat has serious consequences for the health of individuals and the economy. He'd like to see government and private resources used for a public education campaign similar to that for smoking and seat-belt use.

But forget the notion that fat people can become slim, he says in a part memoir, part self-help book scheduled for release this week. They can—and should—manage their weight. They can—and should—find an exercise program they can stick with. But fat adults will always be fat. They are in the grips of a disease over which, in the end, they do not have complete control.

This is not likely to be a popular message among those who manage their daily lives with BlackBerrys, filter out porn on their kids' computers, block negative information coming from government sources. Is he trying to say that the fatties who sprawl over airplane seats could not shrink to a reasonable size if they just stopped wolfing down those Big Macs?

Yes, that's what he's saying. "The idea that you can slim down by willpower is a bunch of horse manure," he said. If "nonfat" Americans could be convinced of this, perhaps they'd start relating better to fat Americans. And if fat Americans understood why they're fat and accepted that they will always have to shop at Rochester Big and Tall or Lane Bryant, they could begin "Living Large," as Berman called his book.

A Minnesota native, Berman has lived large for a long time among Washington's elite. He served as counsel and deputy chief of staff to former vice president Walter Mondale, acted as scheduler for six Democratic conventions and, in 1989, formed a bipartisan lobbying firm that today counts General Motors and British Petroleum among its clients. During the Clinton years, he was on a "special access list" that gave him virtually unrestricted entree to the White House. He and Carol, his wife of 40 years, live in the gracious Colonnade condominiums in Northwest Washington and entertain powerful friends they've accumulated over the years.

Being a BMOC means you're treated differently than the masses. The Palm restaurant, noted for its creamed vegetables, serves Berman steamed spinach and broccoli. The chef at I Ricchi created a dish of roasted vegetables for him. The maitre d' at Georgetown's Four Seasons restaurant knows that for breakfast meetings he prefers the table one row from the windows near the center of the dining room; the servers never place a basket of toast on his table.

But politics is dangerous for anyone hoping to maintain a reasonable weight, Berman says over breakfast at the Four Seasons.

"The cocktail parties are not difficult," he says, his shirt sleeves pushed up to reveal a large yellow Corum wristwatch. He attacks a dish of large blueberries, then an egg-white omelet and four wide slices of turkey bacon. "I can get a glass of Diet Coke, mingle, and only occasionally grab an hors d'oeuvre as it goes by. What is hard are the large sitdown dinners where you can't control the menu. Or where you're with 3,000 other people, you order a vegetarian meal, it takes forever to arrive and meanwhile there's a basket in front of you full of bread."

He is comfortable with being different, now. But he has suffered through countless eight swings, 20 diet programs, a kidney infection and knee surgery. And it has taken him eight years of counseling, the careful attention of a personal trainer/nutritionist and the sustained support of his wife to get to that place.

Berman first realized he was not just husky, but really fat, when he was 13, weighed about 170 pounds and was standing in the shower of the boys' locker room one day after gym class in his home town of Duluth, Minn.

"I hated gym," he recalls in "Living Large: A Big Man's Ideas on Weight, Success and Acceptance," written with Laurence Shames. "I couldn't climb ropes, couldn't do pushups. . . . I dreaded being naked in the shower with the other boys. . . . I hid as much as possible, showered as quickly as I could, and pulled a shirt on even before my skin was fully dry."

On the morning in question, as he stood in the open showers, a boy next to him grabbed his chest, saying he wanted to know what it felt like to touch a girl's breast. That was just one of thousands of indignities he would encounter or bring upon himself.

In his sophomore year at the University of Minnesota at Duluth, his fraternity brothers determined that he should lose his virginity at a party in a cabin by a lake and enlisted the help of an attractive woman a couple of years older than he. She took his hand and led him into a bedroom. She lay down and motioned for him to join her. As he did, he realized she had passed out, having drunk herself silly before having sex with a 250-pound 19-year-old.

One afternoon in law school, reading in a wooden armchair, he started to get up only to realize that he was stuck in the chair.

"My body had essentially flowed out to fill the space between the arms and seat," he writes. "My hips were captured; my bottom stayed glued to the chair and the whole thing lifted up with me as I tried to stand. . . . I felt all eyes on me, understood that people didn't want to look but, as at a train wreck, couldn't turn away."

He decided to play the clown. "Still crouched over, taking small, constricted steps, I carried [the chair] across the room, somewhat like a turtle with its shell, and sat down once again." Today he winces at all the times he played the jolly fat man: leading college cheerleaders onto the football field by pedaling a miniature girl's bike; assuming the role of Santa Claus at White House Christmas parties, the Easter Bunny at the vice president's residence. Perhaps his experience in acting the fool is why he was able to ignore the advice of a friend who tried to steer him away from writing a book about his fatness, saying it would be "undignified."

Undignified? His pal, like so many thinner people, didn't know from undignified.

Berman realized pretty quickly as a teen that in order to be taken seriously and make something of his life, he would have to develop talents other than vaudeville. In the family rec room, his parents taught him ballroom dancing—the first thing, he writes, that his rotund body was good at. He took up musical theater in high school and continued it in college. He managed his first political campaign in junior high for a girl running for president of the student council. She lost, but the campaign taught him he could succeed in politics behind the scenes. He didn't need to be cute, just hardworking, shrewd and resourceful.

He would have preferred to be a football star. "Over time, though—and largely without my noticing from day to day—I realized that something sort of wonderful had been happening," he writes. "My various 'compensations' had been adding up to a pretty good approximation of the sort of life I feared I'd never have. I was busy; I had friends; I was appreciated and respected for things I was good at."

One of the things he was, and is, good at, says wife Carol, is listening to and valuing women.

In the book, Berman calls Carol "the strongest and most stable component" of his life. But their first date almost didn't happen. It was Aug. 1, 1964, and Berman, 26, had been hired to lead a voter registration drive in a Duluth suburb for President Lyndon Johnson's reelection campaign. After swearing off blind dates at least half a dozen times, he arrived at the door of the apartment for yet one more try, this time with Carol Podhoretz, a 24-year-old speech pathologist.

She greeted him in a nice dress, stockings and high heels. Taking one look at his 288-pound frame, she announced that she had a headache and wouldn't be able to go out. Here we go again, he thought. But then she invited him in for a drink.

"He was big, and I reacted like a lot of young women would have reacted," Carol Berman recalls in a phone conversation. "He asked me why I worked as a speech pathologist and I really liked the reaction I got when I said I liked to help people. He said, 'I love that.' "

About an hour into their conversation, Carol announced that her headache had disappeared and she'd like to go out as planned. They dined at his favorite restaurant, then headed to a club to dance. That was all it took. Carol, a former Arthur Murray instructor, was as graceful on her feet as he was. "Somewhere between the cha-cha and the Lindy," he writes, "we began to have the feeling that it would be nice to see more of each other."

They went out on 29 of the next 30 nights. Carol said she found him "adorable," and a man with "great lips." In early December, while they were dancing together and a little bit tipsy, she whispered, "You know, we should just get married."

"Fine," he said.

Life together since has been good, although Carol had to make a couple of what she calls "accommodations." The hardest for her was not being able to have children. Six years after they married, she began trying to conceive. For several years after that, she endured various painful interventions, none of which worked. A fertility specialist told Michael and her that his sperm count might be a factor; fat men tend to have a lower number. For Michael, not having children wasn't that big a deal. For Carol, who eventually had a hysterectomy because of fibroid tumors, it was. "It is still what I consider a loss," she said.

Michael gradually realized during these years how hard politics was on a man trying to shed pounds. He had developed sharp political skills that were in demand at the highest levels of political and corporate Washington: making someone feel as if he or she were the only person in the room, paying attention to detail, distilling and delivering big ideas in a few seconds. What he couldn't do was turn down the doughnuts, chips, big steaks and potatoes that are the staple of political life. By the time his first Democratic convention was over, the famous Chicago convention in 1968, his weight exceeded 300 pounds for the first time.

Convention years were tough on the marriage. Michael and Carol first realized this in 1989, on their 25th wedding anniversary. On a visit to the beach, Michael brought Carol a handful of shells, put them on a board and suggested she use them to show how happy she was in their marriage for each of their 25 years. The year 1965 got a big shell; 1968 a little shell; 1984 a shard.

That was the year Walter Mondale lost the election to Ronald Reagan, and Berman weighed 330 pounds. He was wearing a size 58 suit, consuming up to five pounds of red meat a week along with up to 18 eggs. He couldn't walk a city block without panting. He developed sleep apnea, where his body would forget to breathe. Carol told him he looked green. Scared for his health for the first time in his life, he enrolled in a Pritiken Longevity Center in Pennsylvania. He lost 112 pounds—and that's when he ordered the custom suits.

Berman never again weighed as much as he did in 1984. In 1989, he joined Republican Ken Duberstein—who had served as Reagan's chief of staff—in forming the Duberstein Group. He started psychotheraphy in 1990 and, several years after, employed a private nutritionist and trainer.

Still, his weight seesawed. By 1997—a year after he was diagnosed with a kidney problem—he was up to 309 pounds.

In 1998, on the advice of a friend, he started jotting down thoughts and memories about being fat with the idea of writing a book someday. The exercise became, not surprisingly, an obsession. He read scientific reports and researched cultures of the past in which fatness was considered a symbol of wisdom, serenity and wealth. One day he walked into a pharmacy and bought 22 different diet aids, one of everything on the shelf, to investigate how effective they are. His conclusion: They aren't.

He read that for some people, fatness is genetic. But he had researched his family tree; that wasn't true for him. So he began to develop his own theory on why people are fat.

The easy answer, of course, is that they take in more calories than they burn. But then it gets more complicated, he writes. Each person's metabolism is different. He, his sister and his parents all ate a lot of his mother's delicious briskets and lamb chops and none of them exercised much. But he was the only one who got fat.

Emotions, buried for many years, play a role, too. From the age of 4, he sneaked cookies, crackers and anything else he could into his bedroom.

"I could not control my appetite because something was driving me," he writes, "something that was beyond the reach of willpower, outside the realm of reason."

He and his psychologist came to believe that his compulsion started partly as a reaction to his mother. Early in his life, she showed her affection by cooking rich meals and he showed his affection by eating lots of it. As he got older and heftier in early adolescence, she started withholding food and he ate as a way of asserting his emerging will.

Later in life, dropping out of weight-loss programs even though he was losing weight, he had to confront another factor: He was fat-dependent.

Fat was something he could hide behind, an excuse for not doing things that he was afraid of doing. For example, in high school, he felt anxious around girls. By making himself fat and unattractive, he could approach them as potential friends, not girlfriends.

Eventually he had to admit that he was an addict. But unlike alcoholics or drug users, he couldn't go cold turkey.

"The most difficult thing about a food addiction is that you can't give up food," he said at breakfast.

He pulled out a tiny spiral notebook in which he records everything he eats each day and the total calorie count, as well as how much he exercises.

"March 1—1,610 calories. March 2—2,295. March 3—2,500. March 4—4,465."

What happened on March 4? He and Carol attended a dinner party at pollster Peter Hart's. He couldn't resist the chocolate cake. "I ate probably eight ounces of chocolate," he admitted. "But I don't beat myself up anymore. I knew I'd be heavier the next morning so the next couple of days I'd be careful."

A couple of years ago, he wouldn't have been so sanguine. But if there was one thing he had learned in writing his book, it was this: "Losing weight is only one aspect of dealing with the reality of being a fat person—and not necessarily even the most important one. Managing fatness means accepting ourselves as who we are. . . . in short, learning to live a full and satisfying life at whatever weight and size we happen to be."

Two days after Hart's party, he was back down to 1,830 calories.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF THE FOUNDING OF DAKOTA STATE UNIVERSITY

• Mr. JOHNSON. Mr. President, today I rise to recognize the 125th anniversary of the founding of Dakota State University. Over the course of its history, DSU has changed names and modified its mission, but throughout it all, it has continuously produced extraordinary graduates. In the modern, high-tech, and competitive environment in which we live, DSU students are equipped with the skills that are essential for success.

Originally known as Dakota Normal School, DSU was founded in the community of Madison, which was then part of Dakota Territory. At various times, DSU has been called Eastern State Teacher's College, General Beadle State College, and Dakota State College. In 1989 the school's name changed once again to Dakota State University.

Since its inception, DSU has been renowned for giving students the tools they need to become exceptional teachers. More recently, an emphasis on computer and information systems has turned DSU into one of the most technologically-savvy universities in the Nation. DSU regularly appears near the top of Yahoo magazine's list of 100 most wired campuses.

With enrollment now at 2,300, DSU continues to attract more students by utilizing distance learning and Internet classes. It has also been a leader in integrating traditional academic disciplines with cutting-edge technology. For its innovation and adaptability, DSU was selected as one of the 10 finalists for the 1987 G. Theodore Mitau Award, a distinction awarded by the American Association of State Colleges and Universities. In addition to offering three master's degree programs, DSU offers a doctorate program for science in information systems, which will be available starting in the fall of 2007.

In education, technology, and research, DSU is at the forefront of academic and cultural achievement. For 125 years, the university has helped students realize their potential by offering them a quality education and a positive social environment. DSU graduates are well-equipped to succeed in a competitive world, delivering countless benefits to organizations and communities close to home and around the globe. Through commitment to change and transformation, DSU continues to live up to its motto: "Get on the edge and stay there!"●

HONORING ELEANOR SLATER

● Mr. REED. Mr. President, I rise today to honor Eleanor Slater, an extraordinary woman and leader who did so much for the State of Rhode Island and the country. Her passing is a great loss to her family and to Rhode Islanders. Not only did I have the privilege of knowing her throughout my political life, she was an ally, a mentor, an exemplar, and trustworthy friend.

Born in 1908, Eleanor entered the political arena by winning election to the Rhode Island General Assembly at the spry age of 50. During the career that followed, she was widely known for fighting for the individuals and causes that are so often marginalized by our society. One of her greatest contributions, and there were many in her political career, was passage in the Rhode Island General Assembly of the Nation's very first fair housing legislation. The Slater Act of 1968 made it illegal to discriminate when selling or renting real estate property. This sorely needed law, which she had long championed to help bring greater equality to housing in Rhode Island, set a precedent for the entire country.

Her determination remained a key characteristic throughout her political career. As a delegate to the 1968 Democratic National Convention in Chicago, Eleanor refused to succumb to the pressures of her peers to support President Johnson's strategy for the Vietnam War. She held steadfastly to her own opposing point of view and never compromised her values or beliefs.

Eleanor joined the political fray at a time when women were largely left out of the inner political processes, and she is credited with getting women involved in Democratic politics in Rhode Island. As a standout member of a predominately male legislature, she actively encouraged other woman to run for political office and became the vice chairwoman of the Democratic State Committee in 1958.

Upon leaving the Rhode Island State Senate, she served as the first chief of the Division of Aging. Then, recognizing the importance of education, she fulfilled her longtime goal and desire of completing her studies, obtaining a bachelor's degree in political science at age 70 from the University of Rhode Island, URI. She continued to contribute to the community as an adjunct professor and guest lecturer on aging at URI, receiving an honorary Ph.D. in 1980.

So today I honor Rhode Islander Eleanor Slater for her lifetime of passion and commitment, and I thank her for her friendship and inspiration. She will be sorely missed by those who knew her and those that have benefited from her unwavering efforts.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 7:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1053. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

H.R. 1691. An act to designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5998. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for a Specific Source in the State of New Jersey" (FRL No. 8040–4) received on March 13, 2006; to the Committee on Environment and Public Works.

EC–5999. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution by Permits for New Construction or Modification" (FRL No. 8043–9) received on March 13, 2006; to the Committee on Environment and Public Works.

EC–6000. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8044–5) received on March 13, 2006; to the Committee on Environment and Public Works.

EC–6001. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona; Particulate Matter of 10 Microns or Less; Finding of Attainment for Yuma Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements" (FRL No. 8045–1) received on March 13, 2006; to the Committee on Environment and Public Works.

EC–6002. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Ambient Air Quality Standards" (FRL No. 8039–5) received on March 13, 2006; to the Committee on Environment and Public Works.

EC–6003. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Codes of Conduct for Unbundled Sales Service and for Persons Holding Blanket Marketing Certificates" (Docket No. RM06–5–000) received on March 13, 2006; to the Committee on Energy and Natural Resources.

EC–6004. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exemption of Privacy Act System of Records of the Tax Division: Files of Applications for Attorney and Non-Attorney Positions with the Tax Division, Justice/TAX–003" (AAG/A Order No. 003–2006) received on March 13, 2006; to the Committee on the Judiciary.

EC–6005. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Evidentiary Requirements for Making Findings About Medical Equivalence" (RIN0960–AF19) received on March 13, 2006; to the Committee on Finance.

EC–6006. A communication from the Principal Deputy Assistant Secretary, Indian Affairs, Department of the Interior, transmitting, pursuant to law, a report relative to the use and distribution of $12,000,000 awarded to the White Mountain Apache (Tribe) in Docket No. 99–148L; to the Committee on Indian Affairs.

EC–6007. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan for the period ending October 31, 2005; to the Committee on Armed Services.

EC–6008. A communication from the Acting Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Department's annual audit of the American Red Cross consolidated financial statements for the year ending June 30, 2005; to the Committee on Armed Services.

EC–6009. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Trade Agreements Thresholds and Morocco Free Trade Agreement" (DFARS Case 2005–D017) received on March 13, 2006; to the Committee on Armed Services.

EC–6010. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Uniform Contract Line Item Numbering" (DFARS Case 2003–D082) received on March 13, 2006; to the Committee on Armed Services.

EC–6011. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contractor Insurance/Pension Reviews" (DFARS Case 2003–D050) received on March 13, 2006; to the Committee on Armed Services.

EC–6012. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Construction Contracting" (DFARS Case 2003–D034) received on March 13, 2006; to the Committee on Armed Services.

EC–6013. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Business Restructuring Costs—Delegation of Authority to Make Determinations Relating to Payment" (DFARS Case 2004–D026) received on March 13, 2006; to the Committee on Armed Services.

EC–6014. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Administrative Matters" (DFARS Case 2003–D084) received on March 13, 2006; to the Committee on Armed Services.

EC–6015. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Imposition of Special Measure Against Commercial Bank of Syria, Including Its Subsidiary, Syrian Lebanese Commercial Bank, as a Financial Institution of Primary Money Laundering Concern" (RIN1506–AA64) received on March 13, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6016. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation (FDIC), transmitting, pursuant to law, the report of a rule entitled "Certification of Assumption of Deposits and Notification of Changes in Insured Status" (RIN3064–AC93) received on March 13, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6017. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation (FDIC), transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions" (RIN3064–AC46) received on March 13, 2006; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1608. A bill to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes (Rept. No. 109–219).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1110. A bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable (Rept. No. 109–220).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*Randall L. Tobias, of Indiana, to be Administrator of the United States Agency for International Development.

*Mark D. Wallace, of Florida, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

*Mark D. Wallace, of Florida, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

*Richard T. Miller, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

*Richard T. Miller, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

*John A. Simon, of Maryland, to be Executive Vice President of the Overseas Private Investment Corporation.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Lisa Chiles and ending with Michael F. Walsh, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 13, 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM:

S. 2408. A bill to require the Director of National Intelligence to release documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom; to the Select Committee on Intelligence.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. NELSON of Florida, and Mrs. LINCOLN):

S. 2409. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Finance.

By Mr. COLEMAN (for himself, Mr. LEVIN, and Mr. GRAHAM):

S. 2410. A bill to amend the Homeland Security Act of 2002 to limit foreign control of investments in certain United States critical infrastructure; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2411. A bill to reliquidate certain entries of salmon; to the Committee on Finance.

By Mr. BIDEN:

S. 2412. A bill to address homeland security issues relating to first responders, the Federal Bureau of Investigation, the use of technology, Federal, State, and local coordination, and critical infrastructure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 2413. A bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. OBAMA, Mr. CARPER, and Mr. KERRY):

S. 2414. A bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 241

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 421

At the request of Mr. BOND, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 709

At the request of Mr. DEWINE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1263

At the request of Mr. BOND, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1263, a bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

S. 1349

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1349, a bill to promote deployment of competitive video services, eliminate redundant and unnecessary regulation, and further the development of next generation broadband networks.

S. 1406

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1406, a bill to protect American workers and responders by ensuring the continued commercial availability of respirators and to establish rules governing product liability actions against manufacturers and sellers of respirators.

S. 1575

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to authorize a demonstration program to increase the number of doctorally-prepared nurse faculty.

S. 1597

At the request of Mr. ENZI, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1597, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 1862

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 1881

At the request of Mrs. FEINSTEIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1881, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", and for other purposes.

S. 1948

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2178

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2201

At the request of Mr. OBAMA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2296

At the request of Mr. INOUYE, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2296, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 2322

At the request of Mr. ENZI, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2334

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2334, a bill to ensure the security of United States ports, and for other purposes.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2381

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2381, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide line item rescission authority.

S. 2382

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2382, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 2393

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

AMENDMENT NO. 2960

At the request of Mr. LEVIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2960 intended to be proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2989

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2989 intended to be proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2999

At the request of Mr. BURNS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 2999 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 2999 proposed to S. Con. Res. 83, supra.

At the request of Mr. ALLARD, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2999 proposed to S. Con. Res. 83, supra.

At the request of Mr. GREGG, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 2999 proposed to S. Con. Res. 83, supra.

AMENDMENT NO. 3001

At the request of Mr. NELSON of Florida, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from Colorado (Mr. SALAZAR), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3001 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3004

At the request of Ms. SNOWE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 3004 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3007

At the request of Mr. AKAKA, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Montana (Mr. BAUCUS), the Senator from West Virginia (Mr. BYRD) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3007 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3007 proposed to S. Con. Res. 83, supra.

AMENDMENT NO. 3008

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 3008 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3009

At the request of Mr. NELSON of Florida, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mrs. CLINTON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Minnesota (Mr. DAYTON), the Senator from Michigan (Ms. STABENOW), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Iowa (Mr. HARKIN), the Senator from Wisconsin (Mr. KOHL), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3009 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3011

At the request of Mr. TALENT, the names of the Senator from Virginia (Mr. WARNER), the Senator from Delaware (Mr. CARPER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Mississippi (Mr. LOTT), the Senator from Ohio (Mr. DEWINE) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 3011 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM:

S. 2408. A bill to require the Director of National Intelligence to release documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom; to the Select Committee on Intelligence.

Mr. SANTORUM. Mr. President, I rise today to offer remarks on legislation that I am introducing today here in the Senate.

This legislation concerns the need to release military documents and photographs recovered in Iraq and Afghanistan. Specifically, the bill requires the Director of National Intelligence to make publicly available on an Internet website documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom.

In my conversations with President Bush and Secretary of Defense Rumsfeld, I urged that efforts to examine these documents and photographs be accelerated. With U.S. and Coalition forces actively engaged in Iraq, the analysis and release of these documents should be made a top priority within the Department of Defense.

Recently, I gave a speech at the Valley Forge Military Academy in Pennsylvania concerning ongoing military operations in Iraq and detailed why we must prevail. In my speech, I noted that U.S. and Coalition forces are fighting the forces of Islamic fascism and those who seek to overthrow the values and beliefs that civilized nations cherish. In short, this is a battle we cannot afford to lose.

By way of background, The Weekly Standard published several articles detailing a number of these documents and the information contained within them which "connect the dots" between Saddam Hussein and the training of Islamic terrorists. Among the points highlighted in a recent The Weekly Standard article:

> The photographs and documents on Iraqi training camps come from a collection of

> some 2 million "exploitable items" captured in postwar Iraq and Afghanistan. They include handwritten notes, typed documents, audiotapes, videotapes, compact discs, floppy discs, and computer hard drives . . . Nearly three years after the U.S. invasion of Iraq, only 50,000 of these 2 million "exploitable items" have been thoroughly examined.

Many of the translated and analyzed documents were entered into a government database known as "HARMONY." It is now 4 years since these documents were captured. I understand that previous requests to release information from the HARMONY database have been rejected or delayed. It is reasonable to assume that over the course of the last 4 years any actionable intelligence contained within these documents has already been exploited.

It is imperative that documents captured in Iraq which highlight the connections between Saddam Hussein's brutal regime and Islamic terrorists be released as soon as possible. These documents are increasingly necessary to help the American people understand both the reasons for our involvement in Iraq and the challenge of defending freedom and democracy.

However, in the interest of national security, the bill permits the Director of National Intelligence to withhold making a document publicly available—provided he informs the relevant congressional committees of the justification for not disclosing the document.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. NELSON of Florida, and Mrs. LINCOLN):

S. 2409. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am proud to join with my colleagues, Senators BINGAMAN, CLINTON and NELSON, to introduce the Home and Community Based Services Copayment Equity Act of 2006. This important piece of legislation addresses a significant oversight in the Medicare Part D prescription drug benefit. While nearly 22 million seniors now have access to affordable prescription drug coverage under the program, many of the most vulnerable Medicare beneficiaries are being charged unnecessary copayments simply based upon how they choose to receive their long-term care services.

Under current law, dual eligible Medicare beneficiaries, those who qualify for both Medicaid and Medicare coverage, receive a subsidy from the government to pay the benefit's required $250 deductible. These individuals also qualify for reduced copayments for both generic and brand named drugs in the amount of one and three dollars respectively. If a dual-eligible beneficiary receives long-term care services in an institutional setting, such as a nursing home, he or she is exempt from paying the required copayment. Congress decided to provide this assistance because dual-eligible beneficiaries residing in nursing homes live off of very limited incomes. For instance, in Oregon the personal needs allowance beneficiaries receive each month for incidentals, including medications, is only $30. As many institutionalized beneficiaries are on multiple medications, they would not be able to meet their share of drug costs.

This is the very reason Congress provided institutionalized dual-eligible beneficiaries with an exemption from all copayments under Medicare Part D. However, many dual eligible beneficiaries choose to receive long-term care services in home or community-based settings, such as assisted living or resident care program facilities. Almost all states have chosen to establish Home and Community Based Services Medicaid demonstration projects that have expanded access to community based alternatives to an even greater number of low-income elderly Americans. The State of Oregon operates one of the Nation's most successful HCS waivers, serving approximately 23,500 dual eligible beneficiaries this year. My State has a thriving community based care industry that has provided many dual eligible Oregonians the freedom to choose the care setting that best meets their own physical and social needs.

While dual eligible beneficiaries are exempted from prescription drug copayments under Medicare Part D, those choosing community based alternatives are required to pay them. This is despite the fact that beneficiaries choosing community based care options typically live off of the same limited incomes as those residing in nursing homes. Despite the fact that some States provide HCS beneficiaries a larger personal stipend each month, they may have greater financial demands. At the end of the day, they are in no better position to pay the costs of prescription drugs than those beneficiaries living in nursing homes.

I should also note that their less restrictive living environments may require them to take additional medications to support their daily routines. It is not uncommon for dual eligible beneficiaries in community-based care settings to be on 8 to 10 medications at a given time. At that level, even minimal copayments create a significant financial burden to these individuals.

The current dual-eligible copayment exemption policy is not only creating inequity in Medicare Part D, it is potentially restricting access to life-saving medications. This is certainly not what Congress intended when it created the new prescription drug benefit, especially for this incredibly vulnerable population. If Congress does not act quickly to extend the exemption to dual eligible beneficiaries in community based care, individuals may begin to gravitate toward institutional options simply because they can have their drugs costs paid in those settings. I believe we need to do everything possible to support choice in long-term care, and by applying the current institutional copayment exemption more uniformly, Congress will ensure the Medicare drug benefit does not adversely affect beneficiaries choices.

I ask my colleagues to improve the fairness of the Medicare prescription drug benefit for all dual eligible beneficiaries by supporting the Home and Community Based Copayment Equity Act. I hope you will join me in calling for its quick passage in the Senate.

Mrs. CLINTON. Mr. President, today I rise to introduce bipartisan legislation with my colleagues Senators SMITH, NELSON, and BINGAMAN to address yet another serious flaw in the Medicare prescription drug benefit that has come to light.

On January 1, the new Medicare prescription drug benefit went into effect. Overnight, millions of seniors and disabled Americans found themselves thrown into a confusing and complex transition.

Some of our poorest and most vulnerable beneficiaries, those in assisted living facilities, have found themselves suddenly forced to produce co-payments to get the medications they need.

These are beneficiaries with serious mental illnesses who have been stabilized on medications, and people with developmental and physical disabilities who have little or no incomes and no way to afford the medicines that they depend on.

The bill we are introducing will fix this problem by waiving co-payments for this group of vulnerable beneficiaries in the same manner that these co-payments are already waived for Medicare beneficiaries in nursing homes.

This is just one of so many problems we have seen plaguing this program. I am working on all fronts to help Medicare beneficiaries weather this transition. Before this program went into effect, it was clear that those dually eligible for Medicare and Medicaid, our poorest and most vulnerable seniors and disabled, would have a particular challenge navigating this transition. I was very concerned that many of these Medicare recipients would walk up to their pharmacy counters on January 1 and be unable to get their prescriptions filled.

In anticipation of these problems, I introduced legislation in December to keep these Medicare recipients from falling through the cracks by stepping up outreach and education to pharmacists and providing reimbursement to pharmacists who are charged a transaction fee to access beneficiary information through Medicare. I also co-sponsored legislation to give Medicare beneficiaries more time to enroll in the new program.

And I issued a resource guide, now available in both English and Spanish, to help New Yorkers navigate this new program. To date more than 75,000 copies of the guide have been distributed.

Since the new program went into effect, I have repeatedly urged the Bush Administration to address the problems plaguing this program. And in January, I introduced comprehensive legislation along with several of my Senate colleagues, that includes my bill to help pharmacists help their customers, and makes the other fixes I have been calling for: provisions to improve outreach and education, fix problems with drug plans transition programs, protect the benefits of seniors who also have coverage from a retiree drug plan, and make sure that states and low income beneficiaries are reimbursed for excessive costs they have been forced to shoulder by the inept implementation of the new benefit.

We owe it to our seniors and disabled Americans to get this right. And I will keep fighting to ensure that we do.

Mr. NELSON of Florida. Mr. President, I am pleased to join my colleagues Senators SMITH, BINGAMAN and CLINTON as we introduce the Home and Community Services Co-payment Equity Act of 2006.

For years now, I have advocated providing seniors and the disabled with meaningful prescription drug coverage. No one in this country should ever have to choose between their meals and their medications. In 2003, Congress passed the Medicare Modernization Act, which created a Medicare prescription drug program. I did not support this legislation, because I believe it created a program that contains several major flaws. However, I think that our job now is to do our best to help beneficiaries by fixing the underlying law.

The Medicare prescription drug program exempts the lowest income nursing home residents from all prescription drug co-payments. However, it leaves out the equally vulnerable group of low-income beneficiaries who live in assisted living and other home and community-based facilities. These are often beneficiaries with serious mental illnesses who have been stabilized on medications, and people with developmental and physical disabilities who have little or no incomes and previously received prescription drug coverage under Medicaid.

In my home State of Florida, thousands of individuals with mental illnesses are integrated into community-based programs such as assisted-living facilities. Unfortunately, many patients in these facilities are forgoing their medications on account of the new Medicare co-payments. Reports also indicate that patients have been hospitalized because they have been unable to afford their essential medications due to the new cost-sharing requirements.

In response, we are introducing the Home and Community Services Co-payment Equity Act of 2006. The legislation would waive co-payments for low-income beneficiaries residing in assisted living and other home- and community-based facilities. This bill is a small step that will go a long way towards ensuring that low-income patients get their prescription drugs.

This issue boils down to just one goal—helping low-income seniors and people with disabilities afford the medications they need. I urge all of our colleagues, from both sides of the aisle, to join us in this vital effort.

By Mr. COLEMAN (for himself, Mr. LEVIN, and Mr. GRAHAM):

S. 2410. A bill to amend the Homeland-Security Act of 2002 to limit foreign control of investments in certain United States critical infrastructure; to the Committee on Banking, Housing, and Urban Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill which I am introducing today, the Foreign Investment Transparency and Security Act of 2006, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Investment Transparency and Security Act of 2006".

SEC. 2. LIMITS ON FOREIGN CONTROL OF INVESTMENTS IN CERTAIN UNITED STATES CRITICAL INFRASTRUCTURE.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

"Subtitle E—Limits on Foreign Control of Investments in Certain United States Critical Infrastructure

"SEC. 241. DEFINITIONS.

"As used in this subtitle—

"(1) the term 'foreign government controlled entity' means any entity in which a foreign government owns a majority interest, or otherwise controls or manages the entity; and

"(2) the term 'general business corporation' means any entity that qualifies for treatment for Federal taxation purposes under subchapter C or subchapter S of the Internal Revenue Code of 1986, established or organized under the laws of any State.

"SEC. 242. LIMITATION ON FOREIGN INVESTMENTS.

"(a) IN GENERAL.—A foreign government controlled entity may acquire, own, or otherwise control or manage any critical infrastructure of the United States only through the establishment or operation of a foreign owned general business corporation that meets the requirements of subsection (b).

"(b) REQUIREMENTS.—For purposes of this section, a general business corporation shall—

"(1) have a board of directors, the majority of which is comprised of United States citizens;

"(2) have a chief security officer who is a United States citizen, responsible for safety and security issues related to the critical infrastructure; and

"(3) maintain all records related to operations, personnel, and security of the United States general business corporation in the United States.

"(c) RULE OF CONSTRUCTION.—Nothing in this subtitle may be construed to restrict or otherwise alter the authority of the President or the Committee on Foreign Investment in the United States (or any successor thereto) as the designee of the President, under section 721 of the Defense Production Act of 1950.

"SEC. 243. REGULATIONS REQUIRED.

"Not later than 6 months after the date of enactment of this subtitle, the Secretary, in coordination with the Secretary of the Treasury, shall promulgate final regulations to carry out this subtitle.

"SEC. 244. EFFECTIVE DATE.

"(a) IN GENERAL.—Section 242 shall apply beginning on the date that is 6 months after the date of enactment of this subtitle.

"(b) EXISTING ENTITIES.—A foreign government controlled entity that owns or otherwise controls or manages any critical infrastructure of the United States on the effective date of this subtitle shall comply with the requirements of this subtitle not later than 180 days after that effective date.".

(b) CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 237 the following:

"Subtitle E—Limits on Foreign Control of Investments in Certain United States Critical Infrastructure

"Sec. 241. Definitions.
"Sec. 242. Limitation on foreign investments.
"Sec. 243. Regulations required.
"Sec. 244. Effective date.".

SEC. 3. MARITIME SECURITY.

(a) FINDINGS.—Congress finds that—

(1) existing scanning processes for maritime containers are insufficient;

(2) it should be the goal of the United States to scan 100 percent of inbound maritime containers; and

(3) the maritime container inspection system employed in Hong Kong shows promise in enhancing the maritime security capabilities of the United States.

(b) AMENDMENTS TO HOMELAND SECURITY ACT.—

(1) IN GENERAL.—Subtitle A of title IV of the Homeland Security Act (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

"SEC. 404. REPORT ON SCANNING OF MARITIME CONTAINERS.

"(a) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit a report to Congress detailing the processes and policies for implementation of a scanning system for 100 percent of the inbound maritime containers described in subsection (a).

"(b) DEFINITION OF CONTAINER.—The term 'container' has the meaning given the term in the International Convention for Safe

Containers, with annexes, done at Geneva December 2, 1972 (29 UST 3707).''.

(2) CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 403 the following:

''Sec. 404. Report on scanning of maritime containers.''.

By Mr. BIDEN:

S. 2412. A bill to address homeland security issues relating to first responders, the Federal Bureau of Investigation, the use of technology, Federal, State, and local coordination, and critical infrastructure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BIDEN. Mr. President, today, I am introducing the 9/11 Commission Recommendations Implementation Act of 2006. This legislation will provide $41.625 billion over the next 10 years to help ensure that we implement the recommendations of the 9/11 Commission.

Back in July of 2004, the 9/11 Commission—with distinguished bipartisan leadership from former Republican Governor Tom Kean and former Congressman Lee Hamilton—issued its report with recommendations of what the government should do to help better protect the Nation.

Nearly a year and a half later, they issued a so-called report card to tell us how well the government had been doing at implementing their recommendations.

Well, it doesn't look good. That report card was riddled with Cs, Ds, Fs, and incompletes.

Most Americans believe that we've taken the obvious steps to close the gaps in our homeland defense. They believe that at the very least, we have a plan, that we've set priorities, and that we know what the next steps are.

But, let me quote from the Commission's report card from December on what we've done to assess the risks and vulnerabilities of our critical infrastructure—transportation, communications, and industrial assets.

Here's what they say—and I quote—''no risk and vulnerability assessments have actually been made. No national priorities are yet established. No recommendations have been made on the allocation of scarce resources. All key decisions on homeland security are at least a year away.''

We all remember 9/11, when we learned for the first time that local police, fire, and rescue units could not communicate with each other and could not communicate with Federal agencies. We saw how this inability probably resulted in many deaths that could have been prevented. Well, we learned during Hurricane Katrina that things are no better today. No better today.

The one place I think most Americans think we've probably done pretty well—passenger screening—actually got an ''F.'' The 9/11 commission reports stated that, in fact, ''few improvements have been made to the existing passenger screening system since right after 9/11.'' With respect to checked bag and cargo screening for commercial flights, the 9/11 Commission gave a score of ''D'', stating that ''improvements have not been made a priority by Congress or the Bush Administration.''

This is unacceptable. This Administration hasn't even filled in the very obvious gaps in our homeland defense. We haven't done it. We simply haven't done it.

The bill that I am introducing today will ensure that we address the most obvious gaps in our homeland defense. It begins with those areas where the Commission graded us and the President as ''F'' and ''D.'' And, it addresses those areas that were outside the scope of the report but are commonsense things that we should be doing, such as securing the rails and providing funding for local law enforcement.

And it's pretty basic. We have done nothing much to deal with the problems most Americans know relate to homeland security. We are safer but not nearly safe enough. The bipartisan commission that got great grades from everybody in the Nation felt compelled on their own dime, their own money, their own resources, not funded by the government, to continue to issue reports and to hold hearings. And they issued a report on December 5 that is, quite frankly, embarrassing and dangerous.

We can and we have to marshal all our country's resources in this struggle. Do you think that the American people would rather us spend this money on securing our ports, our chemical plants, our railroads, our cities, or give it back as a tax break for the wealthiest Americans? Given the choice, the American people said, let's make our streets safer. I'm confident they think we should make the country safer. This legislation will help take us down that path, and I urge my colleagues to support it.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 2413. A bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, two of the greatest challenges we face today are how to address the needs of post-conflict countries, and countries that are suffering from large-scale natural disasters. These are critical issues, and ones that we cannot afford to get wrong—for the sake of the people living in those nations, and for the sake of our own security.

On the post-conflict front, a 2004 commission organized by the Center for Strategic and International Studies and the Association of the U.S. Army found, to no one's surprise, that ''failed states matter—for national security as well as for humanitarian reasons. If left to their own devices, such states can become sanctuaries for terrorist networks, organized crime and drug traffickers, as well as posing grave humanitarian challenges and threats to regional stability.''

The most obvious case in point is the reconstruction of Iraq. I've spent many hours on this floor, for three years, making clear that we have to get it right in Iraq. And in addition to Iraq, unfortunately, we can talk about many other states that are either unstable, or are tenuously recovering from past conflicts including Liberia, Afghanistan, East Timor, Kosovo, Haiti, and the Democratic Republic of Congo.

Earthquakes, floods, drought and landslides often have the most dire impacts in developing countries that are the least equipped to respond. The countries ravaged by the 2004 tsunami are on a path to recovery, but there is still a long way to go: Indonesia lost over 150,000 people, with half a million left homeless. In India, almost 20,000 people lost their lives and 2.79 million people were affected, losing homes, land, and livestock. The tsunami set back the Maldives twenty years in development, eviscerating the country's economic backbone and tourism industry.

Recent years also saw devastating natural disasters in other parts of the world. Earthquakes in Iran affected more than 30,000 people. Catastrophic floods in Bangladesh left thousands dead and hundreds of thousands homeless. Recurring droughts in Afghanistan left over 130,000 people—some 92 percent of the population—in need of food or aid.

We need comprehensive—and creative—strategies to address the need to rebuild in countries on the rebound from conflicts or natural disasters. One such strategy is to tap into the store of human as well as financial resources here in the United States. We should allow, and indeed encourage, immigrants to use their skills, talents, and knowledge to help rebuild their native lands. In fact, the diaspora presents one of the best collective resources that exists: these individuals know the communities. They know the culture. They know the language—more than any contractors and more than any humanitarian workers from the outside, no matter how well trained or how much expertise they may have.

So today, I am introducing legislation that would create a ''Return of Talent'' visa program.

The idea is simple: a Return of Talent program would allow legal immigrants in the United States to return home to help with reconstruction efforts. "Legal Permanent Residents" will be able to return temporarily to their countries after a conflict or a significant natural disaster to help rebuild, without their time out of the United States affecting their ability to meet the requirements for U.S. citizenship.

Under current law, a Legal Permanent Resident who wants to apply for U.S. citizenship is required to be physically present in the United States for at least half of the five years immediately preceding the date of filing the naturalization application.

This residency requirement could be particularly difficult to meet for those who may have family and friends in their country of origin who are in desperate need of help. We should not stand in their way of returning, allowing them to bring their talent and expertise home, helping them help others at a time of greatest need.

Press articles have highlighted stories of such individuals—engineers, bankers, teachers and translators—who are willing to contribute to reconstruction efforts. They simply cannot do so without jeopardizing their immigration status.

This legislation would encourage those skilled and committed individuals to return to their countries of origin to revive the business, industry, agriculture, education, health and other sectors that have been weakened or destroyed after years of conflict or devastating disasters.

The Return of Talent program would include any individual who demonstrates an ability and willingness to make a material contribution to the post-conflict or natural disaster reconstruction in their country of origin.

The program would apply to immigrants from countries where U.S. armed forces have engaged in armed conflict or peacekeeping, or countries where the United Nations Security Council has authorized peacekeeping operations in the past ten years. Immigrants from countries which received funding from the U.S. Office of Foreign Disaster Assistance also would be eligible to participate in the program.

Estimates of individuals who could participate in this program are relatively low. For example, the United States admitted 2,137 Afghani and 3,494 Iraqi immigrants in 2004 who are now Legal Permanent Residents eligible to pursue U.S. citizenship. Immigrants from Indonesia numbered 2,418 and Bangladesh, 8,061 in the same year. Yet, while the program would have a small impact on the U.S. naturalization process, the contributions of even a few hundred individuals could have a tremendous positive effect on reconstruction work.

In simple terms, a Return of Talent program makes sense. Everybody wins: The United States is able to support badly needed rebuilding efforts without increasing foreign aid; immigrants are able to use their skills and resources to help communities without jeopardizing their immigration status; and the people recovering from conflict and disaster receive much-needed assistance.

A Return of Talent program is an important piece of our overall strategy to stabilize and rebuild countries torn by conflict and devastated by natural disaster. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Return of Talent Act".

SEC. 2. RETURN OF TALENT PROGRAM.

(a) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"TEMPORARY ABSENCE OF PERSONS PARTICIPATING IN THE RETURN OF TALENT PROGRAM

"SEC. 317A. (a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall establish the Return of Talent Program to permit eligible aliens to temporarily return to the alien's country of citizenship in order to make a material contribution to that country if the country is engaged in post-conflict or natural disaster reconstruction activities, for a period not exceeding 24 months, unless an exception is granted under subsection (d).

"(b) ELIGIBLE ALIEN.—An alien is eligible to participate in the Return of Talent Program established under subsection (a) if the alien meets the special immigrant description under section 101(a)(27)(N).

"(c) FAMILY MEMBERS.—The spouse, parents, siblings, and any minor children of an alien who participates in the Return of Talent Program established under subsection (a) may return to such alien's country of citizenship with the alien and reenter the United States with the alien.

"(d) EXTENSION OF TIME.—The Secretary of Homeland Security may extend the 24-month period referred to in subsection (a) upon a showing that circumstances warrant that an extension is necessary for post-conflict or natural disaster reconstruction efforts.

"(e) RESIDENCY REQUIREMENTS.—An immigrant described in section 101(a)(27)(N) who participates in the Return of Talent Program established under subsection (a), and the spouse, parents, siblings, and any minor children who accompany such immigrant to that immigrant's country of citizenship, shall be considered, during such period of participation in the program—

"(1) for purposes of section 316(a), physically present and residing in the United States for purposes of naturalization within the meaning of that section; and

"(2) for purposes of section 316(b), to meet the continuous residency requirements in that section.

"(f) OVERSIGHT AND ENFORCEMENT.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall oversee and enforce the requirements of this section.".

(b) TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 317 the following:

"317A. Temporary absence of persons participating in the Return of Talent Program".

SEC. 3. ELIGIBLE IMMIGRANTS.

Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L), by inserting a semicolon after "Improvement Act of 1998";

(2) in subparagraph (M), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(N) an immigrant who—

"(i) has been lawfully admitted to the United States for permanent residence;

"(ii) demonstrates an ability and willingness to make a material contribution to the post-conflict or natural disaster reconstruction in the alien's country of citizenship; and

"(iii) as determined by the Secretary of State in consultation with the Secretary of Homeland Security—

"(I) is a citizen of a country in which Armed Forces of the United States are engaged, or have engaged in the 10 years preceding such determination, in combat or peacekeeping operations;

"(II) is a citizen of a country where authorization for United Nations peacekeeping operations was initiated by the United Nations Security Council during the 10 years preceding such determination; or

"(III) is a citizen of a country which received, during the preceding 2 years, funding from the Office of Foreign Disaster Assistance of the United States Agency for International Development in response to a declared disaster in such country by the United States Ambassador, the Chief of the U.S. Mission, or the appropriate Assistant Secretary of State, that is beyond the ability of such country's response capacity and warrants a response by the United States Government.".

SEC. 4. REPORT TO CONGRESS.

Not later than 2 years after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit a report to Congress that describes—

(1) the countries of citizenship of the participants in the Return of Talent Program established under section 2;

(2) the post-conflict or natural disaster reconstruction efforts that benefitted, or were made possible, through participation in the program; and

(3) any other information that the Secretary of Homeland Security determines to be appropriate.

SEC. 5. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out this Act and the amendments made by this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services for fiscal year 2007, such sums as may be necessary to carry out this Act and the amendments made by this Act.

By Mr. BAYH (for himself, Mr. Obama, Mr. Carper, and Mr. Kerry):

S. 2414. A bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes; to the Committee on Finance.

Mr. OBAMA. Mr. President, I rise to speak in favor of a bill I am proud to introduce today with Senators Bayh, Kerry, and Carper to help close the tax gap by improving the reporting of capital gains income. This bill requires brokerage firms and mutual fund companies to track and report the adjusted cost basis of their clients' stock, bond, and mutual fund investments.

This bill is a simple, commonsense solution to a serious problem. Many taxpayers have a hard enough time filing their taxes. One of the most complex parts of an individual's tax return is the schedule for capital gains income. And what makes capital gains particularly difficult is the challenge of figuring out the adjusted basis of a security that has been sold.

Many taxpayers do not have the proper records or they don't know how to calculate adjusted basis for a stock that has split or been exchanged as part of a company's merger or acquisition. And right now, the IRS does not have the ability to monitor the accuracy of taxpayer calculations. As a result, there is a risk of error or fraud. In some cases, taxpayers may end up paying too much in taxes. More often, they report too little income and pay too little in taxes.

In 2001, the IRS estimated that underreporting cost the Treasury $11 billion annually. Today the loss is even greater.

Because the IRS fails to collect these funds, the taxes that the rest of us have to pay are greater than they should be. Most people pay their taxes honestly and follow the law to the best of their ability. But a small number of tax frauds—who often owe great amounts of taxes—cheat the system. And it's hard now for the IRS to stop them.

This bill makes it easier to stop them and it helps reduce the amount of Federal tax dollars that the IRS fails to collect each year. Brokerage firms and mutual fund companies will be required to keep track of a taxpayer's cost basis and to report that information to the IRS. This will make it easier for honest taxpayers to calculate their taxable capital gain, and harder for dishonest ones to lie about it. Based on information from the Taxpayer Advocate, reporting to the IRS can improve compliance of capital gains reporting from an estimated 50 percent today to 90 percent.

Fortunately, this new reporting requirement will not pose an undue burden to the financial firms affected. First, the firms will have plenty of time to put the necessary systems in place since the reporting requirement will not take effect until 2009, and then will only apply to securities acquired starting in 2008. Second, technology has made tracking by financial firms simple and efficient. More than 80 percent of all retail accounts already subscribe to a national reporting service for transferring basis information at a nominal cost per account. Finally, in cases where it is impossible to track basis, the Treasury Secretary may develop regulations to require alternative information.

It is estimated that $345 billion of Federal taxes goes uncollected each year. This bill doesn't solve that full problem, but it is a step in the right direction. It reduces the Federal deficit without raising taxes or cutting spending. It simplifies the tax filing process and reduces the chance of error or fraud. It applies what we know about the benefits of automatic reporting to the IRS—which is required now for wage income—to capital gains income as well.

This bill makes sense. It's good policy. I urge my colleagues to join me in supporting it and to helping to improve our tax code.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3013. Mr. CONRAD (for himself, Mr. Feingold, Mr. Nelson of Florida, Mr. Wyden, Mr. Obama, Mr. Baucus, Mr. Harkin, Mr. Kerry, Mr. Salazar, Mrs. Clinton, Ms. Mikulski, Mr. Carper, Mr. Byrd, Mr. Kohl, Mr. Chafee, Mrs. Feinstein, Ms. Collins, and Ms. Snowe) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

SA 3014. Mr. CHAFEE (for himself, Mr. Hagel, Ms. Collins, Mr. Kohl, Mr. Coleman, Mr. Roberts, Mr. Warner, and Mr. Santorum) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3015. Mr. SANTORUM (for himself and Mr. Specter) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3016. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3017. Mrs. FEINSTEIN (for herself, Ms. Collins, Mr. Dorgan, Ms. Snowe, Mrs. Murray, Mrs. Clinton, Ms. Stabenow, Mr. Bingaman, Mr. Kohl, and Mrs. Boxer) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3018. Mr. DAYTON (for himself, Mr. Chambliss, Ms. Stabenow, Mr. Talent, Mr. Obama, Mr. Hagel, Mr. Nelson of Nebraska, Ms. Snowe, Mr. Levin, Mr. Kerry, Mr. Salazar, Mr. Kohl, Mr. Bingaman, Ms. Mikulski, Mr. Baucus, Mr. Harkin, Mr. Rockefeller, Mr. Nelson of Florida, Mr. Biden, and Mr. Durbin) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3019. Mr. TALENT (for himself, Mrs. Feinstein, Mrs. Lincoln, Mr. Smith, Mr. Biden, Ms. Cantwell, Mr. Kohl, Mr. Harkin, Mr. Bayh, Mr. Wyden, Mr. Johnson, Mrs. Dole, Mr. Coleman, Mr. Conrad, Mr. Burns, Mr. Durbin, Mr. Bingaman, Mr. Salazar, Mr. Schumer, and Mr. Hagel) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3020. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3021. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3022. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3023. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3024. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3025. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3026. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3027. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3028. Mr. KENNEDY (for himself, Ms. Collins, Mr. Menendez, Mr. Kerry, Mr. Lieberman, Mr. Schumer, Ms. Stabenow, Mr. Akaka, Mr. Dodd, Ms. Cantwell, Ms. Mikulski, Mr. Durbin, Mr. Rockefeller, Mr. Lautenberg, Mr. Baucus, Mrs. Murray, Mr. Kohl, Mr. Bingaman, Mrs. Clinton, Mrs. Lincoln, Ms. Landrieu, and Mr. Reed) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3029. Mr. DAYTON submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3030. Mr. LEVIN (for himself, Mr. DeWine, Mr. Lieberman, Ms. Stabenow, and Mr. Bingaman) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3031. Mr. LEVIN (for himself, Mr. DeWine, Mr. Lieberman, Ms. Stabenow, and Mr. Bingaman) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3032. Mr. DEWINE (for himself, Mr. Allen, Mr. Voinovich, and Mr. Warner) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3033. Mr. DEWINE (for himself, Mr. Allen, Mr. Voinovich, and Mr. Warner) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3034. Mr. LIEBERMAN (for himself, Ms. Mikulski, Ms. Stabenow, Mr. Salazar, and

Mr. Schumer) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3035. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3036. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3037. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3038. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3039. Mr. BINGAMAN (for himself, Ms. Cantwell, Mr. Salazar, Mr. Kerry, Mr. Menendez, Mr. Lieberman, Mrs. Clinton, Ms. Mikulski, Mr. Harkin, Mr. Reid, and Mr. Durbin) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3040. Ms. SNOWE (for herself, Mr. Talent, and Mrs. Lincoln) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3041. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3042. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3043. Mr. LEVIN (for himself, Mr. Jeffords, Mr. Leahy, Mr. Lieberman, Mr. Sarbanes, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3044. Mr. AKAKA (for himself and Mr. Inouye) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3045. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3046. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3047. Mrs. LINCOLN (for herself, Mr. Durbin, and Mrs. Clinton) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3048. Mr. SPECTER (for himself, Mr. Harkin, Mr. Smith, Mr. Kennedy, Mr. Lautenberg, Mrs. Murray, Mrs. Lincoln, Mr. Lieberman, Mr. Kerry, Mrs. Clinton, Mr. Bingaman, Mr. Akaka, Mr. Obama, Ms. Cantwell, Mr. Kohl, Mr. Dodd, Ms. Mikulski, Mr. Dayton, Mr. Durbin, Ms. Collins, Ms. Landrieu, and Mr. Levin) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3049. Ms. COLLINS submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3050. Mr. SANTORUM (for himself, Mr. Coleman, Ms. Collins, and Ms. Snowe) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3051. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3052. Mr. SANTORUM (for himself, Mr. Durbin, Mr. Dayton, Ms. Stabenow, Mrs. Clinton, Mrs. Boxer, Mr. Sarbanes, and Mr. Kerry) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3053. Mrs. LINCOLN (for herself, Mr. Talent, and Mr. Bayh) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3054. Mr. MENENDEZ (for himself, Mrs. Clinton, Mr. Durbin, Mr. Lautenberg, Mrs. Boxer, Mr. Nelson of Florida, Mr. Lieberman, Mr. Inouye, Mr. Reed, Mr. Schumer, and Mrs. Murray) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3055. Ms. STABENOW (for herself, Ms. Snowe, Mr. Lieberman, Mr. Kohl, Mr. DeWine, Mr. Graham, and Mrs. Clinton) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3056. Ms. STABENOW proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3057. Mr. KOHL (for himself and Mr. Biden) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3058. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3059. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3060. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3061. Mr. McCONNELL (for himself, Mrs. Hutchison, and Mr. Frist) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3062. Mr. BYRD (for himself, Mr. Rockefeller, Mr. Kennedy, and Mr. Durbin) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3063. Mrs. MURRAY (for herself, Mr. Sarbanes, Mr. Leahy, Mr. Reed, Mr. Kennedy, Mr. Lautenberg, Ms. Stabenow, Mr. Schumer, Ms. Mikulski, Mr. Durbin, Mr. Rockefeller, and Mr. Akaka) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3064. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3065. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3066. Ms. COLLINS (for herself and Mr. Lieberman) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3067. Mrs. FEINSTEIN (for herself and Ms. Mikulski) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3013. Mr. CONRAD (for himself, Mr. Feingold, Mr. Nelson of Florida, Mr. Wyden, Mr. Obama, Mr. Baucus, Mr. Harkin, Mr. Kerry, Mr. Salazar, Mrs. Clinton, Ms. Mikulski, Mr. Carper, Mr. Byrd, Mr. Kohl, Mr. Chafee, Mrs. Feinstein, Ms. Collins, and Ms. Snowe) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

At the appropriate place, insert the following:

SEC. ___. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) Point of Order.—

(1) In general.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of the 3 applicable time periods as measured in paragraphs (5) and (6).

(2) Applicable time periods.—For purposes of this subsection, the term "applicable time period" means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) Direct-spending legislation.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) Exclusion.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) Baseline.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) Prior surplus.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of ⅗ of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2011.

SA 3014. Mr. CHAFEE (for himself, Mr. HAGEL, Ms. COLLINS, Mr. KOHL, Mr. COLEMAN, Mr. ROBERTS, Mr. WARNER, and Mr. SANTORUM) submitted amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 18, line 24, increase the amount by $2,000,000,000.

On page 18, line 25, increase the amount by $40,000,000.

On page 19, line 4, increase the amount by $1,320,000,000.

On page 19, line 8, increase the amount by $600,000,000.

On page 19, line 12, increase the amount by $40,000,000.

On page 27, line 23, decrease the amount by $2,000,000,000.

On page 27, line 24, decrease the amount by $40,000,000.

On page 28, line 2, decrease the amount by $1,320,000,000.

On page 28, line 5, decrease the amount by $600,000,000.

On page 28, line 8, decrease the amount by $40,000,000.

SA 3015. Mr. SANTORUM (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 16, line 21, strike "$78,268,000,000" and insert "$78,818,000,000".

On page 16, line 22, strike "$75,774,000,000" and insert "$76,324,000,000".

On page 27, line 23, strike "−$500,000,000" and insert "−$1,050,000,000".

On page 27, line 24, strike "−$500,000,000" and insert "−$1,050,000,000".

SA 3016. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $2,378,000,000.

On page 3, line 15, increase the amount by $2,123,000,000.

On page 3, line 17, increase the amount by $549,000,000.

On page 3, line 19, increase the amount by $111,000,000.

On page 3, line 21 , increase the amount by $25,000,000.

On page 4, line 1, increase the amount by $2,378,000,000.

On page 4, line 2, increase the amount by $2,123,000,000.

On page 4, line 3, increase the amount by $549,000,000.

On page 4, line 4, increase the amount by $111,000,000.

On page 4, line 6, increase the amount by $25,000,000.

On page 4, line 13, increase the amount by $5,226,000,000.

On page 5, line 4, increase the amount by $2,378,000,000.

On page 5, line 6, increase the amount by $2,123,000,000.

On page 5, line 8, increase the amount by $549,000,000.

On page 5, line 10, increase the amount by $111,000,000

On page 5, line 12, increase the amount by $25,000,000

On page 9, line 20, increase the amount by $2,500,000,000.

On page 9, line 21, increase the amount by $1,275,000,000.

On page 9, line 25, increase the amount by $963,000,000.

On page 10, line 4, increase the amount by $223,000,000.

On page 10, line 8, increase the amount by $23,000,000.

On page 10, line 12, increase the amount by $5,000,000.

On page 11, line 21, increase the amount by $864,000,000.

On page 11, line 22, increase the amount by $570,000,000.

On page 12, line 1, increase the amount by $233,000,000.

On page 12, line 5, increase the amount by $39,000,000.

On page 12, line 9, increase the amount by $13,000,000.

On page 12, line 13, increase the amount by $4,000,000.

On page 12, line 21, increase the amount by $286,000,000.

On page 12, line 22, increase the amount by $129,000,000.

On page 13, line 1, increase the amount by $114,000,000.

On page 13, line 5, increase the amount by $29,000,000.

On page 13, line 9, increase the amount by $14,000,000.

On page 15, line 21, increase the amount by $176,000,000.

On page 15, line 22, increase the amount by $47,000,000.

On page 16, line 1, increase the amount by $65,000,000.

On page 16, line 5, increase the amount by $44,000,000.

On page 16, line 9, increase the amount by $15,000,000.

On page 16, line 13, increase the amount by $5,000,000.

On page 19, line 24, increase the amount by $1,400,000,000.

On page 19, line 25, increase the amount by $357,000,000.

On page 20, line 4, increase the amount by $748,000,000.

On page 20, line 8, increase the amount by $214,000,000.

On page 20, line 12, increase the amount by $46,000,000.

On page 20, line 16, increase the amount by $11,000,000.

On page 53, line 1, increase the amount by $5,226,000,000.

On page 53, line 2, increase the amount by $2,378,000,000.

SA 3017. Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DORGAN, Ms. SNOWE, Mrs. MURRAY, Mrs. CLINTON, Ms. STABENOW, Mr. BINGAMAN, Mr. KOHN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. _____. RESERVE FUND TO LIMIT REMOVAL FROM, OR RESTRICTION OR LIMITATION ON, COVERED PART D DRUGS ON THE PRESCRIPTION DRUG PLAN FORMULARY.

The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or conference report thereon, that would—

(1) limit the removal of a covered part D drug from the formulary, or the imposition of a restriction or a limitation on the coverage of such a drug (such as through the application of a preferred status, usage restriction, step therapy, prior authorization, or quantity limitation), by the PDP sponsor of a prescription drug plan under part D of title XVIII of the Social Security Act or a Medicare Advantage organization offering an MA-PD plan under part C of such title—

(A) except as provided in subparagraph (B), other than at the beginning of each plan year; or

(B) during the period beginning on the date an individual first enrolls in a plan and ending on December 31 of the immediately succeeding plan year;

(2) provide exceptions to such limitation, in the case of a covered part D drug that—

(A) is a brand name drug for which there is a generic drug approved under section 505(j) of the Food and Drug Cosmetic Act (21 U.S.C. 355(j)) that is placed on the market during the period in which there are limitations on removal or change in the formulary;

(B) is a brand name drug that goes off-patent during such period;

(C) is a drug for which the Commissioner of Food and Drugs issues a clinical warning that imposes a restriction or limitation on the drug during such period or removes the drug from the market; or

(D) has been determined to be ineffective during such period; and

(3) require annual notice of any changes in the formulary or other restrictions or limitations on coverage of a covered part D drug under the plan that will take effect for the plan year;

by the amount provided in such measure for those purposes, provided that such legislation would not increase the deficit for the period of fiscal years 2006 through 2011.

SA 3018. Mr. DAYTON (for himself, Mr. Chambliss, Ms. Stabenow, Mr. Talent, Mr. Obama, Mr. Hagel, Mr. Nelson of Nebraska, Ms. Snowe, Mr. Levin, Mr. Kerry, Mr. Salazar, Mr. Kohl, Mr. Bingaman, Ms. Mikulski, Mr. Baucus, Mr. Harkin, Mr. Rockefeller, Mr. Nelson of Florida, Mr. Biden, and Mr. Durbin) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, increase the amount by $900,000,000.

On page 24, line 25, increase the amount by $198,000,000.

On page 25, line 4, increase the amount by $270,000,000.

On page 25, line 8, increase the amount by $180,000,000.

On page 25, line 12, increase the amount by $135,000,000.

On page 25, line 16, increase the amount by $117,000,000.

On page 27, line 23, decrease the amount by $900,000,000.

On page 27, line 24, decrease the amount by $198,000,000.

On page 28, line 2, decrease the amount by $270,000,000.

On page 28, line 5, decrease the amount by $180,000,000.

On page 28, line 8, decrease the amount by $135,000,000.

On page 28, line 11, decrease the amount by $117,000,000.

SA 3019. Mr. TALENT (for himself, Mrs. Feinstein, Mrs. Lincoln, Mr. Smith, Mr. Biden, Ms. Cantwell, Mr. Kohl, Mr. Harkin, Mr. Bayh, Mr. Wyden, Mr. Johnson, Mrs. Dole, Mr. Coleman, Mr. Conrad, Mr. Burns, Mr. Durbin, Mr. Bingaman, Mr. Salazar, Mr. Schumer, and Mr. Hagel) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, increase the amount by $99,000,000.

On page 24, line 25, increase the amount by $99,000,000.

On page 27, line 23, decrease the amount by $99,000,000.

On page 27, line 24, decrease the amount by $99,000,000.

SA 3020. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $808,000,000.

On page 3, line 15, increase the amount by $1,130,000,000.

On page 3, line 17, increase the amount by $1,273,000,000.

On page 3, line 19, increase the amount by $1,430,000,000.

On page 3, line 21, increase the amount by $1,634,000,000.

On page 4, line 1, increase the amount by $808,000,000.

On page 4, line 2, increase the amount by $1,130,000,000.

On page 4, line 3, increase the amount by $1,273,000,000.

On page 4, line 4, increase the amount by $1,430,000,000.

On page 4, line 6, increase the amount by $1,634,000,000.

On page 4, line 13, increase the amount by $100,000,000.

On page 5, line 4, increase the amount by $25,000,000.

On page 5, line 6, increase the amount by $30,000,000.

On page 5, line 8, increase the amount by $30,000,000.

On page 5, line 10, increase the amount by $10,000,000.

On page 5, line 12, increase the amount by $5,000,000.

On page 5, line 19, increase the amount by $783,000,000.

On page 5, line 21, increase the amount by $1,100,000,000.

On page 5, line 23, increase the amount by $1,243,000,000.

On page 5, line 25, increase the amount by $1,420,000,000.

On page 6, line 2, increase the amount by $1,629,000,000.

On page 6, line 8, decrease the amount by $783,000,000.

On page 6, line 10, decrease the amount by $1,883,000,000.

On page 6, line 12, decrease the amount by $3,126,000,000.

On page 6, line 14, decrease the amount by $4,546,000,000.

On page 6, line 16, decrease the amount by $6,175,000,000.

On page 6, line 22, decrease the amount by $783,000,000.

On page 6, line 24, decrease the amount by $1,883,000,000.

On page 7, line 2, decrease the amount by $3,126,000,000.

On page 7, line 4, decrease the amount by $4,546,000,000.

On page 7, line 6, decrease the amount by $6,175,000,000.

On page 13, line 21, increase the amount by $100,000,000.

On page 13, line 22, increase the amount by $25,000,000.

On page 14, line 1, increase the amount by $30,000,000.

On page 14, line 5, increase the amount by $30,000,000.

On page 14., line 9, increase the amount by $10,000,000.

On page 14, line 13, increase the amount by $5,000,000.

On page 53, line 1, increase the amount by $100,000,000.

On page 53, line 2, increase the amount by $25,000,000.

SA 3021. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $152,000,000.

On page 3, line 15, increase the amount by $69,000,000.

On page 3, line 17, increase the amount by $102,000,000.

On page 3, line 19, increase the amount by $90,000,000.

On page 3, line 21, increase the amount by $95,000,000.

On page 4, line 1, increase the amount by $152,000,000.

On page 4, line 2, increase the amount by $69,000,000.

On page 4, line 3, increase the amount by $102,000,000.

On page 4, line 4, increase the amount by $90,000,000.

On page 4, line 6, increase the amount by $95,000,000.

On page 4, line 13, increase the amount by $152,000,000.

On page 5, line 4, increase the amount by $152,000,000.

On page 5, line 21, increase the amount by $69,000,000.

On page 5, line 23, increase the amount by $102,000,000.

On page 5, line 25, increase the amount by $90,000,000.

On page 6, line 2, increase the amount by $95,000,000.

On page 6, line 10, decrease the amount by $69,000,000.

On page 6, line 12, decrease the amount by $171,000,000.

On page 6, line 14, decrease the amount by $261,000,000.

On page 6, line 16, decrease the amount by $356,000,000.

On page 6, line 24, decrease the amount by $69,000,000.

On page 7, line 2, decrease the amount by $171,000,000.

On page 7, line 4, decrease the amount by $261,000,000.

On page 7, line 6, decrease the amount by $356,000,000.

On page 25, line 24, increase the amount by $152,000,000.

On page 25, line 25, increase the amount by $152,000,000.

On page 53, line 1, increase the amount by $152,000,000.

On page 53, line 2, increase the amount by $152,000,000.

SA 3022. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $100,000,000.

On page 3, line 15, increase the amount by $770,000,000.

On page 3, line 17, increase the amount by $2,400,000,000.

On page 3, line 19, increase the amount by $2,100,000,000.

On page 3, line 21, increase the amount by $2,000,000,000.

On page 4, line 1, increase the amount by $100,000,000.

On page 4, line 2, increase the amount by $770,000,000.

On page 4, line 3, increase the amount by $2,400,000,000.

On page 4, line 4, increase the amount by $2,100,000,000.

On page 4, line 6, increase the amount by $2,000,000,000.

On page 4, line 13, increase the amount by $72,000,000.

On page 5, line 4, increase the amount by $40,000,000.

On page 5, line 6, increase the amount by $22,000,000.

On page 5, line 8, increase the amount by $11,000,000.

On page 5, line 19, increase the amount by $60,000,000.

On page 5, line 21, increase the amount by $748,000,000.

On page 5, line 23, increase the amount by $2,389,000,000.

On page 5, line 25, increase the amount by $2,100,000,000.

On page 6, line 2, increase the amount by $2,000,000,000.

On page 6, line 8, decrease the amount by $60,000,000.

On page 6, line 10, decrease the amount by $808,000,000.

On page 6, line 12, decrease the amount by $3,197,000,000.

On page 6, line 14, decrease the amount by $5,297,000,000.

On page 6, line 16, decrease the amount by $7,297,000,000.

On page 6, line 22, decrease the amount by $60,000,000.

On page 6, line 24, decrease the amount by $808,000,000.

On page 7, line 2, decrease the amount by $3,197,000,000.

On page 7, line 4, decrease the amount by $5,297,000,000.

On page 7, line 6, decrease the amount by $7,297,000,000.

On page 13, line 21, increase the amount by $72,000,000.

On page 13, line 22, increase the amount by $40,000,000.

On page 14, line 1, increase the amount by $22,000,000.

On page 14, line 5, increase the amount by $11,000,000.

On page 53, line 1, increase the amount by $72,000,000.

On page 53, line 2, increase the amount by $40,000,000.

SA 3023. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $7,000,000.

On page 3, line 15, increase the amount by $2,000,000.

On page 3, line 17, increase the amount by $1,000,000.

On page 4, line 1, increase the amount by $7,000,000.

On page 4, line 2, increase the amount by $2,000,000.

On page 4, line 3, increase the amount by $1,000,000.

On page 4, line 13, increase the amount by $10,000,000.

On page 5, line 4, increase the amount by $7,000,000.

On page 5, line 6, increase the amount by $2,000,000.

On page 5, line 8, increase the amount by $1,000,000.

On page 9, line 20, increase the amount by $10,000,000.

On page 9, line 21, increase the amount by $7,000,000.

On page 9, line 25, increase the amount by $2,000,000.

On page 10, line 4, increase the amount by $1,000,000.

On page 53, line 1, increase the amount by $10,000,000.

On page 53, line 2, increase the amount by $7,000,000.

SA 3024. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $153,000,000.

On page 3, line 15, increase the amount by $808,000,000.

On page 3, line 17, increase the amount by $178,000,000.

On page 3, line 19, increase the amount by $191,000,000.

On page 3, line 21, increase the amount by $205,000,000.

On page 4, line 1, increase the amount by $153,000,000.

On page 4, line 2, increase the amount by $808,000,000.

On page 4, line 3, increase the amount by $178,000,000.

On page 4, line 4, increase the amount by $191,000,000.

On page 4, line 6, increase the amount by $205,000,000.

On page 4, line 13, increase the amount by $172,000,000.

On page 5, line 4, increase the amount by $77,000,000.

On page 5, line 6, increase the amount by $69,000,000.

On page 5, line 8, increase the amount by $17,000,000.

On page 5, line 10, increase the amount by $9,000,000.

On page 5, line 19, increase the amount by $76,000,000.

On page 5, line 21, increase the amount by $739,000,000.

On page 5, line 23, increase the amount by $161,000,000.

On page 5, line 25, increase the amount by $182,000,000.

On page 6, line 2, increase the amount by $205,000,000.

On page 6, line 8, decrease the amount by $76,000,000.

On page 6, line 10, decrease the amount by $815,000,000.

On page 6, line 12, decrease the amount by $976,000,000.

On page 6, line 14, decrease the amount by $1,158,000,000.

On page 6, line 16, decrease the amount by $1,363,000,000.

On page 6, line 22, decrease the amount by $76,000,000.

On page 6, line 24, decrease the amount by $815,000,000.

On page 7, line 2, decrease the amount by $976,000,000.

On page 7, line 4, decrease the amount by $1,158,000,000.

On page 7, line 6, decrease the amount by $1,363,000,000.

On page 12, line 21, increase the amount by $172,000,000.

On page 12, line 22, increase the amount by $77,000,000.

On page 13, line 1, increase the amount by $69,000,000.

On page 13, line 5, increase the amount by $17,000,000.

On page 13, line 9, increase the amount by $9,000,000.

On page 53, line 1, increase the amount by $172,000,000.

On page 53, line 2, increase the amount by $77,000,000.

SA 3025. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 41, lines 11 and 12, strike "If the" and all that follows through "reports" and insert "If".

On page 42, line 2, insert after "Program" the following: "or other similar coastal protection and conservation program administered by the Secretary of Commerce or the Secretary of the Interior".

SA 3026. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 43, between lines 22 and 23, insert the following:

SEC. 313. RESERVE FUND TO PREVENT CATASTROPHIC LOSS.

(a) DEFINITION OF APPLICABLE LEGISLATION.—In this section, the term "applicable legislation" means a bill or joint resolution, or an amendment or conference report relating to a bill or joint resolution, passed by the Committee on Environment and Public Works of the Senate that increases investment in measures designed to prevent catastrophic flood and hurricane damage in coastal areas if—

(1) the measures, if carried out, would be likely to decrease future expenditures from an appropriate disaster relief fund of the United States;

(2) the Committee is within the allocation to the Committee under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a));

(3) the increase in investment in the measures does not exceed $10,000,000,000; and

(4) the measures are certified by the President as likely to prevent the loss of life and property.

(b) ADJUSTMENTS.—The Chairperson of the Committee on Budget of the Senate may make appropriate adjustments in the allocations and aggregates to the extent that applicable legislation would not increase—

(1) the deficit for the fiscal year 2007; or

(2) the deficit for the period of fiscal years 2007 through 2011.

SA 3027. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PORT SECURITY GRANTS.

It is the sense of the Senate that, in allocating homeland security assistance grants relating to port security, Congress should—

(1) allocate port security grants under a dedicated program intended specifically for port security enhancements, rather than as part of a combined program for many different infrastructure programs that could lead to reduced funding for port security;

(2) devise a method to enable the Secretary of Homeland Security to—

(A) distribute port security grants to the Nation's port facilities more quickly and efficiently; and

(B) give ports the financial assistance needed to comply with congressional mandates;

(3) allocate sufficient funding for port security to—

(A) enable port authorities to comply with mandated security improvements;

(B) ensure the protection of our Nation's maritime transportation, commerce system, and cruise passengers;

(C) strive to achieve funding levels consistent with the needs estimated by the Coast Guard; and

(4) recognize—

(A) the unique threats for which port authorities must prepare; and

(B) the importance of safe, secure ports to protect the Nation's security and economy, which largely depends on maritime commerce.

SA 3028. Mr. KENNEDY (for himself, Ms. Collins, Mr. Menendez, Mr. Kerry, Mr. Lieberman, Mr. Schumer, Ms. Stabenow, Mr. Akaka, Mr. Dodd, Ms. Cantwell, Ms. Mikulski, Mr. Durbin, Mr. Rockfeller, Mr. Lautenberg, Mr. Baucus, Mrs. Murray, Mr. Kohl, Mr. Bingaman, Mrs. Clinton, Mrs. Lincoln, Ms. Landrieu, and Mr. Reed) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $1,479,000,000.

On page 3, line 15, increase the amount by $3,988,000,000.

On page 3, line 17, increase the amount by $634,000,000.

On page 3, line 19, increase the amount by $206,000,000.

On page 3, line 21, increase the amount by $19,000,000.

On page 4, line 1, increase the amount by $1,479,000,000.

On page 4, line 2, increase the amount by $3,988,000,000.

On page 4, line 3, increase the amount by $634,000,000.

On page 4, line 4, increase the amount by $206,000,000.

On page 4, line 6, increase the amount by $19,000,000.

On page 4, line 13, increase the amount by $6,326,000,000.

On page 5, line 4, increase the amount by $1,479,000,000.

On page 5, line 6, increase the amount by $3,988,000,000.

On page 5, line 8, increase the amount by $634,000,000.

On page 5, line 10, increase the amount by $206,000,000.

On page 5, line 12, increase the amount by $19,000,000.

On page 18, line 24, increase the amount by $6,326,000,000.

On page 18, line 25, increase the amount by $1,479,000,000.

On page 19, line 4, increase the amount by $3,988,000,000.

On page 19, line 8, increase the amount by $634,000,000.

On page 19, line 12, increase the amount by $206,000,000.

On page 19, line 16, increase the amount by $19,000,000.

On page 53, line 1, increase the amount by $6,326,000,000.

On page 53, line 2, increase the amount by $1,479,000,000.

SA 3029. Mr. DAYTON submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table: as follows:

On page 3, line 13, increase the amount by $270,000,000.

On page 3, line 15, increase the amount by $8,911,000,000.

On page 3, line 17, increase the amount by $4,050,000,000.

On page 3, line 19, increase the amount by $270,000,000.

On page 4, line 1, increase the amount by $270,000,000.

On page 4, line 2, increase the amount by $8,911,000,000.

On page 4, line 3, increase the amount by $4,050,000,000.

On page 4, line 4, increase the amount by $270,000,000.

On page 4, line 13, increase the amount by $13,501,000,000.

On page 5, line 4, increase the amount by $270,000,000.

On page 5, line 6, increase the amount by $8,911,000,000.

On page 5, line 8, increase the amount by $4,050,000,000.

On page 5, line 10, increase the amount by $270,000,000.

On page 18, line 24, increase the amount by $13,501,000,000.

On page 18, line 25, increase the amount by $270,000,000.

On page 19, line 4, increase the amount by $8,911,000,000.

On page 19, line 8, increase the amount by $4,050,000,000.

On page 19, line 12, increase the amount by $270,000,000.

SA 3030. Mr. LEVIN (for himself, Mr. DeWine, Mr. Lieberman, Ms. Stabenow, and Mr. Bingaman) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

SEC. . SENSE OF THE SENATE REGARDING ADVANCED TECHNOLOGY PROGRAMS.

(a) Sense of the Senate.—It is the sense of the Senate that a minimum of $140 million should be set aside for an advanced technology program that supports industry-led research and development of cutting-edge high risk technology with broad commercial potential and societal benefits. Such programs have been funded at this level by the Senate in the past and it is the sense of the Senate that these types of programs should continue to be funded.

SA 3031. Mr. LEVIN (for himself, Mr. DeWine, Mr. Lieberman, Ms. Stabenow, and Mr. Bingaman) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 15, line 21, increase the amount by $140,000,000.

On page 15, line 22, increase the amount by $21,000,000.

On page 16, line 1, increase the amount by $98,000,000.

On page 16, line 5, increase the amount by $21,000,000.

On page 27, line 23, decrease the amount by $140,000,000.

On page 27, line 24, decrease the amount by $21,000,000.

On page 28, line 2, decrease the amount by $98,000,000.

On page 28, line 5, decrease the amount by $21,000,000.

SA 3032. Mr. DEWINE (for himself, Mr. Allen, Mr. Voinovich, and Mr. Warner) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate location, insert the following:

SEC. ___. SENSE OF SENATE ON FUNDING OF SUBSONIC AND HYPERSONIC AERONAUTICS RESEARCH BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) Findings.—The Senate makes the following findings:

(1) The economic and military security of the United States depends on the continued

development of improved aeronautics technologies.

(2) Research and development on many emerging aeronautics technologies is often too expensive or removed in time from commercial application to garner the necessary level of support from the private sector.

(3) The advances made possible by Government-funded research in emerging aeronautics technologies have enabled a longstanding positive balance of trade and air superiority on the battlefield for the United States in recent decades.

(4) The aeronautics industry has grown increasingly mature in recent years, with growth dependent on the availability of the research workforce and facilities provided by the National Aeronautics and Space Administration (NASA).

(5) The National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155) strongly endorses continuation of the aeronautics research and development programs of the National Aeronautics and Space Administration, and authorizes $962,000,000 for aeronautics in fiscal year 2007.

(6) Recent National Aeronautics and Space Administration studies have demonstrated the competitiveness, scientific merit, and necessity of nearly all existing aeronautics wind tunnel and propulsion testing facilities.

(7) A minimum level of investment by the National Aeronautics and Space Administration is necessary to maintain these facilities in operational condition and to prevent their financial collapse.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the level of funding provided for Aeronautics Research within the National Aeronautics and Space Administration should be increased by $179,000,000 in fiscal year 2007.

(2) at least 50 percent of the increase provided should be applied to the Fundamental Aeronautics Program budget for use in subsonic and hypersonic aeronautical research.

SA 3033. Mr. DEWINE (for himself, Mr. ALLEN, Mr. VOINOVICH, and Mr. WARNER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 11, line 21, increase the amount by $179,000,000.

On page 11, line 22, increase the amount by $179,000,000.

On page 27, line 23, decrease the amount by $179,000,000.

On page 27, line 24, decrease the amount by $179,000,000.

SA 3034. Mr. LIEBERMAN (for himself, Ms. MIKULSKI, Ms. STABENOW, Mr. SALAZAR, and Mr. SCHUMER) submitted an amendment intended to be proposed by him for the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $2,151,000,000.

On page 3, line 15, increase the amount by $2,700,000,000.

On page 3, line 17, increase the amount by $1,729,000,000.

On page 3, line 19, increase the amount by $1,039,000,000.

On page 3, line 21, increase the amount by $203,000,000.

On page 4, line 1, increase the amount by $2,151,000,000.

On page 4, line 2, increase the amount by $2,700,000,000.

On page 4, line 3, increase the amount by $1,729,000,000.

On page 4, line 4, increase the amount by $1,039,000,000.

On page 4, line 6, increase the amount by $203,000,000.

On page 4, line 13, increase the amount by $7,977,000,000.

On page 5, line 4, increase the amount by $2,151,000,000.

On page 5, line 6, increase the amount by $2,700,000,000.

On page 5, line 8, increase the amount by $1,729,000,000.

On page 5, line 10, increase the amount by $1,039,000,000.

On page 5, line 12, increase the amount by $203,000,000.

On page 16, line 21, increase the amount by $1,889,000,000.

On page 16, line 22, increase the amount by $892,000,000.

On page 17, line 1, increase the amount by $412,000,000.

On page 17, line 5, increase the amount by $252,000,000.

On page 17, line 9, increase the amount by $135,000,000.

On page 17, line 13, increase the amount by $72,000,000.

On page 17, line 22, increase the amount by $3,747,000,000.

On page 17, line 23, increase the amount by $793,000,000.

On page 18, line 3, increase the amount by $1,350,000,000.

On page 18, line 7, increase the amount by $959,000,000.

On page 18, line 11, increase the amount by $646,000,000.

On page 19, line 24, increase the amount by $1,000,000,000.

On page 19, line 25, increase the amount by $125,000,000.

On page 20, line 4, increase the amount by $540,000,000.

On page 20, line 8, increase the amount by $185,000,000.

On page 20, line 12, increase the amount by $100,000,000.

On page 20, line 16, increase the amount by $20,000,000.

On page 24, line 24, increase the amount by $1,341,000,000.

On page 24, line 25, increase the amount by $341,000,000.

On page 25, line 4, increase the amount by $398,000,000.

On page 25, line 8, increase the amount by $333,000,000.

On page 25, line 12, increase the amount by $158,000,000.

On page 25, line 16, increase the amount by $111,000,000.

On page 53, line 1, increase the amount by $7,977,000,000.

On page 53, line 2, increase the amount by $2,151,000,000.

SA 3035. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 10, line 20, decrease the amount by $41,000,000.

On page 10, line 21, decrease the amount by $21,000,000.

On page 10, line 25, decrease the amount by $16,000,000.

On page 11, line 4, decrease the amount by $4,000,000.

On page 17, line 22, increase the amount by $41,000,000.

On page 17, line 23, increase the amount by $21,000,000.

On page 18, line 3, increase the amount by $16,000,000.

On page 18, line 7, increase the amount by $4,000,000.

SA 3036. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 59, after line 7, add the following:

SEC. 408. DISASTER RELIEF.

It is the sense of the Senate that—

(1) Hurricanes Katrina and Rita exposed a number of problems with Government bureaucracy, which are significantly slowing the delivery of aid to many of the areas and people who most need it;

(2) victims of disasters will benefit greatly when post-disaster contracting is conducted in a more efficient, open, and responsible way; and

(3) Congress should take action to reform the post-disaster contracting process to ensure that—

(A) appropriate action is taken to reduce fraud and abuse in post-disaster programs;

(B) full and open competition is used, unless emergency circumstances require otherwise;

(C) no-bid "mega-contracts" are awarded only in emergency situations and are limited to a short duration;

(D) more local firms are awarded contracts, to the extent feasible, to ensure that local jobs are created with the emergency response and rebuilding efforts; and

(E) all possible action is taken to root out bureaucratic waste and unnecessary tiers of contractors and subcontractors in post-disaster housing, emergency repair, and other programs, to help ensure that disaster victims get help quickly and that the most effective, efficient methods of providing assistance after a storm are employed.

SA 3037. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $1,230,000,000.

On page 4, line 1, increase the amount by $1,230,000,000.

On page 4, line 13, increase the amount by $1,230,000,000.

On page 5, line 4, increase the amount by $1,230,000,000.

On page 16, line 21, increase the amount by $1,230,000,000.

On page 16, line 22, increase the amount by $1,230,000,000.

On page 53, line 1, increase the amount by $1,230,000,000.

On page 53, line 2, increase the amount by $1,230,000,000.

SA 3038. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 13, decrease the amount by $513,000.

On page 5, line 4, decrease the amount by $513,000.

On page 5, line 19, increase the amount by $513,000.

On page 6, line 8, decrease the amount by $513,000.

On page 6, line 10, decrease the amount by $513,000.

On page 6, line 12, decrease the amount by $513,000.

On page 6, line 14, decrease the amount by $513,000.

On page 6, line 16, decrease the amount by $513,000.

On page 6, line 22, decrease the amount by $513,000.

On page 6, line 24, decrease the amount by $513,000.

On page 7, line 2, decrease the amount by $513,000.

On page 7, line 4, decrease the amount by $513,000.

On page 7, line 6, decrease the amount by $513,000.

On page 25, line 24, decrease the amount by $513,000.

On page 25, line 25, decrease the amount by $513,000.

SA 3039. Mr. BINGAMAN (for himself, Ms. CANTWELL, Mr. SALAZAR, Mr. KERRY, Mr. MENENDEZ, Mr. LIEBERMAN, Mrs. CLINTON, Ms. MIKULSKI, Mr. HARKIN, Mr. REID, and Mr. DURBIN) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $1,689,000,000.

On page 3, line 15, increase the amount by $1,654,000,000.

On page 3, line 17, increase the amount by $1,454,000,000.

On page 3, line 19, increase the amount by $1,152,000,000.

On page 3, line 21, increase the amount by $1,264,000,000.

On page 4, line 1, increase the amount by $1,689,000,000.

On page 4, line 2, increase the amount by $1,654,000,000.

On page 4, line 3, increase the amount by $1,454,000,000.

On page 4, line 4, increase the amount by $1,152,000,000.

On page 4, line 6, increase the amount by $1,264,000,000.

On page 4, line 13, increase the amount by $4,049,000,000.

On page 5, line 4, increase the amount by $1,972,000,000.

On page 5, line 6, increase the amount by $1,535,000,000.

On page 5, line 8, increase the amount by $365,000,000.

On page 5, line 10, increase the amount by $177,000,000.

On page 5, line 19, decrease the amount by $283,000,000.

On page 5, line 21, increase the amount by $119,000,000.

On page 5, line 23, increase the amount by $1,089,000,000.

On page 5, line 25, increase the amount by $975,000,000.

On page 6, line 2, increase the amount by $1,264,000,000.

On page 6, line 8, increase the amount by $283,000,000.

On page 6, line 10, increase the amount by $164,000,000.

On page 6, line 12, decrease the amount by $925,000,000.

On page 6, line 14, decrease the amount by $1,900,000,000.

On page 6, line 16, decrease the amount by $3,164,000,000.

On page 6, line 22, increase the amount by $283,000,000.

On page 6, line 24, increase the amount by $164,000,000.

On page 7, line 2, decrease the amount by $925,000,000.

On page 7, line 4, decrease the amount by $1,900,000,000.

On page 7, line 6, decrease the amount by $3,164,000,000.

On page 12, line 21, increase the amount by $3,549,000,000.

On page 12, line 22, increase the amount by $1,597,000,000.

On page 13, line 1, increase the amount by $1,420,000,000.

On page 13, line 5, increase the amount by $355,000,000.

On page 13, line 9, increase the amount by $177,000,000.

On page 21, line 24, increase the amount by $500,000,000.

On page 21, line 25, increase the amount by $375,000,000.

On page 22, line 4, increase the amount by $115,000,000.

On page 22, line 8, increase the amount by $10,000,000.

On page 53, line 1, increase the amount by $4,049,000,000.

On page 53, line 2, increase the amount by $1,972,000,000.

SA 3040. Ms. SNOWE (for herself, Mr. TALENT, and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE PERMANENT EXTENSION OF EGTRRA AND JGTRRA PROVISIONS RELATING TO CHILD TAX CREDIT.

It is the sense of the Senate that— .

(1) the aggregate reduced levels of Federal revenues under section 101(1)(B) assume the extension of the amendments to the child tax credit under section 24 of the Internal Revenue Code of 1986 made by the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003 through September 30, 2011, and

(2) such amendments to the child tax credit should be made permanent.

SA 3041. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 24, line 24, increase the amount by "$250,000".

On page 24, line 25, increase the amount by "$250,000".

On page 27, line 23, decrease the amount by "$250,000".

On page 27, line 24, decrease the amount by "$250,000".

SA 3042. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $1,194,000,000.

On page 3, line 15, increase the amount by $2,835,000,000.

On page 3, line 17, increase the amount by $4,362,000,000.

On page 3, line 19, increase the amount by $5,384,000,000.

On page 3, line 21, increase the amount by $5,400,000,000.

On page 4, line 1, increase the amount by $1,194,000,000.

On page 4, line 2, increase the amount by $2,835,000,000.

On page 4, line 3, increase the amount by $4,362,000,000.

On page 4, line 4, increase the amount by $5,384,000,000.

On page 4, line 6, increase the amount by $5,400,000,000.

On page 4, line 13, increase the amount by $5,775,000,000.

On page 4, line 15, increase the amount by $5,400,000,000.

On page 4, line 17, increase the amount by $5,400,000,000.

On page 4, line 19, increase the amount by $5,400,000,000.

On page 4, line 21, increase the amount by $5,400,000,000.

On page 5, line 4, increase the amount by $1,194,000,000.

On page 5, line 6, increase the amount by $2,835,000,000.

On page 5, line 8, increase the amount by $4,362,000,000.

On page 5, line 10, increase the amount by $5,384,000,000.

On page 5, line 12, increase the amount by $5,400,000,000.

On page 16, line 21, increase the amount by $240,000,000.

On page 16, line 22, increase the amount by $192,000,000.

On page 16, line 25, increase the amount by $240,000,000.

On page 17, line 1, increase the amount by $216,000,000.

On page 17, line 4, increase the amount by $240,000,000.

On page 17, line 5, increase the amount by $240,000,000.

On page 17, line 8, increase the amount by $240,000,000.

On page 17, line 9, increase the amount by $240,000,000.

On page 17, line 12, increase the amount by $240,000,000.

On page 17, line 13, increase the amount by $240,000,000.

On page 17, line 22, increase the amount by $4,870,000,000.

On page 17, line 23, increase the amount by $676,000,000.

On page 18, line 2, increase the amount by $4,800,000,000.

On page 18, line 3, increase the amount by $2,349,000,000.

On page 18, line 6, increase the amount by $4,800,000,000.

On page 18, line 7, increase the amount by $3,795,000,000.

On page 18, line 10, increase the amount by $4,800,000,000.

On page 18, line 11, increase the amount by $4,800,000,000.

On page 18, line 14, increase the amount by $4,800,000,000.

On page 18, line 15, increase the amount by $4,800,000,000.

On page 24, line 24, increase the amount by $665,000,000.

On page 24, line 25, increase the amount by $326,000,000.

On page 25, line 3, increase the amount by $360,000,000.

On page 25, line 4, increase the amount by $270,000,000.

On page 25, line 7, increase the amount by $360,000,000.

On page 25, line 8, increase the amount by $327,000,000.

On page 25, line 11, increase the amount by $360,000,000.

On page 25, line 12, increase the amount by $344,000,000.

On page 25, line 15, increase the amount by $360,000,000.

On page 25, line 16, increase the amount by $360,000,000.

On page 53, line 1, increase the amount by $5,775,000,000.

On page 53, line 2, increase the amount by $1,194,000,000.

On page 53, line 4, increase the amount by $5,400,000,000.

On page 53, line 7, increase the amount by $5,400,000,000.

SA 3043. Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. LEAHY, Mr. LIEBERMAN, Mr. SARBANES, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE TO MAKE MORE EFFICIENT AND EQUITABLE, FISCALLY RESPONSIBLE APPROPRIATIONS AND REVENUE DECISIONS.

(a) FINDINGS.—The Senate finds the following:

(1) Federal programs and policies directly influence local growth patterns through the location of Federal facilities, spending on public infrastructure, tax incentives, and Federal regulations.

(2) A majority of Americans favor walkable neighborhoods, shorter commutes, and natural resource conservation, which are land development patterns favored by smart growth.

(3) Federal programs and policies should support local development choices that improve communities through the revitalization of town centers, transit- and pedestrian-oriented development, increased access to retail and public services, preservation of natural resources and parklands, and a greater mix of housing, commercial, and retail uses.

(4) Federal incentives should encourage enhanced community quality of life, fiscally sound reinvestment in existing infrastructure, a balanced transportation system, and safe, decent, affordable places for people to live.

(5) Investing in existing infrastructure is a fiscally responsible use of resources. When not properly planned, local development decisions may actually burden the Federal budget by requiring the construction of new water, sewer, and transportation infrastructure in low-density areas, rather than funding the maintenance of existing infrastructure. Poorly planned development also often results in increased commuting times, traffic congestion, impaired air quality, loss of open space and environmentally sensitive areas, public health problems, lack of affordable housing, and poor accessibility to critical services such as schools and hospitals.

(6) Improving and investing in communities through good planning and sustainable community development has positive effects, reflected, for example, in fiscal cost savings, lower energy consumption, and healthier environments. In addition, businesses are increasingly locating to areas that offer parks and preserve natural resources, provide walkable mixed-use communities, and include a variety of housing options.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that in making appropriations and revenue decisions, the Senate should—

(1) support Federal policies that encourage growth patterns that make efficient and equitable use of available housing, transportation, and infrastructure resources, including such policies as brownfields redevelopment programs, farmland protection programs, the retention of the Community Development Block Grant Program (CDBG), and Federal facility decisions, such as those made by the General Services Administration that consider the benefits of utilizing existing infrastructure; and

(2) address the unintended consequences of urban and suburban sprawl resulting from specific Federal programs and policies through the allocation of budgetary authority to provide incentives for sustainable growth.

SA 3044. Mr. AKAKA (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $70,000,000.

On page 3, line 15, increase the amount by $80,000,000.

On page 3, line 17, increase the amount by $70,000,000.

On page 3, line 19, increase the amount by $50,000,000.

On page 3, line 21, increase the amount by $40,000,000.

On page 4, line 1, increase the amount by $70,000,000.

On page 4, line 2, increase the amount by $80,000,000.

On page 4, line 3, increase the amount by $70,000,000.

On page 4, line 4, increase the amount by $50,000,000.

On page 4, line 6, increase the amount by $40,000,000.

On page 4, line 13, increase the amount by $70,000,000.

On page 4, line 15, increase the amount by $80,000,000.

On page 4, line 17, increase the amount by $70,000,000.

On page 4, line 19, increase the amount by $50,000,000.

On page 4, line 21, increase the amount by $40,000,000.

On page 5, line 4, increase the amount by $70,000,000.

On page 5, line 6, increase the amount by $80,000,000.

On page 5, line 8, increase the amount by $70,000,000.

On page 5, line 10, increase the amount by $50,000,000.

On page 5, line 12, increase the amount by $40,000,000.

On page 23, line 24, increase the amount by $70,000,000.

On page 23, line 25, increase the amount by $70,000,000.

On page 24, line 3, increase the amount by $80,000,000.

On page 24, line 4, increase the amount by $80,000,000.

On page 24, line 7, increase the amount by $70,000,000.

On page 24, line 8, increase the amount by $70,000,000.

On page 24, line 11, increase the amount by $50,000,000.

On page 24, line 12, increase the amount by $50,000,000.

On page 24, line 15, increase the amount by $40,000,000.

On page 24, line 16, increase the amount by $40,000,000.

SA 3045. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 13, line 21, increase the amount by $8,000,000.

On page 13, line 22, increase the amount by $2,000,000.

On page 14, line 1, increase the amount by $2,000,000.

On page 14, line 5, increase the amount by $2,000,000.

On page 14, line 9, increase the amount by $1,000,000.

On page 14, line 13, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $8,000,000.

On page 27, line 24, decrease the amount by $2,000,000.

On page 28, line 2, decrease the amount by $2,000,000.

On page 28, line 5, decrease the amount by $2,000,000.

On page 28, line 8, decrease the amount by $1,000,000.

On page 28, line 11, decrease the amount by $1,000,000.

SA 3046. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $138,000,000.

On page 3, line 15, increase the amount by $460,000,000.

On page 3, line 17, increase the amount by $748,000,000.

On page 3, line 19, increase the amount by $978,000,000.

On page 3, line 21, increase the amount by $1,150,000,000.

On page 4, line 1, increase the amount by $138,000,000.

On page 4, line 2, increase the amount by $460,000,000.

On page 4, line 3, increase the amount by $748,000,000.

On page 4, line 4, increase the amount by $978,000,000.

On page 4, line 6, increase the amount by $1,150,000,000.

On page 4, line 13, increase the amount by $1,150,000,000.

On page 4, line 15, increase the amount by $1,150,000,000.

On page 4, line 17, increase the amount by $1,150,000,000.

On page 4, line 19, increase the amount by $1,150,000,000.

On page 4, line 21, increase the amount by $1,150,000,000.

On page 5, line 4, increase the amount by $138,000,000.

On page 5, line 6, increase the amount by $460,000,000.

On page 5, line 8, increase the amount by $748,000,000.

On page 5, line 10, increase the amount by $978,000,000.

On page 5, line 12, increase the amount by $1,150,000,000.

On page 24, line 24, increase the amount by $1,150,000,000.

On page 24, line 25, increase the amount by $138,000,000.

On page 25, line 3, increase the amount by $1,150,000,000.

On page 25, line 4, increase the amount by $460,000,000.

On page 25, line 7, increase the amount by $1,150,000,000.

On page 25, line 8, increase the amount by $748,000,000.

On page 25, line 11, increase the amount by $1,150,000,000.

On page 25, line 12, increase the amount by $978,000,000.

On page 25, line 15, increase the amount by $1,150,000,000.

On page 25, line 16, increase the amount by $1,150,000,000.

On page 53, line 1, increase the amount by $1,150,000,000.

On page 53, line 2, increase the amount by $138,000,000.

On page 53, line 4, increase the amount by $1,150,000,000.

On page 53, line 7, increase the amount by $1,150,000,000.

SA 3047. Mrs. LINCOLN (for herself, Mr. DURBIN, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $4,500,000,000.

On page 3, line 15, increase the amount by $3,300,000,000.

On page 4, line 1, increase the amount by $4,500,000,000.

On page 4, line 2, increase the amount by $3,300,000,000.

On page 4, line 13, increase the amount by $4,500,000,000.

On page 4, line 15, increase the amount by $3,300,000,000.

On page 5, line 4, increase the amount by $4,500,000,000.

On page 5, line 6, increase the amount by $3,300,000,000.

On page 19, line 24, increase the amount by $4,500,000,000.

On page 19, line 25, increase the amount by $4,500,000,000.

On page 20, line 3, increase the amount by $3,300,000,000.

On page 20, line 4, increase the amount by $3,300,000,000.

SA 3048. Mr. SPECTER (for himself, Mr. HARKIN, Mr. SMITH, Mr. KENNEDY, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. LINCOLN, Mr. LIEBERMAN, Mr. KERRY, Mrs. CLINTON, Mr. BINGAMAN, Mr. AKAKA, Mr. OBAMA, Ms. CANTWELL, Mr. KOHL, Mr. DODD, Ms. MIKULSKI, Mr. DAYTON, Mr. DURBIN, Ms. COLLINS, Ms. LANDRIEU, and Mr. LEVIN) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 44, line 13, strike "$23,158,000,000" and insert "$30,158,000,000".

SA 3049. Ms. COLLINS submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 18, line 24, increase the amount by $1,800,000,000.

On page 18, line 25, increase the amount by $432,000,000.

On page 19, line 4, increase the amount by $1,332,000,000.

On page 19, line 8, increase the amount by $36,000,000.

On page 27, line 23, decrease the amount by $1,800,000,000.

On page 27, line 24, increase the amount by $432,000,000.

On page 28, line 2, decrease the amount by $1,332,000,000.

On page 28, line 5, decrease the amount by $36,000,000.

SA 3050. Mr. SANTORUM (for himself, Mr. COLEMAN, Ms. COLLINS, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 17, line 22, increase the amount by $1,300,000,000.

On page 17, line 23, increase the amount by $1,300,000,000.

On page 18, line 2, increase the amount by $1,300,000,000.

On page 18, line 3, increase the amount by $1,300,000,000.

On page 18, line 6, increase the amount by $1,300,000,000.

On page 18, line 7, increase the amount by $1,300,000,000.

On page 18, line 10, increase the amount by $1,300,000,000.

On page 18, line 11, increase the amount by $1,300,000,000.

On page 18, line 14, increase the amount by $1,300,000,000.

On page 18, line 15, increase the amount by $1,300,000,000.

On page 27, line 23, decrease the amount by $1,300,000,000.

On page 27, line 24, increase the amount by $1,300,000,000.

On page 28, line 1, decrease the amount by $1,300,000,000.

On page 28, line 2, decrease the amount by $1,300,000,000.

On page 28, line 4, decrease the amount by $1,300,000,000.

On page 28, line 5, decrease the amount by $1,300,000,000.

On page 28, line 7, decrease the amount by $1,300,000,000.

On page 28, line 8, decrease the amount by $1,300,000,000.

On page 28, line 10, decrease the amount by $1,300,000,000.

On page 28, line 11, decrease the amount by $1,300,000,000.

SA 3051. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 13, decrease the amount by $1,000,000,000.

On page 4, line 15, decrease the amount by $1,000,000,000.

On page 4, line 17, decrease the amount by $1,000,000,000.

On page 4, line 19, decrease the amount by $1,000,000,000.

On page 4, line 21, decrease the amount by $1,000,000,000.

On page 5, line 4, decrease the amount by $1,000,000,000.

On page 5, line 6, decrease the amount by $1,000,000,000.

On page 5, line 8, decrease the amount by $1,000,000,000.

On page 5, line 10, decrease the amount by $1,000,000,000.

On page 5, line 12, decrease the amount by $1,000,000,000.

On page 5, line 19, decrease the amount by $1,000,000,000.

On page 5, line 21, decrease the amount by $1,000,000,000.

On page 5, line 23, decrease the amount by $1,000,000,000.

On page 5, line 25, decrease the amount by $1,000,000,000.

On page 6, line 2, decrease the amount by $1,000,000,000.

On page 6, line 8, decrease the amount by $1,000,000,000.

On page 6, line 10, decrease the amount by $2,000,000,000.

On page 6, line 12, decrease the amount by $3,000,000,000.

On page 6, line 14, decrease the amount by $4,000,000,000.

On page 6, line 16, decrease the amount by $5,000,000,000.

On page 6, line 22, decrease the amount by $1,000,000,000.

On page 6, line 24, decrease the amount by $2,000,000,000.

On page 7, line 2, decrease the amount by $3,000,000,000.

On page 7, line 4, decrease the amount by $4,000,000,000.

On page 7, line 6, decrease the amount by $5,000,000,000.

On page 29, strike lines 14 through 19, and insert the following:

(a) SPENDING RECONCILIATION INSTRUCTIONS.—In the Senate, by May 16, 2006, the committees named in this section shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce budget authority and outlays by $0 in fiscal year 2006, and $3,000,000,000 for the period of fiscal years 2007 through 2011.

(c) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce outlays by $10,000,000,000 for the period of fiscal years 2007 through 2011.

SA 3052. Mr. SANTORUM (for himself, Mr. DURBIN, Mr. DAYTON, Ms. STABENOW, Mrs. CLINTON, Mrs. BOXER, Mr. SARBANES, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 10, line 20, increase the amount by $566,000,000.

On page 10, line 21, increase the amount by $566,000,000.

On page 27, line 23, decrease the amount by $566,000,000.

On page 27, line 24, decrease the amount by $566,000,000.

At the appropriate place, insert the following:

SEC. ___. UNITED STATES RESPONSE TO GLOBAL HIV/AIDS, TUBERCULOSIS, AND MALARIA.

Congress makes the following findings:

(1) The HIV/AIDS pandemic has reached staggering proportions. Over 40,000,000 people are living with HIV/AIDS worldwide, and 5,000,000 more people become infected each year. HIV/AIDS is estimated to kill 3,000,000 men, women, and children each year.

(2) The United States was the first, and remains the largest, contributor to the Global Fund to Fight AIDS, Tuberculosis and Malaria (referred to in this section as the "Global Fund").

(3) The Presidential Administration of George W. Bush (referred to in this section as the "Administration") has supported legislative language that links United States contributions to the Global Fund to the contributions of other donors, permitting the United States to provide 33 percent of all donations, which would match contributions on a 1-to-2 basis.

(4) As of the date of the approval of this Resolution, Congress has provided ⅓ of all donations to the Global Fund since its inception.

(5) The Global Fund currently estimates that during fiscal year 2007, it will renew $1,600,000,000 worth of effective programs that are already operating on the ground, and the Administration and Global Fund Board have said that renewals of existing grants should receive priority funding.

(6) The Global Fund estimates that during fiscal year 2007, it could award $1,000,000,000 in funding to proposals submitted for Round 6.

(7) For fiscal year 2007, the President has requested $300,000,000 for the United States contribution to the Global Fund.

(8) The Global Fund is an important component of the United States efforts to combat AIDS, tuberculosis, and malaria, and supports approximately 350 projects in 130 countries.

(9) Through a mid-year review process, Congress and the Administration will assess contributions to date and anticipated contributions to the Global Fund, and ensure that United States contributions, at year end, are at the appropriate 1-to-2 ratio.

(10) Congress and the Administration will monitor contributions to the Global Fund to ensure that United States contributions do not exceed ⅓ of the Global Fund's revenues.

(11) The United States will need to contribute $566,000,000 more than the President's fiscal year 2007 request for the Global Fund to—

(A) fund ⅓ of renewals during fiscal year 2007;

(B) support at least 1 new round of proposals in fiscal year 2007; and

(C) maintain the 1-to-2 funding ratio.

SA 3053. Mrs. LINCOLN (for herself, Mr. TALENT, and Mr. BAYH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 24, line 24, increase the amount by $23,000,000.

On page 24, line 25, increase the amount by $3,000,000.

On page 25, line 3, increase the amount by $23,000,000.

On page 25, line 4, increase the amount by $9,000,000.

On page 25, line 7, increase the amount by $23,000,000.

On page 25, line 8, increase the amount by $15,000,000.

On page 25, line 11, increase the amount by $23,000,000.

On page 25, line 12, increase the amount by $20,000,000.

On page 25, line 15, increase the amount by $23,000,000.

On page 25, line 16, increase the amount by $23,000,000.

On page 27, line 23, decrease the amount by $23,000,000.

On page 27, line 24, decrease the amount by $3,000,000.

On page 28, line 1, decrease the amount by $23,000,000.

On page 28, line 2, decrease the amount by $9,000,000.

On page 28, line 4, decrease the amount by $23,000,000.

On page 28, line 5, decrease the amount by $15,000,000.

On page 28, line 7, decrease the amount by $23,000,000.

On page 28, line 8, decrease the amount by $20,000,000.

On page 28, line 10, decrease the amount by $23,000,000.

On page 28, line 11, decrease the amount by $23,000,000.

SA 3054. Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. DURBIN, Mr. LAUTENBERG, Mrs. BOXER, Mr. NELSON of Florida, Mr. LIEBERMAN, Mr. INOUYE, Mr. REED, Mr. SCHUMER, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $704,000,000.

On page 3, line 15, increase the amount by $517,000,000.

On page 3, line 17, increase the amount by $445,000,000.

On page 3, line 19, increase the amount by $264,000,000.

On page 4, line 1, increase the amount by $704,000,000.

On page 4, line 2, increase the amount by $517,000,000.

On page 4, line 3, increase the amount by $445,000,000.

On page 4, line 4, increase the amount by $264,000,000.

On page 4, line 13, increase the amount by $965,000,000.

On page 5, line 4, increase the amount by $352,000,000.

On page 5, line 6, increase the amount by $259,000,000.

On page 5, line 8, increase the amount by $223,000,000.

On page 5, line 10, increase the amount by $132,000,000.

On page 5, line 19, increase the amount by $352,000,000.

On page 5, line 21, increase the amount by $258,000,000.

On page 5, line 23, increase the amount by $222,000,000.

On page 5, line 25, increase the amount by $132,000,000.

On page 6, line 8, decrease the amount by $352,000,000.

On page 6, line 10, decrease the amount by $610,000,000.

On page 6, line 12, decrease the amount by $832,000,000.

On page 6, line 14, decrease the amount by $964,000,000.

On page 6, line 16, decrease the amount by $964,000,000.

On page 6, line 22, decrease the amount by $352,000,000.

On page 6, line 24, decrease the amount by $610,000,000.

On page 7, line 2, decrease the amount by $832,000,000.

On page 7, line 4, decrease the amount by $961,000,000.

On page 7, line 6, decrease the amount by $964,000,000.

On page 17, line 22, increase the amount by $600,000,000.

On page 17, line 23, increase the amount by $60,000,000.

On page 18, line 3, increase the amount by $222,000,000.

On page 18, line 7, increase the amount by $186,000,000.

On page 18, line 11, increase the amount by $132,000,000.

On page 24, line 24, increase the amount by $365,000,000.

On page 24, line 25, increase the amount by $292,000,000.

On page 25, line 4, increase the amount by $37,000,000.

On page 25, line 8, increase the amount by $37,000,000.

On page 53, line 1, increase the amount by $965,000,000.

On page 53, line 2, increase the amount by $352,000,000.

SA 3055. Ms. STABENOW (for herself, Ms. SNOWE, Mr. LIEBERMAN, Mr. KOHL, Mr. DEWINE, Mr. GRAHAM, and Mrs. CLINTON) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 15, line 21, increase the number by $60,000,000.

On page 15, line 22, increase the number by $10,000,000.

On page 16, line 1, increase the number by $29,000,000.

On page 16, line 5, increase the number by $14,000,000.

On page 16, line 9, increase the number by $6,000,000.

On page 16, line 13, increase the number by $1,000,000.

On page 27, line 23, decrease the number by $60,000,000.

On page 27, line 24, decrease the number by $10,000,000.

On page 28, line 2, decrease the number by $29,000,000.

On page 28, line 5, decrease the number by $14,000,000.

On page 28, line 8, decrease the number by $6,000,000.

On page 28, line 11, decrease the number by $1,000,000.

SA 3056. Ms. STABENOW proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $1,000,000,000.

On page 3, line 15, increase the amount by $3,700,000,000.

On page 3, line 17, increase the amount by $3,100,000,000.

On page 3, line 19, increase the amount by $2,200,000,000.

On page 4, line 1, increase the amount by $1,000,000,000.

On page 4, line 2, increase the amount by $3,700,000,000.

On page 4, line 3, increase the amount by $3,100,000,000.

On page 4, line 4, increase the amount by $2,200,000,000.

On page 4, line 13, increase the amount by $5,000,000,000.

On page 5, line 4, increase the amount by $500,000,000.

On page 5, line 6, increase the amount by $1,850,000,000.

On page 5, line 8, increase the amount by $1,550,000,000.

On page 5, line 10, increase the amount by $1,100,000,000.

On page 5, line 19, increase the amount by $500,000,000.

On page 5, line 21, increase the amount by $1,850,000,000.

On page 5, line 23, increase the amount by $1,550,000,000.

On page 5, line 25, increase the amount by $1,100,000,000.

On page 6, line 8, decrease the amount by $500,000,000.

On page 6, line 10, decrease the amount by $2,350,000,000.

On page 6, line 12, decrease the amount by $3,900,000,000.

On page 6, line 14, decrease the amount by $5,000,000,000.

On page 6, line 16, decrease the amount by $5,000,000,000.

On page 6, line 22, decrease the amount by $500,000,000.

On page 6, line 24, decrease the amount by $2,350,000,000.

On page 7, line 2, decrease the amount by $3,900,000,000.

On page 7, line 4, decrease the amount by $5,000,000,000.

On page 7, line 6, decrease the amount by $5,000,000,000.

On page 17, line 22, increase the amount by $5,000,000,000.

On page 17, line 23, increase the amount by $500,000,000.

On page 18, line 3, increase the amount by $1,850,000,000.

On page 18, line 7, increase the amount by $1,550,000,000.

On page 18, line 11, increase the amount by $1,100,000,000.

On page 53, line 1, increase the amount by $5,000,000,000.

On page 53, line 2, increase the amount by $500,000,000.

SA 3057. Mr. KOHL (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 24, line 24, increase the amount by $380,000,000.

On page 24, line 25, increase the amount by $46,000,000.

On page 25, line 4, increase the amount by $106,000,000.

On page 25, line 8, increase the amount by $95,000,000.

On page 25, line 12, increase the amount by $76,000,000.

On page 25, line 16, increase the amount by $57,000,000.

On page 27, line 23, decrease the amount by $380,000,000.

On page 27, line 24, decrease the amount by $46,000,000.

On page 28, line 2, decrease the amount by $106,000,000.

On page 28, line 5, decrease the amount by $95,000,000.

On page 28, line 8, decrease the amount by $76,000,000.

On page 28, line 11, decrease the amount by $57,000,000.

SA 3058. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $880,000,000.

On page 3, line 15, increase the amount by $1,800,000,000.

On page 3, line 17, increase the amount by $800,000,000.

On page 3, line 19, increase the amount by $240,000,000.

On page 3, line 21, increase the amount by $80,000,000.

On page 4, line 1, increase the amount by $880,000,000.

On page 4, line 2, increase the amount by $1,800,000,000.

On page 4, line 3, increase the amount by $800,000,000.

On page 4, line 4, increase the amount by $240,000,000.

On page 4, line 6, increase the amount by $80,000,000.

On page 4, line 13, increase the amount by $4,000,000,000.

On page 5, line 4, increase the amount by $880,000,000.

On page 5, line 6, increase the amount by $1,800,000,000.

On page 5, line 8, increase the amount by $800,000,000.

On page 5, line 10, increase the amount by $240,000,000.

On page 5, line 12, increase the amount by $80,000,000.

On page 11, line 21, increase the amount by $4,000,000,000.

On page 11, line 22, increase the amount by $880,000,000.

On page 12, line 1, increase the amount by $1,800,000,000.

On page 12, line 5, increase the amount by $800,000,000.

On page 12, line 9, increase the amount by $240,000,000.

On page 12, line 13, increase the amount by $80,000,000.

On page 53, line 1, increase the amount by $4,000,000,000.

On page 53, line 2, increase the amount by $880,000,000.

SA 3059. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of section 309, insert the following:

(d) FINANCE.—If—

(1) the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) improves America's trade competitiveness or enforcement; or

(B) fosters health care information technology or pay-for-performance; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974; the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3060. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. .—SENSE OF THE SENATE ON AMERICA'S ECONOMIC COMPETITIVENESS.

(a) FINDINGS.—The Senate finds that—

(1) America faces serious education challenges, including—

(A) inadequate access to essential quality early education;

(B) poor science, mathematics, and reading scores in elementary and high school;

(C) decreased access to higher education; and

(D) a critical shortage of qualified science and engineering graduates;

(2) America faces rapidly mounting health care costs and deteriorating access for Americans in need of medical care, hurting American companies' competitiveness and endangering our citizens' health and wellness;

(3) America has become too dependent on foreign sources of increasingly expensive non-renewable energy, hurting our companies' economic competitiveness, threatening our environment, and exacerbating our trade deficit;

(4) America faces a private and public savings crisis not seen since the Great Depression, resulting in fewer funds for productive investment, record indebtedness, and domestic and international economic imbalances;

(5) America has neglected innovation by failing to dedicate adequate resources to basic research, threatening present and future creative industries;

(6) American companies and workers engaged in international trade too often face discrimination and poor enforcement of trade and investment laws in foreign markets, deteriorating their ability to compete; and

(7) America's system of international taxation places American companies at a strategic disadvantage relative to foreign companies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget should include funding for—

(1) EDUCATION.—An education initiative to support programs—

(A) to prepare and adequately remunerate future teachers of early education, mathematics, sciences, and foreign languages;

(B) to provide matching funds to states for universal voluntary early education;

(C) to provide enrichment, mentoring, and science and technology programs for middle schools;

(D) to provide high school students science and engineering summer programs;

(E) to make saving for college easier;

(F) to restore the GEAR UP program for college-bound low-income students;

(G) to provide 600 science and engineering scholarships;

(H) to restore our commitment to Indian education through the Johnson O'Malley grants and tribal colleges and universities; and

(I) to increase the deduction for employer-provided education programs;

(2) HEALTH CARE.—

(A) innovative initiatives to reduce the rate of growth in health care costs and improve the quality of care in both the private and public sectors, without undermining access to care, such as paying for performance, promoting health information technology, and investing in comparative clinical effectiveness;

(B) a serious, collective debate about how to ensure that every American has health care coverage;

(C) initiatives to strengthen and preserve our nation's health care safety net programs for future generations of the most vulnerable among us; and

(D) initiatives that will promote a healthy workforce for a stronger America;

(3) ENERGY.—

(A) extending tax incentives for renewable energy; and

(B) a program to create an independent agency for advanced energy research;

(4) SAVING.—making the Saver's Credit permanent;

(5) RESEARCH.—

(A) making permanent the research and development tax credit;

(B) a program for public-private consortia for basic research; and

(C) fully funding the National Science Foundation as foreseen in the National Science Foundation Act of 2002;

(6) TRADE.—

(A) a Chief Trade Enforcement Officer in the Office of the United States Trade Representative; and

(B) additional resources for trade enforcement; and

(7) TAX.—An initiative to reform international tax rules that are too arcane and complex so that American multinational businesses may be more competitive globally.

SA 3061. Mr. MCCONNELL (for himself, Mrs. HUTCHISON, and Mr. FRIST) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 16, line 21, increase the amount by $978,000,000.

On page 16, line 22, increase the amount by $782,400,000.

On page 17, line 1, increase the amount by $195,600,000.

On page 27, line 23, decrease the amount by $978,000,000.

On page 27, line 24, decrease the amount by $782,400,000.

On page 28, line 2, decrease the amount by $195,600,000.

SA 3062. Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. KENNEDY, and Mr. DURBIN) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $32,000,000.

On page 3, line 15, increase the amount by $35,000,000.

On page 3, line 17, increase the amount by $36,000,000.

On page 3, line 19, increase the amount by $36,000,000.

On page 3, line 21, increase the amount by $37,000,000.

On page 4, line 1, increase the amount by $32,000,000.

On page 4, line 2, increase the amount by $35,000,000.

On page 4, line 3, increase the amount by $36,000,000.

On page 4, line 4, increase the amount by $36,000,000.

On page 4, line 6, increase the amount by $37,000,000.

On page 4, line 13, increase the amount by $36,000,000.

On page 4, line 15, increase the amount by $36,000,000.

On page 4, line 17, increase the amount by $37,000,000.

On page 4, line 19, increase the amount by $37,000,000.

On page 4, line 21, increase the amount by $38,000,000.

On page 5, line 4, increase the amount by $32,000,000.

On page 5, line 6, increase the amount by $35,000,000.

On page 5, line 8, increase the amount by $36,000,000.

On page 5, line 10, increase the amount by $36,000,000.

On page 5, line 12, increase the amount by $37,000,000.

On page 19, line 24, increase the amount by $36,000,000.

On page 19, line 25, increase the amount by $32,000,000.

On page 20, line 3, increase the amount by $36,000,000.

On page 20, line 4, increase the amount by $35,000,000.

On page 20, line 7, increase the amount by $37,000,000.

On page 20, line 8, increase the amount by $36,000,000.

On page 20, line 11, increase the amount by $37,000,000.

On page 20, line 12, increase the amount by $36,000,000.

On page 20, line 15, increase the amount by $38,000,000.

On page 20, line 16, increase the amount by $37,000,000.

On page 53, line 1, increase the amount by $36,000,000.

On page 53, line 2, increase the amount by $32,000,000.

On page 53, line 4, increase the amount by $36,000,000.

On page 53, line 7, increase the amount by $37,000,000.

SA 3063. Mrs. MURRAY (for herself, Mr. SARBANES, Mr. LEAHY, Mr. REED, Mr. KENNEDY, Mr. LAUTENBERG, Ms. STABENOW, Mr. SCHUMER, Ms. MIKULSKI, Mr. DURBIN, Mr. ROCKEFELLER, and Mr. AKAKA) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $26,000,000.

On page 3, line 15, increase the amount by $416,000,000.

On page 3, line 17, increase the amount by $546,000,000.

On page 3, line 19, increase the amount by $182,000,000.

On page 3, line 21, increase the amount by $65,000,000.

On page 4, line 1, increase the amount by $26,000,000.

On page 4, line 2, increase the amount by $416,000,000.

On page 4, line 3, increase the amount by $546,000,000.

On page 4, line 4, increase the amount by $182,000,000.

On page 4, line 6, increase the amount by $65,000,000.

On page 4, line 13, increase the amount by $1,300,000,000.

On page 5, line 4, increase the amount by $26,000,000.

On page 5, line 6, increase the amount by $416,000,000.

On page 5, line 8, increase the amount by $546,000,000.

On page 5, line 10, increase the amount by $182,000,000.

On page 5, line 12, increase the amount by $65,000,000.

On page 17, line 22, increase the amount by $1,300,000,000.

On page 17, line 23, increase the amount by $26,000,000.

On page 18, line 3, increase the amount by $416,000,000.

On page 18, line 7, increase the amount by $546,000,000.

On page 18, line 11, increase the amount by $182,000,000.

On page 18, line 15, increase the amount by $65,000,000.

On page 53, line 1, increase the amount by $1,300,000,000.

On page 53, line 2, increase the amount by $26,000,000.

SA 3064. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $10,000,000.

On page 3, line 15, increase the amount by $345,000,000.

On page 3, line 17, increase the amount by $60,000,000.

On page 3, line 19, increase the amount by $10,000,000.

On page 4, line 1, increase the amount by $10,000,000.

On page 4, line 2, increase the amount by $345,000,000.

On page 4, line 3, increase the amount by $60,000,000.

On page 4, line 4, increase the amount by $10,000,000.

On page 4, line 13, increase the amount by $225,000,000.

On page 5, line 4, increase the amount by $7,000,000.

On page 5, line 6, increase the amount by $182,000,000.

On page 5, line 8, increase the amount by $31,000,000.

On page 5, line 10, increase the amount by $5,000,000.

On page 5, line 19, increase the amount by $3,000,000.

On page 5, line 21, increase the amount by $163,000,000.

On page 5, line 23, increase the amount by $29,000,000.

On page 5, line 25, increase the amount by $5,000,000.

On page 6, line 8, decrease the amount by $3,000,000.

On page 6, line 10, decrease the amount by $166,000,000.

On page 6, line 12, decrease the amount by $195,000,000.

On page 6, line 14, decrease the amount by $200,000,000.

On page 6, line 16, decrease the amount by $200,000,000.

On page 6, line 22, decrease the amount by $3,000,000.

On page 6, line 24, decrease the amount by $166,000,000.

On page 7, line 2, decrease the amount by $195,000,000.

On page 7, line 4, decrease the amount by $200,000,000.

On page 7, line 6, decrease the amount by $200,000,000.

On page 18, line 24, increase the amount by $225,000,000.

On page 18, line 25, increase the amount by $7,000,000.

On page 19, line 4, increase the amount by $182,000,000.

On page 19, line 8, increase the amount by $31,000,000.

On page 19, line 12, increase the amount by $5,000,000.

On page 53, line 1, increase the amount by $225,000,000.

On page 53, line 2, increase the amount by $7,000,000.

SA 3065. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—SENSE OF THE SENATE

SEC. 501. SENSE OF THE SENATE ON THE SAFETY OF IMPORTED PRESCRIPTION DRUGS.

It is the sense of the Senate that Congress should consider legislative changes to encourage the development of safer, more secure prescription drug packaging that would ensure the safety of imported prescription drugs and alleviate concerns, such as tampering, that relate to the importation of lower-priced prescription drugs, including—

(1) limiting tax deductions related to the costs of prescription drug direct-to-consumer advertising to ½ of a pharmaceutical company's budget for the previous year for research and development expenses; and

(2) creating a new tax incentive, with the same revenue estimate of the limitation described in paragraph (1), that would encourage pharmaceutical companies to devote more resources to developing and deploying improved prescription drug packaging and other safety technologies.

SA 3066. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 16, line 21, increase the amount by $4,000,000.

On page 16, line 22, increase the amount by $3,000,000.

On page 17, line 1, increase the amount by $1,000,000.

On page 17, line 22, increase the amount by $488,000,000.

On page 17, line 23, increase the amount by $164,000,000.

On page 18, line 3, increase the amount by $227,000,000.

On page 18, line 7, increase the amount by $75,000,000.

On page 18, line 11, increase the amount by $22,000,000.

On page 24, line 24, increase the amount by $494,000,000.

On page 24, line 25, increase the amount by $171,000,000.

On page 25, line 4, increase the amount by $158,000,000.

On page 25, line 8, increase the amount by $146,000,000.

On page 25, line 12, increase the amount by $19,000,000.

On page 27, line 23, decrease the amount by $986,000,000.

On page 27, line 24, decrease the amount by $338,000,000.

On page 28, line 2, decrease the amount by $386,000,000.

On page 28, line 5, decrease the amount by $221,000,000.

On page 28, line 8, decrease the amount by $41,000,000.

SA 3067. Mrs. FEINSTEIN (for herself and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $111,000,000.

On page 3, line 15, increase the amount by $199,000,000.

On page 3, line 17, increase the amount by $55,000,000.

On page 3, line 19, increase the amount by $12,000,000.

On page 3, line 21, increase the amount by $3,000,000.

On page 4, line 1, increase the amount by $111,000,000.

On page 4, line 2, increase the amount by $199,000,000.

On page 4, line 3, increase the amount by $55,000,000.

On page 4, line 4, increase the amount by $12,000,000.

On page 4, line 6, increase the amount by $3,000,000.

On page 4, line 13, increase the amount by $390,000,000.

On page 5, line 4, increase the amount by $111,000,000.

On age 5, line 6, increase the amount by $199,000,000.

On page 5, line 8, increase the amount by $55,000,000.

On page 5, line 10, increase the amount by $12,000,000.

On age 5, line 12, increase the amount by $3,000,000.

On page 19, line 24, increase the amount by $390,000,000.

On page 19, line 25, increase the amount by $111,000,000.

On page 20, line 4, increase the amount by $199,000,000.

On page 20, line 8, increase the amount by $55,000,000.

On page 20, line 12, increase the amount by $12,000,000.

On page 20, line 16, increase the amount by $3,000,000.

On page 53, line 1, increase the amount by $390,000,000.

On page 53, line 2, increase the amount by $111,000,000.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 15, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1899, the Indian Child Protection and Family Violence Prevention Act Amendments of 2005. Those wishing additional information may contact the Indian Affairs Committee.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, March 30, 2006 at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1577, to facilitate the transfer of Spearfish Hydroelectric Plant Number 1 to the city of Spearfish, SD, and for other purposes; S. 1962 and H.R. 4000, bills to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes; S. 2028, to provide for the reinstatement of a license for a certain Federal Energy Regulatory Commission project; S. 2035, to extend the time required for construction of a hydroelectric project in the State of Idaho, and for other purposes; S. 2054, to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont; S. 2205, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, SD, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; and H.R. 3812, to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Nate Gentry or Steve Waskiewicz.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, April 5, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the 2005 wildfire season and the Federal land management agencies' preparations for the 2006 wildfire season.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics or Sara Zecher.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, March 14, 2006 at 10 a.m. in SR–328A, Russell Senate Office Building. The purpose of this hearing will be to discuss the following nominations: Dr. Gale Buchanan to be Under Secretary of Agriculture for Research, Education and Economics; Mr. Marc Kesselman to be General Counsel of the Department of Agriculture; Mr. Boyd Rutherford to be an Assistant Secretary of Agriculture; and Ms. Linda Strachan to be an Assistant Secretary of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 14, 2006, at 9:30 a.m., in open session to receive testimony from combatant commanders on their military strategy and operational requirements, in review of the defense authorization request for fiscal year 2007 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 14, 2006, at 1:30 p.m., in open session to receive testimony on the Joint Strike Fighter F136 alternate engine program in review of the defense authorization request for fiscal year 2007 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and

Urban Affairs be authorized to meet during the session of the Senate on March 14, 2006, at 10 a.m., to conduct a hearing on the nomination of Mr. James S. Simpson, of New York, to be Federal Transit Administrator of the Department of Transportation; and Mr. Robert M. Couch, of Alabama, to be president of the Government National Mortgage Association.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 14, 2006, at 10 a.m. on Wireless Issues and Spectrum Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 14, 2006, at 2:30 p.m., on Wall Street Perspective on Telecommunications.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Monday, March 14, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Administrative Challenges Facing the Social Security Administration."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 14, 2006, at 2:15 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Consolidation in the Oil and Gas Industry: Raising Prices?" on Tuesday, May 14, 2006 at 10:30 a.m. in Dirksen room 226.

Panel I: Tom Miller, Attorney General for the State of Iowa, Des Moines, IA; David Boies, Chairman, Boies, Schiller and Flexner LLP, Armonk, NY; Joseph M. Alioto, Partner, Alioto Law Firm, San Francisco, CA; Severin Borenstein, E.T. Grether Professor of Business Administration and Public Policy, Haas School of Business, University of California, Berkeley, CA; and Tom Greene, Senior Assistant Attorney General for the State of California, Sacramento, CA.

Panel II: Mr. John Hofmeister, President, Shell Oil Company, Houston, TX; Mr. Ross Pillari, President and Chief Executive Officer, BP America, Inc., Chicago, IL; Mr. James Mulva, Chairman and Chief Executive Officer, ConocoPhillips, Houston, TX; Mr. Rex Tillerson, Chairman and Chief Executive Officer, ExxonMobil Corp., Irving, TX; Mr. David O'Reilly, Chairman and Chief Executive Officer, Chevron Corp., San Ramon, CA; and Mr. Bill Klesse, Chief Executive Officer, Valero Energy Corp., San Antonio, TX.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. TALENT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Judicial and Executive Nominations on Tuesday, March 14, 2006, at 3 p.m. in Senate Dirksen Building Room 226.

Panel I: Members of Congress. TBA.

Panel II: Michael A. Chagares to be United States Circuit Judge for the Third Circuit; Gary Hampton Miller to be United States District Judge for the Southern District of Texas; Sharee M. Freeman to be Director, Community Relations Service, U.S. Department of Justice; Jeffrey L. Sedgwick to be Director, Bureau of Justice Statistics, U.S. Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. TALENT. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet on Tuesday, March 14, 2006, 9:30 a.m., for a hearing entitled "GSA Contractors Who Cheat On Their Taxes and What Should Be Done About It."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. TALENT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 14, 2006 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. TALENT. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Tuesday, March 14 at 2:30 p.m. The purpose of the hearing is to review the President's proposed budget for the National Parks Service for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. TALENT. Mr. President, I ask unanimous consent that the Subcommittee on Personnel be authorized to meet during the session of the Senate on March 14, 2006, at 2:30 p.m., in open session to receive testimony on health benefits and programs in review of the defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. TALENT. I ask unanimous consent that Dan Brintzinghoffer of my office be permitted the privilege of the floor during the duration of his service with my office.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that Merlyn Calderon, a legislative fellow with the Small Business Committee, be granted the privilege of the floor for the pendency of the consideration of the budget resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that Matt Duffy of my staff be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR RECOMMITTAL

Mr. VOINOVICH. Mr. President, as in executive session, I ask unanimous consent that Executive Calendar No. 428 be recommitted to the Commerce Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH 15, 2006

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m., Wednesday, March 15. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. Con. Res. 83, the budget resolution, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. VOINOVICH. Mr. President, tomorrow morning we will continue to debate amendments to the budget resolution. In addition to the amendments debated this evening, on Wednesday, we will have an additional series of amendments ready for votes. We will announce the precise timing of the votes in the morning, but it is likely we will have one or two votes starting at 1 p.m.

At 1:40 p.m., the Senate will proceed to the House of Representatives in order to hear an address by the President of Liberia. That address begins at 2 p.m. Therefore, we will recess from 2 to 3 p.m. At 3 p.m., we will likely then begin a lengthy series of votes to dispose of the remaining amendments under the order from earlier this evening.

As a reminder, the majority leader has announced that this week we will need to complete action on the budget, as well as the debt limit. Members can expect full days and late nights.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. VOINOVICH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:59 p.m., adjourned until Wednesday, March 15, 2006, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 14, 2006*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BRADLEY of New Hampshire).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 14, 2006.

I hereby appoint the Honorable JEB BRADLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

ONE-YEAR ANNIVERSARY OF PASSAGE OF HOUSE RESOLUTION 135, ESTABLISHING HOUSE DEMOCRACY ASSISTANCE COMMISSION

Mr. DREIER. Mr. Speaker, I rise today to commemorate the 1-year anniversary of passage of House Resolution 135, which established the House Democracy Assistance Commission. Upon the resolution's passage, 16 appointments were made, and I was honored to be appointed as chairman of this effort by Speaker HASTERT; and I know that my colleague, DAVID PRICE, the ranking minority member, was equally honored to be appointed by Ms. PELOSI as the ranking minority member.

Mr. Speaker, as you know, the purpose of the House Democracy Assistance Commission is to strengthen legislatures in emerging democracies. In recent years, we have seen that the spread of democracy cannot be contained; but these new democracies have little experience in the actual practice of democracy. Over our 230-year history, we have learned that elections are relatively easy. It is the mechanics, practice, and procedure of democracy that is far more difficult.

Many fledgling democracies have a long history of authoritarian rule. The revolutions that sweep dictators and reformers in often center around charismatic leaders that, with popular support, secure the levers of executive power.

But as our Founding Fathers understood, the people's branch of government, the legislature, serves as the safeguard, ensuring that new leaders did not lead their nations back down towards a path of dictatorship. Acting as a check on executive power by conducting oversight and overseeing the national budget are necessary authorities for a parliament to exercise if democracy is to flourish.

Unfortunately, parliamentarians working in authoritarian systems often have no incentive or ability to learn about their rights and responsibilities as members of parliament. The commission has seen it in Georgia, where decades of Communist rule emasculated the parliament. We see it in Macedonia where Tito's rule and the Balkan wars made democratic rule impossible. We have seen it in Kenya, where the plague of African corruption has stalled democratic reform. We have seen it in Indonesia, where the strong-armed rule of Suharto reduced parliament to an afterthought. We have seen it in East Timor, the newest nation on the globe, which has no history of self-government, democratic or otherwise.

Mr. Speaker, the commission has or soon will travel to these places to provide peer-to-peer technical assistance to these legislatures at their request. We hope to soon be working in Afghanistan, Lebanon, Ukraine, and Iraq as well. America has long extolled the virtue of democracy to our neighbors abroad. Our commission allows the House of Representatives to do its part to keep democracy on the march.

We know that democracy remains a work in progress for all of us, but global progress requires that democracy works. It is our obligation to help new democracies by sharing the lessons that we have learned.

From Tbilisi to Dili, from Kabul to Nairobi, from Beirut to Baghdad, Mr. Speaker, stronger democracies make stronger allies; and through our work we will come closer to securing the undeniable right of freedom for all.

STANDING UP FOR A FREE NORTH KOREA

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, the North Korean regime has the worst human rights record in the world. Citizens are denied the most fundamental freedoms in classic Communist fashion, the economy results in shortages and an ever-present threat of starvation.

Additionally, the regime has divided citizens into 51 classes. At least 7 million citizens, more than one-third of the population, are regarded as members of a hostile class, categorized as a potential threat to the existence of this regime. Members of this class are held in one of North Korea's 12 known prison camps. According to an MSNBC news report from January 2003, one of these prison camps is literally three times the size of Washington, DC. Meanwhile, the State Security Agency maintains at least 12 political prisons and about 30 forced labor and reeducation camps. There are also rumors of a series of underground camps. No one knows how many exist and, of course, how many prisoners are being held.

These Stalinist-style gulags await any citizen, even children, who dare to commit such crimes as reading a foreign newspaper, singing a foreign pop song, listening to a foreign radio broadcast, or making statements that could be interpreted as an insult to the regime. The camps combine starvation, hard labor and brutal and irrational punishments. In one camp, former inmates claim prisoners work in such hard conditions that 20 to 25 percent of the 50,000 prisoners die every year.

To leave North Korea without official permission is an act of treason. The Communist regime maintains a series of detention facilities along the border with the People's Republic of China for refugees forcibly returned. Pregnant women endure forced abortions or have their infants killed just after birth on the off chance that they were impregnated by Chinese men. Everyone is then interrogated to determine the extent of their exposure to the Free World, literally having the truth beaten out of them.

This determines whether the regime sends these refugees to a gulag facing certain death or to a gulag facing likely death. The massive mechanistic prison camp system, combined with the outlawing of immigration, has led

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

many to refer to North Korea as "the world's largest prison camp." Jasper Becker, former Beijing bureau chief for the South China Morning Post, has estimated that Kim Jong Il and his father, Kim Il Sung, are responsible for killing over 7 million Koreans, 3 million civilians in the Korean war, 3 million by deliberate famine, and at least 1 million more political prisoners either executed or worked to death.

Mr. Speaker, even worse is the Free World's help that props up this regime. Since 1995, the United States has provided over $1.1 billion, about 60 percent of it for food aid. About 40 percent was energy assistance through the Korean Peninsula Energy Development Corporation. KEDO, a multilateral organization established in 1994 to provide energy aid in exchange for North Korea's pledge to halt its nuclear program. The Bush administration finally shut down the KEDO program earlier this year, long after North Korea had publicly violated the agreement that secured KEDO energy payments in the first place.

Food aid to North Korea has also been an international humanitarian fraud. The Communist regime prevents donor agencies from operating in the country. The biggest suppliers of aid, China and South Korea, do little or no monitoring of what happens to the food that they supply to this country. The world's food and humanitarian aid rarely makes it to those suffering in North Korea. Instead, it has been used to feed Kim Jong Il's million-man army, almost 1 million people in his security forces, as a preference for the Communist Party elite. No such aid should be allowed against North Korea demonstrates tangible progress to freedom and transparency. Now some people worry about the risk of confronting and destabilizing a hostile and heavily armed power. These people should know that no good policy comes without risk.

President Ronald Reagan did not coddle the Soviet Union, he did not offer to provide them the nuclear fuel they need to build nuclear weapons in the silly hope they would not build any. President Reagan took the struggle for freedom and democracy to the gates of the Soviet Union country itself.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 40 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You speak as one who whispers to a beloved. You speak to the heart. Yet Your people do not listen. Lord, you give us Your word as a gift, truly filled with promise, a binding secret. Yet Your people pay no attention.

You have created the ear to always be open. But from somewhere within, Lord, we choose not to hear. So self-absorbed are we, so noisy in imagination, so preoccupied, Your word cannot be taken in.

Claiming to seek the truth, we play with numbers and madly put spin on language, when all You require is that we face the truth, study with honesty long and hard, then with humble attention open ourselves completely to Your saving Word to guide our very next step into realistic truth.

Now surrounded by complex and conflicting situations, Lord, each of us cries out to You: "Speak, Lord! Your servant is listening." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. PENCE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

POOR JUDGMENT

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, in their rush to be against everything that President Bush is for, Democrats have once again given us reason to question their timing and judgment.

A resolution has been introduced in the Senate to censure the President for ordering the National Security Agency to intercept communications of suspected al Qaeda members or related terrorist groups.

Apparently, this offends Democrats so much that they seek to scold the President in the midst of the war on terror. To them I ask: How would you monitor terrorist operatives who move to this country, blend in, and wait to strike? Do you think they hang a shingle on their front door reading "Terrorist in Waiting"?

The NSA program is one that provides the speed and agility that is needed as we fight this new kind of war. We must adapt, because in this day and age, terrorists move faster than any court possibly can. A span of just a few hours could make the difference between life and death.

Mr. Speaker, we are not questioning the Democrats' patriotism, as they so often charge. We are, however, questioning their poor judgment. They are unwise in opposing what is clearly a vital tool against terrorist organizations and in allowing the censure resolution to the Senate floor which could damage the President as he fights this war on terror.

TRIBUTE TO EZRA KATZ

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize a south Florida leader for his widespread community involvement and his dedication to keeping alive the memory and the lessons of the Holocaust.

Ezra Katz has been the president of the Greater Miami Jewish Federation, a member of the board of directors of the Foundation for Jewish Renewal, and a founder and life trustee of the Holocaust Memorial Committee of Miami Beach.

Ezra Katz immigrated to the United States in 1958 from Israel. He has stood up for the rights of the Jewish people and has been a staunch supporter of the State of Israel. Ezra is a role model and a model citizen for all of us in south Florida, young and old alike.

It is my pleasure and honor to commend Ezra Katz as the inaugural recipient of the Simon Wiesenthal Legacy Award.

DETAIN ILLEGALS IN FEMA TRAILERS

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Rita was her name. She was mad and took it out on southeast Texas. Her winds blew, the water rose, the trees fell, and the homes collapsed. To the rescue was FEMA.

FEMA said, we have house trailers to help the homeless. Well, Mr. Speaker, it has been 6 months since Hurricane Rita hit, and we are still on the lookout for those house trailers. Has anybody seen them?

Yes, Mr. Speaker, they have been located. All 10,000 of them have been found in the remote hills of Arkansas. But why are they there? Because I have heard Federal bureaucrats have some comical regulation that states no trailers in flood-prone areas, like the hurricane gulf coast. So the taxpayers have bought themselves 10,000 trailers with millions of dollars of taxpayer money, and they are hidden in Arkansas, I guess for safekeeping.

Since Homeland Security's FEMA isn't using them, I suggest we take them down to the Texas-Mexico border, where there is not a whole lot of rain and we don't have enough detention facilities for illegals, so that when border agents capture illegals, they can house them there in these trailers until they are deported back to their homes.

We got illegals, FEMA's got trailers, let's match them up together.

That's just the way it is.

RECOGNIZING THE TREMENDOUS SUCCESS OF THE NATIONAL GUARD

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the Army National Guard recently announced it has surpassed its recruitment goals by 7 percent after enlisting 26,000 new soldiers in only 5 months.

As the Guard celebrates its best national record in 13 years, it is clear that Americans are registering in historic numbers to serve their country, States, and communities. Volunteers are showing their resolve in completing the mission for victory in the war on terrorism.

I am also pleased to announce that the South Carolina Army National Guard is now ranked seventh in the Nation for recruitment. As a 31-year veteran of this unit and the father of two Guard members, I am extremely proud of South Carolina's enormous contribution to our national security.

Guard service enables Americans to learn valuable training, meet the most competent and patriotic citizens, protect American families during national catastrophes, and win the war on terrorism.

In conclusion, God bless our troops, and we will never forget September 11.

NATIONAL SECURITY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, 10 days ago Democratic Senators were calling President Bush weak on national security. Now they are seeking to censure him for being too aggressive in going after terrorists. Well, they can't have it both ways.

Congressional Democrats have no serious plan for national security. Maybe that is why they are doing this. They have a plan to use the security issue in their campaigns; they have a plan to try and kill strong anti-terrorism measures, like the PATRIOT Act; but they have no plan for securing our homeland.

Instead of supporting the PATRIOT Act, instead of supporting the intelligence community's work to monitor phone calls that could yield information that will save American lives, Senate Democrats are going to push a motion to censure President Bush.

If they are pushing this censure in order to distract from the fact they do not have a security plan, it is not working.

TRIBUTE TO REBY CARY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, last month, February, was Black History Month, but indeed every month it is appropriate to honor the Black Americans who have contributed so much to the rich history and tapestry of our country. For that purpose, I want to rise and acknowledge one of my constituents today: Mr. Reby Cary.

Mr. Cary is an African American from Fort Worth, Texas. He served on the school board back in the 1970s. He was elected to the Texas House, District 95, one of the few African Americans to serve in that body in the 1970s.

After his retirement from the House, he went on to a professorship at the University of Texas at Arlington, where he established African American studies as part of the curriculum. He is well versed on local aspects of African American history and has been a prolific author over the years. In fact, he has produced voluminous written material. His seminal work was "Princes Shall Come Out of Egypt, Texas and Forth Worth."

Mr. Cary has made it his life's work, for what years remain to him, to make certain that this Congressman is educated about the rich history of Black Americans in north Texas, and for that I thank him.

PARENTAL NOTIFICATION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, The New York Times published a front-page article earlier this month under the headline "Scant Drop Seen in Abortion Rate if Parents Are Told." The story went on to say that laws requiring parents to be informed about a daughter's decision to have an abortion do not have the effect of reducing abortion rates.

I would just point out two things about this story, Mr. Speaker. First, other studies on the subject disagree with the findings published by the Times. Studies done by the Heritage Foundation and the Associated Press show significant drops in some States' abortion rates after the enactment of parental consent laws, such as 33 percent in Virginia and South Dakota and 25 percent in Texas.

I would also point out that all these statistics cloud the larger point of parental consent laws. The laws first and foremost seek to involve parents in one of the most important decisions their daughter will ever make. Minor girls dealing with a pregnancy desperately need their parents' involvement. That is what these laws promote.

FREE FLOW OF INFORMATION ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the Constitution of the United States reads in part that Congress shall make no law abridging freedom of the press. This freedom represents a bedrock of our democracy by ensuring the free flow of information to the public. But, sadly, this freedom is under attack.

Over the last few years, more than a dozen reporters have been issued subpoenas and questioned about confidential sources. In response to this alarming trend, last year I introduced the Free Flow of Information Act, a bill designed to protect reporters' rights to keep sources confidential.

I am particularly pleased today to rise to announce to the House that the House Judiciary Committee, under the chairmanship of JIM SENSENBRENNER, will be holding committee hearings on a Federal media shield law. I can't think of a more appropriate time to announce a hearing on this bill than during what is known as National Sunshine Week. This is a week where newspapers all across the land celebrate the importance of openness in government.

The Free Flow of Information Act strikes a proper balance between the public's interest in free dissemination of information and the needs of law enforcement. I urge my colleagues to cosponsor the Free Flow of Information Act. I commend the chairman of the House Judiciary Committee for this important step forward, and I close with Daniel Webster's missive that "the entire and absolute freedom of the press is essential to the preservation of government on the basis of a free constitution."

ILLEGAL IMMIGRATION'S IMPACT ON TAXPAYERS

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, I rise today to discuss the impact illegal immigration has on taxpayers. Today, we have 11 million illegal aliens in the United States. Last year, our Border Patrol agents arrested 1.2 million illegal aliens attempting to enter the U.S. from Mexico.

Illegal aliens continue to enter the U.S. from the Mexican border at the rate of 8,000 per day, and I saw that firsthand on a recent trip to the Mexican border. The economic impact of illegal immigration on taxpayers is catastrophic.

Illegal immigration costs taxpayers $45 billion a year in health care, identification, and incarceration expenses. The cost of the estimated 630,000 illegal aliens in my home State of Florida is about $2 billion a year, meaning every family in my congressional district pays a hidden tax of $315 each year, yet they still face artificially depressed wages because of illegal immigration.

The House has recently passed a tough border security bill to address this problem, and I urge the Senate to act now to protect taxpayers.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 14, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 14, 2006, at 10:00 a.m.:

That the Senate passed without amendment H.R. 1691.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

MALCOLM MELVILLE "MAC" LAWRENCE POST OFFICE

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2064) to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the Malcolm Melville "Mac" Lawrence Post Office.

The Clerk read as follows:

S. 2064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MALCOLM MELVILLE "MAC" LAWRENCE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, shall be known and designated as the "Malcolm Melville 'Mac' Lawrence Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Malcolm Melville 'Mac' Lawrence Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 2064 introduced by the distinguished gentleman from Indiana, Senator LUGAR, would designate the Post Office in Francesville, Indiana, as the Malcolm Melville "Mac" Lawrence Post Office.

Mac Lawrence was a true leader in every sense of the word. After graduating from Purdue University in 1943, Mac was drafted into the Army and, with the First Medical Battalion, he participated in the D-Day landing at Normandy. For his heroics as an Army medic in World War II, Mac was awarded the Silver Star for valor, two Purple Hearts, and two Bronze Stars.

After the war, Mac and his wife moved to Francesville, Indiana, where they were again teaching at the Francesville High School in 1946. He taught vocational agriculture and industrial arts and was greatly admired by his students for his dedication to his craft and for his encouraging and optimistic nature. After 30 years of service, he retired as administrator of the high school, whose students he spent a large part of his life educating.

In addition, his service to his community did not go unnoticed. He served on the Francesville library board, was active in the Future Farmers of America, and participated in 4-H for 25 years. Mac's service to his country, State, and community were unparalleled, and I ask that all Members come together and honor this pillar of the Francesville, Indiana, community and pass Senate 2064.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague, Mr. ISSA, in consideration of S. 2064, which designates the Postal facility in Francesville, Indiana, after Malcolm Melville "Mac" Lawrence. Senate 2064, sponsored by Senators LUGAR and BAYH, unanimously passed the Senate on March 3, 2006. An identical measure, H.R. 4346, sponsored by Representative BUYER, was unanimously passed by the Government Reform Committee on February 1, 2006.

A native of Indiana, Malcolm Lawrence was drafted into the U.S. Army after graduating from Purdue University. An Army medic serving in the 1st Medical Battalion, 18th Regiment of the 1st Infantry Division, Mac participated in the D-Day invasion of Normandy and attended to injured soldiers in numerous battles. In 1944, he was injured in a mortar attack. Before his discharge in 1945 and subsequent return home to Indiana, Mac had been awarded the Purple Heart, Bronze and Silver Star, and a host of other medals and badges.

Mac moved to Francesville and became a teacher at the local high school. He completed his teaching career as an administrator after 30 years of teaching.

A local hero, community leader and friend, Malcolm Lawrence was a beloved neighbor. Sadly, he passed away on July 8, 2004, leaving behind his family and a host of friends.

I commend my colleagues for seeking to recognize the many contributions of Malcolm Melville "Mac" Lawrence and urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I would like to thank both of my colleagues for the remarks that they have made, and share with them I wish they had an opportunity to meet this man, a remarkable human being, who was very humble, like many of his generation.

Mac Lawrence, if you were to ask Mac what was it like when you hit the beach at Omaha, and the only thing to protect you was the Red Cross on your sleeve, because he had no weapon and his only concern was to take care of his comrades, and there were many to take care of on that day.

When I asked Mac, Tell me, what was it like? I asked him that question because I was asked to give the radio address to the Nation on the 50th anniversary of Normandy, so I wanted to talk to some soldiers that actually had been on the beach that day and fought at Normandy. As he described that day to me, he wept. He said, Steve, I am one of the lucky ones. Many of the survivors of that battle, that is how they considered themselves, very lucky and very fortunate.

Mac came from humble beginnings in rural Indiana. He was morally centered. He was steeped in values, and received a pretty strong heritage from those who had come before him.

Some say that the measure of a man is the depth of the footprint that he leaves behind. I would say that Mac Lawrence left a deep footprint in the community of Francesville, not only as a war hero, but also as a community leader and as a teacher.

When you think of someone who just came out of the experience of freeing Europe from tyranny, he returns home, and what does he do, he wants to give back to his community and to serve his community in other manners. That is exactly what he did.

So yes, he was admired by his students; but he was also a very strict disciplinarian. One thing that his students remember is that principles mattered to this man. When I think about Mac, this is an individual of ordinary beginnings who, like many of his generation, were called upon to do extraordinary acts. They make the extraordinary very common.

This is a remarkable individual. I want to thank my colleague, Mr. CHOCOLA. Francesville is in Mr. CHOCOLA's congressional district, and I want to thank him for joining me in this legislation. I appreciate Senator LUGAR also taking up this cause in the United States Senate.

Here in the House, we do this often, to name a post office on behalf of someone who makes a difference and can be exemplary as a leader, so when some young lady or young man or boy visit the post office might say, who was Mac Lawrence, and we have an opportunity to then describe who Mac Lawrence is and to set the principles for them on how to lead their life. That is what Mac did for those who knew him in Francesville, Indiana. I thank both gentlemen for bringing this bill to the floor and ask Members to support it.

Special thanks to the chairman, TOM DAVIS, and the ranking member, HENRY WAXMAN, for reporting this legislation from the Government Reform Committee by unanimous consent on the first of February. Congressman CHOCOLA and I introduced H.R. 4346 in November of last year to honor Malcolm Lawrence with the naming of a post office in Francesville, IN. Today we consider S. 2064, companion legislation to our bill, which was introduced in the Senate by Senator RICHARD LUGAR.

Like many Post Office naming bills, we have the opportunity to honor a local hero by placing his name on an important community meeting place. Mac left an impression on not only his own community but on a country.

Some say the measure of a man is the depth of the footprint he leaves behind. Malcolm Melville Lawrence, known as "Mac," left a deep footprint on the community of Francesville as a war hero, community leader, and a teacher.

Born on a farm in Wheatfield, IN, Mac attended Purdue University on scholarship where he pursued a degree in Vocational Agriculture, Education, and Science. Despite being denied acceptance into the ROTC program at Purdue, Mac was drafted 5 months after graduating from college and immediately called to Fort Benjamin Harrison in Indianapolis to serve his country.

It may be insufficient to say Mac simply did his duty. He landed on the beaches of Normandy on June 6, 1944, with so many other young men from the greatest generation, with nothing to protect him but the red cross on his sleeve. He worked tirelessly to save the lives of his comrades at great risk to his own life. Mac served as a medic alongside the 1st Battalion, 18th Regiment of the 1st Infantry Division and was awarded the Silver Star for valor, two Purple Hearts, and two Bronze Stars during five campaigns in World War II.

After the war, Mac and his wife Phyllis moved to Francesville, IN, where he began teaching at Francesville High School in 1946. Mac was beloved by his students for his patience, remembered for his discipline and dedication to his craft, teaching everything from vocational agriculture to industrial arts. He finished as an administrator after more than 30 years in education.

Mac was the kind of person every community needs. Whether it was his service to his country or community, Mac asked nothing in return. He served on the library board, was active in Future Farmers of America, and participated in 4-H for 25 years. He was an exemplary citizen of the Francesville community and deserves this honor bestowed to him. Though he left this world on July 8, 2004, his legacy lives on.

I welcome the opportunity to further honor Mac Lawrence with the naming of the Francesville Post Office, the Malcolm Melville "Mac" Lawrence Post Office. Leading by quiet example while he was living, Mac deserves resounding recognition after death. I strongly urge the adoption of this legislation.

Mr. ISSA. Mr. Speaker, I urge all Members support Senate 2064, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the Senate bill, S. 2064.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AMENDING OJITO WILDERNESS ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4841) to amend the Ojito Wilderness Act to make a technical correction.

The Clerk read as follows:

H.R. 4841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OJITO WILDERNESS MAP.

Section 2(1) of the Ojito Wilderness Act (16 U.S.C. 1132 note; Public Law 109-94) is amended by striking "October 1, 2004" and inserting "January 24, 2006".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4841 introduced by the gentleman from New Mexico (Mr. UDALL) simply corrects a map associated with Public Law 109-94. This law made surplus Bureau of Land Management public lands adjacent to the Pueblo of Zia's reservation in New Mexico available for addition to the tribe's trust lands to protect important religious and cultural sites. The Pueblo would pay fair market value for the land, and none of the land would be available for commercial uses, including gaming.

Unfortunately, the Bureau of Land Management incorrectly drew the line representing that acreage on the map referenced in the law, omitting approximately 1,000 acres. We now have a corrected map. H.R. 4841 amends Public Law 109-44 to reference this corrected map.

H.R. 4841 is supported by the administration and the majority and the minority on the Committee of Resources. I thank Mr. UDALL, and I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I very much appreciate the attendance of Mr. RENZI on the floor and his very gracious remarks.

Mr. Speaker, H.R. 4841 is legislation I introduced to make a technical correction to the map reference contained in Public Law 109–94, the Ojito Wilderness Act. This technical correction is necessary because of an error made by the Bureau of Land Management in the printing of the map to accompany Public Law 109–94. The original map failed to include 1.035 acres of land that all parties agreed would be acquired by the Pueblo of Zia as part of the original legislation.

Mr. Speaker, I appreciate the cooperation of Chairman POMBO and ranking member RAHALL of the Resources Committee in expediting the consideration of this legislation. H.R. 4841 is truly a noncontroversial measure, and I urge its adoption by the House today.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank Mr. UDALL. He has been a true friend and advocate all across Indian country, particularly on Navaho issues in teaming up and working together. This is just one more example of his advocacy for Native Americans.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 4841.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HIGHER EDUCATION EXTENSION ACT OF 2006

Mr. KELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4911) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The Clerk read as follows:

H.R. 4911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Extension Act of 2006".

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking "March 31, 2006" and inserting "June 30, 2006".

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KELLER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4911.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4911, the Higher Education Extension Act of 2006. This bill will provide a clean extension of the Higher Education Act for 3 months. This extension will allow us to finish our important work on the reauthorization of the Higher Education Act and expand college access for millions of American students.

As the new chairman of the 21st Century Competitiveness Subcommittee, which is the subcommittee with jurisdiction over higher education, I am proud of the work we have done so far in reauthorizing the Higher Education Act. We have started the reauthorization process already through the passage of important higher education reforms in the Deficit Reduction Act. We strengthened student loans and cut excessive subsidies to lenders. We have increased loan limits to give students more access to the money they need, and we have reduced fees so students can keep more of what they borrow.

There is important work yet to be done. The Committee on Education and the Workforce has successfully marked up H.R. 609, the College Access and Opportunity Act. I look forward to working with my colleagues in passing H.R. 609 to continue building the Pell grant program, help control the rising cost of college, and increase college access for all students.

☐ 1430

Mr. Speaker, this is a clean extension that will allow the current programs of the Higher Education Act to continue past their current March 31 expiration date. Programs like Pell grants are the passport out of poverty for millions of American students. We must not break our commitment to higher education. I urge my colleagues to vote "yes" on H.R. 4911, and I look forward to working to pass a comprehensive higher education reauthorization bill later this year.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support H.R. 4911, a 3-month extension of the Higher Education Act. And I extend my congratulations to Mr. KELLER in his new role as subcommittee Chair.

This, in essence, temporarily extends the last portions of the Higher Education Act not reauthorized in the reconciliation package.

During the 1998 reauthorization, I had the opportunity to work closely with Chairman McKEON in crafting a bipartisan bill. Despite a rocky reauthorization process so far this Congress, I still hope we can build on our previous partnerships.

Most of the damaging changes to the Higher Education Act in student aid have already been passed in reconciliation, which I opposed. That action forever removed nearly $12 billion from student aid programs and missed an opportunity to reinvest in students already struggling to pay for college.

With this highly contentious and misguided portion no longer connected to the reauthorization, I hope we can now move forward in a bipartisan way as we reauthorize the few remaining items of the Higher Education Act.

Several good-faith compromises were made in the nonstudent aid portions of reauthorization when we marked up H.R. 609 this past summer. Yet the bill was far from bipartisan when the Committee on Education and the Workforce reported H.R. 609 in July by a party-line vote.

As we move forward this year with my good friend Mr. McKEON as the new committee Chair, I hope we can build on the bipartisan spirit of the 1998 reauthorization that we worked on together.

Again, I would like to thank Chairman McKEON for offering H.R. 4911, the 3-month extension of the Higher Education Act, and I am pleased to offer my support and cosponsorship. I hope that this extension will allow the Republican leadership time to work with us to move forward in a bipartisan way as we finish our work on the higher education reauthorization.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. McKEON), the chairman of the Education and Workforce Committee.

Mr. McKEON. Mr. Speaker, for the last several years my colleagues on the Education and Workforce Committee have joined me in working to renew and indeed improve the Higher Education Act. Congress recently took an important step toward doing just that. Legislation enacted last month reauthorized mandatory spending programs under the Higher Education Act and made some important reforms to the law as well, reforms destined to benefit students and taxpayers alike.

Through our efforts, we have reduced lender subsidies, increased loan limits for students, simplified the financial aid process, and provided additional resources for needy students studying math, science, and critical foreign languages in college. All the while, we have made certain that student aid programs operate more efficiently, saving U.S. taxpayers billions as part of this Congress' goal to rein in runaway entitlement spending.

It is my hope that the House will soon renew remaining Higher Education Act programs by passing the College Access and Opportunity Act, H.R. 609. This bill would strengthen the Pell grant program, empower parents and students through sunshine and transparency in college costs and accreditation, and improve college access programs. The measure was passed by the Education and Workforce Committee last summer, and I look forward to working with my colleagues from both parties to see it pass here on the House floor as well.

As Mr. KILDEE mentioned, in 1998 we worked very closely together in reauthorizing the Higher Education Act. And I am certain that we will be able to work very well in passing H.R. 609, hopefully in the next few weeks.

In the meantime, Congress again must act to extend the Higher Education Act which we have done previously on several occasions with bipartisan support. And today I rise in support of the legislation to do so once again. H.R. 4911, the Higher Education Act, will ensure that vital Federal college access and student loan programs continue to serve those students who depend upon them. This legislation extends the Higher Education Act for a brief time, 3 months, to allow the student aid program reforms enacted last month to take full effect on July 1, 2006. At the same time, H.R. 4911 also gives Congress additional time to complete a renewal of the remaining higher education programs as well.

Each year, more and more American students participate in higher education programs at our Nation's colleges and universities. The new realities of an increasingly competitive global economy made clear that higher education is more important than ever before. That is why the Federal investment in the Higher Education Act is so vital. Millions of low- and middle-income students aspire for a college education, and we are depending on these young men and women to lead our Nation into the 21st century.

Mr. Speaker, the legislation before us today is a necessary step to keep programs under the Higher Education Act from expiring. Too many students depend on this assistance, and we cannot allow it to lapse. However, we must remain focused on completing comprehensive reforms to build upon these programs.

With the enactment of the Deficit Reduction Act, we are halfway there. The extension we will vote on today is a bridge to the balance of our work, the College Access and Opportunity Act. I encourage my colleagues to support the bill before us today and work with us in the coming weeks and months to complete a fundamental reform package so we can better serve American students pursuing the dream of a college education.

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, let me start by congratulating our new chairman, the distinguished gentleman from California (Mr. MCKEON). I am confident that he will be an excellent chairman and he will preside over our committee with fairness and bipartisanship and with the best interest of America's students and our workforce at the forefront.

And let me also congratulate Mr. KELLER on his appointment as the chair of the 21st Century Competitive Subcommittee. I look forward to working with him as well.

Mr. Speaker, I rise in support of H.R. 4911 with the hope that this third extension of the Higher Education Act may be the last short-term measure we need to pass before we produce an improved bipartisan and long overdue reauthorization bill that also reflects the best interests of America's college students.

As many of these students continue receiving their college acceptance letters, their families are now calculating how they can squeeze rising tuition and expenses into their budget. This is an uphill struggle made tougher by the President's budget for education which freezes Pell grants for the fifth year in a row, recalls the Federal portion of the Perkins Loan revolving fund, and freezes funding for the SEOG program and for work-study.

Students have done their part by working hard and getting accepted to college. Families have done their part by saving for college. Now it is our turn to help.

Mr. Speaker, let us pass this extension, defeat the budget cuts to student loan programs, and pass a reauthorization that will be improved over the bill reported out of our committee that helps make the dream of college a reality for America's students.

Mr. KELLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I have no further requests, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and pass the bill, H.R. 4911.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EDUCATIONAL FLEXIBILITY PROGRAM EXTENSION

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2363) to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999.

The Clerk read as follows:

S. 2363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDUCATIONAL FLEXIBILITY PROGRAM EXTENSION.

(a) EXTENSION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Education is authorized to carry out the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b), until the date of enactment of an Act that reauthorizes programs under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), for any State that was an Ed-Flex Partnership State on September 30, 2004.

(b) DESIGNATION.—

(1) IN GENERAL.—Any designation of a State as an Ed-Flex Partnership State that was in effect on September 30, 2004, shall be extended until the date of enactment of an Act that reauthorizes programs under part A of title I of the Elementary and Secondary Education Act of 1965, if the Secretary of Education makes the determination described in paragraph (2).

(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination that the performance of the State educational agency, in carrying out the programs for which the State has received a waiver under the educational flexibility program, justifies the extension of the designation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2363.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today in support of Senate 2363, a bill that would extend the Education Flexibility Partnership Act, also known as Ed-Flex. This important bill will allow States that have already been approved for the Ed-Flex program to continue to participate until the No Child Left Behind Act is reauthorized and the issue of appropriate administrative flexibility can be re-examined by Congress.

As some of you may know, Ed-Flex provides greater State and local flexibility when using Federal education funds to support locally designed comprehensive school improvement efforts. This increased flexibility is provided in exchange for increased accountability for results.

Specifically, Ed-Flex allows the Secretary of Education to delegate the authority to States to waive certain Federal statutory or regulatory requirements affecting the State and local school districts and schools, if they have adopted challenging academic standards and strong provisions for holding schools accountable for student achievement.

I would also like to point out that there are some provisions of Federal law that cannot be waived under the Ed-Flex program. Those provisions include requirements relating to fiscal accountability standards, equitable participation by private school pupils and teachers, parental involvement, allocation of funds to States and local school districts, as well as health, safety and civil rights.

I am pleased that my home State of Delaware is one of the States that has been participating in the Ed-Flex program. They have used the additional flexibility provided by Ed-Flex to better serve students and schools with a high level of poverty.

I urge all of you to support the bill. In exchange for accountability, we can give States and local schools increased flexibility and more freedom from unnecessary and burdensome Federal regulations that can so often get in the way of attaining educational excellence. I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

I join my colleague in supporting S. 2363, a bill to extend the current Ed-Flex authority.

The Ed-Flex program was first established in 1994 through the Goals 2000 Act. I was chief sponsor of the bill and Bill Goodling of Pennsylvania was the author of the Ed-Flex language. This was part of an early effort to provide States with greater flexibility as they begin to implement education reform initiatives.

Ed-Flex addressed criticism that certain Federal education requirements stymied local education reform and allowed local school districts to apply to waive select education requirements.

In exchange for greater flexibility, the local school district must demonstrate improved academic performance. Twelve States were granted Ed-Flex authority in 1999. Ten States continue to have the authority: Colorado, Delaware, Kansas, Massachusetts, Maryland, North Carolina, Oregon, Pennsylvania, Texas, and Vermont.

S. 2363 would extend Ed-Flex for these 10 States until Congress reauthorizes No Child Left Behind.

By extending this authority for these 10 States, local school districts in these States will not have to interrupt the measures they currently have in place.

In Maryland, this includes allowing school districts that receive title I funds to allow all the students in the school to take advantage of title I services, such as extra attention in reading, in writing for elementary school students.

In Massachusetts, seven school districts are using Ed-Flex authority to provide title I service to schools that previously had access to these services; but due to shifts in school populations, these schools were no longer eligible for these funds, even though the need still existed.

I am pleased that States have been responsible in approving waivers requested by the school districts. States have adhered to the law which prohibits certain waivers such as those affecting civil rights and maintenance of effort. These provisions are important and exist to maintain necessary protection for students and funding.

Finally, Mr. Speaker, let me also mention that the Department of Education has provided assurances that it will not allow States to waive compliance with a highly qualified teacher provision in No Child Left Behind. All States must be in compliance with this provision by the end of this school year.

The highly qualified teacher provision is critical to improving student academic performance. All children should have the benefit of a teacher who is certified in the subject area they teach. The highly qualified teacher provision in No Child Left Behind ensures that that will happen, and I appreciate the Department's oversight on this issue.

Mr. Speaker, this bill is well thought out and deserves the support of this House.

Mr. Speaker, I reserve the balance of my time.

☐ 1445

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the Senate bill, S. 2363.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SENSE OF HOUSE THAT AMERICANS SHOULD PARTICIPATE IN MOMENT OF SILENCE REGARDING ARMED FORCES

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 698) expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad.

The Clerk read as follows:

H. RES. 698

Whereas it was through the brave and noble efforts of the Nation's forefathers that the United States first gained freedom and became a sovereign nation;

Whereas there are more than 1,300,000 active component and more than 1,100,000 reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all Americans cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of their fellow Americans for putting their lives in danger for the sake of the freedoms enjoyed by all Americans;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all Americans;

Whereas the nation officially celebrates and honors the accomplishments and sacrifices of veterans, patriots, and leaders who fought for freedom, but does not yet officially pay tribute to those who currently serve in the Armed Forces;

Whereas all Americans should participate in a moment of silence to support the troops; and

Whereas March 26th, 2006, is designated as "National Support the Troops Day": Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 698 calls on all Americans to take a moment and reflect on the sacrifices that our young men and women in the

United States military make every single day. I am honored to support this resolution.

Today we stand here, not as Republicans or Democrats, not as liberals or conservatives, but as Americans, able to put our differences aside and remember the commitment and sacrifices of those who are willing to go into harm's way to preserve the very freedoms we sometimes take for granted.

As a member of the House Armed Services Committee, I sometimes have the great distinction of traveling with my colleagues and meeting and listening to these brave men and women; and in talking with these young men and women, I can never help but to come away inspired by the strength of their convictions.

Last year, I was honored to fly aboard the USS *Theodore Roosevelt* as it was preparing for its recent deployment and spend the night aboard the massive aircraft carrier. It was there that I was able to see firsthand the thousands of 18- and 19-year-olds who transformed the *Roosevelt* from a floating piece of metal into the most powerful tool of American foreign policy.

I gained a deeper understanding of the sacrifices that these young sailors endure in defense of our Nation. Many of them will work on that flight deck and in the bowels of the ship for 17-hour days enduring a heat much worse than we ever experience on a summer day here in Washington. When they finally get some rest at the end of a long and grueling day, it is in cramped quarters with little or no privacy.

I was astounded by the dedication, professionalism, and heart of the young men and women who make up her crew. They truly show that the legacy of the Greatest Generation lives on in the spirit of our youth.

Mr. Speaker, this past weekend, the *Theodore Roosevelt* came home to Norfolk, which I proudly represent, at the end of its 6-month deployment to the Middle East, where it launched over 5,000 sorties in support of the global war on terror. This resolution is for those brave sailors, as well as all the brave men and women who have time and time again answered the call and proudly served this Nation when its principles and values have come under attack. They have never wavered in their defense of freedom and their sacrifice should never be forgotten, least of all by us here in Washington.

I would like to thank Mr. KNOLLENBERG for introducing this very important resolution and for his commitment and dedication to our fighting men and women.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, rise in support of House Resolution 698, which expresses the sense of the House that all Americans should reflect upon the service and sacrifice of members of the United States Armed Forces. I want to thank and recognize the gentlewoman from Virginia (Mrs. DRAKE) for her leadership on this matter. I also want to acknowledge the gentleman from Michigan (Mr. KNOLLENBERG) for bringing this measure forward.

Mr. Speaker, there are over 2.4 million men and women in uniform, who have volunteered to defend this Nation. Today, over 281,000 of these extraordinary individuals are deployed in over 120 countries around the world. Active and reserve component personnel are answering the call to duty in the global war on terror, as we, the homeland, defend challenges back at home.

It is only fitting, Mr. Speaker, that we recognize the service and sacrifice they make each and every day. The resolution before us calls upon all Americans to participate in a moment of silence and reflect upon the service and sacrifice that is being made by our Armed Forces, both here at home and abroad.

I would like to take this opportunity to also remind all Americans that in the coming months, May, in particular, the month of May, will be National Military Appreciation Month. It is another opportunity for us to recognize and honor those who serve and have served in our Armed Forces. I urge my colleagues to work with their communities to raise awareness and honor those who chose to serve their Nation in uniform.

Today we have thousands of soldiers, sailors, marines, airmen, and Coast Guardsmen who serve in harm's way.

I urge our communities throughout this Nation to reach out to those brave and honorable Americans and recognize their contributions by adopting a servicemember or unit or a family that is left behind. While we should take a moment to reflect upon these sacrifices these individuals are making, there are also tangible efforts that Americans can take to show their love and appreciation to our Armed Forces.

I urge all Americans to continue their strong support for our troops and to express their support in appropriate venues.

Mr. Speaker, I urge my colleagues to join me in support of this great resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KNOLLENBERG), the sponsor of the bill.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentlewoman from Virginia for allowing me to speak on this very important resolution today.

Mr. Speaker, last month, I came across a story of a young constituent of mine, Alexandra McGregor, who started a grass-roots campaign for a National Support the Troops Day.

After watching a news report about a fallen soldier, Alexandra began to think of all the days set aside to honor great Americans. Her idea for a National Support the Troops Day was hatched because of her belief that our active duty troops should be honored in the same way as veterans, Presidents, and other great Americans.

Alexandra was inspired to contact local, State, and Federal officials about her idea. She even went so far as to write to one high school in each State to encourage them to participate in a National Support the Troops Day.

Mr. Speaker, I stand here today because of Alexandra and those like her who wish to show their appreciation to the troops.

Currently, the U.S. officially honors the service veterans and patriots with designated national holidays. However, there is no official national day of recognition for active duty troops. We need to honor these men and women and show them that Americans across the country are appreciative of their hard work and sacrifice.

This resolution calls for Americans to participate in a moment of silence on March 26 to recognize our active duty troops. Mr. Speaker, this is no arbitrary day. Alexandra choose this day because it is the birthday of her late grandfather, a World War II veteran.

Today, there are over 1.3 million active duty troops both here at home and abroad. These men and women range from first-year military academy cadets to colonels and generals fighting in the global war against terrorism. Although we cannot thank them all individually, they all deserve our respect and admiration for their dedication to this great country. This resolution will honor our active duty troops as they deserve to be honored. On March 26, we will stand and salute these brave men and women.

With this resolution, it is my hope that our troops will know that the American people, from a 16-year-old girl in Waterford, Michigan, to the Members of the U.S. House of Representatives, are grateful for their service. With our country at war, it is more important than ever to show our appreciation for our troops.

Mr. Speaker, I stand here today to ask for support of this resolution. I appreciate very much those that have joined in support of this resolution and for the support of the dedicated, courageous, heroic men and women of our Armed Forces.

Mr. BUTTERFIELD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Resolution 698, offered by the gentleman from Michigan (Mr. KNOLLENBERG) to express the sense of this body that all

Americans should participate in a moment of silence to reflect upon the service and the sacrifice of the members of the United States Armed Forces, both at home and abroad. Our Nation is unified in support of our men and women who sacrifice to keep us free.

This past year, Mr. Speaker, the U.S. Territory of Guam lost several servicemembers in combat. The toll seems unbearable to those who have lost loved ones, and in many ways it is. But the price that these men and women were willing to pay and ultimately did can be understood when one takes a simple moment to stop and notice what our way of life provides for us: liberty, freedom, and democracy.

Our Nation's fallen heroes know that freedom is not free. They died to protect our liberty so that we can remain free. In many cases, they gave so others could also have a chance to live as we do, because we believe freedom-loving democracies will live at peace with us.

So as we honor all who serve with this resolution, I especially honor those who have made the greatest sacrifice. A moment of silence is especially appropriate for these fallen heroes, men and women, to whom we owe a debt of gratitude that is simply unpayable.

It allows us to reflect on our freedom; but mostly, Mr. Speaker, it captures the enormity of their individual sacrifices. Forever, each has fallen silent. For those who love them, there is consolation in knowing that our Nation will remember their sacrifice.

So let us take a moment to reflect upon and honor their memory. Today, as I read off the names of Guam's fallen heroes in the war on terror, I ask, Mr. Speaker, that we observe a brief moment of silence here today in this House on this floor to honor these men and women who sacrificed and continue to sacrifice like they did:

Specialist Christopher Wesley; First Lieutenant Michael Aguon Vega; Sergeant Yihjyh Lang Chen; Corporal JayGee Meluat; Sergeant Skipper Soram; Specialist Jonathon Pangelinan Santos; Staff Sergeant Steven Bayow; Specialist Derence Jack; Sergeant Wilgene Lieto; Specialist Richard Naputi; and Specialist Kasper Dudkiewicz.

Now for a brief moment of silence.

God bless our service men and women, and God bless our great country, the United States of America.

Mrs. DRAKE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan (Mrs. MILLER).

□ 1500

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in very, very strong support of this resolution offered by my colleague from the great State of Michigan (Mr. KNOLLENBERG).

Mr. Speaker, since September 11, 2001, our Nation has been at war against the cowardly terrorists who attacked our Nation on that horrible day. The men and the women who served in our Armed Forces have made tremendous sacrifices to make America and the world a safer place.

They toppled the Taliban and they brought freedom and democracy to 25 million people in Afghanistan. Because of that service and that sacrifice, Mr. Speaker, Afghanistan today is a partner and an ally in the war on terror, instead of the friendly host of our enemy.

For the past 3 years, the Armed Forces have been engaged in Operation Iraqi Freedom. That mission has been very long, very difficult, and the sacrifices have been many. But the mission is being achieved. The Iraqi people have gone to the polls three times and are now finishing the work on establishing a Democratic national unity government.

Once democracy takes root in Iraq, freedom will have gained another foothold in a part of the world where it is so desperately needed. None of these incredible accomplishments would have been possible without the sacrifice of our men and our women in uniform.

All of our volunteer military, made up of citizen soldiers, are the best emissaries of freedom our Nation has to offer. These are men and women willing to give up their lives to spread freedom and to make our Nation more secure. And for that we owe them a debt which can never be repaid.

The least we can do as Americans is to pause to reflect on everything that they have sacrificed, for the incredible service that they have given to the cause of freedom. And so to every soldier in the Army, to every airman in the Air Force, to every sailor in the Navy, to every Marine, to every member of the National Guard or the Reserves, to every brave member of the Coast Guard, thank you.

Thank you for your service and thank you for your sacrifice. Thank you all for serving the cause of freedom. Every American should observe the moment of silence asked for by this resolution and reflect upon all of our Armed Forces and all that they have done to protect our freedoms, our liberty, our democracy. And following that moment of silence, we should also personally thank every service member that we meet in our everyday lives.

Mr. Speaker, I urge my colleagues to support this very important resolution.

Ms. WATERS. Mr. Speaker, I rise in support of this resolution and thank the gentleman (Mr. KNOLLENBERG) for introducing it. No matter what one's views are on the Iraq war, or war in general, our men and women in uniform sacrifice a great deal so that we may live freely.

It is a fact of life that in every war anyone who serves in war runs the very real risk of losing their lives. This is a tremendous burden that few of us can ever imagine. However, from the moment they rise in the morning, every U.S. soldier knows that they could fall in the line of duty that day.

Unfortunately, 2,309 U.S. soldiers have paid the ultimate price in Iraq and 278 have died in Afghanistan. Thousands have died in the wars that the U.S. has fought—Vietnam, World War I and World War II, Korea, Desert Storm and others. All of these soldiers, regardless of when they served, deserve our thanks, our prayers, and our respect.

This burden is shared by not only every man and woman that puts on the uniform, but each of their families, too. In order to adequately honor those that have fallen, we must continue our responsibility to those that they have left behind.

Mr. Speaker, we must show our support for these fallen heroes and their families. This resolution is a small way of showing our gratitude.

I strongly support this resolution and thank our soldiers for their service. My prayers are with those who have lost their lives and their families.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of the resolution to express the sense of the House that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad.

Words fly in this Chamber, in the city, on a rainbow of subjects and issues, with any number of ideas and opinions. Sometimes the rhetoric can seem overpowering, even confusing, particularly when action and change is so desperately needed.

The moment of silence, however, is an arresting and poignant pause. It is a beautiful way to express respect, and pride, and honor, without the discoloration of politics.

Around the world, moments of silence are often called to mourn a national tragedy, or honor a historical benchmark. We are familiar with the visual gesture of lowering the American flag to half mast. I support the complementary gesture of pausing for a moment to reflect, to think, and to appreciate everything that our armed forces do for us around the world.

Thank you to them, our soldiers who are our children, our fathers and mothers, our brothers and sisters, our friends and protectors. I know all of my colleagues in Congress will join me in supporting this resolution.

Mr. BUTTERFIELD. Mr. Speaker, I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and agree to the resolution, H. Res. 698.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT OF CONGRESS REGARDING ACCESS OF MILITARY RECRUITERS TO INSTITUTIONS OF HIGHER EDUCATION

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 354) expressing the continued support of Congress for requiring an institution of higher education to provide military recruiters with access to the institution's campus and students at least equal in quality and scope to that which is provided to any other employer in order to be eligible for the receipt of certain Federal funds.

The Clerk read as follows:

H. CON. RES. 354

Whereas on March 6, 2006, the Supreme Court ruled 8-0 in favor of the Government in the case of Rumsfeld v. Forum for Academic and Institutional Rights, Inc., upholding the authority of Congress to withhold Federal funds from an institution of higher education that prevents military recruiters from gaining access to the institution's campus and students in a manner that is at least equal in quality and scope to that which is provided to any other employer;

Whereas this important decision comes at a time when the Nation finds itself at war and reaffirms the constitutional obligation of the Government to provide for the defense of the Nation;

Whereas the decision recognizes the authority of Congress under section 8 of article I of the Constitution to raise and support armies, provide and maintain a navy, and make rules for the government and regulation of the land and naval forces;

Whereas the national security interests of the United States are best served by a high level of military personnel readiness;

Whereas the ability of the Armed Forces to recruit the best possible candidates from the widest available pool of talent is of paramount importance to national security;

Whereas institutions of higher education are an important source of recruits for the Armed Forces;

Whereas an institution of higher education that prevents military recruiters from gaining access to the institution's campus or students in a manner that is at least equal in quality and scope to that which is provided to any other employer does a disservice to those students who desire the opportunity to serve in the Armed Forces; and

Whereas section 983 of title 10, United States Code, requires institutions of higher education to provide such equal access to military recruiters in order to be eligible for the receipt of certain Federal funds: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress expresses continued support for requiring an institution of higher education to provide military recruiters with access to the institution's campus and students at least equal in quality and scope to that which is provided to any other employer in order to be eligible for the receipt of certain Federal funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on March 6, 2006, the Supreme Court of the United States, in unanimously deciding in favor of the government's position in the case Rumsfeld v. the Forum for Academic and Institutional Rights, Inc., sent an emphatic rebuke to those who would view opposition to military recruiting as a form of protest.

The military recruiting process within our colleges and universities is an important pillar of our national security that we can ill afford to cavalierly cast aside because of a policy disagreement.

The Supreme Court's decision upheld the Solomon Amendment named for the late U.S. Representative, Gerald Solomon, and strongly supported from its inception in 1994 by our colleague, the gentleman from California (Mr. POMBO).

Mr. Solomon's and Mr. POMBO's initial objective was simple. No institution may deny access to recruiters, to students and student information, or student access to Reserve Officer Training Corps, or ROTC programs, without forfeiting their Federal grants and other funding.

Under a number of modifications over the years, the language ruled on by the court requires access to military recruiters that is at least equal in quality and scope to the access provided to any other employer.

While the law initially put only Department of Defense funding at risk, the current law, upheld by the court's ruling, would allow the funding from eight agencies to be withheld, including the Department of Homeland Security, the Department of Transportation, the Department of Energy, the Department of Education, and the Department of Health and Human Services.

The group, representing a number of law schools and professors, had persuaded the United States Court of Appeals for the Third Circuit in Philadelphia that the Solomon Amendment violated the Unconstitutional Conditions Doctrine, because it forced a law school to choose between surrendering first amendment rights of speech and association and losing Federal funding for its university.

At the center of the debate was the objection of certain organizations to the Department of Defense policy that denies military service to open homosexuals. The Supreme Court decision discredited the case by clarifying that the Solomon Amendment regulated conduct and not speech, and that it was clear that the policy on homosexuals was a government statement and not the policy of the law schools.

The decision also noted that the Solomon Amendment presented no risk to the freedom of association of the law schools since there was no capability for recruiters to become part of an institution and actively hijack the public perception of the institution's views.

Mr. Speaker, House Concurrent Resolution 354, offered by the gentleman from California (Mr. POMBO), is a celebration of a wise and just decision by our Supreme Court and a strong statement of Congressional support for the Solomon Amendment.

The Solomon Amendment expresses the inherent wisdom of its author and the finest traditions of our Nation. In Mr. Solomon's view, barring military recruiters was an intrusion on Federal prerogatives, a slap in the face to our Nation's military personnel, and an impediment to a sound national security policy.

Mr. Speaker, the Solomon Amendment really does work to protect the future of our Nation. Today, there are only three small law schools that have chosen to deny recruiters access to campuses and student information. They simply do not require Federal funding to survive, and they have chosen to protest the Department of Defense policy on homosexuals in the military as is their right.

But for the overwhelming majority of colleges and universities, the worthy messages of patriotism and service to Nation are being heard by America's youth and they are stepping forward to confront our enemies in this long war against terror.

Mr. Speaker, I commend Mr. POMBO for introducing this resolution. It is imperative that everyone in our Nation understand the importance of military recruiting and the unequivocal committee support of the Congress for the Solomon Amendment.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 354.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume. I rise in support of House Concurrent Resolution 354, which expresses Congress' continued support to require institutions of higher education to provide military recruiters the same access to students as they provide to other employers.

I am pleased to join with the gentlewoman from Virginia (Mrs. DRAKE) in support of this measure. I would also like to recognize the gentleman from California (Mr. POMBO) for bringing this measure forward today.

Mr. Speaker, on March 6, 2006 just a few days ago, the United States Supreme Court affirmed the statutory provision that requires institutions of higher education to provide access to students at least equal in quality and equal in scope to those that are provided to other employers in order to be eligible for receipt of Federal funds.

The statutory provision, commonly referred to as the Solomon Amendment, was first enacted in 1994, and has subsequently been amended over the past several years. However, the basic underlying premise of the provision is that a college or university that denies military recruiters access equal to other recruiters would lose their Federal funds.

The Supreme Court found that the Solomon Amendment does not violate the first amendment, and that Congress can require law schools to provide equal access to military recruiters without violating the school's freedom of speech or association as schools are free to not accept Federal funding.

We are a Nation at war, and military recruiters need to be able to recruit individuals from all walks of life, from the high school graduate, to the person completing their doctorate and all of those in between, whether they are undergraduates in liberal arts, whether they are law school students or medical professionals completing their residency.

The military, in many ways, is just a microcosm of our society as a whole. And Congress has a responsibility to ensure that all Americans, all Americans are afforded the knowledge and the opportunity to serve their Nation if they choose to do so.

Therefore, Mr. Speaker, I urge my colleagues to vote for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, in this House, we are continually voting for increased funding for institutions of higher learning in our Nation, and it is certainly right and it is proper that we do so, because our future depends or our young people being able to receive the education that they so rightly deserve.

But what has been troubling in recent years has been attempts by many of these same institutions that receive Federal funding to restrict or to bar military recruiters from their campuses in violation of the law.

Recently, Mr. Speaker, the Supreme Court voted in an 8–0 decision to uphold the requirement that military recruiters be given access to students like any other perspective employer, or that institution could lose their Federal funding. This policy is very, very important to the future of our military, of our freedom, and of our democracy.

The young men and women on our college campuses should not be denied the great opportunities available to them, to so many of them in the United States military, just because some college administrator may not agree with our national policy.

We have freedom in our Nation, but that freedom is not free. And there are many young people in our Nation's colleges, in our Nation's universities who are willing to pay the price of service and of sacrifice in order to protect the freedom of every one of their fellow Americans.

Mr. Speaker, this resolution restates the policy and sends a very clear message to our Nation's colleges and to our Nation's universities. We as a Nation want to support their mission to educate our young people. They must allow equal access to our military recruiters to give those students a chance to see if serving their country is perhaps the right career move for them or the right personal choice for them.

Mr. Speaker, not one person in this Nation is drafted into military service. We have an all-volunteer military. It makes us strong and it keeps us free. Free people make free decisions. Let us let our young people continue to make theirs an informed decision.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. BUTTERFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman for the recognition to speak so that I can make my remarks with the proper perspective.

My father, Frank Kucinich, was a World War II Marine Corps veteran.

☐ 1515

My brother Frank Kucinich, Jr., was a Vietnam veteran in the Marines. My brother Gary Kucinich was a Marine Corps veteran, 1968 to 1972. My sister Beth Ann Kucinich served in the United States Army. I would have served as well except that I was not able to get in as I have a heart murmur.

We have a tradition of service in my family. My nephew Gary Kucinich, my brother Gary's son, is in Iraq right now. But having said all that, I want to say that while I believe it is honorable to serve our country and we should praise those who do serve, I rise in strong opposition to H. Con. Res. 354 and in support of the necessity and importance of nondiscrimination policies.

The military's misguided Don't Ask, Don't Tell ban on lesbian, gay and bisexual servicemembers is clearly not compatible with university policies that prohibit campus recruiting by employers who discriminate on the basis of sexual orientation.

There is no lack of "equal" access for any employer that seeks to recruit on America's college campuses, assuming those employers do not discriminate. But granting access to an employer, whether military, private sector or otherwise, that fails to meet a school's nondiscrimination policy is not equal access, but special access. It is a unique right to discriminate, granted only to the military.

This Congress should be leading the way in the fight against discrimination, not supporting policies that allow the military to sidestep nondiscrimination policies. We should ensure that all men and women who wish to serve in the Armed Forces are allowed to do so by repealing Don't Ask, Don't Tell.

Requiring schools to suspend their nondiscrimination policies for military recruiters and their openly discriminatory policies is a step backwards. Rather than condone and supporting these discriminatory policies, this Congress should work diligently to eliminate the need for nondiscrimination policies. I urge my colleagues to take the lead in the fight against discrimination. I urge my colleagues to vote against this bill.

Mr. McKEON. Mr. Speaker, I rise in very strong support of H. Con. Res. 354. As chairman of the Education and the Workforce Committee and a member of the Armed Services Committee, this measure touches on two issues very near and dear to my heart: higher education and our national security.

Just over a week ago, the U.S. Supreme Court announced a unanimous decision to protect the rights of military recruiters seeking access to colleges and universities that accept Federal funding. I applaud the Supreme Court's decision, which embodies the same spirit as many of our own legislative efforts here in Congress.

Since its enactment in 1996, the Solomon amendment has found many allies on the Education and the Workforce and the Armed Services Committees, as well as throughout the entire House. Our consistent message has been this: Whether in a time of war or a time of peace, if colleges and universities are willing to accept taxpayer dollars to operate, they also must be willing to accept those who recruit the men and women who defend our Nation—and our freedom.

At no time in recent memory has our Nation placed more responsibility upon the shoulders of our men and women in uniform. We're fighting a war unlike any we have ever fought before and doing so on multiple fronts. As we struggle to preserve our very way of life, it is essential that we promote military service as an option for college students across the country. Indeed, if we are going to find success in defending our freedom and protecting our homeland, then our military recruiters must have access to our Nation's best and brightest students. And that access is what the Solomon amendment, last week's unanimous Supreme Court decision, and our ongoing efforts here in Congress continue to protect.

Mr. Speaker, this Congress has established a record of action on national security issues, from supporting our military to providing for a strong national defense to fighting and winning the war on terror. We remain committed to standing behind our troops and defending our Nation from every threat, and this resolution is a reflection of that fact. I urge my colleagues to join me in supporting this measure.

Mr. FARR. Mr. Speaker, I rise in opposition today to H. Con. Res. 354.

Last year, students at the University of California at Santa Cruz in my district organized a demonstration protesting the Department of Defense's "Don't Ask, Don't Tell" policy and the presence of military recruiters to campus. How did DOD respond? They sent someone to spy on the protest and deemed the participants, students exercising their constitutional rights, a "credible threat"! .

Our country was founded on the principle that its citizens have the authority to disagree with their government. As Edward R. Murrow said, "We must not confuse dissent with disloyalty." Unwarranted domestic spying is the kind of extreme DOD reaction that concerns me if military recruiters are allowed unfettered access to campuses across the Nation.

The Republican leadership may be eager to endorse the recent Supreme Court decision requiring higher education institutions to provide access to a Government agency that practices blatant discriminatory practices, but my constituents and I are not.

Conditional Federal funding may be constitutional, but discrimination in all practices should not be.

Congress should be working to encourage civil rights and non-discriminatory practices, not endorsing a decision that forces universities to disregard their own values and the constitutional rights of their students. Equating equal opportunity employers with a Government agency that abides by the discriminatory "Don't ask, don't tell" policy is unreasonable and unjust.

I urge a "no" vote on this resolution.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H. Con. Res. 354 because the military should not discriminate based on sexual orientation. Colleges and universities should be able to deny access to military recruiters without losing Federal funds.

In 1948, President Harry S. Truman courageously integrated the Armed Forces, signing Executive Order 9981 when many in his party opposed racial equality. As a result, the military has since served as an example for private and public organizations alike, encouraging racial equality and opportunity in hiring and promotion.

In contrast, President Bush promotes divisive prejudices and his friends in Congress are here today promoting a backward agenda. This resolution declares support for a court decision that prevents institutions of higher education from promoting higher understanding.

President Truman demonstrated great courage by racially integrating the military. President Bush and his Republican cronies show great cowardice in failing to advance additional civil rights today. If they were in power in 1948, I doubt they would have acted then either.

I urge my colleagues to oppose this resolution and allow universities to continue to promote racial, religious, gender—and sexual—equality.

Mr. BLUMENAUER. Mr. Speaker, my support for this resolution is reluctant because, while I believe that allowing military recruiters equal access to institutions of higher education is beneficial to both the military and the students, I am also strongly opposed to policies that discriminate on the basis of sexual orientation, such "Don't Ask, Don't Tell." This policy has deprived the military of over 10,000 highly trained soldiers during a time of war and continues to cost the government millions of dollars in wasted training and enforcement costs. If we want to bridge the divide between the military and universities, we should, instead of passing resolutions like H. Con. Res. 354, pass H.R. 1059, the "Military Readiness Enhancement Act," which, by repealing "Don't Ask, Don't Tell," would end the dispute over equal access for military recruiters. At the end of the day, our security is best served by giving all qualified Americans the freedom to serve our country.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to raise and voice my concern on this resolution to express support for conditioning an institution of higher education's receipt of certain Federal funds on its actions to provide military recruiters with the same access to its campus and students as it provides to any other employer.

I am very proud of our military and of the courage and bravery of our military personnel. I believe in the importance of outreach, and of the ability of employers to utilize the resources of our colleges and universities. I know that the talent found at our institutions of higher education across the country is important to the success of our defenses, and that every month many of our best and brightest make the decision to defend our homeland.

I would like to caution my colleagues, however, and remind them that this is not a military issue. We value a higher education because of the learned abilities to think critically, to comprehend complex problems and issues, to analyze research and information, to evaluate the choices at hand, and to gain enough wisdom to arrive at a solution. I am hesitant to condition Federal funding for these institutions on a situation which may be their way to express a point of view and to disagree with the status quo.

To be able to freely oppose the politics of any administration is a right given to us in our own Constitution. To be able to express these opinions is, again, a right given to us in our own Constitution. Likewise, the dignity of a military career is inherent and desirable. However, I have concerns about resolutions such as this that seem to limit the ability of one party without a perceived benefit for another.

I urge my colleagues to consider this matter carefully, and to join me in celebrating both our Armed Forces and our institutions of higher education.

Mr. LANGEVIN. Mr. Speaker, today the House will be voting on legislation to affirm the ability of military recruiters to access college campuses. As a member of the House Armed Services Committee, I support our military's efforts to recruit some of our most promising young men and women and believe that service in our nation's armed forces is an honorable career choice. However, I question why we are considering this measure, especially as the Supreme Court unanimously upheld Congress's position a short while ago. If Congress's authority has not been challenged, why are we reiterating it?

As we have heard, a lawsuit arose when a group of colleges challenged the Congressional requirement that military recruiters be granted access to schools that receive federal funding. The schools argued that the U.S. military's policy of excluding gays and lesbians from serving openly violated their non-discrimination requirement for prospective employers on campus, and that the recruiters' presence would be interpreted as the schools' official endorsement of the military's position. The Supreme Court rejected this argument, noting that colleges and universities still maintained their right to express their opposition to the military's policies as they saw fit. The resolution of today reaffirms the very Congressional power that the Court just upheld.

Unfortunately, Congress is debating the wrong issue. Instead of celebrating a minor legal victory, we should be discussing how to end the discriminatory "Don't Ask/Don't Tell" policy that inspired the opposition from the colleges and which threatens our military readiness to this day. Since the policy's enactment in 1993, Don't Ask/Don't Tell has resulted in the discharge of nearly 10,000 service members, many of whom had language proficiency or other skills essential to the Global War on Terror. Over the past ten years, Don't Ask/Don't Tell has cost the U.S. military hundreds of millions of dollars—funds that could have gone toward obtaining additional armored vehicles and investing in other vital force protection initiatives.

Don't Ask/Don't Tell, originally conceived as a compromise, has outlived its utility and now actually harms our military readiness and its ability to perform certain essential functions. Qualified and dedicated servicemembers should not be discharged based on their sexual orientation, especially at a time when our National Guard and Reserves are serving repeated deployments. For these reasons, I am an original cosponsor of H.R. 1059, the Military Readiness Enhancement Act, which would replace Don't Ask/Don't Tell with a policy that would not allow discrimination or discharges based on sexual orientation.

Those who oppose repeal of Don't Ask/Don't Tell conveniently ignore that gay men and women already serve in the military—many with great distinction—despite the fact that they must hide their identities from those whose lives they have sworn to defend. They also ignore the fact that some of our closest allies in the Global War on Terrorism permit open service by gay men and women, and our forces regularly serve alongside theirs without incident. They also ignore numerous polls indicating that a strong majority of Americans support repeal. Our military's purpose is to protect the United States, and it must recruit the most qualified people in order to succeed. Repeal of Don't Ask/Don't Tell is consistent with that goal.

I will support H. Con. Res. 354 today because I believe we should be encouraging our nation's finest young men and women—no matter who they are or where they go to school—to join the strongest, smartest and most capable military in the world. However, such an effort is incomplete without also repealing Don't Ask/Don't Tell. I encourage all of my colleagues to cosponsor H.R. 1059 to ensure that all who are willing and able to serve may do so.

Mrs. DRAKE. Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 354.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. DRAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

WAIVING PASSPORT FEES FOR RELATIVES OF DECEASED MEMBERS OF ARMED FORCES

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1184) to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

The Clerk read as follows:

S. 1184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PASSPORT FEES.

Section 1 of the Act of June 4, 1920 (41 Stat. 750, chapter 223; 22 U.S.C. 214) is amended in the third sentence by striking "or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member" and inserting "or from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1184, as passed by the Senate, corrects a minor flaw in current passport law. While this flaw is minor in the sense of its legal impact, the possible impact it has had and could have on family members of our brave servicemen and -women who have made the ultimate sacrifice is significant enough that we should move to correct it quickly.

Under current law, the State Department waives passport fees for family members traveling abroad to official grave sites of armed servicemembers. However, the current law does not make a similar exception for family members traveling to attend a funeral or memorial service for a servicemember killed in action and then buried or memorialized overseas. S. 1184 would rightly extend this fee waiver to these families as well.

The ability to attend a funeral or memorial service for one who has paid the ultimate price in the service of our country is just as necessary an aspect of paying our final respects as being able to visit their grave.

Mr. Speaker, the logistical and financial burden imposed by these fees on grieving families can quickly build up. This small flaw in our current law has had large ramifications, and it does a disservice to the families of our fallen heroes and creates undue stress and pain that could easily be corrected.

Correcting this flaw would mean a great deal to those families who have given most. In this regard, I urge that S. 1184 be passed quickly and sent to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation. This legislation, Mr. Speaker, represents a small, but important, change to existing law to help ease in one small way the suffering of U.S. citizens whose relatives have made the ultimate sacrifice on behalf of our Nation.

Mr. Speaker, we are at war. Hundreds of thousands of Americans from both our regular forces and from the National Guard and Reserves have been deployed in Afghanistan, Iraq, and other countries around the globe. Our forces have been subject to more stress than any time since the Vietnam War when the United States had the draft.

The men and women who have performed so magnificently for their country deserve all the support we can give them, and their families deserve every possible relief we can give them as well.

The legislation before us today affords those families some relief at a time of unimaginable loss.

Many members of our Armed Forces have developed ties and families abroad, and a few of them are being buried at private cemeteries in foreign lands after making the ultimate sacrifice. At present, our law requires grieving parents, grandparents, and other relatives to pay nearly $100 in first-time passport fees when all they want to do is to attend their family member's final honor. For a large family these costs can add up and for no good reason.

The legislation before us remedies this problem. It authorizes the Department of State to waive the passport fees in this situation, just as the Department is currently allowed to do when the family member is being buried in a U.S. military cemetery. It also extends the waiver to allow grandparents to be eligible for it.

Mr. Speaker, this is a problem that affects relatively few people. Indeed, the Congressional Budget Office has concluded that it would have no significant impact on the Federal budget; but when it does happen, it can be a godsend to those who have lost so much.

I commend my dear friend, the Senate sponsor of this legislation, Senator JOE BIDEN of Delaware, for introducing this humanitarian measure; and I urge all of my colleagues to join me in supporting it.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in support of our men and women bravely serving in the Armed Forces—past, present, and future. As they fight the forces of terrorism around the globe we must seek to honor their sacrifices made to preserve our freedoms.

As we remember them on March 26, National Support the Troops Day, it is only fitting that we participate in a moment of silence to reflect on their service. Those currently serving in our Armed Forces are protecting liberty that was established by the Founding Fathers and has been preserved by our Nation's veterans. Soldiers, sailors, and airmen daily risk their lives fighting those who wish to enslave mankind to religious extremism, oppression, and tyranny.

Today I also rise in support of S. 1184, an effort to properly honor those whose loved ones have fallen in combat. It is the least we can do to waive passport fees for those who must travel overseas in order to visit the resting place of their relatives who have given the full measure of service. From the beaches of France to deserts of Africa, American soldiers have given their lives and been interred on foreign soil.

We are ever grateful for their sacrifice and this is but a small way we can now support their relatives.

Finally, recognizing that our military is dependent on a robust recruiting operation, I give my full support for H. Con. Res. 354. To preserve an all volunteer military service, it is essential that recruiters be granted access to the best and brightest American students. Service in the military is an honorable position and without our Armed Services, we would not have the academic freedoms that have made our Nation so advanced in culture and science.

I recently had the pleasure of recognizing New Jersey's Fifth District nominees to the U.S. Service Academies. Not all students have that honor, but all students should have the option of learning more about this noble profession from qualified Armed Forces recruiters.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 1184, a bill that would waive the passport fees for a relative of a deceased member of the Armed Forces who is proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

The current United States passport fee is $97.00 for adults and $82.00 for children under 16. Present law allows waivers for a widow, child, parent, brother or sister to visit a grave. The proposed bill would expand the waiver to include grandparents, and it would add funerals and memorial services as well as grave site visits.

At a time of such grieving for a lost service member, the family of the fallen hero should not have to worry about paying passport fees, which can add up quickly for a family. Waiving the fee in such cases is the least that we can do.

I urge you to vote for this bill.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the Senate bill, S. 1184.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS THAT THE RUSSIAN FEDERATION SHOULD FULLY PROTECT THE FREEDOMS OF ALL RELIGIOUS COMMUNITIES WITHOUT DISTINCTION

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 190) expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

The Clerk read as follows:

H. CON. RES. 190

Whereas the Russian Federation is a participating State of the Organization for Security and Cooperation in Europe (OSCE) and has freely committed to fully respect the rights of individuals, whether alone or in community with others, to profess and practice religion or belief;

Whereas the Russian Federation specifically committed in the 1989 Vienna Concluding Document to "take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief" and to "grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their States, recognition of the status provided for them in the respective countries";

Whereas Article 28 of the Constitution of the Russian Federation declares "everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion" and Article 8 of the 1997 Law on Freedom of Conscience and Religious Associations provides for registration for religious communities as "religious organizations," if they have at least 10 members and have operated within the Russian Federation with legal status for at least 15 years;

Whereas registration is critical for religious groups to fully enjoy their religious freedoms, as many rights and privileges afforded to religious communities in the Russian Federation are contingent on obtaining registration;

Whereas many religious groups refuse to seek registration on theological or other grounds, while other communities have been unjustly denied registration or had their registration improperly terminated by local authorities;

Whereas many of the unregistered communities in the Russian Federation today were never registered under the Soviet system because they refused to collaborate with that government's anti-religious policies and they are now experiencing renewed discrimination and repression from the authorities:

Whereas over the past 2 years there have been an estimated ten arson attacks on unregistered Protestant churches, with little or no effective response by law enforcement officials to bring the perpetrators to justice;

Whereas in some areas of the Russian Federation law enforcement personnel have carried out violent actions against believers from unregistered communities peacefully practicing their faith; and

Whereas the United States has sought to protect the fundamental and inalienable human right to seek, know, and serve God according to the dictates of one's own conscience, in accordance with the international agreements committing nations to respect individual freedom of thought, conscience, and belief: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States should—

(1) urge the Russian Federation to ensure full protection of freedoms for all religious communities without distinction, whether registered and unregistered, and end the harassment of unregistered religious groups by the security apparatus and other government agencies:

(2) urge the Russian Federation to ensure that law enforcement officials vigorously investigate acts of violence against unregistered religious communities, as well as make certain that authorities are not complicit in such attacks;

(3) continue to raise concerns with the Government of the Russian Federation over violations of religious freedom, including those against unregistered religious communities, especially indigenous denominations not well known in the United States;

(4) ensure that United States Embassy officials engage local officials throughout the Russian Federation, especially when violations of freedom of religion occur, and undertake outreach activities to educate local officials about the rights of unregistered religious communities;

(5) urge both the Personal Representative of the OSCE Chair-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, and the United Nations Special Rapporteur on Freedom of Religion or Belief to visit the Russian Federation and raise with federal and local officials concerns about the free practice of unregistered religious communities; and

(6) urge the Council of Europe and its member countries to raise with Russian Federation officials issues relating to freedom of religion, especially in light of the Russian Federation's responsibilities as President of the Council in 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

H. Con. Res. 190 expresses the sense of the Congress that the Russian Federation should fully protect the right of its people to worship and practice their faith as they see fit. This freedom is the right of all religious communities without distinct, whether registered or unregistered, and that is stipulated by the Russian Constitution and by international standards.

Yet I am sorry to report religious freedom for minority religious communities throughout the Russian Federation have been under growing pressure as local officials and government authorities continue to harass and limit the abilities of these groups to practice their faith freely.

As we learned at a recent Helsinki Commission hearing, instances of violence have become alarmingly common. Arson attacks against churches in Russia have occurred in several towns and cities with little or no police response.

In its 2005 International Religious Freedom Report, the State Department Office on International Religious Freedom notes: "Some Federal agencies and many local authorities continue to restrict the rights of various religious minorities. Moreover, contradictions between Federal and local laws and varying interpretations of the law provide regional officials with opportunities to restrict the activities of religious minorities. Many observers attribute discriminatory practices at the local level to the greater susceptibility of local governments than the Federal Government to discriminatory attitudes in lobbying by local majority religious groups. The government only occasionally intervenes to prevent or reverse discrimination at the local level."

Mr. Speaker, the internationally recognized expert on religious liberty in Russia, Larry Uzzell, has written: "Russia has now come to use as standard practice methods of religious repression that were applied only occasionally in the 1990s. Secular bureaucrats now typically refuse to authorize land transfers to Baptist churches and also forbid movie theaters or other public halls to sign rental contracts with them." As a result, as an example: "In Moscow City alone some 10 Baptist congregations have ceased to exist simply because they could not find places within which to worship."

I would just note parenthetically, Mr. Speaker, I want to thank Larry for his extraordinary work in bringing this matter to the attention of the Congress. Larry is a tireless advocate for oppressed believers throughout Russia and Central Asia. He is facing some serious health issues now, and I would like to wish him a very speedy recovery.

Mr. Speaker, in response to this growing and very negative trend in Russia, this resolution urges the Russian Federation to "ensure full protections of freedoms for all religious communities without distinction, whether registered or unregistered, and to end the harassment of unregistered religious groups by the security apparatus and other government agencies, as well as to ensure that law enforcement officials rigorously investigate acts of violence against unregistered religious communities, and to make certain that authorities are not complicit in such attacks."

I point out that in March 2004 a district court banned the religious activity of Jehovah's Witnesses in Moscow. For 2 years now the authorities have used the Moscow decision to harass the Jehovah's Witnesses Administration Center in St. Petersburg, with threats to "liquidate" the administrative center which could threaten local congregations of Jehovah's Witnesses throughout all of Russia.

Members of the Russia's Muslim community and respected human rights activists have expressed concern regarding what they contend are large-scale fabrications of terrorism against Russian Muslims. One of Russia's Supreme Muftis has stated that random police checks and arrests are becoming commonplace throughout Russia for Russian Muslims.

Let me reiterate that Russia has every right to defend itself against terrorism and to investigate and prosecute terrorists. Of course it does. Here in the United States we face the problem of combating terrorism while safeguarding civil liberties. I would urge the government, however, to strive for the proper balance in defending both its citizens as well as their civil liberties.

Mr. Speaker, the religious liberty picture in Russia is not entirely dark, and it would be disingenuous to make that assertion.

☐ 1530

There are Nations that have worse records. They can be found on the list of "countries of particular concern" that is issued by the U.S. Department of State in its annual report on religious freedom around the world, so-called CPC countries like Vietnam.

However, Russia is a member of the U.N. Security Council, an OSCE-participating State, and will soon chair the Council of Europe. In addition, this year, it is the chair of the G–8 and the host of the G–8 Summit in St. Petersburg in July. Considering all of these positions, they should be expected to uphold basic, internationally recognized and accepted standards to protect peaceful religious practice.

That is what this resolution is all about.

Mr. Speaker, I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of this legislation.

First of all, I want to commend my good friend from New Jersey for introducing yet another important resolution concerning religious freedom in Russia. CHRIS SMITH has been a leader on this issue for many years, and I want to pay public tribute to his commitment. His tireless leadership in support of both religious freedom and all human rights are legendary in this body.

Mr. Speaker, the fall of Soviet communism was a watershed event of the 20th century. What emerged was, by no means, a Jeffersonian democracy. Only a fool would have expected that outcome, but for the first time in over seven decades, the citizens of the former Soviet Union truly expressed their views, practiced their religions, opened private businesses and traveled outside what we used to call the Iron Curtain.

But Mr. Speaker, I am profoundly troubled that the limited and growing democracy which emerged from the dissolution of the Soviet Union and the ensuing respect for human rights and religious freedom are quickly vanishing. Under the rule of Vladimir Putin and his small junta of former KGB officers, the achievements of the past decade are being reversed, with very little criticism from the international community.

This is a very sad development for the entire civilized world, for the United States, but most particularly for the people of Russia. And while we are nowhere near omnipotent in our relations with Russia, we must do whatever we can to counteract this very troubling trend.

As this resolution correctly notes, one of the casualties of rising authoritarianism in Russia under Putin has been the increased harassment of religious organizations that are not registered with the Russian Government, as well as stepped-up violence aimed at their membership. While some of these religious organizations refuse to register with the Russian State on principle, others have sought to register, only to be turned down repeatedly by the Russian Government.

Mr. Speaker, the Russian constitution commits the government to protect the right of Russian citizens to exercise their religious beliefs freely. It is most unfortunate that Mr. Putin and his cronies have failed to use the power of the Russian State to put an end to the mistreatment of unregistered churches and to stop acts of violence against average Russian citizens who simply wish to express their religious beliefs freely.

With passage of this resolution submitted by my friend, Mr. SMITH, Congress will demand that the Russian Federation reverse the troubling trend away from freedom and democracy under Vladimir Putin and urges our administration and our European friends to ensure that religious freedom remains firmly on the radar screen in our dealings with the Russians.

Mr. Speaker, this summer, a Group of Eight industrialized democracies, so-called, will meet in St. Petersburg for their annual summit. Given the dramatic erosion of religious and political freedom in Russia, it is imperative that the original G–7 nations clearly and unequivocally inform Russia that its membership in the G–8 will be suspended unless Mr. Putin is willing to change the negative direction in which he is taking the Russian nation.

Russia was originally invited to join the G–7 as merely a guest, at a time when Russia, under Yeltsin, was moving in a positive direction. Now that churches are being closed, political opponents are being locked away in Siberia and the media no longer is free, the parliament is no longer independent, the courts are an adjunct of the Kremlin, we can no longer pretend that Russia belongs in the G–8.

Mr. Speaker, I strongly support the legislation submitted by Mr. SMITH. I urge all of my colleagues to do so.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of the time to, first of all, thank my good friend and colleague, Mr. LANTOS, for his eloquent statement and for his leadership for decades on the fundamental issue of human rights, particularly as it relates to religious freedom. We have been partners, along with FRANK WOLF and a few other Members of this body for years in pressuring Moscow and what was formerly the Warsaw Pact nations to liberalize their policies.

As Mr. LANTOS pointed out so well a moment ago, there is a very troubling and dangerous trend as Putin takes Russia in the wrong direction, especially as it relates to NGOs, religious freedom and religious bodies of all kinds and various denominations, and just basic civil liberties are being constricted in that country. Russia needs the oxygen of liberty and freedom in order to realize it's vast potential.

So I want to thank again Mr. LANTOS for his wonderful statement and leadership.

I would also like to thank John Finerty from the Commission on Security and Cooperation in Europe, who is our Russian expert. John has been on the commission since 1981. When I got elected 26 years ago, John Finerty was there, a Russian speaker, a Russian expert, who has provided valuable insight to both Democrats and Republicans on the Commission on Security and Cooperation in Europe. His wisdom, his council, his clarity has aided us while we travelled to Russia, when we met with lawmakers in bilateral discussions, with members of the Duma and other officials from Russia, and has always provided us the insight that we needed, and like I said, that sense of perspective and timeliness as well as what our next steps ought to be. John has been to Russia and to the Soviet Union at least 27 times over the years.

I will never forget when he accompanied FRANK WOLF and I, when we went to Moscow on a very I think historic trip where we visited Perm Camp 35 where Nathan Sharansky had spent so many years of his life, John was with us on an historic trip/meeting with the Duma. Four days of talks—and did we ever need John's incredible knowledge and insight. He was amazing! So I want to thank John for his leadership for all of these years and helping us with this legislation today.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CARDIN. Mr. Speaker, I rise as a cosponsor and in support of H. Con. Res. 190, which urges the Russian Federation to "ensure full protection of freedoms for all religious communities without distinction, whether registered and unregistered, and end the harassment of unregistered religious groups by the security apparatus and other government agencies," as well as to "ensure that law enforcement officials vigorously investigate acts of violence against unregistered religious communities, as well as make certain that authorities are not complicit in such attacks."

As the Ranking House Member on the Helsinki Commission, I have seen how religious freedoms for minority religious communities throughout the Russian Federation have come under increasing pressure. Throughout that vast country, local officials and government authorities continue to harass and limit the ability of these groups to practice their faith freely. In addition, instances of violence, such as arson attacks, have been alarmingly common in recent years. The Helsinki Commission heard disturbing testimony to this effect in April of last year.

The State Department's International Religious Freedom Report for 2005 reported that some federal agencies and many local authorities continued to restrict the rights of various religious minorities, and the internationally recognized expert on religious liberty in Russia, Larry Uzzell, has written that even in Moscow some 10 Baptist congregations have ceased to exist because local bureaucrats refused to allow rentals or property transfers for the use of worship services.

Mr. Speaker, I am concerned that the religious liberty picture in Russia is deteriorating at a critical time for Russia. Russia is an OSCE participating state and assumes the leadership of the Council of Europe in May of this year. Russia also chairs the G–8 this year. A nation holding such positions should not be a country where members of minority religious groups need to constantly battle with bureaucrats in order to have a place to worship, or to get permission from the local clergy of another faith in order to hold a public gathering, or to wonder if their prayer house will be the target of vandalism.

Mr. Speaker, I urge my colleagues to support H. Con. Res. 190, and I again thank my Helsinki Commission Chairman, CHRIS SMITH, for introducing this resolution, and for his tireless efforts on behalf of religious freedom and liberty around the world. I also join Chairman SMITH in commending John Finerty of the Helsinki Commission staff for his decades of service to the Commission, and I especially thank him for assisting me in my interactions with members of the Russian Duma through our OSCE Parliamentary Assembly process.

Mr. PITTS. Mr. Speaker, I rise today in support of H. Con. Res. 190, urging the Russian Federation to protect and ensure religious freedom for all people in Russia.

Last year witnesses at a Helsinki Commission hearing on unregistered religious groups in Russia, provided alarming reports about the actions of local authorities towards unregistered or minority religious communities. Recurring reports of police harassment and criminal violence (that is rarely vigorously investigated) against these groups is jeopardizing the status of religious liberties in Russia.

Adding to the concerns are recent reports that the Duma is preparing legislation to regulate the activities of missionaries. Reportedly, the bill would create administrative and criminal penalties for "unlawful missionary work connected with provoking religious extremism." There was also speculation in the Russian media that the Justice Ministry was looking to tighten the rules for granting visas to foreign missionaries. Furthermore, there are also reports that the Duma is considering an amendment to existing legislation that would require re-registration of registered religious organizations.

Mr. Speaker, these initiatives make evident that some people in the Russian government believe the role of the state is to control religious freedom rather than to facilitate and protect free expression. Officials know that it is very difficult for unregistered religious organizations to function effectively and freely—they know that limiting the actions of missionaries and restricting the distribution of visas would be the best option to control the growth of religious organizations.

The Congress must send a clear signal to President Putin and other Russian officials that religious freedom is a critically important issue and that we expect Russia to uphold its own constitution and its international commitments and protect the fundamental right of freedom of conscience. This resolution specifically urges Russia to fully protect religious freedoms for all religious communities, whether registered or unregistered, and to prevent the harassment of unregistered religious groups by the security apparatus and other government agencies. I strongly urge my colleagues to support H. Con. Res. 190.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 190, expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

This resolution is an essential demonstration of our continued commitment to protecting religious freedom for all human beings throughout the world.

Mr. Speaker, this nation was built by those who escaped persecution in their own homelands. Today we continue to see people throughout the world who still can not freely practice their faith.

It is vital in order to protect the principles of freedom that this nation was founded on, that we protect the ability of each person in the United States to freely observe their religious practices. This also means that we as a nation must push other countries throughout the world to meet this same ideal standard on religious freedom.

Religious freedom is a fundamental human right as affirmed by numerous international declarations and covenants, as well as by the United Nations General Assembly. I remain hopeful that we will continue with further efforts to fight religious intolerance.

I applaud today's measure with enthusiasm and reverence.

Mr. HOYER. Mr. Speaker, I strongly support this important Resolution offered by the gentleman from New Jersey (Mr. SMITH), urging the Russian Federation to fully protect the freedoms of all religious communities without distinction, whether registered or unregistered, as stipulated by the Russian Constitution and international standards.

It is undoubtedly true that the Russian Federation has made democratic progress since the breakup of the former Soviet Union. However, there is legitimate cause for concern that Russia is backsliding on some of the most basic democratic values, including the fundamental and inalienable human right to worship God according to the dictates of one's own conscience.

As this Resolution points out, registration is critical for religious groups to fully enjoy their religious freedoms. In fact, many of the rights and privileges afforded to religious communities are contingent upon registration.

Yet, some religious communities have been unjustly denied registration or had their registration improperly terminated. Other religious communities refuse to seek registration on theological or other grounds. In addition, there have been arson attacks on unregistered Protestant churches, with little or no effective response to bring the perpetrators to justice. And, in some areas of the Russian Federation, law enforcement authorities have carried out violent actions against believers from unregistered communities peacefully practicing their faith.

These actions are counter to values that democratic society's embrace and they are simply unacceptable.

As the former Chair and Ranking Democrat on the Commission on Security and Cooperation and Europe, I am well aware of the history of religious persecution and discrimination in Russia. In fact, when I served as Chairman of the Commission, I frequently met with religious dissidents and their families in the former Soviet Union. For example, during a Congressional delegation trip in 1988, Congressman SMITH and I met with Russian Baptists at the Hotel Pulkovo in Leningrad and with Father Gleb Yakunin at his apartment in Moscow. I also met with numerous Soviet Jewish refuseniks, some of whom were prosecuted for teaching Jewish traditions and history.

This Resolution, among other things, urges the Russian Federation to ensure full protection of freedoms for all religious communities without distinction, whether registered or unregistered, and to end the harassment of unregistered religious groups by the security apparatus and other government agencies. In addition, it urges the Russian Federation to vigorously investigate acts of violence against unregistered religious communities.

Mr. Speaker, I know there is sometimes a temptation to look upon Resolutions such as this one as mere words on paper without significant meaning. However, we know from experience that we must never under estimate the power of our democratic ideals and values.

The truth is, the signing of the Helsinki Final Act in 1975—with its emphasis on respect for human rights—was instrumental in focusing attention on human rights abuses, including religious persecution, in the former Soviet Union. And, the attention on these abuses was such an embarrassment to the former Soviet government that it slowly, if grudgingly, began to address them.

Today, we must be no less vigilant in holding the Russian government to account for these on-going abuses.

I urge my colleagues to vote for this Resolution.

Mr. MCINTYRE. Mr. Speaker, I am very pleased that the House is considering H. Con. Res. 190 today, that urges the Russian Federation to protect fully the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards. As stated in the resolution, the United States throughout its history has sought to protect the fundamental and inalienable human right to seek, know, and serve God according to the dictates of one's own conscience. I completely agree. The "first right" of religious freedom must be respected, and so this resolution is of critical importance.

The Russian Federation is an OSCE participating State and has freely committed to protect this right, so that all may freely profess and practice the religion or belief, either alone or in community with others. Russia has promised to do this through numerous OSCE documents, but also in its own constitution. Article 28 of the Russian constitution declares "everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion."

Unfortunately, this fundamental right is not always observed, especially for groups that are not registered with the government. For groups denied registration, who have had their registration stripped, or refuse registration on religious grounds, the lack of registration means they experience significant difficulties in enjoying their religious liberties. Registration is critical for religious groups to enjoy fully their religious freedoms, as many rights and privileges afforded to religious communities are contingent on obtaining registration.

In addition to discrimination by local authorities, in the last two years there have been more than ten arson attacks estimated on unregistered Protestant churches. At a Helsinki Commission hearing that I attended last year on problems facing unregistered religious groups in Russia, I was troubled to learn of the lack of effective action by law enforcement to bring the criminals to justice. The perpetrators of these hateful acts have gone unpunished, with police and other officials turning a blind eye. In the worst cases, law enforcement personnel have actually been the persecutors, carrying out violent actions against individuals from unregistered communities who are only wishing to practice peacefully their faith.

In closing, the Russian Federation is urged to do more, to ensure that all may fully enjoy their religious liberties. I therefore urge my colleagues to support H. Con. Res. 190.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 190.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PERMITTING USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 350) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Clerk read as follows:

H. CON. RES. 350

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The rotunda of the Capitol is authorized to be used on April 27, 2006, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

One of the stated purposes of the United States Holocaust Memorial Museum is to provide for appropriate ways for the Nation to commemorate the days of remembrance as an annual, national, civic commemoration of the Holocaust and encourage and sponsor appropriate observances of such days of remembrance throughout the United States.

The first Days of Remembrance ceremony in the rotunda of the United States Capitol occurred in 1979, and the rotunda ceremony has since become the inspiration for similar Holocaust remembrance ceremonies that take place throughout the United States.

H. Con. Res. 350 will allow for this year's national ceremony to be conducted in the rotunda on April 27, 2006. Mr. Speaker, it is necessary to go through this procedure, joint authorization by both Chambers, to use the very sacred center of the Capitol for this ceremony. The enormity of the crimes of the Holocaust, and the need to ensure they are never forgotten, make the rotunda a fitting place for this ceremony.

The theme of this year's commemoration is "Legacies of Justice" in honor of the courage of, and the precedents set by, those who testified during the trials of Nazi war criminals. The theme also pays tribute to those who work tirelessly for the cause of justice, both then and now.

This year, we mark the 60th anniversary of the International Military Tribunal at Nuremberg, Germany. The unprecedented Nuremberg trials established a judicial process to rule on the atrocities committed by the Germans during World War II and brought to the forefront the ideas of universal justice, human rights and responsibility for war crimes. Evil persists in the world, Mr. Speaker, but our prosecution of the perpetrators of the Holocaust taught us that evil can be defeated and justice can be done, but only if we have the courage to stand up to the perpetrators. That is a vital lesson, one we must never forget, and this ceremony will help us remember it.

Mr. Speaker, I urge support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise today in support of H. Con. Res. 350, authorizing the use of the Capitol rotunda for the days of remembrance ceremony on April 27 of this year. As in the past, Congress has always passed this concurrent resolution for the use of the Capitol rotunda as it is the sacred location of America's historic ceremonies.

I would like to thank the gentleman from Virginia (Mr. CANTOR) for introducing this legislation, as well as the gentleman from Michigan (Mr. EHLERS), my chairman, and California's Mr. LANTOS, my friend, for cosponsoring this bill with me.

This event will mark our country's annual commemoration of the victims of the Holocaust. As we have done nearly every year since 1979, Congress will use this historic rotunda location to reflect on the Holocaust, one of the most painful moments in our world's history.

In 1980, Congress created the United States Holocaust Memorial Council, which oversees the U.S. Holocaust Memorial Museum and organizes the annual days of remembrance. These efforts were established by Congress to permanently honor the victims of the Holocaust. During the week of April 23, similar observances of such Holocaust remembrance days will take place around our Nation. The days of remembrance provides Americans of all faiths and ethnic backgrounds the opportunity to reflect on the Holocaust, remind our Nation of the victims who perished, and strengthen our commitment to human rights and democracy.

Each year, the days of remembrance observes a specific theme, which highlights different events of the Holocaust. This year's theme will be commemorated in the title of "Legacies of Justice" in honor of the courage of those who testified during the trials of Nazi war criminals.

□ 1545

This year marks the 60th anniversary of these Nuremberg trials, which brought to justice the unfathomable crimes committed during the Holocaust.

The International Military Tribunal held at Nuremberg, Germany, attempted to seek justice for the millions of murders, wrongful imprisonments, tortures, rapes, theft and destruction that took place during the Holocaust. The tribunal was created to bring judgment for the war crimes committed in the course of the most massive conflict the world has ever known. Six decades after IMT, the body of international law that addresses crimes against humanity has grown dramatically and relies significantly on the framework and legal standards established at Nuremberg.

In addition to honoring this watershed moment in international justice, this year's theme pays tribute to the numerous advocates who tirelessly worked for the cause of justice today. Every human being deserves to be treated with dignity, Mr. Speaker. We commend these individuals who continue to vigorously pursue justice for current victims of hatred and inhumanity. We must be reminded that such tragedies should never be permitted to occur again.

Mr. Speaker, I encourage all my colleagues to join me in supporting passage of this concurrent resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, it is with great pleasure that I yield 5 minutes to the gentleman from Virginia (Mr. CANTOR), who is the sponsor of this resolution.

Mr. CANTOR. Mr. Speaker, I thank the chairman for yielding me this time, for his leadership in bringing this bill forward, as well as the gentlewoman from California.

Mr. Speaker, I rise today in support of this important resolution, H. Con. Res. 350, permitting the use of the United States Capitol rotunda to observe Yom Hashoah, the Day of Remembrance, for victims of the Holocaust.

Mr. Speaker, it is our obligation to remember with great reverence and respect the victims of the Holocaust and to tell their story to all generations. It is our duty to never forget.

More than 70 years ago, a tyrant as evil as any known in the history of man rose to power preaching an agenda of hate and racial superiority. His shadow caused darkness to fall upon the Earth. He slew the innocent and pure, men, women, and children, with vapors of poison and burned them with fire. And when the light of freedom shined again, tens of millions lay dead, cities and nations lay in ruin, and a world stood awestruck at the horrors that had occurred.

Ironically, Mr. Speaker, today we celebrate the Jewish holiday of Purim. On this day we read the Book of Esther, which tells of, in this case, another attempted genocide perpetrated against the Jewish people. Like Hitler, Haman wanted to annihilate the Jewish people from existence. Yet unlike the Holocaust, the Jewish people were able to rally an army and defend themselves against that attempted genocide. And on the 14th day of the Jewish month of Adar, the Jewish people take this opportunity to remember that threat and to celebrate their survival.

Sadly, today, we still face totalitarian regimes led by maniacal dictators who threaten the peace and stability of the world. The rotunda of the U.S. Capitol represents the seat of free and open discourse, the foundation of our democracy, and is an anathema to those tyrannical leaders and their regimes.

We in the U.S., the birthplace of Thomas Jefferson and Martin Luther King, enjoy a great deal of freedom. We must not take those freedoms for granted. We must not forget that genocide and human rights abuses continue to occur around the world. We must not remain silent when such atrocities occur. And we must dedicate ourselves to continuing to educate people around the globe about the horrors of the Holocaust. We must be forever mindful of the danger of such intolerance and ensure that it never happens again.

Ms. MILLENDER-McDONALD. Mr. Speaker, I urge all of my colleagues to support this resolution that commemorates those victims of the Holocaust.

Mr. Speaker, I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself 2 minutes to close.

Mr. Speaker, this is not a joyous event to celebrate. At the end of World War II, we realized that we had witnessed the greatest genocide in the history of this planet. I was a young lad at that time, but I thought: never again could this happen. Yet now that we know it can happen and how horrible it is, we must guard against it ever happening again.

I am sorry to say that it has happened, not on that scale, but we saw that happening in Iraq, we are seeing it happen right now in Darfur and other parts of the Sudan. The ability of humans to commit great horror against their fellow human beings has not died out.

That is why it is essential for us to engage in this ceremony and to participate and recognize that this is an ongoing battle to fight against those who would kill their fellow human beings indiscriminately at times, and at other times kill them simply because of their race or ethnic background.

I am very pleased to be here presenting this resolution, because this event is something that we should all participate in every year to remind us of what can happen if we let our guard down, and if we assume that we have conquered evil. Evil will always be with us, and we must continually fight it.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to support the efforts to allow the United States Capitol rotunda to be used for the annual ceremony commemoration of the days of remembrance of victims of the Holocaust.

This period of genocide against the Jewish race remains one of the darkest stains on the history of humanity. It is vitally important that we take time each year to remember the victims of this horrific event. The people of the United States must never forget the tragic actions spurred by hatred, bigotry and extremism.

Having this ceremony at our Capitol rotunda is both important and symbolic. We are the beacon of democracy and freedom for the world and have been defenders of the oppressed throughout history. Our brave young men heroically crossed the Atlantic to fend off and defeat the Nazis who were bent on racial imperialism. It is fitting at this center of our Federal Government that we express our deepest gratitude to the veterans of World War II and pay our respects to all the innocent victims of the Holocaust we were not able to save.

My heart and prayers go out to all the victims of the Holocaust—those who did not survive, those who did and the families of all. Each went through an unimaginable experience, one that no one should ever have to undergo.

As both a Member of Congress and as a private citizen possessing a strong faith, I vow to always remember and respect those who suffered such a tragic fate and I support this body's efforts to do the same.

May we as a people never forgot those who have suffered nor ever let such an occurrence happen again.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 350.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENDING AUTHORITY TO EXPEDITE PROCESSING OF PERMITS

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4826) to extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The Clerk read as follows:

H.R. 4826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING TO PROCESS PERMITS.

Section 214(c) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat. 1836; 119 Stat. 2169) is amended by striking "March 31, 2006" and inserting "December 31, 2006".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4826, to authorize an extension of the Army Corps of Engineers' section 214 program. Section 214 of the Water Resources Development Act of 2000 allows the Army Corps of Engineers to accept and expend funds provided by non-Federal public entities to hire additional personnel to process regulatory permits.

Mr. Speaker, H.R. 4826 is urgently needed since authority for this program expires on March 31 of this calendar year. If this program expires, the corps will have to fire some regulatory personnel, reducing its ability to process permits in a timely manner.

The Committee on Transportation and Infrastructure has heard from Members on both sides of the aisle supporting this section 214 program. H.R. 4826 is nearly identical to section 2003 of the Water Resources Development Act of 2005, which passed the House on July 14, 2005 by a vote of 406–14.

While the other body has not yet acted on the Water Resources Development Act this year, I am hopeful, in the wake of Hurricanes Rita and Katrina, they will move quickly to pass the bill providing for the water resources needs of the Nation. But because the authority for section 214 program is expiring, it is necessary to move this piece of legislation separately.

I thank Representative BAIRD and our colleagues from the western United States for introducing this bill, and I urge all Members to vote in favor of H.R. 4826.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I begin, I would like to express my heartfelt condolences to my good friend and subcommittee chairman, Representative JIM DUNCAN, on the passing of his 89-year-old mother, Ms. Lois Swisher-Duncan. I want JIMMY and his wife, Lynn, and the entire Duncan family to know that my thoughts and prayers are with them. It is my prayer that God brings peace to each of their respective hearts during the days ahead.

Mr. Speaker, I support the passage of H.R. 4826. This bill extends through December 31, 2006, the authority of the Secretary of the Army to accept and expend the funds contributed by non-Federal public entities to process permits under the Clean Water Act and the Rivers and Harbor Act of 1899. This program is popular and well received, particularly in the northwest part of our country.

I congratulate my committee colleague, Mr. BAIRD, for his attention to this issue and for securing today's consideration of this bill. I can think of no other Member who has served his local and regional issues with more enthusiasm and effectiveness.

The language in H.R. 4826 is similar to language contained in H.R. 2864, the Water Resources Development Act of 2005, which passed the House on July 14, 2005, by an overwhelming vote of 406–14. The difference between the language contained in this bill and that contained in the comprehensive Water Resources Development Act is that this provision only extends the program for 9 months. The water resources bill is a full 12 months longer, but 9 months is all the Senate would agree to. However, this bill should likewise receive strong support.

Today's consideration of one section of the larger Water Resources Development Act should not be viewed as an indication that the larger bill will not be enacted this year. I remain optimistic that the other House of Congress will soon consider this vital legislation, particularly in light of the vital role of flood damage reduction, navigation, and storm damage reduction projects in protecting lives and property and enhancing economic well-being.

The tragic events associated with Hurricane Katrina indicate how important our water infrastructure truly is. However, the Senate is not likely to act on the broader legislation before the Secretary's authority to accept funds expires March 31, in just a little over 2 weeks from now. By providing this extension, the program can continue uninterrupted.

Mr. Speaker, I urge support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, we have no further requests for time, and I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman, and the gentleman from Louisiana as well, and want to begin by extending my condolences to JIMMY DUNCAN and his family at the loss of Congressman DUNCAN's mother.

I rise today to support H.R. 4826, a bill to extend section 214 of the Water Resources Development Act of 2000 until December 31 of this year, 2006. This is a commonsense bill that will save jobs and continue to promote economic growth.

Section 214 was enacted in WRDA 2000 to permit non-Federal public entities to contribute funds to the Army Corps of Engineers to help expedite the processing of corps permits. This provision has allowed municipalities and ports to move forward with vital infrastructure projects; and in doing so, these entities that are providing funding are given no partiality by the corps in their review of the projects. By funding additional staff to work on specific time-intensive permits, the staff in the corps' budget is freed up to work on the permit backlog.

Let me give an example of this: the Army Corps' Seattle district has been utilizing this authority very well. They have seen their total average review time per project reduced from 804 days to just 69 days in the first 3 years of implementation. The city of Seattle alone estimates that for $114,000 spent, they have saved over $5 million.

□ 1600

This is particularly urgent as the Corps staff have volunteered to assist in Hurricane Katrina response efforts, as well as reconstruction and rebuilding efforts in Iraq and Afghanistan. The Seattle Corps alone has deployed a total of 233 civilian and military staff, or approximately 29 percent of their staff, to these areas, and that leaves a limited number of staff to handle the urgent needs of local areas.

It is during times of emergency response that expedited processes such as 214 become particularly vital in continuing to support regional growth and economic need.

Let me underscore a few points. Section 214 was extended last year unanimously as H.R. 3765 in both the House and the Senate, and is currently set to expire on March 31, 2006. That is the need we face today. An extension of the provision was also passed in the House WRDA bill in 2005, and a permanent extension is included in the other body's WRDA bill. Unfortunately, WRDA is not likely to pass both Chambers before March 31 when the provision expires, so we are seeking an essential short-term extension until the end of this year.

This provision is absolutely vital to Corps activities. Although the authority exists for all regions, it has been utilized primarily in the Pacific Northwest by the ports of Seattle and Tacoma, the city of Seattle, the Port of Los Angeles, as well as the city of San Diego, and by public entities around Sacramento due to the huge backlog of Corps permits in those regions. In addition, it has been utilized by a number of ports in my home district along the Columbia River.

In the Pacific Northwest, we have seen the backlog of permits with the listing of endangered species grow to over 1,000 permits in the last years, and the residual effects have been harmful to our region's economy, resulting in expensive and costly delays.

Without extension of this authority, the Corps will need to make up the shortfall in funding the analysis of projects either through project delays or layoffs in Corps staff.

I am pleased to have the support of this legislation of all of the House Members representing my home State of Washington, our friends and neighbors in Oregon and Idaho, as well as Members representing California. I want to join my colleagues in thanking Chairman YOUNG and Ranking Member OBERSTAR, reiterate my gratitude toward Mr. DUNCAN and the gentlewoman, Ms. EDDIE BERNICE JOHNSON. I appreciate their leadership. I also want to acknowledge the outstanding work performed by the Pacific Northwest Waterways Association, and my own staff, Katie Stevens, on this issue.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to express my condolences to Chairman DUNCAN on the loss of his mother. I want to thank the ranking member on the subcommittee, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and I also want to thank my colleague from Washington State for introducing this very important piece of legislation and I urge its passage.

Mr. OBERSTAR. Mr. Speaker, I am pleased to support H.R. 4826, a bill to extend authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Clean Water Act and the Rivers and Harbor Act of 1899.

This language is modeled after language which the House approved last July as a part of H.R. 2864, the Water Resources Development Act of 2005. While I remain optimistic that the Senate will soon act on its version of the Water Resources Development Act, the authority of the Secretary that this bill would extend expires on March 31. This bill will continue the program through the end of December, 2006.

Mr. Speaker, I have been carefully monitoring the implementation of this authority. While it is very popular for those that have used it, I remain concerned that allowing a regulated entity to pay the costs of its regulator could affect the objectivity of that regulator.

As a track record of implementation develops, the Committee on Transportation and Infrastructure will have an opportunity to review the implementation of this authority and ensure a fair and equitable process.

I support the passage and quick enactment of this 9 month extension.

Mr. BOUSTANY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 4826.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1810

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REHBERG) at 6 o'clock and 10 minutes p.m.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2006

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4944) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

The Clerk read as follows:

H.R. 4944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1101. Reference.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1111. Chloroneb.
Sec. 1112. P-nitrobenzoic acid (pnba).
Sec. 1113. Allyl pentaerythritol (ape).
Sec. 1114. Butyl ethyl propanediol (bep).
Sec. 1115. BEPD701.
Sec. 1116. Boltorn-1 (bolt-1).
Sec. 1117. Boltorn-2 (bolt-2).
Sec. 1118. Cyclic tmp formal (ctf).
Sec. 1119. DITMP.
Sec. 1120. Polyol dpp (dpp).
Sec. 1121. Hydroxypivalic acid (hpa).
Sec. 1122. TMPDE.
Sec. 1123. TMPME.
Sec. 1124. TMP oxetane (tmpo).
Sec. 1125. TMPO ethoxylate (tmpoe).
Sec. 1126. Certain non-knit gloves designed for use by auto mechanics.
Sec. 1127. Certain microphones for use in automotive interiors.
Sec. 1128. Certain footwear.
Sec. 1129. Amyl-anthraquinone.
Sec. 1130. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning.
Sec. 1131. Acrylic or modacrylic synthetic filament tow.
Sec. 1132. Acrylic or modacrylic synthetic staple fibers, carded, combed, or otherwise processed for spinning.
Sec. 1133. Nitrocellulose.
Sec. 1134. Potassium sorbate.
Sec. 1135. Sorbic acid.
Sec. 1136. Certain capers.
Sec. 1137. Certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid.
Sec. 1138. Certain capers.
Sec. 1139. Certain pepperoncini prepared or preserved by vinegar or acetic acid in concentrations at 0.5 percent or greater.
Sec. 1140. Certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid in concentrations less than 0.5 percent.
Sec. 1141. Chloral.
Sec. 1142. Imidacloprid technical (imidacloprid).
Sec. 1143. Triadimefon.
Sec. 1144. Polyethylene he1878.
Sec. 1145. Thiacloprid.
Sec. 1146. Pyrimethanil.
Sec. 1147. Foramsulfuron.
Sec. 1148. Fenamidone.
Sec. 1149. Cyclanilide technical.
Sec. 1150. Para-benzoquinone.
Sec. 1151. O-anisidine.
Sec. 1152. Tetrakis.
Sec. 1153. 2,4-xylidine.
Sec. 1154. Crotonaldehyde.
Sec. 1155. T-butyl acrylate.
Sec. 1156. Propyl gallate.
Sec. 1157. Butanedioic acid, dimethyl ester, polymer with 4-hydroxy-2,2,6,6,-tetramethyl-1-piperidineethanol.
Sec. 1158. Mixtures of CAS Nos. 106990-43-6 and 65447-77-0.
Sec. 1159. 3-cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, rel-(1r,6r)-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt.
Sec. 1160. Glycine, n,n-bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer.
Sec. 1161. mixtures of phosphate ammonium salt derivatives of a fluorochemical.
Sec. 1162. 1-(3h)-isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1h-indol-3-yl)-.
Sec. 1163. Mixture of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl)imino]-1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]] and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate.
Sec. 1164. MCPA.
Sec. 1165. Bronate advanced.
Sec. 1166. Bromoxynil octanoate tech.
Sec. 1167. Bromoxynil meo.
Sec. 1168. Certain bitumen-coated polyethylene sleeves specifically designed to protect in-ground wood posts.
Sec. 1169. Nylon woolpacks used to package wool.
Sec. 1170. Magnesium zinc aluminum hydroxide carbonate hydrate.
Sec. 1171. C12–18 alkenes.
Sec. 1172. Hydraulic control units.
Sec. 1173. Shield asy-steering gear.
Sec. 1174. 2,4-dichloroaniline.
Sec. 1175. 2-acetylbutyrolactone.
Sec. 1176. Alkylketone.
Sec. 1177. Cyfluthrin (baythroid).
Sec. 1178. Beta-cyfluthrin.
Sec. 1179. Cyclopropane-1,1-dicarboxylic acid, dimethyl ester.
Sec. 1180. Spiroxamine.
Sec. 1181. Spiromesifen.
Sec. 1182. 4-chlorobenzaldehyde.
Sec. 1183. Oxadiazon.
Sec. 1184. NAHP.
Sec. 1185. Phosphorus thiochloride.
Sec. 1186. Trifloxystrobin.
Sec. 1187. Phosphoric acid, lanthanum salt, cerium terbium-doped.
Sec. 1188. Lutetium oxide.
Sec. 1189. ACM.
Sec. 1190. Permethrin.
Sec. 1191. Thidiazuron.
Sec. 1192. Flutolanil.
Sec. 1193. Resmethrin.
Sec. 1194. Clothianidin.
Sec. 1195. Acrypet ut100.
Sec. 1196. Diethyl ketone.
Sec. 1197. 5-amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1r,s)–(trifluoromethyl)-sulfinyl]-1h-pyrazole-3-carbonitrile (fipronil).
Sec. 1198. 2,3-pyridinedicarboxylic acid.
Sec. 1199. 80% 2,3-dimethylbutylnitrile and 20% toluene.
Sec. 1200. 2,3-Quinolinedicarboxylic acid.
Sec. 1201. 3,5-Difluoroaniline.
Sec. 1202. Certain master cylinder assembles.
Sec. 1203. Certain transaxles.
Sec. 1204. Converter asy.
Sec. 1205. Module and bracket asy-power steering.
Sec. 1206. Unit asy-battery hi volt.
Sec. 1207. Clomazone.
Sec. 1208. Chloropivaloyl chloride.
Sec. 1209. Certain articles of natural cork.
Sec. 1210. Glyoxylic acid.
Sec. 1211. Cyclopentanone.
Sec. 1212. Mesotrione technical.
Sec. 1213. Malonic acid-dinitrile 50% nmp.
Sec. 1215. Formulations of noa 446510.
Sec. 1216. DEMBB distilled-iso tank.
Sec. 1217. N,N′-hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenylpropionamide)).
Sec. 1218. 2-Naphthalenesulfonic acid, 7,7″ -[(2-methyl-1,5-pentanediyl) bis[imino(6-fluoro-1.3,5-triazine-4,2-diyl) imino]] bis[4-hydroxy-3-[(4-methoxy sulfophenyl) azo]-, potassium sodium salt.
Sec. 1219. 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[[3-[[8-[4-fluoro-6-(methylphenylamino)–1,3,5-triazin-2-yl]amino-1-hydroxy-3,6-disulfo-2-naphthalenyl]azo]-4-sulfophenyl],amino]-1.3,5-triazin-2-yl]amino]-4-hydroxy-3-[(1-sulfo-2-naphthalenyl)azo], sodium salt.
Sec. 1220. Methylionone.
Sec. 1221. Certain acrylic fiber tow.
Sec. 1222. Certain acrylic fiber tow.
Sec. 1223. MKH 6561 isocyanate.
Sec. 1224. Endosulfan.
Sec. 1225. Tetraconazole.
Sec. 1226. M-alcohol.
Sec. 1227. Certain machines for use in the assembly of motorcycle wheels.
Sec. 1228. Certain glass thermo bulbs.
Sec. 1229. Pyriproxyfen.
Sec. 1230. Uniconazole-p.
Sec. 1231. Acephate.
Sec. 1232. Bispyribac-sodium.
Sec. 1233. Dinotefuran.
Sec. 1234. Etoxazole.
Sec. 1235. Bioallethrin.
Sec. 1236. Deltamethrin.
Sec. 1237. S-bioallethrin.
Sec. 1238. Tetramethrin.
Sec. 1239. Tralomethrin.
Sec. 1240. Flumiclorac-pentyl.
Sec. 1241. Flumioxazin.
Sec. 1242. Palm fatty acid distillate.
Sec. 1243. Garenoxacin mesylate.
Sec. 1244. Butylated hydroxyethylbenzene.
Sec. 1245. 4-Methoxy-2-methyldiphenylamine.
Sec. 1246. 2-Methylhydroquinone.
Sec. 1247. 1-Fluoro-2-nitrobenzene.
Sec. 1248. 1-Propene-2-methyl homopolymer.
Sec. 1249. Acronal-s-600.
Sec. 1250. Lucirin tpo.
Sec. 1251. Sokalan pg ime.
Sec. 1252. Lycopene 10%.
Sec. 1253. Cosmetic bags with a flexible outer surface of reinforced or laminated polyvinyl chloride (pvc).
Sec. 1254. Mixtures of methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1.3,5-triazin-2-yl)ureidosulfonyl]benzoate, sodium salt (iodosulfuron methyl, sodium salt).
Sec. 1255. Ethyl 4,5-dihydro-5,5-diphenyl-1,2-oxazole-3-carboxylate (isoxadifen-ethyl).
Sec. 1256. (5-cyclopropyl-4-isoxazolyl)[2-(methylsulfonyl)-4-(trifluoromethyl)phenyl]methanone (isoxaflutole).
Sec. 1257. Mixtures of CAS Nos. 181274–15–7 and 208465–21–8.
Sec. 1258. Methyl 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]-α-(methanesulfonamido)-p-toluate (Mesosulfuron-methyl) whether or not mixed with application adjuvants.
Sec. 1259. Mixtures of foramsulfuron and iodosulfuron-methyl-sodium.
Sec. 1260. 2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)–1-propanone.

Sec. 1261. 1,6-Hexanediamine, n,n- bis(2,2,6,6-tetramethyl-4-piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with n-butyl-1-butanamine and n-butyl-2,2,6,6-tetramethyl-4-piperidinamine.
Sec. 1262. Vat black 25.
Sec. 1263. Acid orange 162.
Sec. 1264. Vulcuren upka 1988.
Sec. 1265. Vullcanox 41010 na/lg.
Sec. 1266. Vulkazon afs/lg.
Sec. 1267. P-Anisaldehyde.
Sec. 1268. Methyl salicylate.
Sec. 1269. 1,2-Octanediol.
Sec. 1270. 1,2-Pentanediol.
Sec. 1271. Menthone glycerin acetal.
Sec. 1272. Agrumex.
Sec. 1273. Cohedur rl.
Sec. 1274. Formulations of prosulfuron.
Sec. 1275. Pontamine green 2b.
Sec. 1276. Bayderm bottom 10 ud.
Sec. 1277. Bayderm finish dlh.
Sec. 1278. Levagard dmpp.
Sec. 1279. Bayderm bottom dlv.
Sec. 1280. Certain ethylene-vinyl acetate copolymers.
Sec. 1281. Lewatit.
Sec. 1282. para-Chlorophenol.
Sec. 1283. Cyazofamid.
Sec. 1284. Cypermethrin.
Sec. 1285. Flonicamid.
Sec. 1286. Zeta-cypermethrin.
Sec. 1287. Certain adsorbent resins.
Sec. 1288. Ion-exchange resin powder.
Sec. 1289. Ion-exchange resin powder.
Sec. 1290. Desmodur e 14.
Sec. 1291. Desmodur hl.
Sec. 1292. Desmodur vp ls 2253.
Sec. 1293. Desmodur r-e.
Sec. 1294. Walocel mw 3000 pfv.
Sec. 1295. TSME.
Sec. 1296. Walocel vp-m 20660.
Sec. 1297. Xama 2.
Sec. 1298. Xama 7.
Sec. 1299. 2-Ethylhexyl 4-methoxycinnamate.
Sec. 1300. Certain cases for toys.
Sec. 1301. Certain cases for toys.
Sec. 1302. Aniline 2,5-disulfonic acid.
Sec. 1303. 1,4-Benzenedicarboxylic acid, polymer with N,N′-Bis(2-aminoethyl)–1,2-ethanediamine, cyclized, methosulfate.
Sec. 1304. Sulfur blue 7.
Sec. 1305. Formaldehyde, reaction products with 1,4-benzenediol and m-phenylenediamine, sulfurized.
Sec. 1306. Isocyanatosulfonyl.
Sec. 1307. Isocyanatosulfonyl.
Sec. 1308. Certain automotive catalytic converter mats.
Sec. 1309. Gemifloxacin, gemifloxacin mesylate, and gemifloxacin mesylate sesquihydrate.
Sec. 1310. Butralin.
Sec. 1311. Spirodiclofen.
Sec. 1312. Propamocarb hcl (previcur).
Sec. 1313. Desmodur il.
Sec. 1314. Chloroacetone.
Sec. 1315. IPN (isophthalonitrile).
Sec. 1316. NOA 446510 technical.
Sec. 1317. Hexythiazox technical.
Sec. 1318. 1,10-Diaminodecane.
Sec. 1319. Crelan (self-blocked cycloaliphatic polyuretdione).
Sec. 1320. Aspirin.
Sec. 1321. Desmodur bl xp 2468.
Sec. 1322. Certain flame retardant plasticizers.
Sec. 1323. Baypure ds.
Sec. 1324. Bayowet c4.
Sec. 1325. Desmodur rf-e.
Sec. 1326. Desmodur hl.
Sec. 1327. D-Mannose.
Sec. 1328. Certain camel hair.
Sec. 1329. Waste of camel hair.
Sec. 1330. Certain camel hair.
Sec. 1331. Woven fabric of vicuna hair.
Sec. 1332. Certain camel hair.
Sec. 1333. Noils of camel hair.
Sec. 1334. Certain bicycle parts.
Sec. 1335. Certain bicycle parts.
Sec. 1336. Other cycles.
Sec. 1337. Certain bicycle parts.
Sec. 1338. Certain bicycle parts.
Sec. 1339. Certain bicycle parts.
Sec. 1340. Certain bicycle parts.
Sec. 1341. Chloroacetic acid, ethyl ester.
Sec. 1342. Chloroacetic acid, sodium salt.
Sec. 1343. Cyclopropanecarboxylic acid, 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-imethyl-, (2-methyl(1,1′-biphenyl)–3-yl)methyl ester, (z)-.
Sec. 1344. (2-Chloroethyl)phosphonic acid (ethephon).
Sec. 1345. Preparations containing, 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)-5-(2-(ethylthio)propyl)–3-hydroxy-2-cyclohexene-1-one (clethodim).
Sec. 1346. Urea, polymer with formaldehyde (pergopak).
Sec. 1347. Low expansion laboratory glass.
Sec. 1348. Stoppers, lids, and other closures.
Sec. 1349. Pigment yellow 213.
Sec. 1350. Indoxacarb.
Sec. 1351. Dimethyl carbonate.
Sec. 1352. 5-Chloro-1-indanone (ek179).
Sec. 1353. Mixtures of famoxadone and cymoxanil.
Sec. 1354. Ortho nitro aniline.
Sec. 1355. Decanedioic acid, bis(2,2,6,6-tetramethyl-4-piperidinyl) ester.
Sec. 1356. 2,2 -(2,5-thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole).
Sec. 1357. Acid blue 80.
Sec. 1358. Pigment brown 25.
Sec. 1359. Formulations of azoxystrobin.
Sec. 1360. Formulations of pinoxaden/cloquintocet.
Sec. 1361. Mixtures of difenoconazole/mefenoxam.
Sec. 1362. Fludioxinil technical.
Sec. 1363. Mixtures of clodinafop-propargyl.
Sec. 1364. Avermectin b, 1,4″-deoxy-4″-methylamino-, (4″r)-, benzoate.
Sec. 1365. Cloquintocet-mexyl.
Sec. 1366. Metalaxyl-m technical.
Sec. 1367. Cyproconazole technical.
Sec. 1368. Pinoxaden technical.
Sec. 1369. Mixtures of tralkoxydim.
Sec. 1370. 3,3′-dichlorobenzidine dihydrochloride.
Sec. 1371. TMC114.
Sec. 1372. Certain chemicals and chemical mixtures.
Sec. 1373. Certain chemicals.
Sec. 1374. Mixtures of (±)-(cis and trans)-1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1h-1,2,4-triazole.
sec. 1375. Chromate(2-), [2,4-dihydro-4-[[2-(hydroxy-ko)-4-nitrophenyl]azo-kn1]-5-methyl-3h-pyrazol-3-onato(2-)-ko3][3-[[4,5-dihydro-3-methyl-1-(4-methylphenyl)–5-(oxo-ko)–1h-pyrazol-4-yl]azo-kn1]-4-(hydroxy-ko)–5-nitrobenzenesulfonato(3-)]-, disodium.
Sec. 1376. Solvent yellow 163.
Sec. 1377. 4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)–2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt.
Sec. 1378. Reactive red 123.
Sec. 1379. Reactive blue 250.
Sec. 1380. Reactive black 5.
Sec. 1381. [2,2′-bi-1h-indole]-3,3′-diol, potassium salt (reduced vat 1).
Sec. 1382. 5-[(2-Cyano-4-nitrophenyl)azo]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridinecarbonitrile.
Sec. 1383. Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1h-isoindol-1-ylidene]-acetic acid, pentyl ester.
Sec. 1384. [(9,10-dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3,1-propanediyl]]]bisbenzenesulfonic acid, disodium salt.
Sec. 1385. [4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b′]difuran-3-yl)phenoxy]-acetic acid, 2-ethoxyethyl ester.
Sec. 1386. 3-Phenyl-7-(4-propoxyphenyl)-benzo[1,2-b:4,5-b′]difuran-2,6-dione.
Sec. 1387. 2-[[[2, 5-Dichloro-4-[(2-methyl-1h-indol-3-yl)azo]phenyl]sulfonyl]amino]-ethanesulfonic acid, monosodium salt.
Sec. 1388. 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfooxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt.
Sec. 1389. 7-[[2-[(Aminocarbonyl)amino]-4-[[4-[4-[2-[[4-[[3-[(aminocarbonyl)amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]-1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt.
Sec. 1390. 24-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt.
Sec. 1391. [4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran-3-yl]phenoxy]-acetic acid, 2-ethoxyethyl ester.
Sec. 1392. Basic yellow 40 chloride based.
Sec. 1393. Direct yellow 119.
Sec. 1394. Naugard 412s.
Sec. 1395. Triacetonamine.
Sec. 1396. Ipconazole.
Sec. 1397. Omite tech.
Sec. 1398. Pantera technical.
Sec. 1399. Paraquat dichloride.
Sec. 1400. Certain basketballs.
Sec. 1401. Certain leather basketballs.
Sec. 1402. Certain rubber basketballs.
Sec. 1403. Certain volleyballs.
Sec. 1404. 4-Chloro-3-[[3-(4-methoxyphenyl)-1,3-dioxopropyl]-amino]-dodecyl ester.
Sec. 1406. Certain inflatable balls.
Sec. 1407. p-Toluenesulfonyl chloride.
Sec. 1408. 3,3 Dichlorobenzidine dihydrochloride.
Sec. 1409. p-Aminobenzamide (4-aminobenzamide).
Sec. 1410. p-Cloro aniline.
Sec. 1411. 4-Chloro-2-nitroaniline.
Sec. 1412. o-Chloro-p-toluidine (3-chloro-4-methylaniline).

Sec. 1413. 2-Chloroacetoacetanilide.
Sec. 1414. p-Acetoacetanisidide.
Sec. 1415. 1-Hydroxy-2-naphthoic acid.
Sec. 1416. Pigment green 7 crude, not ready for use as a pigment.
Sec. 1417. 1,8-Naphthalimide (1h-benz[de]isoquinoline-1,3(2h)-dione).
Sec. 1418. Linuron.
Sec. 1419. N,N-Dimethylpiperidinium chloride (Mepiquat chloride).
Sec. 1420. Diuron.
Sec. 1421. Formulated product krovar i df.
Sec. 1422. Triasulfuron technical.
Sec. 1423. Brodifacoum technical.
Sec. 1424. Pymetrozine technical.
Sec. 1425. Formulations of thiamethoxam, difenoconazole, fludioxinil, and mefenoxam.
Sec. 1426. Trifloxysulfuron-sodium technical.
Sec. 1427. Diisopropyl succinate.
Sec. 1428. 2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol.
Sec. 1429. 4-Chlorobenzonitrile.
Sec. 1430. 2-Naphthalenesulfonic acid, 6-[(2,4-diaminophenyl)azo]-3-[[4-[[4-[[7-[(2,4-diaminophenyl)azo]-1-hydroxy-3-sulfo-2-naphthalenyl]azo]phenyl]amino]-3-sulfophenyl]azo]-4-hydroxy-, trisodium salt (direct black 22).
Sec. 1431. Methylene bis-benzotriazolyl tetramethylbutylphenol.
Sec. 1432. Bis-ethylhexyloxyphenol methoxyphenol triazine.
Sec. 1433. Benzenesulfonic acid, 2,2-[(1-methyl-1,2-ethanediyl)bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl) imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis[5-[(4-sulfophenyl)azo]-, sodium salt (reactive orange 132).
Sec. 1434. Chromate(2-), [3-(hydroxy-κo)–4-[[2-(hydroxy-κo) -1-naphthalenyl] azo-κn2] -1-naphthalenesulfonato(3-)][1-[[2-(hydroxy-κo)–5-[4-methoxyphenyl)azo]phenyl]azo-κn2]-2-naphthalenolato(2-)-κo]-, disodium (acid black 244).
Sec. 1435. 2 Benzylthio-3-ethyl sulfonyl pyridine.
Sec. 1436. 2-Amino-4-methoxy-6-methyl-1,3,5-triazine.
Sec. 1437. Formulated products containing mixtures of the active ingredient 2-chloro-n-[[(4-methoxy-6-methyl-1,3,5-triazin-2yl) amino]carbonyl] benzenesulfonamide and application adjuvants.
Sec. 1438. 2-Methyl-4-methoxy-6-methylamino-1,3,5-triazine.
Sec. 1439. Mixtures of sodium-2-chloro-6-[(4,6 dimethoxypyrimidin-2-yl)thio]benzoate and application adjuvants (pyrithiobac-sodium).
Sec. 1440. Certain decorative plates, decorative sculptures, decorative plaques, and architectural miniatures.
Sec. 1441. Certain music boxes.
Sec. 1442. Certain cores used in remanufacture.
Sec. 1443. ADTP.
Sec. 1444. DCBTF.
Sec. 1445. Noviflumuron.
Sec. 1446. Parachlorobenzotrifluoride.
Sec. 1447. Mixtures of insecticide.
Sec. 1448. Mixture of fungicide.
Sec. 1449. 1,2-Benzisothiazol-3(2h)-one (9ci).
Sec. 1450. Styrene, ar-ethyl-, polymer with divinylbenzene and styrene (6ci) beads with low ash.
Sec. 1451. Mixtures of fungicide.
Sec. 1452. 2-Methyl-4-chlorophenoxyacetic acid.
Sec. 1453. 2-Methyl-4-chlorophenoxy-acetic acid, di-methylamine salt.
Sec. 1454. Biaxially oriented polypropylene dielectric film.
Sec. 1455. Biaxially oriented polyethylene terephthalate dielectric film.
Sec. 1456. Charge control agent 7.
Sec. 1457. Pro-jet black 820 liquid feed.
Sec. 1458. Pro-jet magenta m700.
Sec. 1459. Pro-jet fast black 287 na liquid feed.
Sec. 1460. Pro-jet fast black 286 stage.
Sec. 1461. Pro-jet cyan 485 stage.
Sec. 1462. Pro-jet black 661 liquid feed.
Sec. 1463. Pro-jet black cyan 854 liquid feed.
Sec. 1464. Erasers.
Sec. 1465. Nail clippers and nail files.
Sec. 1466. Artificial flowers.
Sec. 1467. Electrically operated pencil sharpeners.
Sec. 1468. Phenmedipham.
Sec. 1469. Desmedipham.
Sec. 1470. Certain footwear with open toes or heels.
Sec. 1471. Certain work footwear.
Sec. 1472. Certain women's footwear.
Sec. 1473. Certain athletic footwear.
Sec. 1474. Certain footwear with open toes or heels.
Sec. 1475. Certain work footwear.
Sec. 1476. Certain work footwear.
Sec. 1477. Certain work footwear.
Sec. 1478. Certain refracting and reflecting telescopes.
Sec. 1479. Mixture of magnesium peroxide and magnesium oxide containing 35 percent magnesium peroxide.
Sec. 1480. Certain footwear.
Sec. 1481. Certain athletic footwear.
Sec. 1482. Certain work footwear.
Sec. 1483. Certain footwear for men.
Sec. 1484. Certain rubber or plastic footwear.
Sec. 1485. Certain work footwear.
Sec. 1486. Certain athletic footwear.
Sec. 1487. Certain rubber or plastic footwear.
Sec. 1488. Certain leather footwear.
Sec. 1489. Zinc dimethyldithiocarbamate.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1501. Extension of certain existing duty suspensions and reductions.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Sec. 1601. Certain tramway cars and associated spare parts.
Sec. 1602. Reliquidation of certain entries of candles.
Sec. 1603. Certain entries of roller chain.
Sec. 1604. Certain entries of pasta.
Sec. 1605. Payment of interest on amounts owed pursuant to reliquidation of certain entries.
Sec. 1606. Clarification of reliquidation provision.
Sec. 1607. Certain entries of soundspa clock radios.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 1701. Rattan webbing.
Sec. 1702. Certain monochrome glass envelopes.
Sec. 1703. Certain tractor body parts.
Sec. 1704. Flexible magnets and composite goods containing flexible magnets.
Sec. 1705. Kashmir.
Sec. 1706. Technical corrections.

Subtitle C—Effective Date

Sec. 1801. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Sec. 2001. Cellar treatment of wine.
Sec. 2002. Effective date for AGOA.
Sec. 2003. Technical amendments.

TITLE I—TARIFF PROVISIONS

SEC. 1101. REFERENCE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1111. CHLORONEB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.01	Chloroneb (1,4-dichloro-2,5-dimethoxybenzene) (CAS No. 2675-77-6) (provided for in subheading 2909.30.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1112. P-NITROBENZOIC ACID (PNBA).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.02	p-Nitrobenzoic acid (CAS No. 62-23-7) (provided for in subheading 2916.39.75)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1113. ALLYL PENTAERYTHRITOL (APE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.03	Allyl pentaerythritol (CAS No. 91648-24-7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1114. BUTYL ETHYL PROPANEDIOL (BEP).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.04	2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115-84-4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1115. BEPD70L.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.05	Mixture of 2-butyl-2-ethylpropane-1,3-diol (CAS No. 115-84-4) and neopentyl glycol (CAS No. 126-30-7) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1116. BOLTORN-1 (BOLT-1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.06	Polymers of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-with 2,2-bis(hydroxymethyl)-1,3-propanediol and oxirane (CAS No. 326794-48-3) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1117. BOLTORN-2 (BOLT-2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.07	Polymer of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-polymer with 2,2-bis(hydroxymethyl)-1,3-propanediol and oxirane, decanoate octanoate (CAS No. 326794-49-4) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1118. CYCLIC TMP FORMAL (CTF).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.08	1,3-Dioxane-5-methanol, 5-ethyl- (CAS No. 5187-23-5) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1119. DITMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.09	Ditrimethylolpropane (CAS No. 23235-61-2) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1120. POLYOL DPP (DPP).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.10	Poly(oxy-1,2ethanediyl), α-hydro-ω-hydroxy-ether with 2,2'-(oxybis(methylene)) bis(2-hydroxymethyl)-1,3-propanediol) (6:1). (CAS No. 50977-32-7) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1121. HYDROXYPIVALIC ACID (HPA).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.11	Hydroxypivalic acid (CAS No. 4835-90-9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1122. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.12	Trimethylolpropane diallyl ether (CAS No. 682-09-7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1123. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.13	Trimethylolpropane monoallyl ether (CAS No. 682-11-1) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1124. TMP OXETANE (TMPO).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.14	3-Ethyl-3-oxetanemethanol (trimethylolpropane oxetane) (CAS No. 3047-32-3) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1125. TMPO ETHOXYLATE (TMPOE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.15	Poly(oxy-1,2-ethanediyl), α-((3-ethyl-3-oxetanyl) methyl)-ω-hydroxy- (CAS No. 76996-65-1) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1126. CERTAIN NON-KNIT GLOVES DESIGNED FOR USE BY AUTO MECHANICS.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.14.01	Mechanics' work gloves, valued not over $3.50 per pair (provided for in subheading 6216.00.58)	2.8%	No change	No change	On or before 12/31/2009	
	9902.14.02	Mechanics' work gloves, valued over $3.50 but not over $3.70 per pair (provided for in subheading 6216.00.58)	2.8%	No change	No change	On or before 12/31/2009	”.
	9902.14.03	Mechanics' work gloves, valued over $3.70 but not over $4.99 per pair (provided for in subheading 6216.00.58)	2.8%	No change	No change	On or before 12/31/2009	”.
	9902.14.04	Mechanics' work gloves, valued over $4.99 but not over $7.72 per pair (provided for in subheading 6216.00.58)	2.8%	No change	No change	On or before 12/31/2009	”.
	9902.14.05	Mechanics' work gloves, valued over $7.72 per pair (provided for in subheading 6216.00.58)	2.8%	No change	No change	On or before 12/31/2009	”.

(b) AMENDMENT TO U.S. NOTES.—Subchapter II of chapter 99 is amended by adding at the end of the U.S. Notes to such subchapter the following new U.S. Note:

“18. For purposes of headings 9902.14.01, 9902.14.02, 9902.14.03, 9902.14.04, and 9902.14.05, the term ‘mechanics' work gloves’ means gloves, of man-made fibers, having synthetic leather palms and fingers; fourchettes of synthetic leather or of fabric of nylon or elastomeric yarn; backs comprising either one layer of knitted fabric of elastomeric yarn or three layers, with the outer layer of knitted fabric of elastomeric yarn, the center layer of foam and the inner layer of tricot fabric; the foregoing, whether or not including an thermoplastic rubber logo or pad on the back; and elastic wrist straps with molded thermoplastic rubber hook-and-loop enclosures.”.

SEC. 1127. CERTAIN MICROPHONES FOR USE IN AUTOMOTIVE INTERIORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.17	Unidirectional (cardioid) electret condenser microphone modules for use in motor vehicles provided for in headings 8701 through 8705 (other than such modules designed for handheld, microphone stand, or lapel use), the foregoing each including wire leads for external connection, whether or not including a multi-pin board level type connector but not including a battery compartment; having a typical frequency response of 250 Hertz through 7,000 Hertz with no more than a 20 decibel deviation in that frequency range and an electrostatic discharge immunity of 4,000 V (contact) and 8,000 V (air); and capable of operation and storage in the temperature range of -40°C through 85°C and a humidity of not over 95 percent (provided for in subheading 8518.10.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1128. CERTAIN FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.18	Footwear with outer soles and uppers of rubber or plastics, incorporating a protective metal toecap, having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements such as those mentioned in note 4(a) to chapter 64) is rubber or plastics (provided for in subheading 6402.30.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1129. AMYL-ANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.19	9, 10-Anthracenedione, 2 pentyl- (CAS No. 13936-21-5) (provided for in subheading 2914.69.90) or in organic solution (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1130. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.20	Synthetic staple fibers, not carded, combed, or otherwise processed for spinning: acrylic or modacrylic (provided for in subheading 5503.30.00)	3.7%	No change	No change	On or before 12/31/2009	”.

SEC. 1131. ACRYLIC OR MODACRYLIC SYNTHETIC FILAMENT TOW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.21	Synthetic filament tow: acrylic or modacrylic (provided for in subheading 5501.30.00) ...	6.8%	No change	No change	On or before 12/31/2009	”.

SEC. 1132. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.22	Synthetic staple fibers, carded, combed, or otherwise processed for spinning: acrylic or modacrylic (provided for in subheading 5506.30.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1133. NITROCELLULOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.23	Cellulose nitrates (nitrocellulose, including collodions) (CAS 9004-70-0) (provided for in subheading 3912.20.00)	4.4%	No change	No change	On or before 12/31/2009	”.

SEC. 1134. POTASSIUM SORBATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.24	Potassium sorbate (CAS No. 24634-61-5) (provided for in subheading 2916.19.10)	1.4%	No change	No change	On or before 12/31/2009	”.

SEC. 1135. SORBIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.25	Sorbic acid (CAS No. 110-44-1) (provided for in subheading 2916.19.20)	1.9%	No change	No change	On or before 12/31/2009	”.

SEC. 1136. CERTAIN CAPERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.26	Capers, prepared or preserved by vinegar other than such goods in immediate containers each holding 3.4 kg or less (provided for in subheading 2001.90.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1137. CERTAIN PEPPERONCINI PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.27	Pepperoncini, prepared or preserved otherwise than by vinegar, not frozen (provided for in subheading 2005.90.55)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1138. CERTAIN CAPERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.28	Capers, prepared or preserved by vinegar in immediate containers each holding more than 3.4 kg (provided for in subheading 2001.90.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1139. CERTAIN PEPPERONCINI PREPARED OR PRESERVED BY VINEGAR OR ACETIC ACID IN CONCENTRATIONS AT 0.5 PERCENT OR GREATER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.29	Pepperoncini, prepared or preserved by vinegar (provided for in subheading 2001.90.38) ..	2.2%	No change	No change	On or before 12/31/2009	”.

SEC. 1140. CERTAIN PEPPERONCINI PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID IN CONCENTRATIONS LESS THAN 0.5 PERCENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.30	Giardiniera, prepared or preserved otherwise than by vinegar, not frozen (provided for in subheading 2005.90.55)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1141. CHLORAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.31	Trichloroacetaldehyde (CAS No. 75-87-6) (provided for in subheading 2913.00.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1142. IMIDACLOPRID TECHNICAL (IMIDACLOPRID).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.32	1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine (Imidacloprid) (CAS No. 138261-41-3) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1143. TRIADIMEFON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.33	1-(4-Chlorophenoxy)-3.3 dimethyl 1 (1H 1.2.4 triazol 1 yl)-2-butanone (CAS No. 43121-43-3) (Triadimefon) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1144. POLYETHYLENE HE1878.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.34	Polyethylene HE1878 (CAS No. 25087-34-7), with 1-butene as comonomer (provided for in subheading 3901.20.50)	3.6%	No change	No change	On or before 12/31/2009	”.

SEC. 1145. THIACLOPRID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.35	(Z)-[3-[(6-chloro-3 pyridinyl)methyl]-2-thiazolidinylidene]cyanamide (thiacloprid) (CAS No. 111988-49-9) (provided for in subheading 2934.10.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1146. PYRIMETHANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.36	4,6-Dimethyl-N-phenyl-2-pyrimidinamine (pyrimethanil) (CAS No. 53112-28-0) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1147. FORAMSULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.37	Foramsulfuron (Benzamide, 2-(((((4,6-dimethoxy-2-pyrimidinyl)amino) carbonyl)amino)sulfonyl)-4 (formylamino) N,N-dimethyl-.) (CAS No. 173159-57-4), in bulk or put up in forms or packaging for retail sale (provided for in subheading 2935.00.75 or 3808.30.15)	2.6%	No change	No change	On or before 12/31/2009	”.

SEC. 1148. FENAMIDONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.38	(5S)-3.5-Dihydro-5- methyl-2-(methylthio)- 5-phenyl-3-(phenylamino)- 4H-imidazol-4-one (Fenamidone) (CAS No. 161326-34-7) (provided for in subheading 2933.29.35)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1149. CYCLANILIDE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.39	1-(2.4-Dichlorophenylaminocarbonyl) clopropanecarboxylic acid (Cyclanilide) (CAS No. 113136-77-9) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1150. PARA-BENZOQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.40	1,4-Benzoquinone (CAS No. 106-51-4) (provided for in subheading 2914.69.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1151. O-ANISIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.41	o-Anisidine (CAS No. 90-04-4) (provided for in subheading 2922.22.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1152. TETRAKIS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.42	Tetrakis(2.4-di-tert-butylphenyl) 4.4'-biphenyldiphosphinate (CAS No. 38613-77-3) (provided for in subheading 2931.00.30)	3.6%	No change	No change	On or before 12/31/2009	”.

SEC. 1153. 2,4-XYLIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.43	2,4-Xylidine (CAS No. 95-68-1) (provided for in subheading 2921.49.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1154. CROTONALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.44	Crotonaldehyde (2-butenaldehyde) (CAS No. 4170-30-3) (provided for in subheading 2912.19.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1155. T-BUTYL ACRYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.45	2-Propenoic, 1,1-dimethyl ethyl ester (CAS No. 1663-39-4) (provided for in subheading 2916.12.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1156. PROPYL GALLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.46	Benzoic acid 3,4,5-trihydroxy-, propyl ester (CAS No. 121-79-9) (provided for in subheading 2918.29.75)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1157. BUTANEDIOIC ACID, DIMETHYL ESTER, POLYMER WITH 4-HYDROXY-2,2,6,6,-TETRAMETHYL-1-PIPERIDINEETHANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.47	Butanedioic acid, dimethyl ester, polymer with 4-hydroxy-2,2,6,6,-tetramethyl-1-piperidineethanol (CAS No. 65447-77-0) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1158. MIXTURES OF CAS NOS. 106990-43-6 AND 65447-77-0.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.48	1,3,5-Triazine-2,4,6-triamine, N,N'''-[1,2-ethanediylbis[[[4,6-bis[butyl (1,2,2,6,6-pentamethyl-4-piperidinyl)amino]-1,3,5-triazine-2-yl]imino]-3,1-propanediyl]]bis[N',N''-dibutyl-N',N''-bis(1,2,2,6,6-pentamethyl-4-piperidinyl)- (CAS No. 106990-43-6) and Butanedioic acid, dimethylester polymer with 4-hyroxy-2,2,6,6-tetramethyl-1-piperdine ethanol (CAS No. 65447-77-0) (Provided for in subheading 3812.30.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1159. 3-CYCLOHEXENE-1-CARBOXYLIC ACID, 6-[(DI-2-PROPENYLAMINO)CARBONYL]-, REL-(1R,6R)-, REACTION PRODUCTS WITH PENTAFLUOROIODOETHANE-TETRAFLUOROETHYLENE TELOMER, AMMONIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.49	3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, rel (1R,6R)-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt (CAS No. 392286-82-7) (provided for in subheading 3809.92.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1160. GLYCINE, N,N-BIS[2-HYDROXY-3-(2-PROPENYLOXY)PROPYL]-, MONOSODIUM SALT, REACTION PRODUCTS WITH AMMONIUM HYDROXIDE AND PENTAFLUOROIODOETHANE-TETRAFLUOROETHYLENE TELOMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.50	Glycine, N,N-Bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer (CAS number 220459-70-1) (provided for in subheading 3809.92.50)	1.1%	No change	No change	On or before 12/31/2009	".

SEC. 1161. MIXTURES OF PHOSPHATE AMMONIUM SALT DERIVATIVES OF A FLUOROCHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.51	5,5-Bis[(γ,ω-perfluoro(C4-20)alkylthio)methyl]-2-hydroxy-2-oxo-1,3,2-dioxaphosphorinane, ammonium salt (CAS No. 148240-85-1) and 2,2-bis[(γ,ω-perfluoro(C4-20)alkylthio)methyl]-3-hydroxypropyl phosphate, diammonium salt (CAS No. 148240-87-3) and di-[2,2-bis[(γ,ω-perfluoro(C4-20)alkylthio)methyl]]-3-hydroxypropyl phosphate, ammonium salt (CAS No. 148240-89-5) and 2,2-bis[(γ,ω-perfluoro(C4-20)alkylthio)methyl]-1,3-di-(dihydrogenphosphate)propane, tetraammonium salt (provided for in subheading 3809.92.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1162. 1-(3H)-ISOBENZOFURANONE, 3,3-BIS(2-METHYL-1-OCTYL-1H-INDOL-3-YL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.52	1-(3H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)- (CAS No. 50292-95-0) (provided for in subheading 3204.19.40)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1163. MIXTURE OF POLY[[6-[(1,1,3,3-TETRAMETHYLBUTYL)AMINO]-1,3,5-TRIAZINE-2,4-DIYL] [2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)IMINO]-1,6-HEXANEDIYL[(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)IMINO]] AND BIS(2,2,6,6-TETRAMETHYL-4-PIPERIDYL) SEBACATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.53	Mixture of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl)imino] 1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]]) and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate (CAS Nos. 71878-19-8 and 52829-07-9) (provided for in subheading 3812.30.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1164. MCPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.54	2-Ethylhexyl (4-chloro-2-methylphenoxy)acetate (CAS No. 29450-45-1) (provided for in subheading 2918.90.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1165. BRONATE ADVANCED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.55	Formulations of 2,6-dibromo-4-cyanophenyl octanoate (CAS No. 1689-99-2), 2, 6-dibromo-4-cyanophenyl heptanoate (CAS No. 56634-95-8), and 2-ethylhexyl (4-chloro-2-methylphenoxy)acetate (CAS No. 29450-45-1) (provided for in subheading 3808.30.15)	2.8%	No change	No change	On or before 12/31/2009	".

SEC. 1166. BROMOXYNIL OCTANOATE TECH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.56	2,6-dibromo-4-cyanophenyl octanoate (CAS No. 1689-99-2) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1167. BROMOXYNIL MEO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.57	2,6 Dibromo-4-cyanophenyl octanoate/heptanoate (CAS Nos.1689-99-2 and 56634-95-8) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1168. CERTAIN BITUMEN-COATED POLYETHYLENE SLEEVES SPECIFICALLY DESIGNED TO PROTECT IN-GROUND WOOD POSTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.58	Bitumen-coated shrink-wrap polyethylene boots for the protection of in-ground wood posts (provided for in subheading 3926.90.98)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1169. NYLON WOOLPACKS USED TO PACKAGE WOOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.59	Sacks and bags, of undyed woven fabric of nylon multifilament yarns not to exceed 10 decitex, used for packing wool for transport, storage, or sale (provided for in subheading 6305.39.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1170. MAGNESIUM ZINC ALUMINUM HYDROXIDE CARBONATE HYDRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.60	Magnesium zinc aluminum hydroxide carbonate hydrate (CAS No. 169314-88-9) coated with an organic fatty acid (provided for in subheading 3812.30.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1171. C12-18 ALKENES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.61	C12-18 alkenes, polymers (TPX) with 4-methyl-1-pentene (CAS Nos. 25155-83-3, 81229-87-0, and 103908-22-1) (provided for in subheading 3902.90.00)	Free	No change	No change	On or before 12/31/2009	".

(b) CONFORMING AMENDMENT.—Subchapter II of chapter 99 is amended by striking heading 9902.03.86.

SEC. 1172. HYDRAULIC CONTROL UNITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.62	Hydraulic control units designed for use in braking systems of hybrid motor vehicles of heading 8703 (provided for in subheading 9032.89.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1173. SHIELD ASY-STEERING GEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.63	Steering gear assemblies for single-pinion constant-ratio electronic power assisted steering systems rated at 80 amperes at 12V, the foregoing designed for use in hybrid motor vehicles of heading 8703 (provided for in subheading 8708.99.73)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1174. 2,4-DICHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.64	2,4-Dichloroaniline (CAS No. 554-00-7) (provided for in subheading 2921.42.18)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1175. 2-ACETYLBUTYROLACTONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.65	2-Acetylbutyrolactone (CAS No. 517-23-7) (provided for in subheading 2932.29.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1176. ALKYLKETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.66	1-(4-Chlorophenyl)-4,4-dimethyl-3-pentanone (CAS No. 66346-01-8) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1177. CYFLUTHRIN (BAYTHROID).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.67	Cyano(4-fluoro-3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate (Cyfluthrin, excluding β-Cyfluthrin) (CAS No. 68359-37-5) (provided for in subheading 2926.90.30)	3.5%	No change	No change	On or before 12/31/2009	”.

SEC. 1178. BETA-CYFLUTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.68	Reaction mixture comprising the enantiomeric pair (R)-α-cyano-4-fluoro-3-phenoxybenzyl (1S,3S)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate and (S)-α-cyano-4-fluoro-3-phenoxybenzyl (1R,3R)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate in ratio 1:2 with the enantiomeric pair (R)-α-cyano-4-fluoro-3-phenoxybenzyl (1S,3R)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate and (S)-α-cyano-4-fluoro-3-phenoxybenzyl (1R,3S)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate (β-Cyfluthrin) (CAS No. 68359-37-5) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1179. CYCLOPROPANE-1,1-DICARBOXYLIC ACID, DIMETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.69	Cyclopropane-1,1-dicarboxylic acid, dimethyl ester (CAS No. 6914-71-2) (provided for in subheading 2917.20.00)	1.8%	No change	No change	On or before 12/31/2009	”.

SEC. 1180. SPIROXAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.70	8-(1,1-Dimethylethyl)-N-ethyl-N-propyl-1,4-dioxaspiro[4.5]decane-2-methanamine (CAS 118134-30-8) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1181. SPIROMESIFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.71	3,3-Dimethylbutanoic acid, 2-oxo-3-(2,4,6-trimethylphenyl)-1-oxaspiro[4.4]non-3-en-yl ester (CAS 283594-90-1) (provided for in subheading 2932.29.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1182. 4-CHLOROBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.72	4-Chlorobenzaldehyde (CAS No. 104-88-1) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1183. OXADIAZON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.73	5-*tert*-butyl-3-(2,4-dichloro-5-isopropoxyphenyl)-1,3,4-oxadiazol-2(3H)-one (Oxadiazon) (CAS No. 19666-30-9) (provided for in subheading 2934.99.11)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1184. NAHP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.10.74	2-(1,1-Dimethylethyl)-5-hydroxypyrimidine, sodium salt (CAS No. 146237-62-9) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1185. PHOSPHORUS THIOCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.75	Phosphorus Thiochloride (CAS No. 3982-91-0) (provided for in subheading 2851.00.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1186. TRIFLOXYSTROBIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.76.	Methyl (E)-methoxyimino-[(E)-α-[1-(α,α,α-trifluoro-m-tolyl)ethylideneaminooxy]-o-tolyl]acetate (Trifloxystrobin) (CAS No. 141517-21-7) (provided for in subheading 2929.90.20)	2.4%	No change	No change	On or before 12/31/2009	".

SEC. 1187. PHOSPHORIC ACID, LANTHANUM SALT, CERIUM TERBIUM-DOPED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.77	Phosphoric acid, lanthanum salt, cerium terbium-doped (CAS No. 95823-34-0) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1188. LUTETIUM OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.78	Lutetium oxide (CAS No. 12032-20-1) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1189. ACM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.79	(3-Acetoxy-3-cyanopropyl) methylphosphinic acid, butyl ester (CAS No. 167004-78-6) (provided for in subheading 2931.00.90)	0.7%	No change	No change	On or before 12/31/2009	".

SEC. 1190. PERMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.80	(3-Phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate (Permethrin) (CAS No. 52645-53-1) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1191. THIDIAZURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.81	N-Phenyl-N -(1,2,3-thiadiazol-5-yl)urea (Thidiazuron) CAS No. 51707-55-2), whether or not mixed with application adjuvants (provided for in subheading 2934.99.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1192. FLUTOLANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.82	N-[3-(1-Methylethoxy)phenyl]-2-(trifluoromethyl)benzamide (Flutolanil) (CAS No. 66332-96-5) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1193. RESMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.83	[5-(Phenylmethyl)-3-furanyl]methyl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (Resmethrin) (CAS No. 10453-86-8) (provided for in subheading 2932.19.10)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1194. CLOTHIANIDIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.84	(E)-1-(2-Chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine (Clothianidin) (CAS No. 210880-92-5) (provided for in subheading 2934.10.90)	5.4%	No change	No change	On or before 12/31/2009	".

SEC. 1195. ACRYPET UT100.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.85	2-Propenoic acid, 2-methyl-, methyl ester, polymer with 1-cyclohexyl-1*H*-pyrrole-2,5-dione,ethenylbenzene and (1-methylethenyl)benzene (CAS No. 107194-09-2) (provided for in subheading 3906.90.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1196. DIETHYL KETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.86	Diethyl ketone (CAS No. 96-22-0) (provided for in subheading 2914.19.00)	1.3%	No change	No change	On or before,12/31/2009	".

SEC. 1197. 5-AMINO-1-[2,6-DICHLORO-4-(TRIFLUOROMETHYL)PHENYL]-4-[(1R,S)-(TRIFLUOROMETHYL)-SULFINYL]-1H-PYRAZOLE-3-CARBONITRILE (FIPRONIL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.87	5-Amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1R,S)-(trifluoromethyl)-sulfinyl]-1H-pyrazole-3-carbonitrile (Fipronil) (CAS No. 120068-37-3) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1198. 2,3-PYRIDINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.88	2,3-Pyridinedicarboxylic acid (CAS No. 89-00-9) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1199. 80% 2,3-DIMETHYLBUTYLNITRILE AND 20% TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.89	Mixtures of 2-Amino-2,3-dimethylbutanenitrile (CAS No. 13893-53-3) and toluene (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1200. 2,3-QUINOLINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.90	2,3-Quinolinedicarboxylic acid (CAS No. 643-38-9) (provided for in subheading 2933.49.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1201. 3,5-DIFLUOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.91	3,5-Difluoroaniline (CAS No. 372-39-4) (provided for in subheading 2921.42.65)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1202. CERTAIN MASTER CYLINDER ASSEMBLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.92	Master cylinder assemblies for braking systems, not incorporating a vacuum booster, the foregoing designed for use in hybrid motor vehicles of heading 8703 (provided for in subheading 8708.39.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1203. CERTAIN TRANSAXLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.93	Transaxles, each incorporating an integral electronic controller, the foregoing designed for use in hybrid motor vehicles of heading 8703 (provided for in subheading 8708.40.20)	1.5%	No change	No change	On or before 12/31/2009	".

SEC. 1204. CONVERTER ASY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.94	Static converters capable of converting 300 V direct current to 12 V direct current, designed for use in hybrid motor vehicles of heading 8703 (provided for in subheading 8504.40.95)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1205. MODULE AND BRACKET ASY-POWER STEERING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.95	Controllers for electronic power assisted steering systems, rated at 80 amperes at 12 V, designed for use in hybrid motor vehicles of heading 8703 (provided for in subheading 8537.10.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1206. UNIT ASY-BATTERY HI VOLT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.96	Nickel metal-hydride storage batteries, exceeding 300 V, the foregoing designed for use in hybrid motor vehicles of heading 8703 (provided for in subheading 8507.80.80)	2.8%	No change	No change	On or before 12/31/2009	".

SEC. 1207. CLOMAZONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.97	2-(2-Chlorophenyl)methyl-4,4-dimethyl-3-isoxazolidinone (Clomazone) (CAS No. 81777–89–1) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1208. CHLOROPIVALOYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.98	3-Chloropivaloyl chloride (CAS No. 4300–97–4) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1209. CERTAIN ARTICLES OF NATURAL CORK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.10.99	Articles of natural cork, not elsewhere specified or included (provided for in subheading 4503.90.60)	6%	No change	No change	On or before 12/31/2009	".

SEC. 1210. GLYOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.01	Glyoxylic acid (CAS No. 298–12–4) (provided for in subheading 2918.30.90)	1.6%	No change	No change	On or before 12/31/2009	".

SEC. 1211. CYCLOPENTANONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.02	Cyclopentanone (CAS No. 120–92–3) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1212. MESOTRIONE TECHNICAL.

(a) CALENDAR YEAR 2006.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.03	2-[4-(Methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione (Mesotrione) (CAS No. 104206–82–8) (provided for in subheading 2930.90.10)	6.04%	No change	No change	On or before 12/31/2006	".

(b) CALENDAR YEAR 2007.—

(1) IN GENERAL.—Heading 9902.11.03, as added by subsection (a), is amended—

(A) by striking "6.04%" and inserting "6.08%"; and

(B) by striking "12/31/2006" and inserting "12/31/2007".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2007.

(c) CALENDAR YEARS 2008 AND 2009.—

(1) IN GENERAL.—Heading 9902.11.03, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking "6.08%" and inserting "6.11%"; and

(B) by striking "12/31/2007" and inserting "12/31/2009".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2008.

SEC. 1213. MALONIC ACID-DINITRILE 50% NMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.04	50% solution of malononitrile in methyl-2-pyrrolidone solvent (CAS Nos. 109–77–3 and 872–50–4) (provided for in subheading 3824.90.9190)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1215. FORMULATIONS OF NOA 446510.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.05	Formulations of NOA 446510 which include NOA 446510 Technical, 2-(4-chloro-phenyl)-N-[2-(3-methoxy-4-prop-2-ynyloxy-phenyl)ethyl]-2-prop-2-ynyloxyacetamide (CAS No. 374726–62–2) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1216. DEMBB DISTILLED-ISO TANK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.06	2-Bromo-1,3-diethyl-5-methylbenzene (CAS No. 314084–61–2) (DEMBB) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1217. N,N′-HEXANE-1,6-DIYLBIS(3-(3,5-DI-TERT-BUTYL-4-HYDROXYPHENYLPROPIONAMIDE)).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.07	N,N′-hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenylpropionamide)) (CAS No. 23128–74–7) (provided for in subheading 2924.29.31)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1218. 2-NAPHTHALENESULFONIC ACID, 7,7″ - [(2-METHYL-1,5-PENTANEDIYL) BIS[IMINO(6-FLUORO-1,3,5-TRIAZINE-4,2-DIYL) IMINO]] BIS[4-HYDROXY-3-[(4-METHOXY SULFOPHENYL) AZO]-, POTASSIUM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.08	2-Naphthalenesulfonic acid, 7,7″ - [(2-methyl-1,5-pentanediyl) bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl) imino]] bis[4-hydroxy-3-[(4-methoxy sulfophenyl) azo]-, potassium sodium salt (CAS No. 152397-21-2) (Color Index Reactive Red 268) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/ 2009	”.

(b) CONFORMING AMENDMENT.—Subchapter II of chapter 99 is amended by striking heading 9902.32.86.

SEC. 1219. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[[4-CHLORO-6-[[3-[[8-[4-FLUORO-6-(METHYLPHENYLAMINO)-1,3,5-TRIAZIN-2-YL]AMINO-1-HYDROXY-3,6-DISULFO-2-NAPHTHALENYL]AZO]-4-SULFOPHENYL],AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-4-HYDROXY-3-[(1-SULFO-2-NAPHTHALENYL)AZO], SODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.09	2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[[3-[[8-[4-fluoro-6-(methylphenylamino)-1,3,5-triazin-2-yl]amino-1-hydroxy-3,6-disulfo-2-naphthalenyl]azo]-4-sulfophenyl],amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[(1-sulfo-2-naphthalenyl)azo], sodium salt (CAS No. 155522-05-7) (Color Index Reactive red 270) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/ 2009	”.

SEC. 1220. METHYLIONONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.10	3-Methyl-4-(2,6,6-trimethylcyclohex-2-enyl)but-3-en-2-one (Methylionone) (CAS No. 1335-46-2) (provided for in subheading 2914.23.00	Free	No change	No change	On or before 12/31/ 2009	”.

SEC. 1221. CERTAIN ACRYLIC FIBER TOW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.11	Acrylic fiber tow (polyacrylonitrile tow) containing by weight a minimum of 92 percent acrylonitrile, not more than 0.1 percent zinc and from 4 to 8 percent water, imported in the form of from 1 to 12 sub-bundles crimped together, each containing 24,000 filaments (plus or minus 0.06 percent) and with average filament denier of 1.5 decitex (plus or minus 0.08 percent) (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/ 2009	”.

SEC. 1222. CERTAIN ACRYLIC FIBER TOW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.12	Acrylic fiber tow (polyacrylonitrile tow) containing by weight a minimum of 92 percent acrylonitrile, not more than 0.1 percent zinc and from 2 to 8 percent water, imported in the form of 6 sub-bundles crimped together, each containing 45,000 filaments (plus or minus 0.06 percent) and with average filament denier of either 1.48 decitex (plus or minus 0.08 percent) or 1.32 decitex (plus or minus 0.09 percent) (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/ 2009	”.

SEC. 1223. MKH 6561 ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.13	2-(Carbomethoxy) benzenesulfonyl isocyanate (CAS No. 74222-95-0) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/ 2009	”.

SEC. 1224. ENDOSULFAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.14	6,7,8,9,10,10- Hexachlorohexahydromethano-2,4,3-benzodioxathiepin-3-oxide (Endosulfan) (CAS No. 115-29-7) (provided for in subheading 2920.90.50 or 3808.10.50)	Free	No change	No change	On or before 12/31/ 2009	”.

SEC. 1225. TETRACONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.15	1-[2-(2,4-dichlorophenyl)-3-(1,1,2,2-tetrafluoroethoxy)propyl]-1H-1,2,4-triazole (Tetraconazole) (CAS No. 112281-77-3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/ 2009	”.

SEC. 1226. M-ALCOHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.16	2-(2,4-Dichlorophenyl)-3-(1H-1,2,4-triazol-1-yl)propanol (CAS No. 112281-82-0) (provided for in subheading 2933.99.82)	1%	No change	No change	On or before 12/31/ 2009	”.

SEC. 1227. CERTAIN MACHINES FOR USE IN THE ASSEMBLY OF MOTORCYCLE WHEELS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.17	Wheel spoke tightening machines (provided for in subheading 8179.89.98), for use with wheels of vehicles of heading 8711	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1228. CERTAIN GLASS THERMO BULBS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.18	Liquid-filled glass bulbs designed for sprinkler systems and other release devices (provided for in subheading 7020.00.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1229. PYRIPROXYFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.19	2-[1-Methyl-2-(4-phenoxyphenoxy) ethoxy]pyridine (Pyriproxyfen) (CAS No. 95737-68-1) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1230. UNICONAZOLE-P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.20	(E)-(+)-(S)-1-(4-Chlorophenyl)-4.4-dimethyl-2-(1H-1.2.4-triazol-1-yl)pent-1-en-3-ol (Uniconazole-P) (CAS No. 83657-17-4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1231. ACEPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.21	*O,S*-Dimethyl acetylphosphoramidothioate (Acephate) (CAS No. 30560-19-1) (provided for in subheading 2930.90.44)	1.8%	No change	No change	On or before 12/31/2009	”.

SEC. 1232. BISPYRIBAC-SODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.22	Sodium 2.6-bis[(4,6-dimethoxypyrimidin-2-yl)oxy]benzoate (Bispyribac-sodium) (CAS No. 125401-92-5) (provided for in subheading 2933.59.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1233. DINOTEFURAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.23	N-Methyl-N -nitro-N -[(tetrahydro-3-furanyl)methyl]guanidine (Dinotefuran) (CAS No. 165252-70-0) (provided for in subheading 2932.19.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1234. ETOXAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.24	2-(2.6-Difluorophenyl)-4-[4-(1.1-dimethylethyl)-2-ethoxyphenyl]-4.5-dihydrooxazole (Etoxazole) (CAS No. 153233-91-1) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1235. BIOALLETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.25	[1RS-[1α(S*).3β]]-2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl 2.2-dimethyl-3- 2-methyl-1-propenyl (CAS No. 584-79-2) (Bioallethrin) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1236. DELTAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.26	(S)-α-Cyano-3-phenoxybenzyl (1R.3R)-3-(2.2-dibromovinyl)-2.2-dimethylcyclopropanecarboxylate (Deltamethrin) (CAS No. 52918-63-5) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1237. S-BIOALLETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.27	[1R-[1a(S*).3b]]-2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl 2.2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (S-Bioallethrin) (CAS No. 28434-00-6) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1238. TETRAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.28	(1,3,4,5,6,7-Hexahydro-1,3-dioxo-2H-isoindol-2-yl)methyl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (CAS No. 7696-12-0) (Tetramethrin) (provided for in subheading 2925.19.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1239. TRALOMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.29	Cyano(3-phenoxyphenyl)methyl 2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)-cyclopropanecarboxylate (Tralomethrin) (CAS No. 66841-25-6) put up in forms or packings for retail sale, or mixed with inert ingredients (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1240. FLUMICLORAC-PENTYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.30	Pentyl [2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate (Flumiclorac-pentyl) (CAS No. 87547-04-4) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1241. FLUMIOXAZIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.31	2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione (Flumioxazin)(CAS No. 103361-09-7) (provided for in subheading 2934.99.15)	5.3%	No change	No change	On or before 12/31/2009	".

SEC. 1242. PALM FATTY ACID DISTILLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.32	Monocarboxylic fatty acids derived from palm oil (provided for in subheading 3823.19.20)	1%	No change	No change	On or before 12/31/2009	".

SEC. 1243. GARENOXACIN MESYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.33	1-Cyclopropyl-8-(difluoromethoxy)-7-[(1R)-1-methyl-2,3-dihydro-1H-5-isoindolyl]-4-oxo-1,4-dihydroquinoline-3-carboxylic acid monoethanesulfonate monohydrate (Garenoxacin mesylate) (CAS No. 223652-90-2) (provided for in subheading 2933.49.26)	3.1%	No change	No change	On or before 12/31/2009	".

SEC. 1244. BUTYLATED HYDROXYETHYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.34	2,6-Di-*tert*-butyl-4-ethylphenol (CAS No. 4130-42-1) (provided for in subheading 2907.19.20)	2.7%	No change	No change	On or before 12/31/2009	".

SEC. 1245. 4-METHOXY-2-METHYLDIPHENYLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.35	4-Methoxy-2-methyldiphenylamine (CAS No. 41317-15-1) (provided for in subheading 2922.29.60)	1.1%	No change	No change	On or before 12/31/2009	".

SEC. 1246. 2-METHYLHYDROQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.36	2-Methylhydroquinone (CAS No. 95-71-6) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1247. 1-FLUORO-2-NITROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.37	1-Fluoro-2-nitrobenzene (CAS No. 1493-27-2) (provided for in subheading 2904.90.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1248. 1-PROPENE-2-METHYL HOMOPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.38	1-Propene-2-methyl homopolymer (CAS No. 9003-27-4) (provided for in subheading 3902.30.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1249. ACRONAL-S-600.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.39	2-Propenoic acid, polymer with ethenylbenzene and 2-ethylhexyl 2-propenoate (CAS No. 25085–19–2) (provided for in subheading 3903.90.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1250. LUCIRIN TPO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.40	Diphenyl (2,4,6-trimethylbenzoyl) phosphine oxide (CAS No. 75980–60–8) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1251. SOKALAN PG IME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.41	1H Imidazole, polymer with (chloromethyl) oxirane (CAS No. 68797–57–9) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1252. LYCOPENE 10%.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.42	Lycopene 10% (CAS No. 502–65–8) (provided for in subheading 2106.90.95)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1253. COSMETIC BAGS WITH A FLEXIBLE OUTER SURFACE OF REINFORCED OR LAMINATED POLYVINYL CHLORIDE (PVC).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.43	Vanity cases that are of a soft sided construction, of reinforced or laminated polyvinyl chloride plastics, and are of a kind normally carried in the pocket or in the handbag and used to contain and apply cosmetic preparations (provided for in subheading 4202.12.20)	13.3%	No change	No change	On or before 12/31/2009	".

SEC. 1254. MIXTURES OF METHYL 4-IODO-2-[3-(4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)UREIDOSULFONYL]BENZOATE, SODIUM SALT (IODOSULFURON METHYL, SODIUM SALT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.44	Mixtures of methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl]benzoate, sodium salt (Iodosulfuron methyl, sodium salt) (CAS No. 144550–36–7) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1255. ETHYL 4,5-DIHYDRO-5,5-DIPHENYL-1,2-OXAZOLE-3-CARBOXYLATE (ISOXADIFEN-ETHYL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.45	Ethyl 4,5-dihydro-5,5-diphenyl-1,2-oxazole-3-carboxylate (Isoxadifen-ethyl) (CAS No. 163520–33–0) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1256. (5-CYCLOPROPYL-4-ISOXAZOLYL)[2-(METHYLSULFONYL)-4-(TRIFLUOROMETHYL) PHENYL] METHANONE (ISOXAFLUTOLE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.46	(5-cyclopropyl-4-isoxazolyl)[2-(methylsulfonyl)-4-(trifluoromethyl) phenyl]methanone (Isoxaflutole) (CAS No. 141112–29–0) (provided for in subheading 2934.99.15)	4.8%	No change	No change	On or before 12/31/2009	".

SEC. 1257. MIXTURES OF CAS NOS. 181274–15–7 AND 208465–21–8.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.47	Mixtures of methyl 2-(4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-yl) carboxamidosulfonylbenzoate, sodium salt (Propoxycarbazone-sodium) (CAS No. 181274–15–7), 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]-α-(methanesulfonamido)-p-toluic acid, methyl ester (Mesosulfuron-methyl) (CAS No. 208465–21–8), and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1258. METHYL 2-[(4,6-DIMETHOXYPYRIMIDIN-2-YLCARBAMOYL)SULFAMOYL]-α-(METHANESULFONAMIDO)-P-TOLUATE (MESOSULFURON-METHYL) WHETHER OR NOT MIXED WITH APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.48	Methyl 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]-α-(methanesulfonamido)-p-toluate (Mesosulfuron-methyl) (CAS No. 208465–21–8) whether or not mixed with application adjuvants (provided for in subheading 2935.00.75 or 3808.30.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1259. MIXTURES OF FORAMSULFURON AND IODOSULFURON-METHYL-SODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.49	Mixtures of N.N-dimethyl-2[3-(4.6-dimethoxypyrimidin-2-yl)ureidosulfonyl]-4-formylaminobenzamide (Foramsulfuron) (CAS No. 173159–57–4), methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl]benzoate, sodium salt (Iodosulfuron-methyl-sodium) (CAS No. 144550–36–7) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1260. 2-METHYL-1-[4-(METHYLTHIO)PHENYL]-2-(4-MORPHOLINYL)–1-PROPANONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.50	2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)–1-propanone (CAS No. 71868–10–5) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1261. 1,6-HEXANEDIAMINE, N,N- BIS(2,2,6,6-TETRAMETHYL-4- PIPERIDINYL)-, POLYMER WITH 2,4,6-TRICHLORO-1,3,5-TRIAZINE, REACTION PRODUCTS WITH N-BUTYL-1-BUTANAMINE AND N-BUTYL- 2,2,6,6-TETRAMETHYL-4- PIPERIDINAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.51	1,6-Hexanediamine, N,N- bis(2,2,6,6-tetramethyl-4- piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with N-butyl-1-butanamine and N-butyl-2,2,6,6-tetramethyl-4- piperidinamine (CAS No. 192268–64–7) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1262. VAT BLACK 25.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.52	Anthra[2.1.9-mna]naphth[2.3-h]acridine-5.10.15(16H)-trione,3-[(9.10-dihydro-9.10-dioxo-1-anthracenyl)amino]- (Vat Black 25) (CAS No. 4395–53–3) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1263. ACID ORANGE 162.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.53	Cobaltatemedato(z-), bis[3-[[1-(3- chlorophenyl)-4,5-dihydro-3- methyl-5-(oxo-.kappa.O)-1H- pyrazol-4-yl]azo-.kappa.N1]-4- (hydroxy-.kappa.O)- benzenesulfonamidato(2-)]-, sodium (CAS No. 73612–40–5) (Acid Orange 162) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1264. VULCUREN UPKA 1988.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.54	1,6-Bis(N,N'-dibenzylthiocarbamoyldithio)hexane (CAS No. 151900–44–6) (provided for in subheading 2930.20.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1265. VULLCANOX 41010 NA/LG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.55	N-Isopropyl-N'-phenyl-p-phenylenediamine (CAS No. 101–72–4) (provided for in subheading 2921.51.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1266. VULKAZON AFS/LG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.56	Pentaerythritolbis(tetrahydrobenzaldehyde acetal) (CAS No. 6600–31–3) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1267. P-ANISALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.57	P-Anisaldehyde (CAS No. 123–11–5) (Benzoldehyde, 4-methoxy-) (provided for in subheading 2912.49.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1268. METHYL SALICYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.58	Methyl salicylate (CAS No. 119–36–8) (provided for in subheading 2918.23.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1269. 1,2-OCTANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.59	1,2-Octanediol (CAS No. 1117–86–8) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1270. 1,2-PENTANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.60	1,2-Pentanediol (CAS No. 5343–92–0) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1271. MENTHONE GLYCERIN ACETAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.61	Menthone glycerin acetal (CAS No. 63187–91–7) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1272. AGRUMEX.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following:

“	9902.11.62	o-tert-Butylcyclohexyl acetate, cis form (CAS No. 20298–69–9) (Agrumex) (Cyclohexanol, 2-(1,1-dimethyl-) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1273. COHEDUR RL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.63	Mixtures of resorcinol (CAS No. 108–46–3), hexamethylolmelamine ether (CAS No. 3089–11–0) and dibutyl phthalate (CAS No. 84–74–2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1274. FORMULATIONS OF PROSULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.64	Mixtures of Prosulfuron (1-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]urea) (CAS No. 94125–34–5) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1275. PONTAMINE GREEN 2B.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.65	Dyestuff containing as active ingredient 2,7-Naphthalenedisulfonic acid, 3,3'-[carbonylbis(imino-4,1-phenyleneazo)]bis[4-amino-5-hydroxy-6-(phenylazo)-, tetrasodium salt (CAS No. 59262–64–5) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1276. BAYDERM BOTTOM 10 UD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.66	Aqueous polyurethane dispersions containing 29% to 31% solids content of hexanedioic acid, polymer with N-(2-aminoethyl)-1,2-ethanediamine, 2-butene-1,4-diol, 1,6-diisocyanatohexane, 1,2-ethanediol, 1,3-isobenzofurandione, methyloxirane, oxirane and sodium hydrogen sulfite, 2-(2-butoxyethoxy)ethanol-blocked (CAS No. 100486–94–0) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1277. BAYDERM FINISH DLH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.67	Hexanedioic acid, polymer with 1,4-butanediol, 1,6-diisocyanatohexane and 1,6-hexanediol, 2-((2-aminoethyl)amino) ethanesulfonic acid, of 38 to 42 percent solids content in aqueous dispersion (CAS No. 68037–41–2) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1278. LEVAGARD DMPP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.68	Dimethyl propylphosphonate (CAS No. 18755–43–6) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1279. BAYDERM BOTTOM DLV.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.69	Aqueous polyurethane dispersions containing 38% to 42% solids content of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with 2-[(2-aminoethyl)amino]ethanesulfonic acid, monosodium salt, 1,6-diisocyanatohexane, diphenyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, methyloxirane, oxirane and 1,2-propanediol, 2-(2-butoxyethoxy)ethanol-blocked (CAS No. 137898–95–4) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1280. CERTAIN ETHYLENE-VINYL ACETATE COPOLYMERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.70	Ethylene-vinyl acetate copolymers, other than those in aqueous dispersions, containing 50% or more by weight vinyl acetate monomer (CAS No. 24937–78–8) (provided for in subheading 3905.29.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1281. LEWATIT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.71	Ion-exchange resins (cationic H form), consisting of copolymers of acrylic acid and diethylene glycol divinyl ether (CAS No. 359785–58–3) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1282. PARA-CHLOROPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.72	para-Chlorophenol (CAS No. 106–48–9) (provided for in subheading 2908.10.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1283. CYAZOFAMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.73	Mixtures of 4-chloro-2-cyano-N,N-dimethyl-5-(4-methylphenyl)-1H-imidazole-1-sulfonamide (Cyazofamid) (CAS No. 120116–88–3) with application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1284. CYPERMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.74	Cyano(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate (Cypermethrin) (CAS No. 52315–07–8) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1285. FLONICAMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.75	N-(Cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide (Flonicamid) (CAS No. 158062–67–0) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1286. ZETA-CYPERMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.76	(S)-Cyano-(3-phenoxyphenyl)methyl (+)cis-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate and (S)-cyano-(3-phenoxyphenyl)methyl (+)trans-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate (zeta-Cypermethrin) (CAS No. 52315–07–8) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1287. CERTAIN ADSORBENT RESINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.77	Ion-exchange resins comprised of a macroporous polymer of divinylbenzene (CAS No. 9003–69–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1288. ION-EXCHANGE RESIN POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.78	Ion-exchange resin powder comprised of a copolymer of methacrylic acid cross-linked with divinylbenzene, in the hydrogen ionic form, of a nominal partical size between 0.025mm and 0.150 mm, dried to less than 5% moisture (CAS No. 50602–21–6)(provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1289. ION-EXCHANGE RESIN POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.79	Ion-exchange resin powder comprised of a copolymer of methacrylic acid cross-linked with divinylbenzene, in the potassium ionic form, of a nominal particle size between 0.025mm and 0.150 mm, dried to less than 10% moisture (CAS No. 65405–55–2) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1290. DESMODUR E 14.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.80	1,2,3-Propanetriol, polymer with 2,4-diisocyanato-1-methylbenzene, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, methyloxirane and oxirane (CAS No. 127821-00-5) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1291. DESMODUR HL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.81	Benzene, 1,3-diisocyanatomethyl-, polymer with 1,6-diisocyanatohexane (CAS No. 63368-95-6) (provided for in subheading 3911.90.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1292. DESMODUR VP LS 2253.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.82	Hexane, 1,6-diisocyanato-, homopolymer, 3,5-dimethyl-1H-pyrazole-blocked (CAS No. 163206-31-3) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1293. DESMODUR R-E.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.83	4,4', 4''-TT Desmodur R-E in solvent (CAS No. 2422-91-5) in solvent (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1294. WALOCEL MW 3000 PFV.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.84	Methyl hydroxyethyl cellulose products containing 30% or greater content of 2-hydroxyethyl methyl ether cellulose (“MHEC”) reaction products with glyoxal (CAS No. 68441-63-4) (provided for in subheading 3912.39.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1295. TSME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.85	ortho/para-Toluenesulfonic acid, methyl ester (TSME) (CAS Nos. 23373-38-8 and 80-48-8) (provided for in subheading 2904.10.32)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1296. WALOCEL VP-M 20660.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.86	Methyl Hydroxyethyl Cellulose with a 77% or greater content of 2-hydroxyethyl methyl ether cellulose (CAS No. 9032-42-2) (provided for in subheading 3912.39.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1297. XAMA 2.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.87	Trimethylopropane tris(3-aziridinylpropanoate) (CAS No. 52234-82-9) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1298. XAMA 7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.88	Polyfunctional aziridine (CAS No. 57116-45-7) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1299. 2-ETHYLHEXYL 4-METHOXYCINNAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.89	2-Ethylhexyl 4-methoxycinnamate (CAS No. 5466-77-3) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1300. CERTAIN CASES FOR TOYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.11.90	Cases or containers (provided for in subheading 4202.92.90 and not including goods described in heading 9902.01.81), specially shaped or fitted for, and with labeling, logo or other descriptive information on the exterior of the case or container indicating its intention to be used for, electronic drawing toys or electronic games of heading 9503 or 9504	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1301. CERTAIN CASES FOR TOYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.91	Cases or containers (provided for in subheadings 4402.12.80 or 4202.92.90), having one or more molded plastic holders, clips or fasteners, for holding a doll or dolls, whether or not the case or container is also capable of holding other goods	Free	No change	No change	On or before 12/31/2009	".

SEC. 1302. ANILINE 2.5-DISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.92	Aniline 2.5- disulfonic acid (CAS No. 98-44-2) (1,4-Benzenedisnlfonic acid, 2-amino-) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1303. 1,4-BENZENEDICARBOXYLIC ACID, POLYMER WITH N,N′-BIS(2-AMINOETHYL)–1,2-ETHANEDIAMINE, CYCLIZED, METHOSULFATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.93	1,4-Benzenedicarboxylic acid, polymer With N,N′-Bis(2-aminoethyl)–1,2-ethanediamine, cyclized, methosulfate (CAS No. 68187–22–4) (provided for in subheading 3908.90.70)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1304. SULFUR BLUE 7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.94	4-[(4-Amino-3-methylphenyl)amino]phenol, reaction products with sodium sulfide (Sulfur Blue 7) (CAS No. 1327–57–7) (provided for in subheading 3204.19.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1305. FORMALDEHYDE, REACTION PRODUCTS WITH 1,4-BENZENEDIOL AND M-PHENYLENEDIAMINE, SULFURIZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.95	Formaldehyde, reaction products with 1,4-benzenediol and m-phenylenediamine, sulfurized (CAS No. 110392–46–6) (provided for in subheading 3204.19.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1306. ISOCYANATOSULFONYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.96	2-(Isocyanatosulfonyl)benzoic acid, ethyl ester (CAS No. 77375–79–2) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1307. ISOCYANATOSULFONYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.97	2-(Isocyanatosulfonyl)benzoic acid, methyl ester (CAS No. 74222–95–0) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1308. CERTAIN AUTOMOTIVE CATALYTIC CONVERTER MATS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.98	Catalytic converter mats of ceramic fibers containing over 65 percent by weight of aluminum oxide, the foregoing 4.7625 mm or more in thickness, in bulk, sheets or rolls and designed for motor vehicles of heading 8703 (provided for in subheading 6806.10.00)	1.5%	No change	No change	On or before 12/31/2009	".

SEC. 1309. GEMIFLOXACIN, GEMIFLOXACIN MESYLATE, AND GEMIFLOXACIN MESYLATE SESQUIHYDRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.11.99	Gemifloxacin (CAS No. 175463–14–6); gemifloxacin mesylate (CAS No. 210353–53–0 or 204519–65–3); and gemifloxacin mesylate sesquihydrate (CAS No. 210353–56–3) (the foregoing provided for in subheading 2933.99.46)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1310. BUTRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.01	Butralin (CAS No. 33629-47-9) (Benzenamine, 4-(1,1-dimethylethyl)-N- (1-methylpropyl)-2,6-dintro–) (provided for in subheading 2921.43.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1311. SPIRODICLOFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.02	2,2-Dimethylbutanoic acid, 3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro(4.5)dec-3-en-4-yl ester (Spirodiclofen) (CAS No. 148477–71–8) (provided for in subheading 2932.29.10)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1312. PROPAMOCARB HCL (PREVICUR).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.03	Mixtures of propyl 3-(dimethylamino) propylcarbamate monohydrochloride (Propamocarb hydrochloride) (CAS No. 25606-41-1) and application adjuvants (provided for in subheading 3808.20.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1313. DESMODUR IL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.04	Poly(toluene diisocyanate) (CAS No. 26006-20-2) dissolved in organic solvents (provided for in subheading 3911.90.45)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1314. CHLOROACETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.05	1-Chloro-2-propanone (CAS No. 78-95-5) (provided for in subheading 2914.70.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1315. IPN (ISOPHTHALONITRILE).

(a) CALENDAR YEAR 2006.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.06	1,3-Benzenedicarbonitrile (CAS No. 626-17-5) (provided for in subheading 2926.90.48)	3.04%	No change	No change	On or before 12/31/2006	".

(b) CALENDAR YEAR 2007.—

(1) IN GENERAL.—Heading 9902.12.06, as added by subsection (a), is amended—

(A) by striking "3.04%" and inserting "3.23%"; and

(B) by striking "On or before 12/31/2006" and inserting "On or before 12/31/2007".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2007.

(c) CALENDAR YEARS 2008 AND 2009.—

(1) IN GENERAL.—Heading 9902.12.06, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking "3.23%" and inserting "3.4%"; and

(B) by striking "On or before 12/31/2007" and inserting "On or before 12/31/2009".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2008.

SEC. 1316. NOA 446510 TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.07	4-Chloro-N-[2-[3-methoxy-4-(2-propynyloxy)phenyl]ethyl]-α-(2-propynyloxy)benzeneacetamide (Mandipropamid) (CAS No. 374726-62-2) (provided for in subheading 2924.29.47)	1.2%	No change	No change	On or before 12/31/2009	".

SEC. 1317. HEXYTHIAZOX TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.08	trans-5-(4-Chlorophenyl)-N-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide (Hexythiazox Technical) (CAS No. 78587-05-0) (provided for in subheading 2934.10.10)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1318. 1,10-DIAMINODECANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.09	1,10-Diaminodecane (CAS No. 646-25-3) (provided for in subheading 2921.29.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1319. CRELAN (SELF-BLOCKED CYCLOALIPHATIC POLYURETDIONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.10	2-Oxepanone polymer with 1,4-butanediol and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-ethyl-1-hexanol-blocked (CAS No. 189020-69-7) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1320. ASPIRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.11	o-Acetylsalicylic acid (aspirin) (CAS No. 50-78-2) (provided for in subheading 2918.22.10)	3.0%	No change	No change	On or before 12/31/2009	".

SEC. 1321. DESMODUR BL XP 2468.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.12	Copolymer of methyl ethyl ketoxime and toluenediisocyanate (CAS No. 352462-03-4) (provided for in subheading 3911.90.45)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1322. CERTAIN FLAME RETARDANT PLASTICIZERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.12.13	Plasticizers containing diphenyl cresyl phosphate (CAS No. 26444-49-5), triphenyl phosphate (CAS No. 115-86-6), tricresyl phosphate (CAS No. 1330-78-5), and phenyl dicresyl phosphate (CAS No. 26446-73-1) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2009	
	9902.12.14	Phosphoric acid, tris (2-ethylhexyl) ester (CAS No. 78-42-2) (provided for in subheading 2919.00.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1323. BAYPURE DS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.15	Polyaspartic acid, sodium salt, in aqueous solution (CAS No. 181828-06-8) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1324. BAYOWET C4.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.16	1,1,2,2,3,3,4,4,4-Nonafluorobutanesulfonic acid, potassium salt (CAS No. 29420-49-3) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1325. DESMODUR RF-E.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.17	Mixtures of tris(4-isocyanatophenyl)thiophosphate (CAS No. 4151-51-3) and ethyl acetate and monochlorobenzene as solvents (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1326. DESMODUR HL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.18	Benzene, 1,3 diisocyanatomethyl-, polymer with 1,6-diisocyanatohexane (CAS No. 63368-95-6) dissolved in n-butyl acetate (provided for in subheading 3911.90.45)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1327. D-MANNOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.19	D-Mannose (CAS No. 3458-28-4) (provided for in subheading 2940.00.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1328. CERTAIN CAMEL HAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.20	Camel hair, processed beyond the degreased or carbonized condition (provided for in subheading 5102.19.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1329. WASTE OF CAMEL HAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.21	Waste of camel hair (provided for in subheading 5103.20.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1330. CERTAIN CAMEL HAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.22	Camel hair carded or combed (provided for in subheading 5105.39.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1331. WOVEN FABRIC OF VICUNA HAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.23	Woven fabrics containing 85 percent or more by weight of vicuna hair (provided for in subheadings 5111.11.70, 5111.19.60, 5112.11.60, or 5112.19.95)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1332. CERTAIN CAMEL HAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.24	Camel hair, not processed in any manner beyond the degreased or carbonized condition (provided for in subheading 5102.19.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1333. NOILS OF CAMEL HAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.25	Noils of camel hair (provided for in subheading 5103.10.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1334. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.26	Bicycle speedometers (provided for in subheading 9029.20.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1335. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.27	Baby carriers, chain tension adjustors, chain covers, mechanical grips with 2.223 cm internal diameter, air horns, wide-angle reflectors, saddle covers of plastics, chain tensioners, toe clips, head sets or seat posts, all the foregoing designed for use on bicycles (provided for in subheading 8714.99.80)	9.2%	No change	No change	On or before 12/31/2009	".

SEC. 1336. OTHER CYCLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.28	Unicycles (provided for in subheading 8712.00.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1337. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.29	Sets of steel tubing cut to exact length and each set having the number of tubes needed for the assembly (with other parts) into the frame and fork of one bicycle (provided for in subheading 8714.91.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1338. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.30	Bicycle wheel rims (provided for in subheading 8714.92.10)	1.8%	No change	No change	On or before 12/31/2009	".

SEC. 1339. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.31	Crank-gear and parts thereof (other than cotterless-type crank sets and parts thereof) (provided for in subheading 8714.96.90)	6.1%	No change	No change	On or before 12/31/2009	".

SEC. 1340. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.32	Brakes designed for bicycles (other than drum brakes, caliper and cantilever brakes, and coaster brakes) and parts thereof (provided in subheading 8714.94.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1341. CHLOROACETIC ACID, ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.33	Chloroacetic acid, ethyl ester (CAS No. 105-39-5) (provided for in subheading 2915.40.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1342. CHLOROACETIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.34	Chloroacetic acid, sodium salt (CAS No. 3926-62-3) (provided for in subheading 2915.40.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1343. CYCLOPROPANECARBOXYLIC ACID, 3-(2-CHLORO-3,3,3-TRIFLUORO-1-PROPENYL)-2,2-IMETHYL-, (2-METHYL(1,1′-BIPHENYL)-3-YL)METHYL ESTER, (Z)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.35	(2-Methyl[1,1′-biphenyl]-3-yl)methyl-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate (Bifenthrin) (CAS No. 82657-04-3) (provided for in subheading 2916.20.50)	0.7%	No change	No change	On or before 12/31/2009	".

SEC. 1344. (2-CHLOROETHYL)PHOSPHONIC ACID (ETHEPHON).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.36	(2-Chloroethyl)phosphonic acid (Ethephon) (CAS No. 16672-87-0) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/ 2009	".

SEC. 1345. PREPARATIONS CONTAINING, 2-(1-(((3-CHLORO-2-PROPENYL)OXY)IMINO)PROPYL)-5-(2-(ETHYLTHIO)PROPYL)-3-HYDROXY-2-CYCLOHEXENE-1-ONE (CLETHODIM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.37	Preparations containing, 2-(1-(((3-Chloro-2-propenyl)oxy)imino)propyl)-5-(2-(ethylthio)propyl)-3-hydroxy-2-cyclohexene-1-one (Clethodim) (CAS No. 99129-21-2) and application adjuvants (provided for in subheading 3808.30.20)	Free	No change	No change	On or before 12/31/ 2009	".

SEC. 1346. UREA, POLYMER WITH FORMALDEHYDE (PERGOPAK).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.38	Urea, polymer with formaldehyde (Pergopak) (CAS No. 9011-05-6) (provided for in subheading 3909.10.00)	Free	No change	No change	On or before 12/31/ 2009	".

SEC. 1347. LOW EXPANSION LABORATORY GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.39	Laboratory, hygienic, or pharmaceutical glassware, whether or not graduated or calibrated, of low expansion borosilicate glass or alumino-borosilicate glass, having a linear coefficient of expansion not exceeding 3.3 x 10^7 per Kelvin within a temperature range of 0 to 300° C (provided for in subheading 7017.20.00)	3.6%	No change	No change	On or before 12/31/ 2009	".

SEC. 1348. STOPPERS, LIDS, AND OTHER CLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.40	Stoppers, lids, and other closures of low expansion borosilicate glass or alumino-borosilicate glass, having a linear coefficient of expansion not exceeding 3.3 x 10^7 per Kelvin within a temperature range of 0 to 300° C, produced by automatic machine (provided for in subheading 7010.20.20) or produced by hand (provided for in subheading 7010.20.30)	Free	No change	No change	On or before 12/31/ 2009	".

SEC. 1349. PIGMENT YELLOW 213.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.41	1,4-Benzenedicarboxylic acid, 2-[[2-oxo-1-[[(1,2,3,4-tetrahydro-7-methoxy-2,3-dioxo-6-quinoxalinyl) amino]carbonyl]propyl]azo]-, dimethyl ester (Pigment Yellow 213) (CAS No. 220198-21-0) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/ 2009	".

SEC. 1350. INDOXACARB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.42	(4aS) -7-Chloro-2, 5-dihydro-2- [[(methoxycarbonyl)[4-(trifluoromethoxy) phenyl] amino] carbonyl]-indeno [1,2-e][1,3,4] oxadiazine-4a (3H)-carboxylic acid methyl ester (CAS No. 173584-44-6) (provided for in subheading 2934.99.16)	Free	No change	No change	On or before 12/31/ 2009	".

SEC. 1351. DIMETHYL CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.43	Dimethyl carbonate (CAS No. 616-38-6) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/ 2009	".

SEC. 1352. 5-CHLORO-1-INDANONE (EK179).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.44	5-Chloro-1-indanone (CAS No. 42348-86-7) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/ 2009	".

SEC. 1353. MIXTURES OF FAMOXADONE AND CYMOXANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.45	Mixtures of 5-methyl-5-(4-phenoxyphenyl)-3-(phenylamino)-2,4-oxazolidinedione] (famoxadone) (CAS No. 131807-57-3), 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino)acetamide (Cymoxanil) (CAS No. 57966-95-7) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/ 2009	".

SEC. 1354. ORTHO NITRO ANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.46	2-Nitroaniline (CAS No. 88-74-4) (Benzenamine, 2-nitro-) (provided for in subheading 2921.42.90)	Free	No change	No change	On or Before 12/31/2009	".

SEC. 1355. DECANEDIOIC ACID, BIS(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL) ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.47	Decanedioic acid, bis(2,2,6,6-tetramethyl-4-piperidinyl) ester (CAS No. 52829-07-9) (provided for in subheading 2933.39.91)	Free	No change	No change	On or Before 12/31/2009	".

SEC. 1356. 2,2 -(2,5-THIOPHENEDIYL)BIS(5-(1,1-DIMETHYLETHYL)BENZOXAZOLE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.48	2,2 -(2,5-Thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole) (CAS No. 7128-64-5) (provided for in subheading 3204.20.80)	Free	No change	No change	On or Before 12/31/2009	".

SEC. 1357. ACID BLUE 80.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.49	Acid Blue 80 (CAS No. 4474-24-2) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1358. PIGMENT BROWN 25.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.50	Pigment Brown 25 (CAS No. 6992-11-6) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1359. FORMULATIONS OF AZOXYSTROBIN.

(a) CALENDAR YEAR 2006.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.51	Mixtures of benzeneacetic acid, (α E)- 2-[[6-(2-cyanophenoxy)-4-pyrimidinyl]oxy]-α-(methoxymethylene)-, methyl ester (Azoxystrobin) (CAS No. 131860-33-8) and application adjuvants (provided for in subheading 3808.20.15)	6.14%	No change	No change	On or before 12/31/2006	".

(b) CALENDAR YEAR 2007.—

(1) IN GENERAL.—Heading 9902.12.51, as added by subsection (a), is amended—

(A) by striking "6.14%" and inserting "6.15%"; and

(B) by striking "On or before 12/31/2006" and inserting "On or before 12/31/2007".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2007.

(c) CALENDAR YEARS 2008 AND 2009.—

(1) IN GENERAL.—Heading 9902.12.51, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking "6.15%" and inserting "6.17%"; and

(B) by striking "On or before 12/31/2007" and inserting "On or before 12/31/2009".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2008.

SEC. 1360. FORMULATIONS OF PINOXADEN/CLOQUINTOCET.

(a) CALENDAR YEARS 2006 AND 2007.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.52	Mixtures of 8(2,6-diethyl-p-tolyl)-1,2,4,5-tetrahydro-7-oxo-7H-pyrazolo[[1,2-d][1,4,5] oxadiazepin-9-yl 2,2-dimethylpropionate (Pinoxaden) (CAS No. 243973-20-8), acetic acid, [5-chloro-8-quinolinyl]oxy]-, 1-methylhexyl ester (Cloquintocet) (CAS No. 99607-70-2) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2007	".

(b) CALENDAR YEARS 2008 AND 2009.—

(1) IN GENERAL.—Heading 9902.12.52, as added by subsection (a), is further amended—

(A) by striking "Free" and inserting "1.74%"; and

(B) by striking "On or before 12/31/2007" and inserting "On or before 12/31/2009".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2008.

SEC. 1361. MIXTURES OF DIFENOCONAZOLE/MEFENOXAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.53	Mixtures of 1H-1,2,4-triazole, 1-((2-chlorophenoxy)phenyl)-4-methyl-1,3-dioxolan-2-yl)methyl)- (Difenoconazole) (CAS No. 119446-68-3), (R,S)-2-((2,6-dimethylphenyl) methoxyacetylamino) propionic acid, methyl ester (Mefenoxam) (CAS Nos. 70630-17-0, and 69516-34-3) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1362. FLUDIOXINIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.54	1H-Pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)- (fludioxinil) (CAS No. 131341-86-1) (provided for in subheading 2934.99.12)	1.6%	No change	No change	On or before 12/31/2009	".

SEC. 1363. MIXTURES OF CLODINAFOP-PROPARGYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.55	Mixtures of propionic acid, 2-(4-((5-chloro-3-fluoro-2-pyridynyl)oxy)phenoxy-2-propynyl ester, (clodinafop-propargyl) (CAS No. 105512-06-9) (provided for in subheading 3808.30.15)	1.7%	No change	No change	On or before 12/31/2009	".

SEC. 1364. AVERMECTIN B, 1,4″-DEOXY-4″-METHYLAMINO-, (4″R)-, BENZOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.56	Avermectin B, 1,4″-deoxy-4″-methylamino-, (4″R)-, benzoate (CAS No. 155569-91-8) (provided for in subheading 3824.90.91 or 2932.29.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1365. CLOQUINTOCET-MEXYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.57	Acetic acid, 5-chloro-8-quinolinoxy-, 1-methylhexyl ester (Cloquintocet-mexyl) (CAS No. 99607-70-2) (provided for in subheading 2933.49.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1366. METALAXYL-M TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.58	(R,S)-2-((2,6-Dimethylphenyl) methoxyacetylamino) propionic acid, methyl ester (Metalaxyl-M and L-Metalaxylfenoxam) (CAS Nos. 70630-17-0 and 69516-34-3) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1367. CYPROCONAZOLE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.59	[α-(4-Chlorophenyl)-α-(1-cyclopropylethyl)-1H-1-1,2,4-triazole-1-ethanol (Cyproconazole) (CAS No. 94361-06-5) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1368. PINOXADEN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.60	8-(2,6-Diethyl-4-methylphenyl)-1,2,4,5-tetrahydro-7-oxo-7H-pyrazolo[1,2-d][1,4,5]oxadiazepin-9-yl 2,2-dimethylpropanoate (Pinoxaden) (CAS No. 243973-20-8) (provided for in subheading 2934.99.15)	1.8%	No change	No change	On or before 12/31/2009	".

SEC. 1369. MIXTURES OF TRALKOXYDIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.61	Mixtures of 2-[1-(ethoxyimino)propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820-88-0) as the active ingredient and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1370. 3,3′-DICHLOROBENZIDINE DIHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.62	3,3′-Dichlorobenzidine Dihydrochloride ([1,1′-Biphenyl]-4,4′-diamine, 3,3′-dichloro-) (CAS No. 612-83-9) (provided for in subheading 2921.59.80)	5.9%	No change	No change	On or before 12/31/2009	".

SEC. 1371. TMC114.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.63	3-[4-Aminobenzensulfonyl)isobutylamino]-1-benzyl-2-hydroxypropyl]carbamic acid, hexahydrofuro[2,3-b]furan-3-yl ester ethanolate (CAS No. 206361-99-1) (provided for in subheading 2932.99.61)	6.4%	No change	No change	On or before 12/31/2009	".

SEC. 1372. CERTAIN CHEMICALS AND CHEMICAL MIXTURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.12.64	3-[(2-Chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine (Thiamethoxam) (CAS No. 153719–23–4) (provided for in subheading 2934.10.90)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.65	Mixtures of (±) (cis and trans)-1-(2-(2.4-Dichlorophenyl)-4-propyl-1.3-dioxalan-2-yl)methyl)-1H-1,2,4-triazole (Propiconazole) (CAS No. 60207–90–1) and 3-iodo-2-propynyl butylcarbamate (CAS No. 55406–53–6), and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.66	Mixtures of 4.6-dimethyl-*N*-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112–28–0), (±)-1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1-*H*-imidazole sulfate (Imazilil Sulfate)(CAS No. 73790–28–0) and application adjuvants (Philabuster 400SC) (the foregoing provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.67	(+)-3-[2-[4-(6-Fluoro-1,2-benzisoxazol-3-yl)-1-piperidinyl]ethyl]-6,7,8,9-tetrahydro-9-hydroxy-2-methyl-4*H*-pyrido[1.2-a]pyrimidin-4-one (CAS No. 144598–75–4) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.68	3-Benzo[b]thien-2-yl-5, 6-dihydro-1.4.2-oxathiazine-4-oxide (Bethoxazin) (CAS No. 163269–30–5) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.69	4-Bromo-2-(4-chlorophenyl)-1-(ethoxymethyl)-5-(trifluoromethyl)-1H-pyrrole-3-carbonitrile (Chlorfenapyr) (CAS No. 122453–73–0) (provided for in subheading 2933.99.17)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.70	2-(*p*-Chlorophenyl)-3-cyano-4-bromo-5-trifluoromethylpyrrole (Econea 028) (CAS No. 122454–29–9) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.71	Mixtures of 4,6-dimethyl-*N*-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112–28–0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1373. CERTAIN CHEMICALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.12.72	Mixtures of zinc dialkyldithiophosphate (CAS No. 6990–43–8) with an elastomer binder of ethylene-propylene-diene monomer and ethyl vinyl acetate, dispersing agents and silica (provided for in subheading 3812.10.50)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.73	Mixtures of dithiocarbamate, thiazole, thiuram and thiourea with an elastomer binder of ethylene-propylene-diene monomer and ethyl vinyl acetate, and dispersing agents (provided for in subheading 3812.10.50)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.74	Mixtures of caprolactam disulfide (CAS No. 23847–08–7) with an elastomer binder of ethylene-propylene-diene monomer and ethyl vinyl acetate, and dispersing agents (provided for in subheading 3812.10.50)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.75	Mixtures of N′-(3,4-dichloro-phenyl)-N,N-dimethylurea (CAS No. 330–54–1) with acrylate rubber (provided for in subheading 3812.10.50)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.76	Mixtures of zinc dicyanato diamine (CAS No. 122012–52–6) with an elastomer binder of ethylene-propylene-diene monomer and ethyl vinyl acetate, and dispersing agents (provided for in subheading 3812.10.50)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.77	4,8-Dicyclohexyl -6-2,10-dimethyl -12*H*-dibenzo [*d,g*][1.3.2]dioxaphosphocin (CAS No. 73912–21–7) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.78	Mixtures of benzenesulfonic acid, dodecyl-, with 2-aminoethanol (CAS No. 26836–07–7) and Poly (oxy-1.2-ethanediyl), α-[1-oxo-9- octadecenyl]-*w*-hydroxy-, (9Z) (CAS No. 9004–96–0) (provided for in subheading 3402.90.50)	Free	No change	No change	On or before 12/31/2009	...
	9902.12.79	1.3-Dihydro-3.3-bis (4-hydroxy-m-tolyl)-2H-indol-2-one (CAS No. 47465–97–4) (provided for in subheading 2933.79.08)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1374. MIXTURES OF (±)-(CIS AND TRANS)-1-[[2-(2,4-DICHLOROPHENYL)-4-PROPYL-1,3-DIOXOLAN-2-YL]-METHYL]-1H-1,2,4-TRIAZOLE.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.80	Mixtures of (±)-(cis and trans)-1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1.2.4-triazole (CAS No. 60207–90–1) and application adjuvants (provided for in subheading 3808.20.15)	1.1%	No change	No change	On or before 12/31/2009	”.

(b) CONFORMING AMENDMENT.—Subchapter II of chapter 99 is amended by striking heading 9902.32.04.

SEC. 1375. CHROMATE(2-), [2,4-DIHYDRO-4-[[2-(HYDROXY-KO)-4-NITROPHENYL]AZO-KN1]-5-METHYL-3H-PYRAZOL-3-ONATO(2-)-KO3][3-[[4,5-DIHYDRO-3-METHYL-1-(4-METHYLPHENYL)-5-(OXO-KO)-1H-PYRAZOL-4-YL]AZO-KN1]-4-(HYDROXY-KO)-5-NITROBENZENESULFONATO(3-)]-, DISODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.81	Chromate (2-), [2,4-dihydro-4-[[2-(hydroxy-κO)-4-nitrophenyl]azo-κN1]-5-methyl-3-H-pyrazol-3-onato(2-)-κO3][3-[[4,5-dihydro-3-methyl1-(4-methylphenyl)-5-(oxo-κO)-1H-pyrazol-4-yl]azo-κN]-4-(hydroxy)-5-nitrobenzeneslfonato(3-)]-, disodium salt (Acid Red 414) (CAS No. 152287-09-7) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1376. SOLVENT YELLOW 163.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.82	1,8-Bis(phenylthio)-9,10-anthracenedione (Solvent Yellow 163) (CAS No. 13676-91-0) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1377. 4-AMINO-3,6-BIS[[5-[[4-CHLORO-6-[METHYL[2-(METHYLAMINO)–2-OXOETHYL]AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-2-SULFOPHENYL]AZO]-5-HYDROXY-2,7-NAPHTHALENEDISULFONIC ACID, LITHIUM POTASSIUM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.83	4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt (CAS No. 205764-96-1) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1378. REACTIVE RED 123.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.84	7-[(5-Chloro-2,6-difluoro-4-pyrimidinyl)amino]-4-hydroxy-3[(methoxy-2-sulfophenyl)azo]-2-naphthalenesulfonic acid, sodium salt (Reactive Red 123) (CAS No. 85391-83-9) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1379. REACTIVE BLUE 250.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.85	4-Amino-5-hydroxy-6-[[2-methoxy-5-[[2-(sulfooxy)ethyl]sulfonyl]phenyl]azo]-3-[[4-[[2-(sulfooxy) ethyl]sulphonyl] phenyl]azo-2,7-naphthal enedisulfonic acid, tetrasodium salt (Reactive Blue 250) (CAS No. 93951-21-4) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1380. REACTIVE BLACK 5.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.86	4-Amino-5-hydroxy-3,6-bis[[4-[[2-(sulfooxy)ethyl] sulfonyl]phenyl]azo]-2,7-naphthalenedisulfonic acid, tetrasodium salt (Reactive Black 5) (CAS No. 17095-24-8) (provided for in subheading 3204.16.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1381. [2,2'-BI-1H-INDOLE]-3,3'-DIOL, POTASSIUM SALT (REDUCED VAT 1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.87	[2,2'-Bi-1H-indole]-3,3'-diol, potassium salt (Reduced Vat 1) (CAS No. 207692-02-2) (provided for in subheading 3204.15.40)	1.9%	No change	No change	On or before 12/31/2009	".

SEC. 1382. 5-[(2-CYANO-4-NITROPHENYL)AZO]-2-[[2-(2-HYDROXYETHOXY)ETHYL]AMINO]-4-METHYL-6-(PHENYLAMINO)–3-PYRIDINECARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.88	5-[(2-Cyano-4-nitrophenyl) azo]-2-[[2-(2-hydroxyethoxy) ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridinecarbonitrile (CAS No. 149988-44-3) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1383. CYANO[3-[(6-METHOXY-2-BENZOTHIAZOLYL)AMINO]-1H-ISOINDOL-1-YLIDENE]-ACETIC ACID, PENTYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.89	Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]-acetic acid, pentyl ester. (CAS No. 173285-74-0) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1384. [(9,10-DIHYDRO-9,10-DIOXO-1,4-ANTHRACENEDIYL)BIS[IMINO [3-(2-METHYLPROPYL)–3,1-PROPANEDIYL]&thnsp;]&thnsp;] BISBENZENESULFONIC ACID, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.12.90	[(9,10-dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3,1-propanediyl]]] bisbenzenesulfonic acid, disodium salt. (CAS No. 72749-90-7) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1385. [4-(2,6-DIHYDRO-2,6-DIOXO-7-PHENYLBENZO[1,2-B:4,5-B']DIFURAN-3-YL)PHENOXY]-ACETIC ACID, 2-ETHOXYETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.91	[4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b′]difuran-3-yl)phenoxy]-acetic acid, 2-ethoxyethyl ester (CAS No. 126877-05-2) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1386. 3-PHENYL-7-(4-PROPOXYPHENYL)-BENZO[1,2-B:4,5-B′]DIFURAN-2,6-DIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.92	3-Phenyl-7-(4-propoxyphenyl)-benzo[1,2-b:4,5-b′]difuran-2,6-dione (CAS No. 79694-17-0) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1387. 2-[[[2, 5-DICHLORO-4-[(2-METHYL-1H-INDOL-3-YL)AZO]PHENYL]SULFONYL]AMINO]-ETHANESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.93	2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl] sulfonyl]amino]-ethanesulfonic acid, monosodium salt (CAS No. 68959-19-3) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1388. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[[4-CHLORO-6-[(3-SULFOPHENYL)AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-4-HYDROXY-3-[[4-[[2-(SULFOOXY)ETHYL] SULFONYL]PHENYL]AZO]-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.94	2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfooxy)ethyl] sulfonyl]phenyl]azo]-, sodium salt. (CAS No. 78952-61-1) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1389. 7-[[2-[(AMINOCARBONYL)AMINO]-4-[[4-[4-[2-[[4-[[3-[(AMINOCARBONYL) AMINO]-4-[(3,6,8-TRISULFO-2-NAPHTHALENYL)AZO] PHENYL]AMINO]-6-CHLORO-1,3,5-TRIAZIN-2-YL]AMINO]ETHYL]- 1-PIPERAZINYL]-6-CHLORO-1,3,5-TRIAZIN-2-YL] AMINO] PHENYL]AZO]-1,3,6-NAPHTHALENETRISULFONIC ACID, LITHIUM POTASSIUM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.95	7-[[2-[(Aminocarbonyl)amino]-4-[[4-[4-[2-[[4-[[3-[(aminocarbonyl) amino]-4-[(3,6,8-trisulfo-2-naphthalenyl) azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]- 1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino] phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt (CAS No. 202667-43-4) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1390. 24-[[3-(ACETYLAMINO) PHENYL]AMINO]-1-AMINO-9,10-DIHYDRO-9,10-DIOXO-2-ANTHRACENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.96	4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt (CAS No. 70571-81-2) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1391. [4-[2,6-DIHYDRO-2,6-DIOXO-7-(4-PROPOXYPHENYL)BENZO[1,2-B:4,5-B]DIFURAN-3-YL]PHENOXY]-ACETIC ACID, 2-ETHOXYETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.97	[4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran-3-yl]phenoxy]-acetic acid, 2-ethoxyethyl ester (CAS No. 126877-06-3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1392. BASIC YELLOW 40 CHLORIDE BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.98	Basic yellow 40 chloride based (CAS No. 29556-33-0) (provided for in subheading 3204.13.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1393. DIRECT YELLOW 119.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.12.99	Direct yellow 119 (CAS No. 4121-67-9) provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1394. NAUGARD 412S.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.01	Pentaerythritol tetrakis[3-(dodecylthio)propionate] (CAS No. 29598-76-3) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1395. TRIACETONAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.02	2,2,6,6 Tetramethyl 4 piperidinone (CAS No. 826–36–8) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1396. IPCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.03	2-[(4-Chlorophenyl)methyl]-5-(1-methylethyl)-1-(1H-1,2,4-triazol-1-ylmethyl) cyclopentanol (Ipconazole) (CAS No. 125225–28–7) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1397. OMITE TECH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.04	2-(4-tert Butylphenoxy)cyclohexylprop 2-ynyl sulfite (Propargite) (CAS No. 2312–35–8) (provided for in subheading 2920.90.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1398. PANTERA TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.05	(+)-Tetrahydrofurfuryl)-(R)-2-[4-(6-chloroquinoxalin-2-yloxy)phenoxy]propionoate (Quizalofop p-tefuryl) (CAS No. 119738–06–6) (provided for in subheading 2934.99.15) and any formulations containing such compound (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1399. PARAQUAT DICHLORIDE.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.06	Paraquat dichloride (1,1'dimethyl-4,4'-bipyridinium dichloride) (CAS No. 1910–42–5) (provided for in subheading 2933.39.23)	3.59%	No change	No change	On or before 12/31/2006	”.

(b) CALENDAR YEAR 2007.—

(1) IN GENERAL.—Heading 9902.13.06, as added by subsection (a), is amended—

(A) by striking “3.59%” and inserting “4.02%”; and

(B) by striking “On or before 12/31/2006” and inserting “On or before 12/31/2007”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2007.

(c) CALENDAR YEARS 2008 AND 2009.—

(1) IN GENERAL.—Heading 9902.13.06, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking “4.02%” and inserting “4.41%”; and

(B) by striking “On or before 12/31/2007” and inserting “On or before 12/31/2009”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2008.

SEC. 1400. CERTAIN BASKETBALLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.07	Basketballs, having an external surface other than leather, rubber, or synthetic (provided for in subheading 9506.62.80)	0.9%	No change	No change	On or before 12/31/2009	”.

SEC. 1401. CERTAIN LEATHER BASKETBALLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.08	Leather basketballs (provided for in subheading 9506.62.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1402. CERTAIN RUBBER BASKETBALLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.09	Rubber basketballs (provided for in subheading 9506.62.80)	1.5%	No change	No change	On or before 12/31/2009	”.

SEC. 1403. CERTAIN VOLLEYBALLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.10	Volleyballs (provided for in subheading 9506.62.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1404. 4-CHLORO-3-[[3-(4-METHOXYPHENYL)–1,3-DIOXOPROPYL]-AMINO]-DODECYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.11	4-Chloro-3-[[3-(4-methoxyphenyl)-1,3-dioxopropyl]-amino]-dodecyl ester (CAS No. 33942–96–0) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1406. CERTAIN INFLATABLE BALLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.12	Inflatable balls other than basketballs and volleyballs (provided for in subheading 9506.62.80)	1.2%	No change	No change	On or before 12/31/2009	".

SEC. 1407. P-TOLUENESULFONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.13	p-Toluenesulfonyl chloride (CAS No. 98–59–9) (provided for in subheading 2904.10.10)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1408. 3,3 DICHLOROBENZIDINE DIHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.14	[1,1′ Biphenyl] – 4,4′ Diamino, 3,3′ Dichloro, Dihydrochloride (3,3 Dichlorobenzidine dihydrochloride) (CAS No. 612–83–9) (provided for in subheading 2921.59.80)	1.7%	No change	No change	On or before 12/31/2009	".

SEC. 1409. P-AMINOBENZAMIDE (4-AMINOBENZAMIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.15	p-Aminobenzamide (4-Aminobenzamide) (CAS No. 2835–68–9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1410. P-CLORO ANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.16	Benzamine, 4 Chloro (CAS No. 106–47–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1411. 4-CHLORO-2-NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.17	Benzenamine, 4-Chloro-2-nitroaniline (CAS No. 89–63–4) (provided for in subheading 2921.42.55)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1412. O-CHLORO-P-TOLUIDINE (3-CHLORO-4-METHYLANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.18	Benzenamine, o-Chloro-p-toluidine (3-Chloro-4-methylaniline) (CAS No. 95–74–9) (provided for in subheading 2921.43.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1413. 2-CHLOROACETOACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.19	2-Chloroacetoacetanilide (CAS No. 93–70–9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1414. P-ACETOACETANISIDIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.20	p-Acetoacetanisidide (CAS No. 5437–98–9) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1415. 1-HYDROXY-2-NAPHTHOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.21	1-Hydroxy-2-Naphthoic acid (CAS No. 86–48–6) (provided for in subheading 2918.29.04)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1416. PIGMENT GREEN 7 CRUDE, NOT READY FOR USE AS A PIGMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.22	Copper Phthalocyanine Green 7 Crude (CAS No. 1328–53–6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1417. 1,8-NAPHTHALIMIDE (1H-BENZ[DE]ISOQUINOLINE-1,3(2H)-DIONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.23	1,8-Naphthalimide (1H-Benz[de]isoquinoline-1,3(2H)-dione) (CAS No. 81–83–4) (provided for in subheading 2925.19.42)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1418. LINURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.24	3-(3,4-Dichlorophenyl)-1-methoxy-1-methylurea (CAS No. 330-55-2) (Linuron) (provided for in subheading 2924.21.16)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1419. N,N-DIMETHYLPIPERIDINIUM CHLORIDE (MEPIQUAT CHLORIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.25	N,N-Dimethylpiperidinium chloride (Mepiquat chloride) (CAS No. 24307-26-4) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1420. DIURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.26	Formulations of 3-(3,4-dichlorophenyl)-1,1-dimethylurea (CAS No. 330-54-1) (Diuron) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1421. FORMULATED PRODUCT KROVAR I DF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.27	Formulations containing 5-bromo-3-sec-butyl-6-methyluracil (Bromacil) (CAS No. 314-40-9), 3-(3,4-Dichlorophenyl)-1,1-dimethylurea (Diuron) (CAS No. 330-54-1), and application adjuvants (provided for in subheading 3808.30.15)	2.5%	No change	No change	On or before 12/31/2009	”.

SEC. 1422. TRIASULFURON TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.28	3-(6-Methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy) phenylsulfonyl]urea (Triasulfuron) (CAS No. 82097-50-5) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1423. BRODIFACOUM TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.29	3-[3-(4'-Bromo[1,1'-biphenyl]-4-yl)-1,2,3,4-tetrahydro-1-naphthalenyl]-4-hydroxy-2H-1-benzopyran-2-one (Brodifacoum) (CAS No. 56073-10-0) (provided for in subheading 2932.29.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1424. PYMETROZINE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.30	1,2,4-Triazin-3(2H)-one, 4,5-dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-(Pymetrozine) (CAS No. 123312-89-0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1425. FORMULATIONS OF THIAMETHOXAM, DIFENOCONAZOLE, FLUDIOXINIL, AND MEFENOXAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.31	Formulations of 3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-1,3,5-oxadiazin-4-imine) (Thiamethoxam) (CAS No. 153719-23-4); 1H-1,2,4-triazole, 1-[[2-[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl- 1,3-dioxolan-2-yl]methyl]-(Difenoconazole) (CAS No. 119446-68-3); 1H-Pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)- (Fludioxinil) (CAS No. 131341-86-1); and (R,S)-2-[(2,6-dimethylphenylmethoxy)acetylamino]-propionic acid methyl ester (Mefenoxam) (CAS Nos. 70630-17-0 and 69516-34-3) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1426. TRIFLOXYSULFURON-SODIUM TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.32	N-[[(4,6-Dimethoxy-2-pyrimidinyl)amino]carbonyl]-3-(2,2,2-trifluoroethoxy)-2-pyridinesulfonamide monosodium salt (CAS No. 199119-58-9) (trifloxysulfuron-sodium) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1427. DIISOPROPYL SUCCINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.33	Diisopropyl succinate (CAS No. 921-88-9) (provided for in subheading 2917.19.70)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1428. 2,4-DI-TERT-BUTYL-6-(5-CHLOROBENZOTRIAZOL-2-YL)PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.34	2.4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol (CAS No. 3864-99-1) (provided for in subheading 2933.99.12)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1429. 4-CHLOROBENZONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.35	p-Chlorobenzonitrile (CAS No. 623-03-0) (provided for in subheading 2926.90.14)	1.5%	No change	No change	On or before 12/31/2009	”.

SEC. 1430. 2-NAPHTHALENESULFONIC ACID, 6-[(2,4-DIAMINOPHENYL)AZO]-3-[[4-[[4-[[7-[(2,4-DIAMINOPHENYL)AZO]-1-HYDROXY-3-SULFO-2-NAPHTHALENYL] AZO]PHENYL]AMINO]-3- SULFOPHENYL]AZO]-4-HYDROXY-, TRISODIUM SALT (DIRECT BLACK 22).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.36	2-Naphthalenesulfonic acid, 6-[(2,4-diaminophenyl)azo]-3-[[4-[[4-[[7- [(2,4-diaminophenyl)azo] -1-hydroxy-3-sulfo-2-naphthalenyl] azo]phenyl]amino]-3-sulfophenyl]azo]-4-hydroxy-, trisodium salt (Direct Black 22) (CAS No. 6473-13-8) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1431. METHYLENE BIS-BENZOTRIAZOLYL TETRAMETHYLBUTYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.37	2,2-Methylenebis(6-(2H-benzotriazol-2-yl)-4-1,1,3,3-tetramethylbutyl)phenol) (CAS No. 103597-45-1) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1432. BIS-ETHYLHEXYLOXYPHENOL METHOXYPHENOL TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.38	Bis-ethylhexyloxyphenol methoxyphenol triazine (CAS No. 187393-00-6) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1433. BENZENESULFONIC ACID, 2,2-[(1-METHYL-1,2-ETHANEDIYL)BIS[IMINO(6-FLUORO-1,3,5-TRIAZINE-4,2-DIYL) IMINO[2-[(AMINOCARBONYL)AMINO]-4,1-PHENYLENE]AZO]]BIS[5-[(4-SULFOPHENYL)AZO]-, SODIUM SALT (REACTIVE ORANGE 132).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.39	Benzenesulfonic acid, 2,2-[(1-methyl-1,2-ethanediyl)bis[imino (6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl) amino]-4,1-phenylene]azo]] bis[5-[(4-sulfophenyl)azo]-, sodium salt (Reactive orange 132) (CAS No. 149850-31-7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1434. CHROMATE(2-), [3-(HYDROXY-ΚO)–4-[[2-(HYDROXY-ΚO) -1-NAPHTHALENYL] AZO-ΚN2] -1-NAPHTHALENESULFONATO(3-)][1-[[2-(HYDROXY-ΚO)-5-[4-METHOXYPHENYL)AZO]PHENYL]AZO-ΚN2]-2-NAPHTHALENOLATO(2-)-ΚO]-, DISODIUM (ACID BLACK 244).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.40	Chromate(2-), [3-(hydroxy-κO)-4-[[2-(hydroxy-κO) -1-naphthalenyl] azo-κN2] -1-naphthalenesulfonato(3-)][1-[[2-(hydroxy-κO)-5-[4-methoxyphenyl) azo]phenyl]azo-κN2]-2-naphthalenolato(2-)-κO]-, disodium (Acid black 244) (CAS No. 30785-74-1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1435. 2 BENZYLTHIO-3-ETHYL SULFONYL PYRIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.41	2-Benzylthio-3-ethyl sulfonyl pyridine (CAS No. 175729-82-5) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1436. 2-AMINO-4-METHOXY-6-METHYL-1,3,5-TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.42	2-Amino-4-methoxy-6-methyl-1,3,5-triazine (CAS No. 1668-54-8) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1437. FORMULATED PRODUCTS CONTAINING MIXTURES OF THE ACTIVE INGREDIENT 2-CHLORO-N-[[(4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2YL) AMINO]CARBONYL] BENZENESULFONAMIDE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.43	Formulated products containing mixtures of the active ingredient 2-chloro-N-[[(4-methoxy-6-methyl-1,3,5-triazin-2yl) amino]carbonyl] benzenesulfonamide and application adjuvants (Chlorosulfuon) (CAS No. 64902-72-3) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1438. 2-METHYL-4-METHOXY-6-METHYLAMINO-1,3,5-TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.44	2-Methyl-4-methoxy-6-methylamino-1,3,5-triazine (CAS No. 5248-39-5) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1439. MIXTURES OF SODIUM-2-CHLORO-6-[(4,6 DIMETHOXYPYRIMIDIN-2-YL)THIO]BENZOATE AND APPLICATION ADJUVANTS (PYRITHIOBAC-SODIUM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.45	Mixtures of sodium-2-chloro-6-[(4,6-dimethoxypyrimidin-2-yl)thio]benzoate (CAS No. 123343-16-8) and application adjuvants (Pyrithiobac-sodium) (provided for in subheading 3808.30.15)	3.5%	No change	No change	On or before 12/31/2009	".

SEC. 1440. CERTAIN DECORATIVE PLATES, DECORATIVE SCULPTURES, DECORATIVE PLAQUES, AND ARCHITECTURAL MINIATURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.46	Decorative plates, whether or not with decorative rim or attached sculpture; decorative sculptures, each with plate or plaque attached, and decorative plaques each not over 7.65 cm in thickness; architectural miniatures, whether or not put up in sets; all the foregoing of resin materials and containing agglomerated stone, put up for mail order retail sale, whether for wall or tabletop display and each weighing not over 1.36 kg together with their retail packaging (provided for in subheading 3926.40.00).	Free	No change	No change	12/31/2009	".

SEC. 1441. CERTAIN MUSIC BOXES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.47	Music boxes with mechanical musical movements, presented in the immediate packaging for shipment to the ultimate purchaser, and each weighing not over 6 kg together with retail packaging (provided for in subheading 9208.10.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1442. CERTAIN CORES USED IN REMANUFACTURE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.13.48	Used fuel, lubricating or cooling medium pumps for internal combustion piston engines (provided for in subheading 8413.30.10 or 8413.30.90	Free	No change	No change	On or before 12/31/2009	
	9902.13.49	Used compression-ignition internal combustion piston engines to be installed in vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8408.20.20)	Free	No change	No change	On or before 12/31/2009	
	9902.13.50	Used gear boxes for the vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8708.40.10)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1443. ADTP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.51	2-Amino-5,8-dimethoxy-[1,2,4]triazolo[1,5-c]pyrimidine (CAS No. 219715-62-5) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1444. DCBTF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.52	3,4-Dichlorobenztrifluoride (CAS No. 328-84-7) (provided for in subheading 2903.69.08)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1445. NOVIFLUMURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.53	Noviflumuron, N-[[[3,5-dichloro-2-fluoro-4-(1,1,2,3,3,3-hexafluoropropoxy) phenyl]amino]carbonyl]-2,6-difluoro- (9CI) (CAS No. 121451-02-3) (provided for in subheading 2924.29.52)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1446. PARACHLOROBENZOTRIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.54	1-Chloro-4-(trifluoromethyl) benzene (CAS No. 98-56-6) (provided for in subheading 2903.69.08)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1447. MIXTURES OF INSECTICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.55	Mixtures of insecticide containing Gamma-Cyhalothrin ((S)-α-cyano-3-phenoxybenzyl (Z)-(1R, 3R)-3-(2-chloro-3,3,3-trifluoropropenyl)-2,2-dimethyl cyclopropanecarboxylate) as the active ingredient and application adjuvants (CAS No. 76703-62-3) (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1448. MIXTURE OF FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.56	Mixture of fungicide containing Quinoxyfen (5,7-dichloro-4-(4-fluorophenoxy)) as the active ingredient and application adjuvants (CAS No. 124495–18–7) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1449. 1,2-BENZISOTHIAZOL-3(2H)-ONE (9CI).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.57	1,2-Benzisothiazol-3(2H)-one (9CI) (CAS No. 2634–33–5) (provided for in subheading 3808.40.08)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1450. STYRENE, AR-ETHYL-, POLYMER WITH DIVINYLBENZENE AND STYRENE (6CI) BEADS WITH LOW ASH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.58	Styrene, ar-ethyl-, polymer with divinylbenzene and styrene beads having low ash content and specifically manufactured for use as a specialty filler in lost wax mold casting applications and in a variety of other specialty filler applications (CAS No. 9052–95–3) (provided for in subheading 3903.90.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1451. MIXTURES OF FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.59	Mixtures of fungicide containing Myclobutanil (1H-1,2,4-Triazole-1-propanenitrile, -butyl-(4-chlorophenyl)) as the active ingredient and application adjuvants (CAS No. 88671–89–0) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1452. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.60	2-Methyl-4-chlorophenoxyacetic acid (CAS No. 94–74–6) (provided for in subheading 2918.90.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1453. 2-METHYL-4-CHLOROPHENOXY-ACETIC ACID, DI-METHYLAMINE SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.61	2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039–46–5) (provided for in subheading 2921.11.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1454. BIAXIALLY ORIENTED POLYPROPYLENE DIELECTRIC FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.62	Biaxially oriented polypropylene film, suitable for use in capacitors, produced from solvent-washed low ash content (<50 ppm) polymer resin (CAS No. 9003–07–0) (provided for in subheading 3920.20.20)	3.7%	No change	No change	On or before 12/31/2009	".

SEC. 1455. BIAXIALLY ORIENTED POLYETHYLENE TEREPHTHALATE DIELECTRIC FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.63	Biaxially oriented polyethylene terephthalate film, suitable for use in capacitors, produced from solvent-washed low ash content (<300 ppm) polymer resin (CAS No. 25038–59–9) (provided for in subheading 3920.20.20)	3.4%	No change	No change	On or before 12/31/2009	".

SEC. 1456. CHARGE CONTROL AGENT 7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.64	Charge control agent 7 Chromate(1-),bis[1-[(5-chloro-2-hydroxyphenyl)azo]-2-napthalenolato(2-)]-hydrogen (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1457. PRO-JET BLACK 820 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.65	Substituted naphthalene [[substituted pyridinyl azo] alkoxyphenyl azo]azo, potassium / sodium salt (PMN No. P04-390) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1458. PRO-JET MAGENTA M700.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.66	Nickel [substituted naphthenyl azo] substituted triazole, sodium salt (PMN No. P-03-307) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1459. PRO-JET FAST BLACK 287 NA LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.67	Pro-jet fast black 287 NA liquid feed ([(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt) (PMN No. P-90-391) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1460. PRO-JET FAST BLACK 286 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.68	Pro-jet fast black 286 stage [(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt (PMN No. P-90-394) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1461. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.69	Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonoamides, sodium salt (PMN No. P-99-105) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1462. PRO-JET BLACK 661 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.70	Aryl substituted pyrazonyl [[[substituted phenyl azo]substituted naphthenyl] Azo phenyl]azo, sodium salt (PMN No. P03-78) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1463. PRO-JET BLACK CYAN 854 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.71	Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonoamides, sodium/ammonium salts (PMN No. P02-893) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1464. ERASERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.72	Erasers of vulcanized rubber other than hard rubber or cellular rubber (provided for in subheading 4016.92.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1465. NAIL CLIPPERS AND NAIL FILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.73	Nail nippers and clippers and nail files (provided for in subheading 8214.20.30)	3.2%	No change	No change	On or before 12/31/2009	”.

SEC. 1466. ARTIFICIAL FLOWERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.74	Artificial flowers of man-made fibers (provided for in subheading 6702.90.35)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1467. ELECTRICALLY OPERATED PENCIL SHARPENERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.75	Electrically operated pencil sharpeners (provided for in subheading 8472.90.40	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1468. PHENMEDIPHAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.76	3-Methylcarbonylaminophenyl-3-methyl-carbanilate (Phenmedipham) (CAS No. 13684-63-4) in bulk or mixed with application adjuvants (provided for in subheadings 2924.29.47 and 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1469. DESMEDIPHAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.77	3-Ethoxycarbonylaminophenyl-N-phenylcarbamate (Desmedipham) (CAS No. 13684-56-5) in bulk or mixed with application adjuvants (provided for in subheadings 2924.29.43 and 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1470. CERTAIN FOOTWEAR WITH OPEN TOES OR HEELS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.78	Footwear with outer soles of rubber or plastics and uppers of vegetable fibers, with open toes or open heels, other than house slippers (provided for in subheading 6404.19.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1471. CERTAIN WORK FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.79	Work footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather, not covering the ankle (provided for in subheading 6403.99.60 or 6403.99.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1472. CERTAIN WOMEN'S FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.80	Footwear for women with outer soles of rubber or plastics and uppers of textile materials other than of vegetable fibers, with open toes or open heels or of the slip-on type (provided for in subheading 6404.19.30)	4.2%	No change	No change	On or before 12/31/2009	”.

SEC. 1473. CERTAIN ATHLETIC FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.81	Footwear with outer soles of leather or composition leather and uppers of textile materials, valued over $2.50 per pair, the foregoing other than for men or women (provided for in subheading 6404.20.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1474. CERTAIN FOOTWEAR WITH OPEN TOES OR HEELS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.82	Footwear with outer soles of rubber or plastics and uppers of textile materials other than of vegetable fibers, with open toes or open heels, the foregoing other than house slippers and other than footwear for women (provided for in subheading 6404.19.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1475. CERTAIN WORK FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.83	Footwear with outer soles of leather and uppers of leather, covering the ankle, other than for women (provided for in subheading 6403.51.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1476. CERTAIN WORK FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.84	Turn or turned footwear with outer soles of leather and uppers of leather, other than for men or women (provided for in subheading 6403.59.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1477. CERTAIN WORK FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.85	House slippers with outer soles of rubber, plastics, leather or composition leather and uppers of leather, valued not over $2.50/pair (provided for in subheading 6403.99.75); Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like, all the foregoing with outer soles of rubber or plastics and uppers of textile materials for women (provided for in subheading 6404.11.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1478. CERTAIN REFRACTING AND REFLECTING TELESCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.13.86	Refracting telescopes with 50 mm or smaller objective lenses and reflecting telescopes with 76 mm or smaller mirrors, and parts and accessories thereof (provided for in subheading 9005.80.40 or 9005.90.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1479. MIXTURE OF MAGNESIUM PEROXIDE AND MAGNESIUM OXIDE CONTAINING 35 PERCENT MAGNESIUM PEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.87	Magnesium peroxide, minimum 25 percent purity (CAS No. 1335-26-8) (provided for in subheading 2816.10.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1480. CERTAIN FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.88	Footwear, other than for men, with outer soles of leather or composition leather and uppers of textile materials, valued not over $2.50 per pair (provided for in subheading 6404.20.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1481. CERTAIN ATHLETIC FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.89	Tennis shoes, basketball shoes, gym shoes, training shoes, and the like for men, youths, and boys, the foregoing with pigskin uppers and outer soles of rubber, plastics, leather, or composition leather (provided for in subheading 6403.99.60) and Tennis shoes, basketball shoes, gym shoes, training shoes, and the like for women, the foregoing with pigskin uppers and outer soles of rubber, plastics, leather, or composition leather, valued over $2.50 per pair (provided for in subheading 6403.99.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1482. CERTAIN WORK FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.90	Welt footwear with outer soles of rubber, plastics, leather or composition leather and uppers of pigskin, incorporating a protective metal toe cap (provided for in subheading 6403.40.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1483. CERTAIN FOOTWEAR FOR MEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.91	Other footwear with uppers of vegetable fibers, for men (provided for in subheading 6405.20.30)	4.5%	No change	No change	On or before 12/31/2009	".

SEC. 1484. CERTAIN RUBBER OR PLASTIC FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.92	Other footwear with uppers of vegetable fibers, other than such footwear for men or women (provided for in subheading 6405.20.30)	6.5%	No change	No change	On or before 12/31/2009	".

SEC. 1485. CERTAIN WORK FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.93	Other work footwear for women, with outer soles and uppers of rubber or plastics, other than house slippers and other than tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6402.99.18)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1486. CERTAIN ATHLETIC FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.94	Footwear with outer soles of leather or composition leather and uppers of textile materials, valued not over $2.50 per pair, the foregoing other than for men (provided for in subheading 6404.20.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1487. CERTAIN RUBBER OR PLASTIC FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.95	Footwear for persons other than women, with outer soles of leather or composition leather and with uppers of textile materials (provided for in subheading 6404.20.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1488. CERTAIN LEATHER FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.96	Other footwear with uppers of leather or composition leather, for persons other than for men or women (provided for in subheading 6405.10.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1489. ZINC DIMETHYLDITHIOCARBAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.13.97	Zinc dimethyldithiocarbamate (Ziram) (CAS No. 137-30-4) (provided for in subheading 3808.20.28)	Free	No change	No change	On or before 12/31/2009	".

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1501. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS.

(a) EXISTING DUTY SUSPENSIONS AND REDUCTION.—Each of the following headings is amended by striking the date in the effective period column and inserting "12/31/2009":

(1) Heading 9902.39.08 (relating to ORGASOL polyamide powders).

(2) Heading 9902.01.55 (relating to (Z)-(1RS,3RS)-3-(2-Chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylic acid).

(3) Heading 9902.01.57 (relating to (S)-Alpha-Hydroxy-3-phenoxybenzeneacetonitrile).

(4) Heading 9902.30.90 (relating to 3-amino-2′-(sulfato-ethyl sulfonyl) ethyl benzamide).

(5) Heading 9902.32.91 (relating to MUB 738 INT).

(6) Heading 9902.30.31 (relating to 5-amino-N-(2-hydroxyethyl)–2,3-xylenesulfonamide).

(7) Heading 9902.02.98 (relating to Polytetramethylene ether glycol).

(8) Heading 9902.02.99 (relating to Cis-3-hexen-1-ol).

(9) Heading 9902.01.83 (relating to Ethoprop).

(10) Heading 9902.01.73 (relating to Fosetyl-Al).

(11) Heading 9902.03.38 (relating to Flufenacet (FOE hydroxy)).

(12) Heading 9902.01.75 (relating to Acid black 172).

(13) Heading 9902.01.76 (relating to 9,10-Anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)-and 9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)-).

(14) Heading 9902.05.22 (relating to Fenpropathrin).

(15) Heading 9902.01.64 (relating to 2-Azetidinone, 1-(4-fluorophenyl)–3-[(3S)–3-(4-fluorophenyl)-3-hydroxypropyl]-4-(4-hydroxyphenyl)-, (3R,4S)–(Ezetimibe)).

(16) Heading 9902.02.02 (relating to Methidathion Technical).

(17) Heading 9902.02.12 (relating to difenoconazole).

(18) Heading 9902.02.09 (relating to Lambda-Cyhalothrin).

(19) Heading 9902.02.08 (relating to cyprodinil).

(20) Heading 9902.02.04 (relating to Wakil XL).

(21) Heading 9902.02.06 (relating to Azoxystrobin Technical).

(22) Heading 9902.02.05 (relating to mucochloric acid).

(23) Heading 9902.03.06 (relating to high tenacity multiple (folded) or cabled yarn of viscose rayon).

(24) Heading 9902.05.07 (relating to high tenacity single yarn of viscose rayon with a decitex equal to or greater than 1,000).

(25) Heading 9902.01.38 (relating to p-Methylacetophenone).

(26) Heading 9902.01.35 (relating to 2-Phenylbenzimidazole-5-sulfonic acid).

(27) Heading 9902.05.04 (relating to Methyl cinnamate).

(28) Heading 9902.01.43 (relating to Thymol).

(29) Heading 9902.01.40 (relating to Menthyl anthranilate).

(30) Heading 9902.01.42 (relating to 5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate).

(31) Heading 9902.01.41 (relating to isothiocyanate).

(32) Heading 9902.38.31 (relating to Vulkalent E/C).

(33) Heading 9902.01.71 (relating to hexanedioic acid, polymer with 1,3-benzenedimethanamine).

(34) Heading 9902.29.93 (relating to Trinexapac-ethyl).

(35) Heading 9902.38.52 (relating to formulations of triasulfuron).

(36) Heading 9902.29.25 (relating to 2-Phenylphenol).

(37) Heading 9902.38.10 (relating to mixtures of sodium salts).

(38) Heading 9902.39.30 (relating to certain ion-exchange resins).

(39) Heading 9902.32.82 (relating to 2,6 Dichlorotoluene).

(40) Heading 9902.02.33 (relating to Ion exchange resin comprising a compolymer of styrene crosslinked with ethenylbenzene, aminophosphonic acid sodium form).

(41) Heading 9902.02.32 (relating toIon exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, iminodiacetic acid, sodium form)).

(42) Heading 9902.02.29 (relating to 10′10′ Oxybisphenoxarsine).

(43) Heading 9902.01.47 (relating to Helium).

(44) Heading 9902.01.78 (relating to certain bags for toys).

(45) Heading 9902.01.81 (relating to cases for certain children's products).

(46) Heading 9902.01.80 (relating to certain children's products).

(47) Heading 9902.03.87 (relating to certain 12V lead-acid storage batteries).

(48) Heading 9902.29.34 (relating to certain light absorbing photo dyes).

(49) Heading 9902.85.04 (relating to certain R-core transformers).

(50) Heading 9902.03.04 (relating to reduced vat blue 43).

(51) Heading 9902.03.03 (relating to sulfur black 1).

(52) Heading 9902.01.22 (relating to DMSIP).

(53) Heading 9902.01.01 (relating to bitolylene diisocyanate (TODI)).

(54) Heading 9902.29.35 (relating to 2-(Methoxycarbonyl)benzylsulfonamide).

(55) Heading 9902.02.52 (relating to Imidacloprid pesticides).

(56) Heading 9902.38.15 (relating to Baytron C-R).

(57) Heading 9902.29.87 (relating to 3,4-Ethylenedioxythiophene).

(58) Heading 9902.04.14 (relating to 1,1′-(Methylimino) dipropan-2-ol).

(59) Heading 9902.28.01 (relating to Thionyl Chloride).

(60) Heading 9902.02.14 (relating to Mondur P).

(61) Heading 9902.02.16 (relating to P-Phenylphenol).

(62) Heading 9902.32.12 (relating to DEMT).

(63) Heading 9902.02.15 (relating to Bayowet FT-248).

(64) Heading 9902.29.23 (relating to PNTOSA).

(65) Heading 9902.04.03 (relating to Baysilone Fluid).

(66) Heading 9902.32.62 (relating to iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes).

(67) Heading 9902.32.85 (relating to Bis(4-fluorophenyl) methanone).

(68) Heading 9902.29.37 (relating to polymethine photo-sensitizing dyes).

(69) Heading 9902.29.07 (relating to 4-Hexylresorcinol).

(70) Heading 9902.01.90 (relating to certain filament yarns).

(71) Heading 9902.01.91 (relating to certain filament yarns).

(72) Heading 9902.03.01 (relating to yarn of combed Kashmir (cashmere) or yarn of camel hair).

(73) Heading 9902.71.08 (relating to certain semi-manufactured forms of gold).

(74) Heading 9902.04.10 (relating to Crotonic Acid).

(75) Heading 9902.04.09 (relating to 3,6,9-Trioxaundecanedioic acid).

(76) Heading 9902.85.42 (relating to certain cathode ray tubes).

(77) Heading 9902.85.41 (relating to certain cathode ray tubes).

(78) Heading 9902.02.51 (relating to benzoic acid, 2-amino-4-[[(2,5-dichlorophenyl)amino]carbonyl]-, methyl ester).

(79) Heading 9902.32.73 (relating to Solvent blue 124).

(80) Heading 9902.32.55 (relating to Methyl thioglycolate (MTG)).

(81) Heading 9902.01.48 (relating to Ethyl pyruvate).

(82) Heading 9902.29.91 (relating to Methyl-4-trifluor omethoxyphenyl-*N*-(chlorocarbonyl) carbamate).

(83) Heading 9902.32.14 (relating to 2methyl-4.6-bis[(octylthio)methyl]phenol).

(84) Heading 9902.32.30 (relating to 4-[[4.6-bis(octylthio)-1.3.5-traizine-2-yl]amino]-2.6-bis(1.1-dimethylethyl)phenol).

(85) Heading 9902.03.51 (relating to Disperse Blue 77).

(86) Heading 9902.01.65 (relating to p-cresidine sulfonic acid).

(87) Heading 9902.01.66 (relating to 2.4 disulfo benzaldehyde).

(88) Heading 9902.01.68 (relating to Benzenesulfonic acid, 3-[(ethylphenylamino) methyl]-).

(89) Heading 9902.01.67 (relating to m-Hydroxybenzaldehyde).

(90) Heading 9902.02.38 (relating to 2 amino 5 sulfobenzoic acid).

(91) Heading 9902.02.37 (relating to 2-Amino-6-nitrophenol-4-sulfonic acid).

(92) Heading 9902.02.39 (relating to 2.5 bis benzene sulfonic acid).

(93) Heading 9902.02.40 (relating to 4 [(4 amino phenyl) azo] benzene sulfonic acid, monosodium salt).

(94) Heading 9902.02.41 (relating to 4-[(4-Aminophenyl) azo] benzenesulfonic acid).

(95) Heading 9902.33.63 (relating to 3-(Ethylsulfonly)–2-pyridinesulfonamide).

(97) Heading 9902.05.03 (relating to Trimethyl cyclo hexanol).

(98) Heading 9902.01.39 (relating to 2.2-Dimethyl-3-(3-methylphenyl)proponal).

(99) Heading 9902.04.11 (relating to 1,3-Benzenedicarboxamide, N, N′-Bis (2,2,6,6-tetramethyl-4-piperidinyl)-).

(100) Heading 9902.04.07 (relating to reaction products of phosphorus trichloride with 1,1′-biphenyl and 2,4-bis(1,1-dimethylethyl)phenol).

(101) Heading 9902.04.05 (relating to preparations based on ethanediamide, N-(2-ethoxyphenyl)-N′-(4-isodecylphenyl)-).

(102) Heading 9902.04.06 (relating to 1-Acetyl-4-(3-dodecyl-2,5-dioxo-1-pyrrolidinyl)–2,2,6,6-tetramethylpiperidine).

(103) Heading 9902.04.12 (relating to 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione).

(104) Heading 9902.29.70 (relating to Tetraacetylethylenediamine).

(105) Heading 9902.34.01 (relating to sodium petroleum sulfonate).

(106) Heading 9902.02.75 (relating to esters and sodium esters of parahydroxybenzoic acid).

(107) Heading 9902.30.16 (relating to Diclofop methyl).

(108) Heading 9902.33.61 (relating to ((3-((Dimethylamino)carbonyl)-2-pyridinyl)sulfonyl) carbamic acid, phenyl ester).

(109) Heading 9902.01.45 (relating to Esfenvalerate).

(110) Heading 9902.05.01 (relating to Methyl 2-[[[[4-(dimethylamino)-6- (2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl]-3-methylbenzoate and application adjuvants).

(111) Heading 9902.01.44 (relating to Benzyl carbazate).

(112) Heading 9902.05.14 (relating to Pyromellitic Dianhydride).

(113) Heading 9902.05.13 (relating to 4,4'-Oxydiphthalic Anhydride).

(114) Heading 9902.05.12 (relating to 4,4'-Oxydianiline).

(115) Heading 9902.05.11 (relating to 3,3',4,4'-Biphenyltetracarboxylic Dianhydride).

(116) Heading 9902.29.08 (relating to 3-Amino-5-mercapto-1,2,4-triazole).

(117) Heading 9902.32.92 (relating to ß-bromo-ß-nitrostyrene).

(118) Heading 9902.02.87 (relating to asulam sodium salt).

(119) Heading 9902.32.90 (relating to Diiodomethyl-*p*-tolylsulfone).

(120) Heading 9902.02.95 (relating to 2-Propenoic acid, polymer with diethenylbenzene).

(121) Heading 9902.29.59 (relating to *N*-Butyl-*N*-ethyl-α,α,α-trifluoro-2,6-dinitro-*p*-toluidine).

(122) Heading 9902.29.17 (relating to 2,6-Dichloro aniline).

(123) Heading 9902.02.85 (relating to 3, 4-Dichlorobenzonitrile).

(124) Heading 9902.29.58 (relating to *O,O*-Diethyl phosphorochlorodothioate).

(125) Heading 9902.02.92 (relating to 1,2-Benzenedicarboxaldehyde).

(126) Heading 9902.33.92 (relating to 2,2-Dithiobis(8-fluoro-5-methoxy) 1,2,4-triazolo[1,5-*c*] pyrimidine).

(127) Heading 9902.29.26 (relating to 1,3-Dimethyl-2-imidazolidinone).

(128) Heading 9902.02.96 (relating to N-[3-(1-ethyl-1-methylpropyl)-5-isoxazolyl]-2,6-dimethoxybenzamide (isoxaben)).

(129) Heading 9902.02.90 (relating to halofenozide).

(130) Heading 9902.02.89 (relating to propanamide, N-(3, 4-dichlorophenyl)-.

(131) Heading 9902.29.80 (relating to 1-[[2-(2,4- dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1*H*-1,2,4-triazole).

(132) Heading 9902.29.61 (relating to Quinoline).

(133) Heading 9902.05.17 (relating to tebufenozide).

(134) Heading 9902.02.93 (relating to mixed isomers of 1,3-dichloropropene).

(135) Heading 9902.05.19 (relating to ethofumesate).

(136) Heading 9902.02.60 (relating to Nemacur VL).

(137) Heading 9902.29.06 (relating to Diphenyl sulfide).

(138) Heading 9902.29.16 (relating to 4,4-Dimethoxy-2-butanone).

(139) Heading 9902.02.94 (relating to Methacrylamide).

(140) Heading 9902.32.87 (relating to Fenbuconazole).

(141) Heading 9902.03.79 (relating to thiophanate methyl and application adjuvants).

(142) Heading 9902.03.77 (relating to thiophanate methyl).

(b) OTHER MODIFICATIONS.—

(1) 2-CHLOROBENZYL CHLORIDE.—Heading 9902.01.56 is amended—

(A) by striking "2903.69.70" and inserting "2903.69.80"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(2) MAGNESIUM ALUMINUM HYDROXIDE CARBONATE HYDRATE.—Heading 9902.05.32 is amended—

(A) by inserting "(CAS No. 12539-23-0)" after "organic fatty acid"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(3) TRIETHYLENE GLYCOL BIS[3-(3-TERT-BUTYL-4-HYDROXY-5-METHYLPHENYL)PROPIONATE].—Heading 9902.01.88 is amended—

(A) by striking "Free" and inserting "4.1%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(4) FORMULATIONS OF TRIASULFURON AND DICAMBA.—Heading 9902.38.21 is amended—

(A) in the article description column—

(i) by inserting "(Triasulfuron)" before "(CAS No. 82097-50-5)"; and

(ii) by inserting "(Dicamba)" before "(CAS No. 1918-00-9)"; and

(B) by striking "12/31/2003" and inserting "12/31/2009".

(5) MIXTURES OF SODIUM SALTS.—Heading 9902.29.83 is amended—

(A) by inserting ", whether or not in water" after "iminodisuccinic acid"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(6) COPPER 8-HYDROXYQUINOLINE (OXINE COPPER).—Heading 9902.02.31 is amended—

(A) in the article description column, by striking "Copper 8-quinolinolate (oxine copper)" and inserting "Copper 8-hydroxyquinoline (oxine copper)"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(7) 11-AMINOUNDECANOIC ACID.—Heading 9902.32.49 is amended—

(A) by striking "Free" and inserting "2.3%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(8) PHBA.—Heading 9902.29.03 is amended—

(A) by striking "Free" and inserting "3.1%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(9) ACETAMIPRID TECHNICAL.—Heading 9902.03.92 is amended—

(A) by striking "Free" and inserting "2.5%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(10) BAYTRON AND BAYTRON P.—Heading 9902.39.15 is amended—

(A) by inserting ", whether or not containing binder resin and organic solvent" before "(CAS No."; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(11) CERTAIN YARN OF CARDED KASHMIR (CASHMERE).—Heading 9902.03.02 is amended—

(A) by striking "of 6 run or finer (equivalent to 19.35 metric yarn system)" and inserting "of 19.35 metric yarn count or finer"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(12) IPRODIONE.—Heading 9902.01.51 is amended—

(A) by striking "4.1%" and inserting "2.0%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(13) A CERTAIN ULTRAVIOLET DYE.—Heading 9902.28.19 is amended—

(A) by inserting "(CAS No. 313482-99-4)" after "-methyl ester"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(14) CARFENTRAZONE.—Heading 9902.01.54 is amended—

(A) by striking "4.9%"and inserting "Free"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(15) ETHANEDIAMIDE, N-(2-ETHOXYPHENYL)-N'-(2-ETHYLPHENYL)-).—Heading 9902.04.13 is amended—

(A) by striking "2924.29.76" and inserting "2924.29.71"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(16) THIAMETHOXAM TECHNICAL.—Heading 9902.03.11 is amended—

(A) by striking "3.2%" and inserting "3.0%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(17) 1,3-BIS(4-AMINOPHENOXY)BENZENE (RODA).—Heading 9902.05.15 is amended—

(A) by inserting "(RODA)" after "benzene"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(18) MIXTURES OF N-[[(4,6-DIMETHOXYPYRIMIDIN-2-YL)AMINO]CARBONYL]-3-(ETHYLSULFONYL)-2-PYRIDINESULFONAMIDE AND APPLICATION ADJUVANTS.—Heading 9902.33.60 is amended—

(A) by striking the article description and inserting the following: "Mixtures of N-[[(4,6-dimethoxypyrimidin-2-yl)amino]carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide and application adjuvants (CAS No. 122931-48-0) (provided for in subheading 3808.30.15)"; and

(B) by striking "12/31/2003" and inserting "12/31/2009".

(19) CERTAIN EDUCATIONAL DEVICES.—Heading 9902.85.43 is amended—

(A) by striking "1.67%" and inserting "0.55%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(20) CYHALOFOP.—Heading 9902.02.86 is amended—

(A) by striking "Free" and inserting "1.5%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(21) α,α,α-Trifluoro-2,6-dinitro-*p*-toluidine).—Heading 9902.05.33 is amended—

(A) by striking "Free" and inserting "2.6%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(22) CERTAIN MIXTURES OF FLORASULAM.—Heading 9902.02.88 is amended—

(A) by striking "Free" and inserting "1.5%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(23) METHOXYFENOZIDE.—Heading 9902.32.93 is amended—

(A) by striking "Free" and inserting "1.0%"; and

(B) striking "12/31/2006" and inserting "12/31/2009".

(24) MYCLOBUTANIL.—Heading 9902.02.91 is amended—

(A) by striking "1.9%" and inserting "3.0%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(25) FLUOROXYPYR.—Heading 9902.29.77 is amended—

(A) by striking "1.5%" and inserting "2.5%"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(26) PRO-JET BLACK 263 STAGE.—Heading 9902.03.09 is amended—

(A) by striking the article description and inserting "[[Substituted naphthalenylazol] alkoxyl phenyl azo] carboxyphenylene, lithium salt (PMN No. P–00–351) (provided for in subheading 3204.14.30)"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(27) ETHALFLURALIN.—Heading 9902.30.49 is amended—

(A) by inserting "(Ethalfluralin)" after "benzenamine"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(28) DIRECT BLACK 175.—Heading 9902.03.56 is amended by striking "subheading 3204.12.50" and inserting "subheading 3204.14.50".

(29) RACEMIC DI-MENTHOL.—Subchapter II of chapter 99 is amended by striking the second heading 9902.29.06 (relating to Racemic di-menthol).

(30) CERTAIN ORGANIC PIGMENTS AND DYES.—Heading 9902.32.07 is amended—

(A) by inserting ", and excluding the dyestuff bearing the CAS No. 6359-10-0" after "fluorescent pigments and dyes"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1601. CERTAIN TRAMWAY CARS AND ASSOCIATED SPARE PARTS.

(a) IN GENERAL.—The Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall admit free of duty 3 tramway cars (provided for in subheading 8603.10.00 of the Harmonized Tariff Schedule of the United States) manufactured in Ostrava, Czech Republic, for the use by the city of Portland, Oregon, and imported pursuant to a contract with the city of Portland, Oregon, and associated spare parts for such tramway cars (provided for in applicable subheadings of heading 8607 or other headings of the Harmonized Tariff Schedule of the United States) imported pursuant to such contract, the foregoing to be entered into the customs territory of the United States by not later than December 31, 2006.

(b) RELIQUIDATION; REFUND OF AMOUNTS OWED.— If the liquidation of the entry of any of the tramway cars or associated spare parts described in subsection (a) becomes final before the date of the enactment of this Act, the Commissioner of the Bureau of Customs and Border Protection, notwithstanding any other provision of law, shall—

(1) within 15 days after such date, reliquidate the entry in accordance with the provisions of this Act; and

(2) at the time of such reliquidation, make the appropriate refund of any duty paid with respect to the entry.

SEC. 1602. RELIQUIDATION OF CERTAIN ENTRIES OF CANDLES.

(a) RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the Bureau of Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act—

(1) reliquidate the entries listed in subsection (b) without assessment of antidumping duties or interest; and

(2) refund any antidumping duties and interest which were previously paid on such entries.

(b) AFFECTED ENTRIES.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
110-3447557-3	03/18/00	Los Angeles
110-3447591-2	03/19/00	Los Angeles
110-3447595-3	03/19/00	Los Angeles
110-1201638-1	03/21/00	Detroit
110-1201639-9	03/21/00	Detroit
110-1201640-7	03/21/00	Detroit
110-3447613-4	03/21/00	Los Angeles
110-1201697-7	03/23/00	Detroit
110-1201695-1	03/23/00	Detroit
110-1201696-9	03/23/00	Detroit
110-1201756-1	03/27/00	Detroit
110-1201757-9	03/27/00	Detroit
110-1201758-7	03/27/00	Detroit
110-1740905-2	03/30/00	Los Angeles
110-1740943-3	03/30/00	Los Angeles
110-1201845-2	03/31/00	Detroit
110-1201813-0	04/03/00	Detroit
110-1201814-8	04/03/00	Detroit
110-1201815-5	04/03/00	Detroit
110-1201875-9	04/04/00	Detroit
110-1201868-4	04/04/00	Detroit
110-1201858-5	04/04/00	Detroit
110-3447959-1	04/11/00	Los Angeles
110-3447958-3	04/11/00	Los Angeles
110-3759536-9	04/12/00	Detroit
110-3759561-7	04/12/00	Detroit
110-3759542-7	04/12/00	Detroit
110-3759540-1	04/12/00	Detroit
110-3447977-3	04/12/00	Los Angeles
110-3759539-3	04/12/00	Detroit
110-3448045-8	04/14/00	Los Angeles
110-3448046-6	04/14/00	Los Angeles
110-3448110-0	04/20/00	Los Angeles
110-3759670-6	04/25/00	Detroit
110-3759673-0	04/25/00	Detroit
110-3759669-8	04/25/00	Detroit
110-3759667-2	04/25/00	Detroit
110-3759671-4	04/25/00	Detroit
110-3759668-0	04/25/00	Detroit
110-3448241-3	04/27/00	Los Angeles
110-3448247-0	04/27/00	Los Angeles
110-3448276-9	04/28/00	Memphis
110-3448274-4	04/28/00	Memphis
110-3448282-7	05/04/00	Memphis
101-4081779-1	05/07/00	Memphis
101-4088945-1	05/23/00	Memphis
101-4089954-3	05/23/00	Memphis
101-4088960-0	05/23/00	Memphis
101-4092192-4	05/25/00	Memphis
101-4089312-3	05/26/00	Detroit
101-4089942-7	05/26/00	Detroit
101-4089893-2	05/26/00	Detroit
101-4092221-1	05/26/00	Memphis
101-4089697-7	05/26/00	Los Angeles
101-4092215-3	05/26/00	Memphis
101-4086053-6	05/26/00	Los Angeles
101-4122700-8	07/27/00	Los Angeles
101-4122707-3	07/27/00	Los Angeles
101-4122712-3	07/27/00	Los Angeles
101-4127147-7	08/03/00	Los Angeles
101-4132485-4	08/09/00	Norfolk
101-4129989-0	08/11/00	Detroit
101-4130345-2	08/17/00	Detroit
101-4129976-7	08/23/00	Detroit
101-4149476-4	09/06/00	Los Angeles
101-4149483-0	09/06/00	Los Angeles
101-4149493-9	09/06/00	Los Angeles
101-4148595-2	09/08/00	Detroit
101-4153301-7	09/18/00	Detroit
101-4154523-5	09/14/00	Los Angeles
101-4153389-2	09/18/00	Detroit
101-4157161-1	09/20/00	Norfolk
101-4153333-0	09/21/00	Detroit
101-4155542-4	09/26/00	Detroit
101-4166291-5	10/07/00	Los Angeles
101-4167325-0	10/09/00	Detroit
101-4167363-1	10/12/00	Detroit
101-4164567-0	10/13/00	Norfolk
101-4168049-5	10/14/00	Los Angeles
101-4172904-5	10/21/00	Los Angeles
101-4175579-2	10/30/00	Los Angeles
101-4183996-8	11/07/00	Detroit
101-4183234-4	11/09/00	Detroit
101-4183251-8	11/09/00	Detroit
101-4183253-4	11/09/00	Detroit
101-4183257-5	11/09/00	Detroit
101-4183264-1	11/09/00	Detroit
101-4183264-1	11/09/00	Detroit
101-4184811-8	11/13/00	Los Angeles
101-4184819-1	11/13/00	Los Angeles
101-4189001-1	11/14/00	Tampa
101-4185526-1	11/16/00	Detroit
101-4185535-2	11/16/00	Detroit
101-4186580-7	11/20/00	Detroit
101-4189830-3	11/20/00	Detroit
101-4189774-3	11/21/00	Detroit
101-4191183-3	11/24/00	Los Angeles
101-4191188-2	11/24/00	Los Angeles
101-4191193-2	11/24/00	Los Angeles
101-4194796-9	11/29/00	Detroit
101-4194801-7	11/29/00	Detroit
101-4196383-4	12/01/00	Los Angeles
101-4196389-1	12/01/00	Los Angeles
101-4199308-8	12/13/00	Detroit

SEC. 1603. CERTAIN ENTRIES OF ROLLER CHAIN.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the Bureau of Customs and Border Protection shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate the entries listed in subsection (b) without assessment of interest and shall refund any interest which was previously paid.

(b) AFFECTED ENTRIES.—The entries referred to in subsections (a) and (b) are the following:

Entry number	Date of entry	Port
858442975	08/21/85	Chicago
868558147	01/28/86	Chicago
868565499	03/14/86	Chicago
858440922	07/31/85	Chicago
868565499	03/14/86	Chicago
868558147	01/28/86	Chicago
858442975	08/21/85	Chicago
858440922	07/31/85	Chicago
847648353	06/18/84	Chicago
858268324	01/04/85	Chicago
858264302	11/08/84	Chicago
858265107	11/19/84	Chicago
847650150	07/18/84	Chicago
847412877	05/09/84	Chicago
837078386	03/21/83	Chicago
837077691	02/07/83	Chicago
837077701	02/07/83	Chicago
826735834	01/13/82	Chicago
826736309	01/18/82	Chicago
821020081	02/12/82	Chicago
821020052	02/17/82	Chicago
821026768	04/13/82	Chicago
827119569	06/18/82	Chicago
837075114	10/06/82	Chicago
826727088	10/14/81	Chicago
837124777	05/19/83	Chicago
847405240	11/28/83	Chicago
837127606	08/18/83	Chicago
837125132	06/08/83	Chicago
847406100	12/22/83	Chicago
847404034	11/02/83	Chicago
837128090	09/07/83	Chicago
837126762	08/05/83	Chicago
837125569	06/22/83	Chicago
837078991	04/12/83	Chicago
837129222	10/03/83	Chicago
847406414	12/29/83	Chicago
847408014	01/31/84	Chicago
868569204	07/03/86	Chicago
868730813	08/14/86	Chicago

SEC. 1604. CERTAIN ENTRIES OF PASTA.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Bureau of Customs and Border Protection of the Department of Homeland Security shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) in accordance with Department of Commerce case A-475-818 for the period 7/1/2001 through 6/30/2002 under Customs Service message numbered 4068201.

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Bureau of Customs and Border Protection within 90 days after the date of the enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) ENTRIES.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
FD630105373	07/06/2001	11/22/2002
FD630105399	07/06/2001	11/22/2002
FD630105415	07/06/2001	11/22/2002
FD630110282	07/26/2001	11/22/2002
FD630110274	07/26/2001	11/22/2002
FD630110860	07/30/2001	11/22/2002
FD630112338	08/09/2001	11/22/2002
FD630115208	08/15/2001	11/22/2002
FD630114128	08/15/2001	11/22/2002
FD630114110	08/21/2001	11/22/2002
FD630116537	08/22/2001	11/22/2002
FD630122402	09/26/2001	11/22/2002
FD630123533	10/03/2001	11/22/2002
FD630126577	10/17/2001	11/22/2002
FD630129712	10/31/2001	11/22/2002
FD630132088	11/20/2001	11/22/2002
FD630133987	11/29/2001	11/22/2002
FD630134043	12/05/2001	11/22/2002
FD630136972	12/14/2001	11/22/2002
FD630136998	12/14/2001	11/22/2002
FD630136980	12/14/2001	11/22/2002
FD630137806	12/14/2001	11/22/2002
FD630137822	12/27/2001	11/22/2002
FD630137814	12/27/2001	11/22/2002

SEC. 1605. PAYMENT OF INTEREST ON AMOUNTS OWED PURSUANT TO RELIQUIDATION OF CERTAIN ENTRIES.

(a) AMENDMENTS.—Sections 1404(b), 1405(b), and subsection (c) of each of sections 1408 through 1411 of the Tariff Suspension and Trade Act of 2000 (Public Law 106-476; 19 U.S.C. 1654 note) and subsection (c) of each of sections 1517 through 1536 of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 19 U.S.C. 1654 note) are amended by inserting ", with interest provided for by law on the liquidation or reliquidation of the entries," after "under subsection (a)".

(b) RELIQUIDATION AND PAYMENT OF INTEREST.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall—

(1) reliquidate each of the entries specified in the provisions of law amended by subsection (a); and

(2) provide payment of interest owed by the United States by reason of the amendments made by subsection (a) for the period beginning on the date of deposit of estimated duties and ending on the date of reliquidation under paragraph (1).

SEC. 1606. CLARIFICATION OF RELIQUIDATION PROVISION.

(a) INCLUSION OF INTEREST.—The term "any amounts owed" in section 1511(b) of the Miscellaneous Trade and Technical Corrections Act of 2004 (118 Stat. 2542; Public Law 108-429), includes interest accrued from the date of deposit of duties made in connection with entries described in section 1511(c) of that Act, to the date of the reliquidation of the entries pursuant to section 1511 of that Act.

(b) RELIQUIDATIONS WITH INTEREST.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, to the extent that the entries listed in section 1511(d) of the Act referred to in subsection (a) were reliquidated by the Bureau of Customs and Border Protection, before the enactment of this Act, without the payment of interest required under subsection (a) of this section, the Bureau shall, within 90 days after the date of enactment of this Act, reliquidate the affected entries with the interest required under subsection (a), calculated at the interest rates provided for in section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)).

SEC. 1607. CERTAIN ENTRIES OF SOUNDSPA CLOCK RADIOS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Bureau of Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act—

(1) reliquidate each entry described in subsection (c) containing any merchandise which, on the date of original liquidation, was classified under subheading 8527.19.50 of the Harmonized Tariff Schedule of the United States; and

(2) make such reliquidation at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated under subheading 8527.19.10 of such Schedule on the date of entry of the merchandise.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States under subsection (a) shall be refunded with interest.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number
110-1199345-7
110-1199542-9
110-1199558-5
110-1201694-4
110-3759754-8
110-3759785-2
101-4082299-9
101-4088073-2
101-4089053-3
101-4120875-0
101-4133671-8
101-4138302-5
101-4145092-3
101-4148477-3
101-4153108-6
101-4159322-7
101-4158601-5
101-4163243-9
101-4164448-3
101-4168318-4
101-4172197-6
101-4172489-7
101-4193123-7
101-4264820-2
101-4271724-7
101-4277850-4
101-4287672-0
101-4301588-0
101-4306238-7
101-4306235-3
101-6011727-0
101-6012796-4
101-6015492-7
101-6021099-2
101-6026903-0
101-6024120-3
101-6028079-7
101-6027052-5
101-6036728-9
101-6048069-4
101-6079830-1
101-6082949-4
101-6115954-5
101-6119379-1
101-6127048-2
101-6150035-9
101-6148556-9
101-6172630-1
101-6172406-6
101-6186497-9
101-4208407-7
101-6035939-3

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 1701. RATTAN WEBBING.

(a) IN GENERAL.—Chapter 46 is amended by striking subheading 4601.91.20 and inserting the following new subheading and superior text thereto, with such superior text having the same degree of indentation as the article description for subheading 4601.91.40:

"		Of one or more of the materials bamboo, rattan, willow, or wood:				
	4601.91.25	Rattan webbing	Free		20%	
	4601.91.30	Other	6.6%	Free (A, AU, CA, CL, E, IL, J, JO, MA, MX, P) 1.6% (SG)	45%	".

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment, and

(2) would, but for the amendment made by subsection (a), apply to subheading 4601.91.20, applies to the corresponding rate of duty set forth in subheading 4601.91.30 (as added by subsection (a)).

SEC. 1702. CERTAIN MONOCHROME GLASS ENVELOPES.

(a) AMENDMENT TO SUBHEADING 7011.20.40.—The article description of subheading 7011.20.40 is amended to read as follows: "Monochrome glass envelopes, the foregoing certified by the importer as being for actual use in automatic data processing machine data or graphic display cathode ray tubes".

(b) CONFORMING AMENDMENTS.—(1) Subheading 7011.20.40, as amended by subsection (a), is redesignated as subheading 7011.20.45.

(2) Subheading 7011.20.80 is redesignated as subheading 7011.20.85.

(3) Subchapter II of chapter 99 is amended by striking heading 9902.70.01.

(4) Heading 9902.02.97 is amended in the article description column by striking "7011.20.80" and inserting "7011.20.85".

(c) STAGED RATE REDUCTIONS.—Any staged rate reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment; and

(2) would, but for the amendment made by subsection (b)(2), apply to subheading 7011.20.80,

applies to the corresponding rate of duty set forth in subheading 7011.20.85 (as added by subsection (b)(2)).

SEC. 1703. CERTAIN TRACTOR BODY PARTS.

Chapter 87 is amended by striking subheadings 8708.29.10 through 8708.29.50, and inserting the following new subheadings and superior text, with the article description for subheading 8708.29.05 and the superior text to subheading 8708.29.40 having the same degree of indentation as the article description for subheading 8708.31.10, and with the article descriptions for subheadings 8708.29.40 through 8708.29.49 having the same degree of indentation as the article description for subheading 8708.70.05:

"	8708.29.05	For tractors suitable for agricultural use	Free		Free	....
		For other motor vehicles:				....
	8708.29.40	Inflators and modules for air bags	2.5%	Free (A, AU, B, CA, CL, E, IL, J, JO, MA, MX, P, SG)	25%	....
	8708.29.43	Door assemblies	2.5%	Free (A, AU, B, CA, CL, E, IL, J, JO, MA, MX, P, SG)	25%	....
	8708.29.46	Body stampings	2.5%	Free (A, AU, B, CA, CL, E, IL, J, JO, MA, MX, P, SG)	25%	....
	8708.29.49	Other	2.5%	Free (A, AU, B, CA, CL, E, IL, J, JO, MA, MX, P, SG)	25%	".

SEC. 1704. FLEXIBLE MAGNETS AND COMPOSITE GOODS CONTAINING FLEXIBLE MAGNETS.

(a) IN GENERAL.—Chapter 85 is amended by striking subheadings 8505.19.10, 8505.19.20, and 8505.19.30 and inserting the following new subheadings, with the article description for subheading 8505.19 having the same degree of indentation as the article description for subheading 8505.11.00:

"	8505.19	Other:				
	8505.19.10	Flexible magnets	4.9%	Free (A, AU, CA, CL, E, IL, J, JO, MA, MX, P, SG)	45%	
	8505.19.20	Composite goods containing flexible magnets	4.9%	Free (A, AU, CA, CL, E, IL, J, JO, MA, MX, P, SG)	45%	
	8505.19.30	Other	4.9%	Free (A, AU, CA, CL, E, IL, J, JO, MA, MX, P, SG)	45%	".

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of the Miscellaneous Trade and Technical Corrections Act of 2004, that—

(1) takes effect on or after such date of enactment; and

(2) would, but for the amendment made by this section, apply to subheading 8505.19, applies to the corresponding rate of duty set forth in subheadings 8505.19.10, 8505.19.20, and 8505.19.30 of such Schedule (as added by subsection (a)).

(c) APPLICABILITY.—The amendments made by this section shall take effect as if included in the enactment of the Miscellaneous Trade and Technical Corrections Act of 2004.

SEC. 1705. KASHMIR.

Subchapter II of chapter 99 is amended by striking subheadings 9902.51.15 and 9902.51.16 (relating to fine animal hair of Kashmir (cashmere) goats) and inserting in numerical sequence the following:

"	9902.51.25	Fine animal hair of Kashmir (cashmere) goats: not processed in any manner beyond the degreased or carbonized condition (provided for in subheading 5102.11.10)	Free	No change	No change	On or before 12/31/2009	".
"	9902.51.26	Fine animal hair of Kashmir (cashmere) goats (provided for in subheading 5102.11.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1706. TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO THE HTS.—

(1) The article description for heading 9902.01.12 is amended—

(A) by striking "32846-21-2, acid red)" and inserting "66786-14-5, acid red"; and

(B) by striking "67786-14-5) (provided for" and inserting "32846-21-2) (provided for".

(2) The article description for heading 9902.01.21 is amended by striking "Methy 1" and all that follows through "carbonose" and inserting "carbamate".

(3) Heading 9902.01.49 is amended to read as follows:

"	9902.01.49	(S)-α,-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarb- oxylate (Deltamethrin) (CAS No. 52918-63-5) in bulk or unmixed in forms or packings for retail sale (provided for in subheading 2926.90.30 or 3808.10.25).	Free	No change	No change	On or before 12/31/2009	".

(4) The article description for heading 9902.01.56 is amended by striking "2903.69.70" and inserting "2903.69.80".

(5) The article description for heading 9902.01.61 is amended by striking "methoxy-1,1-" and inserting "methoxy-1,1′-".

(6) The article description for heading 9902.01.69 is amended—

(A) by striking "2-8 percent water" and inserting "2-8 percent by weight of water"; and

(B) by striking "denier" and inserting "decitex".

(7) The article description for heading 9902.01.75 is amended—

(A) by striking "Acid black 194" and inserting "Acid black 172"; and

(B) by striking "subheading 3204.12.20" and inserting "subheading 3204.12.45".

(8) The article description for heading 9902.01.90 is amended by striking "between 4 and 68" and inserting "from 4 through 68".

(9) The article description for heading 9902.01.91 is amended by striking "between 4 and 68" and inserting "from 4 through 68".

(10) Heading 9902.02.17 is amended to read as follows:

"	9902.02.17	Boots with outer soles and uppers of rubber, extending above the ankle but below the knee, specifically designed for horseback riding, and having a spur rest on the heel counter (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2009	".

(11) The article description for heading 9902.02.28 is amended—

(A) by striking "polymide" and inserting "polyimide"; and

(B) by striking "3911.90.35 or".

(12) The article description for heading 9902.02.59 is amended by striking "A mixture" and inserting "Mixture".

(13) The article description for heading 9902.02.65 is amended by striking "bis[3" and inserting "bis[3'".

(14) The article description for headings 9902.84.81, 9902.84.83, 9902.84.85, 9902.84.88, and 9902.84.89 are each amended—

(A) by inserting "4011.62.00," after "4011.61.00,"; and

(B) by striking "or parts thereof" and inserting "and parts thereof".

(15) The article description for heading 9902.03.25 is amended by striking "P–99–1218,".

(16) The article description for heading 9902.03.40 is amended by striking "subheading 2835.29.50" and inserting "subheading 2931.00.30".

(17) Heading 9902.03.60, relating to acid black 172, is repealed.

(18) The article description for heading 9902.03.99 is amended by striking "subheading 2933.99.12" and inserting "subheading 2933.99.22".

(19) Heading 9902.04.02 is amended to read as follows:

"	9902.04.02	Polysiloxane, dimethyl (CAS No. 63148–62–9) solution, greater than 85 percent, with less than 15 percent paraffin (mineral) oil (CAS No 8042–47–5), less than 5 percent magnesium stearate (CAS No. 557–04–0) and less than 5 percent finely dispersed metal ethoxylated phosphoric ester (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2006	".

(20) Heading 9902.05.21 is repealed.

(21) Heading 9902.05.29 is amended to read as follows:

"	9902.05.29	3-[2-Chloro-4-(trifluoromethyl) phenoxy]benzoic acid, sodium salt (CAS No. 95251–52–8) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2006	".

(22) The article description for heading 9902.05.25 is amended—

(A) by striking "fluoro-" and inserting "Fluoro-"; and

(B) by striking "(2-propynl)" and inserting "(2-propynyl)".

(23) Heading 9902.29.26 is amended—

(A) by striking the date in the effective period column and inserting "12/31/06"; and

(B) by striking the article description and inserting "1,3-Dimethyl-2-imidazolidinone".

(24) Heading 9902.38.00 (relating to butralin) is amended—

(A) by striking the date in the effective period column and inserting "12/31/06"; and

(B) by striking "3808.31.15" and inserting "3808.30.15".

(25) The article description for heading 9902.84.14 (relating to ceiling fans) is amended by striking "8414.51.00" and inserting "8414.51.30".

(26) The article descriptions for headings 9902.84.81, 9902.84.83, 9902.84.85, 9902.84.88, and 9902.84.89 are each amended—

(A) by inserting "4011.62.00" after "4011.61.00"; and

(B) by striking "or parts thereof" and inserting "and parts thereof".

(27) The article description for heading 9902.86.11 is amended by striking "specifications each, having" and inserting "specifications, each having".

(28) Each of the following headings is amended by striking "Free" in the column 1 special rate of duty column and inserting "No change":

(A) Heading 9902.01.59.

(B) Heading 9902.01.60.

(C) Heading 9902.01.61.

(D) Heading 9902.01.86.

(E) Heading 9902.01.87.

(F) Heading 9902.01.90.

(G) Heading 9902.01.91.

(H) Heading 9902.03.20.

(I) Heading 9902.03.40.

(J) Heading 9902.03.41.

(K) Heading 9902.03.43.

(L) Heading 9902.04.05.

(M) Heading 9902.04.06.

(N) Heading 9902.04.07.

(O) Heading 9902.05.18.

(P) Heading 9902.05.19.

(Q) Heading 9902.05.21.

(R) Heading 9902.05.35.

(29) Each of the following headings is amended by striking "Free" in the column 2 rate of duty column and inserting "No change":

(A) Heading 9902.03.78.

(B) Heading 9902.05.08.

(C) Heading 9902.05.09.

(D) Heading 9902.05.10.

(30) Subheadings 8510.20.10 and 8510.20.90 are each amended—

(A) by inserting "CL," after "CA," each place it appears; and

(B) by inserting ", SG" after "P" each place it appears.

(31) Subheadings 8510.90.30 and 8510.90.40 are each amended—

(A) by inserting "CL," after "CA," each place it appears; and

(B) by inserting ", SG" after "P" each place it appears.

(b) AMENDMENTS TO THE MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2004.—The Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429) is amended—

(1) in the table of contents—

(A) in the item relating to section 1183, by striking "194" and inserting "172";

(B) in the item relating to section 1349, by striking "and acid black 172"; and

(C) by striking the items relating to sections 1440 and 1441;

(2) in the section heading for section 1349, by striking "**and acid black 172**";

(3) in section 1434—

(A) in subsection (b)(1), by striking "9902.29.82" and inserting "9902.05.30"; and

(B) in subsection (c)(1), by striking "9902.29.82" and inserting "9902.05.30";

(4) in section 1560(b)—

(A) in paragraph (1), by striking "Commissioner of the Customs Service" and inserting "Commissioner of Customs"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "with high traffic volumes, significant commercial activity, and that" and inserting "that have high traffic volumes and significant commercial activity, and have"; and

(ii) in subparagraph (C), by striking "shall possess" and inserting "possess";

(5) in section 2005(b)—

(A) in paragraph (1), by amending the heading to read as follows: "HARMONIZED TARIFF SCHEDULE AMENDMENT.—"; and

(B) in paragraph (2)—

(i) by amending the paragraph heading to read as follows: "EFFECTIVE DATE.—"; and

(ii) by striking "most-favored-nation" and inserting "nondiscriminatory";

(6) in section 2103(2)(B)(ii), by striking "date of" and inserting "the date of"; and

(7) in section 4002(d), by striking "subsection (a)(1)(B)" and inserting "paragraphs (1)(C), (2), and (5) of subsection (a)".

(c) AMENDMENTS TO THE TARIFF ACT OF 1930 AND THE INTERNAL REVENUE CODE OF 1986.—

(1) DEFINITIONS.—Section 801 of the Tariff Act of 1930 (19 U.S.C. 1681) is amended by adding at the end the following:

"(3) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or a smokeless tobacco product to a consumer if—

"(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

"(B) the cigarettes or smokeless tobacco product is delivered by use of a common carrier, private delivery service, or the mail, or the seller is not in the physical presence of the buyer when the buyens personal possession of the delivered cigarettes or smokeless tobacco product.".

(2) INAPPLICABILITY OF EXEMPTIONS FROM REQUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES AND SMOKELESS TOBACCO PRODUCTS.—Section 802(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1681a(b)(1)) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to any cigarettes or smokeless tobacco products sold in connection with a delivery sale.".

(3) STATE ACCESS TO CUSTOMS CERTIFICATIONS.—Section 802 of that Act is further amended by adding at the end the following new subsection:

"(d) STATE ACCESS TO CUSTOMS CERTIFICATIONS.—A State, through its Attorney General, shall be entitled to obtain copies of any certification required under subsection (c) directly—

"(1) upon request to the agency of the United States responsible for collecting such certification; or

"(2) upon request to the importer, manufacturer, or authorized official of such importer or manufacturer.".

(4) ENFORCEMENT PROVISIONS.—Section 803(b) of that Act (19 U.S.C. 1681b(b)) is amended—

(A) in the first sentence, by inserting before the period the following: ", or to any State in which such tobacco product, cigarette papers, or tube is found"; and

(B) in the second sentence, by inserting ", or to any State," after "the United States".

(5) INCLUSION OF SMOKELESS TOBACCO.—

(A) Sections 802 and 803(a) of that Act (other than the last sentence of section 802(b)(1), as added by paragraph (1) of this subsection) are further amended by inserting "or smokeless tobacco products" after "cigarettes" each place it appears.

(B) Section 802 of such Act is further amended—

(i) in subsection (a)—

(I) in paragraph (1), by inserting "or section 4 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4403), as the case may be" after "section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a)";

(II) in paragraph (2), by inserting "or section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as the case may be," after "section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333)"; and

(III) in paragraph (3), by inserting "or section 3(d) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402(d)), as the case may be," after "section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c))";

(ii) in subsection (b)—

(I) in the paragraph caption of paragraph (1), by inserting "OR SMOKELESS TOBACCO" after "CIGARETTES"; and

(II) in the paragraph caption of paragraphs (2) and (3), by inserting "OR SMOKELESS TOBACCO" after "CIGARETTES"; and

(iii) in subsection (c)—

(I) in the subsection caption, by inserting "OR SMOKELESS TOBACCO" after "CIGARETTE";

(II) in paragraph (1), by inserting "or section 4 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4403), as the case may be" after "section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a)";

(III) in paragraph (2)(A), by inserting "or section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as the case may be," after "section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333)"; and

(IV) in paragraph (2)(B), by inserting "or section 3(d) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402(d)), as the case may be" after "section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c))".

(C) Section 803(b) of that Act, as amended by subsection (d)(1) of this section, is further amended by inserting ", or any smokeless tobacco product," after "or tube" the first place it appears.

(D)(i) The heading of title VIII of such Act is amended by inserting "**AND SMOKELESS TOBACCO**" after "**CIGARETTES**".

(ii) The heading of section 802 of such Act is amended by inserting "**AND SMOKELESS TOBACCO**" after "**CIGARETTES**".

(6) APPLICATION OF CIVIL PENALTIES TO RELANDINGS OF TOBACCO PRODUCTS SOLD IN A DELIVERY SALE.—

(A) IN GENERAL.—Section 5761 of the Internal Revenue Code of 1986 (relating to civil penalties) is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) PERSONAL USE QUANTITIES.—

"(1) IN GENERAL.—No quantity of tobacco products other than the quantity referred to in paragraph (2) may be relanded or received as a personal use quantity.

"(2) EXCEPTION FOR PERSONAL USE QUANTITY.—Subsection (c) and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under chapter 98 of the Harmonized Tariff Schedule of the United States, and such person may voluntarily relinquish to the Secretary at the time of entry any excess of such quantity without incurring the penalty under subsection (c).

"(3) SPECIAL RULE FOR DELIVERY SALES.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to any tobacco product sold in connection with a delivery sale.

"(B) DELIVERY SALE.—For purposes of subparagraph (A), the term 'delivery sale' means any sale of a tobacco product to a consumer if—

"(i) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made, or

"(ii) the tobacco product is delivered by use of a common carrier, private delivery service, or the mail, or the seller is not in the physical presence of the buyer when the buyer obtains personal possession of the tobacco product.".

(B) CONFORMING AMENDMENTS.—

(i) Subsection (c) of section 5761 of such Code is amended by striking the last two sentences.

(ii) Paragraph (1) of section 5754(c) of such Code is amended by striking "section 5761(c)" and inserting "section 5761(d)".

Subtitle C—Effective Date

SEC. 1801. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. CELLAR TREATMENT OF WINE.

Section 5382(a)(1)(A) of the Internal Revenue Code of 1986 (relating to cellar treatment of natural wine) is amended by striking "stabilize" and inserting "correct or stabilize".

SEC. 2002. EFFECTIVE DATE FOR AGOA.

Section 112(f) of the African Growth and Opportunity Act (19 U.S.C. 3721(f) is amended by striking "2008" and inserting "2015".

SEC. 2003. TECHNICAL AMENDMENTS.

(a) TARIFF ACT OF 1930.—(1) Section 431A(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1431a(b)(1)) is amended by striking "1702(17)(B)" and inserting "1702(17)(B))".

(2) Section 484(a) of the Tariff Act of 1930 (19 U.S.C. 1484(a)) is amended—

(A) in paragraph (1), by amending subparagraph (A) to read as follows:

"(A) make entry therefor by filing with the Bureau of Customs and Border Protection such documentation or, pursuant to an authorized electronic data interchange system, such information as is necessary to enable the Bureau of Customs and Border Protection to determine whether the merchandise may be released from custody of the Bureau of Customs and Border Protection;"; and

(B) in paragraph (2)(A), in the second sentence by inserting after "covering" the following: "merchandise released under a special delivery permit pursuant to section 448(b) and".

(3) Section 514(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1514(c)(3)) is amended by moving the last 2 sentences 2 ems to the left as flush left text.

(4) Section 520(a) of the Tariff Act of 1930 (19 U.S.C. 1520(a)) is amended—

(A) in paragraph (1), by striking the semicolon at the end and inserting a period;

(B) in paragraph (2) by striking "; and" at the end and inserting a period; and

(C) in paragraph (4)—

(i) by inserting "an importer of record declares or" before "it is ascertained"; and

(ii) by striking "by reason of clerical error".

(5) Section 557(a) of the Tariff Act of 1930 (19 U.S.C. 1557(a)) is amended—

(A) in paragraph (1)—

(i) in the second sentence, by inserting after "the date of importation" the following: ", or such longer period of time as the Bureau of Customs and Border Protection may at its discretion permit upon proper request being filed and good cause shown"; and

(ii) in subparagraph (A), by inserting after "the date of importation" the following: "or such longer period of time as the Bureau of Customs and Border Protection may at its discretion permit upon proper request being filed and good cause shown"; and

(B) in paragraph (2), by inserting after "the date of importation" the following: ", or such longer period of time as the Bureau of Customs and Border Protection may at its discretion permit upon proper request being filed and good cause shown,".

(6) Section 559 of the Tariff Act of 1930 (19 U.S.C. 1559) is amended by inserting after "the date of importation" each place it appears the following: ", or such longer period of time as the Bureau of Customs and Border Protection may at its discretion permit upon proper request being filed and good cause shown".

(7) Section 562 of the Tariff Act of 1930 (19 U.S.C. 1562) is amended—

(A) in the first sentence, to read as follows: "Merchandise shall only be withdrawn from bonded warehouse in such quantities and in such conditions as the Secretary of the Treasury shall by regulation prescribe."; and

(B) in the second sentence, by striking "All merchandise so withdrawn" and all that follows through "except that upon permission therefor" and inserting "Upon permission".

(8) Section 629(e) of the Tariff Act of 1930 (19 U.S.C. 1629(e)) is amended by striking "insuring" and inserting "ensuring".

(b) TRADE ACT OF 1974.—(1) Section 135(f)(2)(B) of the Trade Act of 1974, as amended by section 2004(i)(1) of the Miscellaneous Trade and Technical Corrections Act of 2004, is amended by striking "their establishment" and insert "its establishment".

(2) Section 238(b)(1) of the Trade Act of 1974 (19 U.S.C. 2298(b)(1)) is amended by striking "and (2)" and inserting "and (2))".

(3) Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ", other than subchapter D".

(4) Section 291(2) of the Trade Act of 1974 (19 U.S.C. 2401(2)) is amended—

(A) by striking "1001(5)" and inserting "1001(e)"; and

(B) by striking "1308(5)" and inserting "1308(e)".

(c) CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(1) in subsection (b)—

(A) paragraph (1)(A), by aligning clause (iii) with clause (ii); and

(B) in paragraph (7), by striking "paragraphs (2)" and inserting "paragraph (2)"; and

(2) in subsection (e)—

(A) in paragraph (2), by aligning subparagraph (B) with subparagraph (A); and

(B) in paragraph (6)(C)(i), by striking "commonly know" and inserting "commonly known".

(d) BIPARTISAN TRADE PROMOTION AUTHORITY ACT OF 2002.—Section 2107(a)(4) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3807(a)(4)) is amended—

(1) by striking "paragraph (2)(A)" and inserting "paragraphs (2)(A)"; and

(2) by striking "paragraph (2)(B)" and inserting "paragraphs (2)(B)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is generally known as the miscellaneous trade bill. We do this virtually every year. It consists primarily of those bills that, on their own, don't have any opposition, but standing alone, would have a difficult time in the legislative process. They are important in terms of their particularities, but taken as a whole, it represents an opportunity to put together, in a bipartisan way, those requests by Members in bill form to do what is absolutely the right thing to do, and, that is, those products not available in the United States and which are primarily materials used in making goods in the U.S. that do produce value added are subject to a tariff. So all it does is add costs. It is not in competition with anything in the United States, and so to help reduce costs we put together every year this list of trade bills.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the chairman of the committee. I think he has described this legislation accurately; that is, it contains provisions that are technical and miscellaneous in nature, but taken collectively they are very important changes in our trade laws that will help U.S. businesses, farmers, workers and consumers.

Most of the provisions in the bill suspend or reduce import duties on items that are not produced in the United States, and correct instances where Customs has overcharged for import duties. These provisions improve the competitiveness of U.S. manufacturers and provide a benefit to consumers by reducing the price of final products.

I am pleased about the process that was again used in putting together the Miscellaneous Tariff and Trade Act. Beginning in March of 2005, Chairman SHAW invited Members to introduce bills for inclusion in the miscellaneous trade package. In July, Chairman SHAW requested public comments on each of the bills that were introduced. Provisions were then analyzed by the International Trade Commission and by the administration to determine whether there were any domestic producers that would be negatively affected by the bills.

After this process was completed the final package was put together by Members and staff working in a bipartisan fashion.

I would like to thank Chairman THOMAS and Chairman SHAW and their staffs for the manner in which this bill is put together. I would urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield as much time as he may consume to the chairman of the Trade Subcommittee of the Ways and Means Committee. But prior to yielding, I would request unanimous consent that the remainder of my time also be controlled by the Chairman of the Trade Subcommittee, the gentleman from Florida (Mr. SHAW).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

☐ 1815

Mr. SHAW. Mr. Speaker, today I rise in strong support, along with my colleagues, of this bill, H.R. 4944, the Miscellaneous Trade and Technical Corrections Act of 2006. The bill amends a Haphazard Tariff Schedule, HTS, of the United States, to cut certain rates of duty on a variety of products and to make technical amendments to trade law.

The body typically considers such a miscellaneous trade bill during every Congress; and while the practice may be routine and have minimal costs, these provisions do make vital changes that are important to our businesses, farmers, workers, retailers and, of course, our consumers.

This year, in addition to cutting tariffs, there is a provision that clamps down on the illegal import of tobacco products by clarifying certain laws and increasing coordination between the U.S. Customs and statewide enforcement officials. Smuggling is a problem that affects every State, especially those with significant ports such as Florida, and cuts into the States and Federal tax and duty collection.

Mr. Speaker, H.R. 4944 enjoys broad and bipartisan support. I would like to recognize the hard work of the members and staff of both parties for their hard work on this legislation. Each provision included in this legislation has been thoroughly vetted for support, and it has been made public record for some time. The legislation we now consider raises no objection from either party and has to be determined to be administratable upon enactment.

Mr. BLUMENAUER. Mr. Speaker, I am pleased that we were able to take some small yet important steps to improve livability across the country in this Miscellaneous Trade Bill. The bill includes a section allowing three streetcars manufactured in the Czech Republic to enter the United States duty free (there are no domestic producers of streetcars). These streetcars are additions to a system in Portland, Oregon that is undergoing expansion. The current system has led to $2.2 billion in new development within three blocks of the streetcar corridor and ridership is up to 2.8 million per year.

There are also a handful of provisions that allow several types of bicycle parts and components for which there is no major U.S. producer to be imported duty free. The transportation reauthorization bill that passed last year does much to make cycling safer and more accessible to communities across the country. The provisions in this trade bill will help make bikes and accessories more affordable to the increasing number of riders nationwide, especially school children taking advantage of the new federal Safe Routes to School program.

I strongly support these provisions.

Mr. SHAW. Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I have no further requests for time, and I would yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REHBERG). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 4944.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4944.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 18 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REHBERG) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 354, by the yeas and nays;

H. Con. Res. 190, by the yeas and nays;

H.R. 4944, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

EXPRESSING SUPPORT OF CONGRESS REGARDING ACCESS OF MILITARY RECRUITERS TO INSTITUTIONS OF HIGHER EDUCATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 354.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 354, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 347, nays 65, answered "present" 2, not voting 18, as follows:

[Roll No. 39]

YEAS—347

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—65

Abercrombie
Ackerman
Baldwin
Capps
Capuano
Carson
Conyers
DeGette
Delahunt
DeLauro
Farr
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Kucinich
Lantos
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Maloney
Markey
McDermott
McGovern
Meehan
Meeks (NY)
Michaud
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rangel
Rothman
Rush
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Solis
Stark
Tierney
Towns
Velázquez
Waters
Watson
Waxman
Weiner
Wexler
Woolsey

ANSWERED "PRESENT"—2

Green, Al
Watt

NOT VOTING—18

Culberson
Davis (FL)
Davis (IL)
Deal (GA)
Duncan
Emerson
Evans
Filner
Ford
Fossella
Harris
Kilpatrick (MI)
McKinney
Radanovich
Skelton
Strickland
Sweeney
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REHBERG) (during the vote). The Chair announces that the time for resumption of proceedings on House Concurrent Resolution 190 and on H.R. 4944 is re-designated as tomorrow. After completion of the electronic vote now in progress, no other votes are planned for today.

□ 1926

Ms. PELOSI and Ms. CARSON and Messrs. LANTOS, TOWNS, HASTINGS of Florida, DELAHUNT, ROTHMAN, MORAN of Virginia and RANGEL changed their vote from "yea" to "nay."

Ms. ESHOO and Messrs. MARSHALL, OBERSTAR, KENNEDY of Rhode Island, REYNOLDS and CROWLEY changed their vote from "nay" to "yea."

Mr. CAPUANO changed his vote from "present" to "nay."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. KILPATRICK of Michigan. Mr. Speaker, personal business requires my presence in the congressional district, and I am unable to be present for legislative business scheduled for today, Tuesday, March 14, 2006. Had I been present, I would have voted "yea" on H. Con. Res. 354, a resolution expressing the support of Congress for requiring an institution of higher education to provide military recruiters access to the institution's campus and students at least equal in quality and scope to that which is provided to any other employer in order to be eligible for the receipt of certain Federal funds (rollcall No. 39).

Mr. FILNER. Mr. Speaker, on rollcall No. 39, on H. Con. Res. 354, I was en route from my Congressional District on official business. Had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4857

Mr. DICKS. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor of H.R. 4857.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. TANNER. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4297, the tax reconciliation conference report.

The form of the motion is as follows:

> I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed, to the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.

REPUBLICAN RECORD ON NATIONAL SECURITY

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, as Members of Congress, our first responsibility is to protect our country from all of those who wish to harm us. House Republicans have built a record of action on national security issues, supporting our military, providing for a strong national defense, and aggressively prosecuting the war on terror.

The PATRIOT Act that the President signed last week will give our law enforcement personnel the tools that they really need to continue to keep our Nation safe from terrorist threats. This week, we will take up another very important national security bill, the supplemental appropriations bill to fund the war on terror.

This bill provides for essential tools for our troops, such as armored Humvees and tracking vehicles, training for Iraqi and Afghani security forces, and it has increased oversight of war expenditures to ensure that taxpayers' dollars are spent wisely.

House Republicans remain committed to giving our troops the resources they need and funding, fighting, and winning the war on terror. We will continue to meet our obligation to defend our Nation from every threat, at home and abroad.

□ 1930

NEW SCHOOL CONSTRUCTION

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, today I rise to reintroduce the "Expand and Rebuild America's Schools Act," H.R. 4945.

This important piece of legislation would create a class of bonds that would provide for much-needed construction of new schools. The bonds will be targeted to help overcrowded, high growth rate schools that are struggling to provide a learning space for their students.

To be eligible to participate in this program, schools must be able to fulfill certain requirements: Schools must seek out more assistance from local, private businesses and corporations through public-private partnerships; they must demonstrate that programs to alleviate overcrowding have already been implemented; and they must have high growth rates and high teacher-to-student ratios.

My bill will help schools with limited financial resources combat their major overcrowding problems, and help stop the continuing infrastructure crisis in our schools.

If passed, this bill will provide local school districts with a real incentive to pass their own local school construction bonds. I urge my colleagues to join me in supporting this new school construction by cosponsoring the Expand and Rebuild America's Schools Act.

COMMENDING NORTH CAROLINA'S EIGHTH DISTRICT AMERICAN IDOL FINALISTS

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I am proud to announce that not one but two talented individuals from the Eighth Congressional District of North Carolina have made it to the final 12 on the hit show "American Idol." Stanly County's Kellie Pickler and Richmond County's Bucky Covington are using their God-given talents to compete and make their dreams come true. Both Kellie and Bucky's communities are pulling for them, watching every week and dialing and texting as many votes as possible to keep them in the competition. Their local newspapers keep everyone informed of their progress on the show and their thoughts when the cameras are turned off.

Mr. Speaker, I wish Kelly and Bucky all the best. Even judge Simon Cowell cannot deny their talent and drive to compete.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THIRD CASE OF BSE IN UNITED STATES

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from Ohio (Ms. PRYCE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, yesterday the United States' third case of BSE or mad cow disease was diagnosed. The first case was December 2003, which was a Canadian-born cow that was diagnosed in Washington State. The second case was last June, a cow from Texas, and now this latest case, a cow from Alabama, and it is assumed that it is at least 10 years old or older. If so, this cow was born before the 1997 feed ban went into effect, and that is significant because in 1997, it was decreed that no ruminant animal feed would be fed to livestock; and, of course, ruminant feed means it contains some parts of animal within the feed.

It is assumed BSE is acquired by an animal eating part of another animal that is BSE positive. As a result, we think that this feed ban should control the spread of BSE over time, but this apparently was an older animal that may have been prior to the ban.

Also, it is duly noted that roughly 150 people in the United Kingdom have died from a related disease to eating BSE-positive animals, so it is a concern.

So this leads to some questions:

Number one, is U.S. beef safe?

The answer is yes, despite this third case. Annually we slaughter roughly 35 million cows in the United States, and we have had three positive since 2003, and our testing system is sophisticated to the degree if there is one animal that is positive for BSE in 10 million cows, we would be 99 percent certain to find that one cow. So the testing, the surveillance has been ramped up considerably. We have tested 640,000 animals since June of 2004. Also, any animal in the United States that is slaughtered has the brains and spinal tissue removed, which is the tissue that normally carries the BSE prion.

The second question: Will this hurt beef exports from the United States?

The answer is it will certainly not help, and it may hurt to some degree. However, I think people around the world have become more familiar with BSE, what it is and how it can be prevented, and so it might not be quite as alarming as it was 2 or 3 years ago.

Japan closed their border to U.S. beef 3 years ago. The border was opened last December, and it was closed again in January due to a breach in our export procedures. So we have lost that market which is roughly $1.4 billion a year in U.S. trade to Japan. A lot of this depends on confidence on the part of the Japanese public that we have rectified the problem. So this latest case is not going to help.

Hong Kong has also suspended beef imports from one U.S. packing plant here in the United States rather recently.

That leads us to the final question: What needs to be done?

It is very important that we have animal ID in the United States. Most other countries have it. We need to be able to determine where this animal from Alabama came from, what feed yard. It has only been on this one farm for 1 year, so the previous 9 years, where was it and what animals might have been contaminated along with it? Until we have that knowledge, until we have animal ID, it is going to be very difficult for us to maintain a positive trade climate around the world. So it is imperative that we begin to work on this and get this done as quickly as possible.

URGING CONGRESSIONAL OVERSIGHT OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, in order to solve the problem, you have to recognize that you have a problem in the first place.

For 3 years, the President and his administration contended that everything was going fine in Iraq, that we were winning, and they openly questioned the motivations and the patriotism of anyone who questioned or disagreed with them.

Now we are finally getting some straight talk from people who have been in the administration since the very beginning. The U.S. Ambassador to Iraq says the country is nearing a civil war and we have opened "Pandora's box" by toppling Saddam Hussein.

Director of National Intelligence, John Negroponte said, "Even if a broad, inclusive national government emerges, there will almost certainly be a lag time before we see a dampening effect on the insurgency."

And today, General Peter Pace, the head of the Joint Chiefs of Staff said, "The Iraqi people themselves are standing at a crossroads, and they are making critical decisions for their country right now about which road they want to take," whether it is going to be a civil war or the road to democracy.

These are sobering assessments, but they were a welcome change from the standard White House line of everything is fine, everything is hunky-dory, we are winning in Iraq, the road to victory is in Iraq. In fact, we are at the precipice of a civil war. We are on the doorstep of a civil war.

Now that we have this honest talk finally, we are finding from people who are telling us what the beginnings were because we did not get here by accident. We got here by people not listening to the people on the ground. Our first ambassador, Paul Bremer, writes in a recent book, even on page 10, you don't even have to finish the book, he had asked for more troops. The President of the United States, the Secretary of Defense for years maintained nobody had asked for more troops. We had enough troops, if the generals needed more troops, they would have told us. Now the lead ambassador, the point man for the President of the United States, in fact, asked for more troops.

One of the big problems we had, we had 500,000 troops to get Iraq out of Kuwait, but somehow some genius over at the Department of Defense, that is the Secretary of Defense, thought you could do it for less than 100,000, both occupy Iraq, win a war in Iraq, and do it for less than 100,000 when we needed 500,000 just to get them out of Kuwait. In fact, somebody did ask for more troops, and the President of the United States and the Secretary of Defense refused to listen to the ambassador, their point person.

That is not the only mistake they made. In fact, today, going back to one of the early days of the insurgency, we now realize from the last 2 days of The New York Times, generals were saying we had to not try to topple Iraq, we had to deal with the Feyhadeen. Otherwise, we are going to have the beginnings of an insurgency. The generals on the ground were overruled.

Again, contrary to the line, which is, we are going to listen to the generals and whatever they need, we did not listen to the generals. When we finally get to Baghdad and did finally topple the government, and there was all this chaos going on, the Secretary of Defense once again used his famous line which is "Freedom is messy. Sometimes it is followed by chaos," after a country has been headed by an authoritarian dictatorship for so long.

Every problem we are facing today, too few troops, not listening to the generals to literally suppress and put down the insurgency early on, not having a plan for the occupation, is what has gotten us to this point today, where we are on the precipice of a civil war. And all is not hindsight, Monday morning quarterbacking. At the very time these problems were emerging, people said you are doing the wrong thing. And the Secretary of Defense and the President of the United States and others around his administration refused to listen.

And this Congress has acted like the "hear no evil, see no evil" Congress. We have $10 billion on Iraq reconstruction that nobody can account for, and there have been no hearings and no accountability by the administration. Paul Bremer has not asked to come up and tell us what happened when he said he needed more troops. What happened to the generals when they said we have to put down the insurrection?

Yet, this Republican Congress refuses to hold anybody's feet to the fire, refuses to ask any question, ask the questions and get the answers for the people that we represent want to know.

On page 10 of "My Year in Iraq," Bremer writes that he was alarmed by a RAND Corporation report stating we did not have enough troops on the ground to stabilize the country. Bremer continues, "I found the conclusions persuasive. And troubling. That afternoon, I had a summary of the draft copied and sent down the corridor to Don Rumsfeld. 'I think you should consider this,' I said in my cover memo. I never heard back from him about the report."

Troop levels were not increased. The Feyhadeen were never put down. We have lost $10 billion, never to be accounted for, and we never had a plan for the occupation we have today. And now we are the precipice of a civil war.

Mr. Speaker, we can do better than this. These problems that are repeating in Iraq where nobody is held accountable and nobody is asked questions are not isolated to the problems of Iraq. Look at Hurricane Katrina and all of the trailers down there and the money wasted. Again, nobody was in charge. Nobody listened, and American taxpayers' hard-earned dollars are seen wasted away.

MURDER IN NEW YORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Imette St. Guillen had everything going for her. She graduated with honors from George Washington University. Upon graduation, she moved to New York City to pursue her master's degree. She was an honors graduate student at John Jay University studying criminal justice. She had great grades, great friends, and she had her whole life ahead of her.

But 5 days short of her 25th birthday, in the early morning hours of February 25, 2006, Imette went with her friends to a local Manhattan watering hole.

☐ 1945

Around 3 a.m. one of her friends decided it was time to leave. But she stayed behind and later traveled to another bar down the street. It was called the Falls Bar. According to reports, St. Guillen remained at the Falls Bar until last call, where she was asked to leave.

Witnesses say that she was last seen being walked out of the bar by one of the bouncers, his name Darryl Littlejohn. Seventeen hours later her abused body was found wrapped in a quilt and thrown in a marshy area in East Brooklyn. A white sock had been stuffed down her throat, her face had been sealed with duct tape, her ankles and wrists were bound with plastic ties. An autopsy showed that she had been sexually assaulted and strangled.

DNA tests showed that Darryl Littlejohn's blood was found on plastic ties that were used to tie Imette's hands behind her. More circumstantial evidence links Littlejohn to this murder.

So who is Darryl Littlejohn? He is a bouncer at a bar, but he is more. He is a bouncer who has been violating his parole because he stays out past 9 o'clock p.m. violating his curfew. He is also a career criminal. He grew up in Queens, amid drugs and gangs. He was first convicted of armored robbery at the age of 16, later served prison terms ranging from 2 to 4 years and then a 10-year term for armed bank robbery. His fifth stint in prison for a Long Island bank robbery was committed just after 3 months of being on parole from the previous trip to the penitentiary.

His career criminal history includes seven felony convictions for armed robbery, assault, drug dealing, weapons possession and more. He was paroled in 2004 where he was sent to live with his mother. His neighbors described him as being intimidating and had a hot temper. If convicted in this case, he can add murder and rape to his long list of criminal conduct. But hopefully this time the judges will get his punishment right.

Mr. Speaker, an innocent woman was brutally slain and the prime suspect that is linked to her by DNA is a former seven-time ex-convict. As a former criminal court judge in Texas, it is clear to me that the sentences were not harsh enough to begin with. Judges must understand their responsibility to punish those violent individuals that come to their courtrooms. We need to lock them up. That is why we build prisons.

According to the New York Daily News, Littlejohn was formerly denied parole with the following statement by the Parole Board. It was said: "You are violent and out of control. Your behavior shows you are a menace to society. Your continued incarceration remains in the best interest of society."

Additionally, according to the Boston Herald, when Littlejohn was released on his latest parole, he was to be watched by parole officers until 2007. But last Friday, officials admitted they failed to monitor even a single day of the postprison wanderings due to some clerical error.

Imette St. Guillen lost her life in a grisly and gruesome murder. This crime could have been avoided, but this catch-and-release policy puts dangerous criminals and demons back on the streets. How many crimes does a felon have to commit before we learn some folks need to be behind bars indefinitely?

Judges have a moral and legal responsibility to punish violent criminals and make them our prisoners, rather than us continuing to be their prisoners. And when a criminal gets to the penitentiary, keep them there. Judges need to quit living in the land of excusable conduct and justifying the menacing misdeeds of malcontents. Criminals should pay for their crimes, not victims like Imette St. Guillen. Street terrorists like Littlejohn are just as much a threat as insurgents in Iraq. Both types of terrorists are a homeland security issue, and both should be brought to American justice.

Mr. Speaker, that's just the way it is.

IRAQI WOMEN DELEGATION

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, there haven't been any front-page articles in the newspapers about it. Time, Newsweek, and U.S. News and World Report haven't covered it either. And the big news channels are pretty much silent.

But the fact that a group of courageous Iraqi women came to the United States last week to tell their stories is nothing short of remarkable. To get here, they had to brave the treacherous 500-mile stretch from Baghdad to Amman, Jordan. Then they had to clear U.S. Customs, no easy undertaking, and fly from Amman to New York.

The stories they shared when they visited the Halls of Congress were both strikingly sad and extremely valuable. But you wouldn't know it unless you had met with them personally, because the American media has hardly reported a single word they said.

Too often in this Chamber we have heard that the media isn't doing a good enough job of covering the war in Iraq. Well, you know what? They are right. The media isn't doing a good enough job. The media isn't reporting about the destroyed hospitals, roads and schools, not to mention the shattered lives, shattered lives throughout Iraq.

The media isn't talking about the tens of thousands, maybe hundreds of thousands, of Iraqi civilians who have been killed over the last 3 years of war and occupation. And they are not telling us that some 50 percent of those killed have been women and children, or that thousands of Iraqis have been unnecessarily detained or have gone missing.

But the women who flew from Amman to New York talked about what is really happening in Iraq, about some of the burdens they bear every day as a result of our politics there.

One of these women was Faiza Al-Araji, a mother of three from Baghdad. Faiza's son, Khalid, was a student at Baghdad University. Last year he was arrested by officials from Iraq's Ministry of the Interior for no apparent reason. He was never charged with a crime and his family was not told about his whereabouts for 3 days. To secure her son's release after Khalid was finally allowed to call home, Faiza had to pay a ransom to the Ministry of the Interior.

As if she hadn't already suffered enough, last year, gunmen put a rifle to Faiza's head and stole her car. When she told a group of American soldiers what had just happened, they told her, There is nothing we can do. When she told her story to the Iraqi police, they told her, I am sorry, my sister, but there is nothing we can do.

Mr. Speaker, we have nearly 150,000 soldiers stationed throughout Iraq, many of them in Baghdad. If they can't keep the Iraqi people safe, and if the local police can't keep them safe, why are we there?

After going through these ordeals, Faiza and her family moved to Amman, Jordan where it is safer. She has dedicated herself to telling the truths about Iraq, the truths that our media isn't telling us.

Mr. Speaker, I would encourage anyone watching tonight to visit Faiza's blog,
www.afamilyinbaghdad.blogspot.com.

Sadly, what Faiza and the rest of the Iraqi women's delegation have revealed is what many of us have suspected for months, that an Iraqi civil war isn't imminent; it is going on right now, right before our very eyes. Shiite and Sunni militias have been fighting each other and targeting innocent civilians for months. Well more than 2,000 people have been killed since the bombing of the famed gold-domed Shiite shrine in Samarra last month. And the situation will not get better until we bring our troops home.

Mr. Speaker, how many more innocent Iraqis, mothers, fathers and their children need to be killed before we realize that our policies in Iraq are not working?

How many more of our troops have to be killed before we bring them home?

Faiza and the rest of the Iraqi delegation know that it is time for our troops to leave. Nearly two-thirds of the American people share this belief. It is time for Congress to catch up.

REVISIONS TO THE ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEAR 2006

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a revised table for the current level status report published in the CONGRESSIONAL RECORD on February 1, 2006. As published, the table that compares the current levels of discretionary appropriations for fiscal year 2006 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees distributes the supplemental appropriations contained in the Defense appropriations act to the subcommittees that have jurisdiction over those matters. As revised, the table applies all supplemental appropriations to the subcommittee on Defense because they were contained in the regular Defense appropriations act rather than in a freestanding measure.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2006—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of November 2, 2005 (H. Rpt. 109–264)		Current level reflecting action completed as of January 27, 2006		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	17,088	18,691	17,031	18,747	−57	56
Defense	403,280	372,696	393,131	406,132	−10,149	33,436
Energy & Water Development	30,495	30,273	30,495	30,696	0	423
Foreign Operations	20,937	25,080	20,937	25,213	0	133
Homeland Security	30,846	33,233	30,846	33,184	0	−49
Interior-Environment	26,159	27,500	26,159	28,760	0	1,260
Labor, HHS & Education	142,514	143,802	142,514	143,848	0	46
Legislative Branch	3,804	3,804	3,804	3,809	0	5
Military Quality of Life-Veterans Affairs	44,143	81,634	44,143	41,803	0	−39,831
Science-State-Justice-Commerce	57,854	58,856	57,854	58,537	0	−319
Transportation-Treasury-HUD-Judiciary-DC	65,900	120,837	66,518	121,433	618	596
Unassigned	0	430	0	0	0	−430
Total (Section 302(a) Allocation)	843,020	916,836	833,432	912,162	−9,588	−4,674

PEAK OIL PRODUCTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, this is a historic event for me personally because it was just one year ago this date that I first came to this floor to talk about the subject of peak oil. As a matter of fact, that subject was so new that when we were preparing to give that first talk, we were debating should we talk about the great rollover or should we talk about peak oil.

The great rollover refers to that peak of the curve when it rolls over and you start down the other side of that consumption curve, which is the availability curve of oil. We finally decided that the proper designation to use was "peak oil," and I guess that most other people who are talking about this subject have decided the same thing, because in this year, Mr. Speaker, just about everybody is talking about peak oil.

We looked at the statistics for last year and found that oil has increased about $10 a barrel, about 52 or 53 last year, 62 or 63 this year. Gasoline, I think, was about $2.05 last year. Now it is up and down a little, but $2.35, $2.45. Local stations where I live it is now $2.45.

A couple of very interesting things have happened in this last year. Oh, I have another document here, Mr. Speaker, which is about another very historic event; and it was 50 years ago, the 8th of this month, and I am sorry that I didn't know that date last year or I would have tried to do my first Special Order on peak oil on the 8th of March, because it was just 50 years ago on the 8th of March that M. King Hubbert gave his very famous talk at the spring meeting of the Southern District of the Division of Production of the American Petroleum Institute, Plaza Hotel, San Antonio, Texas. And this was a startling article. It is now very historic. This was in 1956.

In that speech, he predicted that the United States would peak in its oil consumption in about 1970. He did that with words. He did that with graphs, and he showed the graphs of the use of oil up to that time in 1956 and how much oil he thought that the United States would find and, therefore, when we would peak in oil production.

He was able to do this, Mr. Speaker, because he had watched the exploitation and exhaustion of individual oil fields, and he found that they all followed a very similar pattern. The oil production increased until it reached a maximum. That maximum production was, for most fields, about the halfway point of all the oil that you would get out of the field. And after reaching that maximum, no matter how vigorously you pumped that field, the production fell off steadily until at the end of the exhaustion of the field it reached a zero. And he theorized that if he knew how many individual fields there were in the United States, he could predict when the United States would peak in oil discovery.

This is a long paper with a lot of math in it. This wasn't just some intelligent guesses from looking at the data. He did a lot of mathematical analysis. Here is one of his graphs, for instance; and we have a larger one that we will show you in a minute. But this graph shows that he expected a peak about 1970. That was 14 years after he made this prediction.

So this tonight for me is a historic event because it is 1 year since I gave the first speech here on this subject. Since then I have given nine others. This will be the 10th since then and the 11th overall.

About the time I started this, 30 prominent members of our society, and let me put up a chart that shows that here for just a moment and then we will come back to two things that have happened in this year, which are really very interesting.

These numbers encouraged 30 prominent members of our society, including Boyden Gray and McFarland and Jim Woolsey and Frank Gaffney and 26 others, a number of retired four-star admirals and generals, to write a letter to the President saying, Mr. President, the fact that we have only 2 percent of the world's oil reserves and we consume 25 percent of the world's oil, and import about two-thirds of what we use, is a totally unacceptable national security risk; and, Mr. President, we have to do something about that.

□ 2000

I just want to show one chart here. Then I will introduce my colleague, and I will read a little paragraph from a recent report before doing that.

This is the curve that M. King Hubbert predicted in this article, reprinted here from 50 years ago, an article and a speech. The smooth green curve here was his prediction. The larger symbols, where the actual data points, and you see that right on target, we peaked in about 1970.

The red curve is the Soviet Union. They had a bit more oil than we. They peaked a little bit after us. Then they kind of fell apart when the Soviet Union dissolved, and they did not reach their potential. There will be a second little peak now, but they are nowhere near their former peak. They reached peak oil some time ago.

Mr. Speaker, in fact, I think 33 of the 45 countries in the world that produce oil have already passed their peak. Many others are at their peak or rapidly approaching it.

I want to read briefly from a new study, and this is one of the two really interesting things that have happened in the past year. One was a study by SAIC funded by the Department of Energy. I have some charts in a few moments that I will show, some of the comments that they made. There is another study that has just come out. Although this is not a brand-new study, the date on this study is September 2005. This is dated September 2005; but for some reason, it has not been released from the Pentagon.

This was done by the U.S. Army Corps of Engineers, and I am going to read from it a little later. Ordinarily, I don't read, but I haven't had time to make charts of this. I think this is so interesting and so startling, and it just came out. Yesterday, I think, may have been the first day; and for most people today, this was the first day they could get a hold of it.

Mr. Speaker, let me read you something, from that article and this will introduce my colleague, WAYNE GILCHREST, who said he would be happy to come down and join me in this talk, if he could talk about global warming. I said, WAYNE, that is exactly what the Corps of Engineers was talking about.

Let me read what they said here: "Worldwide consumption of fossil fuels and its coincident and environmental impact continues to grow." The Earth's endowment of natural resources are depleting at an alarming rate, exponentially faster than the biosphere's ability to replenish them.

Mr. Speaker, I would remind you that this is not an article from some environmental journal. This is from a report, which has kind of been kept under cover now since last September, just released. I think that it was inadvertently released, by the way. But now that it is out, you can get a copy of it. This was done by the Corps of Engineers. This is a U.S. Army publication. The Earth's endowment of natural resources are depleting at an alarming rate, exponentially faster than the biosphere's ability to replenish them. It took nature 100 million years to create the energy the world uses in 1 year. Fuel consumption affects the global climate with the production of greenhouse gases and localized production of acid rain, low-lying ozone, and smog.

Mr. Speaker, this is not from some environmental journal; this is from the U.S. Army Corps of Engineers. Mining and production of fuels destroy the ecosystems and biodiversity. The loss of habitat is leading to localized extinction of species. This reduction of biodiversity results in greater vulnerability of the planet to ecological stresses.

Mr. Speaker, I would like to digress for just a moment to note how wise this observation is. There may be a species that you don't think has much environmental impact; but when you lose that, you have lost a gene pool that for one reason or another we may need to go back to in the future.

I just want to give one little example of this in agriculture. To produce hybrid corn, you have to have male and female. You have to take the tassels, that is the male part of the corn. You have to take the tassels off the top parts of the stalks whose ears you want fertilized by the male from the other corn.

For many years they hired college students to go through and break the tassels off, always a chore because some came out later and you could not have a tassel here or there which was going to fertilize the other ears, the female part of the silk.

They discovered what they call a Texas male-sterile cytoplasm. When they put this gene in the corn, the male was sterile. They didn't have to go through the field and pull off these tassels. There was a blight, I think it was, that struck all plants that had the Texas male-sterile cytoplasm. We couldn't produce any hybrid corn the way we ordinarily produce it.

If it weren't for Hawaii, where we could go to produce two generations of corn, you see, we had to go back to the old gene pool that we were no longer using. We went back to that older gene pool, and they went to Hawaii where you could produce two crops of corn in 1 year.

Over the winter season, they produced two crops of corn so that we would have enough seed so that we could do the planting in this country, but still the seed was somewhat scarce and considerably more expensive. This reduction of biodiversity, they said, results in greater vulnerability of the plants to ecologic stress. If the gene pool is not there, you cannot go to that gene pool for more diversity.

Waste from nuclear power generation plants is accumulating, and no viable means exist to safely and effectively dispose of them. Current energy policies and consumption practices are not sustainable. They clearly limit, boy, this is quite a statement, they clearly limit and potentially eliminate options for future generations. Mr. Speaker, just think for a moment what they are saying. They clearly limit and potentially eliminate options for future generations.

Mr. GILCHREST, a discussion of climate change and global warming is perfectly appropriate and anticipated by this report from the Corps of Engineers.

I would yield to you, sir.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from Maryland for yielding.

Mr. Speaker, just to support Dr. BARTLETT's assertions on peak oil that he has so eloquently and scientifically presented here on the House floor for about a year now, Mr. BARTLETT is looking at the security problems of peak oil, the economic viability problems with peak oil, and the environmental problems of peak oil. Dr. BARTLETT mentioned a report from the Army Corps of Engineers in which it says in part that we are using or burning in decades, in about the last 50 years, what we have used as far as fossil fuel, especially where oil is concerned, for our transportation needs that it took nature millions of years to lock up.

What does that mean? That means that we are releasing into the atmosphere greenhouse gases, in this case specifically carbon dioxide in a few short years, what took the geologic forces of the planet to take out of the atmosphere in millions of years. Is there a potential for climate disruption as a result of that scenario? The answer is yes.

Human beings, in the last century or so, or in the Industrial Age, have become a factor in the heat balance of the planet. Heretofore, the only factor that could contribute to the heat balance of the planet, the greenhouse effect of the planet, the warming, the cooling, the various cycles, the storm cycles of the planet, were natural geologic forces. The oceans, the land mass, the tectonic plates, volcanoes, those kinds of massive, natural geologic forces have shaped the way the planet looks today.

What we are seeing, and what Mr. BARTLETT is talking about in his discussions on energy usage, is that in the latter part of the Industrial Revolution, human beings and their activities are a geologic force, because we are putting into the atmosphere in decades what it took the natural forces millions of years to lock up. We human beings, in our activity, are a geologic force affecting the climate, affecting the atmosphere.

If we went back to James Watt in 1769, we would see through various scientific methods that there was about 280 parts per million of CO_2 in the atmosphere, 1769. About 100 years later, 100 years after that, 1895, partly because of natural warming, the climate has been warming since the Ice Age, there were 290 parts per million, 100 years after James Watt discovered the steam engine; and we know that the steam engine enabled us to burn coal in greater abundance than we had prior to that.

Mr. BARTLETT of Maryland. Mr. Speaker, if the gentleman would yield for just a moment, I would like to note that during the Christmas break, because I am a senior member of the Science Committee, I went down to Antarctica to our experiment station down there at the South Pole. That is about as far away as you can get from any factory that is burning fossil fuels. The CO_2 you measure there is going to be probably lower than the CO_2 any place else; and it will fairly represent the base for CO_2 increase, and they will give you a chart there, they have now been following this, charting this for a number of years. They will give you a chart which shows exactly what you said, that the CO_2 is rapidly increasing.

They have done corings of the ice pack there, and it goes back for tens of thousands of years. It is a desert down there with about 2 inches of precipitation a year, but it has been accumulating so long that the ice is almost 2 miles thick in the middle of the continent, up about 10,000 feet.

When we go back to those corings, they can find the CO_2 level of the atmosphere, because ice is totally impervious to CO_2, and it is trapped there. They can find the level of CO_2 in the atmosphere, and they can judge from the pollen and so forth what the temperature of the Earth must have been, because there was more growth.

They have found that every time in the past that there was an increase in temperature this was accompanied by an increase in carbon dioxide. You are exactly right. They have now been measuring this, I think, in the best place of the Earth to measure it. That is at the South Pole, which is as far as you can get away from any place where they are burning fossil fuels.

I thought this would be interesting. It would just emphasize what you have been saying that the CO_2 is increasing in our atmosphere.

I yield back to you again, sir.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman.

Mr. BARTLETT and I a few years ago traveled together to the Antarctic to McMurdo Station and the South Pole. It is a fascinating, majestic place, a little harsh, but nature in the raw seldom mild.

I will say it is an arduous trek, even in this day and age, to Antarctica. I want to compliment the gentleman for taking a second trip down there.

I will briefly conclude on the correlation of increase in CO_2 in the atmosphere that has a direct effect on the heat balance of the planet. In the first 100 years of the Industrial Revolution, CO_2 increased by about 10 points, 280 parts per million, to 290 parts per million. If you look at the third generation of the Industrial Revolution, which ends with us, about 100 years from 1890, the latest calculation in 2003 was 370 parts per million.

That is increasing. Look at the last 100 years of increasing CO_2, which is 100 parts per million increase.

Mr. BARTLETT of Maryland. Mr. Speaker, if the gentleman will yield again, you are talking about this exponential increase. It reminded me of a very interesting and startling statistic.

Up until the Carter years, every decade, the Earth used as much oil as had been used in all of previous history. That slowed down after the crash of the 1970s and so forth. Up until then, each decade, we used as much oil as had been used in all of previous history. What that meant was that when you had used half of all the oil in the world, that just 10 years of oil would remain.

□ 2015

Now we are better than that today, because we have slowed down. I am going to read you some numbers in a few minutes from this report from the Corps of Engineers.

But you were talking about exponential increase, and this was a startling example of exponential increase, and fortunately, we are more efficient today and we have slowed down, or we would be in bigger trouble than we are. May the gentleman continue?

Mr. GILCHREST. I would agree with the gentleman, we continue with a sense of urgency. We should continue with a sense of urgency, that efficiency is one of the components to stave off a really very difficult economic time period if we do not find alternatives to fossil fuel.

One last item about the chronology of increasing CO_2. As CO_2 increases, the temperature of the planet and the corresponding manner has also increased. And if you look at the increases in CO_2, they cannot be shown with natural influences of the planet.

When you take a mathematical calculation as to the cycles of CO_2 in the atmosphere and where it comes from, the natural process will add, and has been adding CO_2, over the last 10,000 years. In a corresponding way, the temperature of the planet has continued to increase over the last 10,000 years.

But if you take the amount of CO_2 with the natural influences, it does not account for the dramatic increase in CO_2 that we have seen over the last 100 years. And so if we are looking at environmental conditions, energy independence, economic viability with a positive alternative energy source, there is a sense of urgency that I think Congressman BARTLETT has brought to this House and to the Nation.

Mr. Speaker, I thank the gentlemen for yielding.

Mr. BARTLETT of Maryland. Thank you very much. I appreciate you coming down and joining us.

Mr. Speaker, I wanted to come back again to this very historic document, this speech that was given by M. King Hubbert, just 50 years and a few days ago, and because this is so important, Mr. Speaker, I would like to place this in the RECORD at this point.

Mr. Speaker, I want to return to these numbers here, the 2 percent of world oil reserves, the 25 percent of the world's oil which we use, and the roughly two-thirds which we import. I want to look at a couple of other numbers here.

We produce 8 percent of the world's oil. And we do that from only 2 percent of the reserves. What that means is we are pumping our oil pretty quickly. In a couple of minutes, I am going to read you a statement from this report from the Corps of Engineers, it startled me when I read it, that talks about relationship here.

We represent a little less actually than 5 percent of the population of the world. And I want to read something else here from this report, from the Corps of Engineers. It is understood a subheading called "Security."

You will remember, Mr. Speaker, that it was security that these 30 people wrote to the President about, national security. "In an age of terrorism, combustible and explosive fuels along with potential weapons-grade nuclear materials create security risks. The United States currently has 5 percent of the world's population, but uses 25 percent of the world's annual energy production.

"This disproportionate consumption of energy relative to global consumption causes loss of the world's good will."

You need to think about what they are saying for a moment. A summer ago, I was in Europe on a trip visiting the major shipyards there. And at one of the events, one of the Europeans mentioned to me, you mean gas is still only $2 a gallon in your country, it was about $2.05, still $2 a gallon in your country?

His tone was somewhere between anger and disdain. And I thought of that comment when I read this statement. "Causes loss of the world's good will and provided a context for potential military conflicts at the cost of lives, money, and political capital. A more equitable distribution of resources is in our best interest for a peaceful future."

That is a very wise observation, I think, Mr. Speaker. What they are saying is that our disappropriate use of these resources, only 5 percent, actually less than 5 percent of the world's population, one person out of 22, using 25 percent of the world's energy has not gone unnoticed. And they note here that it causes a loss of the world's good will.

So in addition to providing for our national security, by freeing ourselves from our dependence on foreign oil, it will increase the good will that the United States has in the world, is what they are saying here, and I think that is correct, Mr. Speaker.

There were two things that happened in this past year that confirmed my concerns. And by the way, I need to say this evening, Mr. Speaker, what I say every time I speak about this, and that is that I hope I am wrong. I hope that all of these experts, I hope that this study by the Corps of Engineers is wrong. I hope the Hirsch report is wrong, because if they are not wrong, and if I am not wrong, I think we are in for a very bumpy ride as we transition from the fossil fuels to the renewables.

Two things happened in this last year. One was this study that was done last September, dated then, but just came out now. You have to wonder a little, Mr. Speaker, why it was kind of kept under wraps for this long.

And the other thing that came out was a study funded by the Department of Energy done by the very prestigious SAIC organization. Dr. Robert Hirsch, was the principal investigator on this, and it is generally called the Hirsch report.

If you do a Google search, you can find the Hirsch report. Here are some comments from their report. The peaking of world oil production presents the United States and the world with an unprecedented risk management problem. As peaking is approached, liquid fuel prices and price volatility will increase dramatically, and without timely mitigation, the economic, social and politically costs will be unprecedented.

Let me read now, while that is up there, a quote from this report by the Corps of Engineers. "The days of inexpensive, convenient, abundant energy resources are quickly drawing to a close." When I read that, Mr. Speaker, I was reminded of an introductory sentence in a report by Matt Savinar, that you can find if you do a Google search for peak oil, and then click on Matt Savinar.

And the first little sentence of his report says, "Dear reader, civilization as we know it is coming to an end soon." My wife read that and said the guy is an idiot, I am not going to read any further, and I said, please reserve judgment and read on.

And she did. And by the time she finished reading it, she was genuinely frightened. If you will click on Matt Savinar, you will get about 11 pages. If you then click on page 2, you will then get another 33 pages. That is well worth doing. Because there he discusses all of the potential alternatives and the pluses and minuses of these alternatives.

Matt Savinar, Mr. Speaker, may be audacious, but he is not an idiot. Domestic natural gas production, reading again from the Corps of Engineers study, and listen to these numbers. They are striking and frightening. Domestic natural gas production peaked in 1973. The proved domestic reserve lifetime for natural gas at current consumption rates is, what do you think? Is about 8.4 years.

Maybe that is why gas is $6, $7, it has been $12 and $14 for 1,000 cubic feet. The proved world reserve lifetime for natural gas is about 40 years, but will follow a traditional rise to a peak and then a rapid decline, like the curve that we saw a few minutes ago for oil.

Domestic, that is the United States oil production, peaked in 1970 and continues to decline. In spite of feverish drilling in the 1980s and in spite of Prudhoe Bay, it continues to decline.

Now this is a number, in this next sentence, which shocked me, but I saw it twice in their report, so I am guessing it is not a typo. Proved domestic reserve lifetime for oil is about 3.4 years.

Now that gets us back to that we have only 2 percent, we are producing 8 percent of the world's oil. We are really good at pumping oil. We have been so good at pumping oil, we have drilled, by the way, 530,000 oil wells in this country.

Saudi Arabia has roughly 400, Iraq has maybe 300. We are really good at pumping oil. The Corps of Engineers say that we have 3.4 years remaining. World oil production is at or near its peak. They believe we are either at peak oil or very near peak oil.

And current world demand exceeds the supply, and that is why oil is $62 a barrel today rather than the $10 a barrel it was a relatively few years ago. Saudi Arabia is considered the bellwether nation for oil production. And it has not increased production since April 2003.

A few months ago, the Saudi Arabia oil sheik was over in our country talking to the President. And you may have noticed from the news that he did not, I think the proper verb is could not, promise the President that the Saudis would increase oil production.

One of the current experts in this area is Matt Simmons, who runs one of the largest, if not the largest energy investment bank in the world, personal energy advisor to the President. I think in both of his campaigns. And Matt Simmons had gone to Saudi Arabia, gone to the library, gone through a great deal of material there, and he has written a book with the interesting title, Twilight in the Desert.

He believes, as the Corps of Engineers believes, that the Saudis have probably reached their maximum oil production. The great oil field, the granddaddy of all oil fields, Garwar, probably reached its peak production several years ago.

After peak production, supply no longer meets demand. Prices and competition increase. World proved reserve lifetime for oil is about 41 years.

Now, Mr. Speaker, this is not 41 years at current use rates and then you fall off a cliff. We are going to follow that traditional bell curve, the curve that the United States has been following. We are well down the other side of Hubbert's Peak now, we are going to follow that curve.

There will still be a lot of oil available 40 years from now, but in greatly reduced amounts, and probably by the end of the century, we will have gone through or very close to being through the age of oil.

Most of this they say, of the oil for this 41 years, is that declining availability. Our current throw-away nuclear cycle, and here is another number that surprised me, our current throw-away nuclear cycle will consume the world reserve of low cost uranium in about 20 years.

That, Mr. Speaker, is at current use rates. If we build more nuclear power plants, the use rate will go up and it will last less than that. That does not mean that we cannot have nuclear power 25 years from now, what it does mean is it is going to cost more, and we are probably going to have to go to breeder reactors. France and Japan are already doing that, so it is not like we would be plowing new ground.

Unless we dramatically change our consumption practices, the earth's finite resources of petroleum and natural gas will become depleted in this industry.

I think there may be a little at the end of the century, but it is going to be a very small amount compared to what we are now pumping.

□ 2030

We may, Mr. Speaker, long before that, decide that it is really not very bright to burn this gas and oil you remember which is the feed stock for a very important petrochemical industry.

We really live in a plastic world. And if you look around you and see how much of your automobile, how much of your office, how much equipment you buy is made from oil, it is just everywhere.

Coal supplies may last into the next century. If we can find that coal chart, I would like to look at that. Coal supplies may last into the next century depending on technology and consumption trends as it starts to replace oil and natural gas. This is a very correct statement. It may last into the next century, but only if you keep using at current use rates. It will last 250 years with current use rates. You see on the abscissa here, 250 years. But if you increase the use of oil just 2 percent, that is not much, if you increase the use just 2 percent, it reduces the supply to 85 years.

When Albert Einstein was asked after the discovery of nuclear energy and the detonation of the nuclear bombs, Dr. Einstein, what will be the next big energy discovery in the world? And he says, it is already discovered. The most powerful force in the universe is the power of compound interest. That is exponential growth. Just 2 percent exponential growth doubles in 35 years. And that reduces the 250 years with no growth to only 85 years with 2 percent growth; and then when you recognize that much of the use that you will have to make of that energy cannot just be coal. We will have to do in our country, and the world will have to do, what Hitler was forced to do in World War II and that is to make oil and gas from coal; and the technology for doing both of those is readily apparent.

As a little boy, we did not have electricity in our house until I was near a teenager, and we used what was universally known then as coal oil lamps. And after other people were calling them kerosine lamps, we still called them coal oil lamps because the oil used in the original lamps, the oil that replaced whale oil, saved the whales, thank goodness, when we learned to get oil from coal, was called coal oil.

When you use enough energy to convert the coal into an oil or a gas so you can use it, now it is shrunk to just 50 years. So their statement that it may last depending upon use is a very correct statement.

They say we must act now to develop the technology and infrastructure necessary to transition to other energy sources. Policy changes, leap-ahead technology, breakthroughs, cultural changes, and significant investment are requisite for this new energy future.

Time is essential to enact these changes. The process should begin now. Just back for a moment to the Hirsch report. That is not what they said. What the Hirsch report said, and I do not have those charts with me, they said unless you start 20 years before peak oil, there are going to be meaningful economic consequences.

Here are some other quotes from the Hirsch report. World oil peaking is going to happen. The study by the Corps of Engineers says that, in other words, it is not "if," it is "when"; and they believe that it is now or very shortly in the future. World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak.

A number of competent forecasters project peaking within a decade. And now to that list has been added the Army Corps of Engineers. Others contend it will occur later, few in this category. Prediction of the peaking is extremely difficult because of geological complexities, measurement problems, pricing variations, demand elasticity, and political influences. Peaking will happen, but the timing is uncertain.

Oil peaking presents a unique challenge. This is a startling statement. The world has never faced a problem like this. Maybe that is why our government has not claimed ownership of either the Hirsch report or the study by the Corps of Engineers. As a matter of fact, they have asked for a new study. The results of these are so startling, Mr. Speaker, and they indicate that we should have a number of years ago begun addressing this problem, and to make sure that we need to invest time, energy, and money and so forth that is going to be required if we are going to make this transition.

I understand the desire of the administration to make sure that this is real so that now they have commissioned another study by the National Petroleum Council. If they are looking at the same data these other two studies looked at, they should reach the same conclusion. It is not like the Department of Defense is not doing anything, because the Department of Defense Under Secretary for Acquisition Technology and Logistics and the Office of Force Transformations is sponsoring a new interagency monthly series of seminars entitled "Energy, A Conversation About Our National Addiction." And they are borrowing the President's word from his speech when he said we are "addicted" to oil.

By the way, recovering from addiction to most things requires some trauma, and I think that there will be sufficient trauma here in breaking our addiction to oil. The Department of Defense is the single largest buyer of fuel in the United States, so I am really glad that they have initiated this series of seminars. The first speaker is Jim Woolsey, and I think the second month I will be the speaker at this series of discussions.

Back to comments, and again I apologize for reading, but I have not had a chance to make charts, and these are such significant comments because the Hirsch report said, and it has been out for several months now, and we have been saying this, Mr. Speaker, this is now the 11th time that I have come to the floor to talk about peak oil. A year ago I was kind of a lone voice. As I mentioned, we were debating should we call it "peak oil" or the "great rollover." But since then, peak oil has found its place in the common jargon and many people are talking about it, and I am really pleased that these two major studies are saying the same thing that we thought the evidence was saying when we started doing these floor speeches a year ago.

Our best options for meeting future energy requirements are energy efficiency and renewable resources. Energy efficiency is the least expensive, most readily available and environmentally friendly way to stretch our current energy supplies. The oil you do not use is the cheapest oil you can buy. For efficiency and renewables, the intangible and hard to quantify benefits such as reduced pollution and increased security yield indisputable economic value.

They have a little subtitle in their report called "Petroleum" and they say: "Historically, no other energy source equals oil's intrinsic qualities of extractability," poke a hole in the ground and it came gushing out in many places, "transportability," put it in a pipeline and move it hundreds of thousands of miles. Put it in a truck and carry it over the road. Put it in a tanker and carry it across the ocean.

"Transportability. Versatility." How many different ways do we use oil? To heat our homes, to cool our homes, to run our cars, to run our ships.

How many different way do we use it? The qualities that enabled oil to take over from coal as the frontline energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then. Oil's many advantages provide 1.3 to about 2.5 times more economic value per Btu than coal. Currently, they say in the report there is no viable substitute for petroleum. Let me read that again.

This is the Corps of Engineers. Currently, there is no viable substitute for petroleum, and petroleum has probably reached its maximum production. It will hold at about this level for about awhile, and then it will inevitably taper off. It will become smaller and smaller as we go through the years.

In summary, they say, the outlook for petroleum is not good. This especially applies to conventional oil which has been the lowest cost resource. Production peaks for non-OPEC conventional oil are at hand. Many nations have already passed their peak and are now producing at peak or below peak capacity.

The next chart shows where we have gotten our oil from in our country. Now, M. King Hubbert's prediction was for the lower 48. And the curve has followed exactly what he said for the lower 48. If we take out Alaska, Prudhoe Bay, you see that it peaked in 1970 and then fell off. Now we found a lot of oil in Prudhoe Bay at Dead Horse. There is a 4-foot pipeline there. I have been there at the beginning of that 4-foot pipeline, that has for a number of years been producing about a fourth of all of our domestic oil. But notice that that caused only a blip in the slide down the other side of Hubbert's Peak.

The next chart shows a stylized curve. By the way, you can make this curve as steep as you want by simply changing the dimensions on the ordinate and the abscissa. This is a 2 percent growth rate. We know that because in 35 years it doubles. And you see the little yellow there which represents the shortfall if we are at that point. I believe we are, I hope we are not, but I believe we are at that point. And this represents the shortfall that will occur over the next 35 years. Notice that the problem occurs before peaking, before you actually reach the peak. The demand curve has deviated from the supply curve.

Now, Mr. Speaker, if we are going to have any energy to invest in renewables, in alternatives, we are going to have to have a pretty massive program of conservation because today there is no surplus energy to invest. If there was any surplus energy, oil wouldn't be $62 a barrel.

The next chart looks back through history and that is a really interesting chart and the Corps of Engineers talked a little about this. This shows only 400 years of 5,000 years of recorded history, but it kind of puts in perspective where we are. The little brown hump on the bottom there is the Industrial Revolution that began with wood. We learned to make steel with wood. We denuded the mountains of New England. More forest today in New Hampshire than there was at the Revolutionary War. We denuded many of the hills, the mountains there to send charcoal to England to make coal.

Catocin Furnace just up the road here near Emmitsburg, near Thurmont in Emmitsburg, is a little furnace where they denuded the hills there in northern Maryland to make steel there. Then you see what happened to the Industrial Revolution when we found coal. But look what happened when we found gas and oil. That is the red curve. Going on this scale, and this is only 400 years of our 5,000 years of recorded history, on this scale going almost straight up, you notice there at the top of it what happened in the seventies. It really made a difference.

Remember I noted that up until the Carter years every decade we were using as much energy as we had used in all of previous history. That is on the steep part of this curve. We now have broken away from that, thanks to a lot of energy efficiency. Your air conditioner today may be two or three times as efficient as it was in the seventies. The similar thing for your refrigerator. We really are very much better today at efficiency than we were then. By the way, that is one of the things that we ought to be exporting from our country because much of the developing world is using oil energy very inefficiently.

□ 2045

For now, about 150 years we have been in what you call the age of oil, and another 100 to 150 years, the report by the Corps of Engineers says maybe less, we will be through the age of oil. What does that mean?

I started thinking about this subject probably 40 years ago. I guess it is the scientist in me. I knew that fossil fuels could not be forever, and I asked myself the question, what does that mean? Do we have 10 years remaining? Do we have 100 years remaining? Do we have 1,000 years remaining? I had no idea when I started looking into this what the dimensions of this problem were.

If you can think about this, Mr. Speaker, and where we are and where we come from, for 5,000 years of recorded history, the world's population was somewhere between a half billion and a billion people, and then we hit oil. And not only did the economy grow, represented here on the ordinate by quadrillion Btus, not only did we use ever increasing amounts of energy, but boy, did our population spurt. If we had an ordinate on the other side with population curve on it, it would follow. It would pretty faithfully follow this increase in energy production.

Once we are through the age of oil, and we will one day be through the age of oil, and thinking about this, I often think about my father, who was a little boy in Kentucky. He remembered the first one-cylinder gasoline engine that came into Lincoln County, Kentucky. He died in 1985. He lived within a score of years, roughly halfway, through the age of oil.

What is the carrying capacity of the earth minus this incredible resource we have in gas and oil? I want to, for a moment, give you a couple of illustrations of how important this gas and oil has been to our life and our economy.

Just 1 barrel of oil, the refined product you can buy now, is just a little over $100. Forty-two gallons, a little over $100 at a pump will buy you the work output of 12 people working all year for you in manual labor, and you buy it for $100. To give some sense, if this is probably correct, reflect on how far a gallon of diesel or gasoline, and I was drinking a little bottle of water last evening and drove by a service station and noted the $2.45 gas, and I paid more for my bottle of water than for that in the grocery store. So gasoline is still cheaper than water.

But reflect on how far that little gallon of gas takes your car or your SUV and how long it would take you to pull it through. Now, I drive a Prius. I get about 50 miles per gallon, but it would take me a long time to pull my Prius 50 miles. I could get it there with a come-along and hooking to the guardrail or tree, but it would take me a long time.

Another little indication of the incredible quality of these fossil fuels is electricity. If I work really hard at manual labor all day long, I can get more mechanical work out of an electric motor for less than 25 cents worth of electricity. That may be humbling to recognize that I am worth in terms of manual labor less than 25 cents a day, as compared to the energy we can get from fossil fuels.

Future historians, after the age of oil, may very well wonder how we could have done this, how we could have found this incredible resource, one barrel of which provides you the work output of 12 people working for you all year long, incredible wealth, how we could have found this and not have stood back and asked ourselves the question, what are we going to do with this? How could we get the most good to the most people for the longest time out of this enormous wealth that we found under the ground? But that is not what we did. Like children that found the cookie jar, we just pigged out. I wonder what future generations will say about us.

Well, our time is running out, and there are so many other things I would like to talk about. Let us look at the chart that says where we go to now, and we will transition ultimately, Mr. Speaker, to renewables. Geology will demand it. We either do it because we are running out of readily available, high quality gas and oil, or we do it on our schedule which will be a kinder, gentler schedule.

These are the alternatives. We have some finite resources: the tar sands, the oil shales, the coal. We talked about coal. Nuclear, light water reactors, feeder reactors, fusion. If we ever get to fusion, we are home free: low odds, I think. These will only tide us over for a while. Then true renewables, which now represent, as the next chart shows us, tiny percentages of our total energy production.

We are very much like a young couple that has gotten married and their grandparents have died and they have got a big inheritance and they have established a lavish lifestyle where 85 percent of the money they spend comes from their grandparents' inheritance, and only 15 percent from their work. They look at the reserves and their inheritance and how much they are spending, and it is going to run out. So they have got to do one of two things. Either they have got to make some more money if they want to continue that lifestyle, or they are going to have to change that lifestyle. That is exactly where we are.

I use those numbers because 85 percent of our current energy use comes from coal, petroleum and natural gas, and these are not all renewables, by the way. They are alternatives. Nuclear is a bit more than half. Other people may have only 6 percent for the renewables. This chart uses seven. These renewables, seven are blown up, and you see that the biggest contributor there is conventional hydro. It is not going to grow in our world. Wood, that is, the paper industry and timber industry, wisely using a waste product, and then solar, winds, agricultural, geothermal, alcohol from fuel is part of agricultural, and energy from waste, that is a big one that should grow and could grow.

Mr. Speaker, if we are going to transition to these, and we will, I shouldn't say if. We are going to. We are going to transition, but if we are going to do that as painlessly as possible, we need today a very aggressive program. Time is running out. The Hirsch report says that. The study by the Corps of Engineers says that. Common sense says that. If we are at peak oil, where is the energy going to come from to invest in the alternative?

We need a program, I believe, Mr. Speaker, that has the dimensions of putting a man on the moon and the urgency of the Manhattan project. I think it can be very challenging. I think Americans will rise to the challenge. I think Americans will feel good about victory gardens, about getting cars that have high mileage, about two and three going together in a car. Life is so easy today that I think Americans would be challenged, that they would feel really good about making a contribution.

What we need, Mr. Speaker, is a national commitment to a program that has the commitment of putting a man on the moon and the urgency of the Manhattan project. If we do that, Mr. Speaker, I think we can have a relatively smooth transition and Americans feel good about their contribution.

GULF COAST DISASTER RECOVERY CAUCUS

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Louisiana (Mr. MELANCON) is recognized for 60 minutes as the designee of the minority leader.

Mr. MELANCON. Madam Speaker, I appreciate the opportunity to be here tonight. With the recent events that have occurred over the past seven, eight months, since Hurricanes Katrina, Rita and Wilma have hit the gulf coast of the United States, in the recent week, a group of us got together, and we have set up the Gulf Coast Disaster Recovery Caucus to basically try to make sure that this Congress and America and this administration do not forget the disaster and the catastrophe that has occurred and inundated people all along the gulf coast.

It is not just a New Orleans thing. It is Louisiana, across the entire breadth of the State. It is Mississippi, across the entire coastal area. It is Alabama, it is Texas and it is Florida, on the west coast this time.

I look at the news articles and such. I have had some concerns with some of the statements that have been made in the past about being below sea level, the honesty and the integrity of elected officials in Louisiana. It really bothers me because I do not see the moneys, the $85 or $87 billion that have been attested to be sent to the gulf coast in the hands of the people that need it, in the hands of the victims. There has been billions of dollars that have gone around that are somewhere between Washington, D.C., and the gulf coast of the United States, and I can tell you, it has not gotten to the people that are in need.

If you look at some of the instances of what is going on, parish governments that want to retain their own contractors cannot get what the cost of the Corps of Engineers and FEMA are paying to their contractors, and it is believed on best information that that price may be double to triple what is being paid by the local contractor, by the local government who is doing the job faster, better, and apparently, we believe, if we can ever get the numbers, more efficiently.

$4.2 billion has just been approved to gravel a 172-acre parking lot for mobile homes in Hope, Arkansas. Now, that goes on top of the $25,000 a month paid to the city of Hope, Arkansas, and I am glad for the city of Hope, Arkansas, because if it is like rural American towns, it needs every dime of income it can use to sustain itself. But we have got over 11,000 trailers that are stationed there, 450 miles to the closest disaster parish or county, and there is 11,000 trailers up there that FEMA tells us they cannot put in a flood zone.

Well, the hurricane does not hit in the mountains. The hurricane does not hit in the desert. The hurricane hits along the coastal areas of this United States, and that is what these hurricanes have done.

They put up this morgue, a temporary morgue, FEMA did, in Coralville, Louisiana, $17 million, and now it is abandoned. $5.2 million, this was really nice, was spent getting a contract to a contractor that did not exist, and if it would not have been for the Justice Department seeing that these folks were cashing checks for $10,000 at a time, that they bought a brand new mobile home and three brand new automobiles, then we would still probably be out about $5.2 million. Then when they started to doing the work, it had to be turned over to the fire department and another contractor to get the job done.

Congressman PICKERING told me today, and I think I recall it is either 90 or 95 percent of all the moneys are being contracted for debris removal and cleanup in Mississippi is going to contractors from outside the State. I can tell you, I get calls daily in my offices from people that are local that have been trying to get jobs, and then those that seem to be able to get some work, which is the bottom tier, are waiting months for their money.

I have one contractor that has been waiting for $50 million because the FEMA people or the State advanced the parish in which they are working some moneys right after the storm, about $30 million. This contractor is not getting his money, and in good faith, he has been working since day one, and has not gotten his money to pay his people and to run his company because the State and FEMA say that the parish that he is working in has not accounted for every dime.

□ 2100

And yet they have assured, the State and the contractor can document that he has not received a nickel from the parish, yet he is held up. There is another contractor across the river in Plaquemines Parish; they are to the tune of $6 million waiting. I have a guy in my hometown that is a very small company, he is waiting on about $150,000. And let me tell you, for a little, small independent guy like that, that is crushing him. That is killing him.

After the Florida hurricanes, three of them a year and a half ago, under section 32, the Department of Agriculture invoked section 32 of Ag Stabilization Act of 1935 and allowed the Secretary at his discretion to start reimbursing and helping those farmers that were in the category covered by section 32 to give them disaster assistance and get them back working.

On October 28, the Department of Agriculture finally invoked section 32. That is 2 months afterward. And to this day, the $250 million that they allowed, out of 780 in the account that has been appropriated for this year, zero has hit the ground in any one of the States that was impacted by any of these hurricanes. No disbursement whatsoever.

The caucus was set up in hopes of doing several things. One is making sure that the people that lived and worked and want to return to their homes will have that opportunity; to make sure that we provide and that this government provides for the safety of these people, protecting their communities, so they can rebuild their families, their homes and their businesses and trying to provide housing and rebuilding and repairing those houses so people can return home.

We need to get the economy back up. We need to create jobs and rejuvenate the entire coastal region, from Galveston Bay to Mobile Bay and all around down in the Tampa area where Wilma hit.

Health care is nonexistent for those that need it in the Orleans area. If you have a broken arm and you need surgery, you better get to another city. If you have cancer, you better get to another city. If you have anything that requires long-term health care, you better get to another city, because health care is in jeopardy in south Louisiana.

The doctors are like any other businessmen, they have to make a living. They cannot make a living if the customers or the clients or the patients, however you want to refer to them, are not back. And the hospitals can't keep themselves running when people are coming to them with injuries with no hospitalization coverage and they are required to take these people into the hospital to take care of them. And then, of course, when they are hurt, to give them a bed, which becomes a free bed. And you have hospitals that have used every dollar of their reserves and are getting ready to fold up and go under.

Education: families won't bring their kids back unless there are schools to attend. We have tried and we are trying. In Chalmette, they have the school system back up very quickly. Of an 8,000 student population, there was 800 the first day. They are hopeful the folks will come back. But one school has pre-K through high school, and they are working with what little they have.

We need to make sure that we respond to the Americans that have been injured, that we do everything in our power. If we can rebuild infrastructure in Iraq, schools, mosques, public buildings, private facilities, spend $100 million on a marsh area to bring it back to life, then surely we can spend some of our money and these taxpayers' money to help them get back on their feet.

The people in my district, the people of the gulf coast are not looking for a handout. They are just looking for a helping hand, and this government owes those folks that.

Madam Speaker, I yield time to Mr. JEFFERSON first.

Mr. JEFFERSON. I thank the gentleman for yielding. Madam Speaker, we, as we talk about conditions in Louisiana and Mississippi tonight, we don't want this Congress or the people of America to believe that we are ungrateful for the help that we have already received. We are deeply grateful for it. We appreciate it immensely, and it has been a huge help to our people.

But I think what is important to note is that the disaster that we were stricken with is so immense, so pervasive, so once-in-a-lifetime historic, that there is just so much to be done over such a long time to restore opportunity for people to have a chance to reclaim their lives.

So I want to start out by just talking a little bit so people can better understand the dimensions of our problem. If you can imagine that in your city, if your city were ours, and just to talk about New Orleans a minute, a city of 480,000-or-so people, and you woke up one morning and 80 percent of your city was underwater. Eighty percent of your schools, of your hospitals, of your playgrounds, of your homes, of your businesses were all underwater, and that the water didn't recede in a few hours or a few days or even a few weeks. It stayed there for several weeks. And it wasn't just a little water in your house, ordinarily it was 4 feet, 5 feet, 6 feet, and sometimes more than that, over the roof.

This happened in Orleans Parish, and it happened in St. Bernard Parish, where the whole place was obliterated. And it happened in Plaquemines Parish as well. And imagine that 1,000 or 2,600 of your people died from this storm and that another thousand are still missing and no one knows where they are, and families are still searching for them. Imagine that if you were in Mississippi that 200-or-so people lost their lives.

Imagine that if you counted up all the houses that were destroyed in Louisiana and this happened to you, there would be 220,000 houses destroyed, and about 61,000 in Mississippi, and that your people were trying desperately to get back home. They were looking for temporary quarters, and they were willing to live in FEMA trailers or wherever they could find a temporary abode, and there were 98,000. That is how many there are in Louisiana looking for a trailer now, and fewer than half of those requests have been filled. In Mississippi, some number in the 30,000 range were involved, and most of those have been filled.

Imagine if you had been waiting for electricity for your neighborhood for now 6 months and you didn't have it, for the most part. In Orleans Parish, a little better than half of our folks have their places connected for electricity. A little better than that in Mississippi, but in our place it isn't true. Imagine if you were trying to figure how could you get your hands around your problem, build back your house, get yourself back together and your insurance company wasn't cooperating and they were denying claims left and right, and saying that your homeowner's policy didn't apply. If you didn't have flood insurance, then you had nothing. If you had flood insurance, then you had limits that would be much lower than would ordinarily be expected to be useful to help you build back.

Imagine you were counting on your government, FEMA, to come forth and give you some direction as to how you could build back your place, to what level you had to build back safely, and FEMA had not even given you preliminary elevations that you could use. Imagine if you now were paying rent in one place or a house note somewhere and had a house note to pay in Orleans Parish and you could not get back in your place to live and your bank was calling you at your homestead, your mortgage company saying we cannot carry this anymore; you have to figure out some way to pay it.

Imagine you wanted to get back home, and you had 5,000 hospital beds when you left, a hospital bed count, and now you only had a few hundred and you were worried about your family and your children getting back and having a place to go if they got sick or hurt or needed to see a physician. And all the physicians, a great number of them, are out of town, somewhere else themselves, victims of trying to make the place work.

Imagine if your city had, at the end of the storm, no tax base and your school board had no tax base, and your schools weren't open. That is the situation that you find yourself in not only the day after the storm or the week after the storm or a few months after, but now 6 months after. And not a whole lot has changed because the problems are just so complex and so large and so enduring.

Now, these are not problems that are going to go away overnight. Our country needs to know this. Our friends need to know that all that we have done so far is to start to address these issues, to make down payments on certain aspects of it, but it will be years and years and years before we actually get this done.

Now, imagine also that you were trying to figure how you could avoid having this ever happen to you again and you were looking for a way to secure yourself, and you knew that it would take a real commitment for hurricane protection measures to be taken. And you had taken a trip, as I have, to the Netherlands, other parts of the world, and you had looked around to see what people had done to secure themselves against hurricanes and storms. And you found out that this was technically possible; that in the Netherlands people are living and have lived for 53 years, since their last calamity with a storm there that drowned their people.

For 53 years they have lived with a system of barriers and canals and pumping stations and dikes, as they call them, we call them levees, and dunes and all the rest; an integrated system of water management for flood protection. And they have done this for 53 years now without an incident that has required them to have any loss of life or property. They have spent $18 billion over a long period of time to provide this security, and they were an economy of $485 billion.

In our country, we haven't yet made a decision to support a system in our part of the world that might cost $30 billion, $40 billion, in an economy that is not $485 billion, like theirs was, but is $12.2 trillion, the largest economy in the whole world. Twenty percent of the world's wealth in our country and we haven't been able to make a decision to step up and find a way to use the technology that already exists to support our people and to make them safe over time and to avoid large expenditures in the future.

Because we all know one thing for sure: that while there may not be another terrorist attack on our shores, we may find a way to prevent that, there is no way to prevent these storms that are brewing in the Gulf of Mexico and that are coming more frequently, more ferocious than ever before, and that will be with us for years to come. We can secure ourselves against these storms if we build the coastal barrier protections that we need and if we build our wetlands back and our coastlines back, so that when these storms come, as ferocious as they may be, by the time they reach our population centers, they will be tamped down enough such that they can be handled by a levee system and other flood protection systems that are in place.

So we have made a lot of progress, but there is a great deal for us to do. And we are here tonight to highlight for the people of our country how much there is to be done and to ask them to stand with us and stay with us over this long period of time because it is going to take years and years to bring our people back.

And, look, folks aren't asking for our government to take care of them forever. They know, though, that they can't do this by themselves. Because no one has seen this kind of damage before in this country. It is a catastrophe beyond imagination. It has never happened anywhere on the face of America ever before to this extent, to this dimension.

So we are saying, give us a chance to help ourselves. Let us get back into our home places. Let us get back to the places we live and to the places that we want to live. Recognize the right that our people have to return, to restore their lives, the right to rebuild in their places, the right to reclaim their experiences back home. We want our people back home. We need your help to get them back home, and they can live in New Orleans safely. They can live in our environment safely.

So when people ask this question of what should the footprint of New Orleans be, it is a misplaced question. The issue isn't where can we rebuild. Because we know from the experience of the Netherlands we can build anywhere. If they can live 15 feet below sea level, and in New Orleans we talk about 4½ feet at the lowest point, if they can secure themselves 15 to 20 feet below sea level, we can secure ourselves 4 and 5 feet below sea level in the lowest points.

We can have this vibrant city restored and have our people in a place to reclaim their lives, and for our city and our region to continue to be the force that it has been for our country in natural resource development and distribution throughout the country; our pipeline system, our oil and gas system that we have invested in across the gulf.

□ 2115

And for our fisheries, the provisions we make for our country and the work that we do with our port system that moves the goods from mid-America to the rest of the world, these are very important assets that New Orleans provides and our country cannot do without. We are extraordinarily valuable, not to mention our cultural contributions to this country.

We want to see the people of America understand how deep our problems are. That is why we have come to the floor tonight, to make that point to the people of this country and to our colleagues in Congress, many of whom we have had a chance to bring down our way, and many others we want to invite down so they can see for themselves what they need to do to help us.

I thank my colleague, Mr. MELANCON, for helping to bring this matter to the attention of the American people and giving us a chance to talk about it tonight. I am pleased to join with him and soon with Mr. GENE TAYLOR of Mississippi and our other colleagues.

Mr. MELANCON. Madam Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman for this hour, along with Mr. GENE TAYLOR and Mr. BILL JEFFERSON.

Sitting and listening to Mr. MELANCON and Mr. BILL JEFFERSON, I believe they have appropriately set the tone for why we are here tonight. I beg the indulgence of my colleagues, because we are obviously concerned about both what we have seen, who has been impacted, and what we can do better. For many of us who are members of the Gulf Coast Disaster Recovery Caucus, this has become a cause, a passion, and a desire to ensure that there is a final resolution for the people who are in need.

Let me just take a moment to acknowledge that this is Congressman BILL JEFFERSON's birthday. And of course we all know that the good news about birthdays is we have an opportunity to give back, and you have just seen Congressman JEFFERSON on the floor talking about the needs of his community.

I want to spend just a moment to thank Mr. MELANCON, Mr. BILL JEFFERSON and GENE TAYLOR. I have never seen more collegiate Members under the auspices or under the umbrella or under the pain of devastation.

Certainly there are other colleagues throughout Louisiana, Mississippi and Alabama, but in our caucus we have seen this unified team, and certainly Mr. THOMPSON, who is the ranking member of the Homeland Security Committee, has been very helpful to this team, but you all have been the voices of reason and strength, the voices who have refused to back down, yet trying to bring along Members from both sides of the aisle. I want to thank them, particularly as a Member from Texas where many of their constituents are, and seeing how hardworking and diligent so many of the survivors are in our community, wanting nothing more than to return to the quality of life, the love of their community, the service they have given to their community, more than anything.

Many are mourning the loss of loved ones, and still having to toil finding work, maybe temporary work, making sure their children are in school, seeking to get the necessary benefits, benefits for elderly parents and relatives that they are taking care of. And many have had to funeralize relatives.

Madam Speaker, 1,100, possibly more, had to be funeralized. How many of us saw or was able to glean what kind of place New Orleans was by having to bury and funeralize 1,100-plus individuals, and there are those who never found their loved ones.

I want to tip my hat to Mr. MELANCON, Mr. JEFFERSON and Mr. TAYLOR for continuing to press forward even in spite of the fact that there are many agenda items that take up the time of Members of Congress, but you are saying to us that the lives of our fellow Americans must be premier in our concern, and I am forever grateful. Texans are ever certainly grateful because as we fight for resources in the Gulf region, not in conflict and not in fist fight, but certainly in coordination and in collaboration.

So I rise today to sort of weave into this debate the needs of Louisiana and Mississippi, certainly Alabama to a lesser extent, but also to join with the State of Texas as a partner in the efforts that are necessary to be made.

Madam Speaker, just about 2 weeks ago, we joined with the delegation of 34 Members of Congress who saw fit to meticulously travel through three States and a number of different cities, and of course, we had the hospitality of Mr. MELANCON, Mr. JEFFERSON and Mr. TAYLOR. We were able to see and hear firsthand not only local officials but real people.

One of the key elements that I want to raise tonight that really brought me to a degree of almost frustration, because when hardworking people do the right thing, when you follow the law, when you provide for your family, when you make sure you have insurance, when you pay your mortgages and pay your taxes and get up every morning and go to work, you should be able to rely on your local, State and certainly your Federal Government.

May I present my frustration in the context of visiting New Orleans and Mississippi and bending down and picking up a family picture, a mother holding her baby. When you go throughout these areas, you find the debris of life scattered about. A picture, teapot, a pink dress of a little girl blowing in a displaced closet, having been blown out of a house and sitting on the side of a road. This is the scene of broken hearts and broken lives for people who have tried to do everything that they thought was right.

One issue that brought great pain was at a stop by the side of a road where a family was in a trailer in Mississippi. It happened to be one of the law enforcement, our first responders of whom we are so proud. To hear him tell the story how he paid his insurance, how he gets a busy signal or no signal or a hang up, and how the insurance company tells him, almost like in the biblical times in the birth of Jesus Christ when Mary and Joseph were looking for places to give birth, and there was no room at the inn and they wound up in a manger. This man could find no relief.

None of his insurance policies, or the main one that he thought he had appropriately paid for and applied to, would provide him recovery. I hope, Mr. MELANCON, in the Disaster Recovery Caucus, one of the main issues will be to confront this catastrophe, this crisis that impacted Hurricane Rita victims as well, to be able to rely upon paying insurance and not having to read the fine print to be able to find out whether or not I am going to be covered or denied.

In fact, in going throughout the region, I did not find one person that said, oh, yes, my insurance has covered me. There was one denial after another, one lawsuit after another. Two women that I spoke to said they were still waiting for recovery.

This issue needs to be confronted by Congress. Democrats are taking the lead on this issue. We welcome the joining of our colleagues on the other side of the aisle because we rise today to focus on the needs of people, and we need to rush toward victory by helping individuals who are suffering.

Let me also say that today we stood together to speak against this question of the eviction of almost 40,000 families, we believe, tomorrow. If the Secretary of Homeland Security, the Deputy Secretary of Homeland Security can hear our voices on the floor tonight, we are pleading with an extension of that eviction date. What will be said is we have extended it. In fact, I am looking at a time line hear that talks about October 25, November 15, December 15, November 23, December 12, January 9, and it says FEMA requires all evacuees staying in hotels and motels register for an authorization code by January 30, and then they went on to February 7 and then January 13. They were going to be kicked out, and now it has been extended.

Let me say one simple sentence. Why don't we extend the time to remain in place, if necessary, until the anniversary of the Hurricane Katrina and Hurricane Rita tragedies. Why not just do that.

I want to conclude by mentioning these items, and I see we are joined by Ms. LEE, who has been very helpful on these issues, particularly on the Financial Services Committee, where we have gathered to try to work with that committee on the housing issue. So eviction from a place where you have no place else to go, where countless trailers are lost in Hope, Arkansas, but they are going to evict people from places where they have no place to go. I am asking America, does that make any sense to you?

I am standing here making a plea that even in the midnight hour, that we can get an early morning accountability or response from the Secretary of Homeland Security to extend for a couple more months the idea of those last individuals being able to live.

And I want to make sure that we have a response to the insurance debacle that has opened up a searing wound in America: Pay your dues, and you get smacked in the face.

And then I would like to ensure that we have accountability. What does that mean? I heard Mr. MELANCON say, and he was very astute in teaching us when we went down and met with a number of his constituents in his parishes and other areas where the local elected officials said: I just wanted to put our community to work. That is what I asked for. In fact, I went out front to ask the Army Corps of Engineers to ask whether we could put our community to work.

They said if you want anything done quickly, you better go the route we are taking and if you go that route, you will get things done quickly. But lo and behold, we did not know that our contractors would not get paid, our small contractors and minority-owned contractors would not get paid. We did not know that the large contractors would bill and bill and bill and bill, and have excessive amounts of dollars, using of tax dollars, and none of that generating down to those who obviously are in need of those dollars.

So this is a plea for help to this Congress. It is also a plea to recognize that we do have a vehicle that I think will be enormously helpful. So I close by just counting these points on the omnibus bill H.R. 4197, the Congressional Black Caucus bill, that I hope we will see all Members of Congress use as the vehicle to bring relief to the gulf region.

It has a one-time payment, like 9/11, to all of the survivors: down payment assistance for your new house or rebuilding; bankruptcy protection for individuals who are being asked to pay mortgages and pay taxes and being asked to pay credit cards when they have no money; and voting protection, so that we have satellite voting and the Voter Rights Act is implemented in the April 22 election, particularly in Louisiana.

☐ 2130

Environmental cleanup, the opening of hospitals and clinics and mental health coverage for those who are suffering.

I, Mr. MELANCON, appreciate you bringing us here to, if you will, vocalize or, more importantly, galvanize our efforts, and our promise to those of you in the gulf region is certainly to continue to work. And as a Texan who will be addressing the supplemental, as we all will, to ensure that there is fair compensation for much of the work that we are doing in education and security in Texas, we are not going to stand against you. We are going to stand alongside of you, and we are going to make sure that our efforts are a unified voice because the relief of the gulf coast is unified not divided, and we can do this together. We can do better. We can do it for Americans, our fellow brothers and sisters.

Mr. MELANCON. Thank you, Congresswoman JACKSON-LEE. I truly appreciated you and the 23 other people that have joined the caucus that we formed up this past week before going home.

With that I would like to yield time to Congresswoman BARBARA LEE.

Ms. LEE. Thank you very much. And let me begin by also thanking my colleagues from the gulf coast, of course, Mr. TAYLOR and Mr. JEFFERSON, and to you, Mr. MELANCON, for organizing this special order tonight. But also more importantly for staying on the front lines, helping your constituents and your communities recover and rebuild. Each of them has suffered tremendous personal loss from the tragedy of Hurricane Katrina. But all of you have worked tirelessly to focus national attention on the Gulf Coast and to win the support of Congress and the President to provide more funding and more assistance.

Also, they continue to ask the tough questions, the tough questions in demanding accountability for this administration's failure to lead and coordinate the response to Katrina. They are a credit to their constituents, to our country, and you deserve our support and our thanks. Thank you, Mr. MELANCON.

Let me just say tonight, Madam Speaker, that we know the entire world watched the wealthiest, most powerful country on earth, quite frankly, turn its back on those who couldn't afford to evacuate this horrific hurricane called Katrina. People were left to fend for themselves on rooftops trying to save their lives and the lives of their families. And the majority of these people were African American. And we cannot sweep under the rug the faces of those who were disproportionately abandoned by their government because unfortunately, today, 6 months after the storm, the majority of these people are still fending for themselves.

If we don't deal with this up front we will continue to be in denial about the unfinished business of America in addressing the issues of race and class.

Now, 2 months ago, I had the opportunity to visit New Orleans and Mississippi as part of the first congressional field hearing which was held in the gulf coast. We toured New Orleans. We saw the Ninth ward, New Orleans East, Lakeview and other areas. We went to Mississippi and passed through Waveland, Bay St. Louis and Gulfport. And I tell you, like others who have visited the region, it takes a visit to the region to really fully understand the impact and the devastation that this hurricane brought upon the people of that region.

We saw firsthand this devastation and quite frankly, I will never, ever be able to sleep as well ever again in life based on what I saw during those 2 days.

We heard from victims of the storm who lost their homes and were displaced, who were living with friends and relatives or staying in hotels or motels mostly waiting for their FEMA trailers. They wanted to know that they would have a place to stay so that they could call someplace, just someplace their own. They wanted to know that FEMA wouldn't terminate housing assistance for people living in motels or hotels. They wanted to know that they wouldn't be discriminated against in seeking housing because of their race, ethnicity, age or disability. They wanted to know that the levees would be rebuilt so that they could go back to their homes and their communities to rebuild. And they wanted to know that they wouldn't be evicted from their homes or be gouged.

And we heard of the price gouging over and over and over again. And they wanted us to help them to make sure that they would not be gouged by the high rental prices or that some opportunistic developer wouldn't buy up their land and gentrify their communities. And they wanted to know that they would be hired to carry out Federal contracts to clean up and rebuild the gulf so that they could work, they could work and get a steady paycheck and participate in the equitable development of the region. They wanted to know that their kids could go back to school and still be children. And they wanted to know that they could go to a clinic or a hospital if they got sick.

In short, they wanted to know that they mattered and that their government would do all that it could to take care of them and put them back on their feet quickly.

And, Madam Speaker, the survivors of Hurricane Katrina are still wondering the exact same things today. 6 months after Katrina, virtually nothing has changed. Only now, our government is about to add insult to injury by disenfranchising over 300,000 displaced survivors from New Orleans, who will not be given the right to vote in elections that will determine the future of their city.

And tomorrow, we have learned that FEMA will boot out probably another 7,000 families that are still living in hotels and motels and have no other place to go.

This is a disgrace. The administration failed to prepare a plan of action to respond to Hurricane Katrina, and they have failed to put together a coherent plan to rebuild and restore the gulf coast region.

H.R. 4997, a comprehensive bill to help the gulf coast rebuild, which is supported by Katrina survivors and introduced by the Congressional Black Caucus under the leadership of Congressman MEL WATT should be supported. This bill provides for housing rights, a victim restoration fund in the spirit of 9/11 Victims Fund, expanded opportunities in rebuilding the gulf coast and voting rights for all.

We also work very closely with Mr. BAKER and improved upon his will to rebuild New Orleans and to help the region recover; got bipartisan support in the Financial Services Committee for that bill. But the administration has rejected both of these plans.

And now we are 3 months away from the start of the new hurricane season. And we can not afford to allow the continued incompetence of this administration to hinder the recovery and rebuilding process any longer.

Tomorrow, when we vote on the supplemental appropriations bill, I will offer an amendment to basically block FEMA from using, any money to evict people living in hotels or motels as a result of Katrina. We should not allow FEMA to kick people out on the streets. That is just plain and simple. That should not be done. So I urge my colleagues to support my amendment.

And we must continue to stand with the people of New Orleans and gulf coast and send a clear signal to the rest of the world that we must take care of all people. We must put people first regardless of their race or their income or their age or their disability. We have got a lot of work to do, and we don't have a lot of time to do it, Madam Speaker.

And so I just want to thank my colleagues from the region for their tenacity, their continued support for staying strong in the midst of a storm and for allowing those of us from other areas to try to help and try to do something.

I am very proud of my congressional district, immediately raised money to send to the gulf coast region and to New Orleans. The Ninth Congressional District, like other Congressional Districts and other non profit organizations and charitable groups, should be commended for stepping up to the plate.

But our government must do more and we must do more now.

Mr. MELANCON. Thank you, Congresswoman LEE. I want to try, and of course we are getting towards the end of the hour, and Congressman JEFFERSON and I were hoping to have a few minutes.

I want to thank leadership for their assistance in trying to provide us with time so that we can make the issues known to the Members of Congress that are going to be voting on these issues.

This is not just a Louisiana thing. This is not just a New Orleans thing. This is an issue for the entire gulf coast. These are Americans, good tax paying citizens who have been left, not because they didn't buy the insurance that they were told to buy by their local government, by their insurance agent, by FEMA itself, the mortgage lenders. They bought those things. They did, they paid their taxes. They cared for their homes and now they are totally gone, with insurance companies saying no coverage, that is flood, and many of those houses being outside of flood zone.

Mr. JEFFERSON can attest to a lot of those issues being from New Orleans and my having Chalmette and South Plaquemines Parish. I would like to yield a little time to Mr. JEFFERSON.

Mr. JEFFERSON. I thank the gentleman for yielding. I think it is important to make a point here that often gets lost in these discussions. We did suffer a tremendous natural disaster in our region. But so much of what happened to our people, and what really drowned our city was not the storm itself, but the deluge that came from the breakage of our levees. Our levees gave way because they weren't designed, constructed or maintained properly. This was a Federal responsibility. This was the responsibility of the Corps of Engineers. And therefore, when we talk about the responsibility of our government now to make an appropriate addressing of these issues, it is important to understand that we are asking a government that, in large part, caused the loss and devastation there to step forward now and help us to fix it.

And so our position isn't just that we are victims of a natural disaster alone, but that we are also victims of a manmade disaster made by the men and women who were responsible for building, designing and maintaining our heavy system. And so there is an additional responsibility for this government to come to our aid, not just because we are victims of a storm, but because they had a hand in bringing about the devastation and destruction that occasioned us.

Had it not been for the drowning of our city, we wouldn't be here talking about these issues today in large part. Yes, there would be some overtopping of levees and there would be some flooding, but there would be nothing like the devastation that we witnessed and our people are enduring now. So let us not forget the main reason for our being here. It is because our area was flooded. Flood water stood for many, many weeks because our levees did not hold, after the government told us that they would, assured us that they would.

As Mr. MELANCON says, they told people they didn't even have to take flood insurance in many cases because the levees were going to prevent any flooding there. And they did not do that. And so I think we have a moral high ground here with respect to our demand of our government, and not just because we are citizens and taxpayers. That is enough in itself, but because the government had a big hand in bringing about the catastrophe that struck our people.

Our city drowned. Our region drowned because our levees failed. And that was the responsibility of our Federal Government.

And I think, Mr. MELANCON, people are coming to realize that now. And they can't embarrass us to say you are just coming as victims asking for more and more. The government did this to us as much as anyone else did, much more than it just being a natural disaster for. We have a right to demand that our government set things right.

Mr. MELANCON. Thank you. Mr. JEFFERSON.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. MELANCON. Yes, for a minute please.

Ms. JACKSON-LEE of Texas. Let me if I might, join and just reaffirm, Mr. JEFFERSON, what you said one of the reasons, because I come from the gulf coast region. And I really think that as we work in this caucus, Mr. MELANCON, we really should focus on the educating of our Congress on the problems or the distinctiveness of the gulf region, which I think America should be proud of its regional diversity.

Tragically, this past weekend we had a number of tornados, I believe, or windstorms throughout the Midwest, loss of life, a loss of property. These are regional climatic issues that come about.

And so I suffered too. Houston is 50 feet underwater. We were almost in the eye of Hurricane Rita. And we don't have exactly levees, but we have bayous and our bayous have tended to overflow, and we have needed the reconstruction of our bayous.

So I think it is important that as we look at the other social needs, the housing and electricity, that we really need to have a separate massive agenda, infrastructure, Army Corps, Department of Transportation, Homeland Security, all the elements that deal with the infrastructure of helping to safely secure the gulf region, all along. And Florida is likewise included, having suffered so many of the hurricanes. We really need that agenda.

And let me finish on this point that I indicated I would make clear. We discussed earlier about the voting, just or in a moment, and this goes directly to the April 22 voting. And I don't want my colleagues and others to think, you know what? They are going to let those people who live in New York and Utah and Houston, they are going to let them vote twice. They are living there and then they are trying to get them to vote in New Orleans.

Well, I don't want, if I might use this terminology, for anyone to apply to us the okey-doke. We are not here standing talking about any fraudulent activities or any suggestion that anyone is voting twice or in two different places. We know under the law that you can choose your residency, and where you choose your residency to be, that is where you will be allowed to vote.

☐ 2145

When you pool the thousands of individuals in Houston, and I would imagine elsewhere, they will say to you that they are residents of Louisiana and that is where they want to vote. And that is why, as I yield back, our argument is to have the voting rights protection, to allow residents of Louisiana where they might live, one, to have satellite voting where they might live, but also to ensure them the right to vote, one vote, one person.

Mr. MELANCON. Let me see if Congressman JEFFERSON and I can wrap it up. If you use the cost-ratio method that the Corps of Engineers used for projects, and what many Federal and State agencies use to determine whether there is value in investments into areas, the resources and the area that was destroyed, and this is just Louisiana, I am not talking about Mississippi and Texas and Alabama now.

Thirty percent of the United States's energy comes from Louisiana offshore oil fields, straight through the state of Louisiana. 30 percent of the United States seafood comes through Louisiana. 42 percent of every commodity that is exported from this country goes through the Port of New Orleans. And that does not count the other three or four ports that are located on that river.

This city, this region, this southern port of our country is an important part that needs to be revived, needs to be helped back along. We can put money into projects, as I said, rebuilding other countries when they are having problems. We have got to be able to do this for ourselves.

There are a lot of folks that wrap themselves in the American flag and their politics, they are patriots, I am a patriot. There are a lot of people that espouse religion in their politics. And I say to those folks, what would Jesus do?

I do not think that he would leave these people wanting. This is not black, this is not white, this is not rich, this is not poor, this is not Republican, nor is it Democrat, it is about Americans that have been hurt and need the help of the citizenry, their fellow citizens to get back on their feet.

There are people returning to their communities and starting to do the planning in spite of the fact that they cannot get answers to the questions of how high, and when, and is anybody going to do anything at all?

There is resiliency in the people of the gulf coast. They are going to come back one way or another. It is going to be a tough bill. It is going to take time. It would take time whether the Government helped or not. But it sure would make it a whole lot better in my mind for other countries in the world to say Americans help each other.

I yield to Mr. JEFFERSON.

Mr. JEFFERSON. Madam Speaker, I thank Mr. MELANCON for yielding to me. I want to say how grateful he and I are for the bipartisan approach that was made in our region just a few weeks ago when the Speaker of the House and our Democratic leader, Mr. HASTERT and Ms. PELOSI, came together and worked together in that region to address some of the issues we are talking about tonight and to bring to the attention of the American people how crucial it is that all of us pull together for this region.

As Mr. MELANCON has said, it is a very important region to our Nation. And so it is not just a matter of helping the folks of Louisiana, it is a matter of helping people across this country. Yes, our folks are strewn in 44 States around the country, but we are not talking about that sort of a national problem, we are talking about one where we actually, the country needs our region and we need our country to come to our aid so we can continue to supply these vital services to the rest of the people of our Nation.

I believe that if someone were to take a poll, Mr. MELANCON now, and ask people of this country whether they were standing with New Orleans and with our region and wanted to see us brought back, wanted to see our country helped, I think they would all say yes to that.

We just have to get the message here to the Members of Congress that people out there want to see us rebuild, want to see us recover. And if we keep this measure in front of them, the American people will see us through this. So a part of our mission here tonight is to make sure that the American people understand how deep and abiding and enduring our issues are, and to inform their Members of Congress how much we need their continuing help on a bipartisan basis to see us through this set of problems.

I think it is good for our region, it is imperative for our country, and it is the way that we ought to address these issues. We cannot go out with credibility with the rest of the world and say we are going to fix their issues, their problems, their infrastructure requirements, and not say the same thing for our people here at home with any credibility.

So I thank Mr. MELANCON for what he has done to arrange this. I thank Congresswoman SHEILA JACKSON-LEE for her contribution tonight, for Congresswoman LEE, and for all of our colleague who have joined us in this colloquy tonight. I appreciate the opportunity that the House has given us to bring this message to the people of our country.

Mr. MELANCON. Madam Speaker, in closing, the days immediately following the storm in Katrina, before Rita even came and devastated southwest Louisiana and eastern Texas, the only way I can get to Chalmette and St. Bernard Parish was by boat on the river. And when I got there, I met the sheriff.

And they were organizing people they were lifting off the roofs at the port facility referred to as the Chalmette Slip. And all of these people, they had lined up about 200 people putting life jackets on them, putting them on a barge to bring them across the rivers to what is known as Algiers Point in hopes that there would be buses there could take them to a good place, because nobody really knew whether the buses would come and where they would ultimately end up.

But we gave them two MREs and we put them on the barge and we sent them out to Algiers Point, one we said for supper tonight with a bottle of water, one for breakfast in the morning with a bottle of water and let's just hope that the buses will get there.

And as the sheriff and I said goodbye to these folks, the first guy that was in line looked at the sheriff and looked, and he said, Sheriff, you know me, told him his name. He says you know my brother, Joe. You know where we live. Joe drowned. Do not forget him.

The next person in line was a lady who just burst into tears and hugged the sheriff and she was excited. She thought she was going somewhere. I do not where that lady is today. She may be in a hotel somewhere waiting to see when she can get back home.

The third person, this guy was standing there with a plastic grocery bag in his hand. And the sheriff said, I see you have got your lunch already. And he told the sheriff, this is not my lunch, this is all I have left now. My house went under 20 feet of water, at least that is about how high my roof is.

There are people that have suffered tremendously. We talked about the voting rights. I think there is enough safeguards. I believe that if America can spend millions of dollars to help Iraqis vote in this country for transitional government and elect officials in their country, then surely we can safeguard and make sure that Americans, regardless of where they are from, can vote in the elections in the communities of their choice where they reside, where they want to reside, where they want to return to.

In closing, I can only say that what we have done, while it is a good beginning, and every bit that is parceled out to the southern coastal States, we are thankful for. But this is far beyond the capacity of people or individuals to comprehend without physically seeing what is down there.

I do not care if it is Biloxi, Mississippi, New Orleans, Louisiana, Venice, Louisiana, Bayou LaBatrie, Alabama, it does not matter, if you go and you see you will understand.

It is inexplicable to try and describe it. I encourage, as I did with the leadership, when the CODEL came down to Louisiana, every Member of this Congress to go down there. If you make the trip, if you see the areas that were hit, and if you do not feel differently about trying to help these Americans, then there is nothing more that I can do.

I want to thank the leadership for allowing us the time. My job I feel is to keep this issue in front of the American public, because the gulf coast area is not back up on its feet and still needs quite a bit of help. Thank you, Madam Speaker.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

Mr. COLE of Oklahoma (during the Special Order of Mr. MELANCON) from the Committee on Rules, submitted a privileged report (Rept. No. 109–391) on the resolution (H. Res. 725) providing for consideration of the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IMMIGRATION REFORM IS NEEDED

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING. Madam Speaker, I would first like to start out by saying that I appreciate the opportunity to listen to the delegation, particularly the representatives from Louisiana and gentlewomen from Texas and California, their remarks on how bad it is down there in the gulf coast.

Madam Speaker, I have made three trips down there myself, two of them on my own and another with a transportation CODEL. And the first one was the September 10 through September 12 when New Orleans was 70 percent underwater.

The second one was October 4 where we saw most of the coastline, all of the way through Biloxi and all of the way to Alabama. And the third one was the middle part of January, where I went down alone and I wanted to be able to go where my instincts took me and ask questions and get a feel for what is going on down there.

And it is at least as bad as was described on the floor here tonight. It is not possible to understand the scope of the damage and the disaster that is there. I have 3,000 pictures, and can I run those through and look at them. They only bring back the memories that helped me better understand how bad it is down there still today.

And the parts of the community that still do not have water, that do not have electricity, the devastation down in Plaquemines Kerr, all of the way down to the outlet of the Mississippi was the worst, and that is the part I think that has been reported the least.

I want to say that I appreciate the tone of the people that have testified on the floor here tonight. And this is a very difficult question for this Nation. And the degree of certainty that has not been offered to the people that have their homes that have been devastated, you know I visited a home of an individual who had received his insurance check, he had paid for his house, it was a 2-year-old small brick house, and had a drive-in slab for his car.

He had stripped it out down to the 2-by-4s. He was ready to go. He had the money. He had the materials, he had the contractor lined up. But he could not get a building permit to move forward to get it done.

FEMA said we will move you in a trailer house and park it beside your house, but we cannot quite get the red tape out of the way.

The uncertainty of the Corps of Engineers, and to not know that New Orleans is going to be protected to the level that it was prior to the storm by June 1, which I think they will make it, maybe the quality of that work, some of that could be in question, I think they will make that.

But what about the next level? When you go to invest capital, and that capital might be invested for 30 years or more, than I think there needs to be a degree of certainty as to whether there is going to be protection for a category 4, 4.5 if there is one, a 5 so that people can make their only financial judgments.

We appropriated out of this Congress before Christmas funding for the Corps of Engineers to produce a category 5 study. And that is the right path to go down to some degree, but it is only going to give us one option, that is category 5. It is 24 months to produce the study.

And so 24 months of indecision, added upon these months of agony, I think, add to the pain of the people that are trying to work their way out of this. I have empathy. I have sympathy. I have initiated my own trips down there for that reason.

I have been a victim of the floods in 1993 in Iowa, and I did not realize how much that had scarred me until I saw what happened to the people down there.

And yet the other side of this is, we do not know, we do not know where FEMA has spent the money or we do not know where they would spend the money. I do think they need to come to this Congress with an accounting of it and with a plan.

And the worst tragedy is not to have the plan to lay out in front of the people. And I would say that I think the coastline, east and west of New Orleans, will probably get themselves rebuilt with the structure that is there and the funding and the insurance that is there.

But I do not think New Orleans can come out of this without some better solution. I have pointed out that I think hard times invariably produce strong leaders. There was Winston Churchill, Rudy Giuliani. This scenario, for one reason or another, has not produced a strong leader that helps add clarity to this plan.

I am hopeful that there will be a strong leader emerge. If that can happen, it would help us all to be able to follow a path and get behind this. I do not think that there is a political struggle here. I do not think it is a partisan struggle.

My sense is that there is a sense of fiscal responsibility on the one side of this argument, and a sense of frustration that we have not been delivered the accounting or where the funding has been spent nor the plans on where it would go.

□ 2200

I know that when they came to us for the $50 billion FEMA funding, in that was altogether 300,000 trailers, which now we have a clearer view, I think, of how much of a debacle that was: 270,000 of them were back ordered. There was $650 million in that funding that was for mitigation of future disasters.

So some of this jumped the gun, and it has not served the people well that are suffering down there. I hope we can find a way through this. It saddens me to listen to you all tonight. This message needed to come out here before this Congress.

I just wanted to let you know that my ears heard it, and I think that there were thousands of Americans that heard it. And I hope that we can find a way to bring some solution there; and it will be a long time. I think we all know that. This is the worst natural disaster for this country ever to face in loss of lives, in loss of treasure, and the degree of difficulty in reconstructing the region, and in the planning difficulty, and how to put levees back in place, how to give people some sense of certainty.

And then on top of that the difficulty in finding reliable engineering on the settlement rates that are going on, some of them below sea level, some of them above sea level that are there. I struggled for months to get my hands on some. I think now I have maybe all that is available in the world in my office. One rolled-up, nice-looking document.

I want to let you know that I will pay attention with you on this, and I will be working for a plan and for a solution. We may or may not agree as this process goes forward, but I wanted to express my heartfelt sympathy for the people in the gulf coast of America. I appreciate you staying on the floor to hear that message because I mean it from my heart, Mr. MELACON and all of us to you.

So however we move forward on this, hopefully the first thing and the most important thing I would think would be to get a core plan out here in front of the American people so they can start to plan. If we cannot get resources to them, at least they can move ahead on their own if they know what they can count on for protection from a flood.

We have to have a New Orleans. Thomas Jefferson saw the vision in that. If he had not bought anything except that southern part of Louisiana for the money he paid for the entire Louisiana Purchase, it would have been a good deal. Part of where I live is part of that purchase as well, but that port down there is essential to America. It must be viable again. I thank you for your words. I came to talk about another subject matter, but I appreciate the privilege to say a few words about it, and I thank you for your contribution here tonight.

Madam Speaker, I came to the floor to talk about another subject matter, and that is the subject matter that America is talking about in virtually every stop I make across the Midwest and other parts across the country, that is the subject matter of illegal immigration.

I would point out that most everyone I meet is supportive of legal immigration. I am one who is supportive of legal immigration. I have argued many times that we need to design an immigration policy that is for the enhancement of the economic, the social, and the cultural well-being of the United States of America. It needs to be a plan that is somewhat selfish, if you will: one that is designed to grow our economy; one that is designed to develop our society; one that is designed to help us continue to be the beacon of liberty for the world. That has been the charge that has fallen upon this Congress. In fact, it is the constitutional charge that the Founding Fathers wrote into our Constitution. That design and that plan have fluctuated over the years, but we have always corrected and when we have overdone things, we have always corrected.

So today we are faced with this debate, and it is a debate that is profound and it is complicated. As I listen to this debate across the Midwest especially, but around here, inside the beltway, in Washington, D.C., Madam Speaker, and around the country, I hear two things, two things on different sides. One of them is that business cannot get along without illegal labor and that if we pull that illegal labor out of the marketplace that our economy would collapse. And the other side of that equation is that because we are all sons and daughters of immigrants, therefore we should not deny access to America to anyone because, after all, we either came here as immigrants ourselves or we descended from immigrants. That actually includes the Native Americans who, according to anthropologists, came over here about 12,000 years ago across the Bering Strait. So they were the first to arrive, but immigrants the same.

As I pose some of those questions in hearings, as I listen to the testimony, one of the questions, Madam Speaker, I posed was to the witnesses: Name a nation that was not built by immigration. And I add no one on the panel could answer that question as to any nation that had not been built by immigrants. In fact, all nations in the world have been built by immigration. There is no police in the world where there is an indigenous people that just sprouted up there and lived there and they did not leave and no one else came. We have all been the beneficiaries of fresh blood that comes in from new regions, new ethnicities with new advancements to their culture, new vigor that comes from the fresh blood of immigration. That has taken place in the United States of America in a more effective way than any place in the world.

We have done a better job of assimilation than any other place in the world. But any nation you want to look at, including Iraq, which many will say is the cradle of civilization, but there has still been immigration that has flowed back and forth there for millennia.

If you look at Europe, we know the history of the Normans and the Celts that came across that part of the world and they vied for who was going to be the rulers in that region. As the Huns came down from the north and the Romans came in from the southeast, they mixed their culture, and today we have some of that vigor. We have the legacy of that. The same here for the United States of America, only we did it under unique circumstances, Madam Speaker. We did it under these circumstances where this entire continent, in fact, the Native Americans did not view land as an ownership. And so because of that, the land had not been fought over, had not been struggled over. There had not been wars that were fought over the land itself. Yes, some of the hunting grounds, but not the lands itself.

As opposed to Europe, Madam Speaker, where for centuries the ownership of land, occupying the land, was a reason for war. So they had fought over that land and the very deep-seated grudges were rooted in that land. But as we received the beneficiaries of Western Civilization, they came over here to the United States for their different reasons, for freedom to worship, freedom of religion, freedom of press, freedom of speech, free of enterprise, Madam Speaker, and the opportunity to invest some capital or some sweat equity or both and be able to pull themselves up by their boot straps and succeed and go clear to the top of the heap, an environment of low or no taxation and low or no regulation. But the benefit of this country was that we had an entire continent to settle, and it needed people to live on it, Madam Speaker.

So the new circumstance turned out to be good people, hardworking, God-fearing, aggressive people to settle this land, could homestead much of this land. And the legacy of the grudge, the blood that was on the land they left did not get imprinted here on the land in the United States of America. So we were able to under that kind of environment, where there were not grudge matches over the ownership of the land, bring people from different walks of life, from different nationalities, different ethnicities, different languages, different religions and bring them together on this land called America where they assimilated with each other on a common value system, began to understand and learn a common history that bound them together. They learned a common language called English that tied them together. They had a religion that was predominantly Christianity. They had Judeo-Christian values that bound them together and they had a sense of destiny. They had a clarion call for manifest destiny. And they settled this continent from the Atlantic to the Pacific in a very, very short period of time.

But that was a legacy of the circumstances of history, the hand of providence, the values that they brought with them, Madam Speaker, unique in the world. And so we have this unique privilege and this unique opportunity in the United States of America. We have a sacred covenant with our Founding Fathers that we must preserve and protect and defend. We have an obligation to look downrange, to look beyond the horizon and ask questions of all of us.

What has America been? What is America today? And what is America to be tomorrow, next year, next decade, next generation, next half a century, next century?

Madam Speaker, I do not hear a lot of that discussion in this immigration discussion that we have. I hear short-term discussions that have to do with I need to have these people come in here, the illegals, because we count them in the census and therefore we apportion congressional districts. They have a representation in Congress, and they do, Madam Speaker. In fact, there will be nine to 11 congressional seats in America that exist because the illegals that live in that district are counted right the same as an American citizen. And at least two of those seats in a State that I can think of, it only takes 30,000 votes to win a seat in Congress.

My district, the Fifth District of Iowa, takes 120,000 votes to win a seat in Congress because we have very few illegals in my district. So the people who come to the polls are about 240,000 strong out of 600,000 people altogether. That would be the registered voters. But in a couple of seats out west, there are only 60,000 registered voters to come to the polls because the rest of them are either not registered or they are here in the United States illegally and they cannot vote.

So 30,000 votes wins the seat in Congress that has the same voice, the same vote that my 120,000 people that come to the polls to vote have. That is wrong, Madam Speaker. The people who are citizens of the United States deserve representation here. They do not deserve to have their representation diluted by counting people who came into this country illegally. But that is the political power of illegal immigration that is aligned mostly with the left.

So they have a powerful political motive to support massive supplies of illegals to come into this country in the first place because they guarantee congressional seats in Congress, nine, 10 or 11 of them, depending on whose study you want to follow.

In the second place because they believe that if they keep the pressure up there will be a path to citizenship so that those people do get to vote. It changes the political dynamic in America. That is the urge on the left. That is their motivation to not stand by the rule of law, to not defend our borders, to not enforce domestically the violation of immigration laws, Madam Speaker.

On the other side of this equation are the companies that are profiting from illegal labor. Now, they will argue and they have argued relentlessly and vociferously that we cannot be deporting 11 million illegals. I would argue that, yes, I think we could if we had the will to do so if we could find the means and the way to do so. I do not suggest that we do that, but I reject the idea that we could not do that.

I would argue that they came here on their own. They could go back on their own. And we need to get people to go back to their home country, get in the line to come into the United States legally, not illegally.

To give an example of what happens when you reward people for breaking the law, I recall a protestor that had signs out at an event that I attended some months ago, and those signs said, "I was an illegal immigrant. Now I am a United States citizen. Steve King is a" pick your adjective that you might want to describe me as, Madam Speaker. But it struck me that this individual was proud that he had come into the country as an illegal alien, but he was given amnesty in 1986 in one of the two times that my beloved President Ronald Reagan let me down.

So the reward for breaking the laws of the United States was United States citizenship. And then he has contempt for the law and argues that we ought not enforce our immigration laws today. He was a beneficiary of not enforcing them in 1986. Now he is a United States citizen. Now he is exercising his rights of citizenship to protest the idea that I would stand up to defend the rule of law. Of course he has contempt for the rule of law. The rule of law did not restrain him from breaking it to come into the United States. And he was rewarded by citizenship for breaking the laws of the United States.

One of the foundations, one of the basic tenets of being an American, our American values, is respect for the rule of law, Madam Speaker. And if we bring in millions of people who have contempt for the rule of law, we will find ourselves devolved into a downward spiral of the kind of corruption that we see south of the border. There is contempt of the rule of law there. You have to pay off the police force. You cannot protect the rights of property. There is a reason that their economy has not grown like our economy has grown. And that reason is many of the things that we know: the rule of law; respect for the law; a kind of a culture that polices itself.

When we wonder whether it is actually the Mexican military, Madam Speaker, or whether it is paramilitary dressed like the Mexican military or active duty Mexican military who are hired out to the drug cartels that are escorting convoys of drugs across the Rio Grande into the United States, it does not matter a lot to me. A country that can have that kind of thing going on has contempt for the rule of law, their own laws, and absolutely has a policy that runs directly against the laws of the United States of America.

Fifty-eight percent of Mexicans believe they have a right to come to the United States, 58 percent. How can that be in a nation that hears this media? Our television blasts down in there. Our radio blasts down in there. Don't they hear this message continuously that Congress is now fed up, that we passed immigration laws?

□ 2215

I guarantee you, Madam Speaker, they do because somewhere between 25,000 and 40,000 of them were here in this city last week protesting the fact that we want to enforce our borders.

Now, think of this. The Nation State, United States of America, Nation State, one of many, one of several hundred Nation States in the world, if there was ever an institution that demonstrated its resilience and its success over the last century, the 20th century, it is a Nation State, and a Nation cannot be Nation unless it has borders. You cannot declare there be borders unless you enforce them.

The reason we have borders is, one, for national security, national security, so foreign armies do not come in, so that contraband does not come in like illegal drugs, guns, weapons, weapons of mass destruction. It could be chemical weapons. It could be biological or nuclear. It could be a dirty nuclear device. A Nation has to have borders and enforce their borders to protect their national security, for one thing.

To control the flow of commerce for another so that our commercial treaties that we have from one Nation to another are honored and respected and any duties that might be owed at the border get paid, going both ways, another reason to have a border. You have to define that location with a bright line, Madam Speaker, because a border defines the line distinctions between the law of two Nations. We have a law that says you do not come into the United States in violation of our law. You have to have lawful presence to be here, but the contempt that is demonstrated on our southern border encourages more than 4 million to come across the border in a single year.

In the last reporting year, 1,159,000 illegals were stopped by the border patrol in the southern border. That is 1,159,000. Of those 1,159,000, there were probably another 3 million that made it in that did not get stopped, but of 1,159,000, only 1,640 were adjudicated for deportation. That is not a very good percentage, and the rest were released on, one might say, their own recognizance, but I would say they are released on their promise to return to their home country, I promise I will go to my home country, please let me go, Mr. Border Patrol, and they are released.

About 155,000 of them were other than Mexicans, OTMs, and these were those that we did not have the right kind of a treaty arrangement to be able to deport them to their home country. So now we have a lot of Congress that is upset about that. I cannot draw a distinction between whether they were other than Mexicans or whether they were Mexicans. They all fit into the same category to me. They broke the law to come into the United States. We need to enforce the law.

Why can we not do immediate deportation? Why can we not we just issue the order that says you came into the country illegally, we will take you down to the turnstile and you go back where you came from; if you come back here again, we have got your fingerprints now; we will lock you up; now then we will send you back. That is a simple solution.

But we need to put a fence along our southern border, Madam Speaker, and I called for that fence on August 22. We passed legislation that would build a fence here 3 months, 3 weeks and 3 days, 114 days, later and that would be 700 miles of the 2,000. I supported that. I thought Duncan Hunter did good work on it. He wrote up a very good plan to build a reasonable fence. I would connect it the whole way, and even with a 10-foot chain link fence, with wire on top, it would be about $680 million to build it the whole way.

I would want to delineate and define and identify our border, and I would hang signs on the south side of them in Spanish that say, you cannot come here through this fence. You need to go sign up, go sign up and then wait your turn, and you can come to the United States if there is room for you in the amount of legal immigration that we are going to allow.

We cannot guarantee that everybody that wants to come to America can come here. In fact, if we opened up our border, Madam Speaker, and allowed everyone to come here that wants to come here, I would imagine there would be somewhere around 6 billion in the United States. Sooner or later, if we ended up 3 or 4 billion, maybe by that point it would be so crowded that folks would decide they do not want to.

But at what point does it sink the lifeboat called the United States of America? At what point when we are taking people on and bringing them in and telling ourselves that we are the relief valve for poverty in the world and we are doing good things for these million or 2 million or 3 or 4 million people that come in here every year, and that makes our heart feel good, but while that is going on, there are another 10 or 12 million that are born, that are not going to have that opportunity to come here. There are another 4.6 billion people on the planet that have a lower standard of living than the average citizen in Mexico.

So it is not possible for us to alleviate poverty by opening up our borders. Maybe we can alleviate any kind of guilt that is there. Madam Speaker, I feel none. It is a great blessing to be born in the United States. It is a tremendous privilege to be able to come here as a lawful resident and be able to earn citizenship that is here. I see that from people who are Americans by choice, and the depth of their patriotism and their commitment to this country is strong. I appreciate that and they bring their talents with them, and it adds to the vitality and they love freedom. Many of them love freedom as much, or more, than native born Americans do because they have known something other than that freedom.

But we cannot be the relief valve for the poverty in the world. We can export our values, but if we think we are going down take on all the poor people in the world: Bring me your tired, your poor, or your hungry, the wretched refuse of your teaming shores, that cannot go on because this lifeboat will sink. And then where do people migrate to then?

So I would ask as you are involved in this debate, and as Americans across the world are, I would ask them to pose the question, when somebody steps up and says I think we ought to have open borders and a guest worker plan and a temporary worker plan, I would ask them this question: Is there such a thing as too much immigration? Simple, number one, easy question. If they will not be willing to answer, because they know that if they answer the question the way they would like to answer it, which is, no, there is not too much, then they have to answer the question if 6 billion Americans are too many. When you ask that question you say, well, that is a few too many, or about 5 billion or 4 billion or 3 billion, or 2 billion, that is all too many.

They have to begin to settle on an answer of what should the population of the United States be. Is there such a thing as too much immigration? If so, how much? Why would there be too many people living in the United States? If it came to 1 billion people here like there are in China and India and the answer to that is that, yes, we could sustain that kind of population. It would be crowded, packed and put pressure on our infrastructure. We would not have enough roads, schools and hospitals. Our parks would be packed in full, and we would have to shut some of them down. We would not have enough clean water. We would have trouble handling the sewer. We could make those adjustments if we had the people, but there is not a reason to open the doors to take on that load and change the character of America that dramatically.

So there is such a thing, Madam Speaker, as too much immigration, and too much immigration from a single country changes the culture and character of America.

I am not here the say whether that is good or bad, but I am here to suggest, Madam Speaker, that we need to have a national debate on that. We need to have a national debate to discuss what is the character of America, what has made us strong, where do we derive our strength.

I do not hear that discussion here in this Congress. I do not hear it around the hallways of the offices that are around here, and I do not hear it a lot back in Iowa either, but I would submit that the strength of America comes from three main pillars.

Those three main pillars are free enterprise capitalism. We have had the freedom and the opportunity and the structure and the rule of law to let us invest our dollars in our sweat equity to do the best we can to earn our way through this life. If you rise to the top of the heap and you are worth $50 billion and you are Bill Gates, hurray for you. America cheers that kind of success because we know when someone makes it to the top of the ladder, they have also helped many others up to the top of the ladder with them, and that kind of success spills out amongst us all. A rising tide lifts all boats. The tide of Bill Gates and Microsoft and $50 billion and an individual's wealth has risen all boats and we all live better because of that and that creativity is awarded here in the United States because we have a rule of law. We have free enterprise capitalism. So the first pillar is free enterprise capitalism.

The second pillar of the strength of America's economy is Western civilization. We could go into a discussion about the struggle of the west versus the east right now, and Western civilization being challenged by radicalism, but I think, for the time being, I will take us to the benefits of Western civilization, Madam Speaker. I will suggest that the origins of Western civilization are rooted in the Greek, the Greek thought, 2000, 3000 years before the time of Christ when they sat around and took great pride in being able to reason, to be rational, to be able to set up a theorem and be able to track that and be able to prove to the level of the science that they had things that they could believe in that were factual. Once they could establish those facts, they could move on to other facts that were based on real truth.

Now, we are in this age where there is an argument that there is no such thing as truth, but I will argue that there are many things that are true, and it is the math and sciences, the physics, the chemistry, the geometry. Physics, chemistry and geometry, math, those sciences, those things, exact sciences, the things that you could count upon and use to calculate the engineering design to build a bridge over a river, for example, that is some of the foundations that grew from Western civilization.

We saw the Romans develop their engineering in a magnificent way, and they were part of Western civilization, and they demonstrated how you could take science and reason and be able to do wonderful engineering designs, many of which exists to this day in Rome. That is, the Greeks, in particular, and the Romans successes are the foundation of the Western civilization, and as that thought, that age of reason flowed its way up through Europe and found itself in the age of enlightenment in France, in particular, in the late 1600s and in the 1700s, that age of enlightenment that brought forth the industrial revolution, those values of Western civilization, the beginnings of the industrial revolution found their way to the new world, found their way to the North American continent.

Where? We had free enterprise capitalism now married up with an industrial revolution that was the Western civilization, the success of Greek thought, Roman thought, age of enlightenment in Western Europe that came over here and tied up together with this almost free enterprise opportunity where there was almost no taxation and no regulation, but there was a protection of the rule of law. There was a return on capital. The return on that capital, coupled with the science and the technology, brought about this robust economy here in the United States.

That robust economy would, I think, have turned this Nation into a voracious, imperialistic Nation that would have been seeking to conquer the world and that conquest and occupation of the world would have been the natural result of that appetite, of almost perfect environment for free enterprise and almost perfect receptacle for Western civilization, those two pillars, free enterprise, Western civilization.

But the third pillar came along to mitigate this, tie this together and give it a moral foundation. That is our Judeo-Christian values. Those are the values that are part of our culture, that tell this Nation of Americans that you have a duty that goes beyond yourself. We have a duty to the world, we have a duty to posterity and duty to God to establish a moral foundation. That moral foundation has been our restraint, our restraint that causes us to help other people up the ladder and reach out and promote this freedom and this liberty so that the rest of the world will have that opportunity to benefit from the technology, the industrial revolution, the free enterprise capitalism, the descendants of and now the leaders of Western civilization.

But it was our Judeo-Christian values that tempered that aggressive appetite and made us a moral Nation. That is the core that has made America great. That is a debate that we have to have and the values that we need to preserve, and if we will preserve those values and if we can infuse those values into people that come here to take advantage of these opportunities, and if we are knowledgeable about what has made this Nation great and if we are humble about this blessing that we have and if we take this responsibility seriously, so that we know that when new people come here their opportunity for assimilation becomes also a way for them to be incorporated into these American values, these values that I have articulated of free enterprise capitalism, Western civilization, Judeo-Christian values, all tied together, that drive us toward a destiny to be the leader of the world, not just the leader of the free world.

We used to say United States of America is the leader of the free world. No, we are the leader of the world. Our Nation is the world's only future power. Being the world's only future power is an awesome responsibility, Madam Speaker, but also shaping this Nation is an awesome responsibility.

So the question becomes, is there such a thing as too much immigration? Yes. If so, why? It overburdens us, as I said, our infrastructure, the highways, our sewers, our roads, but also, it changes the shape and the character and the culture of America. We should be always nurturing this character and culture to be pro-free enterprise, pro-Western civilization, pro-Judeo-Christian values, and you might notice, Madam Speaker, none of those values I have given necessarily run contrary to the largest population that comes into the country both legally and illegally, but we need to articulate this and bring people under our wing so they can be assimilated as Americans.

Then to ask the question of those who are for open borders, what will America look like in 10 years, 25 years, 50 years, 100 years?

□ 2230

What is their vision for America? What do they believe are the circumstances and the consequences of essentially unlimited immigration? And their answer will be: This Nation can't get along without the immigrants because, after all, it was built on immigrants. And we can't get along without the labor that is there. Business will collapse.

Madam Speaker, I would submit business won't collapse. Four percent of our labor force is illegal labor. They do 2.2 percent of the work. They turn out 2.2 percent of the work; 4.0 percent of the labor force. And they earn about $75 or $76 billion in wages, and they send between $20 billion and $30 billion of those wages back south of the border to their home countries.

Now, that puts a burden on our health care, our education services, and our welfare services. And you would argue, no, they do not access welfare if they are not here legally. True. But their children do. So it comes out to be, for the average illegal family, about $2,700 that an illegal family is a burden on the taxpayers. Most of that is to provide education and health care and those things.

If they were legalized in a guest worker or temporary worker plan, then that burden on the taxpayer would go up because they would utilize those services more. The calculation by the Pew Foundation is about $7,700 per family, if my memory serves me correctly. So it would be not quite triple the cost of having an illegal family here to legalize them.

But it is not a net gain to our economy by that measure. In fact, it is a burden on the taxpayer, Madam Speaker. And so I would go further and submit that of the 11 million, and now perhaps 12 million people, it has been charted that the workforce that exists is 6.3 million, some will say 6.5 million of the 11 million, and that group, and I will use the 6.3 million, is the workforce. That is the workforce that would need to be replaced if they were all doing essential work.

I would submit that if they are mowing lawns, if they are trimming trees, if they are doing servant work around houses, people that might be able to mow their own lawn, trim their own trees, maybe make their own bed or do their own vacuuming, that that is not essential work. Some of that is not essential. Some is. But for the sake of argument, let us just say there are 6.3 million people here illegally working doing essential work. And if they all went home over a period of time, it wouldn't happen all at once but over a period of time, then maybe we would need to replace that workforce.

How might we do that, Madam Speaker? I would submit that one of the ways we could do that would be to go into the unemployment rolls. On any day there are 7.5 million unemployed, and we are paying them not to work. There are another 5.2 million out there that have exhausted their unemployment benefits that will answer the polling and the survey saying I am looking for work. I want a job. So 7.5 million, plus 5.2 million. That is 12.7.

In addition to that, between the ages of 16 and 19, the teenagers, there are 9.3 million teenagers that are not in the workforce. Not even part-time. Presumably some of them would like to go to work and earn some money for their college education or perhaps some spending money or to pay for their car, even on a part-time basis. So there are 9.3 million of those. And between the ages of 65 and 69, people that are in retirement age, and some of them presumably in pretty good health, as our health is nowadays at that age, there are 4.5 million people in that age group.

Now, I add up a little more, I started looking, and this is all from the U.S. Department of Labor statistics that are available on their Web page, but between the ages of 20 and 64, and including those ages, there are 51 million people that are not in the workforce. We only have a workforce in America of 140 million people, and we have about 283 million by our census from the year 2000. That has grown some, but 140 million people working out of at least 280 million. So perhaps less than half of America is actually working today, and the other half could, some of them, presumably, could go to work.

But of the lists that I have given, the unemployed, those looking for work, those 16 to 19 years old, those between the ages of 65 and 69, and those between the ages over 20 and 64 that are not in the workforce, there are 51 million of them between the ages of 20 and 64 not in the workforce. They might be retired, independently wealthy, they might be working for cash, or they could be drug dealers, Madam Speaker. They could be doing anything, but they are not in the workforce. So I add these people up to find out how big of a pool there is to hire from. And that pool totals up today, by those statistics, at 77.5 million people in America that would be a pool that one could potentially hire from to go harvest the onions or the grapes or fix the roof or vacuum the floors or make the bed or cut the grass or trim the trees or pull the weeds or whatever the situation may call for. Whatever job it is that some say Americans won't do.

We would only have to hire from those Americans one out of 12 of those sitting around idle and put them to work to replace those who are here illegally. One out of twelve. Is that too much of a burden on America for the rule of law, to hire one out of 12 of the idle among us, to put them to work?

But, I forgot, Madam Speaker, there is work out here that Americans won't do. I remember a particular high-profile leader made a statement here a couple of months ago that was, if it is 105 degrees in Dallas and you need a roof fixed, you aren't going to find an American to do that job. So I went back to my staff and I asked them, What would be the dirtiest, most difficult, most dangerous job that there is to do anywhere in the world?

We surveyed around through the jobs and the different countries and came to the conclusion that rooting the terrorists out of the hovels in Fallujah would be the dirtiest, most difficult, the most dangerous, and the hottest job there is anywhere in the world. With 130 degrees, you put on a flak jacket, go in there and risk your life to root the terrorists out of Fallujah. Well, the lowest ranking marine would be collecting about $8.09 an hour. That is if he was there on a 40-hour week. And you can bet he is turning in more than 40 hours in that combat environment, Madam Speaker. But $8.09 an hour to do that kind of work.

And they are proud of their work. And they deserve every accolade we can give them and all the honor from here in this Congress and from the American people. They have demonstrated that they will do that work for that kind of pay plus the honor that comes with the sacrifice. And the memories that we will have and the memories that their families will have and the appreciation and the gratitude this country will have cannot be measured in dollars. And they would be the first to tell you that. But it gives you an example of the kind of work that is being down out there for low pay.

I have spent my life in the construction business, and I have hired all kinds of people to do all kinds of work. I never hired anybody to do work I would not do. In fact, I never found work I would not do. If it needed doing, I would jump in there and do it alongside the people I hired. But I could find people to do necessary work, and sometimes I had to pay them an adequate rate for that necessary work.

But paying someone $6 or $7 an hour to harvest a crop and arguing that that is a good going rate, or $8 or $9 an hour and saying I am paying $8.50 an hour for people to harvest my onions, but I can't get anybody to come do it for that kind of money. Well, okay, that doesn't mean there isn't available labor. It means the going rate is higher than that.

I spent some time working on the pipeline when I was a young man, when I was about 19 years old. They would pull in on a job, might be Kansas, in fact, this one was, and they would start hiring people and the wage would go. And it paid a good wage and it paid expenses and mileage. And we had people come from all over the country with their welding rigs and their campers. And in no time at all, there would be a little town that would build up out there on the prairie, and it would be right there by what we called the bone yard, where we dispatched our trucks and our equipment and we went out and began building that pipeline across the State of Kansas.

They built a little city there because there was enough money to attract workers from all over America. They brought their equipment and they brought their trailers and they came and set up a campsite and went to work. And that is not the only place that that has happened. That is just an example that I happen to live by. And the reason we came from places like Iowa and Utah to places like Kansas was because the pay was good. For me it was $2.10 an hour, so that was enough to get me all the way down to Kansas to do that work at that time.

□ 2240

Today it is a different wage scale, but the incentive is the same. I have heard arguments that our onion and blueberry industries would collapse, and nobody would be there to harvest the grapes or the cucumbers or the zucchini. I would not lament if the zucchini were never harvested. However, unlike the first President Bush, I do like broccoli.

However, the markets that are there have been established by supply and demand, and the labor is established by supply and demand. The argument that there is not labor there to do the work, I would submit that there are many businesses that are raising specialty crops that have established their business on the premise of hiring illegal labor to do the work. When it became more difficult for illegal labor to get there to do the work, now they come to the government and say, legalize them.

They have become addicted to illegal labor, the addiction of the heroin of illegal labor, and now they want the methadone of the legalization of a guest worker or temporary worker plan. There is no such thing as a temporary worker plan in the history of the world. No successful plan, I would submit. I would say that I can think of one temporary worker plan, and that was when Moses led the Israelites out of Egypt. That is an example of a failed temporary worker plan. I find no example of a successful temporary worker plan.

I sat in on hearings and I listened to a witness testify that their agriculture processing operation was near the border and they had a weekly turnover of 9 percent of their employee workforce which was a substantial size workforce. So it was difficult to recruit new people because they had trouble coming across the border to go to work every day, sometimes for the week I imagine. And it was the fault of Uncle Sam because we have tightened up our border enforcement, which I am somewhat surprised to hear.

I would submit the business plan was based on an illegal premise, the plan of setting up a business near the border so it would be easily accessible by illegal workers, to bring people in because they would work cheaper and you could send them back to their home country and not have to worry about, and I do not know in this particular case, but from a general perspective one could take this assumption, and not have to worry about health insurance, workers comp, litigation, retirement benefits, the kind of things that are the burdens attached to any employer here in the United States who hires legal people.

There is a benefit to hiring illegals. They work cheaper. You can hire them when you need them, send them away when you don't need them. They do not have a contingent liability that goes with them. They are not filing a lawsuit against you.

One of the things they do also is they claim a maximum number of dependents. At say $10 an hour, to pick a round number, claiming the maximum number of dependents, there would be no withholding for Federal income tax. And in Iowa, there would be no State income tax withholding, especially for the States that do have income tax. An illegal would forfeit their payroll tax, the 7.65 portion for Social Security, Medicare and Medicaid.

When that is said and done, compared to an American citizen, the illegal would take $1.54 more an hour than your legal American citizen. How long is an American citizen going to put up with that, taking home less pay, knowing that the person next to them is not paying taxes except for the mandatory withholding of the 7.65 percent that goes to Social Security, Medicare and Medicaid.

So I asked the American people: What do you think of this? What would the real survey results be, and I sent out a mailing of 10,000 questionnaires to the Fifth Congressional District of Iowa, randomly selected households from different areas of the 32 counties that I represent. I asked a series of 20 some questions on immigration. The most operative question, the most instructive question asked on a scale of 1 to 10, with 10 being the most intensive, how intensively do you agree with this statement: We should eliminate all illegal immigration and reduce legal immigration.

Now, I am not calling for reducing legal, I would freeze it where it is, but that was the question. On a scale of 1 to 10, 82 percent wrote down 10. Some of them I think held their pen like a dagger when they wrote their numbers and comments on the side. They were intense.

Madam Speaker, 82 percent said eliminate illegal, reduce legal, and they were emphatic. If you added up to the 6s, 7s, 8s and 9s to the 10s, 97 percent said eliminate illegal immigration and reduce legal. That is the America that respects the rule of law and knows that if we do not have rule of law, control of our border, if Congress does not have the will to enforce these laws, how can they advocate that there is going to be something like a guest worker or temporary worker program. They cannot legitimately do that. The American people know better. They know this administration has not demonstrated a will to enforce the laws of the United States of America.

And if we put more laws on the books, as we have sought to do here on the floor of Congress and sent over to the Senate, if those laws are signed into law by the President, that does not mean that a single one of them will be enforced by this administration. In fact, in the last 2 years, I cannot count you a half dozen businesses that have been sanctioned for hiring illegals. Yet I can point to a business that had 34,000 no-match Social Security numbers, and the withholding of those went into the suspended earnings file. Over 34,000 for a single company, they got the letters from the Social Security Administration. They know they are hiring illegals as a matter of practice.

I have put together a piece of legislation that seeks to remedy this. It is called the New IDEA bill. New, there are not hardly any new ideas in any legislative process, and this Congress is no different, but I believe this is a new idea. It is called the New Illegal Deduction Elimination Act.

I looked around and tried to identify what government agency is doing their job, what government agency is enforcing, what agency has the will to enforce the laws that they are charged to enforce and protect and to bring penalty and interest and do their collection. We know who that is, it is the Internal Revenue Service, not the IRS, not the current ICE, but the Internal Revenue Service.

So I thought how can I use the IRS to enforce immigration law. I drafted up some legislation and it does this: New IDEA, Illegal Deduction Elimination Act, removes the Federal deductibility for wages and benefits that are paid to illegals. It allows for an employer to go on the basic pilot program on the Internet, instant check I call it, entered the Social Security number and some other data. That search mechanism goes out to the database of the Department of Homeland Security, NCIC, and comes back and it will tell you if that identifies, the information entered identifies someone who is legal to work in the United States.

If an employer uses the instant check program, they get a safe harbor protection from the New IDEA. But if they do not use instant check or if they use it and ignore the results, they know or should have known they are hiring an illegal, and the IRS, in the course of their normal audits, would come in and remove that deductibility.

So presumably, let us go back to the $10 an hour employee. That $10 an hour employee would have been a $10 deduction for the employer from their income side. It would go over to the schedule C side of their income tax. But when the IRS looked at that and determined the $10 that you paid went to an illegal, the company knew or should have known it was an illegal, they remove that from the schedule C and it goes back over into the gross receipts and presumably becomes profit.

If this is a company, corporate income tax perhaps in the 34 percent bracket, then their elimination of that $10 deduction from their income becomes income and the interest and the penalty and the tax on that accrues to about $6 an hour. So your $10-an-hour employee when the IRS is done with their audit becomes about a $16-an-hour employee. That makes it a circumstance by which a legal American can perhaps compete. A $16-an-hour illegal does not look quite so good any more compared to the $12 an hour legal.

Those kinds of rational decisions will be made by the millions across this country when we pass New IDEA, when the President signs New IDEA into law. It will dry up the jobs magnet. We need to shut down this jobs magnet because that is what is attracting the illegals into America. Shut off the jobs magnet, eliminate birthright citizenship, and seal up the border. If we could do those three things, what we would see happening is fewer people would be coming into the United States. Two of the biggest reasons to come here would be gone: Birthright citizenship and jobs. The jobs dry up.

□ 2250

And then the human traffic that is 4 million strong; this human haystack that pours across our border begins traveling back in the other direction and starts to head back south again. That will happen by the millions. I don't think it empties out 11 or 12 million. In fact, I think there are perhaps 20 or more million in this country that are illegal. But I think it maybe takes 30 to 40 percent of those that will go back south again. I know that there are quite a few that were working off the books that aren't even being deducted. They are working cheap enough that the employer decides, I am not going to do the book work on them; it is too much trouble. I am just simply going to hand them cash and pay them off.

But I also know that there are perhaps 50 percent or more that are on the books that are sending in these no-match Social Security numbers that go in the earning suspense file like the 34,000 for the single company.

We pass New IDEA, that changes some of that. That sends the traffic back to the south, shuts off the jobs magnet in many of these companies; and American citizens have a chance to go to work again, people that are lawfully present here in the United States, the green cardholders. Those that are trying to earn their citizenship the right way have an opportunity.

And what do we say, Madam Speaker, to the young people in America that decide they don't want to go to college and become a doctor or a lawyer or a scientist or somebody that is an MBA from Harvard? What do we say to those people that say, I have had 13 years of school, kindergarten, K–12. I have had it. I want to go to work. I want to work with my hands. I want to develop my skills. I want to start earning a paycheck and bring it home, and I want to do something different with my life. This is the pace that I want. Those people have all been cut out of this.

I got a letter from a lady the other day. She and her husband had been involved in the construction business all their lives. They have been pushed out now. There is no opportunity for them. They are essentially jobless because illegal labor has undercut their wages to the point where they can't get a job anymore.

One Easter I was in a motel visiting my in-laws, and I happened to have a conversation there in between mass with a couple of people that were of Mexican descent. They were U.S. citizens. They happened to be working up in Nebraska. I said, Why are you here? And it is Easter and you are away from your families. And they said, well, we can't go to work down on the southern border because there are so many illegals down there that you can hire four of them for every one of us, so we have to come here to Nebraska. And one of them was going to the Philippines the next week. But they were traveling and sending their money back to their families in southern Texas because the proliferation of illegal labor shut them out of the job market in their own neighborhood, Madam Speaker. This goes on, over and over again.

But I beseech the United States Senate to cease discussion, deliberation, bringing language out of the Judiciary Committee that provides for guest worker-temporary worker. It is a flawed plan. There has never been a successful guest worker-temporary worker plan ever in the history of the world. The arrogance or the idea that you could configure one in committee and sit back and draw one up because you know what's best for America, without a model. And then what would happen is that comes over here from the Senate after you water down the enforcement that we sent over there, and you send us your temporary worker plan, which America knows can't work, and it comes to the floor of this Congress and for political reasons, nearly every one on that side of the aisle will vote for it, Madam Speaker.

And for whatever reasons, misguided reasons, I think, political reasons, because business wants cheap labor, some of the people on this side of the aisle will vote for it too and this will go, if it goes to the President, he will sign a temporary worker plan. It will be an amnesty plan, Madam Speaker. I have seen nothing that anyone has drafted up that is anything but an amnesty plan.

The American people know amnesty. They will understand amnesty, and they will let out a hue and cry and a scream that will be heard for generations if we fail them now; if we fail to provide enforcement at our border to build a fence, to seal that border and send a message that this is a sovereign line between two countries; if we fail to sanction employers; if we fail to pass New IDEA; if we fail to put policies in place that cause people to migrate back to their home countries.

But if we can succeed in enforcement, we can also promote American values, Madam Speaker. In those countries that need help and the people who are coming here are the solutions for the countries that they are leaving. If they would go back to their home countries and build their countries and enforce the changes that are necessary for the reforms, the world is a better place. Their country is more prosperous, their children will have opportunities. And that is the legacy that can echo around the world. It can't succeed under guest worker-temporary worker.

We have an obligation and a duty to our Founding Fathers, to our constituents, to Americans, to God to preserve and protect this great country and to shape an immigration policy that is designed to enhance the economic, the social, and the cultural well-being of the United States of America.

BLUE DOG COALITION

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes.

Mr. ROSS. Madam Speaker, on behalf of the 37-member strong fiscally conservative Blue Dog Coalition, a group of 37 fiscally conservative Democrats that have a common goal, and that is to restore some common sense and fiscal discipline to our Nation's government, and on behalf of the Blue Dog Coalition, I rise this evening as I do every Tuesday evening to discuss the debt, the deficit, the budget and accountability within our government because I believe, as Members of Congress, Members of this body, we were sent here by the American people to be good stewards of our tax dollars.

I grew up at Midway United Methodist Church just outside of Prescott, in Hope, Arkansas. Heard a lot of sermons growing up about what it meant to be a good steward. And what I learned growing up at Midway Methodist Church about stewardship I believe also applies to being good stewards of our tax dollars.

And, Madam Speaker, I rise this evening because today the U.S. national debt is $8,270,385,415,129 and some change. Again, that is a lot of numbers, and sometimes I get them a little confused. $8,270,385,415,129. For every man and woman and child in America, including those being born right now, each individual in America's share, every man, woman and child's share of the national deb, comes to some $27,000 and some change.

It is hard to believe now, but from 1998 through 2001, we had a balanced budget in this Nation. And yet for the last 6 years, this administration and this Republican Congress have given us the largest budget deficit ever, ever in our Nation's history. It is time to restore some common sense and fiscal discipline to our Nation's government, and it must start with accountability.

Madam Speaker, we all, our heart goes out to all the people that were impacted as a result of Hurricane Katrina and Hurricane Rita. Our heart goes out to so many people who lost their home and literally everything that they owned. It has been 7 months since that storm, and yet there are still so many things that are not happening the way they should within this administration and within FEMA, and one of those things is happening in my back yard.

I grew up in Prescott, Emmett and Hope, and went eighth through 12th grade at Hope public schools, graduated from Hope High School in 1979. I will be back there this coming Monday evening to keynote their annual chamber of commerce banquet.

But shortly after Hurricane Katrina, the Federal Emergency Management Agency showed up at the mayor's office at city hall in Hope, Arkansas, saying this. They showed up and they said, you know, Mr. Mayor, you have got this old World War II Army airport facility at your airport, these inactive runways, inactive taxiways, inactive tarmacs; and we want to use this as a FEMA staging area. And we are going to have manufactured homes, these 60- and 80-foot-long manufactured homes, 14-foot wide, two and three bedroom fully furnished manufactured homes coming and going, coming into the staging area at the airport, these inactive closed military runways from the World War II days; and then they will be coming in, they will be going out.

Well, Madam Speaker, they came and they came and they came and they came and they came, but they never left.

□ 2300

Well, now some 300 have left. 10,777 brand new, fully furnished manufactured homes arrived at the airport in Hope, Arkansas, with the theory being that they would all be stored on these inactive runways.

Today about 25 percent of them are stored on these inactive runways. 75 percent of them are stored in a pasture. In the past I have referred to it as a cow pasture. And the mayor down there in Hope reminded me there have not been cows in that field in a long, long time.

But the point I am trying to get across is 75 percent of these manufactured homes are just sitting there on grass. Someone told me the other day to start calling it a hay meadow. 75 percent of them are just sitting there on the grass.

In fact, Madam Speaker, if you have ever wondered what 10,777 manufactured homes look like, that is just a sampling of them with an aerial view. This is the active runway at Hope. These are the inactive runways. As you can see, they tried their best to store them on them, but then they ran out of room.

If you wonder why I call it a cow pasture, this gives you a pretty good close up view of it. There is your barbwire fence. There is the pasture. And there is the manufactured homes just sitting there. These were actually parked in my home town of Prescott waiting to get into the FEMA staging area in Hope.

Now in all fairness, when I raised this issue there were 10,777 manufactured homes sitting in Hope, Arkansas. They have since moved 300 of those to Louisiana. 300 out of 10,777, which obviously if you do the math means we have still got 10,477 manufactured homes sitting in Hope, Arkansas at the airport and in this pasture, this hay meadow.

And what is appalling about that is that 7 months after this storm in the middle of winter, in places like Pass Christian, Mississippi, there are still people living in tents, living in tents at a time that we have 10,477 brand new fully furnished manufactured homes sitting in Hope, Arkansas, 450 miles from the eye of the storm

To put it another way, if you stack them end to end, they will stretch from Texas to Mississippi. There are $431 million worth of manufactured homes sitting at the airport. I was down there with the Democratic Leader of the Senate, Senator REID, and Senator PRYOR just this past Saturday urging FEMA once again to get moving, urging FEMA once again to get these manufactured homes to the people that need them.

What does FEMA say? Well, we will not put them in a flood zone, we will not put them in a floodplain. And under a normal situation, I would say that makes sense. But the reality is, that everybody that lost their home that needs a home, their land is in a flood plain.

And surely to goodness FEMA knew that before they purchased 10,000 of these brand new fully furnished manufactured homes. So what is FEMA's response? FEMA's response is that this week they have awarded a bid, just in the last few days at least, they have awarded a bid, and they are beginning to gravel, they are beginning to gravel 170 acres of this pasture land, costing the taxpayers $4.2 million, so that they can continue to store these manufactured homes out of fear that sitting on the pasture they are eventually going to begin to sink.

Madam Speaker, that is an example of the lack of accountability within our Government. That is how our Government, this Republican Congress, this President, is spending our tax money. And all I can tell you, Madam Speaker, is all it takes is an executive order of the President to require FEMA to locate these 10,477 manufactured homes to the people who need them who lost their home and everything they own in Louisiana. The President can do it with one signature on one piece of paper.

But since he has refused to do that, I am proud to share with you that I have written a bill, introduced a bill into this session of Congress, that would basically require FEMA to get moving, to require FEMA to temporarily locate these to the people who need them in Louisiana.

Finally, the most important part of this is that these manufactured homes are not permanent housing, they are temporary housing for 18 months. What is worse? To have these 10,477 manufactured homes spread over multiple flood plains in Alabama, Mississippi, and Louisiana, or have them all sitting there in this pasture at the airport in Hope, where there will be a tornado watch or a tornado warning every 10 days for the next 3 months.

This area is commonly referred to as Tornado Alley. My home county is one county over. We had tornado watches just this weekend. This is an example of how taxpayers are fed up with our Government. This is an example of the lack of accountability in our Government

And as a member of the Blue Dog Coalition, a group of 37 fiscally conservative Democrats, we rise this evening to ask the President, to ask this Republican Congress, to exercise some common sense and good judgment and join us in trying to get FEMA to get these manufactured homes out of Hope and to the people who so desperately need them.

Now for the rest of this hour, we are going to be talking about accountability. We are going to be talking about the debt, we are going to be talking about the deficit, we are going to be talking about the budget.

Madam Speaker, I am extremely pleased this evening to be joined by a real leader within the Blue Dog Coalition, someone who has been elected the co-chair for administration within the Blue Dog Coalition, the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Madam Speaker, I thank my colleague, Mr. ROSS. And I am always pleased to join follow Blue Dogs on the floor of the House of Representatives to talk about the issue of fiscal responsibility, and also about accountability, which go hand in hand.

The Blue Dogs have made a point of trying to make sure that people understand the magnitude of the debt. Mr. ROSS showed the slide that showed over $8 trillion of debt. If we divide that among every man, woman and child in this country, that is over $27,000 for everybody.

And the accountability issue that we have talked about, let's just take that as one issue to talk about now. Because the Blue Dogs have promoted what they call their 12-point plan that will lead us back to fiscal responsibility.

One of the points has to do with accountability. See the example Mr. ROSS gave where you have money being wasted and you wonder what is going on, that is indicative of a broader problem within the Federal Government.

So many agencies within this Government are unable to offer a clean audit of their books. It is pretty remarkable when you think about it. Businesses would be out of business if they ran this way. And so under the Blue Dog 12-point plan, we think you have to put a structure in place that will force fiscal responsibility, one of the planks of the 12-point plan says that if there is a Government agency that cannot give you a clean audit of their books, their funding is frozen at the previous year's level. No increase for inflation or anything else.

In other words, we are going to create a strong incentive for the people working in that Government agency to make sure that they can at least give you a clean accounting of their books. That is what we should all want. That is what we should all demand quite frankly as citizens of this country.

There is nothing Republican or Democrat about this issue. That is just basic accountability. It is the taxpayers' money. They ought to be able to have an answer when they ask the question, how is it being spent?

And there are too many agencies within this Government who today cannot give you an accurate answer. And it adds up to a lot of money. The most recent year for which we have cumulative data was in 2003. And the Federal Government does not know where over $24 billion was spent in that year; $24½ billion, roughly speaking, is unaccounted for during that year.

That is enough to fund the entire Department of Justice. And we do not know where the money is. I find that amazing. So that is one of the 12 points that the Blue Dogs have offered as a legislative package that we think will help restore some fiscal sanity to the Federal system.

You see, when you take a look at it over time you see deficits occur, and you see certain actions to try to correct that. That is one of the best lessons we all learn if we are in our own household or own our own business, and we saw a year where we lost money, in other words we spent more than we would take in, we would take actions to correct that.

You do not see that happening right now in Washington. That is a concern for me. And in my tenure in Washington, I am in my sixth year here now, I have become convinced that we need to put rules in place, you need to create a structure that forces everybody to be fiscally responsible, forces the Congress and forces the President both to be fiscally responsible.

And that is where this 12-point plan comes into play. The accountability plank is the first plank I talked about. There are a couple of others that are real straight forward that I would like to mention as well. One is we believe that there ought to believe a balanced budget amendment in the Constitution.

Forty-five States have such an amendment. They seem to be doing pretty well in that regard. We think that the Federal Government ought to have that sort of requirement as well. So there is a structural requirement for balanced budgets.

□ 2310

Secondly, we think as Blue Dogs that we ought to put in mechanisms that force you to pay for new programs. So if you got a new program that costs a certain amount of money, you have to pay for it by taking money away from something else. And if you have a new tax cut that costs money, you have to pay for it somewhere else.

By the way, this is not a new idea, this concept of pay as you go for new programs. That set of rules or standard existed in the Federal Government. It started in 1990 during the first Bush administration. Congress passed this legislation. The first President Bush signed it into law, and that created this structure where there was more accountability, where you paid for new programs. Unfortunately, after all the success of that, they expired in 2001, those budget rules; and since then we are going without them. And the Blue Dogs have introduced legislation every year to try to move ahead with that type of budget enforcement mechanism in terms of pay as you go, but we have not been able to get a vote on that.

So that is another point of the 12-point plan, be responsible, pay for new things, find another place to pay for it. Live within your means. It is a concept that all of us can relate to. That is the way we approach things when we sit down around the family dinner table and talk about our own household budget. And if you are a small businessman, you figure out that you have to live within your means, and you make your adjustments and you make your decisions.

Until we put that structure in place here in Washington, my concern is we are not going to have people making those decisions. So I am, as I said, always pleased to join my Blue Dogs colleagues in the House of Representatives to have a discussion about how we can move ahead with fiscal responsibility, what it is going to take.

Here is the thing I find in politics these days. It is easy for people to talk about the problems. We are here tonight offering a solution. We are offering a plan that helps us get away from this pattern, this unending pattern of increasing debt, and that is the kind of thing that I think folks in this country want from their elected officials. They want ideas and they want solutions. And that is why I think this 12-point plan merits everyone's attention, and I think this whole issue of fiscal responsibility is one that ought to bridge across party lines because this is doing what is right for this country, not what is right for one party or the other. This is the right thing to do for this country. It is the right thing to do for all of our citizens. It is the right thing to do because every man, woman and child, as I said earlier, right now owes over $27,000. And we owe it to them and we owe it to future generations to make sure that we do not have an ever-increasing obligation of debt.

I am going to continue to participate in this conversation, but right now I am going to turn it back over to Congressman ROSS. I appreciate his leadership in managing this hour discussion on the House floor. Congressman ROSS, I look forward to continuing this discussion about moving ahead with the fiscally responsible country.

Mr. ROSS. I thank the gentleman from Utah, and the gentleman from Utah raises a couple of good points. First and foremost is that as members of the fiscally conservative Blue Dog coalition, 37 members strong, we are sick and tired of all the partisan bickering that goes on at our Nation's Capitol. It should not matter if it is a Democratic idea or a Republican idea. It ought to matter that it is a commonsense idea and does it make sense for the people that send us here to be their voice in our Nation's Capitol?

I see these Democrats that vote 98 percent of the time with the Democratic Party, and I see these Republicans that vote 98 percent of the time with the Republican Party. And I submit to you, you do not need a brain to do that. And I do not think that is why people sent us here. I think they sent us here to look at the issue and to judge it on its merits and whether it makes sense for the people back home.

There is a lot of criticism that goes on in this Chamber, a lot of people that criticize each other and each party. We are here tonight to point out that there is a problem: the largest budget deficit ever in our Nation's history. The largest debt ever in our Nation's history. More importantly, as the gentleman from Utah pointed out, we are here this evening to offer up our plan, our plan for a budget reform, our plan, a 12-

point reform plan, for curing our Nation's addiction to deficit spending.

The gentleman from Utah raised two of 12 points very eloquently. One of those is require agencies to put their fiscal house in order. Again, that is just a commonsense idea. But as the gentleman said 16. 16 of 23 major Federal agencies cannot issue a simple audit of their books. Worse, the Federal Government cannot account for $24.5 billion it spent in 2003. Government auditors should be doing a better job of tracking taxpayer dollars, and the Blue Dog Coalition proposes a budget freeze on any Federal agency that cannot properly balance its books.

Another point the gentleman from Utah raised was requiring a balanced budget. As he pointed out, 49 States in America require a balance budget. I served for 10 years in the Senate in Arkansas. We were required to provide for a balanced budget. My wife makes sure that we have a balanced budget at the Ross household in Prescott, Arkansas. And our banker requires us to have a balanced budget at our family pharmacy that we own back home in Prescott, Arkansas.

As members of the Blue Dog Coalition, we support a constitutional amendment to require a balanced budget every year except in times of war or a national emergency. The Blue Dogs believe a balanced budget amendment is the only way, the only way to ensure fiscal discipline in Congress. The Blue Dog balanced budget amendment would require a three-fifths vote of both the House and Senate to increase the debt limit or to waive the balanced budget requirement. In addition, the Blue Dog balanced budget amendment protects Social Security from benefit cuts and forbids increases in Social Security payroll taxes in order to balance the budget.

Let me repeat: our amendment protects Social Security from benefit cuts and forbids increases in Social Security, payroll taxes in order to balance the budget.

Madam Speaker, again, the Blue Dog Coalition, who are we? We are 37 members strong. We are a group of fiscally conservative Democrats who are trying to offer up some common sense, some new direction, and some leadership on fiscal issues in this Congress.

Madam Speaker, if you have any comments or questions for us, I would invite you, Madam Speaker, to e-mail us at BlueDog@mail.house.gov. That is BlueDog@mail.house.gov.

At this time in this Special Order on the budget, the debt, the deficit, and the manufactured homes in Hope, Arkansas, a good example of a lack of accountability in this administration and this Republican-led Congress, I am pleased to call on the co-chair for communications within the Blue Dog Coalition. Someone that has been elected to a leadership position in the Blue Dog Coalition. Someone that I have a great deal of respect for, and that is the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Thank you, Mr. ROSS. It is great to be here again with you as we talk about the fiscal challenges that face our country.

I was glad to hear you talk about how the Blue Dog Coalition has tried to, in a bipartisan nature, work with the other side of the aisle to bring about some fiscal responsibility. In fact, the Blue Dog Coalition sent a letter to the Speaker and to the President asking for a bipartisan working group to try and get to the bottom of balancing the budget and dealing with this fiscal irresponsibility. We have yet to hear from the President. We would certainly like to sit down with him and discuss our ideas to bring fiscal accountability to our Nation's government.

As moderates and fiscal hawks, the Blue Dogs are just trying to do the right thing for America. We are trying to get engaged in a real debate on fiscal responsibility because we need to return honesty and accountability to our Nation's finances.

I am deeply concerned with the continued deficit spending and the complete disregard for fiscally responsible policies and really a fundamental dishonest budget process. The President's proposed $2.7 trillion budget will decrease domestic spending, yet still leave a massive $355 billion budget deficit for this fiscal year. But the $355 billion is not the whole story. The President's figure deliberately leaves out the cost of the effort of Iraq and Afghanistan and the potential future costs of rebuilding of the gulf region and fixing the alternative minimum tax that is plaguing more and more middle-class Americans every year.

All of these issues that were left off the budget are all known costs that will drive up the deficit more than what has been stated in the President's document.

□ 2320

Some would say that the President's budget is a nice break from reality television. The President's budget does nothing to make the Federal Government more accountable for taxpayer dollars.

Every year, the President issues two vital budgeting documents, the budget and the financial report of the United States. You have heard of the first but probably not of the second, and why is it completely ignored? The budget is widely distributed to every Member of Congress and the national press. The financial report, however, is distributed to fewer than 20 Members of Congress with no press release.

The budget says that the deficit is $319 billion in 2005, but the financial report says it was $760 billion, over twice as large as the budget that was distributed to all Members of Congress. The difference is that the budget uses a cash-based accounting which only the smallest businesses of America use because it hides future obligations, thus, painting a potentially unrealistic and misleading picture of the Federal Government's overall performance.

According to David Walker, the comptroller of the General Accountability Office, his statement was that it is painting a potentially unrealistic and misleading picture of the Federal Government's overall performance.

The financial report of America uses accrual accounting, the method required by law for every business in America with revenues over $5 million. The financial report takes into account future obligations of the Federal Government and presents a clearer, more understandable picture of Federal finances.

So when Mr. ROSS is talking about the problems in our budget process, that is one of the things that the Blue Dogs want to highlight is that the true deficit, as you have on your poster down there, is $760 billion for 2005, double what was in the President's budget.

The Blue Dog coalition believes that both the House and Senate should use a more realistic financial report number for its budget, rather than budget numbers that we talk about because it is a truer accounting, and this is not even taking into consideration some of the other spending like we know we are going to have to spend to take care of some of the problems in Katrina and some of the devastated areas of the gulf coast.

I really appreciate you taking me down to Hope, Arkansas, to the airport down there a few weeks ago to see these trailers. I do not know if you have talked about them tonight since I just came down on the floor.

Mr. ROSS. Oh, yeah.

Mr. CARDOZA. The reality is that there is nearly $1 billion in trailers throughout Arkansas, half a billion dollars in your district. It is really wasted. Those trailers should be used for folks who are in flood zones and need them, not sitting sinking in the mud in Hope, Arkansas. So I appreciate you highlighting this fact once again.

I appreciate those in the gallery being able to see the pictures of just wasted tax dollars, $1 billion in your home State, and thank you for having me here tonight, once again, and for leading this hour, and I will be happy to engage with you as we go on.

Mr. ROSS. Madam Speaker, I thank the gentleman from California, and to clarify, it is about half a billion dollars. I believe it is about $431 million worth of manufactured homes sitting there in that pasture at the airport.

Mr. CARDOZA. I believe if you take all the 20,000 throughout the entire State of Arkansas, it is about $800 million.

Mr. ROSS. Some of those are in Texas, Arkansas, Louisiana, Mississippi, several staging areas, but by far, 10,477. When you were there, there were 10,777, and the good news is 300 have left. There is still 10,477 manufactured homes, brand new, fully furnished sitting there in a pasture at the airport in Hope.

The Inspector General had indicated they were sinking in the mud. Not true. Our farm families can just tell you, we have just faced the worst drought ever. Our farmers are used to 50 inches of rain. We did not get 25. We are not sinking in the mud yet. Instead of getting them off the pasture before winter weather sets in and spring weather sets in and they do begin to sink, instead of getting these homes to the people who need them, FEMA's response is we are going to spend $4.2 million graveling, graveling, 170 acres out here so they will not just sit here on the pasture like they are doing right there.

Again, people like this in places like Pass Christian, Mississippi, continue 7 months later to live in a tent while our Federal Government, this administration, has 10,477 brand new, fully furnished manufactured homes sitting at the Hope airport in Hope, Arkansas.

I am convinced there is a lot more wrong with FEMA than Michael Brown, its former director, and I can tell you that if I was President of the United States I would be finding me a new FEMA director.

The gentleman from California pointed out the real United States 2005 deficit is $760 billion and explained how we come up with that. Again, the deficit for 2005, based on a cash-basis accounting is $319 billion We do not need to make it any worse than that. I mean, that is one of the worst budget deficits ever in our Nation's history. Again, it is hard to believe we had a balanced budget for the first time in 40 years from 1998–2001, but we did.

In 2005, on cash-basis accounting, which is what our government, our Congress, this administration, uses when it comes to the budget, the deficit was $319 billion. When we say the real United States deficit for 2005 was $760 billion, that is based on accrual accounting.

Again, it was former Senator John Glenn when he was a Member here in the United States Congress that passed the law that said the Secretary of Treasury must issue a financial report of the United States Government every year. Again, when they issued the budget, the budget is delivered with a lot of fanfare to Capitol Hill. You see it on the news and read about it in the paper and hear about it on the radio. Thousands of copies are delivered. There is at least one copy delivered, usually several, to every congressional Member's office.

But when it comes to the financial report of the United States government, only about 20 copies are delivered to Capitol Hill, and that is because this administration, this Republican Congress, does not want you to know the truth about the debt, the deficit and the budget.

Now, do not take our word for it. This is David Walker, who is the Comptroller General of the United States General Accountability Office. What did he say: The current financial reporting model does not clearly and transparently show the wide range of responsibilities, programs and activities. It provides a potentially unrealistic and misleading picture of the Federal Government's overall performance, financial condition and future fiscal outlook. That is David Walker, and obviously, as I indicated earlier, he is the Comptroller General of the United States General Accountability Office.

Now, when we talk about instead of using cash base accounting and accrual base accounting, what is all that about, well, I can tell you our government, our Congress, demands every business is required to use the accrual method of accounting if the business has inventory, if the business is a C corporation, or if there are annual sales of $5 million dollars.

This accrual accounting is the method that this Congress demands businesses in America to use, including our family business back home in Preston, and if I do not use accrual accounting, I am trouble in with the IRS and our government, and yet, our own government that sets these rules in place does not use this method of accounting. They use the cash-base accounting method which is a way for them to play games with the numbers and indicate that the deficit for 2005 was $319 billion instead of $760 billion.

I yield to the gentleman from California.

Mr. CARDOZA. Madam Speaker, one of the things that my constituents ask me when I go home is how we got into this mess, and they say, well, it was just a few years ago in 1997, we actually started paying down the national debt. Then when Mr. Clinton left office in the year 2000, we were actually making good progress paying down the debt and we had 4 years a row in balance and paying down.

But there is one very critical thing that happened in 2001, and that was that the PAYGO rules were suspended. Those rules were put in place by a bipartisan Congress in 1997, and those PAYGO rules said that you had to pay for what you spent, just like we have to do in our home budget.

□ 2330

And if you were to spend more money, you had to either find a budget cut someplace, or you had to find tax revenues to pay for it. So for 4 years, on a bipartisan agreement negotiated between Newt Gingrich and President Clinton, the country lived within its means. Then in the year 2001, those rules were suspended.

Since that has happened, we have amassed some of the biggest deficits in the history of our country, all financed, or virtually all financed, unfortunately, through deficit spending. And that is being financed by foreign governments. In fact, our colleague, JOHN TANNER, is very often quoted as saying that we have borrowed more money from foreign governments in the last 5 years than in the rest of the history of the United States combined.

In fact, he is also fond of saying that if we were going to have to go in, if there was a war between China and Taiwan, and we went in to defend Taiwan like our treaties obligate us to do, we would have to borrow the money from China to defend Taiwan against China. That is how crazy this system has now gotten.

So we can see how dangerous this foreign obligation has become for our country. And I thank the gentleman for highlighting the budget problems in his speech, and I yield back.

Mr. ROSS. I would like to invite the gentleman from Utah (Mr. MATHESON), co-chair for administration within the 37-Member strong fiscally conservative Democratic coalition to join us. And one of the things we talked about is we want to point out the problem, and there is a problem.

Madam Speaker, if you have comments for the Blue Dogs, I would encourage you to e-mail us at *bluedog@mail.house.gov*. That is *bluedog@mail.house.gov*. We welcome, Madam Speaker, your comments, concerns, or questions.

One of the things that we have talked about is this debt, and let me just say that the reason the debt should matter to you is because our Nation is spending a half billion dollars a day. A half billion, with a "b," dollars a day simply paying interest on the national debt.

You know, I have got a lot of folks in my district that have been waiting for longer than I have been alive for I–69 to be completed through Arkansas. It is going to take about $1.5 billion to do that. I could build I–69 across Arkansas, across my district, and create jobs and economic opportunities with just 3 days' interest on the national debt. On the western side of my district, everybody has been waiting since I was a small child for I–49 to come through that part of my district, which my district is about half of Arkansas. Again, it is about $1.5 billion. Just with 3 days' interest on the national debt, I could build I–49 through Arkansas. We could build 100 brand-new elementary schools every single day in America just on the interest we are paying on the national debt.

So it is what we refer to in the Blue Dog Coalition as the debt tax, D-E-B-T.

The debt tax. And that is one tax that cannot go away until we restore some common sense and fiscal discipline to our Nation's government. As long as we have these massive interest payments hanging over our head as a Nation, then America's real priorities and America's future will hang in the balance waiting for an opportunity for us to meet America's real priorities.

Now, the gentleman from Utah indicated to us about the fact of what we are all about. We are not just here to criticize. We do have a problem. We have to acknowledge the problem, and we have to point out the problem; but we are here to offer up a solution. We have a plan, a plan for meaningful budget reform, a plan for curing our Nation's addiction to deficit spending.

I would welcome the gentleman from Utah to go through the other 10 points with us. And I would welcome the gentleman from California to jump in at any point, and I would love for us to just have a discussion here about the Blue Dog Coalition's 12-point plan.

I yield to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Well, I thank Mr. ROSS. I think it is important to talk about the fact that you ought to have a plan. You know, you have a family business you own back in Arkansas, a pharmacy; and when you borrow money to help take out a business loan, the bank asks you for a plan, how are you going to pay that back.

Right now, the Federal Government is borrowing money, and I do not know that there is a plan out there that has been articulated for how we are going to pay that back.

Mr. CARDOZA. We haven't heard about it, for sure.

Mr. MATHESON. And I think that is something we should expect. I think that is a reasonable request to ask.

I did want to reiterate one point that Mr. ROSS was making when he said why this matters. He said some people say it doesn't matter. They say, ah, these deficits, it is really not that big a deal, and it is okay. We haven't seen any huge disruption in the economy with these deficits, so they don't matter. Well, the Blue Dogs think they do matter. We think they matter for a lot of reasons.

First of all, they matter because right now this is one of the fastest growing parts of the Federal budget. And so what you are doing, what you are doing with the Federal budget growing so fast, in terms of the interest component, is you are saying, you know what, we are not going to do other things. So there is an opportunity cost, if you will, or lost opportunities, where we are not going to invest in important programs, investing in people, in their education, and investing in transportation infrastructure in the country. We are crowding that out because interest is growing as part of our national debt.

Secondly, you are taking away capital that otherwise might be invested in the private sector. It would help our economy grow. Instead, we are taking it in to pay back government debt here. If the government wasn't asking for that debt, then investors would be investing that much more in the private sector. Our economy could very well be doing better with that increased investment in the economy.

Thirdly, I don't like to pay taxes. I don't think that anybody likes to pay taxes. And what we are doing is we are ensuring a tax burden for generations to come, probably in perpetuity, quite frankly, if we don't turn this thing around, in terms of the tax burdens to pay this interest cost.

And, finally, the fourth reason I think we ought to be concerned. Actually, I will give two more. The fourth reason why I think we ought to be concerned about this debt is because while it hasn't happened yet, in the overall context of supply and demand, the more we are gobbling up debt and asking people to invest in debt instruments in this country, there is going to be an upward pressure on interest rates. And that is not good for our economy.

The final point, the one that my colleague, Mr. CARDOZA, raised, is that this country is entering a new situation they have never faced before in this country, and that is an increasing reliance on foreign government owning the debt of the United States of America. This raises some economic security issues we have never faced before that are hard to get your arms around, but I think it causes concern for all of us.

So there are five quick reasons I offer for why you ought to be concerned about the debt and you ought to be concerned about deficits. And if you don't feel some negative impact of it immediately today, those five reasons I just listed all ought to be cause for concern about why we ought to be fiscally responsible and we ought to get our arms around the debt.

I yield to Mr. CARDOZA.

Mr. CARDOZA. One of the things that you said that I want to dig in a little deeper to is it really precludes our options in times of crisis. If we were to have another September 11 hit tomorrow, and 2 weeks later another Hurricane Katrina hit someplace on the gulf coast, could we afford the $200 billion we spent after September 11 again on top of everything else? And would we be so willing or even able to bail out another gulf coast situation?

We know that calamities are going to happen. In fact, that is one of the 12 points in our Blue Dog plan is to put away a rainy day fund because we know, as sure as the next drought or the next monsoon comes, the next rain storm, there will be another calamity that will befall us. It may be wildfires in the West or a flood in the Midwest. We have challenges that will continue to face our country, and, frankly, the world. And oftentimes the world looks to our country to solve these issues, like the tsunami and other things.

But we are becoming stretched thinner all the time; and the point you raise, Mr. MATHESON, on not being able to have the options because we are running out of dollars, is one that I think we have to think about as a country.

Mr. MATHESON. And let me put a human face on another aspect where investment is being crowded out that just occurred in my office today, and may have occurred in your offices too. A lot of us on Capitol Hill had visits from families today with folks who generally have a child with diabetes, so it is the Juvenile Diabetes Foundation. And they were visiting Congress to plead for investment in basic research dollars to help pursue both better treatments for those who have this disease and also looking for cures as well.

□ 2340

That is the type of investment in public money that pays such huge dividends for us as a country. But growing interest expense is crowding out wonderful investments like basic health research. That is a wonderful opportunity we heard about today on Capitol Hill from families that are passionate on pursuing that interest. But with interest crowding out that the opportunity to make that type of investment, that is another reason to be concerned about the debt.

Mr. ROSS. I have to give it to this President, who has managed to give us the largest budget deficit in our Nation's history, while at the same time cutting programs that are important to people, programs for education, programs for farm families, and the list goes on and on. How does he continue to do that? He proposes tax cuts for those earning more than $400,000 a year. I do not have many folks in my district who earn $400,000 a year. I have voted for tax cuts in the past. Back in times of surplus, before 9/11 and before Iraq and Afghanistan when we really had a surplus, I thought it made sense to give people some of their money back.

But for us to continue to borrow money from foreign governments to give tax breaks may make for good politics, but it makes for bad fiscal policy. But what the gentleman is talking about in terms of the foreign debt, again the debt $8,270,385,415,129 and some change. Who owns that debt? Who do we owe that money to?

Well, we owe $2.174 trillion to foreign lenders. Compare that to only $23 billion we owed to foreign holdings back in 1993. As the gentleman from California pointed out earlier, this administration, this President, this Republican Congress, has borrowed more money from foreign central banks and foreign investors in the past 5 years than the previous 42 Presidents combined.

Who are they? Japan is the top 10. Japan, we owe them $682.8 billion. China has loaned our government $249.8 billion. The United Kingdom, $223.2 billion. The Caribbean Banking Center, they have loaned us $115.3 billion. Taiwan, $71.3 billion. OPEC, and we wonder why gasoline is $2.25 a gallon, OPEC has loaned our government, $67.8 billion. Korea, $66.5 billion. Germany $65.7 billion; Canada $53.8 billion; and Hong Kong $46.5 billion.

I am very concerned about what that means to our national security as these foreign countries will be able to have such a tremendous and dramatic influence on our monetary policy. I find that appalling. I find it reprehensible, and I find it something that we need to correct and we need to correct it now by getting our fiscal house back in order.

Madam Speaker, I yield to the gentleman from California as we go through our 12-point plan.

Mr. CARDOZA. Madam Speaker, I was going to say, one of the things that I like about being a Blue Dog and fighting for fiscal responsibility with the Blue Dogs, we do not just criticize but we also have a plan. Mr. MATHESON gave the first two planks in our 12-point plan to restore fiscal sanity to the United States, which is to have a balanced budget and don't let Congress buy on credit. We call it PAYGO, pay as you go.

There are a number of other things that we have like the third plank in our plan is to put a lid on spending, to have a freeze on additional spending until we can get our fiscal house in order.

Fourth, we require Federal agencies to put their fiscal house in order. As you said, 16 or 17 of the Federal departments cannot balance. They cannot even tell you where the money is going.

The fifth plank of the plan is make Congress tell taxpayers how much they are spending in the bills we pass. We do not tell taxpayers how much we are continuing to authorize every year.

The sixth point in the plan is we are going to require a rainy day fund so we set aside money for the natural disasters that befall our country on a regular basis.

Number seven, and this is really important because we are getting ready to do this as we speak, and that is do not hide the vote to raise the debt limit. Right now under the rules of this House and in the Senate, we are going to raise the debt limit without taking a vote of this House on a recorded vote so each Member of Congress has to put their voting card in and be recorded on raising the debt limit. That is just not appropriate.

Number 9 is to ensure that Congress reads the bills it is voting on. What a novel concept. We actually believe each bill should have to sit on the Speaker's desk for 3 days to give us time to prepare and actually know what is in legislation. It was 2 years ago that we passed the Medicare prescription drug bill. We got that bill 20 hours before we were voting on it and that bill was 680 pages, 678 pages long. I can tell you one thing for sure, no Member of Congress was able to read that bill and know what was in it. And that is probably why it cost the American people double what they told it was going to cost.

The next plank is to justify pet projects. We believe that every earmark passed in this Congress should be justified by the Member of Congress that is asking. There should be a paragraph written about every request and that the Member should have to sign it and say they stand by that earmark.

We would not have the scandals of Mr. Abramoff and all of the other problems that are befalling this Chamber if every Member had to justify their pet projects and earmarks.

Number 10, we require an honest cost estimate for every bill.

Number 11, be sure that every bill fits within the budget that we pass at the beginning of the year. We pass a budget, and we never look at it again. We continue to pass bills that most likely will not fit into that budget, so we just keep expanding the budget with every bill that comes through here after the budget is passed.

The final plank is that we do a better job of oversight. Right now, Congress passes oversight and frankly, we never go back and look at what we have passed to make sure that it is doing the job that we intended when we passed that legislation.

Those twelve points are just the first step in restoring fiscal accountability and making sure that we live within our means.

As I said before, in September, I joined my colleagues in the Blue Dog Coalition in writing a letter asking President Bush to host an emergency bipartisan budget summit to put our Nation's fiscal house back in order. Unfortunately, our genuine effort to engage the Republicans in a reasonable discussion on the budget was brushed aside. We have yet to receive a response to our letter. I think even this White House should be able to pen a letter back to us in the months since we sent it to them. I know they have gotten it. We have talked to them about it on this floor. We have talked to our colleagues in this Chamber on a regular basis requesting cooperation to get together and work together to solve the problems facing this country, and we have not gotten a response.

Mr. ROSS. As we wind down this hour that we do every Tuesday night, as members of the 37-member strong fiscally conservative Democratic Blue Dog coalition, I would like to remind you, Madam Speaker, the reason why deficits matter, deficits reduce economic growth. They burden our children and grandchildren's liabilities. They increase our reliance on foreign lenders who now own some 46 percent of our publicly held debt.

It matters because as a Nation, at a time when we are spending half a billion dollars a day simply paying interest, not principal, just interest on the national debt, we are also increasing that debt. We are increasing it to the tune of about a billion dollars a day, $260 million every day going to Iraq, $33 million every day going to Afghanistan, but do not dare ask how a single dime of your tax money, $260 million a day going to Iraq, $33 million a day going to Afghanistan, do not dare ask this administration how it is being spent. Do not dare ask them because they will say you are unpatriotic.

As taxpayers, I think this administration has a duty and an obligation to let the taxpayers understand that he has, that this President has a plan on how this $260 million a day is being spent of your tax money.

☐ 2350

We all want to make sure that our soldiers get the equipment they need and get taken care of and can get back home to their families as soon as possible. And the President, if he is going to spend $260 million in a day to Iraq, he ought to give us a plan. He ought to give us a plan. He owes it to the American taxpayers. He certainly owes it to our troops.

Mr. CARDOZA. Would the gentleman yield?

Mr. ROSS. Yes, I would.

Mr. CARDOZA. I just want to highlight that there is precedent to doing it a different way. During World War II, then-Senator Truman formed a commission that actually did an audit and went after wartime profiteers and, in fact, did a great job at getting to the bottom of the fact that there were people trying to profit irresponsibly on the backs of our soldiers during World War II. So he went in and got to the bottom of the overcharging and the contracting fraud and really cleaned up those who were trying to take advantage of the situation that the world found itself in.

That is the kind of accountability that we need today, Mr. Ross, and I appreciate that you are bringing this up. It is not unpatriotic to question how our taxpayer dollars are being spent. In fact, if we don't waste our taxpayer dollars, then there is more money available to actually spend doing the right thing by our troops. Thank you for raising that issue.

Mr. ROSS. I want to thank the gentleman from California (Mr. CARDOZA), the co-chair of the fiscally conservative Democratic Blue Dog Coalition, for joining me this evening. I want to thank the gentleman from Utah (Mr. MATHESON) for joining me this evening, the co-chair for administration within the Blue Dog Coalition.

And, Madam Speaker, if you have got comments, concerns, or questions regarding our discussion this evening about the budget, the debt and the deficit, the manufactured homes sitting in a pasture in Hope, Arkansas, I would encourage you to e-mail me. Bluedog@mail.house.gov. That is bluedog@mail.house.gov.

As we finish this Special Order each week, it is a very sobering thing that we do. As you can see, when we started this hour, the national debt was $8,270,385,415,129-and-some-change. Just in the hour that we have been on the floor this evening discussing the budget, the debt, the deficit and, yes, a solution, a 12-point plan for budget reform, the deficit has increased by approximately $41,666,000. It is a very sobering thing that we do at the end of this hour each Tuesday night. But the national debt, 60 minutes later, is no longer this number here. It is $8,270,430,081,129. So, again, the deficit now, at the beginning of this evening it was $8,270,385,415,129-and-some-change. One hour later it has increased approximately $41,666,000. The national debt now stands at $8,270,430,081,129-and-some-change.

Madam Speaker, we will be back next Tuesday evening. Well, Congress is on recess next week. But the following week we will be back on Tuesday evening to continue this discussion about the budget, the debt, and the deficit. We raise these issues because, you see, my grandparents left this country better than they found it for my parents. And my parents left this country better than they found it for our generation. And, Madam Speaker, I believe we have a duty and an obligation to try and leave this country better than we found it for our children and our grandchildren. That is why we are here.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mrs. DRAKE). Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Speaker, I appreciate the opportunity to come before the House this evening and appreciate the leadership granting me the opportunity to share a few words with the Speaker and with the House.

I know it is late. We just have five more minutes this evening in our House session, but I am here to represent the Official Truth Squad. And the Official Truth Squad, as so many folks know, was begun by a group of freshmen Republicans. Having been in Congress now for about 15 months, and throughout the last year, we had talked with each other and with others in Congress about why is it that you so often hear so much misinformation and disinformation on the floor of the House. And so we thought what we would do as a group is to get together and begin the Official Truth Squad.

And I know it is late, Madam Speaker, and I was going to give folks a break and not take the remaining 5 minutes of the evening, but I was sitting over in my office and I was listening to the previous presentation by some well-meaning folks on the other side of the aisle, and they talked about this, the need for accountability in the budgeting process. And I know that my colleagues and I couldn't agree more. We couldn't agree more.

What I would like to do in this very brief time that we have, though, is to bring a little truth to the debate, and that is the issue of the balanced budget amendment. We, so many of us, support a balanced budget amendment. We agree that there ought to be appropriate accountability. I believe that the desire or the inertia to restrain spending at the Federal level is, frankly, nonexistent. So I think that it is imperative that we have some kind of control on the amount of spending that we have here in Washington. And one way to do that, and I believe an appropriate way to do that, is through a balanced budget amendment.

We just heard within the past hour some folks on the other side who say, yeah, we think there ought to be a balanced budget amendment. But what's the truth about their actions when given the opportunity? And that is what the Official Truth Squad is about, is to make certain that folks are held accountable for not just talking the talk, but walking the walk.

Here is the most recent opportunity that Congress has had to vote on a balanced budget amendment. Now, this was an actual vote in 1997 on a balanced budget amendment. And how did the other side vote? Well, 8 individuals on the other side said, yeah, that is an appropriate thing to do; we believe that that is the kind of budget accountability that we need: 194 was the "no" vote on the other side. 194.

And, Madam Speaker, I might mention that it included a majority of the folks who call themselves Blue Dog Democrats. And I don't do this to point fingers, but I do do it to say that when you are talking about issues, it is important to speak the truth and to allow and have your vote follow your speech.

The Official Truth Squad, we have some, a number of mottos, and a number of quotes that we enjoy. One of the quotes that we enjoy and appreciate is that of the former Senator Daniel Patrick Moynihan who said oftentimes that you are welcome to your own opinion, but you are not welcome to your own facts. And, Madam Speaker, this is a fact. And this is a fact that speaks louder than anything I could ever, ever say which says that when given the opportunity for budget accountability, that the vast majority of individuals on the other side of the aisle said, no, we really don't want to do that. We say we want to do that, but in fact we really don't want to do that.

So I am pleased to come before the House this evening, Madam Speaker. I look forward to coming back tomorrow. We will be back tomorrow to shed some more light on some economic good news with the American people and to bring that truth, those pearls of truth that are so incredibly important as we talk about the remarkable challenges that confront us as a Nation, not Republican challenges, not Democrat challenges, but American challenges that we all need to solve together.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today and the balance of the week on account of business in the district.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. MCKINNEY (at the request of Ms. PELOSI) for today.

Ms. WASSERMAN SCHULTZ (at the request of Ms. PELOSI) for today.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of official business in the district.

Mr. SWEENEY (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FARR) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. OSBORNE) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today and March 15 and 16.

Mr. OSBORNE, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, March 15.

Mr. ENGLISH of Pennsylvania, for 5 minutes, today.

Mr. POE, for 5 minutes, today and March 15 and 16.

Ms. FOXX, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and March 15 and 16.

Mr. NUSSLE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PRICE of Georgia, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1053. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

H.R. 1691. An act to designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic".

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Wednesday, March 15, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6675. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule—Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No. 03-123] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6676. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures [WT Docket No. 05-211] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6677. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Randsburg, California) [MB Docket No. 04-276; RM-11033] (Mooreland, Oklahoma) [MB Docket No. 04-279; RM-11036] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6678. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Lovelady, Texas) [MB Docket No. 05-36; RM-11030]; (Oil City, Louisiana) [MB Docket No. 05-37; RM-10790]; Reclassification of License of FM Station KYKS, Lufkin, Texas [BLH-19900827KA] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6679. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Ringwood, Oklahoma) [MB Docket No. 04-277; RM-11034]; (Taos Pueblo, New Mexico) [MB Docket No. 04-278; RM-11035] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6680. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Tale of Allotments, FM Broadcast Stations. [Shorter, Orrville, Selma, and Birmingham, Alabama) [MB Docket No. 04-201; RM-10972; RM-11103] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6681. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (La Grange, Richlands, Shallotte, Swansboro, Topsail Beach, and Wrightsville Beach, North Carolina) [MB Docket No. 05-16; RM-11143; RM-11295] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6682. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Stateville and Clemmons, North Carolina, Iron Gate, Virginia) [MB Docket No. 03-219; RM-10797; RM-11094] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6683. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dubach, Natchitoches, Oil City and Shreveport, Louisiana, and Groesbeck, Longview, Nacogdoches, Tennessee Colony and Waskom, Texas) [MB Docket No. 05-47; RM-11157; RM-11179; RM-11232] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6684. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Eden, Texas) [MB Docket No. 03-74; RM-10676] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6685. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Naples and Sanibel, Florida) [MB Docket No. 05-134; RM-11207] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6686. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Prospect, Kentucky, and Salem, Indiana) [MB Docket No. 05-120; RM-11194] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6687. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Grand Portage, Minnesota) [MB Docket No. 04-433; RM-11122] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6688. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Beaumont and Mont Belvieu, Texas) [MB Docket No. 04-426; RM-11125] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6689. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (St. Simons Island, Georgia) [MB Docket No. 05-267; RM-10365; RM-11278]; Reclassification of License of Station WOGK(FM), Ocala, Florida [BLH-19870915KA] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6690. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Memphis and Arlington, Tennessee, and Saint Florian, Alabama) [MB Docket No. 05-140; RM-11225] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6691. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Water Mill and Noyack, New York) [MB Docket No. 03-44; RM-10650] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6692. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Roma, Texas) [MB Docket No. 05-142; RM-11220] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6693. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Johnstown and Jeanette, Pennsylvania) [MB Docket No. 05-52; RM-10300] received February 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6694. A letter from the Legal Advisor to the Bureau Chief. Media Bureau, Federal Communictaions Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Alottments, FM Broadcast Stations. (Hartford and South Haven, Michigan) [MB Docket No. 03-257; RM-10814] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6695. A letter from the Legal Advisor to the Bureau Chief. Media Bureau, Federal Communictaions Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Barstow, California) [MB Docket No. 03-147; RM-10722); (Newcastle, Texas) [MB Docket No. 03-148; RM-10724]; (Anacoco, Louisiana) [MB Docket No. 03-177; RM-10749]; (Erie, Pennsylvania) [MB Docket No. 03-178; RM-10750]; (Greenfield, California) [MB Docket No. 03-180; RM-10753] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 4057. A bill to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code (Rept. 109-390). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLE of Oklahoma: Committee on Rules. House Resolution 725. Resolution providing for consideration of the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–391). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HYDE: Committee on International Relations. H.R. 3127. A bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than March 28, 2006, for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(1), rule X (Rept. 109–392, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. REICHERT (for himself and Mr. Pascrell):

H.R. 4941. A bill to reform the science and technology programs and activities of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. KING of New York (for himself, Mr. Thompson of Mississippi, Mr. Reichert, and Mr. Pascrell):

H.R. 4942. A bill to establish a capability and office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments; to the Committee on Homeland Security.

By Mr. BARTON of Texas (for himself, Mr. Dingell, Mr. Upton, Mr. Markey, Mr. Stearns, Ms. Schakowsky, Mr. Gillmor, Mr. Gene Green of Texas, Mr. Shimkus, Mr. Ross, Mrs. Wilson of New Mexico, Mr. Brown of Ohio, Mr. Fossella, Ms. Baldwin, Mr. Buyer, Mrs. Capps, Mrs. Bono, Mr. Doyle, Mr. Walden of Oregon, Ms. Solis, Mr. Burgess, Mr. Rush, Mr. Waxman, Mr. Stupak, Mr. Gordon, Mr. Inslee, Mrs. Emerson, Mr. Lipinski, and Mr. Wilson of South Carolina):

H.R. 4943. A bill to prohibit fraudulent access to telephone records; to the Committee on Energy and Commerce.

By Mr. SHAW:

H.R. 4944. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. Owens, Mr. Case, Ms. Millender-McDonald, Ms. Jackson-Lee of Texas, Ms. Lee, Mr. Paul, Mr. Boucher, Mr. Sherman, Mrs. Christensen, Ms. Roybal-Allard, Mr. Honda, Ms. Corrine Brown of Florida, Mr. Kucinich, and Ms. McKinney):

H.R. 4945. A bill to amend the Internal Revenue Code of 1986 to encourage new school construction through the creation of a new class of bond; to the Committee on Ways and Means.

By Mr. HAYES (for himself, Mr. Rogers of Kentucky, Mr. Hunter, Mr. McGovern, Mr. Spratt, Mr. Wilson of South Carolina, Mrs. Myrick, Ms. Foxx, Mr. Coble, Mr. Goode, Mr. Gordon, Mr. Marshall, Mr. McCotter, Mr. Wamp, Mr. Jones of North Carolina, Mr. Davis of Tennessee, Mr. Simmons, Mr. Istook, Ms. Bordallo, Mr. McHenry, Mr. Turner, and Mr. Putnam):

H.R. 4946. A bill to prohibit the Department of Homeland Security from procuring certain items directly related to the national security unless the items are grown, reprocessed, reused, or produced in the United States; to the Committee on Homeland Security.

By Mr. BACHUS:

H.R. 4947. A bill to expand the boundaries of the Cahaba River National Wildlife Refuge, and for other purposes; to the Committee on Resources.

By Mr. BLUMENAUER (for himself and Mr. Walden of Oregon):

H.R. 4948. A bill to abolish the Committee on Standards of Official Conduct in the House of Representatives, establish an Independent Ethics Commission, and provide for the transfer of the duties and functions of the committee to the Commission; to the Committee on House Administration, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS (for himself, Mr. Jones of North Carolina, Mrs. Christensen, Mr. Larson of Connecticut, Mr. Bartlett of Maryland, Mr. McGovern, Mr. Boucher, Mr. Scott of Virginia, Mr. Bishop of Georgia, Mr. Allen, Mrs. McCarthy, Ms. Bordallo, Mr. Berry, Mr. DeFazio, Mr. Ford, Mr. Bishop of New York, Mr. Van Hollen, Mr. Abercrombie, Mr. Ryan of Ohio, Mr. Honda, Mr. Rothman, Mr. Taylor of Mississippi, Mrs. Capps, Mr. Larsen of Washington, Mr. Jefferson, Mrs. Maloney, Mrs. Drake, Mr. Lynch, Mr. Gene Green of Texas, Mr. Blumenauer, Mr. Hinchey, Mr. Filner, Mr. Chandler, Mr. Cleaver, Mr. Gingrey, Mr. Barrow, Mr. Frank of Massachusetts, Mr. Farr, Mr. Goode, Mr. Simmons, Mr. Bonner, Mrs. Davis of California, Ms. Herseth, Mr. Gordon, Mr. McCotter, Mr. Higgins, Mr. Payne, and Mr. Bilirakis):

H.R. 4949. A bill to amend title 10, United States Code, to prohibit increases in fees for military health care; to the Committee on Armed Services.

By Mr. EMANUEL (for himself, Mr. Sherman, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Jefferson, Mr. Owens, Ms. Wasserman Schultz, Mr. Costa, and Mr. Conyers):

H.R. 4950. A bill to establish the Commission on Economic Indicators to conduct a study and submit a report containing recommendations concerning the appropriateness and accuracy of the methodology, calculations, and reporting used by the Government relating to certain economic indicators; to the Committee on Government Reform.

By Mr. GRIJALVA:

H.R. 4951. A bill to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Indian Tribe, and for other purposes; to the Committee on Resources.

By Mr. JINDAL:

H.R. 4952. A bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers; to the Committee on Ways and Means.

By Mr. KILDEE (for himself and Mr. Kirk):

H.R. 4953. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study; to the Committee on Resources.

By Mr. DANIEL E. LUNGREN of California (for himself, Ms. Harman, Mr. Pearce, Mr. Thompson of Mississippi, Mr. Boehlert, Ms. Loretta Sanchez of California, Mr. McCaul of Texas, Mr. Dicks, Mr. Souder, Mr. Hoyer, Ms. Harris, Mr. DeFazio, Mr. Jindal, Ms. Jackson-Lee of Texas, Mr. Shays, Mr. Langevin, Mr. Dent, Ms. Norton, Mr. Simmons, Mr. Etheridge, Ms. Ginny Brown-Waite of Florida, Mr. Brown of South Carolina, Mr. Meek of Florida, Mrs. Bono, Mr. Larsen of Washington, Mr. Ferguson, Mr. Ruppersberger, Mr. Gibbons, Mr. Smith of Washington, Mr. Pallone, Mr. Cardoza, Mrs. Maloney, Mrs. Napolitano, Mr. Brown of Ohio, Mr. Schiff, Mr. Berry, Ms. Eddie Bernice Johnson of Texas, Ms. Lee, Ms. Kilpatrick of Michigan, Mr. Ford, Mr. Price of North Carolina, Mr. McDermott, Ms. Roybal-Allard, Mr. Brady of Pennsylvania, Mr. Bishop of Georgia, and Mr. Wu):

H.R. 4954. A bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes; to the Committee on Homeland Security.

By Mrs. McCARTHY:

H.R. 4955. A bill to suspend temporarily the duty on Hydrated Hydroxypropyl Methylcellulose; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. Moore of Kansas, Mr. Bachus, Mr. Israel, Mr. Ramstad, Mr. Schiff, Mrs. Emerson, and Ms. Bean):

H.R. 4956. A bill to provide for the mandatory revocation of passports of individuals who are more than $5,000 in arrears in child support payments; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Pennsylvania:

H.R. 4957. A bill to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania; to the Committee on Resources.

By Mr. ROGERS of Alabama (for himself, Mr. Meek of Florida, Mr. McCaul of Texas, and Mr. Thompson of Mississippi):

H.R. 4958. A bill to increase the number of trained detection canines of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER (for himself, Mr. King of Iowa, Mr. McCotter, Mr. LaTourette, Mr. Ney, Mr. Weldon of Pennsylvania, Mr. Hayworth, Mr. McHugh, Mr. Wamp, Mr. Rogers of Michigan, Mr. Hobson, Mr. Hunter, and Mr. Garrett of New Jersey):

H.R. 4959. A bill to impose limitations on investment and certain operations by foreign entities in the United States; to the Committee on Financial Services, and in addition to the Committees on International Relations, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. Markey, Mr. Towns, Mr. Van Hollen, Mr. Kildee, Mr. Lewis of Georgia, Mr. Bass, Mr. McCotter, Mr. McNulty, Mrs. Blackburn, Ms. Bordallo, Mr. Upton, Mr. Pallone, Mr. Wexler, Mr. Jefferson, Mr. Grijalva, Mrs. Drake, Mr. Conyers, Ms. Eddie Bernice Johnson of Texas, Mr. Waxman, Mrs. Jo Ann Davis of Virginia, Mr. Radanovich, Mrs. Bono, Mr. McGovern, and Mr. Oxley):

H. Con. Res. 357. Concurrent resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month; to the Committee on Energy and Commerce.

By Mr. BRADLEY of New Hampshire (for himself and Mr. Allen):

H. Res. 722. A resolution expressing the sense of the Congress regarding the importance of oral health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LANTOS (for himself, Mr. Pitts, Mr. Tancredo, Mr. Payne, Mr. Rangel, Mr. Berman, Mr. Burton of Indiana, Mrs. Maloney, Mr. McGovern, Mr. McCotter, Ms. Lee, Mr. Ryan of Ohio, Mr. Aderholt, Mr. McNulty, Mr. Gordon, Mr. Brown of Ohio, Ms. Linda T. Sánchez of California, Mr. Kildee, Mr. Waxman, Mr. Crowley, Ms. Norton, Mr. Rush, Ms. Watson, Mr. Cardoza, Mr. Neal of Massachusetts, Mr. Owens, Mr. Engel, Mr. Clay, Mr. Ackerman, Mr. Van Hollen, Mr. Visclosky, Mr. Wexler, and Mr. Conyers):

H. Res. 723. A resolution calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with a specific emphasis on civilian protection; to the Committee on International Relations.

By Mr. SENSENBRENNER (for himself, Mr. Conyers, Mr. Cannon, Mr. Smith of Texas, Mr. Inglis of South Carolina, Mr. Feeney, Mr. Scott of Virginia, and Mr. Coble):

H. Res. 724. A resolution honoring Leonidas Ralph Mecham, Director of the Administrative Office of the United States Courts and Secretary of the Judicial Conference of the United States; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. Oberstar, Mrs. Tauscher, Mr. Moran of Virginia, Mr. Gordon, Mr. Kline, Mr. Grijalva, Ms. Bordallo, Mr. Scott of Georgia, Mr. Cummings, Mr. Costello, Mr. Israel, Mr. Graves, Ms. Norton, Ms. Berkley, Mr. Kildee, Mr. Honda, Mrs. Christensen, Mr. Lantos, Mr. Abercrombie, Mr. Pearce, and Mr. Pastor):

H. Res. 726. A resolution honoring the life and achievements of Charles Edward Taylor and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. Engel, Mr. Payne, Ms. Lee, Mr. Brown of Ohio, Mr. Meeks of New York, Mr. Crowley, Mrs. Christensen, Mr. Grijalva, Mr. Owens, Ms. Corrine Brown of Florida, Ms. Watson, Mr. Meek of Florida, Mr. Wexler, Mr. Serrano, Mr. Jefferson, Mr. Sherman, Ms. Velázquez, Mr. Honda, Mr. Becerra, Mr. Baca, Mr. Bishop of Georgia, Mr. Reyes, Ms. Solis, Ms. Jackson-Lee of Texas, Ms. Woolsey, Mrs. Napolitano, Mr. Ackerman, Mr. Schiff, Mr. Costa, Mr. Mollohan, Mr. Cleaver, Ms. Roybal-Allard, Mr. Kucinich, Ms. Eshoo, Mr. Farr, Mr. Nadler, and Ms. Carson):

H. Res. 727. A resolution congratulating Prime Minister-designate Portia Simpson Miller for becoming the first female Prime Minister-designate of Jamaica; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Feeney and Mr. Bonner.

H.R. 56: Mr. Fattah.

H.R. 115: Mr. Wu.

H.R. 282: Mr. Udall of New Mexico, Mrs. Schmidt, and Mr. Nussle.

H.R. 356: Mr. Weldon of Pennsylvania and Mr. Istook.

H.R. 363: Ms. Wasserman Schultz, Mr. Evans, and Ms. Eddie Bernice Johnson of Texas.

H.R. 378: Mr. Wexler.

H.R. 450: Mr. Cole of Oklahoma.

H.R. 503: Mr. Ehlers and Ms. Bordallo.

H.R. 517: Mr. Evans.

H.R. 582: Mr. Evans.

H.R. 586: Mr. Gordon.

H.R. 591: Ms. McKinney.

H.R. 602: Mr. Taylor of North Carolina and Mrs. Myrick.

H.R. 699: Mr. Wilson of South Carolina.

H.R. 807: Ms. Linda T. Sánchez of California.

H.R. 824: Mr. Ryan of Ohio, Mr. Miller of Florida, and Mr. Al Green of Texas.

H.R. 838: Mr. Allen.

H.R. 865: Mr. Clay.

H.R. 874: Mr. Pickering and Mr. Issa.

H.R. 994: Mr. Honda, Mr. Otter, and Mr. Green of Wisconsin.

H.R. 1000: Mr. LaTourette, Mr. Price of North Carolina, Mr. Fortuño, and Mr. Rahall.

H.R. 1059: Mr. Doyle.

H.R. 1120: Mrs. Maloney.

H.R. 1227: Mr. Hall.

H.R. 1241: Mrs. Johnson of Connecticut, Mr. Gillmor, and Mr. Sanders.

H.R. 1290: Ms. DeGette.

H.R. 1375: Mr. Van Hollen.

H.R. 1426: Mr. Castle, Ms. Carson, and Mr. Towns.

H.R. 1432: Mr. Barrow, Mr. McNulty, Mr. Bishop of Georgia, Mr. Cummings, Mr. Berman, Mr. Al Green of Texas, Ms. Carson, Mr. Neal of Massachusetts, Mr. McDermott, and Mr. Wexler.

H.R. 1433: Mr. Lewis of Georgia, Mr. Kucinich, Mr. McNulty, Mr. Bishop of Georgia, Mr. Gonzalez, Mr. Al Green of Texas, Ms. Carson, Mr. McDermott, Mr. Wexler, and Mr. Cummings.

H.R. 1434: Mr. Payne, Mr. Ackerman, and Mr. McNulty.

H.R. 1445: Mr. Berman.

H.R. 1578: Mr. Al Green of Texas and Mr. Emanuel.

H.R. 1603: Mrs. Musgrave.

H.R. 1621: Mr. LaHood.

H.R. 1823: Mr. Kucinich.

H.R. 1951: Mr. Udall of New Mexico, Ms. McKinney, and Mr. Lewis of California.

H.R. 2047: Mr. KIND.

H.R. 2048: Ms. ROYBAL-ALLARD.

H.R. 2353: Mr. FRANKS of Arizona.

H.R. 2357: Mr. COLE of Oklahoma.

H.R. 2421: Mr. BLUNT.

H.R. 2561: Mr. MORAN of Kansas.

H.R. 2684: Mr. MILLER of North Carolina.

H.R. 2939: Ms. ROYBAL-ALLARD.

H.R. 2963: Mr. DOGGETT.

H.R. 3142: Ms. HARMAN and Ms. MCKINNEY.

H.R. 3156: Mr. VAN HOLLEN.

H.R. 3196: Mrs. LOWEY.

H.R. 3267: Mr. WEXLER and Mr. DOYLE.

H.R. 3318: Mr. JEFFERSON.

H.R. 3352: Mr. BONILLA, Mr. EMANUEL, Mr. MANZULLO, and Mr. RENZI.

H.R. 3361: Mrs. MILLER of Michigan.

H.R. 3401: Mr. TOWNS.

H.R. 3476: Mr. EMANUEL and Mr. CONYERS.

H.R. 3541: Ms. WATERS.

H.R. 3638: Mr. KING of New York.

H.R. 3658: Ms. ROS-LEHTINEN, Mr. MCGOVERN, Mr. GRIJALVA, and Mrs. CHRISTENSEN.

H.R. 3715: Mr. MICHAUD.

H.R. 3854: Ms. WATERS.

H.R. 3857: Mr. LEWIS of Kentucky.

H.R. 3858: Mr. WELDON of Pennsylvania.

H.R. 4085: Mr. EVANS.

H.R. 4197: Mrs. NAPOLITANO and Mr. ROTHMAN.

H.R. 4298: Mr. JENKINS and Mr. RAHALL.

H.R. 4341: Mr. DOOLITTLE, Mr. KUHL of New York, Mr. PLATTS, and Mr. CRAMER.

H.R. 4349: Ms. HARMAN.

H.R. 4384: Mr. SIMMONS.

H.R. 4423: Mr. RANGEL, Mr. BARROW, and Ms. MCKINNEY.

H.R. 4434: Mr. MCINTYRE.

H.R. 4542: Mr. DOGGETT.

H.R. 4561: Mr. CARTER and Mr. SAM JOHNSON of Texas.

H.R. 4573: Mrs. LOWEY, Mr. ENGEL, Ms. SCHAKOWSKY, Mr. TERRY, and Mr. FORTUÑO.

H.R. 4629: Mr. WU and Mr. HASTINGS of Florida.

H.R. 4681: Ms. WASSERMAN SCHULTZ, Mr. WEXLER, Mrs. MYRICK, Mr. GOHMERT, Mr. SHADEGG, Mr. LARSEN of Washington, Mr. BONILLA, Mr. AKIN, Mr. WELDON of Florida, Mr. RENZI, Mr. OWENS, Mr. MICA, and Mr. NUSSLE.

H.R. 4705: Ms. JACKSON-LEE of Texas.

H.R. 4710: Mr. SCHIFF and Mr. WALSH.

H.R. 4736: Mr. MCNULTY, Mr. BERMAN, Mr. DAVIS of Illinois, and Mr. SANDERS.

H.R. 4751: Mr. COLE OF OKLAHOMA AND Ms. MCKINNEY.

H.R. 4755: Mr. MOORE OF KANSAS, Mr. WELDON of Pennsylvania, Mr. ABERCROMBIE, Mr. THOMPSON of Mississippi, Mr. SMITH of Washington, Mr. BISHOP of Georgia, Mr. CHANDLER, Ms. LINDA T. SÁNCHEZ of California, Mr. PAUL, and Ms. HERSETH.

H.R. 4756: Mr. FORTENBERRY.

H.R. 4761: Mr. OTTER.

H.R. 4769: Mr. JEFFERSON, Mr. CLEAVER, Mr. GINGREY, and Mr. LYNCH.

H.R. 4772: Mr. HERGER and Mr. SMITH of Texas.

H.R. 4774: Mr. KINGSTON and Ms. SCHAKOWSKY.

H.R. 4777: Mr. CAMP of Michigan, Mr. EDWARDS, Mr. ETHERIDGE, Mr. PETERSON of Pennsylvania, Mr. PRICE of North Carolina, Mr. SESSIONS, Mr. MARCHANT, Mr. DAVIS of Tennessee, Mr. CARDOZA, Mr. CHANDLER, and Mr. MCCAUL of Texas.

H.R. 4790: Mr. FOSSELLA, Mr. COLE of Oklahoma, and Mr. LAHOOD.

H.R. 4796: Mr. MOORE of Kansas.

H.R. 4826: Mr. HONDA.

H.R. 4830: Ms. GINNY BROWN-WAITE of Florida and Mr. CARDOZA.

H.R. 4843: Mr. REYES and Ms. GINNY BROWN-WAITE of Florida.

H.R. 4859: Mr. BISHOP of Utah and Mr. JEFFERSON.

H.R. 4860: Mr. WOLF, Mr. GORDON, Mr. REYES, and Mr. SANDERS.

H.R. 4861: Mr. DAVIS of Tennessee.

H.R. 4865: Mr. ENGLISH of Pennsylvania, Mr. BISHOP of Utah, Mr. OTTER, and Mr. GARRETT of New Jersey.

H.R. 4873: Mr. MICHAUD.

H.R. 4880: Mr. FERGUSON, Mr. CUMMINGS, and Mr. DEFAZIO.

H.R. 4881: Mr. KUHL of New York and Mr. BISHOP of Georgia.

H.R. 4882: Mr. MARKEY.

H.R. 4890: Mr. DENT, Mrs. DRAKE, Mrs. JO ANN DAVIS of Virginia, Mr. THORNBERRY, Mr. RADANOVICH, Mr. PEARCE, Mr. WELDON of Florida, and Mr. SAM JOHNSON of Texas.

H.R. 4899: Ms. CARSON, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Mr. AL GREEN of Texas, Ms. LEE, and Mr. LARSON of Connecticut.

H.R. 4900: Mr. BERMAN.

H.R. 4902: Mr. MEEKS of New York, Mr. FALEOMAVAEGA, Mr. BURTON of Indiana, Mr. BISHOP of Georgia, and Mr. CLAY.

H.R. 4903: Mr. BLUMENAUER.

H.R. 4912: Mr. HINOJOSA.

H.J. Res. 53: Mr. GILLMOR.

H. Con. Res. 90: Mr. SMITH of Washington, Mrs. MCCARTHY, and Ms. NORTON.

H. Con. Res. 235: Mr. DEFAZIO.

H. Con. Res. 318: Mr. PAYNE.

H. Con. Res. 319: Mr. GOODLATTE.

H. Con. Res. 320: Mr. WAMP, Mr. SAXTON, Mr. EDWARDS, Mr. SHIMKUS, Mr. HUNTER, Mrs. BIGGERT, Mr. KING of Iowa, Mr. DANIEL E. LUNGREN of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, and Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 338: Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. MCCAUL of Texas, Mr. MACK, Ms. WATSON, Mr. MARIO DIAZ-BALART of Florida, Mr. CARNAHAN, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Con. Res. 346: Mr. SIMMONS, Mr. MARIO DIAZ-BALART of Florida, and Mr. LUCAS.

H. Con. Res. 353: Mr. BERMAN.

H. Con. Res. 354: Mr. CAMPBELL of California, Mr. STEARNS, and Mrs. DRAKE.

H. Res. 415: Ms. BORDALLO.

H. Res. 608: Mr. BERMAN, Mr. WOLF, Mrs. SCHMIDT, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 635: Mr. WU and Ms. MCCOLLUM of Minnesota.

H. Res. 658: Ms. MCKINNEY.

H. Res. 662: Mr. OTTER.

H. Res. 675: Ms. WATERS, Mr. MICHAUD, Ms. SLAUGHTER, and Mr. PRICE of North Carolina.

H. Res. 685: Mr. HINCHEY.

H. Res. 691: Mr. KUCINICH, Mr. GORDON, and Mr. CAPUANO.

H. Res. 698: Mrs. DRAKE.

H. Res. 700: Mr. MANZULLO, Mr. MCNULTY, Ms. BERKLEY, Mr. BROWN of South Carolina, Ms. JACKSON-LEE of Texas, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. DAVIS of Alabama, Mr. GENE GREEN of Texas, Mr. MCCOTTER, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 707: Mr. KUHL of New York and Mr. ENGLISH of Pennsylvania.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4857: Mr. DICKS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4939

OFFERED BY: MR. SOUDER

AMENDMENT NO. 1: In the item relating to "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE", after the dollar amount, insert the following: "(reduced by $25,000,000)".

In the item relating to "INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT", after the dollar amount, insert the following: "(increased by $25,000,000)".

H.R. 4939

OFFERED BY: MR. SALAZAR

AMENDMENT NO. 2: In chapter 5 of title I, after the paragraph relating to "MILITARY CONSTRUCTION, AIR FORCE", insert the following:

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $70,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $560,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

H.R. 4939

OFFERED BY: MR. HINOJOSA

AMENDMENT NO. 3: In the item relating to "DIPLOMATIC AND CONSULAR AFFAIRS", after "United States Institute of Peace", insert ": *Provided further*, That of the amount made available under this heading, $10,000,000 shall be available for the United States Section of the International Boundary Water Commission, United States and Mexico".

H.R. 4939

OFFERED BY: MR. HINOJOSA

AMENDMENT NO. 4: At the end of title III (before the short title), add the following new section:

SEC. 30 . The Secretary of Agriculture shall use $50,000,000 of funds of the Commodity Credit Corporation to replenish the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to make payments with respect to emergency disaster assistance for agricultural producers: *Provided*, That the amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

H.R. 4939

OFFERED BY: MR. HINOJOSA

AMENDMENT NO. 5: At the end of chapter 1 of title II, add the following:

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for "Emergency Watershed Protection Program" to repair damages to the waterways and watersheds resulting from natural disasters, $50,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

H.R. 4939

Offered By: Mr. Jefferson

Amendment No. 6: In chapter 4 of title II, in the item relating to "FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF", after the aggregate dollar amount, insert the following: "(reduced by $2,000,000,000)".

In chapter 8 of title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND—(INCLUDING TRANSFER OF FUNDS)", after the aggregate dollar amount, insert the following: "(increased by $2,000,000,000)".

H.R. 4939

Offered By: Mr. Jefferson

Amendment No. 7: Page 72, line 18, after the dollar amount insert the following: "(increased by $1,900,000,000)".

H.R. 4939

Offered By: Mr. Doggett

Amendment No. 8: Page 35, line 20, after the dollar amount, insert the following: "(increased by $7,800,000)".

H.R. 4939

Offered By: Mr. Paul

Amendment No. 9: Page 76, after line 20, insert the following:

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

Sec. 2901. (a) For recovery of the State of Texas from the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $546,100,000, to remain available until expended, to be allocated and administered by the Secretary of the Treasury and used only for the State of Texas, as follows:

(1) $200,000,000, for housing assistance under programs of the Departments of Housing and Urban Development and Agriculture for residents of the State of Texas and for residents of other States affected by the hurricanes who are temporarily residing in Texas and for community development block grant assistance under title I of the Housing and Community Development Act of 1974.

(2) $100,000,000, for costs of uncompensated health care for victims of the hurricanes and evacuees, for long-term care costs of evacuees remaining in Texas, and for mental health care costs of persons affected by the hurricanes.

(3) $100,000,000, for reimbursement of costs associated with providing educational services to students who are in Texas as a result of Hurricane Katrina and for repairs to public and higher education facilities damaged by Hurricane Rita.

(4) $46,000,000, for costs of repairs to bridges, roadways, ports, and channels damaged by Hurricane Rita.

(5) $59,000,000, for the Corps of Engineers for maintenance costs relating to erosion, waterway dredging, and other related services.

(6) $50,000,000 for costs of debris removal that are not reimbursable by the Federal Emergency Management Agency, for assistance to agricultural areas affected by Hurricane Rita (including timber- and rice-producing areas), and for costs of other unreimbursed repairs to rural and agricultural infrastructure resulting from Hurricane Rita.

(b) The amounts otherwise provided in title I for the following accounts are hereby reduced by the following amounts:

(1) "DEPARTMENT OF DEFENSE—OPERATION AND MAINTENANCE—OPERATION AND MAINTENANCE, DEFENSE-WIDE", amounts under paragraph (3) for payments to reimburse certain countries for logistical, military, and other support provided or to be provided, to United States military operations, by $900,000,000.

(2) "BILATERAL ECONOMIC ASSISTANCE—DEPARTMENT OF STATE—DEMOCRACY FUND", by $10,000,000.

(3) "MILITARY ASSISTANCE—FUNDS APPROPRIATED TO THE PRESIDENT—PEACEKEEPING OPERATIONS", by $100,000,000.

(4) "RELATED AGENCY—BROADCASTING BOARD OF GOVERNORS—INTERNATIONAL BROADCASTING OPERATIONS", by $7,600,000.

(5) "RELATED AGENCY—BROADCASTING BOARD OF GOVERNORS—BROADCASTING CAPITAL IMPROVEMENTS", by $28,500,000.

(c) The Secretary of the Treasury shall consider the $500,000,000 by which the aggregate amount of reductions under subsection (b) exceed the aggregate amount made available under subsection (a) as credit against the Federal deficit for fiscal year 2006.

(d) The amount provided under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

H.R. 4939

Offered By: Mr. Nadler

Amendment No. 10: At the end of the bill (before the short title), insert the following:

SEC. ___. REQUIREMENTS RELATING TO ENTRY OF OCEAN SHIPPING CONTAINERS INTO THE UNITED STATES.

(a) Requirements.—Section 70116 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(c) Requirements Relating to Entry of Ocean Shipping Containers.—

"(1) In general.—An ocean shipping container may enter the United States, either directly or via a foreign port, only if—

"(A) the container is scanned with equipment that meets the standards established pursuant to paragraph (2)(A) and a copy of the scan is provided to the Secretary, and

"(B) the container is secured with a seal that meets the standards established pursuant to paragraph (2)(B),

before the container is loaded on the vessel for shipment to the United States.

"(2) Standards for scanning equipment and seals.—

"(A) Scanning equipment.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

"(B) Seals.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to—

"(i) detect any breach into a container;

"(ii) identify the time and place of such breach;

"(iii) notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

"(iv) track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

"(C) Review and revision.—The Secretary shall review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every two years.

"(D) Definition.—In subparagraph (B), the term 'Exclusive Economic Zone of the United States' has the meaning given the term 'Exclusive Economic Zone' in section 2101(10a) of this title.".

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, such sums as may be necessary for fiscal year 2007 and each subsequent fiscal year.

(c) Regulations; Effective Date.—

(1) Regulations.—

(A) Interim final rule.—The Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than 90 days after the date of the enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code.

(B) Final rule.—The Secretary shall issue a final rule as a permanent regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than one year after the date of the enactment of this section, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

(2) Effective date.—The requirements of section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, apply with respect to any ocean shipping container entering the United States, either directly or via a foreign port, beginning one year after the date of the enactment of this Act.

H.R. 4939

Offered By: Mr. Neugebauer

Amendment No. 11: At the end of title II, insert the following:

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

ELIMINATION OF FUNDING

Sec. 2901. Each amount appropriated or otherwise made available by this title (other than for "Office of Inspector General" in chapter 4 or for "Department of Justice" in chapter 7) is hereby reduced to $0.

H.R. 4939

Offered By: Mr. Neugebauer

Amendment No. 12: At the end of title II, insert the following:

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

ELIMINATION OF FUNDING

Sec. 2901. Each amount appropriated or otherwise made available by this title is hereby reduced to $0.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO DOROTHY HUFFEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. PORTER. Mr. Speaker, I rise today to recognize Dorothy Huffey as an outstanding citizen of Nevada who has lived a long life filled with dedication and service.

Dorothy Howell Huffey was born in Reno, Nevada to a pioneer Northern Nevada family. She attended kindergarten in Reno until immediately following World War II when her father returned from serving in the South Pacific. Captain Jack Howell continued with his naval career and the family moved all over the world, where Dorothy participated in many exciting and unforgettable worldly experiences. Admiral Howell retired from the Navy in 1954 and the family returned to their Reno home. Dorothy finished high school at Reno High, and graduated from the University of Nevada in 1961. She then took employment in San Francisco. In 1964 she married Paul Huffey, a native Las Vegan she had met in college. Following the marriage, she moved to Las Vegas. She then taught at James Cashman Middle School until the birth of her son, Neil, in 1974.

Over the 42-years of Las Vegas residence, her activities, board memberships and volunteer service has been extensive. She was a member of the Junior Mesquite Club, and was elected President of the Clark County Panhellenic Association in 1965. In 1983, she cochaired the Inaugural Ball for Governor Richard Bryan. Also, in 1983, she accepted the position as society columnist for the Las Vegas Review-Journal and on the same day she was appointed chairman of the Nevada State Personnel Commission by Gov. Bryan, a position she held for 13 years. At the same time, she also served 13 years as a member of the Nevada Legislative Steering Committee for the University system. In 1999, she co-chaired the Inaugural Balls in Las Vegas and Reno for Governor Guinn. In 1994, Dorothy became Director of Development & Alumni for the University of Nevada, Reno's Southern Nevada office until her retirement in 2005, when the university granted her emeritus status.

As a chronicler for the Las Vegas Review-Journal over the past 24 years, there is little that goes on in Las Vegas society without Dorothy's knowledge. Her reports on the many fund-raising events sponsored by local charities play a major role in those charities' success.

Dorothy's honors include; Junior League's Sustainer of the Year Award in 1991, the President's Medal from the University of Nevada, Reno in 1992, and the Distinguished Service Award from the Clark County Pro Bono Project in 1999. Dorothy was invited to become a member of The Fraternity of Executive Chefs of Las Vegas in 1998 for her work with the Chefs for Kids, Inc. and has chaired their annual benefit raising hundreds of thousands of dollars for the nutrition program in the program's 12 at-risk schools.

Mr. Speaker, it is my privilege to pay tribute to Dorothy Huffey on the floor of the House. She is an example of good citizenship to all Nevadans.

RECOGNIZING ST. FRANCES OF ROME CHURCH

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Ms. SOLIS. Mr. Speaker, I rise to congratulate St. Frances of Rome Church located in Azusa, California in honor of their 100th anniversary. I am proud to recognize the important contributions of St. Frances of Rome on this historic occasion.

Before the turn of the century, the Roman Catholics in Azusa would travel to the San Gabriel Valley Mission for mass. Even with the establishment of churches in Pasadena and Monrovia, and occasional masses held in the home of Henry C. Robelts and Susanna Melendez, Catholics in Azusa did not have an official church they could attend within their city.

In May of 1905 preparations were made for the construction of a church for the Catholic community of Azusa. On January 12, 1908 the church became an official parish. On the same day the Church also offered its first baptism and two days later the first recorded marriage took place.

Over the years, the church has expanded and renovated to better serve its members. Throughout the years, St. Frances has thrived and has become a mainstay in the community.

Today, St. Frances also houses a school and the Azusa Food Bank. St. Frances of Rome is not simply a church; it has become a mainstay of the city of Azusa and I wish them luck in the future as they continue to serve the community.

TRIBUTE TO LLOYD SMITH

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to pay tribute to a loyal friend, a steadfast patriot, and a man without whom I could not provide the level of service to the people of Missouri's Eighth Congressional District. Lloyd Smith has devoted his professional career to our district. This month, we celebrate 25 years of his service and leadership.

For all but a few months of those 25 years, Lloyd has been a chief of staff in the Emerson office. He earned the job soon after being hired by Bill Emerson in 1981 and kept it until Bill's final days in 1996. It was Lloyd who urged me to run for this seat, and there was no hesitation when I immediately asked him to serve as my chief of staff. He has advised me in that capacity ever since.

Many things are different about the way I represent the Eighth District and the way Bill did. Lloyd has been the constant. He knows more about the Eighth District, from his Mississippi County birthplace to the sole of the Bootheel, the width and breadth of the Ozarks, the length of the Mississippi River, and all the wonderful people who live in the towns that dot our map. He knows Southern Missouri like the back of his hand.

He knows policy, politics and people just as well as he knows the topography of the district. Lloyd gets to the point quick. He is smart, true to his beliefs, and unafraid to lead. He has a tremendous sense of humor, a confident charisma, and a genuine kindness in his heart. To the many individuals who have served under him, he has been a mentor and a role model. To the two individuals he has served in Congress, Lloyd is the man to turn ideas into results. And when I run out of ideas, Lloyd always has some of those, too.

It is appropriate to thank Lloyd Smith in this venue, in an institution that has felt his influence for the past 25 years. He has served Bill and me, Missouri's Eighth District and our Nation; but, Lloyd has led each of these entities, too. I want to congratulate him, thank him, and express my deepest gratitude for all of his good work.

PAYING TRIBUTE TO THERON AND NAOMI GOYNES

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Theron and Naomi Goynes for years of service to the Clark County School District. Today the couple is honored at the formal dedication of Goynes Elementary School, which is named in their honor.

Theron Hulan Goynes was born in Texarkana, TX, in 1929. After graduating from Dunbar High School in 1947, he attended Prairie View A&M University where he majored in business administration and minored in secondary education. He graduated in 1952 with a bachelor's degree. Later that year he entered the United States Air Force and served for 4 years. After an honorable discharge, he began his career in education as a teacher. In 1963, he was awarded a master of arts degree in education administration from

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Northern Arizona University at Flagstaff, AZ. Theron served as a teacher, elementary assistant principal, and principal during his career with the district. His last position before retiring was principal of the Madison Sixth Grade Center.

In addition to his service with the school district, Theron served for 20 years on the North Las Vegas City Council, 12 of those years as mayor pro tempore. On September 16, 1981, he chaired the North Las Vegas City Council meeting in the absence of the mayor, thus becoming the first black elected representative to officially head a government body in Nevada's 117-year history. Theron's diverse, tireless involvement in and support of educational, civic, and community services has been exemplary. The Nevada League of Cities honored him as the "1992 Public Official of the Year." He has also received numerous awards and honors from various local, county, and State agencies and organizations in recognition of his services to the people of Clark County, the State of Nevada, and the Nation. Theron continues to serve the community on elected and appointed boards and committees.

Naomi Delores Jackson Goynes was born in Memphis, TN, in 1933. In 1956, she received her bachelor of science degree in home economics with a minor in chemistry from the University of Pine Bluff. Her first teaching assignment was in Nashville, AR. In 1970, she completed her master of arts degree in elementary education with a minor in music from Northern Arizona University at Flagstaff. She completed her educational specialist degree in educational administration with a minor in curriculum from the University of Nevada, Las Vegas in 1977. Naomi has served the Clark County School District as a teacher, Assessment Team member, Teacher Corps Team Leader, Kindergarten Task Force member, reading specialist, high school dean, and assistant principal. At the time of her retirement, she was the assistant principal of Jim Bridger Junior High School. Naomi has worked long and hard as an educator, wife, mother, grandmother, and campaign manager for her husband. In her 42 years as an educator, she was known as being tireless, dedicated, and sensitive in her efforts to meet the needs of students, parents, and staff.

Theron and Naomi taught in Arkansas, California, and Arizona before moving to Las Vegas in 1964 to teach in Clark County School District. Collectively, they served 63 years educating youth in the Clark County School District. Theron retired in 1991 after 27 years and Naomi retired in 2000 after 36 years of service. Additionally, Theron and Naomi have been dedicated, active members of their church. They have been active leaders in the Girl Scouts of America, as well as the National Association for the Advancement of Colored People, NAACP. Theron and Naomi have been married almost 48 years and have three children and five grandchildren. All three of their children are successful college graduates and have followed in their parents' footsteps.

Mr. Speaker, it is an honor to recognize Theron and Naomi Goynes.

RECOGNIZING PATRICIO "PAT" AND MERCY MIRANDA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Ms. SOLIS. Mr. Speaker, I rise today, to pay tribute to Mr. Patricio "Pat" S. Miranda, who died unexpectedly on September 29, 2005. Sadly, 3 days after his passing, his wife, Mercy, also passed away.

After graduating from Covina High School in 1945, Pat Miranda was drafted into the United States Army and was a member of the 77th Division. While serving our Nation, he saw action in the U.S. offensive in Okinawa and received an honorable discharge in 1946 as a sergeant.

In 1957, Pat was appointed to the Irwindale Planning Commission, marking the beginning of a 44-year career of service to the city of Irwindale. In 1961, he was elected to the city council and served in various elected capacities, including mayor, for all but 3 years. Pat oversaw the growth of new homes, recreational and educational facilities, a swimming pool, post office, City Hall, police department, senior citizens building, and Las Casitas senior apartments.

During his time in elected office, Pat was a member of the initial Irwindale delegation to visit Mexico to form a sister city relationship with Salvatierra, Mexico, a relationship which was formalized in 1965. He also made it a priority for the city and its residents to have regulatory control of the mining companies to ensure that the Irwindale community was treated fairly and with respect. Additionally, Pat was a charter commander of the Irwindale V.F.W. Post 9895 and a life member of Irwindale AmVets, Irwindale Lions and Rotary Clubs.

Pat and his wife are remembered fondly by the city staff, city council members, and the Irwindale community. They are survived by three children: Sandra Pusey, Patrick J. Miranda II, and Magalee Carlson who all still reside in Irwindale, as well as four brothers, eight grandchildren, and four great-grandchildren. I extend my deepest sympathy to them during this difficult time.

The city, community, friends and family will greatly miss Pat and his wife and the many lasting contributions they made to the city of Irwindale.

TRIBUTE TO LIEUTENANT BRENT DAVIS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to honor the accomplishment of Lieutenant Brent Davis of the Missouri State Highway Patrol. After 31 years of service, Lieutenant Davis is retiring, and he leaves a long legacy of honorable service behind.

Our first responders are rare people who prize service to others above all else. Highway Patrol officers like Lieutenant Davis put their lives on hold to perform a demanding, stressful job protecting the public. In Missouri, our Highway Patrol officers do more than supervise our highways. They are reliable first responders, they are vigilant in preventing crime, they are essential in our war against illegal drugs. They are also brave, considerate, fair and tough—and no one is a better example of these qualities than Lieutenant Davis.

Lieutenant Davis joined the Missouri State Highway Patrol on January 1, 1975, and was stationed at Sikeston after graduating recruit training. On August 1, 1986, he was promoted to corporal and became the assistant zone commander for Zone 6, Sikeston. On August 1, 1989, Davis was promoted to sergeant and moved to Poplar Bluff as a zone sergeant. He worked on the road for 17 years. In September 1992, he became the Public Information Officer. Davis said he really enjoyed the Public Information/Education Officer for Troop E, where he served for 10 years. He was promoted to Lieutenant in September 2002, becoming the enforcement lieutenant for Troop E. In October 2003, Davis became the Special Services Lieutenant, in charge of Drivers Examination, Motor Vehicle Inspection and Commercial Vehicle Inspection Divisions.

Congratulations to Lieutenant Davis on his outstanding, selfless accomplishment of 31 years of service through the Missouri Highway Patrol. My thoughts are with Lieutenant Davis, his wife Janna, and the rest of his family and friends as they look back on his proud record of service and ahead to his retirement.

PAYING TRIBUTE TO SERGEANT FIRST CLASS CHRISTOPHER P. TOVAR

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Sergeant First Class Christopher P. Tovar for his service in the United States Army. Last month Sergeant Tovar was selected to model a statue depicting a soldier from World War II, which is now on display at an American Legion Memorial in Brinkley, Arkansas.

Sergeant Tovar entered the Army in Houston, Texas, on April 13, 1993. He enlisted as a Human Intelligence Collector and received Arabic Language training at the Defense Language Institute before being assigned to Fort Hood, Texas. Following that assignment, Christopher received further training in Mandarin-Chinese before being assigned to the 500th Military Intelligence Group, Camp Zama, Japan. There he worked as a liaison between the U.S. and Japanese police and intelligence agencies. Following the September 11th terrorist attacks, Sergeant Tovar accepted an assignment to the U.S. Army Recruiting Command to assist in bolstering the U.S. Army's pool of linguists.

Sergeant Tovar was assigned to Headquarters, 6th Recruiting Brigade in North Las Vegas, Nevada, in January 2002. He serves the recruiting command as the Foreign Language Advocate for the region, assisting the recruiting field force to identify and contract foreign language speakers into the Military Intelligence Field. His duties in this position include conducting presentations at high schools, community colleges, and specifically for high school language departments, attending heritage speaker festivals and acting as liaison between the field force and higher headquarters for language positions in the Army. Within the headquarters, Sergeant Tovar serves as the First Sergeant, in charge of the day-to-day activities of the soldiers working within the headquarters command; as Master Fitness Trainer, in charge of the physical training of the soldiers; and as the Equal Opportunity Representative, responsible for maintaining a positive work environment and conducting required training under this program.

Sergeant Tovar's awards include the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, and the National Defense Service Medal. He was also awarded the Military Intelligence Corps' Knowlton Award for lifetime service to the Military Intelligence Corps.

Sergeant Tovar and his wife of 11 years, Lauren, live in Las Vegas with their one-year-old daughter, Madison.

Mr. Speaker, it is an honor to recognize Sergeant First Class Christopher P. Tovar on the floor of the House today. His exemplary service stands as an example to all military members and his continued service is greatly appreciated in this difficult time.

RECOGNIZING DAVE PEREA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to Dave Perea, a longtime Rosemead resident and Teamsters union member, who passed away on February 14, 2006.

Born and raised in East Los Angeles, Dave was the second oldest of 11 siblings and had 6 older half-siblings. Dave attended East Los Angeles schools including Hammel Elementary School, Belvedere Junior High, and Garfield High School. He also attended East Los Angeles College for a year before putting his studies aside to support his family during his father's illness.

Dave became a Teamster and held various jobs before joining Momentum Textiles, where he worked for 22 years and retired in 1998. He was a surrogate parent for the friends of his children and was affectionately known as the "Mayor of Charlotte Street."

In 2003 Dave became deeply involved with the grassroots organization, Save Our Community, which is committed to stopping plans to build a Wal-Mart in a pristine area just two blocks from his house. Dave was a driving force for Save Our Community and was instrumental in many of its efforts. Whenever anyone in the organization needed anything, he was there to lend a helping hand.

Dave is survived by his mother, Rosita, and 10 of his siblings; his wife, Mary Ellen; his daughters, Suzanne, Doreen, and Joanne; and his grandchildren, Nicholas, Andrew, Erica, Austin, Matthew, and Amber. He will be dearly missed by his family, friends, and the community.

PAYING TRIBUTE TO CAPTAIN DANIEL L. VAN KIRK

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. PORTER. Mr. Speaker, I rise today today to honor Captain Daniel L. Van Kirk for his service in the military. Last month, Daniel was chosen to model for one of two bronze statues depicting a sailor and soldier from World War II, that were placed at an American Legion Memorial in Brinkley Park, Arkansas.

Captain Daniel L. Van Kirk was born in St. Petersburg, Florida, on September 30, 1978. He was commissioned in 1998 as a Second Lieutenant in the U.S. Army, following graduation from the Marion Military Institute. He earned a Bachelors Degree in Business Administration from National University in San Diego. After completing the Armor Officer Basic Course in Fort Knox, Kentucky, Daniel was assigned to 4–64 Armor Battalion, 2nd Brigade, 3rd Infantry Division, Fort Stewart, Georgia, where he served as Assistant Battalion Maintenance Officer. He was deployed to Kuwait in 2002 for Operation Enduring Freedom. In 2003, he was sent to Iraq for Operation Iraqi Freedom as the 1st Platoon Leader in Bravo Company and after returning he was sent again with Charlie Company as Executive Officer.

After completing the Armor Officer Advanced Course in 2005, Daniel has been assigned to the 6th Recruiting Brigade Las Vegas, Nevada, serving as Brigade Assistant S3.

Daniel's awards and decorations include the Bronze Star Medal with Valor, Army Commendation Medal, Army Achievement Medal, Presidential Unit Citation, National Defense Service Medal, Armed Forces Expeditionary Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Army Reserve Components Overseas Training Ribbon, and Combat Action Badge.

Mr. Speaker, it is an honor to recognize Captain Daniel L. Van Kirk on the floor of the House today. He is a model of patriotism and a fine example to all members of the military and citizens of Nevada.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. NORWOOD. Mr. Speaker, though I was absent on Thursday, March 9, 2006 for personal reasons, I wish to have my intended votes recorded in the CONGRESSIONAL RECORD.

March 9, 2006: Rollcall vote 33 on Ordering the Previous Question on the Rule for H.R. 2829—"aye"; rollcall vote 34 on Chabot amendment to H.R. 2829—"aye"; rollcall vote 35 on the Hooley amendment to H.R. 2829—"aye"; rollcall vote 36 on the Paul amendment to H.R. 2829—"nay"; rollcall vote 37 on the Rehberg amendment to H.R. 2829—"aye"; and rollcall vote 38 on the final passage of H.R. 2829—"aye."

100TH ANNIVERSARY OF THE WEBSTER VOLUNTEER FIRE DEPARTMENT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. WALSH. Mr. Speaker, I rise today in recognition of the 100th anniversary of the founding of the Webster Volunteer Fire Department. Fifteen courageous citizens formed this outstanding and brave fire department on March 23, 1906. Since its inception, the department has had over 850 faithful volunteers that have protected the communities of East Webster, Village of Webster, and North East Penfield.

Today, the Webster Volunteer Fire Department has a membership of 140 brave firefighters who on average respond to 1,200 calls per year. These calls for aid range from fires, accidents, emergency medical care and service calls; all showing the department's ability to assist the varying needs of the communities they proudly serve. In addition to their heroic tasks, the department also provides fire prevention programs, CPR and first aid training for all citizens. The Webster Fire Department also works closely with various neighborhood groups such as local Boy Scouts troops, Girl Scouts troops, and various other groups.

In honoring their 100th anniversary, the Webster Fire Department will begin its celebration with a founders banquet, followed by a gigantic carnival and parade for the entire community.

I stand here today proud of the services these brave men and women provide our area. Their strong tradition of service and bravery has kept our citizens safe over the past century. I personally thank the Webster Volunteer Fire Department and thank them for their past service as well as the next 100 years that lie ahead.

IN RECOGNITION OF THE HEIGHTS PLAYERS

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize the 50th anniversary of the Heights Players, Brooklyn's oldest community theater group.

For half a century, families, children and individuals living in the 12th Congressional District and surrounding areas have been enriched through the exposure to quality theater offerings at a reasonable price. The Heights Players has also excelled at providing an outlet for amateur and professional actors, technicians, writers, designers and directors to hone their skills, gain experience, and perform before a live audience.

Since its inception in December 1956, those involved with the Heights Players have worked to establish the group not only as a community theater, but also as a growing nonprofit theatrical organization. In its 50 seasons of operation, the Heights Players has made many contributions to the community, such as the Theater for Children program, and performances for senior citizens and hospitalized children who otherwise lack the means to access this type of cultural and educational experience.

The Heights Players has extended their community service in recent years, reaching countless other city residents through their unique and creative offerings. Since 1988, the group has completed performances for over 1,000 homeless New Yorkers each year.

In recognition of its extraordinary efforts on behalf of disadvantaged New Yorkers, the organization has received a host of special awards and commendations over the years from the Partnership for the Homeless, the Brooklyn Borough President, the Brooklyn Heights Association, and the New York City Council.

Therefore, Mr. Speaker, I rise today to honor the 50th anniversary of the Heights Players, and join with my colleagues in the House of Representatives to commend this organization and all of its creative members for their outstanding service and dedication to making live theater accessible for those living in the New York City metropolitan area.

PERSONAL EXPLANATION

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mrs. KELLY. Mr. Speaker, on Wednesday, March 8, 2006 on the motion to instruct conferees regarding the Pension Protection Act, H.R. 2830, I meant to vote "yes" on the motion but inadvertently voted "no."

HONORING THE GOOD HOPE BAPTIST CHURCH

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. BOUSTANY. Mr. Speaker, I rise today to acknowledge the recent accomplishments of a very special church in Lafayette, LA.

On March 5, 2006, members of the congregation of Good Hope Bapist Church gathered to dedicate their new Family Life Center. This day was the culmination of an 8-year project that not only provides a new facility to the church, but much needed jobs for its community as well. Credit for the Family Life Center should go to the Building Committee, under the leadership of Othus Doomes, Jr. and the church's pastor, Dr. Ricky Carter, who were instrumental in bringing the vision of the center to fruition.

The purpose of the center is to provide for the total needs of a person—emotional, spiritual, material, practical, functional, psychological, intellectual and social. It will provide a variety of uses for its community including day care, recreational activities, as well as classrooms for educational purposes. The new facility is equipped with a commercial kitchen, to provide hot meals for those in need, as well a gymnasium which can also be used for worship service.

Today, I honor Dr. Carter and the entire congregation of Good Hope Baptist Church, and congratulate them for the completion of this great facility, which will benefit Lafayette for many years to come.

THE NATIONAL UNIFICATION COUNCIL CEASES TO EXIST

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. SESSIONS. Mr. Speaker, on February 27, Taiwan President Chen Shui-bian declared that Taiwan's Unification Council will cease to function and the National Unification Guidelines will cease to apply. He came to his decision after weighing the importance of preserving Taiwan's freedom, democracy, human rights, the status quo and Taiwanese people's right to choose their own future.

White House spokesman Scott McClellan stated, "We welcome President Chen's reaffirmation of his administration's commitment to cross-strait peace and stability, and Taiwan's commitment to the pledges that President Chen made in his inaugural address . . . to not unilaterally alter the status quo on the Taiwan Strait."

Since peace in the Taiwan Strait is critical to our national security and any military confrontation must be avoided, I therefore urge China to end its strident rhetoric against Taiwan, rescind the Anti-Secession Law enacted last spring and remove the hundreds of threatening missiles targeting Taiwan.

On the first anniversary of the passage of China's Anti-Secession Law and the 10th anniversary of the Taiwan Strait Missile Crisis, it is high time for a meaningful dialogue to resume between Chinese leaders and the elected leadership in Taiwan, leading to a peaceful resolution of their differences. I support these efforts to reduce the tension on both sides of the Taiwan Strait, and urge my fellow Congressional colleagues to continue their support for repealing the Anti-Secession Law.

H.R. 3402, THE VIOLENCE AGAINST WOMEN AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. CONYERS. Mr. Speaker, the following Extension of Remarks should have been included during the December 17, 2005 House debate of H.R. 3402:

I rise in support of this legislation, which reauthorizes the Violence Against Women Act and the Department of Justice. I first would like to commend Chairman SENSENBRENNER for reasserting the Judiciary Committee's jurisdiction over the Department of Justice and its programs with this bill. I also want to thank Senators BIDEN, LEAHY, and SPECTER for working with us on this legislation. We worked together to address everyone's concerns and arrived at the compromise bill before us today.

VIOLENCE AGAINST WOMEN ACT

An important piece of the bill is the reauthorization of the Violence Against Women Act of 1994. This is the third time we have worked on this bill, and each time we make dramatic improvements by using new vehicles to tackle the issue. Building on work from previous years, the Act reauthorizes some of the current programs that have proven enormously effective, including the STOP program—which provides state formula grants that help fund collaboration efforts between police and prosecutors and victim services providers—and legal assistance for victims.

One important aspect of this legislation is the new program we created specifically tailored to address the needs of communities of color. In the original VAWA, Congress intended for all underserved communities to have a fair chance at addressing these issues. However, all to often racial and ethnic minorities are overlooked. In this legislation, Congress has included language referencing culturally specific communities in an attempt to respond to the needs of racial and ethnic minorities. Inserting this language into the bill is a monumental victory for communities of color.

In Indian Country (especially in non-Public Law 280 States), non-Indian perpetrators of domestic violence and sexual assault crimes against Indian victims cannot be prosecuted by tribes or by states. Only the United States has the jurisdiction to prosecute such perpetrators. Unfortunately, the U.S. Department of Justice frequently lacks the prosecutorial resources necessary to pursue these cases. The Attorney General of the United States has the authority, pursuant to 28 U.S.C. 543, to cross-designate prosecuting attorneys appointed by the Tribal Governments as Special Assistant United States Attorneys. The Committee urges the Attorney General to close the jurisdictional gap by cross-designating tribal prosecutors as Special Assistant United States Attorneys for the purpose of enforcing 18 U.S.C. 2261, 18 U.S.C. 2261A, 18 U.S.C. 2262, 18 U.S.C. 2265, 18 U.S.C. 922(g)(8), and 18 U.S.C. 922(g)(9). Any tribal prosecutors appointed as Special Assistant United States Attorneys pursuant to this process should undergo training on the federal crimes enumerated above; such training should be developed and offered in conjunction with experts on tribal law and domestic violence, dating violence, sexual assault, and stalking. The progress of these cross-designations and trainings should be a subject for review through the consultation process described in Section 1002 of Title X of this Act.

Title VI—Section 605

The intent of Congress in this section is to ensure that Federal, State, tribal, territorial and local confidentiality protections put into place to protect the safety of victims of domestic violence, dating violence, sexual assault and stalking are not undercut by broad data collection programs.

For the purposes of this section, Congress finds that any data that meets the definition of "personally identifying information" cannot be altered to become "non-personally identifying information" simply by being altered technologically for the purposes of limiting access to such information.

Any data that can be construed to fall under the definition of "personally identifying information" shall remain defined as such and shall be protected as mandated in this section as long as a Homeless Management Information System (HMIS) database is maintained.

Congress notes that participation in an HMIS or other database may be mandated for other non-victim service provider grantees. Any victim service program prohibited from participation in an HMIS or other shared database under this statute may not be penalized for compliance with this statute, either directly or indirectly through mechanisms such as the withholding of incentives.

Title VI—Sections 606 and 607

Congress notes that employees or volunteers of victim service providers who are signing certification documents should be trained service providers. An employee or volunteer serving solely in an administrative capacity is not appropriate to sign a certification form.

Congress notes that these sections should not be construed to require public housing authorities to adopt a preference for victims of domestic violence, dating violence, sexual assault, or stalking. Public housing authorities are encouraged to adopt such a preference, but that decision is at the discretion of the public housing authority, consistent with applicable law and regulation.

Congress notes that the U.S. Department of Housing and Urban Development (HUD) may want to issue guidance or regulations to assist with the implementation of these sections. Certain nonprofit organizations and other government agencies that have expertise in domestic violence, dating violence, sexual assault or stalking, or in housing law and policy, can provide valuable guidance to HUD in creating such guidance and regulations. HUD is directed to work with such expert nonprofit organizations and government agencies in drafting guidance, regulations, and any other communication to local housing authorities and assisted housing providers regarding these sections, including the Public Housing Occupancy Guidebook, the Housing Choice Voucher Program Guidebook, and any HUD-approved forms used for certification as a qualifying victim under these sections.

Congress notes that under these sections, in order to show an 'actual and imminent threat,' a housing or subsidy provider must demonstrate, using forms of evidence admissible under current law, that the tenant's continued tenancy or assistance directly and imminently causes a distinct harm to the safety of the landlord, the subsidy or service provider, other tenants, or those employed at or providing service to the property, but not necessarily a specific physical harm to the intended victim. Nothing in these sections should be construed to negate any tenant's responsibility to follow all terms and obligations of a lease.

Congress notes that bifurcation of a lease under these sections allows a public housing agency, owner or manager to terminate a person or person's rights and obligations under the lease agreement while maintaining the rights and obligations of other lease parties. Nothing in these sections should be construed to obligate a public housing agency, owner or manager to maintain or enter a lease agreement with any individual who is not eligible for tenancy or assistance.

The bill also goes a long way in helping immigrants subjected to domestic violence to secure their right to stay in the country and seek shelter from those who batter them by expanding the class of victims who can seek immigration status by self-petitioning through VAWA. For example, the bill protects victims of child abuse from aging out by allowing for victims to self petition up to the age of 25, parents abused by U.S. citizen children by allowing them to file for relief under VAWA, and victims with prima facie cases as a VAWA self-petitioner, or for a T or U visa, from removal or deportation. It also limits detention for victims who have pending petitions or applications for relief.

This legislation is crucial in our plight to combat violence against women.

JUSTICE DEPARTMENT REAUTHORIZATION

In addition, the bill provides funding for the various offices within the Department. In this regard, I would like to note that it gives the Office of the Inspector General over $70 million for its responsibilities. In the past few years, the OIG has been diligent in overseeing the Department's war on terrorism, issuing reports on 9/11 detainees and pushing the Department to change how its procedures for handling terrorism suspects.

The bill reauthorizes the COPS office. We all know that this Clinton Administration program has been increasingly vital in crime prevention and crime solving. That is why COPS has received the praise of the Fraternal Order of Police, the largest law enforcement organization in the country. Local policing also is the backbone in our war on terrorism, as community officers are more likely to know the witnesses and more likely to be trusted by community residents who have information about potential attacks. This bill provides over $1 billion per year for this program.

The bill also includes language offered by Rep. Adam Schiff to require the Attorney General to report to Congress on the number of persons detained on suspicion of terrorism. This is important because the Department has thwarted congressional and judicial efforts to obtain justification for terrorism detainees. The Department's Office of the Inspector General found that the Department and its components had abused terrorism suspects, pushing them into walls, leaving them in legal limbo, and depriving them of access to family or counsel. With these reports, Congress can better determine whether the Department is overstepping its bounds again.

Finally, I am pleased the Chairman agreed with me that we needed to amend the emergency sessions authority for federal courts. Just a few months ago, we authorized federal courts to change locations in situations of natural disasters or other emergencies that make their courthouses unusable. This bill now ensures that, in those situations, indigent defendants will be provided with transportation and subsistence costs for the new location so that they will not be left to fend for themselves in disaster.

TRIBUTE TO ROBERT V. JEWELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. KILDEE. Mr. Speaker, today I am paying tribute to Robert V. Jewell, as he is honored by the University of Michigan-Flint alumni society. The Alumni Society is presenting their Campus Service Award to Rob at a ceremony on March 23 in Flint, Michigan.

The Campus Service Award is given to a volunteer making a significant contribution of time, talent, and service to the University of Michigan-Flint. Rob was chosen to receive this award for his work on the Alumni Society Board of Governors. He has served on the board for over 15 years and has completed two stints as the chairperson. In addition he has played a vital role in the development of the University's School of Education and Human Services Alumni Affiliate.

After graduating with a bachelor of arts degree in sociology with a minor in social work in 1978, Rob began his career of service to the Flint community. He has worked or volunteered for numerous community-based organizations, educational institutions and religious groups. Blending the fresh with the practical he has established a reputation in the community for energetic, enthusiastic problem solving.

Currently working as development coordinator for the Hurley Foundation, Rob works to bring together the people and funds to improve Hurley Medical Center and the Flint area. For many he is known as "Mr. Hurley." He brings that same commitment to his work on behalf of the University of Michigan-Flint as he strives to improve the lifelong educational experience of its students and alumni.

Mr. Speaker, I ask the House of Representatives to congratulate Robert V. Jewell as he receives the Campus Service Award from the University of Michigan-Flint Alumni Society.

CONGRATULATING FATHER PAUL McDONNELL, PITTSTON CITY'S PERSON OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Father Paul McDonnell, pastor of Our Lady of Mount Carmel Church in Pittston, Luzerne County, PA. Father McDonnell was recently selected by the Pittston Sunday Dispatch newspaper to receive the title of Person of the Year for 2005.

The honor is due to Father McDonnell's success in building a new parish community center to serve all citizens in the Pittston area.

Our Lady of Mount Carmel parish consists of 2,300 members and is showing signs of growth. Father McDonnell recognized in 2002 that the church basement, which hosted community events, was no longer adequate.

He subsequently launched a capital campaign to raise the funds needed for the construction project. The design called for the center to be physically tied into the church so they looked like one building. The plan called for the new center to be supported by the church. But, engineers discovered that a large part of the church's foundation had collapsed during an earlier mine cave-in and it was remarkable that the church over the void was even supporting itself, let alone a new structure. The void was filled with concrete and steel and new steel supports were designed to enable the church to support the weight of the new center.

The Sunday Dispatch newspaper, in reporting on the opening of the new center last year, commented, "The dedication of the parish center . . . was more than just the opening of a building—it was a moving testament to faith, an astonishing display of generosity and an amazing feat of engineering."

Father McDonnell is an exceedingly popular church leader in the city of Pittston, PA. Many people believe it is his personality and exuberance that has his parish growing while others decline. He is especially liked by the elderly. "In his interaction with the elderly, you can see the love they have for him by how they look at him. He touches them, he speaks to them, he listens to them and he laughs with them," the Dispatch wrote.

Mr. Speaker, please join me in congratulating Father McDonnell for a job well done. His selection as Pittston Person of the Year is a fitting honor for a priest who has captured the admiration of an entire community due to his love of fellow man, his warmth and his enthusiasm. Truly, Father McDonnell has improved the quality of life in greater Pittston.

CELEBRATING THE LIFE OF KIRBY PUCKETT

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. RAMSTAD. Mr. Speaker, Minnesota lost a true hero and sports legend this past week. Like Minnesota's Paul Bunyan, he was instantly recognizable, from his name to his gigantic smile to his unique frame.

But Kirby Puckett was very real, and the pain all Minnesotans feel is too real, as we say farewell to a Minnesota icon.

Mr. Speaker, Minnesota is heartbroken. Kirby Puckett was known as much for his great spirit, enthusiasm and energy as he was for his remarkable baseball skills.

He did so much to help people in need, and he was always there for civic and charitable causes of every kind. He never said no to Children's Heartlink, Big Brothers Big Sisters or numerous other charities.

And his "Puckett Scholars" program helped enable so many minority students to attend college and pursue their dreams.

To say that Kirby is known as much for his community service as his baseball is really saying something, Mr. Speaker.

Because Hall of Famer Kirby Puckett in his baseball career put up some historic statistics and gave baseball fans many memorable thrills on the field.

Remember October 27, 1991? In Minnesota, we all know where we were that night.

I was at the Metrodome, and I will never forget Kirby's impossibly high leap at the centerfield fence and his amazing catch in the third inning of Game 6 of the 1991 World Series.

And no Minnesota Twins fan will ever forget Kirby's dramatic 11th-inning, game-ending home run to almost the same spot in the very same game.

Mr. Speaker, Kirby did it all in 12 short seasons and was elected to Baseball's Hall of Fame on the very first ballot upon eligibility. Twelve short seasons, and a .318 career average, 2,304 hits, 1,085 runs batted in, 207 homers, 1,071 runs—all in just 1,783 games. And the numbers do not begin to tell the whole story.

Kirby Puckett was the leader, the favorite teammate, the name the kids screamed and the name the public address announcer lingered over and stretched out for maximum dramatic effect.

He ran all out at break-neck speed—in center field and around the bases. And his teammates got the clue. They were driven to match his intensity and love for the game.

Minnesota Twins fans loved him so for that. And we always will.

Mr. Speaker, our entire state has an extended lower lip, and our heads are bowed. We are so very saddened by the death of Kirby Puckett.

Just the mention of his name has always brought smiles to the faces of Minnesotans of all ages—and so many great memories.

Mr. Speaker, you will find many kids in Minnesota named Kirby and the reason is simple: Kirby captured all our hearts.

In summers past, Kirby made our hearts race with his tremendous athletic feats. His powerful batting stroke produced so many clutch hits.

Mr. Speaker, Kirby Puckett is to Minnesota baseball what Hubert Humphrey is to Minnesota politics.

We have lost a real warrior, a very special person who brought so much energy, enthusiasm and dedication to the field.

Kirby was one of a kind. There will never be another like him. Kirby, your huge smile, big heart and great play will live forever in our hearts.

We will never forget you and we will always be thankful God put you in our midst.

And let us always remember that wonderful, trademark Kirby Puckett smile that lit up a room, inspired us and gave us hope.

Rest in peace, Kirby, in the loving arms of our Lord. And may your kind and gentle spirit live forever in the hearts of all of us.

TRIBUTE TO MILLVALE VOLUNTEER FIRE DEPARTMENT

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Millvale Volunteer Fire Department on its 100th year of service in the community.

This spring, the Millvale Volunteer Fire Department will celebrate its 100th anniversary. The Millvale Volunteer Fire Department was one of many victims in September, 2004, as the remnants of Hurricane Ivan flooded part of my district. Since then the fire department has worked hard to get back on its feet. Currently, the fire department has approximately 30 active members, and responds to about 250 calls per year.

The fire department will celebrate its 100 years on Saturday, May 13, 2006, at 6:30 p.m. at the Mount Troy Ballroom in Reserve Township.

I ask my colleagues in the United States House of Representatives to join me in honoring the Millvale Volunteer Fire Department. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such an important organization like the Millvale Volunteer Fire Department.

TRIBUTE TO BOBBY CRIM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in honoring Bobby Crim, an outstanding legislator and humanitarian. Bobby is a dear friend and will be honored by the University of Michigan-Flint Alumni Society with the Distinguished Alumni Award at a ceremony on March 23 in my hometown of Flint, MI.

The Alumni Society presents the Distinguished Alumni Award to graduates of the University of Michigan-Flint earning noteworthy regional or international recognition for his or her accomplishments.

Bobby Crim started his post secondary education at Flint Junior College. After receiving the first CS Mott scholarship he completed his undergraduate studies at the University of Michigan-Flint in 1960 graduating with a bachelor of arts degree. He went on to receive a master of arts degree in 1986 from the University of Michigan in Ann Arbor. In the interim he started on an illustrious career in teaching, business, and public service.

Elected to the Michigan House of Representatives, Bobby served 8 years as the speaker of the House. In 1977 he organized the Crim Road Race for Michigan Special Olympics. He had three goals: to run a first class road race in Flint; to raise money for mentally handicapped athletes; and to foster community pride among the residents of the Flint area. The Crim Festival of Races has accomplished all three goals. Over the intervening years the festival has gained an international reputation as one of the top world-class races, has raised millions of dollars for six charities and is an annual event celebrated the fourth weekend in August throughout Flint.

Everyone in the community knows the painted blue stripe at the side of several roads in Flint marks the route for the Crim Race.

Mr. Speaker, the Crim Festival of Races stands as a lasting, tribute to the dedication of Bobby Crim. The skills he gained through his education at the University of Michigan-Flint enabled him to envision Flint as a better place and to turn that vision into reality benefiting thousands. I ask the House of Representatives to join with the Alumni Society in congratulating Bobby Crim as he receives the Distinguished Alumni Award.

CONGRATULATING WARREN POLLARD, RECIPIENT OF THE JOSEPH SAPORITO LIFETIME OF SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Warren Pollard, of West Pittston, PA, the recipient of the Pittston Sunday Dispatch newspaper's Joseph Saporito Lifetime of Service Award for 2005.

Mr. Pollard has spent decades cooking food for good causes including the Greater Pittston Meals on Wheels for area shut-ins. He often helps deliver the meals as well.

Mr. Pollard grew up in Avoca, PA. He attended Wharton School of Finance in Philadelphia and Wilkes College in Wilkes-Barre. He served 2 years with the U.S. Army including a tour of duty in Korea. He returned home to become a bank examiner.

Mr. Pollard first started volunteering as a community cook more than 30 years ago when he started cooking spaghetti dinners for the Boy Scouts from the kitchen at the First United Methodist Church in West Pittston. He has done dinner fund raisers for the local fire company and an annual pork dinner for the church.

His church fund raisers also extend to selling pastry pockets stuffed with meat and vegetables and fruit pies.

Twice a year he cooks for the area's homeless when they stay at his church. And he also does a Thanksgiving dinner which is open to anyone in the community needing food.

Mr. Speaker, please join me in paying tribute to Mr. Pollard. His selflessness and devotion to service and community are truly commendable. It is fitting that he should receive this honor from his home town because Mr. Pollard's work has improved the quality of life in the greater Pittston area.

TRIBUTE TO BOY SCOUT TROUP 283

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. RAMSTAD. Mr. Speaker, I rise to pay special tribute to the proud history and wonderful accomplishments of Boy Scout Troop 283 of Wayzata, MN.

This Sunday, March 19, Troop 283 will be celebrating its 90th anniversary at Wayzata Community Church. Troop 283 is Minnesota's oldest Boy Scout troop.

Troop 283 has a rich tradition of public service to help people in need and has represented the highest standards in Scouting for nine decades. The Scouts and their many volunteer leaders have displayed an inspiring dedication through these past 90 years.

Mr. Speaker, these young people are tomorrow's leaders and they are getting the skills, knowledge, moral guidance and inspiration they need through Scouting.

The young people of today, who now more than ever need strong adult guidance and parental involvement in learning valuable life skills that will help them mature, have been extremely well-served by the generous and dedicated volunteers and parents who have led Troop 283 through the past 90 years.

Mr. Speaker, Troop 283 has focused on giving our young people positive role models, emphasizing the importance of community service to help people in need, protecting the environment and promoting good citizenship.

Everyone who has been involved with Boy Scout Troop 283 through the years is to be congratulated on their 90-year investment in the future of our Nation.

Mr. Speaker, please join me in thanking all the young people and leaders of Boy Scout Troop 283 over the past 90 years for all they have done to produce good citizens who keep America strong.

TRIBUTE TO MAYOR BILL SHOVLIN

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Ms. HART. Mr. Speaker, today I rise to honor the life of Mayor Bill Shovlin, a man who committed his life to serving others and his country.

For more than 46 years, Mayor Shovlin was a distinguished public servant who was dedicated to education, community service, and the betterment of our Commonwealth. When his country called on him, he served in the U.S. Army during the Korean War. Bill's long career in local politics included serving in the Beaver County tax assessor's office, as auditor in Midland Borough, as a Midland council member of 28 years, and then mayor for 16 years. He also served as treasurer of the Pennsylvania State Mayor's Association.

He was an equally dedicated husband, father, and grandfather, who passed along his spirit of public service to his family and community. I extend my sincerest condolences to the Shovlin family. The Midland Borough and the Beaver Valley have lost a great man.

I ask my colleagues in the United States House of Representatives to join me in honoring Mayor Shovlin. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such dedicated citizens like Mayor Bill Shovlin.

TRIBUTE TO GREGORY GAINES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. KILDEE. Mr. Speaker, the University of Michigan-Flint Alumni Society is bestowing their Community Service Award on Gregory Gaines of the National Council on Alcoholism and Drug Addictions. The award will be presented to him at the 2006 Annual Alumni Leadership Awards ceremony on March 23. Greg was chosen to receive this award because of the selfless amount of time and energy he has devoted to running the Mr. Rogers "Say No" Program in the Flint community.

After earning a bachelor of applied science degree in 1989, Greg has worked with at-risk young men in our community to instill them with discipline, hardwork, and pride. Through his program over 1,800 boys have benefited from his training. His innovative approach, to have the boys grow the produce they sell at the Farmers' Market, teaches them the value of hard work, responsibility, working together, patience, problem solving and self-control. Greg works with boys that come from inner city, single parent homes and are prime targets for the lure of alcohol and drugs. With his guidance these boys are able to see the benefits of education and hard work. They develop the skills and patience to work toward long-range goals instead of succumbing to the immediate gratification of substance abuse.

The Mr. Rogers Program has proved to be so successful that for the first time girls will be brought into the program starting in the summer of 2006. Last year Greg won the Genesee County Children's Champion Awards Caring Adult prize and the Mr. Rogers Program was a finalist for the Outstanding Business/Corporation.

Mr. Speaker, day in and day out, Greg Gaines makes the Flint community a better place. His hands on approach to helping our children requires enthusiasm, tolerance, and persistence. Greg has proven he is equal to the task and his devotion to our greatest resource, our children, is to be commended. I ask the House of Representatives to rise with me today and applaud the accomplishments of Gregory Gaines as he receives the Community Service Award from his alma mater, the University of Michigan-Flint.

IN HONOR OF SPECIAL AGENT DAVID E. NOVAK, HAZARDOUS DEVICES SECTION, UNITED STATES CAPITOL POLICE, ON THE OCCASION OF HIS RETIREMENT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. LEWIS of California. Mr. Speaker, I am honored today to pay tribute to one of our Capitol Police Officers, Detective David E. Novak, who will retire after more than 20 years of service. During his career, Dave's dedication, professionalism, and expertise have served the Congress well, and his important contributions will be missed.

Special Agent Novak grew up in Nebraska, but in 1983 came to Washington, DC, and became a member of the United States Capitol Police. First assigned to the Capitol Division, he soon earned the rank of Detective and accepted a position with the Hazardous Devices Section, graduating from the FBI Bomb Data Center Hazardous Devices School in Huntsville, Alabama, on November 21, 1986.

The Bomb Squad has excelled for more than 30 years at developing and adapting new tools and techniques for rendering safe procedures. Dave played an integral part in this success. The Capitol Police Bomb Squad is rated by the FBI Bomb Data Center and staff of the Hazardous Devices School at Redstone Arsenal as one of the top bomb squads in the Nation. The unit has achieved recognition throughout the bomb technician community through their assistance to other agencies and service in offices and positions in professional associations and organizations.

Admired by his colleagues for his cool, steady demeanor and exceptional skills with tools and equipment, Dave served as one of the leaders of the Bomb Squad as its members coped with the emergencies of 9/11 and the Anthrax letter attack. Mr. Speaker, the magnificent performance of the Bomb Squad in response to the opening of the anthrax letter on October 15, 2001, cannot be overstated. The continued dedication and commitment of the Hazardous Devices Section after that incident was impeccable. Dave helped sustain the morale and commitment of the bomb technicians after the contamination caused the closure of their offices, along with much of their equipment and vehicles. They coped with this loss even as they faced an exorbitant increase in response calls, and worked 12-hour shifts six days a week for nearly seven months.

The Bomb Squad is a small but very important component of this police force we all take great pride in. As Dave prepared for his retirement, he went out of his way to serve as a mentor, and a colleague, to those who would follow in his place. While we wish him well in his retirement, his wit, practical jokes, technical expertise and the significant role he played will be greatly missed. I thank him for his many years of service, and for his dedication in implementing the mission of the United States Capitol Police, protecting the United States Congress.

HONORING MARY ROGERS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to one of San Francisco's most admired, beloved and fearless social activists, Mary Helen Rogers, who died March 3, 2006 at her home after a long battle with cancer. She lived an impassioned life fighting for affordable housing and social justice and to restore the vibrancy of San Francisco's Fillmore District. Her activism and courage often made the difference between the survival and the decimation of a community.

During the month of March, Women's History Month, as we honor the accomplishments of our great national heroines, we also recognize women working to strengthen their local communities. This past year we grieved the loss of several remarkable women who struggled for equality and progress, Rosa Parks, Coretta Scott King and Betty Friedan. I call them the magnificent disrupters. Here in San Francisco we were proud to have our very own magnificent disrupter—Mary Helen Rogers.

During her 40-year fight to protect African American families from being displaced by urban renewal, Ms. Rogers worked tirelessly to tear down the barriers that have prevented fair and equitable treatment of African American families, school-aged children, welfare recipients, minority businesses, and community churches.

When the San Francisco Redevelopment Agency was razing entire blocks of the Western Addition neighborhood, a cultural and business hub of the African American community, she literally lay down on the street in front of the bulldozers. She then co-founded the Western Addition Community Organization which forced the city to help the residents it had displaced.

Ms. Rogers founded the Western Addition Citizens Advisory Committee that continues to provide broad-based community input to publicly funded development initiatives. Her civic activities included serving as secretary/treasurer of the National Tenants Association, founding board member of Westside Mental Health Clinic, board member of Agape Outreach Center, chair of the San Francisco Juneteenth Committee, and parent volunteer at the Raphael Weill Elementary School, later known as Rosa Parks Elementary School.

In addition to her numerous volunteer positions, Ms. Rogers served as a dedicated public servant through her tenure at the San Francisco Redevelopment Agency and the San Francisco Housing Authority. She has received numerous awards from a host of national and local elected officials.

With great sadness I extend my sympathy to Mary's 9 surviving children: William Cary, Angela McPeters, Dennis Rogers, Patricia Rogers, Michael Rogers, Mark Rogers, Mario Rogers Sr., Eric Rogers Sr. and Paul Rogers. I want to thank them for sharing their magnificent mother with us; she brightened our lives with her strength, her courage and her grace.

IN HONOR OF THE 40TH ANNIVERSARY OF TALBERT HOUSE

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize the 40th anniversary of the Talbert House, one of the largest social service agencies in the Ohio-Kentucky-Indiana tri-State region. Talbert House serves a broad population with its quality mental health, community corrections, substance abuse and welfare-to-work services.

Talbert House was founded in 1965 by a group of local citizens to help ex-offenders in the West End neighborhood of Cincinnati. The program was named for Dr. Ernest Talbert, 1879–1971, a professor emeritus of sociology at the University of Cincinnati, who believed in community alternatives to incarceration.

Even in its earliest days of service, Talbert House won the support of leaders in the community. The concept was groundbreaking because Talbert House began as a residential treatment program rather than an extension of an institution. In its first year, the program housed 16 paroled men.

Since its inception, the Talbert House has steadily grown and expanded its services to effectively address emerging problems within our community. In the 1970s, Talbert House added drug and alcohol treatment services and programs for women and children. In the 1980s, its services were expanded to include chemical dependency treatment. And in the 1990s, the agency added more mental health and adolescent services.

Today, Talbert House is a regional multiservice agency with more than 35 programs to address challenging social problems, and serves more than 20,500 registered clients annually. Over the years, Talbert House has received numerous national and State accreditations and awards for its many successful programs.

I want to congratulate Talbert House's 40th anniversary honorees: Larry Galluzzo; Sherry and Virgil Reed; Bonnie and Bill Rumpke; and Beatrice and Stephen Rosedale. We appreciate their extraordinary and unselfish commitment to Talbert House.

Those of us in the greater Cincinnati area congratulate all of the people behind Talbert House as it celebrates 40 years of outstanding community service. We wish you continued success.

PERSONAL EXPLANATION

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. LINDER. Mr. Speaker, I was unable to cast rollcall votes 34, 35, 36, 37, and 38, on March 9, 2006, because I was traveling to the State of Georgia. Had I been present I would have cast the following votes: On rollcall 34, I would have voted "yea"; on rollcall 35, I would have voted "yea"; on rollcall 36, I would have voted "nay"; on rollcall 37, I would have voted "yea"; and on rollcall 38, I would have voted "yea."

TRIBUTE TO HERBERT L. BELLAMY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Herbert L. Bellamy, Sr., who passed away Wednesday, March 8, 2006, at the age of 74. Mr. Bellamy was a businessman and civic leader in Buffalo for more than 30 years.

Herbert L. Bellamy, Sr., moved to Buffalo, after serving in the Marine Corps, to study at the Dale Carnegie Institute and Buffalo State. Mr. Bellamy worked hard to build a career in community service as well as creating over a dozen businesses.

In 1970 he founded the 1490 Enterprises, a nationally recognized community center which serves as city hall for the neighborhood. 1490 Enterprises grew to provide housing to the senior citizen as well as providing other services for seniors. The center honors community leaders by sponsoring a Black Achiever's awards dinner and Black History breakfast.

In 1979, Mr. Bellamy was the first African American member of the Buffalo Municipal Civil Service commission where he served for 8 years. In 1990 he was appointed to the Judicial Conduct and later served on the Peace Bridge Authority. Herbert L. Bellamy, Sr., was the first black director and vice president of the Buffalo Area Chamber of Commerce and the Buffalo Downtown Nursing Home. He was also the president of the Greater Eastside Business Association.

Mr. Bellamy also served on many boards such as the Canisius College Board of Regents, the Police Athletic League, the Reed Cross, the Private Industry Council, the National Association of Colored People and the National Conference of Christians and Jews.

Thought his life Herbert L. Bellamy, Sr., accumulated over 150 awards, including the Roberto Clemente Humanitarian Award, the Buffalo News citizen of the year award, the Buffalo Challenger Man of the Year Award and its Millennium Award, the Canisius College President's Award, the Cold Spring Businessman of the Year Award, the 100 Black Men Award and the Buffalo Urban League Family Award.

Herbert L. Bellamy, Sr., is survived by his mother, six children, ten grandchildren, one great-grandchild as well as brothers and sisters. Mr. Bellamy was a great man whose contributions to Buffalo, New York, will live on as will his memory. The people of Buffalo appreciate his commitment to our community and the lifetime of devoted service.

TRIBUTE TO THE GOODYEAR BLIMPS

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. RYAN of Ohio. Mr. Speaker, I rise today to pay tribute to The Goodyear Tire & Rubber Company and its Goodyear blimps, which are celebrating their 80th anniversary as international symbols of American culture and innovation.

The Goodyear Tire & Rubber Company, headquartered in Akron, Ohio for over a century, launched the first Goodyear blimp, the Pilgrim, in 1925. Since then, the company has built more than 300 of these graceful aerial giants, including numerous airships in a partnership endeavor with the U.S. Government to assist in military surveillance activities.

Although Americans are probably most familiar with seeing the Goodyear blimps at sporting events, during World War II, the Goodyear blimps protected American ships and armed forces while escorting convoys and task forces across the Atlantic Ocean.

Today, the Goodyear blimps support national and local charities every year, helping secure millions of dollars in donations. Perhaps even more important, the Goodyear blimps help federal and state emergency service agencies and victims of national disasters.

For all of the above, and in many thanks to a distinguished American manufacturer, I am proud and honored to recognize the extraordinary contributions Goodyear blimps have made to our nation.

AMEND THE FOREIGN ASSISTANCE ACT OF 1961

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. ROHRABACHER. Mr. Speaker, last week I introduced a bill to amend the Foreign Assistance Act of 1961 to limit the provisions of the United States military assistance and the sale, transfer or licensing of United States military equipment or technology to Ethiopia.

The bill requires that before the United States provides military equipment to the regime in Addis Ababa that our President certifies that the Government of Ethiopia is not using our equipment or assistance against pro-democracy advocates or peaceful civilian protesters in Ethiopia. Is that too much to ask?

It is an outrage that in Ethiopia that over 80 opposition leaders and human rights activists and journalists have been recently charged with treason, violent conspiracy and genocide. These prisoners of conscience face brutal captivity and the possibility of death sentences. They include 10 newly elected members of the Parliament and other officials of the opposition Coalition for Unity and Democracy Party, also known as the CUD.

These brave souls face charges filed against them by a corrupt and repressive government. This same government blatantly stalled the last election, making a sham out of the democratic process. Five of those being charged with criminal behavior work for the Voice of America. One of those being held is Dr. Berhanu Nega. He is mayor of Ethiopia's largest city and has lived, studied and taught in America. Dr. Nega is an advocate of democracy. He faces the death penalty for his involvement in mass protests over the election fraud that took place in Ethiopia during their last election.

Now, in January, the British Government cut the equivalent of $88 million in aid in support to Ethiopia. This was due to its concerns about the governance and human rights issues arising from this disputed election. Other international donors have taken similar measures.

My legislation requires certification by the President of the United States that our military equipment provided to Ethiopia is not being used to beat down those who would bring honest and democratic government to that troubled land. In Ethiopia, it is incumbent upon us as Americans to be on the side of those struggling for honest and democratic government, not on the side of their oppressor.

No pragmatic strategy can justify the United States backing a regime that stole the last election and has brutalized their own people and will, at some point, disintegrate from its own corruption and incompetent ways. I ask my colleagues to join me in recognizing and supporting the democratic movement in Ethiopia, just as we did with a similar movement in Ukraine just two short years ago and in other countries throughout the world where the future was in play and human freedom was in the balance.

That is what being an elected representative of the American people is all about, standing for our ideals and our principles. And nowhere could that be made more clear than to stand with the people of Ethiopia, who are struggling to make a democratic government, to form a democratic government, and to have honest government and the recognition and respect for people's rights within their own country.

TRIBUTE TO PATRICK CASHDAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. SHERMAN. Mr. Speaker, I rise today to recognize the accomplishments of Patrick Cashdan, a young resident of the San Fernando Valley that recently became the high school winner of the 2006 USA Today National Sportsmanship Day Essay Contest.

The Sixteenth Annual National Sportsmanship Day was held across the United States and in over 100 countries around the world on Tuesday, March 7, 2006, by the Institute for International Sports. The purpose of the day is to raise awareness about issues related to sportsmanship and ethics in athletics and daily life. The essay competition is in its twelfth year and receives thousands of essays from elementary, middle, high school, and college students on the topic of ethics and sportsmanship in sports. Patrick is the 2006 winner in the high school category for his essay on the need to resurrect sportsmanship.

My. Speaker, Patrick is a junior at Chaminade College Preparatory High School in West Hills, California. He is a varsity wrestler and lacrosse player, and understands the importance of sportsmanship and the difficulties encountered by young athletes who must face peer pressure to excel and win. While most children, of course, want to impress their friends and parents with their athletic abilities, Patrick understands that winning at all cost is not what is important. He believes and competes with the knowledge that one can play their very best while also being committed to being a good sport. Patrick has the strong support of his father, Daniel, and mother, Allisyn, who raised him to play fair—to understand that it is most important to do your best and enjoy yourself. Patrick also has two younger brothers, Christopher and Daniel, and has shared with them the value of good sportsmanship.

Patrick plans to attend college next year and is interested in United States history. He plans to continue playing sports and hopes to spread the value of sportsmanship to his fellow teammates.

My. Speaker, I pay tribute today to Patrick Cashdan as the high school winner of the 2006 USA Today National Sportsmanship Day Essay Contest, and as an inspiration to all sports fans. I ask that his essay on sportsmanship be included in the RECORD.

High school winner: Patrick Cashdan, age 17, junior at Chaminade College Preparatory High School, West Hills, Calif.

Sportsmanship is dead. However, it has died many times in history. For instance, it was buried the moment a Major League Baseball player purposely spiked the other team while stealing a base. In all sports both sides have to shake each other's hand and wish each other good luck, but how sincere are they? True sportsmen show grace and poise throughout their lives as athletes and role models, regardless of the game's outcome. There are many contributors to the death of sportsmanship, including the media, the over inflation of sports stars' egos, and most surprisingly, parents.

Unlike the Medieval Ages where opposing soldiers would greet each other on the battlefield and "embrace them with a soldier's arm" (Henry IV, Shakespeare), today's competitors only care about personal gain and fame. The modern media tries to find out everything about celebrities, including professional athletes, and when an athlete is caught doing something wrong, the attention makes him or her even more famous. This portrayal, even though it's bad, is addictive to a celebrity and only inflates an athlete's ego.

Such attention causes professional athletes to act childishly. Athletes consistently show vulgar and immature displays of unsportsmanlike activity. Fights with fans, alleged illegal drug use, and extra-marital affairs should not be the factors that define a great sportsman. Such athletes care only about money and fame rather than the love of the game. Their examples thus get passed on to the children of today showing that it is ok to act in an unsportsmanlike manner.

Perhaps the final nail in the casket for the death of sportsmanship starts when we are children. A parent is the first coach of life and young athletes get over-influenced by them. As a varsity wrestler, baseball and lacrosse player, I see first-hand how a parent causes unsportsmanlike conduct. The young athletes would do anything in their power to impress their parents or "make them proud" even if it means cheating or hurting themselves or their opponent. Recently, at a wrestling tournament during the match, a parent was yelling to his son to "club", or illegally hit, his opponent's head. So, the son did what his father told him to do. Believe it or not, he won! He was cited for unsportsmanlike behavior and advanced. His father was very proud. As a witness, it was very upsetting to see such unsportsmanlike conduct being taught by a parent, and ultimately being rewarded.

It is unfortunate that there is not much sportsmanship seen anymore today. How did the idea of winning or losing gracefully leave our society? We need to resurrect it by taking out the media. This would make most of our role models act more maturely and less egotistically, and would make parents stop putting too much pressure on their kids to win at all costs. Sportsmanship needs to be brought back into our lives for all of humanity's sake.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. GONZALEZ. Mr. Speaker, I rise to offer a personal explanation of the reason I missed rollcall votes 19 through 38. Due to an emergency appendectomy I was unable to be present for votes the week of March 6th. I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted on rollcall 19 (H.R. 4054 Designating the Dewey Bartlett Post Office), "aye"; rollcall 20 (S. 2771—Reauthorization of the Patriot Act), "no"; rollcall 21 (Previous Question to H.R. Res 710 Providing for Consideration of the Food Uniformity Bill), "no"; rollcall 22 (Motion to Instruct Conferees to H.R. 2830), "aye"; rollcall 23 (H.R. 4192 designating Hope Arkansas as the President Clinton Birthplace), "yea"; rollcall 24 (H.R. 1053 Extending Normal Trade Relations to the Ukraine), "aye"; rollcall 25 (H. Res. 673 Expressing Support for the People of Belarus to Establish a Full Democracy), "aye"; rollcall 26 (H.R. 3505 to Provide Regulatory Relief for Insured Depository Institutions), " aye"; rollcall 27 (Cardoza Amendment to H.R. 4167—To Amend the Federal Food, Drug and Cosmetic Act to Provide for Uniform Food Safety Warnings), "aye"; rollcall 28 (Waxman Amendment to H.R. 4167), "aye'; rollcall 29 (Capps Amendment to H.R. 4167), "aye"; rollcall 30 (Wasserman Shultz Amendment to H.R. 4167), "aye"; rollcall 31 (Stupak Motion to Recommit to H.R. 4167), "aye"; rollcall 32 (Final Passage of H.R. 4167), "no"; rollcall 33 (Previous Question of H.R. 2829 Reauthorize the National Drug Control Policy Act), "no"; rollcall 34 (Chabot Amendment to H.R. 2829), "aye"; rollcall 35 (Hooley Amendment to H.R. 2829), "aye"; rollcall 36 (Paul Amendment to H.R. 2829), "no"; rollcall 37 (Rehberg Amendment to H.R. 2829), "aye"; rollcall 38 (Final Passage of H.R. 2829), "aye".

FIRST ANNIVERSARY OF THE HOUSE DEMOCRACY ASSISTANCE COMMISSION

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. PRICE of North Carolina. Mr. Speaker, it was one year ago today—March 14, 2005—that the House gave final approval to the formation of the House Democracy Assistance Commission. Today I am pleased to report that the HDAC, which is chaired by Rep. DAVID DREIER and on which I serve as ranking member, is off to an energetic and encouraging start.

My hope in first proposing creation of the Commission in the 108th Congress was to build upon and extend the pioneering work of the Frost-Solomon Task Force, which in the early 1990s extended support to the emerging democratic parliaments of Central and Eastern Europe. Those hopes began to be realized as Speaker HASTERT got behind the idea, the authorizing resolution was refined and passed, and both Speaker Hastert and Leader Pelosi appointed serious, committed Members to carry out the work of the Commission.

During calendar year 2005, the Commission entered into agreements with five parliaments around the world to provide material, technical, and procedural assistance to members of Parliament as they learn how to govern their nations responsibly, effectively, and—in many cases for the first time ever—democratically. The Commission has now, begun its work with these nations: East Timor, Georgia, Indonesia, Kenya, and Macedonia.

Our relationship with these countries will continue, hopefully over the course of several, years. At the same time, the Commission will be undertaking programs with a new round of emerging democratic parliaments in 2006. We hope to continue to support our country's ideals and interests in key nations around the world through our assistance.

While our program is still in its early stages, we have already seen clear evidence of the impact it can have. Last month, the Commission's first delegation of members of Congress traveled to Indonesia and East Timor and began to train members of those nations' parliaments. I want to especially thank the members of this delegation—Rep. Jim KOLBE, Rep. LOIS CAPPS, Rep. ADAM SCHIFF, and Rep. ALLYSON SCHWARTZ—who I understand were greeted with warm welcomes and rapt attention in both countries. While in East Timor, this delegation announced that the House Democracy Assistance Commission would be helping East Timor build a parliamentary library from the ground up, no small accomplishment in a nation with extremely limited resources. Our Commission's work goes far beyond building physical structures, however; we are helping to build the foundations of effective and lasting democracy.

Mr. Speaker, the House Democracy Assistance Commission is an all-too-rare example of sincere bipartisan cooperation, Chairman DREIER, who chairs our commission, has helped us carry out our work with no considerations other than the best interests of the

House, the United States, and our partner parliaments, Under his leadership, our Commission's 16 members have been able to demonstrate to our partners our deeply-felt, shared respect for and admiration of American democracy and the esteemed institution of the House of Representatives. We also owe a particular debt of gratitude to the Commission's Staff Director, John Lis, whose energy and vision have helped us launch the Commission in such a promising way.

Every day, members of Congress are called upon to assess and oversee our Nation's policies toward developing democracies around the world. The House Democracy Assistance Commission offers the House an opportunity to directly contribute to the sustainability and effectiveness of these democracies. We are working to establish democracy not just in name but also in practice, training our partners in the nuts and bolts of democratic government. Mr. Speaker, I can think of no more important work for ensuring our national security and maintaining our role as leader of the free world. I thank you and I thank my colleagues for your support, and I look forward to continuing our work.

TRIBUTE TO NATIONAL ENGINEER'S WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. HOLT. Mr. Speaker, I rise today in celebration of National Engineer's Week and the fact that we are recognizing the importance of engineering in our lives. Too often we forget that engineering gives us our Blackberries, computers, cell phones, Ipods, pagers, high definition televisions, remote controls, and many other conveniences of modern living. For example, a Ford Taurus has 120 computer chips in it, giving the Ford Taurus more computing power than the Apollo lunar excursion modules.

I often speak of "good old American know-how", the ingenuity that created innovations which propelled our Nation to the superpower status we enjoy today. Yet, Mr. Speaker, we cannot grow complacent—innovation is slowing down, the innovation landscape is changing, and others are trying to take the gauntlet from us as I stand here now. We will not remain the leader of technological innovation in the world if we do not act. Resting on our laurels is not an option. We have done that long enough.

We must lead the Nation forward into the cultural shift required for our continued technological dominance. Every action that we take in this chamber sends a message to the world. Will we send the message that the United States understands the acceleration of technology through engineering and that these technologies will fundamentally change the structure of society and challenge the vision that we have of the future? Will we embrace the challenges that are before us as the global economy unfolds and we strive to find our role in it?

As we celebrate National Engineer's Week, we recognize the abilities that engineers have to translate scientific knowledge into innovative technologies which fulfill the needs and desires of society. By taking time on the floor of the House of Representatives to give commendation to engineering and National Engineer's Week, we are telling the Nation that engineering IS important to our future. However, celebrating engineering is not enough. We must focus resources and increase funding into research and development. Without a strong foundation in basic research and development, engineering loses the source of knowledge which feeds the engineering innovation pipeline.

Innovation spurs from creative thinking, and engineering benefits from the highly trained workforce skilled in the creative endeavor of problem solving. The education of our engineering workforce must also be a focus of our work for the future of our Nation. We must more fervently welcome into the science and engineering workforce underrepresented groups, for their unique perspectives and diverse background enrich the problem solving environment. We must create an educational system that maintains high expectations and intellectually challenges each student to find their role in solving the problems that we will face as a Nation. This is about our future, our Nation's future, and we must act now.

INTRODUCTION OF THE ETHICS REFORM ACT OF 2006

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. BLUMENAUER. Mr. Speaker, hailing from the Oregon climate of a small state legislature where political openness and integrity is highly prized, I have been pained by both the recent revelations in Congress of wrongdoing and the inability of the Congressional ethics process to operate in an effective manner. The House has long been in need of a comprehensive solution to the oversight of Members' ethical conduct. Sadly, it has necessitated a series of egregious violations by Members to bring this issue to the forefront of public attention. The current proposals, however, do not address the core issue behind the ethics problem—oversight.

Today, I am proud to introduce with my colleague and fellow Oregonian, GREG WALDEN, the "Ethics Reform Act of 2006." While it is the responsibility of each and every Member of Congress to adhere to the spirit of the law, as a practical matter, history shows there needs to be additional enforcement and oversight. Unfortunately, history also shows that the expectation for Congress to oversee the conduct of its Members is unrealistic. The "Ethics Reform Act of 2006" would create an independent Ethics Commission, appointed by Congress, that would objectively oversee and bring charges against Members of Congress who violate the rules.

Congress needs an independent ethics review process, similar to that found in many states. We need an independent panel that can make independent decisions without worrying about the effect those decisions will have on its members' political futures. We need an independent panel whose members understand the reality of public service and the need to ensure the integrity of that service through adherence to the rules. We need an independent panel that can meet the test of public scrutiny and restore trust that today is missing.

This bill would replace the Committee on Standards of Official Conduct with an 11-member outside Ethics Commission and a full-time professional staff to provide oversight, investigations and recommendations for ethical enforcement. Each of the members would be former House members—five from each party—who have been out of office at least 2 years and an 11th member appointed by the consensus of the other 10. These Commission members would bring the experience of public service and the understanding of the complexity of our duties.

Professional staff, headed by an executive director, would serve the Ethics Commission. The Speaker of the House and the Minority Leader of the House would choose the executive director in a manner similar to the appointment of the director of the Congressional Budget Office. The executive director would serve for a seven-year term and could be reappointed only once.

In addition to taking over the investigation and review functions of the Committee on Standards of Official Conduct, the Lobbying Disclosure Act would be brought under the Commission's jurisdiction. The new ethics panel would maintain all records and ensure compliance with reporting requirements and rules.

Any recommendations of the ethics panel beyond advisory opinions, letters of reproval and admonishment would go to the full House. Actions that fall short of official discipline would not require action of the House.

In reviewing both lobbyist disclosures and member disclosures, the Commission would review for potential joint financial interests between the two. Additionally, this bill mandates quarterly posting of lobbyist disclosures on the internet for easy public scrutiny.

Current Members of Congress will no longer be obligated with the task of policing their peers—a task which Members do not have the proper amount of time or impartiality to perform. It is time for the American people's faith in Congress to be restored. The "Ethics Reform Act of 2006" has the power to allow the Congressional oversight process to work in the fair, efficient, and transparent manner that many of us seek and our constituents demand.

RECOGNIZING MARCH 8, 2006—INTERNATIONAL WOMEN'S DAY—SPOTLIGHT ON THE PLIGHT OF MINORITY WOMEN—THE HIDDEN VICTIMS OF MULTIPLE-DISCRIMINATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2006

Mr. RANGEL. Mr. Speaker, I rise to say a few words in recognition of International Women's Day and to enter into the RECORD a very profound statement titled "Meeting the Challenges of Discrimination against Women from Minority Groups," authored by Gay McDougall, a human rights lawyer and a United Nations Independent Expert on Minority Issues. In the country and around the world, holidays and special recognition days come and go every year. We all celebrate and/or reminisce briefly to honor the occasions. Many times there are occasions that deserve more than just a cursory acknowledgement. International Women's Day is one such occasion.

March 8th—International Women's Day is a day marked by women's groups around the world. This date is commemorated at the United Nations and is designated in many countries as a national holiday. The idea of an International Women's Day first came about at the turn of the century during a period of expansion and turbulence, booming population growth and radical ideologies. Great strides in women's rights have been made since the turn of century and everyone, especially women, can look back to a tradition that represents at least nine decades of struggle for equality, justice, peace and development. In the present day, women on all continents often divided by national boundaries and by ethnic, linguistic, cultural, economic and political differences continue to come together to celebrate International Women's Day.

The United Nations has played a pivotal role in ensuring that International Women's Day continues to receive their support. The growing women's movement has been strengthened by four global United Nations women's conferences which served to make the commemoration a rallying point for coordinated efforts to demand women's rights and participation in the political and economic process.

Few causes promoted by the United Nations have generated more intense and widespread support than the campaign to promote and protect the equal rights of women. The charter of the United Nations, signed in San Francisco in 1945, was the first international agreement to proclaim gender equality as a fundamental human right. Since then, the organization has helped create a historic legacy of internationally agreed strategies, standards, programs and goals to advance the status of women worldwide.

With so much awareness of the issues facing women in this day and time, one would believe that women have come close to reaching the pinnacle of achievement and recognition in today's society. Yes, great strides have been made but the reality is that new and urgent attention must be given to the rights of women facing multiple forms of discrimination, exclusion and violence. Amongst the most disadvantaged and vulnerable are women from minority communities who face problems compounded by their uniquely disadvantaged positions in society. These women face two forms of discrimination—first because they belong to certain minority communities and secondly because they are women.

This article that I enter into the RECORD today thoroughly exposes some of the challenges of discrimination against women—particularly women from minority groups—and clearly brings the unfinished business of equal rights for women to the forefront. Gay McDougall the U.N. Independent Expert on Minority Issues has written this article to remind us that much is left to do to confront the reality of the present unacceptable situation facing millions of women worldwide.

MEETING THE CHALLENGES OF DISCRIMINATION AGAINST WOMEN FROM MINORITY GROUPS

(By Gay McDougall)

All women share common bonds in the fight for equal rights. In every region and in every society, women are undervalued, face issues of personal insecurity because of violence in their homes and communities, and must wage a constant struggle for self-determination over their bodies and personal destinies. While some gains have been made in those battles, gender based discrimination remains a persistent and universal problem.

However, some women's problems are compounded by their uniquely disadvantaged position in society as members of national, racial, ethnic, religious or linguistic minorities that are targets of discrimination. The damage done to individuals, families, communities and societies by discrimination, exclusion and racism on these grounds is immense. Women from these groups must often fight the patriarchy within their communities along with the patriarchy and racism of the larger community.

On this, International Women's Day, it is incumbent on the international community, to speak out in support for those women whose voices have been silenced and whose lives have been blighted by discrimination, intolerance, exploitation, violence and patriarchal ideologies. Addressing the situation of the most disadvantaged women is a challenge requiring the urgent attention of all of us.

Minorities are often restricted from participating fully or effectively in economic, social and political life. Yet it is women who belong to minority population groups whose choices, opportunities and life chances, are the most restricted, in both public and private spheres. Where minorities suffer poor access to education, health services and employment, it is often the women from those minority groups, whose needs are least recognized, and whose potential remains the least fulfilled. While minorities are the most frequent victims of conflict and genocide, it is the women of those communities who often suffer the most, supporting families under unimaginable conditions, or targeted for rape or killing, due to their status as the most vulnerable of minorities, and the bearers of a new generation. Overwhelmingly, the poorest of the world are disproportionately minority communities that have been subjected to on-going discrimination, yet it is minority women who often bear the greatest burden.

A Roma woman in Europe, for example, may experience complex multiple forms of discrimination, touching every aspect of her life, including her social interactions, her health and work. An Afro-descendent woman in Latin America is also more likely to be poorly educated, to live in the poorest quality housing, lack access to health care and other services, and to work in the lowest income employment. Women in communities affected by caste in some Asian or African nations are often severely disadvantaged and forced to perform the most degrading tasks in society. If such women happen to be unmarried, to have a disability, to be lesbian or a single mother, they may also face additional forms of discrimination.

Action must be taken at the community, national and international levels to address the discrimination and rights violations faced by women from disadvantaged minority groups. In the first instance, this requires recognition that such complex problems, exist. It is often the case that we do not see the most disadvantaged, precisely because of the violations perpetrated against them. They are, in a very real sense, hidden victims.

Socio-economic data that is aggregated hides the problems that minorities face. The increasing practice of disaggregating data along gender lines is revealing the general inequalities between men and women. But only when that data is further disaggregated based on both gender and race, ethnicity or religion, will the problems of marginalized and disadvantaged women come into focus. In order for policies and programs to be effective, the gender lens must be adjusted to reveal the dynamics of colour, ethnicity and religion, so that the plight of these women can become visible through research and statistics.

While reinforcing a clear message of the value of cultural and religious diversity, we must not shy away from addressing those cultural, religious or traditional practices which impair or restrict the full range of choices that women, as humans, are entitle to as rights. Yet calls for the rights and empowerment of minority women should not be seen as a challenge to the cultural or religious identity or heritage of minority communities. The protection and promotion of the rights of women in disadvantaged communities provides a means to realize the full potential that exists within those communities as a whole, in the abilities and efforts of both their men and their women equal in rights and in dignity.

These are not solely problems of the developing world. Minorities and women belonging to those minorities also face unique disabilities in the context of discrimination in the developed world. Trafficking of vulnerable women and girls, for example, many of whom are from disadvantaged minorities, is a manifestation of how the global economy can prey on those burdened with multiple forms of discrimination. These are problems in all countries and issues for all nations to confront together.

I believe that the problems faced by women from disadvantaged minority communities must be tackled both from within their communities and as it is manifested in the larger society. These are problems that must be confronted both by women themselves, and by men, whose attitudes and ideologies are often a root cause of discrimination and inequality. A new challenge exists for those organizations working on women's rights, to fully and effectively address minority rights as they relate to women. Equally, those organizations working on minority rights must pay greater attention to the plight of women within minority communities and the broader society.

National legislation, sensitively conceived, actively promoted, and vigorously applied, can pave the way for social progress, and for real change to the lives of disadvantaged women. Access to effective legal remedies for women is an essential step on this path. Community based awareness raising and practical initiatives must go hand in hand with legal and judicial progress, and have a role to play in the empowerment of women to achieve their potential and to enable them to claim their rights with confidence. Crucially, girls and women from minority communities must have full and equal access to quality education. Education must extend beyond the, classroom, to reach deeply into the fabric of society with a strong and pervasive message of human rights, equality and understanding, which enriches all lives.

As Independent Expert on minority issues, I believe that the issues of the rights of, women from targeted minorities deserve particular attention under my mandate, and by the international community. Across the full spectrum of rights, civil and political, economic, social and cultural, minority women are often the most disadvantaged from birth until death. I will support campaigns to highlight the issues and to find effective and sustainable solutions, confronting the reality of the present unacceptable situation facing millions of women worldwide. True gender equality will only be achieved when it is achieved for all women, not simply the women in advantaged majority communities. And, the rights of ethnic, religious and linguistic minorities will be realized only when the women of those communities enjoy fully their human rights.

SENATE—*Wednesday, March 15, 2006*

The Senate met at 9 a.m. and was called to order by the Honorable JON KYL, a Senator from the State of Arizona.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

King of Kings, and Lord of Lords, we pause today to lift our hearts to You. You are the God of hope who fills us with joy and peace. Thank You for the privilege of serving You as we labor for country.

Today, inspire our Senators with Your presence. Renew their minds, stir their spirits, and warm their hearts. Give them wisdom so that they can alleviate the suffering of the multitudes. Open to us opportunities to touch the lives of others with the spirit of hope we find in You.

Let our lips and lives sing Your praises for the kingdom, the power, and the glory belong to You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON KYL led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 15, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON KYL, a Senator from the State of Arizona, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. KYL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we are returning to the consideration of the budget resolution. Last night, the two managers reached an agreement for a series of amendments that will be debated this morning. Following that debate, we will schedule votes on the amendments debated last evening, as well as the amendments that will be finished this morning. We will likely have the first vote around 1 o'clock today.

We have a joint meeting at 2 o'clock today. Senators will gather in the Chamber and depart at approximately 1:40 to hear the address by the President of Liberia. We would like to dispose of two votes prior to that joint meeting so I ask all Senators vote quickly on the first vote so we have time to do that second vote prior to our departure.

When we return from that joint meeting, at approximately 3 o'clock today, we will start a series of rollcall votes to dispose of the remaining amendments from the list agreed to. We continue to work toward an agreement for consideration of the debt limit extension. We may turn to that bill later today as well.

I will say again that we have a lot to do. We have the budget resolution and the debt limit extension, both of which we need to complete this week. We will stay as late as necessary today, tomorrow, Thursday night, Friday to complete these two issues. I encourage Senators to show as much restraint as possible to allow us to finish at the earliest possible time.

I am happy to yield to the Senator from Alaska.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

HONORING MAGGIE INOUYE

Mr. STEVENS. Mr. President, words cannot express the sadness that my wife, Catherine and I felt when we learned Maggie Inouye had passed away.

Maggie was truly DAN's partner in life. Their courtship and marriage was a love story for the ages.

As so many of us did during World War II, DAN put his education on hold to serve his country. When he met Maggie, DAN was finishing his undergraduate degree at the University of Hawaii. He knew instantly he wanted to marry her. On their second date, they were engaged.

From that point on, Maggie was a constant source of support and friendship for DAN. She had a gift for teaching and a way with words. Maggie worked as a university speech instructor while DAN was finishing college. Many have praised DAN's speeches on the Senate floor, but few know Maggie had a hand in our good friend's eloquence. As Frank Fasi, the former mayor of Honolulu, once said, "If anyone was responsible, she was responsible for [DAN's] wonderful oratory."

When DAN decided to go into politics, Maggie supported him, listened to him, and campaigned for him.

When DAN was elected to the House of Representatives in 1959, Maggie came to Washington with him to help serve the people of Hawaii. It could not have been easy to leave her family and friends in Hawaii behind, but Maggie was a devoted wife—and in her own, quiet way, a devoted public servant.

In his autobiography, DAN tells the story of the day he was elected to the Senate. It was Election Day in 1962, and DAN and Maggie had gone to the polls. As they walked toward the voting booth DAN asked Maggie, "How do you think you'll like being a Senator's lady?"

Maggie looked at DAN and said, "Being DAN INOUYE's lady is what's important. The rest is just extra."

That story really tells you who Maggie Inouye was. She was an elegant woman. Her love for DAN was absolute, and she was completely devoted to him.

Maggie lived her life with great dignity, grace, and optimism. It was these qualities that drew DAN to her 58 years ago. Even illness could not dampen her spirit.

Catherine and I extend our deepest sympathies to DAN, their son Kenny and his wife Jessica, and Maggie's five sisters. Maggie will be sorely missed by all who knew her.

As everyone can tell, I too have a mentor in my wife Catherine. Dr. Lindsey Hayes helped me prepare these remarks.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDENT pro tempore. In my capacity as a Senator from the State of Alaska, I ask the calling of the quorum be rescinded.

Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of Senate Concurrent Resolution 83, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 83) setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

Pending:

Specter amendment No. 3048, to increase the advance appropriations allowance in order to fund health, education and training, and low-income programs.

Stabenow amendment No. 3056, to provide $5 billion for our emergency responders so that they can field effective and reliable interoperable communications equipment to respond to natural disasters, terrorist attacks, and the public safety needs of America's communities, and fully offset this by closing tax loopholes and collecting more from the tax gap.

Menendez amendment No. 3054, to provide an additional $965 million to make our ports more secure by increasing port security grants, increasing inspections, improving existing programs, and increasing research and development, and to fully offset this additional funding by closing tax loopholes.

McConnell amendment No. 3061, to provide funding for maritime security, including the Container Security Initiative, improved data for targeted cargo searches, and full background checks and security threat assessments of personnel at our nation's seaports.

Byrd amendment No. 3062, to provide $184 million over five years for the Mine Safety and Health Administration to hire additional mine safety inspectors, paid for by closing corporate tax loopholes.

Chambliss (for Dayton) amendment No. 3018, to restore funding for the Byrne/JAG grant program to the FY 2003 level of $900 million, offset with an across the board cut to administrative expenses, travel and consulting services.

Murray amendment No. 3063, to restore funding for the Community Development Block Grant Program to the fiscal 2004 level by closing tax loopholes previously slated for elimination in Senate-passed legislation.

The PRESIDENT pro tempore. The Senator from Arizona is recognized.

AMENDMENT NO. 3068

Mr. KYL. Mr. President, I thought the chairman of the Committee on the Budget, Senator GREGG, might give us a little bit more texture about the order of the day, but I think the majority leader pointed out what the schedule is going to be. The first amendment, as I understand that is to be laid down, is an amendment which I now ask unanimous consent to call up.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. CORNYN, proposes amendment numbered 3068.

Mr. KYL. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To designate $2 billion in immigration- and homeland security-related funding for interior enforcement purposes, including, but not limited to: federal detention bed spaces and personnel; implementation of an expanded and user-friendly Electronic Employment Verification System; and, additional worksite enforcement personnel, including additional immigration enforcement agents, forensics auditors, fraud agents, intelligence research assistants, employer outreach assistants, and others)

On page 24, line 24, increase the amount by $2,000,000,000.

On page 24, line 25, increase the amount by $2,000,000,000.

On page 27, line 23, decrease the amount by $2,000,000,000.

On page 27, line 24, decrease the amount by $2,000,000,000.

Mr. KYL. Mr. President, I ask unanimous consent Senator CORNYN be added as an original cosponsor of this amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. By way of brief explanation, this amendment adds, with an offset from the function 920, a total of $2 billion to the fiscal year 2007 budget for the purpose of additional immigration and Homeland Security resources. The actual tally of costs that we are probably going to have to bear exceeds this amount. But in effect, this will be a downpayment toward the necessary work to be done in beginning to prepare for a temporary worker program, a worker eligibility or verification program and other elements of a comprehensive immigration reform that would be necessary to fit together once the Senate acts and the House acts on such a system.

In addition, funding that could be included within this $2 billion is the State Criminal Alien Assistance Program, or SCAAP funding, which the budget currently does not fund but which historically has been funded at up to about $600 million. Last year, it was a little more than a third that much. Clearly, Congress needs to act to reinstate the funding for the SCAAP program. This amendment can accommodate that funding as well.

Let me list the primary elements of this particular amendment that funds programs necessary to begin the development of the worker verification program in connection with comprehensive immigration reform.

One thing we need to do is to implement an electronic employment verification system and clean up the Social Security database and reissue a secure Social Security card and number to workers in the United States as the primary method of verifying worker eligibility. That is going to require not only work to clean up the database itself but a broadening of the current basic pilot program which is the only program currently in existence that can electronically verify employment. The Congressional Budget Office has estimated it will take about $450 million to erect the system and, in effect, to make the basic pilot program through the Department of Homeland Security mandatory, rather than discretionary, over a period of 5 years, about $90 million each year.

The Social Security Administration has estimated costs with regard to creating a system to produce a secure Social Security card and distribute that. Those costs vary widely in terms of the estimates. One estimate that could be made, based upon information that has been provided, would provide a cost of about $1.14 billion a year to actually get this entire system up and running. That cost, or part of that for 1 year could be included within the $2 billion that is specified in this amendment.

Second, we are going to need worksite enforcement personnel. One of the areas that has been neglected in the current enforcement regime is the following up or auditing of employers who, in many cases, are employing illegal immigrants. The Bureau of Immigration Enforcement, responsible for enforcing immigration laws at the worksite, has requested 200 full-time employees, about a $23 million expense in 2005. In 2006, an additional $18 million above the 2005 level, and the 2007 budget requests $47.1 million for worksite enforcement to add 206 agents and support staff for this effort.

However, there are clearly a lot more requirements to be met. Some 24 million business entities file income tax returns and the number that can be checked is far less than that.

So it is clear we need additional administrative personnel so the auditing can be done and we can lay the basis for a workable worksite verification and enforcement program. Any immigration bill that passes the Congress this year will fail unless the requisite number of worksite enforcement personnel is actually funded this year.

Let me just restate that. Whatever we do this year, we are going to have to begin the process of adding the personnel, so that once we act, we can begin to enforce whatever it is we pass. If we wait until after the President signs a bill into law to do this, then there will be at least a year delay as we ramp up the personnel and necessary other systems to implement the law. So we need to begin this process now.

There is a potential to fund additional Border Patrol agents that would be authorized under the program. There is, importantly, an estimate to increase the amount of detention space that we are going to need that could be funded from this.

The 2007 budget for the Department of Homeland Security requests over $400 million to add about 6,700 additional detention beds, rather than the

8,000 beds currently authorized each year, which would bring the total to 27,500. Clearly, at least 10,000 additional beds over the next 5 years are going to be needed.

Let me explain the primary reason for this. The illegal immigrants who are apprehended here, who come from countries other than Mexico, cannot easily be returned to their home countries in every case. In fact, in most cases, there is quite a delay. In fact, in some cases, the countries will not even take them back. Clearly, either those people have to be detained until they can be removed to their home country or they are released into our society.

The current policy has been one of "catch and release," which means hundreds of thousands of people who come from countries other than Mexico—many of them from countries of special interest; in other words, countries from which terrorists have come—are simply melding into our society, never reporting for removal. It is an unacceptable situation, everybody recognizes.

In order to have the space to detain them until they can be removed to their home country, we need to appropriate additional money. This provides the authorization for that additional detention space.

Finally, Mr. President, I mentioned the State Criminal Alien Assistance Program. The estimated cost to reimburse the States—about 30 cents on the dollar—is $700 million this year. This funding provided for in this amendment would enable us to provide that funding to the States and to the local governments, which have had to carry the burden of housing these illegal immigrant criminals, people who have been convicted in State courts of crimes, and then the States have had to pay the expense of their incarceration. The Federal Government has in the past deemed there is at least some responsibility to help bear these costs. I think this amendment can go a long way toward meeting this responsibility.

This additional $2 billion in no way covers all of the expenses that would need to be covered. But in addition to that which is already provided for in the budget—I have to take one second to compliment the chairman of the Budget Committee and the ranking member for their hard work to gain additional resources in the budget for a variety of programs to deal with comprehensive immigration reform. Their additions this year are historic and welcome and needed. What this funding does is to complement that in some additional areas they have not covered so we can get a start on comprehensive immigration reform and not be lagging behind 2 or 3 years simply because we did not anticipate the kind of expenses that would be needed to make such a program work.

So I compliment the members of the Budget Committee for their hard work. I think this amendment should be accepted as an additional complement to what they did.

Mr. President, I yield the floor at this time and hope to hear from my cosponsor, Senator CORNYN from Texas.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Texas.

Mr. CORNYN. Thank you, Mr. President.

Mr. President, I congratulate the Senator from Arizona for his tremendous leadership in this area. I wish to detail some of that leadership and some of the work he has done. I have been proud to work with him.

I think what the amendment really helps to do is to serve as a wake-up call, a wake-up call to the Senate, a wake-up call to the Federal Government, and really a message that is being delivered day in and day out by people in my State and people all across America, who say they are sick and tired of the Federal Government not living up to its responsibilities when it comes to securing our international borders.

We all know in minute detail how porous our borders are, and we know that in the past the American people have been asked to accept solutions—like amnesty in 1986—on the condition that the Federal Government would provide a means whereby employers could determine the eligibility of prospective employees to work legally in the United States. But while the American people were given an amnesty program, legalizing roughly 3 million individuals, the Federal Government did not provide the means for employers to determine whether that prospective employee could legally work in the United States.

The Senator from Arizona mentioned the basic pilot program which was supposed to be the means to that end, but it was a purely voluntary program, and thus employers were left with a conundrum. They needed the workforce, but they did not necessarily have access to a means to determine the legal status of prospective employees. So what they relied upon were oftentimes what turned out to be fake identification, whether driver's licenses, Social Security cards, passports, or the like. We do not expect the employers in this country to try to be FBI agents or to conduct an independent investigation as to the legal status of prospective employees.

What this amendment will do is two important things. No. 1, it will begin to cause the Federal Government to step up to finally begin to provide the resources necessary to have a bona fide electronic verification system. But perhaps more importantly, it will demonstrate the seriousness of the Federal Government to finally live up to its responsibilities.

The people across America, the U.S. Chamber of Commerce—we are hearing a lot from sectors of the employment community saying they need a temporary worker program, a guest worker program. I think we all acknowledge it is important for us to determine who the 10 or 11 million people are who are currently in the country who have come here, perhaps legally in the first instance, but at least 40 percent of them have outstayed their visas and are currently out of status or people who have literally walked across or swam across the Rio Grande River to come here.

But in a post-9/11 world, there can be no doubt we must know who is in our country and what their reasons are for being here, so we can cull out the criminals, the people who come here to do us harm, and including the potential prospects of terrorists exploiting these known vulnerabilities in our way too porous border. So we need a national strategy to deal with that.

As the current occupant of the chair knows and the Senator from Arizona knows, as members of the Judiciary Committee, we are working hard to try to come up with a solution to this extraordinarily complex problem. The difficulty is compounded by the fact that, here again, we are playing catch-up.

But the purpose ultimately served by this amendment as well as the budget resolution that is pending on the floor—and the Senator from Arizona rightly praised the chairman of the Budget Committee for moving funds into building infrastructure along our border—the American people need to know we are making a firm and solid commitment to do whatever it takes to make this system work and to finally bring it under control. Because people are not going to accept the bait and switch that essentially was foisted upon them in 1986, when they said take an amnesty, and then, on the condition we will have an employer verification system, we will actually sanction people for hiring people who cannot legally work in the United States. I do not think people will be fooled again. I certainly do not plan to be part of that.

I know there are many in Congress and in the Senate who are absolutely committed to coming up with a solution to this problem. It is not easy. But again, I do not believe the American people or our constituents sent us here necessarily to do just easy things. They expect us to come here and do more than go to receptions or meetings at the White House. They actually expect us to do some real work. But it is going to take some real work, and it is going to take some real money to finally make the investment the Federal Government has to make in order to bring this broken system under control.

So I gladly join as a cosponsor of this amendment and ask for the support of all of our colleagues for this very important step forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me say on this side we agree entirely with the need to put more resources into enforcing the border. And that part of the Senator's amendment on our side we strongly support.

Let me just register, as I have registered on previous amendments, that the problem I see with this amendment is how it is paid for. It is paid for out of section 920. But there is no money in section 920. We keep passing amendments that are theoretically funded by that source. But before we started voting for additional amendments taking money out of 920, 920 was already $500 million underwater.

So what happens? What is the practical effect? The practical effect is that there will be an across-the-board cut on all discretionary accounts. We have now passed $10 billion in amendments that will be funded by across-the-board cuts in discretionary accounts. That means we will reduce homeland security, we will reduce law enforcement, we will reduce national defense in order to pay for these amendments which are theoretically funded out of 920 because there is no money in 920.

So what we are left with is, at the end of the day, the appropriators had $873 billion before this amendment, and after this amendment they will have the same amount of money—$873 billion. If they are to use more money within that allocation for this purpose, they will simply have to reduce the other discretionary accounts. Of course, the biggest one is defense. They will have to reduce homeland security. They will have to reduce law enforcement. They will have to reduce the others. That is the practical effect.

I know there are a whole series of other amendments that use 920 as a funding source, when there just is no money in 920. So at the end of the day, what is going to happen is there will be an across-the-board cut in all domestic accounts, and that will include defense, that will include homeland security, that will include law enforcement. So that is the practical effect.

The hard reality is, we had $873 billion for the appropriators before this amendment. After this amendment, we will have that same amount of money for the appropriators. They will ultimately have to decide how it is funded.

With that, I want to indicate we would be willing to take this amendment on a voice vote, if the Senator from Arizona would be willing to so do.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I certainly am.

Let me, first of all, say I think the comments of the ranking member of the Budget Committee are entirely appropriate, and they are absolutely accurate. It is a matter of setting priorities.

And to the point that we are requiring the appropriators to engage in a very difficult job of setting those priorities and having to choose between different programs, I certainly take his point. He is 100 percent right. It is our view that, of course, among the highest of priorities is national defense, homeland security, and this is part of that.

We hope to work with him and with the members of the Appropriations Committee to try to make sure the priorities are established in the appropriate way. I do appreciate his cooperation here, and we are ready to take the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3068) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. The regular order is now to go to Senator NELSON, is that correct?

The PRESIDING OFFICER. The regular order is the amendment by the Senator from Iowa, Mr. GRASSLEY.

Mr. NELSON of Florida. Will the Senator from North Dakota yield?

Mr. CONRAD. I am happy to yield.

Mr. NELSON of Florida. I would proffer a unanimous consent request that since the Senator from Iowa is not able to be here right now—it is my understanding he is delayed in traffic—I be able to proceed by offering my amendment.

Mr. CONRAD. Mr. President, Senator GREGG and I have an agreement that neither one of us do unanimous consent requests without the other informed or on the floor. I have been told by his staff that it is OK with Senator GREGG. With that assurance, I have no objection. I thank Senator NELSON very much for being here to expedite the business of the Senate. It is gracious of him to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. I ask unanimous consent that the next amendment be my amendment instead of the regular order of the Grassley amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3009

Mr. NELSON of Florida. I call up amendment 3009.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 3009.

Mr. NELSON of Florida. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund to protect medicare beneficiaries who enroll in the prescription drug benefit during 2006)

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND TO PROTECT MEDICARE BENEFICIARIES WHO ENROLL IN THE PRESCRIPTION DRUG BENEFIT DURING 2006.

The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or conference report thereon, that would—

(1) extend the annual open enrollment period under the Medicare prescription drug program under part D of title XVIII through all of 2006 without imposing a late enrollment penalty for months during such period; and

(2) allow a one-time change of plan enrollment under such program at any time during 2006;

by the amount provided in such measure for those purposes, provided that such legislation would not increase the deficit for the period of fiscal years 2006 through 2011.

Mr. NELSON of Florida. Mr. President, this is the deadline amendment on the Medicare prescription drug, Medicare Part D, that the Senate has heard about now over the course of the last 6 months. Each time we have been in a parliamentary procedure where we have been able to receive a majority of votes, in excess of 51 votes, but because of the parliamentary procedure we have found ourselves in, a 60-vote majority was required. Not so today. This amendment can pass with a simple majority vote, according to how many Senators are here, whatever is the simple majority.

It is an amendment all of our Senators have been hearing a lot about. As we have gone home to our States, clearly every Senator has received an earful from senior citizens of their States in which the seniors have not only implored but in some cases begged for an extension of the May 15 deadline for signing up for the Medicare prescription drug benefit.

Why? Why are senior citizens confused and bewildered and, in some cases, frightened? They are confused because they are facing a multiplicity of plans. For example, in my State of Florida, 18 companies are offering 43 stand-alone plans, 43 prescription drug plans that a senior citizen is to try to make a determination about which is the best for them according to the prescription drugs they need. They are confused and bewildered and, in some cases, frightened. Why are they frightened? Because they know if by the deadline they don't make a choice, they are going to be penalized 1 percent of the overall drug premium prices per month or 12 percent a year.

Indeed, the Congressional Budget Office, in determining what is the cost of this amendment over 5 years, has taken that into account and has said it is going to be an additional cost on average to a senior citizen of 6 to 7 percent. Our senior citizens cannot afford that. So they are frightened.

They are also frightened in knowing if by the deadline they are confused and they pick a plan hastily in order to satisfy the deadline, they know if they happen to choose the wrong plan, they are stuck for a year. That causes considerable consternation and fright, because the medicines they take often are life giving. And thank the good Lord, we have progressed to the point that now the miracles of modern medicine through prescriptions have become an opportunity for us to have a much higher quality of life. A lot of the ailments that afflicted us 20, 30, and 40 years ago that had to be dealt with in a hospital by surgery and hospital procedures today can be taken care of, in large part, by prescription drugs. Naturally, senior citizens are confused. They are bewildered and, in some cases, they are frightened.

Every one of the Senators here has been hearing from their folks back home who are saying: Help us. Yet this body has taken a position. We are looking out for Medicare instead of looking out for the people Medicare serves. It is the beneficiaries of Medicare, the senior citizens of this country, we ought to be looking out for. So we have had this issue twice in front of us with a majority vote. We are going to have another opportunity today.

The stakes are high because simply we need to provide our seniors with the time and the resources they need to make an informed decision. In some cases, this is a matter of life or death, especially for those who are frail. How do we expect an artificial deadline to be handled with someone who has the onset of dementia?

Further complicating matters, the Medicare prescription drug benefit has been marred by implementation problems. These appear to be widespread, and they are clearly adversely affecting vulnerable beneficiaries. How many news stories have all of us read that talk about the senior citizen who is distraught because they go to the pharmacy and the pharmacy says: Your particular prescription is not on the formulary of the new plan. We saw that in what is called dual eligibles, in the shifting of Medicaid recipients over to Medicare. Hopefully that is going to be worked out, but it is all a part of this implementation of a new program that is having difficulty. Hopefully we will get it right, but we need to give senior citizens a break and not hold them with the guillotine over their head with an artificial deadline of May 15.

If we pass this amendment by delaying the late enrollment penalties and giving every beneficiary a chance to change plans once during the first year of the prescription drug benefit, then we can make sure our citizens are not going to have to make hasty decisions.

This amendment that I offer on behalf of a bipartisan group of Senators, including Senator SNOWE of Maine, instructs the Senate Finance Committee to extend the annual open enrollment period under the Medicare prescription drug program through all of 2006 without imposing a late enrollment penalty and to allow a one-time change in the plans at any point in 2006.

We are going to hear some Members oppose this amendment by saying that the Congressional Budget Office recently rescored the cost of extending the deadline. When the amendment was here before us a month or so ago, CBO had scored it at about a $300 million cost over 5 years. CBO now says it is going to cost $2 billion over 5 years. It is important to note that the new score by CBO is mainly due to the fact that the enrollment program has gone so poorly. The new cost reflects the fact that 10 million fewer people will be signing up for the drug benefit than previously estimated. That is not the senior citizens' fault. Why should they be penalized by saying this is going to cost more when, in fact, it has had such a problem in its implementation and it is not quite as attractive to seniors as the administration had once thought?

According to CBO's new estimates, if we extend the deadline for signing up through all of 2006, 1.1 million more beneficiaries will sign up before the end of the year. In addition, 10 million beneficiaries will pay lower premiums because they will have fewer penalties. So on the one hand, CBO is saying it is going to cost more because the enrollment program has gone so poorly, but on the other hand, the Congressional Budget Office is saying, indeed, if we extend it, we are going to have more beneficiaries sign up, over a million more, they are saying, will sign up if we extend the deadline. And they are saying the beneficiaries who sign up—they are estimating 10 million—will pay lower premiums because they will have fewer penalties. What Senator would want to vote against this amendment and, therefore, increase the cost to the senior citizens?

By opposing this amendment, if, indeed, the chairman of the Finance Committee, Senator GRASSLEY, is going to oppose it, it would seem that those who would oppose would suggest that you don't want to allow an additional million beneficiaries to enroll in the program. I would think we would want to enroll everybody as much as possible. And why would we want to punish 10 million beneficiaries with higher premiums through penalties?

It is kind of arcane language but also, according to the Congressional Budget Office, they have reevaluated the cost of the Medicare prescription drug benefit, and it is now projected over the next 5 years, the overall program, to cost $5 billion less than originally estimated by CBO. They also say by extending the deadline, it is going to cost another $2 billion over 5 years. That means that net, it is going to be costing $3 billion less than originally anticipated. So in every way we look at it, it is a win-win.

It is a win for the seniors. It is certainly a win for the seniors in taking them out of the confusion and bewilderment. It is a win for the seniors in them not paying more on their premiums with the penalties that the CBO estimates. And it is also a win in that the overall cost of the program would be net less than what it was originally expected to cost.

This is a time-limited, very important step which would help ease the pressure of the first year of this new drug program. So I think it is time that we now go on the record with a majority vote and pass the extension for the relief of our senior citizens.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I have some points I would like to make. Before I do that, I will respond to a couple of points that the Senator from Florida made. One was his speaking about the bewilderment among seniors about the program. I would say that a great deal of the bewilderment comes from the confusion that people have because of the rhetoric of people who don't like this plan and have tried to kill it with rhetoric because they didn't have the votes on the floor of the Senate. That has not created a very good environment.

On the other hand, I can say that at my town meetings—I held 16, Monday through Thursday, during our last break—people who came expressed some wonderment about exactly what program to get into. But people who also had already selected a program gave very positive comments about the benefit of the program to them.

The other point I would like to make, Mr. President, is the point that was made that maybe the cost is coming in less than what was anticipated because not enough seniors are coming in. I think it is very clear that the reason this is costing $8 billion less than what 3 years ago CBO estimated it would be for this year is because of the competition. As a conferee, as I was going through ironing out the differences between the House and Senate on this bill, we were very nervous that our anticipation of the premium being $37 a month, on average, might end up being much higher. And we, as writers of this legislation, would be embarrassed about that.

Competition has brought that premium down to $25. Instead of $37, the average premium is $25. We were estimating that there would be all sorts of savings from competition because we were patterning this program after what the Federal Employees Health Benefits Plan had been for 4 years. It worked so well for Federal employees, we felt it would work very well for seniors, and it is working very well in this respect for seniors. But we estimated there would be certain savings.

Quite frankly, we were nervous about whether these savings would materialize. But they did materialize—to the point of adding up to that $8 billion that I have referred to. But with specific drugs—we have drugs and pharmacists coming in under these plans—brand-name drugs are coming in on an average of 18 percent less than otherwise in a pharmacy. If it is mail order, it is about 26 percent less. In the case of generics bought at a pharmacy, it is 55 percent less, and for mail order it is 66 percent less.

So I suggest to the Senator from Florida that enrollment has nothing to do with it. The savings are coming because competition is working.

Now, another confession we have to make is that as we were writing this bill, we wondered whether we would have enough plans sign up so we would have this competition that works so well in the Federal Employees Health Benefits Plan—even to the point where we decided we needed a backup plan. Just in case only one plan signed up, we would make sure the Government set up a competitive plan so that there would be some choice for our seniors. We ended up with lots of plans, and we hear from the other side there are too many plans. Well, the marketplace brought plans in and drove down the price. Some of these plans are going to get out because the marketplace is going to drive them out. Hopefully, we still have plenty of choice when this all happens. But competition is working.

Now, also, I hear the rhetoric about too many plans being confusing. I just read in the newspaper in a whole other area, but to throw it out for comparison. I heard that in regard to people signing up for health savings accounts—HSAs—you have to have a catastrophic insurance policy go with it. There are 96 companies selling catastrophic policies. Yet we have had 3 million Americans sign up in less than a year for catastrophic policies. I don't know whether it is confusing to them or not, but they are joining. That is twice as many plans that are available. We don't hear people complaining about too many plans out there for health savings accounts.

So I don't know why—except for rhetoric to gain political advantage—we talk about too many plans out there for seniors. The more plans, the more choice.

Do you think Congress has the ability to write one plan that is going to fit the needs of 44 million seniors and disabled people? First of all, if you did that, it would have to be mandatory. If you make it mandatory, it would be evidence that you never learned a lesson from the last time we tried to extend Medicare and make it mandatory when we put a catastrophic program in in 1988 or 1989, which passed this body—I don't know—it was a closer vote than it was repealed.

But when you go home to the grassroots of Iowa, and every other State in the Nation, there is an uproar because it was mandatory and people had to pay for something they didn't want to use. And in a year or two it was almost unanimously repealed by this body. So we believed it ought to be voluntary, and it is voluntary. So if you don't want to join, you don't have to join.

But if you want to join, everybody has different needs and desires and you ought to have some choice, just like Federal employees have. If it has worked 40 years for Federal employees, it seems to me that it is a pattern that we ought to have enough respect for the seniors of America to give to them.

Mr. President, I would like to go to the issue before us, an issue that we have discussed before, not an issue that I entirely disagree with the Senator from Florida on because I don't know what the situation is going to be by May 15. But I know if you had an amendment up to extend the deadline for filing income tax on April 15 and you moved it to May 15, everybody would be going to the post office on May 15 to drop in their income tax forms, and I would be one of them. Americans procrastinate until the last minute. Some are going to procrastinate until the last minute on joining one of these plans.

The extent to which people benefit from this plan, particularly lower income people, because it is highly subsidized—up to 98 percent—it seems to me the extent to which you want to give them more leeway, you are not being very humane to them if they can benefit from the program today instead of tomorrow.

So you may be right, but today you are not right. You may be right on May 1. Maybe your timing is off. Maybe I am conceding too much. My staff will probably tell me when I am done I was too good to you, that you are too right. But there are other ways of doing what you want to do, and I am going to suggest a way. You are probably going to disagree with it.

Before I get to that point, I want to give some background. The amendment by Senator NELSON is going to extend the open enrollment period. Information on the Medicare prescription drug benefits first became available last October, and then the open enrollment period began November 15. So today the open enrollment period has been going on for 4 months, and there are still 2 months left before open enrollment ends on May 15.

I personally think that enrollment is going well. About a quarter million people—250,000 beneficiaries, in other words—enroll each week. Enrollment in stand-alone plans in my State of Iowa increased by 71 percent between January and February. At this rate, Medicare is on a track to reach the goal of 28 million to 30 million beneficiaries with coverage by May 15.

I think making decisions about one's health care can, in fact, be difficult. That is why information about the available plans went out way back in October. That is why beneficiaries have 6 months to make a decision. That is why there are many resources to help beneficiaries learn about their options and make their decisions. That is why beneficiaries can change their plan choice once before May 15. But that said, I know there is concern that beneficiaries may need more time. So the amendment I am offering would grant the Secretary of Health and Human Services the authority to extend the enrollment period. We are just 2½ months into this new benefit—the first expansion of Medicare in 40 years.

Personally, I think it is premature to change this date. So I offer this amendment as a compromise. The amendment would grant the Secretary definitive authority to extend the enrollment period. It would waive the application of the late enrollment penalty, and it would extend beneficiaries' rights to change their plan, and to change it once. Despite the rhetoric that we constantly hear around here, I hope everyone wants this benefit to be successful.

I know there have been some disappointing startup problems, especially for some of our Nation's most frail and vulnerable beneficiaries. But what would you expect when, on January 1, you have 44 million people rushing into a brand new Government program? There are obviously going to be some roadblocks, when people sign up on December 31 and go to the drugstore on January 2 to get drugs under a plan that you are trying to squeeze 44 million Americans into. It is quite obvious that there would be some problems.

I think the administration has made great progress in getting these problems solved. The Secretary of HHS has sat down with our committee on three occasions to hear both Republicans and Democrats, to listen to what the problems are.

I think it is mutually agreed that there were about seven areas where there were problems. The question I asked three times was: Is there any change in law that is necessary for the Secretary of HHS in order to grapple with these problems? And the Secretary said, no, he had ample authority to do that. He pointed out to us the seven problems. He pointed out to us how he was going to solve those problems. Between meetings, he gave us updates on progress being made toward solving those problems.

So I think we have a Secretary of Health and Human Services and we have a director of CMS who are working more than full time, and a lot of these problems, quite frankly, are simply the technicians it takes to make sure the computer software is working right.

What is the problem?

The PRESIDING OFFICER (Mr. VITTER). The Senator will note that the time on this amendment has expired, although the amendment of the Senator from Iowa is next in line and it would be appropriate to proceed to that amendment.

Mr. GRASSLEY. Mr. President, I think we have a Secretary who is working hard on it. There are problems, but at the same time, we are writing a million prescriptions a day without incident. Beneficiaries are saving a lot of money.

I spoke with the Senator from Florida about how the average premium is now $25 a month, 20 percent lower than we first projected. I spoke with the Senator from Florida about the lower drug costs, saving the taxpayers dollars as well. Just this year, the benefit, as I said, will cost $8 billion less than originally thought. The 10-year cost has dropped by $180 billion.

I heard from a couple in Iowa who are saving nearly $2,800 a year. Another Iowan is saving $1,750 a year. And here is another one. A person from Massachusetts is saving $17,000—$17,000—a year on medicine because they are participating in this program.

Getting this level of savings depends on strong competition among the plans, and we have that. Many people will remember the skepticism on whether many plans would participate at all. Some would say that we have too many choices and that is why beneficiaries need more time. Those choices, in fact—let me put it this way: It is not just choices, but because of choice, we have competition keeping premiums low, and they are letting people pick the plan that best suits their medical needs.

My amendment strikes an effective compromise, I believe, to Senator NELSON's amendment, which is before us. Senator NELSON's amendment calls for a unilateral extension of the enrollment deadline right now, and it would extend it until the end of the year and into the enrollment period of next year.

As I said, I think it is premature to make that decision now. Some people think 6 months is not enough time to make a decision on a plan. Yet millions are enrolling even now.

Many people are also concerned about the late enrollment penalty. This penalty is modeled after the way Medicare Part B has worked since its origination in 1966. There is a late enrollment penalty in Part B that anybody who doesn't sign up for it when they get to be 65 will pay, and that is there to encourage people to enroll early and to think of Part B as not some Government program, just a Government program, but to see all of this—whether it is Part B or it is Part D, as in drugs—as an insurance policy.

People who are 65 today thinking about signing up for the Part D drug program under Medicare may be very healthy and may think they have never taken a pill in their life and that they will never take a pill, but that is today when they are 65. They are not going to know what their health needs are when they are 70 and maybe get sick and have to take a lot of medication.

It is a little bit as if you were never going to have a car accident, you would never buy car insurance. If you were never going to have a fire in your house, you would never buy fire insurance. But Americans see insurance as a very useful tool, a necessary tool to manage their risks, and our seniors and disabled people ought to see this as an insurance policy, maybe not needed today, but that will be needed some day, and they ought to be enrolled.

Obviously, if you didn't have that penalty in Part B and now in Part D, the drug part, then who would ever sign up until the day before they have to buy their first pill, just as you would not buy your car insurance policy until the day before you were going to have a car accident.

So I hope people see it as a good investment, as an insurance policy, as it has been for Federal employees for the last 40 years.

The late enrollment penalty is designed to encourage enrollment, and as with other coverage of insurance, it spreads these costs across many enrollees. The more people enroll, the lower the costs are for everyone.

So if the Senator from Florida wants to keep these costs continually low, get more people under the umbrella, sell an insurance policy, as he has been so successful selling people on the importance of keeping Senator NELSON in the Senate.

The open enrollment creates an enrollment deadline. The deadline that is involved in the open enrollment period encourages people to act, to get the protection against unexpected drug costs. We all know that people sometimes wait until they need coverage to get it. It would be the same as if only people with a burning house get fire insurance. If you waited until the day before your house was going to burn down to buy fire insurance, fire insurance would be awfully expensive. That leads to higher costs for everyone.

For the same reasons then, there is an enrollment period and a late enrollment penalty under Medicare Part B, not at all a new idea. The premise of the Nelson amendment is that Congress needs to override that 6-month open enrollment period and make it even longer. The Nelson amendment would do that today even though enrollment is on track. It would extend the open enrollment period now even though we don't know whether it will be necessary 2 months from now. It presupposes a bad outcome to the enrollment of Part D of Medicare. It plans for failure, and I think this plan, particularly with how successful the competition is, for failure is wrong.

Frankly, I think Senator NELSON's amendment has the potential to do more harm than good, regardless of his good intentions. Without the pressure of that May 15 deadline, many beneficiaries may forgo savings by putting off their decision.

Now, it may turn out that the enrollment period needs to be extended, as I said in my first remark to my colleague from Florida. And if that is the case, then my amendment would give the Secretary the authority to do that right away. No further congressional action would be needed.

Under my amendment, if in 2 months the Secretary determines the enrollment period should be extended, if enrollment is lagging, for example, then he has clear authority to do that.

My amendment would also automatically delay the late enrollment penalty if the enrollment period is extended by the Secretary of HHS.

My amendment would provide the funding needed to continue the open enrollment period. This funding is needed to continue the round-the-clock operations of the 1-800 Medicare number, and the expanded operations for that open enrollment period.

I close this debate by reading an editorial from the New York Times in 1966. This was an editorial about the implementation of the original Medicare Program we have had on the books since 1966. A quote from the New York Times:

> But as Medicare gets underway, the danger is that the strains on it will generate pressures for unsound change. They will come from those who will be disappointed because they have been led to expect too much as well as from those who see failure in every shortcoming. Changes will come in time, but they should be made on the basis of Medicare's own experience. This great new experiment must be given ample time to get over its growing pains.

Those growing pains for Part D Medicare are now just 2½ months old. So I go back to the first sentence, for the consideration of my friend from Florida, "that the strains on the system will generate pressures for unsound change." I think his is an unsound change. This quote speaks volumes about our current situation with Part D Medicare.

I urge my colleagues to support my amendment and to oppose the Nelson amendment.

Mr. President, do I have to ask to have a previous amendment set aside in order to send my amendment to the desk?

The PRESIDING OFFICER. No, but the Senator should seek consent that the time already used be charged against this new amendment.

Mr. GRASSLEY. You mean the time I used off the bill.

The PRESIDING OFFICER. Correct.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that time be charged to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3073

Mr. GRASSLEY. I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 3073.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund to allow for deficit-neutral legislation that would provide for an extension of the Medicare part D enrollment period)

At the end of title III, insert the following:

SEC. . RESERVE FUND FOR EXTENSION OF THE MEDICARE PART D ENROLLMENT PERIOD.

If the Committee on Finance of the Senate reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) authorizes the Secretary of Health and Human Services to extend the initial open enrollment period under part D of title XVIII of the Social Security Act beyond May 15, 2006;

(2) provides funding to the Centers for Medicare & Medicaid Services and the Social Security Administration for the purpose of conducting enrollment activities for the period of any extension of the initial open enrollment period;

(3) waives the application of the late enrollment penalty for the period of any extension of the initial open enrollment period; and

(4) permits beneficiaries to change their enrollment election in such part D once during the initial open enrollment period, including throughout any extension of the initial open enrollment period;

the Chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

Mr. NELSON of Florida. Mr. President, will the Senator yield for a question about this amendment?

Mr. GRASSLEY. Let me get a copy of my amendment.

The PRESIDING OFFICER. The Senator from Iowa has control of the time.

Mr. GRASSLEY. Mr. President, I will yield to whatever the Senator wants me to listen to.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I want to ask the distinguished Senator from Iowa, does his amendment waive the penalties to senior citizens or does it give the Secretary of HHS discretion to waive the penalties?

Mr. GRASSLEY. Mr. President, to the Senator from Florida, Mr. NELSON, if the Secretary extends the period, it automatically then waives the penalty for that period of time.

Mr. NELSON of Florida. Mr. President, I ask the distinguished Senator, if the Secretary waives the requirement—so the Senator's amendment gives the Secretary discretion to waive the requirements of the May 15 deadline?

Mr. GRASSLEY. The purpose of my amendment is—I think I am answering the Senator's question. Let's say May 14 comes and the Secretary decides we need more time and he makes a decision to extend that period of time. Let's say he extends it from May 15 to September 15. During the period of May 15 to September 15, there would be no penalty.

Mr. NELSON of Florida. Mr. President, I thank the Senator for answering the question.

I would inquire of the Chair, under the previous order, does the Senator from Florida have time to discuss the Senator's amendment?

The PRESIDING OFFICER. The time in opposition is controlled by the Senator from North Dakota.

Mr. CONRAD. Mr. President, how much time do I have on this amendment?

The PRESIDING OFFICER. There is now a total of 13 minutes 30 seconds in opposition.

Mr. CONRAD. Mr. President, I am happy to yield 5 minutes to the Senator from Florida.

Mr. NELSON of Florida. Mr. President, I thank the Senator. I understand the good intentions of the Senator from Iowa in what is a difficult situation for him. The Senator from Iowa has indicated he had a number of townhall meetings, of which there seemed to be complete acceptance and happiness with this prescription drug benefit. I want the Senator to know that I, too, have had innumerable townhall meetings in my State of Florida, and I get exactly the opposite result. Perhaps that is because it is a demographic fact that Florida has a higher percentage of senior citizens than most States. Perhaps it is that our senior citizens are very aware and current on events and on news. Perhaps it is also because there is a great deal of activity in our State of Florida with regard to wanting to sign up for this plan, because we have the beneficence of the fact that so many seniors around the country, including from the State of Iowa, the State of the Senator, retire and move to the State of Florida. So there is great consternation, I want the Senator to understand, among seniors in our State.

The Senator mentioned earlier in his comments—and I don't take the comments personally—he said there was a politicizing of this particular issue. This Senator from Florida has an obligation to stand up and fight for his people. I can tell you that the senior citizens of my State are concerned and they are confused and they are bewildered and, in some cases, they are frightened because of this. I will concede to the Senator from Iowa that what he said is true, that normal human behavior is when we have a deadline, we wait until it is close to that deadline to sign up. However, I would suggest to the Senator in his consideration of this issue, and to the Senate as they decide between the amendment of the Senator from Iowa or this Senator's amendment, we should be looking at what is not best for the Medicare Part D benefit but what is best for the beneficiaries, the senior citizens. When the Senator from Iowa tells us in fact his amendment is going to give the discretion to the Secretary of HHS, look what the Secretary has said; he throws it right back to the Congress. He says:

If people haven't had time to enroll, that is a policy decision that Congress has to make.

He said that a month ago, the Secretary of HHS, a distinguished Secretary in the President's Cabinet.

I would suggest to the Senator if we are going to make the policy here, let's consider these people, these senior citizens who are anguished at this point.

I will simply close with this: Medicare first thought they were going to have about 35 million seniors enrolled in this program. Now they are expecting that they are going to be about 10 million short, that there is going to be only about 25 million enrolled. CBO has estimated if we extend the deadline, we are going to get at least another million enrolled this year, and over the life of the program we will get that additional 10 million. So why would we not want to go on and extend the deadline and prohibit those penalties that CBO said will average to senior citizens 5 to 7 percent? Why would we not want to go on and extend that deadline instead of leaving it to the discretion of the Secretary of HHS?

The PRESIDING OFFICER. The Senator from Florida has used the 5 minutes allotted to him.

Mr. GRASSLEY. Mr. President, I have 35 seconds?

The PRESIDING OFFICER. The Senator from Iowa is recognized for 35 seconds.

Mr. GRASSLEY. Mr. President, I only want to clarify two things. One, if I said there were no complaints at my town meetings about the program, there were, but I found a great deal of people who had enrolled very satisfied and also satisfied with the process.

The second thing is, it has to be a policy decision by Congress to do what I want to do, so it is still up to Congress to make this decision. I would be willing to make this decision if it was made first, but your amendment is up today. So it is still a choice we are making.

I yield the floor.

Mr. CONRAD. Mr. President, was the Senator in the middle of his thought that he wanted to complete? Can he do that?

Mr. NELSON of Florida. Of course.

Mr. CONRAD. Mr. President, let me yield 1 minute to the Senator from Florida, and then we are going to go to the Senator from Pennsylvania for 5 minutes, and then we are going to come back on this amendment. The Senator from Pennsylvania has another obligation, so we want to try to accommodate him on that. But I give an additional minute at this time to the Senator from Florida, and I will tell him we will have more time for him momentarily after the Senator presents his amendment.

Mr. NELSON of Florida. Mr. President, I can sum this up in 60 seconds. The choice here is between a direction by the Congress to definitely extend the deadline, or the alternative Senator GRASSLEY is offering, which is to give the Secretary of HHS the discretion to extend the deadline.

The policy of the administration is clear. I asked Dr. McClellan, the head of CMS, his position on extending the deadline and he said:

> Senator, we are not supporting that legislation at this time.

So I think it is clear, the choice is clear for the Senate between these two amendments.

I yield the floor.

Mr. CONRAD. Mr. President, now we will go to the Senator from Pennsylvania for 5 minutes to offer his amendment, and then we will come back to this subject. So I alert the Senator from Florida, we have some time remaining.

I yield to the Senator from Pennsylvania.

AMENDMENT NO. 3050

Mr. SANTORUM. Mr. President, I ask unanimous consent to call up amendment No. 3050.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mr. COLEMAN, Ms. COLLINS and Ms. SNOWE, proposes an amendment numbered 3050.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the Community Development Block Grant Program)

On page 17, line 22, increase the amount by $1,300,000,000.

On page 17, line 23, increase the amount by $1,300,000,000.

On page 18, line 2, increase the amount by $1,300,000,000.

On page 18, line 3, increase the amount by $1,300,000,000.

On page 18, line 6, increase the amount by $1,300,000,000.

On page 18, line 7, increase the amount by $1,300,000,000.

On page 18, line 10, increase the amount by $1,300,000,000.

On page 18, line 11, increase the amount by $1,300,000,000.

On page 18, line 14, increase the amount by $1,300,000,000.

On page 18, line 15, increase the amount by $1,300,000,000.

On page 27, line 23, decrease the amount by $1,300,000,000.

On page 27, line 24, increase the amount by $1,300,000,000.

On page 28, line 1, decrease the amount by $1,300,000,000.

On page 28, line 2, decrease the amount by $1,300,000,000.

On page 28, line 4, decrease the amount by $1,300,000,000.

On page 28, line 5, decrease the amount by $1,300,000,000.

On page 28, line 7, decrease the amount by $1,300,000,000.

On page 28, line 8, decrease the amount by $1,300,000,000.

On page 28, line 10, decrease the amount by $1,300,000,000.

On page 28, line 11, decrease the amount by $1,300,000,000.

Mr. SANTORUM. Mr. President, this is an amendment I am offering on behalf of Senator COLEMAN as well as Senator COLLINS and Senator SNOWE on the CDBG Program. This is an amendment I worked with Senator COLEMAN on last year. He offered it last year, and I want to thank him for his cooperation in allowing me to step forward.

This is an important issue to my State. It is an important issue to most States across America. This is a program that is, I believe, one of the most effective programs we have in the Federal Government to help localities deal with housing problems, local economic development problems, and community problems we have. In Pennsylvania we get well over $50 million a year for this program. I don't know of anything that unites Republicans and Democrats on a local level more than the CDBG Program.

The Community Development Block Grant Program, CDBG, is a program that takes money from the Federal Government and distributes it into the local communities for local priorities. There is a broad degree of discretion in this program and it allows the local communities to leverage Federal dollars to attract, in some cases, private dollars and, in some cases, other State dollars or philanthropic dollars that are used for projects that are vital to the local community.

Unfortunately, in the last few years, the President has reduced the funding allocation for this program. Last year we were able to put back some of that money into CDBG. We ended up with about $3.7 billion for the CDBG last year. My amendment would add $1.3 billion. That would bring it up to $4.3 billion for this year. That level, by the way, is exactly the level that was appropriated for CDBG in the year 2004. So we are not talking about an outrageous increase; we are just trying to get back to historic levels of funding for this program.

Again, it is a program that is vitally important for the local community. This is offset with section 920. I have heard the Senator from North Dakota talk about there being no money in section 920, and he is absolutely right, there is no money in section 920. But what this amendment does is set priorities. It says to the appropriators that the Congress—I think this amendment will be approved overwhelmingly—that the Congress and the Senate believe this is a program that needs more robust funding. This is a program that is a priority for the Senate and for folks on both sides of the aisle.

I appreciate the opportunity to come here to speak on this very important amendment. It sends a very clear signal that this is an area we need more resources devoted to. I thank the Senator from North Dakota and the Senator from New Hampshire for allowing me the opportunity to speak at this time.

AMENDMENT NO. 3073

The PRESIDING OFFICER. The Senator from North Dakota is now recognized to go back to the previous amendment.

Mr. CONRAD. Will the Chair inform me how much time I have on that amendment?

The PRESIDING OFFICER. There is 6 minutes 12 seconds.

Mr. CONRAD. Mr. President, I will not take all of that time. Let me say this: I voted for the Medicare prescription drug program. I voted for it because I think it will help a substantial number of my seniors. Also, that legislation contained provisions to make Medicare reimbursement for rural hospitals more equivalent to what urban hospitals receive. In my State, under the old law, our hospitals were receiving about one-half as much to treat the same illness as a more urban hospital. That was in part corrected in the Medicare prescription drug legislation.

Let us be frank. The handling of the Medicare prescription drug implementation has been a fiasco from beginning to end. I think every one of us has heard loudly and clearly from our States—I certainly have. I have done nine meetings in my State, including hosting Secretary Leavitt, on this question. It has been botched. The implementation of the Medicare prescription drug bill has been botched. On the day, the initial day, I have never seen such chaos. You couldn't get through on the phones. You couldn't get through on the Internet. You couldn't get accurate information. Cards weren't in people's hands. They automatically enrolled those who were eligible for both Medicare and Medicaid in plans that often didn't cover the drugs that they were on.

That is a fact. This was very badly handled by the administration, as badly handled as anything that I have seen in 20 years representing my State in the Senate. It was an absolute fiasco. That is a fact.

The question is. What do we do to try to improve the circumstance? The Senator from Florida, who has a very large elderly population, has made one constructive suggestion. He has said let's extend the deadline.

Let me just say, in my State, 37 or 38 percent of the people who are eligible have signed up so far. We have over 100,000 people eligible and only 37,000 have signed up and about half of those were automatically enrolled. So the true signup, the voluntary signup is very low.

It is clear we need more time. One of the problems is there are so many plans that it just confuses people. There are 41 plans in North Dakota. In all of the meetings I have had, people have said to me: Senator, how can you make any sense out of this, especially since, when you go to the phone lines you can't get an answer; when you go to the computer, the Internet sites, you can't get an accurate answer? I think the Senator from Florida is responsible in saying we ought to extend the deadline.

According to the department, we now know that some 10 million people will not have signed up in time. That means they will start to have penalties imposed on them. Ten million seniors, many of them frail and elderly, will start to be penalized because they can't make sense out of this profusion of plans and this confusion.

Senator NELSON has a very straightforward approach. He extends the deadline. The Senator from Iowa has an alternative. His approach is to give the department that has botched this signup the decision about whether the deadline is extended. That is a very clear choice. Do we really want the decision whether the deadline is extended to be made by the people who made a hash of this program's implementation? Or are we going to take responsibility and extend the deadline so 10 million people aren't penalized through no fault of their own. I think that choice is very clear.

Mr. MENENDEZ. Mr. President, as I have been traveling across the State of New Jersey on a listening tour, I have heard from countless seniors and their loved ones that the new prescription drug plan has brought much confusion, concern, and difficulty.

In townhall meetings and in senior homes, these sentiments of puzzlement are echoed over and over again.

Knowing the challenges seniors are facing, I am committed to doing whatever it takes to make this drug benefit something that helps instead of hurts, which is why I am speaking in support of Senator NELSON's amendment.

This amendment will make sure that instead of penalizing our seniors for taking a little more time in choosing a plan, it will accommodate them.

This amendment will make sure that instead of penalizing our seniors for choosing the wrong plan, it will give them the flexibility to change to the right one.

It is already March 14, just about 2 months before the May 15 deadline for seniors to signup for a plan without being penalized by the late enrollment fee.

And the tune I hear in New Jersey and across the country hasn't changed. Seniors need more time to figure out how the new program works and which drug plan is best for them.

And it isn't just the seniors that need more time—let's not forget that the Federal Government needed more time, too.

As a matter of fact, when the new drug plan was implemented, New Jersey, like many other States, stepped up to the plate to provide emergency drug coverage to ensure that no one went without the lifesaving drugs they needed.

They did not do it because that was planned; they did it because it was the right thing to do. They did it to make sure that there was no loss of life or emergency hospitalization due to the inability for individuals to get their lifesaving and life-enhancing drugs.

The Federal Government dropped the ball, and our States picked it up. While the Centers for Medicare and Medicaid have agreed to reimburse New Jersey and other States for their emergency coverage costs, our States still haven't seen a check, and it will probably be a while until they.

I think our seniors deserve the same flexibility and understanding granted to our Government.

We have a responsibility in Washington to ensure that the initial confusion and problems with implementation do not go any farther.

Our seniors should not be punished for the shortfalls of this new drug benefit. It is an issue of fairness. It is about keeping your word, about being accountable. And today we have the opportunity to give our seniors the much needed extension of time and flexibility they need to choose a plan.

I voted against the Medicare Modernization Act at the time because I didn't think it would provide adequate assistance, and I have been sorry to see that the implementation has not gone as promised.

However, this is the prescription drug plan we have, and we must do everything we can to make it as helpful and beneficial as possible.

For that reason, I hope my colleagues will join me in supporting Senator NELSON's amendment. It is the least we can do to make things right.

Mr. CONRAD. Mr. President, has all time been yielded back on the other side on this amendment?

The PRESIDING OFFICER. All time has been consumed.

Mr. CONRAD. All time has been consumed. I am prepared to yield back the time on my side on this amendment so we can then go to Senator MURRAY so she can respond on Senator SANTORUM's amendment.

Mr. GREGG. That is fine.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask after we complete the Santorum debate we move to your amendment on avian flu and then that be followed by—you have another amendment?

Mr. CONRAD. We have an amendment by Senator WYDEN, or Senator BYRD, that is next in the queue. I think Senator WYDEN is our next amendment, and we will be prepared to go to that.

Mr. GREGG. I ask unanimous consent that after we complete the Santorum amendment we go to the Conrad amendment on avian flu, and then we go to the Wyden amendment on Medicare.

Mr. CONRAD. Let's reserve on that one until I make certain.

Mr. GREGG. Other than that, go to yours.

Mr. CONRAD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized for 5 minutes.

AMENDMENT NO. 3050

Mr. CONRAD. How much time is left on the amendment of Senator SANTORUM?

The PRESIDING OFFICER. The opposition on that amendment has the full 15 minutes available.

Mr. CONRAD. I yield the full 15 minutes to the Senator from Washington for her use, or anybody she would designate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I am here because the Senator from Pennsylvania came to the floor this morning and offered an amendment on funding for Community Development Block Grant Programs. First of all, I am delighted that the other side recognizes that the assumption in this budget, to cut $1 billion from Community Development Block Grant Programs, is absolutely unacceptable. Their assumption is absolutely accurate.

Across our country today, mayors and other community leaders are up in arms about the billion-dollar cut to Community Development Block Grant Programs that is in this budget, on top of what I might remind all of my colleagues was the $500 million cut from last year.

We all know these essential programs. They are essential for housing, an absolutely critical part of our infrastructure, making sure we help develop many of our neighborhoods across this country with that critical seed money that brings those communities back up to standard and makes sure people have adequate housing while it creates jobs and economic development in communities across our country. Robbing those communities of those funds right now when our country is struggling to get back on its feet is the wrong thing to do, and the Santorum amendment recognizes that.

Here is my problem. Last night I was on the floor of the Senate. I offered a real amendment to restore the funding for Community Development Block Grant Programs. It provides $1.3 billion, and it does it by adding real money to the budget amendment by closing corporate loopholes. The amendment offered by Senator SANTORUM is simply a "let's not worry, be happy until after the election" amendment and doesn't provide one dollar.

How do I know that? I keep hearing the other side go to the floor and—whether it is veterans or Community Development Block Grant Programs or defense—say we are going to take money out of function 920. I went to the budget resolution book and I looked up 920 to see how much money was left. I was astounded to find out there is no money in function 920. In fact, they are half a billion dollars in the hole right now.

I see the ranking member, Senator CONRAD, on the floor. If he wouldn't mind, I wanted to ask him a question because he knows this budget better than anybody.

I ask, through the Chair to the ranking member, am I wrong, in looking at this budget resolution, that the Republican Members are coming to the floor offering amendments to pay for funding for CDBG or veterans or defense, when there is no money? I ask my colleague if he could respond?

Mr. CONRAD. Mr. President, unfortunately the Senator is completely correct. There is no money in function 920. The Senator is absolutely correct that when we started this process, function 920 was $500 million in the hole.

I guess what is even more remarkable is we have now had $10.5 billion of additional funding supposedly covered by function 920 when there never was any money to begin with.

Mrs. MURRAY. Mr. President, I ask my colleague, the ranking member of the Budget Committee, then am I to assume that function is now $11 billion in the hole? And we are hearing our colleagues on the other side say: Don't worry, be happy; simply take it out of the function where there is no money? I ask my colleague, the ranking member on the Budget Committee, is that real?

Mr. CONRAD. No, it is not real. What is happening now—I must say my colleagues on the other side have got an increasing habit of spending money that doesn't exist. We started out with function 920 having no money, in fact, being $500 million in the hole. They have now passed amendments that take another $10.5 billion out of a function that has no money. What will the practical effect be? The practical effect will be an across-the board cut in all the domestic discretionary accounts. What are they? It will cut defense, it will cut homeland security, it will cut law enforcement. That is what is really happening.

It is the difference between doing something and acting like you are doing something but not doing it. The fact is, as to the amendments they have offered, before they offered them there was $873 billion available to the appropriators for the domestic accounts. When all their amendments are finished, the appropriators will have—guess what—$873 billion, not a nickel more. So this is all a sham. It is creating funding that does not exist. The Senator is correct. The amendment that she offered really did offer new funds, additional funds to buttress the community development block grant.

Mrs. MURRAY. Mr. President, that sounds completely irresponsible to me, to send a false promise by some kind of sham vote that you are supporting veterans or Community Development Block Grant Programs or all the other programs that we hear from the other side. I heard the Senator from Pennsylvania say this will just tell the Appropriations Committee that this Senate says you are to spend that money.

I am the ranking member on the Transportation-HUD subcommittee. We are already looking at a transit cut of $100 million, an Amtrak cut, which I know the Senator from Pennsylvania cares about, a cut of $394 million, and the FAA is cut by $561 million, a safety factor.

I say to my colleague from North Dakota, I am completely worried about the irresponsible message that these amendments are sending and the sham that they are. I heard last night when I offered my amendment, the chairman of the Budget Committee said we were raising taxes to pay for our amendments on this side.

I want to ask this of the ranking member on the Budget Committee. My amendment I am offering today is to restore Community Development Block Grant Programs at a real, significant number. The $1 billion cut in the budget is irresponsible. Trying to pay for it out of sham money that is not there is irresponsible. We are asking for $1.3 billion by closing corporate tax loopholes. I heard those on the other side say that is raising taxes. I know my colleague, who happens to be the ranking member, who happens to be one of the most fiscally responsible Members on this side, is also a member of the Finance Committee. I would like to ask him, through the Chair, how he would respond to that being a tax increase.

Mr. CONRAD. I do not believe it is a tax increase, to require people to pay taxes that are legitimately owed and due now that they are failing to pay.

We could easily pay for the amendment of the Senator by shutting down two sham operations. Let me describe them. One is American companies and American wealthy investors—this will be hard to believe, but this is really going on—buying sewer systems in Europe, depreciating them on their books to reduce their taxes in America, and leasing back those sewer systems to European cities so that they can run them. Shutting down that scam, is that a tax increase? I don't think so.

Let me describe one other. The other day my colleague showed an office building in the Cayman Islands, a five-story office building that is the home to 12,700 companies. I say that is a remarkable building. That is a real smart building, to be able to house 12,700 companies.

What is really going on? What is really going on is a giant tax scam. They say they are doing business in the Cayman Islands. They are not doing any business in the Cayman Islands. They have a file clerk in this building who takes their financial records so they can claim they are doing business there. Why do they want to be doing business in the Cayman Islands when they are really not doing business in the Cayman Islands? Because the Cayman Islands is a tax haven. It is a place where you can show your profits and not pay taxes.

We could pay for your amendment five times over by shutting down those two scams alone. That is not a tax increase. That is stopping a tax scam.

I might say, of the the amendments that have been passed so far that have been theoretically funded by section 920, we had an amendment to increase defense by $3 billion. That was funded out of section 920 when 920 had no money. We passed an amendment for veterans, supposedly to increase funding for veterans by $823 million, funded out of section 920 when section 920 has no money.

We funded an increase in education by $2 billion out of function 920 when there is not any money. We had border security this morning, and $2 billion was supposedly paid for out of function 920 when we all know there is no money in 920. So what will happen is there will be across-the-board cuts and they will cut defense, they will cut homeland security, they will cut law enforcement, and cut everything else. The fact is there is no new money to pay for any of them.

Mrs. MURRAY. Mr. President, I thank the ranking member for clarifying that. I think it is important for all of us to understand that.

These votes we take today will have real consequences. How do I know that? Not just because of the respect I have for the ranking member and his explanation, because this is exactly what happened on this floor last year when the Senators on the other side of the aisle offered a "don't worry, be happy" amendment to restore funding for community development block grants, critical money for neighborhood restoration, for low-income housing for our communities across the country.

Do you know what happened when we got to Appropriations? We didn't have the flexibility because our subcommittee also has to fund Amtrak, airlines, transit, and other housing programs. There was no way to do it despite what the Senate voted on. They ended up having to cut $.5 billion from the community development block grants.

It is a sham to me to watch these amendments march through here on an account that has no money, that is deficit spent already, and try to sell to their constituents that we are doing something about it when every Senator on this floor knows we ran into a train wreck last year which lasted well into this year on the Appropriations bills. Who was hurt? Not the Senators who voted for it, but our neighbors and friends, mayors and city councils and people on the ground across this country who are trying very desperately today to try make sure that the most important citizens have critical housing infrastructure, that we create jobs, that we have economic development, and that our communities become strong again.

I have said time and time again on this floor that we need to make our country strong again. The most important way we can do it is to invest real dollars in our infrastructure. The CDBG Program is one of the best ways to do that. Every Senator here knows it. The votes we will take later today will be for sham accounts or a real vote. And when will it count? Next fall, when our friends and neighbors see the reality of these amendments and the budget impact on it.

I will conclude by saying that I have been around my State talking to many mayors, talking to many community developers, hearing story after story about how our communities have taken this small amount of money from the Federal Government and invested it wisely, created jobs, created housing, improved the lives of our citizens.

I know this CDBG cut, if we don't pass real money, will mean that Pennsylvania will lose $46 million in funding. It means Minnesota will lose $15 million in funding. In my home State, it means $16 million. Those are not just items on a budget; those are real dollars that make a difference in the lives of our friends and neighbors and communities across the country.

This afternoon we will have an opportunity to cast votes for a real amendment—the Murray amendment—that restores funding and makes sure our Appropriations Committee has the allocation that will allow us to fund the CDBG, or we can take a political vote and be happy for a day. But it will not change anyone's life at home, and it will not restore hope and opportunity that this country so desperately needs today.

I thank my colleagues, and I yield the floor.

Mr. LEAHY. Mr. President, it is regrettable, and it is frustrating, that once again we find ourselves having to speak out on the shortfalls in the budget resolution for key community and economic development programs. The budget before us slashes Federal assistance to distressed and underserved communities. These cuts are shortsighted, they are ill-advised, and they represent a significant retreat from our longstanding commitment to invest in our Nation's communities.

In just a few weeks, the Senate will again be asked to appropriate tens of billions more to help Iraq. Though the President's request for Iraq funds is once again off the budget so that it avoids our normal budget rules, the Iraq supplemental funding request once again is for real taxpayers' dollars—no less real than the domestic cuts that the Bush-Cheney budget proposes for the priorities of the American people here at home.

That is why I am proud to join Senators MURRAY and SARBANES, as well as 14 more of our colleagues—17 of us in all—in offering an amendment to the fiscal year 07 budget resolution to provide for an increase of $1.3 billion to restore the community development block grants, or CDBG, to the fiscal year 04 level of $4.3 billion. We fully pay for the increase in funds by closing egregious tax loopholes that more than 90 Members of this Chamber have already gone on record in support of closing.

Our amendment is supported by those who know best how effective and important this program is to America's communities. The list of endorsements includes the National Association of Counties, the National League of Cities, the National Conference of Black Mayors, the National Association of Local Housing Finance Agencies, the National Association for County Community and Economic Development, the National Association of Housing and Redevelopment Officials, the Council of State Community Development Agencies, and the Local Initiatives Support Corporation. I ask unanimous consent that a letter from these groups in support of our amendment be printed in the RECORD.

The CDBG Program is the centerpiece of the Federal Government's efforts to help States and localities meet the needs of low-income communities. CDBG funds vital housing rehabilitation, supportive services, public improvements, and economic development projects in communities across the Nation. It serves more than 1,100 entitlement communities, urban counties and States, and more than 3,000 rural communities. These investments help change the face of our communities for the better and help improve the standards of living of Americans across the Nation, right where they live, in their communities.

CDBG is one of the most effective Federal domestic programs helping to revitalize neighborhoods, and it has a proven record of results. For example, in 2005, Vermont used CDBG grants to rehabilitate 771 units of affordable housing and to help create or preserve more than 500 jobs, directly helping to raise the standard of in Vermont's communities. There are hundreds of similar stories across the Nation, but in each of them the message is the same: CDBG funds are critical building blocks for improving our communities, our neighborhoods, and our economy.

The CDBG formula allocation was $4.41 billion in 2001. Since then it has decreased by $670 million, or 15.2 percent, with a 5-percent cut in fiscal year 05 and a 10-percent cut in fiscal year 06. The budget resolution for the coming year would further reduce the formula funding by 25 percent, cutting the formula allocation by over a third in just 3 years. Communities that benefit from CDBG will be devastated if further cuts in funding are made to this program.

I recently led a bipartisan letter with Senator COLEMAN to the Budget Committee attesting to the effectiveness of CDBG and urging that it be funded at $4.3 billion in the coming fiscal year. Fifty-three Members of the Senate from both sides of the aisle joined me in this letter, which I ask to have printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. LEAHY. I wish to take a moment to explain the differences between the Murray-Sarbanes-Leahy CDBG amendment and the amendment offered by Senators SANTORUM and COLEMAN. The amendment we offer facilitates restoring these CDBG funds by increasing the budget cap by closing tax loopholes that the Senate has already supported closing, in previous votes. This, in turn, makes real money available to the Appropriations Committee to be able to spend for next year.

Increasing the cap is important because the budget resolution we are considering assumes domestic spending will be capped at the same level as the President's request. Simply put, the budget resolution assumes that funding for CDBG will be reduced by the same amount as the president has proposed, which would be a cut of $1 billion from fiscal year 06 levels.

A separate amendment offered by our colleagues, Senator SANTORUM and Senator COLEMAN, also supports an increase of funding for CDBG, but it would do so by asking the Appropriations Committee to impose across-the-board cuts on all other domestic programs.

Speaking as an appropriator, I can tell you that all their amendment will do if it passes is to tell the Appropriations Committee that the Senate supports CDBG. But that will not be enough to guarantee that the committee will hear and provide the Transportation-Treasury-HUD, TTHUD, Appropriations Subcommittee with a higher allocation to increase funding for CDBG.

My colleagues should note that the Santorum-Coleman amendment is the same as the CDBG amendment that passed last year. However, because it provided no additional funding to the Appropriations Committee, the TTHUD Subcommittee received an allocation that was inadequate to fund all of the programs within its jurisdiction. CDBG was the program that was on the chopping block, suffering cuts of more than $400 million.

So if my colleagues want to simply signal their support for CDBG funding to the Appropriations Committee, then they should vote for the Santorum-Coleman message amendment. Unfortunately, if they choose to do that and that amendment passes at the expense of our amendment, they will find that when it comes time to write the TTHUD appropriations bill, they will have failed to protect this important program from further cuts.

The choice is clear. Those who want to vaguely express support for the CDBG Program can support the other amendment, which is a nice sentiment, like a Candygram. But for those who also really want to get the job done, I urge support of our amendment.

I challenge each Member to go back to their States and to take stock of the benefits that communities have reaped through CDBG investments. I challenge each Member to visit with their local community action groups and hear how they use the community services block grant to support the neediest in their communities. These programs fill a real need and have proven results.

A cut of $1 billion in Federal funds, which is proposed in this budget resolution, will result in the loss of at least $9 billion in matching funds from local and State governments and nonprofit and private sector investments. I fail to see the wisdom in dismantling programs that are so vital to our communities.

I encourage my colleagues to join me in support of the Murray-Sarbanes-Leahy amendment and express their real support for these important programs.

EXHIBIT 1

MARCH 14, 2006.

DEAR SENATOR: The undersigned organizations thank you for joining 52 of your colleagues in signing a letter (attached) to the Budget Committee leadership in support of a budget allocation sufficient to fund the Community Development Block Grant (CDBG) program at $4.3 billion for FY 2007. The resolution approved by the Senate Budget Committee last Friday would not allow for such a funding level. In fact it adopts the funding level proposed in the President's FY 2007 budget, which cuts CDBG formula grants by an additional $1 billion over this year's $3.71 billion. Today the Senate will consider alternative amendments to the budget resolution to increase CDBG funding. We support a Murray/Leahy/Sarbanes amendment to increase funding for the CDBG program by increasing the overall discretionary cap. It is offset by closing corporate tax loopholes, an approach that has had overwhelming support by a bipartisan group of Senators. This is the only way that the Appropriations Committee can increase CDBG funding because it means additional dollars. Reluctantly, we cannot support an amendment by Senators Santorum and Coleman that increases funding for CDBG paid for by an across-the-board cut in other domestic programs (Function 920). This amendment is similar to an amendment offered by Senator Coleman last year that passed the Senate. In spite of this, the final FY 2006 appropriations bill cut CDBG formula grants by 10 percent.

We strongly urge you to vote for the Murray/Sarbanes/Leahy amendment that would allow appropriators to restore the CDBG formula amount to the FY 2004 funding level. Thank you for your continued support of the CDBG program and the good work it does in our nation's urban, suburban and rural areas.

Sincerely,

National Association of Counties.

National League of Cities.

National Conference of Black Mayors.

National Association of Local Housing Finance Agencies.

National Association for County Community and Economic Development.

National Association of Housing and Redevelopment Officials.

Council of State Community Development Agencies.

Enterprise.

Local Initiatives Support Corporation.

U.S. SENATE,
Washington, DC, March 8, 2006.

Hon. JUDD GREGG,
Chairman, Committee on the Budget,
U.S. Senate.
Hon. KENT CONRAD,
Ranking Member, Committee on the Budget,
U.S. Senate.

DEAR CHAIRMAN GREGG AND RANKING MEMBER CONRAD: As you near consideration of the FY 2007 Budget Resolution, we urge the Budget Committee to oppose the budget proposal to cut funding for the Community Development Block Grants (CDBG) Program by nearly $1 billion, or 25 percent. Instead, we urge the Budget Committee to maintain the Federal government's commitment to community development programs at the Department of Housing and Urban Development (HUD) and support a budget allocation of $4.3 billion in Function 450 for CDBG.

The communities that have benefited from CDBG will be devastated if the HUD proposal to cut funding is enacted. CDBG serves more than 1,100 entitlement communities, urban counties and states, and more than 3,000 rural communities nationwide. It is the centerpiece of the Federal government's efforts to help states and localities meet the needs of low-income communities. The Program funds vital homeownership, housing rehabilitation, public improvements, public services and economic development projects in communities nationwide. It also supports community-based organizations and the crucial work they do to deliver human services and rebuild neighborhoods.

CDBG is one of the most effective Federal domestic programs to revitalize neighborhoods with proven results. Over 95 percent of the FY 2005 CDBG funding went to activities principally benefiting low- and moderate-income persons. Twenty-eight percent of CDBG funds supported housing activities in distressed communities, 24 percent supported public improvements, 15 percent went to the provision of public services, and 7 percent supported economic development activities. In FY 2005, CDBG housing projects assisted over 166,000 households, including financial assistance to new homeowners and rehabilitation assistance to the elderly and other existing homeowners. Economic development programs benefiting from CDBG last year created or retained over 91,000 full-time jobs. CDBG also has a strong record in business retention: CDBG has ensured that over 80 percent of the businesses assisted through the program were still in operation after three years.

The CDBG formula allocation was funded at $4.41 billion in FY 2001. Since then, the formula allocation has decreased by $670 million, or 15.2 percent, with a five percent cut in FY 2005 and a 10 percent cut in FY 2006. The FY 2007 HUD budget would reduce the formula funding by an additional 25 percent, cutting the formula allocation by over a third in just three years.

In light of these drastic cuts, communities have struggled to continue their programs and have discontinued critical projects for low- and moderate-income persons. We therefore ask you to reject the proposed cut and ask you to support $4.3 billion in funding for the CDBG Program.

Thank you for your consideration. We look forward to working with you to ensure that communities across the country can provide good jobs, affordable housing, and public services to meet the needs of all Americans.

Sincerely,

Norm Coleman; Tim Johnson; Mel Martinez; Byron L. Dorgan; Dianne Feinstein; Barbara A. Mikulski; Patrick

Leahy; Deborah Ann Stabenow; Daniel K. Akaka; Frank Lautenberg; Paul S. Sarbanes; Robert Menendez; John D. Rockefeller IV; Thomas R. Carper; Russell D. Feingold; Mary L. Landrieu; Joe Lieberman; Tom Harkin; Barack Obama; Susan Collins; Richard Durbin; Conrad Burns; David Vitter; Max Baucus; George V. Voinovich; Maria Cantwell; Jeff Bingaman; Bill Nelson; James M. Jeffords; Blanche L. Lincoln; Mark Pryor; Barbara Boxer; Jack Reed; Mark Dayton; Lincoln D. Chafee; Patty Murray; Carl Levin; Saxby Chambliss; Hillary Rodham Clinton; Charles E. Schumer; Ron Wyden; Arlen Specter; Johnny Isakson; Mike DeWine; Olympia J. Snowe; Joseph R. Biden; John F. Kerry; Christopher J. Dodd; James M. Talent; Christopher S. Bond; Edward M. Kennedy; Herb Kohl; Rick Santorum.

• Mr. COLEMAN. Mr. President, I rise to express my strong support for Senator SANTORUM's amendment to restore budget cuts to the Community Development Block Grant Program, or CDBG. I was proud to sponsor a similar amendment during last year's budget, and today I am pleased to work with my good friend from Pennsylvania to restore CDBG funding in this year's budget.

I am also pleased to have worked with the Senator from Vermont, Senator LEAHY, in leading a bipartisan coalition of 53 Senators this year in sending a message to the Senate Budget Committee expressing our strong commitment to CDBG and reminding folks that cities from Montpelier to Minneapolis need CDBG to create economic opportunity and to grow jobs.

When we consider the budget, there are always a lot of tough choices to be made. We need to be fiscally responsible, and this is a fiscally responsible budget. We need to look at the myriad of Federal programs and ask ourselves, does the program work? Is it cost-effective? Is it achieving its goals?

In the case of CDBG, the answer is yes, yes, and yes. CDBG was enacted in 1974 and has been assisting America's communities for 30 years. It is a public-private partnership that helps State and local government address community development challenges, including infrastructure and housing. Over the first 25 years, it has created 2 million jobs and contributed in excess of $129 billion to the Nation's gross domestic product. Dollar for dollar there is no better initiative to help States and localities undertake important economic development activities than the Community Development Block Grant Program.

CDBG is not some abstract community and economic development program but rather one that provides practical and long-lasting individual and community wide benefits.

CDBG success stories abound in every State—just ask all the local mayors who are visiting our offices this week. They will tell you that CDBG is the lifeblood of community development.

As a former mayor, I know first hand the importance of the CDBG program. While mayor of St. Paul, CDBG provided funding that helped make the Main Street Program—a downtown economic revitalization program—a success.

However my city of St. Paul is just one of many small and large examples of CDBG's success in Minnesota.

In the city of Moorhead, CDBG has provided critical affordable housing and rehabilitation assistance to the city's low and moderate income families. By way of example, CDBG funding has enabled Moorhead to provide energy, electrical and structural repairs to John and Avis Pearson both senior citizens with a combined income of $25,000. CDBG funding has also helped to revitalize Romkey Park, a formerly blighted area of the city, through the rehabilitation of run down apartments.

In Anoka County, a major suburb of the twin cities, CDBG has provided funding for the replacement of dilapidated mobile homes and the redevelopment of the city of Centerville. These are the sorts of projects that improve the quality of life not just for those least well-off but for the entire community by making it a more attractive place to live and do business in.

Then there is the small town of Brewster which was awarded a one-time CDBG grant a few years ago. Thanks to that grant, Brewster was able to revitalize a run down part of the town and in turn attract the Minnesota Soybean Processor, which led to the creation of 40 jobs. The company has now also opened a biodiesel division, which now employs additional workers.

Despite the longstanding Federal, State and local bipartisan support for this program and its long record of achievement, the future of CDBG is in serious jeopardy given the President's budget proposal to reduce funding by $1 billion to $2.7 billion. Since fiscal year 2001, the program has endured a 15.2 percent reduction. In my home State, funding has steadily declined during the past several years with funding decreasing from $68.4 million in fiscal year 2004 to $58.5 million for the current fiscal year. At the President's proposed funding level, Minnesota would receive approximately $43.7 million for fiscal year 2007 or a 36 percent reduction from the fiscal year 2004 level.

I came to the Senate promising to be Minnesota's mayor in Washington. As a mayor, I know that CDBG works, and as a Senator, I am proud to support this program and urge my colleagues to support the Santorum amendment, which would provide the funding necessary for the program to effectively assist States and localities.•

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 10 seconds.

Mr. CONRAD. I yield it. I thank the President.

Mr. GREGG. Mr. President, I ask unanimous consent that at 1 o'clock today the Senate proceed to vote in relation to the Murray amendment No. 3363, to be followed by 2 minutes of debate and a vote in relation to the Santorum amendment No. 3050; provided further that following the vote on the Santorum amendment, the Senate recess until 3 p.m. in order for the Senate to proceed to the House for the joint meeting.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object, and I have no intention of objecting, I want to clarify what the distinguished chairman and ranking member said—and they have been very helpful. My understanding is that we go to the Conrad amendment after that, the avian flu amendment. It is my understanding per the agreement between the chairman and ranking minority member that after the Conrad amendment has been discussed, we would next go to the Snowe-Wyden amendment.

Is that the understanding of the chairman and the ranking minority member?

Mr. GREGG. Mr. President, actually there will be another amendment dealing with the avian flu by Senator BURR, and then we would to go to the Wyden-Snowe amendment.

Mr. WYDEN. Mr. President, is there a time limit for these amendments?

Mr. GREGG. They are all 15 minutes.

Mr. WYDEN. That would mean that somewhere in the vicinity of a half hour or 40 minutes or so we would deal with it.

Mr. GREGG. The Wyden-Snowe amendment would be up sometime around 11:25.

Mr. WYDEN. Without being argumentative, it is the Snowe-Wyden amendment, but we are talking about the same thing.

I thank both the chairman and the ranking minority member.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. Mr. President, I wish to claim the remainder of the time on the Santorum amendment.

The PRESIDING OFFICER. There is 9½ minutes remaining.

Mr. GREGG. I thank the Chair.

This discussion which recently occurred between the Senator from Washington and the Senator from North Dakota——

Mr. CONRAD. Mr. President, will the Senator yield for a moment? It has been brought to my attention that these amendments which we have in train, while we have an agreement they would be 15-minute amendments, that has not been agreed to in a unanimous consent agreement.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendments we have outlined so far—the Conrad amendment, the Burr amendment, the Wyden-Snowe, and if there is an agreement from our side in response to Wyden-Snowe, they will all be 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, without second degrees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. GREGG. I understand I have 9 minutes. Good.

The discussion which just occurred between the Senator from North Dakota and the Senator from Washington is a discussion which reflects the difference between our views and how you should budget. Essentially what the Senator from North Dakota and the Senator from Washington said is we should break the cap, we should spend additional money, and we should raise taxes. Their approach to budgeting is to tax and spend. Our approach, on the other hand, has been to say if there is a priority which the Senate feels is a high priority, whether it is veterans' benefits or CDBG—and there will be other amendments like these—that the Senate should declare there is a priority and set up a process where other programs will have to be reduced in order to pay for that program within the cap. The Senator from North Dakota correctly referred to it as an across-the-board cut.

Section 920 is a technical event. It does not have money in it, and it never has. But when you identify a 920 expenditure, it creates a mechanism where another program activity would be cut across the board.

That is the philosophical difference between our parties.

This budget increases the size of Government from last year to next year by over $100 billion. That is the growth in this budget—over $100 billion. The growth in the discretionary account will be about $30 billion under this budget. Those are huge numbers of growth. That is expanding the Government in a very dramatic way and a very significant way, much more so than I would personally wish to do. I wish to see us control, for example, entitlement spending a little more aggressively around here, which is the majority of growth. But the fact is that is the growth.

What the Democratic proposals are saying—there have been innumerable ones—is we should grow Government even more, we should expand Government even more, and then we should raise taxes to pay for that. The traditional Democratic approach to Government is basically no end to the size of Government. There is no end to the amount of taxes they are willing to raise.

And this argument that they are going to use loopholes, I have to say, is a little shallow. There was this loophole around here called Customs fees which would be used to pay for new spending around here 45 different times. People said we are going to take it out of Customs fees, and then they offset it because they didn't get a budget point of order against it.

This building in the Caymans is the new Customs fee. The simple fact is if you eliminated all the loopholes which they are talking about—they may or may not be loopholes; I certainly think some of them sound legitimate—that would be $11 billion you would raise over 5 years, all of them. They have proposed $133 billion in new taxes. So they are $121 billion short.

Where is that going to come from? That is going to come from increasing maybe the death tax, increasing rates, and increasing taxes on working families, on small businesses, so they can expand Government. That is the difference of opinion which we have.

We don't believe that is the way you control the size of Government, to grow it and then raise more taxes to pay for it. We believe the way to control the size of Government is to set a hard spending level, which we have done, $873 billion, and hold that, and then within that spending level set priorities.

A lot of amendments come through here saying what the priorities should be. I think they are fairly reasonable; some aren't. The fact is they will all have to be shoehorned under that hard spending cap as long as we maintain that spending cap, as we have done so far in this budget process.

But every amendment offered so far from the other side of the aisle has been a spending amendment which has broken that spending cap—increase the size of Government; grow the Government; then raise taxes to pay for it, representing that it is a corporate loophole closing, which it can't be because they have already gone well beyond the estimates that are reflected in those loopholes which they allege exist.

There is a difference of opinion here. We happen to think we are doing it the right way by setting the priorities under the cap. They think they are doing it the right way by growing the size of Government beyond the spending cap and then paying for it with tax increases on working Americans. It is a difference of opinion.

I yield the remainder of our time on the Santorum amendment and we can move on to the Conrad amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for the Conrad amendment.

Mr. CONRAD. Mr. President, before I go to the Conrad amendment, I will take 5 minutes off the resolution.

The Senator is correct; we are now talking about the fundamental differences between us. We believe you ought to pay for your spending. We believe we ought to pay the bills we are generating. We believe on the Democratic side that you ought to match your spending with your revenue so you are not increasing the debt.

Our friends on the other side of the aisle have taken a distinctly different position. Their position is you increase spending. The Senator has identified the increased spending in his own budget, but he will not raise the revenue to cover his spending. He won't make the hard choices. He won't cut his spending to match the revenue he is willing to raise, and he will not raise revenue to cover his increases in spending.

The result is the debt is mounting dramatically because our friends on the other side of the aisle refuse to pay the bill. They want to spend the money, but they do not want to pay for it.

When I grew up, common sense told you, responsibility told you, that you pay your bills. You pay your bills. If you don't have the money, you don't spend the money. That is the way I was raised.

Here is what is happening.

Mr. GREGG. Mr. President, will the Senator yield?

Mr. CONRAD. No, I will not. I had a chance to listen and now I will have a chance to answer.

Mr. GREGG. Do we know how long we are going with this little aside?

Mr. CONRAD. I don't know until I have completed my thought.

Here is what is happening with our colleagues on the other side of the aisle. Here is what is happening to the budget. The debt is going up, up, and away. Every year under this budget plan they are going to add to the debt. Here it is. We have a 5-year budget plan out here and they are going to add to the debt $680 billion in 2007; $656 billion in 2008; $635 billion in 2009; $622 billion in 2010; $662 billion in 2011, because they won't pay the bills.

They are running up the debt of this country in a way that is unprecedented, which risks our economic security, which risks our national security, and it is utterly reckless and it is irresponsible. This budget is going to lead to interest rate increases. It will hurt the economy. It is going to endanger our national security.

The Senator is entirely right. We have a fundamental difference in view about how to handle the fiscal affairs of our country. We believe on our side if you want to spend the money, pay for it. That is what we have done with our amendments. When we have sought to increase funding or eliminate the cuts that the President's budget proposes—for example, the President's budget proposes cutting education $2 billion. We do not believe it is right to cut the budget of education $2 billion. However, we also do not believe it is right just to put it on the charge card, run the debt up—we paid for it.

The Senator talked about the amendments we offered in committee. He said we spent $126 billion. Yes, we did. And we raised the money, more than enough money, to pay for it. We raised $133 billion. The Senator says over and over that we increased the taxes to do it. No, we did not. We paid for it by, No. 1, closing the tax gap—the difference between what is owed and what is being paid. That gap now is $350 billion a year. That is no tax increase, to insist that people pay what they owe.

Now the other side says there is not the money in the tax gap to pay for that. Yes, there is. The Revenue Commissioner testified we could recover $50 billion to $100 billion a year by getting companies and individuals to pay what they legitimately owe. That is just a fraction of the tax gap.

I yield myself an additional 5 minutes off the resolution.

The PRESIDING OFFICER. The Senator has used 5 minutes and gives himself an additional 5 minutes.

Mr. GREGG. What is the regular order?

Mr. CONRAD. The Senator is recognized and the Senator continues to hold the floor, and I have an additional 5 minutes I have granted myself.

The PRESIDING OFFICER. The consent order to go to amendments does not preclude yielding time off the resolution. That is what is occurring now—time off of the resolution from the Senator's time.

Mr. CONRAD. Mr. President, we also paid for our amendments by closing corporate loopholes.

The Senator says there wasn't the money in corporate loopholes to cover the spending we have provided. That is not true. In fact, we have taken a corporate loophole closing this body has previously passed and used it to fund high priorities such as money for education, such as money for veterans.

How has the other side done it? They have offered a series of amendments to add more spending, but they have taken it out of a function that does not have any money in it. They have raised money for defense, but they took it out of function 920, which does not have a dime in it. They said they raised spending on defense $3 billion. There is no money in the fund from which they say they are taking the money.

It is right here in the budget book, page 29. Go to function 920. Here it is. It says function 920 is $500 million in the hole. That is before they increased defense spending by $3 billion and supposedly took it from function 920. That is before this morning, when they took $2 billion to supposedly strengthen our borders. They took it out of function 920, where there is no money. It was $500 million in the hole.

The Senator is exactly right. This does define the differences between our parties. We think we ought to pay for the spending; the other side just wants to put it on the charge card, run up the debt. They have become a party of borrow and spend, borrow and spend, spend and borrow, run up the debt. That is exactly what they are doing today. They are running up the debt of this country in a way that is reckless, that is radical and should be stopped. That is why we are going to urge our colleagues to vote against this budget when the opportunity comes.

Let me go back to exactly what is happening. This chart shows graphically the dramatic runup in debt in this country. When this President came to office, the debt of the country was $5.8 trillion; that was the end of his first year. Today, the end of this year, it will be $8.6 trillion. If this budget is agreed to, it will be $11.8 trillion. They will have doubled the debt with this policy of borrow and spend.

That does define the differences. I am glad we have had a chance to have this discussion.

I understand the Senator from Maryland has an inquiry?

Mr. SARBANES. Will the Senator yield?

Mr. CONRAD. I yield an additional 5 minutes to myself off of the resolution.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. This borrow-and-spend policy which the other side of the aisle is pursuing is the direct cause of the runup in the national debt, is it not? This chart which shows the incredible expansion of the national debt is the consequence of pursuing this policy. We are running record budget deficits, is that correct, I ask the Senator?

Mr. CONRAD. This has been the largest deficit in dollar terms in our country's history. But of course the size of the deficit does not equal the increase in the debt; the increases in the debt that these budgets are providing are much more than the deficit. For example, the year we are in now, they say the deficit will be $371 billion, but the debt is going to go up by about $650 billion.

Our friends on the other side do not want to pay the bills. They want to spend the money, but they do not want to raise the revenue to cover their spending. That is what is really going on. They are unwilling to cut the spending to match the revenue they are willing to raise, and they are unwilling to raise the revenue to meet their spending. Either way, they will not cut the spending to match the revenue, and they will not raise the revenue to match their spending. The result is they tack it on the debt. Borrow, borrow, borrow.

They say things are getting better. Really? Things are getting better? Here it is. Here is what will happen if this budget passes. They will add to the debt every year for the next 5 years more than $600 billion a year until we get to a point of over $11.8 trillion in debt.

The proof is in the pudding. Later today, they will come before the Senate and ask to raise the debt limit in one fell swoop by $781 billion—a further confirmation of the policy of this administration and our colleagues, which is a policy of borrow and spend, spend and borrow, borrow, borrow, borrow, run up the debt. That is where we are.

Mr. SARBANES. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. This also reflects or demonstrates a sense of priorities.

To take the amendment we were just considering, the Murray amendment, and then the Santorum amendment, the Murray amendment sought to avoid increasing the deficit by adding money for the community development block grant. All of the State and local governments are petitioning Congress for this. It is desperation time for them. She was prepared to pay for it by closing some corporate tax loopholes, all of which have previously been approved by the Senate, as I understand it.

So in terms of priorities, in effect, we are saying: Support the Community Development Block Grant Program, but pay for it by closing these corporate tax loopholes; that is a higher priority. You do not raise the deficit, and you do not increase the debt by that amount. Is that correct, I ask the Senator?

Mr. CONRAD. The Senator is entirely correct. That does define the differences here.

The Senator from Pennsylvania, on the Republican side, offered an amendment to add $1.3 billion for community development block grants. But his amendment seeks to fund that amount how? By taking it out of function 920, just as we have had one amendment after another from the other side seeking to fund things out of function 920, where there is no money. They were $500 million in the hole when we started this process, and they have increased defense $3 billion. How did they pay for it? By function 920, where there is no money. And then this morning, $2 billion to strengthen our borders. How did they pay for it? Function 920, where there is no money. They say that is responsible budgeting, that this is the difference which defines our parties. They are exactly right—this is the difference which defines our parties.

When Democrats were in control, we paid down the deficit. We actually were in surplus and, in fact, we were able to stop taking Social Security money to pay other bills. Now, with them taking over, we have reversed course, going from record surpluses to record deficits and even higher running up of the debt.

What they propose with this budget is more of the same—borrow and spend, spend and borrow, put it off, put it on the charge card, do not worry about it, tell the American people: You can have every tax cut and every spending increase, and you do not have to pay for anything.

I yield myself another 5 minutes off the resolution.

Does the Senator inquire further?

Mr. SARBANES. I inquire of the Senator, when the Bush administration came in in 2001, wasn't the Federal budget in surplus?

Mr. CONRAD. Yes. The Federal budget was in surplus by $128 billion. In fact, we had a string of surpluses as the Clinton administration during those 8 years brought spending down and revenue up. So we paid our bills. We stopped raiding Social Security. Now it has all been reversed, and we have record deficits with bigger amounts adding to the deficit, and they are taking the Social Security surplus to pay other bills. Under this budget plan, they will take almost $180 billion of Social Security surplus—money that is not really in surplus; it will all be needed, it will all have to be paid back—and they are taking every dime to pay other bills. Just more of the same—run up the debt, and we will worry about it tomorrow.

At some point, we better start worrying about it today. The result of these policies is that foreign holdings of American debt have exploded, absolutely exploded. It took 224 years to run up $1 trillion of external debt. That is U.S. debt held by foreigners. This President has more than doubled that amount in just 5 years. It is stunning, but that is what is happening.

The Dubai Ports deal, what is that about? I suggest that part of it is a result of our fiscal policy which is running up these massive debts, increasingly funded by foreigners, so foreigners are holding all these dollars. What are they going to do with them? In part, they are going to buy U.S. assets. They might as well put up a for-sale sign on the country because what is happening is all this money we are borrowing because our friends will not pay the bills, they just want to borrow the money, and the result is we owe Japan $668 billion and we owe China over $263 billion. And guess what. They are sitting on all this money. We owe the Caribbean bank centers almost $100 billion. They take that money. They have to do something with it. What are they doing? They are buying American assets.

So if you like the idea of shipping American jobs overseas, if you like the idea of running up the debt, if you like the idea of going deeper and deeper into the ditch, this budget is the one you ought to vote for because it continues this policy. At some point, this is going to have to come to a screeching halt because the bill is going to come due.

Mr. SARBANES. Will the Senator yield for a question? Isn't more and more of this debt we are running into being held overseas rather than here at home? Hasn't there been a shift in who holds the debt, so we are becoming increasingly dependent upon strangers to finance this deficit and this debt? Is that correct?

Mr. CONRAD. The Senator is exactly correct. Of the publicly held debt, now almost 50 percent of it is held by foreigners. Isn't that stunning?

Mr. SARBANES. Absolutely stunning.

Mr. CONRAD. It used to be we borrowed the money from ourselves.

Mr. SARBANES. Yes.

Mr. CONRAD. Not anymore. Now we are borrowing from Japan primarily. China is next. Great Britain is third. The Caribbean banking centers are fourth. We owe them $98 billion. We even owe the South Koreans $60 billion.

As to our colleagues on the other side, it is fine with them: Keep borrowing the money. Spend the money. Borrow the money. This is the defining difference. I am glad our colleague, the chairman of the committee, made the point that this defines the difference. It certainly does. We do not believe the appropriate policy is to keep running up the debt of the country, to keep borrowing the money, but that is what this budget does.

Mr. SARBANES. Furthermore, doesn't this budget make it clear their prime priority on the other side is to provide these tax cuts, which overwhelmingly benefit the wealthy? The consequence of that is either we run up the deficit and debt or we cut programs that are badly needed across the country, particularly for working people.

So the priority that is being established is tax cuts first and foremost, which upon analysis are seen to benefit—I understand the tax breaks for millionaires that have passed under the Bush administration, the people with more than $1 million of income each year, amount to $41 billion in the coming year—$41 billion. The community development block grant proposal was for $984 million, one-fortieth of the amount going out in the tax cuts.

So those are the priorities that are being established here—the tax cut first and foremost—and the consequence is, you run up the deficit and cut programs which are badly needed by ordinary citizens all across America.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator's 5 minutes has expired.

Mr. CONRAD. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield myself—the Senator from North Dakota and the Senator from Maryland took about a half an hour. I took about 5 minutes. So I am going to yield myself 25 minutes to discuss this issue in some depth because it is an important issue. I do believe the characterizations here are interesting but inconsistent with the facts.

The Senator from North Dakota says we are running up the debt. I suppose you can argue that is true, yes, because we are operating the Government. But the second question would be, Who is running up the size of the Government? That would be probably a more appropriate question. If you look at the Democratic proposals, as they have hit the floor of the Senate, they are running up the size of the Government. That is their goal.

They proposed amendments in committee that increase the size of the Federal Government by $127 billion. That is a huge expansion of the Federal Government. I give them credit, they pay for it with taxes on the American people, raising them $133 billion. And they are not tax-loophole closers.

The Senator from North Dakota has claimed: Well, if you just collected taxes that are owed, you might get up to $100 billion. That may or may not be true, and we are going to try to do something to accomplish that. But as he well knows, CBO will not score that. They score that as zero. So in order to get that $133 billion, they are going to have to raise taxes on working Americans because loophole closers simply do not generate anything like that. The maximum amount you can score for loophole closers is about $11 billion. So they are going to have to raise taxes at least $121 billion on working Americans.

And then the Senator from Maryland says there is $41 billion out there that you can just take from high-income Americans. If you grab that, well, that is clearly a rate increase and a tax increase. But it is an inaccurate statement. Actually, the high-income Americans today are paying more—paying more—than they have paid at any time in history as a relative burden of taxes. Their number has gone up significantly. In fact, the time when they got the best deal, ironically, was during the Clinton administration.

During the Clinton administration, high-income Americans actually paid less as a percentage of the gross tax burden, total tax burden in America, than at any other time. It is only in the last few years that their percentage of the burden has gone up.

Why is that? Well, it is something called economic activity. When people go out and they work hard and they are being productive, they end up paying more taxes. When tax rates are high, people seek tax shelters, and they hide income, and they invest it in things that give them avoidance of taxes. Some of the things the Senator from North Dakota would like to eliminate I would like to eliminate, too, that are inappropriate. But they also do things that are appropriate to avoid taxes so they do not have to pay that high tax rate.

When you have a capital gains rate of 30 percent, people do not sell their assets. They hold on to them because they do not want to pay all that money to the Federal Government, especially high-income people. So what we have seen is when we cut rates, high-income people started doing things that generated revenue for the Federal Government, and it also generated a tax burden on them that was higher. They were willing to take that because they were making more money. And it is shown definitively by the revenues we have received as a Federal Government as a result of the cut in the capital gains rate.

Now, the other side of the aisle considers the cut in the capital gains rate to be poison. They think it just benefits the rich and it should not have occurred. They want to repeal it. They tried to put in place pay-go to force the repeal of it, and they have all sorts of ideas for how you eliminate it because this is the rate they see as the problem in America, the capital gains rate being 15 percent instead of what it was. It used to be 30 percent.

What was the effect of cutting capital gains rates? It actually generated huge revenue to the Federal Government. Why? Because people went out and started to undertake economic activity. They went out and sold stock. They went out and sold small businesses. They went out and sold real estate. That generated economic activity, which generated taxes to the Federal Government, taxes which we did not expect to get of $81 billion. Then they took the money they generated as a result of selling those assets and reinvested it in more productive activity and created more jobs, took more risks. As a result, the economy is growing.

We have had month after month after month of growth in this economy. We created 5 million jobs. We have had, I think, 30 months of growth in this economy. And the 5 million new jobs we have created actually exceeds the combined jobs created in Japan and Europe during that same period of time. That is good economic policy.

Just last month, we created 234,000 jobs. Why? Because we created an atmosphere where people are willing to go out and take a risk, where they are willing to go out, invest their money, take a risk, and create a job as part of taking that risk, and create revenue for the Federal Government because they create income. As a result, the revenues have gone up in this country.

So another chart is pretty dramatic. These are the revenue growths—the yellow lines—in the last few years and what we project out into the future—a 14-percent jump in revenue last year. Now, the other side will say: But that is from a historic low. Yes, it is a historic low, which was driven in large part by the Internet bubble of the late 1990s, the largest bubble in the history of this country or in the world. It was a bigger bubble than the tulip bubble or the South Seas bubble. When the Internet bubble collapsed, we went into recession, and that dropped revenues dramatically. Then we were attacked on 9/11, and that dropped revenues even more.

So the President, with considerable foresight, I would say, decided to cut taxes before we got deep into the recession. As a result, there was economic activity generated, and that has produced a significant upturn in revenues—one of the most significant upturns in revenue in history.

Now, here is the bottom line of this whole argument: We are reaching a point where we are back to a historic level of what taxes have been in this country. Historically, taxes in this country have represented about 18.4 percent of gross national product. And yes, they dipped well below that because of the Internet bubble and because of the attack on 9/11 and the economic slowdown that occurred. But now they are headed back up because of the economic policies this President has put in place, including creating more incentive for people to go out and be more productive.

So within a year, or maybe a year and a half, we are going to be back to a tax burden in this country which is generating essentially what has been the historic norm, which is about 18.4 percent—18.4 percent—of gross national product, with a Tax Code that does it by saying to people: Go out and take a risk. Create a job. As a result of doing that, give us some more revenue—because there will be more people paying taxes.

But if you look at the Democratic proposals which have come forward under this budget, what they are suggesting is that this tax burden, this historic tax burden of 18.4 percent, is not high enough. The American people are fundamentally undertaxed, they are saying. They have to be taxed more. And Government has to grow more. Government has to grow a lot more. We have to grow Government by $127 billion more, and then we have to hit people with another $133 billion in taxes. We will get that tax burden up around 19 or 20 percent of gross national product, maybe get it up to 21 percent, 22 percent. Who knows how high it is going to go. It is going to go as high as they want to spend money. That is the difference between our parties. They believe in expanding the Government and expanding taxes to pay for it.

When our members have come to this floor and suggested there is a priority for CDBGs or there is a priority for veterans, what they have said is they want that money to be spent there, but they are willing to do it under a cap. They are going to control spending on the discretionary side of the ledger.

When the members from the other side have come to the floor and said there is a priority for veterans or there is a priority for CDBG, they have said: We don't want to have to be limited to any spending regime around here. We want to blow that cap. We want to add another $127 billion to the cost of Government, grow the Federal Government, and we will raise taxes to pay for it.

At least they have integrity on that point. I agree with that. They are saying: Grow Government, grow taxes, take that tax burden over the norm of 18.4 percent. Take it up to 20 percent. Take it up to 19 percent of gross national product. And then take the size of Government and drive it up, too, over 20 percent, 21 percent, 22 percent.

What our people are saying—

Mr. DORGAN. Will the Senator yield for a question?

Mr. GREGG. No, I am not going to yield. Your side did not yield to me when you were talking.

What our people are saying is we have priorities, too. We recognize that some things need more money than other things. We are willing to do it within a controlled atmosphere of a spending cap that is $873 billion. Within that cap, we are going to offer amendments to spend money on this item or that item, and in exchange for that we are going to cut across the board under 920. That is what it does. That is the difference. We are willing to set priorities and limit spending. They are willing to set priorities, increase spending, and raise taxes to pay for it.

This argument that these taxes are going to come out of some nonpenal event to the American people, that it is not going to affect the American people's income, that it is going to come from some corporate loophole or that it is going the come from some Cayman Islands place, is just—well, it is like the Customs fees. Forty-five times we used Customs fees around here to claim we could raise spending. Finally, we actually did use the Customs fees, so we don't here about them anymore around here. Hopefully, someday we will wipe out the Cayman Islands building so we won't hear about that anymore, either. But in the process, you cannot generate enough revenue from doing that to address the $133 billion of taxes that are being raised here. The maximum you can generate out of those items is $11 billion.

So this has been an interesting aside, well discussed, well presented. But I would like to suggest to the Senator from North Dakota that we get on to the amendment process.

Mr. CONRAD. Does the Senator yield?

Mr. GREGG. I am not yielding the floor. I am asking the Senator from North Dakota if he would like to get on with the amendment process. I have not yielded the floor.

Mr. CONRAD. Momentarily——

Mr. GREGG. I yield for a question.

Mr. CONRAD. I am not going to ask a question. I will respond to your question and just say, I think this is a healthy thing. Debate has broken out here, which is a rare occurrence. You have done an excellent job of presenting your view. I have tried to represent our view. I would like to respond briefly to some of the points you have made. Perhaps you would then like to respond briefly to some of mine.

Mr. GREGG. I would suggest, then, that we spend another 6 minutes on this. You take 3; I take 3. Then we move on to your amendment.

Mr. CONRAD. I wouldn't be prepared in 3 minutes to respond to your very excellent presentation over the last 15. It will take me a little bit of time to respond to these things. I do think it is a healthy debate. It will actually, perhaps, save us time because maybe we can then reduce our wrap-up time at the end of the debate.

Mr. GREGG. I will yield the floor, recognizing that I will probably reclaim it for the amount of time that the Senator from North Dakota uses.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to my colleague, for whom I have great respect, the chairman of the committee, we have a very real difference. We are highlighting that difference. That is a healthy thing. It is a debate.

Let me respond to something the Senator said. I have the same chart, a little different colors, that looks at the spending and revenue lines of the Federal Government going back to 1980. The red line is the spending line. The green line is the revenue line. This is as a percentage of GDP. What you see is that during the Clinton years, the spending came down as a share of GDP each and every year. The revenue went up. The result was, we stopped deficit spending. We stopped running up the debt. In fact, we were paying down the debt. Then President Bush came into office. The spending went up.

They make the assertion that we are the big spenders, but the fact is, during the Clinton years, spending went down each and every year as a share of gross domestic product. During the Bush years, spending has gone up virtually every year.

On the revenue side of the equation, when President Bush came in, the revenue side of the equation collapsed. The Senator says it collapsed because of economic slowdown, because of the Internet bubble. Yes, in part it did. But he never mentions the tax cuts. Hello? The tax cuts accounted for half of this drop. The result was discretionary spending went up. Why did discretionary spending go up? For defense, homeland security, and rebuilding New York. All of us agreed with that. On a bipartisan basis we agreed to spend more money to respond to the attacks on our country. So spending went up, but the revenue went way down. The result is, more and more deficit, more and more debt.

Here is our fundamental difference. Our Republican friends want to spend the money, but they don't want to pay for it. They don't want to raise the revenue to meet their spending line, and they don't want to reduce their spending to match their revenue line. The result is the debt is skyrocketing.

Here it is. This is the result of their policies. This is what the debt was at the end of President Bush's first year, $5.8 trillion. We don't hold him responsible for the first year because he was still under the Clinton budget. But look what has happened since. The President told us he was going to have maximum paydown of the debt. At the end of this year the debt will be $8.6 trillion. It has gone up, up, and away. And if this budget is approved that our colleagues on the other side have put before us, and the President has put before us, the debt is going to go to $11.8 trillion. They will have almost doubled the debt.

Our colleagues on the other side have a mistaken notion on the issue of taxes. I would love to cut taxes 50 percent across the board. I would be a huge beneficiary myself if we did that. But what would happen? The debt would go up even more. Since we are borrowing almost half of this debt from abroad, we would be even more in debt to foreigners, the Japanese, the Chinese. Is that what we want to do for our future? I don't think so. I think that weakens us.

Our colleague keeps saying: If you cut taxes, you get more revenue. The only evidence my colleague presents is in one type of tax, capital gains. He doesn't want you to look at the whole revenue picture because he knows what I know: Revenue has not gone up with all these tax cuts.

Here is what has happened to total revenue. Remember, he has just talked about a small part of the revenue base, capital gains. But here is total revenue. In the year 2000, total revenue for our country was just over $2 trillion. The next year it went down. And in that next year, 2001, we had massive tax cuts. What happened to revenue the next year? Did it go up or did it go down? It went down to $1.85 trillion. How about the next year; did the revenue go up or did it go down? It went down again, to $1.78 trillion. How about 2004; did the revenue at that point exceed what it was in 2000? No. It was still far below what we got in 2000. It was $1.88 trillion. We didn't get back to the revenue base of the year 2000 until 2005. Those are the facts. Their idea didn't work. But they can't admit they were wrong. The result is they keep on spending the money, but they won't raise the money to pay for their spending. So what happens? The debt goes up, up, up.

Our colleague said the economy is really humming under their plan. We are seeing modest growth. But let's look in comparison to other times in our history when we were going through an economic recovery. First, median household income has declined for 4 straight years. That is not a good sign. When we look at economic growth and we compare this recovery to previous recoveries and we look at the nine recoveries since World War II, nine periods when we were coming out of a recession, on average in those nine other recoveries, economic growth averaged 3.2 percent. This time it is only 2.8 percent.

In addition, we looked at business investment. We went back and looked at the nine previous business cycles, the nine recoveries since World War II. That is the dotted red line in terms of business investment. If at this stage in the cycle, we compare it to this recovery, which is the black line, do you know what we find? Business investment is running 62 percent behind the average of the nine previous recoveries. And job creation? They are bragging about job creation. Let me just say, there were 22 million jobs created during the Clinton years. When we compare this recovery to the nine previous recoveries since World War II, again, the dotted red line is the average of the nine previous recoveries—job creation in this recovery is the black line—we are 6.6 million private sector jobs short of the average recovery since World War II.

Again, I go back to the fundamental difference that we have. Our Republican friends have a budget before us that is going to increase the debt over the next 5 years by $3.5 trillion. That is their plan. Is that what we want to do? Half of it is funded by foreigners. So the bizarre thing they are doing—because this budget increases spending. This is their budget. It increases spending. The chairman has described that. And it cuts taxes, even though we can't pay our bills now. So guess what. We get more debt funded by foreigners, more vulnerability to the country, more money we owe the Japanese, more money we owe the Chinese. And then we wonder why the Dubai Ports deal occurred. There are going to be a lot more Dubai Ports deals under this fiscal plan because, under this fiscal plan, we are going to owe a boatload more of money.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, for the sake of figuring out where we are going, I can never remember who is the junior or senior Senator any longer because the Senator from North Dakota came, went, and came back. How much time do you think Senator DORGAN would like?

Mr. DORGAN. I would like 5 minutes.

Mr. GREGG. Why don't we give 5 minutes to Senator DORGAN, and then I will respond.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 5 minutes.

Mr. DORGAN. Mr. President, this has been fascinating. I came in at Senator GREGG's presentation, nearly at a fever pitch, depending on what appears to be the indefensible. But it reminded me of how one argues in court. You take the best you have and then go at it with volume—if possible, as much volume as is possible—and hope some of it sticks. It reminded me a little bit, too, of the message that Gen. George Armstrong Custer received just before they actually got to Harden, MT, with the 7th Calvary. His scouts came back and said: Things look pretty good up ahead. Things look pretty good.

General Custer got that message. It is the message I heard this morning as I walked onto the floor of the Senate from our colleague, Senator GREGG: Things look pretty good up ahead.

Let's look up ahead for a moment. On page 28 of the resolution that sits on the desks of Members of the Senate, let's look up ahead, see if things look pretty good up ahead. It doesn't matter how many trees you cut down to produce the charts, how much ink you use to create your bar graphs. That doesn't mean a thing. Let's look up ahead just a bit.

In 2011, what is going to happen to this country under the best of circumstances, under the most optimistic circumstances offered by the majority party in their resolution? In 2011, we will be required as a country to borrow over one-half of a trillion dollars. That is how much the debt will increase in 2011. So somebody brings this to the floor of the Senate and says: We have a plan. Our plan is to put our fiscal house in order, and 5 years from now we are going to borrow over half a trillion dollars and we call that order.

I said yesterday, I yearn for the old Republican Party. Both political parties provide grand opportunities for this country, and have for two centuries. They both contribute to the well-being of America and to the building of this great Nation. But there was one thing you could always count on the Republican Party to do, and that is they wore gray suits. They were conservative. They would wear wire rim glasses, and they would look like they just swallowed a lemon. They were very serious. You could always trust them to stand for fiscal responsibility—always. Pay your bills, they would say. Balance your budget. That is what you would count on them for.

That has changed a lot because the new majority party here says this is paying our bills and balancing our budget, page 29. Five years from now, they say, their plan will have us borrow over one-half trillion dollars in that year alone. During the entire 5 years, as my colleague has said, we will borrow over $3.5 trillion. And that is putting our country back on track? I don't think so.

It is time that even when we look in the mirror we be honest. It is time this Congress be honest with itself. It doesn't take charts, doesn't take the ink on charts. It reminds me of that old western movie line: What are you going to believe, me or your own eyes?

Let me choose to believe my own eyes. Let me choose to believe what is in the most optimistic assessment in this fiscal policy. This country is deep in debt, going deeper in debt. And, by the way, we are going to borrow about $600 billion this year, and that doesn't include the $700-plus billion of trade deficit. So we are going to borrow about $1.3 trillion this year alone, just in this year alone, and we are told: Gee, things are good. Things are good. Just like General Custer's scouts, things are really good up ahead. They are not. This country deserves the seriousness of purpose on the part of Republicans and Democrats who are willing to stare truth in the eye. The truth is on page 28.

This country is off course, off track, and it is unsustainable. Yes, in trade it is off track. We are shipping jobs overseas at a wholesale rate, we are closing American plants, and we are up to our neck in debt. We are selling America piece by piece, $2 billion a day, 7 days a week, all year long.

In fiscal policy, we are borrowing and borrowing. My colleague from New Hampshire talks about taxes. I understand the issue of taxation. I especially understand the issue of those who don't want to tax but want to borrow and spend and say let the kids pay for it. That is not conservative. That is a new conservatism that, in my judgment, doesn't do well by this country's future.

Mr. GREGG. Mr. President, the Senator from North Dakota makes my case. The seriousness of purpose would require that they present a budget, and if they did, they would be presenting a budget that had dramatic tax increases in it and dramatic expansion of the Federal Government, as has been shown by the amendments they have brought to the floor—over $127 billion of expansion of the Federal Government, over $133 billion in tax increases.

That is just the start. The senior Senator from North Dakota basically questioned this recovery. I suppose you can always walk around with a dark cloud over your head and claim there is no sunlight when the sun is shining on you. The fact is, this recovery has been pretty good, especially in the context of the fact that we are fighting a war and we have had basically the entire Gulf States wiped out as a result of catastrophic natural events, Hurricane Katrina and Hurricane Rita. If we look at some of the issues that affect people the most in this recovery, let's look at the price of homes. They have gone up; there have been historic increases. When that happens, everyone's net worth in America jumps. All homeowners' net worth jumps when the price of homes goes up. So everybody who is a homeowner has a little more of a cushion to their life.

Dividend income has jumped dramatically as a result of the cut in dividends. Why? Because corporations, instead of borrowing and instead of using mechanisms where they reinvest maybe overseas—which seems to upset our colleagues on the other side—have decided to pay out dividends. So people who own stock in this country—the vast majority of Americans, by the way, either directly or through pension funds—are benefiting from the fact that dividend income has jumped radically under this administration.

Unemployment, during a period of fairly significant recession at the beginning of this administration, and a period of war that has been going on throughout this administration, and a period where the gulf coast has been overwhelmingly hit by an economic downturn as a result of the impact of the catastrophic events of Katrina and Rita, unemployment continues to drop.

In fact, I remember a couple years ago, under this administration, when the other side of the aisle was claiming we weren't creating enough jobs. We don't hear that routine anymore. Jobs are being created at a significantly faster rate than historic norms, and we are seeing a lot of people being employed—5 million jobs added, which is more than the combined increase of Japan and Europe—which, by the way, has a population of about half again as large as ours—over the same period of time.

Productivity growth. This is an important one because it is a function of the tax laws that we put in place. Productivity growth is higher than almost all prior business cycles. We have maintained extremely high productivity growth as a result of the fact that we have created a tax climate where people are having incentive to invest and create jobs, which we have talked about earlier. That is a hugely important factor, something that if you listen to former Chairman Greenspan, who I think is a fair arbiter of economics in this country, he will tell you productivity growth is probably the most important thing. If you can keep that ahead of inflation, you are going to have a robust economy, and we have certainly done that as a result of the policies of this administration.

We have had 17 consecutive quarters of economic growth, economic expansion. That is a very robust recovery under any definition of recovery—17 consecutive months. It may not be as strong as other recoveries, but it is certainly a very strong recovery and something we as a nation should be taking a fair amount of pride in.

That brings us back to the issue of tax policy because if you listen to the other side of the aisle, you would think that revenues were still down as a result of Katrina, as a result of the attack of 9/11, and as a result of the burst of the Internet bubble, and they claim it is as a result of tax cuts. Revenues are not down; they are proceeding to go up. They continue to grow. At least their chart shows they are back to a historic level. That level that they are at is essentially the level they should be at, which is the historic level that we pay taxes as a percentage of gross domestic product. The Federal Government should not be taking more than 18.4 percent of GDP out of the economy for tax purposes. We are growing at a dramatic rate. These bars go up significantly, and they are going to continue to go up significantly because of the fact that we have in place tax policy that encourages economic activity, risk taking, and job creating, which is so critical to the generation of revenue to the Federal Government. So we get back to what is the essence of the debate because I think it needs to be restated.

The essence is this chart—they have their chart, and it is basically the same chart, but we look at them differently. We agree that the chart is the same. The point is this: Revenues are coming back to their historic levels, 18.4 percent of gross national product. Spending, however, is not coming down as much as it should, and it is not coming down not because we have not made a commitment to try to control spending—we have done that. Last year, we passed the first deficit reduction attempt on entitlements in 8 years. We got two votes from the other side of the aisle. There was no attempt to control entitlements from the other side of the aisle last year. There was opposition to spending control there. Then we put into place a cap on spending, and again we didn't get any votes from the other side of the aisle.

What their proposal is, is shown in their amendment, which essentially says we are going to grow the size of Government, grow it above that line where it is now, which is 20 percent; and we are going to raise taxes and grow the revenues well above the 18.4 percent, which is the historic norm. So they are basically saying they are willing to take much more out of this economy to grow the Government, make the Government bigger than what has historically been the case, and they are also willing to take much more in taxes.

We don't think we should go that way. We think we should put into place spending restraint. We would love it if the other side of the aisle would support this. But there is no attempt to support the caps from any amendment offered on the other side of the aisle. Every amendment that has come forward from them has raised the caps, raised the size of Government.

There was no support for entitlement control on the other side of the aisle—none. Well, there were two votes. I am sorry. I respect those votes and I thank them. But the vast majority of the other side of the aisle didn't want to do any entitlement restraint. To the extent we have seen spending go up, it has only gone up in two categories—entitlements and national defense. National defense is something you have to do when you are at war. So when the Senator from the other side of the aisle points to the spending chart going up, he knows and I know that the extent that is discretionary spending, it is 95 percent national defense because that is what we have to do when we are at war.

So if you are going to control the rate of growth of Government, you have to control the discretionary side and the entitlement side. There is no attempt to do that on the other side. There is an attempt to expand it. Yes, the debt goes up. Their argument is that we are expanding debt. Well, that is true because we are fighting a war that we have to pay for and because we cannot get any support in a bipartisan way to address what is driving the debt most, which is entitlement spending.

The President comes forward with a proposal on Social Security and says everything is on the table. The other side says we won't accept anything. He comes forward with a Medicare proposal. Immediately, the leader on the other side of the aisle said the proposal was inexcusable, even though it was put forward by MEDPAC, an independent organization of health professionals, which suggested you can restrain the rate of growth nominally with a couple of changes.

The same is true of Medicaid. What a battle we had last year to save $5 billion in Medicaid spending, with over a $1.2 trillion base, so we took the rate of growth from 40 percent to 40 percent. We didn't even change it. There was opposition every step of the way from the other side.

So it is very hard to give a lot of credibility to the idea that there is a desire to control spending on the other side of the aisle. What this is on the other side of the aisle is shown by this chart, which is to increase spending, increase the size of Government, increase taxes and, as a result, we refer to that as tax and spend, a term which I believe is reasonably accurate in this context.

At this point, I will yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I yield 5 minutes to myself off the resolution. We have heard from the other side that we have proposed additional spending in the committee. Yes, we did. The difference between our spending and the spending the other side offered—and they have offered, repeatedly, amendments to increase spending—is that we paid for ours. We paid for it.

The Senator has a list that shows we offered in committee amendments that have increased spending $126 billion. Let me explain where almost all of that spending was. One amendment. One amendment to say that veterans of our country should have their spending considered mandatory rather than discretionary—mandatory rather than discretionary. I think most Americans would say spending on veterans is not a discretionary matter.

We asked them to go to war, asked them to put their lives on the line. In many cases, they have come back wounded, injured, and in need of care. Is it discretionary to fund those accounts, to take care of their medical needs? We don't think so. We think it should be on the mandatory side of the ledger. That is scored as $104 billion of our $126 billion of spending.

Now, yes, I will look anybody in the eye and say that was spending that was responsible, to keep the promise made to our Nation's veterans. And we paid for it. We didn't just run up the debt the way our colleagues do. Over and over, they have voted for spending. We have shown the lines. Spending has gone up under this administration. But revenue has gone down. They voted for all the spending, and they voted for all the tax cuts, and the result is the debt is going up, up and away. So they are the party of borrow and spend. Borrow and borrow, spend and spend. They don't want to reduce any spending.

I don't see any amendments that they have offered to cut spending. They offered amendment after amendment to increase spending, but they don't want to pay for it.

The Comptroller General has told us that "continuing on this unsustainable fiscal path will gradually erode, if not suddenly damage, our economy, our standard of living, and ultimately our national security." He is talking about this runup of debt.

I want to conclude. My colleague said they had a deficit reduction plan and they didn't get a single vote from our side for it. He is right. They didn't have any deficit reduction. There is no deficit reduction in their plan. The deficit went up. They passed their plan and the deficit went up. In 2005, the deficit was $319 billion. They passed their deficit reduction plan without a single Democratic vote. In fact, some on their side voted against it. And now the deficit is going to be $371 billion.

So the Senator is absolutely correct. We didn't vote for their so-called deficit reduction plan that didn't reduce the deficit; it increased the deficit. And we are not going to vote for this plan that runs up the debt $600 billion a year each and every year for the next 5 years, taking us to a debt of $11.8 trillion before the baby boomers ever retire. So that is the difference between the parties.

In terms of economic performance, I say to my colleague, he says that the productivity numbers are a result of the Tax Code. I don't think so. I think the productivity numbers are the result of the hard work of the American people, the ingenuity of the American people, not as a result of the Tax Code. The productivity numbers were going up dramatically when we had the previous Tax Code. So the notion that the Tax Code is the reason for the productivity gains is just imaginary.

If we want to talk about economic performance, in the Clinton administration we got twice as much increase in real average hourly earnings. We got 50 percent more increase in real disposable personal income. And we got 10 times as much job creation. That is with the previous Tax Code.

So it is not the Tax Code that is producing those results. It is the hard work and ingenuity of the American people.

Mr. WYDEN. Will the Senator yield?

Mr. CONRAD. I will be happy to yield. I say to my colleague, would this be an appropriate time to go to Senator WYDEN's amendment?

Mr. GREGG. Mr. President, I understand Senator GRASSLEY wishes to respond to Senator WYDEN. That may be the appropriate time. Let Senator WYDEN make his presentation.

Mr. WYDEN. I appreciate that. What Senator SNOWE and I want to do is not spend any taxpayers' money; we want to save some taxpayers' money. I appreciate that. I was here about 45 minutes ago thinking that was the point where we would be in the queue. When Chairman GRASSLEY gets here, we would appreciate the chance to discuss our bipartisan amendment.

Mr. CONRAD. Mr. President, I say to the Senator, this would be the appropriate time for him to make his presentation, and we can go forward with the amendments.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Oregon is recognized.

AMENDMENT NO. 3004

Mr. WYDEN. Madam President, with the consent of both sides, I call up amendment No. 3004, the Snowe-Wyden amendment.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for Ms. SNOWE, for herself and Mr. WYDEN, proposes an amendment numbered 3004.

Mr. WYDEN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that any savings associated with legislation that authorizes the Secretary of Health and Human Services to use the collective purchasing power of 40,000,000 Medicare beneficiaries to negotiate the best possible prices for prescription drugs provided through part D of title XVIII of the Social Security Act in fallback plans, by private drug plans (if asked) and in other circumstances, but not permitting a uniform formulary or price setting, is reserved for deficit reduction or to improve the Medicare drug benefit)

At the end of title III, insert the following:

SEC. ______. RESERVE FUND FOR THE NEGOTIATION OF THE BEST POSSIBLE PRICE FOR PRESCRIPTION DRUGS THROUGH MEDICARE PART D.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that allows the Secretary of Health and Human Services to use the collective purchasing power of 40,000,000 Medicare beneficiaries to negotiate the best possible prices for prescription drugs provided through part D of title XVIII of the Social Security Act in fallback plans and, if asked, by private drug plans, and in other circumstances, but not permitting price setting or a uniform formulary, by the amount of savings in that legislation, to ensure that those savings are reserved for deficit reduction or to improve the Medicare part D drug benefit.

Mr. WYDEN. Madam President, we all have seen the frustrations and the heartache that senior citizens have experienced over these last few months as the prescription drug legislation has gone into effect. Certainly, some folks are being helped, and we are glad to see it. But in order to really make a prescription drug benefit work, we have to contain the costs of medicine. That is what Senator SNOWE and I are trying to do. We are trying to do it by using marketplace forces, not Government but marketplace forces to hold down the cost of medicine.

A majority of the Senate is now on record as favoring this proposal. A majority of the Senate voted for it last fall before all the headaches and the frustrations that seniors have experienced. So in my view, the case is a lot stronger today than it even was last fall when a majority of the Senate voted for it.

I think that is the reason the American Association of Retired Persons has written to the Senate saying they are in support of the bipartisan Snowe-Wyden legislation. They have something they call their Rx Watchdog group. It is an effort by AARP—a very laudable effort—to monitor the cost of medicine. They report that the cost of medicine is going up twice the rate of inflation.

Of course, we know older people use more medicines than the rest of the population. It would be one thing if people were trying to go about doing this in an arbitrary kind of fashion, using a one-size-fits-all Government approach or price controls. That is not what the bipartisan Snowe-Wyden legislation does.

We want to be very clear, as we offer this legislation, that at line 13 and line 14 of this amendment, there is a statutory prohibition on price controls as an effort to hold down the cost of medicine.

Let me repeat that to the Senate. The bipartisan Snowe-Wyden legislation at line 13 and line 14 includes a bipartisan statutory ban on price setting as an effort to control the cost of medicine. This is about using marketplace forces to hold down the cost of these drugs that are clobbering our older people.

I don't see how anyone can oppose this amendment and, in fact, Secretary Tommy Thompson, the former Secretary of Health and Human Services, said in his last press conference that he just wished he had this authority. He wished he had the kind of authority that is in this amendment. It doesn't mean it is going to be used all the time, but it means it is a tool, an opportunity like we have every single day in the private sector of our economy to hold down the cost of medicine.

The way Medicare is going to go out and buy these prescription drugs reminds me of somebody going to COSTCO and buying one role of toilet paper at a time. Nobody would go shopping that way. Everybody who is in a position to do so exercises their marketplace clout, the opportunity to be a savvy shopper, the opportunity to say I am going to purchase a lot of something. I want to get my money's worth.

I just hope the Senate this time, when we have seen all the frustrations older people are having, uses this chance to do something about it.

We know lots of lobbyists are against this amendment. Last week we had a discussion on lobbying reform. I can tell colleagues in the Senate that probably the biggest trophy on a lobbyist's wall is to defeat the bipartisan Snowe-Wyden amendment, but that doesn't make it right. What we need to do is what is right for older people and at a time when millions of seniors are walking on an economic tightrope, balancing their food costs against their fuel costs, and their fuel costs against their medical bills, this is a chance to use marketplace forces to hold down the cost of medicine.

For older people, there are no costs going up like prescription drugs. Some are saying: We can get these cost savings without the Snowe-Wyden amendment. A lot of those people are the same ones who said that the rollout of the prescription drug program would go perfectly. We say that certainly has not been the case.

Now there is a chance to go home at this break and say you actually moved to do something important that older people are talking about at their kitchen table every single day, and that is the cost of medicine.

I don't know of any special interest group in this country that got the kind of sweetheart arrangement in this legislation that the pharmaceutical sector has. There is no other group in this country, no other group that got a specific carve-out so we couldn't use marketplace forces to hold down the cost of medicine. It is really staggering that one group was singled out to be immune from the forces of the marketplace.

Secretary Thompson thought it made no sense. It certainly makes no sense right now when older people are being clobbered by the cost of medicine and finding it hard to secure the benefits of this program. In fact, my sense is one of the reasons a lot of older people have been reluctant to sign up is they can't see any cost savings in the program.

Here is a chance to generate some real cost savings. That is why AARP indicated its support for the amendment. That is why Secretary Thompson said he wished he had the authority. That is why every timber company, steel company, and auto company in the country uses its marketplace clout to hold down the cost of medicine. Fifty-one Senators voted for it last fall before we saw all the older people have the problems they have had over the last couple of months.

I hope colleagues, on a bipartisan basis, will support this amendment. Senator SNOWE and I have worked on this now for 3 years. We said we were going to work on it at the time the original legislation was voted on. AARP, like Senator SNOWE, like myself, like Chairman GRASSLEY, for whom I have enormous respect—we are all in support of the original legislation. I still have the welts on my back to show for my support for the legislation. But as AARP says, don't miss the opportunity to improve on this legislation which we can do by using marketplace forces.

I urge colleagues, particularly in light of some of what has been written, to take a look at line 13 and line 14 of the amendment which specifically prohibits the use of price controls under this amendment as a tool to hold down the cost of medicine.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Iowa.

Mr. GRASSLEY. Madam President, here we are again. Today's discussion, as the famous words go, is déjà vu all over again.

First of all, we heard the words "sweetheart deal" for drug companies. If drug companies had their way, they would want no formularies, which is what the Wyden amendment would require. These drug companies would want all drugs covered regardless of cost. So don't tell me this is a sweetheart deal. If we didn't have formularies like we would have if the Wyden amendment is adopted, then all drugs would be covered regardless of cost. Then they would not have to compete. But this legislation requires competition building upon the practices that we have used for the Federal employee health plan for 40 years. We patterned this legislation after that because that is what saves money.

I am beginning to lose count of the number of times that this issue has come before us. So I have to keep repeating—but it doesn't seem to sink in—that the Medicare Modernization Act does not prohibit negotiations with drug companies. Nothing could be further from the truth. But hearing the last speech, one couldn't come to that conclusion. In fact, the law requires Medicare plans to negotiate with drugmakers for better prices. These negotiations are at the heart of the Medicare drug program.

It is an absurd claim that the Government will not be negotiating with drugmakers comes from the noninterference clause in the Medicare law. The noninterference clause does not prohibit Medicare from negotiating with drugmakers. What it does is it prohibits the Center for Medicare Services from interfering with these negotiations.

To be clear, the noninterference clause is at the heart of the bill's structure for delivering prescription drug coverage. This clause ensures those savings will result from market competition rather than through Government price fixing. The average beneficiary premium is $25. That is $12 less than the $37 that was estimated less than 12 months ago, going back to July of last year. That clearly demonstrates that the law's structure is accomplishing that objective and then some; otherwise, we would have $37-a-month premiums or more instead of the average $25 premiums that we have.

This year's cost to the Government then is $8 billion less than what we thought it would be last July. The 10-year cost has dropped by $180 billion, as we tried to estimate ahead what programs might cost 10 years into the future.

The Center for Medicare Services and the Consumers Union have reported that beneficiaries are getting substantial savings under this drug benefit. These plain and simple facts ought to take the wind out of the sails of the argument that private companies can't deliver an affordable benefit for our beneficiaries and even for the taxpayers. These plans can deliver, and they are delivering. That is competition, not something that they set out to do. That is the market forces bringing down prices.

Some might say: Well, if the plans can do that, imagine what the big bureaucracy of the Federal Government can do. To those folks, I urge a word of caution. First, the Government doesn't have such a great track record when it comes to price negotiation. When we considered the Medicare Modernization Act, the Center for Medicare Services' actuary reported that drugs in Part B:

> Were reimbursed at rates that, in many instances, were substantially greater than the prevailing price levels.

Even The Washington Post editorial of February 17, 2004, said:

> Governments are notoriously bad at setting prices, and the U.S. Government is notoriously bad at setting prices in the medical realm.

My second point is beneficiaries don't have one-size-fits-all prescription drug needs. They need choices. Forty-four million different Americans have 44 million different solutions—or you can't have one plan fits all. I guess is what I should say. The companies offering the drug benefit must offer coverage for a wide array of brand and generic drugs. The companies also are offering plans with lower or even no deductible. Many are offering additional coverage so that there is no doughnut hole.

The bottom line is the approach taken in the Medicare Modernization Act has resulted in affordable choices for beneficiaries while saving the taxpayers money.

When we crafted this act, the Congressional Budget Office concluded that the market-based approach would result in better prescription drug cost management for Medicare than any other approach that was being considered at that time by the Congress. Here is what the Congressional Budget Office said about eliminating the noninterference clause in a letter last year:

> The Secretary would not be able to negotiate prices that further reduce Federal spending to a significant degree.

The Congressional Budget Office went on to say:

> CBO estimates that substantial savings will be obtained by the private plans.

That estimate is now a reality.

We also had an analysis from the chief actuary for the Medicare program.

The chief actuary for the Medicare program, who is required by law to provide independent actuarial analysis on issues facing Medicare, concluded that he does not:

> believe that the current Administration or future ones would be willing and able to impose price concessions that significantly exceed those that can be achieved in a competitive market.

In fact, more astonishingly, the chief actuary pointed out that if Medicare establishes drug price levels it will reduce competition not increase it.

The report stated that the

> establishment of drug price levels for Medicare by the Federal government would eliminate the largest factor that prescription drug plans could otherwise use to compete against each other.

So let's be clear, direct Government negotiation is not the answer. The Government does not negotiate drug prices. The Government sets prices and it does not do a very good job at it.

The law's entire approach is to get beneficiaries the best deal through vigorous market competition, not price controls.

The new Medicare drug benefit creates consumer choices among competing, at-risk private plans.

It is abundantly clear that Medicare plans have leveraged the buying power of millions of beneficiaries to lower drug prices.

I urge my colleagues to oppose efforts to change the law and oppose efforts to get the Government involved in setting drug prices.

It is a prescription for higher costs and fewer choices for beneficiaries.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Madam President, I yield 3 minutes to the Senator from North Dakota and then 3 minutes to the Senator from Oregon.

Mr. DORGAN. Madam President, I am proud to be a cosponsor of the amendment that has been offered. I was thinking that people listening to this debate must surely think this is a foreign language: noninterference clauses and doughnut holes, and so on and so forth. This is very simple. Let me try and do it in English, if I can.

When Congress passed the prescription drug benefit to provide benefits to senior citizens, a little clause was put in there. My colleague calls it a sweetheart deal. It is even sweeter than that. A clause was put in that says: By the way, the Federal Government cannot negotiate with the drug companies for lower prices. Cannot do it. The Defense Department does it. The VA does it. The evidence is that those negotiations produce about 50 percent of the savings that is reducing the drug prices by 50 percent, but the Medicare prescription drug plan cannot have that happen. The Government cannot negotiate for lower prices.

My colleague describes this as a noninterference clause. About the time you think you get a handle on something here and have an aggressive debate, they change the titles and change the subject. This is not about noninterference. There is no noninterference involved. The question is, Should the Federal Government be able to negotiate for lower prescription drug prices in this plan, as we do in the VA and as we do in the Defense Department? The answer is yes.

My colleague talks about 10-year savings, 10 years out. Look, economists who can't remember their home phone numbers are telling us what they think is going to happen in 10 years. I know what is going to happen. We are going to break the back of this Government financially if we don't negotiate lower prices. This is similar to hooking a hose up to the tank and sucking the tank dry. Let the pharmaceutical companies decide to tell us what they are going to charge us and, by the way, we can't negotiate better prices as we do in the VA system for veterans. That doesn't make any sense to me.

The toughest job in the Senate is to come to the floor and justify or defend a proposal that we can't negotiate for lower prices. The second toughest job is for those who vote against this amendment to go home and explain to their constituents how they defied common sense.

It makes common sense for us to say: Let's get the best price we can from these pharmaceutical companies. How do you do that? You do that by the power of the purse, having the Federal Government negotiate for lower prices. We have done it in the VA, we have done it in the Defense Department. We saved 50 percent of the cost by doing it. My colleague is dead right. Yes, this is a sweetheart deal. This is not about noninterference; it is about whether we can negotiate with the pharmaceutical industry for lower prices. The answer ought to be, of course, we ought to do that. We ought to do it aggressively in order to save the taxpayers money; otherwise, we are going to break the bank. I thought fiscal conservatism was about trying to save the taxpayers money.

This amendment will do more to save the taxpayers money in the next 10 years than almost anything else we can do.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Oregon.

Mr. WYDEN. Madam President, Senator SNOWE will close this afternoon for our bipartisan amendment, but I want to highlight a couple of points. There is a reason that AARP strongly supports the Snowe-Wyden amendment. There is a reason that Secretary Thompson, before he left the Health and Human Services Department, said he wanted this authority, and that is this is just plain common sense.

Everybody else in the marketplace who is in a position to use their clout does it but not Medicare.

I want to set the record straight on a couple of comments that were made by my friend, the chairman of the Finance Committee. Again, at lines 13 and 14 of the bipartisan Snowe-Wyden amendment, in addition to the prohibition against price controls, there is a prohibition against a uniform formulary. So we are using all of the same forces in the marketplace of the private sector under this amendment that go on all across the land today. There are no price controls. There is no uniform formulary. For colleagues who want to see the language, it is at line 13 and line 14 of the Snowe-Wyden amendment.

Let us have some practical, smart shopping with respect to this program, where the costs are going into the stratosphere. I don't know of anybody in the United States who would shop the way Medicare is shopping today for prescription drugs. It would be one thing if it was working.

AARP supports this amendment because the cost of medicine is rising twice the rate of inflation. So if you want to say to the seniors when you go home next week that you took some practical steps to control the costs of medicine, you will support the Snowe-Wyden amendment. If you think everything is working fine right now—and we don't—then I guess you oppose us. But I hope colleagues will, as they did last November, a majority of them, support us because now they can make a difference. They can make a difference for older people. They can make a difference for taxpayers. I hope my colleagues, when Senator SNOWE wraps up for our side this afternoon, will support this bipartisan amendment because it is just plain shopping smart at a crucial time when older people need that approach to hold down the cost of health care.

I yield the floor.

Mr. BYRD. Madam President, the Snowe-Wyden amendment purports to create a reserve fund within the budget that could be used to allow the Federal Government to improve its negotiating position with respect to lowering the price of prescription drugs. I will vote in favor of this amendment because much more needs to be done to insure that Americans will not be forced to give up their medications because of rising prices.

However, I know that a number of veterans in West Virginia are concerned about what a Governmentwide prescription drug negotiation program would mean to the prices of medicines dispensed through hospitals in the Department of Veterans Affairs. There are concerns that veterans would lose access to the medications they need at advantageous prices.

It is important for West Virginians to understand that the Snowe-Wyden amendment does not have the force of law, and, even if it should be adopted today, the amendment would have no impact on the VA's ability to negotiate favorable drug prices for our veterans.

Additional legislation would have to be passed by Congress and signed into law before any changes to the VA's prescription drug negotiating power could be made. I will continue to keep the concerns of West Virginia's veterans in mind should the Senate take up a debate on legislation that relates to the price of prescription drugs.

Mr. BROWNBACK. Madam President, today I rise to speak on the amendment offered by Senator SNOWE to S. Con. Res. 83. This amendment addresses the question of whether the Federal Government should play a role in negotiating the prices of Medicare prescription drug plans. In the past, I have supported similar measures that would allow the Federal Government to negotiate prescription drug plan prices, based on the idea that there was a need to contain rising prescription drug costs and that negotiation would have the effect of driving down costs.

However, we are now seeing dramatically lower costs than we had anticipated. Specifically, CMS recently announced that the average premium of a Medicare prescription drug plan is $25; this is thirty two-percent reduction from the premium estimates of 1 year ago. Also, CMS has reported almost doubling of discounts and rebates of drugs under the Medicare prescription drug program from original projections. These effects are a result of the fact that under the Medicare prescription drug program, similar to the Federal Employees Health Benefits Program, numerous plans are in competition to offer consumers the lowest possible prices.

In view of this, today, I am voting not to support this amendment, and instead, am lending my support to offering America's seniors the lowest and most affordable prices on their prescription drugs. We now have evidence that the lowest prices are offered through what makes this nation's economy one of the most robust in the world—healthy competition.

Mr. CRAPO. Madam President, I yield off of our time 2 minutes to the Senator from Iowa to respond.

Before I do that, however, I understand that there is an order in place that the next amendment will be the Conrad amendment, followed by the Byrd amendment. We would like to ask unanimous consent to reverse that order, so that following the Snowe-Wyden amendment, we would move to the Byrd amendment next, rather than the Conrad amendment. So I ask unanimous consent for that change in the order of the amendment process.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, two speakers ago, the Senate heard the Senator from North Dakota say that the drug bill says that the Secretary cannot negotiate. It doesn't say that anywhere in the law. It doesn't say it anyplace. They made that up. I don't know what sort of political points they want to make, but keeping the speeches to what the law says, and not what somebody thinks it says, seems to be very important to intellectually honest debate.

To the Senator from Oregon, drug companies want cash-paying customers with no coverage because those people, as we all know, pay the highest prices. The drug companies don't have to negotiate with anyone when seniors don't have any drug coverage, such as they didn't have before this law went into effect. Part D provides that drug coverage, and now the drug companies have to compete to offer lower prices and to get plans to put their drugs on their preferred drug list. It is very necessary. They would like to have the environment that you want: No formulary. Then they have everything the way they want it. That is how negotiations work, to drive down prices, to get your plan approved, and that is how competition works to reduce prices, and that is what we see after 2½ months of the operation of this legislation. Don't give the drug companies what they want: no formulary.

Mr. CONRAD. Madam President, at this point, the Byrd amendment is in order; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. Madam President, I want to thank Senator BYRD for graciously coming to the floor as we sought to accommodate other Senators so they could make quorums in other committees. It was very gracious of him to come on short notice so that this time would not be lost.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 3086

Mr. BYRD. Madam President, I thank my distinguished colleague for his kind remarks. At this time, I offer an amendment cosponsored by myself and Senators LAUTENBERG, CLINTON, DORGAN, LIEBERMAN, KERRY, BIDEN, DURBIN, MENENDEZ, and JEFFORDS.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LAUTENBERG, Mrs. CLINTON, Mr. DORGAN, Mr. LIEBERMAN, Mr. KERRY, Mr. BIDEN, Mr. DURBIN, Mr. MENENDEZ, and Mr. JEFFORDS, proposes an amendment numbered 3086.

The amendment is as follows:

(Purpose: To preserve a national intercity passenger rail system by providing adequate funding of $1.45 billion for Amtrak in Fiscal Year 2007 and to fully offset this additional funding by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $550,000,000.

On page 4, line 1, increase the amount by $550,000,000.

On page 4, line 13, increase the amount by $550,000,000.

On page 5, line 4, increase the amount by $550,000,000.

On page 16, line 21, increase the amount by $550,000,000.

On page 16, line 22, increase the amount by $550,000,000.

On page 53, line 1, increase the amount by $550,000,000.

On page 53, line 2, increase the amount by $550,000,000.

Mr. BYRD. Madam President, this amendment adds $550 million to the fiscal year 2007 budget for Amtrak. All aboard for Amtrak. Amtrak.

The Bush administration's budget for the coming year assumes that Amtrak will be handed a funding cut of almost $400 million—a whopping cut of more than 30 percent. As in past years, there is absolutely no inherent logic underlying this budget request. Every observer who has testified before the Congress regarding Amtrak's financial needs has concluded that dramatic cuts—dramatic cuts—of this kind would result in Amtrak being thrown into bankruptcy, endangering rail service in every region of the Nation, including the Northeast corridor.

Amtrak is not just a high-speed train service for the residents of Boston, MA, New York City, and Washington, DC. Amtrak is also a network that links cities such as Portland, ME, and Wells, ME, with that Northeast corridor. It also links communities such as Prince, in Raleigh County, WV, with cities such as Cincinnati, OH. It connects White Fish, MT, with St. Cloud, MN. It connects rural America with the central transportation and economic networks of our country.

This amendment would restore Amtrak's funding to the level of $1.45 billion. This funding level stands some $150 million higher than the current funding level. However, it also is $150 million below the level that has been requested by Amtrak's board of directors. I should point out that every member of Amtrak's board of directors was appointed by President George Bush and this slate of Bush appointees is telling us they need $1.6 billion to invest adequately in the railroad, guarantee quality service, and restore this increasingly aging infrastructure of the Amtrak system.

This amendment would provide $1.45 billion. That is the precise funding level that 97 Senators across the political spectrum, Republican and Democrat alike, voted for when we passed the Transportation-Treasury Appropriations bill less than 5 months ago. I hope today, with the passage of this amendment, we can make the same affirmative bipartisan statement to our States and communities that their Amtrak service will be secure for yet another year.

Amtrak recently reported that it had achieved a record year for ridership for the third year in a row. The number of citizens using the Amtrak network grew to 24.5 million last year. Amtrak is growing in popularity in all regions of the country. For example, on Amtrak's Empire Builder—which serves Illinois, Wisconsin, Minnesota, North Dakota, Montana, Idaho, and Washington—ridership has grown by more than 14 percent over the last year. The Downeaster service in Maine grew by 10 percent, while the Heartland Flier service between Oklahoma City and Ft. Worth, TX, grew by a healthy 23 percent.

For those of my colleagues who like to complain that Amtrak is a bloated, excessively costly railroad, I point out that just as Amtrak has achieved record ridership in each of the last 3 years, so has it reduced its employment levels over each of these years. Between 2001 and 2005, Amtrak has reduced its workforce by over 22 percent.

If the Senate adopts this amendment this afternoon, we can make an affirmative statement to these millions of Amtrak riders across the entire country that we will not allow them to be left standing at the platform next year because of the White House's budgetary shenanigans.

I understand the junior Senator from Pennsylvania is expected to offer an amendment concerning Amtrak. The amendment by the Senator from Pennsylvania would do nothing to help Amtrak or the millions of riders who rely on Amtrak. The amendment purports to help Amtrak but it does no such thing. The amendment does not increase the allocation to the Appropriations Committee. Instead, the amendment pretends to pay for increased Amtrak funding by cutting something called function 920 allowances. When it comes to the real work of passing appropriations bills, the Senate has to cut real programs. We cannot cut something called "allowances." This amendment is a magic asterisk. It is not fiscal discipline.

My amendment is paid for by eliminating loopholes in the Tax Code, loophole closures that have been voted on by a majority in this body on several occasions. In reality, what the distinguished Senator from Pennsylvania would be asking the Senate to do is pass an amendment that will force cuts in critical programs. What programs would the Senator have us cut? Funds for the troops? Funds for medical care for our veterans? Funds for educating our children? Would the Senator have the Senate cut border or port security? Would he have the Senate cut grants for Low Income Home Energy Assistance?

The budget resolution that is before the Senate provides discretionary funding that is so limited for domestic programs that cuts in such critical programs are just not likely, they are inevitable. The amendment by the Senator from Pennsylvania would precipitate even deeper cuts.

I urge Senators to vote for this amendment, the Byrd amendment, cosponsored by myself and the other Senators listed. I send the list to the desk.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Senator from Idaho.

Mr. CRAPO. I yield the time we have in opposition on this amendment to the Senator from Iowa.

Mr. GRASSLEY. I don't think I am going to use more time than has been allotted on this amendment, but just in case, I hope the manager would give me a minute or two off the bill.

Madam President, I wish to speak through the Chair to the Senator from West Virginia. I am going to speak not specifically against your amendment, but you have identified closing corporate tax loopholes as one way of raising revenue to offset yours. I am going to take advantage of my time against your amendment to speak because Members on your side of the aisle have used this approach in the past, and I want to say how there are some problems doing that.

Virtually all Democratic Members had a common theme in their amendments—raising taxes for more spending. The purported offset for each of these amendments—several yesterday and more today—would close tax loopholes to pay for whatever popular spending program is proposed. The Senate tax relief reconciliation bill that is now in conference between the House and Senate—and that is a reconciliation bill left over from last year's budget resolution, some of the unfinished business of last year that we have to get worked out this spring—this conference's bills already include $20 to $30 billion of loophole closers. Ironically, many of the proponents of these amendments that have been offered on the other side of the aisle, using tax loophole closers, were among the small minority of Members who opposed the tax relief reconciliation bill that contained offsets. In some cases, the proponents have acknowledged that the Finance Committee, which I chair, has already used these loophole closers. The Finance Committee will be responsible, then, if these amendments are adopted, for creating new loophole closers.

That is not a problem. I don't consider that a problem because I am looking to close abusive uses of the Tax Code. My Finance Committee staff has proven itself quite effective in the past in identifying offsets. Just in the period of time since 2001, our committee has raised around $200 billion in new revenues by shutting down tax shelters, by closing inversions, and other abusive tax schemes.

In the year 2004 alone, the Finance Committee fully offset a $137 billion tax bill at no expense to the American taxpayers. This was what was known at that time as the FSC–ETI repeal bill. So I think the Finance Committee, since 2001—or using the year 2004 alone—has a pretty good handle on what is possible in the "raisers" category. So, implied, do the Democrats who are proposing closing tax loopholes know it is not necessarily an easy job, a job we have been working on, a job we have been successful at, but the more of this you do, the less there is to take care of what they are trying to bring us to do, closing tax loopholes?

I might imply that maybe they are taking the easy way out because of using the term "loophole closers." That may not be such an easy way out for those of us who have to do it.

This brings me then to the amendments that have been proposed. The sponsors say they have offset the costs of the amendments by closing tax loopholes. I wish to know what loopholes they have in mind. If we use the inventory of Senate-acceptable offsets, we can raise about $11 billion over 5 years. But that $11 billion, even if we accomplish it, is a far cry from the cumulative demands of the amendments that have already been offered from the other side and probably will be offered yet today and tomorrow. We are probably going to have to find more revenue raisers just to cover the items that Members say they support in the tax relief agenda that is out there that everybody wants me to get passed.

The Finance Committee staff hopes to use the full $30 billion that is already in conference in the Senate tax relief reconciliation bill. Some have referred to the recent "tax gap" report of the Joint Committee. But this is also going to be a heavy lift. When Members try to use some unidentified loophole closers—and these have all been unidentified—to pay for their amendments, what they are saying is that we should use something out of the $30 billion that has been set by the Finance Committee staff that we are considering in conference committee right now. So, in fact, the proponents' amendment is going to displace something covered by the resolution. That point has to be made crystal clear, because this is the crux of the problem. If you use a loophole closer that is already called for in the tax relief package that is in conference, it means that something in the tax cut package will have to be taken out.

What do my colleagues, who are using loophole closers, suggest that we take out that most of them think ought to be law because they voted for it in the first place? The tax relief reconciliation bill covers a number of items that Members on the other side do support. For example, it covers, through the year 2010, provisions that they support such as tuition deduction, such as low-income savers credit, small business expensing. These are sunsetted. They have to be reenacted to keep existing tax policy. You have to have offsets for them.

Also covered are 1-year provisions that they say they support, such as business extenders like research and development. Several States have sales taxes that will not be deductible anymore if we don't pass this bill. The alternative minimum tax hold harmless——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRASSLEY. Could I have 1 more minute?

Mr. CRAPO. I yield the Senator 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. There is the alternative minimum tax hold harmless, so that 22 million more Americans do not get hit by the alternative minimum income tax. Middle-income people who were never intended to pay it will if we don't get this bill out of conference with these offsets in it. Everybody on the other side of the aisle doesn't want an alternative minimum tax to hit middle-income people, so they are going to take those revenue raisers, those tax loophole closers that we are using for this to use for something such as Amtrak, now before us, as an example.

There are other provisions.

The reconciliation number covers these items. Yet this amendment would tear away the revenue offsets needed to pay for these items.

You can't say you are for these items and not provide room for the tax cut that is in the reconciliation bill in conference. You can't use the offsets for something else without providing for those items. You can't have it both ways, in other words.

What is the loophole closer you would use, I ask them. There are none of them identified. Will it be taken from the $30 billion reconciliation already accounted for in that bill or is there a new issue we haven't seen? If you have a secret revenue loophole closer out there, I want to know about it. A loophole closer actually has to raise money. Members need to know that some of the leftover items from last year may not raise any money in the current year when they want to spend it. You can't rely on raisers that were done in the past.

We also need to remember that many of these leftover offsets were rejected by the House.

It is not enough to call for “more loophole closers.” The amendment's sponsor needs to tell us where the money is coming from; otherwise the call for offsets is just a call for “funny money,” in a sense.

Members need to know that the till is empty. A fictitious offset will not suffice. We have a lot of heavy lifting to do under this resolution as written. If you want to add more weight to the problem, you need to tell us where the money is going to come from.

I ask you to vote against these amendments because they are not identifying loophole closers.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I rise to talk about the Amtrak issue. This is a very important issue to me, to my State, to Philadelphia, and the 30th Street station. It is the second busiest train station nationally, with over 3.7 million boarding a year. Amtrak and the health of Amtrak is important. In addition, we have about 3,000 employees based in Pennsylvania who are employed by Amtrak. It not only makes a difference for us from the standpoint of our communities in southeastern Pennsylvania but the employment picture as well.

The continued health of Amtrak is important. That is why over the years you have supported efforts on the floor of the Senate to increase funding for Amtrak. I voted for appropriations bills as well as budget proposals.

I rise in opposition to the Byrd amendment. The chairman of the Finance Committee articulated it well—that in essence what Senator BYRD wants to do is increase taxes to pay for this amendment. I cannot support hurting the economy of this country by supporting something that is important from an appropriations standpoint. I think we need to set priorities in appropriations. We have done that in the past.

Amtrak has fared very well here in the Senate, and we have had support in the House to be able to get funding for this program. In fact, over the years we have increased funding. Last year the Senate version had $1.45 billion, which is obviously more than the $900 million in the current budget proposal. I will be offering an amendment to increase that funding from the $900 million which is in the bill right now to the $1.45 billion level and adding $550 million. I will do so through the section 920 account. I anticipate my colleague from North Dakota coming up and saying again that there is no money in the 920 account. He is correct; there is not money there, but there will be a very strong message sent by passing this amendment, if it is successful, to the appropriators of the importance of this program.

Again, I think we have seen that without raising the cap or without raising taxes, the Senate has been able to come up with a robust number for Amtrak which I will support within the context of a responsible budget. We have done it year after year, and we will continue to do that.

AMENDMENT NO. 3015

I call up my amendment No. 3015.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself and Mr. SPECTER, proposes an amendment numbered 3015.

Mr. SANTORUM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional $550,000,000 for Amtrak for fiscal year 2007)

On page 16, line 21, strike “$78,268,000,000” and insert “$78,818,000,000”.

On page 16, line 22, strike “$75,774,000,000” and insert “$76,324,000,000”.

On page 27, line 23, strike “–$500,000,000” and insert “–$1,050,000,000”.

On page 27, line 24, strike “–$500,000,000” and insert “–$1,050,000,000”.

Mr. SANTORUM. Madam President, Senator SPECTER is an original cosponsor of this amendment. Obviously there is no greater supporter of Amtrak out there than Senator SPECTER. We hope this amendment will be passed and the Byrd amendment will be defeated. But understand that the commitment of Senator SPECTER and my commitment is that we will work through the appropriations process to make sure Amtrak is adequately funded in the appropriations process.

I think I have said all I need to say on the Amtrak issue.

I ask unanimous consent to add Senator VITTER and Senator TALENT as cosponsors to my amendment No. 3050, which is increasing funding for the CDBG Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, the Senator from Pennsylvania correctly anticipated my concern about his amendment, not the additional funding for Amtrak. I completely agree with the Senator from Pennsylvania, and I agree with the Senator from West Virginia on the desirability of providing that additional $550 million.

There are two very different ways to do it. One is the approach of Senator BYRD, which is to close additional tax loopholes. I commend the Finance Committee. They have done an exceptionally good job over the last several years of working to shut down some of these very abusive tax loopholes. I salute the chairman of the Finance Committee for his interest in doing that. I salute his very professional staff for the work in that regard. We all know there is more to be done. I have offered just two that would easily cover this expenditure—in fact, cover it many times over.

One is what is going on in the Cayman Islands with this incredible scam of companies saying they are doing business there when they are not. They are doing business there, or claiming they are doing business, in order to escape income taxes in this country. Why are they in the Cayman Islands? Because the Cayman Islands is a well-known tax haven. There are 12,700 companies headquartered in a five-story little office building in the Cayman Islands. That is a scam. It ought to be shut down. It would save tens of billions of dollars if it were. That is what Senator BYRD says should be done to finance this additional money for Amtrak.

The Senator from Pennsylvania says take money out of function 920. The problem with that is there is no money in function 920. I refer my colleagues to page 29 of the concurrent resolution on the budget. If you go to page 29, what you see going down to function 920—it is called allowance—there is no money there. In fact, it is $500 million under water before we ever started. We have had a whole series of amendments offered on the other side today to take money out of that account to pay for things. There is no money.

If we want to talk about "funny money" financing, as the chairman of the Finance Committee did, that is it. That is it—taking money from an account that has no money. That is the whole problem with this budget. This whole budget takes money we don't have. The result is we keep running up the debt.

I am told that Senator LAUTENBERG is on his way to the Chamber to address this issue. I inquire how much time is left on this amendment.

The PRESIDING OFFICER. The opposition has 4 minutes; the proponents have 3½ minutes.

Mr. MENENDEZ. Madam President, I rise in strong support of the Byrd-Lautenberg amendment to provide additional funding for Amtrak, and I do so to protect the 25 million people who ride Amtrak each year, as well as the one hundred thousand New Jersey commuters who depend on Amtrak's infrastructure every day.

The current level of funding in this budget for Amtrak does not recognize the tremendous benefits generated by intercity rail in this country. Not the billions of dollars generated in commerce, nor the thousands of businesses along the Northeast Corridor whose employees are dependent on Amtrak, nor the national security value of having an additional mode of transportation, nor the benefits to our environment by taking cars off the road.

Every year, we hear complaints that Amtrak has already received too much money from the Federal Government, but the fact is that we have spent less money on Amtrak in the last 35 years than we will on highways in this year alone. And highways don't pay for themselves, even with the gas tax. Neither does mass transit, either in this country or anywhere else in the world. But we subsidize them because they improve the quality of our lives. And that is what transportation is about. It is not just getting from one place to another. It is about creating jobs, revitalizing neighborhoods, stimulating commerce, redeveloping underutilized land, and making us more secure.

We have never provided the kind of commitment to Amtrak that we have for other modes of transportation, and this amendment will be an important step to getting Amtrak off the starvation budgets that it has subsisted on for far too long. A vote for the Byrd-Lautenberg amendment is a vote for a strong Amtrak, and a stable national network of intercity rail, and I urge my colleagues to support it.

Another issue that I would like to bring up regarding the Amtrak budget is the misconception that New Jersey and other States along the Northeast Corridor are not paying their fair share. I believe that misconception may have led to the insertion of a provision in the fiscal year 2006 transportation appropriations bill that directed the Department of Transportation to assess additional fees to commuter railroads on the Northeast Corridor.

New Jersey currently pays over $100 million a year to Amtrak, and has invested roughly $1.8 billion in the Northeast Corridor since 1991. New Jersey Transit also maintains and operates the stations along the corridor in New Jersey, all at no cost to Amtrak. It pays no operating subsidy because the Northeast Corridor turns an operating profit. But this new provision in the appropriations bill could cost New Jersey tens of millions of additional dollars, a cost which would eventually be borne by New Jersey commuters.

As we continue this debate throughout the year, I hope that my colleagues will recognize the investment that New Jersey already makes for intercity passenger rail, and I look forward to working with them to come to a resolution that ensures equitability for all States.

Mr. CONRAD. Madam President, we have votes scheduled to start at 1 o'clock. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. Madam President, maybe the Senator from Idaho wishes to take some of the remaining time, and perhaps we would have a chance to hear Senator LAUTENBERG before we vote.

Mr. CRAPO. Madam President, I wish to take a couple of moments to do a little housekeeping business and then we can be set up for the vote while we wait on Senator LAUTENBERG.

First, I ask unanimous consent on behalf of Senator GREGG, Senator CONRAD, and Senator BYRD to withdraw the Byrd amendment No. 3062, reserving the right of the Senator from West Virginia or his designee to offer an amendment in relation to amendment No. 3062 prior to final action on this resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAPO. Madam President, secondly, I ask unanimous consent that at 3 o'clock today the Senate proceed to the votes in relation to the following amendments: Senator STABENOW, amendment No. 3056; Senator MCCONNELL, No. 3061; Senator MENENDEZ, No. 3054; Senator CHAMBLISS, No. 3018; Senator GRASSLEY, No. 3073; Senator NELSON, No. 3009; the Snowe-Wyden amendment, No. 3004; the Byrd amendment, No. 3086; and Senator SANTORUM, No. 3015.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Madam President, reserving the right to object, I have slightly different numbers on two of the amendments. Maybe we could get that straightened out. I have Chambliss No. 3018.

Mr. CRAPO. That is the number I have.

Mr. CONRAD. Grassley is 3073?

Mr. CRAPO. Yes.

Mr. CONRAD. Perhaps I heard that incorrectly.

There is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, the Senator from New Jersey is here.

How much time do we have remaining?

The PRESIDING OFFICER. There is 3 minutes 15 seconds.

Mr. CONRAD. I yield that time to the very able Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I rise to talk about an amendment Senator BYRD and I are offering to adequately fund Amtrak. I understand there is an alternative that has been offered by the Senator from Pennsylvania which, very frankly, I think amounts to an empty gesture. It is an amendment that looks as though it has funding for the continuation of Amtrak's operations but in fact it doesn't because it doesn't have a source of funding that has any reliability to it.

The bottom line is if we want to fund Amtrak, if we want to keep it going, a vote has to be made for the Byrd-Lautenberg amendment.

President Bush proposed to initially bankrupt Amtrak in last year's budget. The American people and the Democrats and Republicans in Congress stood up and said no. So this year, instead of trying to kill Amtrak outright, President Bush wants to put it on a starvation diet.

This is no time for us to be looking at trying to kill Amtrak because Amtrak in many cases is our only alternative to the crowded skies, to the crowded highways, to be able to move people in the event of emergencies, and as a way to get to work and take care of people's needs. Amtrak and transit in general offers one of the few options.

When we look back at what happened on 9/11, the only transit transportation facility that was available on that terrible day was Amtrak. We never thought it could happen, but we shut down aviation completely. Here we are, and some of our friends on the other side of the aisle think that eliminating Amtrak might be a good idea.

What was proposed by our colleague from Pennsylvania, the junior Senator, was that we find a funding source somewhere in magic land. The money is not there. It is something called 920, which is to hide behind the facts and not tell the truth. But when I look at what is happening in the State of Pennsylvania in terms of Amtrak, I frankly cannot figure out what the mission is here. Pennsylvania has over 4.9 million riders a year on Amtrak.

It is not just Philadelphia and New York; it is not just Philadelphia and Washington; it is places such as Harrisburg and other communities within the State of Pennsylvania that require service. Instead, what they are getting here today is a sleight of hand, saying. Well, we want to put more money in Amtrak, more money than has been proposed in the budget by some $500 million. The fact is there is no money there. There is a colloquialism that has developed in America which says "show me the money." There is no "show" and there is no "dough." That is where we are.

Our amendment accounts for the funding necessary by taking it from corporate loopholes and tax shelters.

I hope people here will understand how valuable Amtrak is to our country, how necessary it is, and vote for the Byrd-Lautenberg amendment and not the alternative that has been proposed.

AMENDMENT NO. 3063

The PRESIDING OFFICER (Mr. THUNE). There is now 2 minutes of debate equally divided on the Murray amendment.

Mr. LAUTENBERG. I ask unanimous consent to add Senator CARPER from Delaware as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate is about to vote on the Murray amendment which is the only amendment before this Senate that will restore actual dollars to the $1 billion cut to the Community Development Block Grant Program. We will see another amendment that is paid for by a 920 account that is now $10.5 billion in the hole—not real money.

When our Committee on Appropriations gets that next fall, all of the Senators will be asking: Why are we cutting CDBG? We did not put real money in to restore that cut, unless we pass the Murray amendment that is paid for by closing tax loopholes.

Real dollars are the difference between this and next fall when our Senators are asking us about CDBG money and why it is being cut. We will relate it directly back to this vote on this amendment.

Let everyone know where the real vote is. If no one believes me, read the Wall Street Journal article, "Republican Budget Plan Advances as Challenges By Democrats Fail," outlining that Republicans in tighter reelection races are offering amendments that are not paid for.

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 15, 2006]

REPUBLICAN BUDGET PLAN ADVANCES AS CHALLENGES BY DEMOCRATS FAIL

(By David Rogers)

WASHINGTON—A Republican budget plan advanced in the Senate, after Democrats narrowly failed to lift proposed spending caps and impose tighter antideficit rules that would make it harder to extend expiring tax cuts.

Senate Budget Committee Chairman Judd Gregg (R., N.H.) predicted passage of the resolution this week. But a succession of 50–50 roll-call votes underscored the fragile support for the plan, which projects higher deficits than the White House's budget for the fiscal year that begins Oct. 1.

Adding to the tension is that senators must temporarily set aside the resolution today to address a companion bill that would raise the nation's debt ceiling by $781 billion. The new $8.965 trillion ceiling represents an estimated 50% increase since Mr. Bush took office, and Sen. Kent Conrad (D., N.D.) complained that the nation's debt is rising like a "scalded cat."

Meanwhile, top House Republicans reached agreement last evening on a set of lobbying and ethics-rules changes in response to recent scandals. Elements include a moratorium on privately funded trips for the remainder of this Congress, a ban on lobbyists accompanying lawmakers on corporate aircraft, and improved audits of disclosure reports filed by lobbyists.

"I think we have a good package here," said House Rules Committee Chairman David Dreier (R., Cal.). Majority Leader John Boehner (R., Ohio) hopes to begin moving major pieces—such as the travel moratorium—through the House early next month.

In the budget debate, Republicans admit they are more cautious this election year in trying to use the budget process to effect change in spending or tax policy. Mr. Gregg has largely abandoned any attempt to use his power to order Senate committees to come up with savings to slow the growth of government benefits like Medicare. And the five-year savings from such programs in his resolution is a fraction of the $39 billion deficit-reduction bill signed by the president last month.

This leaves the proposed $872.5 billion cap on discretionary appropriations as a last symbol of fiscal discipline, and Republicans have clung to the provisions for fear of opening the door to unchecked spending.

Mr. Gregg would transfer more money to health and education programs to win support from moderate Republicans. But domestic cuts would be required, and by the chairman's account, his adjustments are largely "illusory."

Republicans in tight re-election races are offering amendments endorsing more spending for causes such as veterans health care and education for the disabled, but these are for show since no money has been added above the cap. For example, $3 billion was restored for defense by Sen. James Talent (R., Mo.) who said the "highly skilled people" in today's military result in higher personnel costs.

"There's no such thing as a grunt anymore in America's military," Mr. Talent said. The most serious challenge came from Sen. Edward Kennedy (D., Mass.) who proposed to raise the cap by $6.3 billion to make room for education priorities. But he failed 50–50 for lack of support from Sen. Arlen Specter (R., Pa.), who is pursuing a less-direct challenge to his leadership.

Mr. Specter is proposing that lawmakers get around the $872.5 billion ceiling by allowing an extra $7 billion in "advanced appropriations," a category of spending often used to fund education programs ahead of a school year. Mr. Conrad appeared cool to this approach, but if Mr. Specter could win over supporters of Mr. Kennedy's amendment, he could prevail in a roll-call vote today.

* * * crucial to the nation's competitiveness. They are also vital to U.S. defense industries, with many of the most-advanced components and electronics made at newer facilities.

Economists point to growing import competition and an exodus of U.S. production work to low-cost countries as reasons for the birthrate slump. One indication is the ballooning U.S. trade deficit, which hit another record in January.

La-Z-Boy Inc., Monroe, Mich., a maker of recliners and other furniture, felt the imports' bite in 2001, when inexpensive wooden furniture from China began pouring into the U.S. market. In response, the company closed 20 U.S. factories and outsourced most of its own wood-furniture production to China.

To be sure, some manufacturers are adding bricks and mortar. Last year, computer maker Dell Inc. of Round Rock, Texas, opened a $100 million assembly plant in North Carolina, while Owens-Illinois Inc. of Toledo, Ohio, poured $120 million into a Colorado factory that now churns out one billion beer bottles a year.

But most of this growth is concentrated in a relatively narrow array of sectors, such as food, rail equipment and building materials, according to Commerce Department data. The cement industry, for instance, is planning to add 18 new plants at a total cost of $3.6 billion over the next four years.

One measure of new factory construction—investment in industrial structures—rose last year to $18.7 billion, up more than 15% from 2004. "But this spending is still just a shadow of what it used to be," says Tom Runiewicz, an industrial economist at Global Insight, a Lexington, Mass., economic consulting firm. In 1998, this type of investment was about $43.7 billion, he said. It has become far more common for companies to pour money into upgrading existing plants to make them more productive. This helps explain how, although U.S. industrial production has recovered, the urge to build big new factories remains relatively weak, he says. "Our existing plants are just far more efficient."

USG Corp., for instance, is rebuilding one plant in Virginia and putting up a new one in Pennsylvania. The Chicago maker of wallboard says the new plants will use machinery that allows them to make wallboard far faster. "What we make is big, heavy, and relatively inexpensive," says Robert Williams, a USG spokesman, "so usually, you make it close to where you want to sell it." Indeed, USG has 40 plants scattered around the U.S. and has no plans to reduce its manufacturing footprint.

One factor that gets lost is the size of individual plants. Mr. Meckstroth believes many of the operations that are dying off are smaller companies that have had trouble adapting to the rise of import competition and other competitive forces. "But the bigger companies are surviving, because they have the size and scale," he says. "They can afford to put in the new lines or move operations overseas themselves if necessary."

Mr. GREGG. Mr. President, this is a classic liberal amendment that increases the size of Government, increases taxes on the American people. A much more appropriate way to do this, if we believe CDBG is important, is vote for the Santorum amendment which makes that a priority but does so within the caps. So it has to compete with other programs that we as a Congress can declare as a priority by using the Santorum amendment.

To follow the Murray proposal is to increase spending by $1.3 billion and increase taxes by $1.3 billion; grow the Government, grow the taxpayer. For the American people, that is not the right way to do this.

I yield back my remaining time.

Mrs. MURRAY. I ask for the yeas and nays.

Mr. GREGG. I ask unanimous consent the yeas and nays be deemed in order for all the amendments that will be called up in this group.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 3063.

The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON) is necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 53, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Voinovich
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NOT VOTING—2

Coleman
Dayton

The amendment (No. 3063) was rejected.

Mr. GREGG. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF COMMITTEE TO ESCORT THE PRESIDENT OF LIBERIA

Mr. GREGG. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort Her Excellency Ellen Johnson-Sirleaf, the President of Liberia, into the House Chamber for a joint meeting today.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2007—Continued

AMENDMENT NO. 3050

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Santorum amendment.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, the amendment that was just offered by Senator MURRAY was defeated. I hope my colleagues will support this amendment which does not raise the cap but, in fact, expresses a strong sentiment, a strong bipartisan sentiment that the CDBG Program should be funded more robustly. It is at $1.3 billion. It is offset by the 920 account. But it does express a very important sentiment that this is a high-priority program and that the appropriators should allocate more resources than the President did in his budget recommendation.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, it is unfortunate the Senate just defeated the amendment that would actually add real money to CDBG and allow our communities across the Nation to invest in the critical infrastructure to bring hope and opportunity back.

The amendment we are now going to vote on is a sham, and I refuse to be part of a continuing sham that says to all of us that we are going to have CDBG money. Our recipients deserve a lot more. This amendment is for show, as I quote from the Wall Street Journal of today: ". . . for show since no money has been added above the cap"—leaving us, next October, November, in the appropriations bill to either fund CDBG or cut transit and Amtrak, which I know is important to many Senators, and many other critical housing programs.

I urge my colleagues to say no and to put a stop to this continuing sham of amendments that do nothing for our communities that deserve a lot better.

Mr. SANTORUM. Mr. President, do I have any time left on my amendment?

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON) is necessarily absent.

I further announce that if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—60

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chafee
Chambliss
Clinton
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Isakson
Johnson
Kyl
Landrieu
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—38

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Coburn
Conrad
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Harkin
Inhofe
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lott
Menendez
Mikulski
Murray

Obama
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—2

Coleman
Dayton

The amendment (No. 3050) was agreed to.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF LIBERIA

The PRESIDING OFFICER. Without objection, in accordance with the previous order, the Senate will now stand in recess for the purpose of attending a joint meeting with the House of Representatives to hear the very distinguished President of Liberia, Ellen Johnson-Sirleaf.

Thereupon, the Senate, at 1:50 p.m., took a recess, and the Senate, preceded by its Secretary, Emily J. Reynolds, and its Assistant Sergeant at Arms, Lynne Halbrooks, proceeded to the Hall of the House of Representatives to hear an address delivered by Her Excellency, Ellen Johnson-Sirleaf, President of Liberia.

(For the address delivered by the President of Liberia, see today's proceedings in the House of Representatives.)

At 2:59 p.m., the Senate, reassembled and was called to order by the Presiding Officer (Mr. MARTINEZ).

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2007—Continued

AMENDMENT NO. 3056

The PRESIDING OFFICER. The next amendment is the Stabenow amendment No. 3056. There is 2 minutes of debate equally divided on the amendment.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I hope my colleagues will join me in beginning to fix the issue of connecting our radios, radio interoperability. Last December, the 9/11 Commission gave us failing grades in this area, as well as other areas. Back in November of 2003, the White House Office of Management and Budget said there were insufficient funds to do what needs to be done in terms of communications interoperability. They said it would take at least $16 billion to do this right.

My amendment would provide $5 billion to jump-start what is happening now. Our esteemed chairman of the Budget Committee has spoken about the fact that there is $1 billion or $2 billion available now, but that simply is not enough. That is not enough to do it as quickly as we need to do this.

Right now, homeland security grants also in this budget are being cut. We are seeing fewer police officers on the streets. We have not done what we need to do regarding radios and communications, and this simply is not good enough.

My amendment says we can do better, and it will provide a jump-start to do so.

Mr. KOHL. Mr. President, I rise to express my appreciation to the Senate for accepting the Kohl-Snowe-Stabenow-DeWine-Lieberman amendment fully funding the Manufacturing Extension Partnership, MEP, for fiscal year 2007 at $106 million. I am a longtime supporter of the MEP program and believe manufacturing is crucial to the U.S. economy. American manufacturers are a cornerstone of the American economy and embody the best in American values. A healthy manufacturing sector is key to better jobs, rising productivity, and higher standards of living in the United States.

Small and medium-sized manufacturers face unprecedented challenges in today's global economy. If it isn't China pirating our technologies and promising a low-wage workforce, it is soaring heath care and energy costs that cut into profits. Manufacturers today are seeking ways to level the playing field.

One way to do that is through the MEP program. MEP offers resources such as organized workshops and consulting projects to manufacturers; these allow the manufacturers to streamline operations, integrate new technologies, shorten production times and lower costs. In Wisconsin, three of our largest corporations—John Deere, Harley-Davidson, and Oshkosh Truck—are working with Wisconsin MEP centers to develop domestic supply chains. I am proud to say that, thanks to MEP, these companies found it more profitable to work with small and medium sized Wisconsin firms than to look overseas for cheap labor.

You would be hard pressed to find another program that has produced the results that MEP has. In fiscal year 2004, MEP clients reported 43,624 new or retained workers, sales of $4.532 billion, cost savings of $721 million, and plant and equipment investments of $941 million.

The Senate, in accepting this amendment, clearly recognizes the importance of manufacturing and the role it plays in our everyday lives. Unfortunately, the same can not be said for the current administration. The President's fiscal year 2007 budget request for MEP was $46.3 million, a 56 percent decrease from the $106 million appropriated for fiscal year 2006. Once again, it will be up to my colleagues and I in Congress to see to it that MEP is fully funded for fiscal year 2007. In an effort to invest in the future of manufacturing, I worked with Senator SMITH and Senator DEWINE to introduce the Manufacturing Technology Competitiveness Act of 2005 which would fund manufacturing related programs including MEP and the Advanced Technology Program—for 3 years.

Manufacturing is an integral part of a web of inter-industry relationships that create a stronger economy. Manufacturing sells goods to other sectors in the economy and, in turn, buys products and services from them. Manufacturing spurs demand for everything from raw materials to intermediate components to software to financial, legal, health, accounting, transportation, and other services in the course of doing business.

The future of manufacturing in the United States will be largely determined by how well small and medium-sized manufacturers cope with the changes in today's global economy. To be successful, manufacturers need state-of-the-art technologies to craft products more efficiently, a skilled workforce to operate those technologies, and a commitment from the government to provide the resources to allow manufacturers to remain competitive.

At a time when economic recovery, supply chain reliability for consumer and defense goods, and global competitiveness are national priorities, I believe MEP continues to be a wise investment. I want to thank the chairman and ranking member of the Budget Committee for accepting this amendment and recognizing the importance of the MEP program.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Stabenow amendment would pencil in $5 billion for interoperable radio equipment into the budget resolution but provides no money for the first responders. But when the junior Senator from Michigan has been given opportunity to vote for real money for police and firefighters, she has repeatedly voted no. Not only has she voted no, she actively worked to kill funding for the first responders.

The Senate budget reconciliation bill last year included $1 billion in hard dollars for grants to States and local governments for new interoperable radio equipment. Michigan would have received a portion of that money for its police and firefighters, but the Senator from Michigan voted no. The conference report on the budget reconciliation measure dedicated $1 billion for spectrum auction proceeds for interoperable equipment for first responders. Again, the Senator from Michigan voted no.

Fortunately, she lost that vote. The bill with $1 billion was signed into law, and money is now being made available for important grants.

When the Defense appropriations conference report was considered last December, I added another $1 billion for interoperable communications equipment. That was long after Hurricane Katrina had revealed to all of us the importance of communications equipment in a disaster. The measure included another $1 billion for grants to high-risk cities, such as Detroit. The Senator from Michigan helped filibuster that bill, and then she supported efforts to strip money out of the measure and led the charge against those funds and was successful in deleting the money. You can't have it both ways. I oppose the Stabenow amendment.

Ms. STABENOW. Mr. President, I ask for the yeas and nays and also simply indicate it is unfortunate to hear that kind of personal inaccurate attack.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3056. The clerk will call the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "nay."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON) is necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Coleman
Dayton

The amendment (No. 3056) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, at this point I ask unanimous consent that after we have completed the final vote in this group, which has been ordered, which is the Santorum vote, we will then turn to an amendment by Senator CONRAD about avian flu and an amendment by Senator BURR on avian flu. Prior to those two amendments, there will be 5 minutes for Senator CONRAD and 5 minutes for Senator BURR to speak before we go to those votes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask, as we proceed forward, that we deem the yeas and nays to have been ordered on all the amendments that have been pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. And all votes be 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, might I urge our colleagues to try to help us move through this. If we don't get cooperation, we are going to be here until Saturday morning. If you lay out the number of amendments that are pending here, we are going to be here until Saturday morning. We urge colleagues, let's get these amendments done in 10 minutes. Please, colleagues who have amendments that don't have to be offered here, please withhold; otherwise, literally we are here until Saturday morning.

AMENDMENT NO. 3061

The PRESIDING OFFICER. We have 2 minutes evenly divided prior to the vote on the McConnell amendment.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask you notify me at 30 seconds, so I can turn the microphone over to Senator McCONNELL.

The PRESIDING OFFICER. The Senate will be in order.

Mrs. HUTCHISON. Mr. President, since 9/11, Congress and the administration have done so much to secure our homeland, but the area that we still must work on is port security. We have vulnerabilities because we don't have enough coverage overseas with customs and border agents. They need to be able to inspect the containers that will come to America. Our officers working with the host governments need to certify the contents of these containers at the point of origin.

The PRESIDING OFFICER. Thirty seconds.

Mrs. HUTCHISON. This will reduce our reliance on the foreign governments' information that we may or may not be able to verify.

Mr. McCONNELL. Mr. President, we have had a lot of talk about the security of our ports over the last few weeks, a lot of talk about where the containers originate, what boats are to get here, and who manages the ports but very little talk about who unloads the cargo. What this amendment would also do is provide for background checks on people working in our ports who are unloading the cargo. It makes no sense to ignore the personnel and the quality of personnel in our ports in the United States.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I would like to speak for a minute in opposition.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MENENDEZ. I am pleased my Republican colleagues have joined my call to strengthen security at our ports by offering this amendment to increase port security funding by $978 million. Last week our colleagues voted down in the Budget Committee, on party lines, my amendment to increase port security funding by $965 million. So I am glad our colleagues are about to vote for port security funding right after they voted against it last week.

We know our ports are one of the weakest links in our Nation's homeland security system, and it is crucial that this Nation act to make them more secure before a terrorist attack, not after.

I applaud the increased funding for the Coast Guard in this amendment. I would like this body to continue to work on how we allocate the money this amendment provides, so we can increase the number of containers that are actually scanned or inspected before they enter the country. I hope we will have the opportunity to do so in conference.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON) is necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—90

Alexander
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—8

Akaka
Baucus
Conrad
Dodd
Johnson
Leahy
Murray
Reid

NOT VOTING—2

Coleman
Dayton

The amendment (No. 3061) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, will the Chair advise us as to how much time that vote took?

The PRESIDING OFFICER. Sixteen minutes.

Mr. GREGG. We are going to be here a long time if we keep doing 10-minute votes for 16 minutes. I have spoken with Senator CONRAD. It is my sense that we should start cutting these votes off. We have a whole series of votes. The next one will take 10 minutes. We are going to start to enforce that timeframe.

Mr. CONRAD. Mr. President, perhaps I can help put this in perspective. We have 110 amendments pending, with more amendments coming in every hour. We have just been called and asked to draft six more amendments in the last hour.

I hope people understand where this is headed. If we are going to have 16-minute votes and we are going to vote on another 110 amendments, we are going to be here until noon on Saturday. That is where this is all headed.

If we don't start getting cooperation from Members here to not offer amendments which they could offer somewhere else, and if we don't get some cooperation from Members on having votes that really last 10 minutes, I assure you we are going to be here all day Friday—first of all, late tomorrow night, we are going to be here all day Friday, we are going to be here late Friday night, and we are going to be here at noon on Saturday. Colleagues can choose. It is out of our control. We don't control this. Colleagues can decide whether we are going to have some reasonable outcome here or whether we will be here until Saturday noon.

AMENDMENT NO. 3054

The PRESIDING OFFICER. There is 2 minutes equally divided prior to the vote on the Menendez amendment.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to add Senators KOHL, BIDEN, SARBANES, and MIKULSKI as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I am pleased that the Senate just voted to concur with me that we need to spend about $1 billion on port security. The difference between this amendment which we just passed and the amendment we are about to vote on is that this is real money that we paid for, and we direct the money in a more comprehensive way to fund security operations at our ports.

This amendment puts us on the road to 100 percent scanning of containers entering into this country by increasing the number of inspectors abroad and funding the latest technology in our own ports.

I strongly believe we need to strengthen security. This will put us on the road to increasing scanning, inspections, funding for port security grants, and creating real security here at home.

I urge adoption of the amendment.

Mr. KOHL. Mr. President, I rise in support of the Menendez amendment that increases funding for port security by $965 million. The amendment is fully offset by closing $965 million in corporate tax loopholes and would reduce the debt by an additional $965 million.

What the recent Dubai Ports World deal certainly has revealed is the importance of port security and our apparent vulnerability. Each year, 10 million cargo containers enter our ports, and we inspect roughly 6 percent of them. That means only about 600,000 are seen by our security officials, while the other 9.4 million are being handled exclusively by the shippers, port operators, and others. When we consider the fact that just one of the six ports whose operations would have taken over by DP World is equipped with a working radiation-detection system, we can begin to appreciate how crucial it is to address this issue.

In 2003, Admiral Collins of the U.S. Coast Guard testified that it will cost $7 billion over the next 10 years to fully secure our ports. We have not even come close to funding port security at that pace. Though $7 billion may seem a daunting figure, suffering a catastrophic terrorist attack at one of our major ports would cost exponentially more. A recent war game conducted by Federal security agencies imagined all 360 major ports shut down for 9 days—which would not be an inconceivable step to take following a major terrorist attack upon a U.S. port. Such a shutdown would cost our country $58 billion and that doesn't even consider the direct physical costs of the attack itself. Compared to this grim scenario, investing $7 billion now to secure our ports is wise.

The Menendez amendment moves us closer towards achieving the goal of 100-percent scanning of all cargo containers which pass through our ports. With $600 million dedicated to the port security grant program administered by the Department of Homeland Security, $100 million for new inspectors and security personnel, $100 million for research and development to create better scanning technology, $105 million for better radiation detection equipment, $10 million for deploying better scanning technology abroad, and $50 million to assist developing countries with cargo scanning, we will significantly improve port security.

We can prevent a terrorist attack on our ports, but it will take Federal resources and determination to do so. We all hope we are not left in the wake of a terrorist attack that could have been prevented had we only made the necessary investments to better fund port security. Therefore, I urge my colleagues to support the Menendez amendment which will reinvigorate and finance our commitment to secure our ports.

Mr. INOUYE. Mr. President, I rise today in support of Senators MENENDEZ and LAUTENBERG's amendment to increase funding for port security. As the cochairman of the Commerce Committee and a Senator representing an island State, I place a particularly high priority on port security, and I know first hand that it is not receiving the resources that are necessary. Budgets are a reflection of priorities, and our budget must place far greater emphasis on this critical component of our national and economic security.

I feel compelled to remind this body that, since 2002, it has been given a litany of opportunities to bolster port security resources, and it has routinely rejected them.

As we consider this year's budget, I would like to recall the discussion we had around this time in 2003. During the budget debate, this body unanimously supported an amendment to provide $2 billion to port security. Yet 3 weeks later, when the Senate considered the supplemental appropriations legislation to address funding for the war in Iraq and homeland security, the Senate rejected the amendment that would have provided immediately the actual money for port security funding.

It was a lesson in cynicism that I have not forgotten.

Given the recent attention to the Nation's lingering, significant port security inadequacies, it is my hope that the Senate will have the wisdom to choose a different course this time around.

If there is one silver lining to the Dubai Ports World debacle, it is that the country is now paying close attention to port and cargo security. The heartland is learning what the coasts have known for many years: our national economy and physical security depend on strong port security. They are now familiar with the statistic that 95 percent of the Nation's cargo comes through the ports, and that very little of that cargo is inspected. The American public now knows that more needs to be done.

Maritime commerce is essential to the American economy. Many of our Nation's manufacturers and retailers depend on on-time delivery, and any disruption to the flow of commerce could have disastrous consequences for American businesses and the economy as a whole.

Despite this fact, the administration still fails to make port security a top priority. It has consistently submitted inadequate funding requests and has routinely missed critical security deadlines that were required by law. In fact, the Department of Homeland Security, DHS, only recently submitted its National Maritime Transportation Security Plan. The report was due in April 2005.

Given the administration's poor record on port security and its poor judgment on the Dubai Ports World deal, I am left wondering what it will take for this administration to take port security seriously.

It was Congress that put a halt to the Dubai Ports World takeover, and it will have to be Congress that provides the port security funding that the administration's budget lacks. The amendment put forward by Senators MENENDEZ and LAUTENBERG calls for a funding level that is a far better reflection of port security's importance to the country. While it will not solve all of the current inadequacies, it will bring us far closer to what will be required.

Several other Members will be introducing amendments that enhance resources for transportation security, and while I would prefer specific offsets, I applaud their focus on port security and strongly support them. Our committee has held numerous oversight hearings in the area of transportation security, and we recognize that much more needs to be done. The latest Department of Homeland Security inspector general's report indicated that the DHS has made considerable improvements in the administration of the port security grant program. It is beginning to deliver the funding the way Congress intended, consistent with the Maritime Transportation Security Act, MTSA. Now, we must dedicate more substantial resources to this effort.

While increased funding is a critical step, we must not lose sight of the long-term security improvements that will be necessary for port security. In November, the Senate Commerce Committee unanimously approved the Transportation Security Improvement Act, S. 1052, which addresses a litany of security shortcomings across all modes of transportation. Specifically, title V of our bill tackles port and cargo security inadequacies. It improves the examination of cargo before it reaches our shores, ensures the resumption of commerce in the event of an attack, and takes greater advantage of coordinated, interagency port security efforts.

Of course, I would like to see passage of our full bill, but at a minimum, I urge the Senate to take up title V of our bill and pass it as soon as possible. Our approach has broad bipartisan support, and it will improve security while maintaining the jurisdiction and transportation expertise of the Commerce Committee. The time is right to pass these needed security improvements, and I am hopeful that the Senate will take up our measure as soon as possible.

In the meantime, I urge my colleagues to support this important and timely amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I hope our colleagues will not vote for the amendment.

The Senate just voted overwhelmingly to put almost $1 billion into port security. That is the right thing to do, but the right way to pay for it is out of the 920 account. To make this a priority, let us do it right. The Menendez amendment would increase taxes to pay for port security. We do not need to do that. What we should do is the right thing—provide more inspectors and make sure our ports are secure, and do it the right way with real money that is already there.

The PRESIDING OFFICER (Mr. COBURN). The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "nay."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

I further announce that if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—4

Biden
Coleman
Dayton
Specter

The amendment (No. 3054) was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3018

Mr. GREGG. I ask unanimous consent the yeas and nays be vitiated on the Chambliss amendment numbered 3018.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent the amendment be agreed to.

Mr. CONRAD. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 3018.

The amendment (No. 3018) was agreed to.

AMENDMENT NO. 3073

Mr. GREGG. The next amendment is the amendment of Senator GRASSLEY.

The PRESIDING OFFICER. There is 2 minutes equally divided.

Mr. CONRAD. Senator GRASSLEY's amendment is the next order in the queue.

Mr. GREGG. I will speak to Senator GRASSLEY's amendment.

What Senator GRASSLEY is suggesting is we give the Secretary of Health and Human Services the authority to extend the signup time for senior citizens, and if we extend such signup times, there will be no penalty against the senior citizens.

It is an excellent amendment. I hope it will be supported.

The PRESIDING OFFICER. Who yields time to speak in opposition?

Mr. CONRAD. I yield time to the Senator from Florida.

Mr. NELSON of Florida. Mr. President, the question is, do you want to help the program or do you want to help the people? Members have all heard from their senior citizens. They are confused, they are bewildered, and in some cases frightened about this deadline coming up. They want some additional time. They are confused with this multiplicity of plans.

Senator GRASSLEY's amendment would only give discretion to the Secretary of HHS. They have already testified they do not want to extend the program.

Members are going to have an opportunity to vote on the amendment that follows that will actually extend the deadline for the rest of the year, 2006.

Mr. GRASSLEY. Mr. President, is there any time left on my side?

The PRESIDING OFFICER. Twenty-three seconds.

The Senator from Iowa is recognized for 23 seconds.

Mr. GRASSLEY. Mr. President, what the Secretary said was that this was a decision by the Congress. We are involved in that decision, a decision today to give the Secretary authority to do it if it needs to be done, and do it not until it needs to be done, rather than sending a signal that you can procrastinate again for another 6 months.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment. The yeas and nays have been previously ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON) is necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—76

Alexander
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Kohl
Kyl
Levin
Lieberman
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—22

Akaka
Baucus
Chafee
Clinton
Collins
Conrad
DeWine
Ensign
Feingold
Harkin
Jeffords
Kennedy
Landrieu
Lautenberg
Leahy
Lincoln
McCain
Nelson (FL)
Obama
Reed
Reid
Snowe

NOT VOTING—2

Coleman
Dayton

The amendment (No. 3073) was agreed to.

Mr. GREGG. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3009

The PRESIDING OFFICER. The Nelson amendment No. 3009 is now under consideration with 2 minutes equally divided.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, this amendment is what Senators have been hearing from their senior citizens. They want to extend the deadline. My amendment would put it in law that the deadline is extended. Why be for a program instead of being for the people? They are confused. They need more time. They are bewildered and, in some cases, knowing that that 1 percent-a-month penalty is hanging over their heads, they are frightened. They are also frightened if they choose the wrong program, then find out they can't get the prescription drugs they need for their quality of life. I urge Members to vote for the amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 minute.

Mr. GRASSLEY. The Nelson amendment is the wrong idea at the wrong time. The amendment doesn't even provide the resources for enrolling people afterwards. We did in the amendment just adopted. How are we going to get people to enroll if the administration doesn't have the resources to do it? It is too early to make a decision, when we don't have final enrollment numbers yet. Right now enrollment is going very well. A quarter of a million people sign up every week. Many who are calling for delay in the enrollment deadline didn't support the legislation 2 or 3 years ago. They have admitted that. They have been encouraging citizens not to enroll. Extending the deadline until the end of the year is a cynical attempt to tell seniors not to enroll this year. The other side says May 15 is an arbitrary deadline. Americans live with deadlines every day.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3009.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON) is necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote "yea."

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Coleman
Dayton

The amendment (No. 3009) was rejected.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I simply note that the way this is working, these are 10-minute votes. We have been reasonably generous by letting them go to 12 minutes, but we are not letting them go past 12 minutes. I believe I speak for Senator CONRAD. We are going to insist on getting these votes done. We are on to the next amendment.

AMENDMENT NO. 3004

The PRESIDING OFFICER. The Senate will now consider the Snowe-Wyden amendment.

Ms. SNOWE. Mr. President, the amendment which Senator WYDEN and I are offering will address the high cost of our Medicare prescription drug benefit. It does this not by price setting or mandating a drug formulary, but by providing our drug plans with the resource of the HHS Secretary. Since Medicare is paying 75 percent of a beneficiary's drug costs from $250 up to $2,250 in spending, and the cost of this benefit over the next ten years is estimated to exceed $700 billion, it is simply common sense that the Secretary should be able to assist when the plans need help.

Our amendment states two circumstances in which the Secretary must participate in drug price negotiation. If the Secretary needs to provide a drug plan due to lack of competition, he must negotiate competitive prices for his own "fallback" plan. And just as reasonable, if a drug plan requests his assistance in negotiations, then he should be responsive to that need.

The Congressional Budget Office has told us that when a drug lacks competition, a manufacturer may not negotiate in good faith. So when a plan calls for help in this circumstance, the Secretary shouldn't be forced to be unresponsive. As CBO has described, the savings could be substantial. For example, if 29 million beneficiaries enroll in Part D, and 1 in 4 used a single source "blockbuster" drug such as a lipid-lowering drug costing $250 per month, the annual cost for that single product would exceed $21 billion. If the Secretary could help plans raise the discount on such a drug by just 10 percent, the annual savings would amount to $2.18 billion. This illustrates how in this special situation, the role of the Secretary could be vital.

Let me be clear—this amendment does not allow price-setting. The language is clear: "the Secretary may not require a particular formulary or institute a price structure for the reimbursement of Part D drugs."

The AMA, the AARP, and many other are advocating for this authority, because they want to protect our seniors access to drugs as much as we do. I urge my colleagues to join us in assuring we keep our promise to our seniors.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, one of the things on this issue that is so misleading is the impression that this legislation does not allow Medicare to negotiate. The opposite is true.

This legislation requires negotiation. That is what the plans are doing all the time to drive down the price of drugs—what it does to drive down the price of the premium way below what we thought it would be. Again, everything is backward when they talk about this. In the real world, there are choices. Wherever you want to go for any consumer products, those stores negotiate prices to get good prices. It is just a way to get the job done. Statistics that have come in on this show that competition is driving down the price of drugs—the 25 leading drugs—by 35 percent on average this ought to show that this process is working.

The PRESIDING OFFICER. All time has expired. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Maine.

The clerk will call the roll.

The assistant morning business clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "no."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON) is necessarily absent.

I further announce that if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—54

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Wyden

NAYS—44

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Grassley
Gregg
Hagel
Hatch
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Nelson (NE)
Roberts
Santorum
Sessions
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Coleman
Dayton

The amendment (No. 3004) was agreed to.

Mr. OBAMA. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3086

The PRESIDING OFFICER. Under the previous order, the Byrd amendment will be considered next, with 2 minutes equally divided for debate.

The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair. Mr. President, I ask unanimous consent that Senator SCHUMER be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, once again the White House has proposed a level of funding for Amtrak that will result in bankruptcy for the company, endangering rail service in every region of the Nation.

Two amendments have been offered to increase Amtrak's funding to a level of $1.45 billion. My amendment, which is fully paid for, would provide the additional funds necessary for the Appropriations Committee to approve $1.45 billion for Amtrak.

The amendment offered by the distinguished Senator from Pennsylvania pretends to pay for the increase by cutting something called function 920 allowances. It assumes deeper cuts for education, for low-income home energy assistance, for border and port security, and for our troops.

I urge Members to show support—real support—for Amtrak by voting for my amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who seeks time? The Senator from New Hampshire.

Mr. GREGG. Mr. President, I must rise in opposition to this amendment as it would exceed the caps and would end up raising taxes. We are going to have an amendment that follows this amendment which makes a commitment to Amtrak, which does it under the caps, therefore, sets the priorities correctly, and that is the proper way to do this.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3086. Under the previous order, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "no."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote "yea."

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Coleman
Dayton
Mikulski

The amendment (No. 3086) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3015

The PRESIDING OFFICER. Under the previous order, the Santorum amendment will now be considered with 2 minutes equally divided for debate on the amendment. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, this amendment does what the Byrd amendment does, except it doesn't raises taxes. It offsets the money from the 920 account. I would encourage Members to let their voices be heard in support of Amtrak funding to make sure that the Appropriations Committee understands that this is a continuing priority for the United States, and I ask for a "yea" vote.

The PRESIDING OFFICER. Who rises in opposition?

Mr. LAUTENBERG. Mr. President, we are talking about a proposal that has no funding for it. You reach into the 920 barrel and there is nothing there, you can't come up with any money. But in the process, the Senator from Pennsylvania did acknowledge that the President's budget is way off line because now we are talking about $1.5 billion; whereas, otherwise, it is $500 million less. So while this bill is imperfect we do want to see Amtrak supported, and I hope that we will be able to resolve it in the appropriations process to get it to where it needs to be. But this amendment is not going to do it. It is half a loaf and, at this point, we have little choice.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to amendment No. 3015. Under the previous order, the yeas and nays have been ordered.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON) is necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote "nay."

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—39

Allen
Baucus
Bayh
Bond
Burns
Burr
Byrd
Carper
Chafee
Cochran
Collins
DeWine
Dole
Domenici
Dorgan
Feingold
Frist
Hagel
Hatch
Hutchison
Jeffords
Johnson
Kohl
Landrieu
Lieberman
Lott
Lugar
Mikulski
Murkowski
Nelson (NE)
Rockefeller
Santorum
Sarbanes
Smith
Snowe
Specter
Stevens
Talent
Warner

NAYS—59

Akaka
Alexander
Allard
Bennett
Biden
Bingaman
Boxer
Brownback
Bunning
Cantwell
Chambliss
Clinton
Coburn
Conrad
Cornyn
Craig
Crapo
DeMint
Dodd
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Harkin
Inhofe
Inouye
Isakson
Kennedy
Kerry
Kyl
Lautenberg
Leahy
Levin
Lincoln
Martinez
McCain
McConnell
Menendez
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Schumer
Sessions
Shelby
Stabenow
Sununu
Thomas
Thune
Vitter
Voinovich
Wyden

NOT VOTING—2

Coleman
Dayton

The amendment (No. 3015) was rejected.

Mr. FRIST. Mr. President. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, for the information of our colleagues, that was the last rollcall vote for today. We will begin voting tomorrow morning, most probably on the two avian flu amendments which we were discussing during the vote, at approximately 10:30.

The managers are here, and we will continue to discuss it in terms of the timing and the exact schedule for tomorrow.

There are no more rollcall votes tonight, and we will begin voting around 10:30 tomorrow.

The more formal vote-arama, which unfortunately has become institutionalized, would be tomorrow afternoon. We will have more announcements about that.

Mr. CONRAD. Mr. President, I hope colleagues understand that for this budget cycle we have lost time to a number of extraneous events which could not be helped. But it means we have less time than we have had in previous years.

I hope my colleagues understand that we have put the debt limit discussion in the middle of this.

We have had a number of other events, such as the joint session.

As a result, we have less time for amendments.

I beg the indulgence of colleagues in understanding that now the only way we can finish is if we have very tight time agreements tomorrow, and if we exercise discipline among ourselves in terms of the number of amendments that we offer. That is the only conceivable way we can finish by tomorrow night.

I urge colleagues to think very carefully about amendments which they might want to offer.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. CONRAD. Yes, I would be happy to yield.

Mr. SARBANES. Mr. President, would the Senator agree with me that it is very fitting that the debt limit discussion should be inserted right in the middle of discussion of the budget resolution since this budget resolution will add very substantially to the deficit and drive the debt up even further, requiring this vote that is going to come to raise the debt ceiling? What is the amount by which the debt ceiling will be raised?

Mr. CONRAD. The debt limit request will be to raise the debt by nearly $800 billion—$781 billion.

Mr. SARBANES. It underscores the deeper hole that these budgets are driving us to over the last 5 years, does it not?

Mr. CONRAD. The Senator makes a very good point. It is an indication that we keep adding debt on top of debt. Of course, this budget will add $3 trillion to the debt—more than $3 trillion over the next 5 years.

I think it is further confirmation that we are off track in terms of the fiscal policy of this country, and not a little off track—way off track.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to amendment No. 3018: Senators GRASSLEY, DEWINE, BURNS, COBURN, and VITTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader is recognized.

AMENDMENT NO. 3115

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mrs. CLINTON, proposes an amendment numbered 3115.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding in FY 2007 by $347 million to restore funding or provide increased funding over FY 2006 for programs and policies that support the delivery of contraceptive services and medically accurate information in order to reduce the number of unintended pregnancies, including Title X of the Public Health Service Act, and to restore funding or provide increased funding over FY 2006 for programs that help women have healthy pregnancies and healthy children, including the Child Care Development Block Grant, Maternal and Child Health Block Grant, Healthy Start, and the Special Supplemental Nutrition Program for Women Infants and Children paid for by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $225,000,000.

On page 3, line 15, increase the amount by $84,000,000.

On page 3, line 17, increase the amount by $23,000,000.

On page 3, line 19, increase the amount by $10,000,000.

On page 3, line 21, increase the amount by $2,000,000.

On page 4, line 1, increase the amount by $225,000,000.

On page 4, line 2, increase the amount by $84,000,000.

On page 4, line 3, increase the amount by $23,000,000.

On page 4, line 4, increase the amount by $10,000,000.

On page 4, line 6, increase the amount by $2,000,000.

On page 4, line 13, increase the amount by $347,000,000.

On page 5, line 4, increase the amount by $225,000,000.

On page 5, line 6, increase the amount by $84,000,000.

On page 5, line 8, increase the amount by $23,000,000.

On page 5, line 10, increase the amount by $10,000,000.

On page 5, line 12, increase the amount by $2,000,000.

On page 19, line 24, increase the amount by $124,000,000.

On page 19, line 25, increase the amount by $27,000,000.

On page 20, line 4, increase the amount by $61,000,000.

On page 20, line 8, increase the amount by $21,000,000.

On page 20, line 12, increase the amount by $10,000,000.

On page 20, line 16, increase the amount by $2,000,000.

On page 21, line 24, increase the amount by $223,000,000.

On page 21, line 25, increase the amount by $198,000,000.

On page 22, line 4, increase the amount by $ 23,000,000.

On page 22, line 8, increase the amount by $2,000,000.

On page 53, line 1, increase the amount by $347,000,000.

On page 53, line 2, increase the amount by $225,000,000.

Mr. REID. Mr. President, this amendment was offered on behalf of the Senator from Nevada and the Senator from New York, Senator CLINTON.

One of the most heated debates of recent years has been on the issue of abortion. People on both sides of the issue feel very strongly. They have argued, they have demonstrated, and they have protested with emotion and passion.

The approval last week of a South Dakota law banning virtually all abortions has only intensified the already strong feelings on both sides of this issue.

The issue is not going to go away very soon. And I doubt that one side will be able to suddenly convince the other to drop its deeply held beliefs.

But there is a need—and an opportunity—for us to find common ground.

Today, I am joining with Senator CLINTON to propose an amendment that offers not only common ground but common sense.

Whether you are pro-life or pro-choice, Democrat or Republican, our amendment advances two key goals which we should all share:

No. 1, reducing the number of unintended pregnancies and the resulting abortions.

No. 2, helping women have healthy pregnancies and healthy children.

Our amendment will make sure that there is money available in the budget to enact policy to support these important goals.

I repeat—reducing the number of unintended pregnancies and resulting abortions and helping women have healthy pregnancies and healthy children.

Specifically, our amendment would allow us to increase funding for the National Family Planning Program, title X. It would pass the Equity in Prescription Insurance and Contraceptive Coverage Act so that we may end insurance discrimination against women.

I might add that the distinguished Senator from Maine, Ms. SNOWE, has worked on this for many years.

Our amendment would improve awareness and understanding of emergency contraception, and our amendment would improve teen pregnancy prevention programs.

This amendment would also restore cuts and provide funding for crucial programs that support pregnant women and their children.

The United States has among the highest rates of unintended pregnancies of all industrialized nations. Half of all pregnancies in the United States are unintended.

And about half of those pregnancies end in abortions.

It doesn't have to be this way. Most of these unintended pregnancies—and the resulting abortions—can be prevented.

One of the most important steps we can take to prevent unintended pregnancies is ensuring that American women have access to affordable, effective contraception.

Our amendment helps make family planning service more accessible to low-income women. It improves awareness and understanding of emergency contraception, a poorly understood yet highly effective form of contraception. It promotes teen pregnancy prevention programs, and it would end insurance discrimination against women.

These are just some of the simple but necessary steps we can and should take to prevent unintended pregnancies and reduce abortions.

It is difficult for me to understand why many of the same people who support an outright ban on abortion also oppose making contraception more accessible—particularly for low-income women who are more likely to have unplanned pregnancies. For example, a recent analysis by the non-partisan Guttmacher Institute revealed that South Dakota is one of the most difficult states for low income women to obtain contraceptives.

Reducing the number of unintended pregnancies—and the resulting abortions—should be a goal we can all share.

In addition to supporting programs that will reduce the number of unintended pregnancies, our amendment will restore cuts and provide much needed funds for programs that provide critical support for pregnant women and their children.

Our amendment says that while we should do everything we can do to prevent unintended pregnancies in the first place, we should also fund programs that support women who choose to carry their pregnancies to term and raise healthy children.

This includes funding for programs that: provide health care for pregnant women and their children, reduce infant mortality, provide child care assistance for low-income families, and provide nutritional assistance for pregnant women and children.

Our amendment gives Americans on both sides of the abortion debate the opportunity to join in the common goals of preventing unintended pregnancies, reducing abortions and supporting pregnant women and their children.

I hope my colleagues will agree to this amendment. It is important. It is important for America, and it is important for the women in America.

I want to make sure that the Senator from New York has ample time. How much time do we have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. REID. Mr. President, I ask unanimous consent that my statement be on leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I thank the Democratic leader, the Senator from Nevada, for his leadership on this issue. We have come together to present this Prevention First amendment because we believe deeply that we can do better than we are doing in our country when it comes to preventing unintended pregnancy and helping to support mothers and children.

The United States has one of the highest rates of unintended pregnancies in the industrialized world. Half of all pregnancies in our country are unintended. Nearly half of those end in abortion. In order to decrease the number of unintended pregnancies, and to decrease the number of abortions, we must make contraception more accessible and more affordable. The Prevention First amendment ensures that we dedicate adequate funding for these programs, while at the same time the amendment provides for dedicating funding to mothers and children so children will be as healthy as possible.

This amendment sends a clear message: Women who need access to contraception to prevent unintended pregnancies will have that help. At the same time, women who are pregnant and want to have a healthy child will also have the support they need. Our amendment provides $100 million to programs that reduce unintended pregnancy and $247 million to programs that support and protect women and babies.

The $100 million prevention program does four basic things. First, it increases the funds for title X, the Nation's only program solely dedicated to family planning. Title X provides high quality preventive health care and contraception to low-income individuals who may otherwise lack access to supplement care. Every year, title X services prevent approximately 1 million unintended pregnancies. But despite its proven success, this administration has continuously cut its funding.

Second, this amendment ends the current practice where some insurance companies refuse to provide coverage for contraception even though they cover other prescription drugs. Lack of coverage for contraception results in women of reproductive age paying 68 percent more in out-of-pocket costs for health care services than men of the same age. Our amendment remedies this disparity by requiring private health care plans that cover prescription drugs to also cover FDA-approved prescription contraceptions and related medical services. In our own State of New York, contraceptive equity is already the law and it should provide a real role model for the Nation. If insurance companies can cover drugs such as Viagra, they can certainly cover prescription contraception.

Third, this amendment improves public awareness of emergency contraception. Emergency contraception, also known as Plan B, is one of the most misunderstood drugs around. Some have tried to deliberately mislead its purpose. Emergency contraception prevents pregnancy. It does not interrupt or end a pregnancy. The most recent research estimates that emergency contraception could have prevented 51,000 abortions per year. Further, a study from the Journal of the American Medical Association confirms that easier access to emergency contraception does not increase sexual risk taking or greater transmission of sexually transmitted diseases.

Fourth, our amendment provides funding for programs dedicated to decreasing the teen pregnancy rate. To date, 34 percent of young women become pregnant at least once before they reach the age of 20. That results in 820,000 teen pregnancies a year. Eight in 10, or 80 percent, of those pregnancies are unintended.

This amendment funds proven programs that will help reduce the rate of teen pregnancy by improving decision-making, improving access to education and information.

In addition to strengthening pregnancy prevention programs, our amendment also increases support for low-income mothers trying to raise healthy children. Our message in this amendment to the women of this country is clear: We will support you in your effort to prevent unintended pregnancy and we will support you in your decision to have a child.

Our amendment provides funding for programs such as the childcare and development block grant that help families afford safe quality day care: programs such as the maternal and child health block grant that ensure women have healthy pregnancies. Healthy Start and WIC Programs focus on providing nutrition for pregnant women and their infants.

I hope we could unite behind a common goal of preventing unintended pregnancies, reducing abortions, and supporting women and children's health. We hope our colleagues and the White House will work with us to put prevention first. A vote in support of this amendment is a vote to support healthy families.

I urge our colleagues to pass the Clinton-Reid amendment.

I yield the floor.

Mr. GRASSLEY. Mr. President, in a debate earlier today, the senior Senator from North Dakota responded to my challenge to point out a new corporate loophole closer that is not included in the tax relief reconciliation conference.

The ranking Democratic member of the Budget Committee discussed a proposal developed by the Finance Committee Democratic staff that would repeal "deferral" for controlled foreign corporations doing business in tax haven countries.

I share the senior Senator from North Dakota's concerns about the ability of large corporations to manipulate the Tax Code to shift large amounts of profits offshore. But this provision isn't the right way to address those concerns. It is both overbroad and inadequate.

It is overbroad because it would harm the competitiveness of U.S. multinationals by repealing deferral for holding company structures that allow them to efficiently allocate active foreign-generated resources among their foreign operations without incurring U.S. tax on entirely foreign transactions.

It is inadequate because it applies only to subsidiaries in black-listed countries. Companies that use tax havens for abusive purposes could easily avoid this rule by locating in a low-tax country that is not on the list, like Ireland, where we have read press reports that companies are shifting huge profits. Treasury would have authority to add countries to the list, but does anyone think Ireland, with whom we have a tax treaty, would be added to a black list?

The way to deal with those cases is through effective transfer pricing policy and enforcement, not by curtailing deferral.

This proposal was included in the Democratic alternative to the Finance Committee bipartisan tax relief plan. When we considered the House tax relief reconciliation bill, the Democratic alternative was defeated.

Even if the tax haven proposal were viable in the Senate, it would yield only a fraction of the revenue needed to offset the cumulative effect of the many Democratic amendments to increase spending.

The effect of using such proposals, which aren't viable in the Senate, even if successful, would be to drive down the tax relief number.

The result of a lower net tax relief number is that we would lack the necessary tax relief in the budget to accommodate tax relief proposals supported on both sides of the aisle.

Mr. KENNEDY. Mr. President, yesterday I offered an amendment to the budget resolution with the Senator from Maine and the Senator from New Jersey that would have increased funding for several education and training programs and raised the maximum Pell grant to $4.500. Regrettably, by a vote of 50-to-50, the amendment was not adopted. More than 100 educational organizations supported the Kennedy-Collins-Menendez amendment, and yesterday, I submitted to the RECORD several of the support letters we received from these organizations.

I ask unanimous consent to have printed in the RECORD additional letters from the American Association of Community Colleges, the National Council for Community and Education Partnerships, the National Association for College Admission Counseling, the National Association of State Directors of Career Technical Education Consortium, and the National Education Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, March 14, 2006.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: As a follow-up to our letter this morning urging support for the critical Specter-Harkin amendment to the budget resolution, we would also like to encourage your support for the Kennedy-Collins-Menendez amendment, which would add $6.3 billion targeted to higher education programs.

Improving access to postsecondary education is essential to ensuring a well-educated workforce that is competitive for the 21st century. Unfortunately, too many lower-income families are finding higher education out of reach as costs become prohibitive.

The Kennedy-Collins-Menendez amendment will help open the doors of opportunity for students, workers, and families, including by securing resources for an increase in the maximum Pell Grant award and restoration of programs slated for elimination in the proposed budget such as Career and Technical Education, TRIO, and GEAR-UP.

The Specter-Harkin amendment will provide the foundation for restoring education funds cut in the past two years. The Kennedy-Collins-Menendez amendment builds on this foundation by targeting additional resources to expand postsecondary opportunities. We urge your support for both of these important amendments.

Sincerely,

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager of Federal Policy and Politics.

NATIONAL COUNCIL FOR COMMUNITY
AND EDUCATION PARTNERSHIPS,
Washington, DC, March 13, 2006.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.
Hon. ROBERT MENENDEZ,
U.S. Senate,
Washington, DC.

DEAR SENATORS KENNEDY AND MENENDEZ: On behalf of the National Council for Community and Education Partnerships (NCCEP), a national nonprofit organization dedicated to increasing higher education opportunities for low-income students, our corporate and foundation partners, and the millions of students and families we serve, I write to enthusiastically support the Menendez-Kennedy Amendment.

One principal program we work with is the Gaining Early Awareness for Undergraduate Programs (GEAR UP), which is currently providing 1.5 million low-income students in 47 states. GEAR UP helps provide students with the tools necessary to set high academic aspirations, capitalize on higher education options, and become better academically prepared for the rigors of higher education.

While we are sympathetic to the fiscal challenges that accompany the upcoming FY 2007 appropriations cycle, our long-term economic vitality as a nation will depend on our ability to produce an increasing number of college graduates to remain competitive in business, science, technology and other fields that demand a high quality education. In the global marketplace, it is clear that if left unabated, the educational disparities between high-income and low-income families will have negative consequences that will resonate throughout the American economy for decades to come.

These challenges can be overcome if we continue to focus on increasing higher education opportunities for underserved students. One study suggests that if we can raise minority student participation in higher education to equal that of non-minority students, over $300 billion would be added in gross national product and tax revenues alone. The continued federal investment in GEAR UP can and will go a long way to ensuring the fiscal and social health of our nation, our communities, and our families.

While the recent focus on strengthening America's competitiveness is welcome in the national dialogue, our colleagues and constituents believe very strongly that funding new initiatives at the expense of proven programs such as GEAR UP, is at best counterproductive, and at worst, a broken commitment to low-income students and families nationwide.

Through the creation of GEAR UP partnerships between families, community-based organizations, businesses, schools, and institutions of higher education, we are able to have a far greater impact than working in isolation. By working together towards common goals, we are ensuring that students stay in school, raise their academic and career aspirations, succeed in challenging courses, and receive quality counseling as they prepare for higher education. Researchers at the Pennsylvania State University as well as the national program evaluation (administered by the U.S. Department of Education) have concluded that GEAR UP students are making significant academic gains in reading and math, two critical components for college success. In addition, GEAR UP students and families report that their academic ambitions and awareness of higher education options have improved significantly as a result of the program. All of this comes at a small investment of less than $300 per student annually. Simply stated, GEAR UP is a cost-effective solution to raising the academic skills and aspirations of an entire generation of students that may otherwise be left behind.

The Menendez-Kennedy Amendment recognizes that as a nation we have made a compact with our students that should not be broken. We promised students and families that if they set high educational goals, worked hard, and persevered through a challenging course of study, that our nation would provide them with the basic resources necessary to assist them along the pathway to a college degree. With the proposed cuts to GEAR UP and other critical programs that empower students and families to succeed, we will break this promise, risk turning our back on our students, and place the dream of a college degree out of the reach of low-income and working families.

Speaking for the students and families we serve, I thank you for the extraordinary leadership you have demonstrated through the Menendez-Kennedy Amendment. If I can be of any assistance, please do not hesitate to contact me.

Sincerely,

HECTOR GARZA,
President.

NATIONAL ASSOCIATION FOR
COLLEGE ADMISSION COUNSELING,
Alexandria, VA, March 14, 2006.

SENATOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of more than 20,000 high school counselors and college admission officers that are members of the National Association for College Admission Counseling and its state/regional affiliates, I write to urge your support for two amendments that will save college access programs targeted for elimination in the fiscal 2007 budget proposal as drafted by the Senate Budget Committee and proposed by the Administration.

Specifically we ask you to support the Harkin-Specter amendment, which would restore cuts to education programs by increasing funding for functions 500, 550, and 600 by $7 billion.

In addition, we ask you to support the Kennedy-Collins-Menendez amendment, which would increase the Pell grant maximum award to $4,500. The Pell grant has been far outpaced by inflation, diminishing the purchasing power of Pell and leaving hundreds of thousands of students without sufficient financial resources to attend college.

We believe that the United States needs an investment in education and college access now. Your support of these two amendments is crucial to the education of our nation's youth.

Sincerely,

JOYCE SMITH,
Executive Director.

MARCH 14, 2006.

Hon. EDWARD KENNEDY,
Member, U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the National Association of State Directors of Career Technical Education Consortium, we support the $6.3 billion amendment being offered by Senators Kennedy, Menendez and Collins to restore funding to student aid programs, career technical education, and job training programs, as well as to increase the Pell Grant to $4,500.

Specifically, NASDCTEc strongly supports the restoration of funding for the Carl D. Perkins Vocational and Technical Education Act. The Perkins funds are essential in providing Americans the opportunity to gain the academic and technical skills necessary to succeed in the workplace and postsecondary education. This funding will ensure that we have a highly skilled and educated workforce, ready to meet the demands of an everchanging global economy.

A cut or elimination to the Perkins program would force schools, training programs, and community colleges to eliminate critical programs that are working well in communities throughout the country. Supporting the Kennedy/Menendez/Collins amendment will make certain that students are provided with rigorous and relevant academics as well as ensure the efforts to build a skilled and competitive American workforce are achieved.

Thank you for your time, and I hope that you will consider supporting this amendment. We believe this amendment will help open doors of opportunity for students, workers and families. If NASDCTEc can be of any assistance to you during the appropriations debate, please do not hesitate to contact Nichole Jackson, Director of Government Relations.

Sincerely,

KIMBERLY A. GREEN,
Executive Director.

AMERICAN ASSOCIATION
OF COMMUNITY COLLEGES,
Washington, DC, March 13, 2006.

Hon. ROBERT MENENDEZ,
U.S. Senate,
Washington, DC.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATORS MENENDEZ AND KENNEDY: On behalf of the American Association of Community Colleges (AACC) and the 1,158 community colleges it represents, I would like to express our strong support for your student aid and job training amendment to the FY 2007 Budget Resolution. This amendment increases the federal investment in programs that enable millions of Americans to pursue postsecondary education and training.

As a strong proponent of federal student aid, AACC supports a $450 increase in the maximum Pell Grant. The centerpiece of federal student aid, the Pell Grant program is essential to providing access to higher education for low-income students. The program currently serves more than five million students annually, the vast majority of whom come from families with incomes below $20,000 per year. Pell Grants enable approximately two million community college students to enroll each year by helping with tuition, books and equipment, and living expenses. However, the power of the Pell Grant is declining, since the maximum award has remained frozen while student expenses have risen. A $450 increase in the maximum Pell Grant would provide significant help to needy college students.

An increased federal investment in programs such as TRIO and GEAR UP that help prepare low-income, first-generation students for college is critical. Without additional resources thousands of middle school and high school students from disadvantaged backgrounds may never realize their postsecondary dreams. And with America's increasingly diverse population, this could have serious consequences for our economic future.

We also applaud your continued support for vocational education programs under the Carl D. Perkins Vocational and Technical Education Act. The Perkins Basic State Grant is essential for community college innovation in occupational education curricula. Funds support a wide range of activities, including integrating vocational and academic instruction; helping students meet challenging academic and vocational standards; training first responders; developing cutting edge curricula; and strengthening links between institutions and businesses.

Thank you for offering this critical amendment. We look forward to working with you as the FY 2007 budget process continues.

Sincerely,

GEORGE R. BOGGS,
President and CEO.

Mrs. LINCOLN. Mr. President, I rise today in support of amendment No. 3048 proposed by Senators SPECTER and HARKIN to restore funding for the Labor, Health and Human Services and Education appropriations bill to fiscal year 2005 levels.

This amendment would restore funding to many important programs, including one that is quite important to Arkansas as well as our Nation—the Geriatric Health Professions program. Title VII funding for geriatrics training is the only Federal program that specifically develops academic geriatricians at a time when more are needed. The fiscal year 2006 Labor-HHS bill eliminated several programs, including this program.

Geriatric health professions programs support geriatric education centers, faculty fellowships, and Academic Career Awards. The academic career award programs support the career development of geriatricians in junior faculty positions who are committed to teaching geriatrics in medical schools across the country. Geriatric Training programs train health professionals who plan to teach geriatric medicine, geriatric dentistry, or geriatric behavioral or mental health. Geriatric Education Centers train health professionals, faculty, students, and practitioners in diagnosis, treatment, disease prevention, disability, and other health problems of the aged.

In 2005, Geriatric Education Centers alone reported delivery of low-cost professional geriatric training interventions to over 50,000 health care providers who collectively reported over 8.6 million patient encounters and enhanced quality of care provided to older adults.

Since 2000, the Arkansas Geriatric Education Center has trained and educated 10,340 health professionals, most of whom practice in rural areas, and has awarded over 54,000 hours of continuing education. The center had been funded through a grant from the Bureau of Health Professions, Health Resources and Services Administration.

Yet at the end of 2005 all funding for title VII geriatric health professions programs was eliminated from the 2006 Federal budget. The elimination of this program runs counter to recommendations from the 1,200 delegates to the 2005 White House Conference on Aging where enhancing the geriatric workforce ranked as 2 of the top 10 list of recommendations. Furthermore, it ignores the well documented shortage of geriatricians and specialized care needs of the older portion of the baby boomer population. Congress must renew its commitment to geriatric health professions training if the nation is to avert a crisis in access to geriatric care for older Americans.

The elimination of title VII funding for geriatric health professions training programs is a grave threat to the health of geriatric medicine. As the number of new physicians going into geriatrics declines and those already in the field approach retirement age, incentives rather than cuts are needed in programs that enhance the training of health professionals in geriatrics. Eliminating these funds will result in decreased access for the growing number of older patients in our country in need of the specialized care provided by geriatric healthcare professionals.

I urge my colleagues to support this important amendment which would restore funding to the geriatric health professions program, among other programs critical to the health of our Nation.

VOTE EXPLANATION

Mr. BIDEN. Mr. President, during consideration of the Menendez amendment, No. 3054, I was unavoidably detained in a meeting off the Senate floor and missed the vote. As a cosponsor of the amendment to provide funding for port security, I would have voted "aye."

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I ask consent at 1:30 p.m. on Thursday, March 16, 2006, all time under the act expire.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. FRIST. Mr. President, I ask unanimous consent the Committee on Finance be discharged from further consideration of H.J. Res. 47, the debt limit extension; provided further that the Senate immediately proceed to its consideration with 1 hour of general debate under the control of the chairman or his designee; 2 hours of general debate under the control of the ranking member or his designee; and the only amendment in order be the following: Baucus, study on foreign investment, 20 minutes equally divided.

I further ask consent that following the use or yielding back of time on the bill and amendment, the resolution be set aside; provided further on Thursday, prior to the first votes on the budget, the Senate proceed to a vote in relation to the Baucus amendment, and following the disposition of the amendment, the joint resolution be read the third time and the Senate proceed to the vote on passage of the joint resolution, with no intervening action or debate.

I also ask all time consumed during this bill count against the time limit under the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee is discharged from further consideration of H.J. Res. 47, which the clerk will now report.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 47) increasing the statutory limit on the public debt.

Mr. GREGG. I ask unanimous consent the Senate resume consideration of the budget resolution at 9 a.m. tomorrow; provided further that the time from 9:30 to 10:30 be equally divided between the chairman and the ranking member; I further ask at 10:30 a.m. the Senate proceed to the votes in relationship to the following items: the Baucus amendment to the debt limit, the passage of the debt limit, the Conrad avian flu amendment, the Burr avian flu amendment.

I further ask consent that following these votes the Senate resume debate on the budget resolution until 1:30, with the time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. The understanding here is that working with Senator CONRAD, we are going to line up a series of amendments which will be brought forward. We hope the Members will work with us. The time will be limited on these amendments for debate, but we will certainly try to accommodate the membership.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, it is important for colleagues to know what we are doing. We are going to go to vote-arama starting at 1:30 tomorrow afternoon. Prior to that time, we are going to have some time for additional amendments until the votes at 10:30. As the chairman has indicated, at 10:30 we will have votes on the debt limit. We will then have votes on the avian flu amendments that were put off from this evening. After those votes are concluded, we will go back to amendments until 1:30.

Now, what does that mean? That means we have very restricted time tomorrow morning. We have very restricted time after the votes tomorrow, until 1:30 for additional amendments. The only way people are going to get time is if they take very short time agreements. That is the only alternative we have.

Again, I explain to my colleagues, I apologize, but the fact is, our time for budget discussion has been dramatically reduced this year because of extraneous events. It is just a fact. The debt limit was put into this, the joint session, these series of meetings that are important bipartisan meetings at the White House. The chairman would agree that we have had probably the most difficult time managing this budget because there is so much less time available this year.

I ask for colleagues to understand if they want time they are going to have to take very short time agreements tomorrow; otherwise, they will be in a vote-arama.

Again, I thank my colleagues for the great cooperation so many have shown throughout the day.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, first of all, I thank the Chair.

Mr. President, we are now on the subject of raising the debt limit of our country by $781 billion. This is after we have already had, during this administration, repeated increases in the debt limit over and over and over again—during the first 5 years of this administration, raising the debt limit $3 trillion.

I have used this slide to make the point that I believe the debt is the threat. So much of the writing and so much of the commentary is about the deficit. But the deficit is going up much more slowly—even though it is at record levels—than the debt.

This year, they estimate the deficit will be $371 billion, but the debt will increase by $654 billion. When are we going to get serious about what is happening to our country? We are plunging deeper and deeper into debt, and increasingly, it is financed by foreigners.

I have to say, I have never been more concerned about the future fiscal strength of our Nation than I am today because we just seem to be in total denial. We seem to be so disconnected from reality. We keep on spending. We keep on cutting taxes. We keep running up the debt.

When the President came into office, here is what he told us. He said:

> My budget pays down a record amount of national debt.

He said:

> We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever.

Then he went on to say something that I believe:

> Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and [our] grandchildren.

That is what the President said. He was going to have maximum paydown of the debt.

Well, that is not what happened. The President was wrong. Not only has there not been any paydown of debt, the debt has skyrocketed, as this chart shows.

The debt, at the end of the first year of this President's first term, was $5.8 trillion. The debt, at the end of this year, is going to be $8.6 trillion—$8.6 trillion—at the end of this fiscal year. If we adopt the budget that is before us, we will pile on another more than $3 trillion of debt over the next 5 years, winding up with a debt of $11.8 trillion.

Now, here is what has happened already during this administration.

From 1998 to 2001, we added no debt. In fact, we were paying down debt. Those were the ending years of the Clinton administration's time.

In 2002, under the President's policies, we added $450 billion to the debt limit. In 2003, we added $984 billion to the debt limit. In 2004, we added $800 billion to the debt limit. In 2006, now they are out here wanting to add another almost $800 billion to the debt limit.

These are not just numbers on a page. These are not just bars on a graph. These are not just charts. These are debts of our country that have to be paid back.

What is perhaps most stunning is the degree to which this debt is being increasingly financed by foreigners—foreign central banks, foreign investors.

I use this chart to make the point. It shows the pictures of 42 Presidents. These 42 Presidents took 224 years to run up $1 trillion of external debt—U.S. debt held by foreigners. This President has more than doubled that amount—much more than doubled that amount—in just 5 years.

The result of all this is we now owe Japan $668 billion. We owe China $260 billion. We owe the United Kingdom over $240 billion. We owe the Caribbean banking centers almost $100 billion. These numbers change from time to time because of money flows. South Korea, we owe over $60 billion.

So what. What does it matter that foreigners now hold almost half of U.S. debt? What difference does it make if we owe Japan $670 or $680 billion? So what.

Well, the "so what" is, when you owe somebody money, you have a different relationship to them than when they owe you money. We have gone from being the biggest creditor nation in the world—more countries owing us more money than any other country in the world—to now being the biggest debtor nation. We owe more money than any other country in the world, and by a big amount.

I just had representatives of the American automobile industry come to see me. They said: We have to get tough on Japan because they are manipulating their currency for advantage in selling their automobiles.

I said: Do you have any idea how much money we owe the Japanese?

They said: No. We have no idea.

I said: Well, we owe them over $660 billion.

How are we going to get tough with somebody we owe $660 billion?

Earlier I had a group of business leaders come to me and tell me: We have to get tough with China because they are manipulating their currency for advantage in international markets. I asked them: How much do you think we owe the Chinese? They did not know. I told them we owe them over $250 billion.

How are we going to get tough with China when we owe them all this money? What would we do if all of a sudden they did not show up to buy our debt because now every time we have an auction, most of it is going to foreign entities. That is how we are floating this boat. We are mortgaging the future. That is what we are doing. Does that make America stronger or does that make America weaker?

A number of weeks ago, the President had a small group of us over—Senators—to talk about energy. He reminded us that in his State of the Union Address he said America is addicted to oil. And he turned to me and said: That's pretty good for a guy from oil country to say that, don't you think?

And I said: Yes, I do, Mr. President. But I tell you, not only are we addicted to oil, we are also addicted to foreign capital. We are addicted to borrowing from countries all over the world.

This creates a vulnerability for our Nation because if these folks decide they are not going to keep lending us money, what would we have to do to attract the capital to finance these massive deficits, this massive debt? We would have to raise interest rates. That is what we would have to do, and perhaps precipitously. Then all these mortgages that are out here that are interest-only mortgages, all these mortgages that are adjustable rate mortgages, all these car loans, all these student loans, all these business loans, all these corporate financings—all of it—would go up, and go up sharply.

That is the great risk that is being run. It is a danger to our country. The Chairman of the Federal Reserve Board has said this is an unsustainable course. The Comptroller General of the United States has told us it is an unsustainable course. The head of the Congressional Budget Office has told us it is an unsustainable course. But we keep right on keeping on. There is no change. And sometimes you wonder: Does anybody care? Does anybody have the faintest notion of where this all heads?

Before us is a budget for the next 5 years, put before us by the President of the United States, and now passed by the Budget Committee in the Senate. Those who brought the budget before us say it is going to reduce the deficit. They show these red bars on this chart, and they say those red bars are getting smaller, the deficit is going down. Boy, how I wish that were true. How I wish that were true. But it is not true.

This is what is really happening. They have left out things. They have left out war costs past 2007. They have understated the war cost in 2007 in addition to that. But the chairman, to his great credit, has added far beyond what the White House suggested in terms of war costs for 2007. He has made at least a serious effort to cover the war costs in 2007. There is no money past 2007.

There is no money past this year to fix the alternative minimum tax. Over the next 10 years, it costs a trillion dollars to fix. There is no money here past 2006. You put that back in, and then you put back into the calculation the money they are taking from the Social Security trust fund. Every year, they take from Social Security to pay other bills. It all has to be paid back. None of it is in the deficit calculation, but it all gets added to the debt.

When you add it all back, what you find is that when they say the deficit is going to go up $359 billion for fiscal year 2007, starting October 1, the debt is going up $680 billion; and the next year, the debt will go up $656 billion; and the next year, $635 billion; and the next year, $622 billion. And in 2011, it is going to go up $662 billion. And they are telling us everything is getting better? It is not getting better. It is getting a whole lot worse. That is the truth.

They have come tonight and asked us to raise the debt limit of this country another $781 billion. Over the next 5 years, they want to run up the debt by another $3.5 trillion. So at the end of that period, we have $11.8 trillion in debt. That is before the baby boomers retire. People may not know the exact numbers, but the American people have a lot of common sense. You can kind of reality test. We can't pay our bills now. We are nowhere close to paying our bills. And we are borrowing money from countries all over the world. We are borrowing money from the Caribbean banking centers. Anybody listening to me doing their banking down in the Caribbean? We owe them almost $100 billion.

I know we use so many numbers when we talk about a budget. A lot of people tune it out and say: I can't follow all the numbers. Just follow one number: The debt of our country has doubled. The debt of our country has doubled in this 10-year period. The first 5 years of the Bush administration and the next 5 where they are proposing the budgets, they are going to have doubled the debt of our country before the baby boomers retire. And almost half of this debt has been financed by foreigners. When we have a bond auction now, much more than half of it is being bought by foreigners. We are digging a hole that is so deep, it will take years to get out.

We just had this Dubai Ports deal. Everybody gets upset about the United Arab Emirates buying the terminals in six of our major ports. I thought it was unwise. But that is the logical conclusion to this fiscal policy and this trade policy. Because while we are running up the debt on the budget side by $600 billion a year and running trade deficits of more than $700 billion a year and we are financing it by borrowing from abroad, guess what. Foreigners are up to their gills in dollars. They are loaded to the gills with dollars. And what are they going to do with them? They are going to buy American assets.

Look at what has already happened to our ports. The vast majority are owned by foreign interests now. You might as well just put up a big for-sale sign on America and say: Come and get it, because we have not been able to restrain our spending and our appetite for debt and our unwillingness to tax ourselves to pay our bills. So what is the result? The result is runaway debt, increasingly financed by foreigners, and at the same time these trade deficits, which have the exact same effect, putting more and more dollars in the hands of more and more foreign entities. They have to do something with them. They can sit on them. They can hold them in their banks. They can invest them in U.S. stocks and bonds, which they are increasingly doing. And they can also just buy hard assets here.

We wonder about the Dubai Ports deal. Get ready. There are going to be a whole lot more deals like that coming because the world is awash in dollars, and we are buying much more than we are selling to foreigners. At the same time in our own budget, we are spending much more than we are taking in. As a result, we have to borrow, borrow, borrow.

The Comptroller General of the United States is the man who is given the responsibility to advise the Congress on the fiscal condition of the country. Here is what he said before the Senate Budget Committee:

> Continuing on this unsustainable fiscal path will gradually erode, if not suddenly damage, our economy, our standard of living, and ultimately our national security.

It is that simple. It is that important.

Tonight we are going to make another fateful decision. Unfortunately, there is no alternative. We are going to have to pass this increase in the debt limit because the money has to be paid back. We have already borrowed it. We have already spent it. It is gone. Now the only question is, Are we going to pay the bill? There is no option. There is no alternative. If the United States failed to pay its debt, the value of our currency would plummet, interest rates would skyrocket, and our economy would tank. That is the hard fact.

This should be a wake-up call for every Member of the Senate, every Member of Congress, and a wake-up call for the President of the United States. The question is, Are we staying on this course to keep running up the debt, debt on top of debt, increasingly financed by foreigners, or are we going to change course? I hope with every fiber in my being that we change course because if we fail to do so, we will weaken the country immeasurably. We will threaten not only our economic security but our national security.

I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. CONRAD. Mr. President, how much time does the Senator require?

Ms. STABENOW. No more than 10 minutes.

Mr. CONRAD. I am happy to yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

Ms. STABENOW. Mr. President, I thank my distinguished ranking member from North Dakota, who does such an outstanding job every single day, speaking about the real values and priorities of the American people. I commend him for his leadership.

I rise today to express grave concern about this historic increase that is before us in America's national debt. Today, we owe $8,270,260,017,805.93, and counting, on the national debt. That is a long string of debt that isn't going to go away—over $8.2 trillion. In fact, it continues to grow. Just last month, we paid $21 billion in interest alone. Earlier today, I offered an amendment for $5 billion to make sure that the radios in this country are connected, interoperable, so they can communicate in case of a terrorist attack or a national disaster or other emergency. This was turned down by the body as being too much.

Yet we spent $21 billion last month in interest alone on the national debt. The legislation before us allows this administration to continue to rack up another $800 billion on the Nation's credit card. That means we are allowing the debt to exceed $8.9 trillion. That is unbelievable. That is trillion with a capital "T."

Tragically, 5 years ago, we were sitting on top of the largest surplus in the Nation's history. The year I came into the Senate as a member of the Budget Committee, we were debating what to do with the largest surplus in the Nation's history, $5.6 trillion. At that time, the Senator from North Dakota suggested—and I supported it—a strategy that would divide that surplus into thirds: one-third for strategic tax cuts in order to grow the economy; one-third for investment in our people, education, health care, science, research, law enforcement, those kinds of things; and one-third to go to paying down the liability we know is coming with Social Security. We would not be debating that gap in Social Security funding on down the road if we had in fact used that strategy. But that is not what happened.

Instead, all of that was put into a supply-side tax cut geared only to the wealthiest Americans, and leaving everybody else to pick up the tab. Deficits have spiraled out of control since that time.

The budget we are debating only makes the national debt worse. It increases another $4 trillion in debt over the next 10 years. That is the budget resolution that is in front of us. That doesn't reflect our values. As Americans, we want our children and grandchildren to do better than we did. It is not about leaving them debt; it is about creating opportunity and about leaving them good jobs, and health care, and air they can breathe, and water they can drink, and a strong national security so they are safe.

Unfortunately, because of our soaring national debt, our children and grandchildren are going to have to pay our bills. I find that simply outrageous. In essence, we are going to max out on the Nation's credit card and then send the monthly bill to our children.

As most people know, this is a tough time for the people of Michigan. Anybody who has read the newspaper lately knows that companies such as Delphi and General Motors and Ford are struggling. Due to problems such as unfair trade practices, we are literally losing our manufacturing base in this country, coupled with the fact that we need to fundamentally change the way we fund health care in order to get health care costs off the back of business so they can be more competitive in a global economy.

Manufacturing has been the key to building a solid middle class and creating a way of life that is extraordinary for Americans. If we lose our manufacturing industries, such as automobiles, we are going to lose our middle class in this country and lose our way of life.

You might wonder what do unfair trade practices have to do with the increasing national debt. The answer is: A lot. That is because many foreign countries own our national debt. That means we have to borrow from other countries to pay our bills. And we are borrowing more and more from foreign countries in recent years.

Unfortunately, many of those countries that own our debt also refuse to follow the international trade rules. They cheat. They want to be a part of the international community, but they don't follow the rules. In fact, China and Japan own approximately half of all of our foreign debt. At the same time, they continue to take our patents and to manipulate their currencies so their products cost less, in violation of international law.

This hurts our manufacturing sector because it makes it easier for them to sell their products in America and tougher for American businesses to export our products to their countries.

For example, a $20,000 car imported from Japan has an unfair subsidy of as much as $7,000 over a U.S. automobile. At the same time, U.S. exports to China face a $7,000 tax. This cost advantage directly subsidized over 1.7 million cars and trucks exported to the U.S. last year, as well as every component imported by Japanese manufacturers for use in their U.S. assembly plants.

China has been pegging its currency and is responsible for producing a $12 billion market of counterfeit auto parts, which has cost us the equivalent of 200,000 jobs in America—many in Michigan.

We should be getting tough with China and Japan on these trade violations that are costing Americans their jobs and threatening our middle-class way of life in this country. They are illegal. We should insist that they stop. But our Government is weak-kneed because we have borrowed so much money from them. There is a connection between the budget deficit and our trade deficit, both of which are out of control.

When I look at what families in Michigan are having to go through, men and women who have worked hard all their lives and have paid into a pension, and they may not have it now, and their cost of health care is going up, or maybe they won't have it anymore and they may be losing their jobs, and their dreams for sending their kids to college are going away, the American dream that says you can buy a house and have a good home and dream big dreams, and maybe in Michigan you can buy a cottage up north and a snowmobile, and you make sure you can live a good life and care for your families—those dreams are going away for too many people. Part of the reason is because of unfair trade practices. We don't have a level playing field. We do not make sure other countries are following the rules. They are cheating and they are getting away with it.

When we look at what is happening, we see that China and Japan own half of our foreign debt. They are the same people who are not following the rules and are costing us jobs. There is a direct connection between what is happening here in terms of raising this debt limit and what is happening in my home State of Michigan in terms of jobs, and the fight we have right now to keep our way of life. There is a better way than what is before us now.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator from Michigan, who is such an exceptionally valuable member of the Budget Committee. She has been one of the strongest voices on the question of what are the priorities of the budget. Also she is a very strong voice for fiscal responsibility, recognizing that if we want to spend money, we have to pay for it. The Senator from Michigan has been a great leader on the Senate Budget Committee. I thank her so much for her contribution during the year, and again on the debate on the budget resolution this year.

While we are waiting for the chairman of the Finance Committee, who is being called off the floor momentarily, I want to remind colleagues of the circumstance we face tomorrow. If there are staffs listening or Members listening, we are still getting requests as though we had a lot of time left. We simply do not.

Tomorrow we are going to start at 9. We are going to be handling amendments that are in the queue until 10:30. At 10:30, we will start voting on amendments and we will vote on the debt matter and amendments to the debt resolution. When those have been dispensed with, we will then go back to the consideration of amendments until 1:30.

At 1:30, all time has been deemed to have been used up in the budget resolution debate. We will start a series of votes every 10 minutes. Right now, with the number of amendments pending, we now have 65 votes pending on this side alone. We know we can do 3 amendments an hour. If everybody sticks to their amendments, that is 22 hours of straight voting. That is just the amendments on our side. The other side has another 15 amendments. That is 80, so that is 27 hours of voting.

That is the situation we face. It is in the hands of the Members. Are people going to show restraint or are people going to insist on every amendment to be offered and voted on? I hope very much that we can convince colleagues to take very short time agreements tomorrow. I will not agree to any time agreement over 10 minutes tomorrow, period. Let me make that very clear. I hope we can get time agreements as short as 5 minutes before we get into vote-arama. When we get into vote-arama, understand that there will be 1 minute on a side.

So, again, I hope colleagues understand the circumstance we face. We have lost a tremendous amount of time to extraneous events—a joint session, meetings at the White House, and the debt limit debate put in the middle of this discussion. So that is the reality we face.

Last year, Lula Davis has just informed me, we started voting at 1:17 in the afternoon, and we voted until roughly 10 o'clock at night. Some of those votes were held every 5 minutes, and we handled over 20 amendments during that period. I think one can see if we have to try to do 80 amendments, we are going to be here a very long time.

With that, I thank the Chair and yield the floor.

Is the Senator from Oklahoma seeking recognition?

Mr. COBURN. I am.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I don't want to be offensive in any way. I listened to two talks about where we are, and I agree with where we are financially. But there are some facts that are left out of the story. There is no question that spending has increased. There is no question the debt is going up. But who is responsible for it? We can talk about it. First, we had a recession, and then 9/11 came, and there were rosy projections we all knew for certain weren't right. But to turn around and blame our debt on the President of the United States is not only in error, it is not factually correct, and it also tends to shun the responsibility we have as a body.

The President cannot sign any bill we don't pass. This President became President in early 2001, at which time the Republicans weren't in control of the Senate. There was a divided—in 2002, that is, and there was a divided control. But during all that period of time, the bills that went to the President were voted on by Congress; both the House and the Senate passed bills. I also note that those people who have been so earnestly talking about our debt limit, which I plan on attacking aggressively—there is some credibility there with the talk.

This last year they voted for over $700 billion in new spending. So if, in fact, you want to control the spending and you don't want the debt limit to go up, you can't continue to vote for unlimited spending increases.

There is no question that we have increased revenues that are not what they probably could be if we ran the Government much more efficiently, but the very fact that we would have people who claim they are appalled at the debt limit and then every time we cast a vote for an increase of spending that is not paid for or not offset in another way adds directly to that debt limit.

The responsibility lies in the Congress for the spending. It is not the executive branch. As a matter of fact, we have sent multiple bills, and if you look at the votes on the multiple bills that have come through this body, they are not just a majority vote, they are a supermajority and many times unanimous. So to claim and lay that on the executive branch when, in fact, it is our responsibility belies the truth.

The facts that the Senator from North Dakota outlined are very accurate in terms of where we are. Here is one of the most important facts. The increase in debt per Americans since 2001 is over $8,000. The increase in the annual earnings per American workers since 2001 is less than $4,000. We are about to become the first generation of Americans to leave the next generation worse off. But as long as we are finger pointing and saying it is somebody else's problem, we are not going to solve the problem.

We had an opportunity this past year in which we slowed down the growth of Medicaid by $4.8 billion a year and over a 5-year period. That total cumulative cost is $38.8 billion. That is the savings for 5 years. But the earmarks alone that this body passed last year were $64 billion.

I am highly concerned about the debt limit, and it is doubtful that I will be voting to extend the debt limit, but I certainly am not going to stand here and let people claim that it is the executive branch's responsibility. It is not. It is ours, and we failed. We have failed our grandchildren, we have failed our children, we have failed the people who are paying taxes today in this country. We would rather get reelected by doling out earmarks and pork than solve the real long-term problems of our country, and we can see that very easily when we look at earmarks related to the size of the Federal Government.

There is a cause-and-effect relationship. As a matter of fact, tomorrow morning we are having a hearing on earmarks in the Federal Financial Management Subcommittee, the oversight Committee on Homeland Security. What you see is that in 1994, there were 4,000 earmarks and about $4 billion. Last year, there were 15,877 earmarks, and the total spending by the Federal Government was over $2.6 trillion. There is a correlation. It is that we don't want to do the hard work of making the hard decisions.

So when we have $64 billion in earmarks in 1 year and we can't get the hard savings of $4.8 billion in just slowing the growth of Medicaid from 8 percent to 7.9 percent, and we barely pass that, what we have is a refusal to do our duty.

The points the Senator from North Dakota made in terms of his financial analysis were all accurate. You can't dispute it. He points out very accurately the double standard on accounting gimmicks that the Congress is using.

It is my hope that tomorrow we will be able to discuss this more. I know the chairman of the Finance Committee would like to have the floor, and at this time I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the issue of the increase in the debt limit has come before the Senate as an agreement between the two leaders, and as the committee of jurisdiction, as chairman of the Finance Committee. I speak in support of House Joint Resolution 47, a bill that increases the Federal debt limit. I support this increase because it is necessary to preserve the full faith and credit of the Government. Without an increase in the debt limit, our Government will face a choice that we should not make and we would not want to make: a choice between breaking the law by exceeding the statutory debt limit or breaking faith with the public by defaulting on our debt. I hope everyone would agree that neither choice is acceptable.

To understand why we are here today seeking to increase the debt limit, it is necessary to explain a few points about the Federal debt.

Under current law, there is a statutory limit on the amount of debt that can be issued by the Federal Government. This limit, which now stands at $8.184 trillion, applies to virtually all the debt issued by the Government. There is only one debt limit, but there are, in fact, two types of debt within that figure: debt held by the public—meaning you and I as private citizens buying Government bonds, owning Treasury bills—and then, of course, on the other hand, the debt held by various Government trust funds. An example would be the surplus that is invested in the Social Security surplus payroll that is not being paid out for benefits, being invested in Government debt with that debt owed to the trust fund with the interest accumulating to the trust fund.

The amount of Federal debt held by the public is determined by the Government's annual cash flow. When total spending exceeds total taxes, the Government has a budget deficit. To finance this deficit, the Government borrows from the public by selling debt, such as Treasury bills, Treasury notes, and Treasury bonds. We will hear a lot of criticism that President Bush's tax cuts are responsible for our rising public debt, but the facts show otherwise.

When President Bush took office in 2001, the Federal debt limit was $5.95 trillion, almost $6 trillion. The debt limit was increased to $6.4 trillion in 2002, $7.3 trillion in 2003, and now the present $8.1 trillion in 2005.

Assuming we increase the debt limit today, it will be $8.965 trillion. Thus, the Federal debt limit will have increased by $3.015 trillion since President Bush took office in 2001.

However, the tax cuts that have been enacted since 2001 total roughly $900 billion through the end of the most recent fiscal year. That includes interest costs as well. Thus, the President's tax cuts account for about 30 percent of the increase in the Federal debt. The rest of this increase in the public debt is due to the recession, the war in Iraq, and the increased spending on homeland security, also related to the war on terror.

In addition to the debt held by the public, the Federal debt limit also applies, as I said before, to the debt held by various Government trust funds, such as Social Security and Medicare. Whenever a trust fund program collects more than it spends, the surplus is invested in special issue Treasury securities. These special securities count toward the debt limit. However, it is important to understand that the amount of debt held by the trust funds does not reflect the Government's unfunded obligations.

For example, the Treasury Department reports that the total amount of Federal debt held by all the trust fund programs is about $3.5 trillion. However, the Social Security and Medicare trustees report that the unfunded obligation of Social Security and Medicare is more than $81 trillion.

Given these facts, it should be obvious to everyone that the Federal debt provides a misleading and inaccurate picture of the Government's future liabilities. Efforts to use the statutory debt limit to control Government debt and deficits cannot succeed because it ignores the long-term budget problems.

Indeed, even former Federal Reserve Chairman Greenspan has suggested the debt limit has outlived its usefulness and should be replaced with a more accurate and useful alternative. I would welcome the opportunity to work with my colleagues to develop such an alternative. It may never happen, but it ought to happen. This is not quite a very intellectual way to decide what the Government is doing in a fiscal way because, quite obviously, every day Congress is appropriating money and every day we are spending money and every day if that exceeds the taxes that are coming in and we get to the debt limit, the debt is going to increase or is going to shut down the Government.

As a Republican, that was part of our strategy during the Clinton administration. But let me tell you, it didn't work. It didn't work because it wasn't good policy, and it ended up not being very good politics. I hope we do not have an extended debate and a lot of breast beating about the issue of increasing the national debt because, quite frankly, if we spend and we spend up to that limit, we are not going to shut down the Government, if we learned the lesson, as I hope I learned the lesson, and we move on. It ought to be very pro forma.

There will be a lot of debate about it, a lot of political points trying to be made, but the point is we have to keep the business of Government going. I would relish the opportunities to have those days when we paid down $550 billion on the national debt during the fiscal years of, I think, 1997, 1998, 1999, and 2000, I believe it was. It was about $558 billion I believe that we paid down on the national debt. I am glad we did. But now we have the war on terror, we had 3,000 Americans killed in New York City because of terrorist attacks, and we are fighting a war to make sure terrorism doesn't happen again, at least on the soil in the United States of America.

The No. 1 obligation of our Government under the Constitution is for the national defense. Protecting our people from further terrorist attacks is very basic to it. We voted, in a bipartisan way, to send men and women to the battlefield in Afghanistan and Iraq, and if we do that, we have an obligation to appropriate the money to give them the tools to do the job when they put their life on the line for our freedom and our liberty and to make sure that 3,000 Americans don't get killed again. These all create situations wherein we have annual debt or annual deficits, and you increase the national debt on a cumulative basis when you do that. So there will probably be almost 50 votes, maybe, against this resolution when we vote on it tomorrow. I would ask the people who vote against it, do you want to shut down Government? Or if you don't want to shut down Government, you don't want to increase the national debt, why did you vote for the money we spent that brings us to the point of a necessity of increasing the national debt? We should pass this resolution for the sound operation of our Government. Shutting down Government, we found out, ended up costing the taxpayers more than if Government had operated.

There are a lot of conservatives listening who see a conservative like CHUCK GRASSLEY saying that, and they say: GRASSLEY, what planet did you come from? If we shut down Government, you ought to save money. But we didn't end up saving money. So you learn from history, or you are destined to repeat it. That is why this ought to pass unanimously. It won't, but it ought to.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 15 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Montana and commend him for his hard work on matters financial in the Senate and in our country. Fiscal responsibility is the watchword for the Senator from Montana, and I am grateful for his leadership. At the same time, I say to the distinguished Senator from Iowa, the chairman of the Finance Committee, he is someone who also works very hard to make us a responsible nation, and I respect him. Although we differ on things, the fact is that I listen carefully to what the Senator from Iowa has to say. He has a position of great responsibility, the chairman of one of the most important committees in the Senate, and carries that responsibility honorably; again, if I may say, at times wrongfully, but it is in the eyes of the beholder. But I know the Senator from Iowa understands that if there is any criticism of his views, it is not personal and has nothing to do with his credibility or his honor.

I listened very carefully to what the Senator from Iowa talked about. He talked about shutting down Government and he talked about providing security for our people, protecting them, making sure their lives continue in safety. But I don't get it. I have to tell you this: I don't get it. Because when issues came up such as when we needed more money for port security, we said no. When it came up that we needed more money for the Department of Homeland Security, we said: Well, we will give you some but not all you need. When it came to providing some developmental funds for technology that would help us examine containers coming into our ports, we were unwilling to do it.

So now what we hear is the lament that says: How can we shut down our Government? Well, we can avoid shutting it down by not extending tax cuts to the wealthiest among us, people who make millions and don't need any help. I meet these people, and they say: Yes, we don't need it, but what the heck, if it is there, we are going to take it.

But when you think about the outcome of this profligate spending we are seeing here and our deficit going through the roof—I heard one of our good friends from the other side talk about reducing our annual deficits. Well, they could be reduced a trifling amount, but if you look at the debt, that debt increases, that clock is ticking.

We have here an example of a credit card, and our credit card is running kind of over the limit. Right now, we are carrying an $8.2 trillion credit debt. That means if you borrow on credit, you have to pay it off. President Bush and his colleagues, the Republican Congress, are encouraging burdening our children and our grandchildren under a mountain of debt.

A lot of what we do around here is hidden in complicated budget rhetoric, but to put matters simply, this debt extension bill will increase President Bush's credit limit, the one he has established, by $781 billion. It will encourage this Republican Congress—they are the majority—to charge another $781 billion on our Nation's credit card.

Most Americans with credit cards know that you have to play by the credit card company's rules. People understand when they run up big bills they will be responsible to eventually pay up. Few people run up a giant credit card bill and then leave it for their children to pay. But that is what the Bush administration is doing, running up credit, and their kids will have to pay the bill.

Since President Bush took office, he has already increased the total Federal debt by 46 percent. He has added $2.5 trillion to the debt future generations will have to pay. So I say enough is enough. The President and the majority in the Congress have been far too reckless for far too long with our Nation's credit card. We see who the managers are of the legislation we considering here: the Republican majority. And they want to extend his credit limit. I say no way.

In my view, it is time to limit the credit. It is what most parents would do. What would you do as a parent if you had a kid, a child who was running up bills on your credit card, just running them up, higher and higher and higher, and you know you can't pay them off? So what would you do? Pat him on the head and say: Go spend more? No, you wouldn't do that at all. What you would do is cut up his credit card. And this is what we are going to do: cut up his credit card right here and now.

America can do better, leave a better legacy for our grandchildren and their children. Our consciences scream out just as a family would at home: We are buried in debt; why do you want to add more to it? The response would be: Mom and dad, why do you do this to us? We have college debt from our years at the university. We have less reliability, less reliance on pension funds. They are not guaranteed anymore. We have less expectation that we can hold our jobs based on foreign competition, jobs that used to be done here in Washington, DC, and in my home State of New Jersey and States across this country, jobs that were held, and they were good-paying jobs. Now they come with an accent from India. There is nothing wrong with the accent, but there is something wrong with the place. Why should we be transferring decent jobs Americans can do and do well to India? Why? Because we pay maybe a tenth of what it costs us here. If someone makes $500 a week here, and in India they make 50 bucks, they will be feeling pretty good. So the result is that we are lowering living standards for Americans across this country, and these jobs will not be replaced.

I know something about balancing budgets. I ran a big company, a very large company; it now has 40,000 employees. We started with nothing. We worked hard. But we always balanced our budget. We had 42 years in a row with growth on the profit at 10 percent every year over the previous year, the longest record of any company in American history. That is the company I ran; it is called ADP, Automatic Data Processing. I was the founder.

Here in the Senate, I was the senior Democrat on the Budget Committee. We produced during those years the first balanced budget in 30 years. We did such a good job that when President Bush, President George W. Bush, took the oath of office, he was presented with the rosiest financial picture of any President ever in the history of our country. We had budget surpluses as far as the eye could see. In 2000, we had a budget surplus—surplus—and that is in the year 2000, 5 years ago, going on 6 years ago, we had a budget surplus of $236 billion. In 2001, when President Bush came into office, he had a surplus of $128 billion. We were ready to pay off our national debt by the end of his term. We were in the middle of the longest economic expansion in the history of our country. But the Republicans plunged blindly and recklessly into massive tax breaks, not for the middle class or poor, lower level income among us, but the wealthy, the special interests—tax breaks that will cost $3.4 trillion if they are extended over the next decade. A third of that amount, more than $1 trillion, will go to the wealthiest of the wealthy, the top 1 percent.

This is what the Bush tax cuts will mean. If you make $1 million a year, you get an average tax cut of $136,000. That helps everybody out every year, I guess, if you need that. But if you make less than $20,000 a year, you get 19 bucks—$19 if you make $20,000 a year. Is that helping the people who are struggling with two jobs often, trying to balance their family obligations with their need to earn an income, having a babysitter intercede while dad comes home from work and mom doesn't yet go to hers? That is what is happening to a lot of people making $20,000 a year with two children in this society of ours—a $19 tax break. Don't spend it all in one place.

And to what end? The only thing President Bush and the Republican majority have accomplished is a doubling of our Nation's debt. If we continue on this path, our national debt will be $12 trillion by 2011.

Tomorrow we are going to vote on whether President Bush should be able to charge up another $781 billion on our credit card, the citizens' credit card, the national credit card. That is $781 billion more of debt. I hear from people I talk to who work for a living with kids in college, they are worried about their personal debt they have to have to get along, so we want to make their job twice as tough by adding more of the national debt on their shoulders. Would a bank keep extending the line of credit for a customer who didn't have a plan to pay his bills? Of course not. That is why I say to my colleagues that we should say to the American people: We really do stand for fiscal responsibility, and we really do want to reduce our deficit, and we really do want to cut back on that debt so we can look our children and grandchildren squarely in the face and say: We didn't add to your woes, we added to your opportunities.

So I urge my colleagues to tell the people the truth out there. Don't cover it up with arcane language. Let us put a stop to this reckless credit binge. Let's make President Bush's credit card useless and put our country back on the road to fiscal responsibility.

I yield the floor.

Mr. KERRY. Mr. President, about 16 months ago, we debated an $800 billion increase in the debt limit. At the time, this was the Bush administration's third request to increase the debt limit for a grand total of $2.2 trillion. During this debate, I discussed how in less than four-years, a 20-year $5.6 trillion budget surplus was turned into a $2.4 trillion deficit. I thought at the time the fiscal outlook could not get much worse and the budget situation would have to improve.

Unfortunately, I was wrong. Since the last debate on increasing the debt ceiling, the administration has not submitted budgets that would put us on a path towards deficit reduction. As part of last year's budget resolution, Congress passed legislation that would reduce spending by almost $40 billion. Many of these cuts will impact those that have the least. Now Congress is in the process of wrapping up a $70 billion tax bill. When you combine the spending and the tax bill, the numbers do not add up to put us on a path towards deficit reduction. The combined total increases the deficit and increases the debt.

The Bush administration's budget for fiscal year 2007 includes more of the same and the fiscal situation even gets worse. The administration estimates that the deficit for 2006 will be $423 billion, the largest in history. The projected surplus of $5.6 trillion that this administration inherited will now turn into a $3.3 trillion deficit, a reversal of $8.9 trillion.

The repeated pattern of deficits and irresponsible budgets necessitate another increase in the debt limit. Today we have before us an increase of $781 billion, which will bring the total to $3 trillion under this administration's watch. If the President's budget is adopted, the debt is expected to reach $8.6 trillion at the end of this year. Under this budget, with alternative minimum tax reform and ongoing war costs added in, the debt will explode to $12 trillion by 2011.

We cannot continue on this unsustainable path. Yesterday, Senator CONRAD offered an amendment to the budget resolution to restore the original pay-as-you-go-rule that led us on a path to a balanced budget, projected surpluses, and expectations of paying down the debt. These pay-go rules simply require new mandatory spending and new tax cuts to be offset. The current pay-go rule has a glaring loophole. Tax and spending increases that are provided in the budget resolution are exempted. This rule does not promote fiscal responsibility. A prime example of this is the tax and spending reconciliation instructions included in last year's budget resolution. These bills will increase the deficit by $30 billion.

Repeatedly, efforts to restore pay-go have been defeated and these efforts were defeated once again yesterday. In the context of today's debate, I do not know how anyone could oppose an amendment to restore these rules. Without strong pay-go rules, we will be back here in a year debating another increase in the debt limit.

We have a fundamental obligation to restore fiscal responsibility rather than merely voting to raise the debt limit as if there was an endless credit card at the expense of the American people. Americans struggle every day to balance their own budgets. Across this country, I have heard how families struggle to keep up with the rising costs of health care, tuition, and gasoline. Median household income has declined by $1.669 or 3.6 percent after inflation. Americans are sitting around their kitchen tables trying to figure out how to pay their bills. They do not have a magic credit card with no limit. Congress should play by the same rules.

We need to be responsible and think about future generations. We made tough choices during the 1990s in order to dig ourselves out of a hole, and now we are back in an even deeper hole. We need to face the consequences. The interest payments on the debt alone are staggering and depriving of us choices that we need to make for the long term investment of our country. This debt will affect our children and grandchildren. Each individual's share of the public debt is over $16,000 and a family of four's share is a staggering $64,533.

The interest on the debt for this year alone is over $220 billion and according to the administration's budget it will grow to $322 billion in 2011. Just think of how this money could be put to better use. It could be used to help uninsured Americans with the rising cost of health care. We cannot afford expensive interest payments and ever-increasing debt with the retirement of the baby boomers on the horizon.

Not only is the amount of debt a problem, I am also concerned about the amount of debt that is foreign held, almost $2.2 trillion. Japan holds the most, $685 billion. China holds $258 billion. Even the Caribbean banking centers hold $111 billion. Over 51 percent of the public debt is held by foreign investors.

Sixty percent of the foreign debt is held by official foreign investors. It is dangerous for our Government and our standard of living to be dependent on foreign capital. If foreign investors decided to stop financing our borrowing habits, it could have a spiraling impact on our economy. If those investors began to withdraw their capital, our financial markets would plummet and interest rates would climb. This would filter down to American families. Homes, education, and cars would become more expensive.

Debt is more than a financial liability it—weakens our security, our diplomacy, and our trade policy. The negligence of our borrow and spend policies leaves us vulnerable to the priorities of foreign creditors. How do you go to a country that holds so much of your debt while your economy is closely linked to theirs and make an argument about nuclear proliferation, human rights, democratization, or other issues that are of importance and great consequence to our country?

We need to make economic opportunity and fiscal responsibility a common goal. We need to live by rules that give the debt limit meaning. I will not support a borrow and spend economic policy that has no limits. There are better alternatives.

Mr. SARBANES. Mr. President, I am deeply troubled by the pending legislation, which would raise the Federal debt limit by $781 billion. The fact that we are considering this legislation illustrates how deeply the policies of this administration have plunged us into deficits and debt. This President has supported, and continues to support, tax cuts for the wealthiest Americans, which are not paid for and which will continue to run up deficits and debt as far as the eye can see. I am very concerned that if the President continues to pursue this reckless fiscal policy, our Nation's long-term economic strength will be seriously compromised.

Despite the fact that the President signed into law legislation increasing the debt limit less than a year and a half ago, the Treasury Department has now informed us that it will need to borrow even more to keep the Government functioning. The legislation we are considering today would allow Federal debt to grow to $8.965 trillion, truly a staggering sum.

When President Bush took office, he promised that his fiscal policies would include "maximum possible debt retirement." At that time, the Congressional Budget Office was projecting that our net debt to the public would decline to $36 billion by 2008, when this President leaves office. Now, instead of achieving "maximum possible debt retirement," the President is asking for historically high debt increases. In fact, the CBO is now projecting that publicly held debt will rise to nearly $5.5 trillion in 2008—almost 40 percent of our GDP. Gross Federal debt, which includes our commitments to Social Security and Medicare, will be $9.6 trillion by the time this President leaves office.

You do not need a very long memory to recall that a few short years ago, under President Clinton, we made some very hard choices on taxes and spending—restraining spending and raising some taxes, primarily on upper-income people—and we were able to turn around the Nation's fiscal status and begin to pay down our debt.

When President Bush took office in 2001, the statutory debt limit stood at $5.95 trillion and had not been raised since 1997. The administration is now asking for the fourth increase in the debt limit since this President took office. The limit was raised by $450 billion in 2002, by $984 billion in 2003, and by $800 billion in 2004. Now the President is asking for an increase of $781 billion—for a total increase of more than $3 trillion since 2001.

These figures demonstrate how seriously our economic situation has deteriorated under this administration. Let me just emphasize that point with one further example. When the President took office, he inherited a 10-year surplus estimated at $5.6 trillion. Now, when you factor in some of the costs we know are coming, such as the continuing costs of the war in Iraq and the cost of reforming the alternative minimum tax, plus the cost of some of the President's proposals, such as making his tax cuts permanent and continuing his defense buildup, the projections are for a $3.5 trillion deficit over the next 10 years, a reversal of $9.1 trillion. That is a seismic shift in our position.

Much of this shift is a direct result of the reckless fiscal policies pursued by the President during his first term and his singular focus on providing tax cuts for the wealthiest Americans, even at a time of war. And the President is seeking to increase our debt burden by permanently extending many of these tax cuts, utterly ignoring the fact that these massive tax cuts for the rich have led to budget deficits so large that they could jeopardize our future economic strength.

In part, my concern for our economic future stems from a change in international economic position of the United States. Two decades ago, the United States was a creditor nation internationally, by about 10 percent of our GDP. Now, because of the deterioration of our position over those intervening two decades, we are a debtor nation, to the tune of almost 25 percent of our GDP. At the end of fiscal year 2001, 31 percent of the outstanding Federal Government debt was held by foreign lenders. Over the succeeding 4 years, borrowing from abroad accounted for more than 80 percent of the increase in our Government debt.

The international financial position of the United States reminds me of Tennessee Williams's Blanche DuBois in "A Streetcar Named Desire," who said: "I have always depended on the kindness of strangers." That is what has happened to the United States in the international economic scene. We have deteriorated into a debtor status so that we are now dependent upon the kindness of strangers. That is not where the world's leading power should find itself.

This dramatic change in our economic situation comes at a time when the United States is facing a demographic tidal wave as the baby boom generation approaches retirement. When President Bush first took office, that retirement was almost a decade away. But time has run out. The first of the baby boomers will begin to retire in 2008, on this President's watch. Unfortunately, rather than prepare for the obligations we know are coming, this President has squandered every opportunity to save for the future.

Moreover, his policy of deficit-financed tax cuts makes us less able to make needed investments today. Every increase in the Government's debt means we are siphoning off resources that could be used for other purposes simply to pay the interest on that debt. Net interest payments on our debt are expected to consume more than $1 trillion over the next 5 years. Instead of making investments in education, in health care, in transportation, we are paying billions of dollars in interest costs that would not have existed in the absence of the reckless fiscal policy of this administration.

Not only do these policies jeopardize our current and future economic strength, they place a tremendous burden on our children and grandchildren who will have to pay off this debt. By cutting taxes for the wealthiest, the President is really raising taxes on everyone, including our children and grandchildren, by leaving them with the responsibility for paying off this enormous debt.

It is unfortunate that this administration has demonstrated such a single-minded focus on cutting taxes, regardless of the very serious change in our economic situation and our country's current and future needs. The fact that the President is calling for permanent tax cuts at the same time the Congress is being asked to add almost $800 billion to the Federal debt ceiling is beyond reckless—it places in jeopardy our future economic strength and the economic security of all Americans.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself as much time as I consume.

Thomas Jefferson once wrote:

> It is incumbent on every generation to pay its own debt as it goes.

That is what today's debate is about. Will this generation pay its own debt as it goes or will this generation choose to shift the burden of paying for our consumption to our children and our grandchildren? Will this generation take responsibility for its own appetites or will this generation rob from the mouths of our children and our grandchildren?

This question defines the very line between responsibility and irresponsibility.

Today we debate legislation to memorialize the shifting of that burden to our children. Today we debate raising the Government's borrowing by $781 billion. That is more than three-quarters of a trillion dollars for 1 year. This follows on the heels of an increase of $800 billion in November of 2004, less than 1½ years ago. That followed an increase of $984 billion in May of 2003, less than 1½ years before that. That followed an increase of $450 billion in June of 2002, less than a year before that.

This is the fourth time we have had to raise the debt ceiling in the 5 years of this administration. In contrast, prior to that the Government did not need to raise the debt ceiling for about 5 years. Moreover, as this chart shows, the cumulative increase during the 5 years of this administration has been a mammoth $3 trillion. That is the definition of irresponsibility.

Look at this chart. In 2002 the debt limit increase is $450 billion; 2003, $984 billion; 2004, $800 billion; 2006, $781 billion. That totals over $3 trillion; that is a $3 trillion increase in just over the last 5 years.

Look back at our history. What about American history prior to 5 years ago? The debt of the United States did not hit $3 trillion until 1990, a full 200 years after this country was founded. Now we have accumulated $3 trillion in new debt in just 5 years. That is the definition of irresponsibility.

This debt increase will be the fourth largest debt increase in the history of our country. This chart shows the size of debt increases. As you can see from this chart, the record for a debt ceiling increase was $984 billion. That was in 2003. We can see it on the chart. The second highest record was $915 billion. That occurred in November of 1990. That is this big spike. The third largest increase was in 2004 when we raised the debt ceiling by $800 billion. That is not far from today's request, which is to increase it by $781 billion.

During the time this administration has been in office—let's look at it from a little different perspective—the debt has gone up by about $10,000 for every man, woman, and child in America. Consider that. During the time this administration has been in office, the national debt has gone up by $10,000 for every man, woman, and child in America. For a family of four, that is an increase of $40,000 over the last 4 years. That is more than most Americans pay for a car.

It is bad enough we have accumulated so much new debt during the 5 years of this administration, but there is a big difference between the debt increase during this period and the debt before. Before, most of the debt purchased from the U.S. Treasury was purchased by U.S. citizens and institutions.

Let me repeat that. Up to 4 years ago, most debt was purchased by Americans and American institutions. At least the interest we paid on that debt, therefore, was paid to Americans. The wealth stayed in our country. That was up until about 4 years ago.

It has changed. That is no longer the case. During the 1-year period—get this. You will be stunned by this next fact. During the 1-year period between December 2004 and December 2005, foreigners purchased 96 percent of the new debt held by the public. Almost all of the debt purchased in that 1-year period, December 2004 to December 2005, was purchased by foreigners, almost all of it; 96 percent of it in 1 year, the last year.

Foreign citizens, foreign banks, foreign central banks, and other foreign institutions bought this debt. Not Americans, foreigners. The amount of public debt held by foreigners has doubled during the time that this administration has been in office; that is, just last year almost all of it. But when you add it with the prior years, now it has doubled since this administration has been in office. The interest on that debt is being siphoned out of our country. The foreigners buy the debt and the interest on that debt. Where does it go? The interest goes to those who own the debt—not Americans, people overseas.

What is the consequence of that? That makes us less wealthy and it means the standard of living of our children and grandchildren will be lower than it ought to be. That is the definition of irresponsibility.

The problem is not confined to our future standard of living. The problem is also today. Some of the foreign holdings of debt are in the hands of foreign central banks. Japan holds two-thirds of a trillion dollars of U.S. debt. China holds over a quarter of a trillion dollars of U.S. debt. Undoubtedly, the governments of these two countries hold a substantial portion of that debt. These large holdings of Treasury debts by foreign central banks are a risk to our homeland security and our economic security.

Does anybody ask why is that? Suppose the President of the United States thinks another country is jeopardizing American security. Suppose—it could happen—the President would like to tell that country that America would take action against it if it did not eliminate the threat to America. But if that country's central bank held a large amount of our Treasury debt, that country could threaten to sell it quickly. That sale would drive up U.S. interest rates and cause the dollar to fall. That could cause a recession in America. I am not saying a foreign central bank would do that off the top, but it would hint it might. It doesn't have to sell it all off, just a little bit. But that clearly shifts the power over to that central bank from the United States. As a result, the President might have to back down because of threats or insinuations, and so America would therefore be at a greater risk.

In the same vein, suppose the United States is involved in a trade dispute with a foreign country. It happens. If that foreign country's central bank held a lot of our debt, that country could threaten to sell that debt and force America to back down from its position on a trade dispute. America could be weaker in trade as a result. You could, obviously, apply that to almost any situation—not just trade or security but a whole host of areas where the United States has an interest with certain countries overseas.

At a recent Council on Foreign Relations event, Stephen Roach of Morgan Stanley put the risk in concrete terms. He said:

> For a country that is more dependent on foreign capital than any country has ever been in the history of the world—for us to try to dictate the terms on which that capital is provided telling Dubai, for example, you know, "You can't buy our port facilities but keep on buying our Treasurys;" and you keep telling China basically the same thing, I really worry about the potentially dangerous path our elected leaders are taking us down.

The bottom line is simple. These massive increases in debt harm America. They are the very definition of irresponsibility.

How did we get to this point? The Federal budget deficits drive up our debt, and these deficits have been huge during this administration. When this administration took office we were running large budget surpluses. Do you remember those days, not too many years ago? A $5.6 trillion surplus over the next 10 years was the projection back before the year 2000.

In fiscal year 2000, the last year of the previous administration, we ran a surplus of $236 billion just for that 1 year. We ran a surplus of $86 billion even without counting Social Security. By fiscal year 2001, the surplus, counting Social Security, had dropped to $128 billion, down from $236 billion in the prior year.

Then the tide of red ink began to flow. In fiscal year 2002 the Government ran a deficit of $158 billion. The following year, fiscal 2003, the Government ran a budget deficit of $375 billion. That was an all-time record just as recently as 2003. Think what happened a few years since. That record lasted just 1 year. The next fiscal year, 2004, the Government set a new record by running a deficit of $413 billion. The following year, fiscal year 2005, the Government ran a deficit of $319 billion. That was not a record, but it was still larger than the deficits run in any year before this administration took office.

In the current year, the deficit will go up again. The administration predicts the deficit will rise to $423 billion. This will represent yet another all-time record.

The fiscal policy of this administration has been the most irresponsible in the Nation's history. This fiscal policy has generated huge budget deficits, and in turn these deficits have contributed to massive increases in Federal debt. We clearly need to change course.

Let us, therefore, return to the advice that Thomas Jefferson gave us. I repeat:

> It is incumbent on every generation to pay its own debt as it goes.

Let us return to a fiscal policy that could be defined as responsible.

AMENDMENT NO. 3131

Mr. President, I am now going to speak a little bit on an amendment I am offering on which we will vote, I suppose, tomorrow. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3131.

Mr. BAUCUS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a study of debt held by foreigners)

At the end of the joint resolution, insert the following:

"Sec.   STUDY.—(a) The Secretary of the Treasury, in consultation with the Board of Governors of the Federal Reserve System and other appropriate agencies of the United States Government, shall conduct a study to examine the economic effects of the holding of United States' publicly-held debt by foreign governments, foreign central banks, other foreign institutions, and foreign individuals.

(b) The Secretary shall transmit that study to the Congress within 180 days of the date of enactment of this legislation.

(c) The study shall provide an analysis of:

"(1) for each year from 1980 to the present, the amount and term of foreign-owned debt held by the public, broken down by foreign governments, foreign central banks, other foreign institutions, and foreign individuals, and expressed in nominal terms and as a percentage of the total amount of publicly-held debt in each year;

"(2) the economic effects that the increased foreign ownership of United States' publicly-held debt has on

"(A) long-term interest rates in the United States,

"(B) global average interest rates,

"(C) the value of the United States dollar,

"(D) United States capital market liquidity,

"(E) the cost of private capital in the United States,

"(F) the generation of employment in the United States through foreign affiliates, and

"(G) the growth in real gross domestic product of the United States;

"(3) (A) for each year from 1980 to the present, the effect of foreign debt on the United States income account,

"(B) the predicted effect over the next 20 years, and

"(C) the effect of the deteriorating income account on the overall United States current account deficit;"(4) the ability of the Department of the Treasury to track purchases of publicly held debt in secondary and tertiary markets, or, if this ability does not exist, the implications of that inability for fiscal policy, monetary policy, and the predictability of capital markets;

"(5) the effect that foreign ownership of United States' publicly-held debt has or could have on United States trade policy;

"(6) whether the level of United States debt owned by China may adversely affect the ability of the United States to negotiate with China regarding currency manipulation by China;

"(7) the effect of the increase of foreign holdings of United States debt held by the public on national security; and

"(8) the implicit tax burden that results from foreign ownership of United States debt held by the public, defined as the per capita amount that a United States Federal income taxpayer would pay in annual Federal income taxes to fully service such foreign debt during each of fiscal years 2006 through 2010."

Mr. BAUCUS. Mr. President, this amendment is quite simple. It directs the Treasury Department to study and report on the increase of foreign holdings of U.S. debt and what the consequences of that debt are for America. We all know that debts can add up. We all know that paying just the minimum payment on a credit card balance leads to years of payments and a much larger total of payments in the end. Most American families know that.

As a result, we urge and sometimes require credit card companies and car companies to disclose to customers how long they will be paying those minimum payments. We require them to say how much the full balance will be when the consumer has paid off the loan. It is pretty basic stuff.

This amendment is a lot like that. This amendment asks the Treasury Department to spell out the implications of our debt to foreigners. This amendment asks the Treasury to investigate what the full cost will be in higher interest rates, in the value of a dollar, in lower economic growth, in lessened power to negotiate trade agreements, and in diminished national security. We should let taxpayers know—that is our employers, the people we work for—how big the payment really is. This amendment will help get the answers.

The Treasury is authorized to issue debt totaling a little more than $8 trillion. Last year's budget resolution generated an increase of $781 billion more, and that has led to the joint resolution before us today. This will be the fourth largest debt limit increase in our Nation's history.

So the question needs to be asked: Who is loaning us this money? Some of it is internal, like borrowing from Social Security. Much of it is borrowed from American citizens and businesses. Now there is also an especially worrisome trend, a trend worrisome not only to me and my constituents in the State of Montana but also taxpayers across the country. That is the amount of U.S. Treasury bonds held by foreigners.

Five years ago, foreigners held about $1.1 trillion. Today that number has doubled to $2.2 trillion. Japan holds about two-thirds of a trillion dollars; China holds a quarter of a trillion dollars. So the questions that inevitably follow are, first, how long can we continue to borrow more money? Second, what are the implications to our foreign policy as foreigners increase their holdings of U.S. debt? And, third, what share of America's taxes are being used just to pay interest on debt?

These are some of the issues we should debate today. These are some of the issues addressed in my amendment.

Every business has limits on the amount it can borrow. Banks say to businesses: Sorry, this is your loan limit. Financial institutions limit the amount that any individual or family may borrow. Every credit card has a maximum balance.

As a business or a family increases its debt, lending institutions begin to monitor the situation. Creditors even increase the interest rate charged on the debt.

At some point, America will face this economic reality. We cannot continue to accelerate our borrowing and ignore the consequences of increasing foreign held debt.

As one conservative economist put it last year in the National Review: "Growing nervousness in the bond market may be signaling an end to the free lunch Americans have enjoyed for the last 3 years, in which time foreigners have essentially financed our budget deficit."

Indeed, we cannot count on that free lunch forever.

So I am offering a simple amendment. It directs the Treasury Department to coordinate with appropriate Government agencies to study and report on the increase of foreign holdings of U.S. debt. The amendment asks Treasury to study any associated national security implications. The amendment also asks the Treasury Department to assess how this increase in foreign investment of our federal debt affects our trade policy.

Do we want to put ourselves in the potentially precarious position of engaging in diplomacy with our Nation's creditors? What happens if those foreign central banks and foreign investors suddenly started selling their holdings of U.S. securities? Interest rates could rise dramatically. A recession could result.

I bet that American manufacturers would like to know the answer to some of these questions. Next month, the Treasury Department is expected to rule on whether China is deliberately manipulating its currency in an effort to gain an unfair trade advantage. American businesses are awaiting this decision. But they would also like to know how any action on that decision might be affected by the level of our foreign debt.

Five years ago, foreigners held about $1.1 trillion in U.S. debt. Today that number has doubled to $2.2 trillion.

Last year, Federal debt held by the public increased by $297 billion. And the amount of public Federal debt held by foreign investors increased by $286 billion.

I have said it before and I will say it again: It is a riveting statistic. Foreign investors financed 96 percent of our Federal debt last year. Almost all of it last year was financed by foreigners—not by Americans but by foreigners.

We need to understand this change. This study will provide important information on this topic.

The answers to these questions will help us to evaluate foreign purchases of American assets. The data thus far is quite startling. According to a report from the nonpartisan Congressional Research Service, in 1995, net foreign investment in America was about 1.2 percent of our economic output. In 2005, net foreign investment was roughly 6 percent of GDP. That's an increase of 400 percent in just 10 years.

And we have just learned that our current account deficit for 2005 was the largest ever: $805 billion. As a percent of the economy, it was also a record, at 6.4 percent.

That type of increase reflects the attractiveness of our national economy to foreign investors. But I think that we need to better understand what this means for our economy and our national security.

Both sides of the Capitol, and many of our constituents, have spent a great deal of time over the last few weeks debating the effect of purchases or control of critical American infrastructure assets by foreign entities. It is time that we get all the facts out on the table. And this study will surely aid in this effort.

And this amendment asks Treasury to evaluate how the increase of foreign-held debt affects taxpayers. Last year, Americans paid about $85 billion in interest payments on this foreign debt alone. This year, in 2006, that amount will likely increase to about $100 billion. And it will increase again in 2007.

That is again the amount in interest payments on foreign debt alone, $85 billion last year. This year, in 2006, that amount will likely increase to $100 billion. And it will increase again next year in 2007.

Since we collect about $2.5 billion a day from income taxes, this year taxpayers will be working and paying taxes for almost 2 months just to pay off those interest payments on foreign debt. Think of that. Let me say that again.

Since we collect about $2.5 billion a day from income taxes, this year taxpayers will be working and paying taxes for almost 2 months just to pay off those interest payments on foreign debt. That is not paying off the principal. That is just paying the interest. Americans will pay 2 months of taxes to service the debt we owe to foreigners.

I urge my colleagues to join me in supporting this amendment. We simply ask for more information, more disclosure, and more transparency relating to our federal debt. As guardians of the Federal budget, we should not be afraid to confront the facts and deal with them accordingly.

Consumers should know the full cost of buying that car when they sign on the dotted line. Well, today, on behalf of the American taxpayer, the Senate is being asked to sign on the dotted line for the borrowing that the Government has done. The American people deserve full disclosure of the consequences.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, nearly 50 years ago I, like the rest of the world, was mesmerized by a small metal sphere, no bigger than a basketball, no heavier than I or most of us.

Hurtling through space at the speed of sound—I don't think it was faster than that, it goes about 18,000 miles an hour—this steel ball was Sputnik, the world's first satellite to circle the earth—in 98 minutes flat. It was a technological feat of the Soviet Union. Nikita Krushchev, the Soviet leader, had been intent on proving the Soviet Union's scientific superiority. He proved it that day in October 1957.

News of Sputnik caught Americans off guard. We had been convinced of our own superiority, but here was undeniable evidence that others were leading the way. And of all people, it was the Soviet Union.

Now we could only follow. We had been lulled into a slumber by past successes and had awoken to a harsh reality.

Other shocking Soviet achievements followed. In 1959, Luna 2 became the first space probe to hit the moon. In 1961, Soviet cosmonaut Yuri Gagarin became the first person to orbit the Earth.

But it was Sputnik that ultimately galvanized our great Nation. We came together to rediscover ourselves as a nation of thinkers, inventors, and dreamers. The shock of Sputnik caused us to not lower our expectations, but to raise them. Sputnik caused us to not ask less of ourselves but to demand more.

Four years after Sputnik, President Kennedy summoned the spirit of America to banish the ghost of Sputnik. Content to follow no longer, he set the highest goal imaginable. He declared:

> We choose to go to the moon. We choose to go to the moon in this decade and do the other things, not because they are easy, but because they are hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to Win . . .

Eight years later, American astronauts Neil Armstrong, Edwin "Buzz" Aldrin and Michael Collins landed on the Moon. Armstrong became the first man to walk on the Moon.

America never looked back. To this day, America is peerless in space technology.

Today, America faces a challenge no less daunting than the Soviet-American space race. We face no rival state. We face no organized military menace.

Instead, we face a world more integrated, more interdependent, and more intensely competitive than ever in our history. We face an economy with fewer second chances. Smaller margins for error.

In this new world, it is our challenge to succeed, and to leave our children and grandchildren an economy that is better than the one we inherited from our parents; an economy not laden with debt but bursting with opportunity; an economy whose workers are increasingly productive, and whose finances are prudent; an economy that plants the seeds of innovation and education today, knowing that generations far in the future will harvest their bounty.

Our challenge is to create an economy in which universal health care coverage is its greatest asset, not its heaviest burden.

The records it sets will not be for trade and budget deficits, or interest paid to foreign lenders, but for prosperity, productivity and progress.

Its workers and companies will look to foreign shores with hope and ambition, not fear and trepidation.

It is an economy where the strong are just and the wealthy are generous. It is an economy where the weak are secure and the struggling are given a hand.

This challenge is far greater than that which America faced in 1957. To prevail, we must demand more creativity. We must summon more ambition. We must harness more resources.

Yet we do not have a Sputnik moment that captivates us and calls us to action. No single moment crystallizes the urgency of action and the imperative of success. Today, we are still in August 1957—still complacent, still sure of our superiority.

What will be our "Sputnik moment?"

Will our Sputnik moment come when our trade deficits break unimaginable records, and our foreign debt exceeds that of any modern industrial economy?

No, that moment has already passed.

Will our Sputnik moment come after we neglect our basic research programs for three decades, while our competitors pour funds into research and development and lure our labs to their shores?

No, that moment has already passed.

Will our Sputnik moment come when 45 million Americans have no health insurance, while those who are so lucky must pay more to receive less?

No, that moment too has come to pass.

Perhaps our Sputnik moment will come when China becomes the world's largest economy. That may be just 10 or 20 years away.

Perhaps our Sputnik moment will come when our foreign debt reaches such levels that each year, 2 percent of our Nation's income will go to paying interest on these loans. That may be fewer than 5 years away.

Let us not wait for our generation's Sputnik. Let us awaken from our complacency before we are shaken from it.

We must not act out of fear. But we must not fear to act.

Most of all, we must act as a nation for the good of the entire Nation. As President Kennedy said of his vision 40 years ago: "In a very real sense, it will not be one man going to the moon . . . it will be an entire nation. For all of us must work to put him there . . ."

We must all work to improve our Nation's competitiveness, and I am working to do my part at every opportunity.

This week, I will introduce a number of amendments to the budget resolution that strengthen our economy at its very foundation and steel its every pillar.

These amendments will strengthen our ability to educate our children, so that they may enter the workforce filled with confidence and innovative ideas.

These amendments will foster innovative energy research that will make our children's world cleaner, safer, and more secure.

These amendments will restore our commitment to basic research and development, a commitment that has served us well in the past and will serve us well in the future.

These amendments will embrace technology to expand our access to quality healthcare, while making it more affordable, efficient, and accurate.

These amendments will help grow our nation's pool of savings, which can foster investment. Investment that makes our economy more productive and innovative.

Taken together, I hope that these amendments will create an economy that moves our Nation forward, and makes sure that no one is left behind.

I hope my colleagues will join me in supporting them. I think they are very important. I think they are critical and, frankly, I think if we don't pass these and similar amendments, we are passing on to our children and grandchildren an immense disservice.

I thank the Chair for listening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I cannot help but make a few comments on the speech we just heard, noting the fact that over $500 billion in new spending was offered, of which over half was voted for by the ranking member on the Committee on Finance last year—new spending unpaid for—and has the audacity to talk about the President getting us into this fix.

I mentioned earlier, this Senate and the House, the Congress, got us into this fix. The bills start in the House, they come to the Senate, and the irresponsible spending that has gone on has been a compilation of many factors. But most of it rests upon the Members of the Senate who refuse to make the hard choices in terms of spending.

I also note during last year's appropriations cycle, I offered amendments that were called sunshine amendments to make sure we knew what was in the bills we were voting on. I also note that the ranking member voted against those both times they were offered.

It is disingenuous to claim lack of responsibility. It is all of our responsibility. The Nation does not want to hear Congress pointing fingers. They want a solution to the problem. That solution comes through by restraining the discretionary accounts, rather than offering another $200 billion or $300 billion this year of new spending that is unpaid for. It also comes through working the hard issues of changing the entitlement programs of Medicare, Medicaid, and reforming Social Security, like the President of this body has led on in the past.

The record should be clear that actions speak much louder than words. The actions of the ranking member of the Committee on Finance do not match up to the words that were just spoken. The responsibility lies on all. All are guilty of not doing what is in the best long-term interests of this country. That is what has to change.

We can play the political games. We can point fingers. But the fact is, I take responsibility for that, and every other Member of that Senate who has been here since 2001 should, September 11, 2001, when the economy failed, went through the tank. Since then we have been trying to build back this economy.

Quite frankly, the economy is in the greatest shape it has ever been in, in terms of growth, productivity, jobs. What we do need to address and will address in the future is changing health care overall so people can have access to affordable health care.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COBURN. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUS R. DOUGLASS INSTITUTE

Mr. BYRD. Mr. President, on March 15, West Virginia State University will dedicate its new research institute in honor of the commissioner of the West Virginia Department of Agriculture, the legendary Mr. Gus R. Douglass. This is a wonderful and fitting tribute to a great West Virginian and outstanding public servant.

Commissioner Douglass has served now 10 terms in his position, the longest reigning agriculture commissioner in the history of West Virginia, and, indeed, in the entire Nation. During his tenure, he has always demonstrated a sincere commitment to the farmers and to the people of West Virginia. His long and admirable record includes his support of programs designed to maintain family farms and new farming technologies and efforts to preserve a way of life that has become all too uncommon in our country. His work on behalf of our State's farmers has helped to improve the lives of all West Virginians.

In his remarkable career, Commissioner Douglas has brought national recognition to West Virginia. He has served as the national president of Future Farmers of America, the first president of the national FFA Alumni Association, the president of the National Association of State Departments of Agriculture, and chairman of the Southern Regional Committee for Food and Agriculture, as well as numerous other positions.

Meanwhile, Gus and his lovely wife, Anna Lee, have maintained their own family farm at Grimm's Landing in Mason County, WV. Along with their four children, and their families, they have done their part to continue the tradition upon which this great Nation was founded.

The Gus R. Douglass Institute at West Virginia State University will be a lasting legacy to the outstanding and unwavering commitment of Commissioner Douglass to public service. I thank West Virginia State University for bestowing this honor upon him.

Mr. President, I ask unanimous consent that a letter which I wrote to Commissioner Douglass congratulating him on this well deserved recognition be printed in the Congressional Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

United States Senate,
Committee on Appropriations,
Washington, DC, March 15, 2006.

Hon. Gus R. Douglass,
Commissioner of Agriculture, State of West Virginia, Charleston, WV.

Dear Gus: I am so pleased that West Virginia State University is dedicating a research institute in your honor. This is a wonderful tribute to a good friend, a great West Virginian, and an outstanding public servant. Congratulations!

In your ten terms as Commissioner of the West Virginia Department of Agriculture, you have faithfully demonstrated that you are a true servant of the people, and have taken seriously your sincere commitment to the farmers of West Virginia. Your long and admirable record includes unwavering support for family farms, new farming technologies, and a way of life that has become all too uncommon in our country. These and your many other efforts have helped to improve the lives of all West Virginians.

In naming this new research facility the "Gus R. Douglass Institute," West Virginia State University has not only bestowed upon it respect and prestige, but also has ensured that your commitment to service will reap benefits for generations to come. This lasting legacy to your remarkable career is well deserved and well earned, and I join all those who have gathered today in extending my heartiest congratulations.

May the work and the research conducted in this facility be as outstanding and productive as you have been, Gus. If it is, it cannot be anything but an enormous success!

With every good wish, I am
Sincerely yours,
Robert C. Byrd.

WOMEN'S HISTORY MONTH

Mr. REID. Mr. President, today the first female chief executive from Africa addressed a joint session of Congress. In order to commemorate this historic event, I rise to recognize Women's History Month. March is a time to celebrate the women who have played a pivotal role in America's history. Women have always played a crucial role in building the great history of this country, and the women of my home State, Nevada, are no different.

One who comes to mind is Sarah Winnemucca, an influential native woman whom we honored last year by making her the second of Nevada's statues in Congress. Born to a Paiute chief's family around 1844, Sarah was unusually driven to bridge the gulf between Native Americans and Caucasian settlers. Dedicated to helping her people, Sarah used her talents as an English translator, public speaker, negotiator, and educator.

Women's History Month is a wonderful opportunity to reflect on the accomplishments and contributions of famous women like Sarah, but there are many untold stories of women just like her whose names we don't know and whose lives have made America a place of strength, freedom, and hope. Their stories are echoed in the contributions that women across the country make every day, whether at home, in the community, in the workplace, or on the battlefield. More than just to paying them tribute, I am committed to honoring them by fighting for a more just, prosperous, and worthy nation.

For the women colleagues, business leaders, and entrepreneurs who make our economy run, America can do better to ensure fair pay and expand economic opportunity. They give their best, but even in 2006, women who work full time year round still earn only 76 cents for every $1 their male counterparts earn. I pledge that we will continue fighting to end this unfair pay gap, to increase the minimum wage, and to create more opportunities for all our families.

Finally, I salute the more than 200,000 women who are serving in active duty in the military, helping to defend and protect our Nation. I pledge to them that Democrats will continue fighting to provide our troops and their families, Active Duty and Reserve, with all the resources they need to protect our freedom. And when they return home, we will ensure that all veterans have access to the health care they need and never have to choose between retirement and a disability check.

At the end of the day, these brave women are protecting America, including community, integrity, freedom, and justice, for everyone. These principles represent not just the foundation of our great Nation but also the same values that bind us as Americans. This month, let us recognize the women all across this country—the mothers, the daughters, the coworkers, and the soldiers—who make these cherished ideals an intrinsic and enduring part of the American dream.

SIMPLIFICATION THROUGH ADDITIONAL REPORTING TAX ACT

Mr. BAYH. Mr. President, yesterday I introduced legislation, entitled the Simplification Through Additional Reporting Tax, START, Act of 2006, that will require brokerage houses and mutual fund companies to track and report cost basis information to their customers and the IRS. The legislation is cosponsored by Senators OBAMA, CARPER, KERRY, and LEVIN and is based upon a recommendation made by the National Taxpayer Advocate, the organization created as part of the 1998 IRS Restructuring and Reform Act whose explicit purpose is to make recommendations to Congress to simplify the tax code.

Over 130 million Americans are now struggling with the difficult job of filling out their taxes and 32 million taxpayers will likely have to report a capital gain or loss. For taxpayers all across the country that are angry and frustrated with the tax code, the START Act will hopefully provide some measure of relief and, at the same time, help close what is called the "Tax Gap."

The Federal Government now fails to collect close to $350 billion in taxes that are legally owed. This is called the tax gap, an amount that exceeds last year's $318 billion deficit, or this year's projected deficit of $336 billion. The National Taxpayer Advocate has observed that if we eliminated the tax gap, we could cut taxes for every American by $2,000. This would only be true, of course, if we ran a surplus. Because we are running a deficit, and will likely be doing so for the foreseeable future, the tax gap is really a $2,000 tax increase on our children and grandchildren, with interest building every year. This is a moral failure that needs to be addressed.

Unfortunately, while there has been a lot of discussion about this issue in the halls of Congress and within the administration, there has been little action. In the last two years, there have been six congressional hearings on this issue. The Internal Revenue Service Commissioner Mark Everson has said that this issue is a top priority and that over a period of time the government could collect between $50 and $100 billion of the tax gap "without changing the dynamic between the IRS and the [American] people." However, in their latest budget, the Bush Administration has introduced proposals that only attempt to close $259 million of the tax gap in fiscal year 2007, or approximately one-tenth of 1 percent of the tax gap as measured in 2001. This is a failure of leadership. More can be done.

The legislation that I am introducing today does not eliminate the tax gap, but it does address a significant part of the problem. Specifically, the START Act of 2006 addresses the portion of the tax gap related to capital gains. This part of the tax gap results from the underreporting of capital income, and can include income related to the sale of stocks, bonds, real estate, and a myriad of other investments. According to the IRS, the revenue loss from the underreporting of capital income is $11 billion annually. It is important to understand that this figure is based on 2001 data. Since 2001, the amount of revenue collected through capital gains taxes has increased by $190 billion, from $349 billion in 2001 to $539 billion in 2005. If one makes the reasonable assumption that the misreporting percentage has stayed stable during this period, the $11 billion problem in 2001 is now a whopping $17 billion problem in 2005. Over 10 years, assuming no growth in capital gains realizations, this potentially represents $170 billion in revenue that the Federal Government is failing to collect.

The START Act is intended to accomplish three goals: first, reduce the deficit by closing a portion of the tax gap; second, simplify the tax-filing process for the millions of Americans who pay capital gains taxes; and, third, make the tax code fairer.

The first goal of this legislation is to reduce the deficit. We not only have a moral responsibility to our children and grandchildren to begin seriously addressing our growing deficit and debt, we also need to do so to protect our vital trade and national security interests. The total public debt now stands at $8.2 trillion, or $27,728 for each man, woman, and child living in America. This week, the Senate will likely vote again to raise the public debt limit, this time to $9 trillion. By 2011, the debt will have reached $11.8 trillion. In the last three years alone, we will have increased the debt limit by $3 trillion, a 40-percent increase from when President Bush took office in January 2001.

While we are mortgaging our country, it is important to ask to whom do we owe all of this money. Increasingly, the answer is foreigners, and this development represents an economic and security threat to our country. In December 2005, an estimated $2.2 trillion of the publicly held debt was owned by foreign creditors, such as the Chinese and Japanese. It took 42 Presidents 224 years to run up a trillion dollars of debt held by foreigners. This President has more than doubled that amount in just five years. This has weakened our country. Why? Because when the value of the U.S. dollar plunges at the mere suggestion by a Japanese or Chinese central banker that they will sell their holdings in U.S. dollars, it signals that we no longer control our economic destiny. This level of dependency affects our ability to bargain from a position of strength on national security issues with foreign countries. It is worth remembering that there has never been a country that is militarily strong, but financially weak, yet that is the path that we are on today.

Vice President DICK CHENEY famously said that "deficits don't matter." Well, they do, as almost all economists will tell you. And the reason they matter is that when we borrow, we prevent both the private sector and the public sector from being able to invest in our country's and our children's future. Our children are now part of a global economy, and are competing against children in Japan, India, and China for the jobs of the future. If we fail to invest in their future because instead we are paying off our debts, we will become the first generation to leave a country that is worse off than the one that we inherited.

While the START Act of 2006 will not balance the budget, it does represent a step in the right direction. The impact of START has not yet been scored by the Joint Tax Committee, so the impact on the deficit is not known. Nevertheless, the capital gains tax gap is now $17 billion per year. My proposal might not close the entire gap, but I expect that it will make a very meaningful down payment on the problem.

The second goal of my legislation is to simplify the tax-filing process and help American taxpayers spend less time filling out their taxes. It is no secret that the Tax Code is overly complex. It now has over 17,000 pages and contains almost four times as many words as the Bible. The IRS now prints over 1,000 publications. Americans now spend 5.8 billion hours and $194 billion every year to complete their tax forms. According to the National Taxpayers Union, the number of taxpayers using paid professionals has soared by approximately 60 percent since 1980 and by nearly 30 percent since 1990. Reflective of this complexity is the fact that one of the leading tax preparation firms, H+R Block, was in the news recently because it could not accurately do its own corporate tax return.

One of the most complex areas of the tax code is Schedule D, the form that taxpayers must fill out when they report their capital gains and losses. For the average taxpayer, simply filling out this one schedule adds 7 hours to the tax return filing process almost a full work day. And, for taxpayers using return preparers to complete this form, it can add significantly to their costs.

Computing a capital gain or loss would seem, on its face, easy enough. You need to know the original purchase price and the final sales amount. Taking the difference between the two should determine the amount of gain or loss. Taxpayers do have the final piece of the puzzle—the sale price, as brokerage houses and mutual funds now report this information, called "gross proceeds," to their customers and the IRS on Form 1099B. But what taxpayers are not told, and what is extremely difficult to calculate, is what is called the "adjusted cost basis" in their investment. This is a technical term for the original price of the investment, plus any necessary adjustments.

Taxpayers face enormous challenges in trying to determine the adjusted basis of the securities they have held for many years. The first challenge is simply a matter of recordkeeping. Brokers usually send an investor a certificate of ownership stating the original purchase price of the asset. But stocks or bonds or mutual funds can be held for long periods of time, and many taxpayers lose this information and thus are left without any record of what they paid for the investment. The second challenge is a more serious one and stems from the fact that a taxpayer's capital gain or loss is not always simply the difference between the purchase price and sale price. Taxpayers must often adjust the tax basis they have in their investments due to certain events that take place during their ownership of the security. For example, if a company's stock splits, the tax basis in that stock must be cut in half; alternatively, if there is a reverse stock split, the tax basis in that stock must be doubled. Consider, too, that if you reinvest capital gains or dividends in the same investment, you likewise have to adjust your basis. Determining the adjusted basis can be a very complex undertaking and, under current law, sole responsibility for this calculation falls on the taxpayer.

The START Act would eliminate both of these challenges. By requiring brokerage houses and mutual funds to track and report taxpayer's adjusted basis information, countless hours or days of frustration would be eliminated for the 32 million taxpayers who pay capital gains taxes. More importantly, these taxpayers would have confidence that the amount that they are paying in capital gains taxes is the correct amount. Information returns of this sort will provide taxpayer's with accurate information about their investments that they simply can plug into their tax returns. No more trips into the attic to rifle through old boxes. No more having to sit down and try to calculate the impact of ten stock splits and reorganizations on your shares of IBM or AT&T stock.

In addition to reducing the deficit and making the tax-filing process simpler, the START Act will also make the tax code fairer. Presently, the tax code discriminates against middle-class Americans who earn the overwhelming majority of their income in the form of wages. The reason is that middle-class Americans cannot underpay their taxes because their employers submit wage information reports, called W-2 forms, to the IRS. If a factory worker in Indiana wants to underpay his taxes, the IRS will know about it since his employer sent the amount that he earned in wages to the IRS.

By contrast, taxpayers that rely on capital gains for their income, however, are accountable to only themselves. Under current law, the IRS lacks the ability to monitor the accuracy of taxpayer's calculations since initial purchases are not reported to the IRS. This provides dishonest taxpayers with an opportunity to inflate the tax basis they have in their investments, thereby underpaying their capital gains taxes. Taxpayers that have capital gains income are thus on the honor system to report accurately. While that may work for the Boy Scouts, it doesn't work when it comes to paying taxes. Now many capital gains taxpayers are honest, but some are not. And if the dishonest ones want to do some Enron accounting, there is virtually no way that the IRS can detect it.

The START Act addresses this inequity between wage and capital income earners by putting them on a level playing field. By requiring that adjusted cost basis information be reported to the IRS, every taxpayer that has a capital gain will be treated in the exact same way that every wage earner is treated. If we want everyone to play by the rules, then everyone should be held to the same level of accountability. Moreover, if we want Americans to believe that their tax system is fair, then we need to make sure that they believe that the person next door is actually paying their fair share in taxes. Third party information returns that allow the IRS to determine if someone is paying their taxes accurately are critical to ensure taxpayers comply with the law and that everyone is paying their fair share in taxes. The IRS uses this type of information return for wages, dividends, and interest income, and in these areas, the amount of non-compliance is negligible. Why should we not hold capital gains income to the same standard?

To accomplish the three goals that I have discussed, my bill requires brokerage houses and mutual funds to track and report their customer's adjusted basis and provide this information to their customers and the IRS. The reporting requirement would only apply prospectively to securities acquired after the effective date. This would prevent companies from having to undertake costly and time-consuming efforts to determine basis information for assets that could be decades old.

The START Act applies to stocks, bonds, and mutual funds. For other types of securities, the bill grants authority to the Treasury Secretary to determine if the reporting requirement should apply more broadly. Financial instruments, such as derivatives, swaps, and options are not covered in the bill, but the Treasury Secretary may decide to include or exclude them when implementing the legislation.

The START Act candidly acknowledges that there will be cases where it will be difficult or impossible for companies to provide accurate basis information. In these cases, such as gifts, bequests, and specialized cases where unique basis adjustment rules come into play like wash sale rules, the legislation grants the Treasury Secretary the authority to require brokerage houses and mutual funds to provide other information that will allow the IRS to understand why basis information is not being provided. For example, in the case of a gift where the adjusted basis is unknown, a brokerage house could in lieu of supplying the adjusted basis figure, simply denote instead a "G" on the information return issued to the taxpayer and the IRS.

The START Act also provides authority to the Treasury Secretary to issue regulations that will facilitate the transfer of cost basis information when investors move assets from one brokerage house, or mutual fund, to another. A significant amount of basis information is currently lost when individuals move their financial accounts from firm to firm and the original purchase price information is not transferred to the new broker.

Finally, the START Act requires companies to begin tracking adjusted basis information during the 2008 tax year and taxpayers will receive their first reports by January 31, 2009. This will give companies close to 2 years, more than ample time, to put the processes and systems in place to comply with this new regulation. Moreover, it will give impacted companies close to 3 years before they have to issue their first information report.

Any proposal that imposes a new reporting requirement will have its critics and I am sure this proposal will attract its fair share of attention from some in the securities industry that don't like this idea. I would simply ask these potential critics read the bill before they pass judgment on the idea. I have tried to take a balanced approach and have sought input from a wide-range of experts and affected parties. Specifically, I have tried to balance the need to improve tax compliance with the goal of not placing an undue burden on industry. Specifically, by making the legislation prospective and providing three years of lead time before the industry must issue their first information report, I believe this legislation will present minimal burdens for industry.

In drafting this legislation, I have shared this legislation widely with industry, government officials, academics, and other tax professionals in order to craft the best bill possible. I have received input from the Securities Industry Association of America, the Investment Company Institute, the American Institute of Certified Public Accountants, and the National Association of Enrolled Agents. I have also reached out to small brokerage firms and mutual funds in Indiana to hear their perspective. In addition, the Government Accountability Office, the Internal Revenue Service, and the Joint Tax Committee have been consulted for their expertise on this legislation. During these consultations, I have not heard any explicit criticism of the proposal, but have received many helpful suggestions on ways to make this legislation both balanced and fair to companies and taxpayers. However, I do expect that there could be some philosophical and technical issues that are raised with the bill, so I want to take a moment to highlight those and respond to them immediately.

First, this proposal does not raise capital gains tax rates. For those that are legally paying the right amount in capital gains taxes, they won't pay one penny more in taxes. This proposal only ensures that people pay what they legally owe. And, moreover, what is happening today is that our failure to collect the taxes that are legally owed is effectively imposing a tax increase on our children and grandchildren who will have to pick up the tab for our fiscal failure to merely enforce the laws on the books. For this reason, I would argue that if my bill is enacted it would represent a tax cut for our children and grandchildren who will pay higher taxes if this problem is not addressed.

Some may look at this proposal and dismiss it as antibusiness and just another government regulation. I am sure there were some that had similar concerns when it was first proposed that all U.S. employers should report wages to the IRS. Now, however, we know that this reporting requirement is a cornerstone of ensuring tax compliance. Moreover, the reporting requirement does not elicit any protests from employers because they realize that without it, the U.S. Treasury would lose billions in legally owed taxes. As I have said before, the honor system may work for the Boy Scouts, but it is not a great way to collect taxes. Finally, no business would be able to succeed if every year it failed to collect $17 billion per year in sales. In fact, any responsible company would move heaven and earth to address such a problem. U.S. taxpayers deserve the same level of accountability.

Some brokerage houses or mutual funds may argue that companies cannot provide this information because, in some cases, the correct information doesn't exist. This argument does not square with the fact that there are plenty of examples of companies that already provide cost basis information to their clients. If Fidelity or Ameritrade or E*Trade can provide cost basis information to all of their clients, it clearly suggests that the information can be provided.

Some may argue that this proposal will be costly to implement, even if it is a prospective proposal, because they don't have the systems in place to track and report cost basis. I would invite them to go talk to companies that have already decided to offer basis-tracking for their clients, and ask them how much it cost to offer this service. I would also ask them to talk to the software vendors and companies that provide basis tracking services to brokerage house and mutual funds. What they will tell you is that the cost is reasonable. According to a leading company that provides basis tracking services to brokerage firms and mutual fund companies, it typically charges on an annual basis approximately $1 per account. For a company with 10,000 accounts, that is a yearly charge of $10,000, a small figure when you look at the revenues of a brokerage firm of this size.

Some may point out that there are some types of transactions or securities where a brokerage firm or mutual fund cannot reasonably be expected to provide accurate cost basis information. My bill candidly acknowledges this fact. In these cases, brokerage houses and mutual funds will simply be required to provide "other information" that will allow their customers and the IRS to understand why adjusted cost basis information could not be provided. This is already standard practice for many companies that provide cost basis information to their customers.

In conclusion, this should be an issue that honorable members from both sides of the aisle can agree needs to be addressed. Democrats and Republicans will fight endlessly about what tax rates should be, but I believe all Members should agree on the principle that all taxpayers should pay what you owe. We should also all agree that we need to reduce our deficit, simplify the tax-filing process, and promote a fair and equitable tax system. The START Act of 2006 is intended to make progress on all of these goals. I hope it can start a civil conversation about ways to improve our tax system. I look forward to working with all interested parties to craft a workable proposal that provides some needed relief to our overburdened taxpayers.

GREEK INDEPENDENCE DAY

Mr. REED. Mr. President, today I recognize the 185th anniversary of Greek independence, which will be celebrated on Saturday, March 25.

As the Greek philosopher Plato said "The beginning is the most important part of the work." After centuries of unsuccessful uprisings and failure of the Ottoman Empire to assimilate and convert the Greeks, the War of Independence began on this day, March 25 in 1821. This was the beginning of the end of 400 years of occupation and oppression by the Ottoman Turks. During the dark years of the Ottoman occupation, thousands were killed and tortured for participating in religious activities or teaching their children culture, history, and language. The steadfast resolve displayed by the Greeks helped secure their independence and recognition as a sovereign power nearly 11 years later with the signing of the Treaty of Constantinople.

This struggle for Greek independence was recognized the world over and was supported abroad by prominent world figures including Lord Byron of England, and Daniel Webster and Dr. Samuel Gridley Howe of the United States.

As we fight today's Long War on Terror, the Greeks stand by our side. A highlight of the Greek military's continuing contributions to the International Coalition was the deployment of the 229th Mobile Field Surgical Hospital deployed to Afghanistan. At full operational status within 3 days, medical experts and officials believe the 229th is one of the best medical facilities that has ever operated in Afghanistan.

A Greek proverb says, "Success isn't how far you got, but the distance you traveled from where you started." Still alive and well in our own society today are the principles and ideas of ancient Greece. When we commemorate the heroism exhibited by the Greeks, we cannot help but to think of our Founding Fathers. Then and now, Greece and the United States share an absolute commitment to democracy, justice, and freedom. In history the Greeks have inspired, and in the present they have enlivened our great Nation. It gives me great pleasure and pride to cosponsor the Senate Resolution 399 designating March 25, 2006, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I send all Greek-Americans in Rhode Island and around the country my best wishes as they celebrate their ancestral homeland's independence.

SUNSHINE WEEK 2006

Mr. LEAHY. Mr. President, as we take stock during the second annual Sunshine Week, we confront the disturbing reality that the foundations of our open government are under direct assault from the first White House in modern times that is openly hostile to the public's right to know.

The right to know is a cornerstone of our democracy. Without it, citizens are kept in the dark about key policy decisions that directly affect their lives. Without open government, citizens cannot make informed choices at the ballot box. Without access to public documents and a vibrant free press, officials can make decisions in the shadows, often in collusion with special interests, escaping accountability for their actions. And once eroded, these rights are hard to win back.

The right to know is nourished by openness and vigorous congressional oversight of Federal agencies, but both are sorely lacking, and government effectiveness and accountability have been among the casualties. The disastrous failure to prepare for and respond to Hurricane Katrina is only the most recent example, but a glaring one. Despite misleading assertions in the storm's horrific aftermath, we now know that the White House was warned in advance that the levees could fail in a hurricane. We have belatedly seen videotapes in which President Bush was cautioned by FEMA officials of this great danger.

The Freedom of Information Act, FOIA, empowers the American people to pry information from their Government that agencies would prefer to keep locked away. Americans learned more about Abu Ghraib and conditions at Guantanamo from FOIA requests than from oversight by Congress.

As we celebrate FOIA's fourth decade as law, we also watch its erosion as a target of attacks such as when the administration pushed an overly broad FOIA waiver for the Department of Homeland Security's charter the single biggest rollback of FOIA in its 40-year history.

It has been nearly a decade since Congress has approved major reforms to the Freedom of Information Act. Last year during Sunshine Week, Senator CORNYN and I introduced bipartisan legislation, S.394, to curtail the assault on FOIA. The Open Government Act contains more than a dozen substantive provisions, designed to strengthen FOIA and close loopholes, to help FOIA requestors obtain timely responses to their requests, to ensure that agencies have strong incentives to act on FOIA requests, and to provide FOIA officials with all of the tools they need to make sure that our government remains open and accessible.

A second bill that I introduced with Senator CORNYN last year, the Faster FOIA Act, S.589, would specifically address the issue of agency delay in processing FOIA requests. We propose to establish a commission to review the persistent issue of delay and to make recommendations for reducing impediments to the efficient processing of requests. This bill was reported by the Judiciary Committee and awaits floor action.

Our free press and the consciences of whistleblowers also serve the public's right to know. We would not know of the domestic spying program conducted in secret by the National Security Agency, with the full approval of the White House, unless the press had revealed it last December. The Department of Justice is stonewalling Congress's efforts to obtain facts on this program while threatening to prosecute reporters who disclosed the illegal program to the public.

The Bush administration has kept vital facts secret by silencing scientists and experts. We saw it with the gagging of NASA scientist James Hansen, whose conclusions about the dangers of greenhouse gas emissions and global warming differed with administration policy. This administration also secretly let lobbyists from polluting industries write rules on mercury emissions, overriding the advice of the EPA's scientists and even drawing a harsh rebuke from EPA's inspector general. This tacit war on science—trumping scientific evidence with ideology—has also victimized women's access to the Plan B pill and cut international family planning funds which help the poorest of the poor, even though the evidence is clear that these funds reduce the numbers of abortions.

This kind of secrecy produces bad policies, as we saw when the Bush administration tried to hide the true cost of its Medicare prescription drug plan from Congress and the American people. While they were twisting congressional arms for votes on the program, political leaders at Medicare told Congress the price tag was $400 billion. Medicare's own accountants projected the cost to be $500 billion to $600 billion, but one of those career staff, Richard Foster, was threatened with being fired if he told Congress the truth.

We saw it again when the political leadership of the Justice Department overruled career lawyers who found that Congressman TOM DELAY's Texas redistricting plan illegally diluted Black and Hispanic voting power. Career attorneys also found that a Georgia voter-identification law would discriminate against Black voters. The Department's political leaders dismissed these findings and quietly approved both plans. We only learned of these politically motivated decisions later when the press obtained documents and made them public.

In a situation that borders on the absurd, the intelligence agencies have been quietly reclassifying documents that were open for years. This program began in 1999 but has exploded under this administration, which has reclassified more than 55,000 pages. Even the Archivist of the United States said he knew "precious little" of the program until it was revealed by the press.

The examples go on and on. The Bush administration has displayed a near-total disdain for the free press and the public's right to know.

Sunshine Week invites an inventory check on tools like the Freedom of Information Act that make real the public's right to know. Attacks on these tools only erode that right. A free, open, and accountable democracy is what our forefathers fought and died for, and it is the duty of each new generation to protect this vital heritage and inheritance.

EXPRESSION OF SYMPATHY FOR KA LOKO RESERVOIR VICTIMS

Mr. AKAKA. Mr. President, I rise today to express my sincere sympathy and deep concern for those affected by the collapse of the Ka Loko Reservoir on the island of Kaua'i in Hawaii. This tragic flooding has caused loss of life and substantial property damage. The people of Hawaii have shown exceptional resolve in assisting their fellow citizens as emergency personnel and other volunteers have rushed to provide assistance to people in need. We continue to pray for those who are still missing and for those who are working tirelessly in search and rescue efforts and in additional emergency response.

As many of you know, several islands in my home State have been inundated by severe rainstorms over the past few weeks. Flooding has caused substantial disruptions of life as schools and business have been forced to close and many roads have been damaged or have been washed out because of high water. Property damage in cities and in rural areas has been severe.

Hawaii's Governor Lingle has called upon the National Guard and many State agencies to assist those who have suffered losses and to respond to immediate needs. However, the damage caused by this flooding demonstrates the need to prepare in advance for adverse conditions and to be vigilant in examining vulnerable areas.

I stand ready to offer any assistance to the State of Hawaii that I can, including securing emergency Federal funding for the State.

Throughout this adversity, the people of Hawaii have shown the resolve that they are known for in times of crisis. I am proud of my constituents as they help their neighbors and work to restore conditions around their homes, schools, businesses, and places of worship. I know that their efforts will bring comfort and solace to those in need.

ADDITIONAL STATEMENT

TRIBUTE TO ROBERT MAXCY

• Ms. COLLINS. Mr. President, I rise today to honor the life of Robert Maxcy of Waldoboro, ME, who passed away this weekend at the age of 76. Bob served 56 years in the Waldoboro Fire Department, including the last 42 years as its chief, and I would like to recognize his lifelong devotion to public safety.

Chief Bob Maxcy was born on November 17, 1929, in Thomaston, ME, the son of the late Earl and Ruth Maxcy. At age 14 he began his service as a firefighter at the Thomaston Junior Fire Department. This was the beginning of his outstanding career in service to both Maine and the Nation.

Upon his graduation from Thomaston High School, Chief Maxcy served honorably with the U.S. Air Force from 1947 to 1950. During his service, Chief Maxcy attained the rank of gunnery sergeant.

When he returned to Maine in 1950, Chief Maxcy became a firefighter with the Waldoboro Fire Department. In that same year, he married his loving and devoted wife, Muriel. By 1964, Chief Maxcy had established himself as a leader in the department and was appointed chief of the Waldoboro Fire Department, a position in which he served for 42 years.

Beyond his dedication to his department, Chief Maxcy also was a leader in the community and the State, as evidenced through his participation in the Waldoboro Firemen's Association, Knox County Firemen's Association, Maine State Federation of Firefighters, and the Lincoln County Fire Chiefs.

Chief Maxcy was truly an honorable Maine man. In addition to his success as a community leader and firefighter, he will be remembered for his love of his family, the outdoors, and the Red Sox. Chief Maxcy is survived by five children, Deborah, Marcia, Marc, Dee, and Daryl; his brother, Harlan; his sister, Marilyn; his grandchildren, great grandchildren, nieces, and nephews.

Chief Bob Maxcy will be greatly missed. I offer my sincere condolences and prayers to Chief Maxcy's family.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed today, March 15, 2006, by the President pro tempore (Mr. STEVENS).

H.R. 1053. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

H.R. 1691. An act to designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic".

At 3:12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1184. An act to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

S. 2064. An act to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the Malcolm Melville "Mac" Lawrence Post Office.

S. 2363. An act to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4826. An act to extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

H.R. 4841. An act to amend the Ojito Wilderness Act to make a technical correction.

H.R. 4911. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 350. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

H. Con. Res. 354. Concurrent resolution expressing the continued support of Congress for requiring an institution of higher education to provide military recruiters with access to the institution's campus and students at least equal in quality and scope to that which is provided to any other employer in order to be eligible for the receipt of certain Federal funds.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4841. An act to amend the Ojito Wilderness Act to make a technical correction; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read the first and the second times by unanimous consent, and referred as indicated:

H. Con. Res. 354. Concurrent resolution expressing the continued support of Congress for requiring an institution of higher education to provide military recruiters with access to the institution's campus and students at least equal in quality and scope to that which is provided to any other employer in order to be eligible for the receipt of certain Federal funds; to the Committee on Armed Services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6018. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–6019. A communication from the Director, Office of Personnel Management, transmitting, the Agency's 2006–2010 Strategic and Operational Plan; to the Committee on Homeland Security and Governmental Affairs.

EC–6020. A communication from the Chairman, United States Commission on Civil Rights, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6021. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the Office of Inspector General Audit Report Register, including all financial recommendations, for the period ending September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6022. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Notification of Post-Employment Restrictions" (RIN3206–AK60) received on March 13, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6023. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a certification related to the Global Fund to Fight AIDS, Tuberculosis and Malaria; to the Committee on Foreign Relations.

EC–6024. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC–6025. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning the International Labour Conference; to the Committee on Foreign Relations.

EC–6026. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06–44—06–56); to the Committee on Foreign Relations.

EC–6027. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triflumizole; Pesticide Tolerance"(FRL No. 7765–3) received on March 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6028. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Relaxation of Handling Regulation for Area No. 2" (Docket No. FV05–948–1 FRA) received on March 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6029. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Decreased Assessment Rate" (Docket No. FV06–989–1 IFR) received on March 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6030. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pears Grown in Oregon and Washington; Establishment of Continuing Assessment Rates and Modification of the Rules and Regulations" (Docket No. FV05–927–1 FR) received on March 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6031. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Pacific Northwest and Arizona-Las Vegas Marketing Area—Final Order" (Docket Nos. DA–03–04B; AO–368–A32 and AO–271–A37) received on March 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6032. A communication from the Acting Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Occupational Exposure to Hexavalent Chromium" (RIN1218–AB45) received on March 13, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6033. A communication from the Political Personnel and Advisory Communication Management Specialist, Department of Health and Human Services, transmitting, pursuant to law, (10) reports relative to vacancy announcements within the Department, received on March 13, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–6034. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Microbiology Devices; Reclassification of Hepatitis A Virus Serological Assays" (Docket No. 2003P–0564) received on March 13, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6035. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Cardiovascular Devices; Classification of Implantable Intra-Aneurysm Pressure Measurement System" (Docket No. 2005N–0506) received on March 13, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6036. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Fiscal Year 2005 Annual Report; to the Committee on Commerce, Science, and Transportation.

EC–6037. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Safety and Health—Alternate I to Major Breach of Safety or Security Clause" (RIN2700–AD12) received on March 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6038. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Aviation and International Affairs, received on March 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6039. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Management Area" (I.D. No. 021406B) received on March 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6040. A communication from the Under Secretary and Director, United States Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement the Patent Search Fee Refund Provisions of the Consolidated Appropriations Act, 2005" (RIN0651–AB79) received on March 13, 2006; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*David Longly Bernhardt, of Colorado, to be Solicitor of the Department of the Interior.

*Raymond L. Orbach, of California, to be Under Secretary for Science, Department of Energy.

*Alexander A. Karsner, of Virginia, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy).

*Dennis R. Spurgeon, of Florida, to be an Assistant Secretary of Energy (Nuclear Energy).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MIKULSKI:

S. 2415. A bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BURNS (for himself and Mr. PRYOR):

S. 2416. A bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. 2417. A bill to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. BAUCUS, and Mr. LOTT):

S. 2418. A bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for that purpose; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS (for himself, Mr. HAGEL, and Mr. KERRY):

S. 2419. A bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 2420. A bill to amend the Outer Continental Shelf Lands Act to provide for payments for producing coastal States; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 2421. A bill to establish the Louisiana Hurricane and Flood Protection Council for the improvement of hurricane and flood protection in Louisiana; to the Committee on Environment and Public Works.

By Mr. VITTER (for himself and Mr. LOTT):

S. 2422. A bill to establish a Conservation and Habitat Restoration Fund and to require the Secretary of Commerce to provide grants to States for coastal zone management, coastal wetlands conservation, coastal land protection, and fisheries habitat restoration, and to improve understanding of coastal areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANTORUM:

S. 2423. A bill to improve science, technology, engineering, and mathematics education; to the Committee on Finance.

By Mr. ALLEN:

S. 2424. A bill to amend the Internal Revenue Code of 1986 to increase the contribution limits for health savings accounts, and for other purposes; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. BROWNBACK):

S. 2425. A bill to apply amendments to the Immigration and Nationality Act related to providing medical services in underserved areas, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 402. A resolution designating the first day of April, 2006, as "National Asbestos Awareness Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1086

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1848

At the request of Mr. SALAZAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1848, a bill to promote remediation of inactive and abandoned mines, and for other purposes.

S. 2178

At the request of Mr. BURNS, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2197

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2197, a bill to improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories.

S. 2198

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2199

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2199, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote research and development, innovation, and continuing education.

S. 2232

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 2232, a bill to require the Secretary of the Army to submit to Congress a report identifying activities for hurricane and flood protection in Lake Pontchartrain, Louisiana, and for other purposes.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2338

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2338, a bill to extend the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. MCCAIN), the Senator from New York (Mr. SCHUMER), the Senator from Montana (Mr. BAUCUS), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2389

At the request of Mr. ALLEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2389, a bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes.

S. 2390

At the request of Mr. ENSIGN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2390, a bill to provide a national innovation initiative.

S. 2400

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of

S. 2400, a bill to transfer authority to review certain mergers, acquisitions, and takeovers of United States entities by foreign entities to a designee established within the Department of Homeland Security, and for other purposes.

S. 2414

At the request of Mr. BAYH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2414, a bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes.

S. RES. 359

At the request of Ms. LANDRIEU, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

S. RES. 398

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 398, a resolution relating to the censure of George W. Bush.

AMENDMENT NO. 3001

At the request of Mr. NELSON of Florida, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 3001 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3004

At the request of Ms. SNOWE, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 3004 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 3004 proposed to S. Con. Res. 83, supra.

AMENDMENT NO. 3009

At the request of Mr. NELSON of Florida, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3009 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3018

At the request of Mr. CHAMBLISS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Ohio (Mr. DEWINE), the Senator from Montana (Mr. BURNS), the Senator from Oklahoma (Mr. COBURN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 3018 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3030

At the request of Mr. LEVIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 3030 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3031

At the request of Mr. LEVIN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3031 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3035

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3035 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3043

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3043 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3045

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 3045 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3048

At the request of Mr. PRYOR, his name was added as a cosponsor of amendment No. 3048 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3050

At the request of Mr. SANTORUM, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of amendment No. 3050 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3052

At the request of Mr. SANTORUM, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 3052 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3054

At the request of Mr. MENENDEZ, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Delaware (Mr. BIDEN), the Senator from Maryland (Mr. SARBANES) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3054 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3056

At the request of Ms. STABENOW, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3056 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3061

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Mr.

STEVENS) was added as a cosponsor of amendment No. 3061 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3063

At the request of Mrs. MURRAY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. BOXER), the Senator from Florida (Mr. NELSON), the Senator from Washington (Ms. CANTWELL), the Senator from Colorado (Mr. SALAZAR), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. JEFFORDS) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 3063 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3065

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3065 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3067

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3067 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI:

S. 2415. A bill to amend title 38, United States Code, to increase burial benefits for veterans; and for other purposes; to the Committee on Veterans' Affairs.

Ms. MIKULSKI. Mr. President, I rise to introduce the Veterans Burial Benefits Improvement Act.

We must honor our U.S. soldiers who died in the name of their country. These service men and women are America's true heroes and on this day we pay tribute to their courage and sacrifice. Some have given their lives for our country. All have given their time and dedication to ensure our country remains the land of the free and the home of the brave. We owe a special debt of gratitude to each and every one of them.

Our Nation has a sacred commitment to honor the promises made to soldiers when they signed up to serve our country. As a member of the Senate Appropriations Committee, I fight hard each year to make sure promises made to our service men and women are promises kept. These promises include access to quality, affordable health care and a proper burial for our veterans.

I am deeply concerned that burial benefits for the families of our wounded or disabled veterans have not kept up with inflation and rising funeral costs. We are losing over 1.000 World War II veterans each day, but Congress has failed to increase veterans' burial benefits to keep up with rising costs and inflation. While these benefits were never intended to cover the full costs of burial, they now pay for only a fraction of what they covered in 1973, when the Federal Government first started paying burial benefits for our veterans.

I want to thank my colleagues on the Veterans Affairs Committee for working with me in the 107th Congress. Together, we were able to increase modestly the service-connected benefit from $1,500 to $2,000, and the plot allowance from $150 to $300. While I believe these increases are a step in the right direction, they are not a substitute for the amounts included in my bill.

That is why I am again introducing the Veterans Burial Benefits Improvement Act. This bill will increase burial benefits to cover the same percentage of funeral costs as they did in 1973. It will also provide for these benefits to be increased annually to keep up with inflation.

In 1973, the service-connected benefit paid for 72 percent of veterans' funeral costs. Today, this benefit covers just 39 percent of funeral costs. My bill will increase the service-connected benefit from $2,000 to $3,713, bringing it back up to the original 72 percent level.

In 1973, the non-service connected benefit paid for 22 percent of funeral costs. It has not been increased since 1978, and today it covers just 6 percent of funeral costs. My bill will increase the non-service connected benefit from $300 to $1,135, bringing it back up to the original 22 percent level.

In 1973, the plot allowance paid for 13 percent of veterans' funeral costs. Yet it now covers just 3 percent of funeral costs. My bill will increase the plot allowance from $300 to $670, bringing it back up to the original 13 percent level.

Finally, the Veterans Burial Benefits Improvement Act will also ensure that these burial benefits are adjusted for inflation annually, so veterans will not have to fight this fight again.

This legislation is just one way to honor our Nation's service men and women. I want to thank the millions of veterans, Marylanders, and people across the Nation for their patriotism, devotion, and commitment to honoring the true meaning of Memorial Day. U.S. soldiers from every generation have shared in the duty of defending America and protecting our freedom. For these sacrifices, America is eternally grateful.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Burial Benefits Improvement Act of 2006".

SEC. 2. INCREASE IN BURIAL AND FUNERAL BENEFITS FOR VETERANS.

(a) INCREASE IN BURIAL AND FUNERAL EXPENSES AND PROVISION FOR ANNUAL COST-OF-LIVING ADJUSTMENT.—

(1) EXPENSES GENERALLY.—Section 2302(a) of title 38, United States Code, is amended by striking "$300" and inserting "$1.135 (as increased from time to time under section 2309 of this title)".

(2) EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.—Section 2303(a)(1)(A) of such title is amended by striking "$300" and inserting "$1,135 (as increased from time to time under section 2309 of this title)".

(3) EXPENSES FOR DEATHS FROM SERVICE-CONNECTED DISABILITIES.—Section 2307 of such title is amended by striking "$2,000," and inserting "$3,712 (as increased from time to time under section 2309 of this title),".

(b) PLOT ALLOWANCE.—Section 2303(b) of such title is amended—

(1) by striking "$300" the first place it appears and inserting "$670 (as increased from time to time under section 2309 of this title)"; and

(2) by striking "$300" the second place it appears and inserting "$670 (as so increased)".

(c) ANNUAL ADJUSTMENT.—

(1) IN GENERAL.—Chapter 23 of such title is amended by adding at the end the following new section:

"§ 2309. Annual adjustment of amounts of burial benefits

"With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the burial and funeral expenses under sections 2302(a), 2303(a), and 2307 of this title, and in the plot allowance under section 2303(b) of this title, equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2309. Annual adjustment of amounts of burial benefits".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to deaths occurring on or after the date of the enactment of this Act.

(2) PROHIBITION ON COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2007.—No adjustments shall be made under section 2309 of title 38, United States Code, as added by subsection (c), for fiscal year 2007.

By Mr. BURNS (for himself and Mr. PRYOR):

S. 2416. A bill to amend title 38, United Stares Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BURNS. Mr. President, I rise today to introduce the Veterans' Employment and Training Act of 2006. I am joined in this effort by Senator PRYOR. This important legislation will provide expanded benefits for our brave men and women returning from service in the Global War on Terror, while also providing needed workers to growing sectors of our economy.

Under the Montgomery G.I. Bill, the Veterans' Administration currently provides accelerated benefits to assist our service men and women in transitioning to the civilian job market. Through this program, the VA makes short-term, high-cost training programs more attractive to veterans by paying benefits in a lump sum, and by covering up to 60 percent of the cost of some educational programs. However, this program is now only available to men and women who seek training in high-tech programs.

In order to provide this benefit to more of our brave men and women in the armed forces, the Veterans' Employment and Training Act will expand eligibility for accelerated benefits to include industry sectors identified by the Department of Labor as likely to add large numbers of new jobs or require new job training skills in the coming years. These sectors include construction, hospitality, financial services, energy, homeland security, health care, and transportation.

A number of these sectors face critical shortages of employees now or in the near future and are anxious to attract veterans to their professions. The trucking industry, for example, needs an additional 20,000 drivers today and expects to face a driver shortage of 110,000 drivers by 2014. The modest change that I am proposing today will help to provide needed workers to these and other industries.

But more importantly, we must remember the great sacrifices made by those in the Armed Forces. For many of these brave individuals, the transition from military service to civilian life is not an easy one. It is particularly difficult for veterans between the ages of 20 and 24, who currently have an unemployment rate of over 15 percent—nearly double the rate of nonveterans in the same age group. This is simply unacceptable!

We have an obligation to make sure that these individuals are not forgotten when they return from service. One step we can take now is to ensure that those who serve have access to every educational opportunity possible. By expanding eligibility for accelerated G.I. Bill benefits, we will give many of these veterans a new opportunity to get training and find work in some of the fastest growing sectors of our economy.

I urge the Senate to act soon to pass this legislation. We owe it to the men and women of the Armed Forces to act quickly to provide them with this expanded benefit.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Employment and Training Act of 2006".

SEC. 2. EXPANSION OF EDUCATION PROGRAMS ELIGIBLE FOR ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) IN GENERAL.—Subsection (b) of section 3014A of title 38, United States Code, is amended by striking paragraph (1) and inserting the following new paragraph (1):

"(1) enrolled in either—

"(A) an approved program of education that leads to employment in a high technology occupation in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); or

"(B) an approved program of education lasting less than two years that leads to employment in a sector of the economy, as identified by the Department of Labor, that—

"(i) is projected to—

"(I) experience a substantial increase in the number of jobs; or

"(II) positively affect the growth of another sector of the economy; or

"(ii) consists of existing or emerging businesses that are being transformed by technology and innovation and require new skills for workers; and".

(b) CONFORMING EXPANSION OF PROGRAM OF EDUCATION.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) For purposes of this section, a program of education includes a program of education (as defined in section 3002(3) of this title) pursued at a tribally controlled college or university (as such term is defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).".

(c) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 3014A. Accelerated payment of basic educational assistance".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 30 of such title is amended to read as follows:

"3014A. Accelerated payment of basic educational assistance.".

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. 2417. A bill to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. PRYOR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the "President William Jefferson Clinton Birthplace Home National Historic Site".

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

By Ms. SNOWE (for herself, Mr. BAUCUS, and Mr. LOTT):

S. 2418. A bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for that purpose; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I stand before my colleagues today to announce the introduction of a bill that will preserve an important resource needed during times of an emergency—free, local, over-the-air radio broadcasting. The Local Emergency Radio Service Preservation Act ensures that terrestrial radio service does not suffer from the entry of subscription-based satellite services into local markets.

The most reliable form of communication today is radio. Oftentimes during natural disasters and other emergencies, many forms of communications become unavailable to the public. Wireless systems can be overloaded with calls. Satellite television service is interrupted by extreme weather conditions. Internet service connections are frequently disconnected. In contrast, over-the-air radio is an ubiquitous form of mass media that is available to nearly every car and household in the nation. The system cannot be overloaded and operates well under extreme weather conditions. Radio has been meeting the demands of local communities for nearly a century and is equipped to continue its service well into the next century.

In 1997 satellite digital audio radio service, SDARS, was licensed by the Federal Communications Commission, FCC, to provide a national radio programming service. Today satellite radio companies provide their service to consumers on a subscription basis. The cost of the radio equipment needed to receive the service is reasonable for the enthusiast, but too costly for low income households. For many families, satellite radio is not an option. Instead, these people must rely on traditional over-the-air radio for weather, traffic, news and local information.

Should satellite companies begin to enter into local markets, going against the original spirit of the license agreement, local radio stations would suffer revenue loss. Advertising dollars are the radio broadcast industry's sole source of revenue. The technology exists for satellite companies to deliver local content, including local advertisements. Satellite industry players have publically stated that local advertising dollars could quickly become a new revenue source. This threat to free radio is a threat to the public interest.

The Local Emergency Radio Service Preservation Act eases the threat to radio broadcasting. First the bill prohibits the use of satellite terrestrial repeaters to insert local content into specific local markets. Second, this legislation clarifies that future technologies cannot be used to distribute local satellite programming. Lastly, the act requires the Federal Communications Commission, FCC, to conduct a rulemaking on the distribution of region-specific content on a nationwide basis.

By Mr. STEVENS (for himself, Mr. HAGEL, and Mr. KERRY):

S. 2419. A bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President, I come to the floor to introduce a bill, which seeks to honor Congress' commitment to our Vietnam Veterans. Joining me in sponsoring this legislation is Senator HAGEL, a Vietnam veteran himself.

On November 5, 2003 this body passed the Vietnam Veterans Memorial Visitor Center Act by unanimous consent.

That bill authorized the construction of a center to educate the nearly 4 million visitors annually to the Vietnam Veterans Memorial.

This center will be an important resource for current and future generations, enabling them to have a better understanding of the Vietnam War and to pay tribute to the brave Americans who answered the call to duty.

Unfortunately, the Visitor Center project has stalled due to bureaucratic delays.

This bill would create a 30-day deadline following its enactment for the approval of the Visitor Center.

We owe it to the Vietnam Veterans, and to the Wall's future visitors to follow through with this project. I urge my colleagues to support this important legislation.

By Mr. ALLEN:

S. 2424. A bill to amend the Internal Revenue Code of 1986 to increase the contribution limits for health savings accounts, and for other purposes; to the Committee on Finance.

Mr. ALLEN. Mr. President, I rise today to speak about the growing success of Health Savings Accounts (HSAs) and legislation I have introduced to expand Health Savings Accounts.

In a positive action, Congress created Health Savings Accounts as part of the Medicare Modernization Act (MMA). Health Savings Accounts are an alternative to traditional health insurance—a savings product that offers a different and attractive way for consumers to pay for their health care. HSAs enable an individual to pay for current health expenses and save for future qualified medical and retiree health expenses on a tax-free basis.

An individual must have coverage under an HSA qualified health plan to open and contribute to an HSA. HSA qualified health plan premiums generally costs less than traditional health care coverage. Therefore, an individual can put the money he or she saves on insurance into a personal Health Savings Account.

I've always described myself as a common sense Jeffersonian conservative, which means I trust free people and free enterprise more than a meddlesome, burdensome government and that's why I'm such a strong advocate for Health Savings Accounts. Individuals own and control the money in their HSAs. Unlike a Flexible Spending Account, funds remain in the account from year to year, just like an IRA. There are no "use it or lose it" rules for HSAs. HSAs can become, over time, a strong, affordable health insurance product providing a savings "nest egg" for health care expenses.

In addition, HSAs allow individuals to make decisions on how to spend their money without relying on a third party. More specifically, the individual makes decisions about how much money he or she wants to put into the account, whether to save for future medical expenses, or pay expenses that health insurance plans may not cover.

The individual also decides what types of investments to make with the money in the account that will allow the account appreciate and grow in value. I want to make clear right here that the individual does not have to invest their money if he or she doesn't want to. This is only an option. The bottom line is that Health Savings Accounts give people the freedom to make the health care choices that best fit their needs and that best represent Mr. Jefferson's ideals and my own.

Now, there are critics of health savings accounts. However, there is convincing evidence that HSAs have proven effective in controlling health care costs and providing an affordable option for Americans without health Insurance coverage.

Critics who claim that rich people gain most from the tax breaks of HSAs should look at the facts. Of the 3 million Americans who have enrolled in HSA plans, 32 percent were previously uninsured, and the uninsured are not typically wealthy. Critics suggest HSAs will drive up the cost of premiums. However, a recently released study from the Deloitte Center for Health Solutions showed HSA qualified plans had a 2.8 percent annual premium increase, compared to 8 percent for all other plans. This low rate of increase is another reason HSA qualified plans are affordable to those with lower incomes.

Another common criticism of HSAs is that the tax break benefits are "too generous." But the President's proposal offering both a tax deduction and tax credit for money used to fund HSAs is no more generous than current tax benefits for employer-sponsored health coverage. However, our laws and proposal only level the playing field.

Proponents of HSAs do not pretend that HSAs are going to "fix" the entire health care system, although they may go a long way toward doing so with more individual responsibility and opportunity. HSAs are an additional option—one that is affordable and chips away at part of the problem: the millions of uninsured Americans. Individuals need health insurance, especially for costly medical services, not only tax deductions for out-of-pocket spending. It is the combination of two products—the HSA and HSA-qualified health insurance plan—that has allowed over one million previously uninsured Americans to afford real health coverage.

I am very pleased to see the positive results of Health Savings Accounts. But we cannot let this momentum slow down. We must do more to promote HSAs and give individuals more control over their health care needs—and that is why I am here today. I am introducing legislation that would increase the maximum amount individuals can contribute to their HSA.

Under current law, an individual's contributions are limited to the lesser of the amount of the deductible or $2700 for self-only coverage, ($5450 for family coverage), for 2006. Under this proposal, a person could contribute—without paying income or payroll taxes on the contribution—up to the plan's out-of-pocket maximum, which is higher than the deductible. So for an individual, the maximum out-of-pocket for 2006 cannot exceed $5250 or $10500 for a family. It is important to note though, that each HSA qualified health plan sets their own limit on out of pocket expenses, therefore, for an individual their out-of-pocket expenses may be lower than maximum $5250 but more than the current limit of $2700. Nevertheless, this legislation allows individuals to save more money for their current and future health care needs and I am proud to be introducing it.

Moreover, this proposal will remove the tax bias against consumer-directed health plans. Today, the tax code subsidizes health care purchased through insurance but generally does not subsidize health care paid out-of-pocket. This encourages excessive reliance on insurance for even predictable, non-catastrophic care, which in turn reduces consumer sensitivity to the cost of health care. My proposal would help improve the efficiency and slow the growth of our nation's health care spending.

Studies estimate that the average retiree will require hundreds of thousands of dollars of savings for out-of-pocket old-age health costs. HSAs provide strong tax incentives to encourage such savings. On a side note, I have introduced legislation, the Long-Term Care Act that compliments this HSA proposal. Under the Long-Term Care Act, we would allow individuals to use their 401(k) savings to pay for long-term care insurance. Both proposals provide commonsense approaches that will encourage individuals to plan for their future health care needs and reduce individuals' reliance on programs such as Medicaid.

HSAs have proven to be an effective health cost containment tool. While there is a cost to the federal government associated with the tax benefit portion of HSA plans, we must weigh that cost against the cost of doing nothing and allowing cost shifting to those with insurance. Our health care system needs to switch to a preventive care system, which will keep future health care costs down rather than our current costly reactionary system. If we continue down our current path and make no significant changes to our health care system, the unfunded liability of entitlement spending will reach $26 trillion by the year 2030, consuming the entire federal budget. We're at a crucial point, and I believe my legislation, and HSAs in general, offer a step in the right direction for personal responsibility in fostering affordable health care and savings.

By Mr. CONRAD (for himself and Mr. BROWNBACK):

S. 2425. A bill to apply amendments to the Immigration and Nationality Act related to providing medical services in underserved areas, and for other purposes; to the Committee on the Judiciary.

Mr. CONRAD Mr. President: Today, I am introducing a bill to permanently reauthorize the Conrad 30 visa waiver program to provide medical care to underserved rural America.

One of the top concerns of North Dakota community leaders and hospital officials is the challenge of recruiting and keeping capable, quality doctors. In response, I created this visa waiver program in 1994 to recruit highly qualified foreign physicians to medically underserved areas.

This program was meant to help many areas across the country, especially rural communities that have a difficult time recruiting doctors, get access to primary health care. It has proven to be one of our Nation's top tools to recruit and keep doctors in our rural communities.

The Conrad 30 program allows a State agency to grant visa waivers to foreign medical graduates who are in the United States for their residencies on foreign exchange J-1 visas. To qualify for the waiver, the physician undergoes numerous background and security checks, and must agree to serve a medically underserved community for three years. In exchange, the physician's requirement to return to his home country for a period of time before applying for a work visa is waived so that we can utilize them in underserved areas.

Since the program was implemented in 1994, North Dakota has received a total of 90 Conrad State 30 J-1 visa waiver doctors in communities all over the State.

Nearly every rural hospital in the State—and many of clinics—have benefited from the program. For example, Oakes, (population 1,979) has had 6 doctors, Bottineau, (population 2,336), has had 4, and Tioga, (population 1,125), has had 3.

As you can see, many rural counties rely on the physicians they receive through the Conrad State 30 program to provide healthcare in their communities. This bipartisan program is critical to ensuring our rural health care needs are met for years to come.

States have come to rely on the program. It has proven to be successful in bringing physicians to underserved areas without displacing American physicians, because the foreign physicians are filling a large and obvious void.

It has been just over 14 months since the last reauthorization passed, and we're already working on another reauthorization. Clearly, two years has proven to be far too short. Since 1994, the Conrad 30 program has been reauthorized a number of times. The current authorization expires on June 1, 2006. I urge my colleagues to pass this bill making the program permanent.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 402—DESIGNATING THE FIRST DAY OF APRIL, 2006, AS "NATIONAL ASBESTOS AWARENESS DAY"

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 402

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas these fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognosis;

Whereas the United States has substantially reduced its consumption of asbestos yet continues to consume almost 7,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas asbestos exposures continue and safety and prevention will reduce and has reduced significantly asbestos exposure and asbestos-related diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of Americans die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975; and

Whereas the establishment of a "National Asbestos Awareness Day" would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate designates the first day of April 2006 as "National Asbestos Awareness Day".

AMENDMENTS SUBMITTED AND PROPOSED

SA 3068. Mr. KYL (for himself and Mr. Cornyn) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

SA 3069. Mrs. MURRAY submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3070. Mrs. MURRAY submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3071. Mr. AKAKA (for himself, Mrs. Clinton, Mr. Kennedy, Mr. Bingaman, Mr. Menendez, Mr. Kerry, and Mr. Lieberman) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3072. Mr. KERRY (for himself, Ms. Landrieu, and Mr . Lieberman) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3073. Mr. GRASSLEY proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3074. Mr. REED (for himself, Mr. Kennedy, Mr. Kerry, Mrs. Clinton, Mr. Lieberman, Mr. Dorgan, Mr. Rockefeller, Mr. Levin, Mr. Schumer, Mr. Dayton, Mr. Kohl, Mr. Bayh, Mr. Johnson, Mr. Leahy, Mr. Menendez, and Mr. Harkin) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3075. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3076. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3077. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3078. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3079. Mr. DEWINE (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3080. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3081. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3082. Mrs. MURRAY (for herself, Mr. Kennedy, and Ms. Mikulski) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3083. Mr. DEWINE (for himself, Mr. Kennedy, and Mrs. Murray) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3084. Mr. SANTORUM (for himself and Mr. Graham) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3085. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3086. Mr. BYRD (for himself, Mr. Lautenberg, Mrs. Clinton, Mr. Dorgan, Mr. Lieberman, Mr. Kerry, Mr. Biden, Mr. Durbin, Mr. Menendez, Mr. Jeffords, Mr. Carper, Ms. Mikulski, and Mr. Schumer) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3087. Mr. DEMINT (for himself and Mr. Crapo) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3088. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3089. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3090. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3091. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3092. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3093. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3094. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3095. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3096. Mr. LEAHY (for himself and Mrs. Murray) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3097. Mr. DAYTON (for himself, Mr. Dodd, Ms. Mikulski, Mr. Durbin, and Mr. Schumer) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3098. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3099. Mr. REED submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3100. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3101. Mr. DORGAN (for himself, Ms. Mikulski, Mr. Levin, Mr. Feingold, Mr. Leahy, Mr. Kennedy, Mrs. Feinstein, and Mr. Harkin) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3102. Mr. DORGAN (for himself, Ms. Cantwell, Mrs. Murray, Mr. Johnson, and Mr. Bingaman) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3103. Mr. SARBANES submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3104. Mrs. MURRAY (for herself, Mr. Kennedy, Ms. Mikulski, Mr. Dodd, Mr. Kerry, and Mrs. Clinton) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3105. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3106. Mrs. LINCOLN (for herself, Mr. Salazar, Mr. Pryor, Mr. Harkin, and Mr. Kohl) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3107. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3108. Mrs. HUTCHISON (for herself and Mr. Santorum) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3109. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3110. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3111. Mr. DODD (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3112. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3113. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3114. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3115. Mr. REID (for Mrs. Clinton (for herself, Mr. Reid, and Mrs. Murray)) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3116. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3117. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3118. Ms. STABENOW submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3119. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3120. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3121. Mr. BINGAMAN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3122. Mr. TALENT (for himself, Mr. FRIST, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3123. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3124. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3125. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3126. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3127. Mr. HAGEL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3128. Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3129. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3130. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3131. Mr. BAUCUS (for himself and Mrs. LINCOLN) proposed an amendment to the joint resolution H.J. Res. 47, increasing the statutory limit on the public debt.

SA 3132. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3068. Mr. KYL (for himself and Mr. CORNYN) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, increase the amount by $2,000,000,000.

On page 24, line 25, increase the amount by $2,000,000,000.

On page 27, line 23, decrease the amount by $2,000,000,000.

On page 27, line 24, decrease the amount by $2,000,000,000.

SA 3069. Mrs. MURRAY submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $213,000,000.

On page 3, line 15, increase the amount by $53,000,000.

On page 4, line 1, increase the amount by $213,000,000.

On page 4, line 2, increase the amount by $53,000,000.

On page 4, line 13, increase the amount by $266,000,000.

On page 5, line 4, increase the amount by $213,000,000.

On page 5, line 6, increase the amount by $53,000,000.

On page 16, line 21, increase the amount by $266,000,000.

On page 16, line 22, increase the amount by $213,000,000.

On page 17, line 1, increase the amount by $53,000,000.

On page 53, line 1, increase the amount by $266,000,000.

On page 53, line 2, increase the amount by $213,000,000.

SA 3070. Mrs. MURRAY submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $24,000,000.

On page 3, line 15, increase the amount by $6,000,000.

On page 4, line 1, increase the amount by $24,000,000.

On page 4, line 2, increase the amount by $6,000,000.

On page 4, line 13, increase the amount by $30,000,000.

On page 5, line 4, increase the amount by $24,000,000.

On page 5, line 6, increase the amount by $6,000,000.

On page 16, line 21, increase the amount by $30,000,000.

On page 16, line 22, increase the amount by $24,000,000.

On page 17, line 1, increase the amount by $6,000,000.

On page 53, line 1, increase the amount by $30,000,000.

On page 53, line 2, increase the amount by $24,000,000.

SA 3071. Mr. AKAKA (for himself, Mrs. CLINTON, Mr. KENNEDY, Mr. BINGAMAN, Mr. MENENDEZ, Mr. KERRY, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $180,000,000.

On page 3, line 15, increase the amount by $4,860,000,000.

On page 3, line 17, increase the amount by $840,000,000.

On page 3, line 19, increase the amount by $120,000,000.

On page 4, line 1, increase the amount by $180,000,000.

On page 4, line 2, increase the amount by $4,860,000,000.

On page 4, line 3, increase the amount by $840,000,000.

On page 4, line 4, increase the amount by $120,000,000.

On page 4, line 13, increase the amount by $3,000,000,000.

On page 5, line 4, increase the amount by $90,000,000.

On page 5, line 6, increase the amount by $2,430,000,000.

On page 5, line 8, increase the amount by $420,000,000.

On page 5, line 10, increase the amount by $60,000,000.

On page 5, line 19, increase the amount by $90,000,000.

On page 5, line 21, increase the amount by $2,430,000,000.

On page 5, line 23, increase the amount by $420,000,000.

On page 5, line 25, increase the amount by $60,000,000.

On page 6, line 8, decrease the amount by $90,000,000.

On page 6, line 10, decrease the amount by $2,520,000,000.

On page 6, line 12, decrease the amount by $2,940,000,000.

On page 6, line 14, decrease the amount by $3,000,000,000.

On page 6, line 16, decrease the amount by $3,000,000,000.

On page 6, line 22, decrease the amount by $90,000,000.

On page 6, line 24, decrease the amount by $2,520,000,000.

On page 7, line 2, decrease the amount by $2,940,000,000.

On page 7, line 4, decrease the amount by $3,000,000,000.

On page 7, line 6, decrease the amount by $3,000,000,000.

On page 18, line 24, increase the amount by $3,000,000,000.

On page 18, line 25, increase the amount by $90,000,000.

On page 19, line 4, increase the amount by $2,430,000,000.

On page 19, line 8, increase the amount by $420,000,000.

On page 19, line 12, increase the amount by $60,000,000.

On page 53, line 1, increase the amount by $3,000,000,000.

On page 53, line 2, increase the amount by $90,000,000.

SA 3072. Mr. KERRY (for himself, Ms. LANDRIEU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and

2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $121,000,000.

On page 3, line 15, increase the amount by $30,000,000.

On page 4, line 1, increase the amount by $121,000,000.

On page 4, line 2, increase the amount by $30,000,000.

On page 4, line 13, increase the amount by $151,000,000.

On page 5, line 4, increase the amount by $121,000,000.

On page 5, line 6, increase the amount by $30,000,000.

On page 15, line 21, increase the amount by $151,000,000.

On page 15, line 22, increase the amount by $121,000,000.

On page 16, line 1, increase the amount by $30,000,000.

On page 53, line 1, increase the amount by $151,000,000.

On page 53, line 2, increase the amount by $121,000,000.

SA 3073. Mr. GRASSLEY proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

At the end of title III, insert the following:

SEC. _____. RESERVE FUND FOR EXTENSION OF THE MEDICARE PART D ENROLLMENT PERIOD.

If the Committee on Finance of the Senate reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) authorizes the Secretary of Health and Human Services to extend the initial open enrollment period under part D of title XVIII of the Social Security Act beyond May 15, 2006;

(2) provides funding to the Centers for Medicare & Medicaid Services and the Social Security Administration for the purpose of conducting enrollment activities for the period of any extension of the initial open enrollment period;

(3) waives the application of the late enrollment penalty for the period of any extension of the initial open enrollment period; and

(4) permits beneficiaries to change their enrollment election in such part D once during the initial open enrollment period, including throughout any extension of the initial open enrollment period;

the Chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011 .

SA 3074. Mr. REED (for himself, Mr. KENNEDY, Mr. KERRY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. DORGAN, Mr. ROCKEFELLER, Mr. LEVIN, Mr. SCHUMER, Mr. DAYTON, Mr. KOHL, Mr. BAYH, Mr. JOHNSON, Mr. LEAHY, Mr. MENENDEZ, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $2,489,000,000.

On page 3, line 15, increase the amount by $763,000,000.

On page 3, line 17, increase the amount by $66,000,000.

On page 4, line 1, increase the amount by $2,489,000,000.

On page 4, line 2, increase the amount by $763,000,000.

On page 4, line 3, increase the amount by $66,000,000.

On page 4, line 13, increase the amount by $3,318,000,000.

On page 5, line 4, increase the amount by $2,489,000,000.

On page 5, line 6, increase the amount by $763,000,000.

On page 5, line 8, increase the amount by $66,000,000.

On page 21, line 24, increase the amount by $3,318,000,000.

On page 21, line 25, increase the amount by $2,489,000,000.

On page 22, line 4, increase the amount by $763,000,000.

On page 22, line 8, increase the amount by $66,000,000.

On page 53, line 1, increase the amount by $3,318,000,000.

On page 53, line 2, increase the amount by $2,489,000,000.

SA 3075. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $56,000,000.

On page 3, line 15, increase the amount by $116,000,000.

On page 3, line 17, increase the amount by $96,000,000.

On page 3, line 19, increase the amount by $66,000,000.

On page 4, line 1, increase the amount by $56,000,000.

On page 4, line 2, increase the amount by $116,000,000.

On page 4, line 3, increase the amount by $96,000,000.

On page 4, line 4, increase the amount by $66,000,000.

On page 4, line 13, increase the amount by $334,000,000.

On page 5, line 4, increase the amount by $56,000,000.

On page 5, line 6, increase the amount by $116,000,000.

On page 5, line 8, increase the amount by $96,000,000.

On page 5, line 10, increase the amount by $66,000,000.

On page 17, line 22, increase the amount by $300,000,000.

On page 17, line 23, increase the amount by $30,000,000.

On page 18, line 3, increase the amount by $111,000,000.

On page 18, line 7, increase the amount by $93,000,000.

On page 18, line 11, increase the amount by $66,000,000.

On page 24, line 24, increase the amount by $34,000,000.

On page 24, line 25, increase the amount by $26,000,000.

On page 25, line 4, increase the amount by $5,000,000.

On page 25, line 8, increase the amount by $3,000,000.

On page 53, line 1, increase the amount by $334,000,000.

On page 53, line 2, increase the amount by $56,000,000.

SA 3076. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $22,000,000.

On page 3, line 15, increase the amount by $3,000,000.

On page 3, line 17, increase the amount by $3,000,000.

On page 4, line 1, increase the amount by $22,000,000.

On page 4, line 2, increase the amount by $3,000,000.

On page 4, line 3, increase the amount by $3,000,000.

On page 4, line 13, increase the amount by $28,000,000.

On page 5, line 4, increase the amount by $22,000,000.

On page 5, line 6, increase the amount by $3,000,000.

On page 5, line 8, increase the amount by $3,000,000.

On page 24, line 24, increase the amount by $28,000,000.

On page 24, line 25, increase the amount by $22,000,000.

On page 25, line 4, increase the amount by $3,000,000.

On page 25, line 8, increase the amount by $3,000,000.

On page 53, line 1, increase the amount by $28,000,000.

On page 53, line 2, increase the amount by $22,000,000.

SA 3077. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $30,000,000.

On page 3, line 15, increase the amount by $111,000,000.

On page 3, line 17, increase the amount by $93,000,000.

On page 3, line 19, increase the amount by $66,000,000.

On page 4, line 1, increase the amount by $30,000,000.

On page 4, line 2, increase the amount by $111,000,000.

On page 4, line 3, increase the amount by $93,000,000.

On page 4, line 4, increase the amount by $66,000,000.

On page 4, line 15, increase the amount by $300,000,000.

On page 5, line 6, increase the amount by $30,000,000.

On page 5, line 8, increase the amount by $111,000,000.

On page 5, line 10, increase the amount by $93,000,000.

On page 5, line 12, increase the amount by $66,000,000.

On page 5, line 19, increase the amount by $30,000,000.

On page 5, line 21, increase the amount by $81,000,000.

On page 5, line 23, decrease the amount by $18,000,000.

On page 5, line 25, decrease the amount by $27,000,000.

On page 6, line 2, decrease the amount by $66,000,000.

On page 6, line 8, decrease the amount by $30,000,000.

On page 6, line 10, decrease the amount by $111,000,000.

On page 6, line 12, decrease the amount by $93,000,000.

On page 6, line 14, decrease the amount by $66,000,000.

On page 6, line 22, decrease the amount by $30,000,000.

On page 6, line 24, decrease the amount by $111,000,000.

On page 7, line 2, decrease the amount by $93,000,000.

On page 7, line 4, decrease the amount by $66,000,000.

On page 18, line 2, increase the amount by $300,000,000.

On page 18, line 3, increase the amount by $30,000,000.

On page 18, line 7, increase the amount by $111,000,000.

On page 18, line 11, increase the amount by $93,000,000.

On page 18, line 15, increase the amount by $66,000,000.

On page 53, line 1, increase the amount by $300,000,000.

On page 53, line 2, increase the amount by $30,000,000

SA 3078. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 43, between lines 22 and 23, insert the following:

SEC. 313. RESERVE FUND TO PREVENT CATASTROPHIC LOSS.

If—

(1) the Committee on Environment and Public Works of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that increases investment in measures designed to prevent catastrophic flood and hurricane damage in coastal areas such that—

(A) the measures, when completed, will likely decrease future expenditures from the Disaster Relief Fund;

(B) the increases do not exceed $10,000,000,000; and

(C) the measures are certified by the President as likely to prevent loss of life and property; and

(2) that Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a));

the Chairperson of the Committee on Budget of the Senate may make the appropriate adjustments in the allocations and aggregates to the extent that such legislation would not increase the deficit for the fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3079. Mr. DEWINE (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 10, line 20, increase the amount by $77,000,000.

On page 10, line 21, increase the amount by $77,000,000.

On page 27, line 23, decrease the amount by $77,000,000.

On page 27, line 24, decrease the amount by $77,000,000.

SA 3080. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, decrease the amount by $3,272,000,000.

On page 3, line 15, decrease the amount by $16,248,000,000.

On page 3, line 17, increase the amount by $6,923,000,000.

On page 3, line 19, increase the amount by $6,225,000,000.

On page 3, line 21, increase the amount by $1,309,000,000.

On page 4, line 1, decrease the amount by $3,272,000,000.

On page 4, line 2, decrease the amount by $16,248,000,000.

On page 4, line 3, increase the amount by $6,923,000,000.

On page 4, line 4, increase the amount by $6,225,000,000.

On page 4, line 6, increase the amount by $1,309,000,000.

On page 5, line 19, decrease the amount by $3,272,000,000.

On page 5, line 21, decrease the amount by $16,248,000,000.

On page 5, line 23, increase the amount by $6,923,000,000.

On page 5, line 25, increase the amount by $6,225,000,000.

On page 6, line 2, increase the amount by $1,309,000,000.

On page 6, line 8, increase the amount by $3,272,000,000.

On page 6, line 10, increase the amount by $19,520,000,000.

On page 6, line 12, increase the amount by $12,597,000,000.

On page 6, line 14, increase the amount by $6,372,000,000.

On page 6, line 16, increase the amount by $5,063,000,000.

On page 6, line 22, increase the amount by $3,272,000,000.

On page 6, line 24, increase the amount by $19,520,000,000.

On page 7, line 2, increase the amount by $12,597,000,000.

On page 7, line 4, increase the amount by $6,372,000,000.

On page 7, line 6, increase the amount by $5,063,000,000.

SA 3081. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $152,000,000.

On page 4, line 1, increase the amount by $152,000,000.

On page 4, line 13, increase the amount by $152,000,000.

On page 5, line 4, increase the amount by $152,000,000.

On page 25, line 24, increase the amount by $152,000,000.

On page 25, line 25, increase the amount by $152,000,000.

On page 53, line 1, increase the amount by $152,000,000.

On page 53, line 2, increase the amount by $152,000,000.

SA 3082. Mrs. MURRAY (for herself, Mr. KENNEDY, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $675,000,000.

On page 3, line 15, increase the amount by $2,756,000,000.

On page 3, line 17, increase the amount by $2,820,000,000.

On page 3, line 19, increase the amount by $2,836,000,000.

On page 3, line 21, increase the amount by $2,840,000,000.

On page 4, line 1, increase the amount by $675,000,000.

On page 4, line 2, increase the amount by $2,756,000,000.

On page 4, line 3, increase the amount by $2,820,000,000.

On page 4, line 4, increase the amount by $2,836,000,000.

On page 4, line 6, increase the amount by $2,840,000,000.

On page 4, line 13, increase the amount by $1,412,000,000.

On page 4, line 15, increase the amount by $1,415,000,000.

On page 4, line 17, increase the amount by $1,423,000,000.

On page 4, line 19, increase the amount by $1,433,000,000.

On page 4, line 21, increase the amount by $1,430,000,000.

On page 5, line 4, increase the amount by $339,000,000.

On page 5, line 6, increase the amount by $1,385,000,000.

On page 5, line 8, increase the amount by $1,417,000,000.

On page 5, line 10, increase the amount by $1,425,000,000.

On page 5, line 12, increase the amount by $1,432,000,000.

On page 5, line 19, increase the amount by $336,000,000.

On page 5, line 21, increase the amount by $1,371,000,000.

On page 5, line 23, increase the amount by $1,403,000,000.

On page 5, line 25, increase the amount by $1,411,000,000.

On page 6, line 2, increase the amount by $1,408,000,000.

On page 6, line 8, decrease the amount by $336,000,000.

On page 6, line 10, decrease the amount by $1,707,000,000.

On page 6, line 12, decrease the amount by $3,110 ,000,000.

On page 6, line 14, decrease the amount by $4,521,000,000.

On page 6, line 16, decrease the amount by $5,929,000,000.

On page 6, line 22, decrease the amount by $336,000,000.

On page 6, line 24, decrease the amount by $1,707,000,000.

On page 7, line 2, decrease the amount by $3,110,000,000.

On page 7, line 4, decrease the amount by $4,521,000,000.

On page 7, line 6, decrease the amount by $5,929,000,000.

On page 18, line 24, increase the amount by $1,412,000,000.

On page 18, line 25, increase the amount by $339,000,000.

On page 19, line 3, increase the amount by $1,415,000,000.

On page 19, line 4, increase the amount by $1,385,000,000.

On page 19, line 7, increase the amount by $1,423,000,000.

On page 19, line 8, increase the amount by $1,417,000,000.

On page 19, line 11, increase the amount by $1,433,000,000.

On page 19, line 12, increase the amount by $1,425,000,000.

On page 19, line 15, increase the amount by $1,430,000,000.

On page 19, line 16, increase the amount by $1,432,000,000.

SA 3083. Mr. DEWINE (for himself, Mr. KENNEDY, and Mr. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 19, line 24, increase the amount by $198,000,000.

On page 19, line 25, increase the amount by $198,000,000.

On page 27, line 23, decrease the amount by $198,000,000.

On page 27, line 24, decrease the amount by $198,000,000.

SA 3084. Mr. SANTORUM (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING SOCIAL SECURITY RESTRUCTURING.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is the foundation of retirement income for most Americans;

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

(3) Social Security faces significant fiscal and demographic pressures;

(4) the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that—

(A) the number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2005;

(B) within a generation there will be only 2 workers to support each retiree, which will substantially increase the financial burden on American workers;

(C) without structural reform, the Social Security system, beginning in 2017, will pay out more in benefits than it will collect in taxes;

(D) without structural reform, the Social Security trust fund will be exhausted in 2041, and Social Security tax revenue in 2041 will only cover 74 percent of promised benefits, and will decrease to 68 percent by 2079;

(E) without structural reform, future Congresses may have to raise payroll taxes nearly 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of as much as 17.5 percent by 2041 and 19.1 percent by 2079;

(F) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than $25,000,000,000,000 in constant 2005 dollars or $5,700,000,000,000 measured in present value terms; and

(G) absent structural reforms, spending on Social Security will increase from 4.3 percent of gross domestic product in 2005 to 6.4 percent in 2079; and

(5) the Congressional Budget Office, the Government Accountability Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

(A) Higher tax rates.

(B) Lower Social Security benefit levels.

(C) Increased Federal debt or less spending on other federal programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President, the Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system;

(2) Social Security reform—

(A) must protect current and near retirees from any changes to Social Security benefits;

(B) must reduce the pressure on future taxpayers and on other budgetary priorities;

(C) must provide benefit levels that adequately reflect individual contributions to the Social Security system: and

(D) must preserve and strengthen the safety net for vulnerable populations including the disabled and survivors; and

(3) the Senate should honor section 13301 of the Budget Enforcement Act of 1990.

SA 3085. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 24, line 24, increase the amount by $153,000,000.

On page 24, line 25, increase the amount by $122,400,000.

On page 25, line 4, increase the amount by $15,300,000.

On page 25, line 8, increase the amount by $15,300,000.

On page 10, line 20, decrease the amount by $153,000,000.

On page 10, line 21, decrease the amount by $122,400,000.

On page 10, line 25, decrease the amount by $15,300,000.

On page 11, line 4, decrease the amount by $15,300,000.

SA 3086. Mr. BYRD (for himself, Mr. LAUTENBERG, Mrs. CLINTON, Mr. DORGAN, Mr. LIEBERMAN, Mr. KERRY, Mr. BIDEN, Mr. DURBIN, Mr. MENENDEZ, Mr. JEFFORDS, Mr. CARPER, Ms. MIKULSKI, and Mr. SCHUMER) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $550,000,000.

On page 4, line 1, increase the amount by $550,000,000.

On page 4, line 13, increase the amount by $550,000,000.

On page 5, line 4, increase the amount by $550,000,000.

On page 16, line 21, increase the amount by $550,000,000.

On page 16, line 22, increase the amount by $550,000,000.

On page 53, line 1, increase the amount by $550,000,000,

On page 53, line 2, increase the amount by $550,000,000.

SA 3087. Mr. DEMINT (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESERVE FUND FOR SOCIAL SECURITY REFORM.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that provides changes to the Federal Old Age, Survivors, and Disability Insurance Benefits Program established under title II of the Social Security Act (42 U.S.C. 401 et seq.), by—

(1) requiring that the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund are used only to finance expenditures to provide retirement income of future beneficiaries of such program;

(2) ensuring that there is no change to current law scheduled benefits for individuals born before January 1, 1950;

(3) providing the option to voluntarily obtain legally binding ownership of at least some portion of each participant's benefits; and

(4) ensuring that the funds made available to finance such legislation do not exceed the amounts of the Chief Actuary of the Social Security Administration's intermediate actuarial estimates of the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund, as published in the most recent report of the Board of Trustees of such Trust Funds,

the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3088. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $5,000,000.

On page 3, line 15, increase the amount by $11,000,000.

On page 3, line 17, increase the amount by $10,000,000.

On page 3, line 19, increase the amount by $8,000,000.

On page 3, line 21, increase the amount by $6,000,000.

On page 4, line 1, increase the amount by $5,000,000.

On page 4, line 2, increase the amount by $11,000,000.

On page 4, line 3, increase the amount by $10,000,000.

On page 4, line 4, increase the amount by $8,000,000.

On page 4, line 6, increase the amount by $6,000,000.

On page 4, line 13, increase the amount by $41,000,000.

On page 5, line 4, increase the amount by $5,000,000.

On page 5, line 6, increase the amount by $11,000,000.

On page 5, line 8, increase the amount by $10,000,000.

On page 5, line 10, increase the amount by $8,000,000.

On page 5, line 12, increase the amount by $6,000,000.

On page 24, line 24, increase the amount by $41,000,000.

On page 24, line 25, increase the amount by $5,000,000.

On page 25, line 4, increase the amount by $11,000,000.

On page 25, line 8, increase the amount by $10,000,000.

On page 25, line 12, increase the amount by $8,000,000.

On page 25, line 16, increase the amount by $6,000,000.

On page 53, line 1, increase the amount by $41,000,000.

On page 53, line 2, increase the amount by $5,000,000.

SA 3089. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal yer 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 throgh 2011: which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $25,000,000.

On page 3, line 15, increase the amount by $30,000,000.

On page 3, line 17, increase the amount by $30,000,000.

On page 3, line 19, increase the amount by $10,000,000.

On page 3, line 21, increase the amount by $5,000,000.

On page 4, line 1, increase the amqunt by $25,000,000.

On page 4, line 2, increase the amount by $30,000,000.

On page 4, line 3, increase the amount by $30,000,000.

On page 4, line 4, increase the amount by $10,000,000.

On page 4, line 6, increase the amount by $5,000,000.

On page 4, line 13, increase the amount by $100,000,000.

On page 5, line 4, increase the amount by $25,000,000.

On page 5, line 6, increase the amount by $30,000,000

On page 5, line 8, increase the amount by $30,000,000.

On page 5, line 10, increase the amount by $10,000,000.

On page 5, line 12, increase the amount by $5,000,000.

On page 13, line 21, increase the amount by $100,000,000.

On page 13, line 22, increase the amount by $25,000,000.

On page 14, line 1, increase the amount by $30,000,000.

On page 14, line 5, increase the amount by $30,000,000.

On page 14, line 9, increase the amount by $10,000,000.

On page 14, line 13, increase the amount by $5,000,000.

On page 53, line 1, increase the amount by $100,000,000.

On page 53, line 2, increase the amount by $25,000,000.

SA 3090. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $21,000,000.

On page 3, line 15, increase the amount by $42,000,000.

On page 3, line 17, increase the amount by $11,000,000.

On page 3, line 19, increase the amount by $2,000,000.

On page 4, line 1, increase the amount by $21,000,000.

On page 4, line 2, increase the amount by $42,000,000.

On page 4, line 3, increase the amount by $11,000,000.

On page 4, line 4, increase the amount by $2,000,000.

On page 4, line 13, increase the amount by $79,000,000.

On page 5, line 4, increase the amount by $21,000,000.

On page 5, line 6, increase the amount by $42,000,000.

On page 5, line 8, increase the amount by $11,000,000.

On page 5, line 10, increase the amount by $2,000,000.

On page 19, line 24, increase the amount by $79,000,000.

On page 19, line 25, increase the amount by $21,000,000.

On page 20, line 4, increase the amount by $42,000,000.

On page 20, line 8, increase the amount by $11,000,000.

On page 20, line 12, increase the amount by $2,000,000.

On page 53, line 1, increase the amount by $79,000,000.

On page 53, line 2, increase the amount by $21,000,000.

SA 3091. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $500,000,000.

On page 4, line 13, increase the amount by $500,000,000.

On page 5, line 4, increase the amount by $500,000,000.

On page 24, line 24, increase the amount by $500,000,000.

On page 24, line 25, increase the amount by $500,000,000.

SA 3092. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, decrease the amount by $6,992,000,000.

On page 3, line 15, decrease the amount by $36,366,000,000.

On page 3, line 17, decrease the amount by $33,559,000,000.

On page 3, line 21, increase the amount by $76,917,000,000.

On page 4, line 1, decrease the amount by $6,992,000,000.

On page 4, line 2, decrease the amount by $36,366,000,000.

On page 4, line 3, decrease the amount by $33,559,000,000.

On page 4, line 6, increase the amount by $76,917,000,000.

On page 5, line 19, decrease the amount by $6,992,000,000.

On page 5, line 21, decrease the amount by $36,366,000,000.

On page 5, line 23, decrease the amount by $33,559,000,000.

On page 6, line 2, increase the amount by $76,917,000,000.

On page 6, line 8, increase the amount by $6,992,000,000.

On page 6, line 10, increase the amount by $43,358,000,000.

On page 6, line 12, increase the amount by $76,917,000,000.

On page 6, line 14, increase the amount by $76,917,000,000.

On page 6, line 22, increase the amount by $6,992,000,000.

On page 6, line 24, increase the amount by $43,358,000,000.

On page 7, line 2, increase the amount by $76,917,000,000.

On page 7, line 4, increase the amount by $76,917,000,000.

SA 3093. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal yar 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table: as follows:

At the appropriate place insert the following:

SEC. ___. TO CONTROL DISCRETIONARY SPENDING

"Beginning with fiscal year 2007 and thereafter, all non-defense, non-trust-fund, discretionary spending shall not I exceed the previous fiscal year's levels, for purposes of the congressional budget process (Section 302 et al of the Congressional Budget Act of 1974), without a 2/3 vote of Members duly chosen and sworn."

SA 3094. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 15, decrease the amount by $1,279,625,000.

On page 4, line 17, decrease the amount by $1,340,125,000.

On page 4, line 19, decrease the amount by $1,403,250,000.

On page 4, line 21, decrease the amount by $1,469,500,000.

On page 5, line 6, decrease the amount by $1,279,625,000.

On page 5, line 8, decrease the amount by $1,340,125,000.

On page 5, line 10, decrease the amount by $1,403,250,000.

On page 5, line 12, decrease the amount by $1,469,500,000.

On page 5, line 21, decrease the amount by $1,279,625,000.

On page 5, line 23, decrease the amount by $1,340,125,000.

On page 5, line 25, decrease the amount by $1,403,250,000.

On page 6, line 2, decrease the amount by $1,469,500,000.

On page 6, line 10, decrease the amount by $1,279,625,000.

On page 6, line 12, decrease the amount by $2,619,750,000.

On page 6, line 14, decrease the amount by $4,023,000,000.

On page 6, line 16, decrease the amount by $5,492,500,000.

On page 6, line 24, decrease the amount by $1,279,625,000.

On page 7, line 2, decrease the amount by $2,619,750,000.

On page 7, line 4, decrease the amount by $4,023,000,000.

On page 7, line 6, decrease the amount by $5,492,500,000.

On page 21, line 3, decrease the amount by $1,250,000,000.

On page 21, line 4, decrease the amount by $1,250,000,000.

On page 21, line 7, decrease the amount by $1,250,000,000.

On page 21, line 8, decrease the amount by $1,250,000,000.

On page 21, line 11, decrease the amount by $1,250,000,000.

On page 21, line 12, decrease the amount by $1,250,000,000.

On page 21, line 15, decrease the amount by $1,250,000,000.

On page 21, line 16, decrease the amount by $1,250,000,000.

On page 27, line 3, decrease the amount by $29,625,000.

On page 27, line 4, decrease the amount by $29,625,000.

On page 27, line 7, decrease the amount by $90,125,000.

On page 27, line 8, decrease the amount by $90,125,000.

On page 27, line 11, decrease the amount by $153,250,000.

On page 27, line 12, decrease the amount by $153,250,000.

On page 27, line 15, decrease the amount by $219,500,000.

On page 27, line 16, decrease the amount by $219,500,000.

On page 29, strike lines 14 through 19, and insert the following:

(a) Spending Reconciliation Instructions.—In the Senate, by May 16, 2006, the committees named in this section shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) Committee on Energy and Natural Resources.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce budget authority and outlays by $0 in fiscal year 2007, and $3,000,000,000 for the period of fiscal years 2007 through 2011.

(c) Committee on Finance.—The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce budget authority and outlays by $0 in fiscal year 2007 and $10,000,000,000 for the period of fiscal years 2007 through 2011.

SA 3095. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $434,000,000.

On page 3, line 15, increase the amount by $732,000,000.

On page 3, line 17, increase the amount by $582,000,000.

On page 3, line 19, increase the amount by $539,000,000.

On page 3, line 21, increase the amount by $422,000,000.

On page 4, line 1, increase the amount by $434,000,000.

On page 4, line 2, increase the amount by $732,000,000.

On page 4, line 3, increase the amount by $582,000,000.

On page 4, line 4, increase the amount by $539,000,000.

On page 4, line 6, increase the amount by $422,000,000.

On page 5, line 19, increase the amount by $434,000,000.

On page 5, line 21, increase the amount by $732,000,000.

On page 5, line 23, increase the amount by $582,000,000.

On page 5, line 25, increase the amount by $539,000,000.

On page 6, line 2, increase the amount by $422,000,000.

On page 6, line 8, decrease the amount by $434,000,000.

On page 6, line 10, decrease the amount by $1,166,000,000.

On page 6, line 12, decrease the amount by $1,748,000,000.

On page 6, line 14, decrease the amount by $2,287,000,000.

On page 6, line 16, decrease the amount by $2,709,000,000.

On page 6, line 22, decrease the amount by $434,000,000.

On page 6, line 24, decrease the amount by $1,166,000,000.

On page 7, line 2, decrease the amount by $1,748,000,000.

On page 7, line 4, decrease the amount by $2,287,000,000.

On page 7, line 6, decrease the amount by $2,709,000,000.

SA 3096. Mr. LEAHY (for himself and Mrs. Murray) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON THE CRIME VICTIMS FUND.

(a) Findings.—The Senate finds the following:—

(1) The Victims of Crime Act of 1984 ("VOCA") was enacted to provide Federal financial support for services to victims of all types of crime, primarily through grants to state crime victim compensation and victim assistance programs.

(2) VOCA created the Crime Victims Fund ("the Fund") as a separate account into which are deposited monies collected from persons convicted of Federal criminal offenses, including criminal fines, forfeitures

and special assessments. There are no general taxpayer generated revenues deposited into the Fund.

(3) Each fiscal year, the Fund is used to support—

(A) formula grants to States for financial assistance to upwards of 4,400 programs providing direct victim assistance services to nearly 4,000,000 victims of all types of crimes annually, with priority for programs serving victims of domestic violence, sexual assault and child abuse, and previously underserved victims of violent crime;

(B) formula grants to States to supplement State crime victim compensation programs, which reimburse more than 150,000 violent crime victims annually for out-of-pocket expenses, including medical expenses, mental health counseling, lost wages, loss of support and funeral costs;

(C) the Antiterrorism Emergency Reserve, to assist victims of domestic and international terrorism;

(D) discretionary grants by the Office for Victims of Crime to provide training and technical assistance and services to victims of Federal crimes;

(E) Children's Justice Act grants to States to improve the investigation and prosecution of child abuse cases;

(F) victim witness coordinators in United States Attorney's Offices; and

(G) victim assistance specialists in Federal Bureau of Investigation field offices.

(4) In the 108th Congress, a strong bipartisan, bicameral majority in Congress affirmed its support for the Crime Victims Fund and increased its commitment to crime victims in the Justice for All Act of 2004 (Public Law 108–405), which establishes Federal crime victims rights and authorized 2 new VOCA-funded victim programs.

(5) Before fiscal year 2000, all amounts deposited into the Crime Victims Fund in each fiscal year were made available for authorized programs in the subsequent fiscal year.

(6) Beginning in fiscal year 2000, Congress responded to large fluctuations of deposits into the Fund by delaying obligations from the Fund above certain amounts, as follows:

(A) For fiscal year 2000, $500,000,000.

(B) For fiscal year 2001, $537,500,000.

(C) For fiscal year 2002, $550,000,000.

(D) For fiscal year 2003, $600,000,000.

(E) For fiscal year 2004, $625,000,000.

(F) For fiscal year 2005, $625,000,000.

(G) For fiscal year 2006, $625,000,000.

(7) In the conference report on an omnibus spending bill for fiscal year 2000 (Public Law 106–113), Congress explained that the reason for delaying annual Fund obligations was "to protect against wide fluctuations in receipts into the Fund, and to ensure that a stable level of funding will remain available for these programs in future years".

(8) VOCA mandates that ". . . all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation".

(9) The Crime Victims Fund is a trust fund established without tax payer dollars to assist crime victims and should continue to be respected.

(10) For fiscal year 2006, the President proposed to "rescind" $1,267,000,000 from amounts in the Fund. Congress rejected this proposal in the Science, State, Justice, Commerce, and Related Agencies Appropriations Act of 2006 (Public Law 109–108) and reaffirmed that amounts deposited or available in the Fund in any fiscal year in excess of $625,000,000 shall remain in the Fund and not be available for obligation until the following fiscal year.

(11) For fiscal year 2007, the President is recommending "rescission" of $1,255,000,000 from amounts in the Fund.

(12) The rescission proposed by the President would result in no funds being available to support crime victim services at the start of fiscal year 2008. Further, such rescission would make the Fund vulnerable to fluctuations in receipts into the Fund, and would not ensure that a stable level of funding will remain available for vital programs in future years.

(13) Retention of all amounts deposited into the Fund for the immediate and future use of crime victim services as authorized by VOCA is supported by many major criminal justice organizations, including—

(A) American Bar Association, Criminal Justice Section;

(B) National District Attorneys Association;

(C) National Sheriff's Association;

(D) 56 Attorneys General;

(E) National Organization for Victim Assistance;

(F) National Network to End Domestic Violence;

(G) Mothers Against Drunk Driving;

(H) National Children's Alliance;

(I) National Alliance to End Sexual Violence;

(J) National Coalition Against Domestic Violence;

(K) National Center for Victims of Crime;

(L) National Association of VOCA Assistance Administrators;

(M) National Association of Crime Victim Compensation Boards;

(N) United States Conference of Catholic Bishops;

(O) National Grange;

(P) the Justice Project;

(Q) Victims' Assistance Legal Organization, Inc;

(R) Justice Solutions, NPO;

(S) Pennsylvania Coalition Against Rape; and

(T) National Organization for Parents of Murdered Children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the funding levels in this resolution assume that all amounts that have been and will be deposited into the Crime Victims Fund, including amounts deposited in fiscal year 2007 and thereafter, shall remain in the Fund for use as authorized under the Victims of Crime Act of 1984.

SA 3097. Mr. DAYTON (for himself, Mr. DODD, Ms. MIKULSKI, Mr. DURBIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $230,000,000.

On page 3, line 15, increase the amount by $7,591,000,000.

On page 3, line 17, increase the amount by $3,450,000,000.

On page 3, line 19, increase the amount by $230,000,000.

On page 4, line 1, increase the amount by $230,000,000.

On page 4, line 2, increase the amount by $7,591,000,000.

On page 4, line 3, increase the amount by $3,450,000,000.

On page 4, line 4, increase the amount by $230,000,000.

On page 4, line 13, increase the amount by $11,501,000,000.

On page 5, line 4, increase the amount by $230,000,000.

On page 5, line 6, increase the amount by $7,591,000,000.

On page 5, line 18, increase the amount by $3,450,000,000.

On page 5, line 10, increase the amount by $230,000,000.

On page 18, line 24, increase the amount by $11,501,000,000.

On page 18, line 25, increase the amount by $230,000,000.

On page 19, line 4, increase the amount by $7,591,000,000.

On page 19, line 8, increase the amount by $3,450,000,000.

On page 19, line 12, increase the amount by $230,000,000.

SA 3098. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 17, line 22, increase the amount by $300,000,000.

On page 17, line 23, increase the amount by $30,000,000.

On page 18, line 3, increase the amount by $111,000,000.

On page 18, line 7, increase the amount by $93,000,000.

On page 18, line 11, increase the amount by $66,000,000.

On page 24, line 24, increase the amount by $34,000,000.

On page 24, line 25, increase the amount by $26,000,000.

On page 25, line 4, increase the amount by $5,000,000.

On page 25, line 8, increase the amount by $3,000,000.

On page 27, line 23, decrease the amount by $334,000,000.

On page 27, line 24, decrease the amount by $56,000,000.

On page 28, line 2, decrease the amount by $116,000,000.

On page 28, line 5, decrease the amount by $96,000,000.

On page 28, line 8, decrease the amount by $66,000,000.

On page 17, line 23 , increase the amount by $30,00,000.

On page 18, line 3, increase the amount by $111,000,000.

On page 18, line 7, increase the amount by $93,000,000.

On page 18, line 11, increase the amount by $66,000,000.

On page 24, line 24, increase the amount by $34,000,000.

On page 24, line 25, increase the amount by $26,000,000.

On page 25 line 4, increase the amount by $5,000,000.

On page 25, line 8, increase the amount by $3,000,000.

On page 53, line 1, increase the amount by $334,000,000.

On page 53, line 2, increase the amount by $56,000,000.

SA 3099. Mr. REED submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 48, line 5, reduce the amount by $2,914,000,000.

On page 53, line 1, increase the amount by $2,914,000,000.

On page 53, line 2, increase the amount by $2,577,000,000.

SA 3100. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 15, decrease the amount by $1,279,625,000.

On page 4, line 17, decrease the amount by $1,340,125,000.

On page 4, line 19, decrease the amount by $1,403,250,000.

On page 4, line 21, decrease the amount by $1,469,500,000.

On page 5, line 6, decrease the amount by $1,279,625,000.

On page 5, line 8, decrease the amount by $1,340,125,000.

On page 5, line 10, decrease the amount by $1,403,250,000.

On page 5, line 12, decrease the amount by $1,469,500,000.

On page 5, line 21, decrease the amount by $1,279,625,000.

On page 5, line 23, decrease the amount by $1,340,125,000.

On page 5, line 25, decrease the amount by $1,403,250,000.

On page 6, line 2, increase the amount by $1,469,500,000.

On page 6, line 10, decrease the amount by $1,279,625,000.

On page 6, line 12, decrease the amount by $2,619,750,000.

On page 6, line 14, decrease the amount by $4,023,000,000.

On page 6, line 16, decrease the amount by $5,492,500,000.

On page 6, line 24, decrease the amount by $1,279,625,000.

On page 7, line 2, decrease the amount by $2,619,750,000.

On page 7, line 4, decrease the amount by $4,023,000,000.

On page 7, line 6, decrease the amount by $5,492,500,000.

On page 21, line 3, decrease the amount by $1,250,000,000.

On page 21, line 4, decrease the amount by $1,250,000,000.

On page 21, line 7, decrease the amount by $1,250,000,000.

On page 21, line 8, decrease the amount by $1,250,000,000.

On page 21, line 11, decrease the amount by $1,250,000,000.

On page 21, line 12, decrease the amount by $1,250,000,000.

On page 21, line 15, decrease the amount by $1,250,000,000.

On page 21, line 16, decrease the amount by $1,250,000,000.

On page 27, line 3, decrease the amount by $29,625,000.

On page 27, line 4, decrease the amount by $29,625,000.

On page 27, line 7, decrease the amount by $90,125,000.

On page 27, line 8, decrease the amount by $90,125,000.

On page 27, line 11, decrease the amount by $153,250,000.

On page 27, line 12, decrease the amount by $153,250,000.

On page 27, line 15, decrease the amount by $219,500,000.

On page 27, line 16, decrease the amount by $219,500,000.

On page 29, strike lines 14 through 19, and insert the following:

(a) SPENDING RECONCILIATION INSTRUCTIONS.—In the Senate, by May 16, 2006, the committees named in this section shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce budget authority and outlays by $0 in fiscal year 2007, and $3,000,000,000 for the period of fiscal years 2007 through 2011.

(c) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce budget authority and outlays by $0 in fiscal year 2007 and $10,000,000,000 for the period of fiscal years 2007 through 2011.

SA 3101. Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. LEVIN, Mr. FEINGOLD, Mr. LEAHY, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $500,000,000.

On page 3, line 15, increase the amount by $1,100,000,000.

On page 3, line 17, increase the amount by $1,200,000,000.

On page 3, line 19, increase the amount by $1,400,000,000.

On page 3, line 21, increase the amount by $1,500,000,000.

On page 4, line 1, increase the amount by $500,000,000.

On page 4, line 2, increase the amount by $1,100,000,000.

On page 4, line 3, increase the amount by $1,200,000,000.

On page 4, line 4, increase the amount by $1,400,000,000.

On page 4, line 6, increase the amount by $1,500,000,000.

On page 5, line 19, increase the amount by $500,000,000.

On page 5, line 21, increase the amount by $1,100,000,000.

On page 5, line 23, increase the amount by $1,200,000,000.

On page 5, line 25, increase the amount by $1,400,000,000.

On page 6, line 2, increase the amount by $1,500,000,000.

On page 6, line 8, decrease the amount by $500,000,000.

On page 6, line 10, decrease the amount by $1,600,000,000.

On page 6, line 12, decrease the amount by $2,800,000,000.

On page 6, line 14, decrease the amount by $4,200,000,000.

On page 6, line 16, decrease the amount by $5,700,000,000.

On page 6, line 22, decrease the amount by $500,000,000.

On page 6, line 24, decrease the amount by $1,600,000,000.

On page 7, line 2, decrease the amount by $2,800,000,000.

On page 7, line 4, decrease the amount by $4,200,000,000.

On page 7, line 6, decrease the amount by $5,700,000,000.

SA 3102. Mr. DORGAN (for himself, Ms. CANTWELL, Mrs. MURRAY, Mr. JOHNSON, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $285,000,000.

On page 3, line 15, increase the amount by $197,000,000.

On page 3, line 17, increase the amount by $230,000,000.

On page 3, line 19, increase the amount by $263,000,000.

On page 3, line 21, increase the amount by $302,000,000.

On page 4, line 1, increase the amount by $285,000,000.

On page 4, line 2, increase the amount by $197,000,000.

On page 4, line 3, increase the amount by $230,000,000.

On page 4, line 4, increase the amount by $263,000,000.

On page 4, line 6, increase the amount by $302,000,000.

On page 4, line 13, increase the amount by $1,000,000,000.

On page 5, line 4, increase the amount by $299,000,000.

On page 5, line 6, increase the amount by $385,000,000.

On page 5, line 8, increase the amount by $154,000,000.

On page 5, line 10, increase the amount by $126,000,000.

On page 5, line 12, increase the amount by $15,000,000.

On page 5, line 19, decrease the amount by $14,000,000.

On page 5, line 21, decrease the amount by $188,000,000.

On page 5, line 23, increase the amount by $76,000,000.

On page 5, line 25, increase the amount by $137,000,000.

On page 6, line 2, increase the amount by $287,000,000.

On page 6, line 8, increase the amount by $14,000,000.

On page 6, line 10, increase the amount by $202,000,000.

On page 6, line 12, increase the amount by $126,000,000.

On page 6, line 14, decrease the amount by $11,000,000.

On page 6, line 16, decrease the amount by $298,000,000.

On page 6, line 22, increase the amount by $14,000,000.

On page 6, line 24, increase the amount by $202,000,000.

On page 7, line 2, increase the amount by $126,000,000.

On page 7, line 4, decrease the amount by $11,000,000.

On page 7, line 6, decrease the amount by $298,000,000.

On page 13, line 21, increase the amount by $25,000,000.

On page 13, line 22, increase the amount by $13,000,000.

On page 14, line 1, increase the amount by $8,000,000.

On page 14, line 5, increase the amount by $4,000,000.

On page 14, line 9, increase the amount by $1,000,000.

On page 17, line 22, increase the amount by $120,000,000.

On page 17, line 23, increase the amount by $29,000,000.

On page 18, line 3, increase the amount by $33,000,000.

On page 18, line 7, increase the amount by $27,000,000.

On page 18, line 11, increase the amount by $18,000,000.

On page 18, line 15, increase the amount by $2,000,000.

On page 18, line 24, increase the amount by $120,000,000.

On page 18, line 25, increase the amount by $17,000,000.

On page 19, line 4, increase the amount by $90,000,000.

On page 19, line 8, increase the amount by $8,000,000.

On page 19, line 12, increase the amount by $2,000,000.

On page 19, line 24, increase the amount by $540,000,000.

On page 19, line 25, increase the amount by $187,000,000.

On page 20, line 4, increase the amount by $203,000,000.

On page 20, line 8, increase the amount by $75,000,000.

On page 20, line 12, increase the amount by $75,000,000.

On page 21, line 24, increase the amount by $125,000,000.

On page 21, line 25, increase the amount by $46,000,000.

On page 22, line 4, increase the amount by $25,000,000.

On page 22, line 8, increase the amount by $18,000,000.

On page 22, line 12, increase the amount by $15,000,000.

On page 22, line 16, increase the amount by $13,000,000.

On page 24, line 24, increase the amount by $70,000,000.

On page 24, line 25, increase the amount by $7,000,000.

On page 25, line 4, increase the amount by $26,000,000.

On page 25, line 8, increase the amount by $22,000,000.

On page 25, line 12, increase the amount by $15,000,000.

On page 53, line 1, increase the amount by $1,000,000,000.

On page 53, line 2, increase the amount by $298,000,000.

SA 3103. Mr. SARBANES submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $1,718,000,000.

On page 3, line 15, increase the amount by $699,000,000.

On page 3, line 17, increase the amount by $320,000,000.

On page 3, line 19, increase the amount by $116,000,000.

On page 3, line 21, increase the amount by $58,000,000.

On page 4, line 1, decrease the amount by $1,718,000,000.

On page 4, line 2, decrease the amount by $699,000,000.

On page 4, line 3, decrease the amount by $320,000,000.

On page 4, line 4, decrease the amount by $116,000,000.

On page 4, line 6, decrease the amount by $58,000,000.

On page 4, line 13, increase the amount by $2,912,000,000.

On page 5, line 4, increase the amount by $1,718,000,000.

On page 5, line 6, increase the amount by $699,000,000.

On page 5, line 8, increase the amount by $320,000,000.

On page 5, line 10, increase the amount by $116,000,000.

On page 5, line 12, increase the amount by $58,000,000.

On page 13, line 21, increase the amount by $2,912,000,000.

On page 13, line 22, increase the amount by $1,718,000,000.

On page 14, line 1, increase the amount by $699,000,000.

On page 14, line 5, increase the amount by $320,000,000.

On page 14, line 9, increase the amount by $116,000,000.

On page 14, line 13, increase the amount by $58,000,000.

On page 53, line 1, increase the amount by $2,912,000,000.

On page 53, line 2, increase the amount by $1,718,000,000.

SA 3104. Mrs. MURRAY (for herself, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mr. KERRY, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table: as follows:

On page 3, line 13, increase the amount by $675,000,000.

On page 3, line 15, increase the amount by $2,756,000,000.

On page 3, line 17, increase the amount by $2,820,000,000.

On page 3, line 19, increase the amount by $2,836,000,000.

On page 3, line 21, increase the amount by $2,840,000,000.

On page 4, line 1, increase the amount by $675,000,000.

On page 4, line 2, increase the amount by $2,756,000,000.

On page 4, line 3, increase the amount by $2,820,000,000.

On page 4, line 4, increase the amount by $2,836,000,000.

On page 4, line 6, increase the amount by $2,840,000,000.

On page 4, line 13, increase the amount by $1,412,000,000.

On page 4, line 15, increase the amount by $1,415,000,000.

On page 4, line 17, increase the amount by $1,423,000,000.

On page 4, line 19, increase the amount by $1,433,000,000.

On page 4, line 21, increase the amount by $1,430,000,000.

On page 5, line 4, increase the amount by $339,000,000.

On page 5, line 6, increase the amount by $1,385,000,000.

On page 5, line 8, increase the amount by $1,417,000,000.

On page 5, line 10, increase the amount by $1,425,000,000.

On page 5, line 12, increase the amount by $1,432,000,000.

On page 5, line 19, increase the amount by $336,000,000.

On page 5, line 21, increase the amount by $1,371,000,000.

On page 5, line 23, increase the amount by $1,403,000,000.

On page 5, line 25, increase the amount by $1,411,000,000.

On page 6, line 2, increase the amount by $1,408,000,000.

On page 6, line 8, decrease the amount by $336,000,000.

On page 6, line 10, decrease the amount by $1,707,000,000.

On page 6, line 12, decrease the amount by $3,110,000,000.

On page 6, line 14, decrease the amount by $4,521,000,000.

On page 6, line 16, decrease the amount by $5,929,000,000.

On page 6, line 22, decrease the amount by $336,000,000.

On page 6, line 24, decrease the amount by $1,707,000,000.

On page 7, line 2, decrease the amount by $3,110,000,000.

On page 7, line 4, decrease the amount by $4,521,000,000.

On page 7, line 6, decrease the amount by $5,929,000,000.

On page 18, line 24, increase the amount by $1,412,000,000.

On page 18, line 25, increase the amount by $339,000,000.

On page 19, line 3, increase the amount by $1,415,000,000.

On page 19, line 4, increase the amount by $1,385,000,000.

On page 19, line 7, increase the amount by $1,423,000,000.

On page 19, line 8, increase the amount by $1,417,000,000.

On page 19, line 11, increase the amount by $1,433,000,000.

On page 19, line 12, increase the amount by $1,425,000,000.

On page 19, line 15, increase the amount by $1,430,000,000.

On page 19, line 16, increase the amount by $1,432,000,000.

SA 3105. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $15,000,000.

On page 3, line 15, increase the amount by $435,000,000.

On page 3, line 17, increase the amount by $225,000,000.

On page 3, line 19, increase the amount by $75,000,000.

On page 4, line 1, increase the amount by $15,000,000.

On page 4, line 2, increase the amount by $435,000,000.

On page 4, line 3, increase the amount by $225,000,000.

On page 4, line 4, increase the amount by $75,000,000.

On page 4, line 13, increase the amount by $750,000,000.

On page 5, line 4, increase the amount by $15,000,000.

On page 5, line 6, increase the amount by $435,000,000.

On page 5, line 8, increase the amount by $225,000,000.

On page 5, line 10, increase the amount by $75,000,000.

On page 18, line 24, increase the amount by $750,000,000.

On page 18, line 25, increase the amount by $15,000,000.

On page 19, line 4, increase the amount by $435,000,000.

On page 19, line 8, increase the amount by $225,000,000.

On page 19, line 12, increase the amount by $75,000,000.

On page 53, line 1, increase the amount by $750,000,000.

On page 53, line 2, increase the amount by $15,000,000.

SA 3106. Mrs. LINCOLN (for herself, Mr. SALAZAR, Mr. PRYOR, Mr. HARKIN, and Mr. KOHL) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $1,177,000,000.

On page 3, line 15, increase the amount by $439,000,000.

On page 3, line 17, increase the amount by $221,000,000.

On page 3, line 19, increase the amount by $107,000,000.

On page 3, line 21, increase the amount by $57,000,000.

On page 4, line 1, increase the amount by $1,177,000,000.

On page 4, line 2, increase the amount by $439,000,000.

On page 4, line 3, increase the amount by $221,000,000.

On page 4, line 4, increase the amount by $107,000,000.

On page 4, line 6, increase the amount by $57,000,000.

On page 4, line 13, increase the amount by $2,029,000,000.

On page 5, line 4, increase the amount by $1,177,000,000.

On page 5, line 6, increase the amount by $439,000,000.

On page 5, line 8, increase the amount by $221,000,000.

On page 5, line 10, increase the amount by $107,000,000.

On page 5, line 12, increase the amount by $57,000,000.

On page 13, line 21, increase the amount by $916,000,000.

On page 13, line 22, increase the amount by $540,000,000.

On page 14, line 1, increase the amount by $220,000,000.

On page 14, line 5, increase the amount by $101,000,000.

On page 14, line 9, increase the amount by $37,000,000.

On page 14, line 13, increase the amount by $18,000,000.

On page 14, line 21, increase the amount by $384,000,000.

On page 14, line 22, increase the amount by $295,000,000.

On page 15, line 1, increase the amount by $67,000,000.

On page 15, line 5, increase the amount by $17,000,000.

On page 15, line 9, increase the amount by $3,000,000.

On page 15, line 21, increase the amount by $95,000,000.

On page 15, line 22, increase the amount by $71,000,000.

On page 16, line 1, increase the amount by $22,000,000.

On page 17, line 22, increase the amount by $296,000,000.

On page 17, line 23, increase the amount by $12,000,000.

On page 18, line 3, increase the amount by $79,000,000.

On page 18, line 7, increase the amount by $96,000,000.

On page 18, line 11, increase the amount by $63,000,000.

On page 18, line 15, increase the amount by $35,000,000.

On page 19, line 24, increase the amount by $104,000,000.

On page 19, line 25, increase the amount by $93,000,000.

On page 20, line 4, increase the amount by $11,000,000.

On page 21, line 24, increase the amount by $234,000,000.

On page 21, line 25, increase the amount by $166,000,000.

On page 22, line 4, increase the amount by $40,000,000.

On page 22, line 8, increase the amount by $8,000,000.

On page 22, line 12, increase the amount by $4,000,000.

On page 22, line 16, increase the amount by $3,000,000.

On page 53, line 1, increase the amount by $2,029,000,000.

On page 53, line 2, increase the amount by $1,177,000,000.

SA 3107. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 32, line 24, through page 33, line 1, strike "and (C)" and insert the following:

"(C) provides for the establishment of a health care trust fund for victims of tremolite asbestos exposure;

"(D)".

SA 3108. Mrs. HUTCHISON (for herself and Mr. SANTORUM) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING MARRIAGE PENALTY RELIEF.

It is the sense of the Senate that—

(1) the aggregate reduced levels of Federal revenues under section 101(1)(B) assume the extension of the marriage penalty relief for standard deduction and 15 percent bracket provided under sections 301 and 302 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (115 Stat. 53) through September 30, 2011; and

(2) such marriage penalty relief should be made permanent.

SA 3109. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. SENSE OF THE SENATE REGARDING SALES TAX DEDUCTION.

It is the sense of the Senate that—

(1) the aggregate reduced levels of Federal revenues under section 101(1)(B) assume the extension of the sales tax deduction provided under section 164(b)(5) of the Internal Revenue Code of 1986 through September 30, 2011; and

(2) such sales tax deduction should be made permanent.

SA 3110. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

"SEC. . Reserve Fund for Physician Payment Increase under Medicare. If—

(1) the Committee on Finance Reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that has the effect of increasing the reimbursement rate for physician services under Section 1848(d) of the Social Security Act; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974; the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3111. Mr. DODD (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. . RESERVE FUND FOR THE FIRE AND SAFER PROGRAMS.

If a bill or joint resolution is offered, or an amendment is offered thereto, or a conference report is submitted thereon, that provides firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant, the Chairman of the Committee on Budget shall adjust the revenue aggregates and other appropriate aggregates, levels, and limits in their resolution to reflect such legislation to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3112. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $516,000,000.

On page 3, line 15, increase the amount by $221,000,000.

On page 4, line 1, increase the amount by $516,000,000.

On page 4, line 2, increase the amount by $221,000,000.

On page 4, line 13, increase the amount by $737,000,000.

On page 5, line 4, increase the amount by $516,000,000.

On page 5, line 6, increase the amount by $221,000,000.

On page 13, line 21, increase the amount by $737,000,000.

On page 13, line 22, increase the amount by $516,000,000.

On page 14, line 1, increase the amount by $221,000,000.

On page 53, line 1, increase the amount by $737,000,000.

On page 53, line 2, increase the amount by $516,000,000.

SA 3113. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $36,000,000.

On page 3, line 15, increase the amount by $84,000,000.

On page 3, line 17, increase the amount by $75,000,000.

On page 3, line 19, increase the amount by $75,000,000.

On page 3, line 21, increase the amount by $30,000,000.

On page 4, line 1, increase the amount by $36,000,000.

On page 4, line 2, increase the amount by $84,000,000.

On page 4, line 3, increase the amount by $75,000,000.

On page 4, line 4, increase the amount by $75,000,000.

On page 4, line 6, increase the amount by $30,000,000.

On page 4, line 13, increase the amount by $300,000,000.

On page 5, line 4, increase the amount by $36,000,000.

On page 5, line 6, increase the amount by $84,000,000.

On page 5, line 8, increase the amount by $75,000,000.

On page 5, line 10, increase the amount by $75,000,000.

On page 5, line 12, increase the amount by $30,000,000.

On page 15, line 21, increase the amount by $300,000,000.

On page 15, line 22, increase the amount by $36,000,000.

On page 16, line 1, increase the amount by $84,000,000.

On page 16, line 5, increase the amount by $75,000,000.

On page 16, line 9, increase the amount by $75,000,000.

On page 16, line 13, increase the amount by $30,000,000.

SA 3114. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESERVE FUND FOR PANDEMIC INFLUENZA PREPAREDNESS PLANNING.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) rebuilds the vaccine industry in the United States which has shrunk from over 25 to less than 5 companies;

(2) improves the United States capacity to produce life-saving pandemic influenza vaccines and antivirals;

(3) ensures adequate funding for advanced development and acquisition of needed medical countermeasures for biodefense and pandemic influenza protection;

(4) enhances the Strategic National Stockpile of pandemic influenza vaccines, antivirals, and other medical products;

(5) strengthens the Federal, State, and local public health infrastructure to effectively respond to a pandemic influenza outbreak;

(6) increases the domestic and international surveillance and outbreak containment capabilities; and

(7) improves public awareness and education of pandemic influenza preparedness planning;

assuming that the Committee is within its allocation as provided under section 302 (a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal years 2007 and for the period of fiscal years 2007 through 2011.

SA 3115. Mr. REID (for Mrs. CLINTON (for herself, Mr. REID, and Mrs. MURRAY)) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $225,000,000.

On page 3, line 15, increase the amount by $84,000,000.

On page 3, line 17, increase the amount by $23,000,000.

On page 3, line 19, increase the amount by $10,000,000.

On page 3, line 21, increase the amount by $2,000,000.

On page 4, line 1, increase the amount by $225,000,000.

On page 4, line 2, increase the amount by $84,000,000.

On page 4, line 3, increase the amount by $23,000,000.

On page 4, line 4, increase the amount by $10,000,000.

On page 4, line 6, increase the amount by $2,000,000.

On page 4, line 13, increase the amount by $347,000,000.

On page 5, line 4, increase the amount by $225,000,000.

On page 5, line 6, increase the amount by $84,000,000.

On page 5, line 8, increase the amount by $23,000,000.

On page 5, line 10, increase the amount by $10,000,000.

On page 5, line 12, increase the amount by $2,000,000.

On page 19, line 24, increase the amount by $124,000,000.

On page 19, line 25, increase the amount by $27,000,000.

On page 20, line 4, increase the amount by $61,000,000.

On page 20, line 8, increase the amount by $21,000,000.

On page 20, line 12, increase the amount by $10,000,000.

On page 20, line 16, increase the amount by $2,000,000.

On page 21, line 24, increase the amount by $223,000,000.

On page 21, line 25, increase the amount by $198,000,000.

On page 22, line 4, increase the amount by $23,000,000.

On page 22, line 8, increase the amount by $2,000,000.

On page 53, line 1, increase the amount by $347,000,000.

On page 53, line 2, increase the amount by $225,000,000.

SA 3116. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

At the appropriate place, insert the following:

SEC. . EARMARK ADMINISTRATIVE EXPENSES.

It is the sense of the Senate that—

(1) funds appropriated for an earmark project should be solely used for the project and not used by Federal agencies for administrative costs; and

(2) any funds not used by an earmark project should go to deficit reduction.

SA 3117. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 17, line 22, increase the amount by $300,000,000.

On page 17, line 23, increase the amount by $30,000,000.

On page 18, line 3, increase the amount by $111,000,000.

On page 18, line 7, increase the amount by $93,000,000.

On page 18, line 11, increase the amount by $66,000,000.

On page 24, line 24, increase the amount by $34,000,000.

On page 24, line 25, increase the amount by $26,000,000.

On page 25, line 4, increase the amount by $5,000,000.

On page 25, line 8, increase the amount by $3,000,000.

On page 27, line 23, decrease the amount by $334,000,000.

On page 27, line 24, decrease the amount by $56,000,000.

On page 28, line 2, decrease the amount by $116,000,000.

On page 28, line 5, decrease the amount by $96,000,000.

On page 28, line 8, decrease the amount by $66,000,000.

SA 3118. Ms. STABENOW submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. _____. RESERVE FUND TO ALLOW FOR DEFICIT-NEUTRAL LEGISLATION THAT WOULD PROVIDE SENIORS WITH A PRESCRIPTION DRUG BENEFIT OPTION THAT IS AFFORDABLE, USER-FRIENDLY, AND ADMINISTERED DIRECTLY BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or conference report thereon, that would—

(1) provide all Medicare beneficiaries with a Medicare-administered prescription drug plan option, while preserving the private prescription drug plan options;

(2) ensure that Medicare beneficiaries pay the lowest possible prescription drug prices by directing the Secretary of Health and Human Services to negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs on behalf of beneficiaries enrolled in the Medicare-administered prescription drug plan;

(3) improve the part D standard prescription drug benefit; and

(4) guarantee that Medicare beneficiaries receive the FDA-approved drugs they need by preventing prescription drug plans and MA-PD plans from ending coverage of drugs, or imposing restrictions or limitations on coverage of drugs, that were covered when the beneficiary enrolled in the plan until the beneficiary has the opportunity to switch plans, with an exception to such guarantee for brand name drugs for which there is a generic drug approved under section 505(j) of the Food and Drug Cosmetic Act that is placed on the market during the period in which the guarantee applies;

by the amount provided in such measure for those purposes, provided that such legislation would not increase the deficit for the period of fiscal years 2007 through 2011.

SA 3119. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. SENSE OF THE SENATE ON THE UNITED NATIONS HUMAN RIGHTS COUNCIL.

(a) FINDINGS.—The Senate finds that—

(1) the United Nations Secretary General stated in March 2005, "the Commission on Human Rights suffers from declining credibility and professionalism, and is in major need of reform" and that a fundamental problem is that, "States have sought membership . . . not to strengthen human rights but to protect themselves against criticism or to criticize others";

(2) the United States and other countries called for the abolition of the United Nations Commission on Human Rights and its replacement with a new Human Rights Council;

(3) current Members of the United Nations Commission on Human Rights, the primary human rights body of the United Nations, include some of the worst violators of human rights in the world, such as China, Cuba, Saudi Arabia, Sudan, Venezuela, and Zimbabwe;

(4) there are no criteria regarding the human rights record of a country for membership on the new United Nations Human Rights Council and even those countries that are found complicit in massive and sustained human rights abuses would be able to serve;

(5) even countries under sanctions by the United Nations Security Council for human rights violations or terrorism are not categorically excluded from membership on the United Nations Human Rights Council;

(6) the Government of the United States, which had been a member of the United Nations Commission on Human Rights every term since 1947, with 1 exception, has played a leadership role in efforts to promote human rights throughout the history of the United Nations Commission on Human Rights;

(7) the Government of the United States would be ineligible for membership on the Human Rights Council every 6 years;

(8) the Government of the United States formally opposed the creation of the United Nations Human Rights Council in a General Assembly session on March 15, 2006; and

(9) the Government of the United States would be required to cover 22 percent of the costs of the Human Rights Council.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of the United States should decline to participate on the United Nations Human Rights Council until the Secretary of State certifies to the Congress that the United Nations has passed a resolution affirming that countries found complicit in sustained human rights abuses are ineligible for membership in the United Nations Human Rights Council; and

(2) the Government of the United States should not provide any funds for the United Nations Human Rights Council until the Secretary of State certifies to the Congress that the United Nations has passed a resolution affirming that countries found complicit in sustained human rights abuses are ineligible for membership in the United Nations Human Rights Council.

SA 3120. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. TO EXPRESS THE SENSE OF THE SENATE THAT LEGISLATIVE ACTION SHOULD BE TAKEN TO INSTITUTE EQUITY UNDER THE MEDICARE PROGRAM FOR PERSONS WITH MENTAL ILLNESS.

(a) FINDINGS.—

(1) Almost 36,300,000 Americans were over age 65 in 2004, with the population projected to almost double to 71,500,000 by 2030.

(2) It is estimated that 20 percent of, or over 7 million, adults age 65 and older suffer from a mental illness and that because of population growth and an increased incidence by 2030 this number will grow to 15.7 million.

(3) 5,248 older Americans died by suicide in 2003.

(4) In 2002, older Americans comprised 12.3 percent of the population, yet represented 17.5 percent of completed suicides.

(5) Caucasian men over age 85 are at greatest risk, with a suicide rate almost 5 times higher than the national average.

(6) It is reported that among older adults, for every completed suicide, 4 attempts are made.

(7) Research shows that 20 percent of older Americans who die by suicide visited their physician within the previous 24 hours of their suicide, 41 percent within the previous week of their suicide, and 75 percent within the previous month of their suicide.

(8) The Medicare program discriminates against persons with mental illness by imposing a 50 percent copayment on outpatient mental health services compared to a 20 percent copayment for outpatient physical health services.

(9) Correcting this inequity in the Medicare program was one of the top ten White House Conference on Aging resolutions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this resolution assume that Congress should act to provide mental health copayment equity to America's seniors under the Medicare program.

SA 3121. Mr. BINGAMAN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

Strike section 406.

SA 3122. Mr. TALENT (for himself, Mr. FRIST, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 59, after line 7, add the following:

SEC. 408. LINE ITEM VETO.

It is the sense of the Senate that Congress should provide the President with a constitutionally acceptable line item veto authority.

SA 3123. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 12, line 21, increase the amount by $200,000,000.

On page 12, line 22, increase the amount by $200,000,000.

On page 27, line 23, decrease the amount by $200,000,000.

On page 27, line 24, increase the amount by $200,000,000.

SA 3124. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 18, line 24, increase the amount by $143,000,000.

On page 18, line 25, increase the amount by $143,000,000.

On page 27, line 23, decrease the amount by $143,000,000.

On page 27, line 24, increase the amount by $143,000,000.

SA 3125. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 21, line 24, increase the amount by $128,700,000.

On page 21, line 25, increase the amount by $128,700,000.

On page 27, line 23, decrease the amount by $128,700,000.

On page 27, line 24, increase the amount by $128,700,000.

SA 3126. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 14, line 21, increase the amount by $40,000,000.

On page 14, line 22, increase the amount by $40,000,000.

On page 27, line 23, decrease the amount by $40,000,000.

On page 27, line 24, increase the amount by $40,000,000.

SA 3127. Mr. HAGEL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. . RESERVE FUND FOR A COMPREHENSIVE ENTITLEMENT REFORM COMMISSION.

If—

(1) the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment is offered thereto or if a conference report is submitted thereon, that establishes a Comprehensive Entitlement Reform Commission for the purpose of conducting a comprehensive review of the Social Security, Medicare, and Medicaid programs and making recommendations to sustain the solvency and stability of these programs for future generations; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and the period of fiscal years 2007 through 2011.

SA 3128. Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 17, increase the amount by $151,593,000.

On page 4, line 19, increase the amount by $156,269,000.

On page 4, line 21, increase the amount by $162,937,000.

On page 5, line 8, increase the amount by $69,093,000.

On page 5, line 10, increase the amount by $133,769,000.

On page 5, line 12, increase the amount by $155,437,000.

On page 5, line 23, decrease the amount by $69,093,000.

On page 5, line 25, decrease the amount by $133,769,000.

On page 6, line 2, decrease the amount by $155,437,000.

On page 6, line 12, increase the amount by $69,093,000.

On page 6, line 14, increase the amount by $202,862,000.

On page 6, line 16, increase the amount by $358,299,000.

On page 7, line 2, increase the amount by $69,093,000.

On page 7, line 4, increase the amount by $202,862,000.

On page 7, line 6, increase the amount by $358,299,000.

On page 13, line 4, increase the amount by $150,000,000.

On page 13, line 5, increase the amount by $67,500,000.

On page 13, line 8, increase the amount by $150,000,000.

On page 13, line 9, increase the amount by $127,500,000.

On page 13, line 12, increase the amount by $150,000,000.

On page 13, line 13, increase the amount by $142,500,000.

On page 41, strike lines 8 through 11 and insert the following:

ate may make the adjustments described in subsections (b) and (c).

(b) ADJUSTMENT FOR IMPLEMENTATION OF ENERGY POLICY ACT OF 2005.—If the Committee on Appropriations of the Senate reports a bill or joint resolution, or if an amendment is offered thereto or a conference report is submitted thereon that makes available a portion of the receipts resulting from enactment of the legislation described in subsection (a) for programs to implement of the Energy Policy Act of 2005 (Public Law 109-58), the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but the adjustment may not exceed $150.000.000 in new budget authority in each of fiscal years 2009 through 2011.

(c) ADJUSTMENT FOR THE LAND AND WATER CONSERVATION FUND PROGRAMS AND ADDITIONAL LAND CONSERVATION PROGRAMS.—If the Committee on Appro-* * *

SA 3129. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $283,000,000.

On page 3, line 15, increase the amount by $353,000,000.

On page 3, line 17, increase the amount by $71,000,000.

On page 4, line 1, increase the amount by $283,000,000.

On page 4, line 2, increase the amount by $353,000,000.

On page 4, line 3, increase the amount by $71,000,000.

On page 4, line 13, increase the amount by $707,000,000.

On page 5, line 4, increase the amount by $283,000,000.

On page 5, line 6, increase the amount by $353,000,000.

On page 5, line 8, increase the amount by $71,000,000.

On page 17, line 22, increase the amount by $707,000,000.

On page 17, line 23, increase the amount by $283,000,000.

On page 18, line 3, increase the amount by $353,000,000.

On page 18, line 7, increase the amount by $71,000,000.

On page 53, line 1, increase the amount by $707,000,000.

On page 53, line 2, increase the amount by $283,000,000.

SA 3130. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $9,000,000.

On page 3, line 15, increase the amount by $31,000,000.

On page 3, line 17, increase the amount by $65,000,000.

On page 3, line 19, increase the amount by $95,000,000.

On page 3, line 21, increase the amount by $77,000,000.

On page 4, line 1, increase the amount by $9,000,000.

On page 4, line 2, increase the amount by $31,000,000.

On page 4, line 3, increase the amount by $65,000,000.

On page 4, line 4, increase the amount by $95,000,000.

On page 4, line 6, increase the amount by $77,000,000.

On page 4, line 13, increase the amount by $308,000,000.

On page 5, line 4, increase the amount by $9,000,000.

On page 5, line 6, increase the amount by $31,000,000.

On page 5, line 8, increase the amount by $65,000,000.

On page 5, line 10, increase the amount by $95,000,000.

On page 5, line 12, increase the amount by $77,000,000.

On page 25, line 24, increase the amount by $308,000,000.

On page 25, line 25, increase the amount by $9,000,000.

On page 26, line 4, increase the amount by $31,000,000.

On page 26, line 8, increase the amount by $65,000,000.

On page 26, line 12, increase the amount by $95,000,000.

On page 26, line 16, increase the amount by $77,000,000.

On page 53, line 1, increase the amount by $308,000,000.

On page 53, line 2, increase the amount by $9,000,000.

SA 3131. Mr. BAUCUS (for himself and Mrs. LINCOLN) proposed an amendment to the joint resolution H.J. Res. 47, increasing the statutory limit on the public debt; as follows:

At the end of the joint resolution, insert the following:

"SEC. STUDY.—(a) The Secretary of the Treasury, in consultation with the Board of Governors of the Federal Reserve System and other appropriate agencies of the United States Government, shall conduct a study to examine the economic effects of the holding of United States publicly-held debt by foreign governments, foreign central banks, other foreign institutions, and foreign individuals.

(b) The Secretary shall transmit that study to the Congress within 180 days of the date of enactment of this legislation.

(c) The study shall provide an analysis of:

"(1) for each year from 1980 to the present, the amount and term of foreign-owned debt held by the public, broken down by foreign governments, foreign central banks, other foreign institutions, and foreign individuals, and expressed in nominal terms and as a percentage of the total amount of publicly-held debt in each year;

"(2) the economic effects that the increased foreign ownership of United States publicly-held debt has on

"(A) long-term interest rates in the United States,

"(B) global average interest rates,

"(C) the value of the United States dollar,

"(D) United States capital market liquidity,

"(E) the cost of private capital in the United States,

"(F) the generation of employment in the United States through foreign affiliates, and

"(G) the growth in real gross domestic product of the United States;

"(3) (A) for each year from 1980 to the present, the effect of foreign debt on the United States income account,

"(B) the predicted effect over the next 20 years, and

"(C) the effect of the deteriorating income account on the overall United States current account deficit;

"(4) the ability of the Department of the Treasury to track purchases of publicly held debt in secondary and tertiary markets, or, if this ability does not exist, the implications of that inability for fiscal policy, monetary policy, and the predictability of capital markets;

"(5) the effect that foreign ownership of United States publicly-held debt has or could have on United States trade policy;

"(6) whether the level of United States debt owned by China may adversely affect the ability of the United States to negotiate with China regarding currency manipulation by China;

"(7) the effect of the increase of foreign holdings of United States debt held by the public on national security; and

"(8) the implicit tax burden that results from foreign ownership of United States debt held by the public, defined as the per capita amount that a United States Federal income taxpayer would pay in annual Federal income taxes to fully service such foreign debt during each of fiscal years 2006 through 2010."

SA 3132. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESERVE FUND FOR THE PROTECTION OF UNBORN CHILDREN.

If—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that implements the provisions of Senate bill 51 (109th Congress) relating to the protection of unborn children; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal years 2007 and for the period of fiscal years 2007 through 2011.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 15, 2006, at 9:30 a.m., in open session to continue to receive testimony on the Joint Strike Fighter F136 Alternative Engine Program in review of the Defense Authorization request for fiscal year 2007 and the future years Defense Program.

The PRESIDING OFFICER. without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 15, 2006, at 1:30 p.m., on Innovation and Competitiveness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 15 at 11:30 a.m. The purpose of this meeting is to consider pending nominations and any other pending calendar business of the Committee which may be ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 15, 2006, at 9:30 a.m. to hold a hearing on Post-Palestinian Election Challenges in the Middle East.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. GRASSLEY. Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet on Wednesday, March 15, 2006, at 9 a.m. on legislative items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 15, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1899, the Indian Child Protection and Family Violence Prevention Act Amendments of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, March 15, 2006, at 9 a.m. in The Mansfield Room, S-207 The Capitol.

Agenda

I. Nominations: Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Patrick J. Schiltz, to be U.S. District Court Judge for the District of Minnesota; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; John F. Clark, to be Director of the United States Marshals Service.

II. Bills: S. , Comprehensive Immigration Reform; Chairman's Mark; S. 1768, A bill to permit the televising of Supreme Court proceedings: Specter, Leahy, Cornyn, Grassley, Schumer, Feingold, Durbin; S. 829, Sunshine in the Courtroom Act of 2005: Grassley, Schumer, Cornyn, Leahy, Feingold, Durbin, Graham, DeWine, Specter; S. 489, Federal Consent Decree Fairness Act: Alexander, Kyl, Cornyn, Graham, Hatch; S. 2039, Prosecutors and Defenders Incentive Act of 2005: DURBIN, SPECTER, DEWINE, LEAHY, KENNEDY, FEINSTEIN, FEINGOLD; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges: Specter, Leahy, Cornyn, Feinstein, Biden.

III. Matters: S.J. Res. 1, Marriage Protection Amendment: Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 15, 2006 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, March 15, 2006 from 10 a.m.–12 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet on Wednesday, March 15, 2006 at 2:30 p.m. to conduct a hearing on "Hospital Group Purchasing: Are the Industry's Reforms Sufficient to Ensure Competition?" in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: Richard J. Bednar, Coordinator, Healthcare Group Purchasing Industry Initiative, Washington, DC; Mark B. Leahey, Executive Director, Medical Device Manufacturers Association, Washington, DC; S. Prakash Sethi, Professor, Baruch College, The City University of New York, New York, NY; and Mina Ubbing, President and CEO, Fairfield Medical Center, Lancaster, OH.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Wednesday, March 15, 2006, at 2:30 p.m., for a hearing entitled, "The GAO High-Risk List: An Update."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on March 15, 2006, at 9:30 a.m., in open session to receive testimony on ground forces readiness in review of the Defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

NOMINATIONS DISCHARGED

Mr. COBURN. As in executive session, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of the following nominations, and that they be placed on the calendar: PN 1079, Marc L. Kesselman; PN 1329, Linda Avery Strachan; PN 1196, Boyd Kevin Rutherford; PN 1158, Gale A. Buchanan.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ASBESTOS AWARENESS DAY

Mr. COBURN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 402, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 402) designating the first day of April, 2006 as "National Asbestos Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. COBURN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 402) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 402

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas these fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognosis;

Whereas the United States has substantially reduced its consumption of asbestos yet continues to consume almost 7,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas asbestos exposures continue and safety and prevention will reduce and has reduced significantly asbestos exposure and asbestos-related diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of Americans die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975; and

Whereas the establishment of a "National Asbestos Awareness Day" would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate designates the first day of April 2006 as "National Asbestos Awareness Day."

ORDERS FOR THURSDAY, MARCH 16, 2006

Mr. COBURN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Thursday, March 16. I further ask consent that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. Con. Res. 83, the budget resolution, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COBURN. Mr. President, today we have made significant progress on the budget resolution. We had 10 rollcall votes on amendments to the resolution. The bill managers have done an exceptional job working through the process. That being said, we have many amendments filed, and Senators who have amendments should already be working with the bill managers.

Tomorrow will be a very busy day. Under an agreement reached this afternoon, tomorrow morning at 10:30 we will have a series of votes on the budget resolution and the debt limit bill. At 1:30, all time on the budget resolution will be deemed expired and the vote-arama will begin. Senators are reminded to stay close to the Chamber and plan their schedules accordingly.

RECESS UNTIL 9 A.M. TOMORROW

Mr. COBURN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:05 p.m., recessed until Thursday, March 16, 2006, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 15, 2006:

DEPARTMENT OF STATE

WARREN W. TICHENOR, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA, WITH THE RANK OF AMBASSADOR, VICE KEVIN E. MOLEY.

MARK C. MINTON, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ANDREW VON ESCHENBACH, OF TEXAS, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE LESTER M. CRAWFORD, RESIGNED.

CENTRAL INTELLIGENCE

JOHN A. RIZZO, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY, VICE SCOTT W. MULLER, RESIGNED.

DISCHARGED NOMINATIONS

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nominations and the nominations were placed on the Executive Calendar:

MARC L. KESSELMAN, OF TENNESSEE, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE.

LINDA AVERY STRACHAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

BOYD KEVIN RUTHERFORD, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

GALE A. BUCHANAN, OF GEORGIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

HOUSE OF REPRESENTATIVES—*Wednesday, March 15, 2006*

The House met at 10 a.m.

The Reverend Larry R. Hayward, Pastor, Westminster Presbyterian Church, Alexandria, Virginia, offered the following prayer:

God of nations, among rulers You placed over Your people, King Hezekiah of Judah was among the strongest. He instituted reforms. He recaptured lost land. So pleased were You with his leadership You extended his life 17 years beyond a near-fatal illness.

Yet at the end of his life, Hezekiah succumbed to cynicism. "Who cares about the days to come," he said to himself, "as long as there is peace and security in my day."

Lord, save each Member of this body from similar cynicism. Instill within Members concern not only for our own day, but for days to come. Lift vision beyond the next election, beyond party caucus, sometimes even beyond constituent mail so that this branch, and all branches, of our government may focus on the shape of our Nation and its place in the world for generations to come. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Illinois (Ms. BEAN) come forward and lead the House in the Pledge of Allegiance.

Ms. BEAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND LARRY R. HAYWARD

(Mr. UPTON asked and was given permission to address the House for 1 minute.)

Mr. UPTON. Mr. Speaker, I was pleased to hear Dr. Larry Hayward give our opening prayer this morning. For some 25 years, he has been preaching and teaching. His journey has taken him from Texas to Iowa to the D.C. area. Now he is the pastor of Westminster Presbyterian Church, a church that my wife and I attend when we are here in Washington.

He is a graduate of Union Seminary in New York. In his personal life, he certainly has a love and respect for history, government and sports, but it is also clear that the Lord comes first.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 one-minutes per side.

SECURITY ISSUES

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the Republican majority has carefully guarded the economic and national security of this great Nation. Our tax policies have helped create over 4.7 million new jobs in 30 months, and that is incredible progress.

On the national security front, we are taking apart the al Qaeda network piece by piece. The PATRIOT Act, our call monitoring program, our aggressive action in the Middle East, each of these actions are making it more and more difficult for terrorists to operate on U.S. soil.

Mr. Speaker, President Bush deserves a great deal of the credit for this tough stance on terrorism. The Senate Democrats are talking about censuring the President, though. They are opposed to his aggressive approach to fighting terrorism. But I hope that the Democrats in this body realize America wants us to do everything possible to defend our homes, our communities and this Nation, and that is what the President is doing.

MILITARY MEDICAL PERSONNEL RESOLUTION

(Ms. BEAN asked and was given permission to address the House for 1 minute.)

Ms. BEAN. Mr. Speaker, I rise today to commend our Armed Forces medical personnel who provide outstanding care to our servicemembers wounded in battle. During a trip to Iraq last fall, I visited our theater hospital at Balad Air Force Base and witnessed these skilled medical professionals in action and met the brave soldiers whose lives they saved.

Newsweek's current cover story recounts in harrowing detail Lieutenant Colonel Richard Jadick's heroic performance during the 2004 assault on Fallujah. The 38-year-old Navy doctor and former marine volunteered to serve alongside the First Battalion, Eighth Marines in what would be his first combat experience.

During 11 days of battle, Dr. Jadick and his team of 54 Navy corpsmen treated hundreds of men and saved the lives of at least 30 seriously wounded marines.

Mr. Speaker, the survivability rate for wounded personnel in Iraq and Afghanistan is the best of any conflict in our Nation's history, due, in no small part, to the skill and courage of personnel like Dr. Jadick.

This morning I urge my colleagues to cosponsor H. Con. Res. 309 and join me in saluting these outstanding servicemembers for their hard work and fearless dedication.

DR. SUBIR CHOWDHURY

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Mr. Speaker, I rise to honor the achievements of Dr. Subir Chowdhury, as he releases his twelfth book, "The Ice Cream Maker: An Inspiring Tale About Making Quality the Key Ingredient in Everything You Do."

Since his first published book in 1996, Dr. Chowdhury has revolutionized international management strategy and philosophy. His award-winning book, "The Power of Six Sigma," has sold more than 1 million copies worldwide in over 20 languages. Dr. Chowdhury has been inducted into the Automotive Hall of Fame, and the Society of Automotive Engineers has presented him with the Henry Ford II Distinguished Award for Excellence in Automotive Engineering.

Mr. Speaker, I congratulate Dr. Chowdhury on the release of his latest book and ask my colleagues to join me in honoring his contribution to our community and our country.

BEGIN EFFORT TO BRING TROOPS HOME FROM IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, 3 years ago, this administration began a grim march of folly into Iraq. Today, our troops are bogged down in the middle of a civil war.

Iraq has become an incubator of terrorism. Over 2,300 U.S. troops have

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

been killed, tens of thousands more injured and perhaps 100,000 innocent Iraqis have been killed, with countless others injured.

As both the Iraqi public and the American people demand the U.S. leave Iraq, this administration plans to send more troops. We must bring our troops home. We must vote against any additional appropriations that would be used to keep our troops there.

Plans exist right now that would enable the United States to bring our troops home, to begin the effort to bring our troops home. Not a dime more for continuing this war; not a dime more for an illegal war that was based on lies about weapons of mass destruction.

RETREAT AND DEFEAT DEMOCRATS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Monday, Senator RUSS FEINGOLD sadly reminded America that the Democrat Party is still dancing to the tune of retreat and defeat through appeasement.

Senator FEINGOLD's call to censure President Bush for implementing a legitimate and effective terrorist surveillance demonstrates that Democrats continue to push political ambitions more than our national security.

From DICK DURBIN's slandering our troops as communists, to Howard Dean's defeatist remarks about our troops' efforts, to Senator FEINGOLD's careless call to censure our President, it is obvious that Democrats have no positive plan to protect American families.

Instead of proposing ways to prevent terror attacks on our soil, Democrats prefer to spend their time and energy on political tricks that do not serve the interests of the American people. As our enemies continue to issue threats daily against our country, Republicans will remain committed to proactively investigating, capturing and detaining al Qaeda operatives and any other terrorists who seek to attack American families.

In conclusion, God bless our troops and we will never forget September 11.

CONGRESS MUST STEP IN TO EXTEND DEADLINE ON MEDICARE PRESCRIPTION DRUG PLAN REGISTRATION

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, in 2 months, about 10 million senior citizens are about to get a Bush Medicare tax imposed on them for the rest of their lives. If they don't sign up for the Medicare prescription drug bill by May 15, then they can't sign up again until the end of the year, and for the rest of their lives they will pay a 7 percent higher premium than their neighbors under exactly the same circumstances just because they couldn't figure out this myriad of dozens of different plans that they are presented with.

This is wrong. The Republicans and the Democrats need to get together to extend the deadline to the end of the year, regardless of what the President decides. It is time for Congress to act and to save these 10 million Americans from having an unfair tax burden on their shoulders for the rest of their lives. It is wrong. Let's fix it.

ROBERT G. CANAR

(Mr. GOODE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODE. Mr. Speaker, Mr. Robert G. Canar has distinguished himself by exceptionally meritorious achievements in public service to this Nation by serving the United States Army for over 42 years. Mr. Canar began his public service career in the U.S. Army as an air defense artillery officer and as a military intelligence officer. During his 22 years on active duty, he served in various assignments in Vietnam, Korea, Europe and in the United States.

Mr. Canar joined the former Foreign Science and Technology Center in 1983 when he was assigned as a division chief supervising collection requirements, imagery, and electronics intelligence branches. Because of his demonstrated abilities, he has been given positions of greater responsibility as the director, information management, and later as the director, programs and resources, which led to major initiatives to renovate Foreign Science and Technology Center's facilities to accommodate growth of the workforce and to secure facilities to meet Sensitive Compartmented Information standards.

Mr. Canar served as the National Ground Intelligence Center's chief of staff from 1994 to 2003, and as the center's acting executive director from 2003 to 2004. In response to the Global War on Terrorism, the center underwent a massive growth with the influx of new responsibilities to support the soldier.

In 2004 Mr. Canar volunteered to serve for a year as the senior intelligence officer with the Civilian Police Assistance Training Team, Baghdad, Iraq. In this capacity he supervised an International Police Liaison Officer Team and a Multi-National Command-Iraq military team which organized and trained the Iraq Ministry of Interior Criminal Intelligence Service Directorate.

He ended his civil service career as the special assistant to the commander, National Ground Intelligence Center responsible for the establishment of a Joint Use Intelligence Analysis Facility in Charlottesville, VA.

Throughout his service, Mr. Canar has provided outstanding leadership, sound advice and expert professional judgment on significant issues that affected the Army. His actions and counsel were invaluable to Army leaders as they considered the issues facing the Nation today. Mr. Canar's dedication to accomplishing the Army's missions has been extraordinary. He has been a truly outstanding public servant and will be missed by the United States Army.

MEDICARE PRESCRIPTION DRUG PLAN; BAD MEDICINE FOR AMERICAN SENIORS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, since the new Medicare prescription drug plan took effect at the beginning of this year, Members of this body have heard from thousands of frustrated seniors struggling with the confusing and poorly written plan. Now they are dealt a new blow: seniors who don't register in time will be forced to pay a penalty for the rest of their lives.

Most seniors have yet to choose a prescription drug plan, many because they are unable to navigate the complex system, others because they are currently not taking any medication. For every month after May 15, seniors who have not enrolled will be charged an extra 1 percent of the payment of any plan they eventually do choose, for the rest of their lives.

This new tax on prescription drugs is yet another example of how this Republican plan was written to benefit large drug companies, not the Medicare recipients who need the help.

Democrats are fighting to extend this deadline. Our seniors should not be penalized with a lifetime surcharge for doing their research on these plans.

IS THIS THE DEMOCRATS' AGENDA?

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, this week a resolution was introduced in the United States Senate that would censure President Bush over the National Security Agency's surveillance program. We have seen the Democrats launch political stunts before, but this one certainly takes the cake.

They have determined, on their own, that President Bush has broken the law by authorizing surveillance of al Qaeda communications. They are so intent on opposing everything that President Bush is for that they don't seem to realize or even care about the message this sends to the rest of the world as we fight the war on terror.

The fact is, this is a necessary tool in the war on terror, and it is working. As General Michael Hayden, the principle Deputy Director of National Intelligence stated, "We have learned information from this program that would not otherwise have been available. This information has helped detect and prevent terrorist attacks in the United States and abroad."

Mr. Speaker, the Democrats have put off releasing their agenda for months now. I guess I can see why, since it includes stripping away important tools to fight the war on terror. Perhaps the Democrats should go back to having no agenda.

□ 1015

WE NEED TO EXTEND THE DEADLINE FOR MEDICARE PART D SIGN-UP

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, President Bush went to New York yesterday to tout his confusing and failing prescription drug plan for seniors.

The Bush administration has botched this plan since day one. For one, Medicare itself put out all kinds of wrong information that increased confusion among already frustrated seniors. Second, low-income seniors that were promised an easy transition from State programs to Federal programs ran into huge problems, leaving some seniors no choice but to go without their drugs. Third, States were forced to step in and pick up the tab for the Federal Government's incompetence. It is no wonder that only about five million seniors have willingly signed up for the plan.

Seniors should not be penalized for the Bush administration's incompetence. Unfortunately, that is exactly what will happen if President Bush does not extend the deadline for seniors to sign up for the plan.

Two months from today, May 15, is the deadline for seniors to sign up for a plan; and if they do not, the administration will permanently increase their premium with a 1 percent penalty for every month they wait to sign up.

Democrats want this deadline extended, and we want to fix the drug plan so it works for seniors and the disabled and not just the drug and insurance companies.

EXTEND THE DRUG BENEFIT DEADLINE

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, the Medicare drug program is off to a rocky start, as President Bush put it yesterday.

Following a dozen town hall meetings I have held in my district on the part D benefit, my constituents remain confused and doubtful that the drug plan will work for them. As a result, many seniors on Long Island have not yet signed up. Many of those who have chosen a plan are encountering delays in their applications and will not receive their drug cards until after the May 15 sign-up deadline.

Adding insult to injury, seniors will be penalized with a 1 percent premium increase for every month after the deadline passes. This Bush Medicare penalty should not be piled on top of the already overwhelming burden of understanding the drug benefit.

Mr. Speaker, America's seniors deserve real help keeping up with soaring prescription drug costs. Therefore, I urge my colleagues to support a 6-month extension of the sign-up deadline so that seniors are not punished and they receive the affordable lifesaving drugs they deserve.

DEFINING DEVIANCY DOWN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the late Senator Daniel Patrick Moynihan described the process by which perverse behavior slowly becomes accepted by society over time. He called it "defining deviancy down."

A recent newswire story illustrates his point. The story reports that Germany's sex industry is gearing up to handle a record demand for prostitution during the 2006 World Cup soccer tournament.

One man involved in the criminal underworld of German prostitution told the reporter, "Football and prostitution are a great match. What else could you hope for?"

What else could you hope for? Mr. Speaker, I would hope that the evils of prostitution and human trafficking be condemned by society, not flaunted. I would hope for an end to sexual exploitation of women and children. I would hope for some sanity to prevail in the civilized country of Germany.

The story also reports that there are an estimated 15,000 victims of sex trafficking in Germany at any given time. That, Mr. Speaker, is the real cost of defining deviancy down.

MILITARY RECRUITERS AT COLLEGES

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Mr. Speaker, I rise today to applaud the Supreme Court for upholding the Solomon amendment, which permits the withholding of Federal funds from colleges that close their doors to military recruiters.

This case is a glaring indictment of our liberal influence within our colleges and institutions of higher learning, these spineless liberals who speak of the concept of allowing differing points of view, but in reality they oppose it.

Look no further than one of our Nation's most liberal colleges, Yale University. Last year, it admitted a Taliban spokesman as a special student, even as Yale Law School was suing in Federal Court to ban U.S. military recruiters from its campus.

As Americans, we should be appalled with this seditious behavior and hold these liberals accountable for their actions. Mr. Speaker, the Supreme Court's verdict last week is a victory for common sense and for the protection of our country against liberal lunacy.

POLL BRINGS POSITIVE NEWS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, a poll was released today which reaffirms what many on this side of the aisle, Republicans, are telling seniors at our town hall meetings: The Medicare prescription drug program is working.

In a poll conducted last week by Ayres, McHenry & Associates, 6 out of 10 seniors who voluntarily enrolled in the Medicare Part D program reported that they are saving money in the program.

A second survey by the same group found that 9 out of 10 seniors eligible for Medicare and Medicaid, dual eligibles, stated that they were having no problems using the new Medicare prescription drug benefit. Eighty percent said the program covered the prescription drugs that they need.

Now, you are not going to hear this good news from the Democrats on that side of the aisle. Seniors are saving money and now have more choices than they ever have had.

Mr. Speaker, this is good news from these polls. The Medicare prescription drug program is presently working for America's seniors, and Democrats need to accept that.

PROVIDING FOR CONSIDERATION OF H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 725 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 725

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. When the reading for amendment reaches title II, such title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I request unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on March 14 the Rules Committee met and granted an open rule on House Resolution 725, with 1 hour of debate equally divided between the chairman and ranking member of the Appropriations Committee.

The bill shall be considered for amendment under the 5-minute rule and waives all points of order against the bill. Additionally, when the reading for the amendment reaches title II, such title shall be considered as read. This rule accords priority of recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit with or without instructions.

Mr. Speaker, I am proud today to be able to manage this rule. The rule provides for an emergency supplemental funding package to sustain our troops in the ongoing war on terror and to assist in providing emergency relief for those affected in the Gulf States by last year's tremendous hurricanes.

However, Mr. Speaker, the fact that this bill is being brought to the floor under an open rule should not be overlooked. This means that anyone in the majority or the minority may bring to the floor any amendment that is germane to this legislation.

As one of the most important bills that will be brought to the House floor this year, we should all be able to agree that an open rule is the right thing to do and will allow the House to work its will.

The supplemental appropriations package is the sixth supplemental since September 11 that focuses on meeting the challenges imposed on us by the global war on terrorism. Specifically, this supplemental provides for replenishing of those accounts that the military has exhausted during sustained operations in Iraq, Afghanistan, and other areas of the world. Additionally, it provides important funding to assist in our efforts to address the disastrous results of the hurricanes in the gulf coast communities. Finally, these are important measures dedicated to improving the benefits due our soldiers and their families who have often been asked to make the ultimate sacrifice.

Among the important provisions in this bill is a $2 billion effort at the suppression of technology for so-called IEDs, improvised explosive devices, in Iraq and other areas. IEDs, rather than direct engagement with enemy combatants, have caused over half the casualties our forces have sustained in Iraq. Additionally, the supplemental fully funds the enhanced $400,000 Servicemembers' Group Life Insurance benefits and the $100,000 death gratuity benefit for combat-related fatalities.

Mr. Speaker, the Appropriations Committee also addressed several other issues inside the supplemental that are essential to successfully continue to prosecute our global war on terror.

Important obligations are met in the underlying legislation. In particular, this legislation earmarked $850 million over the President's request to ensure that the National Guard receives upgraded Bradleys and Abrams when deploying. Additionally, the bill earmarked another $480 million for new advances in safer up-armoring for Humvees.

Mr. Speaker, H.R. 4939 takes a number of important steps forward in addressing the needs of our military. Today we are likely to debate several amendments that would have a large impact on the effect of the underlying legislation. I would strongly urge Members to closely examine such amendments and reject any not pertaining to the subject matter at hand. The bill we have before us today is an excellent and timely piece of legislation that deserves strong bipartisan support. The underlying legislation is ultimately really about supporting our troops in the field and moving forward in assisting our own citizens drastically affected by the hurricanes.

With respect to Katrina, the underlying legislation provides $9.9 billion to the Department of Homeland Security, primarily intended for FEMA, and major additional funding for flood control and coastal emergencies. Additionally, the Department of Defense would receive $1.8 billion and the Army Corps of Engineers would receive $1.5 billion, mostly for procurement and construction for flood control and coastal emergencies.

☐ 1030

$1.3 billion would be set aside for loans to home owners and small businesses to be administered through the Small Business Administration.

Mr. Speaker, this is the third supplemental appropriations request sent to Congress that addresses the fallout from the hurricanes. I am sure we will deal with this issue in the future as needs are defined. It is truly a testament to this Nation that we are able to break through the political logjam and deal with these issues of an emergency nature when this situation demands.

Mr. Speaker, judging from the debate in the Rules Committee yesterday, I suspect Members from both sides of the aisle may mention or attempt to interject into our discussions motions or amendments that are not germane to the underlying legislation. A number of measures are things that I personally support. However, the Rules Committee decided, appropriately in my opinion, that these matters should be dealt with separately and under regular order.

My good friends on both sides of the aisle have often expressed their desire to have major legislation dealt with under an open rule. That is precisely what we have today. It is my hope that all Members will appreciate that fact and will see the wisdom of pursuing other issues through regular order. Therefore, I urge support for the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are truly at a crossroads in the history of the Nation. Abroad we are engaged in a war that with each passing day becomes more dangerous, just as our path to victory becomes more obscured.

At home we are still dealing with the consequence of the colossal failure of the government to meet its most basic responsibility, to protect our citizens in a time of dire crisis.

It has been 7 months since Katrina devastated the gulf coast, and thousands upon thousands of our fellow Americans are still depending on handouts to survive. They are without their homes, without their jobs, and without a sense of security.

And here in Washington, the principles of integrity, accountability and oversight, the cornerstone values of our democratic government, have been cast aside in favor of political expediency by our elected leadership.

The American people are losing faith in this government. They believe we are headed in the wrong direction, and they want change, and it is not hard to see why. How we ultimately address the challenges before us as a government and as a people will define the future of this Nation for better or worse.

In times like these, when we are so focused on what separates us from each other, it is critical that we remember what binds us together, a commitment to the same core values and principles. I think we can all agree that supporting our young men and women in uniform is a priority for each and every Member of this House, whether we are Democrats or Republicans, and whether we agreed with the Bush administration's reason for going to war in Iraq or opposed them.

And just as we continue the age-old debate on the proper role of government in our society, we should all agree that the kind of collapse that we witnessed when the government failed to respond to Hurricane Katrina must never, ever happen again.

We must renew our commitment to take responsibility for the safety and welfare of the American people in a time of crisis. And we must agree that government has a role in protecting not only the rights, but also the dignity and the humanity of every single American.

We cannot accept, nor should we be willing to tolerate, squalor, abject poverty, and needless suffering in the heart of the United States. The defense of those who defend us abroad and the protection of the defenseless here at home, these are guiding principles that we all share.

Mr. Speaker, how should we go about turning these principles into action in the days and months ahead? We may disagree on how to overcome the challenges that lay before us, just as our Founding Fathers hoped and expected that we would. But all of us here are patriots, and all of us come to the table with our Nation's best interest in mind. And so we must remember to always welcome debate and to keep the floor open to all ideas and proposals, and to subject their merits equally to the rigors of the democratic process.

To pit the pursuits of an agenda against the perpetuation of our democratic traditions, that would be a true crime and a true shame. As we stand up for the principles of democracy here, we must also pledge to restore the second great tenet of our system of government, the integrity and accountability of our Congress. We can no longer allow our leaders to be blinded by the politics of the moment and forget their commitments to ethics and to oversight.

The short-term gains may be tempting for those who hold strings of power, but the long-term consequences are devastating to the people of the Nation as we have already seen. Ethics, integrity and accountability should not be partisan issues. They should be issues of survival because the survival of the system depends on them.

It is on this point that I would ask my colleagues on both sides of the aisle to join me today in taking a stand for our future. During the Second World War, Senator Harry Truman displayed a level of integrity and a strength of character that has been very rare in today's Washington. He dared to investigate his own party. He held his fellow Democrats in Congress accountable for excessive and wasteful war contracts. He provided a mechanism for accountability and oversight during an unprecedented war effort. It was called the Truman Commission.

The commission's purpose was to maximize every dollar we had to spend to ferret out corruption and mismanagement and to infuse a sense of accountability into the American war machine. Its success saved many American lives by ensuring that our tax dollars were spent on what was most important, that was winning the war. And yet, we in this Congress have not had the courage to insist on the same level of accountability that President Truman saw fit to employ over 60 years ago.

Despite the fact that at least $9 billion of money spent on the Iraqi reconstruction is unaccounted for, and despite the fact that we hear reports of payroll checks covering employees who do not exist and of firms being compensated for providing security for flights that never took off, and despite the fact that the Pentagon contracts for body armor have gone to companies that never produced it, all the while, 80 percent of the American Marines lost in Iraq to upper body wounds could have been saved if those soldiers had been provided with the right armor.

Nor have we demonstrated the real commitment to fully investigate the Nation's response to the second great challenge of our time, Hurricane Katrina, and done so again, despite poor planning, misused resources, and homes and relief that still have to reach those who need it.

The question I have for my colleagues today is where is our bravery? Where is our commitment to those we protect and to those who protect us? It is a question that I hope my colleagues who plan to vote for the rule answer definitively here today. When we squander precious resources, when we waste time we do not have, when we fail to hold ourselves accountable, we sacrifice American lives. And when we refuse to insist upon integrity, oversight, and accountability in our own government, we undermine our very democracy at a time when we are trying to spread it abroad. But today we have an opportunity to begin anew and follow the proud tradition of one of America's greatest leaders.

We have before us a Democratic proposal to create an oversight commission, one that will ensure that billions of dollars being spent on the war in Iraq, and today's expenditure brings that to $400 billion, and that the rebuilding of New Orleans and the gulf coast are not lost in the black hole of corruption, cronyism, and no big contracts.

We have an opportunity to restore checks and balances to the system of government and provide the accountability and oversight, which is our responsibility as Congresspersons to provide.

Just like in Harry Truman's day, that responsibility transcends the politics of both Republicans and Democrats. Rather, it speaks to our willingness to preserve the fundamental values of our democratic system and the fundamental values of our Nation.

I strongly urge my colleagues, as we prepare to spend $91.7 billion in taxpayer money, to vote against the rule and in favor of the previous question. It is a vote that will allow consideration of an amendment to create a new Truman Commission and to restore a measure of integrity, accountability, and oversight to this government, values which are so greatly missed.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to note again for the record, while we are going to have discussions of many things here today, this is an open rule, any Member of the majority or the minority is free to bring an amendment to matters that are germane to the bill. This is as democratic on the floor of this institution as it ever gets. And while many will be, on both sides, disappointed that they didn't get to attach nongermane items to this particular bill, I think we are well served in this House by moving through regular order, which is an argument that we all make from time to time very vigorously on both sides of the aisle, but particularly the minority side.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I especially thank the gentleman from Oklahoma for yielding time, inasmuch as I rise today with a heavy heart having to oppose the rule before the House.

It is a rare occasion indeed where I or any Member would stand to oppose a rule produced by our Rules Committee. I simply believe I cannot support a rule that asks Members to choose between supporting our troops and fiscal responsibility, and this is such a rule.

Mr. Speaker, we have an $8 trillion national debt, a debt that has grown by $3 trillion and debt ceiling which may be increased, even in the coming weeks, to nearly $9 trillion. Our record deficit in nominal terms set a 1-month record just a few short weeks ago. We have to put our fiscal house in order. And that means even as we go about the business of funding the war, and funding the ongoing critical reconstruction efforts in the gulf coast, we must do so in a manner that reflects a fundamental commitment to fiscal restraint.

House conservatives lobbied consistently over the last several weeks to allow for this bill to come in the form of two pieces, a vote for our troops and a vote for Katrina. And the legislation we will have before us, though there will be a stripping amendment, will very likely result in a unified bill not giving Members that choice.

But the reason I rise mostly in opposition of the rule is because there is no amendment that is being allowed under a waiver of the rules that will permit us to offset even the cost of a part of this bill through budget cuts. And I simply believe that in this day and age of record deficit and debts, it is absolutely vital that Members of Congress be able to register their commitment to fiscal discipline while we fund the Nation's priorities.

It is for that reason that I was hoping that the Rules Committee would see their way clear, as they have with other aspects of this bill, to waive the rules that prevent legislating in an appropriations bill. In fact, my understanding is that the LIHEAP funding in this bill, in and of itself, is the result of a waiver. We have waived the rules many times to increase spending in the Congress. It would be a welcome change if we waived the rules to cut spending and continue the process of putting our fiscal house in order.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. HENSARLING) who joins me in opposition to this rule.

Mr. HENSARLING. I thank the gentleman for yielding, and I also thank the gentleman from Oklahoma for graciously yielding this time and his good work on the Rules Committee.

I want to associate myself with the gentleman from Indiana's comments. These are extraordinary times calling for extraordinary remedies. We must have a remedy for being able to vote for fiscal responsibility.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Appropriations Committee.

Mr. OBEY. Mr. Speaker, this bill, or the bill which will be debated under this rule, will spend $92 billion of the taxpayers' money. The largest portion of it will be to fund the continuing war in Iraq. It is here because of the most spectacular military blunder committed by any President of the United States in this country's history. We went to war on the basis of bad information, and we are now mired in that war because of the spectacular incompetence and stubbornness of the Secretary of Defense.

We are also going to be asked to fund additional payments to meet the aftermath of the Katrina hurricane, which is another spectacular example of the incompetent management of government by this administration.

□ 1045

I am going to vote against the previous question on the rule because, while some 48 amendments have been noticed to the committee for consideration over the next 2 days, this House has still apparently not found a way to enable us to consider two other amendments.

The first is the one mentioned by the gentlewoman from New York. We feel it is an obligation of this Congress to begin to conduct decent oversight on both the expenditures in Iraq and the expenditures in Katrina. This Congress has a miserable record on oversight. My colleague in the Senate, Mr. FEINGOLD, introduced a resolution censuring the President for various actions that he has taken outside of the law. I believe that the Congress itself deserves censure for not meeting its oversight responsibilities.

One way to meet those oversight responsibilities is to repeat what this Congress did during World War II when it created the Truman Commission. At that time, you had a Democratic Congress that was not afraid to investigate the activities of a Democratic administration, and Harry Truman investigated waste and war profiteering. They held 432 public hearings, 300 executive sessions, went on hundreds of fact-finding missions, issued 51 reports and saved some $15 billion of the taxpayers' money.

We have stories that are rampant today about the abuse of taxpayer money in Iraq and Katrina, and yet this Congress is doing very little by way of aggressive oversight. I am going to vote against the previous question because I want to see an amendment creating a new Truman committee made in order.

The second thing I want to see is I want to see Congress, since the committee has already voted to block the Dubai port deal, I want to see the Congress go beyond that and to establish a rational process to guarantee that in the future our government will know every time a similar transaction is being contemplated. Right now, the only way our government knows is if the two parties who have an economic interest in the deal voluntarily tell the United States Government.

Mr. SABO tried to get that amendment adopted in committee. It failed.

In my view, if you are going the pass the Lewis amendment, which all but two members of the Appropriations Committee supported, it ought to also contain the Sabo amendment so that we do, in fact, establish a rational process so that we are not just looking like a flock of chickens every time something happens that panics the Congress. In that way, we would at least have a systematic way for the administration to review each and every one of these potential sales or transactions, and we would have a way for Congress to do the same.

So, unless those two amendments can be considered by this House, I see no reason why I should support the previous question or the rule, for that matter.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Let me first reply to my good friends, the gentleman from Indiana and the gentleman from Texas, who spoke earlier about their concern about the rule.

I remind them both, and as I will remind repeatedly everyone on this rule, we have an open rule today. If my friends on the other side of the aisle have something they object to, for instance they could strike title II of this particular bill, and, frankly, it would go right back to committee, so there is no need to bring down the rule. The mechanisms are in place, the processes are in place for the House to work its will.

I would also remind my friends on both sides of the aisle that this bill ultimately, not the rule, but the bill itself, is ultimately about providing for the needs of American forces in the field in combat today, now. We can debate whether the war was wise, whether it is conducted well, at our leisure. They need what they need immediately, and we should respond to their needs, regardless of what our opinions are where the war is concerned or regardless of what our opinions are in terms of procurement or spending.

And I say the same thing with respect to our fellow citizens along the gulf coast. They need help now. This House has responded generously twice already in supplementals. This is the third one. We will be back here again without a doubt dealing with that item. I do not think for procedural questions, particularly when we have an open rule, we should risk slowing down things that our troops in the field need or that our fellow citizens in need along the gulf coast require.

My good friend from Wisconsin, and he is my good friend, made the point which I do not want to leave uncontested that this, quote, President had engaged in the worst military blunder in American history. That is a remarkable statement, considering the Vietnam era where we had Democratic Presidents John F. Kennedy and Lyndon Johnson commit us to a war.

The fact is this war has the lowest casualty rate in American history, and the stakes are enormously high. Were we to lose in this particular endeavor, there is no question that our enemies around the world would gather strength. It would be seen as a victory for terrorists; it would be seen as a lack of will on the part of the United States.

I think the stakes here are worth it. I have been to Iraq on five occasions, and one can always be critical of specific things. I do not think you can be critical of our forces in the field. Their performance is brilliant.

And, honestly, let me say a word here on behalf of the Iraqi people. We did ask them to rise up in 1991, and we did not do a thing. Thousands of them were slaughtered. Now we have come again. We have helped them liberate themselves from one of the worst tyrants certainly in the history of their country and certainly in regional history, and they have asked our help to stay and work through a difficult process.

They have demonstrated their bravery again and again and again in three different elections where they came out to vote under very difficult circumstances. They demonstrate their bravery in the field in their commitment and their willingness to take on an increasing range of responsibility. Even when I am occasionally frustrated with politicians in Iraq, as I sometimes am frustrated with ourselves in this body, I stop and remember they are exceptionally brave people.

My colleagues and I may worry about losing an election. Most of us do not worry about losing our life by engaging in a political process to make our country free. I think when people make that kind of sacrifice in the pursuit of democracy and freedom, they deserve the support of this body among all bodies in this world and certainly this country.

Let me add, frankly, one other point on Katrina. I know many of my colleagues have had the opportunity and taken the opportunity to go down and visit the gulf coast. Personally, I certainly have done that; and I would just tell all my friends that have concerns about the expenditure of funds in that particular area, and sometimes I do as well, go look at the damage. It is massive. It is massive.

Again, we had a very critical and I think very good report issued by a special committee of this body, chaired by my good friend, distinguished chairman of the Government Reform Committee, TOM DAVIS, that was unstintingly critical. I remind my friends on the other side of the aisle, unfortunately, they did not participate in that. They chose to think it would be a sham, and clearly it was not. There are mechanisms and means for us to look at and learn the lessons of Katrina and apply them and let the chips fall where they may in the process. Rejecting the rule will bring down the underlying bill and, in my opinion, is not one of them.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, New Orleans is not the only place where tens of thousands of Americans stand in peril from flooding and drowning because of defective levees. The good people across three congressional districts along the Rio Grande River at the southernmost tip of Texas are just as much at risk with hurricane season only weeks away. That is why I will be offering today an amendment to prevent the next Katrina-like disaster.

We Texans in the Valley must rely on the Federal Government, which has the exclusive, sole responsibility for ensuring the integrity of our levees and protecting our lives and livelihood from flooding. Exactly 1,018 days ago, this Administration received an alarming report from a part of its own State Department that those Federal levees are up to "9 feet deficient in height," geologically flawed, structurally unsound, and would "overtop along 38 river miles."

So urgent is the problem that last year the Appropriations Committee asked the Administration to request additional levee money, and I believe the State Department wants to do this, but the President's request is strangely silent on this matter.

Recognizing the risk of loss of lives, the disruption of families, the substantial economic harm that would be caused, 39 local governments, chambers of commerce and economic development corporations have called on this administration to act. So have Congressmen ORTIZ, REYES, HINOJOSA and myself, working together, to seek the $7.8 million requested here which represents the difference between the little bit that was appropriated last year and what the IBWC says it needs to prevent a flooding disaster.

A few million in flood prevention today could save billions of dollars in flood relief. The Federal Government should not shirk its responsibility, its sole responsibility, to protect the lives and livelihood of the good Americans who live and work in the Texas Rio Grande Valley.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. Mr. Speaker, once again we are asked to provide tens of billions of dollars for the war in Iraq under the pretense that this war, now entering its fourth year, is a so-called unexpected emergency. The Iraq war is indeed an emergency, Mr. Speaker, but it is hardly unexpected.

I support the funds provided in this bill for the continuing hurricane relief and recovery for the people in the gulf coast. I support the funding for emergency humanitarian needs, famine relief and peacekeepers in Darfur, Sudan.

I would like to be clear, Mr. Speaker, I support our diplomatic, humanitarian, economic and military activities in Afghanistan, but I simply cannot support a single dime more for the war in Iraq.

Every day, the American people wake up to headlines describing how much worse the situation grows in Iraq: Iraqi Police Tied to Abuses and Deaths; Chaos in Iraq; U.S. General Says U.S. Troops Add to Instability; 72 Percent of U.S. Troops Want Withdrawal Within a Year.

Mr. Speaker, Iraq is in the midst of a spiraling civil war. On February 26, Pentagon officials said that the number of Iraqi army battalions capable of fighting the insurgency on their own has slipped since September from one battalion to none. The newly formed government is paralyzed by sectarian divisions.

The U.S. has turned its back on rebuilding Iraq. Ironically, the Bush administration has no problem cutting and running on reconstruction for Iraq.

Mr. Speaker, did you know that the only new construction aid in this supplemental is for more prisons in Iraq? Not schools or hospitals or roads, just prisons.

As both the GAO and the Inspector General have determined, there never was any systematic plan for stabilization and reconstruction in Iraq. Now we are paying the price.

Over 2,300 American military men and women have paid the ultimate price, their lives, trying to do their best to implement this awful policy, but it cannot be done, Mr. Speaker. And we cannot allow ourselves to be on the floor of this House next year looking at another so-called emergency supplemental for Iraq and talking about 5,000 or 10,000 American troops who have lost their lives.

It is time to bring our uniformed men and women home. It is time to begin a safe, orderly drawdown of our troops, one that we can control. If the Iraqis are not willing to solve their own problems through less bloody means, then why on Earth should American troops die for them?

Like so many of my House colleagues, once we were in Iraq, I felt we had a moral obligation to help the Iraqis rebuild their nation and form a representative government, but, Mr. Speaker, we are not helping anymore. Our presence is part of the problem, not part of the solution.

Mr. Speaker, it is easy for Members of this House to stand up and say, stay the course because, quite frankly, none of us are risking our lives. None of us are in harm's way. None of us are stuck over there because of the stunning failure and ineptitude of politicians in Washington.

☐ 1100

If you want to protect our troops, let's bring them home.

So it is with regret, genuine regret, that I must vote against passage of the supplemental. The House has become addicted to voting for more money for a policy that has gone terribly, terribly wrong. It is time to stop.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). The Chair would remind Members to attempt, for the benefit of all, to abide time limits in debate.

Mr. COLE of Oklahoma. Mr. Speaker, I came here this morning, obviously, to debate the rule. But as is so often the case in rules debate, we move on to the bill itself and some of the larger purposes. And I am always content and happy to have that debate. I think it is an important discussion for the American people to hear.

My good friend from Massachusetts, from the other side of the aisle, mentioned that essentially things are worse in Iraq. Worse than what? And worse than when? Worse than having Saddam Hussein in power? I think not. I would much rather have him where he is, in a courtroom, in jail, and no longer launching regional wars that claimed over a million lives.

Worse than 423 mass grave sites that have been uncovered since the arrival of coalition forces in Iraq? I think not. Worse than 400,000 Iraqis killed in the decade before the liberation of Iraq? Again, I think not.

I think that we sometimes, on this floor, act as if we are doing a favor to the people of Iraq by leaving. I think that is dangerously misguided logic. I do not think it is a favor. I do not think that it is a favor to the people in Iraq. That is not what their duly elected representatives have asked us to do.

They, by the way, are running enormous risks for their own freedom. They rose up to try to get their own freedom in 1991. We didn't do, in my opinion, what we should have done then. I have been there five times. I see more and more Iraqis doing more and more things for themselves, and I see no one that asks the United States to leave precipitously.

I also would disagree with my good friend on the issue of whether or not our interests are involved in this. I think they very much are involved in Iraq. I think that victory is an extraordinarily important thing for this country to secure. I think staying the course, or remaining and staying with our friends that are fighting now, in part because we are there, is a very important message to send to the region.

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. I thank the gentleman for yielding and for his courtesy.

I would simply say to the gentleman that the situation in Iraq right now is out of control. There is a civil war. A majority of the Iraqis want us gone. A majority of our troops believe that we should come home.

And I know the gentleman has been there. I have been there, too. Let me tell you something. It is one thing for a United States Congressman to go over and visit in Iraq and be protected 24 hours while they are over there; it is another thing for a American soldier to be put in the middle of a civil war where so many have lost their lives for a policy that has been based on fiction.

Mr. COLE of Oklahoma. Reclaiming my time, I would disagree with the gentleman on a number of points, but on one in particular.

It is not easy for anybody in this body to make the decision to send American troops into harm's way. My father was a career military person. My uncle spent 3½ years in a Japanese prison camp. My brother is a disabled Vietnam-era veteran, although not disabled in Vietnam. I have 15,000 soldiers at Fort Sill that I am privileged to represent. I have got another 8,000 or 9,000 airmen at Tinker Air Force Base that I am privileged to represent. My cousin is a lieutenant colonel in the United States Air Force, who spent 6 months in Afghanistan and 6 months in Iraq under very dangerous and difficult circumstances.

These are not decisions that anybody makes lightly for or against. Those people who are opposed to the war, as my good friend noted in the Rules Committee yesterday, initially, when it was "popular," did not make an easy decision. It is not popular today. Those of us who are still supportive of that effort are not making an easy decision. We are making what we think is the right decision. I respect my friend's motives in that regard. I think he has always been consistent. His judgment has been consistent, even though we have consistently disagreed. I would ask for the same sentiment in reverse; that those of us who hold a different point of view are equally honorable in our motivation, equally intense about what we are doing, and equally convinced the course we are advocating is the correct one.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentlewoman, and I just share with my friend from Oklahoma, too bad we couldn't have had the debate you are now having at the beginning of the Iraq situation instead of going in on false information and on false pretenses. I think it would have been a much more enlightened debate, and I am sure you could have held your own at that point in time as you are doing here.

The shame of it is, of course, that the country was not told we were going into Iraq for anything to do with Saddam Hussein, other than weapons of mass destruction that were never found, connections with al Qaeda that were never found, and on that basis. That is why many in this country feel they have been misrepresented in this situation and that it has been badly prosecuted since then with tremendous incompetency.

The tremendous incompetency continues in a number of different ways, one of which is the contracting that has been going on and the loss of money, the mismanagement of money, the inability to track where money has gone for the American taxpayer in there, which is why Congressman JIM LEACH of Iowa and I have filed over the last several years a bill to set up the Truman Commission, based on the commission that happened during World War II when Senator Truman had a commission investigate the contracting, and in a Democrat administration, and they did two things: one was it made sure that the materials got to the troops that they needed at that time. And it saved lives. It was for their protection, to make sure the money wasn't wasted and that it went for the things the troops needed. And the other, of course, was to make sure the taxpayers' money was being spent as it should.

There are two things that Congress does: one is legislate and the other is oversight, to make sure the taxpayers' money is being spent properly and that the policy is being carried out in the way that it should. This Congress has been incredibly lacking in the oversight area. We have not done our job, particularly with regard to what is going on in Iraq and Afghanistan, which is why I am going to vote against the motion here for the rule. Because we ought to have waivers for the motions that Mr. LEACH and I brought to make sure that we investigate, have a separate commission set up to investigate.

Yes, this is an open rule, but it very pointedly leaves out that type of oversight, both in the Afghan and Iraq situation, and in the Katrina situation, where we are seeing the same kind of incompetence and waste and questionable action that might lead to fraud. In both instances, people will be hurt there if supplies are not gotten to them immediately, and the taxpayer will be hurt if the money isn't spent efficiently. So we ought to do that.

And with respect to the gentleman's argument that we are in such a rush and this is an emergency, the brief period of time it would take to make those corrections and put those waivers in are not going to bring us beyond the period of time for which money already exists that is protecting our troops and dealing with the people in the gulf area.

So I think it is important that we do our job. It is about time this Congress stood up. Not one dollar more. Because every dollar that is wasted is a dollar that isn't being spent on body armor and roadside jammers for bombs, and up-armor for Humvees. Every dollar wasted is not getting housing and other services to people in Louisiana and Mississippi and that region.

It is time we put the waivers in place and we went forward with these investigatory commissions so that as things are transpiring, we can know that we are doing our job of oversight and the troops in one area, and the victims of the storms in the other area are getting the materials and the things that they need, and that the American taxpayers' money is being protected.

Mr. COLE of Oklahoma. Mr. Speaker, I want to address several of the points of my good friend from Massachusetts.

First, in terms of going into war without the information and without the debate. I was not in Congress when that decision was made, and, frankly, I looked back and have read the debates very carefully, watched the debates at that time, and know that, frankly, everybody that was voting voted on the best information they had available at that time.

Frankly, I remind my good friend that we were operating with a CIA that was run by a President Clinton appointee, that he was pretty adamant in terms of there were WMDs there. That was the shared opinion of every other intelligence agency in the world. And, again, I don't question the motives of the decision that was made.

I would also add this. For me, the more compelling figure is not what we found before we thought we were going, but what we found after. I go back to those mass grave sites and I go back to those tens of thousands of people that were killed. And, frankly, I go back to a level of American responsibility for allowing that to persist, in my opinion, after 1991.

I relate to my friend a story that I heard on my very first visit to Iraq, when I was talking to a young American sergeant. It was becoming evident at that point that the stockpiles we thought were going to be there weren't there. There was dual-use technology, and perhaps the potential to recreate something. No question Saddam Hussein was working his way out of restrictions, but what we thought was there, wasn't there.

And I asked this young sergeant who had risked his life in the drive to Baghdad what he thought, given that information. And he first gave me sort of a nice stock political answer and said basically what I said: Well, we don't know. We are still looking. And I said, but we haven't found any. And he looked at me, and I will never, ever forget what he said when I said, so, was it worth it? And he answered my question with a question.

He said, sir, have you ever been to a mass grave site? And I said, no, I haven't. He said, I have. He said, you haven't seen anything until you see bodies coming out of the ground and hundreds of family members trying to identify them and wailing. And I have seen that, and I wonder why the whole world wasn't here 10 years ago. That is a good question for us to ask ourselves inuring the course of this debate.

I also want to address my friend's point about a commission in two ways. First, by making the point that there is a good deal of oversight that goes on in this process. I used to serve on the House Armed Services Committee. I still do. I have a waiver on that committee now. But that committee, I can assure you, is very thorough in its oversight. I think appropriations has an oversight function.

But, finally, and more importantly, I think on this particular piece of legislation, both sides of the House often ask for an open rule, and anything germane to this piece of legislation, this supplemental appropriation, can be brought here. I think that is a very good thing. Now we are being told we not only want things that are germane to one of the largest spending bills and one of the most important pieces of legislation that we will deal with this year, we want things that are not germane. We want waivers granted.

And, by the way, we are being told that by both sides of the aisle. This is not an exclusive demand. I think it is a misdirected demand. I would like to see us move back toward more open rules, more regular order, and I think this rule is a step in that direction.

Mr. TIERNEY. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield 20 seconds to my friend.

Mr. TIERNEY. Thank you.

Well, first of all, I was here when we voted on the Iraq thing, and believe me, there was plenty of information for people that wanted to look at it to know which way things were going. And certainly our White House should have known which way things were going, and they made representations that turned out not to be accurate. So people can be responsible for their acts.

Secondly, the mass graves you are talking about are mass graves of the late 1980s, early 1990s, when members of our present administration were over there being friendly with the Iraqis and with Saddam Hussein.

It is never not germane for this body to do its oversight duty. It is always germane.

Mr. COLE of Oklahoma. Reclaiming my time. I disagree with my friend's characterization of when the mass graves were. There are certainly 35 years' worth of mass graves in Iraq, but a lot of them are from 1991 on, and particularly from the uprising of the Shi'a against Saddam Hussein, when an American Army was sitting on their border and we urged them to rise up and did nothing to help them.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I will be happy to yield 30 seconds to the gentleman from Massachusetts.

Mr. TIERNEY. I want to clarify that in 1991, the first Mr. Bush was President, when you were encouraging the uprising to go into that, and that is a period of time when there were many mass graves in that situation.

And, secondly, I just want to drive home the point that there is never a time when oversight for this group is not germane to the function that we do. We legislate, we have oversight, and there has been no effective oversight of either the Katrina situation or what is going on with contracting in Iraq and Afghanistan, not from any committee in this body, and the record is clear on that and it speaks for itself.

Mr. COLE of Oklahoma. Let me just make a quick point on Katrina.

Actually, there was good oversight there. Chairman DAVIS had a very good committee. Unfortunately, my friends on the other side of the aisle chose largely not to participate in an oversight function.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds just to say that President Bush's first Secretary of the Treasury, Mr. O'Neill, wrote a book after he left and commented that the first Cabinet meeting he went to, in January, they were discussing going into Iraq, to his great surprise. So that was planned long before September 11.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I thank the ranking member for yielding.

I am disappointed that the Rules Committee has not allowed me to offer my amendment to strengthen the CFIUS foreign investment review process during consideration of the supplemental appropriations bill.

Americans deserve a rigorous review of foreign investments that affect our national security posture. Never again should we find that the President and the Secretaries of Homeland Security, Treasury and Defense are unaware of a critical transaction until after it has been approved.

As you know, the Appropriations Committee voted overwhelmingly last week to kill the Dubai World Port terminal acquisition, which, it is my understanding, requires a rule waiver to be made germane. It declined, however, to address the larger underlying process problem.

❑ 1115

My amendment would strengthen the CFIUS process in the following ways: all transactions that could result in foreign control of any person engaged in interstate commerce would be required to undergo a full review to determine whether it affects U.S. national security.

Today, foreign firms voluntarily, and let me say that again, voluntarily notify us of these transactions. I believe notification must be mandatory to ensure that our government knows about all such transactions.

My amendment would also retain the Secretary of the Treasury as the chairperson of the committee. The President would be required to approve or disapprove of all transactions. Today, if the President takes no action, the transaction is automatically approved.

The review period would automatically extend to the full 75 days. Current practice allows most transactions to be reviewed within 30 days, with an additional 45 days only if flags are raised.

Congress must be notified of Presidential decisions. Furthermore, Congress could overturn approvals within 30 days by a joint resolution. Today, Congress is notified of a CFIUS transaction only when the President disapproves one.

Within 90 days of enactment, the administration would also be required to report to Congress on foreign ownership of all U.S. critical infrastructure. Today, no one really knows how much of our critical infrastructure is in the hands of foreign companies and foreign governments.

Failing to fix the inherent flaws in the CFIUS process leaves our Nation vulnerable in the future. We should not take that chance. We should act now to strengthen the foreign investment review process.

I urge Members to vote "no" on the previous question so this amendment can be made in order and the House can vote on this important issue.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Minnesota for his point. I thought he had a very interesting amendment yesterday in the Rules Committee. I think it is a topic and amendment that deserves a great deal of study because I think the reform of that process is very much in order.

I would prefer that we move through an authorizing committee to do that, as opposed to simply discussing it in the Rules Committee, where we have no background, no staff, and then immediately inject it onto the floor.

My disagreement with my friend is largely over process here, and not necessarily over substance. I hope we do look at that process and do take his very thoughtful amendment into consideration through regular order.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would simply say, ordinarily, I would agree that the authorizing committee should deal with this issue. But given the fact that the Appropriations Committee at the leadership level took the action to wipe out the Dubai deal, to me it was appropriate that we make that provision have even more sense by having it attached by the same committee that did the other deed.

Mr. COLE of Oklahoma. Mr. Speaker, reclaiming my time, I would draw a distinction here. I think there is a big difference between stopping a decision that you disagree with, which I think can be done without a great deal of moving through process, and changing a process itself. I think that is actually a more difficult, time-consuming, complex operation. I think it needs an authorizing committee to look at it.

I think it is very appropriate for the Appropriations Committee to say, stop, we have serious concerns, we do not want to go through with this; and hopefully at that point we would proceed by regular order and consider the gentleman's thoughtful amendments that may come along.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time to close.

I am going to be asking Members to vote "no" on the previous question so I can modify the rule and allow the House to consider two very critical amendments.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, the first amendment by Mr. SABO will create a new review and approval process to ensure that the secret, backroom deals, like the irresponsible Dubai Ports World, cannot happen again. The Sabo amendment strengthens the process by which our government reviews future foreign takeovers. It will require that all foreign transactions that could result in foreign control of any entity engaged in interstate commerce must undergo a thorough review that mandates the direct involvement of the President and the Congress.

The second amendment, by Ms. KAPTUR, will create a select congressional committee based on the Truman Committee from the Second World War to investigate and study the awarding and carrying out of government contracts, to conduct military and reconstruction activities in Iraq, and for the rebuilding efforts in the gulf coast in the wake of Hurricane Katrina.

There is ample evidence of the necessity of this modern-day Truman Committee. Every day, more examples of fraud emerge. Billions and billions of dollars have been misused both in this country and overseas, and ensuring vigilant oversight of taxpayer dollars should not be a partisan issue. We owe it to the American taxpayers. We owe it to our brave soldiers in harm's way, and we owe it to the citizens in Louisiana, Mississippi, and Alabama who struggle every day to put their lives back together after the ravages of Hurricane Katrina.

I want to emphasize that this vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the narrow, inflexible agenda of the majority.

A "no" vote will allow those of us concerned about the safety and security of America to create a more responsible process for contracting out of our interstate commerce activities to any foreign entities. It would allow us to investigate the spending irregularities that have occurred with respect to the war in Iraq and the reconstruction efforts in the aftermath of Hurricane Katrina. In short, it is a vote to consider the priorities of the American people, the priorities blocked by the majority.

Mr. Speaker, I want to emphasize that a "no" vote on the previous question will not prevent the consideration of the supplemental bill. The bill will still be considered in its entirety. However, a "yes" vote will prevent us from voting on these two important initiatives. I urge all Members to join with me in supporting our soldiers and vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself the balance of my time.

In closing, I would like to say I believe we have had an excellent debate today. What is clear to me is the importance and the timeliness of this legislation. With that said, I would encourage Members to listen carefully to the following debate and to vote in support of the underlying legislation.

Additionally, I would encourage Members to be cautious when considering the amendments. This bill has been carefully crafted and worked in a way to ensure that our servicemen receive the best equipment when they go to war.

Equally important, the bill contains important measures to help our fellow citizens in the gulf coast as they continue to deal with the consequences of the worst natural disaster in American history.

Finally, I would ask Members to remember this is not a vote about the wisdom of the war in Iraq. The President and the Congress made that decision years ago. This vote is about giving those we have asked to execute our policy in Iraq the tools they need to do their job. The men and women serving our cause in Iraq ask for nothing more. In good conscience, we should give them nothing less.

Similarly, this is not a debate about the nature of the governmental response to Hurricane Katrina. This matter has been dealt with in a detailed report issued by a select committee chaired by the chairman of the Government Reform Committee, the gentleman from Virginia (Mr. TOM DAVIS).

Finally, this is also not a vote in essence about fiscal discipline. The process that the rule allows would allowed those concerned about spending to strip portions of the bill that concern them and send them back. It would also, of course, allow them at the end to vote against the bill itself if they thought it was too expensive. The rule allows, as I wish to remind my colleagues, for an open rule, that is, any Member of this body, majority or minority, can bring an issue germane to the bill to the floor, have it heard and have it decided. This is a movement toward regular order, and I think it is one we should respect and appreciate by upholding the rule.

To close, I would urge my colleagues to support this rule and the underlying legislation.

Ms. PELOSI. Mr. Speaker, we will soon consider a bill that will provide more than $90 billion for the continued wars in Iraq and Afghanistan and the continued response to Hurricane Katrina. As we debate this bill, we must also put in place measures to ensure that these funds are spent wisely.

As a result of the work of the special Inspector General in Iraq and the General Accountability Office, we know that billions of dollars has been wasted, and fraud and abuse is rife in the Katrina rebuilding and the war in Iraq.

One would presume that after being advised that taxpayer money had been misused, Congress would make certain that similar misuse would not occur in the future. Sadly, that presumption would be wrong. Perhaps no failures have been so regular and so great in the Republican Congress as the failure to do effective oversight.

Today, we have a chance to reverse this record of lax oversight by allowing the consideration of the Kaptur-Sabo amendment. The amendment would add some strength to an oversight process badly in need of it by: establishing a select committee modeled on the World War II Truman Committee and ensuring that Congress would have a vote on the adequacy of the national security review done on any proposed acquisition by a foreign entity of a business involved in interstate commerce in the United States.

The Truman Committee taught two important lessons—especially in war time—contractor performance needs to be closely scrutinized, and that scrutiny can be provided without partisanship.

Reports that $9 billion in money intended for use in Iraq cannot be accounted for should be reason enough to create a Truman-like committee, as envisioned by Ms. KAPTUR, Mr. TIERNEY, and Mr. LEACH. Evidence that money that was supposed to relieve suffering in the areas devastated by Katrina has been misused offers a strong endorsement.

Our recent experience with the Dubai Ports World acquisition should have convinced us that Congress has a role in determining whether and when foreign entities can safely operate elements of our critical infrastructure. These determinations are simply too important to be left solely to the judgment of the executive branch. Mr. SABO proposes a workable, common-sense process. We should consider it today.

Mr. Speaker, the American people expect Congress to do more than write blank checks. They expect us to be aggressive in making sure that money is spent responsibly. Unfortunately, this Republican Congress has failed to meet this expectation. With this amendment we could begin the oversight of taxpayer dollars that should have begun long ago. I urge my colleagues to defeat the previous question and let us adopt the Kaptur-Sabo amendment.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in opposition to the previous question so that the House can consider a critical amendment that would strengthen the CFIUS review process.

As we know all too well from the recent controversy over the Dubai ports deal, the current process for reviewing foreign takeover of national infrastructure is deeply flawed. Federal law currently allows the Committee on Foreign Investment in the United States (CFIUS) up to 30 days to examine a potential sale and determine whether to begin a more thorough 45–day security investigation. This process is meant to examine the national security implications of handing over critical infrastructure to foreign companies. However, as we now know, far too often the committee forgoes a deeper review of these deals. CIFIUS has investigated an estimated 1500 foreign investment transactions since it was established, of which 25 have gone into the 45 day review and only one has been blocked.

Defeating the previous question would allow the House to consider an amendment offered by Mr. SABO that is blocked by the underlying rule. The Sabo amendment would strengthen the current CFIUS process by requiring all foreign transactions that could result in foreign control of any asset or infrastructure that affects national security to undergo a full review. It mandates a more critical look at these deals by ensuring a 75 day security review of CFIUS transactions and requires the President to either approve or disapprove all deals. The amendment also requires that Congress be notified of Presidential approvals and allows for Congress to overturn decisions within 30 days with a joint resolution. In total, these changes would bring some common sense reform to a process that is central to the security of our vital infrastructure and the American people.

The Dubai Port World deal showed that the actions of the Committee on Foreign Investment in the United States (CFIUS) need to be taken out of the shadows and brought into the light. Congress should not be rubber-stamping the Administration's backroom deals, it should be reviewing them thoroughly. While H.R. 4939 will put an end to the already dead Dubai Ports World deal, focusing on this one transaction ignores the larger flaws in the CFIUS review process and the wide gaps in our port security. This important amendment deserves nothing less than an up-or-down vote.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 725—RULE ON H.R. 4939, MARCH 2006 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ/KATRINA

At the end of the resolution add the following:

SEC. 2. Before consideration of any other amendment it shall be in order to consider the amendments printed in section 3, which may be offered only in the order specified, may be offered only by the Member designated or a designee, shall be considered as read, shall not be subject to amendment except pro forma amendments for the purpose of debate, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived.

SEC. 3. The amendments referred to in section 2 are as follows:

(a) Amendment offered by Representative Sabo:

AMENDMENT TO H.R. 4939, AS REPORTED
OFFERED BY MR. SABO OF MINNESOTA

Page 83, after line 16, insert the following new section:

SEC. 3011A. (a) Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended to read as follows:

"SEC. 721. INVESTIGATION OF CERTAIN TRANSACTIONS FOR NATIONAL SECURITY IMPLICATIONS.

"(a) INVESTIGATIONS.—

"(1) IN GENERAL.—Upon receiving written notification, as prescribed by regulations under this section, of any merger, acquisition, or takeover proposed or pending on or after the date of the enactment of this section by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States, the President, acting through the President's designee and the Committee on Foreign Investment in the United States shall conduct an investigation to determine the effects, if any, of the proposed or pending merger, acquisition, or takeover on the national security of the United States.

"(2) TIMING.—Any investigation required under paragraph (1) shall be completed before the end of the 75-day period beginning on the date of the receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover.

“(b) Confidentiality of Information.—

“(1) In general.—Any information or documentary material filed with the President or the President's designee pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding.

“(2) Availability to the congress.—No provision of paragraph (1) shall be construed as preventing the disclosure of any information or documentary material to either House of Congress or to any duly authorized committee or subcommittee of the Congress.

“(c) Committee on Foreign Investment in the United States.—

“(1) Establishment.—The Committee on Foreign Investment in the United States established pursuant to Executive Order No. 11858 (hereafter in this section referred to as the ‘Committee’) shall be a multi-agency committee to carry out this section and such other assignments as the President may designate.

“(2) Membership.—The Committee shall be comprised of the following members:

“(A) The Secretary of the Treasury.

“(B) The Secretary of State.

“(C) The Secretary of Defense.

“(D) The Secretary of Homeland Security.

“(E) The Attorney General.

“(F) The Secretary of Commerce.

“(G) The Director of the Office of Management and Budget.

“(H) The United States Trade Representative.

“(I) The Chairman of the Council of Economic Advisors.

“(J) The Director of the Office of Science and Technology Policy.

“(3) Chairperson.—The Secretary of the Treasury shall be the Chairperson of the Committee.

“(4) Other members.—The Chairperson of the Committee shall involve the heads of such other Federal agencies, the Assistant to the President for National Security Affairs, and the Assistant to the President for Domestic Policy in any investigation under subsection (a) as the Chairperson determines to be appropriate on the basis of the facts and circumstances of the transaction under investigation.

“(5) Role of the director of national intelligence.—The Director of National Intelligence shall provide appropriate intelligence analysis and intelligence briefings to the Committee.

“(d) Action by the President.—

“(1) In general.—No proposed or pending acquisition, merger, or takeover, of a person engaged in interstate commerce in the United States by or with foreign persons may occur unless the President, on the basis of an investigation and report by the Committee, finds that such acquisition, merger or takeover, will not threaten to impair the national security of the United States, as defined by regulations prescribed pursuant to this section, and approves the transaction.

“(2) Enforcement.—The President shall direct the Attorney General to seek appropriate relief, including divestment relief, in the district courts of the United States in order to implement and enforce—

“(A) any finding, action, or determination under this section of disapproval of an acquisition, merger, or takeover; or

“(B) any conditions imposed on any approval of any acquisition, merger, or takeover.

“(3) Finality of determinations.—All actions and determinations under this section shall be final and not subject to judicial review.

“(e) Findings by the President.—

“(1) In general.—A finding under this section of impairment or threatened impairment to national security shall be based on credible evidence that leads the President to believe that—

“(A) the foreign interest exercising control might take action that threatens to impair the national security; and

“(B) other provisions of law do not provide adequate and appropriate authority for the President to protect the national security.

“(2) Factors to be considered.—Any investigation under this section shall take into account the following factors:

“(A) Domestic production needed for projected national defense requirements.

“(B) The capability and capacity of domestic industries to meet national defense requirements, including the availability of human resources, products, technology, materials, and other supplies and services.

“(C) The control of domestic industries and commercial activity by foreign citizens as it affect the capability and capacity of the United States to meet the requirements of national security.

“(D) The potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

“(i) identified by the Secretary of State—

“(I) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

“(II) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

“(III) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons; or

“(ii) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978 on the ‘Nuclear Non-Proliferation-Special Country List’ (15 C.F.R. Part 778, Supplement No. 4) or any successor list.

“(E) The potential effects on the proposed or pending transaction on United States international technological leadership in areas affecting United States national security.

“(f) Report to the Congress.—Upon making any determination to approve or disapprove any merger, acquisition, or takeover by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States, the President shall immediately transmit to the Secretary of the Senate and the Clerk of the House of Representatives a written report of the President's determination under this section to approve or disapprove such merger, acquisition, or takeover, including a detailed explanation of the finding made and factors considered.

“(g) Congressional Action.—

“(1) In general.—If the determination of the President contained in the report transmitted to the Congress under subsection (f) is that the President will approve any merger, acquisition, or takeover under subsection (d) and not later than 30 days after the date on which Congress receives the report, a joint resolution described in paragraph (2) is enacted into law, then the President shall take such action under subsection (d) as is necessary to prohibit the merger, acquisition, or takeover, including, if such acquisition has been completed, directing the Attorney General to seek divestment or other appropriate relief in the district courts of the United States.

“(2) Joint resolution described.—For purposes of paragraph (1), the term ‘joint resolution’ means a joint resolution of the Congress, the sole matter after the resolving clause of which is as follows: ‘That the Congress disapproves the determination of approval of the President contained in the report submitted to Congress pursuant to section 721(f) of the Defense Production Act of 1950 on   .’, with the blank space being filled with the appropriate date.

“(3) Computation of review period.—In computing the 30-day period referred to in paragraph (1), there shall be excluded any day described in section 154(b) of the Trade Act of 1974.

“(h) Regulations.—The President shall direct the issuance of regulations to carry out this section. Such regulations shall, to the extent possible, minimize paperwork burdens and shall to the extent possible coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law.

“(i) Effect on Other Law.—No provision of this section shall be construed as altering or affecting any existing authority, power, process, regulation, investigation, enforcement measure, or review provided by any other provision of law.

“(j) Technology Risk Assessments.—In any case in which an assessment of the risk of diversion of defense critical technology is performed by the Committee or any other designee of the President, a copy of such assessment shall be provided to any other designee of the President responsible for reviewing or investigating a merger, acquisition, or takeover under this section.

“(k) Biennial Report on Critical Technologies.—

“(1) In general.—In order to assist the Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall complete and furnish to the Congress, not later than May 1, 2007, and upon the expiration of every 2 years thereafter, a report, both in classified and unclassified form, which—

“(A) evaluates whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer; and

“(B) evaluates whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technology.

“(2) Definition.—For the purposes of this subsection, the term ‘critical technologies’ means technologies identified under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976 or other critical technology, critical components, or critical technology items essential to national defense or security identified pursuant to this section.

“(l) Biennial Report on Critical Infrastructure.—In order to assist the Congress in its oversight responsibilities, the President and such agencies as the President shall designate shall complete and furnish to the Congress, not later than 90 days after the date of enactment of this subsection and upon the expiration of every 2 years thereafter, a report, both in classified and unclassified form, which—

"(1) lists all critical infrastructure, as defined under subtitle B of title II of Public Law 107–296, that is owned, controlled or dominated by an alien, a foreign corporation, or a foreign government;

"(2) evaluates whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States critical infrastructure; and

"(3) evaluates whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies controlling critical infrastructure.".

(b) The amendments made by subsection (a) shall apply to the review and investigation of any acquisition, merger, or takeover which is or becomes subject to section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) (as in effect immediately before the date of the enactment of this Act or on or after such date) that has not become final before the date of the enactment of this Act.

(b) Amendment offered by Representative Kaptur:

AN AMENDMENT OFFERED MS. KAPTUR TO THE FY 2006 EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL

On page 80, after line 19, insert the following:

TITLE IV—ESTABLISHMENT OF A "TRUMAN" INVESTIGATIVE COMMITTEE TO PROTECT AGAINST WASTE, FRAUD, AND ABUSE RELATED TO CONTRACTS FOR THE GLOBAL WAR ON TERRORISM AND HURRICANES KATRINA AND RITA REBUILDING EFFORTS

SEC. 1. There is hereby created a select committee on the model of the Truman Committee to investigate the awarding and carrying out of contracts to conduct military operations and relief and reconstruction activities related to the global war on terrorism (including all activities in Afghanistan and Iraq), and Hurricane Katrina recovery, relief, and reconstruction efforts (hereinafter referred to as the "select committee").

SEC. 2. (a) The select committee is to be composed of 19 Members of the House, one of whom shall be designated as chairman from the majority party and one of whom shall be designated ranking member from the minority party. The Chairmen and Ranking Members of the following committees will serve on the select committee:

(1) Committee on Armed Services;

(2) Committee on Government Reform;

(3) Committee on Homeland Security; and

(4) Committee on International Relations.

The Chairmen and Ranking Members of the following subcommittees of the Committee on Appropriations will serve on the select committee:

(1) Subcommittee on Defense;

(2) Subcommittee on Foreign Operations, Export Financing, and Related Programs; and

(3) Subcommittee on Homeland Security.

In addition, the Speaker shall appoint 5 members of the select committee, of which 2 members shall be appointed upon the recommendation of the minority leader. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(b) The select committee shall conduct an ongoing study and investigation of the awarding and carrying out of contracts by the Government for military operations and relief and reconstruction activities related to the global war on terrorism (including all activities in Afghanistan and Iraq), and Hurricane Katrina recovery, relief, and reconstruction efforts and make such recommendations to the House as the select committee deems appropriate regarding the following matters—

(1) bidding, contracting, and auditing standards in the issuance of Government contracts;

(2) oversight procedures;

(3) forms of payment and safeguards against money laundering;

(4) accountability of contractors and Government officials involved in procurement;

(5) penalties for violations of law and abuses in the awarding and carrying out of Government contracts;

(6) subcontracting under large, comprehensive contracts;

(7) inclusion and utilization of small businesses, through subcontracts or otherwise; and

(8) such other matters as the select committee deems appropriate.

SEC. 3. (a) QUORUM.—One-third of the members of the select committee shall constitute a quorum for the transaction of business except for the reporting of the results of its study and investigation (with its recommendations) or the authorization of subpoenas, which shall require a majority of the committee to be actually present, except that the select committee may designated a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony and receive evidence.

(b) POWERS.—For the purpose of carrying out this resolution, the select committee may sit and act during the present Congress at any time and place within the United States or elsewhere, whether the House is in session, has recessed, or has adjourned and hold such hearings as it considers necessary and to require, by subpoena or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, and other things and information of any kind as it deems necessary, including relevant classified materials.

(c) ISSUANCE OF SUBPOENAS.—A subpoena may be authorized and issued by the select committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed by the chairman or by any member designated by the select committee, and may be served by any person designated by the chairman or such member. Subpoenas shall be issued under the seal of the House and attested by the Clerk. The select committee may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Government.

(d) MEETINGS.—The chairman, or in his absence a member designated by the chairman, shall preside at all meetings and hearings of the select committee. All meetings and hearings of the select committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing.

(e) APPLICABILITIES OF RULES OF THE HOUSE.—The Rules of the House of Representatives applicable to standing committees shall govern the select committee where not inconsistent with this resolution.

(f) WRITTEN COMMITTEE RULES.—The select committee shall adopt additional .written rules, which shall be public, to govern its procedures, which shall not be inconsistent wit this resolution or the Rules of the House of Representatives.

SEC. 4. (a) APPOINTMENT OF STAFF.—The select committee staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(b) POWERS OF RANKING MINORITY MEMBER.—All staff provided to the minority party members of the select committee shall be appointed, and may be removed, by the ranking minority member of the committee, and shall work under the general supervision and direction of such member.

(c) COMPENSATION.—The chairman shall fix the compensation of all staff of the select committee after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the select committee.

(d) REIMBURSEMENT OF EXPENSES.—The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their functions for the select committee.

(e) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the House such sums as may be necessary for the expenses of the select committee. Such payments shall be made on vouchers signed by the chairman of that select committee and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 5. The select committee shall from time to time report to the House the results of its study and investigation, with its recommendations. Any report made by the select committee when the House is not in session shall be filed with the Clerk of the House. Any report made by the select committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer a amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes, if ordered, on adopting the resolution and on suspending the rules and adopting House Concurrent Resolution 190.

The vote was taken by electronic device, and there were—yeas 224, nays 192, not voting 16, as follows:

[Roll No. 40]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Andrews
Baird
Davis (CA)
Davis (IL)
Duncan
Evans
Ford
Harris
Istook
McCollum (MN)
Norwood
Peterson (MN)
Ruppersberger
Scott (GA)
Sweeney
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR) (during the vote). Two minutes remain in this vote.

□ 1152

Mr. ROTHMAN changed his vote from "yea" to "nay."

Mr. JONES of North Carolina changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FLAKE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 200, not voting 14, as follows:

[Roll No. 41]

AYES—218

Aderholt
Alexander
Allen
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chandler
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Hall
Hart
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kaptur
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Myrick
Ney
Northup
Nunes
Nussle
Oberstar
Osborne
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Akin
Baca
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chabot
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hayworth
Hefley
Hensarling
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Poe
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Andrews
Baird
Davis (CA)
Davis (IL)
Duncan
Evans
Ford
Harris
Istook
McCollum (MN)
Norwood
Peterson (MN)
Ruppersberger
Sweeney

☐ 1203

Messrs. PASCRELL, BOREN, JEFFERSON, SCOTT of Virginia and Ms. CORRINE BROWN of Florida changed their vote from "aye" to "no."

Mr. MARCHANT changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS THAT THE RUSSIAN FEDERATION SHOULD FULLY PROTECT THE FREEDOMS OF ALL RELIGIOUS COMMUNITIES WITHOUT DISTINCTION

The SPEAKER pro tempore (Mr. KIRK). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 190.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 190, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 1, answered "present" 1, not voting 19, as follows:

[Roll No. 42]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey

Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—1

Kucinich

NOT VOTING—19

Andrews
Baird
Calvert
Davis (CA)
Davis (IL)
Duncan
Evans
Ford
Harris
Istook
McCollum (MN)
Murtha
Norwood
Peterson (MN)
Rangel
Ruppersberger
Sweeney
Waters
Whitfield

☐ 1211

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 42, H. Con. Res. 190, I was en route from my Congressional District on official business. Had I been present, I would have vote "yea."

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the consideration of H.R. 4939, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 725 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4939.

☐ 1212

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, today we turn our attention to the fiscal year 2006 emergency supplemental, addressing the global war on terror and the gulf coast disaster assistance.

The committee-recommended funding levels is $91.833 billion, which is $400 million below the President's request.

The bill provides for $67.6 billion in support of Operation Iraqi Freedom and Operation Enduring Freedom. The supplemental fully funds the administration's request of $4.85 billion to train and equip security forces in Afghanistan and Iraq.

The bill earmarks, I repeat, Mr. Chairman, the bill earmarks $850 billion over the President's request to upgrade Abrams tanks and Bradley fighting vehicles. The committee is also earmaking, I repeat, Mr. Chairman, earmarking an additional $480 million over the request for newer, self-up-armored Humvees, for a total of $890 million of earmarks.

The committee has fully funded the President's request to procure and develop countermeasures to prevent IED attacks on our troops. The bill also includes the enhanced $400,000 life insurance benefit for servicemembers and $100,000 death gratuity for combat-related fatalities.

The committee did not fund $1 billion of the request for various construction projects related to security training activities in the region because they were poorly defined and not well justified.

The committee did provide a five-fold increase for the Department of Defense Inspector General to monitor war expenditures.

Under title II, the supplemental provides $19.1 billion for hurricane-related disaster assistance, including $9.55 billion for FEMA's disaster relief fund. The bill also provides $4.2 billion for HUD community development block grants to address long-term recovery and restoration of devastated areas.

☐ 1215

The bill also provides the requested amount of $1.46 billion for various flood control projects and levee repairs by the U.S. Corps of Engineers.

This legislation also requires FEMA to provide better reporting on the expenditure of disaster funds and provides funding for the Inspector General of the Department of Homeland Security and the Department of Justice to investigate and prosecute fraud cases.

Like most Members of the House, I have heard from many of my constituents expressing strong concerns about the possibility of foreign-owned companies managing U.S. ports. As a result of those concerns, the House Appropriations Committee overwhelmingly, and in a bipartisan fashion, adopted an amendment that prohibits the company, Dubai Ports World, owned by one of the governing bodies of the United Arab Emirates, from taking over the operation of any port facility in the United States.

It was not my intention, Mr. Chairman, to have the committee rewrite the Defense Production Act or change the Committee on Foreign Investment in the United States, the CFIUS process. Those are very complex policy decisions which rest primarily with the Financial Services Committee. Additionally, the Homeland Security Committee, the Armed Services Committee, the Committee on Energy and Commerce, and the Committee on International Relations have a great deal of interest in this matter.

The straightforward amendment adopted in our committee was crafted to block only the Dubai Ports World deal. This is a national security issue. This is a national security bill. Our goal is to ensure that security of our ports is in America's hands.

During our debate, Mr. Chairman, on the supplemental, I fully expect an amendment to strike this language from the bill. This striking amendment, which will likely fail on a broad bipartisan basis, gives our Members the opportunity to voice their strong opposition to the port deal. It will also send a strong and unmistakable message that the Congress and the American people stand united on the critical national security issue that involves the ports.

Mr. Chairman, I urge an aye vote on the passage of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), the ranking member of the Foreign Operations Subcommittee.

Mrs. LOWEY. Mr. Chairman, I rise in support of this bill, and I am pleased to have worked with Chairman KOLBE to develop the foreign assistance portion of this measure. The bill cuts the amount requested for international assistance by about $140 million from the administration's request, and rescinds an additional $17 million in previously appropriated funds that are no longer needed.

However, I do have concerns about what we have included and what we have not included. I am particularly concerned about the lack of funding in this bill for Afghanistan. During the chairman's recent visit to Afghanistan, the ambassador and USAID staff outlined a need for $600 million in FY 2006 supplemental funding to help address the power and infrastructure needs in Afghanistan.

Our ambassador, the Afghan government, and provincial leaders all agreed that progress on reconstruction and development was critical to help consolidate the rule of law, curtail the influence of the Taliban and al Qaeda operatives and combat opium poppy cultivation.

Yet, the President's request does not contain the $600 million that Ambassador Neumann requested. It does not even contain the $407 million that Secretary Rice requested in her submission to OMB. The President requested just $62 million for assistance to Afghanistan in the supplemental, one-tenth of what is needed. The committee further cut this amount providing only $8 million for Afghanistan.

Now, I do understand that Chairman KOLBE and Chairman LEWIS are frustrated with the lack of response from the State Department on the counternarcotics program in Afghanistan, and I share that frustration. However, in this instance, I fear that we are cutting off our nose to spite the State Department's face. I do not think this is a responsible strategy. And before this bill is enacted, I hope we can find the means to restore or even increase the administration's request for Afghanistan.

While I applaud the funding in this bill for Sudan and other humanitarian needs in Africa, I was disappointed that the administration did not seek robust funding for the fledgling democracy in Liberia and the critical transition in Haiti. I am pleased that the committee accepted an amendment by Representative JACKSON to add $50 million in assistance to Liberia. It is important that the United States send a strong message of support to Liberia, particularly as we prepare to receive President Ellen Johnson Sirleaf, the first woman to be elected head of state in Africa.

This money will provide critical short-term support to meet refugee and humanitarian needs, as well as to help stabilize Liberia in the initial months of her administration. First Lady Laura Bush and Secretary Rice pledged that the U.S. would stand by Liberia during this period of transition, and I think our bill with the addition of $50 million in economic support funds does just that.

Finally, let me speak to the bulk of funding in the foreign operations bill which is for Iraq. I am not convinced that providing more money for Iraq will cure the problems for that country. But I will support the additional funding because I think we owe our men and women in uniform in Iraq every tool to achieve success.

I am dismayed that the committee defeated on a party-line vote, however, my amendment to ensure proper oversight of these additional resources. My amendment would have simply placed the additional funds in the foreign operations title of the bill under the oversight of the Special Inspector General for Iraq, as is the case for prior funds appropriated for assistance to Iraq.

By voting against this commonsense amendment, the Republicans in our committee sent the message to American taxpayers that while Congress expects them to bear the burden of reconstructing Iraq, the Republicans in Congress are not interested in ensuring that the money is accounted for and effectively spent. I hope the issue is corrected when the bill is taken up by the Senate. I urge my colleagues to support this bill.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG), my mentor, the former chairman of the Appropriations Committee, who now chairs the Subcommittee on National Security.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from California for yielding me the time. I want to compliment him for having produced this very important supplemental appropriations bill in record time, and a very good bill.

I want to expand a little on what the chairman has said about this bill. For example, we have increased the President's budget by $850 million to ensure that Army tracked combat vehicles such as Abrams tanks and Bradley fighting vehicles will be upgraded, especially for the units that will be rotating into Iraq in the coming months. An increase of $360 million in equipment for the Marine Corps is provided based on an assessment of their most pressing shortfalls. And $273.7 million additional is provided for Air Force procurement, including additional predators, electronic countermeasures to protect our aircraft, and funding to ensure the continuation of the C–17 production line.

Very importantly, Mr. Chairman, the committee recommendation supports and enhances the President's request for the National Guard and Reserve forces. We have included in the war supplemental portion of this bill a total of $3.57 billion for the Guard and Reserve, an increase of $320 million over the amounts requested by the President.

We have been able to add to the request the following items: $230 million for the Abrams Tank Integrated Management or AIM program, to support fielding of National Guard combat brigades; $50 million for 42 Bradley fighting vehicles to complete two Army National Guard combat brigades; and $40 million to cover shortfalls in the Army Reserve personnel accounts.

All and all, Mr. Chairman, this is a good bill. It does speak to the needs of those who are fighting the war. I highly recommend its passage.

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, as I said earlier, this bill is here because of a massive failure of American leadership, which goes right to the very top in the White House.

We are going to be spending $90 billion in this bill, most of which goes for Iraq, a war which was engaged in by our country, initiated by our country on the basis of bad information and manipulated intelligence. After we were in the war, we were told by the administration that Iraqi reconstruction would cost between $1 and $2 billion and could be financed by Iraqi oil revenues.

After the administration submitted its reconstruction request for over $18 billion, Secretary Rumsfeld told us, "We just had no idea of how bad the Iraqi economy was."

That certainly is an understatement.

The administration then claimed that we would be greeted as liberators and that 6 months after the invasion, we could begin withdrawing troops. Since then, the insurgency has exploded. We have lost over 2,300 U.S. troops who have been killed. Thousands have been injured. Many more Iraqis have been killed and a continuing U.S. troop deployment in Iraq of around 130,000, down only slightly from the 150,000 in the year before.

We have had a failure to plan for adequately equipping our troops with armor. And as a result, our troops have been rummaging for scrap metal from garbage dumps and they have had to deal with a myriad of other equipment shortages.

Then we have seen the disgraceful stories about Abu Ghraib. We have seen stories about torture all being done in the name of the United States, in the name of every citizen of this country. We have reports that more than 100 people have died in custody, and then we have reports that the administration is spying on Americans and eavesdropping on Americans. I want to make it clear, I want our government to eavesdrop on every person that it needs to eavesdrop on in order to protect this country, but I want it done in a way which is constitutional, and in a way which is in conformance with the law, not outside the law, and right now that is not the case.

So this bill comes before us with the United States divided and with the American people confused about what our mission is, what our purpose is, and what our plans are. And now we are asked to provide this additional money.

I will vote for this bill because, while I have grave misgivings about the war, and while I believe that Mr. Rumsfeld should have resigned a long time ago, I intend to support whatever money is necessary in order to support our troops. But having said that, let me just make another observation. We are going to be spending $91 billion. $19 billion is for Katrina. Over almost $70 billion is for Iraq. And I am told that those funds will be expended at a rate of about $6.8 billion a month. And yet we are going to be squabbling over the next 2 days over a fraction of that amount that some of us believe should be used to provide heating for our elderly, education for our kids, and medical care for our veterans.

Three years after this war began, does anybody here really believe the President of the United States when he tells us that this is all about bringing democracy and freedom to Iraq? $400 billion and then some later, does anybody believe that Congress did the right thing when this Congress handed a blank check to the administration? After more than 17,000 Americans wounded in Iraq, does anyone think Congress was right to sit on its hands when it was clear that this White House and the civilian leadership at the Pentagon did not have the first clue about what they were doing?

☐ 1230

Mr. Chairman, in addition to the divisions which we face on Iraq, we face some other problems with this bill.

This bill, for instance, contains Mr. LEWIS' amendment shutting off and shutting down the ports transaction involving Dubai. At the same time, however, the committee blocked the Sabo amendment which would have created a process which would have guaranteed that our government would know each and every time such a transaction was being contemplated. Without the Sabo amendment, we are still in a position where notice to the American government of any such transaction is optional. We do not believe on this side of the aisle it ought to be optional.

Secondly, the committee blocked efforts, again by Mr. SABO, to add $3.4 billion for crucially needed funding to strengthen port security and border security.

The committee cut back my amendment to provide $1 billion to help low-income Americans pay for higher energy prices which are in large measure arising today because of our misadventures in Iraq. The committee cut back that effort to $750 million with no guarantee that a single dollar of that will be provided to people who need it this year.

Then the committee declined to support a provision by Mr. BERRY which would have repaired the prescription drug plan that has now gone into effect and which would have at least given seniors more time to sort out their confusion before they have to commit themselves to signing up for one plan or another.

The committee also refused to adopt, well, to save time, I will skip the other three points that I think were important to discuss, but let me simply say this, Mr. Chairman. There will be a lot of debate on this bill over the next 2 days, and a lot of it will be focused on Iraq. But I think it is important for each and every American to understand and it is important for each and every man and woman representing this country in uniform to understand that our divisions about the advisability of the war and about what ought to happen next in that war have nothing whatsoever to do with our feelings for those who wear the uniform of the United States and are presently engaged in this contest. They have done every possible thing that could be asked of them. We owe them our gratitude for their sense of sacrifice, their willingness to answer the call of their country, and I do not think that turmoil over the advisability of the war ought to be mistaken for disagreement that we owe a debt of obligation to each and every person who is fighting in that war.

I wish we had a similar sense of self-sacrifice on the part of persons who are not participating in that war. It sometimes seems that the only people who are being asked to sacrifice are military families. We are telling the rest of the country, while some folks are off to war, "Do not worry, folks, we are going to give you a nice fat tax cut, and people who make $1 million a year are going to get $110,000 tax cut." No sense of self-sacrifice there.

So, Mr. Speaker, I intend to vote for this bill in the end, but we could have adopted a number of amendments which would have made this a much more balanced product, and I would hope that as we go through the debate that we will find a way to at least address some of the issues which we failed to address when the committee dealt with the bill last week.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I am happy to yield 4 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the Homeland Security Subcommittee.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman from California for yielding the time and, more importantly, for ushering out this important bill in short time and in good order, and I urge my colleagues to support this supplemental appropriations for the global war on terror and hurricane recovery.

Mr. Chairman, without a doubt, Hurricane Katrina was the worst natural disaster the Nation has ever seen, covering more than 93,000 square miles, claiming over 1,300 lives. Nearly 7 months after landfall, Hurricane Katrina continues to consume us as a Nation, both with recovery and rebuilding, as well as questioning what went wrong and why.

The bill before us today fully funds the ongoing work of FEMA. Since Katrina made landfall, and including the $9.5 billion in this bill, the Congress has provided more than $44.5 billion in supplemental funds for Gulf coast recovery just through the Disaster Relief Fund. That is a staggering sum of money, Mr. Chairman, and one that reflects our commitment to help our Nation recover from the devastation of the 2005 hurricane season.

Mr. Chairman, we are a little more than 2 months away from the 2006 hurricane season. I do not think that is a particularly welcome observation for those still recovering from the 2005 season.

I am pleased that this bill includes several important programs that will help us prepare. One of the lessons learned, Mr. Chairman, in Katrina was the importance of early warning and communications. The bill before us today includes $70 million to allow FEMA to improve public alert, warning and communications systems.

The Bipartisan Committee on Hurricane Katrina and the White House's "Lessons Learned" identified critical failures in FEMA's ability to manage its workload. To address some of those concerns, this bill includes $5 million to hire additional personnel for logistics management, inventory management, and contract management. With these additional staff on board before the 2006 hurricane season begins, FEMA will be better prepared to position critical assets, as well as plan for short-term recovery operations such as debris removal and housing.

Katrina also showed us that much work remains on both the national response plan and the national incident management system. This bill includes $5 million to immediately begin a review of those two important documents.

Mr. Chairman, I am also pleased this bill includes funds for ongoing work of the Coast Guard as it relates to the war on terror and addresses an unexpected shortfall within the Secret Service based on increased protective operations driven by the latest terrorist tactics and the current threat environment.

As reported by the full committee, this bill is free of extraneous matters, and I believe it is important that we maintain that clean bill of health. I suspect there will be attempts to add additional funds to areas deemed critical such as port security, border and immigration security, nuclear non-proliferation, first responders and aviation security. I would remind my colleagues that the 2007 appropriations cycle is already upon us. I believe debate on these very important issues should be reserved and considered within the context of the regular appropriations cycle in which we are engaged even now.

I also understand there may be attempts to take funds from the Disaster Relief Fund and use them for other purposes. I would urge my colleagues to oppose those attempts.

I urge, Mr. Chairman, all of us to support this bill.

Mr. OBEY. Mr. Chairman, I yield 7 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my good friend the distinguished minority leader of the House Appropriations Committee.

Mr. Chairman, a lot of us on this side and virtually everyone on the other side are going to vote for this bill, but we should do so with considerable reservations.

First of all, two-thirds of it goes to fund the Iraq War; even though, after 4 years, there is still no end in sight. You wonder if this is not more good money going after bad or at least after a mission that has yet to be defined.

We will now have spent $490 billion from fiscal year 2001 through fiscal year 2007. Mr. Chairman, the cost of the entire Vietnam War, adjusted for inflation, was exactly the same cost that we have now appropriated.

Mr. Chairman, the most credible poll that was just taken showed that three-quarters of the American troops believe that we should withdraw within the year, and over half said it should be within 6 months.

Even more telling, a poll that was conducted on January 28 of this year among Iraqi citizens showed that 82 percent of Sunnis and 69 percent of Shi'a want U.S. troops withdrawn immediately. These are the people that we are trying to save for democracy, and in fact, the majority of both Shi'a and Sunnis believe that the U.S. will hurt, that is their word "hurt," Iraq over the next 5 years unless it withdraws immediately. Mr. Chairman, we need an exit strategy that is going to work and that has the support of the people we're trying to help.

Now the other reservation we have is over the way in which this money is being spent. We are told that about $8.8 billion has been used inappropriately of Iraqi reconstruction funds that we appropriated. It is unaccounted for, according to the Inspector General in Iraq. There are 50 investigations going on. A Halliburton subsidiary just acknowledged, admitted, that they overcharged the government by $63 million for a contract.

We need a Truman Committee-type investigation. It saved the American taxpayer tens of billions of dollars in the 1940's. It was rejected in the full committee, but it should be made part of this bill.

Now another major part of this bill deals with Hurricane Katrina. I was just down there in Louisiana, Mr. Chairman, on my own tab, for what it is worth what I learned about the contracting process down there is just stunning. It makes you wonder whether we should be providing any money unless we can get a handle over the way the money is spent.

Let me give you a thinly-veiled hypothetical example. One contract, for example, we give it to a prime contractor to fix roofs for $25,000 a roof. Eighty percent of it goes to a subcontractor, then 60 percent to another subcontractor, to another subcontractor, and, finally, it gets down to a company that actually puts the roof on for $1,200 a roof. You do the math, Mr. Chairman. Virtually all of the money goes to these contractors who never banged a hammer on a nail, and you know how we found out about it? Because the actual undocumented aliens who did the work contacted a FEMA person on the field, wondering how they were going to get paid. You go figure, Mr. Chairman.

Another contract went for debris removal, prime contractor, subcontractor, down again through reiterations, finally goes to the company that is already doing the very work for the City of New Orleans for a fraction of the cost but they never saw 90 percent of the money. These are things a Truman Committee could look into and fix.

Beyond the need for more oversight on the contracting process of the Federal Government, Mr. Chairman, we have some other issues that should have been part of this bill. The members of the full committee in the last omnibus appropriations conference had put the bill to bed, finished it up, when the majority leader of the Senate came over and added 45 pages providing liability exemption for drug companies.

☐ 1245

We wanted to rectify that by striking the language we never approved. That was not done.

The third issue that we debated in full committee, and unfortunately it lost, was to give Medicare recipients an extra 7 months within which to make a decision as to whether to participate in Medicare part D. If Medicare senior citizens don't sign up by May 15, they have to then wait for another 7 months and they will pay an extra 1 percent a month. That means there will be a tax, if you will, a penalty of 7 percent for the rest of their lives applied to their insurance premiums.

It is too confusing a program. They need more time to decide. We ought to give them another 7-month extension so that they can make that decision by the end of this calendar year. If we don't ten million seniors will pay this penalty for the rest of their lives.

Mr. Chairman, there are so many other issues in this bill that we could discuss. Some of them will be discussed. But the bottom line is that it is an awful lot of money. It is the largest supplemental we have ever passed in this body. The largest appropriation as a supplemental ever considered. We have to provide it, but we ought to show more scrutiny towards the way the money is being spent.

And finally, Mr. Chairman, there is a provision here with regard to Dubai Ports World attempted purchase of American ports. I know I am in the distinct minority. It was a 62-2 vote, and I was one of the two that opposed this language. We have to identify our friends, and Dubai is our friend. The fact is that the Homeland Security Secretary said if this deal goes through it will strengthen port security, yet we ignore that information as well as the reality of the fact that Dubai is doing everything to be a bridge to the moderate Arab world. We blew up that bridge in committee, as far as I am concerned, Mr. Chairman, and I would hope we will try to rectify some of that damage.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the Speaker, the majority and minority leaders, the Chair announces that during the joint meeting to hear an address by her Excellency Ellen Johnson Sirleaf, President of the Republic of Liberia, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested. The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, March 9, 2006, the House stands in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 49 minutes p.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 1:50 p.m. the following proceedings were had:

□ 1350

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HER EXCELLENCY ELLEN JOHNSON SIRLEAF, PRESIDENT OF THE REPUBLIC OF LIBERIA

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Bill Sims, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort Her Excellency Ellen Johnson Sirleaf, the President of the Republic of Liberia, into the Chamber:

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Florida (Mr. PUTNAM);

The gentleman from Arkansas (Mr. BOOZMAN);

The gentleman from Nebraska (Mr. FORTENBERRY);

The gentleman from Iowa (Mr. LEACH);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from California (Mr. ROYCE);

The gentleman from New Jersey (Mr. SMITH);

The gentleman from South Carolina (Mr. WILSON);

The gentleman from Arizona (Mr. FLAKE);

The gentlewoman from California (Ms. PELOSI);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Georgia (Mr. LEWIS);

The gentleman from New Jersey (Mr. PAYNE);

The gentlewoman from California (Ms. WATERS);

The gentleman from North Carolina (Mr. WATT);

The gentleman from Rhode Island (Mr. KENNEDY);

The gentlewoman from Michigan (Ms. KILPATRICK);

The gentlewoman from California (Ms. LEE); and

The gentlewoman from California (Ms. WATSON).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort Her Excellency Ellen Johnson Sirleaf, the President of the Republic of Liberia, into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Alaska (Mr. STEVENS);

The Senator from Indiana (Mr. LUGAR);

The Senator from Illinois (Mr. DURBIN);

The Senator from Wisconsin (Mr. FEINGOLD); and

The Senator from Rhode Island (Mr. REED).

The Assistant to the Sergeant at Arms announced the Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador from the Republic of Djibouti.

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 2 o'clock and 6 minutes p.m., the Assistant to the Sergeant at Arms announced the President of Liberia, Her Excellency Ellen Johnson Sirleaf.

The President of Liberia, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you Her Excellency Ellen Johnson Sirleaf, President of the Republic of Liberia.

[Applause, the Members rising.]

ADDRESS BY HER EXCELLENCY ELLEN JOHNSON SIRLEAF, PRESIDENT OF THE REPUBLIC OF LIBERIA

President JOHNSON SIRLEAF. Mr. Speaker, Mr. Vice President, Members of the United States Congress, and distinguished guests, I am deeply touched by the honor bestowed on my small but proud West African Republic of Liberia and on myself by inviting me to address this body of representatives of the people of the great United States of America. By this invitation, you have paid one of the greatest tributes there is to all those who laid down their lives for my country to be free and democratic. I can only say a big thank you.

The people of Liberia and the people of the United States are bound together by history and by values. We share a deep and abiding belief in the power of freedom, of faith, and of finding virtue in work for the common good.

The national motto of Liberia, founded, as you know, by freed American slaves, is: "The love of liberty brought us here." We became the first independent republic in Africa. Our capital, Monrovia, is named for your President, James Monroe. Our flag is a star in a blue field and red and white stripes. Its one star makes us the "lone star state" in Africa. Our constitution and our laws were based upon yours. The U.S. dollar was long our legal tender and still is used alongside the Liberian dollar today.

But our ties greatly exceed the historical connection. I stand before you today as the first woman elected to lead an African nation, thanks to the grace of almighty God; thanks to the courage of the Liberian people, who chose their future over fear; thanks to the people of West Africa and of Africa generally, who continued to give hope to my people. Thanks also to President Bush whose strong resolve and public condemnation and appropriate action forced a tyrant into exile; and thanks to you, the Members of this august body, who spurred the international effort that brought blessed peace to our nation.

It was the leadership of the 108th Congress, more than 2 years ago, that paved the way for a United Nations force that secured our peace and guaranteed free and fair elections. It was your $445 million addition to a supplemental appropriations bill that attracted additional commitments from international donors. With those funds, we have laid the foundation for a durable peace, not only in Liberia, but in the whole West African subregion. Special appreciation goes to the 109th Congress, those of you in this room, for the effort in recent weeks to meet Liberia's developing needs.

Honorable ladies and gentlemen of this Congress, I want to thank you. The Liberian people have sent me here to thank you for your vision. Our triumph over evil is also your triumph.

Our special relationship with the United States brought us benefits long before the autumn of 2003. Thousands of our people, including myself, have been educated in American missionary schools and gone on to higher training in this country. You have generously welcomed tens of thousands of our people as they fled war and persecution.

I was among them. In 1985, after challenging the military regime's failure to register my political party, I was put in jail with several university students who also challenged military rule. This House came to our rescue with a resolution threatening to cut off aid to the country unless all political prisoners were freed. Months later, I was put in jail again, this time in a cell with 15 men. All of them were executed a few hours later. Only the intervention of a single soldier spared me from rape. Through the grace of almighty God and the mercy of others, I escaped and found refuge here, in Washington, D.C.

But long before that, our country and I benefited from Liberia's special relationship with the United States. My family exemplifies the economic and social divide that has torn our nation. Unlike many privileged Liberians, I can claim no American lineage. Three of my grandparents were indigenous Liberians; the fourth was a German who married a rural market woman. That grandfather was forced to leave the country when Liberia, in loyalty to the United States, declared war on Germany in 1914.

Both of my grandmothers were farmers and village traders. They could not read or write any language, as more than three-quarters of our people still cannot today; but they worked hard, they loved their country, they loved their families, and they believed in education They inspired me then, and their memory motivates me now to serve my people, to sacrifice for the world and honestly serve humanity. I could not, I will not, I cannot betray their trust.

My parents were sent at a young age to Monrovia, where it was common for elite families to take in children from the countryside to perform domestic chores. They endured humiliations and indignities, but my mother was fortunate to be adopted by a kind woman, and both my parents were able through this system to go to school, a rarity at that time for poor people. My father even became the first native Liberian in the Liberian national legislature.

I was not born with the expectation of a university education from Harvard or being a World Bank officer or an Assistant Secretary-General of the United Nations. When I was a small girl in the countryside, swimming and fishing with twine made from palm trees, no one would have picked me out as the future president of our country.

I graduated from the College of West Africa, a United Methodist high school. I waited tables to support my studies in the United States, college in Wisconsin and graduate school in Massachusetts. I went on to enjoy the benefits and advantages of a world-class education.

So my feet are in two worlds, the world of poor rural women with no respite from hardship, and the world of accomplished Liberian professionals, for whom the United States is a second and beloved home. I draw strength from both.

But most of our people have not been as fortunate as I was. Always poor and underdeveloped, Liberia is only now emerging from two decades of turmoil that destroyed everything we managed to build in a century and a half of independence. The costs of our conflict run wide and deep, manifested in varied ways: mismanagement, corruption, bad governance, massive looting of public treasury and assets. Unlike the tsunami in Asia and Katrina here in your own country, where the destruction and human casualty were caused by nature, we participated in or stood silently by in our own self-destruction. Our country agonized with your citizens and the victims and families of these natural tragedies and our country also agonized with itself over the effects of a senseless civil war.

In the campaign months, I traveled to every corner of our country. I trudged through mud in high boots, where roads did not exist or had deteriorated past repair. I surveyed ruined hospitals and collapsed clinics. I held meetings by candlelight, because there is no electricity anywhere, including the capital, except from private generators. I was forced to drink water from creeks and unsanitized wells, all of which made me vulnerable to the diseases from which so many of my people die daily.

I came face to face with the human devastation of war, which killed a quarter of a million of our 3 million people and displaced most of the rest. Hundreds of thousands escaped across borders. More, who could not, fled into the bush, constantly running from one militia or another, often surviving by eating rodents and wild plants that made them sick and even killed them.

Our precious children died of malaria, parasites and malnourishments. Our boys, full of potential, were forced to be child soldiers, to kill or be killed. Our girls, capable of being anything they could imagine, were made into sex slaves, gang-raped by men with guns, made mothers while they still were children themselves.

But listening to the hopes and dreams of our people, I recall the words of a Mozambican poet who said, "Our dream has the size of freedom." My people, like your people, believe deeply in freedom; and in their dreams, they reach for the heavens.

I represent those dreams. I represent their hope and their aspirations. I ran for President because I am determined to see good governance in Liberia in my lifetime. But I also ran because I am the mother of four, and I wanted to see our children smile and play again.

Already, I am seeing those smiles. For even after everything they have endured, the people of Liberia have faith in new beginnings. They are counting on me and my administration to create the conditions that will guarantee the realization of their dreams. We must not betray their trust. All the children I meet, when I ask what they want most, say, "I want to learn." "I want to go to school." "I want an education." We must not betray their trust.

Young adults, who have been called our lost generation, do not consider themselves lost. They, too, aspire to learn and to serve their families and their communities. We must not betray their trust.

Women, my strong constituency, tell me that they want the same chances that men have. They want to be literate. They want their work recognized. They want protection against rape. They want clean water that won't sicken and kill their children. We must not betray their trust.

Former soldiers tell me they are tired of war. They do not want to have to fight or run again. They want training. They want jobs. If they carry guns, they want to do so in defense of peace and security, not war and pillage. We must not betray their trust.

Entrepreneurs who have returned from abroad with all their resources, risking everything to invest in their country's future, tell me they want a fair and transparent regulatory environment. They want honesty and accountability from their government. We must not betray their trust.

Farming families who fled the fighting for shelter in neighboring countries or found themselves displaced from their communities want a fresh start. They want to return home. They want seeds. They want farm implements. They want roads to get their goods to market. We must not betray their trust.

I have many promises to keep. As I won elections through a free and peaceful process, I must preserve freedom and keep the peace. As I campaigned against corruption, I must lead a government that curbs it. As I was elected with the massive vote of women, I must assure that their needs are met.

We are not oblivious to the enormity of the challenges we face. Few countries have been as decimated as ours. In the chaos of war, our HIV rates have quadrupled. Our children are still dying of curable diseases, tuberculosis, dysentery, measles, and malaria. Schools lack books, equipment, teachers, and buildings. The telecommunications age has passed us by. We have a $3.5 billion external debt, lent in large measure to some of my predecessors who were known to be irresponsible, unaccountable, unrepresentative, and corrupt. The reality that we have lost our international creditworthiness bars us from further loans, although now we would use them wisely.

Our abundant natural resources have been diverted by criminal conspiracies for private gain. International sanctions, imposed for the best of reasons, still prevent us from exporting our raw materials. Roads have disappeared and bridges have been bombed or washed away. We know that trouble could once again breed outside our borders. The physical and spiritual scars of war are deep indeed.

So with everything to be done, what must we do first? We must do everything we can to consolidate the peace that so much was paid to secure, and we must work to heal the wounds of war. We must create an emergency public works program to put the whole nation to work and give families an income through the rebuilding of critical infrastructure, strengthening security and attracting investment. We must rehabilitate the core of an electricity grid to high-priority areas and institutions and visibly demonstrate to the people that government can provide necessary services.

We must bring home more of our refugees and resettle the displaced. We must give them the tools to start anew, and encourage more of our skilled expatriates, who have the knowledge and the experience to build our economy, to return home. For those unable to come home, we must appeal to you to grant them continuing protective status, and residency where appropriate, to put them in a condition to contribute to their country's reform and development.

We must complete the demobilization of former combatants and restructure our army, police and security services. We must create legal systems that preserve the rule of law, applied to all without fear or favor.

We must revive educational facilities, including our few universities. We must provide essential agricultural extension services to help us feed ourselves again, developing the science and technology skills to ensure that we prosper in a modern global economy. We must create an efficient and transparent tax system to ensure the flow of government revenues and create a hospitable investment climate.

With few resources beyond the will of my people, I want you to know, we have made a strong beginning. During my first few weeks in office, by curbing corruption we have increased government revenue by 21 percent. We have canceled noncompliant forestry concessions and fraudulent contracts; required senior government appointees to declare financial assets; implemented cash management practices to ensure fiscal discipline and sharpen efficiency; met the basic requirements for eligibility under the U.S. general system of preferences and initial Ex-Im Bank support; restored good relationships with bilateral and multilateral partners; commenced the process leading to an IMF-supported staff monitoring program; accelerated implementation of the Governance Economic Management Plan, the GMAP; and launched a Truth and Reconciliation Commission to investigate the abuses of war.

But while we seek national unity and reconciliation, we must not sacrifice justice. I respect the lifesaving role that our West African neighbors, particularly Nigeria, played at no small cost to them in accepting to host Mr. Charles Taylor. Liberians are deeply grateful. But I say here, as I have said before, Liberia has little option but to see that justice is done in accordance with the requirements of the United Nations and the broad international community.

I know that my government must go beyond these strong beginnings, must do much more than we have done so far, and we must do it quickly. Our people's courage and patience are formidable, but their expectations are high. And their needs are urgent.

This does not mean that we want big government. We cannot afford it, and we believe that government should not attempt to do what civil society and business can do better. The people of Liberia know that government cannot save the country. Only their own strength, their determination, their creativity, resilience and their faith can do that.

But they have the right to expect the essentials that only a government can provide. They have the right to a government that is honest and that respects the sanctity of human life. They need and they deserve an economic environment in which their efforts can succeed. They need infrastructure, and they need security. Above all, they need peace.

That is the task of my administration. To meet that challenge, to do what is right, I ask for the continuing support of this Congress and the American people.

Honorable ladies and gentlemen, my appeal comes with the recognition of all that you have already done. In addition to the financial assistance to disarm our fighters and feed and house our displaced, the artful diplomacy of the United States was central to ending our long conflict. We thank you with all our hearts.

As small and impoverished as we are, we cherish the friendship we have had with you. During the Second World War, we stood together, even if only symbolically, to fight Nazi expansionism and tyranny. At the request of President Roosevelt, we planted rubber trees after the Japanese seized the Indonesian supply. When U.S. law prohibited sending ships to a Europe at war, we agreed to establish a shipping registry to help transport American goods. During the Cold War, we hosted a submarine tracking center, an intelligence listening post, and one of the largest Voice of America transmitters in the world.

Again, we ask that we continue working together, but we do not ask for patronage. We do not want to continue in dependency. The benefits of your assistance must be mutual.

Honorable Members of Congress, much is at stake for all of us. Liberia at war brought misery and crimes against humanity to its neighbors, a toll that is beyond calculation. A peaceful, prosperous Liberia can contribute to democracy, stability, and development in West Africa and beyond.

Nine times—nine times—in the past 15 years, the United States has been forced to evacuate official Americans and their dependents from our country, at enormous cost to your taxpayers. Monrovia, I am told, is the most evacuated U.S. embassy in the world. I am determined that you will not need to rescue your people from our shores for a 10th time. You contribute hundreds of millions of dollars to a U.N. peacekeeping force in Liberia. A fraction of this will be required to support a peaceful and stable Liberia.

Honorable Members of this great Congress, think with me about this. What is the return on an investment that trains young combatants for life, rather than death? What is the yield when our young men can exchange their guns for jobs? What is the savings in food aid when our people can feed themselves again? What is the profit from educating our girls to be scientists and doctors? What is the dividend when our dependence ends, and we become true partners rather than supplicants?

Honorable Members, we know that there is no quick fix for the reconstruction of our country; but Liberians, young and old, share their government's commitment to work, to be honest, to unite, to reconcile, and to rebuild. A nation so well endowed, so blessed by God with natural resources should not be poor. Starting from a small base, as we do, we have rubber and timber and diamonds and gold and iron ore. Our fields are fertile. Our water supply is plentiful. Our sunshine is warm and welcoming.

With your prayers and with your help, we will demonstrate that democracy can work, even under the most challenging conditions. We will honor the suffering of our people, and Liberia will become a brilliant beacon, an example to Africa and to the world of what the love of liberty can achieve. We will strive to be America's success story in Africa, demonstrating the potential in the transformation from war to peace; demonstrating the will to join in the global fight against terrorism; demonstrating that democracy can prevail, demonstrating that prosperity can be achieved.

The people of Liberia have already rolled up their sleeves, despite overwhelming obstacles, confident that their work will be rewarded, confident in the hope and promise of the future.

The women of Liberia and the women of Africa, some in the marketplaces and some in the high levels of government, have already shared their trust and their confidence in my ability to succeed and ensure that the doors of competitive politics and professionalism will be opened even wider for them.

Honorable Members, I will succeed. I will not betray their trust. I will make them proud. I will make you proud in the difference which one woman with abiding faith in God can make.

God bless you.

[Applause, the Members rising.]

At 2 o'clock and 49 minutes p.m., Her Excellency Ellen Johnson Sirleaf, President of the Republic of Liberia, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 2 o'clock and 50 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1544

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 3 o'clock and 44 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1644

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOUSTANY) at 4 o'clock and 44 minutes p.m.

WAIVING POINTS OF ORDER AGAINST PROVISIONS IN H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all points of order against provisions in H.R. 4939 be waived.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO OFFER CERTAIN AMENDMENTS AT ANY POINT DURING FURTHER CONSIDERATION OF H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 4939 in the Committee of the Whole pursuant to House Resolution 725, that the following amendments may be offered at any point in the reading:

An amendment by Mr. GILCHREST regarding section 3011; and an amendment by Mr. SABO, regarding the Defense Production Act; and that each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and that each amendment shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 725 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4939.

□ 1646

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, with Mr. BOOZMAN (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, 28½ minutes remained in general debate. The gentleman from California (Mr. LEWIS) has 19 minutes remaining and the gentleman from Wisconsin (Mr. OBEY) has 9½ minutes remaining.

Who yields time?

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I want to commend the gentleman from California (Mr. LEWIS), the Chairman of the committee, for his work in bringing this supplemental appropriations bill to the floor. He has really done an outstanding job of, I think, balancing the different interests that are involved here.

I want to take my time, Mr. Chairman, Members, to speak a bit about that part of the bill that deals with the foreign assistance funds. That is Chapter 3 of H.R. 4939.

The Foreign Operations portion of the fiscal year 2006 supplemental is $2.08 billion. That amount is $140 million, or 6.7 percent less than the request of the administration of $2.2 billion.

Now, here is how we arrived at this lesser figure.

First, we eliminated funding requested by the President that is not for the current fiscal year. That is $74 million. We eliminated funding that was requested for non-emergency costs. That is $99 million. And we reduced costs by rescinding previously appropriated funds of $17 million that are not needed because of changed circumstances.

Let me talk for a minute about specific regions and countries. First, Iraq. The bill provides new budget authority of $1.67 billion for Iraq, or two-thirds of the amount in foreign assistance is going to Iraq. But that is a reduction of $58 million from what the President requested. This reduction represents the amount requested for fiscal year 2007 costs for the U.S. Agency for International Development. As I said a moment ago, we concluded that this 2006 supplemental bill should not be used to pre-fund expenses of the next fiscal year.

In addition, the supplemental transfers $185 million from the Iraq Relief and Reconstruction Fund appropriation to augment the new funds provided in this supplemental. These are still unobligated funds that are appropriately applied to the purposes of this legislation. And that brings the total available to Iraq of $1.85 billion.

Many Members are greatly concerned about Darfur and our efforts to stave off genocidal warfare in that region of Africa. Though a fraction of the amount requested for Iraq, our bill attempts to accomplish this. It contains $201 million, fully funding the President's request for Darfur programs. This includes $123 million for the African Union Mission in Sudan, or called AMIS, for peacekeeping activities. The administration has assured us that this $123 million will finance the entire U.S. fiscal year 2006 contribution.

Also included in this amount is $11.7 million for refugee assistance and $66.3 million in nonfood assistance in the International Disaster and Famine Assistance Account. The plight of displaced persons in Darfur remains critical and is pathetic.

The supplemental bill provides new budget authority of only $8.4 million for Afghanistan. This is a reduction of $54 million from the request but does not constitute a lessening of our commitment to this emerging democracy. Rather, it represents, first, the amount requested, $16 million, for fiscal year 2007 funds for USAID. It reduces that amount. Second, it eliminates the amount requested for non-emergency requirements of $38 million. The $8.4 million fully funds the request for emergency replacement of an electric turbine generator and assistance for migration and refugee requirements.

My colleagues should know that the Secretary of State has not yet met the requirements of the fiscal year 2006 Appropriations Act which requires a certification that the Government of Afghanistan is fully cooperating with U.S.-financed efforts to eradicate poppy cultivation. It did not seem prudent at this juncture to appropriate any non-emergency funds for Afghanistan until that certification can be made.

The legislation includes $10 million in the Democracy Fund appropriation for the promotion of democracy, governance, human rights, independent media and the rule of law programs in Iran. This is a reduction of $55 million from the requested amount. However, $50 million of that is for broadcasting efforts and is addressed in Chapter 6 of this bill, the jurisdiction of Mr. WOLF's subcommittee.

For Liberia, the bill includes a total of $63.8 million. $13.8 million of that amount would be used to cover the extraordinary costs of refugees returning to Liberia, and $50 million will provide assistance for economic and project support.

Now let me turn to the issues that are not specific dollar amounts. One of these is a general provision, Section 3012, not in Chapter 3 of the bill. It deals with assistance to the Palestinian Authority.

I want to be clear. This bill includes no new, no additional funding for the Palestinian territories, and the President's supplemental request included no such funding. However, the fiscal year 2006 Foreign Operations Appropriations Bill did include $150 million to support the Palestinian people and build the capacity of the Abbas-led government. Since the fiscal year 2006 bill was passed, as my colleagues know, Hamas won a majority of the Palestinian legislature in the recent elections.

The provision included in this bill before us today reconfirms and reemphasizes congressional oversight of our foreign assistance programs to this troubled region. It directs that no fiscal year 2006 or prior year funding can be used to support the Palestinian Authority or a successor entity until the government fulfills the requirements of the so-called Quartet Statement. It also suspends U.S. assistance to the Palestinian Authority until the administration completes its review of the entire assistance program.

To be clear, this provision will not halt, nor should it halt, humanitarian assistance to the Palestinian people. We can and we must hold the elected leadership in the Palestinian territories to account for their messages of violence. But we should not punish the people of the territories for asserting themselves peacefully and democratically against corruption in their quest for a better life.

I urge my colleagues to vote in favor of this supplemental. The foreign operations funding contained in Chapter 3 has been scrubbed so that only emergency requirements remain, and that is $140 million reduction from the President's request.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN) for the purpose of a colloquy.

Ms. ROS-LEHTINEN. Mr. Chairman, last year Hurricanes Katrina, Rita and Wilma dealt a triple blow to the residents of my district. Florida's commercial fishermen were among the hardest hit, yet these small business owners did not receive any special disaster assistance from last year's Hurricane Supplemental Appropriations Bill and minimal aid from other Federal agencies. Both their livelihoods and the future of this important industry are threatened. That is why I am requesting the gentleman's help in securing the necessary resources to assist these hard-working men and women.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. ROS-LEHTINEN. I yield to the gentleman from California.

Mr. LEWIS of California. I am certainly aware of the devastating impact of last year's hurricane season, and you have my assurances that I will work with you and do everything I can to address this issue when we go to conference with the Senate on this bill.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY) for the purpose of a colloquy.

Mr. BOUSTANY. Mr. Chairman, I appreciate your bringing this important legislation to the floor. I will include for the RECORD a letter I recently received from several elected officials from my district which explains in great detail the devastation Hurricane Rita inflicted on Southwest Louisiana and the need for Federal support in its aftermath.

The Nation suffers from Rita amnesia, because the residents of Southwest Louisiana did everything right. We heeded the Federal warnings, evacuated before the storm, saving thousand of lives in the process. In fact, there were no deaths after Rita.

We returned after the storm and immediately got to work to begin the long process of rebuilding our communities and restoring our way of life. The FEMA Long Term Community Recovery Team has said that Southwest Louisiana is leading the State in the recovery effort.

Southwest Louisiana is not looking for a Federal handout, but we need the Nation's help to recover from this unprecedented storm. Debris removal has been slow. 5.73 million cubic yards so far has been collected, enough to cover a football field with a pile of debris 1 mile high. Homes are now destroyed or uninhabitable. And, in fact, in Cameron Parish, 90 percent of the homes were reduced to slabs of concrete. Industries are hurting. The Lake Area Industry Alliance, home to a vast petrochemical complex which serves the entire U.S., reports damages to its facilities of nearly $50 million; and that is just one example.

Mr. Chairman, we cannot ignore the plight of Southwest Louisiana, and I urge my colleagues to support this important legislation. Remember Rita. I yield back.

CITY OF LAKE CHARLES,
Lake Charles, LA, March 11, 2006.

Re Hurricane Rita recovery in southwest Louisiana.

Hon. CHARLES BOUSTANY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BOUSTANY: First and foremost, we from Southwest Louisiana want to thank you for your support in our efforts to recover from Hurricane Rita. You have been very vocal in your effort to help us and we sincerely appreciate it. This letter is intended to give you information to support your efforts and to remind you that we stand ready to work with you in this effort. However, it has become very evident that others in our nation's capitol have forgotten about the destruction that occurred as a result of that storm.

We are not asking them to take our word for it. Just this week Governor Rick Perry testified in Washington D.C. and according to AP wire reports he requested that Texas be given $2 billion dollars, because "states slammed by Katrina are getting more generous help than his state, which bore the brunt of Hurricane Rita." Governor Perry's significant funding request indicates his belief that Hurricane Rita was a destructive storm.

We do not intend to compete with our Texas neighbors for recovery money. We acknowledge that Hurricane Rita inflicted serious damage on Southeast Texas. But Southwest Louisiana also suffered significant devastation from this storm as well. The eye of the storm made landfall in Cameron Parish on September 24. The highly destructive northeast quadrant of the storm (with its winds and storm surge) was most destructive in Cameron Parish and in Calcasieu Parish in Louisiana. Cameron Parish as we knew it no longer exists. We, as Governor Perry, are concerned that we run the risk of being overshadowed by Hurricane Katrina when it comes time to allocate limited resources to the recovery effort.

Southwest Louisiana's elected officials, emergency responders and citizens worked hard to take the initiative to comply with evacuation orders, maintain discipline after the storm and truly prioritize our needs in a professional manner. Included below for your review is an overview of what happened in Calcasieu and Cameron Parishes during the Katrina and Rita storms. Hopefully this information will help you and your staff in your efforts to prevent Congress and the federal agencies responsible for hurricane relief from forgetting the devastation that occurred across the coastal parishes of Louisiana and in Southwest Louisiana in particular.

Hurricane Katrina also impacted Southwest Louisiana. Calcasieu Parish alone welcomed approximately 20,000 evacuees from Hurricane Katrina by opening shelters at a cost of nearly $1 million. The support of our community for the evacuees was overwhelming. Food, clothing, money and time were donated. Businesses and residents offered shelter, entertainment and support. The Lake Charles American Press described the effort as our community's finest hour. When Hurricane Rita approached our area, the first concern was to evacuate these people to safety.

When Hurricane Rita passed through Southwest Louisiana, our citizens listened to officials and heeded warnings to evacuate. Residents of Cameron and Calcasieu Parishes left the area on heavily congested roadways to the north along with residents of Texas who had already been given an order to evacuate. Gas supplies were limited and hotels to the north were full with evacuees from Hurricane Katrina, many who had evacuated a second time to escape Hurricane Rita.

Residents of Calcasieu Parish began returning to the area after the storm starting September 30, to "look and leave". They returned to find over 19,000 homes or approximately 25 percent of the housing stock was destroyed. Another 35 percent of the housing was damaged. Power was out throughout most of the area for one to three weeks causing widespread loss of water and sewer systems and shuttering industry and retail businesses. Gasoline was a rare commodity. Approximately half of the trees in Calcasieu Parish were destroyed or damaged.

Industries and public facilities were also heavily damaged. Lake Charles Regional Airport suffered over $20 million in damage including the passenger terminal, which was damaged beyond repair. The facility was closed approximately fifteen days after the storm. Chennault International Airport, home to Northrop Grumman, suffered approximately $40 million in damages and was closed for four weeks after the storm. Damages to other aviation industry businesses brought the estimated damage to our aviation industry to approximately $90 million.

The Lake Area Industry Alliance, home of a vast petrochemical complex important to the entire United States, reported damages of approximately $50 million to their members' facilities. Damage to off-shore rigs and the closure of the Port of Lake Charles (the nation's 12th largest port) caused supply disruptions to production facilities. Supply disruptions and power outages resulted in loss of production, worker layoffs and additional startup costs. Lyondell Chemical Company closed its facility, costing the community 295 well paying jobs with benefits; it will be impossible to replace this facility.

The six casinos of our gaming industry were shut down during the power outage. Harrah's two riverboat casinos and hotel were damaged beyond repair. Harrah's facility is currently closed; our community has lost 2,000 jobs as a result.

McNeese State University and Sowela Technical College sustained extensive damage. The Calcasieu Parish School System experienced heavy damage to school facilities and closure of all public schools for approximately four weeks. Damage to education facilities is estimated at $57 million.

The Calcasieu Parish Police Jury and area municipalities suffered damages to facilities of approximately $30 million. The parish wide highway system, including three movable bridges in Calcasieu Parish, required extensive debris removal and repairs to make them safe for traffic. The I-10 bridge over Lake Charles, the main east-west traffic artery through southwest Louisiana and across the southern U.S. was closed following the storm for structural inspection after a barge ran into a supporting structure. An early estimate of parish-wide highway damage is $20 million.

Cameron Parish, our sister parish to the south was totally devastated. Although there was no loss of life, Cameron suffered the loss of a way of life. Approximately 90 percent of the homes in Cameron, the Parish seat were destroyed. Other communities suffered similar or worse fates. The major industries—oil, agriculture, seafood and tourism—were destroyed. It will take years for the residents to recover. And Southwest Louisiana will never be fully recovered until Cameron is rebuilt and back "in business" again.

Cameron Parish contains four wildlife refuges, all of which sustained significant damage. The Sabine National Wildlife Refuge of 125,000 acres was officially closed after Hurricane Rita. Facilities were destroyed and the landscape was littered with debris from damaged structures, vehicles, dead animals and hazardous chemical containers. The refuge cannot reopen until the hazardous debris is removed and there is no safety risk to the public. In 2004 the economic effect of the refuge and its visitation was $9 million, supporting 108 jobs and $1 million in tax revenue. This is an average return of $10.18 for every federal dollar spent operating the refuge. Annually 300,000 people tour the Creole Nature Trail, which is designated an All-American Road. Nature trail brochures are being pulled out of circulation by bureau officials.

The Southwest Louisiana community immediately began cleaning up and repairing damages in order to begin recovery from this storm. Temporary "blue" roofs were installed on 17,104 houses and apartments. An estimated 5.73 million cubic yards of storm debris was collected, enough to cover a football field with a pile more than one half-mile high.

In addition to residents who were displaced from their homes due to damage, approximately 10,000 evacuees from other places are now residing in Calcasieu Parish. Hotel vacancy is essentially zero and there is a shortage of affordable housing for residents. Because of this housing shortage, many residents have not been able to return to the Parish. Many businesses are still unable to operate for normal business hours because of a shortage of workers. Although many minimum wage jobs are advertised and unfilled for long periods of time, unemployment in the Parish has more than tripled from 5.3 percent in 2004 to 16.2 percent in November 2005, an increase of 10.9 percent due to a number of complex reasons.

We understand the scale of the storm in Hurricane Katrina. And we understand that Southeast Texas was affected by the Hurricane Rita, but please do not penalize us for being aggressive in our efforts to help ourselves recover. It has been said by the FEMA Long Term Community Recovery Team that Southwest Louisiana is leading the state in the recovery effort. But true recovery requires more than just debris removal and new roofs. Because of the devastation caused by Hurricane Rita, we need to retool and rebuild the economy of Southwest Louisiana. We cannot depend on the existing businesses and industry to rebuild the economy of our area. We must be creative and aggressive in our efforts to both diversify and expand our economy if we are to accomplish the long term recovery goals FEMA and others have set for our area.

Hurricanes Rita and Katrina have impacted 30-40 percent of the economy of our state. It will take years to truly recover from this disaster in terms of real economic recovery. Please help us remind your colleagues that no state in the history of our great nation has ever suffered the extent of economic and social disruption that Louisiana has as a result of these two storms.

Some would say that it is this "can do" attitude that has prevented us in Southwest Louisiana from getting national media attention. We don't want media attention, but we do need your attention. Please assist us in getting our "fair share" of federal funding for our recovery effort. And please consider extending the GO Zone Legislation for parishes hardest hit by these storms. We need at least an additional two years to take advantage of the economic recovery offered by this bill. And when it comes to the allocation of Community Development Block Grant monies to the individual states, please include an allocation for Hurricane Rita parishes/counties as well.

Thank you again for all you have done in the recent months to focus attention on the recovery of Southwest Louisiana. If you need additional information or we can assist you in any way, please do not hesitate to contact us.

Sincerely yours,
Randy Roach,
Mayor, City of Lake Charles
Willie Mount,
Louisiana State Senate
Gerald Theunissen,
Louisiana State Senate
Chuck Kleckley,
Louisiana House of Representatives
Elcie Guillory,
Louisiana House of Representatives
Ronnie Johns,
Louisiana House of Representatives
Dan Morrish,
Louisiana House of Representatives
Brett Geyeman,
Louisiana House of Representatives.

[From American Press Editorial, Mar. 10, 2006.]

Hey, Congress, How About Us?

On Wednesday, President Bush once again toured New Orleans' areas damaged by Hurricane Katrina.

The President's visit, his 10th, comes on the heels of another visit by a large congressional delegation to New Orleans and parts of Mississippi hit by Hurricane Katrina.

There were about 100 people in the delegation, including Speaker of the House Dennis Hastert and Minority Leader, Nancy Pelosi.

The trip was organized by Hastert's office and the Federal Emergency Management Agency.

Meanwhile, residents of Calcasieu, Cameron, and Vermilion parishes who are picking up the pieces from the devastating Hurricane Rita wonder if they are being forgotten or if anybody in Washington, D.C., cares.

We understand that the areas in New Orleans and the Mississippi Coast are hurting, but so are Southwest Louisiana and Southeast Texas.

It's an insult to Southwest Louisiana residents that more than five months after Hurricane Rita struck here they are still waiting for members of Congress to come and see the devastation Rita wrought.

Members of Congress need to talk to Cameron Parish residents who have seen their entire way of life blown away by Rita.

Why do Louisiana Gov. Kathleen Blanco and Texas Gov. Rick Perry have to go to Washington to beg Congress to send more funds for Hurricane Rita relief?

All of this is a stark reminder about how Congress is out-of-touch with what needs to be done to help Southwest Louisiana and Southeast Texas get back on track.

Louisiana Seventh District U.S. Rep. Charles Boustany Jr. is aware of the problem with Rita amnesia in Washington. He sent a letter to Hastert and Pelosi when he learned about the congressional visit to New Orleans and Mississippi, urging them to include Southwest, Louisiana in their fact-finding tour.

Hastert responded in a March 1 letter that he considered including a tour of Southwest Louisiana in their recent visit, but it was not possible.

"Unfortunately, logistics and time constraints made it impractical to tour the parts of Louisiana impacted by Hurricane Rita during this trip," Hastert wrote.

He added that he wants to arrange a "future visit" so he can "personally come down to Southwest Louisiana."

Time's a-wastin', Mr. Speaker.

A number of congressional delegations have visited Louisiana and Mississippi in months past. Why didn't any come to this part of the state? Why does Boustany have to beg members of Congress to come here? Why haven't U.S. Sens. Mary Landrieu and David Vitter come here with a delegation of their Capitol Hill colleagues in tow to see Southwest Louisiana?

Landrieu of New Orleans and Vitter of Metairie have been on the forefront in getting assistance for Katrina-ravaged areas.

They represent this part of the state, too.

Vitter recently asked Don Powell, the federal recovery and rebuilding coordinator, to tour storm-damaged areas in Southwest Louisiana.

It's the members of Congress, not Powell, who will approve the relief funds this area so desperately needs.

Landrieu and Vitter need to help bring a large congressional delegation here to Southwest Louisiana. The sooner the better.

Mr. GENE GREEN of Texas. Mr. Chairman, I fully support the funding for our troops in this Emergency Supplemental; the men and women serving our country in Iraq and Afghanistan must have equipment to effectively fight insurgents, and the harsh environment has taken its toll on everything from helicopters to tanks to armored vehicles.

I am concerned however that we are not addressing the impact of lost equipment and vehicles when our National Guard and Reserve units are forced to leave their equipment in Iraq.

Some reports state that Guard and Reserve units in the U.S. are only equipped at 30 percent of pre-war levels. The FY06 Defense Appropriations bill included $1 billion for reequipping units here at home, but the Guard needs $20 billion to address the shortage.

Money is tight in times of war, but national security is hollow if we leave our homeland unprotected to fight wars overseas. If we are going to increase the Federal debt limit yet again—by nearly $800 billion this time—and extend tax cuts, we should also equip the men and women who protect the homeland from terrorist attacks and natural disasters.

This is extremely important for constituents in the district I represent. In 2001, Tropical Storm Allison, just weeks into the hurricane season, flooded tens of thousands of homes and businesses in southeast Texas. The Guard was a critical part of the rescue and recovery effort, using its large trucks and equipment to reach individuals stranded by the high water. During Katrina and Rita, the Guard again played a major role in rescue and recovery efforts after a natural disaster.

With the start of hurricane season on June 1st—less than 3 months away—we must ensure Guard units along the gulf coast have the equipment they need to save lives.

I also want to talk about housing for Katrina and Rita evacuees. We have 100,000 evacuees in the city of Houston's emergency housing program, but frankly FEMA and HUD have been very difficult to work with.

FEMA told the city to sign 1-year leases for evacuees and promised in writing to reimburse Houston. First, these reimbursements have been extremely slow, and the our cities and apartments are becoming the bank for FEMA.

I met with Houston apartment owners that have not been paid rent for 90 days—I could not get away with that in my apartment in D.C., but FEMA gets away with it.

Second, these commitments are not being honored. Instead, they are going to pull the rug out from under probably 30,000 of these evacuees that FEMA says won't qualify for housing help after March 31.

In the coming weeks, 30,000 evacuees in Houston are going to get a letter giving them 30-days notice before eviction, even if they have a 1-year lease that FEMA promised to reimburse back in September. Many of these evacuees are schoolchildren.

FEMA has no plan for where the folks that they decide no longer qualify for housing assistance are going to find housing or where they are going to go. Rental rates are going to go up due to the influx of evacuees. Houston's section 8 housing program is full.

Some 30,000 Americans should not end up on the streets of Houston and America should not stand for it. FEMA made commitments to 1-year leases and they are not abiding by their written commitments.

Mr. Chairman, I fully support the hurricane relief funding in this bill and the funding for the men and women in Iraq and Afghanistan, but I believe that there is a tremendous amount of work yet to be done.

Mr. ORTIZ. Mr. Chairman, I rise to support the amendments by my colleagues in Texas, Mr. HINOJOSA and Mr. DOGGETT; our levee system in south Texas has long passed the point of insufficient—we are in an emergency situation.

The Lower Rio Grande Flood Control Project has several components, including the levee system along the Rio Grande, which is in a state of disrepair. This amendment provides $10 million for IBWC; it has no effect on budget authority; and it reduces outlays by $2 million for FY 2006.

The integrity of the 500-mile levee system is the responsibility of the Army Corp of Engineers and the International Boundary and Water Commission. The IBWC has not received any consistent Federal funding necessary to rehabilitate this critical levee system.

An indirect impact from Hurricane Emily last September brought water levels along the south border to critical levels that we have not seen in decades.

It was Hurricane Katrina that gave each American a tutorial on the utter importance of levees when it comes to protecting U.S. lives and property.

In the two major storms that blew ashore last fall, Katrina gave us a glimpse of the damage possible if these levees are not repaired and Emily that made us hold our collective breath as the waters rose near the top of the levee system.

Like New Orleans, the population protected by these levees is enormous. South Texas is a densely populated area, and is the front door of international trade. Millions of lives and the Nation's economy could hang in the balance when these levees fail. Evaluations of the present condition of these levees conclude the system is deficient in both hydraulic capacity and structural integrity.

The investment we ask to include today as part of this emergency supplemental is a small price to pay to ensure the integrity of these levees when we have the next major hurricane. Hurricane season is rapidly approaching, and this is the last opportunity to fix the levee system before hurricanes start blowing into the gulf. Let us not be penny wise and pound foolish about the dangers that await us, as we were with the New Orleans levees.

We know the damage that can happen and we know it will only come at a profoundly bad time, as millions of residents are trying to flee the coast and the U.S. economy takes a multibillion dollar hit.

Mr. PAUL. Mr. Chairman, I rise in opposition to this legislation, which makes "emergencies" out of non-emergencies and fails to provide assistance to my home State of Texas, which did suffer an emergency in the form of Hurricane Rita last summer.

First, I should note to my colleagues and the American taxpayer that, at almost $92 billion, this is the largest supplemental appropriations request in the history of the U.S. Congress.

Is it really an emergency to send $1.2 billion to pay off our allies for their help in Afghanistan? Won't these countries in close proximity presumably benefit more than even we will from the stability that we are told U.S. troops will provide? Perhaps these countries should be paying us for stabilizing their neighborhood. But no, it is always the U.S. taxpayer who ends up paying.

Is $36 million more for taxpayer-funded broadcasting programs overseas really an emergency?

Is $30 million to build roads in Liberia an emergency, when roads in Texas are still unrepaired after Hurricane Rita?

Mr. Chairman, I am offering an amendment to this "emergency" supplemental that reduces some of the non-emergency "emergencies" by $500 million and allocates that money for the recovery of the State of Texas from Hurricanes Katrina and Rita. Additionally, my amendment will take another half-billion dollars from the non-emergency portions of this bill and apply it toward the Federal deficit.

The real emergency is the rate that this government is spending money we do not have on policies that we cannot afford while ignoring what should be our real priorities.

Mr. BLUMENAUER. Mr. Chairman, there are important provisions in the supplemental appropriations that I support. Funding for upgraded military vehicles and tanks in Iraq will help protect troops and the National Guard. There is funding for programs such as Community Development Block Grants which will help in the recovery from Hurricane Katrina along the Gulf Coast and in New Orleans. I'm proud to have helped lead Congressional efforts requesting the administration to include funding for peacekeeping in Darfur. This supplemental includes $253 million for these efforts in Sudan.

However, I cannot support this bill collectively and as a supplemental that is outside of the regular order of the budget process. It is time we take the budget process seriously and get our spending priorities in order.

This is the largest supplemental appropriations measure ever considered by the House of Representatives at nearly $92 billion. The bulk of this spending, $68 billion, is for military operations in Iraq and Afghanistan. These efforts have now been ongoing for years and I will not support the administration's and Republican leadership's attempts to camouflage hundreds of billions of dollars by handling it through supplemental bills, which are for unexpected or emergency items. Most of this spending is neither unexpected nor emergency in nature.

The administration is asking Congress to raise the debt ceiling another $781 billion on top of the current $8.2 trillion limit and the House refuses to have a separate vote accepting responsibility to pay for its reckless fiscal policies. This supplemental spending bill is a symbol for an administration and Congress that refuse to take our fiscal situation seriously.

Mr. OWENS. Mr. Chairman, we should be cutting off funds for the War In Iraq, not adding more dollars. The billions of dollars already appropriated are enough to sustain our troops until the kind of orderly withdrawal proposed by Representative JOHN MURTHA is implemented. It is long past time to withdraw from a war that is sucking us deeper everyday into a bottomless quicksand pit of filth. To wage this war this administration is trampling on vital political rights and abandoning basic moral values. To pay for this war we are cutting aid to public housing; aid to Medicaid and Medicare; Pell grants; aid to public education; and numerous other programs which support the general welfare of all Americans.

Deeply destructive public policies and practices have become routine in this administration as every conceivable trick is used to rationalize the war. To save the nation we must withdraw from Iraq and JOHN MURTHA has offered the most practical scenario for achieving this goal. At the heart of the Murtha proposal is the recommendation of an orderly withdrawal over a six-month period. Murtha offers an honorable way out of a quicksand pit of filth. JOHN MURTHA speaks with the voice of a soldier. He thinks with the mind of a patriot. And JOHN MURTHA feels with the heart of a grieving mother.

Very definitive polls now communicate to all leaders the American people's overwhelming disapproval of the President and his War In Iraq. Our constituents endorse and support the position of JOHN MURTHA. History will certainly illuminate and validate the courage and wisdom of JOHN MURTHA. But Members of Congress should not wait for history. We Members of Congress have a duty to make history, to guide the nation out of this peril and back to the path of progress and prosperity. There are two classes of leaders who support this administration's War In Iraq: Those who consistently vote for the war and the endless appropriations. And those leaders whose levels of concern are so low that they refuse, despite the objections of their constituents, to even take the very moderate action of becoming a co-sponsor of Murtha's well-reasoned proposal for withdrawal. Censure or impeachment proceedings may be necessary in the future. But at this immediate moment the opportunity to salvage this deteriorating situation is clearly present in the Murtha proposal. Members should co-sponsor Murtha now and let their constituents know that their voices have been heard.

Vote first against this wasteful, destructive, appropriation for Iraq. And then sign on as a Murtha co-sponsor.

Mr. LEWIS of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIRMAN (Mr. BOOZMAN). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. When the reading for amendment reaches title II, that title shall be considered read.

Pursuant to the order of the House of today, the following amendments may be offered at any point in the reading:

An amendment by Mr. GILCHREST, regarding section 3011;

An amendment by Mr. SABO, regarding the Defense Production Act.

Each amendment may be offered only by the Member named in the request or a designee, shall be considered read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment for the purpose of debate; shall not be subject to a demand for division of the question; and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional expenses for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $350,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILCHREST.

Strike section 3011.

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from Maryland (Mr. GILCHREST) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Maryland.

☐ 1700

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there has been a great deal of dialogue in the last few weeks about this issue of Dubai Ports World controlling U.S. ports. What I would like to do with this amendment, Mr. Chairman, is to explain what the Dubai Ports World issue is, and in the process, hope my colleagues will vote in favor of this amendment which strikes the section of the supplemental appropriations bill, the section 3011.

I would at first like to give some frame of reference as to what it means to be the Dubai Ports World, which basically has purchased P&O, a British firm, that works with scheduling for the loading and unloading of cargo at our Nation's ports.

The Baltimore Sun, which is a newspaper in Maryland that represents the Port of Baltimore, one of the largest ports in the United States, says the following: "Potentially lost in this uproar is a clear understanding of what a stevedore company does." Stevedore, that is what the Dubai Ports World is going to do. They are going to employ stevedores.

For the record, its employees, of Dubai Ports World, do not touch any cargo. No employee of the Dubai Ports World touches cargo. They are not in charge of port security. They do not oversee shipping manifests. That means they don't know what is in the containers. Stevedores, which is what the Dubai Ports World is going to be, are the middle managers who tell longshoremen, who are Americans, who are employed by the ports, who are employed by the State and local governments that control the ports, the longshoremen are the ones that load and unload the cargo.

Dubai Ports World will be able to tell them when that ship is going to dock and how to unload it. USA Today, many foreign companies, including one from Singapore, China and Taiwan, are doing business today at U.S. ports, leasing some terminals, to schedule the loading and unloading.

General Tommy Franks, this is what General Tommy Franks says about this particular issue: I personally believe that we have no greater ally in seeking a resolution of problems in the Middle East, the Palestinian issue, the Israeli issue, than we have found in the United Arab Emirates.

Finally, Mr. Chairman, this quote, and there are quotes from every major newspaper in this country, this is a quote from The New York Times: "Dubai is not a democracy, and it is not without its warts. But Dubai is a bridge of decency that leads away from the failing civilization to a much more optimistic, open and self-confident society. Dubaians are building a future based on butter, not guns; private property, not caprice; services more than oil and globally competitive companies, not terror networks. Dubai is about nurturing Arab dignity through success, not suicide. As a result, its people want to embrace the future, not blow it up.

Dubai, the United Arab Emirates. We have a difficult, nearly impossible situation in Iraq, difficulties in the Arab world. Who do we need most to bridge the gap of the lack of knowledge? Who do we need most in the Arab world to connect and bridge that gap between the United States and that culture? It is the United Arab Emirates.

It is time for us to recognize that this is an ally that we need to integrate with the United States as far as global issues and global terror issues are concerned.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. BOOZMAN). The gentleman is recognized for 10 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield half that time to my colleague from Wisconsin (Mr. OBEY).

The Acting CHAIRMAN. Without objection, the gentleman from Wisconsin will control 5 minutes.

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this has been a very frustrating day. I can remember when this place used to be a legislative body. Now it has unfortunately become 99 percent a political institution, and even the politics of the institution doesn't seem to be working out too well on either side of the aisle.

What we have before us now is a holy picture debate. This is a Potemkin amendment. It is a Potemkin debate, and it is another example of how Congress has been reduced to dealing in symbols rather than dealing with substance.

We have had this country in a frenzy about the Dubai involvement in American ports over the past couple of weeks. The Appropriations Committee had a vote, and by vote of 62 to 2, the committee adopted an amendment by the distinguished chairman of the committee, Mr. LEWIS, which shut off the ability of the Dubai company to make their purchase of American port facilities.

We tried, in the committee, to make that action more rational by also establishing a process under which we would have a regularized notice to our government every time such a transaction is being proposed. The committee saw fit to turn that down.

We are now out on the floor. What is going on now is that there is such a frenzy to have every single member of the House also on record on this issue, that we now have a faux debate going on. As I read this, the only purpose of this debate today is to allow every Member of the House to cast a vote. It is what I call a holy picture vote, and it means that when the votes come, this amendment is going to be overwhelmingly defeated.

The only purposes I see that will have been accomplished by taking this time, is that Members will then have a vote in their pocket that they can take home and brag to people about. I admire the gentleman from Maryland and his willingness to be a sacrificial lamb on the amendment. I know that one or two people on this side of the aisle, such as Mr. MORAN, share his view, and I admire them for their courage.

I have to say that I really am frustrated to see on this, and a number of other amendments today and tomorrow, this House is going to deal with these issues in a symbolic manner rather than discussing it in a thorough, systematic way that might bring some additional credit to the House.

Mr. Chairman, I reserve the balance of my time.

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I don't feel like I am a sacrificial lamb, and I am not doing this for any other purpose other than to give our strongest ally in the Middle

East, the United Arab Emirates, the dignity that they deserve. There are Americans that feel they can do this in a most positive fashion.

Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my good friend from Maryland.

Mr. Chairman, I have no illusions about the results of this vote. It is going to be pretty much proportionate to the 62-2 vote that we took in the full Appropriations Committee, Mr. KOLBE and I being in the minority. But I want to share with my colleagues why this is the wrong thing to be doing.

The fact is that Dubai is our natural bridge to the modern, peaceful and progressive Arab world, and, with this amendment, instead of crossing that bridge, we blow it up.

The fact is that we currently have over 600 ships that are using Dubai, U.S. naval vessels. We have more than 77,000 military personnel who take leave in Dubai, and we have never had a security incident. In fact, more U.S. military personnel take liberty, port leave, in other words, in the United Arab Emirates today than in any other place in the entire world.

The UAE wants to be our friend. They want to invest some of those petro-dollars back in the United States. They want to modernize. They want, in fact, to trade with Israel. They want to trade with Europe. They want to trade with the United States. They are under a lot of political pressure, but, in fact, the emirs are standing up to that pressure.

Couldn't we be expected to do the same? Are we going to yield to the fear and the prejudice that I think motivates this amendment? Because it is not reasoned judgment. In fact, the Committee on Foreign Investment in the United States was to be conducting a 45-day thorough investigation. Then we would be able to make an informed decision. At the end of that investigation they were going to make recommendations.

But the reality is there aren't a whole lot of things that need to be changed with this transaction. It is a financial transaction. U.S. longshoremen still handle the cargo. The U.S. Coast Guard provides physical security. The Customs Service inspects the cargo.

In fact, it was the UAE who was first, right away, to sign the U.S. Container Security Initiative. We asked them to. They are doing everything. And, my friends, the Director of the Department of Homeland Security, Secretary Chertoff, said if this deal goes through, it will make our ports more secure, not less.

Listen to the experts.

Mr. LEWIS of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am doing this in no small part because I have been looking for an accurate description of "holy pictures" for some time now since I have been dealing with my friend from Wisconsin, and in this process we are going through today, I think I may have found at least one snapshot.

What we have done in this bill is attempt to respond to a very serious concern on the part of the American public regarding having a country or an organization that is related to a country in the Middle East having authority or control over any of our ports in this country. It is viewed by many as a serious national security issue, and this is a national security bill.

Our goal is to make certain that we have thought through this Dubai Ports World deal very carefully before moving forward. The language is to stop that deal. It is rather straightforward. The 62-2 vote in the committee indicates the broad cross-section of public reaction reflected in the membership to going forward without some action on the part of the committee, and thus this language in the bill. It is rather straightforward.

I welcome this discussion today, and intend to be as helpful as I can to those opposing our language.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. GILCHREST. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding.

Let me paraphrase the words that Mr. OBEY said a few minutes ago. Rather than holy pictures, I would say this provision of the bill is a little bit like sprinkling holy water over the issue. It has no effect.

Dubai has already announced that they are going to sell their interests. The deal already went through. There is no effect of this provision in actually blocking the sale. This is making everybody feel good, that they can thump their chest and say we are doing something really tough here.

There are three good arguments, Mr. Chairman, as to why we should not be doing this.

First, it diverts our attention from the real issue. The real issue, is we don't have good port security.

□ 1715

In fact, our port security is terrible. It is very poor. This diverts us from really dealing with the issue that we do not inspect more than 2 percent of all containers. We do not really have a system for tracking containers and we do not know the origin of these containers. Containers start in one place in Malaysia and go to Singapore and then go to Vancouver, and then by train to Chicago. We have no idea where it originated and what might have been put into the container.

We do not have the information. We have bad port security. And Congress has a responsibility for the oversight and to make sure that the Department of Homeland Security is doing the job it should be doing.

This diverts our attention from this issue and, allows everybody to feel good about what they are doing. It has no effect, none, on port security, or on the security of the United States.

The second reason why this is bad, it is damaging, as has been indicated by the gentleman from Virginia, it is damaging to our relationship with the United Arab Emirates.

The United Arab Emirates, Dubai, is the largest port in the world outside of the United States for U.S. warships. This last year 56 warships docked in the United Arab Emirates, Dubai, the same port that is managed by this company, and 590 supply vessels. All supplies that go to Iraq go through this port.

Now we are inviting trouble. If Dubai decides that they want to retaliate against the United States, we will be up a creek without a paddle when it comes to getting our supplies into Iraq.

And then, the third reason, it sends the wrong signal to investors around the world. It says to investors around the world that we are not really a reliable trading partner or a reliable investment partner. It says to them, that, the United States has rules that they are supposed to follow, and then they throw them overboard.

This has been confirmed to me in at least one email that I have received from somebody who is an investor in Singapore. It said that many of his clients are reconsidering some of their investments in the United States, investments that create jobs for American workers in this country, because we do not have a reliable policy.

This is good politics but bad policy, and this provision should be removed from the bill.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today to express my support for H.R. 4939. I will be supporting the Supplemental Appropriations Act so our Armed Forces who are so bravely working to rebuild Iraq and fight the global war on terror have all of the tools and equipment they need to be successful.

My support comes, however, with a great deal of consternation. Because in this voting for this legislation I will also be forced to support unrelated spending for the rebuilding of the gulf coast.

Let me be clear. I believe that we need to help those devastated by Katrina. I have been there twice. But we must do it in a responsible manner with a clear understanding of where and how the money is spent.

It is clear that we must sustain military operations and reconstruction efforts in Iraq and Afghanistan, continuing making progress and tracking down and bringing terrorists to justice and procure the necessary equipment for our troops to carry out their mission.

It is unclear to me, however, why we must couple this funding with gulf coast relief funds. Both are worthy causes, but in my view the spending for the latter is in desperate need for further oversight and explanation.

For instance, we should be taking a closer look at the $9.6 billion included for FEMA's problematic Disaster Relief Fund and the $4.2 billion included for community development block grants, which are not even required to go to the gulf coast areas. These funds should not be incorporated into a bill with those for our military force protection needs, including up-armored Humvees, Abram tanks, Bradley fighting vehicles.

Congress has already allocated $62.3 billion to hurricane relief and recovery. I believe that it is Congress' responsibility to demand a strict accounting of how these dollars are spent, and any further funds allocated to the gulf coast for hurricane relief should be offset with other savings.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from California.

Mr. LEWIS of California. We are on the amendment dealing with the Dubai Ports. Does the gentleman know that?

Mr. GINGREY. Mr. Chairman, I did not know that. I apologize.

Mr. LEWIS of California. I thought that is why you were asking to speak. But that is okay. Just go right ahead.

Mr. GINGREY. Mr. Chairman, I will go ahead and complete. I do apologize for that. I was not aware of that.

But I think it is important, in conclusion, that we work toward rebuilding and restoring normalcy for those who are affected by Katrina. However, we should do so in a stand-alone bill to ensure that we have proper oversight.

Mr. GILCHREST. Mr. Chairman, this is what I would like to conclude with. Dubai Ports World will have no administrative authority over any ports. They will have no security responsibility over any ports in the United States. That is retained by the Federal and State governments, completely.

All the longshoremen will still be American longshoremen that load and unload these ships. The Dubai Ports World is an organization made up of American investors, and chief executive officers of the United States are officers in this Dubai Ports World organization. They are a strong ally. Let this vote signal dignity and worth to the United Arab Emirates. I urge my colleagues to vote for the motion to strike.

Mr. LEWIS of California. Mr. Chairman, I will use just a few seconds to close.

We oppose this amendment for security purposes. This language should remain in the bill to make certain that Dubai Ports World does not have any management control or authority over any of our major ports.

Mr. OXLEY. Mr. Chairman, while I understand the sentiments and the security concerns of the Members here today on this ports issue, I feel strongly that free trade is a core American value that is worth fighting for. I look forward to making the case for free trade and for economic engagement with our moderate Arab allies here today.

But first, let's consider what we are and are not voting on today. The U.S. Congress cannot stop this sale, as this provision would seek to do. We simply do not have jurisdiction beyond our shores. In fact, the sale has already happened and the shareholders will be paid over the next couple of weeks. While I appreciate the desire of Members to stop the sale, the fact is that this language does nothing of the sort.

I'm not sure what the goal is. The language certainly does not stop the purchase by Dubai Ports World, and—even more important—does nothing to improve the security of our ports. I would argue that this provision does not improve our security but will damage us economically, militarily, and diplomatically.

It seems as if we are operating in a fact-free zone here.

The facts are that companies based in many other countries are already managing most of the Nation's ports. Will we be seeking to overturn these contracts next?

The fact is that no American company chose to bid on Peninsular and Oriental. There is only one American company large enough to take on this kind of contract, and my understanding is that firm is already at capacity. Would we simply wish an American ports management company into creation?

Let's talk a little about port security. We know that no matter who manages port operations, the U.S. Coast Guard, the U.S. Customs Service, and U.S. longshoremen continue to be responsible for port security, the checking of cargo, and the handling of cargo.

Stephen Flynn of the Council on Foreign Relations testified before Congress: "We need to know what's in the box more than we need to know who is moving them around a container yard."

So if our concern truly is port security, why are we not focusing on supporting that overall effort?

The fact is that Dubai Ports World is of course involved with the Jebel Ali port, one of the largest and among the most advanced ports in the world. According to The New York Times, it is the world's 11th largest port and annually handles more than 7.5 million containers, many of them going directly to and from the United States. On a number of issues, they have cooperated with the U.S. government to allow for our inspections.

Robert C. Bonner, formerly with Customs, was quoted in The New York Times: "Dubai has acknowledged the absolute importance of securing cargo against terrorists."

On cargo security, we ought to be concerned about what's being onloaded in foreign ports just as much as we are concerned about what's being offloaded on our shores. Once a dangerous ship arrives, it's far too late for concern.

So if we trust Dubai Ports World on the first crucial half of a cargo transaction—the loading—why would we not trust the company to be involved in U.S. cargo operations in a strictly management capacity?

Nonetheless, the company has moved forward to sell the operations to a U.S. buyer. DPW announced yesterday it has retained credible, well-known legal and financial firms to handle this transaction. The company has agreed to abide by a voluntary commitment to hold U.S. ports separate until the sale is complete.

And still, it seems that it's not enough. I would ask: What more would we have DPW do? When will this be dead enough to satisfy the U.S. Congress?

The action, I am sad to say, sends exactly the wrong message to the world about the climate for international businesses in the United States. It sends the wrong message about our willingness to engage in transactions that create growth and jobs here at home. It tells the world that we are an unreliable trading partner.

While we are sometimes obsessed with the so-called "outsourcing" of American jobs abroad, why are we not similarly concerned about our ability to "insource" jobs through foreign direct investment?

Moving to the military aspect of our relationship with Dubai, today we may blatantly insult a moderate Arab ally that has generously allowed the use of its port and airfield facilities for our military. General Peter Pace, chairman of the Joint Chiefs of Staff, has called the U.S. military relationship with the UAE "superb." Dubai provides servicing and port security that is good enough for the U.S. Navy.

I worry how that relationship will proceed in the future, and I believe that this entire affair will end up as diplomatic disaster for the United States throughout the moderate Middle East.

Lawrence Lindsey recently wrote in The Wall Street Journal: "The UAE isn't any old Arab country. It sits astride the Strait of Hormuz through which a fifth of world oil passes. Iran sits on the other side. . . . From a global perspective, efforts by the U.S. Congress to alienate the UAE at this time look about as sensible as Russian roulette."

There are many other respected voices who have spoken to the economic, security, and global issues raised in this controversy.

Robert Samuelson, the renowned economist, wrote recently in The Washington Post about how this action will damage American interests. In addition to the damage done to our relationship with the UAE and other allies in the Middle East, Samuelson holds the view that it has weakened worldwide confidence in the dollar.

Samuelson concludes, "Every country has the right to protect its security interests. But those interests must be defined coherently and not simply as the random expression of political expediency."

James Glassman of the American Enterprise Institute testified before a Financial Services subcommittee: "Our ties through trade, in fact, have made us more safe as our trading partners become more prosperous, open and democratic. But our politicians and pundits should know that we can't pick and choose. If we decide to deny firms from developing nations—Arab, Asian or otherwise—from investing in the United States, those firms will go elsewhere. And we will pay the price—in higher interest rates, higher mortgage rates, higher inflation, lower stock prices, less participation in a world [that is] growing more and more creative and exciting."

Since World War II, the United States has enjoyed economic growth and an increase in economic standard of living that has never before been achieved in world history. This has gone hand-in-hand with our values of democracy and freedom of thought. We have watched other nations fail because they were too closed, either economically or politically or both. One of the critical factors in our stunning success has been free trade and the free movement of capital throughout the world.

I can't say it any better than Thomas Friedman, who wrote: "People across the world still look to our example of pluralism, which is like no other. If we go Dark Ages, if we go down the road of pitchfork-wielding xenophobes, then the whole world will go Dark Ages."

"There is a poison loose today, and America—America at its best—is the only antidote. That's why it is critical that we stand by our principles of free trade and welcome the world to do business in our land, as long as there is no security threat."

This is a feel-good vote in the heat of the moment that I think the House will live to regret. It's time for us to decide whether we are going to continually respond to 9/11 with a reactive fear, or whether we're going to move forward and engage the world with confidence. Today, I will vote for the latter.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. BOOZMAN). The question is on the amendment offered by the gentleman from Maryland (Mr. GILCHREST).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN (Mr. BOOZMAN). Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland (Mr. GILCHREST) will be postponed.

AMENDMENT OFFERED BY MR. SABO

Mr. SABO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SABO:

Page 83, after line 16, insert the following new section:

SEC. 3011A. (a) Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended to read as follows:

"SEC. 721. INVESTIGATION OF CERTAIN TRANSACTIONS FOR NATIONAL SECURITY IMPLICATIONS.

"(a) INVESTIGATIONS.—

"(1) IN GENERAL.—Upon receiving written notification, as prescribed by regulations under this section, of any merger, acquisition, or takeover proposed or pending on or after the date of the enactment of this section by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States, the President, acting through the President's designee and the Committee on Foreign Investment in the United States shall conduct an investigation to determine the effects, if any, of the proposed or pending merger, acquisition, or takeover on the national security of the United States.

"(2) TIMING.—Any investigation required under paragraph (1) shall be completed before the end of the 75-day period beginning on the date of the receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover.

"(b) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—Any information or documentary material filed with the President or the President's designee pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding.

"(2) AVAILABILITY TO THE CONGRESS.—No provision of paragraph (1) shall be construed as preventing the disclosure of any information or documentary material to either House of Congress or to any duly authorized committee or subcommittee of the Congress.

"(c) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

"(1) ESTABLISHMENT.—The Committee on Foreign Investment in the United States established pursuant to Executive Order No. 11858 (hereafter in this section referred to as the 'Committee') shall be a multi-agency committee to carry out this section and such other assignments as the President may designate.

"(2) MEMBERSHIP.—The Committee shall be comprised of the following members:

"(A) The Secretary of the Treasury.

"(B) The Secretary of State.

"(C) The Secretary of Defense.

"(D) The Secretary of Homeland Security.

"(E) The Attorney General.

"(F) The Secretary of Commerce.

"(G) The Director of the Office of Management and Budget.

"(H) The United States Trade Representative.

"(I) The Chairman of the Council of Economic Advisors.

"(J) The Director of the Office of Science and Technology Policy.

"(3) CHAIRPERSON.—The Secretary of the Treasury shall be the Chairperson of the Committee.

"(4) OTHER MEMBERS.—The Chairperson of the Committee shall involve the heads of such other Federal agencies, the Assistant to the President for National Security Affairs, and the Assistant to the President for Domestic Policy in any investigation under subsection (a) as the Chairperson determines to be appropriate on the basis of the facts and circumstances of the transaction under investigation.

"(5) ROLE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall provide appropriate intelligence analysis and intelligence briefings to the Committee.

"(d) ACTION BY THE PRESIDENT.—

"(1) IN GENERAL.—No proposed or pending acquisition, merger, or takeover, of a person engaged in interstate commerce in the United States by or with foreign persons may occur unless the President, on the basis of an investigation and report by the Committee, finds that such acquisition, merger or takeover, will not threaten to impair the national security of the United States, as defined by regulations prescribed pursuant to this section, and approves the transaction.

"(2) ENFORCEMENT.—The President shall direct the Attorney General to seek appropriate relief, including divestment relief, in the district courts of the United States in order to implement and enforce—

"(A) any finding, action, or determination under this section of disapproval of an acquisition, merger, or takeover; or

"(B) any conditions imposed on any approval of any acquisition, merger, or takeover.

"(3) FINALITY OF DETERMINATIONS.—All actions and determinations under this section shall be final and not subject to judicial review.

"(e) FINDINGS BY THE PRESIDENT.—

"(1) IN GENERAL.—A finding under this section of impairment or threatened impairment to national security shall be based on credible evidence that leads the President to believe that—

"(A) the foreign interest exercising control might take action that threatens to impair the national security; and

"(B) other provisions of law do not provide adequate and appropriate authority for the President to protect the national security.

"(2) FACTORS TO BE CONSIDERED.—Any investigation under this section shall take into account the following factors:

"(A) Domestic production needed for projected national defense requirements.

"(B) The capability and capacity of domestic industries to meet national defense requirements, including the availability of human resources, products, technology, materials, and other supplies and services.

"(C) The control of domestic industries and commercial activity by foreign citizens as it affect the capability and capacity of the United States to meet the requirements of national security.

"(D) The potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

"(i) identified by the Secretary of State—

"(I) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

"(II) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

"(III) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons; or

"(ii) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978 on the 'Nuclear Non-Proliferation-Special Country List' (15 C.F.R. Part 778, Supplement No. 4) or any successor list.

"(E) The potential effects on the proposed or pending transaction on United States international technological leadership in areas affecting United States national security.

"(f) REPORT TO THE CONGRESS.—Upon making any determination to approve or disapprove any merger, acquisition, or takeover by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States, the President shall immediately transmit to the Secretary of the Senate and the Clerk of the House of Representatives a written report of the President's determination under this section to approve or disapprove such merger, acquisition, or takeover, including a detailed explanation of the finding made and factors considered.

"(g) Congressional Action.—

"(1) In general.—If the determination of the President contained in the report transmitted to the Congress under subsection (f) is that the President will approve any merger, acquisition, or takeover under subsection (d) and not later than 30 days after the date on which Congress receives the report, a joint resolution described in paragraph (2) is enacted into law, then the President shall take such action under subsection (d) as is necessary to prohibit the merger, acquisition, or takeover, including, if such acquisition has been completed, directing the Attorney General to seek divestment or other appropriate relief in the district courts of the United States.

"(2) Joint resolution described.—For purposes of paragraph (1), the term 'joint resolution' means a joint resolution of the Congress, the sole matter after the resolving clause of which is as follows: 'That the Congress disapproves the determination of approval of the President contained in the report submitted to Congress pursuant to section 721(f) of the Defense Production Act of 1950 on   .', with the blank space being filled with the appropriate date.

"(3) Computation of review period.—In computing the 30-day period referred to in paragraph (1), there shall be excluded any day described in section 154(b) of the Trade Act of 1974.

"(h) Regulations.—The President shall direct the issuance of regulations to carry out this section. Such regulations shall, to the extent possible, minimize paperwork burdens and shall to the extent possible coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law.

"(i) Effect on Other Law.—No provision of this section shall be construed as altering or affecting any existing authority, power, process, regulation, investigation, enforcement measure, or review provided by any other provision of law.

"(j) Technology Risk Assessments.—In any case in which an assessment of the risk of diversion of defense critical technology is performed by the Committee or any other designee of the President, a copy of such assessment shall be provided to any other designee of the President responsible for reviewing or investigating a merger, acquisition, or takeover under this section.

"(k) Biennial Report on Critical Technologies.—

"(1) In general.—In order to assist the Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall complete and furnish to the Congress, not later than May 1, 2007, and upon the expiration of every 2 years thereafter, a report, both in classified and unclassified form, which—

"(A) evaluates whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer; and

"(B) evaluates whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technology.

"(2) Definition.—For the purposes of this subsection, the term 'critical technologies' means technologies identified under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976 or other critical technology, critical components, or critical technology items essential to national defense or security identified pursuant to this section.

"(l) Biennial Report on Critical Infrastructure.—In order to assist the Congress in its oversight responsibilities, the President and such agencies as the President shall designate shall complete and furnish to the Congress, not later than 90 days after the date of enactment of this subsection and upon the expiration of every 2 years thereafter, a report, both in classified and unclassified form, which—

"(1) lists all critical infrastructure, as defined under subtitle B of title II of Public Law 107-296, that is owned, controlled or dominated by an alien, a foreign corporation, or a foreign government;

"(2) evaluates whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States critical infrastructure; and

"(3) evaluates whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies controlling critical infrastructure.".

(b) The amendments made by subsection (a) shall apply to the review and investigation of any acquisition, merger, or takeover which is or becomes subject to section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) (as in effect immediately before the date of the enactment of this Act or on or after such date) that has not become final before the date of the enactment of this Act.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. Sabo) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am disappointed that the Rules Committee has not allowed me to offer my amendment to strengthen the CFIUS foreign investment review process to this bill.

Americans deserve a rigorous review of foreign investments that could affect our national security. We all know now that the Bush administration was sleepwalking through the review of the Dubai Ports World transaction to acquire shipping terminals at six major U.S. ports.

We should fix the process. Never again should we find that the President and the Secretaries of Homeland Security, Treasury and Defense are unaware of a foreign takeover of a critical U.S. asset until after it is approved.

The bill kills the Dubai Ports World deal. It does not, however, deal with the larger problem of an inadequate foreign investment review process. An amendment I offered in committee would have fixed the problem for the future.

My amendment would strengthen the CFIUS process in the following ways: all transactions that result in foreign control of any person engaged in interstate commerce would be required to undergo a full review to determine whether it affects U.S. national security.

Today, foreign firms voluntarily, let me say that again, voluntarily notify us of these transactions. I believe notification must be mandatory to ensure that our government knows about all such transactions.

My amendment would also retain the Secretary of the Treasury as the chairperson of the committee.

Under my amendment, the President would be required to approve or disapprove all transactions. Today, if the President takes no action, the transaction is automatically approved.

My amendment would extend the CFIUS review period to the full 75 days. Current practice allows most transactions to be reviewed within 30 days, with an additional 45 days of review only if flags are raised.

The amendment would also require the Congress to be notified of Presidential decisions. Furthermore, Congress could overturn approvals within 30 days by a joint resolution. Today, Congress is notified of a CFIUS transaction only when the President disapproves one, and we discover about approvals, like we did in the most recent case, through the press.

Under my amendment, the administration would also be required to report to Congress on foreign ownership of all U.S. critical infrastructure within 90 days of enactment of this bill. Today, no one really knows how much of our critical infrastructure is in the hands of foreign companies and foreign governments.

If we fail to fix the deep flaws in the CFIUS process, our Nation will be vulnerable in the future. We should not take that chance. We should act now to strengthen the foreign investment review process.

I would hope the gentleman from California, the distinguished chairman, would not insist on his point of order so the House may have a vote on this amendment.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. Obey).

Mr. OBEY. Mr. Chairman, this place is really something else. We just had a debate on an amendment that doesn't do "nothing" to or for "nobody".

The Dubai deal is already dead, and so it is irrelevant whether this House votes for the Gilchrest amendment or not. Because the Dubai deal is already dead, the Lewis Amendment is eviscerated; it does not do anything. It leaves the country with the same problem that we had before we discovered the Dubai controversy.

What Mr. SABO is doing today is what he usually does, which is to try to bring a bit of objectivity and concern for substance into a political pit. And what Mr. SABO is saying in his amendment is "Let's fix the process so that we do not have the future spectacle of a President to the United States being clueless when a transaction like Dubai is about to take place."

So what Mr. SABO is saying is, "Look, the problem with the process is that, right now, it is voluntary, whether or not the people with an economic interest in such a transaction ever notifies our government or not."

What the Sabo Amendment would do is to say, "Let's make sure our government always knows what is happening with these kind of transactions." And the second thing the Sabo Amendment does is to make certain that Congress can have a role, if it chooses, in this process. Because right now the only time Congress is ever informed is if the President turns down a transaction. They are not informed if the President goes ahead with it.

So I would suggest it would be quaint indeed if this House uses a technicality in the rules to eliminate the only amendment that does something and then makes a big political production out of voting on the Gilchrest amendment, which is totally irrelevant. It is as irrelevant as the Lewis amendment is, because Dubai is already done, the deal is gone, it is quashed.

What Mr. SABO is trying to do is to create some order for the future.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

☐ 1730

Mr. MORAN of Virginia. I thank my good friend. I rise in support of this amendment.

As I suggested in addressing the last amendment, we need to be driven by people with expertise, not by fear and prejudice. What Mr. SABO is suggesting is that we get the facts on the table so that we can make the most informed judgment. That is all it is. We are not necessarily going to automatically reject anyone or accept anyone.

Let's have the facts on the table, take the time, let the experts on the Committee for Foreign Investment in the United States do a thorough investigation. I think it will satisfy our constituents' concerns, but it will also enable us to make much more responsible decisions that we have made in the last week. Thank you, Mr. Chairman.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I rise to make a point of order.

Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. SABO. Mr. Chairman, I am disappointed that a point of order is raised on this very good amendment, but I would concede the point of order.

The Acting CHAIRMAN. The point of order is conceded and sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. GILCHREST

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. GILCHREST) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 38, noes 377, not voting 17, as follows:

[Roll No. 43]

AYES—38

Bartlett (MD)
Barton (TX)
Blumenauer
Brady (TX)
Campbell (CA)
Cannon
Conaway
Davis, Tom
Ehlers
Flake
Franks (AZ)
Gilchrest
Gillmor
Hensarling
Hoekstra
Jefferson
Kline
Kolbe
Linder
Lungren, Daniel E.
McCrery
McDermott
Miller (MI)
Moran (VA)
Neugebauer
Olver
Oxley
Rahall
Reichert
Rohrabacher
Sabo
Schwarz (MI)
Shadegg
Smith (WA)
Thomas
Thornberry
Wilson (SC)
Young (AK)

NOES—377

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—17

Andrews
Becerra
Boren
Buyer
Davis (CA)
Davis (IL)
Duncan
Evans
Harris
Hastings (FL)
Lantos

Matsui
McCollum (MN)
Norwood
Peterson (MN)
Sweeney
Westmoreland

☐ 1800

Messrs. BOEHNER, SCOTT of Georgia, NUNES, WYNN, Ms. PRYCE of Ohio, Messrs. SAXTON, MEEK of Florida, TIAHRT, Mrs. MUSGRAVE and Mr. RANGEL changed their vote from "aye" to "no."

Messrs. FRANKS of Arizona, McDERMOTT, and HENSARLING changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GINGREY) having assumed the chair, Mr. BOOZMAN, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2006

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4944.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 4944, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 2, not voting 18, as follows:

[Roll No. 44]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Goode
Taylor (MS)

NOT VOTING—18

Andrews
Boren
Buyer
Davis (CA)
Davis (IL)
Diaz-Balart, M.
Duncan
Evans
Harris
Hastings (FL)
Matsui
McCollum (MN)
Meehan
Norwood
Pelosi
Peterson (MN)
Sweeney
Tiberi

☐ 1820

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 44, H.R. 4944, I was en route from my Congressional District on official business. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. NORWOOD. Mr. Speaker, though I was absent on Wednesday, March 15, 2006, for personal reasons, I wish to have my intended votes recorded in the CONGRESSIONAL RECORD for the following series:

MARCH 15, 2006

Rollcall vote 40 on Ordering the Previous Question on H.R. 4939—"aye."

Rollcall vote 41 for the Adoption of the Rules for H.R. 4939—"aye."

Rollcall vote 42 on Approving H. Con. Res. 190—"aye."

Rollcall vote 43 on the Gilchrest Amendment to H.R. 4939—"nay."

Rollcall vote 44 to pass H.R. 4944—"yea."

PERSONAL EXPLANATION

Ms. MATSUI. Mr. Speaker, I was participating in a meeting at the White House on Wednesday, March 15, 2006, and missed two votes. Had I been present, I would have voted as noted below:

Rollcall vote 43: "nay."

Rollcall vote 44: "yea."

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

The SPEAKER pro tempore (Mr. KUHL of New York). Pursuant to House Resolution 725, and rule XVIII, the

Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4939.

☐ 1820

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, with Mr. GINGREY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Maryland (Mr. GILCHREST) had been disposed of and the bill had been read through page 2, line 18.

The Clerk will read.

The Clerk read as follows:

CHAPTER 2

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

Military Personnel, Army

For an additional amount for "Military Personnel, Army", $6,506,223,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Personnel, Navy

For an additional amount for "Military Personnel, Navy", $1,061,724,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Personnel, Marine Corps

For an additional amount for "Military Personnel, Marine Corps", $834,122,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force", $1,145,363,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. DELAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of a colloquy with Chairman WOLF.

I understood that the Justice Department is working on a plan to distribute $125 million in emergency funds that were provided in the last hurricane supplemental bill for State and local law enforcement.

Yesterday, in our Appropriations subcommittee hearing, I asked the Attorney General what portion of the funds Texas would receive. The Attorney General told me, "The law requires us to consult with both House and Senate appropriations, and that is ongoing. Believe me, the last thing I want to do is to victimize the victims again, victimize the States who stepped in and bore the brunt of these terrible tragedies."

Texans did exactly that. Our citizens stepped in and bore the brunt of these terrible tragedies directly with the fallout from Hurricane Rita and indirectly by taking in hundreds of thousands of evacuees.

The Attorney General should deliver to the committee a plan that includes the needs of law enforcement agencies in Texas. Do you agree, Chairman WOLF?

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Virginia.

Mr. WOLF. I do agree. Texans stepped up and helped out in a tremendous way. I hope the Attorney General will work quickly to deliver a plan that meets the gentleman's concerns.

Mr. DELAY. I appreciate the chairman's attention on this matter.

Mr. THORNBERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, all of us have images embedded in our mind about the devastation coming from Hurricane Katrina and Hurricane Rita. We are finding out even today that hurricanes are not the only way that Mother Nature can cause destruction.

In my district, wildfires are raging. It is estimated that, since Sunday, approximately 850,000 acres have been consumed by wildfires. It is estimated by the governor's office that, in the last 3 months or so, approximately 3.7 million acres in Texas have been burned by wildfires. For my colleagues' benefit, that is bigger than the size of Connecticut. Approximately 2 percent of the land mass in Texas has been burned in these fires just in the last 3 months.

In the fires that are going on now, it is estimated that 10,000 to 12,000 head of cattle have been destroyed because of these fires. Obviously, this devastation is continuing. It is not possible in this bill to take action to have some sort of disaster relief, but I know all of my colleagues are concerned about disasters, whatever the cause may be.

I am particularly grateful to the subcommittee chairman, the gentleman from Texas (Mr. BONILLA), for his concern and consideration in looking at ways, as this bill moves forward, when perhaps we can look at ways to assist those who are devastated by what may well be the fires of the century.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. THORNBERRY. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, Mr. THORNBERRY makes absolutely clear that this is a situation we need to deal with. While there are tragedies that continue in the gulf states and much of the money being debated in this appropriations bill is going for a much-needed cause, the people in Texas that have been affected by these fires are not getting the attention that others are getting and have been getting now for many, many months.

This has been going on for so many days and weeks with no end in sight. I want to assure Mr. THORNBERRY this is only the beginning in this process. While he is one of the great leaders in this effort to try to provide some relief for many of our producers that have been affected, the entire delegation from our State is working hard on this. I commit to the gentleman that we will work diligently to try to remedy this and to provide some assistance for these producers that have been affected.

Mr. THORNBERRY. I thank the subcommittee chairman.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. THORNBERRY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, first let me say that I very much appreciate Mr. THORNBERRY bringing this matter to my attention.

As the gentleman and I discussed earlier, the territory we are talking about in Texas is just about the size of my district, in which you can put five eastern States. That is a huge territory.

I have been watching the problem with real interest, and there is no question that the House and our committee need to be responsive. We will do everything we can to work with you.

Mr. THORNBERRY. Mr. Chairman, I appreciate the gentlemen working on this.

If I can emphasize one thing, it is hard for the pictures to convey the magnitude of this disaster. When you have more than 3.5 million acres that are devastated, 12,000 head of cattle, it is a disaster of enormous proportions, and I appreciate very much the willingness of the distinguished chairman and other Members to work to help mitigate the effects of this disaster when it is completed.

☐ 1830

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am being asked every two seconds by Members, what is the story about tonight. Let me simply suggest, and ask the gentleman from California if he concurs. It is my understanding that what we are trying to do is to put together a unanimous consent agreement under which we would be able to complete our business of debating all of the pending amendments within about another 11 hours. That assumes that we can get that UC agreement. If we can't, the debate could go on far longer. We don't quite have that UC agreement worked out yet, but we are trying to. And what we are hoping to do is to proceed with a number of amendments, the Millender-McDonald, Souder, Engel, Shays, Hyde, Burton, Capuano, Salazar, Doggett, Hinojosa, Melancon, Jefferson, Reyes, Jackson-Lee, and Tierney/Leach. We are trying to get at least that far tonight. We don't know if we can. I would ask the gentleman if he has any disagreement with what I just said.

Mr. LEWIS of California. Well, I appreciate the gentleman yielding. And he said it very well. We are putting together a unanimous consent agreement that will package these amendments to protect the rights of those Members who filed amendments. We are trying to expedite the process so we can complete this work tomorrow. In the meantime there are amendments that are going forward. And with that, I very much appreciate the gentleman's cooperation.

Mr. OBEY. And I would simply say, my understanding is if we can reach this UC agreement, there will be no further votes tonight.

Mr. LEWIS of California. That is right. I anticipate that we will, and I am hopeful that that is the case. Under those circumstances, we will have no more votes tonight.

Mr. OBEY. It is also my understanding that afterwards, there is an intention to have the Energy and Commerce Committee also bring up a matter relating to the Low Income Heating Assistance Program.

Mr. LEWIS of California. At the end of this part of the process, that is right. We will go to Energy and Commerce.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise, and I will be very brief, in support of the gentlewoman, the ranking Democrat on the House Administration Committee, which has jurisdiction over elections, who I understand will be offering an amendment which I offered in committee dealing with the challenges to the five-state region struck by Katrina and by Rita as it relates to the administration of elections.

As we know, New Orleans has an election coming up within the next 30 days. Other jurisdictions have elections. I tried to offer $5 million in the committee through the EAC. I want to say that the gentlewoman, I appreciate her leadership on this issue. I support her amendment. I hope it is made in order. I hope it is not objected to. And I hope that we can see it adopted.

I want to tell the gentlewoman as well that Mr. KNOLLENBERG and I have been discussing this, because FEMA has said that they cannot spend, under the Stafford Act, certain expenditures which are required to administer the elections, particularly in New Orleans, because that is upon us, but in other jurisdictions as well. They did pay for the loss of machines. They did pay for the loss of ballot boxes and other paraphernalia necessary, but they have said under the Stafford Act they cannot pay for the election expenses in either Alabama, Mississippi, Louisiana. The gentlewoman's amendment speaks to that and I would certainly be in support of it.

Mr. Chairman, I plan to vote for the emergency supplemental appropriations bill that we are considering today.

H.R. 4939 will pay for supplies and materiel that our forces in Iraq and Afghanistan desperately need to carry out their mission.

The supplemental will also provide much needed resources to Gulf-Area States that were ravaged by hurricanes Katrina and Rita.

However, this bill is not perfect.

I am disappointed that the appropriations committee did not address a problem that has come to light in recent weeks with respect to voting in States that suffered the brunt of hurricanes Katrina and Rita.

On August 29, 2005, residents in Gulf Coast States endured one of the most devastating natural disasters in our nation's history. Tens of thousands of voters were displaced.

One month later, hurricane Rita caused additional widespread damage to voting infrastructure in Gulf-Area States.

An extraordinary amount of the Gulf region's election infrastructure—voting machines, polling places, and voting materials—were destroyed or severely damaged by the destruction wrought by hurricanes Katrina and Rita.

In Louisiana alone, over 250 polling places in the State's coastal parishes were destroyed.

To make matters worse, tens of thousands of people were forced to temporarily resettle in cities and towns throughout the United States while their communities are rebuilt.

Many if not most of these displaced people have every intention of returning to their communities as soon as conditions allow.

In the meantime, they are determined to maintain as many ties to their communities as they can.

Understandably, they would like to participate in elections that will be held this year in their communities.

Unfortunately, FEMA has proven ineffective at delivering assistance to election officials in hurricane-stricken States who are busy mounting what may be the most extensive and expensive voter outreach, education, and absentee voting program in the Nation's history.

According to FEMA's narrow reading of the "Robert T. Stafford Act," the agency is only empowered to make reimbursements to States to replace destroyed voting machines, but not for outreach to displaced voters.

In other words, FEMA can pay to replace damaged or destroyed voting machines, but it cannot pay to help States plan and execute the voter outreach and voter absentee programs that will be crucial to maintaining electoral continuity in 2006.

As a consequence, of the roughly $3.8 million in claims that the State of Louisiana has so far submitted for reimbursement, for example, only $1.2 million have been approved by FEMA.

During markup of this bill last week, I offered an amendment that would have provided funds to the election assistance commission to help States pay for the entire range of activities that are crucial to running fair, accurate, and secure elections in 2006.

I regret that my amendment was not accepted, and I regret that the bill before us today does not include a provision specifying that under the Stafford Act FEMA is authorized to reimburse States for a wider range of election activities than the agency insists.

Let me be clear: I do not blame this omission on partisanship because there is nothing partisan about the issue.

Democratic, Republican, and Independent voters in the Gulf States all endured last year's trauma.

However, I am very pleased that Chairman KNOLLENBERG recognizes the significance of this issue and has agreed to work to address it in conference.

In the days ahead, I look forward to working with Chairman KNOLLENBERG and his staff to ensure FEMA has the necessary authorities to reimburse the hurricane-stricken States for a much wider range of essential election activities than FEMA claims it has under current law.

The Acting CHAIRMAN (Mr. GINGREY). The Clerk will read.

The Clerk read as follows:

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $166,070,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $110,412,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $10,327,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $1,940,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $96,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $1,200,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con.

Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $18,380,310,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Navy

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $2,793,600,000: *Provided*, That up to $75,020,000 shall be available for the Department of Homeland Security, "United States Coast Guard, Operating Expenses": *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $1,722,911,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $5,328,869,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $3,259,929,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $10,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes;

(3) not to exceed $1,200,000,000 to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph; and

(4) not to exceed $44,500,000 for Cooperative Threat Reduction: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Army Reserve

For an additional amount for "Operation and Maintenance, Army Reserve", $100,100,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Navy Reserve

For an additional amount for "Operation and Maintenance, Navy Reserve", $236,509,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Marine Corps Reserve

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $55,675,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Air Force Reserve

For an additional amount for "Operation and Maintenance, Air Force Reserve", $18,563,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $178,600,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Air National Guard

For an additional amount for "Operation and Maintenance, Air National Guard", $30,400,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Afghanistan Security Forces Fund

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $1,851,833,000, to remain available until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Iraq Security Forces Fund

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $3,007,000,000, to remain available until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

Aircraft Procurement, Army

For an additional amount for "Aircraft Procurement, Army", $533,200,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Missile Procurement, Army

For an additional amount for "Missile Procurement, Army", $203,300,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,983,351,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Ammunition, Army

For an additional amount for "Procurement of Ammunition, Army", $829,679,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $7,528,657,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $293,980,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Weapons Procurement, Navy

For an additional amount for "Weapons Procurement, Navy", $90,800,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $330,996,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $111,719,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement, Marine Corps

For an additional amount for "Procurement, Marine Corps", $3,260,582,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $663,595,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Ammunition, Air Force

For an additional amount for "Procurement of Ammunition, Air Force", $29,047,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $1,489,192,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $331,353,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For an additional amount for "Research, Development, Test and Evaluation, Army", $424,177,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Research, Development, Test and Evaluation, Navy

For an additional amount for "Research, Development, Test and Evaluation, Navy", $126,845,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Research, Development, Test and Evaluation, Air Force

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $305,110,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $145,921,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For an additional amount for "Defense Working Capital Funds", $502,700,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program", $1,153,562,000 for operation and maintenance: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. Millender-McDonald:

In chapter 2 of title I, in the item relating to "Defense Health Program", insert after the dollar amount the following: "(reduced by $20,000,000) (increased by $20,000,000)".

Ms. MILLENDER-McDONALD. Mr. Chairman, my amendment addresses one of the most critical needs facing our men and women returning home from Iraq and Afghanistan, and that is accessible and reliable prosthetic and orthotic care for our veterans.

Like no war before, the war in Iraq has seen unprecedented numbers of injuries due to surprise bomb attacks.

And like no other war before, troops are often surviving those attacks, though many of them lose limbs. This bill creates new demands and challenges for our health care system that we must provide for our returning men and women. In addition, 20 percent of our practitioners will be retiring over the next 10 to 20 years, a further need for training.

My amendment today provides $20 million to expand the U.S. training capacity for prosthetics and orthotics to the U.S. schools accredited by the National Commission on Orthotic and Prosthetic Education.

This expansion will dramatically improve services for the Nation's military amputees and orthopedically disabled returning from the current conflicts in Iraq and Afghanistan.

The need to provide more orthotic and prosthetic practitioners is compelling. The demand for orthotic and prosthetic provider services is expected to increase by 25 percent for orthotic care and 47 percent for prosthetic care by 2020. At present, only 200 to 225 new practitioners are trained each year in the United States.

On a broader scale, my amendment is an excellent investment in a health field that will continue to grow. For example, over 1.2 million individuals live with limb loss/absence in the United States.

Annually, physicians perform over 185,000 amputations in the United States at about 507 a day. The number of amputations is expected to rise due to devastating complications of diabetes. The growing need for rehabilitation practitioners well trained in the various disciplines of rehabilitation will continue to be a growing trend.

Finally, this funding will be an investment in our veterans hospitals across the country.

I ask, Mr. Chairman, that my colleagues support this important amendment.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise as Chairman of the Military Quality of Life Subcommittee on Appropriations within whose responsibility this amendment lies, to thank the gentlewoman for offering this amendment. This is a very important issue. And there is definitely a need for future training in prosthetics to meet the needs of our wounded veterans, and indeed, some of our active duty service people.

The only concern I have is that this would take $20 million out of the defense health budget and move it basically to training. Now, this is a very perspective, thoughtful idea. It needs to be done. And the only concern is the current needs of the defense health budget. But I am prepared, Mr. Chairman, to accept this amendment, to move forward, and as we come to conference, if there is any need to reassess, we would do that. But in the spirit in which it is offered, I am prepared to accept the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $156,800,000, to remain available until expended: *Provided*, That these funds may be used only for such activities related to Afghanistan and the Central Asia area: *Provided further*, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT NO. 1 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SOUDER:

In the item relating to "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE", after the dollar amount, insert the following: "(reduced by $25,000,000)".

In the item relating to "INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT", after the dollar amount, insert the following: "(increased by $25,000,000)".

Mr. SOUDER. Mr. Chairman, my intention is to withdraw this amendment. But I want to express my frustration at actually a combination of issues but particularly related to Colombia; that I have been a strong advocate that the military has been slow in responding in Afghanistan to the interrelationship to the heroin problem in Afghanistan into the military efforts, and will be there again next week to meet on the ground to see how we are progressing. And I have grave concerns that the DOD money that is being spent in Afghanistan is not being spent as wisely as I would like. Nevertheless, I am happy that the Defense Department is starting to understand the link between what is being done in narcotics and the heroin funding the attacks on our troops and men and women in our armed services there.

□ 1845

We have a grave problem down in the eastern Pacific, and that is, we have spent this money in the Andean Initiative and in Plan Colombia. What we have seen, as naval resources, which are very limited, have been transferred out of that zone, and the DOD has not made additional investments in, that my amendment would address the problem of an oiler.

When our Coast Guard vessels go out to interdict in drug interdiction through the Department of Homeland Security, they have always been dependent, just like many intelligence assets are, on DOD. DOD has not given them an oiler with which to refuel.

So logically the drug dealers, which we see far more than we used to, we can see them coming at us. We have gone from 20,000 to 30,000 deaths in America, real deaths in the streets of America, because we are not interdicting things that we can see, because we don't have an oiler in the eastern Pacific.

Last Sunday in The Washington Post, a big article about Guatemala, a top antidrug person being corrupt. Why is Guatemala being corrupted? Why do we hear about the gangs in El Salvador related to narcotics? Why do we hear about the problems in the southwest border related to narcotics?

We can see the stuff coming, but unless DOD makes some investment in an oiler, we can talk all we want about intercepting narcotics. But if you don't have a way to refuel their ships out in the water, and the United States Navy takes all the resources on it, we can't fight the war on narcotics.

I am going to withdraw this amendment, because I understand the supplemental is focused on Afghanistan and Iraq. I support the antinarcotics efforts in Afghanistan, but I am very concerned, and I am hoping that the Appropriations Committee will work with us on getting this oiler, work with DOD, because this is essential to the war on drugs.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN (Mr. GINGREY). Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of the Inspector General

For an additional amount for "Office of the Inspector General", $6,120,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for the "Intelligence Community Management Account", $158,875,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1201. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2006, except for the fourth proviso.

SEC. 1202. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $40,000,000 may be made available for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136), and conditions on the provision of support as contained in such section 1033 shall apply for fiscal year 2006.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to such Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

SEC. 1203. Notwithstanding 10 U.S.C. 2208(l), the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in fiscal year 2006 shall not exceed $1,500,000,000: *Provided*, That the amounts made available pursuant to this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 1204. In addition to amounts authorized in section 1202(a) of Public Law 109–163, from funds made available in this chapter to the Department of Defense, not to exceed $423,000,000 may be used to fund the Commander's Emergency Response Program and for a similar program to assist the people of Afghanistan, to remain available until December 31, 2007.

SEC. 1205. Supervision and administration costs associated with a construction project funded with "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" appropriations may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1206. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund", $5,300,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGEL:

Page 26, line 8, after the dollar amount, insert the following: "(increased by $5,000,000)".

Page 26, line 16, after the dollar amount, insert the following: "(increased by $5,000,000)".

Page 27, line 17, after the dollar amount, insert the following: "(increased by $40,000,000)".

Mr. ENGEL. Mr. Chairman, I ask unanimous consent to have the amendment considered at this point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Mr. ENGEL. Mr. Chairman, my amendment speaks to the immediate needs of our southern neighbor, Haiti. This amendment would increase economic support funds by $40 million, development assistance by $5 million, and child survival and health funds by $5 million, totaling an additional $50 million for Haiti. It is my intention to offer and withdraw this amendment.

After a history of instability, poverty and democratic setbacks, Haitians poured onto the streets of their country last month to cast their votes, demonstrating a desire for a better future. After a contested vote-counting period, the front-runner in the presidential election, Rene Preval, was declared the winner with nearly 52 percent of the official vote, compared to less than 12 percent to his closest contender.

Such a large mandate and a large margin of victory gives Preval a strong mandate and legitimacy to reform and rebuild Haiti's institutions and fractured society. Yet the challenges are vast. The same massive underlying problems still plague Haiti, and a second round of elections looms in the coming weeks.

Now is the time, I very strongly believe, for the United States to tangibly demonstrate that it stands with the Haitian people in their quest for democracy and stability. We have long had a special relationship and a special obligation to the people of Haiti. I believe that there exists a limited window of opportunity to help Haiti, which was opened by the recent successful elections.

We should seize this opportunity by expanding our assistance to Haiti and the Haitian people in the immediate future. My amendment does just that. My amendment provides $50 million in emergency FY 06 supplemental assistance for our impoverished neighbor in the south. Haiti, of course, is the poorest country in the Americas.

Specifically, the amendment increases economic support funds by $40 million, developmental assistance by $5 million and child survival and health by $5 million. This supplemental funding directly addresses the profound social needs in Haiti, while providing support for future elections, reconciliation and efforts to jump-start local economies.

Mr. Chairman, I would like you to know that members of the Subcommittee on the Western Hemisphere, where I am the ranking member, recently wrote a bipartisan letter supporting $50 million of additional assistance for Haiti in this supplemental legislation.

I would like to thank Chairman BARTON and the other members of the subcommittee for their support. I will include this letter in the RECORD.

Elections signal the beginning of a transition, not an end. Thus we believe that this additional assistance is the least we can do at this critical time to help Haiti. We obviously have a stake in their democracy-taking route, having Haiti so close to our shores. Of course, there is a large Haitian-American community in this country which has ties to Haiti that further bind our two countries together as well.

Mr. Chairman, as this legislation moves forward, I ask that the House work with the Senate to include emergency aid for Haiti. It is my hope that, in the end, Congress will heed the bipartisan call of the subcommittee and provide important additional aid to Haiti.

As I said, I am going to withdraw my amendment at the end because I believe that this is the best way to move this amendment forward, by working with the Senate, and hopefully we get it there and it comes here. So I urge my colleagues to listen to our pleas.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I understand the gentleman from New York is going to withdraw his amendment, and I will not take more than a few seconds here. I want to make only one point to other Members here.

What the gentleman is proposing is certainly something that is humanitarian, and we certainly agree with his efforts to try to do everything we can to restore order to the very troubled nation of Haiti. But I think it is important to understand that knowing these elections were coming in the 2006 appropriations bill, the foreign assistance amount included in there is $194 million. In addition, the President is requesting in FY 2007 $163 million.

Almost none of the $194 million in the FY 2006 bill has been obligated, so there is no possibility that we are going to need these additional funds. In other words, this is not an emergency at this point. If additional funds are needed, we could easily add them in to the 2007 bill, but we have almost all of the $194 million appropriated in 2006 that are still available for obligations to help this country get on its feet.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the victory of Rene Preval in the first round of elections in Haiti does open a window of opportunity to rescue this country from its failed state status. Now is the time for the United States to tangibly demonstrate that it stands with the Haitian people in their quest for democracy and stability.

Mr. Chairman, I was disappointed that the administration's supplemental request did not contain funding for Haiti, because I do think we have limited time to make a difference by providing assistance to ensure that the second round of elections, which are just weeks away, are free, fair and transparent. This money will help fund quick impact programs to promote reconciliation and stabilization and to expand our participation in the U.N. civilian police training and vetting program.

I appreciate the comments of my chairman and his willingness to make sure that we have adequate funding for Haiti, but I think this amendment does send an important signal to the Haitian people that the U.S. is committed to help them as they pull their country out of chaos.

The United States must show that we care about more than elections, that we care about what comes afterwards as well. So I am very pleased that the chairman addressed this issue.

I am pleased that Mr. ENGEL is withdrawing the amendment, and I look forward to working with the chairman and working with Mr. ENGEL to ensure that we are supportive and that Haiti gets the money that it deserves to try to get it on the right track and move that country ahead. It is an embarrassment to the region, it is an embarrassment to the world, that Haiti has not been able to get this support it needs. So, working together, I am hopeful that we can take positive action to get Haiti on the right track.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me thank our new ranking member of the Western Hemisphere Subcommittee for his leadership and for his commitment to the people of Haiti. I think today illustrates the type of commitment that he has in terms of his truly understanding the critical needs of the Haitian people. So I want to commend you, Mr. ENGEL, for your leadership, and thank you for putting this out here, at least so we can have a debate and discuss why Haiti deserves this $50 million.

Let me just say, first of all, that we all know that on February 7 the Haitian people demonstrated their faith in the democratic process, and today the United States needs to send a signal. We need to show our support for their commitment and for their persistence.

I co-chaired the Haiti Task Force with the great leader Congressman CONYERS. Many members of this Haiti Task Force have worked for many, many years to help the Haitian people, not only with their democracy, which, of course, they have engaged in in terms of the democratic process over the years, but also, most importantly, with their economic development and their humanitarian assistance and the infrastructure assistance that they so desperately need.

Haiti is the poorest country in the Caribbean, and we need to begin to provide resources in a very real way, and I mean in a real way, to the people of Haiti under the leadership of the newly democratically elected government.

This amendment, and it is just the beginning, it is only $50 million, begins to rectify some of the inadequacies of this supplemental, which, of course, we have heard there is really no money in it for Haiti.

So we need to support the Engel amendment. We need to send a message to the world, to the Caribbean, to CARICOM, that we support democracy in Haiti, that we support development assistance for Haiti, that we support economic assistance, that we support an increase to help the Haitian people address their health care needs. The HIV and AIDS pandemic is rampant in Haiti. The highest incidence of AIDS in the Caribbean is in the country of Haiti.

So whatever we do today in terms of this $50 million, I think we need to understand that we need more than $194 million to address the basic needs of the Haitian people.

So, Mr. ENGEL, this is an excellent first step. I hope that people throughout our country recognize that there are those of us here in the House who want to support the aspirations and the needs and the desires and the dreams of the Haitian people, and we should do so by passing this amendment, this $50 million.

☐ 1900

Mr. ENGEL. Mr. Chairman, I want to thank Congresswoman LEE and Congresswoman LOWEY for their support and Congressman KOLBE for his explanation.

Mr. ENGEL. Mr. Chairman, in the hope that this will move the process along so that Haiti will get all of the money it needs, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN (Mr. GINGREY). Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $10,500,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL DISASTER FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $136,290,000, to remain until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $61,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND–

For an additional amount for "Economic Support Fund", $1,584,500,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAYS:

Page 27, line 17, after the dollar amount, insert the following: "(reduced by $10,000,000) (increased by $10,000,000)".

Mr. SHAYS. Mr. Chairman, this amendment would designate $10 million of economic support funds for the

Community Action Program, also known as CAP, in Iraq. That is what this amendment does.

I would like to say, Mr. Chairman, that a real hero in this House is Mr. KOLBE who has made sure that these programs have flourished. In my 11 trips to Iraq, I am absolutely convinced the best thing we have done in all of our expenditures on the economic side of the table has been to support these CAP agencies.

There were five NGOs, nongovernment organizations. There are still four left. They stand potentially to lose money in June or July and not have the carry-over into the next fiscal year. What this amendment ensures, with Mr. KOLBE's help, is that that money will be extended so that we can keep them in place.

When we talk about keeping them in place, for instance, one of these nongovernment organizations, and it is typical, has about 130 employees who are all Iraqis throughout Iraq and only seven who are not Iraqis, one or two Europeans, one or two eastern Europeans, and one or two Americans; and when you add up the others we are talking about over 600 Iraqis. And what are they doing? They are rebuilding schools, they are repairing water and sewer lines, building health clinics, helping what takes place in the schools. Just a host of other infrastructure and development projects.

In the report that was done by the Appropriations Committee, and I would like to read from it, it expresses my sentiments better than I could. This is what the report says, "The CAP program has generated a network of more than 1,300 community associations across 17 governorates in Iraq, and has trained 17,281 community association members."

The January, 2005, audit by the Office of Inspector General USAID found that the CAP, "achieved 98 percent of its intended outputs, including citizen participation, inner-government cooperation, local government cooperation, local employment generation, and consideration of environmental concerns."

The bottom line is, these programs are working extraordinarily well. And I thank Mr. KOLBE, and the chairman of the Appropriations Committee as well, for ensuring that these organizations do not have to close up shop, and fire a whole host of Iraqis.

I would like to just say, in addition, I am a strong supporter of making sure that we do everything we can to have the Iraqis succeed. It is astounding that last year they had three elections. They established a government. That government established a constitutional convention. They created a constitutional convention.

Then we had a second election, ratified by 79 percent of the Iraqis who voted. And then, once the constitution was established, December of this last year, 76 percent of all Iraqi adults voted, not 76 of those who registered, 76 percent. And 30 percent of their new assembly is made up of women. That is extraordinary progress on the political side. We are training their police, their border patrol and their army. I wish we had not allowed it to disintegrate.

But now they are getting to critical mass, so we are seeing the military side, we are seeing the political side. This is the economic side that Mr. KOLBE is focusing on.

Mr. KIRK. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Illinois.

Mr. KIRK. Mr. Chairman, I strongly support the Shays amendment because this continues the CAP program led by groups like Mercy Corps in Iraq who are able to operate with very low levels of security because they are so heavily supported by the local community.

This is a phenomenally successful program. The gentleman is exactly right.

Mr. SHAYS. Mr. Chairman, if I can just add, reclaiming my time, evidently not one of these projects done by these organizations have had to deal with assaults by Iraqis, have had a building or something which was then destroyed by insurgents. They have all survived.

I thank Mr. KOLBE from the bottom of my heart for his help in this effort.

Mrs. LOWEY. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I rise in support of the gentleman's amendment, and I understand and I am pleased that the chairman is going to accept it, because ICAP is one of the few overwhelming success stories with respect to Iraq reconstruction.

Since 2003, ICAP has worked with communities in all of Iraq's 18 governorates to empower ordinary Iraqis to determine, implement and monitor reconstruction and development in their communities.

We all talk about how Iraqis need to run their own country, choose their own government, fight their own battles, make their own priorities. ICAP is aimed at accomplishing just this goal.

Its implementing partners have trained more than 620 Iraqi staff members. In turn, they have trained over 17,000 community action group members. And ICAP partners do not contract with multi-national corporations to get their work done. Only Iraqi contractors carry out ICAP projects. So, as we move forward, ICAP can be an excellent complement to the new provincial reconstruction teams being established throughout Iraq.

The gentleman's amendment would ensure that ICAP does not run out of funding this summer, as it certainly will if no further resources are provided. So it would be a shame to end this program prematurely. Mr. Chairman, I urge my colleagues to support this amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be very brief. I am prepared, as the gentleman from Connecticut has already indicated, to accept this amendment.

The Community Action Program, to which this is directed, has been a proven and effective way to build community-based democracy in Iraq and linkages between community and provincial governance, and I think it has worked very well. The experience that we have had in Iraq has really been very much in favor of what we have been trying to do there.

These funds ensure the continuation of that Community Action Program through the fiscal year 2006, and I commit to the gentleman that we are going to consider further appropriations for this proven program in the regular appropriations bill for 2007.

For that reason, I am happy to accept this amendment and hope that we can move forward.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, there is a concern obviously with continuing resolutions. Is there a way to deal with that issue?

Mr. KOLBE. Yes. If there is a scenario in which funding for activities in the foreign operations appropriations bill are funded for a period of time under a continuing resolution, I believe the funds would be available, on a prorated basis, to continue the CAP program until regular appropriations were enacted.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $10,000,000 for the advancement of democracy in Iran, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 27, strike line 24 and all that follows through line 5 on page 28.

Page 35, line 20, after the dollar amount, insert the following: "(reduced by $5,000,000)".

Page 36, strike line 14 and all that follows through line 21.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Mr. GARRETT of New Jersey. Mr. Chairman, we are on the floor tonight to discuss a supplemental emergency appropriation, supplemental meaning that we are adding to something to complete it or to bring it to fruition. An emergency, just ran out and grabbed the dictionary, meaning an unexpected serious occurrence or situation urgently requiring prompt action.

Well, unfortunately, the language in the bill in this area of additional foreign aid is not an unexpected situation or emergent. That is just not my opinion. That is actually the opinion of the committee itself.

The language that we seek to strike is approximately $15 million in additional foreign aid, $5 million to expand public diplomacy information programs relating to Iran, and $10 million in democracy funds for the promotion of democracy, governance, human rights, independent media, and the rule of law in Iran.

Iran is certainly not an ally of this Nation that we are here tonight to seek assistance of $15 million. Again, not my opinion, that it is not an ally of this country. This administration itself called Iran part of the Axis of Evil. Iran, who wants to wipe Israel off the map of the world; Iran, who wants to assist Hamas in any way they possibly can; Iran, who neglects and fails to listen to the world's heed and continues to expand its nuclear program. And yet tonight we have a supplemental program of approximately $15 million to assist that nation.

Again, I say that this is not my opinion, that this is not an emergency situation. The committee in its report says that it is disappointed in the Department of State's failure to provide adequate and timely justification of the emergency nature of these funds.

If the State Department then cannot supply us and cannot supply the committee with the very information that it needs to say that this truly is an emergency situation, why then is this House considering providing an additional $15 million to support Iran?

The rest of the supplemental obviously has worthwhile programs in it. We are trying to assist our men and women overseas who find themselves in harm's way as we speak here tonight with military assistance. We are trying to assist those people down in the gulf coast to rebuild their lives with Katrina aid.

But, at the same time, we have articles such as this added to this Christmas tree list, if you will, of programs to the supplemental bill that do not meet the criteria of an emergency situation.

□ 1915

So. Mr. Chairman, I would say that we should strike the language in the bill that would delete $5 million for public diplomacy and $10 million for economic support fund for Iran.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, regretfully, I must make a point of order against the amendment because it proposes to amend portions of the bill not yet read.

Section 17 of chapter 2 of the House Practice book states in part, "It is not in order to strike or otherwise amend portions of a bill not yet read for amendment."

And for that reason I would make a point of order.

The Acting CHAIRMAN (Mr. GINGREY). The gentleman from California (Mr. LEWIS) has raised a point of order. Does the gentleman from New Jersey (Mr. GARRETT) wish to be heard on the point of order?

Mr. GARRETT of New Jersey. Mr. Chairman, if I may have a colloquy with the chairman?

The Acting CHAIRMAN. The Chair cannot entertain a colloquy on a point of order.

Mr. GARRETT of New Jersey. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $107,700,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana:

Page 28, line 9, after the dollar amount, insert the following: "(reduced by $26,300,000) (increased by $26,300,000)".

Mr. BURTON of Indiana. Mr. Chairman, I have discussed at length with the chairman of the subcommittee from Arizona and the chairman of the full committee the problems that we faced with Plan Colombia.

In the last 5 or 6 years, there have been 23 aircraft lost that are vitally important to the drug interdiction problem that we are facing. This chart shows you where the drugs are coming from and where they are going according to our intelligence agencies. And once drugs, heroin and cocaine, get beyond Colombia, 65 percent of them, almost two-thirds of them, work their way into the United States onto the streets, into the schools, into the playgrounds of this country.

President Uribe just came out up here recently and told us without the additional assets that are asked for in this amendment, he will not be able to do the job in dealing with the drug problem that we face here in America. So we have to decide as a Congress are we going to continue to fight the war against drugs or are we going to start acquiescing? Are we going to start caving in?

According to President Uribe, they need 23 aircraft. We have talked to the appropriators, and I really appreciate Mr. KOLBE for working on this, and Mr. LEWIS, the chairman. We have decided on a compromise right now. I hope that will help President Uribe. It is not going to solve the problem, but at least it is a step in the right direction.

What it does is provides three DC-3s, which will be able to surveil the area and help us interdict these drugs that are getting beyond Colombia and up into the United States. They have been doing a good job without all the assets they need, and with these additional DC-3s, which have all the technology that is necessary to police this area, it should help a great deal.

Make no mistake about it. We still need the Hueys. We still need the Blackhawks. Something like 70 percent of the aircraft they have used in this area have been destroyed in the last 5 or 6 years, and they need help down there. And President Uribe himself came all the way to the United States to make a plea for this help.

I have talked to the Speaker about it as well as the leaders of the Committee on Appropriations. And I hope my colleagues on the Democrat side as well will see fit to support this. We have a war against drugs. I have some colleagues who serve with me on the Government Reform Committee that told me in Baltimore there is an 80 percent increase in the amount of heroin usage in the minority community. If we are going to deal with that problem, we have to provide the resources for President Uribe and the Colombian national police and the Colombian military to deal with this problem.

In addition to that, we have other problems in South America and Central America that need to be dealt with which this equipment will also help us with. And we also have the problem with possible terrorists coming in. This surveillance effort will help in that regard as well.

I have a lot more things I would like to say, but I understand my time is about expired. I hope you will accept this amendment and I really appreciate you working with us.

Mr. Chairman, I thank Chairman HYDE, chairman DAVIS, Congressman SOUDER, Congressman CHABOT and the staff of the International Relations Committee for their exceptional work on crafting this critically important amendment.

Colombian President Alvaro Uribe is a key ally in the War on Drugs and a strong ally in Latin America. Last year, under his leadership and with U.S. and international support, Colombia succeeded in destroying 170,000 hectares of illegal coca (aerial and manual eradication), thus removing a potential 150 metric tons of cocaine with a street value of over $15 billion. Colombia's police and military forces captured or shared in the capture of another 223 metric tons of cocaine and cocaine base.

Despite these many successes, experience has taught us that if the cocaine and heroin make it to the coasts of Colombia, it has a 65 percent chance of getting into the United States. This is due, in part, to the reduction in assets monitoring the trafficking routes. We have excellent intelligence, we know where the smugglers are going but we lack the assets in theater to properly intercept the drugs headed our way.

Since 2000, we have witnessed—and thanks to aggressive oversight efforts by this Congress exposed—a nearly 70 percent reduction in military Marine Patrol Aircraft (MPA) used to interdict these deadly drugs after they reach the Colombian coast.

Furthermore, more than 23 aircraft including fixed wing spray planes and helicopters of the Colombian National Police (CNP) have been lost in action. The losses include both Black Hawk and Huey 2 helicopters used by the police anti-drug units in support of high altitude eradication of the opium corp. In 2003 alone, nearly 25 percent of the aircraft used in spray operations were lost, and they have not been replaced as of yet.

We cannot continue to enjoy even modest success at interdicting and destroying these drugs unless we make up these losses.

The Burton Amendment will restore critical anti-narcotic air and surface assets in the Colombian Navy and National police. The Amendment provides for $99.4 million in counter-drug emergency assistance to help replace some of the 23 Colombian National Police (CNP) aircraft lost in the fight against narco-terrorism since 2000. The money will also would provide three (3) new aircraft to serve as Marine Patrol Aircraft (MPA) for the Colombian Navy's drug interdiction efforts. In addition, the proposal will cover the operational and maintenance expenses for two year for these new aircraft.

I know that many of my colleagues are concerned about the cost of this amendment and the fact that we've asked for the funds to be considered as emergency spending.

I would respectfully remind those of my colleagues who oppose this amendment that the streets of America are awash in drugs. Because many of our own military maritime and air interdiction assets were removed from the Caribbean basin to deal with the challenges of homeland security after 9/11, we have left critical gaps in our drug interdiction net. The end result is that today the Central American Transit Zone is being exploited by drug-traffickers like never before.

We ignore this problem at our own peril, as the very routes being used to ship dangers narcotics to our shores could just as easily be used to smuggle in terrorists or weapons of mass destruction. Although there is no solid evidence yet of Central and South America traffickers and Al-Qaeda, many law enforcement officials have commented on the positive benefits to both groups from such a linkage. I believe it is not a question of if Al-Qaeda will try to exploit this glaring hole in our security net but when. The emergency is now and it is very real.

Spending this modest sum now to consolidate the major gains of the Plan Colombia program and strengthen our homeland security effort will save us far more money in comparison to the potential cost of cleaning up the mess should we allow Plan Colombia to ultimately fail, or al-Qaeda to exploit this situation to kill thousands more innocent Americans.

I respectfully ask my colleagues to vote for this amendment.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the amendment.

With great respect for my colleague, I rise in opposition to the gentleman's amendment though I think he raises a valid concern. I just returned from Colombia, and I think there is a real need to boost the Colombian government's interdiction efforts. I think, in fact, I think that greater focus on interdiction may well be more effective than our current emphasis on eradication. However, I think the responsibility for funding this program lies first and foremost with the Colombian government.

The President of Colombia was in Washington just a few weeks ago and met with Chairman KOLBE and me. He did not indicate to us any pressing need for this assistance. In fact, I believe the State Department is seeking to reprogram funds away from Colombian aviation programs and the Colombian national police to finance the demobilization programs.

That said, I do agree that the gentleman raises an important point. I think it is time that we look at a different mix for funding for Colombia, one that boosts spending on alternate development and interdiction programs and reduces funding for eradication programs which I think are ineffective at best. However, I think this amendment is better considered in the context of FY 2007 appropriations process where a more comprehensive discussion of the Colombia program can take place, and I think that is what is really needed here.

There is no emergency requirement for the funding. It does not belong in the supplemental. Therefore, I do urge my colleagues to vote against this amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the gentleman from Indiana has indicated, this amendment he has offered here does represent a compromise that we have worked out so I do rise to say that we support this amendment. Let me say I do agree with my colleague, the ranking member of the subcommittee, the gentlewoman from New York, in many of comments that she made. It is correct that when President Uribe, for whom I have the greatest respect and believe he has been one of the truly great leaders of Colombia in recent decades, I think when President Uribe came to visit with us, he did not give us any indication that this was the money that he was seeking, that he needed additional funds for.

However, having said that, I believe this is an important aspect of our efforts to interdict drugs coming to Central America and Mexico, and then on into the United States. For us it is the frontline of our war against drugs, and for that reason I do think that this amount which represents a reasonable compromise and does not damage our other programs from which the funds are taken in Iraq, for that reason, I think it is one that can be supported.

Mr. Chairman, I would support this amendment.

Mr. HYDE. Mr. Chairman, after 7 years of work on anti-narcotic efforts in Colombia, we are now seeing the fruits of our labors in the drug wars. Americans, and especially our young people, are greatly benefiting here at home from our policies in Colombia and the strong support of the government of President Alvaro Uribe.

We are concerned, however, with the recent waning support by some in the administration for our vital counterdrug initiatives. A focused part of our war on drugs is comprised of the interdiction and spray airplanes used by the Colombian police and military. We have funded a number of these aircraft, but several have been lost because of serious maintenance problems or have been shot down or destroyed.

Since the year 2000, more than 23 aircraft, including spray planes and vital helicopters, have crashed or been lost in action. This includes one of the original Black Hawk helicopters which we in the Congress obtained for the Colombian National Police, CNP, to use against the opium crops as early as 1999. The administration's FY07 budget fails to address these shortfalls.

Moreover, after some correspondence, the State Department dismissed my recent call for the replacement of these aircraft.

What we need is a small, but targeted, assistance package to replace lost anti-drug aircraft and to provide a few new Marine Patrol Aircraft, MPA, of modest cost for the Colombian Navy. We are asking that $99.4 million be directed for the operational costs of maintaining and replacing aircraft used by the Colombian police and military for drug interdiction efforts.

Of that $99.4 million, we ask for $31 million to be allocated for the purchase and operation of ten Huey II helicopters, $40 million be used for the purchase and operation of two UH–60 Black Hawks, one of which will be dedicated to interdicting high value targets, HVT, $2 million to be given toward the upgrade and purchase of flight simulators to be used by the

CNP for training on safety and night operations, and $26.4 million to be allocated for the purchase and operation of three DC–3 aircraft which will be used by the Colombian Navy as Marine Patrol Aircraft for multi-role shore interdiction and support missions.

The assistance we provide to Colombia is equally as important to the United States as our assistance in fighting terrorism in Iraq and Afghanistan. Lest we forget, more Americans die each year from using deadly heroin and cocaine that originate from nearby Colombia than did those on the day of the 9/11 attacks in New York, Pennsylvania, and at the Pentagon. We must continue to sustain our war against drugs and the progress we have been witnessing in Colombia.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. BURTON) will be postponed.

Mr. OBEY. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I would like to ask the gentleman from California (Mr. LEWIS) a question. As the gentleman knows there is a tradition of courtesy in this House which dictates that when either party has a function that the House will not be in session beyond say 5 or 6 o'clock.

We have made an exception this evening despite the fact that there was a dispute in the Republican caucus earlier in the day, which ate up an extra hour and a half and despite the fact that we have been told that other legislation needed to be brought to the floor. We still indicated our desire to cooperate in establishing a time limit, because we were trying to facilitate the Members of both parties leaving here tomorrow afternoon.

It now appears to me that despite our willingness to do that, we are getting a continual stream of new amendments being produced on the majority side, which are preventing us from reaching a time agreement that would enable us to get out of here at a reasonable hour tomorrow afternoon. I would like to know what the status of the situation is because at this point, I frankly see no purpose in continuing tonight if all we are going to do is give people more time to draft more amendments.

We have imposed a deadline on our side of the aisle and told Members that amendments will not be considered if they come in after a certain hour. But my understanding is on the Republican side there are still amendments coming in and the majority is being pressured to put them on the list. I do not mind working cooperatively, but I do mind when I am being taken advantage of.

I want to suggest that if we can not reach an agreement on time within the next 10 minutes, I for one intend to move to adjourn.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEWIS of California. If I could respond to the gentleman, the gentleman has been more than cooperative and I appreciate what he has to say.

From this gentleman's perspective, it is not our intention to take any additional amendments. We are very, very close to an agreement and I would hope that you and I can see our way through this long enough, a few minutes to make sure that we can get out at a reasonable time.

Mr. OBEY. I want it understood that if we do not have an agreement in 10 minutes, I will move to adjourn.

Mr. LEWIS of California. I always understand the gentleman.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $51,200,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance", $13,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, what I am trying to do still in the interest of cooperation tonight. I am trying to filibuster until Mr. CAPUANO, who is ready to offer the amendment, is ready to offer at this point.

Could I ask if the gentleman is ready? He is ready. This is probably the shortest filibuster in the history of the House.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $123,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

☐ 1930

AMENDMENT OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CAPUANO:

Page 29, line 10, after the dollar amount, insert the following: "(increased by $50,000,000)".

Mr. CAPUANO. Mr. Chairman, in July of 2004 this House declared atrocities in Darfur to be a genocide. Since that time, actually since 2003, 400,000 people at least have died; 200,000 people are in refugee camps in Chad; 2.5 million people are displaced within Darfur. Over half the population has been affected.

The President has used the word "genocide." The Secretary of State has used the word "genocide." The whole world knows what is going on in Darfur.

Many Members of this House, including many Members on both sides of this aisle, have been very active in this issue. In this bill there is already a lot of money appropriated to continue funding the African Union mission that is currently providing 7,700 troops in Darfur to protect the people that are there. However, everyone knows that that is insufficient. The A.U. is doing a good job with the number of troops it has and with the resources it has, but we all know that it needs more.

The President himself has asked to double the number of troops in the Darfur region. I agree with him. Everybody who watches this issue agrees with him. We have to do something.

The money that is in this bill will maintain the A.U. mission, which is a good thing. However, maintaining it is insufficient.

It will eventually become a mission, and that is a good thing. I hope most of us, if not all of us, will support it. That will take 6 to 9 months at the least. In the meantime, maintaining the current situation is unacceptable. Therefore, I have asked for an additional $50 million to be put forward to enhance that mission.

I understand there is some concern about adding more troops with this money. This money can be used for several different items. It is not just boots on the ground.

First of all, money is fungible. Second of all, these troops also have major problems with communication on the ground, with technical planning on the ground, with equipment on the ground that this money can be used for. This money will be our effort to build a bridge between the current situation and the situation that we all are trying to get to, which hopefully will take less than 9 months.

That is why I offer this amendment. That is why I hope it passes.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do rise in opposition to this amendment, and I know some of my colleagues may question why that would be the case, but I think there is a very good and sound reason for that, and I hope the gentleman from Massachusetts will listen to this.

As Members will know, our committee has supported $290 million for the African Union for the AMIS fund. That is the African Military in Sudan support fund. $123 million, that is in this bill. I have been to the Darfur region twice in the last 18 months, and I have seen the very difficult conditions under which this African Union force is working, and I have been pushing the State Department to come up with a strategy as to what would be the future for the A.U. fund.

So, with all of the support that the subcommittee has shown so far for this effort, why are we opposing this additional funding?

Well, the Members may come from both sides of the aisle to the floor and claim that this funding is critical to saving lives in Darfur, but the simple fact is that this will not do that. It does nothing of the kind. In fact, it could actually be counterproductive.

Let me explain why I say that.

There is now an agreement between all the parties, the African Union, the administration and the United Nations, that the African Union force we call AMIS, A-M-I-S, should transition to a United Nations force. Just this last Friday, the African Union announced its support for such a transition and extended the mandate of the AMIS force until the end of this fiscal year. I have their communique in my hand here suggesting that it will be extended and then there would be a transition to a United Nations force. The administration's request, which is fully funded in the bill before us, will fulfill the U.S. contribution to maintain the AMIS force until that time.

If we were to adopt these additional funds, we are basically saying that we do not agree with the idea that this force should be transitioned to a United Nations force. We are saying we want to add additional funds to keep it an African Union fund and not transition it to a United Nations force.

That, Mr. Chairman, would be a mistake. Because there is no question the African Union has made it clear they cannot expand the force. They are willing to extend it for the time being until it can be transitioned to the United Nations force, but they have no capability and no intention of expanding the force. So to put these additional moneys in here to expand the force simply says that we are opposed to transitioning it to a United Nations force where we could have the proper size and the proper forces attached to this.

So that is why I say this amendment actually would be counterproductive to what the gentleman from Massachusetts seeks to do. It is for that reason that I cannot support the message that we would send with this amendment.

If the situation in Darfur is not resolved by the end of the year, this force should be transitioned to the United Nations force where we have seen over and over again it has the capability of dealing with this kind of peacekeeping operation, from Bosnia to other places around the world.

So I urge my colleagues to reject this amendment. They will not be voting against the AMIS, the African Military in Sudan, the A.U. force, that is there. They will instead, by rejecting this amendment, they will be voting for a coordinated effort to truly bring stability to the troubled region of Darfur; and, for that reason, I would urge my colleagues to vote against this amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, more than a year and a half ago, the House and Senate voted unanimously to condemn the genocide in Darfur, and yet every day more people die, and the slow genocide persists unabated.

It is beyond imagination that the collective might and concerted will of the nations of the world cannot find a way to end this daily toll of human misery. Mr. Chairman, I hope and pray that Sudan will allow the U.N. peacekeeping mission to move forward so we can end this devastation. While we wait, however, we must find ways to make the African Union mission more effective.

I would note to my colleagues that the problem in Sudan has not generally been a lack of resources. With bipartisan support, often under Democratic initiative, the Congress has provided over $1.3 billion in assistance for Darfur and southern Sudan. This assistance has been and continues to be needed, and we are committed to providing it.

The primary problem, in my opinion, has been a lack of political will from the government of Sudan, from the international community and, to some extent, from the United States. Until we address these issues of political will, I am afraid we will be forced to rely on solutions that treat the symptoms without curing the disease.

I support this amendment because it seeks to make a bad situation better. I thank the gentleman for offering it.

I also want to acknowledge the leadership of members of the Foreign Operations Subcommittee, specifically Representatives JACKSON and KILPATRICK of Michigan and especially Chairman KOLBE, who have worked diligently to bring attention and focus to the situation in Darfur.

For those reasons, I will support the amendment.

The Acting CHAIRMAN (Mr. GINGREY). The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAPUANO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO) will be postponed.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

SEC. 1301. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

SEC. 1302. Of the funds made available under the heading "Iraq Relief and Reconstruction Fund" in chapter 2 of title II of Public Law 108–106, $185,500,000 is hereby transferred to and merged with the appropriation for "Economic Support Fund" contained in this Act: *Provided*, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(RESCISSION OF FUNDS)

SEC. 1303. Of the funds made available for Coalition Solidarity Initiative under the heading "Peacekeeping Operations" in chapter 2 of title II of division A of Public Law 109–13, $17,000,000 is rescinded.

SEC. 1304. Notwithstanding any other provision of law, amounts under the heading "Iraq Relief and Reconstruction Fund" in title II of Public Law 108–106 shall remain available for one additional year from the date on which the availability of funds would otherwise have expired, if such funds are initially obligated before the expiration of the period of availability provided herein: *Provided*, That, notwithstanding section 2207(d) of Public Law 108–106, requirements of section 2207 of Public Law 108–106 shall expire on October 1, 2008.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $26,692,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $287,100,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That, subject to the preceding proviso, $60,000,000 of the funds provided under this heading may not be obligated or expended until after that date on which the Secretary of Defense submits a detailed plan for Counter IED/Urban Bypass Roads, Iraq, to the Committees on Appropriations of the House of Representatives and Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $35,600,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate.

AMENDMENT NO. 2 OFFERED BY MR. SALAZAR

Mr. SALAZAR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SALAZAR:

In chapter 5 of title I, after the paragraph relating to "MILITARY CONSTRUCTION, AIR FORCE", insert the following:

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $70,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $560,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Mr. SALAZAR. Mr. Chairman, I believe that this Congress needs to recognize that caring for our veterans is a continuing cost of the war on terrorism.

My amendment adds $630 million in emergency funding so that the VA can better meet the needs of veterans returning home from Iraq and Afghanistan, and with this financial relief the VA will also be able to provide better care to the heroes of earlier conflicts.

Here is the situation. The VA projected that it would treat 110,000 Operation Iraqi and Enduring Freedom veterans this fiscal year. At the end of January, the first third of the fiscal year, the VA had already treated 74,000 veterans. At this rate, the VA will treat twice the number of veterans than projected.

Our veterans need our support now. There is no better place to include funding for our veterans and military families than in the bill addressing the costs of the war.

First, I have added $250 million for mental health. According to a recent Army study, as many as one in three veterans returning from combat operations in Iraq and Afghanistan will experience symptoms related to mental health problems.

This amendment will make available $9 million to expand veterans' access to family therapy; $168 million to implement the VA's own Comprehensive Mental Health Plan; $24 million for additional substance abuse treatment, one in five post-traumatic stress disorder patients have had substance abuse problems; $35 million to increase capacity to treat returning Iraq and Afghanistan veterans who need outpatient mental health services; $15 million for increased in-patient PTSD treatments, about a 12 percent increase; $3 million to increase staffing for VA efforts to seamlessly transition returning veterans with the Post-Deployment Health Assessment.

The VA is seeing more and more veterans from previous conflicts with post-traumatic stress disorder. This is a growing concern, and it is smart to provide quality mental health care to our returning veterans now and help forestall greater problems and more expense in the future.

The amendment also adds $110 million for prosthetics, a 10 percent increase. We all marvel at what we have done today to help return veterans to a full life, but it is not cheap. Above-knee replacement costs about $50,000, and then it needs periodic adjustment and maintenance. In past years, the VA prosthetic budget had grown by 17 percent a year. By 2007, the administration would cut back the growth to 12 percent. Now is certainly not the time to cut these important programs.

In another area, I added $200 million for direct medical services. Just like last year, we are already hearing anecdotes about shortages at VA medical facilities. Supply problems, budget problems, we do not need a crystal ball to make these predictions. With all the extra new veterans in need of medical care, there will be another budget shortfall.

This is by no means the fault of the men and women in the VA. The VA has made a real innovation by establishing state-of-the-art polytrauma centers, but they cost real money. These centers treat the worst injuries, sharing information with one another and military hospitals by videophone.

The amendment also adds $15 million for medical and vocational rehabilitation services. Service-disabled veterans applying for vocational rehabilitation and employment services increased dramatically over the last decade, roughly a 75 percent increase. Demand for this service will grow even faster due to the ongoing conflicts in Iraq and Afghanistan.

Finally, the amendment includes $55 million for increased staffing to process the growing number of disability claims. Currently, the backlog is more than 370,000 cases, and it is getting worse. In 2005, the VA was averaging 167 days to process one of these claims.

□ 1945

In 2006, it has grown to 185 days. In a time of war, we need to treat our heroes well. Slowing down the process of disability claims is a slap in the face.

Before closing, I would like to acknowledge Chairman WALSH's recognizing that there is a need for VA funding. In fact, he was good enough to grant the VA authority to use $275 million for the construction of a VA Hospital in New Orleans on a need basis.

VA facilities are already feeling the crunch when it comes to their budgets. Why are we not preparing for the future? Why are we willing to let the VA funding run out this year? Why is this administration not willing to fully fund the true cost of the war?

I am here to tell you that we can do better and we must do better. Our troops bravely put their lives on the line and it is our moral duty to provide them the care they were promised. Mr. Chairman, it is high time we stop paying lip service to our veterans and realize that caring for veterans is an ongoing cost of the war. It is high time that we start working towards providing the VA with the tools needed to provide proper care for our servicemen and -women.

Mr. Chairman, I urge my colleagues to support the amendment and to support the brave men and women in uniform.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI.

The amendment includes an emergency designation and as such, constitutes legislation in violation of clause 2 of rule XXI, and I ask for a ruling from the Chair.

The Acting CHAIRMAN (Mr. GINGREY). A point of order has been made against the amendment. Does any Member wish to address the point of order?

The Chair will rule.

The Chair finds that this amendment includes an emergency designation. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISION—THIS CHAPTER

SEC. 1501. The matter under the heading "Veterans Health Administration—Medical Services" in chapter 7 of title I of division B of Public Law 109–148 is amended by inserting after "calendar year 2005" the following: "and for unanticipated costs related to the Global War on Terror": *Provided*, That the provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $3,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $99,000,000, to remain available until September 30, 2007: *Provided*, That no funding provided in this Act shall be available for obligation for a new or enhanced information technology program unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice and Federal Bureau of Investigation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT OFFERED BY MR. KIRK

Mr. KIRK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KIRK:

Page 34, line 22, after the dollar amount, insert the following: "(increased by $9,200,000)".

Mr. KIRK. Mr. Chairman, I thank the Chair, and I want to particularly thank Mr. OBEY of Wisconsin and our chairman, Mr. LEWIS of California, for their work on this.

This amendment addresses a critical need in the drug war in Afghanistan. Since the U.S. coalition forces arrived in Afghanistan, Afghanistan has become the source of three-quarters of the world's heroin supply. We know what a failed state in Afghanistan leads to. In our new counternarcotic operations in Afghanistan, the United States is about to launch a major operation in the Helmand River Valley, where over half of the heroin crop is raised. In doing this, Afghan forces, including their police, will be hitting drug labs, and we need to collect critical information as those operations unfold.

This amendment would provide for critical tools on an aircraft already owned by the Drug Enforcement Agency to collect information on drug traffickers, and especially on kingpins who could be connected to terror. On this, I very much support the work of Chairman WOLF.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from Virginia.

Mr. WOLF. The committee accepts the amendment and congratulates the Member for doing this to help DEA. I think he makes a very powerful point.

Mr. KIRK. Thank you.

Mr. Chairman, this amendment would provide this critical platform to give the tools necessary for Drug Enforcement Agency to be the most effective they can be against Afghan drug kingpins. We already have 120 dedicated drug enforcement personnel on the ground helping Afghan police to carry out this mission. Chairman HYDE, Chairman ILEANA ROS-LEHTINEN, and I have backed this amendment because we feel it is critical for DEA to have these tools now to apply the lessons learned in Colombia to build a success in the coming operations in Afghanistan.

It is also important to note that this House supported amendments to the PATRIOT Act, which now make it a crime to deal in heroin for the support of terror without the need to show a connection to the U.S. market. We have seen Afghan drug dealers and terrorists killing U.S. troops, including two from the 10th Mountain Division, and this tool and the legal authorities that the House just provided are critical in helping force protection and adding to the tools that we need to continue this conflict in the most effective way.

So with that, I urge adoption of this amendment. It is a modest addition to this bill and provides a critical tool that will very quickly, dramatically assist in DEA's operation in Afghanistan.

Mr. HYDE. Mr. Chairman, the purpose of this amendment is to secure funding for an aerial surveillance platform to be used for counternarcotics efforts by the agents and personnel of our Drug Enforcement Administration, DEA, in Afghanistan.

The 9/11 Commission has made it clear that if Afghanistan were to again fall into failed-state status, we would be set back in our war on terror.

The growing opium and heroin trade provides for that possibility. The massive opium crop helps finance terrorism and anticoalition attacks and hampers the effective growth of peace and stability in the region. The drug trade also fuels corruption, which undermines the new democratic institutions we have worked so hard to establish.

We must vigorously pursue, interdict, and arrest the drug kingpins and shut down their operations. The just-signed PATRIOT Act has an additional provision I authored, creating a new Federal offense of narco-terrorism, to be enforced by the DEA against those who use illicit drugs and proceeds from their sales to support or fund terrorist acts or organizations, in places like Afghanistan.

In order to enable the DEA to enforce the new legislation, it is important for it to have the appropriate tools. An aerial surveillance platform provides both "force protection" of its dedicated and courageous personnel, as well as a platform for gathering judicially enforceable and prosecutable evidence of drug-related crimes. This evidence can be used in this country as a means of prosecuting and bringing to justice the drug kingpins and their cohorts.

If Afghanistan were to revert to its former failed-state status, the United States would be dealt a severe blow in its global war on terror. We cannot expect the Afghan legal system to effectively combat the drug problem in that country.

Thus, it is critical that we take the appropriate measures to ensure security and stability in Afghanistan. This modest $9.2 million amendment is one huge step toward that goal.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,100,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $1,380,500,000, to remain available until September 30, 2007: *Provided*, That of the amount made available under this heading, $1,326,000 shall be available for transfer to the United States Institute of Peace: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT NO. 8 OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DOGGETT:

Page 35, line 20, after the dollar amount, insert the following: "(increased by $7,800,000)".

Mr. DOGGETT. Mr. Chairman, this $7.8 million State Department amendment that I offer tonight on behalf of myself, Mr. ORTIZ, and Mr. REYES empowers you, Mr. Chairman, and you, Mr. WOLF, as our important subcommittee chairman, and the conferees to address a serious threat to the lives and livelihood of tens of thousands of Texans who call home an area along the southernmost tip of our country that encompasses three congressional districts.

Consistent with the rule under which this bill is being considered, these dollars would simply go to the State Department. But I believe in conference you would be able to clarify, consistent with tonight's debate, that it is designed to upgrade the Federal levees along the Rio Grande that are under the exclusive control of the International Boundary and Water Commission, an agency within the State Department.

Exactly 1,018 days ago, the administration received what was really an alarming report from within its own State Department that our Federal levees along the Rio Grande are up to 9 feet deficient in height, geologically flawed, structurally unsound, and would overtop along some 38 river miles. We know that the time to make repairs is when the sun is shining, not when the flood is coming. The kind of wall that we need along our borders, along our southern border, is a wall to hold in a swollen Rio Grande river. A levee.

What do the levees' weaknesses reported by the State Department mean if you live in the Rio Grande Valley? Well, this is an aerial photo of much of that area. It includes the poorest SMSA, statistical metropolitan area, in the United States: Mission, McAllen, Pharr, and Hidalgo. Hardworking people, small businesses, mission hospital, nursing homes, schools, Balboa Acres neighborhood, along with many others. That is what they look like today on an aerial photo.

What happens if the levees' break? That is what they will look like. They are going to be underwater. And the best way to reach these places is going to be by boat. If the Federal levees are not maintained adequately, and they have not been maintained adequately according to the State Department itself, we will lose 80 percent of our fresh water supply in McAllen, Texas. We will lose two-thirds of the sewer system, which will become unworkable.

That is what we call an emergency, as in emergency supplemental appropriations, in south Texas. We believe that the need is urgent, and that is why some 39 local governments across our three congressional districts, Chambers of Commerce and economic development corporations have pled with the administration to respond to this need.

Last year, under the leadership of Chairman WOLF and Ranking Member MOLLOHAN, the State Department appropriations bill that this Congress passed called on the President for additional funding. Afterwards, Chairman WOLF and Mr. MOLLOHAN wrote Secretary of State Rice a letter asking for support for rehabilitating these levees, recognizing how many people would suffer if they were not rehabilitated, and noting from their letter, that "this impacts the safety of the citizens of the Valley."

Of course, the Valley levees are not the only levees in the country that have problems. I know, Mr. LEWIS, that your own State of California has concerns in Sacramento. I would say to you that our situation is unique and different in several particulars. This flooded area, with deficient levees, are exclusively Federal levees that only the Federal Government can remedy because they are along an international border under the control of the State Department.

Second, we are in a hurricane area, a high hurricane area. Last year, we ran out of names we had so many hurricanes, and this year promises another severe hurricane season. But for the fate of nature, the hurricane that hit New Orleans could just as easily have tacked west instead of tacking east and caused just the scenario that is displayed here tonight on this aerial photo.

What I propose, Mr. Chairman, is to add about half a percent, less than the increase that the chairman just agreed to for the last amendment, about half a percent to the $1.3 billion in the State Department, and ask that you clarify in conference that it is to meet a need that I know you are aware exists, and I believe you are trying to respond to. And I believe the State Department recognized and wanted that in this emergency appropriations bill, but somewhere in the bureaucratic process this was not included.

I know that there is more work we will be doing together. I appreciate the meeting that was held today with representatives from south Texas concerning this problem with Mr. WOLF's staff and the meeting we will have tomorrow with the International Boundary and Water Commission. We have our request coming up in the regular appropriations process. But without an emergency appropriation, I believe that the Federal Government really is not meeting its responsibility, a responsibility to the lives and livelihoods of the good hardworking people along the Texas Rio Grande Valley.

That is all this amendment is trying to do, knowing that it could be this summer in hurricane season, it could be next year or the year after. Every day, every month we delay, a thousand days has been enough, and that we need to move forward in addressing this concern now. I thank you.

□ 2000

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

I am kind of surprised the amendment came up, to a certain extent. The gentleman from Texas, not this gentleman, but the gentleman he referred to, just came into town, and I have not had an opportunity to talk to him. I thought I was going to get to talk to him, and we felt that we were going out of our way to help.

The President has been requesting funding for the Lower Rio Grande Flood Control project for years and has again requested funding in the President's budget for 2007.

There are other areas of the country that have this problem, and so to do it here and not there, and there are gang problems around the Nation. Let us forget the full bills and put everything into the supplemental and so we can just have one big supplemental and not have to pass any other bills.

But to go through the normal process, the gentleman from Texas brought the issue of the Lower Rio Grande Valley Flood Control project to my attention last year. As a result, we included language in the IBWC account directing more funds be provided above the President's request for this project.

A week ago, the gentleman talked to me about additional moneys for the project in the fiscal year 2007 process. Funding for the International Boundary Water Commission should be addressed in the regular bill. This request does not belong in an emergency supplemental, and I urge a "no" vote on the Doggett amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. DOGGETT. I respect the subcommittee chairman's comments. I do not think he or the Appropriations Committee or the chairman of the full committee are the problem. They recognized this problem last year when they asked the State Department to take additional action. The State Department took additional action, and I believe they asked to be included in this emergency appropriations bill.

We need help in the regular appropriations cycle. We will need that help not just this year but every year for probably the next 10 years. It is a modest amount. All we are asking for is $7.8 million to add to the $2.2 million that was appropriated last year, the $10 million a year that this part of the State Department has been saying since 2003 that they need to avert disaster.

So tonight I would ask all of my colleagues to join with us in meeting an emergency with an emergency appropriation, and then we will strive to work together in a positive, bipartisan way to address what I know the committee recognizes to be a real, genuine, urgent problem.

The Acting CHAIRMAN (Mr. GINGREY). The question is on the amendment offered by the gentleman from Texas (Mr. DOGGETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. DOGGETT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. DOGGETT) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HINOJOSA

Mr. HINOJOSA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 3 offered by Mr. HINOJOSA.
>
> In the item relating to "DIPLOMATIC AND CONSULAR AFFAIRS", after "United States Institute of Peace", insert ": *Provided further*, That of the amount made available under this heading, $10,000,000 shall be available for the United States Section of the International Boundary Water Commission, United States and Mexico".

Mr. HINOJOSA. Mr. Chairman, I plan to withdraw my amendment after I give a summary of the serious condition of the floodway levee system near the Rio Grande River in Texas.

My friend and colleague, Mr. LLOYD DOGGETT, has brought some charts and shown what he understands to be the problem. I was born and raised there. I remember 1967 when six brothers were told by my dad that we were going to stop and shut down our business to go and help control what was happening on our levees that just could not stand the over 28 feet of water that was coming down the Rio Grande River and that our levee system was unable to stand up to that pressure.

So I am here to say that we today are appropriating billions of dollars to help New Orleans recover because we did not spend the millions necessary to maintain our levee system. Because of our shortsightedness, the residents of New Orleans are displaced and many died trying to escape the flood waters. I am here today to plead with you to not let this tragedy happen in my part of the country.

The International Boundary Water Commission is charged with maintaining over 500 miles of levees along the U.S.-Mexico border. A recent study by the U.S. Corps of Engineers shows that numerous sections of these levees are too weak, they are too low to hold back flood waters from the devastating Rio Grande River.

More than a million people call the Rio Grande Valley home, and 2.5 million people live on the Mexican side of the Rio Grande River. This region is the poorest in the Nation, and I am sure we do not want to see more images on television of the poorest of the poor losing what little they have.

My colleagues in Congress need to know that the Rio Grande Valley is also the gateway through which much of our Nation's commerce flows. Should a devastating flood hit the valley, factories and small businesses in Indiana, Illinois, New York, and throughout the Nation will shut down because of their inability to get just-in-time deliveries of the parts and supplies from maquiladoras that come through the valley's international border ports.

My constituents are not only afraid of the effects of a category 4 or category 5 hurricane, such as we experienced with Hurricane Beulah in 1967, but we are worried that even a slow-moving tropical storm could make them homeless like their neighbors in New Orleans. Heavy rains in the mountains of northern Mexico could cause a catastrophe because those flood waters empty into the Rio Grande River in areas from El Paso to Laredo to Roma and to Brownsville, Texas.

The IBWC estimates that $125 million would fix all of our inadequate floodway levees in South Texas.

My border colleagues and I, in a bipartisan collaboration with other members of the Texas delegation, will be asking the appropriators for most of this funding over a 5-year period or sooner through the regular appropriations process.

This evening, I spoke with Chairman WOLF and have agreed to work with him on ways to resolve these concerns. I welcome that opportunity.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GARRETT of New Jersey:
>
> Page 35, line 20, after the dollar amount, insert the following: "(reduced by $5,000,000)".

Mr. GARRETT of New Jersey. Mr. Chairman, I have come to the floor tonight to address the issue of an emergency supplemental in which we are spending upwards of $15 million more in essence on what I call foreign aid. I am here tonight on this particular amendment to strike approximately $5 million of that foreign aid.

As I stated before and as people look to this program and what we do here tonight, one must wonder what makes this situation an emergency. Well, the committee itself raised that same question when they said, "The committee is disappointed in the Department of State's failure to provide adequate and timely justification for the emergency nature of these funds."

What are these funds going to? These funds are going to the country of Iran. An ally of ours? Not by any stretch of the imagination. In fact, Iran has been called by this administration part of the Axis of Evil. Iran is a country that wishes to wipe Israel off the face of the map. In fact, the President of Iran has even said that they wish to wipe the United States off the face of the map.

So one wonders who at the State Department was looking at this situation in the past and did not know that there was a need for funds in this particular area, either in the past budget which we have already gone through or in the budget process that we are going through as we speak now. Apparently no one knew at the State Department that Iran is a problem country that we have to deal with and needed additional funding for, and so they come to us at the last minute with a supplemental emergency appropriation.

With all of the problems that we have today in this country, now is not the time to be adding more to our Nation's debt for foreign aid. Other portions of this bill certainly have merit to them. Portions, for example, for aid to our soldiers. Our men and women who find themselves in harm's way as we speak here tonight need the additional dollars and cents to get the job down there.

We have heard also the issues with regard to the folks down in the gulf coast, and there is additional funding for that program as well, to assist those people in New Orleans and elsewhere as far as their needed relief.

But do we need to spend additional emergency funds tonight for foreign aid in essence for diplomatic and consulate programs for Iran, not by any stretch of the imagination an ally of this country?

Mr. Chairman, I would suggest we should not. This is not a program that we will be putting on the burdens of today's taxpayers. No, we will be putting this burden on our children and our children's children. Why is that? It is because we are already in deficit spending in this Nation, and the emergency supplemental we are debating tonight will simply add to that debt and add to that burden.

I encourage my colleagues to support this amendment, to strike this additional foreign aid which is not an emergency by any stretch of the imagination.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would tell the body, this really is not foreign aid. You cannot pick up the newspaper without seeing the threat that Iran is to the Nation. This is a priority of the administration, but a priority of everyone who cares with regard to changing the government that we have in Iran. I do not know how you put it, but it is not aid. Iran is a threat to the United States. Is that a fact? I think you would have a very hard time finding anybody who says, no, it is not a fact. It is.

Iran is developing a nuclear bomb. I have seen some reports that say it may be within 18 months to 2 years of having an nuclear bomb.

The Iranian government is intent on destroying Israel. The Iranian government is the one who funded the bombing of the Marines barracks in 1993 where 241 marines died. They fund Hezbollah. They are the ones creating the problem in Lebanon. They are the ones involved in the funding and the blowing up of the American embassy in Beirut, the first embassy and the second embassy.

We need to do everything we can to change the government and get information to the people. So what the administration is trying to do is to have some public diplomacy, to basically do what Democrat administrations and Republican administrations have done during the Cold War: public diplomacy, exchange programs, change their government through peaceful means.

This is not foreign aid. I would say on behalf of anyone who thinks that Iran is a danger, please, I would urge a "no" vote on this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $25,300,000, to remain available until September 2007, of which $24,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GARRETT of New Jersey) having assumed the chair, Mr. GINGREY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

□ 2015

PERMISSION TO OFFER CERTAIN AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 4939 in the Committee of the Whole pursuant to House Resolution 725, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Ms. MILLENDER-MCDONALD, regarding funding for election activities under FEMA;

An amendment by Mr. HINCHEY, regarding limitations on foreign media;

An amendment by Mr. HINCHEY, regarding funding for contracts using other than competitive procedures;

An amendment by Mr. MELANCON, regarding funding for flood control programs;

An amendment by Mr. MELANCON, regarding agriculture disaster relief for Louisiana;

An amendment by Mr. JEFFERSON, regarding funding for HUD and FEMA disaster relief;

An amendment by Mr. JEFFERSON, regarding increased funding for HUD;

An amendment by Ms. JACKSON-LEE of Texas, regarding increased funding for rental housing under HUD;

An amendment by Ms. JACKSON-LEE of Texas to strike certain Secretarial authorities to waive low- and moderate-income requirements;

An amendment by Ms. JACKSON-LEE of Texas, regarding limiting certain funds on gulf coast elections;

An amendment by Ms. JACKSON-LEE of Texas, regarding approval of disaster loans;

An amendment by Mr. PAUL, regarding funding for the State of Texas;

An amendment by Mr. TIERNEY, regarding establishment of a House Select Committee;

An amendment by Mr. CONAWAY, to strike section 3010;

An amendment by Mr. CONAWAY, regarding LIHEAP funding and ANWR and OCS drilling;

An amendment by Mr. KENNEDY of Minnesota, regarding demonstrations within cemeteries;

An amendment by Mr. NADLER, regarding ocean shipping containers;

An amendment by Ms. VELÁZQUEZ, regarding deadlines for SBA loans;

An amendment by Ms. VELÁZQUEZ, regarding SBA loan rates;

An amendment by Mr. HALL, regarding child care subsidies;

An amendment by Ms. DELAURO to repeal avian flu liability provisions;

An amendment by Mr. BERRY of Arkansas, regarding the enrollment period for Medicare benefits;

An amendment by Ms. KAPTUR, regarding establishment of a House Select Committee;

An amendment by Ms. LEE, regarding FEMA termination of housing activities;

An amendment by Mr. DEFAZIO, regarding limitation on funds with an exception for constitutional activities;

An amendment by Mr. REYES, regarding funding for pandemic flu;

An amendment by Mr. REYES, regarding the Veterans Administration;

An amendment by Mr. GINGREY, to strike funding for the Historic Preservation Fund;

An amendment by Mr. WESTMORELAND, to strike section 3006;

An amendment by Ms. FOXX, to strike funding for the Broadcasting Board of Governors;

An amendment by Mr. FLAKE, to strike section 3007;

An amendment by Mr. INSLEE, regarding FISA;

An amendment by Mr. BRADY of Texas, to strike certain language regarding HUD funding distribution;

An amendment by Mr. BRADY of Texas, regarding HUD funding distribution among the States;

An amendment by Mr. BRADY of Texas, regarding additional funding for Texas;

An amendment by Mr. BRADY of Texas, regarding additional funding for Texas offset by State Department and FEMA disaster relief funds;

An amendment by Mr. BRADY of Texas, regarding redirection of HUD funding for educational costs in Texas;

An amendment by Mr. GARRETT of New Jersey, regarding educational and cultural exchange programs;

An amendment by Mr. WAXMAN, regarding DOD contracts, which shall be debatable for 20 minutes;

An amendment by Mr. NEUGEBAUER, eliminating funding in title II, which shall be debatable for 30 minutes;

An amendment by Mr. OBEY, regarding availability of certain LIHEAP funds, which shall be debatable for 30 minutes; 30 minutes;

An amendment by Mr. SABO, regarding funding for Homeland Security, which shall be debatable for 20 minutes (and which shall be in order at any point in the reading);

An amendment by Ms. LEE, regarding Iraq, which shall be debatable for 30 minutes;

An amendment by Mr. JINDAL, regarding funding for VA offset from FEMA disaster relief;

An amendment by Mr. JINDAL, regarding defense programs offset from FEMA disaster relief;

An amendment by Mr. JINDAL, regarding funding for military construction offset by FEMA disaster relief;

An amendment by Mr. TAYLOR of Mississippi, regarding military construction.

Each such amendment may be offered only by the Member named in this request or a designee or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Is there objection to the request of the gentleman from California?

Mr. OBEY. Mr. Speaker, reserving the right to object, and I certainly will not. I simply want to point out that right now we are at page 35 in the bill. There are some 83 pages in the bill; and after we dispose of the amendments on those pages, we still have at least 24 amendments that come at the end of the bill, which means that unless we have considerable Member cooperation, we are going to be here deep into tonight and deep into tomorrow night. So I would invite Members to understand what the situation is with respect to the number of amendments still before us.

With that, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 725 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4939.

☐ 2023

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, with Mr. GINGREY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from New Jersey (Mr. GARRETT) had been disposed of and the bill had been read through page 36, line 13.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or his designees for the purpose of debate;

An amendment by Ms. MILLENDER-MCDONALD, regarding funding for election activities under FEMA;

An amendment by Mr. HINCHEY, regarding limitations on foreign media;

An amendment by Mr. HINCHEY, regarding funding for contracts using other than competitive procedures;

An amendment by Mr. MELANCON, regarding funding for flood control programs;

An amendment by Mr. MELANCON, regarding agriculture disaster relief for Louisiana;

An amendment by Mr. JEFFERSON, regarding funding for HUD and FEMA disaster relief;

An amendment by Mr. JEFFERSON, regarding increased funding for HUD;

An amendment by Ms. JACKSON-LEE of Texas, regarding increased funding for rental housing under HUD;

An amendment by Ms. JACKSON-LEE of Texas to strike certain Secretarial authorities to waive low- and moderate-income requirements;

An amendment by Ms. JACKSON-LEE of Texas, regarding limiting certain funds on gulf coast elections;

An amendment by Ms. JACKSON-LEE of Texas, regarding approval of disaster loans;

An amendment by Mr. PAUL, regarding funding for the State of Texas;

An amendment by Mr. TIERNEY, regarding establishment of a House Select Committee;

An amendment by Mr. CONAWAY, to strike section 3010;

An amendment by Mr. CONAWAY, regarding LIHEAP funding and ANWR and OCS drilling;

An amendment by Mr. KENNEDY of Minnesota, regarding demonstrations within cemeteries;

An amendment by Mr. NADLER, regarding ocean shipping containers;

An amendment by Ms. VELÁZQUEZ, regarding deadlines for SBA loans;

An amendment by Ms. VELÁZQUEZ, regarding SBA loan rates;

An amendment by Mr. HALL, regarding child care subsidies;

An amendment by Ms. DELAURO, to repeal avian flu liability provisions;

An amendment by Mr. BERRY of Arkansas, regarding the enrollment period for Medicare benefits;

An amendment by Ms. KAPTUR, regarding establishment of a House Select Committee;

An amendment by Ms. LEE, regarding FEMA termination of housing activities;

An amendment by Mr. DEFAZIO, regarding limitations on funds with an exception for constitutional activities;

An amendment by Mr. REYES, regarding funding for pandemic flu;

An amendment by Mr. REYES, regarding the Veterans Administration;

An amendment by Mr. GINGREY, to strike funding for the Historic Preservation Fund;

An amendment by Mr. WESTMORELAND, to strike section 3006;

An amendment by Ms. FOXX, to strike funding for the Broadcasting Board of Governors;

An amendment by Mr. FLAKE, to strike section 3007;

An amendment by Mr. INSLEE, regarding FISA;

An amendment by Mr. BRADY of Texas, to strike certain language regarding HUD funding distribution;

An amendment by Mr. BRADY of Texas, regarding HUD funding distribution among the States;

An amendment by Mr. BRADY of Texas, regarding additional funding for Texas;

An amendment by Mr. BRADY of Texas, regarding additional funding for Texas offset by State Department and FEMA disaster relief funds;

An amendment by Mr. BRADY of Texas, regarding redirection of HUD funding for educational costs in Texas;

An amendment by Mr. GARRETT of New Jersey, regarding educational and cultural exchange programs;

An amendment by Mr. WAXMAN, regarding DOD contracts, which shall be debatable for 20 minutes;

An amendment by Mr. NEUGEBAUER, eliminating funding in title II, which shall be debatable for 30 minutes;

An amendment by Mr. OBEY, regarding availability of certain LIHEAP funds, which shall be debatable for 30 minutes;

An amendment by Mr. SABO, regarding funding for Homeland Security, which shall be debatable for 20 minutes (and which shall be in order at any point in the reading);

An amendment by Ms. LEE, regarding Iraq, which shall be debatable for 30 minutes;

An amendment by Mr. JINDAL, regarding funding for VA offset for FEMA disaster relief;

An amendment by Mr. JINDAL, regarding defense programs offset from FEMA disaster relief;

An amendment by Mr. JINDAL, regarding funding for military construction offset by FEMA disaster relief;

An amendment by Mr. TAYLOR of Mississippi, regarding military construction.

Each amendment may be offered only by the Member named in this request or a designee or by the Member who caused it to be printed in the RECORD or a designee, shall be considered read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

□ 2030

The Acting CHAIRMAN (Mr. GINGREY). The Clerk will read.

The Clerk read as follows:

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $5,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 36, strike line 14 and all that follows through line 21.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I come once again to the floor to raise the issue that I have raised earlier this evening, and that is in this time of spiraling deficits and excess spending by the Federal Government, is now the time to be spending money on an emergency supplemental where the nature of the emergency comes into question? In this case, as I classified in my terminology before, I called it foreign aid. I don't know whether anyone can really say that this is not.

The funding here is $5 million for academic, professional and cultural exchange focused on Iran. As I pointed out before, and it was agreed, Iran is no ally of the United States Government. As we agree, Iran is a part of the Axis of Evil. They are supporting Hamas. They do wish to eliminate and see Israel wiped off the map of the world. They do wish to see the United States wiped off the map of the world. They are continuing with their nuclear program. In this, we are all in agreement. Iran is a threat.

This is not something new. This is not something that just came about in the last few days, weeks, months or what have you. We have known that Iran is a threat to the world community for some time, at least this House did. We have had many debates and discussions on this in the past on this floor as to the threat that Iran poses to this Nation, to its area community and the world in general.

The question then becomes, is this new news to the State Department? Apparently it is, because were it not new news to the State Department, they would have gone through regular order and they would have sought this $5 million or the $10 or $15 million for the other appropriations that we previously spoke about.

They would have gone through regular order, and they would have asked for and put this through the budget process in the current budget cycle year, or they would have included it in the budget proposal that we are currently considering as we go forward for the next fiscal year. They did not. Instead, they come to us now at the last minute and ask for an emergency supplemental appropriation.

I would ask that the State Department pay more attention to these matters. If they were not aware that Iran was such a threat and that these programs are needed, and I am not about to debate right here that they are not needed, but if they were needed, they should have gone through regular order, they should have come through the process earlier.

In addition, all other areas of spending in this House, when it goes through regular order, has to compete against other necessary expenditures. Some foreign threats that we have, Afghanistan, and Iraq and elsewhere, have to be weighed against other competing interests.

Likewise, they must be weighed against domestic interests as well. As in this bill, there is money here for Katrina. They have to assist those people down there. They have an interest as well. Other domestic programs also have to be weighed against other competing domestic interests.

I would simply suggest to this body that while Iran is a threat, it is not a new threat. It is a threat that we have known has been out there for some period of time.

The appropriate manner would have been for this to have gone, as with the other legislation amendments that I discussed previously, through regular order, so that we would have had a complete and full debate on it.

Again, I agree with what the committee said on those other matters, that the committee, as I quote from their report, "is disappointed in the Department of State's failure to provide adequate and timely justification of the emergency nature of these funds." I concur with the committee. The State Department has not provided that justification.

I urge my colleagues to support this amendment to delete this additional $5 million.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. CONAWAY). The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I said it before, but I will say it again: it is an emergency. My goodness, this country is putting together a nuclear weapon. The Bush administration, if you read the paper the last several days, has been meeting every day with experts around the world on the issue of Iran. To cut this money back pulls the rug out from the administration. Iran is a threat.

Iran is developing a nuclear bomb. Iran is the one that funded Hezbollah. Iran blew up the American embassy once. They blew up the American Embassy in Beirut a second time. Iran blew up the Marine Corps barracks killing 241 Marines. It is an emergency.

My God, the Iranians will be laughing at us if we were to reduce this amount of money. This is an emergency. So I just urge a "no" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I rise to simply agree with every word the gentleman from Virginia just spoke. I cannot think of a more mindless, shortsighted or ridiculous amendment to be offered that affects a serious problem than this amendment. It is absolutely backwards. It is ludicrous. It is absolutely against the interest of the United States.

What we are in effect saying is we have such great relations with this country that we don't want to do whatever we can to improve them by going directly to people through exchange programs. I find that to be ridiculous.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $129,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $7,600,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT OFFERED BY MS. FOXX

Ms. FOXX. Mr. Chairman, I offer two amendments, and ask unanimous consent that they be considered en bloc.

The Acting CHAIRMAN. The gentlewoman may only offer one amendment.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the gentlewoman's amendment.

The Acting CHAIRMAN. The gentlewoman is only allowed one amendment. Does she intend to offer the amendment starting with page 37, striking line 6 through page 38, line 4?

Ms. FOXX. Mr. Chairman, the two amendments I had, one would strike line 6 through 14 and the other lines 15 through 21. We submitted one amendment, and then I was told they had to be separated, and two amendments were submitted.

The Acting CHAIRMAN. The Clerk will designate a single Foxx amendment.

The text of the amendment is as follows:

Amendment offered by Ms. FOXX:

Page 37, strike lines 6 through 21 (relating to Broadcasting Capital Improvements).

The Acting CHAIRMAN. Is there objection to consideration of the amendment in this format?

There was no objection.

The Acting CHAIRMAN. Pursuant to the order earlier today, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Mr. Chairman, what I understand now is the two amendments were combined into one, for which I am very grateful.

Mr. Chairman, this amendment would strike the funding for the international broadcasting operations of Radio Free Europe section of this bill. I am sure there are many folks who can tell us the merits and great purpose of Radio Free Europe and our broadcasting overseas, but we can debate the merits of Radio Free Europe another time.

It was my understanding that this war supplemental was supposed to be purely for emergency spending for the war. Providing essential equipment for our troops is one thing. Additional funding for additional international broadcasting is another.

Mr. Chairman, many conservatives were disappointed that additional Katrina funding was added to this bill since the moneys approved last fall have not been spent totally. In fact, Mr. Chairman, of the $67.5 billion directly appropriated to Katrina and Rita relief, only $22.5 billion have been spent. Why are we allocating additional hard-earned tax dollars, when over half of the additional funding is yet to be spent?

Furthermore, the Katrina spending approved did not have proper safeguards. I read article after article reporting stories of fraud and abuse of relief funds. The reason we read and hear these stories on the nightly news is because we did not move carefully enough the first time. Let's not make that mistake again with additional Katrina funding or other extraneous funding added that is not emergency funding for the war in Iraq.

I urge Members to support my amendment and remove this funding, so we can debate the merits of the program in its proper setting.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment. It strikes all the radio and television broadcasting. I think I made the point on the last amendment, the Garrett amendment, that this is important to the administration. If the President didn't do this, frankly, he would be subject to criticism by this Congress. This Congress would get up and say, why are you not doing more to change the government?

It is just not a good amendment. I urge overwhelming defeat of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. FOXX. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX) will be postponed.

The Clerk will read.

The Clerk read as follows:

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements", $28,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 1601. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

The Acting CHAIRMAN. Pursuant to House Resolution 725, title II is considered read.

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

EXECUTIVE OPERATIONS

WORKING CAPITAL FUND

For an additional amount for "Working Capital Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Agricultural Research Service

BUILDINGS AND FACILITIES

For an additional amount for "Agricultural Research Service, Buildings and Facilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Natural Resources Conservation Service

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for "Emergency Watershed Protection Program" $10,000,000, to remain available until September 30, 2008, for the purchase of easements on floodplain lands in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

Military Personnel, Army

For an additional amount for "Military Personnel, Army", $2,125,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Personnel, Navy

For an additional amount for "Military Personnel, Navy", $22,002,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Personnel, Marine Corps

For an additional amount for "Military Personnel, Marine Corps", $3,992,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force", $21,610,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Reserve Personnel, Army

For an additional amount for "Reserve Personnel, Army", $4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Reserve Personnel, Navy

For an additional amount for "Reserve Personnel, Navy", $10,200,000 for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Reserve Personnel, Marine Corps

For an additional amount for "Reserve Personnel, Marine Corps", $2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Reserve Personnel, Air Force

For an additional amount for "Reserve Personnel, Air Force", $94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

National Guard Personnel, Army

For an additional amount for "National Guard Personnel, Army", $1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

National Guard Personnel, Air Force

For an additional amount for "National Guard Personnel, Air Force", $1,408,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $29,913,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $37,359,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Navy Reserve

For an additional amount for "Operation and Maintenance, Navy Reserve", $12,755,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Air Force Reserve

For an additional amount for "Operation and Maintenance, Air Force Reserve", $1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $42,307,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

Procurement of Ammunition, Army

For an additional amount for "Procurement of Ammunition, Army", $700,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $899,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Shipbuilding and Conversion, Navy

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Shipbuilding and Conversion, Navy", $775,236,000 to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to replace destroyed or damaged equipment; prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated: *Provided*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $2,797,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Navy

For an additional amount for "Research, Development, Test and Evaluation, Navy", $12,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Research, Development, Test and Evaluation, Air Force

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For an additional amount for "Defense Working Capital Funds", $1,222,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

National Defense Sealift Fund

For an additional amount for "National Defense Sealift Fund", $10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRUST FUNDS

General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense

For an additional amount for "General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense", $10,530,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program", $33,881,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

CONSTRUCTION

For additional amounts for "Construction" to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands, $100,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FLOOD CONTROL AND COASTAL EMERGENCIES

For additional amounts for "Flood Control and Coastal Emergencies", as authorized by section of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $1,360,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That none of the funds provided herein shall be available until the non-federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the projects: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con.

Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

Office of Inspector General

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $13,500,000, to remain available until September 30, 2007: *Provided*, That these amounts shall be transferred to the Offices of Inspector General of the Departments of Agriculture, Defense, Education, Health and Human Services, Housing and Urban Development, Justice, Labor and Transportation, and the Environmental Protection Agency, the General Services Administration, and the Social Security Administration to carry out necessary audits and investigations of funding and programs undertaken by the respective agencies for response and recovery from the 2005 Gulf Coast hurricanes: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Customs and Border Protection

SALARIES AND EXPENSES

For an additional amount for 'Salaries and Expenses' to provide for the relocation of personnel and equipment related to the New Orleans laboratory facility and for the repair and replacement of critical equipment and property damaged or caused by Hurricane Katrina and other hurricanes of the 2005 season, $12,900,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction" to rebuild and repair structures damaged by Hurricane Katrina and other hurricanes of the 2005 season, $4,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

United States Coast Guard

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $14,300,000, to remain available until September 30, 2007, of which up to $267,000 may be transferred to "Environmental Compliance and Restoration" to be used for environmental cleanup and restoration of Coast Guard facilities; and of which up to $500,000 may be transferred to "Research, Development, Test, and Evaluation" to be used for salvage and repair of research and development equipment and facilities: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $80,755,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Federal Emergency Management Agency

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $70,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS, MITIGATION, RESPONSE AND RECOVERY

For an additional amount for "Preparedness, Mitigation, Response and Recovery" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $9,550,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Assistance Direct Loan Program Account" for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), $151,000,000, to be used to assist local governments that were affected by Hurricane Katrina and other hurricanes of the 2005 season in providing essential services, of which $1,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such funds may be used to subsidize gross obligations for the principal amount of direct loans not to exceed $200,000,000: *Provided further*, That notwithstanding section 417(b) of such Act, the amount of any such loan issued pursuant to this section may exceed $5,000,000: *Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That of the amount provided in this chapter under the heading Disaster Relief", up to $150,000,000 may be transferred to and merged with the funds provided under this heading, to be used to subsidize gross obligations for the principal amount of direct loans not to exceed $200,000,000: *Provided further*, That the amounts provided or transferred under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricanes Katrina and Rita if the State or local government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006, notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174): *Provided*, That the Federal share of the costs eligible to be paid shall be 100 percent.

SEC. 2402. (a) Title III of Public Law 109–90 is amended under the heading "National Flood Insurance Fund" by striking "$30,000,000 for interest on Treasury borrowings" and inserting "such sums as necessary for interest on Treasury borrowings".

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

United States Fish and Wildlife Service

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $132,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

National Park Service

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $55,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

United States Geological Survey

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $10,200,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Minerals Management Service

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For an additional amount for "Royalty and Offshore Minerals Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $15,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for "Environmental Programs and Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $6,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For an additional amount for the "Leaking Underground Storage Tank Program" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $7,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF AGRICULTURE

Forest Service

NATIONAL FOREST SYSTEM

For an additional amount for the "National Forest System" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military Construction, Navy and Marine Corps

For an additional amount for "Military Construction, Navy and Marine Corps", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $28,880,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Construction, Air Force

For an additional amount for "Military Construction, Air Force", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $57,300,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Construction, Army National Guard

For an additional amount for "Military Construction, Army National Guard", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, $67,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading in the chapter 7 of title I of division B of Public Law 109–148 (119 Stat. 2770) shall remain available until September 30, 2010: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Construction, Air National Guard

For an additional amount for "Military Construction, Air National Guard", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, $5,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Construction, Navy Reserve

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Navy Reserve", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, $24,270,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under the heading "Military Construction, Naval Reserve" in chapter 7 of title I of division B of Public Law 109–148 (119 Stat. 2771) shall remain available until September 30, 2010, except that, of such amount $49,530,000 are rescinded: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF VETERANS AFFAIRS

Departmental Administration

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction, Major Projects", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $550,000,000, to remain available until expended: *Provided*, That the foregoing amount shall only be available upon enactment, by June 30, 2006, of authority under section 8104 of title 38, United States Code: *Provided further*, That up to $275,000,000 of the amount provided under this heading may (at any time after the enactment of this Act and without regard to the preceding proviso) be transferred by the Secretary of Veterans Affairs to the "Medical Services" account, to be available only for unanticipated costs related to the Global War on Terror: *Provided further*, That the Secretary of Veterans Affairs shall, not fewer than 15 days prior to making a transfer under the authority in the preceding proviso, notify the Committees on Appropriations of the Senate and House of Representatives in writing of the transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 7

DEPARTMENT OF JUSTICE

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $2,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $11,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SCIENCE

National Aeronautics and Space Administration

EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $30,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

Small Business Administration

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, $1,254,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, of the amount provided under this heading, up to $190,000,000 may be transferred to and merged with appropriations for "Small Business Administration, Salaries and Expenses" for administrative expenses to carry out the disaster loan program: *Provided further*, That none of the funds provided under this heading may be used for indirect administrative expenses: *Provided further*, That, of the amount provided under this heading, $712,000,000 is hereby transferred to "Federal Emergency Management Agency, Disaster Relief" to reimburse that account for funds transferred to this account by Public Law 109-174: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Community development fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of hurricanes in the Gulf of Mexico in 2005 in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in conjunction with Hurricane Katrina, Rita, or Wilma, $4,200,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That funds made available under this heading shall be distributed to address the most critical recovery requirements notwithstanding funding limitations under this heading in title I of division B of Public Law 109-148: *Provided further*, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: *Provided further*, That each State may use up to five percent of its allocation for administrative costs: *Provided further*, That not less than $1,000,000,000 from funds made available under this heading shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute, as modified: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: *Provided further*, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That prior to the obligation of funds to each State, the Secretary shall ensure that such plan gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: *Provided further*, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: *Provided further*, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: *Provided further*, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: *Provided further*, That of the amounts made available under this heading, the Secretary may transfer a total of up to $15,000,000 to the Office of Inspector General and "Management and Administration, Salaries and Expenses" for costs associated with administration and oversight: *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INDEPENDENT AGENCY

General Services Administration

FEDERAL BUILDINGS FUND

For an additional amount for "Federal Buildings Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $37,000,000, from the General Fund and to remain available until expended: *Provided*, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for affected buildings: *Provided further*, That he amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

The Acting CHAIRMAN. Are there any amendments to title II?

☐ 2045

AMENDMENT OFFERED BY MR. MELANCON

Mr. MELANCON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. CONAWAY). The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. MELANCON:
>
> Page 54, line 15, after the dollar amount, insert the following: "(increased by $465,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. MELANCON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. MELANCON. Mr. Chairman, the amendment that I bring forward today will provide for $465 million for levees in South Louisiana. Currently, there is $1.363 billion, $1 million added to the $1,363,000,000 in the bill for flood control and hurricane protection.

Part of the problems during the storms is the over-topping of levees, inadequate levees. We have a situation in south Louisiana that was understood by the White House, and the President made his announcement to send more money down to the Congress.

That total amount did not end up getting into the bill. My amendment would increase the amount of funding to $465 billion, and this amendment would provide $35 million for additional hurricane protection for coastal restoration in an area in south central

Louisiana that went under during Rita that was not included in the original monies.

We have areas that are in St. Charles Parish, Plaquemines Parish, Jefferson Parish, St. Bernard Parish, Terrebonne Parish, and Lafourche Parish. These areas need to be taken care of, particularly since these areas are the first areas that will take the brunt of a storm in the Gulf of Mexico and southern Louisiana.

This is a working coast. This is the Louisiana coast. Oil and gas from Louisiana accounts for 30 percent of the energy consumed in this country. Thirty percent of the fish that come from the oceans that this country consumes come from Louisiana's coastal areas and the Gulf of Mexico. Forty-two percent of the commodities exported from this country come through New Orleans and the river bounded by Plaquemines and St. Bernard Parish.

Mr. Chairman, I bring this amendment today because the people of south Louisiana need these important levees to protect them.

In particular, the Morganza to the Gulf project, the people in this area where the Morganza to the Gulf project will be built have taxed themselves and started the projects. They are waiting on a WRDA. If we can get a WRDA bill out of the Senate and conferenced and passed, then these folks have started, and this bill would allow them to have that money to move this project forward to protect their areas of south Louisiana.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, reluctantly, I rise in opposition to the amendment offered by the gentleman from Louisiana.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. The amendment seeks to add $430 million for armoring levees in addition to the $170 million already contained in the bill. The supplemental bill before us provides the request of $170 million to armor the most critical portions of the hurricane protection system that are judged by the Corps of Engineers to be the most critical to providing near-term protection to the citizens of New Orleans.

The funding, as provided, is not geographically specific and can be used across the entire hurricane protection system to armor the areas identified by the Corps as the most vital. This funding is sufficient to address the most essential armoring requirements as identified by the Corps of Engineers.

According to the Corps, only 16 percent of the requested $170 million can be expended in 2006. Given that the Corps will only be able to expend a very limited amount of the $170 million this fiscal year, the provision of additional funding will not result in more near-term protection for the region.

Activities that occur predominately in fiscal year 2007 and beyond do not qualify for emergency funding in this supplemental. They should be addressed in the regular order of our fiscal year 2007 energy and water bill.

The amendment also seeks to add an additional $35 million to accelerate the study phase of the Morganza to the Gulf project. I would like to point out that the study was funded at $11 million in 2006 through both the regular bill and the supplemental funding. The study is ongoing, and it is funded for activities through this fiscal year.

The construction activities require additional authorization. This study does not rise to the level of an emergency. I urge my colleagues to work with me to pursue this in regular order.

I must mention to my colleague that I have these kind of problems in northern California, that I can similarly put in this emergency supplemental. But, frankly, they are more logical for regular order.

So, with that, I would ask my colleague to consider withdrawing his amendment. Failing that, I am afraid I must oppose the amendment and ask my colleagues to vote "no" on its adoption.

Mr. MELANCON. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Louisiana.

Mr. MELANCON. Mr. Chairman, I understand what you are saying. We have been 5 to 6 years without a WRDA bill. The Morganza to the Gulf project has been in that stalled WRDA bill. There are now 80 Members of the Senate that have signed on to letters saying in this session their intention is to pass a WRDA bill.

If authorization is included with the passage of a WRDA bill, in essence, this funding will be ready to go. These people have authorization on portions, as you have explained, and now they can move forward and continue the process of building these levees that they have so much wanted to build for the last 5 to 10 years.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time. I must say to the gentleman that I do have similar questions that are very much like this in northern California, critical circumstances; and it just is not appropriate in the portion of this emergency bill. Because of that, I would have to oppose the gentleman's request.

Mr. MELANCON. Mr. Chairman, I understand. This is something that I must put to a vote. We are in an emergency situation. We have been. This Congress' actions, where we are at the seventh month, makes it even more critical and more of the need.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. MELANCON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MELANCON. Mr. Chairman, on that I demand the yeas and nays.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. MELANCON) will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. JEFFERSON

Mr. JEFFERSON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. JEFFERSON:

In chapter 4 of title II, in the item relating to "FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF", after the aggregate dollar amount, insert the following: "(reduced by $2,000,000,000)".

In chapter 8 of title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND—(INCLUDING TRANSFER OF FUNDS)", after the aggregate dollar amount, insert the following: "(increased by $2,000,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from Louisiana (Mr. JEFFERSON) and a Member opposed each will control 5 minutes.

Mr. LEWIS of California. On the amendment that we are considering, Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Louisiana.

Mr. JEFFERSON. Mr. Chairman, today, I rise to offer the first of two amendments to H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and the Hurricane Recovery Act of 2006, that will add more funds to the Community Development Block Grant, CDBG funds, to meet the housing and rebuilding needs of Louisiana, Texas and other places.

The first amendment, number 6, printed in the CONGRESSIONAL RECORD, will take $2 billion from the Federal Emergency Management Agency, FEMA, and add it to the Community Development Block Grant funds, making that total request $6.2 billion.

This amendment keeps the total hurricane supplemental request at $19.1 billion. The proposed $2 billion decrease in FEMA funding brings that total to $7.755 billion.

Mr. Chairman, information recently given to us by the Appropriations Committee indicates that FEMA will not run out of its current funds until the second week of July. Moreover, with FEMA's weekly spend rate of $500 million, the first proposed appropriation of $9.55 billion, less my amendment, would fund FEMA through the end of October.

Mr. Chairman, I am certain that between now and October we will be able to amply try and figure out what FEMA really needs and provide the resources it needs at that time.

Mr. Chairman, the administration has asked Louisiana repeatedly to submit a housing plan, and we did that. This chart shows what Louisiana's housing needs are. We had severe destruction of our housing infrastructure in our State, and we have more than 100,000 housing units destroyed. This will cost over $100,000 billion to get this whole matter straightened out, along with other project losses back home.

What we are saying here is that we have a plan which we submitted to the White House, and we have had this plan looked at very closely. The agreement is that Louisiana has submitted a very solid plan for $4.2 billion for unmet needs in its housing reconstruction. Without housing, our city cannot rebuild. Without housing, there is no chance to bring our city back. And so we are saying today, Mr. Chairman, that without full funding we cannot meet the crucial needs to help our citizens rebuild their lives.

There is a move being made now to take the money out of the $4.2 billion to apply to Texas and perhaps some other places, and we say we need all of the $4.2 billion. We also have the $2 billion for Texas. We do not argue they do not need more help, but we do not need to have our money raided to take care of Texas or any other place.

By increasing the CDBG funding, we will allow the needs of Louisiana, Texas and other States to be met without short-changing the administration's commitment to Louisiana.

Mr. Chairman, you know firsthand the monumental housing crisis in Louisiana. Today, thousands of people are being evicted from hotels around the gulf region by FEMA with nowhere to turn. Thus, I implore my colleagues to support this amendment so that we can help these hard-working, earnest taxpayers in the gulf coast rebuild their lives and realign their futures.

Louisiana needs the full $4.2 billion to do that. Support my amendment to make Louisiana, Texas and the rest of the gulf coast region whole. I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

□ 2100

Mr. ROGERS of Kentucky. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, there is no doubt that the Community Development Block Grant Program needs more funding, however, this amendment would take $2 billion out of the Disaster Relief Fund, which is severely underfunded as it is, of the more than $35 billion in supplemental funds that we have provided to the Disaster Relief Fund for the recovery from Katrina, Rita and Wilma. As of March 8, only $3.7 million of that remains unallocated; and long term recovery, of course, is just getting underway.

The disaster fund is very volatile. Over the last month, weekly obligations have varied from $250 million to $1.1 billion. That is per week. The administration estimates the current balance of $3.7 billion in the disaster fund will only last us through the end of May as it is. If you take $2 billion out of that, there is not much left to last us in the disaster fund.

Now, if you take those monies out of the disaster fund, many of the authorized activities for which the States are expecting funding cannot be funded. And I am talking about the Stafford Act Recovery Programs in the gulf coast States' ability to respond to new disasters if they should occur. During the months ahead, funds are needed primarily for the public assistance and mitigation programs in the gulf coast area.

Also, funding for the disaster fund, if it is less than $9.5 billion, would mean deferring or postponing, at least stopping momentarily, at least, public assistance projects like repairing roads, repairing water control facilities, public buildings and equipment, public utilities, park, recreational facilities and the like, all of that would have to stop.

So, Mr. Chairman, I urge that Members vote against this amendment. Not to say that the Community Development Block Grant Program does not need funds but this ain't the place to get it. So I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

Mr. JEFFERSON. Mr. Chairman, I appreciate what the gentleman has said, but he recognizes in his comments that there is $3.7 billion left unobligated of the money we have already authorized for FEMA. Everyone knows here that FEMA has not been a very good steward so far of the money we have provided to it. This is a way for FEMA to tighten its belt and to provide the folks the housing support they need back home: take care of Louisiana and Texas at the same time: and not hurt the FEMA programs, because everyone knows, as we have documented throughout our hearings and the rest, that FEMA has done a horrible job of managing the money. And even if it needs more, as the gentleman has said, there is $3.7 billion of the money we have already authorized, which is unobligated, which FEMA can have access to if they can prove a need for it. So I would move adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CONAWAY). All time has expired.

The Chair understands the point of order that has been reserved has been withdrawn.

Mr. LEWIS of California. It has been withdrawn.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JEFFERSON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. JEFFERSON

Mr. JEFFERSON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 7 offered by Mr. JEFFERSON of Louisiana:
>
> Page 72, line 18, after the dollar amount insert the following: "(increased by $1,900,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. JEFFERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JEFFERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer another amendment to meet the same objective for preserving the $4.2 billion for Louisiana, at the same time meeting the housing needs that have been expressed by the State of Texas of another $2 billion.

We get out there different under this amendment, as opposed to taking the money under the FEMA allocation which we have heard objection to, this adds money to the current asked for, requested appropriations of $1.9 billion to the $19.1 billion that is being asked for here, to add to that amount $1.9 billion.

The $1.9 billion, therefore, does not come out of the FEMA funds as the gentleman has objected to. If his argument are well taken, the FEMA fund stays intact. We do not touch it whatsoever. But out of the $3.7 billion, that is unobligated of the money that has already been appropriated for this purpose by this House, we take another $1.9 billion and provide that to Texas. The hope is that the HUD will provide that to Texas, take care of Texas' needs.

So we don't invade the FEMA money under this amendment. We simply add to the amount that came out of committee of $19.1 billion another $1.9 billion to provide the money that Texas needs to get this job done.

We have demonstrated a need for this project back home. We have taken great pains to provide a good plan. Our State has submitted it. It has been vetted by the White House folks. Here the plan is in my hand. It is a wonderful plan that is thoroughly vetted. It is technically perfect, I believe. It states the case well. We have made the case for our needs. We have not exaggerated them.

We have horrible needs back home. 220-something housing units destroyed back home that we need to have fixed up. And we cannot get our city back unless we have our housing infrastructure built back up. So we are urging this House, if it does not want to take the money from existing FEMA programs, take it from the $3.7 billion that is unauthorized, and appropriate, of the $3.7 billion, $1.9 billion to take care of this urgent need in our area.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN (Mrs. DRAKE). Who seeks time in opposition?

Mr. ROGERS of Kentucky. Madam Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Could I propose a question to the offeror of the amendment? Are you proposing with this amendment to just simply add $1.9 billion to the Disaster Relief Fund?

Mr. JEFFERSON. Madam Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Louisiana.

Mr. JEFFERSON. I am saying that $3.7 billion unobligated of the money the House has already appropriated for disaster relief. I am saying out of the $3.7 billion, we should take $1.9 billion and add to the Community Development Block Grant appropriation. Yes, sir, that is what I am saying. So it is not coming up with the money that the House hasn't already approved. It is simply carving out of what is left, the $3.7 billion that is already left unallocated and unobligated, and obligating it to this purpose.

In this way, we hope to take care of both Texas and Louisiana's needs. And without shortchanging Louisiana, what we have demonstrated through some painstaking processes that money is needed to bring back housing in our State.

Mr. ROGERS of Kentucky. Reclaiming my time, as I understand it then, you propose to take $1.7 billion.

Mr. JEFFERSON. $1.9 billion.

Mr. ROGERS of Kentucky. $1.9 of the 3.7 that has not yet been allocated out of the disaster fund?

Mr. JEFFERSON. Yes, sir.

Mr. ROGERS of Kentucky. For the Community Development Block Grant Program?

Mr. JEFFERSON. Yes, sir.

Mr. ROGERS of Kentucky. So it is essentially like the last amendment but in different form?

Mr. JEFFERSON. It is not like the last amendment, except it is not take it from FEMA, which you objected to saying FEMA needed the money. We are now saying we aren't taking it from FEMA, we still have to take it from unobligated funds, to meet the needs of both Texas and Louisiana.

Mr. ROGERS of Kentucky. Madam Chairman, I yield to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. I oppose the amendment as well, Mr. JEFFERSON. The State of Louisiana has already received $6.2 billion in CDBG for reconstruction efforts. And yet, the State of Louisiana has yet to submit a plan for the funds, which is required by law.

HUD has been working with the State to craft a reasonable and rationale plan, and we hope to have a better idea of their needs and a recovery plan very soon.

In addition, we are providing an additional $4.2 billion in CDBG to further assist the gulf coast States affected by the hurricanes in 2005, and this includes Louisiana. I am confident that Louisiana will receive funds from this bill. And so, again, I repeat, I oppose the amendment on that basis.

Mr. ROGERS of Kentucky. Reclaiming my time, I also oppose the gentleman's amendment for the same reason that I said on the earlier amendment.

If you take these monies out of the Disaster Relief Fund, then you are saying to the gulf coast States that we will not have money to continue the Stafford Act Recovery Programs, which are vital to that region. You are saying there are not monies there for the public assistance and mitigation programs in the gulf coast area. You are saying that we will have to postpone the projects like repairing roads and water control facilities and public buildings and equipment, public utilities, parks, recreational facilities and the like.

So as much as I understand the gentleman's concern to get more money in the Community Development Block Grant Program, this would be, to coin a phrase, disastrous for the gulf coast region to take it away from the Disaster Relief Fund.

I oppose the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. JEFFERSON. Madam Chairman, I yield myself such time as I may consume. I take issue with the remarks that have been made with respect to the devastating effect that this amendment would have on the recovery in the gulf coast region.

I understood somewhat the argument made earlier that to take money from FEMA would invade the public assistance projects. This money is, however, unobligated to any project in the gulf region. It is money that the Congress has simply appropriated which is unobligated. Consequently, we do not know what, if anything, FEMA is going to use the money for. So we argue here that Texas has already demonstrated a need for $2 billion, according to their calculations. We are saying that ought to be recognized and taken care of, but we have also demonstrated, we think, in our State, a need for $4.2 billion.

Here is the difference. It is true that Louisiana received $6.2 billion recently, and Mississippi received some number, 5.2 or whatever billion dollars as well. We, however, suffered 85 percent of the damage in this area. Mississippi suffered 15 percent of the damage. And nonetheless, we got a 54 percent share of the CDBG funds. Mississippi got 46 percent of the CDBG funds.

So we are saying we were well shortchanged of where we should have been. This is to make up for that, to fix the problems, to try to correct it. So we argue that of the $3.7 billion unobligated, it does not hurt one smidgeon of work that anyone has in mind for FEMA. This is not FEMA's money right now. It is not allocated for any purpose at all. It is available to be used for whatever good purpose we can find. I can tell you, this is a tremendously good purpose for our area. We need the money very substantially.

The President and his people have determined that we need $4.2 billion. Our plan which we do have here, which we have submitted to the White House, which they have vetted carefully, shows we need $4.2 billion. We simply are fearful that our money would not be vetted for this purpose, which the President wanted designated solely for Louisiana, which, under this bill, it is not.

And we recognize the needs of Texas. We want to help Texas. But at the same time, we do not want to hurt our own purposes. I urge adoption of the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JEFFERSON. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON) will be postponed.

AMENDMENT OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRADY of Texas:

Page 72, line 25, after the colon insert the following:

Provided further, That the factors used by the Secretary in distributing funds made available under this heading shall apply the most timely and accurate data available relating to all damages from such hurricanes and total numbers of relocated evacuees based on their current addresses rather than their addresses of record at the time of the storms, and, to the extent possible, the Secretary shall obtain information from the departments of insurance and tax appraisal records of States and consult and coordinate with the Bureau of the Census of the Department of Commerce to reestimate population, income, and other statistics when determining estimates for use in connection with amounts made available under this heading:

Mr. LEWIS of California. Madam Chairman, reluctantly I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House today, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

□ 2115

Mr. BRADY of Texas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I appreciate Chairman LEWIS and the hard-working members of the Appropriations Committee who are doing a difficult job trying to balance the needs of our war on terror as well as disaster recovery in the gulf coast.

This amendment seeks to do a simple thing, to require that the Secretary of Housing and Urban Development use the most accurate and timely data for making decisions on where the unmet needs are in the gulf coast for housing. What this says in effect is that the director shall apply the most timely and accurate data available relating to all damages from such hurricanes and the total number of relocated evacuees. In other words, rather than use the FEMA numbers, which are slow, often inaccurate and, in fact, do not track the evacuees from Katrina to other States, nor because Hurricane Rita occurred after Hurricane Katrina, many of the needs in Texas are still being applied for and have not yet registered. So, without this amendment, the HUD Secretary would be making important decisions on housing and repair and renovation without having a true, accurate picture of where the needs truly are.

I know that in Texas we have more than 75,000 homes that have been destroyed or damaged in Hurricane Rita, much of which are not yet in the system. The last decision that the HUD Secretary made, 98 percent of the money went to Louisiana and Mississippi, 1 percent to Texas. Yet Hurricane Rita actually landed a higher wind speed than Hurricane Katrina, wiped out much of East Texas, did billions of dollars of damage, and yet our people are still waiting for help in housing, repair and renovation. So this is simply an amendment to require accurate and timely data and should this not be allowed today.

I hope perhaps we can work with you, because I think we all want the Secretary to use the best picture of these very complicated hurricane issues.

Madam Chairman, I yield back my time.

POINT OF ORDER

Mr. LEWIS of California. Madam Chairman, let me express my appreciation to the gentleman for his cooperation.

In the meantime, I must make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The Acting CHAIRMAN (Mrs. DRAKE). Does anyone wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRADY of Texas:

Page 73, line 15, after the colon insert the following:

Provided further, That not less than $2,000,000,000 from funds made available under this heading shall be used as provided under this heading only for the long-term recovery of areas that are housing victims of Hurricane Katrina who, at the time of the onset of such hurricane, were residents of States other than the State in which such area is located:

Mr. LEWIS of California. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BRADY of Texas. Madam Chairman, I yield myself such time as I may consume.

Again, I thank Chairman LEWIS for your work on disaster relief.

The point of this amendment is to recognize that the money for disaster assistance ought to go with the victims. The fact of the matter is Hurricane Katrina caused tremendous devastation. I know that Texas is now hosting over 400,000 evacuees and educating nearly 40,000 students. We know other States are also opening their hearts and communities to these Katrina evacuees.

This amendment says that $2 billion from our Community Development Block Grant funds shall be made available for the victims of Hurricane Katrina who are living outside their home State. What we want to do is make sure that they have the housing, the social services, the workforce employment services, all those needs that go with them.

This amendment simply says that, as we have spent billions of dollars responding to Hurricane Katrina, that we not forget the victims of Hurricane Katrina who are in other States and who those communities are bearing the brunt of the expenses of hosting them and, in truth, as newspaper articles and studies reported today across the Nation show, that at the pace of recovery in Louisiana, these States, like Texas, will be host to our Katrina neighbors for many months, perhaps many years. It is important that we not punish the States and communities that open their hearts to these victims, that we not send them a bill that says, thank you for your generosity; here, pay for it, raise your taxes, bear the burden; we have no interest in you.

This amendment makes sure that the dollars follow the victims, the evacuees of Hurricane Katrina, and that we not punish the generosity of the surrounding States who did so much for our Katrina evacuees.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. BRADY of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, let me just join Mr. BRADY in his analysis.

What we are talking about is people, not places, and that is that the funds be able to support the people wherever they are. And Texas is certainly not in any way rejecting the role that we have had the opportunity to play. In fact, we welcome it. But, frankly, it is quite necessary to provide the resources.

I will have a subsequent amendment on this very question; and I rise in support of Mr. BRADY's amendment so we can provide the resources where the people are until they return home, of which we are certainly supporting their desire to return home, but while they are where they are we believe these funds on education and housing are crucial.

Mr. BRADY of Texas. Madam Chairman, I yield back my time.

POINT OF ORDER

Mr. LEWIS of California. Madam Chairman, because the gentleman from Texas (Mr. BRADY) is so cooperative and such a great friend, I hate to have to exercise my procedural responsibilities here, but, Madam Chairman, I make a point of order against the amendment because it provides appropriations for an unauthorized program and, therefore, violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part, an appropriation may not be in order as an amendment for an expenditure not previously authorized by law.

Madam Chairman, the amendment proposes to appropriate funds for an earmark that is not authorized. The amendment, therefore, violates clause 2 of rule XXI.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The amendment proposes to earmark certain funds in the bill. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the proponent of the amendment. Because this burden has not been carried, the point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRADY of Texas:

Page 76, after line 20, insert the following:

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

SEC. 2901. (a) For the recovery, rebuilding, and relief of the State of Texas from the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,000,000,000, to remain available until expended and to be allocated and administered by the Secretary of the Treasury and used only for the State of Texas as follows:

(1) For the costs of housing, social services, health care, and education for the residents of other States affected by the hurricanes who are temporarily residing in Texas.

(2) For the costs of recovery from damage caused by the hurricanes, including repair and construction of infrastructure and housing, debris removal, unreimbursed health care costs of evacuees, flood control and waterway repair, employment and labor services, public safety and security costs, and community and economic development activities.

(3) For such other related costs as may be necessary.

(b) The amounts otherwise provided in this Act for the following accounts are hereby reduced by the following amounts:

(1) "Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs" in chapter 6 of title I, by $1,380,500,000.

(2) "Federal Emergency Management Agency—Disaster Relief" in chapter 4 of title II, by $619,500,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

Mr. LEWIS of California. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Texas.

Mr. BRADY of Texas. Madam Chairman, I yield myself such time as I may consume.

The purpose of this amendment is to request $2 billion for Texas to help specifically 400,000 of the Hurricane Katrina evacuees who are in our communities, to assist the educational costs of the nearly 40,000 students who we are educating today, and in addition to Hurricane Katrina, help pay for the increased public safety and law enforcement costs that have emerged since being host to our Katrina neighbors.

For health care and mental health: $126 million. Services that have not been compensated again for their help.

For critical infrastructure repairs: $408 million. Because most of the Nation does not know that Hurricane Rita caused tremendous devastation, landed, as I have said before, at a higher wind speed than Hurricane Katrina, created more damage to the electrical grid than Hurricane Katrina, did more damage to the refinery capacity than Katrina, and did almost $1 billion of damage to our timber industry, which is our number one industry in most of the 22 counties directly affected by Rita.

This request, headed by our Governor, Rick Perry, of Texas, made on behalf of the entire Texas congressional delegation, also asks for $54 million for transportation, repair of our roads and bridges from Hurricane Rita, $59 million for navigation waterway repairs. That is because Hurricane Rita caused a damage to our waterways that will require dredging and a great deal of repair.

For our agriculture forestry and rural disaster assistance, $170 million, because much of Texas that opened their hearts to Katrina are the rural communities that abut Louisiana. They were the ones who opened their shelters for the Katrina victims, opened them a second time for the evacuation of the Houston and gulf coast area, and then on the third big hit actually Hurricane Rita devastated their communities. These are small rural communities and should be commended for all that they have done. This $170 million helps them recover and rebuild their agriculture economy.

For social services, $125 million, mainly for the folks from Katrina but also for some of our dislocated Rita folks.

And then $186 million for community redevelopment, because our recovery is complicated by our Katrina guests. As you know, we have moved them out of hotels into the available housing units; and because Texas had over 75,000 homes damaged or destroyed by Rita, we both no longer have houses for our own families and no housing for the work recovery crews to allow us to get back on our feet.

This also requests $400 million to help pay for our schools who are educating our Katrina neighbors.

Again, we are thrilled to have them. We know if the situation were reversed their hearts and homes would be open to us, but we also know that should that occur that there would be a heavy burden on those other States. We want to make sure that our communities, many of them small, many of them without big budgets, who have done exactly the right thing, exactly the right thing with Katrina and are struggling to recover from their own hurricane, to make sure they are not left behind.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. BRADY of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank Mr. BRADY very much.

Let me just share with my colleagues, you have heard it before, but within hours of when we got the call to open the Astrodome in Houston for the survivors, the Astrodome was opened with full medical care, volunteers and local resources. We would do it over and over again, because we know our neighbors would do it for us. But, at the same time, as we have integrated our Katrina survivors into our community, waiting to return home, we have opened schools. We have added a new mental health unit to the existing mental health facilities in Harris County; and, in fact, we know that right after that, as Mr. BRADY has indicated, Hurricane Rita came through and devastated a large part of East Texas.

So the combination of East Texas devastation and the impact in Houston and Dallas and other cities around the State, these dollars specifically would go to help the impacted States like Texas in helping to educate, provide health care and other resources.

So I support the gentleman's amendment. Again, his words are accurate. We would do it over and over again, but we have already done the necessary facilities and staffing without asking. We are simply asking now to help us as we continue the burden that we willingly accept.

☐ 2130

POINT OF ORDER

Mr. LEWIS of California. Madam Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program, and thereby violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part:

"An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

Madam Chairman, the amendment proposes to appropriate funds for an earmark that is not authorized. The amendment, therefore, violates clause 2 of rule XXI.

The Acting CHAIRMAN (Mrs. DRAKE). Does any Member wish to be heard on the point of order? If not, the Chair will rule.

Mr. BRADY of Texas. Madam Chairman, I concede the point of order at this time.

The Acting CHAIRMAN. The point of order is conceded and sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Madam Chairman, I ask unanimous consent to offer out of order Brady of Texas amendment No. 1, which would normally come at the end of the bill.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. Is there objection to considering the amendment at this point?

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRADY of Texas:

At the end of the bill (before the short title), insert the following:

SEC.   . Of the funds appropriated under this Act under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT–COMMUNITY PLANNING AND DEVELOPMENT–Community Development Fund", $400,000,000 shall not be available for expenditure until $400,000,000 is made available to carry out section 107 of title IV, division B of Public Law 109-148.

The Acting CHAIRMAN. A point of order has been reserved by the gentleman from Michigan.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BRADY of Texas. Madam Chairman, I yield myself such time as I may consume.

While I recognize the difficulty in making in order these amendments because of the way the bill has been written, and rightly so, the purpose of this amendment is to recognize that we ought not stick our schools with the bill for educating our Katrina students.

Again, we have 47 States that are now educating students who fled Hurricane Katrina. Our State, our communities are educating almost 40,000 of them. These schools were the first ones to open their doors both as shelters, and then to try to provide some normalcy for these families who had nothing to go back to. The schools and the teachers, if you could have been there in Texas or in the other States to see what these schools did to embrace these families, you would know the importance that education has played in bringing some structure to these families from Louisiana and Mississippi.

Unfortunately, in our earlier funding, while we recognized the need to reimburse these schools, the number of students, almost 158,000 of them, this body was not able to provide the minimum funding for them. It looks like for this school year, we will come in somewhere less than $4,000, around $4,000, yet the minimal expense is $6,000 as authorized by Congress.

What this amendment does is, basically it does not cut money from any area, but simply reserves $400 million from Community Development Block Grant, it reserves that in abeyance until $400 million is provided to all the States that are housing our Katrina students.

I will tell you again, every State has done a remarkable job. I am very proud of Texas, very proud of southeast Texas and east Texas and these schools and what they have done. I just think it is wrong when they have very little money as it is to require them to perhaps raise taxes or take money from other vital programs in order to do the right thing for our Louisiana and Mississippi neighbors. We ought not treat schools and communities, I think, with such disdain.

This amendment is designed to raise the profile of our schools, to say thank you for the work that you are doing, and to attempt to provide some minimal reimbursement across the country for these schools for the work they are doing for our Katrina students.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. BRADY of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I want to congratulate the gentleman for the approach he has taken. This is an amendment that covers schools across the Nation. I want to remind my colleagues that the Katrina survivors were evacuated to 44 States. Mr. BRADY is right. We share contiguous districts, with school districts that have willingly taken in students.

But as I said in the earlier debate, we have opened schools actually. We actually have new schools that welcomed children, Katrina survivors. We provided enhanced resources, counselors to assist as well, and we do it willingly. What we are saying is that we are already suffering as it relates to public education in America. This instance provides added support for a particularly fragile situation and a necessary situation, and I support the gentleman's amendment.

Mr. BRADY of Texas. Again, I appreciate the work this Appropriations Committee has done to help provide reimbursement for schools. We are hoping to get for this school year that full funding to help them.

Madam Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. LEWIS of California. Madam Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill, and therefore violates clause 2 of rule XXI. The rule states in pertinent part:

"An amendment to a general appropriations bill shall not be in order if changing existing law."

This amendment states a legislative condition, and I am asking for a ruling of the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair will rule.

Mr. BRADY of Texas. Madam Chairman, while I may not agree, I concede the point of order.

The Acting CHAIRMAN. The point of order is conceded and sustained. The amendment is not in order.

Mr. OBEY. Madam Chairman, I move to strike the last word.

I would simply like to make one observation. Scheduling of legislation is done by the majority party. I have, I think it is fair to say, given procedural cooperation every step of the way to see to it that before the House leaves for yet another recess, that we will finish this supplemental appropriation bill.

I am Irish, and French, and a few other things. And like a number of other people, I was invited to the Irish Embassy tonight because this is close to Saint Patrick's Day. I turned that invitation down because I knew that we would be here tonight having to work on this bill. And even though my own party had an event tonight, we have agreed to stay here and continue to work on this bill, and we are staying considerably later than we had first agreed to, but we are trying to finish these amendments so that Members can get out of here at a reasonable time tomorrow, hopefully late tomorrow afternoon instead of into the evening. That is why we are staying here late tonight.

Now I discover that there is one amendment that could have been offered tonight, but we are told that we can't offer it because the member of the Appropriations Committee on the majority side who wants to handle it is, guess where? At the Irish Embassy.

Well, I would simply suggest that I don't mind somebody else enjoying themselves, but I do suggest that if Members of the minority are expected to be here, if members of the Appropriations Committee on the minority side are expected to be here, I do think it is too much to ask that the party setting the schedule expect the same thing of Members on its side.

Mr. LEWIS of California. Madam Chairman, will the gentleman yield?

Mr. OBEY. I would be happy to yield to the gentleman from California. Well, no, I wouldn't be happy to, but I will.

Mr. LEWIS of California. I must say that the gentleman came over to this side to chat with me about this circumstance a while ago, and as I was listening, people keep buzzing other things in my ear. I thought he was making jest about the gentleman from Michigan, but he was talking about another gentleman who thinks he is more Irish than we are who may be elsewhere.

In the meantime, I told the gentleman that my mother's name is O'Farrell, and I am as disconcerted as he is. So I must say to the gentleman that I truly am sorry that you and I are not there together.

Mr. OBEY. Well, I am truly sorry we can't make as much progress on this bill tonight as I had hoped we would be able to make, but I find some of the reasons for that to be quite interesting.

And, Madam Chairman, I am going to ask unanimous consent that we might move to another amendment by Mr. MELANCON at the end of the bill.

Mr. LEWIS of California. If the gentleman will yield, I am happy to do that, but also, if you wanted to take up the other amendment, I would be glad to stand in for the other gentleman who is not here.

Mr. OBEY. We will wait until he is here.

AMENDMENT OFFERED BY MR. MELANCON

Mr. MELANCON. Madam Chairman, I ask unanimous consent to offer an amendment out of order.

The Acting CHAIRMAN. Is there objection to offering the amendment at this point?

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MELANCON:

At the end of title III (before the short title), add the following new title:

TITLE IV—LOUISIANA HURRICANES AGRICULTURAL DISASTER RELIEF

SEC. 4001. SHORT TITLE.

This title may be cited as the "Louisiana Hurricanes Agricultural Disaster Relief Act of 2006".

SEC. 4002. APPLICATION TO LOUISIANA PARISHES DESIGNATED AS DISASTER AREAS DUE TO HURRICANE KATRINA, HURRICANE RITA, OR RELATED CONDITIONS.

In this title, the term "disaster parish" means a parish in the State of Louisiana, all or a portion of which is included in the geographic area covered by a natural disaster declaration—

(1) made by the Secretary of Agriculture under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) due to Hurricane Katrina, Hurricane Rita, or related conditions; or

(2) made by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to Hurricane Katrina, Hurricane Rita, or related conditions.

SEC. 4003. CROP DISASTER ASSISTANCE.

(a) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture shall use $25,000,000 of the funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm in a disaster parish (other than producers of sugar cane) that have incurred qualifying crop or quality losses for the 2005 crop of an insurable commodity or noninsurable commodity due to Hurricane Katrina, Hurricane Rita, or a related condition. In the case strawberries, assistance under this section shall be available for the 2005 and 2006 crops for damages to such crops due to Hurricane Katrina, Hurricane Rita, or a related condition.

(b) ADMINISTRATION.—The Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(c) INELIGIBILITY FOR ASSISTANCE.—Except as provided in subsection (d), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses;

(3) had adjusted gross incomes, as defined by section 1001D of the Food Security Act of 1985, of greater than $2,500,000 in 2004; or

(4) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(d) CONTRACT WAIVER.—The Secretary of Agriculture may waive subsection (c) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of all insurable commodities produced on the farm for each of the next two crop years—

(A) to obtain additional coverage for those commodities under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of all noninsurable commodities produced on the farm for each of the next two crop or calendar years, as applicable—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for those commodities under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(f) DEFINITIONS.—In this section:

(1) ADDITIONAL COVERAGE.—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 4004. SUPPLEMENTAL DIRECT PAYMENTS FOR COVERED COMMODITIES.

(a) PAYMENTS REQUIRED.—The Secretary of Agriculture shall make payments to producers on a farm eligible for direct payments for the 2005 crop of a covered commodity under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) if—

(1) the farm is located in a disaster county; or

(2) the producers on the farm have incurred qualifying crop losses with respect to the 2005 crop of a covered commodity due to damaging weather or related condition, as determined by the Secretary, using the same loss thresholds for the quantity and quality losses as were used in administering section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549, 1549A–55).

(b) AMOUNT.—The amount of the payment made to the producers on a farm under this section shall be equal to 100 percent of the amount of the direct payment the producers on the farm are eligible to receive for the 2005 crop under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913).

(c) CROP INSURANCE.—As a condition of the receipt of a payment under this section, the producers on the farm shall enter into a contract with the Secretary of Agriculture under which the producers on the farm agree—

(1) in the case of the covered commodity and all other insurable commodities produced on the farm for each of the next two crop years—

(A) to obtain at least catastrophic risk protection coverage for those commodities under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of all eligible noninsurable commodities produced on the farm for each of the next two crop or calendar years, as applicable—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for those commodities under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section.

(d) ADMINISTRATION.—For purposes of sections 1001 through 1001F of the Food Security Act of 1985 (7 U.S.C. 1308 et seq.), payments received under this section shall be considered direct payments made to a person under subtitle A of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911 et seq.).

(e) RELATION TO OTHER ASSISTANCE.—A person that elects to receive payments under this section for a covered commodity is not eligible for crop disaster assistance under section 4003 for the same commodity.

(f) TIME FOR PAYMENT.—The Secretary shall make payments under this section as soon as practicable after the date of enactment of this Act.

SEC. 4005. SUGARCANE DISASTER ASSISTANCE.

(a) COMPENSATION FOR LOSSES.—In the case of first processors of sugarcane that operate in a disaster parish, or obtain sugarcane from a disaster parish, and that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)), the Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation to make assistance available to such first processors, in the form of monetary payments or commodities in the inventory of the Commodity Credit Corporation derived from carrying out that section, to compensate producers and first processors for crop and other losses due to Hurricane Katrina, Hurricane Rita, or related conditions.

(b) ADMINISTRATION.—Assistance under subsection (a) shall be—

(1) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers, except with respect to a portion of the amount of total assistance described under subsection (c) necessary to compensate affected producers for individual losses experienced by such producers, including losses due to saltwater intrusion, flooding, wind damage, or increased planting, replanting or harvesting costs, which shall be transferred by the first processor to the affected producers without regard to contractual share arrangements; and

(2) made available under such terms and conditions as the Secretary of Agriculture determines are necessary to carry out subsection (a).

(c) AMOUNT OF ASSISTANCE.—To carry out subsection (a), the Secretary of Agriculture shall—

(1) convey to first processors described in subsection (a) 689,441 tons of commodities in the inventory of the Commodity Credit Corporation derived from carrying out section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(2) make monetary payments to the first processor in an aggregate amount equal to the domestic market value of the quantity of commodities specified in paragraph (1); or

(3) take any combination of actions described in paragraphs (1) and (2) using commodities or monetary payments.

(d) LOSS DETERMINATION.—In carrying out subsection (a), the Secretary of Agriculture shall use the same base year to determine crop loss that was elected by a producer to determine crop loss in carrying out the Hurricane Assistance Program authorized under section 207 of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108–7; 16 U.S.C. 3801 note).

(e) MARKETING RECOVERY ASSISTANCE.—Effective for the 2005 crop of a commodity eligible for a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) or until such time that the Secretary determines that the transportation, handling, and refining sectors are sufficiently recovered to allow for an orderly marketing of a crop of such commodity, the Secretary shall—

(1) not charge interest on a loan made under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(2) use such sums as are necessary of the funds of the Commodity Credit Corporation to pay storage, including any handling and associated costs, with respect to such commodity; and

(3) use such sums as are necessary of the funds of the Commodity Credit Corporation to compensate first processors for costs associated with transporting such commodity via tractor trailer to refineries located at New Orleans, Louisiana, or via ocean-going vessel to refineries located at Savannah, Georgia, Baltimore, Maryland, or Yonkers, New York.

(f) LIMITATION.—The Secretary of Agriculture shall provide assistance under subsections (a) and (e) only in a State described in section 359f(c)(1)(A) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(A)).

SEC. 4006. COMPENSATION FOR INFRASTRUCTURE LOSSES.

(a) INFRASTRUCTURE LOSSES.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Agriculture, $40,000,000 to compensate agricultural producers on a farm operating in a disaster parish for costs incurred to repair or replace barns and other structures, equipment, and fencing that—

(1) was used to produce an agricultural commodity; and

(2) was damaged or destroyed by Hurricane Katrina, Hurricane Rita, or related conditions or in responding to the aftermath of the hurricanes.

(b) TIMING OF ASSISTANCE.—The Secretary of Agriculture may provide assistance authorized under this section in the form of—

(1) reimbursement for eligible repair or replacement costs previously incurred by producers; or

(2) cash or in-kind assistance in advance of the producer undertaking the needed repair or replacement work.

(c) PAYMENT LIMITATIONS.—Assistance provided under this section to a producer for a repair or replacement project, together with amounts received for the same project from insurance proceeds, section or other sources, may not exceed 95 percent of the costs incurred to repair or replace the damaged or destroyed structures, equipment, or fencing, as estimated by the Secretary of Agriculture.

SEC. 4007. ASSISTANCE TO DAIRY AND LIVESTOCK PRODUCERS.

(a) DAIRY CATTLE LOSSES.—The Secretary of Agriculture shall use $250,000 of funds of the Commodity Credit Corporation to make payments for dairy cattle losses of dairy producers in disaster parishes due to Hurricane Katrina, Hurricane Rita, or related conditions. To the maximum extent practicable, the Secretary shall make assistance available under this subsection in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51). A disaster parish so declared by the President as a result of Hurricane Katrina or Hurricane Rita in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) that does not qualify for assistance under this section shall be eligible for assistance in the same manner as provided in section 203 of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108–7; 16 U.S.C. 3801 note).

(b) INDEMNITY PROGRAM FOR OTHER LIVESTOCK LOSSES.—The Secretary of Agriculture shall use $11,000,000 of the funds of the Commodity Credit Corporation to carry out a livestock indemnity program to make payments to producers on farms in disaster parishes that have incurred livestock losses, not covered by subsection (a), due to Hurricane Katrina, Hurricane Rita, or related conditions. To the maximum extent practicable, the Secretary shall use the criteria established under the program referred to under the heading "livestock indemnity program" in chapter 1 of title I of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 59), except that the Secretary shall use a payment rate of $1,000 per head of cattle and shall not impose any limitation on the maximum amount of payments that a producer may receive under this subsection.

(c) DAIRY PRODUCTION LOSSES.—The Secretary of Agriculture shall use $5,000,000 of funds of the Commodity Credit Corporation to compensate dairy producers operating in disaster parishes for dairy production losses and dairy spoilage losses incurred in the aftermath of Hurricane Katrina or Hurricane Rita.

(d) LIVESTOCK COMPENSATION PROGRAM.—The Secretary of Agriculture shall use $5,000,000 of the funds of the Commodity Credit Corporation to carry out a livestock compensation program to make payments for livestock-related losses, not covered by subsection (b), in disaster parishes due to Hurricane Katrina, Hurricane Rita, or related conditions. To the maximum extent practicable, the Secretary shall use the criteria established under the program referred to in section 203(a) of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108-7; 16 U.S.C. 3801 note), except that the Secretary shall not impose any limitation on the maximum amount of payments that a producer may receive under this subsection.

(e) EMERGENCY ANIMAL HEALTH AND FORAGE COSTS.—The Secretary of Agriculture shall use $4,375,000 of funds of the Commodity Credit Corporation to compensate dairy producers operating in disaster parishes for emergency dairy cattle health costs and increased forage costs due to a 30- to 90-day delay in planning in the aftermath of Hurricane Katrina or Hurricane Rita.

SEC. 4008. ANIMALS COVERED UNDER LIVESTOCK ASSISTANCE PROGRAMS.

(a) Inclusion of Horses Under Assistance Programs.—In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include horses within the definition of livestock covered by the program.

(b) Emergency Livestock Feed Assistance.—Section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) is amended—

(1) by inserting "horses," after "bison,"; and

(2) by striking "equine animals used for food or in the production of food".

(c) Livestock Assistance Program.—Section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51), is amended by inserting "(including losses to elk, reindeer, bison, and horses)" after "livestock losses".

(d) Livestock Producer Assistance.—Section 10104(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1472(a)) is amended by striking "and bison" and inserting "bison, and horses".

(e) Livestock Assistance Programs.—Section 203(d)(2) of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 541) is amended by striking "and bison" and inserting "bison, and horses".

(f) Applicability.—This section and the amendments made by this section apply to losses resulting from a disaster that occurs on or after August 28, 2005. This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before that date.

SEC. 4009. ASSISTANCE FOR DOMESTIC AQUICULTURE PRODUCERS.

The Secretary of Agriculture shall use $45,000,000 of funds of the Commodity Credit Corporation to carry out a program to make payments to producers for the loss of crawfish, turtles, and other aquacultural commodities in disaster parishes.

SEC. 4010. EMERGENCY CITRUS DISASTER, NURSERY CROP AND CHRISTMAS TREE DISASTER, AND STRAWBERRY, HORTICULTURAL CROPS, FALL FRUITS AND VEGETABLES DISASTER PROGRAMS.

(a) Programs Required.—The Secretary of Agriculture shall transfer to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), $45,000,000 of funds of the Commodity Credit Corporation to carry out a Citrus Disaster Program, Nursery Crop and Christmas Tree Disaster Program, and Strawberry, Horticultural Crops, Fall Fruits and Vegetables Program in disaster parishes due to Hurricane Katrina, Hurricane Rita, or related conditions.

(b) Administration.—

(1) In general.—Except as otherwise provided in this subsection, the disaster programs required by subsection (a) shall be carried out by the Secretary of Agriculture in the same manner as the special disaster relief programs carried out for producers who suffered from crop damage and tree losses, and who had to perform related cleanup, in certain areas of Florida due to Hurricanes Charley, Frances and Jeanne during August and September 2004. Because of the complete destruction of the business records of many producers, the Secretary shall use the best available information in determining eligibility, determining losses, and calculating payment amounts under the programs.

(2) Special acreage compensation amount for citrus losses.—Because of the complete loss of the Louisiana citrus crop due to Hurricane Katrina and Hurricane Rita, the Secretary shall use only Tier 1 of the Florida Citrus Disaster Program in administering the Citrus Disaster Program required by subsection (a), and the per acre compensation for crop loss and associated tree damage in eligible groves of citrus shall be $9,023 rather than $1,500.

(3) Special loss threshold and payment rate for horticultural crops.—In the case of the Strawberry, Horticultural Crops, Fall Fruits and Vegetables Program required by subsection (a), the Secretary shall cover losses greater than 35 percent, rather than 50 percent, and use a single payment rate of $2,500 per acre for planted fruits and vegetables.

(4) Special payment rate for severe nursery crop losses.—In the case of nursery crop losses of greater than 25 percent under the Nursery Crop and Christmas Tree Disaster Program required by subsection (a), the Secretary shall pay 75 percent of the actual dollar amount loss, rather than 25 percent.

(5) Payment limitations.—The Secretary shall not impose any limitation on the maximum amount of payments that a producer may receive under a program required by subsection (a).

(c) Relation to Other Assistance.—Persons that receive payments from section 32 of the Act of August 24, 1935, pursuant to a disaster program required by subsection (a) are not eligible for payments for qualifying crop or quality losses under the general crop disaster assistance authority of section 4003.

SEC. 4011. CONSERVATION PROGRAMS.

(a) Temporary Sodbuster and Swampbuster Waiver.—Subtitles B and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) shall not apply in a disaster parish during the two-year period beginning on the date of enactment of this Act.

(b) Debris Removal.—The Secretary of Agriculture may use the Natural Resources Conservation Service to conduct debris-removal activities on non-Federal forest land, with the permission of the owner of the land, in a disaster parish to reduce the risk of future catastrophic wildfires that would adversely affect watersheds and rural communities.

(c) Additional Emergency Watershed Protection Program Funds.—The Secretary of Agriculture shall use an additional $269,000,000 of the funds of the Commodity Credit Corporation for the Emergency Watershed Protection Program to provide additional funds for the repair of damages to waterways and watersheds in disaster parishes resulting from Hurricane Katrina or Hurricane Rita.

(d) Administrative Expenses.—Amounts made available under subsections (c) and (d) shall be available to cover the salaries and expenses of additional staff of the Department of Agriculture hired or detailed to carry out this section.

SEC. 4012. TREE ASSISTANCE PROGRAM.

(a) Inclusion of Timber, Christmas Tree, and Pecan Crops.—In administering the tree assistance program established under sections 10201 through 10204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.), the Secretary of Agriculture shall provide $37,000,000 to forest land owners who produce periodic crops of timber, Christmas trees, or pecans for commercial purposes and who have suffered tree losses in disaster parishes due to Hurricane Katrina, Hurricane Rita, or related conditions

(b) Cost-Sharing Waivers.—

(1) Tree assistance program.—The cost-sharing requirements of section 10203(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8203(1)) shall not apply to the operation of the tree assistance program in disaster parishes in response to Hurricane Katrina, Hurricane Rita, or related conditions.

(2) Cooperative forestry assistance act.—The cost-sharing requirements of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) shall not apply in disaster parishes during the two-year period beginning on the date of enactment of this Act.

(c) Relation to Other Assistance.—Persons that receive payments from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), pursuant to the Citrus Disaster Program required by section 4009 are not eligible for payments under the tree assistance program.

(d) Additional State and Private Forestry Program Funds.—The Secretary of Agriculture shall use an additional $42,000,000 of the funds of the Commodity Credit Corporation to support State and Private Forestry programs of the Department of Agriculture to provide additional funds for the restoration and rehabilitation of forest lands destroyed or damaged by Hurricane Katrina or Hurricane Rita in disaster parishes.

SEC. 4013. ADDITIONAL FUNDS FOR COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.

The Secretary of Agriculture shall use an additional $34,193,591 of the funds of the Commodity Credit Corporation to support the research and education activities of the Cooperative State Research, Education, and Extension Service in disaster parishes. Of such amount, $9,060,000 shall be made available to the Louisiana Agricultural Experiment Station, $10,133,591 shall be made available to the Louisiana Cooperative Extension Service, and $15,000,000 shall be made available to the Louisiana State University Agricultural Center to carry out the Hurricane Forestry Damage Research Initiative.

SEC. 4014. WATER AND WASTE DISPOSAL LOAN AND GRANT PROGRAMS.

In the case of water or waste disposal grants or direct or guaranteed loans under paragraph (1), (2), or (24) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) made in an area designated a major disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), section 343(a)(13)(B) of that Act and section 149(b) of the Internal Code of 1986 shall not apply.

SEC. 4015. COMMUNITY FACILITIES LOAN AND GRANT PROGRAMS.

(a) In General.—In the case of community facility direct and guaranteed loans under section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) and community facility grants under paragraph (19), (20), or (21) of section 306(a) of that Act made in an area designated a major disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), sections 306(a)(21)(A)(iv) and 343(a)(13)(C) of that Act and section 149(b) of the Internal Code of 1986 shall not apply.

(b) Restructuring.—A borrower receiving a guaranteed loan or grant described in subsection (a) as of the date of enactment of this Act may restructure the loan at new rates and terms regardless of the status of the loan.

(c) Reduction of Guarantee Fee.—Notwithstanding any provision of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) (including associated regulations), the Secretary of Agriculture may waive all or part of any fee associated with a guaranteed loan described in subsection (a).

SEC. 4016. RURAL COMMUNITY ADVANCEMENT FUNDS.

(a) In General.—Subject to subsection (b), in addition to any other amounts made available by law, the Secretary of Agriculture shall use—

(1) $120,000,000 to make water and waste disposal direct loans under section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1));

(2) $60,000,000 to make water and waste disposal grants under section 306(a)(2) of that Act (7 U.S.C. 1926(a)(2));

(3) $10,000,000 to make water and waste disposal guaranteed loans under section 306(a)(24) of that Act (7 U.S.C. 1926(a)(24));

(4) $20,000,000 to make emergency community water assistance grants under section 306A of that Act (7 U.S.C. 1926a);

(5) $120,000,000 to make community facilities direct loans under section 306(a)(1) of that Act (7 U.S.C. 1926(a)(1));

(6) $60,000,000 to make community facilities grants under paragraph (19), (20), or (21) of section 306(a) of that Act (7 U.S.C. 1926(a)); and

(7) $20,000,000 to make community facilities guaranteed loans under section 306(a)(1) of that Act (7 U.S.C. 1926(a)).

(b) Requirement.—Loans and grants funded under this section shall be available for projects in communities in the State of Louisiana in areas that have been designated as major disaster areas by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 4017. FISHERIES DISASTER ASSISTANCE.

The following amounts are appropriated for the National Oceanic and Atmospheric Administration, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006:

(1) Fisheries disaster assistance.—In addition to amounts appropriated or otherwise made available for such purpose, $248,000,000, to remain available until expended, for a direct, lump-sum grant to the Louisiana Department of Wildlife and Fisheries for direct grants to Louisiana harvesters and vessel owners to provide replacement of the dockside values for all fishery resources in fisheries impacted by Hurricane Katrina and Hurricane Rita. The Secretary of Commerce shall make such amount available to the Louisiana Department of Wildlife and Fisheries not more than 30 days after the date of enactment of this Act and may not expend more than 2 percent of such amount for administration, technical assistance, and operation related to such grant.

(2) Menhaden fisheries recovery.—In addition to amounts appropriated or otherwise made available for such purpose, $14,000,000, to remain available until expended, for a direct, lump-sum grant to the Louisiana Department of Wildlife and Fisheries for direct grants to Louisiana harvesters and vessel owners to provide replacement for the dockside values for the menhaden fisheries impacted by Hurricane Katrina and Hurricane Rita.

(3) Louisiana oyster recovery.—In addition to amounts appropriated or otherwise made available for such purpose, $30,000,000, to remain available until expended, for a direct, lump-sum grant to the Louisiana Oyster Task Force and the Louisiana Department of Wildlife and Fisheries for the complete rehabilitation of public oyster reefs under the jurisdiction of Louisiana that were impacted by Hurricane Katrina and Hurricane Rita. Of such amount, $1,000,000 shall be made available for oyster hatcheries in Louisiana, and $8,000,000 shall be made available for oyster lease resurveying and oyster lease boundaries and for oyster lease equipment and facilities.

(4) Fisheries infrastructure recovery.—In addition to amounts appropriated or otherwise made available for such purpose, $268,000,000, to remain available until expended, for the establishment of strategically located emergency fisheries infrastructure facilities to provide the dockside infrastructure required for the delivery of fish products to market in all fisheries impacted by Hurricane Katrina and Hurricane Rita.

(5) Louisiana marine research recovery.—In addition to amounts appropriated or otherwise made available for such purpose, $14,000,000, to remain available until expended, for a direct, lump-sum grant to the Louisiana Department of Wildlife and Fisheries for the replacement of coastal and marine research facilities impacted by Hurricane Katrina and Hurricane Rita.

(6) Seafood marketing.—In addition to amounts appropriated or otherwise made available for such purpose, $35,000,000, including $1,500,000 for the Louisiana Oyster Task Force, to remain available until expended, for a direct, lump-sum grant to the Louisiana Seafood Promotion and Marketing Board to rebuild markets for seafood products in fisheries impacted in Hurricane Katrina and Hurricane Rita.

(7) Louisiana license renewal.—In addition to amounts appropriated or otherwise made available for such purpose, $16,500,000, to remain available until expended, for a direct, lump-sum grant to the Louisiana Department of Wildlife and Fisheries to provide license renewal fees for commercial or recreational fishing license holders and to provide oyster lease rent or renewal fees.

(8) Fisheries habitat.—In addition to amounts appropriated or otherwise made available for such purpose, $10,000,000, to remain available until expended, to restore and rehabilitate marsh, nursery habitat for fish, shrimp, and crabs in Louisiana.

(9) Severe weather forecasting and warning.—In addition to amounts appropriated or otherwise made available for such purpose, $4,000,000, to remain available until expended, for the National Weather Service to ensure continued weather forecasting services in areas that could be impacted by hurricanes and other severe coastal weather events, including floods. Such funds should be made available to the South Regional Weather Center for hurricane forecasting and data delivery during an emergency.

(10) Louisiana State University hurricane center.—In addition to amounts appropriated or otherwise made available for such purpose, $5,000,000, to remain available until expended, to implement an emergency response decision support system and expert guidance that is capable of rapid deployment to support emergency response and recovery activities, including scalable hurricane response capabilities, in-place resources and readiness, integrated modeling and information delivery systems, pre-defined inventories of domain experts and resources, and an infrastructure that may be adopted in all regions of the Eastern United States that are impacted hurricanes and the Caribbean region. Such system shall be integrated with Federal and State response planning and shall be developed in cooperation with universities in Louisiana.

SEC. 4018. WAIVER OF FEDERAL FISHERIES LAWS AND REGULATIONS.

The Secretary of Commerce shall waive the provisions of any Federal law or regulation that requires the protection of endangered or otherwise protected species in the immediate waters impacted by Hurricane Katrina and Hurricane Rita. Such waiver shall be effective for a 1-year period beginning on a date determined by the Secretary, in consultation with the head of the Louisiana Department of Wildlife and Fisheries.

SEC. 4019. EXEMPTION OF MOLLUSCAN SHELLFISH CULTURE ACTIVITIES.

Section 9 of the National Aquaculture Act of 1980 (16 U.S.C. 2808) is amended by adding at the end the following:

"(c) Exemption for Molluscan Shellfish Culture Activities.—Molluscan shellfish culture activities are not prohibited by or otherwise subject to regulation under—

"(1) section 10 of the Act of March 3, 1899 (chapter 425; 33 U.S.C. 403), popularly known as the Rivers and Harbors Appropriations Act of 1899; and

"(2) section 301(a), 402, or 404 of the Federal Water Pollution Control Act (33 U.S.C. 1311(a), 1342, 1344).".

SEC. 4020. REGULATIONS.

(a) In General.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this title and the amendments made by this title.

(b) Procedure.—The promulgation of the regulations and administration of this title and the amendments made by this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

SEC. 4021. EMERGENCY DESIGNATION.

Amounts provided pursuant to this title or amendments made by this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. LEWIS of California. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. Melancon) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. MELANCON. Madam Chairman, I rise today with an amendment that deals with an area that was completely left out during the disaster assistance to date, and that is agriculture and fisheries. The gentleman from Texas talked about Texas and the damage to its agriculture, to its forestries, to its fisheries, to its housing stock. He mentioned 70,000 homes devastated or damaged in Texas. Katrina left 268,000 homes devastated or damaged in Louisiana.

I am not trying to make a comparison, I am just trying to make the point that the devastation in Louisiana was beyond description, beyond what anyone could comprehend without physically being on the ground and seeing what has happened in Louisiana, Mississippi, Texas, and Alabama.

But we have got another problem in Louisiana. We have over $2 billion worth of forestry, fisheries and agriculture that have been destroyed and damaged. The infrastructure is gone. These numbers are based on estimates of damage from the LSU Ag Center, and I have a list of those crops and such, if any of the Members would wish to review it.

While many in Congress and the administration continue to put out figures where assistance has been provided, we have had roughly $87 billion that has been appropriated. Of that $87 billion, I dare to venture that 50 percent, or maybe even less, has hit the area, at least in Louisiana. And that $87 billion that continues to be touted as spent on damage for the hurricanes, Rita and Katrina, somewhere between Washington and Louisiana, Mississippi, Alabama, Texas and, for that matter, Florida, with Wilma, the money has not reached the people that everyone believes it was intended to reach. There are a lot of contractors making a lot of money, and there is a lot of people that have had contracts with companies that had not even started that are getting contracts.

So no direct assistance has been provided to agriculture, forestry, fisheries in Louisiana and, to my knowledge, other than oysters getting some funding, they have been shortchanged.

The bankers at Christmas were asking the farmers in Louisiana what might the Congress do and the administration do to help them. For, you see, these farmers were meeting with their bankers, who were telling them that they can't loan them the money unless they know that they are going to have some help from their government. So with that, we will be folding up rural Louisiana, the agriculture community, the fisheries community, and the forestry community, those items that drive the economies in south Louisiana.

I had asked for a waiver yesterday. And, Mr. Chairman, as you are aware, I didn't receive it. But I felt compelled to come to the floor, as I did earlier. I believe that this Congress does not comprehend the extensive enormity of the disaster, as I keep hearing from Members.

□ 2145

I would like to again invite every Member of this Congress that has not put a foot in Louisiana or Mississippi to come to see, to understand, to talk to the people that have been devastated.

They are in Texas, too. They are in Alabama and Florida. But the devastation that we have experienced is crippling to our State.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN (Mrs. DRAKE). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 73, line 10, after the dollar amount insert "(increased by $800,000,000)".

Mr. LEWIS of California. Madam Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself such time as I may consume.

I rise to discuss the amendment that I hope my colleagues will give adequate consideration. The amendment is a simple one. It simply intends to add $800 million to the amount of moneys to be utilized for the repair and construction and rehabilitation of rental properties in the impacted areas.

I am hoping that as my colleagues listen to some of the, if you will, concerns that we have regarding housing assistance in the region and the flexibility we are asking for they would see the legitimacy of increasing the $1 billion to $1.8 billion. Rental housing impacts people, and people are what are left in the gulf region, not structures, not apartment buildings, but people. People who are without trailers and, in many instances, without rental properties.

Many people would like to get into and repair their homes, but the easier property to repair and reconstruct would be the rental properties controlled by HUD. The impacted areas cover Mississippi, Louisiana and Texas. For those of us who have been in the region, we know that the region can be declared a war zone. The damage is expansive.

I have walked along the streets of HUD projects, housing developments in disrepair, empty, needing repair so people could return. This is so in East Texas, Port Arthur, Beaumont and areas where Hurricane Rita traveled, and it certainly has risen its face in the Gulf region and in Mississippi.

I want to say to my colleagues that I appreciate the generosity and the, if you will, insight of the ranking member and chairman of the full committee and of the subcommittee dealing with housing and the $4.2 billion and the ceiling, if you will, or the floor of $1 billion. But this amendment goes to the expansiveness of the devastation and the need for rental assistance and reconstruction.

Frankly, I think it is important to note that the $1.8 billion is not too much and does not disallow flexibility of the remaining dollars.

I would hope if it was not necessary to use $1.8 billion, this particular dollar amount would not need to be utilized, and that is because the language says "not less than." I hope that my colleagues would support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Madam Chairman, I yield myself such time as I may consume.

Madam Speaker, the gulf States are free to use any of the CDBG funds for low-income housing. They can use all of the $4.2 billion, or even all of the $11.5 billion that we provided last year. What we are trying to do is provide the maximum amount of flexibility, flexibility just as we did for New York City after 9/11 but still preserve the low-income housing. This is all very, very important for the Governors.

In my view, we have already struck a good balance between flexibility and housing, while still allowing other development activities such as water and sewer construction business, development of transportation planning and debris removal, which is a big, big thing, as you know. We have allowed those things to go on.

I thank the gentlewoman for her interest, but I ask for a "no" vote.

Madam Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself the balance of my time.

Madam Speaker, I appreciate the spirit in which the gentleman has offered his rebuttal. I realize these dollars go specifically to reconstruction repair, but might I just use an anecdotal story to show that housing reconstruction repair and rental assistance is really a large chunk of the need in the gulf coast because people do not have housing.

Frankly, just as anecdotal story, for the City of Houston, even in apartments that we have been able to utilize, isn't it interesting that we cannot even get moneys paid to landowners, apartment owners, for the renters who are on the premises who are Hurricane Katrina survivors.

It is a slightly different issue, but it shows the magnitude of the housing need. The 200,000 individuals that are in the Houston area are mostly in rental property, and much of it would be subject at some point to repair and reconstruction. The point of this increase is to highlight the need for rental housing in the devastated areas and to somehow seek some flexibility to be able to use dollars for rental assistance.

I would ask Mr. KNOLLENBERG and certainly the chairman of the committee to recognize that this should be the beginning of our work and not the end. Frankly, my plea is to provide rental assistance dollars, because we are getting inadequate response from FEMA.

My amendment was offered to provide the increase because rental housing overall is needed, but the specific need obviously is rental assistance and its payments.

Madam Chairman, I seek to withdraw the amendment; and I look forward to further opportunity to ensure that the City of Houston and other cities similarly situated would allow for us to be able to get rental assistance and payment for those 200,000 who are living in rental properties through our city and throughout East Texas and other areas.

Madam Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 74, lines 3 through 8, strike "the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that" and "unless the Secretary otherwise makes a finding of compelling need".

Mr. KNOLLENBERG. Madam Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me suggest that I respect the good intentions of this waiver language. I understand that it addresses the question of flexibility, but, frankly, I believe that it should be the other way around. That, in fact, if the Secretary believes that there needs to be more dollars to be utilized for other income levels other than low and moderate, then the Secretary needs to make a compelling need request.

These moneys were designated for low and moderate income. That is the bulk of the impact in the gulf coast region where the dollars are needed. My fear is, with the ability to waive utilization of these funds for low and moderate income, we will find these funds being utilized for economic development projects, putting in various extraneous matters that do not address the question of human needs.

This amendment simply says, let us get ourselves focused, let us get back on the point, let us realize that the devastating impact is impacting mostly people who have lost everything and fall into the category of low and moderate. Therefore, I feel there would be little reason to have to seek a waiver in the first place because the need is pointed. It points to a certain income, and those were the most devastated.

We realize there are other issues dealing with insurance where those individuals who had insurance are now in conflict with insurance companies who are denying them their insurance recovery. That is one issue. But people who have lost everything mostly have fallen into the category of low and moderate income. These dollars should be directed toward that body of people and not directed elsewhere, therefore, taking away important dollars for helping to rebuild the gulf coast.

Just walk down in the area, travel through the areas of Mississippi and Louisiana, visit some of the eastern parts of Texas, and you will find that the language that exists that deals with low and moderate income is the appropriate language that will serve the housing and other infrastructure needs of those who have been devastated along the gulf coast. To allow waiver opportunity for the Secretary to change that formula and to begin to use it for many, many other aspects will take it away from the rebuilding and reconstruction of that area. I ask my colleagues to support my amendment.

Madam Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, our intent was to provide funds with the maximum flexibility to help all the people in the affected gulf coast region. This is really again an issue for the Governors of the affected States. The Secretary does not implement these plans. The Governors create the plans, and they also spend the money. Our language does not allow the Secretary to provide a blanket waiver of the low and moderate income provision. He must give notice of the waiver and explain why he granted such a waiver.

□ 2200

I would urge a "no" vote on this amendment. I recognize the gentlewoman is very much an advocate of emphasizing and focusing on the low income, and I appreciate that. But what we need to do is to let the States use these funds in the way that will best rebuild the devastated areas.

Madam Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself such time as I might consume.

We can see that we are having enormously genteel dialogue here, Madam Chairman. Again, I respect the argument of the flexibility being offered by way of the States. I guess I speak very passionately from what I have seen day-to-day in our local communities, our cities, and the impact that they have experienced in not getting the dollars that are necessary to provide the engine to their local economy as they play host, willingly, of course, to thousands of survivors, including those who are impacted by Rita. I believe those dollars should be focused on low and moderate income and frankly, when necessary, then the waiver should be from the ground up, rather than top down. And so I would ask my colleagues to support this amendment.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mrs. DRAKE). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was rejected.

Ms. JACKSON-LEE of Texas. Madam Chairman, I would like to ask for the yeas and nays.

The Acting CHAIRMAN. The gentlewoman's request is not timely.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TAYLOR of Mississippi:

Page 65, line 10, after the dollar amount, insert the following: "(increased by $15,890,000)".

Page 65, line 24, after the dollar amount, insert the following: "(increased by $40,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from California (Mr. LEWIS) each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Madam Chairman, may I ask the Clerk to read the amendment? It is a very short amendment.

The Acting CHAIRMAN. Without objection, the amendment shall be read.

There was no objection.

The Clerk read the amendment.

Mr. TAYLOR of Mississippi. Madam Chairman, the President of the United States came to Bay St. Louis, Mississippi about a month ago. He stood on the floor of the gymnasium at Saint Stanislas High School and made a solemn pledge to the people of Mississippi that he would repair every Federal installation to pre-Katrina standards. In this supplemental request that he sent to Congress, the President seeks to fulfill a part of that pledge by rebuilding the commissaries at Keesler Air Force Base, and at the Navy Construction Battalion in Gulfport, Mississippi. The funds he requested would get them back to their pre-Katrina standards.

It is my understanding that in committee, there were some concerns expressed that because these are normally MWR funds, that there was not a precedent for appropriated funds being used to repair MWR facilities. I have provided to both the majority and the minority a lengthy list of precedents where appropriated funds have been used on military installations to repair MWR facilities.

I also understand that there were concerns about the authorization for this. Again, on the publications that I have given to both the majority and the minority, we point out Title 10 U.S.C., 2854, it authorizes appropriated funds to "repair, restore or replace" facilities damaged or destroyed by acts of God, natural disasters, fire or terrorism, even MWR facilities normally constructed with non appropriated funds which was incorporated in DOD policy, DOD 1015.10.

Madam Chairman, since, again, this is the President's request, it is for facilities that were clearly destroyed by an act of God at the end of August of 2005, that we have fulfilled the requirements of the committee to show that again, there was precedent for this, it is authorized, it is the President's request and, quite frankly, the people who shop at that commissary, up to 20,000 young airmen, tens of thousands of military retirees who paid their dues in Korea, in Vietnam. Some of our World War II veterans still shop there. Gulf War veterans shop there, and it is only trying to do for them what was promised to them. They have made due with a very, very small commissary that the base has funded with one of these small appropriations since the storm. We are trying to put the base back like it was. The base was spared in the BRAC rounds. It is actually going to grow a bit as a result of BRAC. And so for any number of good reasons, we are put trying to put this back, the appropriations sought by the President back in this bill.

Madam Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Madam Chairman, the Air Force and the Navy together requested $55.9 million for base exchange projects at Keesler Air Force base, and the Naval Construction Battalion Center Gulfport in Mississippi. The request for Keesler was $40 million. The request for two projects at Gulfport, $15.9 million. The committee has not included funding for these facilities. Base exchanges, including construction, are typically resourced through non appropriated funds. The exchanges use their sales revenue to fund their operations as well as their capital costs.

Congress provided $3.8 million to construct a temporary exchange at Keesler in December in the December supplemental. But now we are being asked to build a permanent facility at over 10 times that cost.

The committee is concerned about setting a precedent for using military construction funds for exchanges. We have been told that the Army and Air Force Exchange Service has a $251 million capital budget for Fiscal Year 2006, and the Navy Exchange has a capital budget of $68 million. We believe that they should first look to their capital budgets to prioritize and fund these projects.

The committee is also concerned about the exchanges policy of self insuring these facilities. This means that when a disaster happens, like Hurricane Katrina, a fire and so forth, the taxpayers will be forced to foot the bill. That is why we had directed the Department of Defense to take a hard look at the possibility of privately insuring these facilities. We don't tell AAFES or NEX what to do with their non appropriated funds. But we are concerned about them passing on these risks and costs to taxpayers. The committee will continue to take a look at this issue as we go into conference with the Senate. But at this point, I must oppose the gentleman's amendment. I very much appreciate the gentleman's cooperation and would appreciate his further cooperation.

I yield back the balance of my time.

Mr. TAYLOR of Mississippi. Madam Chairman, again, I appreciate, number one, both the majority and the minority giving me the opportunity to bring this amendment up tonight. To the point that the chairman raised, I have served on the authorizing committee for about 16 years now. In the span of that 16 years, I don't ever recall a request from our colleagues on appropriation to pass language to either force or encourage the commissaries to be self-insured. And I think I am pretty keen on this issue and I am pretty confident in saying we have never received a request from your committee to do that. So now that the President is willing to make this commissary whole, that obviously the need is there, that it was indeed an act of God, that it is authorized, I find it strange that at this time Keesler Air Force base and AAFES would be punished for not fulfilling a request that they never got.

On the other hand, I think we could fulfill requirements of the President's request, fulfill what is best for AAFES, fulfill what is best for the airmen, for the retirees and the active duty personnel. The people who flew the missions into the hurricane shop at this commissary. People who fly missions in Iraq shop at this commissary. It is a part of their compensation that was promised. It is a part of the compensation that has been denied.

Anyone who has visited Mississippi gulf coast knows that the shopping opportunities in the private sector have been greatly diminished as a result of the storm. So you can't say just go out in town, because in the case of Waveland, Mississippi, in the case of Bay St. Louis Mississippi, Long Beach, Mississippi, Pass Christian, Mississippi, those stores are no longer there. So for all of those reasons, I would encourage my colleagues to put back the money that the President has asked for.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TAYLOR of Mississippi. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) will be postponed.

☐ 2215

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I ask unanimous consent to now call up the election amendment regarding gulf coast elections.

The Acting CHAIRMAN (Mrs. DRAKE). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill, and before the short title, insert the following:

SEC. 3013. None of the funds made available by this Act may be used to prohibit registered and legal, but displaced, residents of the Gulf Coast region from the right to legally vote in any officially designated election of the Gulf Coast region.

Mr. WOLF. In the interest of time, if this is the one with regard to the election, we accept the amendment.

Ms. JACKSON-LEE of Texas. Madam Chairman, if I may have a moment of explanation, I thank the gentleman for his acceptance.

The Acting CHAIRMAN (Mrs. DRAKE). Pursuant to the order of the House today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the distinguished Chair. I thank also the chairman of the subcommittee, Mr. WOLF, for his generosity.

Let me just be brief, but also be very pointed. We have a number of difficulties in the gulf region, for many of us who serve on the Homeland Security Committee had the opportunity to travel on several occasions to the region, most recently, with Speaker HASTERT and Leader PELOSI, and heard a number of concerns. One of the major concerns, of course, was the pending election in New Orleans, Louisiana, on April 22, dealing with a number of challenges to ensure, one vote, one person.

This amendment simply argues against any Federal dollars being used to prohibit the legal voting of any displaced persons. I hope in the course of this amendment passing through, that we will find at least support in the Department of Justice to assist with the number of issues deal with absentee balloting, dealing with satellite voting, dealing with making sure that the precincts are in place and also making sure that many of the thousands of individuals living in Houston, Texas, who claim Louisiana as a residence and New Orleans as their residence, are facilitated in their right to vote.

I would hope that no dollars be utilized by the State, by the local authorities and FEMA to thwart or prohibit anyone from voting on that day or any days after in Alabama, Mississippi, Texas and Louisiana and other impacted States.

With that, let me ask my colleagues to support this amendment to ensure one person, one vote, and to ensure the utilization of the Voter Rights Act in protecting the rights of individuals to vote.

Madam Chairman, I reserve the balance of my time.

Mr. WOLF. We have no objection and support the amendment.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank my colleague and I ask my colleagues to support the amendment.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment and ask unanimous consent that it be considered out of order.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following new section:

SEC. .

None of the funds made available in this Act may be used to prohibit the approval of disaster loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) at a rate of at least 70 percent.

Mr. LEWIS of California. Madam Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the Chairwoman very much. This is an amendment that really, I would ask my colleagues in another time and another day, to waive the point of order. But I rise to make the point on the amendment. I really believe that this Congress should join together and admonish the Small Business Administration and make it work for the people it was intended to work for.

A lot of the people who are impacted by the hurricane are now living in Houston, Texas. Of course, the actions of the SBA not only impact them, but impact my constituents. We are finding that there has been an almost 80 percent rejection rate of those individuals requesting a small business disaster loan.

I stood and listened to a gentleman by the name of Alvin, who before the hurricane had a business in his home. He was doing what he thought well and beginning to have a very effective small business. He obviously lost everything, including his home and his equipment for his business. He now comes and lives in Houston, comes to Houston and lives there in Houston. In order to get on his feet, he applied for a small business loan and was denied.

In a report we have determined just recently, that will be released today, that business and home loan approval rates average about 60 percent after Hurricane Andrew devastated much of South Florida in 1992, the trend continued through the rest of this administration and into the present administration, or the first George Bush administration, and into the Clinton administration. But, however, we have seen these numbers go decidedly down, in terms of the ability for individuals to have small business loans.

In Louisiana, for example, nearly three in five applicants could not meet credit standards, the SBA said. Another one in four said they couldn't repay the loans. One in ten didn't make enough money. The question is, what are these small business loans for if other than to allow small business persons to get on their feet and to be able to establish their business and to repay the loans back.

Over and over again, individuals have applied for the loans and been denied. The SBA has drawn the ire of many lawmakers last month when it announced it was almost out of disaster loan money. Lawmakers gave the green light to the SBA to spend $100 million in early February. Late in the month, the Senate approved additional monies. But, frankly, the moneys are not getting to large numbers of small business owners. So this amendment simply asks that the approval rate during this time not be lower than 70 percent; that small business owners have the right to be able to be reviewed in a fashion that acknowledges that they have lost all that they have had, and that this loan gives them the opportunity to regenerate their business, become independent, and pay the loan back.

It is silly in the interpretation of the various SBA statutes to insist that someone show themselves creditworthy when they have lost everything. So the amendment really points out to the failures of the SBA at this time, and I think it is appropriate that Congress makes notice of this and asks for a consideration of the many people who have applied and who have been denied. That is the only way we are going to allow people to get on their feet.

Madam Chairman, let me just say that this amendment is to make a very pointed statement on this floor: The SBA is not working as relates to disaster loans and the people that it most needs to help. I would hope we would have intense oversight to begin to insist that the loan process works fairly to restore people to their feet.

Madam Chairman, as of February, months the Small Business Administration had issued $4.12 billion in disaster assistance loans to homeowners and businesses in declared disaster areas, processing 214,000 applications. It has approved approximately $1 billion in loans to businesses surviving the destructive attacks by hurricanes in 2005.

In my district of Houston: 55 disaster home loans approved for $727,000; 27 disaster business loans approved for $1,750,800; 17 disaster economic injury loans approved for $750,100; and 99 total disaster loans approved for $3,227,900.

If one just looks at the agency's performance on the surface it would appear that agency is performing well. However, upon closer inspection, citing Louisiana as a case study, reports indicate that of the roughly 185,000 applications made on behalf of homeowners, a shocking 60,000 were denied. The SBA is distributing a large amount of aid, but that aid is not reaching all of those in serious need. This is evident by the House Minority Small Business Committee's statement that 80 percent of overall disaster loans have been denied.

My amendment requires of the Small Business Agency that no funds prohibit the approval of disaster loans at a rate of at least 70 percent. The destruction caused by the hurricanes occurred on an unprecedented scale, and the SBA should be approving disaster loans with unprecedented efficiency. SBA disaster loans offer people who have lost everything a chance to rebuild their life. It gives the survivors of Rita, Katrina and Wilma the hope that one day they can be contributing members of society.

Madam Chairman, I ask unanimous consent to withdraw my amendment, and continue to work on this matter to ensure that small business loans go to small business persons for them to be able to rebuild their lives throughout the gulf region, including the State of Texas.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONAWAY:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available by section 3010 for fiscal year 2006 for the Low-Income Home Energy Assistance Program may be used while there continues in effect a Federal prohibition on the exploration, leasing, development, or production of oil or natural gas in the Arctic National Wildlife Refuge or the Outer Continental Shelf.

Mr. LEWIS of California. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved. Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Madam Chairman, I rise tonight to support an amendment that would address what I believe is a hypocrisy that permeates a very important area of national policy. Section 3010 of this bill will pull funding for LIHEAP, the Low Income Home Energy Assistance Program, from fiscal 2007 into fiscal 2006. The idea is that certain low income folks need help with high fuel prices, high home heating fuel bills or just home heating bills in general.

The reason we have high bills is a lack of supply of crude oil and natural gas. While we have this lack of supply, it is because we have not drilled in certain areas, which I believe will provide prolific reserves that would address the energy costs.

None of us like these high energy prices we are experiencing. There are no short-term solutions. But the most immediate impact we can have open prices is to drill in areas where we have reserves. These areas include the Arctic National Wildlife Reserve, as well as the outer continental shelf.

There have been many attempts, throughout my short time I have been here, to open up these areas to drilling. The drilling contractors, the operators today so, can do so in an environmentally sensitive way and a responsible way, and it is hypocritical of us to, on the one hand, ask the taxpayers of this country to underwrite the high energy bills, and then, on the other hand, restrict supply that, in fact, drives up those costs.

So my amendment would say that none of the LIHEAP money would be available as long as we maintain restrictions on drilling in ANWR as well as the outer continental shelf.

Another point, as to the safety of the drilling in these areas, if you look at the experience we had as a result of Hurricane Katrina, you cannot imagine, you cannot formulate a worse natural disaster in the Gulf of Mexico as it relates to the producing and drilling platforms than we had in the gulf that was Hurricane Katrina. You just cannot imagine anything worse than that.

As a result of the great engineering, the hard work of many men and women throughout this industry, there was not one oil spill, one natural gas spill as a result of Hurricane Katrina sweeping through there and destroying the surface equipment. All of the sub-surface protections that are put in place to protect against that eventuality did in fact work. I think the idea that we can't do so, we can't drill offshore safely and responsibly has, in my mind, not played out.

So I encourage my colleagues to support this amendment to address what I believe is a hypocritical position in national policy.

Madam Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. LEWIS of California. Madam Chairman, let me say how much I appreciate the cooperation of Mr. CONAWAY this evening. He has been helpful at every end of our business. But in the meantime, I have this responsibility that causes me to make a point of order against the amendment, because it proposes to change existing law and constitutes legislation on appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part an amendment to a general appropriations bill shall not be in order if it changes existing law.

In this case, this amendment imposes additional duties.

So, Madam Chairman, I ask for a ruling.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair will rule. The Chair finds that this amendment includes language requiring a new determination of the Federal official who oversees the LIHEAP program. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

☐ 2230

Mr. CONAWAY. Madam Chairman, while I respectfully disagree, I accept the ruling of the Chair.

Mr. LEWIS of California. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CONAWAY) having assumed the chair, Mrs. DRAKE, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

The Clerk read as follows:

S. 2320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking "for a 1-time only obligation and expenditure";

(B) in paragraph (1), by striking "$250,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006"; and

(C) in paragraph (2), by striking "$750,000,000 for fiscal year 2007" and inserting "$500,000,000 for fiscal year 2006";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

"(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9))."; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking "September 30, 2007" and inserting "September 30, 2006".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Texas (Mr. GENE GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I would ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak in favor of S. 2320, legislation regarding the low-income home energy assistance program that we call by the acronym of LIHEAP.

I believe that this is a good bill that will help all Americans, both in warm weather States and in cold weather States, but it will be particularly helpful to those in the warm weather States like Texas and places where summers can be difficult as the winters are in the Northern States.

The Deficit Reduction Act of 2005 which this House passed, the other body passed and the President signed recently, included $1 billion for LIHEAP for fiscal year 2007. The moneys were offset by savings elsewhere in the titles written by the Energy and Commerce Committee, which I have the privilege to chair.

The bill before us today spends the funds this year and splits the funds equally between regular and contingency funds. Mr. Speaker, I support this approach because the increase in regular funds in the bill would allow significantly more LIHEAP funds to flow to the warm weather States to help with cooling costs this summer.

This has happened only once before in the 1980s. For Texans, which is the State that I come from, this will mean an additional $38 million this year, almost doubling Texas's LIHEAP funds.

Overall, the funding increases in the bill before us will help both the warm weather States and the cold weather States in the winter. Warm weather States in the summer and the cold weather States in the winter. This is a good solution for all States, both warm and cool; and I hope that we will support the bill.

We do have an unusual parliamentary procedure, Madam Speaker, that I think we need to bring before the body. The bill before us has already passed the Senate. If we pass it with no amendments, it will go to the President for his signature.

The supplemental bill, which we have been debating until several minutes ago, also has some LIHEAP funding that is under a different formula mechanism, as I understand it. It is quite possible, if not probable, that that bill is also going to pass.

If it does, we then have a situation which is somewhat murky, but, as best we can tell, whichever bill gets to the President last for his signature will be the bill that dictates the formula funding for this fiscal year. I put that into the RECORD simply because I think all Members of the Chamber need to know that.

Madam Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, I yield myself such time as I may consume.

I would like to thank my colleague from Texas for calling up S. 2320, and I agree with what he said. I this it is interesting, though, the parliamentary procedure that the chairman of our Energy and Commerce Committee talked about, because I would assume that if this bill passes with the two-thirds requisite votes tomorrow and goes to the President, that the section in the supplemental bill would be stripped out in the conference committee, because that bill still goes to the Senate into a conference committee. So I guess parliamentarily that would be the solution in our situation.

Madam Speaker and Members, low-income Americans have been struggling to pay for heating bills during the winter; and, thankfully, this winter has not been as cold as expected and heating bills have not increased as greatly as feared. However, natural gas prices that drive electric prices have quadrupled over the past several years. The States' public utilities commissions, PUCs, are passing those costs on to our constituents.

Low-income Americans also struggle to pay cooling bills. When the 90 and 100 degrees heat rolls around this year, the situation is going to become very critical very quickly.

Air conditioners run on electricity, and a lot of electricity comes from natural gas. The need for relief is going to be intense throughout 2006, the end of this winter, this summer, and the start of next winter due to the incredible energy prices our country is experiencing.

The LIHEAP program has been controversial because the formula can pit different regions of the country against each other. For the first $2 billion appropriated under this program, Northern States do very well, and relatively little funding goes to the South. Above this $2 billion trigger, however, the formula becomes much fairer, for Congress has never crossed this trigger by any large amount, that is until tonight.

The Senate compromise legislation provides an extra $500 million to the LIHEAP formula over and above the $2 billion Congress has already provided. This is incredibly important for regional equity.

This legislation has provided $500 million in contingency funding which can be used for emergencies such as blizzards, heat waves, hurricanes; and this funding is required to be allocated in 2006.

Today marks the first day we have a real chance to cross that $2 billion trigger and provide a measure of equity for the warm States. Importantly, today also marks the best chance to increase LIHEAP for 2006 for cold States as well by providing 2006 contingency funding.

If we pass this legislation today, the LIHEAP allocations for 2006 will become much more equitable between regions. It is important we pass this legislation today. It will directly go to the President's desk and provide immediate extra assistance for the Northern and the Southern States this year.

The administration supports this bill, and I would like to introduce this letter from Secretary Leavitt into the RECORD.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, March 8, 2006.

Hon. OLYMPIA J. SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: I am pleased to respond to your request for my view on your LIHEAP amendment (which is attached).

This is a positive step to provide additional aid for those in need of energy assistance this year. HHS supports Senator Snowe's amendment to utilize '07 funds this year to help those affected by increased home energy costs. HHS supports providing at least $500 million of the total as contingency funds.

Sincerely,

MICHAEL O. LEAVITT.

Madam Speaker, CBO certified this bill with no budgetary effect, and I want to introduce their letter into the RECORD.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 6, 2006.

Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR: As requested by your staff, the Congressional Budget Office has prepared the enclosed cost estimate for S. 2320, a bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Kapuscinski.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

S. 2320—A bill to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes

Summary: S. 2273 would amend section 9001 of the Deficit Reduction Act of 2005 by making the $1.0 billion appropriated for the Low-Income Home Energy Assistance Program (LIHEAP) available in 2006 rather than 2007. The bill would increase direct spending in 2006 by $750 million, but have no net budgetary effect over the 2006–2009 period as a whole.

S. 2273 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would benefit state and tribal governments by making federal funds available a year early.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2273 is shown in the following table. The costs of this legislation fall within budget function 600 (income security).

Basis of Estimate: Under current law, CBO expects that the entire $1.0 billion in LIHEAP funding appropriated for 2007 would be obligated in 2007 and spent over a three-year period, resulting in outlays of $750 million in 2007, $230 million in 2008, and $20 million in 2009. Enacting S. 2320 would accelerate the spending of these same amounts to the 2006–2008 period.

	By fiscal year, in millions of dollars—					
	2006	2007	2008	2009	2010	2011
DIRECT SPENDING						
Spending under current law:						
Budget authority	0	1,000	0	0	0	0
Estimated outlays	0	750	230	20	0	0
Proposed changes:						
Budget Authority	1,000	−1,000	0	0	0	0
Estimated outlays	750	−520	−210	−20	0	0
Spending under S. 2320:						
Budget authority	1,000	0	0	0	0	0
Estimated outlays	750	230	20	0	0	0

Intergovernmental and private-sector impact: S. 2273 contains no intergovernmental or private-sector mandates as defined in UMRA and would benefit state and tribal governments by making federal funds available a year early.

Estimate prepared by: Federal Costs: Matthew Kapuscinski (226-2820); Impact on State, Local, and Tribal Governments: Leo Lex (226-2885) and Impact on the Private Sector: Craig Cammarata (226-2947).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Madam Speaker, the language in the House supplemental would not provide equity. It would provide $750 million in contingency funding for 2006, which is no guarantee of funding at all, not for the North or the South. The House supplemental will not pass the critical trigger, $2 billion trigger, which is very important for the equity among the regions.

The Senate North-South compromise would guarantee the largest amount of LIHEAP funding for Southern and Western States ever, while providing immediate assistance for the Northern States.

This bill would double Texas LIHEAP funding from $40 million to $80 million, allowing us to serve 80,000 families instead of the 40,000 we currently serve. Since our State ended its energy assistance program because of budget problems, this support is sorely needed.

Other Southern and Western States, that is, Alabama, Arizona, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Maryland, the Carolinas, Oklahoma, Utah and Virginia, will also likely receive the largest LIHEAP allocations ever.

With the $500 million in contingency funding, the Northern States will not be left out in the cold either, either in the end of this winter, during any heat wave this summer or during the next winter, November and December. We have bipartisan support, both Northern and Southern support, and we have the endorsement of the American Gas Association, which I will insert into the RECORD, Madam Speaker.

Madam Speaker, I strongly urge my colleagues to vote yes on the bill.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Madam Speaker, my colleagues, this is a classic example of robbing Peter to pay Paul. What we are going to do is propose to move money from the 2007 bill to spend in 2006.

Now that sounds very seductive and sounds like an easy way to deal with having more money available in this fiscal year. But let me point out to my colleagues that what this will do is take a billion dollars ultimately out of the 2007 bill that has to be made up.

We will have one of two choices in the labor HHS 2007 bill: Get the money out of education, or get the money out of medical research, NIH, CDC. There is no other source. Because this billion dollars that was provided by the budget reconciliation to address LIHEAP spending for 2007 would no longer be available, because what this proposes to do is to move it into 2006.

Well, obviously to make up that billion in the 2007 bill we will have to get it somewhere. Now if it would be an increased allocation, which seems unlikely, because the President's budget already has Labor HHS Education money substantially under last year, and, therefore, to make another billion available will just exacerbate the problem.

While this has a very seductive appeal, that, well, we are going to have this extra money for 2006, we are forgetting that there is a 2007 year coming up; and, therefore, by passing this kind of legislation, we are simply making it very difficult to meet the other needs in the 2007 budget.

Madam Speaker, I would urge my Members to vote against this simply because it is not responsible budgeting to say to the Labor HHS that you have to go get a billion dollars out of other very important programs such as education and medical research.

But inevitably that is where it has to come from, because this will leave a billion-dollar hole in the 2007 budget.

In the budget reconciliation, they attempted to ensure that the billion would be there for 2007. But what this legislation does is simply say we are going to move it into 2006 and figure out where to get it for 2007.

Well, there is no easy way to figure it out, because already 2007, in putting together the 2007 budget we are having a tough time having the resources to do the other important functions. I think it would not be responsible stewardship of our money, of our resources for the public, to take this money and leave a billion dollars unfunded for LIHEAP in 2007.

Mr. GENE GREEN of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank our colleague and chair of our appropriations subcommittee. I understand where he is coming from. But I also know, Madam Speaker, that we have not passed a budget for 2007 and that is still to be considered.

I understand that the concern about moving money into this year. But it is also going to be very difficult for me to talk to the 40,000 plus Texas families if we do not pass this bill. By the way, this summer, I am sorry it did not fit within our legislative rules, and it is causing more problems, and we are not going to give you any heat assistance when it gets to be 100 degrees in Texas and across the South, and, frankly, even the Northern States, Illinois, Maryland and other places. New York has problems with heat in the summer.

So I would hope that next year or later this year we will probably see another supplemental. If we see a year like we have seen now for both the cold assistance for the Northern States and what we see in the South that we need help, then I would hope in the future that we would see a supplemental that would restore that money. I would be glad to support that at that time.

Madam Speaker, I also understand Chairman REGULA and the Appropriations Committee, a lot of us want them to be able to have the funding for medical research and education. Those programs are near and dear to our heart. I hope we will still be able to do that.

But I also know there are some other ways that we can deal with that since we have not adopted a budget and we will probably have another supplemental, because they get pretty regular around here. I hope that we can add to it without having to rob Peter to pay Paul.

Madam Speaker, I reserve the balance of my time.

□ 2245

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Thank you very much, Mr. Chairman. And I would like to thank you for your leadership in bringing this bill from Senator SNOWE to the floor. I thank Mr. GREEN for his bipartisan support, and I thank the leadership of the House for allowing this vote.

I am from New Hampshire, one of the cold weather States, and even though the weather has been somewhat warmer than might be expected in most winters, we have seen at times a spike in the price of home heating oil by nearly 65 percent in some instances. It has abated somewhat, but nevertheless prices of home heating oil this winter are significantly higher.

We all know how successful the LIHEAP, the Low Income Heating Assistance Program, has been. It is effectively monitored by State and local interests, but it is funded at the Federal level. My State has seen about a 12 percent increase in applications this winter because of that spike in prices. My State has allocated all of the dollars it has received so far to trying to process the applications that it has and it is committed; and without this funding, the State of New Hampshire and other cold weather States are going to have to dip into their own State funds to help fund a Federal program in 2006.

My State, before the emergency funding was released by the President, was nearly $3 million short, that is about 15 percent under last year and at a time when there is record demand and record high prices. That is why this bill is so important, Madam Speaker, why we need to bring it up, have this vote tonight, get it to the President's desk. This bill is balanced well because the interests of warm weather States and cold weather States because of the 50–50 split and because of the emergency funding and the formula funding.

So I am hopeful that my colleagues on both sides of the aisle will see fit to move forward with this. This bill is fully offset by the Budget Deficit Reconciliation Act, which is important for our Nation's budget deficit, obviously, but it is also important for States, both in the southern part of the country and the northern part of the country, to pass this bill tonight and to make sure it gets to the President's desk as soon as possible so States like mine can get more money into the pipeline while it is still important.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Madam Speaker, I thank the gentleman for yielding. A couple of other things I would point out. In reality, we will have to find $1.4 billion when you work out the numbers to match the level provided for 2006. That is in the 2007 bill. So I reiterate, that means $1.4 billion will have to come out of education or medical research, because I just do not see any enhanced allocation to do that.

Now, in adopting the supplemental, we recognize the potential emergency, and we provided language in there. This is an amendment that I offered in the supplemental in the full committee that allows the shift of $750 million as needed to address any shortfall in 2006, but we do not mandate that it be done.

Under the Snowe approach, this would force the expenditure, and if the funds were not used, they would lapse. And I think that it is just not good management to require, as this bill does, the movement of this money from 2007 to 2006, and therefore, run the risk that it might lapse. When we tried to address the problem in the supplemental by saying that the money could be used up to $750 million if needed, and I think that is a much better solution.

It is a more responsible solution to manage of potential problem without impinging heavily on the 2007 money and forcing the committee to make that up to the amount of $1.4 billion out of other very important programs. I would urge my colleagues to reject this.

Mr. BARTON of Texas. Madam Speaker, I yield myself the balance of my time.

I have nothing but the utmost support for Mr. REGULA and the appropriators. All the Members, the rank and file Members, the full committee chairman, the subcommittee chairman, but I want to disagree with his premises slightly.

In most cases, a program like LIHEAP is funded from general revenue, and what Mr. REGULA said is absolutely true, absolutely true. In this case, the budget reconciliation package for the fiscal year 2007 or the budget reconciliation package that we just passed, the Energy and Commerce Committee, on a bipartisan basis, worked to offset by saving in other areas of our jurisdiction so that we could plus-up LIHEAP by $1 billion. So the LIHEAP money that is before us today in the bill that is coming over from the other body has been paid for.

Now, it is true as the gentleman from Ohio said that that money was supposed to be spent in fiscal year 2007, but it is also true that we need additional funds for 2006. And we are going to need additional funds, in all likelihood, in the warm weather States this summer, because of the expected heat. We have already had a record heat wave in Texas 2 weeks ago. It was 95 degrees. I will pledge to Mr. REGULA and Mr. LEWIS and Mr. OBEY and all the folks, the appropriators, that if we get the will of our leadership, I am willing to engage in another reconciliation package to find offsets for next year. I think that is only fair so that we help our appropriators.

But we have a bill before us that if we affirmatively pass it like the other body has, it is going to go to the President's desk. It is going to be signed. There will be additional funds to help both the cold weather and the warm weather States. And I would hope that we would, while we have nothing but respect for Mr. REGULA, that we would oppose his motion to oppose this bill. Pass it. Send it to the President so that we could get his signature and allocate these funds to the most needy of Americans in both the warm weather and cold weather States.

I ask for a yea vote.

Madam Speaker, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mrs. DRAKE). The gentleman from Texas has 13 minutes remaining.

Mr. GENE GREEN of Texas. Madam Speaker, I yield myself such time as I may consume.

Following the chairman of our full committee and, again, I understand the Chair of our appropriations subcommittee's concern, but this bill has a great deal of bipartisan support.

We heard from our colleague from New Hampshire, who is experiencing high utility bills and has already run out of their funding for their poor in New Hampshire. But a lot of us are looking forward to what may be happening not only this winter, but also this summer. So I am proud to have Congressman PICKERING of Mississippi and Congressman LATOURETTE, who is also supporting this legislation.

When we vote on this tomorrow, we will see a lot of Members from across the aisle who are supporting this legislation; and again, like my chairman of our full committee and also the ranking member of the committee, John Dingell is supporting this legislation. We need to do something now to help and we will work whatever we can to help with the allocation from the Appropriations Subcommittee on Health and Human Services or, again, another supplemental next year or later this year that will be able to deal with it.

Madam Speaker, I urge my colleagues to vote aye.

Mr. DINGELL. Madam Speaker, I rise in support of this legislation, which moves funds appropriated to the Low Income Home Energy Assistance Program, or LIHEAP, from Fiscal Year 2007 to Fiscal Year 2006. This legislation passed the Senate last week, so its passage in this Chamber will send the bill on to the President.

The legislation would move $1 billion in funding to this fiscal year. Half of the funds would be allocated to the States pursuant to the statutory formula. The other half, however, would be considered contingent funding, and subject to the discretion of the Administration.

It is important that all of these funds reach those in need. The recently passed Energy Policy Act of 2005 authorized $5 billion for this fiscal year. But even if all of the funds in this bill are sent to those in need, the total funding for the program will only total a little over $3 billion. In other words, we are still going to be $2 billion below the program authorization.

People in the Midwest and Northeast are in desperate need of these funds. According to the National Energy Assistance Directors' Association, since the winter of 2001–2002, yearly natural gas bills have soared from $465 to $1000, while annual heating oil bills have gone from $465 to $1000.

In my home state of Michigan, these national trends have translated to an average energy cost increase of nearly 37 percent. As a result, the state has anticipated a 6 percent increase in LIHEAP applications. Without additional funding, our state could experience as much as a $60 million shortfall in LIHEAP money. This bill, while falling far short of providing the money necessary or authorized by EPACT, provide at least a few million dollars more to help my state address this projected shortfall.

Of course, much of the new funds will also go to warmer climates, where families will be facing unprecedented cooling bills this summer, so this is not just a regional bill.

It is unfortunate that funding for LIHEAP has remained constant over the years while heating costs have soared. Even with these new funds, many families will have a hard time paying their heating bills this winter.

Many of us would like to see LIHEAP funded at its authorized level of $5 billion, but certainly this bill will be of immediate assistance and I urge its passage.

Mr. GENE GREEN of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2320.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. REGULA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. TANNER. Madam Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. Tanner of Tennessee moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed, to the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Wisconsin (Mr. RYAN) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. TANNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this motion is very, very straightforward. It is a motion asking our conferees to basically apply what is known as PAYGO rules to the tax reconciliation bill that is coming over from the Senate.

Just today, this morning, in The Washington Post, we are reminded that President Bush said in March of 2001, "Future generations should not be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren."

Madam Speaker, since that time this Congress and this administration have borrowed about $1.5 trillion in hard money in new debts. I have been talking about this and writing about it for the last 3½ years. We are facing a debt ceiling again and we will be forced to raise the debt ceiling for the fourth time in the last 5 years since that statement was made by our President about borrowing money that loads the debt limits of all of us, including our children and grandchildren.

This new debt limit will raise how much money this country has borrowed in additional new debt $3 trillion. I wish I was making some of this up. But you can go to the Treasury Department's Web site at www.PublicDebtTreasury.gov and see for yourselves. This is real. This is happening. It is happening now. And if the budget that has been proposed is adopted, we will go to $11 trillion dollars.

Now, Madam Speaker, I have got some more things to say about this but last year, this is almost unbelievable but it is happening and I wish the American public would focus on it because if they do they will be I believe not only shocked but outraged at what the financial mismanagement of this country has done to the financial balance sheet. Last year the Federal deficit for 2005 was $319 billion. If you break that down it means we here in public life in the name of every citizen in this country borrowed $26 billion a month, $886 million a day, $36 million an hour, $615,000 a minute, and $10,200 a second.

□ 2300

Contrast that with what our President said back in March of 2001, as quoted in the Post this morning, when he said, "Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren."

I could not agree with that statement more, but the facts absolutely belie what that sentiment that was expressed back in 2001 was meant to convey.

Now, if that was not bad enough, last year almost 90 percent of the money that we had to borrow to operate the government of this country came from overseas, came from foreigners who do not see the world as we see it.

We are doing in this government, on behalf of the people of the United States, something that none of us who were taught, like I was as a young man, three things to live by. One is live within your means, two is pay your debts, and three is invest in the future, whether it is your own retirement, your kid's college or whatever.

This government, under this leadership, is doing none of those. We are not living within our means, we are not paying our debts, and we are certainly not investing in the future.

The more that we borrow, the more we degrade the tax base in this country. We are now paying at 4 percent, since that statement was made in 2001, we are now paying more than $55 billion a year in additional interest checks, almost 80 percent of which is not even staying in this country. This is not only outrageous, it is the most irresponsible financial conduct of the fiscal affairs of this country that any political leadership in the history of this country has engaged in such a short period of time. That is without question.

So what is actually happening here is a weakening of our collective ability, as expressed through the Federal Government, to do two things, to keep this country strong, safe and, most importantly, secure. Strong safe and secure, what do you mean when you say that?

First of all, there is no country in the history of recorded civilization that without the ability to invest in infrastructure and human capital remained safe, strong and secure. Infrastructure, that is what the government must do to give private enterprise the ability to congregate around clean water, sewer systems, highways, bridges, roads, all of the things that go into the infrastructure of a Nation. We are not being able to keep up with not only new infrastructure that is needed but to repair the infrastructure we have got. If you do not think that is important, go to any country on the planet earth that has no infrastructure and see how many people are doing very well. Nobody is because there is no infrastructure for private capital to invest and to create jobs, to create the economy we all want.

Human capital, what do I mean by investing in human capital to keep our country strong, safe and secure? I mean education and health care. There is no country in recorded civilized history that has had an unhealthy, uneducated population that was safe, strong and secure. It is not possible. It will never happen, and the more we degrade the tax base, the more we are less able to make sure that the future is invested in, as I said earlier.

One of the things that is not hard to figure, it is common sense, and that is, we had in March of 2001, when the President said we owe it to our children and grandchildren to pay our debts, basically, we had $55 billion out of the tax base. Without raising a dime in taxes, we had $55 billion to do these investments that we do not have today because we have engaged in such frivolity when it comes to spending habits, when it comes to all of the things that go into sound financial practices, we are doing none of them.

So I am at a loss to see how anyone could say when you are going to do this tax reconciliation bill, you simply do it in a way by cutting wherever else one needs to to be of a lower priority to make sure that we do not dig this hole deeper.

The chairman of the Federal Reserve today said, "I am quite concerned about the intermediate-to-long-term Federal budget outlook. By holding down the growth of national saving and real capital accumulation, the prospective increase in the budget deficit will place at risk future living standards of our country." These are not my words. These are the words of the new chairman of the Fed.

There is no question every reputable economist knows that the more we engage in deficit spending the more the tax base is degraded, the less able the country is to meet the challenges to keep us strong, safe and secure.

We voted earlier today about the Dubai ports deal, and that was a matter of national security. We are going to turn around tonight, if we do not adopt this motion to instruct and the conferees do not adhere to it, we are going to turn around and continue to mortgage this country to anybody on the planet earth that will let us have money on the cheap. I believe it is a national security issue, as I have said many times on this floor. At some point our creditors, particularly the Chinese and perhaps the OPEC countries, the Caribbean banking center, at some point they are going to get tired of taking our paper, and I believe this Dubai thing is one of the first signs of it. They are going to stop buying our debt, and they are going to want to buy equity, and they will have the ability to do it because of the profligacy of this Congress and this administration in refusing, absolutely refusing, deliberately refusing to balance the books.

Let me say one other thing. The GAO reports that 16 of 23 Federal agencies cannot produce an audit. You know why? Because there is no check here. You have got a compliant Congress, a friendly administration, money's leaving Washington through a fire hose, and Congress is not even asking the administration what are you doing with the money. If they did ask, they could not tell you.

There are four agencies of the Federal Government where the IG, Inspector General, says on the front page of the audit, we disclaim any knowledge as to whether or not what we are telling you is true. We cannot balance the books. We cannot even tell how much money is being spent for anything.

Do you think Congress is investigating any of that? No, not one hearing with an Inspector General drug up here and say what did you do with the money.

The Blue Dogs have a 12-point plan because the budget process around here is so broken. I will not go into all 12 of them. Some of them are less important than the others, but there are two that are particularly important. One is accountability. Accountability, what did you do with the money? If you cannot tell us, you are not going to get it next year.

Every businessperson in this country knows what I am talking about. When they go to their comptroller and say here is a $10,000 expenditure, what is it; if the comptroller said, I cannot tell you, he would not be there and that company would not be in business. That is what is happening here. Why would you not put up with that in your private business, and yet the people of this country not only tolerate it but, in some cases, encourage the behavior of this irresponsible government as it relates to keeping up with the money we are already taking away from the taxpayers involuntarily in the form of taxation and not even asking what happened to it? Replete, replete with instances of total incompetency.

FEMA, Hurricane Katrina, $10 million to rehab a military barracks and house six people. This is insane, and that is what is going on here.

So all we are asking in this motion is whatever you do on the tax bill, for goodness sake, do not continue to borrow money to cut taxes. That is a sure ticket to financial ruin, and not only that, it is not a tax cut. It is a tax increase because next year we will begin to pay interest on that, and that will add to the $55 billion. I tell you, it is a road to financial ruin what we are on.

Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. SCOTT), my dear friend.

Mr. SCOTT of Georgia. Madam Speaker, I thank very much my distinguished friend from Tennessee. It is a pleasure and, quite frankly, an honor to be on the floor with you tonight to talk about this extraordinary problem and crisis that this country is faced with.

Without question, you are absolutely right. We cannot have national security if we do not have financial security, and we do not have financial security today. Now, let me just tell you and I hope the American people are paying attention to us tonight because we are here to state some important truths and facts about the financial health of this country, and our financial health is not well.

This President, this administration and this Republican-controlled Congress is heading us straight down the path of financial ruin and financial disaster.

Let me just give you one very salient point. Under this President, this Republican-controlled Congress, we have borrowed more money from foreign governments and from foreign interests than all of the preceding 42 Presidents in the history of the United States. Hear me again. If that does not wake you up and let you know that we are headed for disaster, this President, this Republican-controlled Congress has borrowed more money from foreign governments and foreign financial institutions than all of the preceding past 42 Presidents.

That means that since 1789, the very beginning of this country, to the year 2000, 211 years, through the Revolutionary War, through the foundation of the country, through the Spanish-American War, through the Civil War, through the Mexican War, through World War I, through a depression, through World War II, the Vietnam

War, through the Korean War, through all of the upheavals, the economic downturns of this great country, through all of that, yet this President in the last 5 years has borrowed more money from foreign governments than all of our previous Presidents in this history. That is phenomenal. That lets you know that we are in serious, serious trouble.

As I have said time and time again, no greater founding father was there than Alexander Hamilton who founded the financial system of our country, and it was Alexander Hamilton who said, Woe be it unto this country if we fall under the heel of our finances being controlled by foreign interests. Alexander Hamilton himself was a foreigner, as were many of the Founding Fathers of this country. They understood that, and here we are today beholden on our financial security.

Here are the facts. In the last 211 years, from 1789 to 2000, under 42 Presidents, this country borrowed $1.01 trillion. In the last 5 years, under this Republican President and this Republican-led Congress, we have borrowed $1.05 trillion. That is not healthy. That is not the way you have got to go to have a solid country, and now we are here saying we are going to raise the debt ceiling so that we can borrow more. We are dealing with a budget that is ratcheted with devastating cuts time after time.

As the gentleman from Tennessee pointed out, just look at how this Nation is aching and hurting from the mismanagement of Katrina. Families still devastated, an entire important coastline of this country devastated.

□ 2315

And we cannot even deal with that. And some of the very programs, community block grants, being cut. Aid to our veterans, talk about national security, being cut by $2.1 billion. Help to our farmers, to help them with the drought, to help them with the devastation of Katrina, cut, all for the purpose of making unwise tax cuts to the top 10 percent of the wealthy in this country permanent at a time of such great uncertainty.

And then to borrow the rest of the money for the tax cuts from, guess where, from China, from Japan, from India and from OPEC. Now, let me tell you how serious this is, ladies and gentlemen. The U.S. is becoming too increasingly dependent on foreign lenders for our debt. We are handing over this country on a platter to foreign countries. The Dubai Ports deal was just the beginning, just the tip of the iceberg.

And I just want to say how proud I am to say I am a United States Congressman. Because finally this Congress stood up to this administration, both Democrats and Republicans, and said no, no more, and turned down that Dubai Ports deal. Can you imagine? How unwise, to turn our port security over. Even the thought of it.

And that is what disturbs me so much when we talk about security. When you talk about national security and financial security, that is the number one issue on the minds of America today. Two things: Can this government keep us safe as a country? Can they keep us alive? Can they keep our lives safe, and then can they keep our money safe? Well, you can't keep our money safe; you certainly can't keep our lives safe. And that is the particular situation we are in today.

Let me just tell you how serious this issue is. Foreign lenders hold a total of $2.174 trillion of our public debt. And quite honestly, in the last 10 years, they hold 90 percent of it. In other words, every dime that we are using for our government right now we are borrowing it from China and India. Japan, for example, now owns $682.8 billion of our debt. China owns $250 billion of our debt. England, the United Kingdom, owns $223 billion. The Caribbean Banking Center owns $115.3 billion. Taiwan, $71.3 billion. OPEC countries, OPEC, already in the Middle East we are so dependent on oil that they are holding us hostage on that now, but some of these same companies are holding our debt.

America, wake up. We have got to begin to step forward and take responsibility for our financial house. I am here to tell you there is nothing more important than keeping our money straight. Lord knows, if the American people across this country, if they ran their little families, if they ran their businesses the way we are running this government, it would be bankrupt.

So I am delighted to be here tonight to join with my distinguished colleague, Mr. TANNER, to talk about this issue. Because I believe that it is the number one issue facing the survival of this country. And let me just say this. If you look through the history books, JOHN, the history books are cluttered with the wreckage of so many great civilizations. And on the wretched bones of those great civilizations are written those pathetic words: Too late. They moved too late to save themselves.

Let us not move too late in this country. The American people are expecting us not to move too late, and we must not. And one of the first steps is to follow your lead and get some sanity. Let us instruct the conference committee to not increase the debt and let us not raise the debt ceiling limit.

Mr. TANNER. Madam Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Madam Speaker, I rise in opposition to the motion to instruct. May I inquire as to how much time is left?

The SPEAKER pro tempore (Mrs. DRAKE). The gentleman from Tennessee has 6½ minutes remaining, and the gentleman from Wisconsin has 30 minutes.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself such time as I may consume.

I appreciate a lot of what the two gentlemen have said, the gentleman from Georgia and the gentleman from Tennessee. A lot of it I agree with. And the Blue Dogs traditionally here in Congress have been joining with a lot of us fiscal conservatives on this side of the aisle to work for some of these budget reforms, and I hope in the future, in this session, that we could see a merger on budget process reforms to improve the quality of our budgets that we have here.

Tonight, we are talking about this motion to instruct. This motion to instruct I think is misguided in a few ways. Number one, I think it is hitting the wrong target. If the problem is with the budget that we pass and the results of those budgets, then the target ought to be the budget resolution. The budget resolution has already passed.

I think it is very noteworthy to point out the fact that last year's budget resolution, and we are negotiating this year's now, but last year's budget resolution, for the first time since modern budgeting, actually reduced domestic spending. It reduced nonsecurity discretionary spending. So we actually passed one of the most frugal budgets ever passed since we created the 1974 Budget Act here in Congress.

So we are on a path of being very frugal with the taxpayers' dollars. But what this motion to instruct is about is the tax bill. More importantly, this discusses cutting taxes. And the claim in this motion to instruct or the inference in this motion to instruct is that we shouldn't be cutting taxes; that we should take pressure off of cutting taxes. It is very important to point out that this tax bill really doesn't cut taxes, it simply stops taxes from being increased. It stops tax cuts from going away.

What we did in 2003, and it is important to remember, we came in to a recession in this country. We had the Enron scandal, the dot com bubble burst, the recession hit, 9/11. We got hit really hard as an American economy. The American people got hit hard. What is so wonderful about the story that has occurred since 2003 is the resiliency of the American people, the American entrepreneurs, the families, the farmers, the businesses, and of the American economy.

But there is one thing that happened in 2003 to get that going, to get our economy back on track, to get our budgets going in the right direction, and that was the tax cuts. Now, this chart shows where we were as an economy prior to the tax cuts that occurred in 2003.

Now, if you take a look at the left side of this chart, the average economic growth rate in America, the 10 quarters before, going back to 2001, the 10 quarters before the tax cuts was 1.3 percent. This is where the recession was. We had very anemic growth. We were losing hundreds of thousands of jobs in America every month during this recession.

So what did Congress do to respond to this? Congress did cut taxes and cut taxes across the board. We cut taxes on families, cut taxes on businesses, cut taxes on savings for seniors, cut taxes on capital formation which creates jobs, like capital gains and dividends and business expensing. But what happened after those tax cuts? Since the enactment of these tax cuts, the unemployment rate fell from 6.3 percent in June of 2003, the high, to 4.8 percent. Since the enactment of these tax cuts, we have gained nearly 5 million net new jobs in America. What this shows you is the average growth rate of our economy for the 10 quarters since the tax cuts has been 3.9 percent.

So take a look at what happened in America. We had the recession, the dot com bubble, the 9/11 terrorist attack, and we went into a recession and our economy was sputtering. We were growing at an average of 1.3 percent and losing hundreds of thousands of jobs. When we cut taxes on the American people, on the American economy, we had a huge rebound right away. Right away the economy kicked into gear, produced jobs and has grown at an average rate of 3.9 percent, faster than the national average for the history of our economy. Five million new jobs were created.

Now, one of the other things that occurred was during that time, because of the dot com bubble, because of the Enron scandal, the stock market really fell. And who really got hit by that were seniors and savers. There are so many seniors that I have talked with in my district, in the first Congressional District of Wisconsin, who literally saw their savings portfolio, in that period of 2001 to 2003, cut in half; wiped away by 60 percent.

One of the things we were so worried about was the fact that senior citizens and their pension plans and their 401(k)'s and their IRAs had so much less value in their savings that they had much less to live on. So we went immediately to act, and what we did was we reduced tax rates on capital, tax rates on the things that stocks matter, which is capital gains and dividends.

What happened after that? Since the enactment of these 2003 tax cuts, the Dow Jones Industrial Average increased by 27 percent and now is back to where it was before the crash of the market. So we were able to build back that growth in savings for most of the seniors who rely on that, for the pension funds, for the 401(k)'s, so people could get their retirement savings back.

Those are some of the fundamental tax cuts that are in this tax bill. See, if we do nothing, taxes go up. If this motion to instruct would see its way through, taxes would go up. The effect of this motion to instruct is to say, do not prevent these tax increases. And if you do want to prevent these tax increases, you will have to raise taxes somewhere else to prevent these other tax increases. I think that is bad economic policy.

Now, where we need to improve is on spending. We need to bring the deficit down, and that is where the three of us are going to agree. That is where the gentleman from Georgia and the gentleman from Tennessee and I will clearly agree. Our deficit is too high. Our debt is far too high and we have to get it going in the other direction.

But, what has happened since 5 million net new jobs were created since 2003? What happened since the economy grew at such a faster rate? What actually happened was revenues increased. So when we cut tax rates, you would have thought that revenues would have gone down. In fact, the budget estimators here in Congress and in the administration said, we know that if you cut taxes, we think revenues will go down. Even though that may happen, it is important to get us out of the recession.

So back then we used this estimating measuring stick and our estimates predicted that revenues would go down if we cut taxes. We still cut taxes because we wanted to get people back to work. But what happened was the opposite occurred. Revenues went up. Revenues from capital gains taxes went up, even though the rate was lower. Revenues from marginal income tax rates went up, even though the rate was lower. Revenues from corporations surged by 47 percent last year alone, even at lower tax rates.

What happened was, just last year alone our tax revenues went up 15 percent. The year before they went up. So as a consequence of that, the budget deficit went down by 23 percent in 2004 and went down by 25 percent in 2005 from their projections. So the budget deficit projections actually went down because revenues went up, because people went back to work. They went from collecting unemployment to having a job and paying taxes.

That is good economic policy. It is good budget policy. And to reverse that by raising taxes would be bad economic policy but also bad budget policy. Where we need to focus is on the spending side of the ledger.

If you want to put it into perspective, the size of these tax cuts, and I want to rephrase that again, the tax cuts are simply preventing tax increases, the size of these tax cuts are $70 billion out of a 5-year budget that will spend $14 trillion. Next year's tax cuts, or to put it another way, to prevent tax increases from occurring next year amounts to $11 billion out of a budget that will spend $2.7 trillion.

Let me just read a list of some of the tax policies that would go away if this were to see its way through.

□ 2330

AMT relief for personal tax credits; State and local sales tax deduction. That is a huge issue in States like Tennessee and Texas and others. Research and development tax credit, a big job producer. Above-the-line deduction for higher education expenses; work opportunity tax credit; the welfare-to-work tax credit; savings accounts; enhanced 179 expensing for small businesses that allows small businesses to write off investments in their plant and equipment so they can create new jobs. Brownfield expensing to clean up environmental catastrophe areas; capital gains and dividends, the very tax cuts that have actually increased economic growth, produced jobs and increased tax revenues to the Federal Government.

So, at the end of the day, I think we are going to have a difference of philosophy when we talk about this. We may agree on the need to reduce spending. I hope we have agreement. But what we do not agree on this side of the aisle is the wrong thing to do to the American taxpayer today is to raise their taxes.

The problem here is not that Washington taxes too much; the problem here is that Washington spends too much. That is what we should focus on. The pressure should be on spending, not on raising taxes. I am sorry, but the effect of this motion to instruct would be to do just that.

Madam Speaker, I reserve the balance of my time.

Mr. TANNER. Madam Chairman, I yield myself such time as I may consume.

We do agree on some things, but part of what we heard is Lewis Carroll: What is up is down and what is down is up. This is Alice in Wonderland.

When he says the budget deficits are going in the right direction because they are less than the projection, they are the largest budget deficits in the history of the United States.

Let me read something. He talks about spending. The Republicans have had total control of the Federal Government here for the last 5 years. This is from the CATO Institute. President Bush has presided over the largest overall increase in inflation-adjusted Federal spending since the late 1960s. Even after excluding spending on defense and homeland security, President Bush is still the biggest spending President in over 30 years. His 2006 budget does not cut enough spending to change his place in history, either.

Total government spending grew by 33 percent during Bush's first term. The Federal budget as the share of economy grew from 18.5 percent of GDP on Clinton's last day in office to 20.3 percent by the end of President Bush's first term. The Republican Congress has enthusiastically assisted the budget bloat. Inflation-adjusted spending on the combined budgets of the 101 largest programs they vowed to eliminate in 1995 has grown by 27 percent, and yet somehow they say spending is a problem.

They have total control. The Democrats have not spent any money in this House in over 10 years. We cannot. We do not have enough votes.

This motion says nothing about raising taxes. It says offset whatever tax revenue reduction you are going to make by spending cuts. That is what has not happened. In fact, it has gotten worse.

When President Bush came to town in 2001, in July of that year this country embarked on President Bush's economic plan for the country. Based on a series of assumptions over the next 10 years that would yield a $5 trillion surplus. Well, 2 months later, we had 9/11. Instead of readjusting the economic game plan because every assumption that was made in July of 2001 was suddenly not valid months later in September of 2001, instead of adjusting, what has happened, a compliant Congress and a friendly administration have simply borrowed the difference. We are doing something that people have tried to do since the dawn of civilization and that is borrow themselves rich. It is impossible.

When you cut taxes with borrowed money, you are actually raising taxes. We have raised taxes $55 billion a year every year from now on under this economic game plan because it is interest that we have to pay, and we have to pay it off the top. It is not unlike a credit card. You run your credit card up, you can live pretty good for a little while. But when you have to pay that monthly interest and your monthly payment is only covering the interest, suddenly you cannot invest in anything using that credit card because the service charges are eating you alive. That is exactly what is happening with this government.

All this motion to instruct says, whatever you do with the tax reconciliation bill, do not add to the Federal deficit and do not pile more money on the debt of our citizens. It is that simple. If they cannot figure it out, maybe they should not be running the place.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. SCOTT).

Mr. RYAN of Wisconsin. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Madam Speaker, first, I want to respond to something my distinguished colleague from the other side said. Now you talk about smoke and mirrors. For him to say on our side that we are talking about raising taxes is so disingenuous. Nobody is talking about raising taxes. We are talking about fiscal responsibility and pay-as-you-go responsibilities.

We are saying that we do not want to cut vital services to the American people and then go borrow more money that we have to pay interest on. That, in effect, when you put it altogether, if anybody is talking about raising taxes, it is the Republicans. Somebody has to pay for this. You know who is going to pay for it, our grandchildren and our children based on their proposals.

No, sir, you are not going to be able to depend on Democrats this night that we are talking about raising taxes. Democrats are talking about keeping our taxes low and bringing fiscal responsibility back to this House.

You talk about responsibility. When Democrats were in control, when President Clinton was there, he left a several trillion dollar surplus. In just 5 years, this President and this Republican-led Congress has squandered that surplus. So when you talk about who is more responsible for the taxpayers' money, it is Democrats, not Republicans. And the American people are not going to be fooled by this smoke and mirrors of consistently trying to paint the Democrats as being for raising taxes and they for not. The Republicans are for raising taxes and raising the debt ceiling.

Madam Speaker, I want to show this chart. It is not as big as your chart, but the Republicans have increased the debt limit by $3 trillion. I have been here 4 years, and this is the fourth time that the Republicans have asked to raise the debt ceiling so they can borrow more money.

In June, 2002, they asked to raise the debt ceiling by $452 billion. In May, 2003, they asked to raise the debt ceiling by $984 billion. In November of 2004, they raised the debt ceiling by $800 billion, all of which we are borrowing against, against the best national security interests of this country, against the best financial security interests of this country.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself such time as I may consume.

I hope the gentleman appreciates the fact that I yielded him a minute to beat me up some more.

Mr. SCOTT of Georgia. Madam Speaker, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. Madam Speaker, let me assure the gentleman it was not beating him up. He is a great gentleman, but it is some of the policies that have been emanating from the gentleman's leadership.

Mr. RYAN of Wisconsin. Reclaiming my time, a couple of points.

Number one, as a percentage of this economy, this is not the largest deficit we have had in history, which is the statistic that matters. But you know what? This deficit is too big because it is a deficit, period.

Number two, if you do not pass this tax bill, taxes automatically go up. That means they are increased. Here is what this tax bill does: It prevents these tax cuts from going away. Said another way, it keeps taxes where they are so they do not automatically increase because the law requires that taxes go up next year, the year after, and the year after that.

So the concern we have is that because we lowered taxes, got economic growth going again, created new jobs, it actually increased revenues to the Federal Government and lowered our deficit projections. The concern we have is let us focus on spending, not taking more money out of the pocketbooks of our constituents. Let us not take a bigger bite of the paychecks of the workers of America by taking more of their tax dollars. Let us prevent these tax increases from hitting the American people and let us focus on the real problem, spending.

So if you try to defeat this tax bill, you are basically saying we want taxes to increase. Or if you want to offset it, you are saying to prevent tax increases we need to increase taxes. That does not make a lot of sense.

So the point is we have probably a fundamental disagreement. We believe that we should not raise taxes on people. We believe that the more money a person has in their paycheck, the more money a person has in their pocketbook and wallet and their business, the more successful they are going to be, the more freedom they have, the more prosperous they will be and the better our economy will be. And its impact on our budget deficits is a beneficial one, usually, because it means there are more revenues coming to the government.

Nevertheless, we should not look at it as an opportunity to spend. We should look at this good economic news we have right now, the fact that the economy is growing, people are going back to work and paying taxes, we should look at this as a moment to make sure we do not spend as much money so we can reduce the deficit and pay down our debt. That is what it is all about at the end of the day.

Madam Speaker, I appreciate the dialogue and the debate. I urge a no vote on this motion to instruct.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. DRAKE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Tennessee (Mr. TANNER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. TANNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

LIBERATION OF IRAQ

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, 3 years ago this month, the fight for liberation of Iraq began in the hot desert lands of the Middle East. On March 19, 2003, American soldiers embarked on the war against tyranny, treachery and terrorism. Since then, thousands of brave, passionate Americans have fought for freedom for the Iraqi people.

As the song says, all have given some, and some have given all in this battle for liberty and justice. The Americans went to Iraq as freedom fighters and have established a democracy in that place that has never known true freedom.

Those young Americans are all volunteers, and more Americans are joining the military each day to continue this battle.

When I was in Iraq, I visited with those Americans, and they told me they are winning this war on terror, and I agree with them. This is the finest military ever assembled in history, and we owe them our support and our resolve. I paraphrase what President Kennedy said, We will support any friend, oppose any foe, pay any price to secure the defense of liberty.

Some things are just worth fighting for, and freedom is one of those things. God bless these Americans, and that's just the way it is.

CONGRATULATING THE PLANO, TEXAS, BOYS BASKETBALL TEAM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to congratulate the Plano Senior High School boys basketball team.

Under the leadership of Coach Inman, they made history on March 11 as the first Plano school team to capture a State basketball championship. The Wildcats, you know, come-from-behind victory over the defending State champs, Kingwood, on Saturday in overtime will go down as one of the most exciting basketball games in Texas high school history.

They won 60-58 to clinch the coveted State title. I say, Congratulations, Wildcats. Y'all embody the school motto: A Tradition of Excellence.

God bless you and God bless America. Boys, we are proud of you. Plano is proud of you. America is proud of you. And I salute you.

Madam Speaker, at this point, I will insert the names of the players into the RECORD.

Coach Tom Inman:

2005–2006 PLANO VARSITY ROSTER

No.	Player	Position	Height	Class
00	Anton Korolev	Post	7-0	Junior
1	Chris Hsiao	Point	5-9	Senior
2	Nathan Christian	Wing	6-4	Sophomore
3	Anteus Mann	Wing	5-11	Junior
4	Eric Zastoupil	Post	6-8	Senior
5	Tyler Roof	Wing	6-1	Senior
10	Landon Skinner	Point	6-2	Junior
15	Rex Burkhead	Wing	5-10	Freshman
21	John Roberson	Point	5-11	Junior
22	Robert Jackson	Wing	6-2	Senior
23	Michael Daniel	Point	5-10	Sophomore
24	Joseph Fulce	Wing	6-7	Senior
25	Raahul Ramakrishnan	Post	6-4	Junior
32	Lawrence Mann	Post	6-5	Senior
34	Cody Jones	Post	6-7	Senior

Principal Dr. Doyle Dean

□ 2345

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMNESTY WORKER PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, with the overwhelming problem of illegals in this country, some in this Congress want to make it worse. They think that an amnesty worker program is the answer to this problem, and tomorrow the Senate Judiciary Committee will be meeting to consider an amnesty worker program as a solution to the problem. I could not disagree more.

A program granting amnesty for millions of lawless illegals that are already breaking the law by being here defies common sense. We heard that illegals will take jobs Americans won't take. Well, there is absolutely no proof of this assertion. Also, this statement is an insult to the American worker. The jobs illegals sometimes get are below minimum wage, thus driving down the value of American workers. This program is another way of outsourcing American jobs but by bringing the foreigners to our country rather than shipping the jobs to their country.

Under proposals here in Congress, there is no limit to the number of workers allowed to enter; and they would be allowed to bring with them their families. And did I mention that they are expected to leave then after 6 years? We already know that 60 percent of the people who legally came into the United States never left after their visas expired. What makes us think this time will be different?

With an amnesty worker program come the worker's family members who will need the use of our public school systems, health care, public housing and other social services. Where is this money going to come from, Madam Speaker? Well, it is going to come from the American taxpayer. The taxpayer always pays. That is the responsibility, for some reason, for American taxpayers to pay for those people who are from foreign countries illegally in the United States.

And it is also likely the United States will lose even more money because the remittances that these guest workers send home to their families and their home country is growing every day. According to a survey by the InterAmerican Development Bank, Mexican and Latin American immigrants living in the United States already send $30 billion a year in remittances back to their native country.

It is also estimated that 20 percent of the cost of health care and 20 percent of the cost of education comes from those who are illegally in the United States and not contributing to pay for the cost.

Making these so-called workers legal will not change the cost to the American taxpayer.

And after 6 years, what plans do we have to make sure that these individuals will leave? We are taking their word for the fact that when their time is up they will quietly pack up and go back home. This defies common sense.

This same sort of situation occurred back in 1986 when 3 million illegals were given blanket amnesty on the condition there would be a ban on hiring other illegal immigrants. This so-called ban was essentially ignored by employers, and we have no reason to expect a different result this time.

Furthermore, the amnesty work program would be managed by the United States Citizenship and Immigration Services, the CIS. Well, the United States Government Accounting Office released a report this week charging these bureaucrats with a failed organizational infrastructure and massive mismanagement and corruption.

The report shows that the CIS doesn't have a handle on fraud, doesn't do enough to deter it and won't have a fraud management system in place until 2011. The GAO report also found that most of the fraud is a result of a backlog of applications which placed additional pressure on the CIS to produce or process applications faster, making an increased risk of incorrect decisions, including approval of potentially fraudulent applications.

Because of this pressure, multiple offenders are able to game the system, because neither the CIS nor the Immigration and Customs Enforcement regularly penalize those illegals caught committing fraud.

The GAO also found that, of the 94 terrorists known to operate in the United States between the 1990s and 2004, including the September 11 hijackers, two-thirds committed immigration fraud. And now we want bureaucrats to run an amnesty worker program when they are already not capable of the running the programs that they have.

We must remember that an amnesty worker program will not stop illegal immigration. We already have three guest worker programs in place, and we are still dealing with illegal immigration on a daily basis. In 1986, the Immigration Reform and Control Act legalized 3 million aliens in an attempt to control and reform immigration woes. A lot of good that did. Now, 20 years later, those 3 million have grown to almost 12 million.

The consequences of an amnesty worker program could be chaotic, and there is clear risk to our homeland security. The GAO report is yet another reason added to the long list of why amnesty worker program would be a disaster for the United States. So, Madam Speaker, we cannot outsource American jobs by bringing more illegals into the United States under the banner of amnesty. That's just the way it is.

HONORING TOM OGBURN, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to honor Mr. Tom Ogburn, Jr., Executive Professor of Management and Director of the Family Business Center at the Wake Forest University Babcock Graduate School of Management. Mr. Ogburn has dedicated his life to serving his community of Winston-Salem, North Carolina, and the students of Wake Forest MBA; and that is why I honor him today.

Tom began his long and distinguished career in the Marketing Research Department of R.J. Reynolds Tobacco Company and eventually became the Director of Global Research and the Marketing Director of the international company. He then spent 8 years as RJR's Vice President of Public Issues. He is also a successful entrepreneur and a gifted professional sculptor.

In 1998, Tom joined the faculty of Wake Forest University and shortly thereafter became the Faculty Advisor of the Wake Forest MBA Case Competition, now known as the Wake Forest MBA Marketing Summit. Always quick to come up with exceptional creative ideas and never willing to settle for less than excellence, Tom challenged students to transform the event from a regional competition with a limited budget into the premiere nationally recognized event it is today. He has helped students form partnerships with an impressive list of corporate sponsors including Yahoo, Wachovia Wealth Management, EchoStar, Coca-Cola, GlaxoSmithKline, Lowe's and Heineken. He has also built and sustained relationships with some of the Nation's most outstanding marketing leaders.

Tom and his wife, Anita, have been married since 1966; and both are natives of Winston-Salem. She is currently the Executive Director of the city's Ronald McDonald House. The Ogburns have two sons, Tate and Allen, both graduates of Wake Forest MBA, and one granddaughter, Virginia.

February 9, 10 and 11 mark the 16th annual Wake Forest MBA Marketing Summit on the campus of Wake Forest University in Winston-Salem, North Carolina. Hundreds of MBA students, faculty members and marketing executives gathered at the summit; and I am proud that such an exceptional event took place in my district. This event would not be possible without the dedication and commitment of Mr. Tom Ogburn, Jr.

I ask my colleagues to join me in congratulating Tom for his outstanding contributions to his community and to the students of Wake Forest MBA.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ANDREWS (at the request of Ms. PELOSI) on account of family matters.

Mr. BOREN (at the request of Ms. PELOSI) for today after 4:20 p.m. and the balance of the week on account of a funeral in the District.

Mrs. DAVIS of California for today (at the request of Ms. PELOSI) on account of illness.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) after 2:00 p.m. today and for the balance of the week on account of official business.

Ms. McCOLLUM of Minnesota (at the request of Ms. PELOSI) for today on account of visiting Minnesota National Guard troops at Camp Shelby, Mississippi, who are about to be deployed to Iraq.

Mr. PETERSON of Minnesota (at the request of Ms. PELOSI) for today on account of visiting Minnesota National Guard troops at Camp Shelby, Mississippi, who are about to be deployed to Iraq.

Mr. NORWOOD (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. McHENRY, for 5 minutes, today and March 16.

Ms. FOXX, for 5 minutes, today and March 16.

Mr. SHIMKUS, for 5 minutes, today.

Mr. KUHL of New York, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1184. An act to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

S. 2064. An act to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the Malcolm Melville "Mac" Lawrence Post Office.

S. 2363. An act to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999.

ADJOURNMENT

Mr. POE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, March 16, 2006 at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6696. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flumiclorac Pentyl; Pesticide Tolerance [EPA-HQ-OPP-2005-0311; FRL-7764-1] received March 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6697. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticides; Emergency Exemption Process Revisions [EPA-HQ-OPP-2004-0038; FRL-7749-3] (RIN: 2070-AD36) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6698. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sorbitol Octanoate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0515; FRL-7757-2] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6699. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Simplified Acquisition Procedures [DFARS Case 2003-D075] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6700. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contracting by Negotiation [DFARS Case 2003-D077] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6701. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; DoD Pilot Mentor-Protege Program [DFARS Case 2004-D028] received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6702. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Specialized Service Contracting [DFARS Case 2003-D041] received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6703. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Utility Services [DFARS Case 2003-D069] received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6704. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Utility Rates Established by Regulatory Bodies [DFARS Case 2003-D096] received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6705. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Amendment of Prohibited Transaction Exemption 84-24 (PTE 84-24) For Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, Investment Companies and Investment Company Principal Underwriters [Exemption Application D-11069] received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6706. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Amendment to Prohibited Transaction Exemption (PTE) 75-1, Exemptions From Prohibitions Respecting Certain Classes of Transactions Involving Employee Benefit Plans and Certain Broker-Dealers, Reporting Dealers and Banks [Application No. D-11184] received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6707. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Alabama: State Implementation Plan Revision [EPA-R04-OAR-2005-AL-0002-200528a; FRL-8042-9] received March 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6708. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Incorporation By Reference of Approval State Hazardous Waste Management Program [EPA-R08-RCRA-2006-0048; FRL-8035-5] received March 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6709. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — South Dakota: Final Authorization of State Hazardous Waste Management Program Revision and Incorporation By Reference of Approved State Hazardous Waste Management Program [EPA-R08-RCRA-2006-0047; FRL-8035-4] received March 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6710. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey Consumer Products Rule; [Region 2 Docket No. EPA-R02-OAR-2004-NJ-0004, FRL-8020-6] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6711. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico, Visibility [NM-4-1-5208a; FRL-8025-5] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6712. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Disapproval of Air Quality Implementation Plans; Montana; Maintenance of Air Pollution Control Equipment For Existing Aluminum Plants [EPA-R08-OAR-2006-0017; FRL-8026-1] received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6713. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Gas Turbines [EPA-OAR-2002-0053; FRL-8025-9] (RIN: 2060-AK35) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6714. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30465; Amdt. No. 3141] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6715. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Eagle, CO [Docket No. FAA-2005-22845; Airspace Docket No. 05-ANM-14] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6716. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment and Revision of Area Navigation (RNAV) Routes; Western United States [Docket No. FAA-2005-20322; Airspace Docket No. 05-ANM-1] (RIN: 2120-AA66) received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6717. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; Salina Municipal Airport, KS; Correction [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6718. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — Small Grants Programs and Precision Measurement Grants Program; Availability of Funds [Docket No. 051202321-5335-02] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6719. A letter from the Chief, Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Import Restrictions Imposed on Archaeological Material Originating in Italy and Representing the Pre-Clasical, Classical, and Imperial Roman Periods [USCBP-2006-0016] (RIN: 1505-AB63) received March 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6720. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Requirements for Long Term Care Facilities; Nursing Services; Posting of Nurse Staffing Information [CMS-3121-F] (RIN: 0938-AM55) received February 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1176. A bill to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage, adoption, or failure to adopt rules of play for athletic competitions and practices (Rept. 109–393). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1871. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; with an amendment (Rept. 109–394). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CANTOR (for himself and Mr. POMEROY):

H.R. 4960. A bill to amend the Internal Revenue Code of 1986 to allow 5-year amortization of goodwill and other section 197 intangibles that are acquired from a small business; to the Committee on Ways and Means.

By Ms. HART (for herself and Mr. MANZULLO):

H.R. 4961. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for the health insurance costs of self-employed individuals be allowed in determining self-employment tax; to the Committee on Ways and Means.

By Mr. BOEHLERT:

H.R. 4962. A bill to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building"; to the Committee on Government Reform.

By Mr. DUNCAN (for himself, Mr. JONES of North Carolina, Mr. WICKER, Mr. PICKERING, Mr. BONNER, Mr. GUTKNECHT, Mr. BACHUS, Ms. VELÁZQUEZ, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. HONDA, Mr. MEEKS of New York, Mr. OBERSTAR, Ms. SOLIS, Mr. LARSON of Connecticut, and Mr. UDALL of New Mexico):

H.R. 4963. A bill to recognize the right of the Commonwealth of Puerto Rico to call a constitutional convention through which the people of Puerto Rico would exercise their right to self-determination, and to establish a mechanism for congressional consideration of such decision; to the Committee on Resources.

By Mr. FLAKE (for himself, Mr. COOPER, Mr. GUTKNECHT, Mr. WAXMAN, Mr. BASS, Ms. NORTON, Mr. SOUDER, Mr. FORD, Mr. WESTMORELAND, Ms. LORETTA SANCHEZ of California, Mr. PLATTS, Mr. FRANK of Massachusetts, Mr. MARCHANT, Mr. UDALL of Colorado, Mr. PENCE, Mr. HENSARLING, Mr. MILLER of Florida, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, and Mr. POE):

H.R. 4964. A bill to prohibit Federal agencies from obligating funds for earmarks included only in congressional reports, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT:

H.R. 4965. A bill to amend title II of the Social Security Act to provide that a duty of the Board of Trustees of the Social Security Trust funds is to hold them in trust for the beneficiaries and to ensure that the assets of such trust funds are not diverted, and to authorize investment of such trust funds in securities that are not limited to obligations of the United States or obligations guaranteed as to principal and interest by the United States; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Ms. HARMAN, Mr. REYES, Mr. BOSWELL, Mr. CRAMER, Ms. ESHOO, Mr. HOLT, Mr. RUPPERSBERGER, and Mr. TIERNEY):

H.R. 4966. A bill to require the President to include a line item regarding the Privacy and Civil Liberties Oversight Board in the budget submitted pursuant to title 31, United States Code, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa:

H.R. 4967. A bill to amend the Ethics in Government Act of 1978 and the Rules of the House of Representatives to strengthen financial disclosures and to require precertification of privately-funded travel, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCKINNEY:

H.R. 4968. A bill to provide for the expeditious disclosure of records relevant to the life and death of Tupac Amaru Shakur; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 4969. A bill to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the "Hatch Act"; to the Committee on Government Reform.

By Mr. OTTER (for himself, Mr. SIMPSON, Mr. HASTINGS of Washington, and Mr. FLAKE):

H.R. 4970. A bill to ensure general aviation aircraft access to Federal land and to the airspace over Federal land; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN:

H.R. 4971. A bill to amend title 5, United States Code, to exempt certain individuals under the Civil Service Retirement System from the requirement to pay interest on the repayment of amounts received as refunds of retirement contributions as a condition of receiving credit under such System for the service covered by the refund; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H. Con. Res. 358. Concurrent resolution amending the Rules of the House of Representatives and the Standing Rules of the Senate to require the full payment and disclosure of charter flights provided to Members of Congress; to the Committee on Rules.

By Mr. FLAKE (for himself, Mr. DANIEL E. LUNGREN of California, and Ms. BORDALLO):

H. Res. 728. A resolution amending the Rules of the House of Representatives to require preapproval of privately-funded travel and the inclusion of such travel information on the public website of the Office of the Clerk of the House of Representatives, and for other purposes; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. FILNER.

H.R. 65: Mr. KIRK.

H.R. 115: Mr. GEORGE MILLER of California and Mr. KENNEDY of Rhode Island.

H.R. 282: Ms. LEE and Mr. ROYCE.

H.R. 303: Mr. ROSS.

H.R. 378: Mr. KUCINICH.

H.R. 414: Mr. ROTHMAN and Mr. PRICE of North Carolina.

H.R. 500: Mr. OXLEY, Mr. BARTON of Texas, Mr. OSBORNE, and Mr. CAMPBELL of California.

H.R. 521: Mr. BAIRD.

H.R. 583: Mr. PRICE of North Carolina.

H.R. 586: Mr. REHBERG.

H.R. 665: Mr. VAN HOLLEN.

H.R. 670: Mr. ROTHMAN.

H.R. 857: Mr. BACA.

H.R. 898: Ms. WOOLSEY.

H.R. 944: Mr. ROTHMAN.

H.R. 951: Mr. GERLACH, Mr. PETERSON of Minnesota, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. FATTAH, Ms. JACKSON-LEE of Texas, and Mr. WYNN.

H.R. 960: Mrs. DRAKE.

H.R. 987: Mr. BERMAN, Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Mr. SANDERS, Mrs. DAVIS of California, Ms. SOLIS, Mr. BRADY of Pennsylvania, Ms. MCKINNEY, Mr. WATT, Mr. BISHOP of Georgia, Mr. BOUCHER, Mr. HONDA, Mr. JACKSON of Illinois, Mr. MEEK of Florida, Mrs. CAPPS, Mr. SCHIFF, Mr. JEFFERSON, Ms. SCHAKOWSKY, Mr. REYES, and Mr. BISHOP of Utah.

H.R. 995: Mr. MANZULLO.

H.R. 1002: Ms. HERSETH.

H.R. 1016: Mr. DAVIS of Tennessee.

H.R. 1105: Mr. CASE.

H.R. 1200: Mr. JEFFERSON.

H.R. 1426: Mr. JONES of North Carolina and Mrs. KELLY.

H.R. 1431: Mrs. NAPOLITANO and Ms. WATERS.

H.R. 1504: Mrs. DRAKE, Mr. ALLEN, and Mr. PRICE of North Carolina.

H.R. 1671: Mr. CAMP of Michigan.

H.R. 1707: Mr. REYES.

H.R. 1708: Mr. SCHIFF, Mr. PLATTS, and Mr. LEWIS of Kentucky.

H.R. 1871: Mr. HAYES.

H.R. 2047: Mr. GONZALEZ.

H.R. 2177: Mr. MEEHAN and Mr. BECERRA.

H.R. 2206: Mr. OBERSTAR, Mr. MARKEY, Mr. MCINTYRE, Mr. LUCAS, and Mr. FARR.

H.R. 2332: Mr. PETRI.

H.R. 2356: Mr. BLUMENAUER.

H.R. 2369: Mr. FORTUÑO, Mr. MOORE of Kansas, and Mrs. CUBIN.

H.R. 2534: Mr. FOLEY.

H.R. 2553: Mr. MOORE of Kansas and Mr. DOYLE.

H.R. 2561: Mr. LATHAM.

H.R. 2635: Mr. MOORE of Kansas.

H.R. 2671: Mr. BOUCHER, Ms. CARSON, and Mr. STRICKLAND.

H.R. 2683: Mr. ALLEN, Mr. DINGELL, Mr. FATTAH, Mr. PAYNE, Mr. BERRY, Mr. GUTIERREZ, and Mr. LARSON of Connecticut.

H.R. 2684: Mr. ENGLISH of Pennsylvania.

H.R. 2943: Ms. ZOE LOFGREN of California and Mr. HOLDEN.

H.R. 2963: Mr. ISRAEL.

H.R. 3005: Mr. LARSON of Connecticut.

H.R. 3061: Mr. LEWIS of Kentucky and Mrs. MILLER of Michigan.

H.R. 3127: Mr. LINCOLN DIAZ-BALART of Florida, Ms. WATERS, and Ms. BALDWIN.

H.R. 3146: Ms. NORTON.

H.R. 3177: Mr. GERLACH and Mr. GREEN of Wisconsin.

H.R. 3194: Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, and Ms. BERKLEY.

H.R. 3255: Mr. BOYD.

H.R. 3478: Mr. SCHWARZ of Michigan, Mr. CAMPBELL of California, Mr. COLE of Oklahoma, Mrs. LOWEY, and Mr. PUTNAM.

H.R. 3492: Mr. ALLEN and Ms. WATSON.

H.R. 3576: Mr. GRIJALVA.

H.R. 3644: Mr. MCGOVERN, Mr. OWENS, Mr. DOYLE, and Mr. MOLLOHAN.

H.R. 3658: Mr. CUMMINGS, Mr. TOWNS, Mr. MARIO DIAZ-BALART of Florida, and Mr. JEFFERSON.

H.R. 3778: Mr. BLUMENAUER, Mr. KUCINICH, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 4092: Mr. HYDE and Mr. SMITH of New Jersey.

H.R. 4147: Mr. FORTUÑO.

H.R. 4157: Mr. HASTINGS of Washington, Mr. PORTER, Mr. KUHL of New York, and Mr. LEACH.

H.R. 4315: Ms. LINDA T. SÁNCHEZ of California.

H.R. 4341: Ms. FOXX.

H.R. 4357: Mr. OSBORNE.

H.R. 4411: Ms. BORDALLO and Mr. BARRETT of South Carolina.

H.R. 4452: Mr. INSLEE, Mr. LYNCH, Mr. WEXLER, Mr. GENE GREEN of Texas, Ms. NORTON, Mr. FORD, Ms. WOOLSEY, and Mr. AL GREEN of Texas.

H.R. 4460: Mr. PETRI.

H.R. 4547: Mr. BOOZMAN.

H.R. 4569: Mr. COBLE.

H.R. 4621: Mr. WELLER, Mr. LEWIS of Kentucky, and Mr. FOSSELLA.

H.R. 4629: Mr. GEORGE MILLER of California.

H.R. 4662: Mr. PLATTS.

H.R. 4668: Ms. WASSERMAN SCHULTZ.

H.R. 4695: Mr. ROSS, Mr. ROTHMAN, and Mr. MURTHA.

H.R. 4704: Mr. GENE GREEN of Texas, Mr. LYNCH, Mrs. JO ANN DAVIS of Virginia, Mr. EMANUEL, and Mr. RAHALL.

H.R. 4737: Mr. PALLONE and Mr. GORDON.

H.R. 4747: Ms. BERKLEY, Mr. AL GREEN of Texas, Mr. CONYERS, Ms. WASSERMAN SCHULTZ, and Ms. BORDALLO.

H.R. 4755: Ms. GINNY BROWN-WAITE of Florida, Mr. ALLEN, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. HOLT, Mr. GONZALEZ, and Mr. MCGOVERN.

H.R. 4761: Mr. NUNES, Mr. GOODLATTE, Mr. CRAMER, Mr. DAVIS of Alabama, Ms. GRANGER, and Mr. SESSIONS.

H.R. 4774: Mr. LEWIS of Kentucky.

H.R. 4777: Mr. FEENEY.

H.R. 4781: Mr. EVANS.

H.R. 4794: Ms. MCKINNEY and Ms. HERSETH.

H.R. 4796: Mr. BOOZMAN.

H.R. 4807: Mr. CONYERS.

H.R. 4808: Mr. UPTON.

H.R. 4814: Mrs. JO ANN DAVIS of Virginia, Mr. KUHL of New York, and Mr. MCCOTTER.

H.R. 4821: Mr. ROTHMAN.

H.R. 4824: Mr. HOLDEN.

H.R. 4830: Mr. PUTNAM and Mr. FOLEY.

H.R. 4833: Mrs. JO ANN DAVIS of Virginia.

H.R. 4838: Mr. MILLER of Florida and Mr. KELLER.

H.R. 4864: Mr. MARSHALL.

H.R. 4882: Mr. WELDON of Pennsylvania.

H.R. 4902: Mr. HALL, Mr. SESSIONS, Mr. MURTHA, Mr. ROSS, Mr. ALEXANDER, Mr. YOUNG of Alaska, Mr. COBLE, Ms. PRYCE of Ohio, Mr. DELAHUNT, Mr. TAYLOR of Mississippi, Mr. GRIJALVA, Mr. MURPHY, and Mr. PETERSON of Pennsylvania.

H.R. 4903: Mr. KILDEE and Mr. DEFAZIO.

H.R. 4922: Mr. SHUSTER.

H.R. 4949: Mr. ENGLISH of Pennsylvania, Mr. BACHUS, Mrs. WILSON of New Mexico, Mr. BOREN, Mr. RANGEL, Mr. HOLDEN, Mr. RAHALL, Mrs. JO ANN DAVIS of Virginia, Mr. ORTIZ, Mr. ROSS, Mr. CARDOZA, Mr. REYES, Mr. GONZALEZ, Mr. BROWN of Ohio, Mr. SANDERS, Mrs. TAUSCHER, and Mr. GUTIERREZ.

H. Con. Res. 197: Mr. GUTIERREZ.

H. Con. Res. 247: Mr. CLAY.

H. Con. Res. 282: Ms. WOOLSEY, Ms. CORRINE BROWN of Florida, and Mr. GUTIERREZ.

H. Con. Res. 320: Mrs. MYRICK.

H. Con. Res. 348: Mr. PAUL, Mr. JONES of North Carolina, Mr. ABERCROMBIE, Mr. RANGEL, and Ms. MATSUI.

H. Con. Res. 353: Ms. MCKINNEY and Ms. WASSERMAN SCHULTZ.

H. Res. 116: Mr. SMITH of Washington and Mr. JONES of North Carolina.

H. Res. 295: Ms. MCKINNEY and Mr. OLVER.

H. Res. 498: Ms. MCCOLLUM of Minnesota.

H. Res. 672: Ms. MCKINNEY.

H. Res. 693: Mr. JEFFERSON and Mr. SANDERS.

H. Res. 720: Mr. CONYERS, Mr. MCDERMOTT, and Ms. MCCOLLUM of Minnesota.

H. Res. 724: Ms. WATERS.

H. Res. 727: Mr. TOWNS and Ms. MCKINNEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4939

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 13: Page 73, line 10, after the dollar amount insert "(increased by $800,000,000)".

H.R. 4939

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 14: Page 74, lines 3 through 8, strike "the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that" and "unless the Secretary otherwise makes a finding of compelling need".

H.R. 4939

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 15: Page 74, strike "the Secretary" in line 3 and all that follows through "need" in line 8 and insert "notwithstanding the preceding proviso, the Secretary may not waive any requirement that activities benefit persons of low and moderate income ".

H.R. 4939

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 16: At the end of the bill, and before the short title, insert the following:

SEC. 3013. None of the funds appropriated in this Act, or any prior Act making appropriations related to the necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, may be obligated by the Department of Justice to prohibit registered and legal, but displaced, residents of the Gulf Coast region from the right to legally vote in any officially designated election of the Gulf Coast region.

H.R. 4939

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 17: Page 81, beginning on line 21, strike section 3010 (relating to LIHEAP).

H.R. 4939

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available by section 3010 for fiscal year 2006 for the Low-Income Home Energy Assistance Program may be used while there continues in effect a Federal prohibition on the exploration, leasing, development, or production of oil or natural gas in the Arctic National Wildlife Refuge or the Outer Continental Shelf.

H.R. 4939

OFFERED BY: MR. WESTMORELAND

AMENDMENT NO. 19: Page 79, beginning on line 10, strike section 3006.

H.R. 4939

OFFERED BY: MR. WESTMORELAND

AMENDMENT NO. 20: Page 35, line 21, strike "That" and all that follows through the comma on line 24.

H.R. 4939

OFFERED BY: MR. GINGREY

AMENDMENT NO. 21: Page 62, beginning on line 1, strike lines 1 through 11 (relating to National Park Service Historic Preservation Fund).

H.R. 4939

OFFERED BY: MR. HALL

AMENDMENT NO. 22: At the end of title II, insert the following:

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

SEC. 2901. In order to provide child care subsidies to the children of parents who are working or enrolled in workforce activities, in a manner that does not put the child care needs of temporary residents ahead of families already on waiting lists for services funded by the Child Care and Development Fund, in any redistribution of unobligated Federal matching funds as authorized by section 418 of the Social Security Act, the Secretary of Health and Human Services shall give priority to States currently serving a significant number of children in families adversely affected by Hurricane Katrina.

H.R. 4939

OFFERED BY: MS. FOXX

AMENDMENT NO. 23: Strike line 6 through page 38, line 4 (relating to International Broadcasting Operations and Broadcasting Capital Improvements).

H.R. 4939

OFFERED BY: MR. FLAKE

AMENDMENT NO. 24: Page 79, beginning on line 22, strike section 3007.

H.R. 4939

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 25: In chapter 4 of title II, in the item relating to "Federal Emergency Management Agency-Preparedness, Mitigation, Response, and Recovery", after the dollar amount on Page 58, line 18, insert the following: "(reduced by $5 million)".

H.R. 4939

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 26: On page 84, after line 17, insert the following:

TITLE IV—ESTABLISHMENT OF A "TRUMAN" INVESTIGATIVE COMMITTEE TO PROTECT AGAINST WASTE, FRAUD, AND ABUSE RELATED TO CONTRACTS FOR THE GLOBAL WAR ON TERRORISM AND HURRICANES KATRINA AND RITA REBUILDING EFFORTS

SEC. 401. There is hereby created a select committee on the model of the Truman Committee to investigate the awarding and carrying out of contracts to conduct military operations and relief and reconstruction activities related to the global war on terrorism (including all activities in Afghanistan and Iraq), and Hurricane Katrina recovery, relief, and reconstruction efforts (hereinafter referred to in this title as the "select committee").

Sec. 402. (a) The select committee is to be composed of 19 Members of the House, one of whom shall be designated as chairman from the majority party and one of whom shall be designated ranking member from the minority party. The chairmen and ranking minority members of the following committees will serve on the select committee:

(1) Committee on Armed Services.

(2) Committee on Government Reform.

(3) Committee on Homeland Security.

(4) Committee on International Relations.

The chairmen and ranking minority members of the following subcommittees of the Committee on Appropriations will serve on the select committee:

(1) Subcommittee on Defense.

(2) Subcommittee on Foreign Operations, Export Financing, and Related Programs.

(3) Subcommittee on Homeland Security.

In addition, the Speaker shall appoint 5 members of the select committee, of which 2 members shall be appointed upon the recommendation of the minority leader. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(b) The select committee shall conduct an ongoing study and investigation of the awarding and carrying out of contracts by the Government for military operations and relief and reconstruction activities related to the global war on terrorism (including all activities in Afghanistan and Iraq), and Hurricane Katrina recovery, relief, and reconstruction efforts and make such recommendations to the House as the select committee deems appropriate regarding the following matters:

(1) Bidding, contracting, and auditing standards in the issuance of Government contracts.

(2) Oversight procedures.

(3) Forms of payment and safeguards against money laundering.

(4) Accountability of contractors and Government officials involved in procurement.

(5) Penalties for violations of law and abuses in the awarding and carrying out of Government contracts.

(6) Subcontracting under large, comprehensive contracts.

(7) Inclusion and utilization of small businesses, through subcontracts or otherwise.

(8) Such other matters as the select committee deems appropriate.

Sec. 403. (a) Quorum.—One-third of the members of the select committee shall constitute a quorum for the transaction of business except for the reporting of the results of its study and investigation (with its recommendations) or the authorization of subpoenas, which shall require a majority of the committee to be actually present, except that the select committee may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony and receive evidence.

(b) Powers.—For the purpose of carrying out this title, the select committee may sit and act during the present Congress at any time and place within the United States or elsewhere, whether the House is in session, has recessed, or has adjourned and hold such hearings as it considers necessary and to require, by subpoena or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, and other things and information of any kind as it deems necessary, including relevant classified materials.

(c) Issuance of Subpoenas.—A subpoena may be authorized and issued by the select committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed by the chairman or by any member designated by the select committee, and may be served by any person designated by the chairman or such member. Subpoenas shall be issued under the seal of the House and attested by the Clerk. The select committee may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Government.

(d) Meetings.—The chairman, or in his absence a member designated by the chairman, shall preside at all meetings and hearings of the select committee. All meetings and hearings of the select committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing.

(e) Applicabilities of Rules of the House.—The Rules of the House of Representatives applicable to standing committees shall govern the select committee where not inconsistent with this title.

(f) Written Committee Rules.—The select committee shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this title or the Rules of the House of Representatives.

H.R. 4939

Offered By: Mr. Brady of Texas

Amendment No. 27: Page 73, line 15, after the colon insert the following:

Provided further, That not less than $2,000,000,000 from funds made available under this heading shall be used as provided under this heading only for the long-term recovery of areas that are housing victims of Hurricane Katrina who, at the time of the onset of such hurricane, were residents of States other than the State in which such area is located:

H.R. 4939

Offered By: Mr. Brady of Texas

Amendment No. 28: Page 35, line 20, after the dollar amount, insert the following: "(reduced by $1,380,500,000)".

Page 72, line 18, after the dollar amount, insert the following: "(increased by $1,380,500,000)".

Page 73, line 15, after the colon insert the following:

Provided further, That not less than $1,380,500,000 from funds made available under this heading shall be used as provided under this heading only for the long-term recovery of areas that are housing victims of Hurricane Katrina who, at the time of the onset of such hurricane, were residents of States other than the State in which such area is located:

H.R. 4939

Offered By: Mr. Brady of Texas

Amendment No. 29: Page 35, line 20, after the dollar amount, insert the following: "(reduced by $1,380,500,000)".

Page 72, line 18, after the dollar amount, insert the following: "(increased by $1,380,500,000)".

H.R. 4939

Offered By: Mr. Brady of Texas

Amendment No. 30: Page 76, after line 20, insert the following:

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

Sec. 2901. (a) For the recovery, rebuilding, and relief of the State of Texas from the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,000,000,000, to remain available until expended and to be allocated and administered by the Secretary of the Treasury and used only for the State of Texas as follows:

(1) For the costs of housing, social services, health care, and education for the residents of other States affected by the hurricanes who are temporarily residing in Texas.

(2) For the costs of recovery from damage caused by the hurricanes, including repair and construction of infrastructure and housing, debris removal, unreimbursed health care costs of evacuees, flood control and waterway repair, employment and labor services, public safety and security costs, and community and economic development activities.

(3) For such other related costs as may be necessary.

(b) The amounts otherwise provided in this Act for the following accounts are hereby reduced by the following amounts:

(1) "Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs" in chapter 6 of title I, by $1,380,500,000.

(2) "Federal Emergency Management Agency—Disaster Relief" in chapter 4 of title II, by $619,500,000.

H.R. 4939

Offered By: Mr. Brady of Texas

Amendment No. 31: Page 72, line 25, after the colon insert the following:

Provided further, That the factors used by the Secretary in distributing funds made available under this heading shall apply the most timely and accurate data available relating to all damages from such hurricanes and total numbers of relocated evacuees based on their current addresses rather than their addresses of record at the time of the storms, and, to the extent possible, the Secretary shall obtain information from the departments of insurance and tax appraisal records of States and consult and coordinate with the Bureau of the Census of the Department of Commerce to reestimate population, income, and other statistics when determining estimates for use in connection with amounts made available under this heading:

H.R. 4939

Offered By: Mr. Brady of Texas

Amendment No. 32: Page 65, after line 2, insert the following:

"CHAPTER 5A

"DEPARTMENT OF EDUCATION

"For assisting in meeting the educational needs of individuals affected by hurricanes in the Gulf of Mexico in calendar year 2005, $400,000,000, to remain available through September 30, 2007, to be available to carry out section 107 of title IV, division B of Public Law 109–148: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.".

H.R. 4939

Offered By: Mr. Brady of Texas

Amendment No. 33: Page 35, line 20, after the dollar amount, insert the following: "(reduced by $400,000,000)".

Page 65, after line 2, insert the following:

"CHAPTER 5A

"DEPARTMENT OF EDUCATION

"For assisting in meeting the educational needs of individuals affected by hurricanes in the Gulf of Mexico in calendar year 2005, $400,000,000, to remain available through September 30, 2007, to be available to carry out section 107 of title IV, division B of Public Law 109–148."

H.R. 4939

Offered By: Mr. Brady of Texas

Amendment No. 34: At the end of the bill (before the short title), insert the following:

Sec. ___. Of the funds appropriated under this Act under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Community Planning and Development—Community Development Fund", $400,000,000 shall not be available for expenditure until $400,000,000 is made available to carry out section 107 of title IV, division B of Public Law 109–148.

H.R. 4939

Offered By: Mr. Brady of Texas

Amendment No. 35: Page 72, line 22, strike "the most".

H.R. 4939

Offered By: Mr. Garrett of New Jersey

Amendment No. 36: Page 27, strike line 24 and all that follows through line 5 on page 28.

Page 35, line 20, after the dollar amount, insert the following: "(reduced by $5,000,000)".

Page 36, strike line 14 and all that follows through line 21.

H.R. 4939

Offered By: Mr. Kennedy of Minnesota

Amendment No. 37: At the end of the bill (before the short title), insert the following new section:

Sec. __. None of the funds provided in this Act may be used to allow entry onto the grounds of any Department of Defense installation or cemetery or Department of Veterans Affairs cemetery for the purpose of a demonstration in connection with a funeral or memorial service or ceremony for a deceased member of the Armed Forces.

EXTENSIONS OF REMARKS

A TRIBUTE TO SHARON MARTINEZ

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor Ms. Sharon Martinez, of Monterey Park, CA. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Sharon was born, raised, and educated in Monterey Park. She received her bachelor's degree in public administration from the University of Southern California, and her master's degree in public administration in management from the University of Southern California.

Inspired to help residents find jobs in the community, Ms. Martinez founded SMART Staffing Services, a woman and minority owned employment agency that specializes in clerical, bilingual and promotional staffing, originally opened in Monterey Park and now located in Alhambra. SMART Staffing Services, of which Sharon is president, now serves the greater Los Angeles area including Orange, Riverside, San Bernardino, and Ventura.

Sharon's list of community involvement is impressive. A current councilmember and former mayor of Monterey Park, her past activities include serving as a board member of the Latin Business Association, West San Gabriel Valley YMCA, Monterey Park Art & Culture Commission, Library Board, national vice president of Young Adults of the League of the United Latin American Citizens, and former secretary of Hispanas Organized for Political Equality.

An appointed member of the Los Angeles County Commission on Local Government, Sharon is currently involved in the Monterey Park/Rosemead Soroptimist International, Monterey Park Rotary, San Gabriel Valley Council of Government, Monterey Park Library Foundation, the San Gabriel Valley Animal Control Authority, Boy Scouts of America—Mission Amigos District Board, Monterey Park Chamber of Commerce, and the Monterey Park Hospital Board. Sharon's goal is to have a direct voice in improving the quality of life for our community and especially to see improvements in the employment industry.

Ms. Martinez has received several awards including Assembly Member Judy Chu's 2003 Latina Business Women of the Year, Business and Professional Women's 2003 Business Woman of the Year Award, "Woman of Promise" Award, and "Latina Entrepreneur of the Year" Award. She was featured in the Los Angeles Business Journal as one of the "20 Up & Coming Latino Women."

I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Sharon Martinez.

IN HONOR AND RECOGNITION OF ROBERT T. WOODWORTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of my friend, Robert T. Woodworth, devoted father, grandfather, friend, United States veteran and long-time community activist, for his civic activism that continues to uplift our entire Westside Cleveland community.

Mr. Woodworth was born in Cleveland to loving parents. His father drove streetcars in the city and his mother was a loving housewife. With extended family nearby, he learned early on the significance of family and community. Mr. Woodworth has infused those vital lessons of childhood within his own family, as he continues to be a foundation of strength and support for his daughter, Rhonda, and his granddaughters, Stephanie and Samantha.

As a young adult, Mr. Woodworth enlisted in the United States Air Force, giving him the opportunity to travel the world. The languages he learned and friends that he made have never left him, transcending time and distance. He speaks fluent German, Spanish and French and remains closely connected to friends living in faraway lands. His passion for travel, community issues and global concerns parallels his passion for music. He is an avid guitarist and pianist and is an avid patron of classical music.

Mr. Woodworth's warm demeanor and quick smile easily draws others to him. His unwavering belief in community service and volunteerism is illuminated throughout Cleveland's Westside, especially within our democratic process, where his grassroots involvement continues to positively impact our neighborhoods. His leadership and diligence has been key in several political races, including his role as campaign manager for then council candidate Nelson Cintron. Councilman Cintron became the first Hispanic councilman in Cleveland's history.

Mr. Speaker and colleagues, please join me in honor, recognition and gratitude to Mr. Robert T. Woodworth. His joyous life, centering on devotion to family, friendship and community, continues to reflect warmth, energy and song—enriching and inspiring family and friends throughout our Cleveland community and far beyond.

IN MEMORY OF SHERIFF SIDNEY WARREN SHIPPY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Sheriff Sidney "Sid" Warren Shippy of Butler, Missouri. He died at the age of 57 of complications from a heart and kidney transplant.

Shippy was born in Kansas City, Missouri, the oldest of three children. After graduating from Raytown High School in 1967, he enlisted in the United States Army and served in Vietnam. He was awarded the Bronze Star, Army Commendation and Air Medal during his service.

Shippy attended Longview Community College before beginning a 33-year career in law enforcement. Shippy served with the Missouri Highway Patrol as an undercover narcotics officer, road patrolman, zone commander, and worked in the department's gaming commission. He served as an instructor to other officers and attained the highest investigation qualification, an Accident Reconstructionist. After retiring from the Patrol in 2003, he entered politics and was elected Bates County Sheriff in 2004.

Mr. Speaker, I am certain that the Members of the House of Representatives will join me in paying tribute to the outstanding public service of Sheriff Sidney Warren Shippy. He will be missed by all who knew him and I offer my heartfelt condolences to his family: his wife of 30 years, Markita; daughter, Anissa Fischer; mother, Deva Shippy; brother, Russell Shippy; and sister, Barbara Shippy.

IN MEMORY OF 1LT ALMAR LaRON FITZGERALD

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. WILSON of South Carolina. Mr. Speaker, on March 4, 2006, I attended the funeral of Almar LaRon Fitzgerald, an American soldier from Lexington, South Carolina, who gave his life while serving his country in Iraq. This hero of Lexington County who graduated from The Citadel was lovingly eulogized at the Lexington Baptist Church by Pastor Ken Jumper of The Harvest Church of Lexington. Pastor Jumper, with a family of military service, provided an inspiring lesson of hope.

THE FUNERAL SERVICE OF LT ALMAR LARON FITZGERALD LEXINGTON BAPTIST CHURCH

And Jesus said to her, "I am the resurrection and the life. He who believes in Me will live, even though he dies; and whoever lives

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and believes in Me will never die. Do you believe this?"

As we were singing this last song, I was reminded of this scripture where we are given the promise of eternal life. And yes, we believe this.

I would like to thank the family for allowing me the opportunity to share in these moments with them, and my thoughts and prayers are certainly with you.

If I were to say today how I really felt inside, I would have to say, "It just ain't right". But my part today is to bring, and I have been asked to bring, "words of comfort".

With that said, we must understand today that our comfort will not be found in the context of human understanding. As a pastor, I am often called upon to explain the unexplainable, but the unexplainable remains unexplained even after I have said my piece. There are no real explanations as to why a quality young man should leave life so early in the day.

However, our comfort today will be found in the context of our faith. You see that is why we came to the church, sang some hymns, called a preacher and read some scripture. We understand that in moments like these we call upon our faith—a faith that transcends our human understanding and grief.

We look to the God unseen and an eternity yet unrealized to anchor our hope. The faith I speak of today is more than just a general faith in God. It is a specific faith that finds its foundation in the person of Jesus Christ.

As I pondered my thoughts for today, I was reminded of the first family created by God. Adam and Eve, the first family, lost a son. Their son was also lost through an act of seemingly meaningless violence. And at that time, they had to deal with the emotions you and I are dealing with today—the questions of why, feelings of loss and grief, and wondering where do we go from here. They had to make some sense and reconcile these thoughts of pain, loss and grief with God and eternal things.

Today as we think of Almar LaRon Fitzgerald and the life he lived—a life that served, a life that was savored and well lived, and ultimately a life that was sacrificed—I would like for us to turn our attention to "another Son" that was sacrificed.

Adam and Eve had a son that was lost, and God gave them another son. They named him Seth, and it was in and through this son they were to find hope. It was through "another son," Seth, that Jesus Christ was to be born. If you follow the genealogy of Christ backwards you will find this to be true. And today, it is through this Son, God's Son Jesus Christ, that you and I will find our comfort and consolation from today.

I wish I could explain the unexplainable today. Let me tell you what I do know. Let me tell you what I do know to be True, Reliable and Eternal. I know that God is Love. He is, He has been and He always will be. God created a world of peace and harmony with no violence, sickness or pain.

Unfortunately, mankind fell and chose to live their lives their own way. Therefore, we live in a fallen world today—one that has sickness, pain and death. We must be careful that we do not allow our pain and hurt to turn to bitterness against others or against the God who does love us and care for us.

For you see, it was right in the middle of this fallen world that God dropped a cross, planted it in the ground and hung His Only Son upon it. A cross that stands between heaven and earth. A cross that helps us reconcile life and eternity. A cross that helps us bear up under the burden of pain and grief. A cross where Jesus died, sacrificially giving His life for another. I remember as well, as I think of Almar' s sacrifice, there is no greater love than this, that a man would lay down his life for another. So you and I can look to this cross and find the comfort and hope we need in order to navigate this life.

We find in this cross two arenas of hope. First of all, the hope of eternal life. For all those who have accepted Christ and believe in Him, there is the promise of life after death. You see, we who believe will see Almar again. There is life beyond this life. This is the hope and comfort we can have today.

Now we have the promise of eternal life, but we also have the promise of a Comforter. Jesus promised that He would be with us. He would comfort us. He would never leave us or forsake us. So during the days and weeks ahead and during the dark nights when no one is there, He will be there. He will be with me and comfort me in my darkness and most difficult moment! Can I get a witness in the place today?

This is the hope we have: Jesus and His presence will be with me and strengthen me, day by day until 'that day'. So we look to the cross and the Son. This is where we find our hope and peace.

We also find the grace to forgive at the cross. So we must today forgive those who have hurt us.

The Bible tells us that the power of the cross removes the sting of death. Death has no hold on us. As death went to catch Almar in its grip, poof, he was gone. Death looked around and could not find him. Jesus said those who believe in me will never taste, experience, death.

And as we forgive, we find peace. Interestingly, Almar gave his life for peace. So we must forgive others, even as Jesus hung on the cross and said, "Father forgive them, they don't understand." May we become peacemakers today.

Finally out of this comfort, may we find courage. The courage to get up and go on with our lives, learning to live life to its fullest. The courage to forgive others and be peacemakers. And the courage to accept Jesus Christ and forge a path through life that others can recognize and follow.

Now may the peace and grace of Jesus Christ be with us all. Amen and Amen!

A TRIBUTE TO SETA SIMONIAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor Ms. Seta Simonian, of Glendale, California. Each year In March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our nation's women.

Ms. Simonian's community involvement demonstrates her devotion to education and art, because she believes in promoting and preserving the treasures and the beauty of Armenian culture and heritage.

Seta was born in Aleppo, Syria, and at age 11 moved to Beirut, Lebanon. Upon graduating from the American University of Beirut at the age of 22, she married Hratch Simonian. The Simonians lived and worked in Saudi Arabia for 8 years, then moved to California in 1985. Since 1987, Seta, her husband, and their two children, Karin and Sebouh, have resided in Glendale, California.

Soon after moving to California, Ms. Simonian cofounded and chaired the Hamazkayin Educational and Cultural Society of Pasadena. She is a current member of Arvest and Artee Cultural Groups of Hamazkayin, and since 1994, has been the chair of the Hamazkayin Music Committee which collaborates with artists in Armenia and releases authentic CDs and classical Armenian music. She is currently an assistant for the Hamazkayin Student Forum held in Armenia every summer. Seta served as an Anchor for Horizon Armenian TV in Glendale for three years. A cofounder of the Committee of Armenian Students in the Public Schools, she is also a member of the Armenian Cultural Foundation, Armenian Educational Foundation, Armenian International Women's Association, the National Education Association, and the California and Glendale Teachers' Associations.

Seta received her bachelor's degree in mathematics from the American University of Beirut, and a master's in education administration from California State University Los Angeles. She has a teaching diploma, a bilingual teaching certificate, and has completed an Armenian Studies program.

A wonderful role model for her students, Seta has been a teacher for over 30 years and is currently teaching math at Wilson Middle School in Glendale.

I ask all Members of Congress to join me today in honoring an outstanding woman of California's 29th Congressional District, Seta Simonian.

IN HONOR AND RECOGNITION OF BRAD NORRIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and memory of my close friend William B. "Brad" Norris—beloved husband, father, stepfather, grandfather, brother, and close friend to the entire community. His passing marks a tragic loss to his friends, family and the people that he served in the community.

From early on, he headed the call to public service. He graduated from Culver Academy in Indiana and enlisted in the U.S. Army. He served his country with honor and courage, after which he moved to Cleveland, where he eventually joined Cleveland law firm Hahn Loeser and Parks.

Mr. Norris was truly a civil rights activist. He visited President John F. Kennedy and also volunteered with Dr. Martin Luther King, Jr. By working with the Cleveland Regional Transit Authority during the late 1960's he helped organize opposition to a freeway plan that if enacted, it would have split eastern Cuyahoga

County. He represented the city of Cleveland in a lengthy antitrust lawsuit against the Cleveland Electric Illuminating Company, in which CEI attempted to put its rival Muny Light Company out of business. This would have made CEI Cleveland's only municipal electric system. This was also a topic I fought passionately for when I was the mayor of Cleveland. He also played an instrumental role in the rebirth of Cleveland's first licensed educational, non-commercial public radio station, WCPN FM

Mr. Speaker and Colleagues, please join me in honor and remembrance of Mr. William B. "Brad" Norris. We remember him and celebrate the life that he led. We have experienced a great loss in the Cleveland community, and he will be missed greatly. I extend my deepest condolences to his beloved wife, Elizabeth; his sons Jack, Todd, and Robert; his daughters, Carolyn, Pamela and Betsie; a brother; six grandchildren and his friends and colleagues. The life that he lived, and the legacy that he leaves will live on in the hearts of his family and all the lives that he touched.

IN MEMORY OF SSGT. JAY COLLADO

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. WILSON of South Carolina. Mr. Speaker, on March 3, 2006, I attended the funeral of SSGT. Jay Collado, an American soldier from Columbia, South Carolina, who gave his life while serving his country in Baghdad, Iraq. The inspiring service was conducted by Fr. Wilbroad Mwape, the Catholic Chaplain of Providence Hospital in Columbia. His message of heroism and hope was presented with great sincerity.

> We have gathered here this morning to celebrate life for Jay, for we believe death is not the end of our life but in fact the beginning of a New, perfect and eternal life in God's Kingdom. Jay died honorably and I really feel honored to be part of this celebration of his life!
>
> Death indeed is a very painful experience for all of us regardless of whatever age a beloved person died. We moan and grieve for our beloved people knowing that we will never see them again as human beings the way we are now! However, we will moan and grieve not as unbelievers but as believers in the life after death. And this is why we are here to celebrate life and not death of SSgt Jay Collado!
>
> To the family of Jay, this is a terrible loss mostly that Jay has gone at a very young age, he was only 31! You will really moan and grieve as a family for this great loss of your beloved one. However, as we have heard from the scripture readings, death is not the end of life but a beginning of a perfect and eternal life. Jay has only passed by from our mother earth and enters into a new life where we all look forward to be. As we heard, Jesus Christ says, He is the life and the Resurrection who ever believes in him will have eternal life. This is what Jay would like each one of us to know that be is now resting eternally in God's Kingdom. Jay will always be a gift to you as a family and you will remember him in all the wonderful time you shared with him.
>
> SSgt Jay died for a noble cause in the country of Iraqi fighting for a better life of humanity! He indeed died a hero's death, he is a hero not only for the U.S., but the whole humanity. Jay will remain a great inspiration not only to the family, U.S. Marine Corps, or his country but to humanity as whole. Jay chose to go to Iraq and fight for freedom, peace and liberty for the Iraqi people and the whole of Middle East, be would have chosen not to go if he had no love for humanity. Jay will be remembered for his spirit of sacrifice not only for the freedom, peace and liberty of U.S. but the whole humanity. He chose to risk and sacrifice his life for the love of people. This indeed is a wonderful inspiration for all of us. Let us remember Jay by imitating him, to be ready to risk and sacrifice our lives for the freedom, peace and liberty of all human beings on earth. All of us here we are enjoying the freedom, peace and liberty because of people like Jay who sacrificed their lives for us, many of whom we never knew or met!
>
> This indeed is SSgt Jay Collado's legacy, a young man who risked and sacrificed his life for love of humanity. He is a hero; let us honor him by learning from his exemplary life!

TRIBUTE TO DR. WILLIAM BAKER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SKELTON. Mr. Speaker, let me take this opportunity to recognize the many achievements of Dr. William Allen Baker (Pg.D, Ph.D, D.Litt, Th.D, Kt.OBE), from Odessa, Missouri, who is an accomplished actor, educator, author, and philanthropist.

Dr. Baker conducted his graduate studies at the University of Hawaii at Manoa and at the University College, Wales, United Kingdom. A Rotary Foundation International Graduate Fellow, he has earned a Doctorate in Theatre History (Ph.D), a Doctor of Letters (D.Litt), a Doctorate in Theology (Th.D), and an Honorary Doctorate of Divinity (HonDD).

Previously an Associate Professor and Department Chairman at Avila University, Dr. Baker has published several books. His stage and film credits include performances in England, France, and Wales. Dr. Baker is a member of the Royal Star and Garter, the Royal British Legion, the British Society of Ethical Theory, the British Theological Institute, the American Biographical Institute, the International Society of Philosophers, Franciscans International, the Council for Parliament of the World's Religions, the Screen Actors Guild, and the American Federation of Television and Radio Artists.

Dr. Baker has been bestowed several awards and honors including the International Peace Prize, the Queen's Golden Jubilee Medal, the Magistracy Medal of Honor, and the International Professor of the Year 2005. He has been nominated for the American Medal of Honor for contributions to literature, the International Medal of Freedom, and International Writer of the Year. Dr. Baker has also been named to the BBC Hall of Fame, Top 100 Writers 2005, and Outstanding Intellectuals of the 21st Century.

Mr. Speaker, I wish to extend my congratulations to Dr. Baker for his many achievements and wish him luck in all his future endeavors.

A TRIBUTE TO PAT MAGUIRE FREEMAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SCHIFF. Mr. Speaker, I rise to honor Ms. Pat Maguire Freeman, of San Gabriel, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our nation's women.

Pat was born in San Francisco in 1940. Since her father was a career army officer, she was raised throughout the world, including the Philippines and Germany, where she attended high school. After attending the University of California Berkeley, she married Lee Freeman in 1961 and they moved to San Gabriel in 1965, where they currently reside. The Freemans have 3 children, Noel, Amber, Roger, and Dawn Myers, their foster daughter and seven grandchildren.

Ms. Freeman has been active in many different community organizations. Some past activities include being an Adult Leader for Methodist Youth Fellowship, a Camp Commissioner for Methodist Camp Sturtevant, and a Brownie and Girl Scout Leader. Formerly active in several Parent Teacher Associations, PTAs, for the San Gabriel Unified School District, SGUSD, she has received SGUSD's Golden Apple Award and 3 PTA awards over the years. Pat was a Leader and Steering Committee Member of 4 separate successful School Bond Measures for SGUSD in 1993, 1994, 1998 and 2002.

A member since 1996, Ms. Freeman is currently President of the San Gabriel Educational Foundation, and serves on the School Site Council for Del Mar High School. She is a San Gabriel Valley Medical Center volunteer, a member of the center's Foundation Board and Coordinator of the center's Helping Hands volunteer group. In addition, Pat serves on the San Gabriel Community Coordinating Council, leads their Holiday Basket Committee, and has held various officer positions over the years. She is a member of the San Gabriel Rotary Club, and the Women's Division of the San Gabriel Chamber of Commerce, where she received the Women's Division of the San Gabriel Chamber of Commerce's Woman of the Year Award in 1989.

I ask all Members of Congress to join me today in honoring a remarkable woman of California's 29th Congressional District, Pat Maguire Freeman.

IN HONOR AND REMEMBRANCE OF RICHARD L. DECHANT, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Richard L. DeChant, Sr., devoted family man, community activist, business leader, World War II veteran, and friend and mentor to many.

Mr. DeChant grew up in Avon, Ohio. His father was a steelworker and his mother ran the family farm business. He learned early on the significance of family, hard work and community. By the time he was eight years old, Mr. DeChant's mother gave him a job selling home-grown produce door-to-door. He attended St. Ignatius High School and later earned a degree in mechanical engineering from the University of Detroit. He married Marie in 1943 and together they raised five sons. They remained committed to each other until her death in 2004.

For his entire adult life, Mr. DeChant worked as a tireless promoter on behalf of Cleveland and Northeast Ohio. While working with the Cleveland Electric Illuminating Company in the 1940s, DeChant began a life-long vocation of promoting the Cleveland community. As executive director of the Greater Cleveland Growth Board, now known as the Greater Cleveland Growth Association, for nearly twenty-five years, DeChant's focused service and advocacy on behalf of his beloved community drew millions of dollars of new industry into our region. He also participated in numerous trade missions throughout Europe and Asia. Although deeply committed to his work, his family was always foremost and central in his life.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Richard L. DeChant. I offer my heartfelt condolences to his sons, Thomas (Paul), James (Lyn), Richard Jr. (Sharon), David (Terri) and the memory of Doug (Bonnie); his grandchildren, Richard III, Brett, Jimmy, Dawn, Nicole, Matt and Carli; his brothers, Robert and Donald; and his extended family and many friends. Although Mr. DeChant will be greatly missed, the joyous legacy of his life, framed by kindness, energy and an unwavering focus on family and on making a difference, will forever resound within the hearts and memories of his family and friends, and within the spirit of our entire community.

A TRIBUTE TO NANCY DONAHUE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor Ms. Nancy Donahue, of Temple City, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Nancy is a native Californian, born in Alhambra. She moved to Temple City with her parents when she was just 6 months old. Nancy graduated from Temple City High School where she was a majorette, song girl, Girls League President, and winner of the Daughters of the American Revolution Award for Outstanding Senior. After attending Brigham Young University, she returned to Temple City where she and her husband, Terry, have lived for over 40 years. They have one daughter, Tracy, and two grandchildren, Kody and Haylee.

Ms. Donahue had a successful 22-year career in banking, working at First Western Bank & Lloyds Bank, California. After health concerns determined that she take a different path, she became a "full-time volunteer" at Methodist Hospital of Southern California in 1986.

Nancy has been incredibly active with her volunteer work at Methodist Hospital, where she has given over 10,000 hours in service over a 20-year period. She has served on the Auxiliary Board for over 10 years, four times as the Board President, and as an ex-officio member of the Foundation Board. She acts as coordinator of the Methodist Hospital archives, correlating artifacts collected for over 100 years and works in the hospital gift shop twice a week. Nancy has been involved in the annual Holiday Homes Tour at Methodist Hospital, chairing many committees and continuing to help with fundraising efforts.

In addition to her commitments at the hospital, Ms. Donahue is an active member of the Church of Jesus Christ of Latter-Day Saints, Huntington Ward, Pasadena Stake and is currently serving as Ward Librarian. Other volunteer activities include the March of Dimes, American Heart Association, Diabetes Association and the American Red Cross. Nancy is past President of Arcadia-Monrovia and Temple City Soroptimist International and a charter member of Arcadia P.E.O. Chapter XL.

I ask all Members of Congress to join me today in honoring an outstanding woman of California's 29th Congressional District, Nancy Donahue.

IN HONOR AND RECOGNITION OF GOOD SAMARITAN NORBERT MAGALSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Norbert Magalski of Parma, Ohio, a noble Good Samaritan and Gulf War veteran who has lent a hand to many.

Mr. Magalski, as a trained emergency medical technician and tow truck operator has helped countless people on the roadside. Even in an age when people are too overwhelmed with their own priorities to lend a helping hand to strangers, he has made it a common practice in his life to help those who are in need of assistance on the road.

Mr. Magalski was injured last Thursday by a suspected drunk driver while helping a young woman who had veered off I–76 and into a guardrail. He suffered broken bones in his left leg, left shoulder and face. It will be several months before he fully recovers.

This man is truly one to be honored and emulated as he remains committed to lending a helping hand when needed. He is a modest and kind-hearted citizen who in spite of injury will continue to help strangers in need. His kindness and generosity is something that is not often seen in today's society. My thoughts and prayers are with him and his family for his quick recovery.

Mr. Speaker and Colleagues, please join me in honor and recognition of Norbert Magalski, whose dedication and courage in lending a hand to his fellow citizens has helped save the lives of many.

A TRIBUTE TO HELEN HANCOCK

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor Ms. Helen Hancock, of Alhambra, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our nation's women.

Helen Hancock was born in Indiana in 1922. She attended Nursing School at Case Western Reserve University in Ohio as well as Redlands University in California. After completing her schooling, she served 2 years in the Army Nurse Corps during World War II. Ms. Hancock moved to California in 1953 and began working at Huntington Memorial Hospital in Pasadena. In 1959, she moved to Alhambra, California.

Less than a year after her retirement in 1988 from a 35-year career in nursing administration at Huntington Hospital, and 8 years as a Member of the State Board of Registered Nursing, Helen Hancock plunged into community volunteer work. Since then she has used her extensive nursing and administrative knowledge and skills to make a significant difference in the health and well being of countless seniors and their families.

As a senior herself, Ms. Hancock desired to help other senior citizens enjoy their retirement years and began volunteering at Huntington Senior Care Network (HSCN); a Huntington Hospital community-based program that helps seniors maintain their independence. Her interview skills have added to the success of a National Council on Aging project of HSCN to enhance the health of frail seniors through increased physical activity. Helen has been a tireless advocate for seniors as a long-term care ombudsman for the Department of Aging for nearly 15 years. For nearly 25 years, she has been a resource for caregivers of Alzheimer's patients at a weekly support group, and she continues to promote Alzheimer's disease education, as well as senior services and elder abuse education, through membership in several community coalitions.

Helen is a faith community nurse coordinator for All Souls Catholic Church, as part of a program sponsored by Methodist Hospital of Southern California and All Souls Catholic Church, to improve the health of the community. She and her team conduct events that include blood pressure screenings, blood donor drives and health education presentations to reach members of their parish.

Last year, Helen was among 26 older adults honored as Outstanding California Senior Volunteer leaders by the University of California Berkeley School of Public Health.

I ask all Members of Congress to join me today in honoring a remarkable woman of California's 29th Congressional District, Helen Hancock.

HONORING RONALD HUDSON

HON. RON LEWIS

OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 15, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay tribute to the life of a remarkable citizen from my congressional district. Ronald Hudson, a longtime resident of Leitchfield, Kentucky, passed away February 20th at age 65. Mr. Hudson was a colorful and widely respected figure in Grayson County, having served on the Leitchfield Fire Department for 46 years, 31 of those as Chief.

In a recent feature story in the Grayson County News-Gazette, Chief Hudson described himself as "not a poster boy firefighter" when he first joined the department in 1959. With typical self deprecating humor, he described himself as "too short and too skinny, with trouble taking anything serious for any length of time." He credited the late Murrell Conklin, then Chief Emeritus of the Leitchfield Department for coaching him through his first few years, helping to mold him into a serious firefighter and public servant.

Ronald Hudson was named Chief after only 12 years of service on the department. As Chief, he was responsible for training and managing a diverse crew of firefighters, purchasing and maintaining fire apparatus, and perpetually pursuing sources of funding to keep the department running. Chief Hudson was personally responsible for countless acts of heroism throughout his four decades as a firefighter. Yet he always humbled himself with the tough reality of all emergency personnel: You can go from hero to zero and back again in a matter of seconds.

Chief Hudson's contributions to his community, staring down danger time and time again to save lives and protect the safety and comfort of his neighbors, has made Leitchfield a fine place to live for many years. Ronald Hudson's life, career, and especially his final years fighting against his own declining health, was the true epitome of courage and generosity of spirit.

In addition to his position on the Fire Department, Chief Hudson also served as Grayson County Coroner and was a member of the American Legion Post 81, the Leitchfield Masonic Lodge, and the Fraternal Order of Police. He was a veteran of the U.S. Army and owned and operated a small business from 1983 to 2002.

Ronald Hudson's distinguished life of service to his community and his country, along with his unwavering dedication to his family and fellow firefighters, is a portrait of outstanding citizenship worthy of our collective respect and appreciation. It is my great privilege to honor his memory today before the entire United States House of Representatives.

THE FEDERAL JUDGESHIP AND ADMINISTRATIVE EFFICIENCY ACT OF 2005

HON. MICHAEL K. SIMPSON

OF IDAHO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 15, 2006

Mr. SIMPSON. Mr. Speaker, article III of the Constitution states that "the judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." At times in our Nation's history, Congress has found it necessary to realign the United States Courts of Appeals into more efficient and manageable circuits. Once again, it's time for Congress to exercise its article III powers by realigning the Ninth Circuit and creating a new Twelfth Circuit.

I am pleased to be an original co-sponsor of Judiciary Chairman SENSENBRENNER's H.R. 4093, the Federal Judgeship and Administrative Efficiency Act of 2005. In addition to creating additional federal judgeships, this legislation would divide the Ninth into two circuits. These would consist of a new Ninth made up of California, Hawaii, Guam and the Northern Marianas, and a new Twelfth with Alaska, Washington, Oregon, Montana, Idaho, Nevada, and Arizona.

Mr. Speaker, this division makes sense. Putting aside any political, historical or emotional arguments, the numbers speak for themselves. A split of the Ninth Circuit is necessary because it has become disproportionately large and unwieldy in relation to the other eleven regional circuits.

The Honorable John M. Roll, U.S. District Judge for Arizona, has recently provided me with updated statistics regarding the Ninth Circuit. This is where the Ninth Circuit stands today:

The population of the Ninth Circuit is 58 million people. This is one-fifth of the population of the United States. It is also 27 million more people than reside in the next largest circuit.

The Ninth Circuit consists of 9 states (including the most populous state), a territory, and a commonwealth. The other circuits average less than four states. No other circuit decides the law for 9 states.

As of December 31, 2005, the Ninth Circuit had nearly 17,000 pending cases, which represents 28 percent of all pending federal appeals.

According to recent statistics from the Administrative Office of U.S. Courts, the Ninth Circuit is now the slowest circuit in the country, by more than 2 months, for each of its nearly 17,000 cases, from filing of notice of appeal to disposition.

The Ninth Circuit has 28 authorized active circuit judgeships. The other 11 geographical circuits average less than 13.

It is clear from these facts that the extraordinary growth of the nine western states comprising the Ninth has resulted in an overpopulated circuit that has become a giant among the twelve circuits.

Ninth Circuit Judges O'Scannlain and Tallman hit it on the head when they wrote in the Wall Street Journal that ". . . size adversely affects not only the speed with which justice is administered, but also the quality of judicial decision making. Consistent interpretation of the law by an appellate court requires a reasonably small body of judges who have the opportunity to sit and to confer together frequently, and who can read, critique and, when necessary, correct each others' decisions. That kind of collegiality is no longer possible in a circuit of this size." This statement describes precisely why we need to split the Ninth Circuit.

With a fifth of the U.S. population living in the Ninth Circuit today, I would expect that this could easily become a fourth of the population. Today's 28 active Ninth Circuit judges will eventually become 35, then 40, 50 and so on.

The Ninth Circuit has a history to be proud of, but how long will it be before those who seek to hold onto the past glory of the Ninth come to realize that it should not be recognized for its unique solutions for coping with staggering caseloads and an inability to readily sit all judges? Under this legislation, the new Ninth and Twelfth Circuits will be recognized as individual circuits that have been given a fresh start, fresh life, and fresh collegiality with efficiencies that allow judges in the new circuits to focus on case law and not case management.

Opponents of a split have ascribed political motivations to my efforts—that I, being the author and proponent of realignment legislation, don't like the decisions of the Ninth Circuit. Well, the Ninth does make bad decisions that I don't agree with. For that matter judges appointed by Nixon, Reagan and both presidents Bush make bad decisions that I don't always agree with. Every circuit in the United States makes bad decisions that I don't always agree with. The practical effect of a court ruling is that one party will be pleased and the other disappointed.

Should a circuit be realigned, or manipulated in a manner such as "court packing" solely for political reasons? Absolutely not. However, the fact that my colleagues and I may disagree with certain rulings of the Ninth Circuit should not automatically disqualify us from seeking to realign the circuit. Ascribing political motivations to my colleagues and me is nothing more than a disingenuous smokescreen. If judges, scholars, politicians and others have spoken to me they know that my motivations are not political. My motivation is a desire for my constituents to have an efficient, expedient and manageable court that is able to apply a consistent interpretation of the law. In the meantime, my faith in the Supreme Court and its demonstrated readiness to overturn rulings of the Ninth Circuit, alleviates any fears that I have that an egregious ruling of the Ninth will not be corrected.

Of course split opponents must throw up the smokescreen that my fellow colleagues and I are politically motivated. What else can they do? It's impossible to argue against the facts. Having one-fifth of our nation's citizens in one circuit while the remaining four-fifths are in eleven circuits does not make sense. I have yet to hear split opponents or scholars state why it is good for a single circuit to have one-fifth of the nation's citizens in one circuit when the remaining four-fifths are in eleven other circuits. I do not know why having 28 percent of all pending appeals in one circuit is a sign of an effectively working court. I have not heard why it is good for a circuit to have 28 active judgeships, which is eleven more judges than the next largest circuit and more than double the circuit average of 13. I don't know why it is good for Idahoans to have their appeals heard en banc by a partial number of our court of appeals' judges when citizens in the other eleven circuits will get a hearing before all the judges of their circuit. Is this fair to citizens of the Ninth? I don't believe it is.

I look forward to reading the first article, or speech from a federal judge, politician or scholar that sets aside any reference to politics or the political motivations of others and explains why it is a good thing to have a single circuit with one-fifth of the nation's population, 28 active judgeships and a procedure for a partial number of judges to hear cases. I would also take the liberty of asking a theoretical question to that judge, politician or scholar and it goes like this—if you were to start from scratch and create 12 new circuits for our nation, would you place one-fifth of the population in just one of the twelve circuits? Please send a copy of that to my office here in Washington.

Something else I have heard is that our efforts to split the Ninth Circuit are "a threat to judicial independence". I would like to hear from any federal judge, appointed for life, whether their decisions are being influenced based on a threat that their circuit might be realigned? I find it hard to believe that judges, who at times must put their lives on the line for our country in the face of threats and intimidation by criminal defendants, are scared of politicians in Washington, D.C. Once again, please feel free to contact my office here in Washington if that is the case, I promise confidentiality.

Another thing I hear thrown about is an idea I like to call "judicial veto authority". What I'm hearing is that since a majority of the Ninth Circuit judges might not favor a split then it shouldn't go forward. I would ask the proponents of this idea, the proposition that sitting circuit judges need approve of a split before it goes forward, where this is found in Article III?

I do not believe that the composition of a circuit should be determined solely out of concern for its judges, lawyers, bar associations or even politicians. It should be determined by how best the people are served within the states it encompasses. Realigning the Ninth Circuit is about better serving the people who live and work in the nine states and two territories within its boundaries. It's about providing them with better efficiencies, a more consistent interpretation of the law based on rulings made by judges who spend more time conferring directly with one another and reading each other's decisions.

In addition, although the costs of dividing a circuit are important in these days of budgetary constraint, they should not be the reason for disregarding the benefits that would befall the citizens of nine states and two territories. Opponents of a Ninth Circuit split have made note that a new Twelfth Circuit would be costly, with some estimating as high as $21 million in additional court costs annually.

As a member of the Budget Committee it's a wonder that we are not today seeking the savings that would come from creating five larger circuits consisting of say: the Fourth and Sixth plus Georgia; the Fifth and Tenth plus Alabama and Florida; the First, Second and Third; the Eighth and Seventh; and the Ninth alone. Combining those circuits could save us upwards of $150 million a year in operating costs alone.

The reason we are not debating whether to create larger circuit courts of equal size to the Ninth is because it does not make sense to have large circuits. We already have one large court—the United States Supreme Court. I am told that there is a saying that goes "there is the Supreme Court, the Ninth Circuit, and the rest of the federal circuits." What we need now are 13 circuits of roughly equal proportion—not Snow Ninth and the 11 dwarfs.

Two other things I would mention. I have yet to hear calls for returning the Fifth and Eleventh Circuits into their original circuit. From what I know, the division that was undertaken in 1981 has settled out well. Finally, for those who are committed to the "old" Ninth—they can rest easier knowing that even after shedding seven states, the "new" Ninth will remain the largest circuit in the United States.

As we move forward with our legislation to realign the Ninth Circuit, I look forward to split opponents coming out from behind their political smokescreens and discussing the facts at hand which are indisputable—the Ninth Circuit is too large and unwieldy. No amount of technology and innovation is going to provide my constituents with the efficiency and expediency that they deserve as well. The current judges of the Ninth deserve a collegial atmosphere where they can spend time on case law and not case management.

I appreciate the leadership Chairman SENSENBRENNER has provided in our efforts and look forward to working with him in the coming year as H.R. 4093 and the Ninth Circuit realignment become a reality.

A TRIBUTE TO DR. SANDRA E. THOMAS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor Dr. Sandra E. Thomas, of Altadena, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Dr. Sandra E. Thomas is a powerful and fearless leader whose personal service motto is "Brighter Hope, With a New Vision." Highly visible in the community as a civil rights advocate, she has a way of saying what must be said without offending those around her—she always has a smile and a kind word for all who pass her way.

Born in Kansas City, Kansas, Dr. Thomas received her Bachelor of Arts and a Masters Degree from the University of Kansas and her Ph.D from Columbia University. After retiring as an engineer at Pacific Bell-SBC, she began a pilot program geared to attracting at-risk high school students to the field of engineering.

For 28 years, Sandra served as a youth counselor at the Lincoln Avenue Baptist Church, where her husband, Reverend A.D. Thomas, is Pastor Emeritus. She is currently an instructor and consultant for young adults. A foster mom for over 2 decades, Sandra was named "Outstanding Mother of the Year" at Altadena Elementary School in 1977 and Pasadena High School's "Mother of the Year" in 1979.

Dr. Thomas, a Life Member of the National Association for the Advancement of Colored People (NAACP), has been affiliated with the organization for 55 years, and serves simultaneously at all levels of the NAACP organization. She is currently an NAACP National Trainer, a Regional Officer, a California State Director and the President of the Altadena Branch of the NAACP, where she has been successful in implementing many positive changes in the Altadena-Pasadena community.

In addition to her NAACP activities, Sandra is an Altadena Town Council member, the founder and CEO of the "Quality of Life Community Center," Chairperson of the Pasadena/Altadena African-American Leaders Community Coalition, a member of the Pasadena Junior League, the Pasadena Tournament of Roses, Leadership Pasadena, the Pasadena Unified School District Non-Violence Team, and the Altadena Community Center Board of Directors.

Dr. Thomas and her husband, long-time Altadena residents, have 3 children, Michael, Vincent, Rosalyn and 6 grandchildren.

I ask all Members of Congress to join me today in honoring an extraordinary woman of Calfironia's 29th Congressional District, Dr. Sandra E. Thomas.

HONORING ITALIAN PRIME MINISTER SILVIO BERLUSCONI

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. HYDE. Mr. Speaker, I rise today to honor and congratulate Italian Prime Minister Silvio Berlusconi on his recent speech before the joint session of the U.S. House and the U.S. Senate. I am proud to be joined in this effort by the gentlewoman from New York (Mrs. MALONEY).

When terrorists hijacked airplanes, smashing them into the Twin Towers of the World Trade Center and the Pentagon, it was the worst disaster ever perpetrated on American soil. A large part of the world reached out in sympathy to our wounded nation. Silvio Berlusconi, the Italian Premier, called for a giant rally for the Italian people to express their grief and shed their tears for the families of the victims, and to show their compassion for a nation that had been gravely wounded. It was a heartfelt expression of the pain they felt for America by hundreds of thousands of Italians who crowded into Rome's Piazza del Popolo, the place of the people.

Berlusconi's call to action was so successfully answered by the Italian people, that certain political parties of the left called for a counter rally—an anti-American rally. These parties were two Communist parties, and a third party which had been the original Communist party but had changed its name to the Democratic Party of the Left. They paraded through the streets of Rome, a small phalanx holding red flags with the iconic Communist hammer and sickle and placards denouncing America for having entered Afghanistan in pursuit of Osama bin Laden and to destroy the Al Qaeda terrorists. They shouted anti-American slogans, said blood dripped from our hands and that we were assassins. They threw the American flag on the ground, trampled it, poured gas on it, and set it afire. Nowhere in their speeches or placards was there mention of the American tragedy, nowhere mention of grief for the dead or compassion for the families. Italy is a democratic country where everyone is guaranteed the freedom of speech. They expressed their opinions, feelings, and anti-American bias.

When Silvio Berlusconi appeared, several weeks ago, before the joint session of the U.S. House and the U.S. Senate, which is a signal honor paid to a world leader, he was not invited by President Bush, as many Italian newspapers stated. He was invited by the House of Representatives and the Senate, led by DENNIS HASTERT, Speaker of the House, and Vice President CHENEY, as Presiding Officer of the Senate. The Constitution imposes a separation of powers between the legislature and the executive branch and we, the legislative branch of the U.S. Government, are proud of the independence this grants us. We invited him.

When the Italian Prime Minister stood before us and spoke, it was not to Democrats and Republicans but to all of the representatives of all of the districts of all of the states and for all of the American people. This legislative body represents the broad expanse of America and all of her people. And when we rose in a standing salute and gave thunderous applause to Prime Minister Berlusconi, it was the American people who were speaking. The American people who were exercising their right to the freedom of speech, a constitutional right in our country too. The American people gave their opinion. In standing in ovation to Berlusconi's impassioned words of friendship, we rejected the elements in Italy who had turned their back to our suffering, deploring their conduct and their opinions. We instead showed the warm feeling of affection in our hearts for the people of Italy.

TRIBUTE TO DR. BETH MARCUS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor Dr. Beth Marcus, of Burbank, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our nation's women.

Dr. Marcus is a family physician in La Canada Flintridge, where she has practiced for over 10 years on the medical staffs of both Verdugo Hills Hospital and Glendale Adventist Medical Center. After completing her Family Medicine residency, she went on to complete a Fellowship in Adolescent Medicine, where she worked with adolescents struggling with poverty, family estrangement, drug abuse, homelessness and other issues.

Her patients cross the lifespan from infants to geriatric patients. Knowing that excellent medical care means going far beyond a diagnosis and a prescription, she has a remarkable capacity to bring compassion and empathy into the care she provides. She is an active advocate for patients, educating them and assisting them in obtaining social services and other sources of support to help them navigate the challenges of illness.

Beth is a member of the California Academy of Family Medicine, was the Secretary/Treasurer of the Los Angeles Chapter from 1995–2000 and a delegate to the house of delegates during those years. She is a member of the American Medical Women's Association and the Society of Adolescent Medicine. For several years she was a volunteer at the University of Southern California teaching a course titled Introduction to Clinical Medicine.

As Burbank Temple Emanu El's social action chair, Dr. Marcus has coordinated various campaigns for helping others in the Burbank, Glendale, North Hollywood area. She has arranged blood drives, collected shoes and clothing for impoverished children, gathered donations for tsunami victims and hurricane victims, filled backpacks with school supplies, assembled items for homeless women, and made sandwiches for the hungry. In addition, she volunteers in fundraising efforts for the Parent Teacher Association at Emerson Elementary School in Burbank, and is planning to implement a nutrition program at the school called Food is Elementary.

In addition to her professional and civic involvement, Beth is busy as a wife and mother, raising 2 twin boys, Adin and Jonah. She and her husband of 11 years, Dr. Jeff Ring, reside in Burbank.

I ask all Members of Congress to join me today in honoring an outstanding woman of California's 29th Congressional District, Dr. Beth Marcus.

TRIBUTE TO MAYOR BETTY FLORES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Betty Flores, an accomplished mayor from my hometown of Laredo, Texas.

Mr. Speaker, Mayor Flores was elected mayor of Laredo in 1998. Since then, she has worked tirelessly to bring Laredo into the 21st century with success and pride. Whether it be through economic development or the rich culture Laredo is known for, Mayor Flores has been there finding ways to advance the city's agenda.

Last year, Laredo received its highest financial rating in its 227-year history. This is the consequence of Laredo being one of the Nation's largest land ports, with 74 of the Fortune 100 companies and 52 countries conducting international trade via the Port of Laredo.

Mayor Flores has earned many awards including Laredo Times Laredoan of the Year and Texas Women of the Century from the Woman's Chamber of Commerce of Texas. This is Mayor Flores's last year in office, and she will be missed.

Mr. Speaker, I am proud to have the opportunity to honor a citizen like Mayor Betty Flores.

HONORING THE LIFE OF NEW YORK STATE ASSEMBLYWOMAN SANDRA LEE WIRTH

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. HIGGINS. Mr. Speaker, today I rise to mark a very sad occasion: the passing of my former colleague in the New York State Assembly, Assemblywoman Sandra Lee Wirth.

Last Saturday, Sandra Lee lost her courageous battle with lung cancer. She undertook this fight—like all others she took on, and there were many—with the grace, poise and dignity that we all came to expect from her.

Born Sandra Lee Liberatore in West Seneca, Sandra Lee was a realtor by profession, and was President of the Greater Buffalo Association of Realtors in the early 1990s. At that time, during a county fiscal crisis, the Erie County Legislature instituted a county Real Estate Transfer Tax to fund the operation of mass transit services in Erie County. As one might imagine, Sandra Lee was appalled and swore to do something about it. She did.

Sandra Lee took on and defeated an entrenched incumbent in the Erie County Legislature. During Sandra Lee's 3 years in the County Legislature, she was a fighter for senior citizens and property taxpayers. She was also a great opponent of government waste: she refused various "perks" of the job and funded the operation of her legislative district office personally.

In 1994, the incumbent in the then-148th district seat of the New York State Assembly was retiring, and Sandra Lee jumped into the race with the same vigor that she took to the race for the County Legislature. In another heated and expensive campaign, Sandra Lee again defeated the same person she defeated for the County Legislature in this race for the Assembly.

It was in the Assembly that I got to know—and deeply respect—Sandra Lee Wirth. Although we came from different political parties and were of different generations, few people were as kind to me upon my election to the Assembly in 1998 as Sandra Lee was. We represented adjacent districts, and in addition to sharing a border, our respective communities shared many important characteristics and on local issues affecting our communities, Sandra Lee and I worked together very well.

In 2002, the legislative redistricting process was underway—and lo and behold—Sandra Lee Wirth and I were redistricted into the same Assembly district when her hometown of West Seneca was added to my Assembly district. In initial news reports, Sandra Lee was quoted as saying, "I'm running where I live, Period."

Mr. Speaker, I'm glad Sandra Lee changed her mind. Rather than contest an election against me, Sandra Lee instead chose to run in a newly created district east and south of West Seneca. She continued to serve in the Assembly until her death last week.

In 2004, Sandra Lee was forced to deal with another challenge—the illness and subsequent death of her husband Bill. When I saw Sandra Lee at Bill's wake, she spoke lovingly of "her Billy," and as she struggled through Bill's illness and her own, Sandra Lee's love of her family and her community never waned.

Every fight that Sandra Lee Wirth fought was waged with dignity and aplomb. Her commitment to public service was as strong as any I have ever witnessed. I am proud to have called her a colleague, but Mr. Speaker, I am prouder still to have called her my friend. May God ensure that she rests in peace.

A TRIBUTE TO BETTY WANG

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor Ms. Betty Wang, of South Pasadena, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Betty Wang was born in China in 1947 and moved to Taiwan with her family in 1948. She came to the United States in 1969 in order to pursue higher education at the University of Illinois. Upon graduation she and her husband, Eddie Wang, worked in Chicago for a few years, and then moved to South Pasadena in 1978.

After working briefly for a major insurance brokerage firm handling risk management for corporate clients, Betty retired in 1978 to take care of her son, Timothy. This also marked the beginning of her career as a "professional volunteer."

Betty has been involved in various community activities over the years. She began by assisting teachers in the South Pasadena Unified School District classrooms; then became involved in the Marengo Elementary School Parent Teacher Association where she volunteered in sports activities such as soccer, baseball, basketball, swimming and water polo. She was also involved with the parent organizations at Polytechnic School and was a Den Mother for the Boy Scouts of America. In addition, Ms. Wang is a long-term member of Mandarin Baptist Church in Alhambra.

Ms. Wang has been active in the South Pasadena Chinese American Club for many years, as a board member since 1989 and President in 1992. Much of the South Pasadena Chinese American Club's efforts go toward helping the South Pasadena Unified School District. She served on the Board of the Friends of South Pasadena Public Library for the past 6 years and was the President during her last year. She has continued her volunteer service to the library by serving on the Community Facilities Task Force. Betty was involved in South Pasadena's City Streetscape Committee during the Gold Line Station construction. Her latest volunteer effort is to serve on the President's Council for the Chinese Garden at the Huntington Library, Art Collections & Botanical Gardens, where she is helping to raise funds for the construction of one of the most beautiful and unique botanical projects at the Huntington Library.

WILLIE GRACE CAMPBELL—IN MEMORIAM

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Ms. HARMAN. Mr. Speaker, America recently lost one of her most influential daughters, Willie Grace Campbell. Born and raised as women's suffrage took root, Willie's unwavering commitment and passion for women's rights and civil liberties gave opportunity and inspiration to those like me who knew and loved her.

In an era where career-driven women were uncommon, Willie successfully balanced the challenge of being a mother while pursuing her commitment to education and community service. After moving to Indianapolis with her husband and three children in 1945, Willie established the city's first League of Women's Voters branch and membership quickly grew. She went on to serve as the League's State President and, in 1959, ascended to the national board as a member of the Indiana Advisory Committee of the U.S. Conference on Civil Rights.

A cornerstone of the Civil Rights Movement in the 1960s, Willie launched voter education projects in American inner cities and trained thousands of urban and suburban female voters. She participated in the first White House Conference on Civil Rights in 1965, and emerged from the conference with landmark recommendations and strategies for using litigation, in addition to legislation, to confront restrictive voting rights.

Willie expanded her advocacy in the 1970s, involving herself with the National Women's Political Caucus and the National Women's Education Fund while acting as President and Board Chairwoman of the Overseas Education Fund International. From Latin America and Africa to Washington, DC, Willie's campaign for women's equality and social justice successfully challenged the global status quo. Not surprisingly, she went on to serve on the board of Women, Law and Development International, an organization devoted to the defense and promotion of women's rights.

Even in her last days, Willie proudly served as Vice Chairwoman of the Board of Directors of the African Development Foundation, a position assigned to her by President Clinton.

Willie was a mentor, not only to me, but to many women in politics and the advocacy community. At age 90, she remained the youngest one in the group, with a ready smile, enormous energy, zest and wisdom. All who encountered her marveled at her passion and purpose.

Willie, you have raised the bar for each of us. I am honored to pay you tribute.

HONORING COACH THOMAS BILLUPS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize Coach Thomas Billups, head coach of the State Champion, Lanier High School Boys Basketball Team. I submit the following article by Bill Spencer of the Clarion Ledger Newspaper of Jackson, Mississippi.

Fiery Coach Thomas Billups has created a dynasty. Thomas Billups doesn't want to come off as boastful, even though his success may be unmatched in the history of Mississippi high school boys basketball.

He's a staunch believer in his methods, however, and who can argue with the veteran Lanier coach's incredible run?

"I'm not saying I'm the greatest coach ever," said Billups, whose Bulldogs (34-3) won their final 19 games and finished No. 1 in The Clarion-Ledger Super 10 rankings for the second consecutive year. "There are a lot of good coaches out there. I'm not saying everything I do is right. But what I'm doing . . . there's been some good in it. Because look at what we've done."

In 15 seasons, Billups has coached in 12 state finals, including eight in a row. Last Thursday, he guided the Bulldogs to a second straight Class 4A state championship, tying him with Gulfport's legendary Bert Jenkins for the most Mississippi High School Activities Association boys state titles with seven.

Lanier won again despite the graduation of McDonald's All-American Monta Ellis, who jumped to the NBA.

Billups, 53, has built a hoops machine on Maple Street in Jackson. Not even Jenkins—who won 866 games in 28 seasons—coached in eight consecutive state finals.

With a 463-73 record shouting orders from Lanier's bench, the demonstrative Billups has averaged more than 30 victories per year and won an astounding 86 percent of the time.

Billups' latest gold ball may be his most satisfying. Although senior point guard Al Graham, junior guard R.L. Horton and senior forward Kalauso Williams entered this season with some experience, most of the Bulldogs were new faces.

"We were young, but these kids wanted to be just like these Lanier teams that came through here," Billups said. "They do everything I ask them to do to win a ballgame."

Lavel Johnson, the Mississippi correspondent for the recruiting magazine Hoop Scoop, believes Billups will cherish this state crown the most.

"This was his top coaching job," said Johnson, who has watched Jackson basketball for 20 years. "This title is very satisfying for him because for so many years, people have said he wins because of his talent and not because he's a good coach. If anything dispels that belief, this does."

Billups' in-your-face style is relentless. During games, he alternates between chewing on referees and yelling at his players. Rarely does he sit. He paces the sidelines, roaring like an angry, nattily attired bear. Sometimes, he'll stop, arms folded, and scowl, staring at a striped shirt—or player—who has done him wrong.

He plays no favorites, either, and will berate a player for a mistake in a flash, whether the Bulldogs are leading by two points or 20.

"Whatever goes for one player goes for all of them," Billups said. "You've got to let kids know that there's only one way, the coach's way. In my case, it's Billups' way. My style of coaching is not going to change. Kids need to know that I'm going to be in their face every practice, every game, screaming and hollering."

Horton has come to appreciate Billups' tactics.

"He puts you through a lot," said Horton, who averaged about 25 points per game, scoring a career-high 50 twice. "He makes you feel like you almost want to quit. Players ahead of me like Monta used to tell me to stick with it because it's going to make me better. He sees a player's potential before they ever see it. He brought a lot of stuff out of me that I didn't ever think I could do. He makes players work their hardest."

For all of his bluntness, there's also a gentler side to Billups, whether he's attending church with his team or hosting a Super Bowl party.

Many have noticed, including Lee Vance, a Jackson Police Department veteran of nearly 19 years and Lanier alumnus, Class of 1976.

"The greatest tribute I've ever seen or read is what his players and former players said about him publicly, the father-figure and nurturing comments that have been made," said Vance, JPD's Precinct 2 commander.

Former Lanier coach N.Z. Bryant, who won one of the Bulldogs' 15 state titles in 1969, said Billups enjoys a special bond with his players.

"Coach Billups has control of his players and they respect him," said Bryant, now deputy director of the MHSAA. "Young players nowadays have a tendency to have their own mind. Those kids are going to run exactly what he says."

Coach Thomas Billups has built a winning tradition and legacy in Jackson's inner-city. The high-level, high-profile programs that Billups has put together have ignited the competitive fancies of the other inner city teams making for some of the most competitively rivaled basketball in the State. I take pride in recognizing Coach Thomas Billups and the dynasty that he has built with some of our most talented inner-city young men.

TRIBUTE TO ANGELITA "ANGIE" MONT O'BRIEN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor Ms. Angelita "Angie" Mont O'Brien, of Pasadena, CA. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Born in Los Angeles, where her parents had emigrated from Spain, Angie attended Los Angeles and Pasadena public schools. She received a bachelor of arts from the University of California Los Angeles in 1953, a master's degree from California State University Los Angeles in 1963, and a California Elementary Teaching Credential.

Angie taught in the Pasadena Unified School District, PUSD, for over 40 years. During her long career, she was an elementary school teacher, a guidance counselor, a Curriculum Resource teacher and an Opportunity Room counselor. A founding member of PUSD's Adopt-A-School District Advisory Committee, she initiated and implemented the Tutoring and Homework Assistance Program for PUSD and served on many PUSD committees.

When Ms. O'Brien volunteers for an organization, she jumps in wholeheartedly, whether it's chairing a fundraising dinner, designing invitations, developing long-term plans, or helping to oversee a school bond measure. Her list of community involvement is impressive. Past activities include serving as president of the Pasadena Parent Teacher Association, PTA, Council Board of Directors, vice president of Glenn's Hope, a Pasadena Foothill Valley YWCA board member and Altadena Christian Children's Center board member. She was a Pasadena city commissioner on the Commission on the Status of Women and the Human Services Commission. Some of the current organizations she serves include as a board member of Child Care Information Services, Pasadena City College Measure "P" Bond Oversight Committee, Women at Work, Pasadena Beautiful, Friends of the Commission on the Status of Women, Pasadena Planned Parenthood, and Delta Kappa Gamma. Angie is the vice president of the San Rafael Library Associates and the president of the Rose Bowl Bruins Board of Directors.

Angie has received many awards over the years for her service to the community, including four from the Pasadena PTA, the 1985 Pasadena Council of Women's Clubs Volunteer of the Year Award and the Pasadena YWCA Second Century Award in 1985.

I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Angelita "Angie" Mont O'Brien.

HONORING THE 60TH ANNIVERSARY OF THE SIGNAL HILL FIRE DEPARTMENT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 60th anniversary of the Signal Hill Fire Department located near Belleville, IL.

In 1946, the city of East St. Louis advised Signal Hill residents their fire department would no longer respond outside of the city limits. At the same time, the city of Belleville said their fire department would only respond to the Country Club Place subdivision if that neighborhood was annexed into the city.

Given the choice of annexation or lack of fire protection, a group of civic-minded citizens gathered to form the Signal Hill Fire Department. In July of 1946, the voters of the proposed fire protection district approved the formation of a taxing district that would provide funding for the fire department.

Sixty years later, the courage and dedication of the firefighters, as well as the consistent support of the community are still the hallmark of this volunteer fire department.

From its earliest days, the Signal Hill Fire Department has been guided and staffed by individuals who have been highly motivated, enjoy a challenge, and are sincerely interested helping others. The call to duty has been answered by several hundred community members who have given freely of their time to protect others from the perils of fire.

Significant progress has been made though the years as the Signal Hill Fire Department has not only kept pace with new procedures and equipment but has often been at the forefront of evolving technological advances. Signal Hill became the first fire department in all of Southern Illinois to acquire a thermal imaging camera. Two years later, they were profiled by the Federal Emergency Management Agency, National Volunteer Fire Council, and the U.S. Fire Administration as an extraordinary example of recruiting and retaining volunteer firefighters. More recently, Signal Hill became the first volunteer fire department in all of St. Clair County and Southwestern Illinois to earn the distinguished ISO Class 3 rating.

The Signal Hill Fire Department has been a shining example of dedication and professionalism, made possible by the sacrifices that their volunteer firefighters and their families have made since 1946. Their compassion, valor, and unselfish acts of courage make each of them an everyday hero.

Mr. Speaker, I ask my colleagues to join me in honoring the 60th anniversary of the Signal Hill Fire Department and to wish the best to them for continued service in the future.

PATRIOT ACT ADDITIONAL REAUTHORIZATION AMENDMENTS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. HOLT. Mr. Speaker, I rise today to oppose this bill that seeks to make much needed changes to the House approved PATRIOT Act Conference Report. What we are voting on today are "Additional Reauthorizing amendments" for the PATRIOT Act. Unfortunately, these proposed changes do not go far enough and they fail to strike the proper balance between freedom and security.

When the PATRIOT Act came before the House last year, I made clear that, as written, it failed to protect the civil liberties of the American people from the overzealous police powers of the state. That is why some United States Senators who shared my concern worked for months to draft new safeguards to prevent the abridgment of our constitutionally granted civil rights. While good-intentioned, the small concessions they were able to win do not address the vast majority of objectionable provisions in the bill and some even make it worse.

The sponsors of this legislation will say that it makes needed improvements to the PATRIOT Act. However, when read closely some of these so-called "improvements" actually make the PATRIOT Act worse. For example, one of these amendments actually creates a previously non-existent one year gag order on recipients of national security letters. Under this change, the records of library patrons are still subject to secret searches and investigators do not have to promptly inform the patron of the searches. And these changes make the PATRIOT Act worse by actually preventing librarians from challenging these searches in court for at least a full year. Currently, no period of time exists to delay judicial review of national security letters.

Robert Kennedy speaking in Georgia, a state at the center of the civil rights movement, said, "we know that if one man's rights are denied, the rights of all are endangered." What Bobby Kennedy understood, but what too many of my colleagues forget, is that we are all bound together in our collective human existence. This means that the denial of our neighbor's rights puts our own rights in jeopardy. Yet, this bill does not sufficiently change the PATRIOT Act to ensure that the liberties and freedoms of all American's are protected.

For example, even with these amendments, it would still be legal under the PATRIOT Act for police or investigators to conduct so called "sneak and peak" searches of our homes or property without being notified until long after they are gone. One might expect to hear about this type of practice in state controlled or oppressive regimes around the globe. Yet, America was founded on the principle of individual liberty and freedom.

The PATRIOT Act legalizes what previously has been considered the violation of Americans civil rights. It is flawed and we can do better.

I urge my colleague to heed the words of one of our nation's founding fathers James Madison whom I quoted the first time this bill came to the House floor. Speaking in 1788 before the Virginia Convention (not all that far from where we are today) he explained what I believe is the unanswered problem with the Patriot Act. He said, "I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations." As Madison said over 200 years ago, the liberty and freedoms we as Americans cherish are being eroded today not at the barricade, but in our library and at our local doctor's office. Sadly, these so-called "improvements" are not enough, and the PATRIOT Act remains fatally flawed. It is for this reason that I urge my colleagues to vote no on this bill.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Ms. LEE. Mr. Speaker, I am extremely concerned regarding the proliferation of nuclear weapons around the world in general and the threat that Iran poses in particular. I agree that we must make it a priority to prevent Iran from acquiring nuclear technologies and materials for development of nuclear weapons. That is why we must not impede any and all diplomatic means to achieve this. I voted present on H. Con. Res 345 (rollcall No. 12) because this resolution seems to foreclose some important diplomatic options towards achieving that goal.

CONGRATULATIONS TO THE TEXAS STATE CHAMPION ARGYLE GIRLS BASKETBALL TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior performance of the Argyle Girls Basketball Team on their Texas State Championship in the 2A division on March 4th, 2006.

The Eagles won the final game 51–33 to become the Texas UIL Class 2A state champions at the University of Texas' Frank Erwin Center. The championship game was their 19th consecutive win. The championship victory marked the first state championship in a team sport for Argyle High School.

This victory was a combined effort by many extremely talented athletes, and would not have been possible if it was not for the incredible sense of teamwork put forth by all athletes.

I extend my sincere congratulations to Steve Schmidt, head coach as well as Miss Chelsea Cook, Ms. Brooke Shepherd, Ms. Ally Clardy, Ms. Yvonne Glass, Ms. Kristie Krueger, Ms. Kinzie Ellis, Ms. Emma Forrer, Ms. Bailey Slough, Ms. Meagan Gonzales, Ms. Teacup Gorman and Ms. Alex Marshall, the members of the State Champion Argyle Girls Basketball Team.

TRIBUTE TO RED CROSS VOLUNTEERS

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. BEAUPREZ. Mr. Speaker, I rise today to pay tribute to the thousands of Americans who proudly call themselves Red Cross volunteers. I stand to show my support for their service to this country, their sacrifice in leaving their homes and loved ones to rush to the aid of fellow Americans in their own community, or another community hundreds, even thousands of miles away.

When you talk about the American Red Cross, you must never forget that you are talking about volunteers. More than 95% of Red Cross workers are volunteers. They are on no government payroll. They have no secret motives or hidden agendas. They are citizens in voluntary service of their fellow citizens.

March is Red Cross Month. We take the time to honor the compassion of the volunteer spirit.

In my own district, these good people are at work daily, teaching CPR, helping to collect lifesaving blood, teaching someone how to swim, and responding in the middle of the night to comfort one of their neighbors whose house has burned down. It is simply impossible to imagine our community without the Red Cross.

There is a reason why every president since Franklin Roosevelt has declared March to be Red Cross Month. This is an organization that mimics American's tendencies to help a neighbor in need, and provides an essential safety net affecting millions of lives. It has earned the right to be called a national treasure.

No one is more interested in building the best possible Red Cross than the people of the Red Cross themselves. Their only desire is to fulfill their mission of compassion and humanity—a mission they have upheld with honor for 125 years. Let us take care to guard this well-earned reputation, aiding and supporting them as they have aided and supported America.

INTRODUCTION OF THE CSRS RETIREMENT REPAYMENT TECHNICAL CORRECTION ACT OF 2006

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. VAN HOLLEN. Mr. Speaker, today I am introducing the CSRS Retirement Repayment Technical Correction Act of 2006. This bill would correct an unintended consequence that followed the enactment of the Omnibus Reconciliation Act of 1990 (Public Law 101–508) on November 5, 1990, and provide relief for federal employees who were adversely affected by that enactment.

The Omnibus Reconciliation Act of 1990 made retroactive changes to the rules related to separating federal employees. While the rules were made retroactive to October 1, 1990, the implementing regulations were not promulgated until February 1991. This four month period between the enactment of the law and the promulgation of the implementing regulations has adversely affected any federal employee who withdrew their retirement contributions during this period.

This matter was brought to my attention by Sandra Schatz Landis, my constituent who was on maternity leave from the Immigration and Naturalization Service (INS), a former bureau of the Department of Justice at the time in question. On November 5, 1990, Ms. Landis withdrew $24,439.00 in retirement contributions and was advised that if she later re-entered federal service, she could re-deposit the withdrawal without paying interest and not suffer any adverse consequences.

Unbeknownst to Ms. Landis and the personnel specialists at INS who were advising her, because ofthe enactment of the Omnibus Budget Reconciliation Act of 1990 that occurred on that very same day, November 5, 1990, employees who withdrew their retirement contributions as far back as October 1, 1990 were suddenly required to repay their withdrawn contributions with interest in order to have the prior service included in their annuity calculation. What is unfair about this is that employees had no warning that the rules under which they were making major financial decisions were changing. If Ms. Landis were to make this repayment today, she would have to refund over $58,000 of which $34,000 is interest. This is just one example of an unintended injustice that must be corrected.

The CSRS Retirement Repayment Technical Correction Act of 2006 will provide relief to those who withdrew their retirement contributions between Oct 1, 1990, when the Omnibus Reconciliation Act was enacted, and February 1991, when implementing regulations were promulgated. It is fair and reasonable legislation that needs to be enacted into law.

HONORING THE ACHIEVEMENTS OF KUR KUR AND SIMON GARANG

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize and honor the achievements of two young men for whom I have the utmost respect and admiration. Mr. Kur Kur and Mr. Simon Garang, currently of Boulder, Colorado, will graduate with degrees from the University of Colorado at Boulder in May, 2006, closing one remarkable chapter in their lives and beginning another. For these two men, obtaining their degrees was more than a matter of attending classes and passing tests; it was a stunning journey from the impoverished and war-torn deserts of East Africa to the mountains of Colorado and the classrooms of CU–Boulder.

Mr. Kur and Mr. Garang were born in different parts of southern Sudan and were forced to flee to Ethiopia at the age of eight to evade Islamic militants that were driving men, women, and children from their homes. Separated from their families, the boys walked the long journey to Ethiopia seeking refuge. They remained there until war broke out in 1991, and made another improbable and difficult journey to a refugee camp in Kenya, where they would complete their high school educations in spite of severe hunger and poverty. There Mr. Kur and Mr. Garang became aware of the possibility that they could come to the United States and work toward better lives via a special refugee program. They had lived the full experience of a group of young people that are now called "The Lost Boys of Sudan," and would now open a new and hopeful chapter in their already difficult lives.

After arriving in Colorado, Mr. Kur and Mr. Garang would meet Professor Bruce Bassoff, who saw that they were extraordinarily bright and offered to help them enroll at the University of Colorado. In the fall of 2002 they did just that, studying and working hard to obtain their degrees while enjoying a rich college experience. Their upcoming graduation is the culmination not only of those efforts, but of years of a type of struggle unimaginable to most Americans.

I have every confidence that Mr. Kur and Mr. Garang will put their degrees and worldviews to great use, and I look forward to seeing what they—as well as the other five Sudanese students enrolled at CU—accomplish in the years to come. Theirs is a story of inspiration as well as a reminder of our good fortune and the struggles of those in Sudan and other parts of the underdeveloped world. I ask my colleagues to join me in congratulating Mr. Kur Kur and Mr. Simon Garang on their upcoming graduations and to wish them well in their future endeavors.

IN OPPOSITION TO TARGETED MARKETING OF REFUND-ANTICIPATION LOANS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. RANGEL. Mr. Speaker, I rise today to express my deep concern at reports of the apparent harmful impact of the marketing of high-cost refund-anticipation loans, RALs, to underserved communities.

While RALs are advertised as giving consumers quicker access to their hard-earned tax refund, it has been brought to my attention that tax refunds can be obtained almost as fast by the taxpayer to whom the refund is due as if taxpayers file online. It appears that not only are refunds not delivered with any greater expediency, but with interest rates between 40 to 700 percent and additional fees, these loans are so excessively priced that they deny the taxpayer full use of their money.

This issue is of particular interest to me as some of my constituents seem to be feeling the brunt of these loans, I have recently been informed that one of the highest concentration of refund loans in 2003 was made within the 15th Congressional District in my home community, central Harlem. Also as the Ranking Member of the Ways and Means Committee, I am concerned because according to a recent study undertaken by the Neighborhood Economic Development Advocacy Project, one quarter of New Yorkers who claimed the Earned Income Tax Credit in 2003 paid large amounts of their wages in fees related to RALs.

Low-income families need not be exploited for the gains of corporate entities. According to the IRS, 79 percent of RAL recipients in 2003 had incomes of $35,000 or less. In contrast, as the nation's largest tax-preparation chain, H&R Block experienced an 8.5 percent increase in RAL revenue for Fiscal Year 2003. While RALs are one of H&R Block's products, I expect the company to practice due diligence not only in promoting these products equally among your many locations but also in informing clients of their rights and product terms.

Mr. Speaker, I urge you during this tax season to lend your support in holding H&R Block and other tax-preparing companies responsible to equitable targeting of these high-cost loans and full disclosure of their terms.

TRIBUTE TO HARRY BROWNE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. PAUL. Mr. Speaker, America lost a great champion of liberty when Harry Browne passed away on March 1, at the age of 72. Harry had a passion for liberty and knowledge of a wide variety of subjects. His communication style, as he himself so marvelously put it, focused on converting his opponents rather than winning the argument. These attributes helped make him one of the most effective proponents of the freedom philosophy I have had the privilege of knowing. Harry's numerous books and columns, his radio and Internet broadcasts, and his speeches educated millions in sound economics and the benefits of a free society. Harry motivated many people to become activists in the movement to restore American liberties.

Harry first came to public attention in the 1970 when he penned a best-selling investment book, How You Can Profit From the Coming Devaluation, which foresaw President Richard Nixon's abandonment of the gold standard and the ways the American economy would be damaged by the inevitable resulting inflation. Harry's book helped many Americans survive, and even profit, during the economic troubles of the seventies. It also introduced millions of people to the insights developed by followers of the Austrian school of economics regarding the dangers fiat currency poses to both prosperity and liberty posed by fiat. How You Can Profit From the Coming Devaluation is generally recognized as the founding document of the hard money movement, which combined the insights of the Austrian economists with a practical investment strategy.

Harry's third book, You Can Profit from a Monetary Crisis, reached number one on the New York Times bestseller list. Other popular books by Harry include How I Found Freedom in an Unfree World, The Great Libertarian Offer, and Why Government Doesn't Work. I was pleased to write the foreword for one of Harry's books, Liberty A–Z: Libertarian Soundbites You Can Use Right Now, a collection of direct, thought-provoking, and often humorous responses to the questions advocates of the freedom philosophy face.

During the nineties, Harry worked to advance liberty as a presidential candidate, columnist, radio talk-show host, and columnist. He also hosted an internet-based talk show and founded DownsizeDC, a grassroots advocacy group whose goals are accurately summed up in its title. Even while struggling with Lou Gehrig's disease, Harry maintained a full schedule of writing, hosting his radio show, and speaking around the country.

Harry's efforts were not limited to the economic realm. He understood the threat to liberty and prosperity posed by global crusades for democracy, as well as the importance of opposing restrictions on civil liberties. Harry's outspoken defense of civil liberties and the Framers' foreign policy of nonintervention took on added importance in the last years of his life when too many self-styled advocates of liberty attempted to curry favor with the political establishment by focusing solely on issues of economic liberty or combined advocacy of low taxes and regulations with active support for militarism and restrictions on personal liberty.

In all his educational, financial, and political work Harry served as a model for everyone who works for the free society. Harry was principled and uncompromising in message, while temperate and respectful of differing opinions in delivery. He avoided the histrionics too common in our today's talk show culture, and he never personalized his arguments. Even when an opponent resorted to ad hominem attacks, Harry always kept his presentation on the high ground of ideas and principles. In conclusion, Mr. Speaker, I extend my sympathy to Harry Browne's wife, Pamela, and daughter Auburn, as well as the many he befriend in his years in the freedom movement, and I pay tribute to Harry Browne for his lifelong efforts on behalf of individual liberty.

TRIBUTE TO THE AMERICAN BURN ASSOCIATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I would like to call to the attention of my colleagues the immense contributions by the American Burn Association, ABA, to the fields of burn treatment, education and prevention.

Whether caused by accidents, natural disasters or potential terrorist attacks, the ABA has been integral in shaping the discussion on how this nation's burn centers should manage burn injuries. In all cases, the American Burn Association stands ready as the critical initial line of first responders. They need our support.

The ABA has more than 3,500 members in the U.S., Canada, Europe, Asia and Latin America. All of the members of the association are burn care specialists. They include physicians, surgeons, nurses, occupation and physical therapists, researchers, social workers, firefighters, emergency response personnel, and the underpinning of burn research and care—hospitals with highly specialized burn centers.

As an organization, the ABA sets the industry standards for quality care for both civilian and military treatment of burn injuries. Its research into advanced treatment for burn injuries is the foundation for the high quality of care available to our wounded soldiers in Afghanistan and Iraq. Furthermore, many of the professionals with the medical teams currently deployed overseas are ABA members, and many more work stateside, treating the severe burn injuries that result from military conflicts.

In addition to research and treatment, the American Burn Association continually promotes educational campaigns to prevent burn injuries. Past campaigns include home safety, senior burn safety, prevention of gasoline burns, scald prevention and electrical burn prevention. They have also highlighted the value of home sprinkler systems, which are no more expensive per foot than home carpeting, and serve as a valuable preventative measure.

The ABA represents a vital national resource in the select medical community of burn care. These professionals are in every State of the Union and almost every congressional district. I have met with representatives from my region of Pennsylvania. I hope that you will meet with yours and take an opportunity to learn more about the ABA and the outstanding work they do in your own State and district.

IN HONOR OF THE PREMIERE OF "WALKOUT"

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. BECERRA. Mr. Speaker, facing unfortunate injustices, relegated to second class citizenship, and anxious to see change come to their classrooms, a group of students banded together in 1968 to protest the conditions of their high schools in East Los Angeles. The civil and non-violent protest took the form of a staged and systematic "walkout," which was not only the single largest protest by high school students ever in the history of the United States, but is also recognized as the event that gave birth to the Chicano civil rights movement.

Today, I rise and pay tribute to the efforts of these students who embody change and whose memory reminds us all that peaceful, intelligent activism can right egregious wrongs. That reminder is now ever more visible as this seminal moment in civil rights history has been put to film, premiering tonight here in Washington, D.C., and on Saturday, March 18, on HBO.

Called "Walkout," the film provides a sincere and candid look at these student protests exploring the reasons and justifications that led to such a dramatic and historic move. Executive Producer Moctesuma Esparza and director Edward James Olmos have captured the tensions and regretful reality of life for Mexican American students in the public high school system of East Los Angeles. The movie honors the memory of the struggles and obstacles to empowerment that those before us fought so hard to eradicate. Today, we pay tribute to Esparza, Olmos, HBO Films and all those who played a part in bringing this snapshot of history to life.

Mr. Speaker, only by dedicating ourselves to remembering how we compromised the civil rights and educational achievement of Latinos in the past can we renew our resolve to face the current attacks that seek to derail the future of our community. In 1968, the Mexican American community sent an unequivocal message that transcended the education system that sought to suppress them: when equality and opportunity are denied, our community will fight back to defend what is right. Through "Walkout", we celebrate this resolve.

INTRODUCING LEGISLATION AUTHORIZING FUNDING FOR THE PRIVACY AND CIVIL LIBERTIES BOARD

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce legislation authorizing $3 million annually over the next ten years for the Privacy and Civil Liberties Board. Additionally, my legislation requires the President to include a line item request in his budget proposal every year. I am pleased to be introducing this bill with the support of the Democratic Members of the House Permanent Select Committee on Intelligence.

In December 2004, President Bush signed the Intelligence Reform and Terrorism Prevention Act into law. Included in this bill was language establishing the Privacy and Civil Liberties Board, a cornerstone recommendation of the 9–11 Commission. The Commission understood that in the emotional aftermath of September 11th, it was important to provide objective oversight of the protection of our cherished civil liberties.

This oversight is the main purpose of the Privacy and Civil Liberties Board. The Board has been established to review proposed regulations and Executive Branch policies' effects on civil liberties, particularly related to the War on Terrorism.

Many saw the creation of this board as a promising step in protecting us from terrorism while maintaining the civil rights of everyone. However, more than a year after the legislation was signed into law, the Board has yet to hold its first meeting. As a matter of fact, the first Board members were only approved a year ago. Even more, because the Board is housed within the Office of the President and operates at the behest of the Administration, Congress itself is not able to appropriate $1 for its operation because we never authorized any spending. With no substantive work performed by the Board to date, it's as though the Board only exists in the spirit of the law—not in its letter. If that was Congress's true intent, then the Board might as well only exist on paper, or as an illusion in our minds. But it wasn't, and that's why this legislation is absolutely necessary.

Realize, Mr. Speaker, the most disturbing lack of support for the Board has come from the Administration itself. In the President's budget request for fiscal years 2005 through 2007 and the requests for supplemental funding, there have been no funds requested specifically for Board operations. Zero! Without this funding, the Board cannot even buy a pencil much less develop a plan to accomplish its tasks.

The Administration's failure to fund the office, coupled with the inactivity of the Board, leads one to question the commitment of the Administration to ensuring the protection of privacy and civil liberties. Does the Administration welcome an objective review on civil rights issues regarding its terrorism policies or would it rather govern in a vacuum? Would the President rather operate behind closed doors without questions from, or accountability to, any oversight board? Unchecked policies shrouded in secrecy will do nothing to help this country maintain checks and balances between safety and civil rights.

The bill I am introducing authorizes $3 million in annual funding for the Board so that Congress can do what the President has failed to do. This funding level will ensure that adequate resources are available for sufficient staff and resources to support critical statutorily mandated activities of the Board. This includes reviewing proposed regulations and policies related to countering terrorism, the implementation of laws, regulations and policies related to countering terrorism, and advising the President and department heads on matters impacting privacy and civil liberties.

It's time that we demand that the Administration stop dragging its feet on funding the Privacy and Civil Liberties Board. If civil liberties are of any concern to this body and the President then there is no reason to stall the progress of the Board by denying it the money it needs to get started. I urge my colleagues to support this legislation to fully fund the Privacy and Civil Liberties Board so that it can get about the business of protecting the liberties and security of all Americans.

TRIBUTE TO GEORGE BECKER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. VISCLOSKY. Mr. Speaker I rise today to honor George Becker, a great union leader, great American, and President Emeritus of the United Steelworkers (USW). Not only has George been a dear friend of mine, but to working men and women everywhere. They owe him a debt of gratitude for the years of service he has given not only to the labor movement, but to his country.

Retirement as the USW's International Union President in 2001 did not change his goals nor dim his vision and resolve. He continued his advocacy during his service on the U.S. Trade Deficit Review Commission. He is still fighting in his capacity as Commissioner on the U.S. China Economic and Security Review Commission to give a voice to the concerns of workers in the industries affected by our exploding trade deficit with China.

I am sure my colleagues on the Congressional Steel Caucus will join me in expressing our good fortune to have worked in close association with a man who warned us years ahead of time that the American steel industry was on the brink of collapse after the Asian financial crisis in 1998. It was George Becker's persistence and foresight that created the joint union-industry alliance "Stand Up for Steel" that fought for fair steel trade policies before Congress and two Administrations to bring the relief necessary for the U.S. steel industry to restructure and consolidate.

I remember standing with USW President Becker among hundreds of steelworkers on Capitol Hill who helped win passage of H.R. 975 in the Spring of 1999, a bill I sponsored titled the 'Stop Illegal Steel Trade Act' to impose a freeze on steel imports. The U.S. House of Representatives passed it 289 to 141, but the measure was subsequently defeated in the Senate on a procedural vote.

But the determined President Becker didn't stop fighting to save American steelworkers' jobs and the industry. He supported H.R. 808, the Steel Revitalization Act of 2001, to require a five year rollback of steel imports to pre-crisis levels, while providing assistance for retiree health care costs and establishing a $10 billion loan fund to finance steel industry modernization.

The Steelworkers Union president didn't stop at the legislative door of Congress, leading a national union-industry petition under the U.S. Foreign Trade Act to implement a Section 201 tariff on all steel imports that included a public hearing in my Congressional District of Northwest Indiana by the International Trade Commission. The ITC's investigation demonstrated the need for steel tariffs and President Bush implemented relief in 2002.

George Becker, a second-generation steelworker, rose through the ranks to become the sixth international president of the United Steelworkers (USW). He served seven years as the union's international president, elected in 1993 and 1997. He also was chair of the Labor Advisory Committee for Trade Negotiations and Trade Policy for the U.S. Department of Labor; during the Clinton Administration, he served on the President's Export Council and the U.S. Trade & Environmental Policy Advisory Committee.

He is a respected union organizer and strategist, and an internationally-known spokesman for industrial safety, workers' rights on the job and fair global trade.

Among his major accomplishments are:

Mergers with the United Rubber Workers (URW) in 1995, and the Aluminum, Brick and Glass Workers (ABG) in 1997, bringing 140,000 new members to the USW.

Launching the union's pioneering national Rapid Response Network to mobilize members and their local unions to personally contact their members of Congress and state legislatures with handwritten letters on bread & butter issues.

Establishing a USW Legislative Leadership Program in Washington, D.C., which provides member-activists with training in lobbying and political action.

On February 28, 2001, George Becker joined the ranks of one of the Labor Movement's more formidable legacies. He became only the sixth past President of the United Steelworkers.

Born within a few yards of the Granite City Steel Mill in Illinois where he went to work at age 15, he lived and loved the life of a steelworker from his first day in an open hearth labor gang to the last day he served as International President.

His service to his country included a stint in the U.S. Marines toward the end of World War II and again during the Korean War, when he was drafted into the U.S. Army, owing to a critical shortage of light weapons infantry leaders.

USW President Becker is enjoying his 55th wedding anniversary this year with his wife Jane that began when he met her in the Ozarks of Missouri. They have three married sons and 14 grandchildren.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending George Becker for his outstanding contributions to his union and his country. His commitment to improving the quality of life for working people everywhere is unparalleled, and he should be recognized and commended.

TRIBUTE TO ALLEN R. HUGHES

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American, Allen R. Hughes, who will celebrate his 97th birthday on September 24, 2006.

Allen Hughes was born in Martinsburg, Missouri. His mother Ethel had a wonderful sense of humor and he loved her very deeply. His father William was a street car operator who purchased a 144 acre farm in Fulton, Missouri, which his boys affectionately named "Hughes' Rock Farm" because it appeared to be the main crop. Allen had three sisters and four brothers and the family was of modest means.

Allen Hughes married Florence Mertz in 1930. They were married for 59 years until Florence's death and they had one child Richard, born in 1937.

Allen Hughes is a 32nd degree Mason and has been a Scottish Rite member since 1936, over 69 years. He still goes to Lodge and actively participates in the Masonic Order. Mr. Hughes is a registered Democrat who has been known to occasionally stray from his party. The first time he voted was in the Presidential election of 1932. He cast his vote for FDR all four times and has never missed voting in a Presidential or off-year election since. Mr. Hughes has the highest regard for President Harry S. Truman and a profound respect for the Office of President regardless of who occupies it. His son Richard knows this first hand and has the scars to prove that if you can't say something respectful about the President, you shouldn't say anything at all. A true patriot, he takes the privilege of voting very seriously.

Allen Hughes began his career with the Endicott Johnson Shoe Company and worked as a night supervisor for Bi-State Transit in St. Louis, Missouri for 28 years. He retired in 1971 and now lives with his second wife, Sue Harness, on her farm close to Troy, Missouri.

Allen Hughes' son Richard speaks eloquently about his father; "What I love about my father is his humor, his work ethic (I think he missed less than three weeks of work due to sickness in 46 years), his honesty (his word is his bond), his generosity and his willingness to help others less fortunate than himself, his patriotism . . . he votes, informs himself and loves this country." Richard tells me, "If I could go to the 'Father Store' and pick any father, I would pick Allen R. Hughes."

Mr. Speaker, I ask my colleagues to join me in honoring a national treasure and an exemplary American. As Allen Hughes celebrates his 97th birthday, we extend to him our best wishes as well as our gratitude for all he's done for our country. He is a true patriot, a loving husband and the best father in the world to his great son Richard. Because of solid citizens like Allen Hughes, our democracy is strong and our country is decent.

INCLUDE APPROPRIATIONS FOR LIBERIA

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Ms. SCHAKOWSKY. Mr. Speaker, Ellen Johnson Sirleaf has opened a new chapter in Africa's history as its first female head-of-state. Her election marks a turning point for Liberia, a long-time ally of the United States, which has recently been debilitated by war, corruption, and civil strife. I met with President Sirleaf in Liberia three weeks ago and I know she has the skills and vision it will take to rebuild Liberia and bring hope to its people.

In her inaugural speech, President Sirleaf promised to give Liberian women "prominence in all affairs of our country." The 21st Century could well be the century of the woman, not only in Liberia, but around the world. In the past year, first female heads of state were elected in Liberia, Chile, and Germany, and Finland re-elected its first female president. A recent U.S. poll showed that 92 percent of Americans are ready to elect a female president. But for now, Liberia is a step ahead of the United States.

The U.S. and Liberia have long shared close ties, dating back to 1819, when Congress appropriated $100,000 that helped lead to the founding of the country. The end of Liberia's civil war and President Sirleaf's election present a unique opportunity to maximize the close ties between our countries.

I support Congressman JESSE JACKSON and Chairman JIM CLYBURN's call to include appropriations for Liberia in the President's supplemental request. President Bush has committed to spreading democracy around the world. This is a unique opportunity to build a democracy in a nation that is starting anew. Rewarding Liberia for its democratic progress would send the right signal to other African nations.

President Sirleaf still faces many challenges and will need our support to succeed. Despite its small gross national income, Liberia has $2.56 billion in outstanding international debt. HIV/AIDS is spreading at an increasing rate and 708,000 Liberians, just under a third of the population, receive food assistance each month. U.S. assistance to Liberia has decreased in recent years; it will have to increase for President Sirleaf to meet these humanitarian needs.

President Sirleaf will also need help building democracy. Consolidating the Comprehensive Peace Agreement of 2003 and pursuing transitional justice against war criminals remain immediate priorities. The U.S. should offer its diplomatic backing to encourage other states in the region to help Liberia find resolution.

In her inaugural address, President Sirleaf committed to a new era of democracy, economic renewal, and good governance for Liberia. Upon her second state visit to the United States, we welcome President Sirleaf and offer our support for her mission to lead Liberia to better times.

CONGRATULATING GENEVIEVE AGUILAR

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today in order to honor and congratulate an outstanding young woman in my district who has recently been recognized as one of the top youth volunteers in Colorado for 2006. Genevieve Aguilar of Boulder was recently honored as a Distinguished Finalist for the 11th Annual Prudential Spirit of Community Award, an honor bestowed on the most active and dedicated young volunteers in the state.

Genevieve was honored this year for her work as a tutor and mentor for young Hispanic students. At the age of seventeen, this young woman finds the time to teach other students organizational and study skills so that they can achieve success in high school and beyond. This selflessness is made all the more remarkable by the fact that Genevieve is making her way through Boulder High School herself and undoubtedly faces all of the same pressures that every other student faces. Despite these pressures, and through her steady devotion to her community and her fellow students, Genevieve is able to teach us all a lesson in humanity, service, and volunteerism.

The Prudential Spirit of Community Awards were designed to "emphasize the importance our nation places on service to others, and to encourage young Americans of all backgrounds to contribute to their communities." I can think of no better way to honor the work that Genevieve has done to help her fellow students learn and grow, and I am sure that her example serves to inspire those students to give back to their communities in kind. I look forward to seeing what Genevieve Aguilar accomplishes in the future, and I ask my colleagues to join me in recognizing and honoring her accomplishments.

A TRIBUTE TO HELEN JORDAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Helen Jordan, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Helen Jordan has been a MSW caseworker that counseled substance-abusing mothers, an administrative supervisor and a Program Director at the New York Urban League's child welfare programs. For almost twenty years, she has worked with and for the families in East Flatbush, East New York and Brownsville communities of Brooklyn. The New York Urban League's mission ". . . to promote opportunities and to help African Americans, individuals, families and communities achieve their full potential . . ." is the mission that Helen has adopted for herself.

Born in New York City, 75 years ago, to Addie and Pearlie Thomas of South Carolina, Helen is the oldest of three children. Her father and mother, janitors for various Harlem tenements, taught Helen that education was the key to liberation and she never let go of the vision of a college education. Helen earned a Bachelor's degree in Social Welfare and a Master's degree in Social Work at Adelphi University's School of Social Work after she had married Eugene Jordan and their four children Stephanie, Eugene III, Vance and Kevin, were adults. She has 10 grandchildren and two great-grandchildren. A Licensed Clinical Social Worker, she thinks that no one should ever stop learning. Helen still attends conferences and workshops related to her work. God has worked many wonders in her life including the privilege of being the Program Director at Service to Families and the Chairperson of the Brownsville-East New York Child Welfare Neighborhood Network and she gives Him all the praise and honor. She is a member of the Greater Allen Cathedral in Jamaica, NY.

Helen has had memberships in several organizations that advocate for children and families to be the very best that they can be such as The Black Task Force on Child Abuse and Neglect, which educated communities and organizations about the results of child abuse and neglect; National Association of Social Workers; National Association of Black Social Workers; National Black Child Development Institute, an organization that educates educators about the importance of a child's education; Coalition of Brooklyn Program Directors; New York Foster Care Reform Initiative, an organization that seeks to transform the educational training of foster care parents; African American Task Force Against Violence Towards Women; Neighborhood Family Services Coalition; and the Institute for Community Living, Inc.'s Neighborhood Advisory Board. She is also a member of the 369th Kermit Drowery Ladies Auxiliary.

"Giving back" is very important to Helen. She has been a field instructor and a faculty advisor to many social work students at various graduate schools. She has also been an adjunct professor at Adelphi University's School of Social Work's Manhattan Center.

At 75 years of age, Helen says that although there is a lot of work being done to improve the lives of our children and their families, there is still so much more work to be done, that she has no idea when she will retire.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Helen Jordan, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Helen Jordan's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

TRIBUTE TO NATIONAL KIDNEY MONTH

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. McDERMOTT. Mr. Speaker, as Congress recognizes National Kidney Month, I join my colleagues in their efforts to increase awareness about the devastating effects of kidney disease. More than 400,000 Americans must receive life-saving dialysis three to four times each week because their kidneys have failed. In addition, more than 20 million citizens have chronic kidney disease, which is the precursor to kidney failure. Patients with kidney disease experience a gradual deterioration of kidney function that eventually progresses to kidney failure. Patients may live with the disease 10 or more years without outward symptoms before their kidneys fail. Once a patient develops kidney failure, his or her kidney function is so low that without dialysis or kidney transplantation death will occur from accumulation of fluids and waste products in the body.

Recognizing the need to educate my colleagues on kidney disease, I founded and cochair the Congressional Kidney Caucus with my colleague Representative MARK STEVEN KIRK. Members of the Kidney Caucus are especially concerned about the growing prevalence of this disease.

Mr. Speaker, the leading causes of this disease is diabetes and high blood pressure, which as you are no doubt aware also disproportionately affect African Americans and Latino Americans. Given that early kidney disease has no symptoms, most people do not realize that their kidneys are about to fail. Therefore, it is critically important to increase awareness of the dangers of kidney disease, especially among the African American and Latino American communities. Individuals with high blood pressure and diabetes should ask their doctors to run simple blood and urine tests that can detect kidney disease.

If treated early, individuals with kidney disease will experience an improved quality of life and be able to maintain more daily life activities, including keeping their jobs. In addition, preventing kidney failure and improving care will result in substantial savings for the taxpayer.

I applaud the efforts of my colleagues to raise awareness about this important issue and to show support for Americans living with kidney disease. We must act now to help Americans learn more about this deadly disease and how to prevent its development and progression to kidney failure.

A TRIBUTE TO SHIRLEY ANN McRAE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Shirley Ann McRae, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Shirley Ann McRae earned her Bachelor's degree in Organizational Management from Nyack College. She also earned Advanced Certificates in Labor Relations from Cornell University's New York State School of Industrial and Labor Relations. Prior to retirement, Ms. McRae worked for MTA's New York City Transit. She was the Senior Director of Employee Programs and Registrations within the Employee Development Unit of the Office of Human Resources.

Shirley Ann McRae is passionate about community service. She has gone above and beyond the call of duty. Since 1996, Ms. McRae has been an active member of Brooklyn Community Board #2; serving as Chairperson of the Board for the last 4 years. Preceding her appointment to Chairperson of the Board, Ms. McRae was involved in many community board committees including a leadership position as Chairperson of the Open Space Subcommittee.

Ms. McRae currently serves on the board of directors for the Brooklyn Bridge Park Coalition and was also on the executive board of directors of the Atlantic Center Homeowner's Association since its creation and acted as the board's president for the last 6 years. Ms. McRae is a member of the Fort Greene Association, the Central Fulton Street Business Improvement District Steering Committee, the Community Action Board representing Region #10—Brooklyn Neighborhood Development Areas 1, 2, and 4.

A patron of the arts, Ms. McRae also serves on the board of directors for the Brooklyn Academy of Music Local Development Corporation and the Creative Outlet Dance Theatre of Brooklyn.

Shirley Ann McRae continues to give wholeheartedly to the Brooklyn community. Her dedication and time given to our community are a phenomenal achievement. She has truly made a strong positive impact and for that I ask that we recognize and give thanks to Shirley Ann McRae for her wonderful contribution to our community.

Mr. Speaker, please join our community in honoring Shirley Ann McRae for her dedication and outstanding service to our community.

A TRIBUTE TO MERCEDES DESORMEAUX NARCISSE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Mercedes Desormeaux Narcisse, Esq., a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Mercedes Desormeaux Narcisse was born in Haiti and moved to Brooklyn as a teenager. From high school on, Ms. Desormeaux Narcisse was completely educated in New York. Growing up, she attended South Shore High, Tilden High, New York City Technical College and St. Joseph College.

Ms. Desormeaux Narcisse is currently the CEO and owner of Statewide Medical and Surgical Supplies Inc., located in the heart of Brooklyn. Preceding her exceptional accomplishments at Statewide, she was in charge of medical and surgical supplies for over 10 years. In addition, Ms. Desormeaux Narcisse is a registered Nurse and worked in the profession of home care, emergency room/trauma, neurology, and renal/oncology for over 15 years. In that time she was employed at several major hospitals in Queens and Brooklyn.

Ms. Desormeaux Narcisse holds extensive certificates for Orthotic fitting, ACLS, Chemotherapy, Peritoneal Dialysis, HIV Therapy, Wound Care, Infection Control and non-violent crisis intervention.

Mercedes Desormeaux Narcisse is an active participant in the community. She is currently president of the 41st Assembly District Democratic Club, which she has been a member of for the last five years. Ms. Desormeaux Narcisse is also President of Canarsie by Choice and has played a vital role in revitalizing the Avenue L Merchant Association. Additionally she sits on various boards and committees including Community Board 18, the Lions Club, Canarsie Bridges and the Brooklyn Chamber of Commerce. Of particular importance to Ms. Desormeaux Narcisse is her local "Toys for Tots" chapter called "Brooklyn Toys for Tots." Working closely with New York City Councilman, Lew Fidler, and his Chief of Staff, Bryan Lee, at the 41st Assembly District Democratic Club, the Brooklyn Toys for Tots collected over 1,700 toys for the area's less fortunate children.

Ms. Desormeaux Narcisse's actions have not gone without recognition in the community. In 2005, the Friends of New York City Assemblyman, Nick Perry, honored Ms. Desormeaux Narcisse for her outstanding service to the community. Ms. Patricia Trim and her "Trim for Tots" organization also honored Ms. Desormeaux Narcisse for her continuing work in the community and continuing to "work in making life easier for underprivileged kids."

Mercedes Desormeaux Narcisse has played the role of loving mother, caring nurse, successful businesswoman and compassionate community member. Her vivacious and affectionate character has won the hearts of many. Today, we applaud Ms. Desormeaux Narcisse for her devoted and unselfish character. Her commitment and empathy for our community is above and beyond and for that I ask that we recognize this phenomenal woman today.

Mr. Speaker, please join our community in honoring Mercedes Desormeaux Narcisse for her dedication and outstanding service to our community.

A TRIBUTE TO DR. MANANA PETROV

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Dr. Manana Petrov, a distinguished member of the Brooklyn community. I am honored to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Dr. Manana Petrov was born in the former Soviet Union during the height of the Cold War. Upon graduation from high school, Dr. Petrov enrolled in Rostov Medical Institute. When Dr. Petrov's family was forced to move to the Georgia Republic, she transferred and graduated from the Tbilisi Medical Institute. Dr. Petrov worked as a physician in the former Soviet Union until she, her husband and her daughter immigrated to the United States. Driven by the need to put food on the table, Dr. Petrov passed all of her medical exams within a year of immigrating to the U.S. Following the completion of her medical exams, Dr. Petrov began her residency at the Brooklyn Hospital working tirelessly to support her family.

In 1997, Dr. Petrov successfully passed her licensing exam and is currently Double-Board Certified in Internal Medicine and Hospice and Palliative Care. She has been serving as the attending physician at Brooklyn Hospital for the last 9 years. During her time at Brooklyn Hospital, Dr. Petrov has served as an outstanding role model for aspiring doctors and was nominated as the "Best Teaching Attending." Additionally, in 2000, she was appointed Medical Director of Hospice of New York and in 2003, she was named the Assistant Professor of Clinical Medicine at the Brooklyn Hospice Center. Also in 2003, Dr. Petrov opened her own practice in Brooklyn, NY and is faithfully serving her patients to this day. Dr. Petrov has also worked for the last 5 years as an Associate Program Director in an Internal Medicine Program and boasts two publications in medical journals.

Dr. Manana Petrov is an inspiration to not only those in the medical profession, but to our entire community. She has overcome numerous obstacles to realize her dream of becoming a doctor. Dr. Manana Petrov encompasses the true identity of a role model in today's society and for that I ask that we applaud her accomplishments and contribution to our community.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Dr. Manana Petrov, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Dr. Manana Petrov's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

Mr. Speaker, please join our community in honoring Dr. Manana Petrov for her dedication and outstanding service to our community.

HONORING THE LIFE OF BRIAN J. SCHOFF

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to pay my respects to Corporal Brian J. Schoff for his service to a grateful nation. Corporal Schoff may have given his life in defense of his country, but his soul and spirit will live on to the many who knew him. During a funeral procession in Manchester, Tennessee hundreds of people stood outside their homes and along the road to honor their fallen soldier.

Corporal Schoff, a member of 2nd Battalion, 506th Infantry Regiment, 4th Brigade Combat Team, 101st Airborne Division, was awarded a posthumous promotion from Private First Class to Corporal, a Purple Heart, the Bronze Star, and Good Conduct Medal for his service.

While I didn't know Corporal Schoff personally, I do know the quality of our soldiers serving in Iraq, Afghanistan, and around the globe. They are caring, patriotic, God-fearing men and women. I wish to extend my heartfelt appreciation to Brian Schoff for his selfless sacrifice. May he live on in eternal happiness with his Lord in heaven.

Corporal Schoff is survived by his father, Brian L. Schoff; his mother, Cathy Odle; his stepfather, Kenneth Odle; stepsisters, Alicia Burgess and LaDawn Mauk; stepmother, Debra Schoff; and his half-sister, Brianna Schoff.

A TRIBUTE TO ROBIN KELLY SHEARES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Robin Kelly Sheares, Esq., a distinguished member of the Brooklyn community. Robin Sheares was born in Harlem to the late Gloria and Herman Sheares. At the tender age of 6, her family moved to Bedford-Stuyvesant and ever since she has been a member of the Brooklyn community.

A proud graduate of the public school system, Robin has been an attorney for nearly 20 years. She is experienced in housing, criminal and civil law. In her nearly 20 years as an attorney, she has been an administrative law judge, an instructor, as well as an arbitrator. She is active in Brooklyn, working with community-based organizations, religious institutions, and youth mentoring groups.

Robin Kelly Sheares is an active member of the Wayside Baptist Church and her Block Association. At Wayside, she works closely with the Sunday School and Youth Ministry. Robin's other memberships include, but are not limited to, the Metropolitan Black Bar Association, the Brooklyn Women's Bar Association and the Brownstoners of Bedford-Stuyvesant, Inc.

Robin has been dedicated to the Noel Pointer Foundation and the New York Road Runner's Club. Robin is often called upon as a guest lecturer and career day speaker. She has even addressed students at her alma maters, Public School 309 and Junior High School 57. Although, Robin has no biological children, she has nurtured a number of youth and is a strong advocate for children and parents rights as evident by her work with the Brownstoners's Education Task Force and her alma maters: Brooklyn Technical High School and Ithaca College.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Robin Kelly Sheares, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Robin Kelly Sheares' selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

INTRODUCTION OF THE DISTRICT OF COLUMBIA HATCH ACT REFORM ACT OF 2006

HON. ELEANOR HOLMES NORTON

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Ms. NORTON. Mr. Speaker, with Government Reform Committee Chairman TOM DAVIS, I am introducing the District of Columbia Hatch Act Reform Act of 2006 to eliminate the discriminatory treatment of the District of Columbia under the federal Hatch Act. This bill would retain federal Hatch Act authority concerning prohibited partisan and political activity that applies to every state because of the receipt of federal funds and importantly, would require the District to enact its own local version of the Hatch Act barring similar local violations, to become effective. Such a bill would, of course, automatically be held over for Congressional review for 30 legislative days as required by the Home Rule Act, typically affording several months before a District law may become effective, more than ample time for review and compliance with this bill. The House recognized that the present federal Hatch Act jurisdiction over D.C. was obsolete by removing this federal responsibility several years ago, but the Senate failed to act accordingly. Local Hatch Act violations in the District are rare, but the District needs its own Hatch Act to fully account and be responsible for local violations, with which a local objective body would be most familiar and should bear the cost of alleged violations.

This bill will leave in place the federal Hatch Act restrictions on the use of official authority as it relates to elections; the solicitation, acceptance, or receiving of political campaign contributions; and the prohibitions on running for public office in partisan elections and the use of on-duty time and resources to engage in partisan campaign. activity. My bill would remove only the federal Hatch Act jurisdiction that applies solely to the District of Columbia and would require the District to have its own local Hatch Act, like every other jurisdiction, instead of requiring the Office of Personnel Management and its Special Counsel to spend time on investigation, fact-finding and judgment of unfamiliar local matters. The District will bear this local responsibility and a dual inequity—denigration of local government at the expense of the federal government—would end.

A TRIBUTE TO KIM BEST SIMMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Kim Best Simms.

Kim Best Simms, the eldest child of Albert and the late Martha Best, has actively served our community for many years. She began serving the community via the Bedford-Stuyvesant Restoration Corporation. While serving at the Corporation, she worked in the community outreach centers where she conducted blood pressure checks and audio screenings, provided housing assistance and employment referrals and helped coordinate community outreach projects. She has received numerous awards including the Special Congressional Award, City Council Citation Award, State Senator Velmanette Montgomery Outstanding Community Service Award, Appreciation Award, NYC Sanitation Achievement Award, and the 79th Precinct Council Outstanding Community Service Award:

Kim Best Simms has been employed with the Department of Sanitation for many years. She is currently a Staff Analyst with the Department of Sanitation and has served in various capacities. In addition, she has also worked for the New York State Department of Mental Health for 13 years. She is a very talented individual with expertise in mortgage financing underwriting, real estate, and secretarial/computer technology, mental health, purchasing procurement, analytical, loan auditing, and management. She has certifications/licenses/degrees in the following areas: Contract Administration, Information Technology, Computer Technology, Specification Writing, Price & Cost Analysis, Real Estate, Guardian and Court Evaluation, AMAP, Foster Parenting, Royal Business College, OES, Amaranth, Citizens Police Academy, Procurement Planning and Management, and National Mortgage Underwriting.

As a Community Advocate, she loves working with people and serving her community. She especially enjoys mentoring teenagers as well as nurturing children. A devoted parishioner of St. Gregory's Church in Brooklyn, Kim is devoted to her church family and excellently serves the community via the church.

Mr. Speaker, Kim Best Simms is an outstanding leader and pillar of our community and most deserving of this tribute.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 16, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 17

9 a.m.
Judiciary
Business meeting to consider pending calendar business.
S–207, Capitol

MARCH 28

9 a.m.
Judiciary
To resume closed hearings to examine war time executive power and the FISA Court; to be followed by an open session.
SH–219

9:30 a.m.
Indian Affairs
To hold hearings to examine the settlement of Cobell v. Norton.
SR–485

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Federal Aviation Administration budget and the long term viability of the Aviation Trust Fund.
SD–562

Health, Education, Labor, and Pensions
Bioterrorism and Public Health Preparedness Subcommittee
To hold hearings to examine public health infrastructure.
SD–430

Appropriations
Energy and Water Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for Bureau of Reclamation.
SD–138

2:30 p.m.
Judiciary
To hold hearings to examine judicial nominations.
SD–226

Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine offshore aquaculture.
SD–562

Health, Education, Labor, and Pensions
Retirement Security and Aging Subcommittee
To hold hearings to examine Older Americans Act.
SD–430

MARCH 29

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine U.S. nonproliferation strategy and the roles and missions of the Department of Defense and the Department of Energy in nonproliferation in review of the defense authorization request for fiscal year 2007 and the future years defense program.
SR–222

Indian Affairs
Business meeting to consider pending calendar business.
SR–485

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine the importance of basic research to United States' competitiveness.
SD–562

2 p.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine state regulation of violent video games and the first amendment.
SD–226

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine missile defense programs in review of the defense authorization request for fiscal year 2007.
SR–222

MARCH 30

10 a.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold an oversight hearing to examine National Polar-Orbiting Operational Environmental Satellite System.
SD–562

Appropriations
Energy and Water Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for Ycca Mountain/EM/Office of Safeguards and Security.
SD–138

Veterans' Affairs
To hold hearings to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, the AMVETS, the American Ex-Prisoners of War, and the Vietnam Veterans of America.
SD–106

2 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine reserve component personnel policies in review of the defense authorization request for fiscal year 2007.
SD–106

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine competition and convergence.
SD–562

Energy and Natural Resources
Water and Power Subcommittee

To hold hearings to examine S. 1577, to facilitate the transfer of Spearfish Hydroelectric Plant Number 1 to the city of Spearfish, South Dakota, S. 1962 and H.R. 4000, bills to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, S. 2028, to provide for the reinstatement of a license for a certain Federal Energy Regulatory Commission project, S. 2035, to extend the time required for construction of a hydroelectric project in the State of Idaho, S. 2054, to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont, S. 2205, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and H.R. 3812, to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River.

SD–366

APRIL 4

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee

To hold hearings to examine Federal Aviation Administration funding options.

SD–562

APRIL 5

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee

To hold hearings to examine Department of Defense's role in combating terrorism in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session.

SR–222

Indian Affairs

To hold hearings to examine the problem of methamphetamine in Indian country.

SR–485

10:30 a.m.
Appropriations
Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Sergeant at Arms and U.S. Capitol Police Board.

SD–138

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee

To hold hearings to examine the 2005 wildfire season and the Federal land management agencies' preparations for the 2006 wildfire season.

SD–366

3 p.m.
Armed Services
Readiness and Management Support Subcommittee

To hold hearings to examine improving contractor incentives in review of the defense authorization request for fiscal year 2007.

SR–222

APRIL 6

10 a.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee

To hold hearings to examine offshore aquaculture, focusing on current proposals to regulate offshore aquaculture operations, discuss research in this field being conducted off the coasts of New England and Hawaii, and the impacts that expanded aquaculture operations would have on fishermen, seafood processors, and consumers.

SD–562

3:30 p.m.
Armed Services
Strategic Forces Subcommittee

To hold hearings to examine military space programs in review of the defense authorization request for fiscal year 2007.

SR–222

APRIL 26

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine fostering innovation in math and science education.

Room to be announced

10:30 a.m.
Appropriations
Legislative Branch Subcommittee

To resume hearings to examine the progress of construction on the Capitol Visitor Center.

SD–138

MAY 3

10:30 a.m.
Appropriations
Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.

SD–138

MAY 17

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine accelerating the adoption of health information technology.

Room to be announced

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee

To resume hearings to examine the progress of construction on the Capitol Visitor Center.

SD–138

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine alternative energy technologies.

Room to be announced

HOUSE OF REPRESENTATIVES—*Thursday, March 16, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
March 16, 2006.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, how poignant is the Pentateuch story when the father-in-law of Moses boldly approaches the great lawgiver and says:

"You are not acting wisely. You will surely wear yourself out, not only yourself but also the people around you. The task is too heavy for you. You cannot do it alone.

"Now listen to me, and I will give you some advice that God may be with you. Act as the people's representative before God, bringing to God whatever they have to say."

Then his father-in-law outlines for Moses how he is to delegate his work of overseeing and communicating with the people. He tells Moses to select "God-fearing and trustworthy helpers who hate dishonest gain for themselves. Moses is to form them into a pyramid of dialogue and decision-making that will reach down to the weakest voices in the community.

"Moses followed the advice of his father-in-law and did exactly what he said."

Lord God, help our brothers and sisters in Congress to go and do likewise, seeking "not to be served but to serve" in Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. MCHENRY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCHENRY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain requests for 10 one-minute speeches on each side.

CHILD PORNOGRAPHY STING

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Madam Speaker, let me commend the administration, particularly Attorney General Alberto Gonzales, for his investigation that has busted a ring of 27 charged in a child pornography sting. Images traded worldwide on Internet chat room, despicable, disgusting, disgraceful conduct. Agents from the Justice Department, U.S. Immigration and Customs Enforcement and law enforcement authorities in several countries participated in this sting.

This is disturbing news about pedophilia at the youngest, youngest age of children and victims. I urge the Senate to take up the House bill that was sent over in messages to help us rid this society of the scourge of child pornography, sexual exploitation, child molestation and finally get tough with the people that commit these heinous crimes against our most vulnerable. We have sent it overwhelmingly by voice vote to the other Chamber.

I urge Senator FRIST to bring his Chamber together to pass this vital legislation so we can continue to crack down on these monsters.

HUMAN HEALTH IN THE WORLD

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, yesterday we heard the new president of Liberia. Her Excellency Ellen Johnson Sirleaf, discuss the challenge her country faces from the greatest threat to human health in the world. It wasn't AIDS, tuberculosis, even the people shot and bombed in armed conflict. It was the needless death from waterborne disease. It is why one half the people who are sick today are ill. It has claimed more lives than all the wars in human history.

Today we start the World Water Forum in Mexico City. Currently, the State Department is at work preparing a plan for the United States to meet its commitment to safe drinking water and sanitation around the world. I hope our Congress reflects upon our responsibility to prevent this needless death, and that we step up to adequately fund these important programs in our foreign aid budget.

SOLUTIONS TO THE IMMIGRATION PROBLEM

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Madam Speaker, I am here to talk about border security solutions. I recently spent a week along the Mexican-California border to see firsthand how bad the problem of illegal immigration is, and, more importantly, what Congress can do to fix it. So how do we fix the problem?

First, we need to crack down on employers who knowingly hire illegal workers. Jobs are the magnet drawing illegal aliens across the border.

Second, we need to complete construction of the double fence for 700 miles along the border near populated urban areas. It worked in San Diego.

Third, where mountains and rugged terrain make completion of a double fence impossible, we need to have a virtual fence which consists of infrared cameras that enable agents to see the entire border.

Finally, we need more Border Patrol agents. Although Congress has already tripled the number of Border Patrol agents since the late 1980s, more are still needed. Madam Speaker, the House recently passed a tough border security bill that implements these solutions. I urge the Senate to act now.

NEED TO EXTEND RX DRUG DEADLINE

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Madam Speaker, America's seniors are looking for some relief with the high cost of prescription drugs. The vast majority of seniors remain skeptical that the new Republican prescription drug plan will work for them, and therefore, many have not signed up and refuse to.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Congressional Republicans and the Bush administration did not only make this plan confusing to understand, but they also included a provision that will financially penalize seniors if they don't sign up for the plan by May 15. While most Democrats would rather replace the plan for a simpler one within the Medicare system, we do not want to see seniors penalized any further.

Without a deadline extension, seniors will encounter a 1 percent increase on their premiums for every month after they wait to sign up after the May 15 deadline. Since seniors would not be able to begin coverage after the deadline until January of next year, seniors would encounter a 7 percent Bush Medicare tax that would stay with them the rest of their lives.

This is simply not fair. Seniors are already having to pay enough for their prescription drugs. Mr. President, you have 2 months to change your mind. Don't punish our seniors, Mr. President.

COYOTE VS. COYOTE

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, the Old West shootouts continue in Texas. The border war has moved from the rural vastness and wide open spaces of the Rio Grande River to the big city.

Gunfire in the fourth largest city in America occurred this week in urban Houston. A blazing gun battle ensued between rival human smugglers, or coyotes, as we call them, fighting over turf. The outlaws were fighting over the precious cargo of illegal aliens. After the bullets stopped, 21 people were arrested.

The Houston Chronicle reports, the battle for human cargo occurred at a drop house where illegals are stored. "They are held until relatives pay the ransom to set them loose in America," according to officials.

It is reported the fees coyotes charge for smuggling individuals is anywhere from $1,500 to $70,000. Criminals make a profit off of illegals who unlawfully enter the United States. Agents report there is more money in smuggling illegals into the United States than smuggling drugs.

Until America secures the open southern border with Mexico, the lawlessness on the border will spread and breed more lawlessness in urban Americans. Americans and our government must have the moral will to protect the sovereignty of this Nation. And that's just the way it is.

REPUBLICAN DRUG BILL: DRUG COMPANY PROFITS BEFORE AMERICA'S HEALTH

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, the confusing and complicated Republican prescription drug plan will penalize seniors forever if they do not pick a plan by May 15. Unless the administration or Congress acts, 2 months from today, seniors will face a Bush prescription drug tax that will be added to their prescription drug premiums. We simply cannot allow this tax to take effect.

President Bush was in New York this week conceding a lot of problems with the drug plan so far. However, the President refuses to extend the deadline for seniors to sign up. If he doesn't change his mind, Congress must act.

Seniors are only looking for help for these skyrocketing prescription drug prices. They didn't ask for this confusing drug plan, nor is it to help them. But they need the help. This is both a critical health and financial decision for seniors who rely on prescription drugs to be healthier.

Democrats have a plan that would extend the drug enrollment period and eliminate penalties to the end of this year. It is time for us to join together and save American seniors a prescription drug tax that they cannot afford and simply do not deserve.

CONTRASTING ESTONIAN PRESIDENT MERI TO BELARUS DICTATOR LUKASHENKO

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, I have time to speak about the death and passing of President Meri from Estonia who died Tuesday in his sleep. Deported to Siberia at the age of 12, he worked as a lumberman, a potato farmer. He got back to Estonia, graduated as a professor of history cum laude, was not allowed by the Soviets to practice that profession, became a playwright, was involved in the "Singing Revolution" and became the second president of the country of Estonia.

This is in contrast to the dictator Lukashenko, who as of today, has blocked European election monitors, has thrown out eight Scandinavians for doing polling, and has again arrested Alexander Milinkevich for campaign activities.

President Meri will be able to rest and sleep in a free, sovereign, democratic Estonia, while dictator Alexander Lukashenko will just have sleepless nights by depriving his country of freedom and democracy.

PAYING TRIBUTE TO THE WONDERFUL PEOPLE OF ITALY

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Madam Speaker, today I pay tribute along with my dear friend and colleague, Representative HENRY HYDE, to the wonderful people of Italy.

In the hours and days following the horrific terrorist attacks of September 11, hundreds of thousands of Italians rallied in Rome in sympathy with and in support of America.

Prime Minister Berlusconi visited the United States and in his public statements expressed these same sentiments. He rightly stated that these attacks were attacks against all nations.

A great honor bestowed upon visiting heads of states to the U.S. is the opportunity to speak before a joint session of Congress. During that appearance, he emphasized goals we all share: promoting democracy and protecting human rights. He called for continuation of the global efforts to fight terrorism.

Italy is a great ally of the United States, and I believe we should continue efforts to bring the people of both nations closer together.

As the representative for thousands of Italian Americans, I know, as they do, that our society has benefited strongly from the many contributions made by this vibrant community.

PROVIDING HEALTH INSURANCE COVERAGE TO SMALL BUSINESSES

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Madam Speaker, I represent New York's Hudson Valley, where small businesses are absolutely critical to our local economy. Our local small business owners and self-employed workers have repeatedly confirmed to me that the recent tax cuts are working and helping our small businesses create new jobs in our communities. But they also tell me time and again that one of the toughest challenges they face is being able to have affordable health care coverage for themselves and their workers.

This is frustrating, because we have passed the Small Business Health Fairness Act in the House to address this very problem, yet the politics of obstruction in the other body have kept the bill from passing into law.

Solving the problem of America's uninsured begins with helping small businesses. The facts are clear: Six out of 10 small businesses don't offer health insurance because they can't afford the high costs on their own in the private market.

The Small Business Health Fairness Act would provide them with lower costs, giving them the same group health insurance purchasing power already utilized by unions and large corporations. It will give 8 million currently uninsured small business workers the affordable health insurance they need.

Let us work with the other body to give small businesses on Main Street the same health insurance coverage as large firms on Wall Street.

CONGRESS MUST STEP IN TO EXTEND DEADLINE ON MEDICARE PRESCRIPTION DRUG PLAN REGISTRATION

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, if the Bush administration does not act within the next 2 months, seniors who sign up for the Medicare prescription drug plan will be severely penalized. In less than 60 days, seniors who have not yet signed up for the plan will face a Bush Medicare drug tax for the rest of their lives.

The President has shown no interest in extending this arbitrary deadline. If the President won't act, Congress must.

House Democrats did not support this debacle of a prescription drug plan, but we don't want to see seniors penalized because the Republicans voted to create a confusing plan that most seniors believe won't work. Seniors need more time to make the right decision. They are understandably confused.

If the President won't act, House Republicans must join us in extending the deadline for seniors to sign up for the new drug plan. Democrats have introduced legislation that would give seniors 6 additional months to decide on the best plan for them. What is fair is fair. We simply cannot allow the Bush Medicare drug tax to take effect.

□ 1015

A BUILDING BLOCK IN OUR RELATIONSHIP WITH INDIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, today we will witness another important building block in the development of the strategic partnership between the United States and India.

By introduction of bipartisan legislation to amend the Atomic Energy Act, Congress will begin the important process of authorizing peaceful nuclear cooperation between two great democracies that share similar values of goals and hopes for the future.

While the title of this agreement focuses on nuclear cooperation, the scope of this proposal reaches far beyond nuclear issues. Improved strategic relations with India will promote nonproliferation, will increase our energy independence, will provide environmental protection, strengthen our national security, and create thousands of new jobs for American workers.

As the global economy becomes increasingly competitive and the threat of terrorism endangers all free nations, America faces a historic opportunity with our friend, India. Our countries should take advantage of this unique chance to deliver tremendous mutual benefits to both Indian and American families.

In conclusion, God bless our troops, and we will never forget September 11.

THE PRESIDENT'S BUDGET AND EDUCATION CUTS

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, at the beginning of the 21st century, America stands as the greatest economic and military power in the history of the world. We have been blessed with tremendous resources, wonderful natural resources. But the most precious of all of our resources is the human potential of America's workforce.

But we have to sustain the investment in that potential. Today, half of our students will not graduate from high school. And here we have a budget proposed by the President that has some of the deepest, most dangerous cuts ever proposed, eliminating vocational education, eliminating 36 other programs designed to help teachers and students, cutting billions of dollars from college student loan programs.

In fact, 3.7 million children will not even get the reading and math help they were promised under the Leave No Child Behind Act. This is not going to sustain our economic power, Madam Speaker. It undermines our economic strength, and, in fact, it is bound to shortchange our children's future.

EMBRYONIC STEM CELL RESEARCH AND THE EXPLOITATION OF WOMEN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, the demise of once-renowned South Korean embryonic stem cell researcher, Hwang Woo-Suk, has been well publicized. Once the darling of the research community, Dr. Hwang has since been disgraced, his research exposed as fraudulent, his methodologies shown to be unethical.

The fact that Dr. Hwang fabricated much of his research made big headlines. What was less noted, though, was that he coerced female members of his research team to donate their eggs for experimentation. This brought attention to a relatively unknown fact about embryo research.

It requires an enormous amount of human eggs, and the likelihood of women being exploited is great. This issue has brought together a coalition of pro-choice and pro-life women who are taking a stand against the exploitation of women by the biotech industry.

They point out that the egg extraction techniques required for this research can lead to infertility and even death. They are right to take such a stand against such exploitation, and we ought to stand with them.

PRESIDENT BUSH NEEDS TO SHAKE UP THE WHITE HOUSE

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, how low do the President's poll numbers have to go until he finally realizes that it is time to make some changes in his administration? Either he is to blame for all of the incompetence that we have seen out of the White House over the last couple of years, or he finds it a perfectly acceptable attribute in his key advisors.

With the ever-increasing violence in Iraq, it simply defies logic why Defense Secretary Rumsfeld still has a job. How many mistakes does Rumsfeld have to make before President Bush says enough is enough?

Then there is Secretary Chertoff. The White House can blame Michael Brown all they want for a tragically slow and inadequate response to Hurricane Katrina, but a lot of the blame should be pointed right at the man in charge, Secretary Chertoff, who as of yesterday put a lot of the evacuees out on the street. And he still remains on the job.

Then there are the Under Secretaries who signed off on a deal that handed over operations of six U.S. ports to a foreign nation. Imagine that, outsourcing our homeland security to another nation. It is time for changes. Madam Speaker.

TRUST THE SENIORS ON MEDICARE

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, today we are just 60 days away from the deadline for seniors to sign up for the new Medicare part D prescription drug plan. This plan is giving seniors choices for prescription drug coverage that will cost less while offering more benefits.

Millions of seniors who were without access to drugs are now getting them.

and many are saving thousands of dollars a year. In fact, the typical senior could see his or her total drug expenses drop by nearly 50 percent.

Those with limited income and resources could have nearly no expenses at all. It is a real shame that Democrats are trying to scare seniors away from enrolling in this program by saying it is complicated and confusing.

Fortunately, their attempts to sabotage the program are failing. According to a recent article in The Washington Post, 80 percent of senior citizens polled say they had no trouble signing up for or using the Medicare prescription drug plan.

Another poll conducted last week by Ayres. McHenry & Associates shows that 60 percent of seniors said that they were saving money by using the program. Madam Speaker. I trust the positive feedback from the actual folks using the program much more than the negative rhetoric of Democrats trying to turn this into a political issue.

A NATION PERMANENTLY AT WAR

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker. 3 years ago the Bush administration spoke to a doctrine of preemption that formed the basis for the United States' attack on Iraq. Three years later, Americans finally know there were no weapons of mass destruction, Iraq did not have the intention or the capability of attacking the United States; that Iraq, in effect, was not in a position to attack us.

Now the American people know what a shambles the Bush administration's policy was in Iraq. Yesterday, the administration now identifies Iran as the top threat. and states again that we have the right to preemptively attack any country. Are we here on the threshold of permanent warfare. where the administration can keep naming enemies, and the American taxpayers with their sons' and daughters' blood have to keep paying for wars that we should not get into?

We should not only vote against this supplemental appropriation, we should start to call into question the administration's entire international policy. They are setting America against the world, and we are paying for it every day.

THE LACK OF A DEMOCRATIC PLAN

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Madam Speaker. a once great party left with nothing. nothing but a nifty little slogan. and that slogan is, "We can do better." Madam Speaker. that is the Democrat Party here in Washington, DC.

It was announced in the press in October that they were going to come out with their great agenda in November. November came and went, they had nothing.

In January they said, that is going to be the time we are going to lay out our agenda, our positive agenda for America. January came and went.

Twice more they set dates to roll out their agenda, but nothing. They got nothing except this nifty little phrase. "We can do better." It is a sad state of affairs when they have no agenda, no ideas. All they have is negative attacks. partisan attacks here in Washington. We need more, and we. the Republicans, can do better.

SUPPORT THE FUNDING FOR FIXING TEXAS LEVEES

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Madam Speaker. the lives and livelihood of tens of thousands of Texans in a major hurricane zone are at risk because of defective federal levees that only the federal government can repair.

I am here to ask that on the third vote this morning. our colleagues support an amendment offered on behalf of myself, Congressman ORTIZ, and Congress REYES to prevent another Hurricane Katrina-like disaster. This map shows the area of McAllen. Mission. Hidalgo. and Pharr. Texas—a booming community of hardworking Americans, small businesses. schools, hospitals. and nursing homes.

That is how it looks today. This is how it will look if those federal levees fail, covered not in blue plastic, but in water. Because the federal levees are up to 9 feet deficient in height according to a report of the U.S. State Department.

In order to prevent the destruction of the lives and livelihood of those hardworking Americans, we need the $7.8 million modest appropriation proposed in our amendment. Save lives and prevent a tragedy from occurring by approving emergency appropriations to assist the repair of these important federal levees.

ROME AREA HISTORY MUSEUM

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I rise today to congratulate the Rome Area History Museum on their 10th anniversary of collecting, preserving, and presenting the history of northwest Georgia. In 1995, five men, C.J. Wyatt, Bobby McElwee, John Carruth. David Oswalt. and Ed Byars, recognized the need to create an institution dedicated to the history of Rome and the surrounding communities.

These founders gathered a group of dedicated volunteers and opened what has become one of the finest museums in the State of Georgia. The founders renovated a building on historic Broad Street to serve as their headquarters.

And after much labor. the Rome Area History Museum officially opened its doors on March 30. 1996. For the past 9 years. Bernard Neal has done a wonderful job as the museum's president.

Madam Speaker. as the museum celebrates a decade of educating teachers. researchers and visitors. I want to thank the volunteers and supporters for making the Rome Area History Museum all that it is today.

Museums like this add richness to our communities and preserve our Nation's history.

LIVING IN A FISCAL FANTASYLAND

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Madam Speaker. today the Senate will vote on the $781 billion increase in the national debt, the fourth debt limit increase in 5 years.

And the Republican Party continues to push tax policies that will drive us even deeper into debt. In 5 years, the Washington Republicans have racked up more new debt, more than $3 trillion. than the entire debt amassed from 1789 to 1988. We are now borrowing more than $600,000 per minute, $218 billion this year alone.

In March 2001. President Bush promised. "We will pay off $2 trillion of debt over the next decade. Future generations should not be forced pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren."

Promises made, promises broken, a $5 trillion mistake the President made. Sadly. the administration and the Republican majority in this Congress continue to pursue their reckless. irresponsible. debt-creating policies.

How sad. How wrong. I tell the gentleman from North Carolina, it is not that we can do better, we did better.

☐ 1030

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE. THE GLOBAL WAR ON TERROR. AND HURRICANE RECOVERY, 2006

The SPEAKER pro tempore (Mr. PUTNAM). Pursuant to House Resolution 725 and rule XVIII. the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill. H.R. 4939.

□ 1030

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, with Mrs. MILLER of Michigan (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the committee of the whole rose on Wednesday March 15, 2006, the amendment offered by the gentleman from Texas (Mr. CONAWAY) had been disposed of and the bill had been read through page 76, line 20.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. BURTON of Indiana.

An amendment by Mr. CAPUANO of Massachusetts.

Amendment No. 8 by Mr. DOGGETT of Texas.

An amendment by Mr. GARRETT of New Jersey.

An amendment by Mr. GARRETT of New Jersey.

An amendment by Mrs. FOXX of North Carolina.

An amendment by Mr. MELANCON of Louisiana.

Amendment No. 6 by Mr. JEFFERSON of Louisiana.

Amendment No. 7 by Mr. JEFFERSON of Louisiana.

An amendment by Mr. TAYLOR of Mississippi.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. BURTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURTON of Indiana:

Page 28, line 9, after the dollar amount insert the following: "(reduced by $26,300,000) (increased by $26,300,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 250, noes 172, not voting 11, as follows:

[Roll No. 45]

AYES—250

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Ehlers
Emerson
Engel
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Mollohan
Moore (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Towns
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOES—172

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrett (SC)
Bean
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Davis (AL)
DeFazio
DeGette
DeLauro
Dicks
Doggett
Doyle
Edwards
Emanuel
Eshoo
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hart
Hefley
Herseth
Higgins
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Moore (WI)
Moran (KS)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—11

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Jones (OH)
Marchant
Strickland
Sweeney
Young (AK)

□ 1058

Messrs. THOMPSON of California, BROWN of Ohio, HINOJOSA, Ms. WASSERMAN SCHULTZ and Mr. HEFLEY changed their vote from "aye" to "no."

Messrs. BONILLA, THORNBERRY, McKEON, COBLE, BEAUPREZ, NEUGEBAUER, OXLEY, COLE of Oklahoma, SAM JOHNSON of Texas, DELAY, BONNER, SOUDER, RYAN of Wisconsin, LANTOS, Ms. BERKLEY, Messrs. SHADEGG, TOWNS, McINTYRE, CULBERSON, WYNN, KENNEDY of Minnesota, SHUSTER, Mrs. SCHMIDT, Messrs. BISHOP of Georgia, SHAYS, HENSARLING, DAVIS of Florida and PLATTS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 45 on the Burton amendment to H.R. 4939, I was on leave of absence due to illness. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. CAPUANO

The Acting CHAIRMAN (Mrs. MILLER of Michigan). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAPUANO:

Page 29, line 10, after the dollar amount, insert the following: "(increased by $50,000,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 208, not voting 11, as follows:

[Roll No. 46]

AYES—213

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Rangel
Reichert
Renzi
Reyes
Reynolds
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—208

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boucher
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
Everett
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Boozman
Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Fortenberry
Hastings (FL)
Jones (OH)
Strickland
Sweeney

☐ 1107

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Chairman, on rollcall No. 46, let the permanent RECORD reflect I intended to vote "aye."

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 46 on the Capuano amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

AMENDMENT NO. 8 OFFERED BY MR. DOGGETT

The Acting CHAIRMAN (Mr. FOSSELLA). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DOGGETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DOGGETT:

Page 35, line 20, after the dollar amount, insert the following: "(increased by $7,800,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 198, noes 221, not voting 13, as follows:

[Roll No. 47]

AYES—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)

Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Poe
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (TX)
Solis
Spratt
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—221

Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Boyd
Bradley (NH)
Brown (SC)
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Aderholt
Boren
Brown-Waite, Ginny
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Jones (OH)
Smith (NJ)
Strickland
Sweeney
Waters

☐ 1114

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 47 on the Doggett amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

☐ 1115

(By unanimous consent, Mr. BOEHNER was allowed to speak out of order.)

ANNOUNCEMENT OF INTENTION TO LIMIT VOTING TIME

Mr. BOEHNER. Mr. Chairman, I want the Members to know that after this series of votes, it is my intention to ask unanimous consent that for the next series of votes that we have the first vote at 15 minutes, followed by succeeding 2-minute votes to help speed the process today. I did not want anybody to be surprised. I do not know whether the unanimous consent will go through, but I hope that it does. Members are all on notice.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. FOSSELLA). Without objection, the 5-minute voting will continue.

There was no objection.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 35, line 20, after the dollar amount, insert the following: "(reduced by $5,000,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 75, noes 344, not voting 13, as follows:

[Roll No. 48]

AYES—75

Abercrombie
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bishop (UT)
Blackburn
Boyd
Brown-Waite, Ginny
Campbell (CA)
Chabot
Chocola
Coble
Conaway
Cubin
Davis (TN)
Davis, Jo Ann
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Graves
Green (WI)
Gutknecht
Hall
Hart
Hayworth
Hensarling
Hinchey
Hinojosa
Hostettler
Istook
Johnson, Sam
Jones (NC)
Kind
King (IA)
Kuhl (NY)
Linder
Marchant
Marshall
McHenry
McKinney
Meehan
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Otter
Paul
Pearce
Pence
Peterson (MN)
Petri
Pitts
Poe
Reynolds
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shuster
Sodrel
Stark
Tancredo
Tanner
Westmoreland

NOES—344

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (WA)
Hayes
Hefley
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey

Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stupak
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Johnson (CT)
Jones (OH)
Putnam
Strickland
Sullivan
Sweeney
Thompson (MS)

☐ 1122

Mr. PORTER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 48 on the Garrett amendment H. AMDT. 714 to H.R. 4939, to reduce by $5,000,000 funding for Diplomatic and Consular Programs, I was on a leave of absence due to illness. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 36, strike line 14 and all that follows through line 21.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 78, noes 343, not voting 11, as follows:

[Roll No. 49]

AYES—78

Barrett (SC)
Barrow
Bartlett (MD)
Beauprez
Berry
Bishop (UT)
Blackburn
Boyd
Brady (TX)
Campbell (CA)
Chabot
Chocola
Coble
Conaway
Cubin
Davis, Jo Ann
Deal (GA)
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hayworth
Hefley
Hensarling
Hostettler
Istook
Jindal
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kind
King (IA)
Kingston
Kline
Kuhl (NY)
Linder
Marchant
McHenry
McKinney
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pearce
Pence
Peterson (MN)
Petri
Poe
Porter
Reynolds
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shuster
Sodrel
Stearns
Tancredo
Tanner
Taylor (MS)
Upton
Walden (OR)
Westmoreland

NOES—343

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Sullivan
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Boren
Davis (CA)
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Evans
Hastings (FL)
Rangel
Strickland
Sweeney

☐ 1130

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 49 on the Garrett amendment, H. Amdt. 715 to H.R. 4939, to strike funding for Educational and Cultural Exchange Programs, I was on a leave of absence due to illness. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. FOXX

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from North Carolina on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. FOXX:

Page 37, strike lines 6 through 21 (relating to Broadcasting Capital Improvements).

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 88, noes 333, not voting 11, as follows:

[Roll No. 50]

AYES—88

Ackerman
Akin
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Brown-Waite, Ginny
Campbell (CA)
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crowley
Cubin
Deal (GA)
DeFazio
Feeney
Flake
Fossella
Foxx
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Graves
Green (WI)
Gutknecht
Hall
Hayes
Hayworth
Hefley
Hensarling
Hinchey
Hostettler
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Kaptur
Kind
King (IA)
Kuhl (NY)
Linder
Marchant
McHenry
McKinney
McMorris
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Otter
Paul
Pearce
Pence
Petri
Poe
Porter
Renzi
Reynolds
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shuster
Sodrel
Stark
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Towns
Upton
Westmoreland
Young (AK)

NOES—333

Abercrombie
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (WA)
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—11

Alexander
Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Franks (AZ)
Hastings (FL)
Moore (WI)
Strickland
Sweeney

□ 1137

Mr. TAYLOR of North Carolina changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 50 on the Foxx amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. MELANCON

The Acting CHAIRMAN (Mr. FOSSELLA). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. MELANCON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MELANCON:

Page 54, line 15, after the dollar amount, insert the following: "(increased by $465,000,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 215, not voting 18, as follows:

[Roll No. 51]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Pombo
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross

Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—215

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bishop (GA)
Boren
Camp (MI)
Davis (CA)
Davis (IL)
Duncan
Evans
Franks (AZ)
Hastings (FL)
Jenkins
LaTourette
Miller, George
Neal (MA)
Putnam
Smith (NJ)
Strickland
Sweeney
Weldon (PA)

☐ 1144

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 51 on the Melancon amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

AMENDMENT NO. 6 OFFERED BY MR. JEFFERSON

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. JEFFERSON:

In chapter 4 of title II, in the item relating to "FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF", after the aggregate dollar amount, insert the following: "(reduced by $2,000,000,000)".

In chapter 8 of title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND—(INCLUDING TRANSFER OF FUNDS)", after the aggregate dollar amount, insert the following: "(increased by $2,000,000,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 248, not voting 10, as follows:

[Roll No. 52]

AYES—174

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boustany
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Gonzalez
Green, Al
Grijalva
Gutierrez
Higgins
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Jones (NC)
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Poe
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Sodrel
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—248

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis (FL)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Sullivan
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Franks (AZ)
Hastings (FL)
Strickland
Sweeney
Taylor (NC)

☐ 1151

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 52 on the Jefferson amendment H. Amdt. 718 to H.R. 4939, to increase funding for Community Planning and Development by $2,000,000,000 and reducing funding for the Federal Emergency Management Agency by the same amount, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

AMENDMENT NO. 7 OFFERED BY MR. JEFFERSON

The Acting CHAIRMAN (Mr. FOSSELLA). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. JEFFERSON:

Page 72, line 18, after the dollar amount insert the following: "(increased by $1,900,000,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 212, not voting 10, as follows:

[Roll No. 53]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Poe
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—212

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Franks (AZ)
Hastings (FL)
Sessions
Strickland
Sweeney

☐ 1200

Mr. MARCHANT changed his vote from "aye" to "no."

Messrs. JONES of North Carolina, COSTA and BOYD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 53 on the Jefferson amendment, H. Amdt. 719 to H.R. 4939, to increase by $1,900,000,000 funds for Community Development Block Grants, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TAYLOR of Mississippi:

Page 65, line 10, after the dollar amount, insert the following: "(increased by $15,890,000)"

Page 65, line 24, after the dollar amount, insert the following: "(increased by $40,000,000)".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 171, not voting 11, as follows:

[Roll No. 54]

AYES—250

Abercrombie
Ackerman
Akin
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Capps
Capuano
Cardin
Cardoza
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hayworth
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jefferson
Jenkins
Jindal
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kline
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wicker
Woolsey
Wu
Wynn

NOES—171

Aderholt
Alexander
Bachus
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Feeney
Flake
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hyde
Inglis (SC)
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Tancredo
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Boren
Carnahan
Davis (CA)
Davis (IL)
Duncan
Evans
Franks (AZ)
Harman
Hastings (FL)
Strickland
Sweeney

☐ 1207

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 54 on the Taylor amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. FRANKS of Arizona. Mr. Speaker, I regret that I was unable to be present for rollcall votes No. 50, 51, 52, 53, and 54. Had I been present, I would have voted "aye" on the amendment offered by Ms. FOXX (rollcall vote No. 50), "no" on the amendment offered by Mr. MELANCON (rollcall vote No. 51), "no" on both amendments offered by Mr. JEFFERSON (rollcall votes Nos. 52 and 53) and "no" on the amendment offered by Mr. TAYLOR (rollcall vote No. 54).

Mr. BOEHNER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MARCHANT) having assumed the chair, Mr. CHOCOLA, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4939, pursuant to House Resolution 725, the Chairman of the Committee of the Whole may reduce to 2 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series shall be 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 47. Joint resolution increasing the statutory limit on the public debt.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 4939 and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 725 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4939.

☐ 1210

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, with Mr. CHOCOLA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) had been disposed of and the bill had been read through page 76, line 20.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HALL:

At the end of title II, insert the following:

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

SEC. 2901. In order to provide child care subsidies to the children of parents who are working or enrolled in workforce activities, in a manner that does not put the child care needs of temporary residents ahead of families already on waiting lists for services funded by the Child Care and Development Fund, in any redistribution of unobligated Federal matching funds as authorized by section 418 of the Social Security Act, the Secretary of Health and Human Services shall give priority to States currently serving a significant number of children in families adversely affected by Hurricane Katrina.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Texas (Mr. HALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HALL. Mr. Chairman, this amendment to title II would direct the Secretary of Health and Human Services to give priority to States affected by Hurricane Katrina when redistributing unobligated Federal matching funds.

Texas is serving 6,000 children of Katrina evacuees with child care, despite a waiting list of 34,000 Texas children for child care services.

Failure to pass this amendment will put Texas in the position where its only option for continuing to serve the children of Katrina evacuees is with funds meant for Texas children. The Katrina kids would either be cut off or be allowed to cut the line in front of Texas kids who have been waiting up to 2 years to receive child care.

This Congress authorized $200 million in additional child care development funds for fiscal year 2006. Because these funds were made available in the middle of the fiscal year, not all States will be able to identify the necessary matching funds.

What I am asking is that any balances in the CCDF Federal matching funds be made available to the States whose child care caseloads have increased because of these hurricanes.

Members, this issue is but one example of the problematic Federal response to the hurricanes that struck the gulf coast last fall. Shortly after Hurricane Katrina struck, Texas was given a $75 million national emergency grant to provide employment and training services to victims of that storm who had taken up residence in our State.

When Hurricane Rita hit Texas 1 month later, rather than receiving an additional NEG grant to take care of our own people, we were told to not only use that same $75 million to serve the victims of both storms, but to provide our own citizens a more limited range of services than the Katrina evacuees.

This Congress eventually stepped in to allow parity of services, which we appreciate. Texas has enrolled more than 35,000 hurricane victims in NEG training programs and employment, but that money is projected to run out in July, and all of Texas's supplemental requests have been denied because the Department of Labor has run out of NEG funds.

The problem Texas faces goes beyond child care. Many of the Katrina evacuees who remain in Texas are potentially eligible for TANF and/or food stamps, both of which have education and training components associated.

This has put a tremendous strain on our resources for both programs. Congress previously allowed Texas to tap TANF funds to provide short-term nonrecurring benefits to Katrina evacuees, but Texas and other States also need to be allowed to use Federal TANF contingency funds to provide outgoing employment and training services so that we can continue to move these recipients into meaningful employment.

Mr. Chairman, we also need for unspent funds in these areas to be reallocated to where the demand for these services is greatest. Unless Texas receives additional resources, Texas cannot continue the specialized workforce and support services to hurricane victims unless it diverts funds that were intended and balanced to serve its own citizens.

When Hurricane Katrina struck, Texans immediately stepped forward and mounted an unprecedented effort, involving both the public and private sector. Texas taxpayers have been left actually holding the bag to the tune of nearly $2 billion. What kind of message does that send to other States who may find themselves adjacent to the natural disaster, or to the States who, God forbid, may be the victims of that disaster.

I find it hard to believe that the level of compassion extended to these victims will be the same when they know that the Federal Government's commitments are not good when they know that most of what they provide for the refugees will take away from their local resources and the services they are supposed to provide for their own people.

Mr. Chairman, I move adoption of this amendment, and I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise to support this amendment because it would help thousands of children in the State of Texas.

This amendment directs the Secretary of Health and Human Services to give priority to states affected by Hurricane Katrina when redistributing unobligated federal matching funds from the Child Care Development Fund.

Texas is now serving 6,000 children of Katrina evacuees with childcare services. There are currently 34,000 Texas children on a wait list for child. care' services.

Texas will soon be in a position where our only option will be to serve the children of evacuees at the expense of children in Texas.

Congress authorized $200 million in additional Child Care Development Funds for FY 06. However, these funds were made available in the middle of the fiscal year making it difficult for some states to determine the necessary matching funds for this program.

This amendment asks that any balances in Child Care Development Funds be made available to states where child care caseloads have increased due to the hurricanes.

I urge my colleagues to support this amendment.

☐ 1215

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states, in pertinent part, "An amendment to a general appropriations bill shall not be in order if it changes existing law." And this amendment gives it affirmative direction, in effect.

I ask for a ruling from the Chair.

The Acting CHAIRMAN (Mr. CHOCOLA). Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 9 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PAUL:

Page 76, after line 20, insert the following:

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

SEC. 2901. (a) For recovery of the State of Texas from the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $546,100,000, to remain available until expended, to be allocated and administered by the Secretary of the Treasury and used only for the State of Texas, as follows:

(1) $200,000,000, for housing assistance under programs of the Departments of Housing and Urban Development and Agriculture for residents of the State of Texas and for residents of other States affected by the hurricanes who are temporarily residing in Texas and for community development block grant assistance under title I of the Housing and Community Development Act of 1974.

(2) $100,000,000, for costs of uncompensated health care for victims of the hurricanes and evacuees, for long-term care costs of evacuees remaining in Texas, and for mental health care costs of persons affected by the hurricanes.

(3) $100,000,000, for reimbursement of costs associated with providing educational services to students who are in Texas as a result of Hurricane Katrina and for repairs to public and higher education facilities damaged by Hurricane Rita.

(4) $46,000,000, for costs of repairs to bridges, roadways, ports, and channels damaged by Hurricane Rita.

(5) $59,000,000, for the Corps of Engineers for maintenance costs relating to erosion, waterway dredging, and other related services.

(6) $50,000,000 for costs of debris removal that are not reimbursable by the Federal Emergency Management Agency, for assistance to agricultural areas affected by Hurricane Rita (including timber- and rice-producing areas), and for costs of other unreimbursed repairs to rural and agricultural infrastructure resulting from Hurricane Rita.

(b) The amounts otherwise provided in title I for the following accounts are hereby reduced by the following amounts:

(1) "DEPARTMENT OF DEFENSE—OPERATION AND MAINTENANCE—OPERATION AND MAINTENANCE, DEFENSE-WIDE", amounts under paragraph (3) for payments to reimburse certain countries for logistical, military, and other support provided or to be provided, to United States military operations, by $900,000,000.

(2) "BILATERAL ECONOMIC ASSISTANCE—DEPARTMENT OF STATE—DEMOCRACY FUND", by $10,000,000.

(3) "MILITARY ASSISTANCE—FUNDS APPROPRIATED TO THE PRESIDENT—PEACEKEEPING OPERATIONS", by $100,000,000.

(4) "RELATED AGENCY—BROADCASTING BOARD OF GOVERNORS—INTERNATIONAL BROADCASTING OPERATIONS", by $7,600,000.

(5) "RELATED AGENCY—BROADCASTING BOARD OF GOVERNORS—BROADCASTING CAPITAL IMPROVEMENTS", by $28,500,000.

(c) The Secretary of the Treasury shall consider the $500,000,000 by which the aggregate amount of reductions under subsection (b) exceed the aggregate amount made available under subsection (a) as credit against the Federal deficit for fiscal year 2006.

(d) The amount provided under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Wednesday March 15, 2006, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is offered in an attempt to save some money. If my amendment were to pass, we would cut $500 million from this appropriation. Everybody knows that this is a huge appropriations bill and that it is a supplemental. It does not fall under the category of the budget rules. It is $92 billion. It involves the finances of our military approach to our foreign policy around the world, which is two-thirds of this funding. The other third, 19 or $20 billion is for domestic use. It is a huge sum of money. And we are doing this at a time when we are running a deficit, our national debt at least is going up over $600 billion a year, and we are concerned this week about raising the national debt limit to over $9 trillion.

It is unfortunate that's the way the system works around here. It is very difficult to cut anything. My amendment is an attempt to seriously consider the problems that we have in reining in the spending and living within our means.

The major point I make here is by cutting $1 billion from the military portion of the bill it makes the point that we spend way too much on military operations. We spend more on military operations around the world than all the other countries of the world put together. And we do not have a lot to show for it. When you think about what has happened in Afghanistan, the problems there, what is happening in Iraq and the potential problems that are coming in Iran; yet the money is continuing to be spent in this reckless manner.

So I propose we cut a billion dollars out of that which would be easily done, because it should be cut a lot more. I would then take $500 million of this and I would put it into some areas of the country that have been neglected from some of the hurricane damage that has existed in the south, in particular, in Texas.

So to me, this is an approach to emphasize the importance of foreign policy, that this notion that we are in the business of nation-building, and that we are the policemen of the world, and that we should reconsider that and save money. At the same time, we could reduce our deficit while actually increasing funding for some of the serious problems that we have in this country. So to me, it sounds rather logical to do this. To cut things from, say, building roads in Liberia. Yes, Liberia needs money, but what about the people that have been hit by the hurricanes? They need some money, too. And the way we do it always involves deficit financing.

My approach emphasizes the need to cut in the places less important than any other places, spend the money here at home, and end up actually cutting back on the deficit financing. Otherwise we are going to continue with this process. I see no serious attempt whatsoever, when we bring up supplemental appropriations bills like this, to rein in the spending and even to pretend that we are cutting. This whole idea of putting domestic spending together with military spending is not a ploy to maybe reduce spending. It is the ploy to make sure that people are trapped into voting for both and nobody can vote against the domestic spending, and nobody can vote against the military spending. And yet, of course, spending is excessive in both areas.

But my amendment, the way it works, emphasizes mostly cutting the militarism and the type of foreign policy that we finance around the world that has so many ramifications and unintended consequences and so much blow-back, that it literally hurts our national defense and ends up costing us so much more money.

Long term, to come up with a solution, it will not occur with tinkering with the budget. It will not happen today, nor tomorrow. The only way that we can make any sense out of our spending in this country and on this floor will be to reassess our policies. We must ask: Do we want to continue to be the policemen of the world? Do we really believe we can nation-build around the world and that we can spread democracy by force? The result is then, if we do not like the results of the democratic elections then we say, well, it did not work. We cannot support that democratically elected leader.

So it is a change in policy, at least a reconsideration of what we think we should be doing around the world. At the same time, we have to reconsider the domestic spending.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part, "An amendment to a general appropriations bill shall not be in order if it changes existing law."

The amendment includes an emergency designation and as such constitutes legislation in violation of clause 2 of rule XXI.

I ask for the Chair's ruling.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes an emergency designation. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. SABO

Mr. SABO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SABO:

Page 56, line 11, after the dollar amount, insert the following: "(increased by $700,000,000)".

Page 57, line 7, after the dollar amount, insert the following: "(increased by $125,000,000)".

Page 58, line 8, after the dollar amount, insert the following: "(increased by $300,000,000)".

Page 58, line 18, after the dollar amount, insert the following: "(increased by $100,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday March 15, 2006, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we hear a lot about the importance of identifying risk as we make security investments. And who could disagree? However, the President and Congress tend to stumble in putting a coherent risk-based philosophy into our budgets and policies.

I ask the Members to consider this amendment in the context of President Bush's national security budget priorities for the coming year. The President requests $10.4 billion for missile defense next year, an increase of $1.7 billion.

By comparison, the discretionary budget request for the whole Department of Homeland Security is only $400 million above this year, almost four times as large an increase simply for missile defense versus the whole Department of Homeland Security. I have a hard time seeing how the risk of an intercontinental ballistic nuclear missile attack is greater than the risk of a nuclear weapon in a cargo container coming into our country by ship. Therefore, this emergency bill is the time to address our most critical port security gaps.

I understand the Senate Budget Committee chairman also believes that critical security gaps should be addressed in this bill. Protecting our seaports is a lot like protecting our airports. We need multiple security layers. With international traffic, the first security check should be overseas.

The container security in this initiative, by which containers judged to be high risk are opened and inspected and all container manifests are reviewed, is operating today in only 43 of the 140 foreign ports that ship directly to the U.S.

Since 2002, former Customs Commissioner Robert Bonner has been talking about the value of CSI and the U.S. Chamber of Commerce has endorsed it. However, the Bush administration and the Republican Congress have been slow to fund and implement the program. This amendment would expand CSI to all overseas ports that ship directly to the U.S. and allow U.S. custom agents to review 100 percent of all container manifests.

Some may argue that we should settle for CSI in 50 foreign ports by the end of 2007. What about the other 90 foreign ports that ship directly to us? You can be sure those who want to do us harm will know which foreign ports are covered by CSI and which foreign ports are not.

The next critical step is to improve port security inside the U.S. The Coast Guard estimates that $7 billion is needed to bring U.S. port facilities into compliance with our maritime security law and regulations.

Let me tell you where we are today. Since 9/11, Congress has provided $910 million to harden our seaports. President Bush has never requested funding directly and specifically for this purpose.

Mr. Chairman, with this amendment, we could install radiation portal monitors at every U.S. land and seaport of entry. Today, less than half of these radiation detectors have been installed. Without this amendment, the Bush administration would have Americans wait until 2011 to complete this crucial security measure.

Customs and Border Protection also need to do a better job in targeting cargo containers that should be opened, and in auditing trusted shippers. The General Accounting Office identified both of these issues, and this amendment would help us get these tasks done.

The third critical port security step is to ensure that the people charged to protect our ports are well trained, equipped, and prepared to respond to disaster.

The Coast Guard enforces port and vessel compliance with maritime security regulations. Last fall, the Coast Guard reported that its maritime security exercise revealed the need for a stronger chain of command, better guidance, and more training. The Coast Guard has also told us it has not completed its review of vessel security and has not reviewed all foreign ports that ship directly to us. This agency, which performed so well in response to Hurricane Katrina, can handle the tough jobs. Congress and the President should give the Coast Guard the right resources to do them.

Mr. Chairman, as the saying goes, practice makes perfect. We may need more simulation exercises for emergency responders at every level of government in order to identify the flaws in our preparedness plans.

Mr. Chairman, everyone knows that we have a dangerous gap in our emergency communications capability across the Nation. The bill provides a back-up communication package for the gulf coast, which includes trucks loaded with equipment that can be quickly moved into a disaster area and to bring up cell phones and public safety radio networks to help first responders in search and rescue efforts. We need this emergency communication equipment in other regions of the country as well. And this amendment would provide it.

Mr. Chairman, the American people expect us to do more than talk about inadequate port security and disaster preparedness. They demand that we back up our talk with action.

I urge Members to vote "yes" on this amendment.

☐ 1230

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman's amendment, well-intentioned as it is, is absolute overkill. In total, this amendment would add $1.225 billion for a variety of programs in the Department of Homeland Security, which is nearly 5 percent of the annual appropriations. I may agree with him on some of the needs, but most of what he is asking for should be dealt with in regular order, not in an emergency supplemental bill.

I recognize the importance of many of the appropriations contained in the amendment, but we have already substantially increased funding, Mr. Chairman, for Customs and Border Protection, Coast Guard, and FEMA over the last 3 years.

This supplemental is about the Global War on Terror and Gulf Coast recovery, not about the regular budgets of these Departments, of these agencies, which we are dealing with right now as we appropriate for 2007.

Now, in Customs and Border Protection, in this bill already we increase funding by $17.7 million. We have aggressively supported radiation detection and cargo inspection technology, appropriating some $700 million over the last three years. An additional $400 million in this amendment, well-intended, is completely arbitrary and unneeded. There is no rationale for this number. The new Domestic Nuclear Detection Office is developing new technologies, even as I speak, and a framework for their deployment.

The gentleman also increases Customs and Border protection, international port security programs, the Container Security Initiative, and the Customs Trade Partnership Against Terrorism by $300 million. Since 2004, these programs have received, at the hands of the Congress, over $430 million. This has fully funded the Container Security Initiative which will expand in 58 foreign ports by the end of fiscal 2007. Through those 58 ports come 90 percent of the containers that come to this country and C-TPAT has expanded to 5,636 certified trade partners that send us container vessels every day.

Mr. Chairman, we simply cannot grow these programs any faster. Money is not the problem. An expansion of this program is more about obtaining diplomatic clearances than money. These countries simply will not take more of our personnel until we negotiate diplomatically with them.

As for the Coast Guard operating expenses, in this bill the Chairman of the full committee, Mr. LEWIS, has already included an additional $14.3 million. The gentleman's amendment would add another $125 million. Mr. Chairman, over the last 5 years, we have doubled funding for the Coast Guard's operating expenses, doubled, from $2.8 billion in fiscal 2001 to $5.5 billion in the current year, and while we have increased their responsibilities, they have funding in their base and in this supplemental for operating expenses sufficient to carry out their duties for the remainder of the year, including overhauling equipment, additional fuel, port security, inspections and the like. So the Coast Guard is taken care of. In fact, they have roughly half of their operating expenses for this fiscal year laying there waiting to be spent. So they do not need the extra funds.

Now then, on FEMA, we include in this bill already increases to FEMA of $70 million in the supplemental emergency bill. The gentleman would increase their funding for administrative and regional operations by $300 million, but it is unclear how that $300 million figure is derived. The President requested $70 million for emergency communications, primarily for Louisiana, Mississippi and Alabama, although some of the funds are also targeted to Texas and Florida.

The Sabo amendment adds $300 million for "three other locations." We do not know where those locations are or why it is an emergency that they be equipped, and there is a huge difference in the cost estimates. Seventy million will take care of the three principal States of Katrina, but he is asking $300 million for these three other locations. Wherever they are, I do not know, and what they need the money for we still do not know.

The $70 million that Chairman LEWIS included in the bill that is before us fully prepares the Gulf Coast for the upcoming hurricane season, putting in place the necessary communications infrastructure for warning and communicating with the public during these natural disasters. It may be appropriate to position the technology in other locations, but there is no reason to consider an expansion of this effort as part of this emergency appropriations bill. These are decisions that can and will be considered as part of the regular appropriations cycle, which we are having hearings on right now.

The gentleman seeks to add $100 million for preparedness activities at FEMA. We also increase in preparedness this bill by $10 million. The gentleman states we are not spending enough on simulation exercises; but in fiscal 2006, the National Exercise Program is funded at $52 million. That supports local, State, and national exercises.

The gentleman also seeks to restart a program called Project Impact, funded in the previous administration to simulate predisaster mitigation efforts. That program has not been funded for 5 years. Nothing is known about it, we do not know that it works, and yet we are asked to plop down another big chunk of money. Who will administer it? what will it do? and so on—we do not know.

So, Mr. Chairman, it is not a matter of more money. It is a matter of spending the money that we already have stashed away in these programs wisely, based on a sound strategy and a rationale to improve our homeland security. While the gentleman's amendment is well-intended, it is overkill.

This supplemental is focused on immediate needs, not budgetary items for next year. Many of the areas being addressed in this amendment are funded in this supplemental, not just to the arbitrary levels being proposed by the gentleman's amendment. Throwing huge sums of money at these programs is not a responsible way to conduct our Nation's business.

I urge a defeat of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, the Dubai Ports World debacle, like Hurricane Katrina, laid bare preexisting problems which some of us, especially on the Democratic side of the aisle, have been struggling for years to bring to public notice.

The ports episode starkly reveals the pitfalls of the Bush administration's peremptory decision-making style, without serious deliberation or consultation. And it lays bare the dangers of 4 years of administration laxity on port security. The Sabo amendment offers us the chance to begin to remedy that neglect.

First, it would expand overseas container inspections to all overseas ports that ship to the U.S. The Container Security Initiative, responsible for reviewing manifests and opening and inspecting high-risk containers, is currently operating in only 43 of the 140 overseas ports that ship directly to this country. This amendment would expand the program to all overseas ports shipping to the U.S.

Secondly, the amendment would increase port security inspections and surveillance by the Coast Guard and would eliminate the Coast Guard's current $70 million energy shortfall.

Thirdly, the amendment would place radiation portal monitors at all ports of entry. Fewer than half of the ports of entry are equipped with those monitors now, and Homeland Security does not plan to have them all equipped until 2011. This amendment would allow each entry point to have a radiation portal monitor.

Fourth, it would increase our nationwide communications backup capability. The supplemental does contain backup capability for the gulf coast, but this capability should be provided in other critical locations; our amendment would add three such locations.

Finally, the amendment would strengthen our disaster preparedness mitigation response and recovery. It would increase the number of simulation exercises undertaken by vulnerable communities, and it would restore funding for FEMA's Project Impact.

This is a well-crafted, well-conceived amendment. I urge colleagues to support it.

Mr. SABO. Mr. Chairman, how much time remains on each side?

The Acting CHAIRMAN (Mr. CHOCOLA). Both sides have 2 minutes remaining.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, yesterday, we cast a symbolic vote that got all kinds of political attention from the press having to do with the Dubai controversy. That vote had absolutely no effect on anything because the Dubai deal had already been killed. So the only thing we accomplished was letting Members of Congress get a nice vote that they could take home, stick in their pocket and show their constituents and say, "Oh, what a good boy am I."

Now we have got a chance to do something real about port security and about border security. Is there anybody in this House who thinks that our ports are really sufficiently secure so that we do not need to have more resources? Is there anybody in this House who is comfortable with the level of security on the Canadian border?

Over the past 3 years, we on this side of the aisle have tried nine times to get the majority to increase Homeland Security funding above the amount that you have had in your bills, and we have been turned down nine times.

This Congress is telling us, as this small chart shows, this Congress is telling the country we can afford to spend $64 billion this year to provide tax cuts to people who make $1 million or more a year. They are telling the country we can afford to spend more money on tax cuts for millionaires than we spend on the entire Homeland Security budget.

Now, does anybody really think that this country is in greater need of providing $64 billion in tax cuts to people who make a million bucks a year? Do we really think that we need to do that more than we need to shore up port security, border security and the like? With all due respect, I do not think that is very good judgment with respect to our priorities.

The Hart-Rudman report in 2002 concluded, that "America's own ill-prepared response could hurt its people to a much greater extent than any single attack by terrorists," and Katrina revealed the truth of that statement. We witnessed the debacle in Katrina because communication systems went down, and the worst problem about Katrina is that no one could talk to anybody because all of the communication systems were put out of order.

Now, this supplemental only contains sufficient funds to provide an emergency communications backup capability in the gulf coast. That capability consists of trucks loaded with equipment that can be quickly moved into devastated areas to bring up cell phones and VHF, UHF and SHF radio networks to help first responders in their search-and-rescue efforts.

This capability ought to be provided nationwide. That is just one of the many examples that anybody who knows anything about homeland security understands. It is a serious challenge to the security of this country.

So I would submit that we can argue about the details, and if the majority does not like some of these items, you can easily fix them in conference because you have got the votes and we do not, but anybody who thinks it is more important to provide $64 billion in tax cuts to people who make a million bucks a year than it is to increase our homeland security capability, in my mind, has a faulty set of judgments, and I think they better think again.

□ 1245

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Very briefly, Mr. ROGERS is the chairman of the Homeland Security Subcommittee, and is doing a very fine job attempting to reorganize the direction of the country in regards to homeland security. In the processing of reorganizing, we brought 22 agencies together. When you bring bureaucracies together you have difficulty starting a direction that is right the first time. Mr. ROGERS has recognized that.

There is a lot of money that has already been appropriated that is in the pipeline that can be applied to many of these priority challenges. Mr. ROGERS has done a very fine job of prioritizing and pushing this agency. There is enough money in the pipeline to give the priorities the appropriate funding.

So I would argue very strongly for a "no" vote on this amendment.

Mr. ROGERS of Kentucky. May I inquire of the time remaining?

The Acting CHAIRMAN (Mr. CHOCOLA). Both sides have 2 minutes remaining.

Mr. SABO. Mr. Chairman, I understand the majority has the right to close.

The Acting CHAIRMAN. The gentleman is correct.

Mr. SABO. Mr. Chairman, let me just make a few comments. First, let me be clear. I have great appreciation for the work of the chairman of our committee, Mr. ROGERS, and what he has done in this subcommittee. The work of his subcommittee has significantly improved the recommendations of the President over the last several years as relates to homeland security. The bills that have passed Congress have been significantly better than what we got from the administration.

But I also agree with him that this bill today is about the war on terrorism. And one of the most important parts in dealing with the war on terrorism is dealing with port security and the security of containers coming into this country. I disagree with those who say that who owns and how terminals are operated is irrelevant to security. Who operates them and how they operate them is very relevant, as we have dealt with in this bill in committee.

However, how we provide the other security dwarfs the importance of who and how terminals are operated. How we deal with containers coming into this country, both at our ports and our other ports of entry in this country is tremendously important. We have made some progress, but anyone who suggests that we are there in terms of port security in this country today I think is badly misinformed. We have a long ways to go, and it has been over 4 years since 9/11.

We are not simply throwing money at a problem here. These are important questions, important problems that need more resources; and, frankly, in some cases, they need more vigorous action by the administration to make sure that foreign countries cooperate with us. This is an amendment that significantly improves port security and I ask for a "yes" vote.

Mr. ROGERS of Kentucky. Mr. Chairman, I urge a "no" vote on this amendment. First, this amendment throws money at a problem where money is not the problem. There are literally billions of dollars that we have appropriated in the pipeline for the various grant programs in the Department of Homeland Security, including grant monies for port security. In fact, the Department, in the next couple of weeks will be releasing port security applications for various ports around the country to apply for funding. Money is in the pipeline waiting to be spent.

As I have said before, the Department will be in 58 foreign ports the end of the fiscal year 2007. Ninety percent, nine out of 10 of the containers coming into the country come through those 58 ports around the world. We are there x-raying the containers, manually searching containers, classifying and targeting containers, finding those that are susceptible to suspicion and then searching them.

It is not perfect, obviously. But money is not the problem. We simply cannot send more agents into those countries than they will take, unless we can diplomatically make arrangements. But that is a job of the State Department, not DHS.

Second, this is an emergency supplemental bill. We can deal with most of the problems that the gentleman outlines in his amendment in the regular process. And in the regular process, I will probably support a number of the proposals that he is bringing forth in this emergency bill. But this is not the time or the place.

So I would urge a "no" vote. These dollars are emergency spending. They are not offset. And the gentleman is asking us to add another $1.225 billion of nonoffset spending. I would hope the body would recognize that, reject this amendment, and let us deal with these issues in the regular process of the 2007 bill.

I urge a "no" vote.

The Acting CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Minnesota (Mr. SABO).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SABO. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 12 OFFERED BY MR. NEUGEBAUER

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. NEUGEBAUER:

At the end of title II, insert the following:

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

ELIMINATION OF FUNDING

SEC. 2901. Each amount appropriated or otherwise made available by this title is hereby reduced to $0.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, a couple of weeks ago, or several weeks ago, I think in February, the President of the United States sent over two supplemental bills, one for Katrina and one for our defense. Two bills. Because even the President recognized that these are two different issues, a $68 billion defense bill; a $20 billion Katrina bill.

Unfortunately, when this bill came to this body for consideration, it was combined, not giving Members the opportunity to determine what they think is the best policy, both from a defense standpoint and a domestic standpoint.

I am concerned about the fact that these emergency supplemental bills have really become appropriation bills, and the word "emergency," I think, has somewhat slipped from that process. We should be able to come to this floor, and my bill allows Members to be able to give a vote for Katrina or a vote for our defense in an appropriate way that they feel is good for the American taxpayer.

One of the concerns I have, Mr. Chairman, is that in this 109th Congress, if we pass this bill today, with no offsets, by the way, and a previous speaker talked about there was no offsets for that amendment, in fact, there are no offsets in this bill, in the 109th Congress we will have spent as much money on emergency supplemental spending as we have spent in the previous five Congresses.

Mr. Chairman, I would say to you that I don't think that is good for the American people. What I think we ought to do, though, is have policy that does address the merits of what our efforts are in Iraq and Afghanistan and the merits of how we are spending the American taxpayers' money on Katrina relief. In fact, we have already approved in this body $100 billion worth of emergency spending in other relief for Katrina victims.

What is at issue here is the question of whether or not a lot of the issues that are in this supplemental should actually have been in this supplemental. But more importantly, it should not be allowed for piling on and adding things to these supplemental bills, which, in fact, become a free-for-all.

These are two different issues. How we spend the money defending the American people in our efforts in Iraq and Afghanistan as we execute the war on terrorism and how we deal with the catastrophic events that have happened in Katrina are two separate issues. And I would encourage my colleagues to give the American people the benefit of their wisdom and judgment and have a vote on each one of these issues.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I rise in opposition to the bill.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. I understand the point he is making regarding the concept of splitting bills, however, the direct result of this amendment, if it were to pass, and I hope it doesn't, would be to strip all the money out that we need to restore military facilities and veterans facilities in that region.

In fact, this bill, title II, includes $184 million to replace military facilities at bases in the gulf coast damaged by the hurricanes, such as a fire crash rescue station at Keesler Air Force Base. It also includes funds to replace the Veterans Hospital in New Orleans. Eliminating this title puts these facilities and our military personnel at greater risk.

For those reasons, Mr. Chairman, I strongly oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. Does the gentleman reserve his time?

Mr. WALSH. I yield back.

Mr. NEUGEBAUER. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIRMAN. The gentleman from Texas has 12 minutes remaining.

Mr. NEUGEBAUER. Mr. Chairman, I yield 2½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Thank you, Mr. NEUGEBAUER. I appreciate the privilege to address this issue.

And, Mr. Chairman, Katrina funding doesn't belong in this DOD emergency supplemental appropriations bill. We have had now 6 months to debate and discuss and deliberate on Katrina funding, and yet there is still not a plan. This Congress hasn't exerted its will on a plan in New Orleans, in particular, and yet here we have another wave of appropriations that has come in without an accounting of where the money has been spent.

If we continue to do this, Mr. Chairman, we will continue to see more money go down there without a solution in place. And I would submit, and I have been down there three times, that if our Federal agencies function at 100 percent of optimum possible production, and with their hearts and their heads all in the right place, we still don't have a solution for Katrina. There is not a plan.

There are appropriations that are in this. There is $100 million to restore the surrounding wetlands, yet we don't know how we are going to protect New Orleans for a category 3.1 storm or anything greater than that. We appropriated money before Christmas for the Corps of Engineers to produce a study to protect New Orleans for a cat 5 hurricane, but they have 24 months to produce the results of that study, and yet we don't know what kind of protection is going to be there for the capital that would go down in that region, some of it below sea level.

If FEMA, SBA, and the U.S. Army Corps of Engineers all do their job at 100 percent, there is still not a solution. We need to have a plan, an ordered plan, that provides for levee construction for protection of, in particular, New Orleans, at some level; whether it is a 3, a 3.5, a 4, or something above. The people that are reconstructing their homes need to know where they can put their dollars.

But this does not do it, Mr. Chairman. This is something that injects Katrina funding into DOD supplemental appropriations emergency spending. It is not emergency spending. It needs to be dealt with under the normal process of our appropriations process.

So I would conclude and ask for a "yes" vote on the Neugebauer amendment, and thank him for bringing it to the floor.

□ 1300

Mr. WALSH. Mr. Chairman, I ask unanimous consent to reclaim the time held in opposition to the amendment.

The Acting CHAIRMAN (Mr. BASS). Without objection, the gentleman from New York controls 14 minutes.

There was no objection.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. ROGERS), chairman of the Appropriations Subcommittee on Homeland Security.

Mr. ROGERS of Kentucky. Mr. Chairman, I know the motivation of the offerer of the amendment, and I sympathize with his general premise. However, I am obligated to speak against the amendment because the amendment would eliminate the money for FEMA. Under this proposal, FEMA would run out of money in May. The

$9.55 billion in the bill for the operations in the Gulf Coast would be eliminated. Housing assistance would stop; debris removal would stop. There would be no emergency communications in place for the upcoming hurricane season, which is only two months away. And $13.5 million for the Inspector General would be cut, almost ensuring fraud, waste and abuse of the $35 billion in supplemental funds we have appropriated so far for the Gulf Coast.

So I would urge a "no" vote. Although I understand the gentleman's motivation to try to separate out the disaster funding from the military funding, that would ruin the disaster assistance for the Gulf Coast. I urge a "no" vote.

Mr. NEUGEBAUER. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I want to thank Mr. NEUGEBAUER for, after a very short period of time in Congress, stepping forward in this case and in other cases with substantive legislation that reflects the conservative values that he came to Washington to represent, and does so with no small amount of courage and common sense.

As we look at this behemoth emergency supplemental, Mr. Chairman, I still want to express appreciation to the chairman of the Appropriations Committee and the chairmen of the appropriate subcommittees. I do believe, as is evidenced by the courtliness demonstrated on the floor today, that we are not subject in this case, or any other case, to bad people but to a bad process. As this Congress undertakes to change the way we spend the people's money, this behemoth legislation is again an argument for budget process reform.

To the Neugebauer amendment, I must begin by saying Hurricane Katrina breaks my heart. I have grieved for the families who have lost loved ones and lost their precious resources and communities in the wake of this storm. I have supported Katrina funding in the past. And in working with colleagues to offset its cost, I will support Katrina funding in the future, but I cannot support adding Katrina relief to an emergency military bill.

The American people know that Hurricane Katrina funding and military spending are apples and oranges. As the author of this amendment suggests as well, the President of the United States knows this, having sent a bill to fund Katrina to the Hill separate from a bill to fund the war on terror. Rather than this legislation being focused on a disciplined measure to fund our military priorities, it has in a sense become a fruit basket, as supplemental bills often do. Spending that, while it may be worthwhile, belongs in the regular order of the legislative process in this Congress.

We need to get back to saying that emergency spending should just fund emergencies; and military emergency spending should fund military emergencies. Let us separate support for the war on terror and our support for the families and communities affected by Katrina. Let us support the Neugebauer amendment, and let this Congress work its will independently to the war on terror and our desire to be there for the families and communities affected by Hurricane Katrina.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman for yielding me this time.

I fully support the Neugebauer amendment to strike the Katrina funding out of this emergency supplemental. It is not in any way, shape, or form that I am opposed to Katrina funding. Indeed, we have already appropriated on an emergency expedited manner $62 billion for Katrina relief. I have been to the gulf coast twice. I have seen the devastation. I have actually worked in one of the clinics in Baton Rouge and treated some of these patients. My heart goes out to the victims of this devastating hurricane along the gulf coast.

But as my colleagues have just said, it makes no sense to join these two bills together. The previous $62 billion that we have appropriated is going to Katrina without much oversight. The citizens, the constituents of the 11th Congressional District of Georgia, are sick and tired of hearing the stories of waste, fraud and abuse. They want some oversight, and this is the only way we can get it.

With all due respect to the appropriations chairman and the subcommittee chairman, this idea that if we do not do it today, right now, combined with the defense emergency appropriations, Armageddon is going to occur. It is not. We come back here the very first day we return and we deal with this bill and we have some opportunity to have some input. This is what our constituents want.

I support the Neugebauer amendment. Let us strike this funding and come back and do it right.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his courage in offering this amendment because I know how easy it is to misrepresent what his intentions are.

I agree with the previous speakers, and I am disappointed that these two bills have not been separated out. I am here to agree and admit, as one who has actually been to the gulf coast, that perhaps more Federal funding may be needed. I have seen the human misery. I have family that was there. My in-laws were there. They were among the lucky ones; they lived through it. Their home, although significantly damaged, was not totally demolished. My heart goes out to these people.

But the answer to the human tragedy is not an unlimited check drawn upon the checkbook of the Federal taxpayer.

Many speakers act like nothing has been done already to help the gulf coast, but $100 billion in tax incentives and in other direct relief has gone to the gulf coast. That, ladies and gentlemen, is a lot of money.

And let us also not ignore the fact that although there was a great tragedy that occurred on the gulf coast, there are many other tragedies that occur in this Nation every day, but CNN is not there to capture them on a day-to-day basis.

Mr. Chairman, 38,000 Americans die each year in a car crash, and we are asking their families to be taxed to send more money to the gulf coast; 1.4 million Americans are going to be diagnosed with cancer this year, and yet we want to tax them to send more money to the gulf coast.

There are almost a half a million homes that burn each year, and we want to tax those families to send more money to the gulf coast. Perhaps more money is justified, but until we see the plan, until we see more accountability where we do not have trailers rotting in the Arkansas mud and Gucci purses being bought on debit cards, until we figure out the precise Federal role versus the State role versus the local role versus the role of able-bodied individuals under the age of 65, until we come up with reforms, and most importantly, until we come up with offsets, it is time that we prioritize our spending. And maybe we shouldn't be funding the citrus canker program and Radio-Free Europe if money is needed at the gulf coast. I support this amendment and hope it passes.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, maybe I did not hear right, but I thought I heard some rather interesting things. Two speakers ago I heard the words "we need more oversight." Really? This from a Congress and a majority party that has provided mighty little oversight of the abuses at Abu Ghraib, mighty little oversight on the question of contractor ripoffs in Iraq?

If you want some oversight, I will be interested to see how you vote on the amendment to provide a Truman-like committee to get into the details of contractor abuse in Iraq.

I have also heard from the gentleman from Texas express his concern about cancer patients who are being asked to pay taxes to support additional aid to the gulf. I will be interested to see whether the gentleman votes for a budget which for the third year in a row will cut the number of research grants at the National Institutes of Health.

The gentleman mentioned the number of people who die in fires. I will be interested to see whether they vote for the recommendation to eliminate fire grants. I could go on and on, but I won't in the interest of time.

So I was heartened to hear those comments by both gentlemen. I just hope that when the bills come that provide the services for the activities that they mentioned, that they will have the same attitude that they are exhibiting here today.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself the balance of my time.

There has been a lot of discussion about what this bill does and what it does not do. What it does do is not take away Katrina funding; but what it says is let us break this bill into two pieces the way that the President of the United States sent this bill over to us, giving an opportunity for Members to express their opinions about our current defense policy, giving Members of Congress the ability to talk about and express their opinions about how they feel about Katrina policy and how it is going today.

One of the things that this amendment does, Members would be able to come back for debate on Katrina and have a separate vote at that particular time.

What we need to understand is this is no small sum of money. This is $92 billion as of the last count; and with the amendments, it is probably going to be more. We also know that $92 billion is in excess of 10 percent of our discretionary spending for 2006.

So it makes good sense for the American soldiers, the young men and women that are defending our Nation, that are executing the war on terrorism to have a separate vote. It makes good sense for the people in the devastated areas because of the hurricanes that we have had, for us to have deliberative talks and discussions about what is good policy for Katrina.

But let's don't leave the third set of people out that this body is charged to represent, and that is the American people. We need to make sure when we are making policy in this building and in this Chamber that it is good for the people in America. The American people are looking to us; and quite honestly, the people back in the 19th Congressional District of Texas are concerned about our spending. They question how much is an emergency and what is an emergency.

Quite honestly, Mr. Chairman, I think that combining these bills today is not good policy, and I urge my colleagues to come down and give a positive vote, vote for this amendment, vote for our soldiers, vote for the people in Katrina, but also vote for the American people.

Mr. Chairman, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. LEWIS), chairman of the Appropriations Committee.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I believe my colleagues know that the Appropriations Committee gives the highest priority to improving and extending oversight to money that is expended.

□ 1315

Indeed, I have personally spent a lot of time working with the Inspector General. We have added money in this bill to the Inspector General specifically to make sure oversight is increased and is very adequate. I am concerned, for example, about the money that may be available even to east Texas as a result of this work. I intend to make sure that we do what is right in connection with our response to this issue. I would urge a "no" vote and appreciate my colleagues supporting that "no" vote.

The Acting CHAIRMAN (Mr. BASS). The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MILLENDER-McDONALD:

Page 59, line 1, insert "(increased by $50,000,000)" after the dollar figure.

The Acting CHAIRMAN. Pursuant to the order of House of Wednesday, March 15, 2006, the gentlewoman from California (Ms. MILLENDER-McDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself such time as I may consume.

I rise today to ask my colleagues to support the amendment that I have offered to H.R. 4939, which is the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Hurricane Recovery.

Mr. Chairman, I have a bill that is going through the normal process that will ask for $50 million through EAC. But this is an emergency bill and it is an emergency with those who are down in those gulf coast States who are looking for some relief in their elections that are upcoming.

My amendment is a simple one. It merely gives an additional $50 million to FEMA so that they can repair and replace the election infrastructure in the States affected by Hurricanes Rita and Katrina.

On August 29, 2005, the Nation and the world watched in horror as the Gulf States were hit by one of the worst hurricanes in this Nation's history. Hurricane Katrina destroyed life in the Gulf States as we know it. And to our dismay, a few weeks later, Hurricane Rita cut a path of devastation along the Texas-Louisiana coast.

The residents of the Gulf States have witnessed entire towns and cities destroyed in the face of Hurricane Katrina and Rita. In some locations these hurricanes wiped out the entire infrastructure necessary for citizens to educate their children, shop for necessities, and to exercise their right to vote. This is what this emergency bill is all about, allowing the election infrastructure to be placed there to give people the right to vote, because it may be years, Mr. Chairman, before the Gulf States start to resemble the vibrant region of the country which they were known to have before these storms.

And it takes time, Mr. Chairman, to build schools and shopping centers; but when it comes to voting, time is of the essence. The most affected State, Louisiana, will be holding elections in just weeks, along with Mississippi and Alabama, which have scheduled primaries in June.

Mr. Chairman, I have a letter from the Secretaries of State of those States urging us to pass this emergency $50 million and to ask FEMA to provide this. FEMA has denied them before to get this election infrastructure put in place. This bill will do just that.

My bill will add an additional $50 million to FEMA under the Stafford Act. It is my intent that FEMA directs these funds to the States affected by Hurricanes Katrina and Rita to rebuild the necessary infrastructure to conduct Federal elections. As the ranking member on the Committee on House Administration, I have that oversight, and I am urging this amendment to be passed.

Voter registration lists need to be reestablished, sometimes even recreated from scratch; and destroyed polling stations must be reconstructed and made fully accessible to those with disabilities. With this additional money, FEMA will not have to take money away from rebuilding schools and bridges and hospitals and other important reconstruction projects in order to get the election process back up and running in the gulf coast States in time for Federal elections in the coming weeks. And this is not a blank check, Mr. Chairman. The States would have to submit proposals with detailed plans before receiving funds.

Mr. Chairman, I am urging that we do this in light of the fact that FEMA has not, and denied these Secretaries of State the due process of getting these election infrastructures put in place. Hurricanes Katrina and Rita nearly destroyed those Gulf States. Months later, the rippling effect is still being felt by the Nation.

This Nation must provide disaster relief funds to supplement State and local efforts with their efforts to restore and replace supplies, material and equipment so that election officials can conduct credible elections.

We talk about democracy in Iraq and Afghanistan. We need our democracy right here for those who wish to vote and want to vote in the upcoming elections to do that. I urge my colleagues to support this amendment.

NATIONAL ASSOCIATION
OF SECRETARIES OF STATE,
Washington, DC, February 6, 2006.

Hon. SUSAN M. COLLINS, Chair
Hon. JOSEPH I. LIEBERMAN,
Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.
Hon. PETER KING, Chair
Hon. BENNIE G. THOMPSON,
Ranking Member, Committee on Homeland Security, House of Representatives, Washington, DC.
Hon. TRENT LOTT, Chair
Hon. CHRISTOPHER J. DODD,
Ranking Member, Committee on Rules and Administration, U.S. Senate, Washington, DC.
Hon. VERNON EHLERS, Chair
Hon. JUANITA MILLENDER-MCDONALD,
Ranking Member, Committee on House Administration, House of Representatives, Washington, DC.

DEAR CHAIRMAN COLLINS, RANKING MEMBER LIEBERMAN, CHAIRMAN KING, RANKING MEMBER THOMPSON, CHAIRMAN LOTT, RANKING MEMBER DODD, CHAIRMAN EHLERS AND RANKING MEMBER MILLENDER-MCDONALD: On August 29, 2005 Americans in the Gulf Coast suffered the most devastating natural disaster in our nation's history. Since that time, officials at all levels of government have been devoted to helping our citizens rebuild and move forward. As Alabamans, Louisianians and Mississippians, we are grateful for the hope, service and resources that have poured into our region and we are heartened by the hospitality of Americans in the great cities across the country who have welcomed our fellow citizens in this time of unprecedented need. We write your committees to request necessary assistance in securing the rights of our region's voters. Because a transparent and accountable democratic infrastructure is the backbone of any rebuilding effort, we are asking for your assistance in securing $10 million to ensure meaningful elections.

As we move in our common struggle to. keep the Gulf Coast vibrant in the wake of disaster, we must provide our citizens with the opportunity to participate in the critical and difficult decision making that each of our states face in the coming months and years.

We are honored to serve as Secretaries of State and Chief Election Officials and humbled by our solemn duty to safeguard our citizens' most fundamental right as Americans—the right to vote. The mandates of our office require that we provide all eligible voters, both those that have returned to their homes already and those that are temporarily residing elsewhere, with an opportunity to participate in this rebuilding effort by exercising their voice through the ballot box.

Each election presents our states with many challenges, but never before has there been such great potential for disenfranchisement than in the elections we are facing in the coming year. In Louisiana alone over 400,000 of our registered voters are dispersed in 49 states across the country. Over 53,000 of those citizens have been welcomed into Alabama and Mississippi. Over 250 polling places in our coastal parishes have been destroyed. To date, Louisiana has expended over $2.5 million in restoration of voting machines and associated equipment alone.

In Mississippi, Katrina's damage was devastating. Though fewer citizens were permanently displaced than in Louisiana, our infrastructure in many communities was completely destroyed or severely damaged, due to storm surge along the coast and hurricane force winds that reached as far as 125 miles inland.

The result of this devastation is that limited county budgets are depleted to deal with debris removal and infrastructure rebuilding, and much of our counties' tax base is destroyed. Much of these diverted county funds would have been used to bring voting precincts up to ADA standards and to purchase new voting machines to meet HAVA requirements this year. Based on surveys from our 43 affected counties, Mississippi's estimated reimbursement need is $4.2 million dollars for ADA voting precinct compliance and voting machine purchase.

Alabama's Gulf Coast area, and 22 counties which were declared disaster areas following Hurricane Katrina, have a variety of needs to conduct their first election on June 6, 2006. In addition to necessary repairs to make some polling places functional, many counties in this disaster area have used dollars normally allocated for election costs to remove debris, repair infrastructure, etc., and these funds would have been used to upgrade polling place facilities, comply with ADA, provide training, purchase supplies, train polling officials, etc. Alabama's estimated cost for the above needs is 2.3 million.

As Chief Election Officials, we are committed to overcoming these challenges, but to guarantee that each of our citizens has an equal opportunity to participate in the election, we need additional resources that will allow us to be creative in educating our voters, providing opportunities for them to cast meaningful ballots from across the country and rebuild our democratic infrastructure.

Unfortunately, our requests to the Federal Emergency Management Agency ("FEMA") have been answered by a denial that FEMA has authorization under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to aid us in administering elections. The Stafford Act, however, clearly provides the statutory authority to FEMA to help with necessary election expenses incurred in the wake of a national disaster. 42 U.S.C. §5170a. In fact, when Americans have suffered the results of disasters in the past, FEMA has provided aid and financial support for extraordinary expenses to election officials. For example, in 1992, in the wake of Hurricane Andrew, FEMA provided substantial aid to Miami-Dade County to overcome the obstacles of losing more than 100 polling places. FEMA also provided reimbursement for all of that county's election expenses incurred as a result of Andrew.

We seek assistance from the Senate Homeland Security and Governmental Affairs Committee and the House Homeland Security Committee to help secure necessary funding and assistance from FEMA.

Each of our offices is currently engaged in determining the financial impact of the hurricanes on our respective election system. It is our feeling that we will need $10 million this year in order to adequately address our voters' additional needs as a result of the storms. In order to most effectively administer election related funding, we encourage a formal liaison between FEMA and the United States Election Assistance Commission (EAC). This relationship will allow essential funds to be directed to the states by the federal agency responsible for issues related to election administration. Consequently, we call on the Senate Rules Committee and the Committee on House Administration to work with the EAC to determine the structure of this necessary relationship. It is our hope that, as a result of this relationship, we will have a procedure for obtaining needed financial resources through a responsive partner.

Time, of course, is of the essence. Voters in Orleans Parish Louisiana will cast ballots on April 22 to elect leaders whose vision will determine the future of New Orleans and its historic neighbors. Starting in the spring and running through the summer, all of our states have primary elections for local and federal offices. Of course, this coming fall, each of our states must administer major federal elections. It is essential to a successful rebuilding process that our citizens have confidence in the outcomes of these elections. Our commitment to this goal is undermined only by our lack of resources.

Sincerely,

AL ATER,
Secretary of State,
State of Louisiana.
ERIC CLARK,
Secretary of State,
State of Mississippi.
NANCY WORLEY,
Secretary of State,
State of Alabama.

NASS RESOLUTION ON FEMA FINANCIAL ASSISTANCE AFTER A DISASTER

Whereas, In September 2005 the gulf south region of America suffered devastating losses as a result of Hurricanes Katrina and Rita, and

Whereas, other geographic areas have in the past and will suffer in the future from devastating disasters whether by act of god or man, that will debilitate the election process, and

Whereas, the Secretaries of State and other local election officials in the affected areas will bear substantial additional costs to restore polling places, voting equipment, and other necessary items which will enable them to resume conducting elections, and

Whereas, we, the members of the National Association of Secretaries of State (NASS) and the chief state election officials in 39 states, agree that accurate, accessible, and accountable elections are the centerpieces of our democracy, and

Whereas, the state and local governments in the affected areas have and will suffer tremendous losses of revenue and have to shoulder additional expenses in the clean up and rehabilitation of their respected areas, and

Whereas, the Federal Emergency Management Agency reports that they have no statutory authority to pay for any of these extraordinary expenses, and

Whereas, the Federal Emergency Management Agency has provided assistance and financial aid for extraordinary expenses to state and local election officials for conducting elections during past disasters.

Therefore be it Resolved, That NASS hereby urges and requests the President and Congress of the United States of America to direct the Federal Emergency Management Agency to deem these extraordinary expenditures as eligible for payment under the Stafford Act and to work with other federal agencies to expediently take appropriate steps to assist those Secretaries of State and local election officials in the affected areas.

Adopted the 5th day of February, 2006
In Washington, DC

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is just not necessary. FEMA has money and the authorization to go ahead and buy election equipment already, and they are already doing it. This amendment would actually earmark Disaster Relief Funds, which we have never done before. We don't earmark. This is not an account out of which you earmark monies for things you like. These are Disaster Relief Funds that are administered by the government where it is needed.

Now, the Stafford Act authorizes the use of Federal money to repair or replace damaged public infrastructure. That is what it is for, including election equipment. FEMA has already spent over $1.7 million on election equipment in Louisiana and Mississippi. Specifically, Louisiana has received $1,200,100 from FEMA to replace polling booths, computers, voting machines, office supplies, and storage facilities. Mississippi has received $724,000 from FEMA for voting machines, equipment, and election commission furniture. So FEMA is already doing it. I don't know why we need to earmark monies, which I oppose in general; but it is unnecessary here because it is already being done.

There is plenty of money in FEMA's account to replace the election equipment. They are already doing it. So I don't see the need for us to pass this sort of an amendment and set a precedent, Mr. Chairman, for earmarking out of the Disaster Relief Fund for somebody's whim on the floor. We have passed the Stafford Act. That is what governs how FEMA monies are being spent. This would be a violation, in my judgment, of the principle of the Stafford Act.

FEMA is in the process of helping remove debris from the Gulf Coast. Roads are still closed in the area. As has been described innumerable times, it is an absolute mess down there. And while election equipment is important, it is just simply, in my judgment, premature to purchase this equipment, first of all, when there are no structures in place to house the equipment and no roads open to deliver it. When the time is right, FEMA has both the authority and the money to assist with the upcoming election and the equipment requirements. There is simply no need for this amendment and no need to earmark out of disaster funds.

Including the funds in this bill, we will have given $44.5 billion to the Disaster Relief Fund in supplemental appropriations during 2005 and 2006. That is a huge sum. But it reflects the commitment of this body to helping rebuild the devastated Gulf Coast region.

Now is the time for sound management of this money. Arbitrarily carving out specific amounts from the disaster fund would open a floodgate seemingly without end for many, many needs.

We recognize and support the need to repair election facilities. It is critical that we allow those affected by Hurricane Katrina to participate in the most important civic duty, and that is voting. With this bill, the disaster relief monies involved in the bill are in place to do just that and are being spent for that purpose already. So I would urge a rejection of this amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. The Chair regrettably informs the gentlewoman from California that her time has expired.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Chairman, as much as I hate to disagree with the gentleman from Kentucky, this is not an earmark, nor has FEMA submitted the requisite amount of money that is required for the election infrastructure. They have approved $1 million, but they have given no money; and, in fact, the Secretaries of State have indicated that FEMA has refused and denied them any money at all. So what I am simply asking is that given that this is an emergency to take care of the hurricanes, that we provide the funding for that infrastructure to be placed.

Mr. ROGERS of Kentucky. Mr. Chairman, I urge a "no" vote, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-McDONALD).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. MILLENDER-McDONALD. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JINDAL:

Page 59, line 1, after the dollar amount, insert the following: "(reduced by $2,000,000)".

Page 49, line 16, after the dollar amount insert the following: "(increased by $2,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Louisiana (Mr. JINDAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JINDAL. Mr. Chairman, in the days and weeks after first Hurricane Katrina and Hurricane Rita, it became very clear that the lack of communications was one of the biggest obstacles to a rapid recovery and a rapid rescue effort in the face of these awful disasters.

The purpose of the amendment that I offer today is to use $2 million for the Department of Defense's Technical Support Working Group to deploy in hurricane-affected States existing technology that provides wireless, interoperable, mobile, encrypted broadband communications for first responders, National Guard, Federal response personnel in the case of future disasters or in the case of the temporary absence of communications.

FEMA has already been tasked with identifying and providing existing commercially available capabilities in time to provide responders with this capability before the next hurricane season begins. The capability exists and needs to be rapidly deployed.

The purpose for my amendment is to use $2 million for the working group to deploy in these areas existing technology.

Federal, State, and local law enforcement and first responder agencies were limited in their ability to respond to Hurricane Katrina because they couldn't communicate. The House Select Committee on Katrina identified this as a key failure at all levels. The Select Committee's recommendation states in part that the Department of Homeland Security should establish and maintain a deployable communications capability to quickly gain and retain situational awareness when responding to catastrophic incidents.

My amendment takes a step in the right direction and, importantly, does so before the next hurricane season, which starts June 1. We must provide responders with the capability to talk across agencies, within their agency when customary communications systems like phones are disrupted or destroyed.

This is not, obviously, a cure-all approach to solve our Nation's interoperable problems; but it is one solution that provides a stopgap system that allows responders to talk to each other using their existing hardware from mobile or fixed locations when existing systems aren't available.

FEMA has already been tasked with this responsibility before the next hurricane season. The capability exists and needs to be rapidly deployed.

This amendment does not require additional Federal dollars. It simply provides $2 million and directs the Department of Defense and its technical support working group to work with FEMA using funds Congress has already planned to provide FEMA to identify and deploy the capability.

From a personal perspective, I can state, being on the ground in the days and weeks after Katrina and Rita, this was one of the biggest gaps in our Federal, State and local response, the inability to have interoperable communications.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. JINDAL. I yield to the gentleman from Florida.

□ 1330

Mr. YOUNG of Florida. Mr. Chairman, it is obvious that he has put a lot of time and effort into this amendment. The committee has reviewed the amendment thoroughly, and we will accept the amendment.

Mr. JINDAL. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. BASS). Does anybody seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JINDAL:

Page 59, line 1, after the dollar amount, insert the following: "(reduced by $50,000,000)".

Page 68, line 16, after the dollar amount insert the following: "(increased by $50,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Louisiana (Mr. JINDAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JINDAL. Mr. Chairman, I intend to offer and withdraw this amendment.

The purpose of my amendment is to restore the administration's request to rebuild New Orleans' VA Medical Center. I do intend to withdraw this amendment pursuant to a colloquy with my colleagues. I want to, first of all, state the rationale for my amendment in the first place.

The VA Medical Center suffered significant damage after the hurricane. It is a 354-bed acute care facility. It provides health care to more than 220,000 veterans who live in a 23-parish region served by this medical center. It is absolutely critical to get this hospital rebuilt as quickly as possible to continue serving these thousands of veterans, our men and women who have served us so proudly in uniform.

Ironically, it was not the hurricane that did the majority of damage to the VA center. Instead, the facility actually initially weathered the hurricane with minimal damage. However, the breach of the levees days later flooded the entire area around the medical center. Let me correct myself. I am sorry, Mr. Chairman.

It was the breach of the levees, not days later, it was the breach of the levees caused by the failure of design and construction. It was the breach of the levees that flooded the entire area around the medical center, the facility's first floor basement and sub-basement. Those floors housed the facility's major electrical, mechanical and dietetics equipment. Of the 1,819 VA employees in New Orleans, 40 percent lost their homes.

Despite this destruction, despite the obstacles, the VA was one of the few bright lights to shine through the devastation that hit the region. Advanced planning, a well-known electronic medical system helped to ensure that VA could coordinate and move thousands of staff and patients to facilities across the United States without a single loss of life attributed to the lack of medical attention.

In addition, VA staff members volunteered thousands of hours of their time to assist veterans and other citizens in the affected communities to ensure that the aftermath of this storm and the response could go as smoothly as possible.

Right now, the current situation is that thousands of veterans are being forced to drive a long distance or do without the health care they need. The President initially requested over $600 million to rebuild the medical center in addition to the previous $75 million that was included in the December supplemental for planning and land acquisition.

This is an important facility for the VA. I also want to commend the VA for working together with LSU, which operates the city's Charity Hospital. They have announced an intent to try to work together to construct a shared facility, so the new hospital would have the economies of scale, for example, sharing potentially laundries and other facilities with the State hospital that will also need to be rehabilitated, maybe even rebuilt before it reopens. It is crucial to restore this funding; it is crucial that we get this hospital open as quickly as possible.

I do intend to yield to one of my colleagues. It is my understanding in working with the committee, that they will work with me to ensure that the VA does have the funds they need to reopen this facility in its entirety. I think there was some discussion about the adequacy of the funds, and there was some analysis of how much funds would actually be needed to reopen this facility.

I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I appreciate the gentleman's concern for the construction of the new veterans hospital in New Orleans. I would like to state, also, that I congratulate him and thank him for the leadership that he has provided to the great city and the great people of New Orleans. He has been a consistent and strong supporter.

We will continue to work on this issue, and I will work with the gentleman and all other interested parties to ensure that all necessary funding is available to complete the hospital on schedule.

Mr. JINDAL. I want to thank my colleague and thank the committee. With this agreement, I am willing to withdraw this amendment.

My understanding was there was some confusion in the initial estimates about the actual cost of constructing a parking garage that might have caused an inflated estimate.

I do thank my colleagues for being willing to work with me to make sure this facility is reconstructed as quickly as possible so the veterans can get the health care they deserve. I thank my colleagues. I thank the Chairman.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JINDAL:

Under the heading "DISASTER RELIEF" in chapter 4 of title II, insert after the dollar amount on page 59, line 1, the following: "(reduced by $142,271,000)".

Under the heading "MILITARY CONSTRUCTION, ARMY NATIONAL GUARD" in chapter 6 of title II, insert after the dollar amount on page 66, line 12, the following: "(increased by $142,271,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Louisiana (Mr. JINDAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JINDAL. Mr. Chairman, I again intend to offer and then withdraw this amendment pursuant to a colloquy with my colleagues.

The purpose of this amendment, but before I do that, I want to explain the rationale and importance of this amendment. I have offered an amendment to provide funding requested in the amount of $142 million to allow the reconstruction of the National Guard facilities in New Orleans, Louisiana. Replacement of these facilities are absolutely critical for the function of the Louisiana Army National Guard.

Hurricane Katrina severely damaged these facilities, so that they must be replaced. These units are now currently in temporary interim facilities and have less than half the required training area and storage facilities. These makeshift facilities are overcrowded and disjointed in terms of the capacities they offer. Proper facilities need to be constructed immediately to prevent further deterioration of the equipment.

On August 29, 2005, the Jackson Barracks, in particular, suffered massive flooding from Hurricane Katrina. Several weeks later, after the floodwaters had subsided from the hurricane, the readiness centers were again flooded from Hurricane Rita. Together these two hurricanes caused extreme catastrophic damage to the readiness centers that housed the Joint Force Headquarters and the 1/141 Field Artillery Battalion. Portions of each facility were completely destroyed, suffering from building collapses, collapses as a result of the storm's wind, rains and floodwaters.

The damage inflicted upon the readiness center and all other facilities on the Jackson Barracks has rendered them completely useless. The 512 soldiers of the Field Artillery Battalion and the 216 soldiers of the Joint Forces Headquarters are now operating out of small corner spaces in numerous buildings spread across the State of Louisiana until interim facilities can be provided for these units affected by these hurricanes.

These interim facilities should be ready for use in a few short months. However, they will be nothing close to what is authorized or required to provide for mission ready combat units of the United States Army. The Field Artillery Battalion will have less than a quarter of its authorized square feet required for unit training assemblies and a readiness center for a unit of its size. This is the space needed to provide the facilities needed for the unit to meet its wartime training requirements.

The unit will share this space with another unit as well. Not only will it have a quarter of the space, it will be sharing the space with another unit. This heavily cramped facility, though, we are grateful for this in the aftermath of the storm, will hardly satisfy the long-term mission capability for the two units.

Over time, readiness levels to meet training requirements, retention and recruiting will all suffer greatly. Moreover space required to store unit equipment is insufficient. These same issues have also plagued the Joint Force Headquarters.

The post-hurricane plan for the Joint Force Headquarters has resulted in splitting the headquarters into several locations. This strategy is important for recovery of the State. However, facilities for the operation of the headquarters are not available to consolidate the organization at each location. These long-term operations will not be acceptable as this will result in critical management issues for the Joint Headquarters mission providing command and control to the Louisiana National Guard. This will result in poor oversight provided by the headquarters which could significantly affect the readiness for the National Guard.

My amendment seeks to restore the administration's request to rebuild these facilities in New Orleans. Replacement of these facilities should be provided to sustain the readiness posture of the Louisiana Army National Guard. Hurricane Katrina has severely damaged the facilities and these facilities must be replaced, and certainly, we need to send a signal to the Guard that we want to help them increase their readiness even before next hurricane season.

Many of my colleagues have done me the honor and privilege of coming to my state on CODELs to see the damage. Many of you have landed at Jackson Barracks and been accompanied by Louisiana Army National Guard members on your tours. Many of you have seen the heroic footage of what they did in the aftermath of the storm to rescue people out of the water. Many of you are very aware of their extreme sacrifice serving us overseas in Iraq.

Mr. Chairman, I want to enter into a colloquy with my colleagues. My understanding is the committee will work with me once information is provided from the Louisiana Army National Guard to make sure that these facilities are indeed rebuilt and repaired.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. JINDAL. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding, and I appreciate his great concern for the National Guard facilities in the City of New Orleans and the State of Louisiana. We will continue to work on this issue as we move towards conference, and I am convinced we can resolve all the questions as we complete the work in the conference.

Mr. JINDAL. I want to thank the gentleman and my colleagues. Based on their commitment to work with me to make sure we do provide the funding to rebuild the facilities, my understanding is there are some questions that need to be answered and some additional information that needs to be obtained, but once that information is obtained, that we are confident we can do that before conference.

Based on that, I will seek unanimous consent to withdraw my amendment. Before I do that, I want to thank my colleagues on the committee for working with me on each of my three amendments.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GINGREY:

Page 62, beginning on line 1, strike lines 1 through 11 (relating to National Park Service Historic Preservation Fund).

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Georgia (Mr. GINGREY) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY. Mr. Chairman, today I rise in an attempt to rein in what some might see as the most modest of items. Certainly the $3 million my amendment would strike is a minute fraction of the $19.1 billion we are going to spend in this emergency supplemental package on Katrina relief. Specifically, my amendment strikes the $3 million for the National Historic Preservation Fund.

It is my understanding, Mr. Speaker, that the money would be used for section 106 reviews. These reviews are required to assets effects of certain undertakings on historic properties by activities of the Federal agencies like the Department of Homeland Security and FEMA.

Some may ask, why strike this particular program from the bill? The answer is not because I don't like the program or even that the money won't be needed at some point down the line. Rather, I am offering this amendment today to make the point that if we are passing an emergency supplemental, then we should only be including emergency money.

If we need to initiate a project on or near an historic property during a time of emergency, shouldn't the government bureaucracy just get out of the way and waive section 106 reviews, thus saving critical time and money for the vital life needs of those who are and have been affected by Hurricane Katrina?

Mr. Chairman, I will support the overall legislation because I understand the emergency needs of our troops. It was only days ago that I was in Iraq visiting troops and hearing of their needs to ensure continued success in this war on terror. And although I do not believe the two should be coupled together in this particular package, as I previously said, I have personally been to Louisiana twice and I know we are in an emergency situation throughout the gulf coast. They do need further relief.

My point here today is that we must focus our resources on the true needs of the region, not on a government review program that should be waived anyway. When we have successfully moved beyond this immediate situation, then we can reinstate section 106 requirements for the affected gulf coast States.

I ask my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. Is the gentleman from North Carolina opposed to the amendment?

Mr. TAYLOR of North Carolina. Mr. Chairman, I oppose the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I oppose the amendment for three reasons. First of all, some $9.5 billion of the $35 billion that has been appropriated will go to food, housing and other critical needs. So we have met those criteria as much as possible.

Secondly, as the gentleman said, this is required by section 106 of the National Historical Preservation Act. We don't want to get into amending and trying to put that in the middle of this supplemental. I would suggest if the gentleman wants to take that up at a later time, we could do that.

Thirdly, it is needed because an $18 billion tourist industry is involved here, and getting the assessment of these national historical preserved sites is going to be the first step in trying to get back that $18 billion.

Those are three reasons I would oppose this amendment. I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was rejected.

The Acting CHAIRMAN. If there are no other amendments to title II, the Clerk will read.

The Clerk read as follows:

TITLE III—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. Notwithstanding subsection (b) of section 102 of title I of division B of Public Law 109–148 (119 Stat. 2748), the Secretary of Agriculture may provide financial and technical assistance in carrying out such section in an amount up to 100 percent Federal share, as provided in regulations implementing the emergency watershed protection program: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3003. Funds appropriated pursuant to this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(INCLUDING RESCISSION OF FUNDS)

SEC. 3004. (a) RESCISSION.—Of the unobligated balances available for "Immigration and Customs Enforcement—Automation Modernization", $43,620,000 are rescinded.

(b) APPROPRIATION.—For an additional amount for "United States Secret Service—Salaries and Expenses" for critical investigative and protective operations, $43,620,000: *Provided*, That none of the funds appropriated in this section or under the heading United States Secret Service "Salaries and Expenses" in any other Act may be used to support the position of the Chief Financial Officer until the Committees on Appropriations receive: (1) a comprehensive workload re-balancing report that includes funding and position requirements for current investigative and protective operations; (2) a comprehensive analysis of the methodology used to estimate current workloads and develop annual operating budgets; and (3) a budget formulation model for National Special Security Events: *Provided further*, That none of the funds appropriated in this section may be obligated until the Committees on Appropriations receive a revised Program, Project and Activity schedule based on current investigative and protective workload requirements, including a comprehensive analysis of the methodology used to estimate those requirements.

SEC. 3005. (a) The matter under the heading "Tenant-Based Rental Assistance" in chapter 9 of title I of division B of Public Law 109–148 is amended—

(1) in the first proviso, by striking "or the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77)" and inserting "the McKinney-Vento Homeless Assistance Act, section 221(d)(3), 221(d)(5), or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965"; and

(2) in the second proviso, by inserting ", except that paragraph (7)(A) of such section shall not apply" after "1937".

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3006. Notwithstanding 49 U.S.C. 5336, any funds remaining available under Federal Transit Administration grant numbers NY-03-345-00, NY-03-0325-00, NY-03-0405, NY-90-X398-00, NY-90-X373-00, NY-90-X418-00, NY-90-X465-00 together with an amount not to exceed $19,200,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Council to the New York City Department of Transportation as a designated recipient under 49 U.S.C. 5307 may be made available to the New York Metropolitan Transportation Authority for eligible capital projects authorized under 49 U.S.C. 5307 and 5309.

SEC. 3007. The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed to be amended—

(1) with respect to item number 536, by striking "an economic development planning study" and inserting "the Main Street Revitalization Project"; and

(2) with respect to item number 444, by striking "City of St. Petersburg, Florida for facilities construction and renovation for the Mid-Pinellas Science Center" and inserting "St. Petersburg College, City of Seminole, Florida for the development of a Science and Nature Park at St. Petersburg College".

SEC. 3008. (a) The second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is amended by striking "statement of managers accompanying this Act" and inserting "statement of managers correction for H.R. 3058 relating to the Economic Development Initiative submitted to the House of Representatives by the Chairman of the Committee on Appropriations of the House on November 18, 2005, and printed in the House section of the Congressional Record on such date".

(b) Section 5023 of title V of division B of Public Law 109–148 is amended by striking "in title III of Public Law 109–115 (as in effect pursuant to H. Con. Res. 308, 109th Congress)" and inserting "in title III of division A of Public Law 109–115".

(c) Each amendment made by this section shall apply as if included in the amended public law on the date of its enactment.

SEC. 3009. The statement of managers correction referenced in the second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended—

(1) with respect to item number 714, by striking "construction of a senior center;" and inserting "renovation and buildout of a multipurpose center;";

(2) with respect to item number 850, by striking "City of Lancaster, Pennsylvania" and inserting "in Pennsylvania"; and

(3) with respect to item number 925, by striking "Greenwood Partnership Alliance, South Carolina for the renovation of Old Federal Courthouse;" and inserting "City of Greenwood, South Carolina for the Emerald Triangle Project;".

SEC. 3010. Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a), by striking "for a 1-time only obligation and expenditure";

(2) in subsection (a)(2)—

(A) by striking "for fiscal year 2007"; and

(B) by inserting before the period at the end the following: ", to remain available until September 30, 2007"; and

(3) by striking subsection (b) and inserting the following:

"(b) EMERGENCY DESIGNATION.—The amount provided under subsection (a)(2) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.".

☐ 1345

AMENDMENT OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. BASS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONAWAY:

Page 81, beginning on line 21, strike section 3010 (relating to LIHEAP).

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Texas (Mr. CONAWAY) and the gentleman from Wisconsin (Mr. OBEY) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, the amendment I have is pretty simple. It would strike section 3010 in its entirety. 3010 deals with the acceleration of the payments on LIHEAP from fiscal year 2007 into fiscal year 2006 by some $750 million.

The basis of this being in there has not been laid. This is not an emergency, certainly. We have had one of the mildest winters that we have had in a long, long time. I have also got it on relatively good authority, scientific authority, that we will have a winter in 2007, that this money was originally set up to supplement LIHEAP funding in that year.

This funding came about as a result of some very difficult work that was done on the Deficit Reduction Act, and offsets were put in place to allow for this spending in 2007. All of the hard work that went into it, all of the groundwork that was laid to convince us that this was needed for 2007 would be inaccurate, I guess, if we were, in fact, to pass this amendment, because that Deficit Reduction Act was passed in early February.

So it has been a little more than a month since the work was done that this House collectively said this $750 million should be spent in 2007 for the LIHEAP program.

I know that there will be those who say, well, LIHEAP has been authorized at much, much higher levels than we have it and than it has ever been appropriated at; but we have not seen any evidence that the appropriation levels that we have had in the past were inadequate, that there has been evidence shown that there has been needless suffering going on as a result of this funding being less than what was authorized.

I would also remind my colleagues that we have a very disjointed national policy in that we restrict drilling in areas where we know there is crude oil and natural gas, the basis for most of the energy costs that we are talking about helping low-income with, we restrict that drilling.

And it does not take a great economist to understand that if the supply of a commodity is greater than the demand that the price will go down. So it seems wrong-headed on one hand to have a subsidy program for our energy costs and then at the same time restrict the drilling for that commodity to continue to drive that price up, which then means you need more subsidies to support the higher and higher prices.

So my amendment is pretty straight forward. It strikes this section in its entirety. And I would encourage my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, what is behind this amendment is very simple. The gentleman would like to hold the low-income heating assistance funding in this bill hostage to drilling in ANWR. He cannot do that under the rules of the House; and so from his standpoint, the next best thing is to eliminate low-income heating assistance in general.

I was one of the three original authors of the low-income heating assistance program, along with Silvio Conte, Republican from Massachusetts, and Ed Muskie in the Senate. And I think I know something about this program and why this amendment is destructive.

Let me explain what happened last year. The House-passed version of the budget reconciliation bill included $1 billion for LIHEAP to be available in fiscal 2006. But just before the reconciliation conference was completed, the defense appropriations conference report was filed, and that contained an additional $2 billion for LIHEAP as part of the sweetener for ANWR oil leasing provisions.

Not wanting to duplicate the ANWR funds, the reconciliation conferees shifted their addition to fiscal 2007. Subsequent to that, however, the entire ANWR package, including the $2 billion appropriated for LIHEAP, was dropped out of the defense appropriations conference report.

The end result was no additional funds for LIHEAP in 2006, despite escalating heating oil and natural gas prices. The committee amendment simply tries to move the money back to where it was originally supposed to go, which was in this fiscal year. The problem, however, is that the language, even in the committee amendment, does not guarantee that that money will be spent this year; it only allows it to be.

Let me point out the gentleman says he does not think this is an emergency. The gentleman makes $160,000 a year. So does everybody in this Chamber. It is not an emergency to us. We do not have to worry about heating our houses. But there are an awful lot of people who do. Only 16 percent of the people who are eligible by income for low-income heating assistance last year got some help.

And the fact is that the average price for home heating oil has more than doubled since 2001 and 2002, yet LIHEAP has increased only 20 percent since that time. Average prices for natural gas are up 31 percent. Average prices for home heating oil are up 25 percent, for propane up 18 percent, just from one winter to another.

Over 3 years' time they are much, much steeper. So I would suggest that the family that was able to get through the winter without help when home heating oil was selling for $1.16 a gallon, as it was 4 years ago, is going to have a little more trouble coping when heating oil reaches $2.40 a gallon, the average price now.

So I would suggest that to eliminate this funding is unadvisable. I am myself unhappy with the provision in the committee bill, because unlike the original Obey amendment which was offered in committee, this does not even require the funding be provided this year; but at least it allows that funding to be spent in this year or next.

And I think that that is better than nothing. I think the gentleman's amendment, while I respect him and respect certainly his right to offer it, I think that the amendment itself is misguided and ought to be defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. CONAWAY. Mr. Chairman, I certainly have a great deal of respect for my colleague on the other side of the aisle, but I think it is a bit misplaced to compare the salaries which you and I make, which I think is $165,000 a year, to every malady known to man. Because if we are going to do that, there is not enough money in the Federal Treasury to make that happen.

So I would disagree that that is a very good analogy. We will also consider in this Chamber in a little while a suspension bill that will add a billion dollars in funding to LIHEAP. In fair disclosure, I intend to oppose that as well. But if for no other reason, in order to simplify the world and make it easier on the conferees, my amendment would strike this section out of the bill so that when we go to conference with it, the $1 billion that will be in the suspension bill, I suspect it will get approved, and this $750 million, there would be no confusion that this $750 million is not tacked on top of the $1 billion.

I think the analysis has not been made. The price has gone up less than 50 percent and this funding would increase support by well over 100 percent, from a billion to a billion. So I want to respectfully disagree with my colleague and ask my colleagues to support this amendment to strike this section from the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, let me simply suggest that the fact is that there are many people in this country who have to choose between heating their homes and eating. I think we ought to make their life just a little bit easier.

I yield to the gentleman from New Hampshire.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I appreciate the gentleman yielding me time.

If the Snowe language in the bill, the other suspension bill passes this afternoon, then by all means strike this in a committee of conference. But pending that, those of us from cold-weather States and warm-weather States need this fuel assistance. I salute Mr. OBEY for working to make sure it is included, at least to the extent that it is. In the conference report, if the Snowe language passes today, then the amendment that is proposed could be stripped out in conference, and certainly I would support that.

I thank the gentleman for yielding.

Mr. OBEY. Mr. Chairman, in the interests of redundancy, I would urge that we defeat the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CONAWAY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have moved past the point in the bill where the Flake amendment was to be offered, which would have attempted to strike an earmark that was contained in last year's bill for which a correction is found in this year's bill.

I am pleased that amendment was not offered. But I would like to take just a moment to urge every Member of this House to think before they leap on the issue of giving the President the authority for what is, in effect, an item veto.

I find it mindboggling that there are some people in this Chamber who believe that the main institutional problem that we have in this Congress is that the President has insufficient power vis-a-vis the Congress of the United States.

We have a President who has taken us to war on the basis of manipulated and selected intelligence. We have an administration under whom persons have been tortured, and we are told that more than 100 persons in captivity have died. We have an administration that eavesdrops on American citizens without a court order.

And then we say that the problem is that the President has too little power? I would suggest quite the contrary. If any of you are interested in the line item veto, I would urge you to for a moment forget who is in the White House now and think what might have happened under Lyndon Johnson.

This was a President of my own party, a President who lied to this Congress about the Gulf of Tonkin Resolution. Gaylord Nelson, from my home State, was one of the first three people in the Senate to vote against the first appropriation for Vietnam.

Can you imagine what Lyndon Johnson would have done to Gaylord Nelson if he had had any version of the item veto at his disposal? He would have put his arm around Gaylord. He would have said, "Gaylord, you support that war or you are not going to get your wild rivers designation. You support that war or you are not going to get this earmark for the forest service. You support that war or you are not going to get anything that you want in the budget."

□ 1400

And I can imagine. I can imagine the power that Johnson would have had using that kind of device. I would also suggest I believe that many, many reforms that are adopted in politics wind up being counterintuitive. And I would suggest, for instance, that an item veto could, in fact, significantly raise the cost of doing business in government affairs because Presidents will dangle projects in front of Members if they are "good," "good" being defined by the White House. And that could, in fact, enhance the White House's ability to pass questionable legislation by dangling goodies in front of Members and threatening to cut them if they did not.

So I think my record is clear on earmarks. This Congress provided many fewer earmarks when I was chairman of the Appropriations Committee than it has in any year since that time. But having said that, I think it is important, in whatever choices we make about earmarks, to not inadvertently in that process enhance the power of the executive branch of government so that they are even more strong than they are today, vis-a-vis the Congress of the United States.

In the last analysis, there is only one check on untrammeled executive power, and that check is the Congress of the United States. And I would urge Members of this House, regardless of party, not to weaken that check. That check is not just important to the Congress. It is important to the American people.

Not in the 36 years that I have served here, has any President ever seen any Congress change that President's spending request by more than 3 percent. And it is that 3 percent difference that makes a difference between having a President and having a king.

With all due respect, I think we ought to make certain we continue to have a democracy, not an unofficial monarchy, and I believe that an item veto would contribute to destroying that very delicate balance of power between the two branches, and give even more power to the executive branch which in so many ways is demonstrating runaway executive power right now.

The Acting CHAIRMAN (Mr. FOLEY). The Clerk will read.

The Clerk read as follows:

SEC. 3011. (a) None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

(c) The limitation in subsection (a) and the prohibition in subsection (b) apply with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

(d) In this section:

(1) The term "P&O Ports" means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

(2) The term "Dubai Ports World" means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

SEC. 3012. (a) None of the funds appropriated in Public Law 109–102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the Palestinian Authority or a successor entity until the Secretary of State certifies to the Committees on Appropriations that such entity has demonstrated its commitment to the principles of nonviolence, the recognition of Israel, and the acceptance of previous agreements and obligations, including the Roadmap.

(b) None of the funds appropriated under the heading "Economic Support Fund" in Public Law 109–102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the West Bank and Gaza until the Secretary of State reviews the current assistance program, consults with the Committees on Appropriations, and submits a revised plan for such assistance: *Provided*, That such plan shall be submitted not later than April 30, 2006, and shall contain specific and appropriate steps to ensure that United States assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Kennedy of Minnesota:

At the end of the bill (before the short title), insert the following new section:

Sec. . None of the funds provided in this Act may be used to allow entry onto the grounds of any Department of Defense installation or cemetery or Department of Veterans Affairs cemetery for the purpose of a demonstration in connection with a funeral or memorial service or ceremony for a deceased member of the Armed Forces.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Minnesota (Mr. Kennedy) and a Member opposed each will control 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by telling the Members why am I on the floor today.

Less than a month ago, the body of Corporal Andrew Kemple, who was killed while fighting for our freedom in Iraq, was laid to rest during a ceremony at the Zion Lutheran Church in Anoka, Minnesota, in my congressional district.

However, instead of the funeral Corporal Kemple deserved, one where his family and friends were able to share fond memories of their time with him and where his faithful service to this country could be honored, there was, instead, a vile and hateful display. Funeral protesters, and I use that term loosely, chanted vile slogans like "God hates America" and "God loves IEDs" during Corporal Kemple's funeral ceremony for more than an hour.

As my colleagues know too well, the improvised explosive device, or IED, has been a favored tool of the terrorists in Iraq and has been responsible for much death and injury for our troops.

Mr. Chairman, words like "reprehensible" and "disgusting" do not adequately describe these slogans or this stunt on this solemn and sacred occasion. Unfortunately, this shameful incident in my district is not an isolated one. This scene has been repeated again and again at the funerals of fallen servicemen and women across the country. We must and can stop it.

That is why I rise today to offer an amendment that will ensure that none of the funds in this supplemental can be used to approve demonstrations at Department of Defense or Department of Veteran Affairs cemeteries during a funeral or memorial service for a member of the United States Armed Forces.

My amendment would ensure that our men and women who have given what Lincoln called "the last full measure of devotion" receive the honors they are due.

My colleagues may have heard of efforts in the States to preserve the sanctity of military funerals. As many as 17 have been reported to be working to preserve the solemnity of this occasion. This fact does not relieve Congress of its duty to take action on Federal lands.

This amendment would be a meaningful first step to preserve a measure of decency for grieving families of fallen soldiers right now while Congress considers legislation introduced by my friend Mike Rogers to address the problem long term. Our men and women in uniform are doing their duty in the war on terror and we must do ours.

Mr. Chairman, though I believe my colleagues are being denied an important opportunity on account of this procedural matter, I ask to withdraw my amendment and I urge all Members to support the forthcoming legislation that my good friend, Mike Rogers, is about to introduce that provides a lasting solution to this outrage.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. BERRY

Mr. BERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Berry:

At the end of the bill before the short title, insert the following:

SEC. . EXTENDED PERIOD OF MEDICARE OPEN ENROLLMENT DURING ALL OF 2006 WITHOUT LATE ENROLLMENT PENALTY.

Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w-21(e)(3)(B)) is amended—

(1) in clause (iii), by striking "May 15, 2006" and inserting "December 31, 2006"; and

(2) by adding at the end the following new sentence:

"An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both).".

SEC. ____. ONE-TIME CHANGE OF PLAN ENROLLMENT FOR MEDICARE PRESCRIPTION DRUG BENEFIT DURING ALL OF 2006.

(a) Application to MA–PD Plans.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w-21(e)) is amended—

(1) in paragraph (2)(B)—

(A) in the heading, by striking "FOR FIRST 6 MONTHS";

(B) in clause (i)—

(i) by striking "the first 6 months of 2006" and inserting "2006"; and

(ii) by striking "the first 6 months during 2006" and inserting "2006";

(C) in clause (ii), by inserting "(other than during 2006)" after "paragraph (3)"; and

(D) in clause (iii), by striking "2006" and inserting "2007"; and

(2) in paragraph (4), by striking "2006" and inserting "2007" each place it appears.

(b) Conforming Amendment to Part D.—Section 1860D–1(b)(1)(B)(iii) of such Act (42 U.S.C. 1395w-101(b)(1)(B)(iii)) is amended by striking "subparagraphs (B) and (C) of paragraph (2)" and inserting "paragraph (2)(C)".

SEC. . ESTABLISHMENT OF MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION.

(a) In General.—Subpart 2 of part D of the Social Security Act is amended by inserting after section 1860D–11 (42 U.S.C. 1395w-111) the following new section:

"MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION

"Sec. 1860D–11A. (a) In General.—Notwithstanding any other provision of this part, for each year (beginning with 2007), in addition to any plans offered under section 1860D–11, the Secretary shall offer one or more medicare operated prescription drug plans (as defined in subsection (c)) with a service area that consists of the entire United States and shall enter into negotiations with pharmaceutical manufacturers to reduce the purchase cost of covered part D drugs for eligible part D individuals in accordance with subsection (b).

"(b) Negotiations.—Notwithstanding section 1860D–11(i), for purposes of offering a medicare operated prescription drug plan under this section, the Secretary shall negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs and shall encourage the use of more affordable therapeutic equivalents to the extent such practices do not override medical necessity as determined by the prescribing physician. To the extent practicable and consistent with the previous sentence, the Secretary shall implement strategies similar to those used by other Federal purchasers of prescription drugs, and other strategies, to reduce the purchase cost of covered part D drugs.

"(c) Medicare Operated Prescription Drug Plan Defined.—For purposes of this part, the term 'medicare operated prescription drug plan' means a prescription drug plan that offers qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A). Such a plan may offer supplemental prescription drug coverage in the same manner as other qualified prescription drug coverage offered by other prescription drug plans.

"(d) Monthly Beneficiary Premium.—

"(1) Qualified prescription drug coverage.—The monthly beneficiary premium for qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A) to be charged under a medicare operated prescription drug plan shall be uniform nationally. Such premium for months in a year shall be based on the average monthly per capita actuarial cost of offering the medicare operated prescription drug plan for the year involved, including administrative expenses.

"(2) Supplemental prescription drug coverage.—Insofar as a medicare operated prescription drug plan offers supplemental prescription drug coverage, the Secretary may adjust the amount of the premium charged under paragraph (1).".

(b) Conforming Amendments.—

(1) Section 1860D–3(a) of the Social Security Act (42 U.S.C. 1395w-103(a)) is amended by adding at the end the following new paragraph:

"(4) Availability of the medicare operated prescription drug plan.—

"(A) In general.—A medicare operated prescription drug plan (as defined in section 1860D–11A(c)) shall be offered nationally in accordance with section 1860D–11A.

"(B) Relationship to other plans.—

"(i) In general.—Subject to clause (ii), a medicare operated prescription drug plan shall be offered in addition to any qualifying plan or fallback prescription drug plan offered in a PDP region and shall not be considered to be such a plan purposes of meeting the requirements of this subsection.

"(ii) Designation as a fallback plan.—Notwithstanding any other provision of this part, the Secretary may designate the medicare operated prescription drug plan as the fallback prescription drug plan for any fallback service area (as defined in section 1860D–11(g)(3)) determined to be appropriate by the Secretary.".

(2) Section 1860D–13(c)(3) of such Act (42 U.S.C. 1395w-113(c)(3)) is amended—

(A) in the heading, by inserting "and medicare operated prescription drug plans" after "Fallback plans"; and

(B) by inserting "or a medicare operated prescription drug plan" after "a fallback prescription drug plan".

(3) Section 1860D–16(b)(1) of such Act (42 U.S.C.1395w-116(b)(1)) is amended—

(A) in subparagraph (C), by striking "and" after the semicolon at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

"(E) payments for expenses incurred with respect to the operation of medicare operated prescription drug plans under section 1860D–11A.".

(4) Section 1860D–41(a) of such Act (42 U.S.C. 1395w-151(a)) is amended by adding at the end the following new paragraph:

"(19) Medicare operated prescription drug plan.—The term 'medicare operated prescription drug plan' has the meaning given such term in section 1860D–11A(c).".

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from Arkansas (Mr. BERRY) and a Member opposed each will control 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Arkansas.

Mr. BERRY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have a crisis in this country and it needs to be dealt with on this bill. This amendment would provide for a real Medicare prescription drug benefit and save the Nation's taxpayers a minimum of $40 billion a year in the process. It would provide for continuous open enrollment for all of 2006 and lay any late enrollment penalties until 2007.

Currently, if a beneficiary misses the May 15, 2006 deadline, they will not have the ability to enroll again until November 15 of 2006. This means they will automatically be subjected to a 7 percent minimum penalty for the rest of their lives. This amendment would allow beneficiaries the option of changing plans once in 2006 if they have made a poor choice, and there is no possible way that they could have known it was a poor choice when they made it.

It would create a drug plan administered and run by Medicare. It would require the Secretary of Health and Human Services to negotiate for drug prices on behalf of the American people of our seniors that are enrolled in the plan, and they are the greatest generation. They built the greatest Nation in the history of the world and they deserve better than what they are getting.

This would not do away with any of the existing plans. It would just provide a much better option. It would provide lower prices and it would provide these prices that at no cost to the government.

Our rural pharmacies are going broke because of this crazy Medicare part D bill that we have forced on our seniors and on our pharmacists. It is unfair. It is absolutely overpowering to know that our own government did this to good people. This amendment will fix that. And our seniors are still not getting the medicine that they need and deserve to stay alive, stay healthy and have a decent lifestyle.

Once again by independent sources it has been verified that this amendment, if only half the eligible people signed up, it would save the taxpayers $40 billion. If all of them were part of this plan, it would save $100 billion a year, and they would still get their medicine cheaper than what they are paying for it right now. It only makes sense that we do this for the greatest generation and for those wonderful seniors that thought they were going to get treated a whole lot better by their own government.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I must say that my good friend, perhaps, has a prescription for success here, but I must say I must make my point of order.

Mr. OBEY. Mr. Chairman, did the gentleman rise to make his point of order?

Mr. LEWIS of California. Yes.

Mr. OBEY. Would the gentleman withhold temporarily?

Mr. LEWIS of California. I certainly will.

The Acting CHAIRMAN. The gentleman from California reserves his point of order.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the gentleman from Arkansas says, we have hundreds of thousands of seniors who are faced with absolute confusion on this prescription drug bill. What we are trying to do is help them sort through some of the ridiculous choices they are being forced to make.

What we are trying to do is to say that we will move the sign up deadline back to the end of the year to give them more time to sort out which plan best fits their needs. In my State, for instance, there are over 40 plans being offered to seniors.

Secondly, we are saying give those seniors one opportunity to change a plan after May. Right now, if they do not make a change before May, they are stuck. Give them an opportunity to change once after May if they discover they have made the wrong choices in plans.

Why are we offering this on the appropriations bill? It is very simple, because the rules were abused egregiously in order to enable the passage of this bill in the first place. The bill contained an outrageous gap in coverage now called the "doughnut hole." It also contained a provision which forbade, which forbade the government from even negotiating with the pharmaceutical industry on price.

How did that happen? Because the majority leadership of this House held the vote open for 3 hours in order to change the verdict. The way things are supposed to work in the House, as everybody knows, is that when we vote, these machines open, our name lights up on the board, we take our voting card, we put it in, and 15 minutes later the people with the most votes are supposed to be the winners. That is not the way this bill was passed.

The way this bill was passed was that this bill was defeated at the end of 15 minutes. It was defeated at the end of a half an hour. It was defeated at the end of an hour. It was defeated after 2 hours. It was defeated after 2½ hours. But finally after 3 hours of holding the vote open the bill passed. How? Because the Republican leadership of this House broke Members' arms to vote for a bill they did not want to vote for because it contained these defects.

□ 1415

That is why we are trying to use the rules that were abused in that action in order to correct the abuse and give our seniors in the process a little more time to make a crucial decision in their lives.

I would urge support for the amendment, and I would urge the gentleman not to raise a point of order against the bill.

Mr. Chairman, could I ask how much time I have remaining.

The Acting CHAIRMAN (Mr. FOLEY). The gentleman from Wisconsin has 2 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, 3 months into the implementation of the Medicare drug benefit, one thing is perfectly clear, and that is the "D" in part D stands for disaster. Beneficiaries are being bombarded by marketers and have been victimized by fraud. Forty percent of beneficiaries have yet to choose a plan because they remain perplexed and frustrated. $1.2 trillion seniors and people with disabilities deserve better than this.

The Berry amendment would provide beneficiaries an additional 6 months to choose a plan. This is the least that we can do for our senior citizens.

I cannot imagine that any Member has not gone home and found hundreds and thousands of seniors who cannot figure this out. Only a small fraction are computer literate, and they are trying to figure it out.

Let us give these seniors a little more time to try and figure this out. In the meantime, maybe we can fix this plan so that it can be serving them rather than the pharmaceutical companies and the insurance industry.

This is a very, very sensible amendment. I know that there are people on both sides of the aisle who are feeling the pressure just to give a bit more time to our seniors. I hope you will all support this amendment.

Mr. BERRY. Mr. Chairman, do I have any time left?

The Acting CHAIRMAN. The gentleman from Arkansas has 2 minutes remaining.

Mr. BERRY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished gentlewoman from Illinois said it just like it is. Our senior citizens deserve better. We can provide better drug coverage, better health care for our seniors in this country and save money at the same time.

It defies logic that we would not take this opportunity to see that the wonderful generation that built this great Nation, they went through the Great Depression, they fought World War II, and then in their senior years to be treated like this only because we had a Congress willing to serve the pharmaceutical industry and allow them to rob our seniors and the rest of the American people, for that matter, and the insurance industry.

This is an opportunity to right a great wrong. It is an opportunity to correct and fix the sorriest, most disgusting piece of legislation ever passed by the United States Congress; and I would ask that this at least be allowed to come to a vote.

Mr. KUCINICH. Mr. Chairman, Medicare, like Social Security, is a solemn intergenerational promise. People pay into Medicare for a lifetime of work, and they expect quality health care when they retire or become disabled. With the passage of the Medicare Modernization Act in 2003, Medicare's ability to continue to provide quality health insurance both now and in the future has been threatened. Congress increased costs for beneficiaries, in all parts of Medicare, as it increased payouts to HMOs and drug plans.

In passing Part D, Congress chose to side with the pharmaceutical and insurance industries rather than seniors and the disabled. Those on Medicare are at the mercy of the private sector for their drugs. There are 19 companies offering over 40 different prescription drug plans in Ohio, not including those offered through Medicare Advantage HMO's. Each of these plans can choose which drugs to cover and which to exclude from their formulary. They can change their formularies at any point in time. Corporate interests are deciding which drugs you can take instead of physicians.

I wanted one prescription drug card, offered directly through Medicare, for seniors to use to cover all their drugs at pharmacies of their choosing. Congress could have passed a bill with both a real and simple benefit for Medicare beneficiaries, and for less money. Drug prices could have been negotiated and administrative costs could have been reduced through a plan directly under Medicare. In fact, the Center for Economic and Policy Research recently released a study showing that if Medicare negotiated drug prices, we would save so much money that we would be able to cover every single beneficiary with no co-payments, no deductibles, and no premiums . . . and still have $40 billion dollars left. Now, we have a program where the coverage is too little, the cost is too high, and complexity is preventing seniors from getting the drugs they need.

CMS SHORTFALLS

The Centers for Medicaid and Medicare Services (CMS) made inherently flawed legislation even worse with its failure to ensure uninterrupted drug coverage, its lack of adequate rules regarding drug plan formularies, and its distribution of both incorrect and inadequate information. Since January 1, 2006, individuals either on Medicaid or Low-Income Assistance should have paid no more than $5 per 30-day retail or 90-day mail order prescription. For hundreds of thousands of people, some of whom contacted my office, this was not the case.

Computer systems from CMS, the state, Social Security, and private plans did not adequately merge with the computer system pharmacies use to verify enrollment and co-payment information. What does this mean? Accurate co-payment amounts were not charged, and in some cases, are still not being charged. Charges have far exceeded $5 in many cases, sometimes by hundreds of dollars. Despite Medicare's anticipation of these scenarios, the problem was not addressed until After it hit beneficiaries.

Regarding plan formularies, CMS rules allow plans to refuse to cover many drugs in the antidepressant, antipsychotic, anticonvulsant, anticancer, immunosuppressant and HIV/AIDS formulary categories—another instance of this administration playing doctor. This time, though, it is not just the health concern of one person, but it is an issue of social concern if some of these individuals are not able to access their prescribed medications.

To make matters worse, CMS has yet to correct in writing a major error in the "2006 Medicare and You" handbooks which states that all plan premiums would be fully covered if on "Extra Help". In reality, government subsidies will only cover premium amounts up to $30.69 for 2006. Many seniors will be surprised when their plan charges them the difference. In a response letter to me, the CMS Administrator, Dr. Mark McClellan, talks about CMS's multi-pronged approach to minimize the impact of this unfortunate error. Unfortunately, his approach consists primarily of a correction to Medicare's Web site rather than directly to seniors.

CORPORATE SHORTFALLS

Without needed information, people on Medicare cannot make a decision. Many who have other drug coverage have not received notice from their provider whether or not their plan is creditable, or at least as good as Medicare's. If they make the wrong decision, they would have lesser coverage.

Want information from the plans? Good luck! These companies have not dedicated nearly sufficient staff to handle questions and information, as you probably are aware. Most plans simply hang up on incoming calls, sometimes after waiting for hours on the phone. This is even the case for pharmacists who are spending time calling to check enrollment information with these companies.

Each company is required to follow CMS transition policies to cover any drug for 30-days, regardless if it is on their formulary or not. Most companies are not volunteering this information, and some are not abiding by it.

PHARMACY SHORTFALLS

CMS has released scenarios detailing actions pharmacies should take to make sure Medicaid and low-income assistance individuals receive their drugs at the proper copay amount. Though the directives are informative and needed, they have not been adequately disseminated. Even when they are aware of them, some pharmacies are not following these directives. As a result, many of these people are going without their drugs.

When we consider the complex, costly nature of the program, in addition to the flawed implementation of the program, the minimum we can give our seniors is an extension of the deadline to enroll without penalty. If CMS can't smooth over the problems in implementation in time, we cannot ask seniors to observe the original deadline of May 15. They should be allowed to make sure they don't have to gamble with their lives when switching to a new plan. They need to know that the program, as flawed as it is, can be implemented in a way that does not deprive them of their medicines. I urge my colleagues to join me in supporting the Berry Amendment.

Mr. STARK. Mr. Chairman, yesterday, a woman told President Bush that she was having a hard time understanding his prescription drug program and needed more time so that she could make an informed choice for her mother.

Bush told her too bad. Specifically, he said, "Rolling back good deadlines is not going to help your mom make a good decision."

He's wrong. The implementation of this drug program has been a disaster. That's not a partisan statement, it's a factual one. Delaying the May 15th deadline until the end of 2006 should be a no-brainer.

Senior citizens and people with disabilities shouldn't be forced to pay financial penalties for the rest of their lives because the law was poorly implemented. Nor should we allow the confusion of the last few months to turn beneficiaries off from ever entering the program.

Yet, if the deadline goes into effect, that's exactly what will happen. According to the Congressional Budget Office 10 million seniors will pay higher premiums for their prescription drugs for the rest of their lives if this deadline is not delayed. And more than 1 million seniors will choose not to enroll this year.

Mr. Bush has long claimed to be a compassionate conservative. There is nothing compassionate about telling America's seniors too bad and forcing them to pay higher premiums for the rest of their lives.

My Republican colleagues keep complaining that Democrats are demagoguing the drug bill. We are not. We are here today trying to help them make it work better. I urge them to join us in that effort.

America's seniors need and deserve a Medicare drug benefit that is user-friendly, affordable, and stable. Vote for the Berry Amendment to do just that.

Mr. BERRY. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

The Acting CHAIRMAN. Does the gentleman from California insist on his point of order?

Mr. LEWIS of California. Mr. Chairman, I do.

The Acting CHAIRMAN. The gentleman will state it.

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: any amendment in a general appropriations bill shall not be in order if changing existing law. This amendment directly amends existing law.

The Acting CHAIRMAN. Does anybody wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I do.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Chairman, it is ironic that the same rules that were abused in order to pass this legislation in the first place are now being hidden behind the majority in order to prevent us from correcting the flaws in that legislation. We could correct those flaws if the majority refrained from offering their point of order. Unfortunately, it appears that they are going to insist, and so they will have again selectively used the rules of this House to accomplish an end which would not have been reachable had the rules been adhered to in the first instance.

The Acting CHAIRMAN. Are there any other Members who wish to argue the point of order?

The Chair finds that this amendment directly amends existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DELAURO:

Page 84, after line 17, insert the following section:

SEC. 3013. Effective September 30, 2006, sections 319F–3 and 319F–4 of the Public Health Service Act (relating to liability protections for pandemic and epidemic products and security countermeasures), as added by division C of Public Law 109–148 (119 Stat. 2818), are repealed.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

This amendment is very simple. It repeals the comprehensive liability protection for vaccine manufacturers by the end of the fiscal year, September 30. I believe some sort of liability protection or indemnification is necessary and appropriate to encourage the development and the manufacture of some measures that are going to deal with a pandemic flu. I would support reasonable language.

Whatever our respective views are about the wisdom of liability protection, the manner in which this particular provision was included in the defense appropriation bill last year is indefensible.

Last December, legislation granting liability protection to the vaccine manufacturers was unilaterally inserted into the defense appropriations bill after the conference had closed, after an understanding verbally and in writing that no legislative liability language would be inserted into the bill. It was done in the dead of night, absent any careful consideration, no public hearings or debate among the Members of this body, nothing. It was the work of one person and one body. It should never have been allowed.

Further, there are now no means for victims who are seriously injured to seek compensation, unlike other Federal vaccine programs: swine flu, smallpox, children's vaccines. Usually when government grants liability exemptions to companies, it provides some form of relief for the consumers who are injured.

As we further discovered about this bill, the liability protection was granted not only to vaccines being developed to prepare us for an avian flu outbreak but also for a far broader range of potential vaccines and medical equipment, just about anything else the HHS Secretary deems appropriate.

This sweeping, unchecked power granted to a Cabinet Secretary is unprecedented, to my knowledge, also sweeping power granted to the pharmaceutical industry. The Congress ought to consider carefully before ceding its authority to this or any administration.

Under this law, manufacturers and their suppliers, distributors and their employees would be shielded from a lawsuit, even if they turned out to be negligent or reckless. None of us would agree that a negligent distributor, someone who ruined a vaccine by mishandling it, for example, should be held harmless. Do we want to say a drug maker who knows a product is defective but chooses to sell it anyway is above the law?

We face a frightening prospect that millions of Americans could contract this deadly flu. Our first priority ought to be inoculating the American public from a deadly strain of flu and not inoculating pharmaceutical companies from the threat of legal liability.

This provision has serious implications. All my amendment seeks to achieve is to grant the full Congress and the committees of jurisdiction the opportunity to fully consider the policy implications of this issue. It accomplishes that by sunsetting comprehensive liability protection to the drug manufacturers beyond this fiscal year. It gives us plenty of time to have the appropriate parties debate this issue thoroughly.

Lastly, let me say a word about the rationale for making this amendment in order, because I understand that my colleagues on the other side of the aisle are preparing to challenge it on the basis of it being in violation of rule XXI and rule XVI, and that is certainly their right.

But before they do, let me ask, where was the concern for the rules when a Member of the other body unilaterally rewrote liability law in this country? Given the complete abdication of procedural norms which made this provision's enactment possible, which we have seen time and time again in this institution, I would ask the majority, spare us the lectures about the need to respect House rules in this instance.

Mr. Chairman, the House should have a full debate on this measure and an up-or-down vote. Let us give this institution the opportunity to reclaim the dignity, and constitutional authority, that the majority renounced in allowing one Member to usurp the power of this body, to bolster himself on this critical issue. That is what this amendment is about.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are here because last year on the defense appropriations bill, in the middle of the night, we were trying to finish action on that bill, and we had agreed that we would add the administration's request for $7 billion to fund a research program to develop vaccines to deal with avian flu. When the majority produced their bill, it only had $3.5 billion. We asked why the other money that was requested by the administration was not included. I was told by Senator STEVENS, the chairman of the conference, that that was because the majority party had decided that they would not deal with the issue of drug company indemnification, and until they did, they were not going to put the long-term money in the bill.

So they told us in writing, as well as orally, that they were not going to add any language indemnifying the drug companies. The conference ended about eight o'clock.

Close to midnight, the majority leader of the United States Senate walked over to the Speaker's office and insisted that 40 pages of language never read or never checked out by anybody, that 40 pages of language never voted on by anybody be inserted in that conference report without a vote of the conferees, and that was jammed down our throats the next day.

That language purported to protect drug companies in case they made some faulty flu vaccine; but, in fact, the language went far beyond that. It applied to all vaccines, it applied to all drugs and all medical devices that the Secretary chose to apply it to. It provided no possibility for judicial review at all. So in other words, it said if you get sick, if you lose your health because of a faulty vaccine or a faulty device, you cannot sue the drug company; you have to collect from the government.

But guess what? They put no money in the fund that was supposed to be used to compensate victims. So it was a catch-22.

We are here today because, in my view, that action inserting that language, without a vote of the conferees, was one of the most egregious corruptions of the legislative process that I have seen in the 37 years that I have been here. And we are trying to use the rules of the House today to reverse what happened because of an egregious abuse of those rules by the leadership of this House and by the leadership of the Senate.

Of all people, of all people in the Congress, the leadership of both Houses have an obligation to protect the integrity of the institution and the integrity of the rules. When they themselves lead the charge to obliterate any opportunity to use the rules in defense of normal processes in this House, then, in my view, they have ultimately corrupted the process of legislation.

So this amendment ordinarily would not be here, but the damage was done on this bill last year, and so we are trying to use the same vehicle to undo the damage. We recognize there needs to be some indemnification language, but it needs to be reviewed by somebody other than drug company lobbyists; and until that happens, I am going to continue to be mad as hell about this and do everything I possibly can to reverse the outcome.

We are trying to preach democracy in Iraq. It would be nice if the leadership of this Congress showed some here at home in this institution.

□ 1430

Ms. DELAURO. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIRMAN (Mr. FOLEY). The gentlewoman has 30 seconds remaining.

Ms. DELAURO. I would just conclude by saying that this is about inoculating the American public against a deadly flu. We are not in the business and we are not charged with inoculating the pharmaceutical companies from the threat of legal liability. That is not why we were sent to the United States Congress. We are here to protect the public interest and the public trust.

Let us do our job. Let the appropriate committees of jurisdiction deal with this issue; have the companies, have the consumers bring people together. That is simply what this legislation and my amendment is all about.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Does the gentleman insist on his point of order?

POINT OF ORDER

Mr. LEWIS of California. Yes, Mr. Chairman. I must say that I think you know me well; that my colleagues do as well. I feel very strongly about the rules of the House and I feel very strongly about the way we operate with each other. I must say I have regretted from time to time all the lessons learned when the former majority ran the House. But because of that experience, I must propound my point of order.

So, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if it changes existing law." This proposal directly changes existing law.

The Acting CHAIRMAN. Does any Member wish to be recognized on the gentleman's point of order?

Mr. OBEY. Mr. Chairman, I would simply say that what the gentleman is suggesting by insisting on his point of order is that the rules of this House may be bent by the majority in order to provide special interest language in a piece of legislation, but they cannot be used by the minority to defend the public interest in that same case. I would find that a strange interpretation of the rules indeed.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order? Hearing none, the Chair is prepared to rule.

The Chair finds this amendment repeals existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

Mr. OBEY. Mr. Chairman, because this is the only way that we can protest this egregious corruption of the rules of the House, I respectfully appeal the ruling of the Chair.

The Acting CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee of the Whole?

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, and the order of the House of today, this 15-minute vote on the appeal of the ruling of the Chair will be followed by the following amendments on which further proceedings were postponed, in the following order: The amendment by Mr. SABO of Minnesota, 5-minute vote; the amendment by Mr. NEUGEBAUER of Texas, a 2-minute vote; the amendment by Ms. MILLENDER-MCDONALD of California, a 2-minute vote; the amendment by Mr. CONAWAY of Texas, a 2-minute vote.

The Chair wishes to underscore the 2-minute vote was agreed to by this Chamber. We will hold those votes strictly to 2 minutes. Members are advised to watch the board that they have properly recorded their votes during those 2-minute votes.

The vote was taken by electronic device, and there were—ayes 223, noes 193, not voting 16, as follows:

[Roll No. 55]

AYES—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito

Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Higgins
Jindal
Knollenberg
Kucinich
Oxley
Putnam
Scott (VA)
Sensenbrenner
Strickland
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. FOLEY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1457

Ms. LINDA T. SÁNCHEZ of California, Ms. MCKINNEY, Messrs. ROTHMAN, EDWARDS, TAYLOR of Mississippi and Melancon changed their vote from "aye" to "no."

Messrs. REGULA, BOOZMAN, BUYER and TOM DAVIS of Virginia changed their vote from "no" to "aye."

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

Stated against:

Mr. HIGGINS. Mr. Chairman, on rollcall No. 55, I was unavoidably detained. Had I been present, I would have voted "no."

(By unanimous consent, Ms. ESHOO was allowed to speak out of order.)

HONORING PROFILES IN COURAGE RECIPIENT

Ms. ESHOO. Mr. Chairman, this year marks the 50th anniversary of the publication of John F. Kennedy's book "Profiles in Courage."

Last Thursday, one of our colleagues was chosen as the recipient for this year, the 50th anniversary of President Kennedy's book "Profiles in Courage," as the Profile of Courage in the year 2006.

Our distinguished colleague, Congressman JOHN MURTHA, is the recipient in 2006. We want to pay tribute to Congressman JOHN MURTHA as the recipient of the John F. Kennedy Profiles in Courage Award recipient.

Congratulations, JACK.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Without objection, reduced-time voting will continue.

There was no objection.

The Chair reminds Members this 5-minute vote will be followed by three 2-minute votes.

AMENDMENT OFFERED BY MR. SABO

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. SABO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 210, not voting 14, as follows:

[Roll No. 56]

AYES—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Garrett (NJ)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Ross

Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Shadegg
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—210

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Boren
Buyer
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Johnson (CT)
Knollenberg
Miller (FL)
Scott (VA)
Sensenbrenner
Strickland
Sweeney

☐ 1508

Mr. GARRETT of New Jersey changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. NEUGEBAUER

The Acting CHAIRMAN (Mr. FOLEY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote. Recorded votes on the remaining questions in this series will be conducted as 2-minute votes. Members are asked to remain in the Chamber. Members also should be aware that they can greatly expedite the process by recording their votes electronically at the voting stations rather than by ballot card in the well.

The vote was taken by electronic device, and there were—ayes 89, noes 332, not voting 11, as follows:

[Roll No. 57]

AYES—89

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Brown-Waite, Ginny
Burgess
Buyer
Camp (MI)
Campbell (CA)
Cannon
Chabot
Coble
Conaway
Cubin
Davis, Jo Ann
Deal (GA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Graves
Gutknecht
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Inglis (SC)
Istook
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kline
Kuhl (NY)
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCaul (TX)
McHenry
McKinney
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Norwood
Nussle
Osborne
Otter
Paul
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sessions
Shadegg
Shuster
Sodrel
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Westmoreland
Young (AK)

NOES—332

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)

Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—11

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Knollenberg
Scott (VA)
Sensenbrenner
Strickland
Sweeney

☐ 1512

Mr. ROTHMAN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Chairman, on rollcall vote No. 57 on H.R. 4939, my vote was mistakenly recorded as "nay" when I should have said "aye."

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 227, not voting 11, as follows:

[Roll No. 58]

AYES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schmidt
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Knollenberg
Scott (VA)
Sensenbrenner
Strickland
Sweeney

☐ 1516

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. FOLEY). Twenty seconds remain in this vote.

Mr. MARKEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CONAWAY

The Acting CHAIRMAN (Mr. FOLEY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CONAWAY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 342, not voting 14, as follows:

[Roll No. 59]

AYES—76

Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bishop (UT)
Blackburn
Brady (TX)
Burton (IN)
Buyer
Campbell (CA)
Cantor
Chabot
Coble
Conaway
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, M.
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Gutknecht
Harris
Hefley
Hensarling
Herger
Hostettler
Hunter
Inglis (SC)
Johnson, Sam
King (IA)
Kingston
Kolbe
Linder
Lucas
Mack
Manzullo
Marchant
McCaul (TX)
McHenry
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pearce
Pence
Pitts
Price (GA)
Rohrabacher
Royce
Ryun (KS)
Sessions
Shadegg
Shimkus
Tancredo
Thornberry
Tiahrt
Wamp
Westmoreland
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Istook
Knollenberg
Peterson (PA)
Pickering
Scott (VA)
Sensenbrenner
Strickland
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Fifteen seconds remain in this vote.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KNOLLENBERG. Mr. Chairman, on March 16, 2006, I was unavoidably absent and missed rollcall votes 55–59. For the record, had I been present, I would have voted: No. 55—"yea"; No. 56—"nay"; No. 57—"nay"; No. 58—"nay"; 59—"nay."

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

The Committee resumed its sitting.

Mr. LEWIS of California. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. KOLBE) for the purpose of a colloquy.

Mr. KOLBE. Mr. Chairman, I appreciate the chairman of the full committee for yielding to me for purposes of this colloquy. I would like to engage in a colloquy with the gentleman from California (Mr. ROYCE).

I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, this goes to the issue of $50 million in economic support funds for Liberia. What I wanted to say, on this issue, is that the United States has been very generous with Liberia. We have committed nearly $1.5 billion, and that includes the funding for U.N. peacekeeping, and of course President Bush deployed U.S. Marines in Liberia to end the fighting there. My concern is that the former Liberian President, Charles Taylor, frankly, is first among warlords. He faces a 17-count indictment by the U.S. backed Special Court for his crimes against humanity, and yet he is living in cushy exile in Nigeria.

This is a problem on several counts. Taylor must face justice for the killing and maiming that he engineered. Bringing him to the Special Court will end the cycle of impunity that destabilizes West Africa, and most pressing to today's business, Taylor remains a threat to the progress that the U.S. has done so much to achieve. It is probable that left in exile, Taylor will return to Liberia, as he has pledged to do, and knock over all that we have helped build up, throwing that region back into chaos.

Congress passed a resolution calling for Taylor to be sent to the Special Court. Yesterday, Liberia's new President addressed this Congress. She had an inspiring message. But what many human rights and civil society groups were hoping to hear was a loud and clear call for Taylor to be turned over to the court now before it is too late. While Taylor is in Nigeria, Nigeria's president has said he would honor an extradition request made by Liberia's new president. We are waiting for that request.

This bill would tack on an added $50 million in emergency spending for Liberia. I am worried about the message this sends about our seriousness of purpose regarding Charles Taylor. We continue our generosity, yet the Liberian president continues to defy the wishes of many Liberians by not acting to bring Charles Taylor to justice.

So, Mr. Chairman, I considered offering an amendment to strike or condition this $50 million. What I seek instead is to hear from you on this issue.

Mr. KOLBE. I thank the gentleman for his comments, and I particularly thank him for his longstanding effort on behalf of West African nations and the people of West Africa, and certainly Liberia. I share his concern about a long lasting peace for Liberia, as I know all in this body do, and we also share the concern that Charles Taylor represents a threat to everything that the United States is trying to accomplish through its aid efforts and its commitment of troops to bring about peace and stability in Liberia.

I will tell the gentleman as this process unfolds, the committee has been and will continue to closely monitor developments with Charles Taylor.

I think I have some good news I can bring to the gentleman. Just before this series of votes. Mrs. LOWEY, my ranking member, and I completed a meeting with President Sirleaf, who, of course, addressed this body yesterday. We asked this question specifically, will there be an extradition request? I asked it three times, and got the same answer three times, that it has been done. She used the word "done" three times. So the request for extradition has been done. We believe and she has said that he needs to be brought to justice in an appropriate court.

So the request to the President of Liberia has been made. She went on to tell us that President Olusegun is now consulting with African leaders from the African Union and the Economic Community of West African Countries, ECOWAS, to make sure that the extradition will not in any way destabilize the very fragile peace that now exists there. Once that is done, we would expect to see this accomplished.

The request for extradition has been done, and we will continue to remain engaged and watch this very, very closely, as this process of the supplemental unfolds.

Mr. ROYCE. I thank the gentleman from Arizona and the gentlewoman from New York, and certainly the chairman of the committee.

AMENDMENT NO. 26 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Ms. KAPTUR:

H.R. 4939

On page 84, after line 17, insert the following:

TITLE IV—ESTABLISHMENT OF A "TRUMAN" INVESTIGATIVE COMMITTEE TO PROTECT AGAINST WASTE, FRAUD, AND ABUSE RELATED TO CONTRACTS FOR THE GLOBAL WAR ON TERRORISM AND HURRICANES KATRINA AND RITA REBUILDING EFFORTS

SEC. 401. There is hereby created a select committee on the model of the Truman Committee to investigate the awarding and carrying out of contracts to conduct military operations and relief and reconstruction activities related to the global war on terrorism (including all activities in Afghanistan and Iraq), and Hurricane Katrina recovery, relief, and reconstruction efforts (hereinafter referred to as the "select committee").

SEC. 402. (a) The select committee is to be composed of 19 Members of the House, one of whom shall be designated as chairman from the majority party and one of whom shall be designated ranking member from the minority party. The chairmen and ranking minority members of the following committees will serve on the select committee:

(1) Committee on Armed Services;

(2) Committee on Government Reform;

(3) Committee on Homeland Security; and

(4) Committee on International Relations.

The chairmen and ranking minority members of the following subcommittees of the Committee on Appropriations will serve on the select committee:

(1) Subcommittee on Defense;

(2) Subcommittee on Foreign Operations, Export Financing, and Related Programs.

(3) Subcommittee on Homeland Security.

In addition, the Speaker shall appoint 5 members of the select committee, of which 2 members shall be appointed upon the recommendation of the minority leader. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(b) The select committee shall conduct an ongoing study and investigation of the awarding and carrying out of contracts by the Government for military operations and relief and reconstruction activities related to the global war on terrorism (including all activities in Afghanistan and Iraq), and Hurricane Katrina recovery, relief, and reconstruction efforts and make such recommendations to the House as the select committee deems appropriate regarding the following matters:

(1) Bidding, contracting, and auditing standards in the issuance of Government contracts;

(2) Oversight procedures;

(3) Forms of payment and safeguards against money laundering.

(4) Accountability of contractors and Government officials involved in procurement;

(5) Penalties for violations of law and abuses in the awarding and carrying out of Government contracts;

(6) Subcontracting under large, comprehensive contracts;

(7) Inclusion and utilization of small businesses, through subcontracts or otherwise.

(8) Such other matters as the select committee deems appropriate.

SEC. 403. (a) QUORUM.—One-third of the members of the select committee shall constitute a quorum for the transaction of business except for the reporting of the results of its study and investigation (with its recommendations) or the authorization of subpoenas, which shall require a majority of the committee to be actually present, except that the select committee may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony and receive evidence.

(b) POWERS.—For the purpose of carrying out this title, the select committee may sit and act during the present Congress at any time and place within the United States or elsewhere, whether the House is in session, has recessed, or has adjourned and hold such hearings as it considers necessary and to require, by subpoena or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, and other things and information of any kind as it deems necessary, including relevant classified materials.

(c) ISSUANCE OF SUBPOENAS.—A subpoena may be authorized and issued by the select committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed by the chairman or by any member designated by the select committee, and may be served by any person designated by the chairman or such member. Subpoenas shall be issued under the seal of the House and attested by the Clerk. The select committee may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Government.

(d) MEETINGS.—The chairman, or in his absence a member designated by the chairman, shall preside at all meetings and hearings of the select committee. All meetings and hearings of the select committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing.

(e) APPLICABILITIES OF RULES OF THE HOUSE.—The Rules of the House of Representatives applicable to standing committees shall govern the select committee where not inconsistent with this title.

(f) WRITTEN COMMITTEE RULES.—The select committee shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this title or the Rules of the House of Representatives.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The gentleman from California, the chairman, reserves a point of order.

The gentlewoman from Ohio may proceed.

Ms. KAPTUR. Mr. Chairman, my amendment, offered with its very able champion, Congressman JOHN TIERNEY of Massachusetts, will create a select House committee modeled on the Truman Commission created during World War II to exercise due diligence and proper congressional oversight on the over half a trillion dollars of expenditures by the government of the United States to conduct the global war on terrorism, as well as those contracts let for rebuilding of the gulf region after Hurricanes Katrina and Rita.

The original Truman Commission recouped over $15 billion to our taxpayers. That is big money in our time. But it was huge money back then, returned to our taxpayers from those interests that were conducting their business above and beyond the letter of the law.

We are asking for a thorough investigation of any waste, fraud and abuse in government contracts associated with the Iraq war and the global war on terrorism, as well as Katrina-Rita recovery and reconstruction.

Our amendment is responsible. It is a good government amendment. It provides real means for oversight that is thorough, not anecdotal.

Currently, no committee in this House has full investigative authority to probe growing public concerns about where our tax dollars are being spent in this contracting. The charges are legion of cost-plus contracts, contractor fraud, as contracts below $500,000 are purposely kept at that level to circumvent review. Criminal operatives like Rob Stein have been charged and arrested for manipulating Iraqi Coalition Provisional Authority accounts in bribery and kickback schemes, waste and abuse.

This administration is moving billions of dollars with no audit trails, even back to the Appropriations Committee, which should receive those audits. In Iraq, no-bid contracts of enormous proportions are let, like to Halliburton. In Iraq, rebuilding contracts, amounting to millions are missing. A few wrongdoers have been arrested, but they are just the tip of the iceberg. Companies like Custer Battles, given contracts to secure Baghdad Airport, is a company that never did security work. Indeed it submitted invoices for electricity that were only valued at $74,000, but they got $400,000. Broken trucks bought in local markets cost $228,000, yet Custer Battles billed for $800,000. In our Gulf region, no-bid contracts need Congressional oversight.

□ 1530

Over 10,000 manufactured houses sit on the ground in open fields in Hope, Arkansas, costing more than $300 million.

Our amendment aims to protect the taxpayer. It will save money. It will save lives as we bring back inferior equipment that is discovered during this oversight.

This amendment will allow Congress to do its job, to oversee exactly how billions in taxpayer dollars are being spent in Iraq and our Gulf coast. The American people deserve this kind of responsible government.

It is critical that Congress curtail the opportunities for waste, fraud and abuse in future Federal contracting and bring those to task who are not meeting the letter and spirit of the law.

Mr. Chairman, I will be pleased to yield 2 minutes to the gentleman from Massachusetts and any remaining time I may have to himself as well as to Congressman WALTER JONES of North Carolina for their stellar work on this effort.

Mr. TIERNEY. Mr. Chairman, I just want to make mention, without repeating what the gentlewoman has said, this Government Reform Committee, the full committee in the House, has only had four hearings on Iraq contracting during this entire process.

In the other body, despite Senator LAUTENBERG's repeated requests, the Committee on Homeland Security and Government Affairs over there has not held a single hearing on this issue.

In the House Armed Services Committee, they have conducted oversight hearings on some issues related to military operations and protecting our troops, but they have not explored the issue of contracting since it was touched upon in June of 2004. That is quite a contrast with the original Truman Committee, which held 432 public hearings, 300 executive sessions, had 1,800 witnesses testify and issued 51 reports, all the while saving the taxpayer $15 billion and saving countless lives in the process.

The Truman Committee was unanimously respected for its focus on fact-finding and its refusal to succumb to partisan consideration, and that is what this commission would do as well. It is needed, because last week a Federal jury found two employees of Custer Battles had cheated the government on a contract to provide Iraq with new currency, and some $10 million in damages.

In December the Boston Globe reported that the Congressional Research Service put out a publication stating the Pentagon has not provided an overall reckoning of these funds by mission or by military operation. It went on to say that Congress has yet to receive a transparent accounting of money that is allocated so far for the war.

Kellogg, Brown & Root's employees last summer pleaded guilty of $100,000 in kick-backs, and it recently was reported that KBR did not do its job under the contract with purification of water for our troops, leaving them in a dangerous situation over there.

The General Accountability Office has purported to have found that the Department of Defense officials and Interior officials charged with overseeing the contract to provide interrogators at Abu Ghraib did not fully carry out their roles. And in March of 2005, we learned that the Pentagon auditors found that $212 million was paid to Kuwaiti and Turkish subcontractors for fuel and that overcharging was charged back by Halliburton.

We need this commission. It is the right thing to protect our troops and the storm victims. The American public deserves open and transparent government.

The Acting CHAIRMAN (Mr. FOLEY). The time of the gentleman has expired.

The gentlewoman from Ohio's time has expired as well.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield 2 minutes to the distinguished gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Chairman, I want to thank the gentleman for the time. The reason I am on the floor, I am like anyone else in Congress. It is a privilege to serve in the United States House of Representatives. And every time I go home, like all other Members of Congress, and I see the people of the Third District of North Carolina, the home of Camp Lejeune, 60,000 retired military, they want to know why we are not doing a better job with oversight.

When you read in the papers that a DOD inspector says we cannot find $8 billion, and yet here we are in the Congress owing $8.2 trillion in debt, and the American people are out there working hard trying to do their best, they support our troops, they want us to support our troops.

But we have a responsibility, and that is to rebuild public trust. The public has lost faith in the Congress of meeting its responsibility for oversight. And I join the gentlewoman from Ohio and my other colleagues, and there are those on the Republican side too, that want to have an accountability to the American taxpayer.

It is time that we do so. So I ask my colleagues on both sides of the political aisle, for goodness sakes, let us support the American taxpayer. Let us do what Truman did, saying to the people during World War II, we are going to fight this war, and we are going to defeat the enemy, but we are going to do it in a wise way, we are going to protect the investment of the taxpayer.

Let's do the same thing in 2006 that he did during the 1940s. I thank the gentleman for this time, and I close by saying, let's do what is right. This is a good-government issue. It is time that we have accountability to the American people.

Mr. OBEY. Mr. Chairman, with this bill, we will now have spent as much money in Iraq as we did in Vietnam. If you adjust for inflation, it is now just about the equivalent.

It seems to me that spending almost half a trillion dollars of the taxpayers' money is indefensible unless we are willing to see to it that that money is spent as well as we can possibly accomplish that fact.

I guess it boils down to this: if Members are happy with reading day after day about stories that are published about waste and fraud and ripoffs by contractors in Iraq, if they are tired of reading about the insider deals and the single-source contracts for work to be done in Iraq, if a Republican-controlled Congress cannot bring itself to conduct a really vigorous investigation of a Republican administration, then they ought to vote "no."

But if you think that we ought to be doing now exactly as we were doing in World War II, when Harry Truman conducted the kind of investigation the gentleman from Massachusetts mentioned, if you think we ought to replicate that effort, then you vote "yes."

I would submit that the Roosevelt administration was not damaged by the investigations done by the Truman Committee, they were strengthened by it, because that meant they had more resources available to get the job done in defeating the Japanese and defeating the Nazis.

I want to congratulate the gentleman from Massachusetts for the leadership that he has shown on this issue.

Mr. Chairman, I urge an "aye" vote.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: an amendment to a general appropriation bill shall not be in order if changing existing law.

This amendment gives affirmative direction in effect.

The Acting CHAIRMAN. Does any Member wish to speak on the point of order?

Hearing none, the Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 10 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. NADLER:

At the end of the bill (before the short title), insert the following:

SEC. . REQUIREMENTS RELATING TO ENTRY OF OCEAN SHIPPING CONTAINERS INTO THE UNITED STATES.

(a) REQUIREMENTS.—Section 70116 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(c) REQUIREMENTS RELATING TO ENTRY OF OCEAN SHIPPING CONTAINERS.—

"(1) IN GENERAL.—An ocean shipping container may enter the United States, either directly or via a foreign port, only if—

"(A) the container is scanned with equipment that meets the standards established pursuant to paragraph (2)(A) and a copy of the scan is provided to the Secretary, and

"(B) the container is secured with a seal that meets the standards established pursuant to paragraph (2)(B),

before the container is loaded on the vessel for shipment to the United States.

"(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

"(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

"(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to—

"(i) detect any breach into a container;

"(ii) identify the time and place of such breach;

"(iii) notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

"(iv) track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

"(C) REVIEW AND REVISION.—The Secretary shall review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every two years.

"(D) DEFINITION.—In subparagraph (B), the term 'Exclusive Economic Zone of the United States' has the meaning given the term 'Exclusive Economic Zone' in section 2101(10a) of this title.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, such sums as may be necessary for fiscal year 2007 and each subsequent fiscal year.

(c) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—

(A) INTERIM FINAL RULE.—The Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than 90 days after the date of the enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code.

(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than one year after the date of the enactment of this section, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

(2) EFFECTIVE DATE.—The requirements of section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, apply with respect to any ocean shipping container entering the United States, either directly or via a foreign port, beginning one year after the date of the enactment of this Act.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman's point of order is reserved.

Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I rise to offer an amendment to attach to this bill, the Sail Only If Scanned Act, the SOS Act. This act was developed by me and Mr. OBERSTAR, with the support of Minority Leader PELOSI, to address the issue of shipping container security.

This amendment would require that every shipping container be scanned with the most modern technology and sealed with a tamper-proof seal before it is placed on a ship bound for the United States so that we can have absolute assurances that no nuclear weapons or radiological bombs are being brought into our ports.

Only 1 percent of the more than 11 million shipping containers destined for the United States are scanned before they are loaded on a ship overseas. This is unacceptable.

The United States cannot own or control the entire global trade network, but we can and should ensure the security of every single container destined for this country. The controversy over the proposed Dubai Ports World deal has woken up the American people and made them think about how critical our ports are for national security. But who owns the ports and who operates the ports, while important, is far less important than what comes into the ports.

Ninety-five percent of all of the 11 million, 40-foot boxes that come into our ports are uninspected, not scanned. Not scanned by x-rays, not examined for radioactivity before they get here. Any one of them could have an atomic bomb or radiological bomb. That is unacceptable.

If there is a bomb inside a container, it is too late to discover that in Newark or Miami or Los Angeles. Reading the manifest is not enough. Having shipments only from low-risk shippers is not enough, because any one container could have a catastrophic bomb inside it.

My amendment is quite simple. It would require that all containers must be scanned using the best available technology, including scanning for radiation and density before they are loaded on a ship bound for the United States.

The scans must be submitted to U.S. Government officials for review before the container is loaded, and the containers must be sealed with a device that indicates if the container is tampered with in transit, and automatically notifies U.S. officials of any breach before the containers come within a few hundred miles of the United States.

Steve Flynn of the Council of Foreign Relations and a port security expert wrote in the New York Times a few days ago: "This is not a pie-in-the-sky idea. Since January 2005, every single container entering the truck gates of two of the world's busiest container terminals in Hong Kong has passed through scanning and radiation detection devices. Images of the containers' contents are then stored on computers so they can be scrutinized by American or other customs authorities almost in real-time. Customs inspectors can then issue orders not to load a container that worries them. The Department of Homeland Security has greeted this private sector initiative with only tepid interest."

Mr. Chairman, we cannot simply stand by while the Bush administration twiddles its thumbs and fails to secure the movement of containers before they reach the United States. The terminal operations in Hong Kong prove we can scan 100 percent of the containers without disrupting the economy or the flow of goods. The cost to scan a container is $6.50.

The entire cost to amortize all of the equipment is $20 a container. Given that it costs $4,000 to ship a container across the Pacific if there is between 50 and $500,000 worth of merchandise in each container, a $20 cost is trivial.

Congress needs to make 100 percent scanning the policy of the United States. This amendment would do that. I realize, Mr. Chairman, this amendment may not be allowed under the rules of the House.

I fully expect the Republicans to raise a point of order against it. I would note, however, that the underlying bill includes a provision blocking the proposed takeover of U.S. terminals by Dubai Ports World. I support that provision.

But if we can include language on the Dubai deal in this bill, then certainly the Republican majority should allow us to include language that secures shipping containers and prevents atomic bombs from going off in port cities.

At the very least, they could easily waive the rule and allow a vote on this amendment. If they care more about these rules that they waive every day than they do about protecting the American public from nuclear bombs and shipping containers, I truly fear for our safety.

Mr. Chairman, I urge all my colleagues to support this amendment to attach the Sail Only if Scanned Act, the SOS Act, to this bill. The only way we will adequately protect our citizens is if the Republicans in Congress join with us to force the Bush administration to take seriously the issue of container security and make sure that every single container is scanned and sealed with a tamper-proof seal before being placed on a ship bound for the United States.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: an amendment to a general appropriations bill shall not be in order if changing existing law.

This amendment directly amends existing law.

☐ 1545

The Acting CHAIRMAN (Mr. FOLEY). Does any Member wish to speak on the point of order?

Mr. NADLER. Mr. Chairman, the chairman of the Committee on Appropriations raises a point of order that this legislates on an appropriations bill. And it might.

But I would challenge the chairman of the Committee on Appropriations and the Republican majority, if you are going to insist on a technical interpretation of the rule on this amendment, I would challenge the Republicans to allow this bill to the floor for a vote or allow this bill as an amendment on some other bill. Because to fail to do that, to insist on a technical reading of this rule, and not allow this or something like it on the floor, is to jeopardize the lives of every single American for a trivial cost. And I urge that the Republicans allow, we have been trying some version of this for 3 years now. We have never been able to get a vote. But the safety of the American people is at risk if we allow 11 million shipping containers, 40-foot boxes into the ports of our country without scanning them, and knowing only what someone says is in them, not what is really in them.

The Acting CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment directly does amend existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act shall be obligated or expended by the Secretary of the Army or his designee to award a contract to any contractor if the Defense Contract Audit Agency has determined that more than $100,000,000 of the contractor's costs for contracts involving work in Iraq under one or more Army contracts were unreasonable.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentleman from California (Mr. WAXMAN) and the gentleman from Florida (Mr. YOUNG) each will control 10 minutes.

The Chair recognize the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume. Three years ago, Congress and the American people were told that the Iraq War would be quick and inexpensive. Senior administration officials told us that rebuilding Iraq would cost less than $2 billion. And we were told that Iraq would be able to finance its own reconstruction with its oil revenues.

Well, 3 years later, we know that these assurances were completely unfounded. The war has cost hundreds of billions of dollars. We squandered over $20 billion on reconstruction projects that have left basic services below prewar levels. And these massive costs have contributed to record budget deficits at home.

There are multiple causes for the enormous burden placed on the taxpayer. President Bush and his advisors grossly underestimate the insurgency. They failed to engage our allies in the rebuilding effort, and they vastly overestimated the amount of oil Iraq could sell to funds its reconstruction.

The amendment I am offering with Mr. DINGELL addresses part of the problem, rampant waste, fraud and abuse in Federal contracting under the Bush administration. The largest contractor operating in Iraq is Halliburton. Government auditors have repeatedly caught Halliburton red-handed. They have found over a billion dollars in unreasonable and unsupported charges.

Let me repeat this. Federal auditors have found Halliburton's unreasonable and unsupported bills exceed $1 billion. Yet over and over again, this administration has ignored its own auditors. The Pentagon's auditors have found over $260 million in unreasonable and unsupported costs when they examine Halliburton's no-bid contract to restore Iraq's oil field.

Independent industry experts call Halliburton's charges "highway robbery." But as this chart shows, the Bush administration ignored these findings and paid Halliburton for 97 percent of its overcharges and then gave Halliburton millions in additional bonuses. These same Pentagon auditors rejected $200 million in dining hall expenses because Halliburton charged for meals it never served to the troops. But the Bush administration ignored the auditors and paid 75 percent of the challenged costs and tripled Halliburton's profit on the contract.

The auditors got so frustrated with Halliburton that they warned Pentagon officials not to enter into any more contracts with the company. But 3 days later, the Bush administration gave Halliburton a new $1.2 billion contract in Iraq. And these are not the only problems.

More than 50 cases of contract fraud in Iraq are currently under investigation. And administration officials cannot account for over $8 billion in Iraqi oil proceeds. This kind of incompetent and egregious mismanagement is hard to believe. No matter how many times they bilk the taxpayer, politically favored companies keep getting more and more Federal contracts.

The administration has a duty to safeguard taxpayer dollars, but it is shirking that responsibility. We need to pass this amendment to end this costly cycle.

This is an amendment that is very simple. It will prohibit the administration from using the funds in this bill to award new contracts to any company that has overcharged the government by $100 million or more in Iraq.

This is just common sense. No company that squanders over $100 million of taxpayers money should be rewarded with new contracts. If the administration will not protect the taxpayer against waste, fraud and abuse, the Congress must act. For the sake of the taxpayers and the troops, I urge support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on the surface of this amendment, it is sort of interesting, because none of us want to see any money wasted or any money spent improperly. The problem that we have here, Mr. Chairman, is that we just got a copy of this amendment late last night and other Members only got it this morning. This could have very far reaching effects, not only on future contracts, but on existing contracts. And I would hate to see the logistical flow of supplies to our troops in the field interrupted because of this amendment.

Frankly, I was tempted to accept the amendment, but having thought about it, we just really have not had time to know exactly what the effect is going to be. So I rise to oppose the amendment and I would be happy to work with the gentleman as we proceed through this bill or the regular defense bill to try to work with him to accomplish what he wants, but we need to know what it is that this amendment does and it is a little bit complicated.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I want to assure you we were very careful in drafting this amendment. It is prospective. It would not affect the funding of existing contracts for troop support. They will continue untouched. The amendment simply says we will not reward companies with new contracts after they overcharge the taxpayers by $100 million. I hope that will allay the gentleman's concerns.

Mr. YOUNG of Florida. Reclaiming my time, I thank the gentleman for his comments, but it is important that the defense committees know for a fact as opposed to the debate on the floor. So we have got to oppose the amendment at this time.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the very distinguished chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding. This is aimed at the company Halliburton. That is very clear.

The papers are awash with Halliburton and have been for several years. Halliburton employs lots of Americans. And I do not have the exact number of KIA, but they, like our soldiers in the field, the people that drive those trucks and work those logistics to support our Marines out in the western area of operations out in Fallujah and our Army personnel out in Mosul and Tikrit and other remote parts of Iraq, those people risk their lives every day.

I will say to the gentleman, as I recall, over 20 of them have been killed in action, people like the Halliburton drivers. People have been captured by the enemy and some of them held hostage, unable to escape. Most of the people, the vast majority of the people that work for this contractor, like lots of contractors that support our American military overseas, are good, hardworking people. And if you look, if you go up and eat with the Stryker brigades up in Mosul, or the 101st in Tikrit or the Marines in Fallujah, and you go into their mess halls and you look at the operation and you see the fuel that is delivered, you see the ammunition that is delivered, you see the treatment, the quality of life for our military people, you will understand then that is primarily a result of American corporations which support the war effort. And that is a fact of life.

Now, the idea that prices have been unreasonable and that there are contracts where they have abused the American taxpayer or abused the contract process, let us take that under the regular order. And if that is true, let's hold people accountable. Let's hold the corporation accountable. But the idea that we single out a group of people which is thousands and thousands of Americans who support our fighting personnel and basically paralyze that operation is unreasonable.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

We have been working on this investigation about Halliburton for years, and we have written letters asking for hearings over and over again. The committee has not held a hearing on these overcharges. I do not know why the Armed Services Committee has not held a hearing on it, but it sounds to me a bit disingenuous when they say we have not had a chance to look at this matter.

I support hardworking people on the ground that are working for Halliburton and other private contractors, but I do not think they would support the idea of their own corporate CEOs and shareholders getting rich unfairly for charges that are not reasonable. That is what this amendment is all about.

So it seems to me that it rings a bit false when we hear these kind of arguments against the amendment. Oh, we have not looked at it. Why haven't they looked at it? Oh, it might affect people serving the troops now. Well, that is just absolutely untrue.

So I continue to urge support for the amendment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman I thank the gentleman for yielding me time. I rise in support of the Waxman-Dingell amendment which is about waste, fraud and abuse. That is it. And this is the full extent of the amendment, eight lines, very simple.

All it says is that none of the funds appropriated or made available by this Act shall be obligated or expended by the Secretary of the Army to any contractor if the Defense Contract Audit Agency has determined that more than $100 million of the contractor's costs for contracts involving work in Iraq under one or more Army contracts were unreasonable.

So we have set up a process to get rid of waste, fraud and abuse. How long does it take to figure that out?

I cannot imagine that anybody in this body wants to fund waste, fraud and abuse, particularly in excess of $100 million. That is what this is about.

Last June, Congressman WAXMAN released a report documenting a stunning $1.4 billion in questioned and unsupported charges by Halliburton in Iraq. Don't we want to know about that?

Last month, The New York Times reported that the Bush administration ignored 97 percent of the recommendations made by Pentagon auditors and awarded Halliburton over $250 million under its Iraq oil contract. And just last week, a Federal jury found that another firm, Custer Battles, defrauded the government by millions of dollars under just one of its Iraq contracts.

□ 1600

So how does this Congress justify ignoring blatant stealing? Do we not all want to get at that? I mean, too many of our soldiers have been asked to do without proper body armor and equipment, and they come home to reduced benefits, and this Congress has found it easy enough to say no to our soldiers; and yet every single time we have been able to say yes to Halliburton.

Is it not time that all of us agree that it is wrong to have this kind of waste, fraud and abuse and to pass this simple amendment?

I urge a "yes" vote.

Mr. WAXMAN. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield an additional 2 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Armed Services Committee.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Let me just say to my colleagues here who have stated that we should hold up our contracts and not give new contracts until past contracts are found to be reasonable versus unreasonable, Members have stood on this floor and have called every weapons system since the first Persian tank unreasonable in cost. The B–2 has been called unreasonable. Every ship in the navy has been called unreasonable in the cost. Every fighter aircraft has been called unreasonable in the cost.

The idea that you are not going to have any action on these contracts unless you have a congressional hearing is not true. There is no committee here that has the ability to enforce or not enforce a contract. You have dozens, in fact hundreds, of government lawyers who have every opportunity, indeed have the charge, of going through complex contracts, and where they find that the contract was violated by the contractor, and there are lots of contractors around who are bankrupt to attest to this, that that contract is then acted upon, damages are extracted; and all these are things that we have put in our system of laws.

Now, the idea that you are going to take a major part of the support of an ongoing shooting war and you are going to paralyze it and say, well, it is only for present contracts, the next one that comes up next month, that is going to be different, but you are going to allow present contracts to continue. That could mean that you have got a hiatus in capability, a hiatus in the expertise of these people who have gone out, wearing the uniform of American contractors, put themselves in harm's way and, over the last several years in this war, developed a real expertise.

So I know the gentleman's amendment may play well politically in some quarters, but I think it is bad for the men and women who wear the uniform of the United States because the contractors we are talking about are the people supporting them right now in Iraq and Afghanistan.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from California, the chairman of the Armed Services Committee, says that reasonableness is something that could be subjective. Some people think that certain weapons systems may not be reasonable. Well, reasonableness is not some vague standard we picked out of the air. It comes directly from section 31.201-3(a) of the Defense Contract Audit Agency's "Contract Audit Manual." That provision reads: "A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person in the conduct of competitive business."

Every government auditor knows this standard. It is a standard that the Pentagon's own auditors apply to Halliburton. It is the standard that was flouted by the Bush administration, and it is the standard that my amendment would reaffirm.

Now, this last argument, Halliburton's got an expertise and, therefore, they should get future contracts because we may not be able to find someone else with the expertise, and, therefore, we should ignore overcharges, unreasonable charges in excess of $100 million dollar in the past, that is an incredible argument. No matter how many times we may be the victims, or our taxpayers may be the victims, of waste, fraud and abuse, we should continue to pay? That is absurd.

Now, I just submit that we are following the very clear standard in the law, and our amendment does not plow any new ground, and I would urge support for the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, how much time do we have?

The Acting CHAIRMAN (Mr. BISHOP of Utah). The gentleman from Florida (Mr. YOUNG) has 4 minutes remaining. The gentleman from California (Mr. WAXMAN) has 30 seconds remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 additional minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

One thing my distinguished friend from California (Mr. WAXMAN) has not shown us is how American laws, existing laws in contract, that govern the acquisition of systems and the acquisition of services, how those laws are not applicable to this American corporation, and so, therefore, we have to say, stop, we are not going to do anymore business with this corporation.

In fact, all the laws that go toward the enforcement of contracts and the contract itself, of course, are enforceable. Fines can be extracted. Other remedies can be extracted; and if there is, in fact, fraud, and I have heard the term "fraud" used in this debate, if there is fraud, that is a crime in contracting. If you commit crime in contracting, you can go to jail. There is no Member of this Chamber who, if a contract is broken between the United States Government and any of our contractors over there, there is no one in this Chamber who is going to say that we should not extract our full remedy under the laws we create and if people are involved in criminal action that they should not be prosecuted.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, $40 for a case of soda, $100 for a bag of laundry, torching an $80,000 truck instead of replacing flat tires, charging 40 times more to transport fuel than reasonable, these are some of the things that Halliburton has been called to task for, not by Democrats, but by the auditors, the professional auditors at the Department of Defense; and they should have been penalized for doing that.

Now, what was, was; but let's don't in the future give them contracts to abuse us again.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURTHA), the very distinguished ranking member on the Defense Appropriations Subcommittee.

Mr. MURTHA. Mr. Chairman, I am nervous about the amendment. I am nervous because I am not sure, when we have got people out there making contracts for the troops out in the field, there is no question all of us want to take care of the fraud and abuse, all of us. Nobody's done more of a job than you have, the gentleman from California; but I get nervous when we are doing something prospectively. We are not sure of the impact.

I think we would have to change this in conference anyway because we just do not know enough about the impact. You assure us. They are worried about it. So I am very worried about this amendment. I think we would be better off letting the system take care of it. I think when you have fraud and abuse, it has got to be taken care of.

The Congress has the oversight responsibility, but I am not sure legislating for the future is going to solve the problem. That is the thing that worries me.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, the system has failed because the Bush administration paid 97 percent of the charges that the Pentagon auditors found to be unreasonable. So our amendment is structured to apply in the future.

We will have a chance to continue to look at this. I feel comfortable that this is not going to jeopardize anything that is going on in Iraq today and certainly not the ongoing logistical contract which Halliburton still has; but for the future, if any company has overcharged by $100 million, we should not be rushing out there and giving them a new contract.

Existing contracts are existing contracts. They should not be rewarded for that overcharging.

Mr. MURTHA. Mr. Chairman, reclaiming my time, I just worry when we do something like this prospectively, we might affect what is going on in the field. None of us want to stop a contract for services to the troops in the field right now, and I think you agree with that.

Mr. WAXMAN. Mr. Chairman, if the gentleman will yield, I respect that. I agree with you. That is why we were very careful in the way we drafted this amendment.

Mr. MURTHA. I know you believe that, but I would err on the side of trying to prevent it. So at this point I would be against the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

I would like to say that this is not about a particular company. This is about a policy change, a policy change that we have not had any opportunity to review, with no hearings. We only learned about this amendment late last night, and it is a policy that should not be changed here on the floor without the benefit of some backup hearings and actual review.

Like I said, it sounds like a good idea; but we have just got to be sure. We do not want to interrupt the logistical flow of what our troops need to carry out their mission. There is a major mission under way in Iraq as we speak, Operation Swarmer, and it is the biggest air operation since the war started. We cannot afford to upset an ongoing operation like that.

We have got to support our troops, and if a policy change like this has a negative effect, that is just not good. It is not good for our troops. So I would hope we would oppose this amendment.

Mr. DINGELL. Mr. Chairman, I rise in support of this amendment to deny further awards of contracts to contractors that have been found by the Defense auditors to have billed the government for more than $100 million in unreasonable costs.

From the moment Representative WAXMAN and I learned about secret no-bid contracts given to large companies like Halliburton in 2003, for activities in Iraq, we have tried to get the facts on the matter. And it has not been easy to get those facts.

In the course of our investigation, with the help of the Government Accountability Office, we have learned of some pretty terrible things. First, we found that Halliburton was importing oil into Iraq at extremely high prices. We were particularly concerned about the company's decision to import gasoline from Kuwait at a price far above market levels.

Eventually, Defense auditors agreed and found that there were $263 million in unsupported and questioned costs in these contracts. Yet last month, the Corps of Engineers ignored their auditors and reimbursed Halliburton for $254 million—all but $9 million of the questioned costs.

This follows a pattern with Halliburton. The Defense auditors had previously questioned $200 million in costs for meal services provided by the company, which again was overruled by the Army, which gave the company $145 million.

This amendment to deny new contracts to companies that have a history of billing the government for questionable costs is hardly novel. In January, 2004, the Defense Contract Audit Agency itself recommended that the Corps not enter into new contracts with Halliburton, but 3 three days later the Army awarded Halliburton a new $1.2 billion contract.

The amendment before us will ensure that taxpayer money will go to support the troops and help rebuild infrastructure and not fatten the pockets of contractors that have a history of questionable billing practices. I emphasize this amendment will not take any funds away from troop support, but will help support the troops.

It is an embarrassment that there have been virtually no Congressional hearings on the matter. Instead, we must act legislatively.

The best course of action to ensure that our money is going where it is needed in support of the troops is to put an end to future contracts with companies that are serial overchargers. Vote for this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. VELÁZQUEZ:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds made available in this Act may be used to enforce a deadline described in subsection (b) under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

(b) Subsection (a) applies to any of the following deadlines:

(1) The deadline of April 10, 2006, for physical loan applications and the deadline of May 29, 2006, for economic injury disaster loan applications, as noticed by the Small Business Administration for Major Disaster Declaration numbers 1603 and 1604.

(2) The deadline of March 11, 2006, for physical loan applications and the deadline of May 29, 2006, for economic injury disaster loan applications, as noticed by the Small Business Administration for Major Disaster Declaration number 1605.

(3) The deadline of April 10, 2006, for physical loan applications and the deadline of June 26, 2006, for economic injury disaster loan applications, as noticed by the Small Business Administration for Major Disaster Declaration numbers 1606 and 1607.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

As we all know, the recovery process in the gulf area continues to be ongoing. Victims are still digging out from debris, and many are unable to even get back to their homes and businesses. Unfortunately, these problems have been compounded by the failure of the SBA to provide disaster assistance to these victims.

I offer this amendment today to ensure that the thousands of homes and business owners in the gulf area are not unfairly denied the opportunity to file for a disaster loan. This amendment will give the victims of the hurricanes in the gulf the time they need to assess their situation and make informed decisions about applying for disaster loans.

Without this change, the SBA, by imposing an arbitrary deadline, will create additional and unnecessary hardships on a group of people who have already suffered enough.

The SBA's failures are clearly documented. In response to the hurricanes in the gulf, the SBA issued 2.1 million applications to businesses, homeowners and individuals seeking financial assistance. As of just a few weeks ago, only 400,000 of these applications have been submitted to the SBA for processing. The balance of the applications, 1.7 million, or 80 percent, remain outstanding.

The reasons for these low return rates are plentiful. SBA has failed to supply the necessary assistance to fill out the massive application forms. Potential applicants are being incorrectly told that they are not eligible. On top of this, SBA has also failed to implement an outreach plan in communities to make eligible applicants aware of this program.

Rather than recognizing these problems, the SBA has set March 11 and April 10 application deadlines for physical injury loans, which are the main source of assistance for homes and businesses with physical damage. If these deadlines are maintained, it would have the effect of leaving many potential applicants without the ability to secure Federal financial assistance.

This amendment will make sure that SBA stays in the gulf until the job is done.

The failures of the SBA have already created unnecessary hardship and frustration in the gulf region. SBA has declined an unprecedented 65 percent of loans. The agency has a backlog of over 60,000 loans. SBA has a processing time of 80 days, nearly triple the normal time. All of these issues have created confusion and consternation among residents.

By voting for this amendment, we will make sure the victims of this disaster are not punished for the failures of our Federal Government. We cannot turn our back on these victims.

I urge a "yes" vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1615

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

The chairman of the Small Business Committee opposes this amendment, the chairman of the authorizing committee. This amendment keeps the application period for SBA disaster loans open indefinitely. This could expose the disaster loan program to waste, fraud, and abuse that would virtually be impossible for the SBA to accurately verify losses as more time elapses from when the hurricanes struck the gulf coast.

This amendment is also unnecessary because the administration has already had the ability to extend the application deadline, and has done so three times. So if they have the ability to do it, and they have done it, and they have done it three times, and your authorizing chairman would oppose it, why would you want to do it? In fact, the deadline was just extended for another 30 days, to April 10, for Hurricanes Katrina and Rita.

So, if there was a need, the administration would do it again. If the gentlewoman wants to change the parameters of the disaster loans, she should work within her position and with the ranking member and come up with something that everyone could agree on.

In the interest of time, I would just say that I oppose the amendment. It can lead to a lot of problems.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 1 minute.

Let me just say that SBA, before we start talking about deadlines, we need to get SBA to process the 60,000 applications that are in backlog. They need to do a better job in educating people so that we can get more than 19 percent of the applications back.

They need to fix the system where they have been declining 60 percent of all the loans that have been submitted to SBA. They need to do the job before they pull out, and that is an excuse for them not to do the job.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. The administration has extended this several times.

Secondly, the gentlewoman seems to constantly be criticizing SBA at every turn. We are going to ask the National Academy for Public Administration, somebody, to find truth out here and then begin. If you constantly browbeat and it is not accurate, you should be careful when you say things, because words mean things.

The chairman was before our committee yesterday. And so what we are going to do is, we are going to ask the National Academy of Public Administration to take a look at all these charges that go back and forth, because if we are constantly attacking Federal employees in program after program after program, I mean words matter. We just can't use this institution to attack people.

This place has turned into a partisan pit and it is time to bring some objectivity. So what we are going to do, we are going to take all of your charges, all of your comments, all of your complaints, all of your criticisms, all your condemnations and ask the National Academy of Public Administration to look at it to find out some truth.

This is a bad amendment. You are on the authorizing committee. You could do it. If we are going to do everything here, why do we even need an authorizing committee?

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN (Mr. BISHOP of Utah). The gentlewoman has 90 seconds.

Ms. VELÁZQUEZ. Well, let me just say this. Isn't it true that there are 60,000 applications in backlog? Isn't it true that 19 percent, only 19 percent have been processed? Isn't it true that there is 65 percent declined on loans approval?

This is not about partisanship, this is about victims who are suffering, who are losing their businesses, who are losing their jobs. This is what this amendment is all about.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, do I have the right to close?

The Acting CHAIRMAN. Yes.

Mr. WOLF. Then I reserve the balance of my time.

The Acting CHAIRMAN. The gentlewoman from New York has 1 minute remaining.

Ms. VELÁZQUEZ. Mr. Chairman, in a hearing yesterday on the disaster loan program, we heard two different stories on this equation in the gulf. We heard from the SBA administrator who said that everything is great. He told the committee that they are processing record numbers of loans and that there are virtually no problems. At the same time, we have a small business owner, Patricia Smith, who came in from New Orleans and told her story.

She told the committee how she could not find a Federal official to help her apply for a loan and how she spent hours working through paperwork. She told us that it took months to hear back on the status of her loan and that she was wrongly denied. The woman also shared that there are thousands out there with the same story.

The view from Washington, and what is actually going on in the gulf coast region is very different. By extending the deadline for disaster loans, we will give victims the ability to assess their situation and make an informed decision about getting an SBA loan.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. How much time do I have, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Virginia has 2 minutes remaining.

Mr. WOLF. Several years ago, you said if we abolished the loan guarantees, the world would come to an end. We abolished them, and now the number of loans are up. They are at a record number.

So what we are going to do, and I think the body should know, we want the SBA to work well, we want them to make the loans, but if we are constantly hammering and criticizing and condemning and governing by press release we don't get very far. So what we are going to do is we are going to ask the National Academy of Public Administration, a nonpartisan group, to come in and look at the gentlewoman's charges and all these things and come back and give us an honest report so we will know. But if we are just harassing Federal employees and criticizing them at every step of the way, we really don't accomplish very much.

And I would say that you did say, and I will submit for the record what you said about abolishing the loan guarantees, but by doing that, we saved the taxpayer about $170 million. The loans are up. That was basically a subsidy for the bankers. The banking lobby wanted that and we took it away and now we saved the taxpayers money.

This is a bad amendment. Vote it down.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. VELÁZQUEZ:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to make or guarantee a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) other than a loan for which the borrower is charged an interest rate in accordance with section 7(c)(5) of such Act, as in effect on the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, while the House will begin debating the budget resolution in the coming weeks, this amendment offers the first vote on one of the initiatives introduced in the

President's 2007 budget. This amendments provides Members the opportunity to send a clear message that victims of disasters should not be subject to additional and unnecessary burdens by the Federal Government.

Buried in the President's budget submission was a proposal to raise the interest rates on SBA's disaster loans. This initiative will eliminate the current caps on interest rates and allow for the SBA to charge higher rates on disaster loans. This could mean that interest rates go up by as much as 50 percent.

The end result will force those who had their homes or businesses destroyed to pay for our budget problems here in Washington. I offer this amendment today to ensure that we stop this wrongheaded proposal in its tracks. It puts Congress on record making it clear that an attempt to create additional hardships on disaster victims will not be tolerated.

Given all the missteps by FEMA and SBA in the gulf, Congress should not be adding to the problems of those hit by a natural disaster. Findings by the General Accounting Office, various inspector generals and congressional panels have revealed the numerous ways the Federal Government has failed our citizens in the gulf. By supporting this amendment, Congress will be saying that we stand together in these difficult times.

I am a firm believer in balancing our spending priorities, but this proposal is beyond the pale. I find it hard to believe, particularly given all the wasteful spending in Washington, that the only place to find funding is on the backs of disaster victims. Whatever happened to compassionate conservatism?

The effect of the administration's proposal will mean increased costs by thousands of dollars for disaster victims. It is alarming that despite all the problems with the management of the disaster loan program the only change the President offered in his budget was to increase the cost on disaster victims.

We agree that changes need to be made to the disaster loan program, but this is not one of them. By voting for this amendment, Congress expresses its commitment to rejecting this bad idea. I urge a "yes" vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment. This amendment has absolutely, positively, categorically nothing to do with an emergency supplemental bill that we are considering today. It is an attempt to stop a legislative proposal related to the fiscal year 2007 budget, which, as an authorizer, you will get to have that opportunity. And it will come out on the floor one way or the other, and the Congress will have the opportunity to vote on it.

The proposal will have to be considered by the committee. SBA cannot unilaterally make the changes. So the Congress should know that the authorizers in the Congress set the rate. It is not the administration. So we are going to have that opportunity when Mr. MANZULLO and the members, minority and majority, make it.

Lastly, it is not necessary and it will have no effect, because it is just simply an attempt to prejudge a proposal by the administration for next fiscal year, and that is not something that you would do in a supplemental. If you would do that in a supplemental bill, we should just abolish every other bill and put everything in a supplemental bill, because then everything is a supplemental.

So it is a bad amendment, and I urge you to vote "no."

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

I would simply note, given what the gentleman just said, that is exactly what we have done with Iraq. Every dollar of the Iraq war has been financed through a supplemental appropriation. That is the way the administration has been able to hide from the taxpayers the full long-term cost of this war. That is the way they have been able to avoid systematic oversight. They put it in a supplemental, and then it is a must-pass, hurry-up, piece-at-a-time operation. Eventually you get the whole pie, but you get it in pieces, and the public doesn't know what the total picture is.

So I would simply say that I was kind of amused by that comment because the administration is way ahead of all of us. They decided a long time ago that they are going to supplemental the Congress to death, and they put every possible dollar they can into supplementals. They have yet to spend $1 in a regular defense appropriation bill for Iraq.

So I just find it interesting that one person is expected to live up to a standard that the administration itself won't live up to.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 1 minute.

Let me just say that this is a cornerstone of the President's budget for SBA, and I think it is important that Congress go on record on this issue, particularly for us Democrats. And what we are saying today is, it is a bad idea, and we need to make it clear from the beginning, from the start, that we want to balance the budget but not at the expense of disaster victims.

And that is exactly what we are doing with this amendment today. We must prevent any of these funds from being used for higher interest loans in disaster loans for victims. We have to make sure that if money is carried over, that it will not be used for higher interest loans that will impact disaster victims.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. How much time do I have remaining, Mr. Chairman?

The Acting CHAIRMAN. The gentlewoman has 1½ minutes.

Ms. VELÁZQUEZ. I yield myself the balance of my time.

Mr. Chairman, this amendment would ensure that the disaster loan program remains an affordable source of capital for those affected by future disasters. When the program works, it has served to create the public-private partnership that balances the needs of fiscal constraint and compassion for our fellow Americans.

The administration's proposal to raise interest rates on disaster loans will simply leave the victims to fend for themselves.

□ 1630

In the end, it is in our best economic interest to get these communities back up and running and creating the jobs they have proven they can create. By voting "yes," we are telling the administration that raising interest rates on disaster loans is a bad idea and Congress will not support it. I urge a "yes" vote.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

We would like to work with your staff and have our staff sit down so we can ask NAPA questions that you think are important, issues like this and other issues. What we want to do is work with you, get the National Academy of Public Administration to answer these questions and so we can find out one way or the other. Would that be appropriate?

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I would be happy to do that; but I have to tell you, victims in the gulf region cannot wait until we have such a discussion, and that is why this amendment is important to be voted on today.

Mr. WOLF. But if there is something wrong with regard to the SBA, I think it is important to find that out and identify that with Mr. MANZULLO and ask any questions you want to have NAPA answer so we can put it together and finally get to the bottom.

I urge a "no" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. BISHOP of Utah). The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LEE:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used by the Federal Emergency Management Agency (FEMA) to implement, administer, or enforce the termination of the hotel and motel emergency sheltering program established by FEMA for families displaced by Hurricane Katrina and other hurricanes of the 2005 season.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentlewoman from California (Ms. LEE) and the gentleman from Kentucky (Mr. ROGERS) each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

This amendment is very simple. This amendment would prevent FEMA from evicting from hotels and motels the thousands of families who were affected by the hurricanes on the gulf coast last summer.

Mr. Chairman, 6 months ago, the entire world watched the wealthiest, most powerful country on Earth turn its back on those who couldn't afford to evacuate their homes in advance and during the hurricanes. People were left to fend for themselves on rooftops, trying to save their lives and the lives of their families.

We cannot sweep under the rug the faces and the images of those who were disproportionately abandoned by their government. Unfortunately, today, 6 months after the storm, the majority of these people are still fending for themselves. The people of New Orleans and the gulf coast have experienced more tragedy and more suffering in the last 6 months than anyone should have to face in a lifetime. It is bad enough that they suffered through one of the worst natural disasters in the history of United States, it is bad enough that they lost their homes and their jobs and their livelihoods, it is bad enough that they are suffering mental breakdowns, high suicide rates and high rates of post-dramatic stress. And it is bad enough the insurance companies are trying to dodge their obligations to pay out claims to property owners.

But now to add insult to injury, yesterday their own government, our government, ended payments for hotel and motel rooms for thousands of displaced Katrina evacuees. Where will all of these people go? We already have a huge homeless population in this country. Why are we creating a new generation of Katrina homeless?

This lacks morality and is about as low as you can go. What benefit does the Federal Government have in kicking people when they are down?

Today, the newspapers are filled with accounts of people who were kicked out of their rooms and have no place to go. There are reports of families piling their possessions out of hotels and motels and into trucks, but with nowhere to go. This is just disgraceful. What kind of a message do we send with these evictions? What do we say to the rest of the world? What does it say about our values and our priorities and really what we believe in terms of putting people first?

I believe we have to send a different message, and we can do that today. We have to reject the actions of FEMA and this administration and prevent people from getting kicked out of their hotel and motel rooms.

By passing my amendment, we would block FEMA from using any money in this bill to evict people living in hotels and motels as a result of Hurricane Katrina. We should not allow FEMA to dump people on the streets. That is just plain wrong. That is all it is, it is wrong. That should not be done. This is unjust.

Let us help at least stabilize their lives and give them a safe place to sleep without worrying about being on the streets. Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment which would prohibit FEMA from terminating its hotel and motel emergency sheltering program. This language is overly restrictive. At its peak, FEMA had more than 85,000 hotel rooms rented per night. The current subsidized hotel-room population is 3,780 households with the vast majority being in Louisiana.

FEMA is now in the process of transitioning these remaining hotel/motel residents into more appropriate housing. We do not want families living in motels. We all want to see those families in a better environment, longer term housing solutions such as apartments and the like.

This transition will occur over the coming weeks. To date, over 2,500 have already been matched up against not-yet-ready temporary housing, trailers, apartments and the like. The remainders include hard-to-place individuals, the disabled and people like that; and FEMA will continue to provide hotel/motel assistance to those people until a suitable temporary housing solution is identified and prepared.

Members should be assured that people are not being thrown out in the streets. FEMA is working with families to place them in appropriate housing solutions. This amendment would keep in place a program in the long term that is not good for the recipients or anyone else. So I urge Members to vote against the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), who is a real leader and was down there helping people save their lives during this tragedy.

Ms. WATERS. Mr. Chairman, I simply wanted to come down here and support the gentlewoman's amendment because yesterday 4,007 codes expired. We do not know where those people are. We do not know if they have housing. As a matter of fact, there are news reports this morning that are telling us there are people who have nowhere to go.

I thank the gentlewoman for attempting to send some direction to FEMA. It is shameful and outrageous what has happened with the poor victims of Hurricane Katrina. From the time they started with the shelters until now, they have not come up with a reasonable program by which to provide housing.

I thank the gentlewoman for everything she has done, and I simply hope we can get support for this amendment so that the $88 billion that we have appropriated to deal with this catastrophe can be used. I know FEMA has used 25 percent of this money on administrative costs. That is outrageous. We want that money to be used to provide shelter to the people who need it.

Ms. LEE. Mr. Chairman, I yield myself the balance of my time.

This issue speaks to who we are as a country. We know there are people living on the streets, and we know there are people who have been really just played around with in terms of you have to evict, you do not. You have 5 more days; you have 10 more days. You have to call this number and get a voucher. Maybe we will extend it another week; maybe it will be 2 weeks. The deadline is tomorrow.

What in the world are these people supposed to do, Mr. Chairman? I think until we fix this where everybody has decent transitional housing, we should just say "no" to evictions. That is what this is about. "No" to evictions to people who have already been traumatized and hurt.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it is not true that the time is up. Eligible Hurricane Katrina victims with no other housing means may be eligible for 3 months' worth of housing assistance. And the deadline application for individual assistance has been extended until April 11. So I would urge defeat of this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LEE:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, March 15, 2006, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

First, I would like to thank the gentleman from Maine (Mr. ALLEN) for working with me on this amendment and for his leadership and for being here to speak on this today.

This amendment is not about the war, although I offered an alternative to keep us out of Iraq when this war began. This amendment is not about bringing our troops home, although I believe we should do that and do it right away.

This amendment is not about holding the President accountable for misleading us into an unjust and unnecessary war, although he should.

Mr. Chairman, the amendment I am offering is very simple. It would provide that no funds would be used under this bill to enter into military base agreements between the United States and Iraq. Stating this will clearly indicate that the United States has no intention of making military bases permanent.

Mr. Chairman, can't we all agree on that right here and now, that we should not be in Iraq permanently? Unfortunately, this administration's position is unclear.

The President shares our views and said as much, I thought. On April 13, 2004, President Bush said, "As a proud and independent people, Iraqis do not support an indefinite occupation, and neither does America."

But just yesterday, General Abizaid, the general in charge of U.S. troops in Iraq, told a Defense Appropriations Committee that the U.S. could end up having bases in Iraq. So I think we need to be clear. The aim of my amendment is to simply codify the sentiment that the President and many of our constituents and many of us strongly believe here.

As we stand here today, the United States has renewed a bombing campaign against the insurgents, the largest assault since the invasion; and this is taking us in exactly the wrong direction. Destroying villages in the hopes of routing out insurgents only creates more insurgents.

In adopting this amendment, we can take the target off our troops' backs by sending a strong and immediate signal to the Iraqi people, the insurgents, and the international community that the United States has no designs on Iraq.

This very simple point is supported by a poll conducted by the University of Maryland's Program on International Policy Attitudes earlier this year. They found that 76 percent of Iraqis believe that the United States will maintain bases in Iraq permanently even if the newly elected government asks the United States to leave Iraq.

Mr. Chairman, we need to be on record that we must not have permanent military bases in Iraq. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

☐ 1645

Mr. LEWIS of California. Mr. Chairman, I claim the time in opposition. I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentlewoman for yielding me the time and also for her leadership on this issue. She and I both have bills to make U.S. policy that there be no permanent military bases in Iraq; and that is what we are, an amendment to that effect is here today. It reads that none of the funds made available under this act may be used by the government of the United States to enter into a basing rights agreement between the United States and Iraq.

It is true that the administration is unclear on this. Secretary Rumsfeld has said we have no plans or no discussions under way to have permanent bases in that country. But I just got off the phone with a reporter from Maine who said his son served there and those aren't temporary bases that we have there.

General Casey has said that we should gradually reduce the visibility of coalition forces across Iraq because that would take away one of the elements that fuels the insurgency.

What we have learned in a very painful way is that the opinions of other people matter. The opinions of the Iraqis matter. They believe we came there to take their oil, and they believe that we are going to stay there permanently. We have to make an official U.S. policy that we will not stay in Iraq on a permanent basis, that we are going to withdraw our troops, that we will not have military bases there; and that will help diminish somewhat the insurgency that is raging there today.

Just last week General Abizaid testified that the United States may still wish to maintain a long-term presence in the region. It is that kind of confusion, those kinds of mixed signals that we need to clear up with this amendment today.

The Zogby poll recently indicated that 70 percent of American troops believe we should be out of Iraq within the year. Our troops deserve to be told that we are not going to stay. The Iraqis need to be assured that we are not going to say, and this amendment is the path to that result.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I am proud to cosponsor the Lee amendment to prohibit any funds from the supplemental from being used to enter into a basing rights agreement between the United States and Iraq. It is clear that the Iraqis, Shiites and Sunnis alike, in overwhelming numbers, do not want us to stay there. And the Secretary of Defense has said that there are no plans or discussions under way to have permanent bases in that country. So this would codify that. This would make sure that that is true.

And yet it has been suggested by top military leaders, including General John Abizaid, as recently as this week, that the United States may want to keep a long-term military presence in Iraq. If true, this is a scheme fraught with danger. As anyone knows that watches television or reads the paper, the presence of U.S. troops in Iraq has been a powerful recruiting tool for the Iraqi insurgency. And General George Casey has agreed with that, saying that by getting our troops out of there that we would take away one of the elements that fuels the insurgency. Please support this amendment. It is good for our troops and good for our country and theirs.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, ladies and gentlemen of the House, this is a great opportunity in the amendment brought forward by the gentlewoman from California (Ms. LEE). The reason this is a good opportunity, it gets to the heart of what is tearing us apart and preventing us from being as effective as we could in the Middle East. The best way to do that is to clearly express, by statute, the fact that we are not there to build military permanent bases. And the reason is that when we do that we will alleviate a lot of the problem and suspicions that currently exist.

Join us in this bipartisan effort to make sure that American intentions in the Middle East are for the first time explicitly stated by law.

Ms. LEE. I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, in December 2004, I requested the Congressional Research Service to compile a report on military construction in both Iraq and Afghanistan. On April 11, 2005, I received the final report. Here is what it said: the Congressional Research Service found projects that suggest a longer term U.S. presence in Iraq. These included $214 million for the Balad Air Base and $49 million for the Taji military complex.

This is the first congressional report that identified specific locations in Iraq where the U.S. is possibly constructing a permanent military presence in Iraq. At the appropriate time, I will enter this in the RECORD.

Now I want to know, did anyone here vote to establish permanent bases in Iraq when they voted to invade that country? Did anyone here vote to send U.S. troops permanently to Iraq? Weren't we going to war on the belief Iraq had weapons of mass destruction? Weren't we going to war on the belief that Iraq was an imminent threat of a mushroom cloud the administration warned about? All that proved to be false. If the President had told you he wanted to spend over $300 billion and 2,300 American lives, plus tens of thousands of maimed servicemembers to build new military bases, permanent deployment of U.S. troops in the Mesopotamian Valley, would anyone here have supported that? I don't think so.

That is why this administration had to fabricate a pretense for the invasion, and that is why you have to support the Lee amendment today. Do not allow this ill-conceived war to lead to a permanent deployment of troops in Iraq. Bring them home. Close down those bases.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, this month marks the third anniversary of the U.S. invasion of Iraq. Our troops, who have performed heroically, want to finish their mission and return home.

Success in Iraq depends on true power-sharing, and that will not happen so long as Iraqis suspect that the United States will maintain permanent military bases. That is why I strongly support the Lee amendment, which will send a clear signal to the Iraqi people that the United States does not seek a permanent presence.

Mr. Chairman, I have spoken to the President, the Vice President, the Chairman of the Joint Chiefs of Staff about this. Statements by Secretary Rumsfeld alone are not sufficient. Only when the President makes clear that we intend to leave Iraq, not to referee a civil war, will Iraqis realize that power-sharing is their best and last hope.

I thank my good friend, Congresswoman LEE, for introducing this important amendment, and I thank her for her courageous stands all the time in the House.

Ms. LEE. I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, this is an important statement that we are making. And again I am sure that we will experience ridicule because I will stand here and say that I believe that the troops have done their job, their patriotic job, the job of defending America. They have won the victory, and it is time for them to come home.

We must redeploy our troops. And for all of those who say that many of us do not have a plan, we do. And that plan incorporates the gentlewoman's amendment, and I thank her for her leadership, and that is that we want to redeploy and we want to vest in Iraq and the Iraqi people and soldiers the defense of their nation. Therefore, we want to insure that there will be no basing rights between the United States and Iraq, no permanency, no establishing of our obligation to defend and defend and defend.

We just had a debate about avoiding the eviction of thousands of Americans from places where they are living because they have no place to live because of the hurricane disaster. It is time now to redeploy. We do have a plan for Iraq to control their government and to be able to defend themselves and to bring our troops home and to disestablish any relationship of a base in Iraq.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of the Lee amendment prohibiting the use of funds to establish permanent American bases on Iraqi soil. We must make clear to the Iraqi people and to the American people that our operations in Iraq are not open-ended and that we have no designs on Iraqi oil and territory.

Earlier this week, in a hearing of the Military Quality of Life and Veterans Affairs Appropriations Subcommittee, I asked General John Abizaid, the top American general in the Middle East, if he could make an unequivocal commitment that the U.S. does not intend to establish permanent bases in Iraq. His answer was that he could not.

Two days after our Ambassador to Iraq said that the U.S. has, "no goal of establishing permanent bases in Iraq," General Abizaid said that the policy on long-term presence in Iraq had not been formulated. Three years into this war, if administration officials cannot make up their minds and articulate a coherent policy, it is time that Congress did it for them. Support the Lee amendment.

Ms. LEE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. President, we need a sign. The American people believed you when you told us that you had to have a preemptive strike because there were weapons of mass destruction. There were no weapons of mass destruction.

You told us we would be welcome, our soldiers would be welcome with open arms. They are not welcome with open arms. The Sunnis, the Shiites and the Kurds all want to end this occupation. They want us out of there.

Mr. President, you told us that the oil that you would pump from the oil wells in Iraq would pay for the rebuilding of Iraq. They are pumping less oil now than they were before the war.

You claimed that you were training soldiers to take over the security of the country. But we are finding bodies every day. In the last 2 days, there were 85 bodies found. In the last couple of weeks, there have been over 2,000 bodies found. The civil war has begun. The IEDs are exploding every day.

And Mr. President, you said that you would redeploy. We need you to give us a sign. All of those people who support him, you need to give us a sign. You can do that with this amendment by simply supporting the Lee amendment that will not allow for permanent bases. You have let us down on everything else. You can do this one. Support the Lee amendment. No permanent bases in Iraq.

Ms. LEE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Northern California (Ms. WOOLSEY).

Ms. WOOLSEY. Every single Member of Congress should be able to support this amendment, unless, of course, the goal is to have permanent presence in Iraq. We can demonstrate to the Iraqi people that we won't occupy their country indefinitely by voting "yes" today.

In fact, the Iraqi insurgency is largely incited by the very fact that after 3 full years of war, we show no intention of leaving. Our military presence must end. We must bring our troops home. We must give Iraq back to the Iraqi people. And in so doing, no permanent bases and no control over their oil.

Mr. Chairman, ending the war and helping the Iraqi people get back on their feet is absolutely possible, and it must start now. We can start this process by making a strong statement that the United States of America has no plan to maintain a permanent military presence in Iraq.

I urge all of my colleagues vote for the Lee-Allen amendment.

□ 1700

Ms. LEE. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I want to express my appreciation to the gentlewoman from California for this amendment, which prevents funding for permanent bases in Iraq, and also because it draws our attention to other consequences.

One is the tragic occupation, which has been going on in Iraq now for almost 3 years, and the consequences of that tragic occupation, which has been endorsed and supported by this Congress over and over again. It also draws our attention to the rationale for the invasion of Iraq and the subsequent occupation, a rationale which was presented to this Congress and to the American people in the most fraudulent and deceitful way.

It draws attention to the fact that it is a criminal violation of Federal law to present false and misleading information to the Congress in order to get them to take action. Most importantly, it draws our attention to the fact that the Congress has done nothing about it. We are now facing the third anniversary of the invasion and subsequent occupation of Iraq, and we must face the fact that this Congress has failed in its obligations and responsibilities to oversee the executive branch.

The Acting CHAIRMAN (Mr. POE). The gentlewoman from California has 1 minute remaining.

Mr. LEWIS of California. Mr. Chairman, let me ask the gentlewoman a question on my time.

Do you know how many additional speakers you may have?

Ms. LEE. I believe Mr. HINCHEY needs another minute and Mr. MORAN needs 1½ minutes.

Mr. LEWIS of California. Frankly I will be glad to yield to the two of them some of my time and I presume that you might want to use the last minute to close and we can close this up.

Mr. Chairman, I yield 1½ minutes to my colleague from the committee.

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend from the Appropriations Committee and my good friend from California. I want my colleagues to consider some facts.

One is with this amendment that we will have now spent as much as we did in the entire Vietnam War. Does anybody think that that $400 billion was well spent in retrospect? Consider the fact that 82 percent of the Sunnis and 69 percent of the Shi'a want us to withdraw immediately. In fact, the majority say that our presence is hurting rather than helping Iraq's future. Consider what happened when the British concluded their occupation.

The first people the Iraqis went after were those who cooperated with the British, considering them collaborators. Then they went after the foreigners that were trying to exploit the situation. We have a responsibility to get those foreign terrorists, al-Zarqawi and all of the al-Qaeda.

But the Iraqi people were never a threat to the United States. They are not now. Let us work with the Iraqis, get rid of the foreign terrorists, but not establish any permanent bases in Iraq.

Ms. LEE. Mr. Chairman, I yield myself the balance of my time.

I will just close by thanking you, Mr. LEWIS, for giving us time and for allowing for those who have a real perspective, the passion, the understanding to speak on this issue tonight. It is so important that the country understand that whether we agreed or disagreed with the war, that many of us believe there should be no permanent presence in Iraq.

We support our troops. We want them out of harm's way. We know that any notion of a permanent occupation or permanent bases continues to put our young men and women in harm's way. It is about time now that these signals be clear to the rest of the world. As I said, we get mixed signals from the administration.

I think it is now the time for this House to say that whatever we believed, when this war started, we do not want to be a permanent occupying force, and we do not want permanent military bases in Iraq.

Thank you for being so generous, Mr. LEWIS.

Mr. LEWIS of California. Mr. Chairman, in the time I have spent in and around Iraq I have seen a fabulous facility at Camp Doha that is meeting most of our challenges in the region. I see it developing significantly in the future. I don't see a need for a permanent facility in Iraq. I doubt there will even be a suggestion of that. On the other hand, I think the discussion was very healthy.

Mr. CONYERS. Mr. Chairman, I rise in strong support of the amendment offered by my distinguished colleague from California.

When the president took our country to war, he promised that victory would be swift and that our troops would not stay in Iraq one day longer than necessary.

Three years and 300 billion dollars later, with over 2,300 American soldiers dead and more than ten thousand wounded, victory is nowhere in sight.

The president and vice president, the secretary of defense and high ranking generals have continued to assure the American people that our presence in Iraq is temporary.

Yet, at the same time, the Department of Defense is paying Halliburton subsidiary Kellog Brown and Root billions of dollars to build 14 "enduring" bases in Iraq.

The Iraqis see what is happening on the ground, and they haven't fallen for the Administration's misrepresentation.

According to recent opinion polls, a large majority of Iraqis believe that the U.S. military has no intention to leave Iraq, and that it would stay even is asked by the Iraqi government to leave.

The presence of American troops is fueling the insurgency in Iraq, as acknowledged by General Casey and numerous other experts, and is helping terrorist recruiters build their numbers across the globe.

Mr. Chairman, we cannot afford to continue sending these mixed signals.

If we want to build the Iraqis' confidence about our intentions in their country, if we want to stop adding fuel to the fire of insurgency and terrorism, we must clarify our intent.

Because the Administration is unable to send a clear message about America's intentions in Iraq, Congress must take this responsibility.

We must make our policy of no permanent bases explicit by force of law.

Mr. Chairman, the concern raised in the gentlelady from California's amendment is the same concern that has determined my vote on the underlying bill. The Administration and the majority in this body continue to evade the question of how long we will remain in Iraq, and how much we plan to spend on this war.

It is with deep regret that I vote against passage of this supplemental.

Since Hurricane Katrina wrought havoc on our Gulf coast, I have decried the federal government's stingy approach to aid and reconstruction.

I have joined with my colleagues for years in urging the Administration to provide more funding for veterans' benefits.

I fully support increased LIHEAP funding, as well as aid to Liberia and Sudan.

But, Mr. Chairman, I will not be held hostage by the majority's cynical two-step trick to ensure continued funding for their failed policy in Iraq.

The majority continues to separate Iraq funding from the overall defense budget so that they can hide the true cost of the war and then force the Congress to pass these so-called "emergency" supplemental appropriations.

And the majority has bundled this war appropriation with funding for numerous important programs that we all favor, in order to force the legislation through and do an end run around real debate.

I am a Korean War veteran. I support our troops as much as anyone in this body, but I do so by advocating redeployment out of Iraq as soon as it can be safely done. I would vote any time for additional funds to pay for such safe redeployment. For this reason I have signed on to the proposal of my colleague Mr. MCGOVERN, H.R. 4232, the End of the War in Iraq Act.

Mr. Chairman, this vote is not about "supporting the troops." This bill is just one more attempt to tie the Congress' hands by forcing us to give up our only means of control over the war, the power of the purse. I will not be blackmailed into approving funding for an open-ended continuation of our participation in hostilities in Iraq. If the Congress acquiesces on this vote, it is in effect agreeing to fund this disastrous policy for as long as this Administration sees fit. From all indications, no end is in sight.

Mr. Chairman, the price for continuing this war is too high, not only in budgetary terms, but in American lives, Iraqi civilian casualties blamed on America and in the steady increase in the terrorist ranks that this war is provoking around the globe.

The American taxpayers should not have to send one more penny on the Administration's Iraq misadventure. Let's give our troops the supplies they need to get out of Iraq safely. Let's bring our troops home.

Mr. LEWIS of California. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The amendment was agreed to.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Louisiana.

Mr. JEFFERSON. Mr. Chairman, I seek time to enter into a colloquy with the gentleman from California and the gentleman from Wisconsin.

Mr. Chairman, the rules prevent us from offering an amendment to the underlying bill to address health problems arising in the aftermath of Katrina. Thus I thank the gentleman for yielding the time to enter into a colloquy with the gentleman from California (Mr. LEWIS), chairman of the Appropriations Committee, who has worked very hard on Katrina issues, and the gentleman from Wisconsin (Mr. OBEY) who has likewise been a stalwart supporter of those of us who are working so hard to bring our region back.

Mr. Chairman, rebuilding the Medical Center of Louisiana at New Orleans as a comprehensive public health hospital is a number 1 priority for public health and health care infrastructure of New Orleans since Katrina. Compared to most cities, New Orleans has a large percentage of poor and unhealthy residents.

Mr. Chairman, this perspective is not shared by FEMA. To date, FEMA has authorized $23 million out of $258 million requested. I thank the gentleman very much for permitting me to enter into this colloquy.

Mr. OBEY. Mr. Chairman, I would just say I am very happy to work with the gentleman to try to deal with the problem.

Mr. LEWIS of California. Mr. Chairman, further, I look forward to working with both the gentlemen and am anxious to do everything we can to make this thing work as we deliver aid and support to the people in and around New Orleans.

The Acting CHAIRMAN. Are there any further amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of Rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. WAXMAN of California.

The first amendment by Ms. VELÁZQUEZ of New York.

The second amendment by Ms. VELÁZQUEZ of New York.

Amendment by Ms. LEE of California.

Under the previous order of the House of today, the Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WAXMAN

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 225, not voting 14, as follows:

[Roll No. 60]

AYES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel

Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Ford
Hastings (FL)
McHenry
McMorris
Radanovich
Ryan (OH)
Shimkus
Sweeney
Weldon (FL)

□ 1732

Messrs. CALVERT, GARRETT of New Jersey, LARSON of Connecticut, GOODE, TOWNS and SAM JOHNSON of Texas changed their vote from "aye" to "no."

Messrs. CAPUANO, MEEK of Florida and GRIJALVA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Chairman, during rollcall vote No. 60 on the Waxman amendments to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

Stated against:

Mr. MCHENRY. Mr. Chairman, on rollcall No. 60 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The Acting CHAIRMAN (Mr. POE). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 213, not voting 18, as follows:

[Roll No. 61]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—213

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Hunter
Issa
Kennedy (RI)
Larsen (WA)
Lewis (KY)
McMorris
Radanovich
Ryan (OH)
Shimkus
Sweeney
Waters
Weldon (FL)

□ 1736

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. KENNEDY of Rhode Island. Mr. Chairman, on rollcall No. 61, I was in a meeting with the Minister of Northern Ireland and missed the 2 minute vote. Had I been present, I would have voted "aye."

Mrs. DAVIS of California. Mr. Chairman, during rollcall vote No. 61 on the Velázquez amendment to H.R. 4939, to prohibit the use of funds from being made available to enforce deadlines regarding economic injury disaster loan applications and physical loan applications, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the second amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 200, noes 219, not voting 13, as follows:

[Roll No. 62]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird

Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—219

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Boren
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Kirk
McMorris
Radanovich
Shimkus
Sweeney
Weldon (FL)
Weldon (PA)

☐ 1740

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Chairman, during rollcall vote No. 62 on the Velázquez amendment to H.R. 4939, to prohibit the use of funds from being available to make or guarantee a loan under section 7(b) of the Small Business Act other than a loan for which the borrower is charged an interest rate in accordance with section 7(c)(5), I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Chairman, on rollcall Nos. 60, 61, and 62, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. LEE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 230, not voting 13, as follows:

[Roll No. 63]

AYES—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot

Chocola
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Smith (NJ)
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Boren
Davis (CA)
Davis (IL)
Diaz-Balart, M.
Duncan
Evans
Harris
Hastings (FL)
McMorris
Radanovich
Shimkus
Smith (TX)
Sweeney

☐ 1745

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Chairman, during rollcall vote No. 63 on the Lee amendment to H.R. 4939, to prohibit the use of funds from being available to implement, administer, or enforce the termination of the hotel and motel emergency sheltering program established by FEMA for families displaced by Hurricane Katrina and other hurricanes of the 2005 season, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

Mr. OLVER. Mr. Chairman, Congressman JACK MURTHA from Pennsylvania, a decorated Marine from the Vietnam War and the most respected person in the House of Representatives on military affairs, has the Iraq situation just about right. A free and stable Iraq cannot be achieved militarily. We should not be suffering casualties nearly three years after that fateful day on the carrier off San Diego when President Bush declared "Mission Accomplished," and yet 93 percent of our casualties have occurred since that day.

The Iraqis must make hard political decisions. They must decide if they want a unified country with shared power and responsibility proportionate to population and protected rights for all. As long as we run the military operations and bear the brunt of casualties, the political decisions are avoided. We must make it clear that we will not be caught in their civil war if the Iraqis do not want a unified country enough to avoid a civil war politically.

We must make a concerted effort to persuade the EU, NATO and the rest of our allies to help train Iraqi security forces and establish a judicial system so Iraqis can regain their lives. President Bush's repeated claim that nearly 200,000 Iraqi police and army personnel have been trained to secure Iraq has been disputed for months, even by our own military leaders. However, those Iraqis, whatever their numbers, must stand up for a unified Iraq if that is what they want and believe in. Finally, we need to withdraw from Iraq expeditiously within 2006.

I am voting against this supplemental budget because it simply enables the president to continue his totally flawed and incompetently managed misadventure without forcing the Iraqis to reach political accommodations that can end the insurgency and create a stable, unified country. This war supplemental will be followed by another equally large one as soon as our November elections have passed. You can bet on it.

Mr. VAN HOLLEN. Mr. Chairman, today I rise in support of the supplemental budget despite reservations about parts of this legislation. While I think this bill could be substantially improved, I also believe that, on balance, it does more good than harm. This bill provides funds for a number of important purposes, including the equipment necessary to support and protect our troops in Iraq and Afghanistan; emergency relief for the victims of hurricane Katrina; and funds to support international efforts to stop the mass killings of innocent people in Sudan. I will address each of these in turn.

Let me start with Iraq. While I opposed the President's decision to go to war in Iraq and Afghanistan, I am supporting this bill because I believe we must provide our troops with the necessary equipment while they are there. I also believe, however, that the President has failed to provide the American people with a viable plan for success in Iraq. This bill fails to include benchmarks to hold the Administration accountable. The bill also fails to include adequate safeguards to ensure that the funds are spent responsibly.

Millions of dollars have already been lost or wasted in Iraq due to poor oversight. Every effort must be made to prevent another Halliburton from growing fat at the expense of the American taxpayer. I recently supported an amendment in the Government Reform Committee that would have held the federal government responsible for overspending and general mismanagement of federal funds. Despite the common sense nature of this amendment, it failed on a party line vote. This Congress has totally failed in its oversight responsibilities with respect to these funds.

Let me now turn to Afghanistan. I supported the decision to take military action against al Qaeda and the Taliban in Afghanistan. I believe we have not yet completed our mission there. Osama bin Laden remains at large, al Qaeda continues to operate and the Taliban have stepped up their attacks. In the face of these realities, the funds provided for U.S. and international efforts in Afghanistan are inadequate.

During a recent hearing before the House Appropriations Committee, Ronald Neumann, our Ambassador in Afghanistan testified that not enough was being been appropriated for our efforts there. I agree. This bill fails to meet the commitments we have made to Afghanistan. It defers the promised cancellation of Afghanistan's $11 million debt owed to the United States; it cuts $16 million from USAID for mission security in Afghanistan and reduces by $2.2 billion Department of Defense funds for Afghan security force training. The bill also cuts funds for counter-narcotics activities in Afghanistan from $193 million to $157 million.

As U.S. commanders prepare to devolve more responsibility for security to other coalition partners and to the Afghans, they must account for the fact that it could take years and billions of dollars to achieve the level of self-sustainability necessary to provide for Afghanistan's infrastructure and national security needs.

A critical test will occur this summer as the U.S. military officially hands over control of the dangerous southern region to NATO forces. Counter-insurgency has never been NATO's job and there are questions about whether it is ready and willing to take on this new role. The volatile southern region has the highest incidents of terrorism, drug trafficking and organized crime in the country. Of the more than 100 American soldiers killed in insurgency attacks in the last year—most of the deaths occurred in the southern region.

We must recognize that it is in our national security interest to work with the Afghan people. We must work to accelerate efforts to build and strengthen national institutions, the economy and Afghan security. By reducing the funding for Afghan operations at this critical time we are sending the wrong message to our troops, to our allies and to the people of Afghanistan.

Next, to help the victims of Hurricane Katrina, the bill contains $19 billion to aid recovery and reconstruction efforts. Most of the funds will go to the Federal Emergency Management Agency but $4 billion will go towards community development and for loans to homeowners, renters and businesses. Months after the hurricane, thousands of people are still looking for permanent homes. This funding will help citizens displaced by Hurricane Katrina rebuild their lives.

This bill also contains emergency funding to help those suffering in Sudan. The United States and the international community have failed to take adequate steps to stop the genocide. This bill at least attempts to alleviate the suffering. It includes $66 million for humanitarian support, $11 million to assist refugees in Darfur and Chad to return to their homes, $150 million for food, $123 million to support African Union troops and, with the adoption of the Capuano amendment, $88 million to prepare for the transition to UN peacekeepers.

Mr. Chairman, despite the reservations I have raised, I believe the bill deserves our support.

Mr. HOLT. Mr. Chairman, I rise today to oppose the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, H.R. 4939. This supplemental bill, totaling $91.8 billion, is the largest that the House of Representatives has ever considered.

As I have said repeatedly on the House floor, I strongly oppose using so-called "emergency supplementals" to fund non-emergency, clearly foreseeable expenditures. This bill provides $72 billion for continued military operations in Iraq and Afghanistan. The fact that our troops are on the ground in these dangerous places is not a surprise. They have been in Iraq for almost three years. Their needs are well known to everyone, except, it seems, the President and his budget staff. Every year, the President fails to budget for the cost of military operations, and every year he pretends that the war is an unforeseen "emergency".

Funding our soldiers this way is dangerous because it leaves them ill-equipped and subject to last minute actions like this by Congress. If, by contrast, we funded military operations through the normal budget process, funding decisions would be made in the open and with the appropriate scrutiny they deserve. It would also allow for long term planning and more thoughtful budgeting. We have all read about the contracting waste and fraud that has occurred in Iraq. A number of no-bid and open ended contracts have wasted millions of taxpayer's dollars. This waste has made a few crooked businessmen wealthy and done nothing to protect our troops or help build a more stable democracy in Iraq.

Lastly, and perhaps most importantly, I refuse to continue to fund a failed policy. I opposed this war because I did not think the President had made a convincing case for the existence of weapons of mass destruction in Iraq and I opposed his illegal doctrine of preemption. Since then I have only been heartbroken by the utter incompetence of which it has been planned. Our soldiers are doing outstanding work, and I salute their sacrifice. But the policy-makers in Washington have let them down and put them in an impossible situation. As I said in a letter to Secretary Rice last September, it is time to begin bringing our soldiers home. Spending good money after bad on a failed policy puts our soldiers, and our national security in even greater risk.

There are portions of this bill that should have been in the President's budget last year. For example, I fully support up-armoring HUMVEE's and tanks in Iraq. I also support investing $59 million to fund foreign language proficiency pay. I also support the $1.4 billion in the bill to fund family separation allowances, hardship duty, and combat pay.

Yet, all of these funds could have, and should have, been included in the regular budget process. But they were not.

Let me talk for a moment about the other good portions of this bill which were attached by the Majority in a cynical attempt to buy votes for the overall bill.

There is true emergency funding in this bill. But it is money for Sudan and the Gulf Coast, not Iraq.

This bill also contains money to help in the recovery of another emergency, one that struck our own shore. Just over six months ago, the Gulf Coast was struck by Hurricane Katrina. I have visited the Gulf Coast and found that the destruction was terrible, with hundreds of thousands uprooted only to return and discover their homes were obliterated. The debris is still being cleaned. The people of the Gulf Coast region are looking to rebuild and continue their lives, and this bill provides $19 billion in needed funds to assist in financing the rebuilding effort. This money helps us to keep faith with those who were failed by their government in the days and weeks following Hurricane Katrina. I am voting for an amendment that would increase by $2 billion community development funds available to assist local communities rebuild.

The genocide that continues to this day in Darfur, in the Sudan, is unconscionable. The President has said this, the Secretary of State has said this. Further, I have said a number of times that America needs to do everything it can to end the Darfur genocide. This bill contains $514 million for Sudan, with a large portion going to the Darfur region to fund the African Union peace keeping mission. I strongly support this funding. There is a true emergency in Sudan and I am glad that this money will be provided to end the genocide and provide humanitarian assistance to devastated people in the region. I am voting for the Capuano Amendment to add an additional $50 million to help fund extra peacekeepers in Darfur.

I am sorry that these true emergency funds were attached to the foreseeable spending for the ongoing operations in Iraq. I have voted for rebuilding the Gulf Coast and ending the genocide in Darfur in the past, and I will continue to do so. But I will not fund a failed policy in Iraq that is jeopardizing our soldiers needlessly, stoking the insurgency, draining our national resources, and doing nothing to protect Americans from terrorism at home.

Mr. FARR. Mr. Chairman, I would like to express my strong objection to the House Republican Leadership combining two separate emergency supplementals into a single bill. The response to Hurricane Katrina and the Iraqi war deserve separate debates and significant oversight and deliberation.

The human suffering that our neighbors along the Gulf Coast experienced and continue to experience seven months later cannot be underestimated. It will take a sustained federal and state, public and private commitment to help those affected get back on their feet. While I support a long-term reconstruction of the Gulf region, I cannot in good conscience vote for this bill.

I strongly believe we need better oversight of supplemental funding bills, particularly those that fund "the long war." There were excellent amendments offered on the floor today that I supported that should have passed if Congress had been exercising its Constitutional oversight role. For instance, I supported an Iraqi contracting amendment and one to prevent permanent bases in Iraq. We cannot become occupiers.

On this third anniversary of the war, our soldiers, our national guard, their families and all Americans deserve better than platitudes from the Administration. I have repeatedly called for greater Congressional oversight and an exit strategy, while recognizing that our troops have done an excellent job, despite often lacking sufficient body armor or equipment. I welcome the President's statements that troops will be drawn down by the end of the year, but I believe that our soldiers are being placed in an untenable situation, and need to be brought home as soon as possible.

Mr. LANGEVIN. Mr. Chairman, I am pleased to rise in support of H.R. 4939. I would like to thank the Appropriations Committee leadership for their efforts to provide our men and women in uniform with the equipment that they need as they continue their efforts in Iraq, Afghanistan and throughout the world. My colleagues on the House Armed Services Committee and I have fought for enhanced force protection equipment, much of which is included in this bill. H.R. 4939 includes $410 million for up-armored Humvees and $2 billion to develop and procure jammers for improvised explosive devices. Given the number of U.S. casualties resulting from IEDs, jammer technology is one of the most important investments this Congress can make to protect our troops.

I am also pleased that this legislation provides more than $19 billion in much-needed assistance to the victims of Hurricanes Katrina, Rita and Wilma. Months after those storms battered our Gulf Coast, many Americans are still displaced, and basic services are not available in places like New Orleans. Given the federal government's insufficient efforts in the wake of Hurricane Katrina, it is our responsibility to provide the affected residents and businesses with the resources and assistance they need to rebuild.

This measure will also greatly assist those facing exorbitant heating bills this winter. After Hurricanes Katrina and Rita damaged domestic energy sources, all Americans experienced higher energy costs, but the burden was particularly heavy for low-income residents in cold climates. H.R. 4939 will allow states to access $1 billion in Low Income Home Energy Assistance (LIHEAP) funding more quickly, which will be welcome news to states such as Rhode Island that are struggling to help families in need.

I greatly appreciate the Committee's inclusion of assistance to the victims of genocidal violence in Darfur and to train and equip the African Union peacekeeping troops. To date, at least one hundred thousand people have been killed, with millions more displaced. It is impossible to view the images from Sudan without being outraged at the cruelty and injustice of the situation. Our nation must do more to prevent further violence. Last year, I advocated for funding for African Union peacekeepers in the Defense Appropriations bill, and though that was not successful, H.R. 4939 funds peacekeeping missions in Sudan and encourages greater involvement by the United Nations.

Finally, in welcome news to the American people, the legislation blocks Dubai Ports World from assuming control over six U.S. ports as part of their acquisition of P&O Steam Navigation Company. As a member of the Homeland Security Committee, I strongly opposed the sale because of the lack of a comprehensive investigation into the national security implications. We need to ensure that foreign investment decisions are based on real national security considerations and not just financial gain. I have been working to enhance port security in our nation, and the Dubai ports deal reminds Americans that until appropriate measures are taken, our ports will continue to be vulnerable. I am pleased that H.R. 4939 contains this commonsense provision, but we must do more to secure our infrastructure and improve Congressional oversight of foreign investment decisions.

Again, I thank my colleagues for their efforts on this important bill, and I urge all Members to support its passage.

Mr. STARK. Mr. Chairman, I rise today to tell a tale of two Republican disasters, the Iraq War and Hurricane Katrina. It is a story with no best of times, only the worst of times. This tale is why I oppose the Supplemental Appropriations Act (H.R. 4939).

The main characters in my story are an incompetent President and a corrupt Congress. The setting is an America desperate for honest leadership. But the plot involves lies and cover-ups. The problem is misplaced priorities. But the solution is not this supplemental, which provides another $67.6 billion for a failed war but only $19 billion to help the victims of Katrina.

The first disaster, the Iraq War, was predicated on lies. Iraq had no weapons of mass destruction, had never attempted to buy uranium from Niger, and was not about to welcome American soldiers with open arms.

An incompetent President failed to prepare America for the postwar period. As a result, looting of stores and museums began shortly after the United States military gained control of Baghdad. Months later, sectarian violence has pushed Iraq to civil war, with Shiite militia and security forces clashing with Sunni citizens and insurgents.

Yet our troops remain in Iraq and in harms way. Two American soldiers and 40 Iraqi soldiers and civilians are killed every day. As long as we stay in Iraq, the insurgency will continue, even as the so-called Iraqi democracy experiment goes nowhere. Three months after parliamentary elections, the Iraqi parliament has yet to form a government.

Finally, large Republican donors including Halliburton have looted the American treasury. Using their connections to secure no-bid contracts for services in Iraq, these firms overcharge American taxpayers and underserve our troops. All the while, Republicans' blind allegiance to the President causes them to write blank checks, throwing good money after bad at a war that is making America less secure.

The second disaster was the Republican response to Hurricane Katrina. Several days before Katrina ravaged the Gulf Coast, the President was briefed on the severity of the storm and the likelihood levees would be breached. But after failing to cut short his extended vacation to help with the response, the President told ABC News and the American public he was not advised the levees were likely to collapse.

After years of underfunding levee construction and maintenance, Republicans attempted to shift the blame for the disaster and the inadequate response onto state and local officials. But it was President Bush who nominated unqualified campaign hacks to head FEMA and congressional Republicans who rubber-stamped the appointment of Michael Brown.

As a result of insufficient preparation and incompetent administration, tens of thousands of hurricane victims went without adequate food, water, and shelter in the storm's aftermath. Six months after Katrina, relief workers are still finding bodies of victims.

In an attempt to atone for their sins, the Republicans have finally brought forth additional legislation to help Katrina victims. But in a pathetic and transparent attempt to prevent full debate on the disastrous Iraq War, President Bush's Republican cronies in Congress combined two supplementals into one.

Although I support additional funding for hurricane victims, I cannot vote for a supplemental that appropriates 74 percent of its funds, or $67.6 billion, to a misguided Iraq war on which we have already wasted $350 billion—and the lives of 2,310 American soldiers and at least 37,000 Iraqi citizens.

It is time to tell a new tale, about bringing home our troops and rebuilding homes for Katrina victims. Let's get this Iraq monkey off our back and supplement housing rather than Halliburton.

I urge my colleagues to vote against this bill, and help me to tell a new tale about American successes rather than Republicans disasters.

Ms. McKINNEY. Mr. Chairman, I rise today in protest at this Administration's egregious treatment of tens of thousands of families of survivors who were displaced by and continue to suffer in the aftermath of Hurricane Katrina. Today, on the Ides of March, some ten thousand families are being evicted from temporary housing in hotels by FEMA.

This would have happened months ago but for cries of protest and legal injunctions that forced FEMA to keep rolling back the eviction deadline: December 15th, January 7th, January 31st, February 15th, February 28th, and now March 15th—on each of these dates, families were evicted.

So to the 10,000 families being evicted today, we must add some 30,000 families already evicted, giving us a figure of some 40,000 families who will have been evacuated from temporary housing in hotels.

FEMA and DHS have not provided any comprehensive plan to transition these survivors out of temporary and into permanent shelters, and while tens of thousands are already living in tents and cars, thousands more are being thrown out to sleep on the streets, because the shelters are already full.

Last week, during one of his rare visits to the Gulf Coast, the President bluntly accused Congress of moving too slow in providing funds for housing and reconstruction.

Let me read to the House a passage from the Stafford Act. This is from Section 407:

> The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of a foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease entered into prior to such disaster. Such assistance shall be provided for the duration of the period or financial hardship but not to exceed 18 months.

So under the Stafford Act, survivors being evicted from temporary housing are entitled to 18 months of housing assistance, that means another full year, of rental assistance, but only if the President authorizes the necessary sums.

Rather than stepping in and taking charge, the President is passing the blame back to the Congress for a "Failure of Initiative," the title of a report coming from his own party, which delivered stinging criticism of the Administration's handling of the aftermath of Katrina.

Mr. Chairman, the failure to take initiative did not arise from this side of the aisle. We now have 77 signatures on H.R. 4197, the Hurricane Katrina Recovery, Reclamation, Restoration, Reconstruction and Reunion Act, which sets out a comprehensive plan to provide housing, health care, education, environmental clean-up, and to meet nearly all of the still urgent needs of the Gulf Coast survivors. And we are calling out to our colleagues across the aisle to join our initiative and do what is just and right for our fellow Americans caught up in the largest population displacement our Nation has seen since the Great Depression and slavery.

As we consider yet another supplemental request for tens of billions for a military occupation of Iraq, where violence is spinning out of control and toward all-out civil war under our watch, let us ask ourselves the hard questions:

How can we deny housing, education and health care to American citizens displaced by Katrina and yet continue to build homes, schools and hospitals in Iraq?

How can we refuse to provide satellite voting for hundreds of thousands of displaced New Orleaneans and yet spend hundreds of millions on satellite voting stations for Iraqis in America?

Why are survivors in Mississippi and Texas entitled to trailers whilst those in Louisiana are not?

Why are hurricane survivors in Florida and Texas entitled to maximum benefits under the Stafford Act whilst Katrina survivors from Mississippi and Louisiana are told they must fend for themselves?

And finally, Mr. Chairman, was the decision to send the poorest and most traumatized survivors of the flooding of New Orleans into diaspora simply an ad hoc decision, or part of an overall strategic plan to keep as many poor and minority residents as possible from returning to New Orleans, in order to lay the groundwork for an urban real estate bonanza? Is this the reason our government is so intent upon refusing New Orleans survivors their basic rights under law?

Mr. CARDIN. Mr. Chairman, from the beginning, the Bush Administration's policy on Iraq has been based on distortions and misjudgments. Prior to the invasion, I fought to prevent this war. I parted with most members of Congress and cast a vote against the resolution authorizing the use of military force in Iraq. The President misled the American people into believing there was a link between Iraq and the terrorist attacks of September 11, and he distorted and misrepresented intelligence data about weapons of mass destruction.

I understand the frustration and heartbreak that have led many Americans to conclude that it is now time for us to remove ourselves from this misguided quagmire and bring our troops home. That is why I have called on the President to change course. America simply cannot continue indefinitely to pay the high costs in both lives and dollars to stay on the same failed course in Iraq.

In December 2005, I voted for H.R. 1815, the FY 2006 Defense Authorization bill, which the President signed into law in January 2006. Section 1227 of that bill, United States Policy on Iraq, states that it is the sense of Congress that "calendar year 2006 should be a period of significant transition to full Iraq sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq."

It is time for the President to implement this policy. We have no choice but to approve this spending bill. We cannot put our troops at greater risk. If the President does not heed the intent of Congress and the American people, Congress should take more direct action to bring our troops home promptly and safely. We should not have American troops in the middle of a civil war.

I have repeatedly called for a change in America's policies so that we can bring our troops home as soon as possible. In December 2004, I visited our troops in Iraq. I thanked them for their service and listened to their stories. It was a moving experience for me. I honor the sacrifices they and their families are making each day.

The men and women of our armed forces are demonstrating tremendous dedication to our Nation through their performance in Iraq. These brave soldiers have put their lives in harm's way for our country, and we are forever grateful for their service.

This bill also contains crucial provisions, which I support, that would provide nearly $20 billion for Hurricane Katrina relief, including funds for housing, community planning and development, flood control, and small business loans. In addition, the House should take up H.R. 4197, a comprehensive Hurricane Katrina recovery bill introduced by the Congressional Black Caucus.

I am encouraged that the bill provides more than $500 million to address the ongoing genocide in southern Sudan and Darfur. These funds are critical to meeting the immediate needs of victims of the Darfur crisis, such as shelter, health care, and access to water and sanitation. Sudanese government-backed Arab militias have slaughtered hundreds of thousands of villagers, and they have burned entire villages. Up to two million refugees have fled this genocide to neighboring countries, but the small, poorly-equipped, and underfunded African Union (AU) force cannot offer them adequate protection. This bill provides needed funding to help transition the AU peacekeeping operation to a United Nations mission. It is also encouraging that last week the House International Relations Committee reported out H.R. 3127, the Darfur Peace and Accountability Act, which I urge the House to take up without delay.

Lastly, I strongly support the inclusion of an amendment adopted by the Appropriations Committee to cancel the planned transfer of U.S. ports to Dubai Ports World, which is owned by the United Arab Emirates. Although the UAE recently agreed to abandon its efforts to take over American ports, this Congress still needs to enact bipartisan legislation that I introduced with Ways and Means Trade Subcommittee Chairman CLAY SHAW, H.R. 4839, the Secure America's Port Operations Act, which would prohibit any foreign-government owned operations at U.S. seaports in the future.

Mr. Chairman, this emergency supplemental is a necessary measure that will provide essential support for our troops in their arduous mission in Iraq, vital funding for the global war on terror, and desperately needed assistance for our own Gulf region and the many Americans who have been uprooted by Hurricane Katrina.

Ms. ESHOO. Mr. Chairman, I rise today in opposition to this bill, the largest emergency appropriations measure to ever be considered by the House of Representatives. I do so with great reluctance because there are several positive aspects to the bill, including resources for our dedicated troops. Despite these reservations, I oppose this bill because the Administration and the Majority in Congress have failed to provide adequate oversight and accountability for our operations in Iraq.

Mr. Chairman, in four days we will mark the third anniversary of this tragic war, a war that I opposed from the beginning and which has already cost our country over $400 billion. Without a strategy for success or an end in sight, the Congressional Budget Office predicts the price tag for military costs alone will reach $600 billion by the end of this decade. The added costs of long-term healthcare for our veterans, reconstruction assistance, and economic aid will of course raise this figure exponentially, prompting some of our Nation's best economists to predict that the long-term costs of this war will rise as high as two trillion dollars. Meanwhile, the loss of our best and brightest young people can never be measured.

Going into war without the approval and support of the international community and without a plan for the post-war occupation period has resulted in a Nation less secure now than at the end of major combat operations. Despite the heroic efforts of our military, and the hundreds of billions of dollars poured into Iraq, it is now on the brink of civil war. We've seen how disastrously this administration's strategy, or lack thereof, has played out in Iraq, and yet we continue to circumvent the normal budget process, putting hundreds of billions of dollars on the national credit card without any plan for success, any plan to begin the process of bringing our troops home, or any plan to turn Iraq over to the Iraqi people.

Mr. Chairman, I voted in favor of our last emergency supplemental bill because, among other things, the bill instructed the Department of Defense to provide a detailed report to Congress of its military expenditures in Iraq and Afghanistan to finally allow us to track how the Administration was spending the taxpayer's money. Despite this language, the General Accounting Office reported in November numerous problems in DOD's processes for recording and reporting costs for operations in Iraq and Afghanistan. As a result, the GAO found that neither DOD nor Congress can reliably know how much the war is costing, nor the details on how appropriated funds are being spent. The facts are not being made available and Congress is operating and appropriating without them.

Congress is not fulfilling its responsibility to act as the steward of the National Treasury. I, along with several colleagues on both sides of the aisle, have cosponsored legislation that would restore oversight and accountability to our budget process. Several of my colleagues have called for hearings and investigations into how funds are being spent in Iraq. These efforts have been met with near-total resistance by the Majority leadership in the House, and by the administration. Time and again we who are elected to keep close watch over spending are being denied the necessary tools to do our jobs.

The good in this bill is increased funding to address the crisis in Darfur, our fellow Americans affected by the tragedy of Hurricane Katrina and the language preventing the Dubai Ports deal from moving forward. I've supported these efforts in the past and were these provisions to be considered properly under normal budget procedures, I would support them.

Whether or not Members support the war in Iraq, it's becoming clearer day by day that the President's policies are unsustainable. Without a change of direction and a clear plan for success, I cannot in good conscience continue to pass off trillions of dollars to our children and grandchildren to fund this debacle.

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise in opposition to H.R. 4939. Today, Congress continues its owe-as-you-go policy of borrowing and spending, burdening future generations of Americans with an additional $92 billion in debt and at the same time embracing the Bush administration's disastrous war in Iraq. Giving this administration more borrowed money for billion dollar no-bid contracts without congressional oversight is irresponsible and a policy I can neither justify nor defend.

In a cynical maneuver, the Republican majority has linked nearly $70 billion more for maintaining U.S. troops in the middle of an Iraqi civil war with the resources needed to assist Katrina's victims and the funds necessary to keep alive the victims of genocide in Sudan's Darfur region. I strongly support providing our fellow citizens of the gulf coast with the resources to rebuild their lives and their communities and increasing our commitment to bringing peace to Sudan. However, I cannot support an administration policy of consistently misleading the American people about the unsustainable Federal budget deficits and the quagmire in Iraq.

It is an irresponsible budget gimmick to fund the war in Iraq through emergency spending. We are beginning the fourth year of war in Iraq. Clearly the Bush administration was aware that there would be funding needs and had the opportunity to account for those needs in the proposed budget. Instead, the entire cost of this war—over $300 billion—is deferred to be paid for by future generations. Congress must have an honest debate about our increasing budget deficit and the implications of this debt on our country and our future.

Every American soldier and marine deserves our support, as well as a realistic and honest strategy for success from the Bush administration. They also deserve a White House and Congress with the courage to pay for this war today, not pass the cost on to the children and grandchildren of every American, including every veteran who has sacrificed so much in Iraq.

For the violence and murder to stop and the civil conflict in Iraq to end, it will require Iraqis, not Americans, willing to find solutions to bring security, stability and peace to their country. U.S. troops should never be in the position of being referees in a bloody civil war. Unfortunately, the Bush administration has no intention of drawing down U.S. troops anytime soon. The passage of this bill today will ensure, regrettably, that our troops will remain in Iraq for the foreseeable future.

Ms. KILPATRICK of Michigan. Mr. Chairman, I would like to use this opportunity to address this House to explain my vote on H.R. 4939, the Emergency War and Hurricane Supplemental Appropriations Act for Fiscal Year 2006, which this chamber considered on March 16, 2006.

Despite my misgivings for the direction of our Iraq policy, I do not believe our troops, who are fighting so bravely, should be penalized for the mistakes in judgment of our civilian military leadership in the White House and the Pentagon. I also believe we need to continue our obligation to the people and states who fell victim to Hurricane Katrina. For these reasons, I supported the passage of H.R. 4929, the Emergency Supplemental Appropriations Act for Fiscal Year 2006.

The funds in this bill will enable our soldiers and marines on the ground to uparmor their vehicles. There should be more outrage from the American public that they were deployed without adequate equipment from the beginning. But they are there, and it is vital that they have the equipment necessary to protect themselves against attack. Moreover, more money is provided in this bill to help our troops detect and destroy improvised explosive devices (IEDs).

Although I disagree with the administration's conduct of the war, I do believe the one way we can bring our troops home sooner is to provide Iraqi security forces with the training and equipment they need to provide for the common defense of their own country and take the fight to the insurgency. Ultimately, the fate of their country will rise and fall on the Iraqis' ability to provide for their own security.

To further help our troops, the money in this bill will take care of the health care needs of their families and cover the projected shortfall in the defense health care account. It also honors the obligation Congress made last year to increase the military death gratuity to $100,000 from $12,000 and subsidized life insurance benefits that were increased to $400,000 for the families of fallen loved ones.

The bill also helps needy families offset the high cost of heating fuel by providing an additional $750 million for the Low Income Home Energy Assistance Program (LIHEAP). Finally, the bill honors what I feel is our country's obligation to help the Gulf Coast region by appropriating $19.1 billion in disaster relief, community development and levee reconstruction monies.

These programs deserve our support. We cannot turn our backs to protecting the safety and welfare of troops in harms way or ignore those who have gone homeless as a result of Hurricane Katrina. These people need our help and that is why I voted to support this emergency supplemental appropriations bill.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in opposition to the FY06 Emergency Supplemental Appropriations bill because it is long overdue that we end the failed policy in Iraq.

I voted against giving the President the authority to go to war against Iraq in October 2002, and I have opposed supplemental funding that would extend the conflict ever since. I ask my colleagues to recall the comments of Defense Secretary Donald Rumsfeld who said in January 2003 that the war would cost "something under $50 billion." Unfortunately, since that time we have appropriated more than $250 billion in supplemental funding alone. And a new study by Columbia University economist Joseph E. Stiglitz, who won the Nobel Prize in economics in 2001, and Harvard lecturer Linda Bilmes concludes that the total costs of the Iraq war could top the $2 trillion mark.

Secretary Rumsfeld also told us in February 2003 that "it is unknowable how long that [Iraq] conflict will last. It could last six days, six weeks. I doubt six months." On May 1st, 2003, President Bush stood on the deck of the USS *Abraham Lincoln* and declared Mission Accomplished. And on May 30th, 2005, Vice President CHENEY declared that "I think they're in the last throes, if you will, of the insurgency." However, this week we are celebrating the 3 year anniversary of the war, 2176 brave men and women in uniform have died in Iraq since the President declared Mission Accomplished, and it has become clear that the Iraqi civil war that many of us feared would occur has begun.

Although there is an attempt by the Bush administration to convince the American people that our military is helping to quell the sectarian violence, recent events have proven the administration wrong. Our occupation of Iraq has isolated us from a large segment of the international community, and has prevented us from capturing or killing Osama Bin Laden and other Al-Qaeda leaders. The war has also distracted us from two of the most critical issues in the region—the development of nuclear weapons in Iran and the Israeli/Palestinian peace process. In addition, the war has diverted attention and resources from critical homeland security needs. A continued United States presence in Iraq will do nothing but exacerbate these problems.

It is for our brave troops, and for the security of the international community that I cannot vote to continue the war in Iraq. Like everyone, I want to avoid a radical and unstable Iraq in the future. However, I believe that the ongoing presence of the U.S. military in Iraq is putting those brave troops at risk and creating a situation where the majority of Iraqis support U.S. withdrawal.

I know that the Republican supplemental appropriations request will pass the House of Representatives. Our troops will not be stranded in the field. None of us would allow that to occur. And I know that this supplemental will also contain money for important issues such as Katrina relief, the Low-Income Home Energy Assistance Program (LIHEAP), and assistance to Darfur and Liberia, which I strongly support funding. However, Iraq war funding makes up approximately 80 percent of this supplemental. The Republican majority has employed a cynical tactic to attach worthy causes onto an Iraq war funding bill in an attempt to force members of Congress who oppose the war into voting for it. Also, crafting an "emergency" supplemental for a war that is three years old is simply another example of the majority's poor leadership in this Congress.

I would like to encourage all my colleagues to join me in cosponsoring two bills, which if passed together, add up to a sensible policy that would provide our troops with the resources they need to complete a safe and honorable redeployment from their current combat areas.

The first is H.J. Res. 73, known as the Murtha Resolution, which calls for the immediate redeployment of U.S. forces in Iraq, the creation of a quick-reaction and over-the-horizon presence of U.S. Marines in the region, and the pursuit of stability in Iraq through diplomacy. This resolution would allow the U.S. footprint to be minimized on the ground in Iraq, while still providing a military presence that can assist Iraqis in securing their nation. I support this resolution precisely because I want to help our troops who are in harm's way.

The second bill, H.R. 4232, the End the War in Iraq Act introduced by Representative JAMES McGOVERN, would prohibit funds from being appropriated to deploy, or continue to deploy, U.S. Armed Forces to Iraq. Exceptions to this rule would be made if the funds are being used to provide for the safe and orderly redeployment of U.S. Armed Forces from Iraq, to ensure the security of Iraq and its transition to democratic rule by carrying out consultations with the Government of Iraq, other foreign governments and international organizations, or by providing financial assistance or equipment to Iraqi security forces and international forces in Iraq. In addition H.R. 4232 would permit the use of funds to carry out social and economic reconstruction activities. Simply because we must reposition our armed forces, does not mean we can abandon our obligation to the Iraqi people to help them create a positive future for themselves and future generations.

I am pleased that my colleagues accepted the Lee/Schakowsky/Allen/Hinchey Amendment which would prohibit permanent military bases from being constructed in Iraq. I will work to make sure this amendment is accepted by the Senate. However, I cannot vote today to continue this misguided war in Iraq. My no vote is an expression for my desire to support our troops and to begin to restore the credibility of America in the eyes of the international community.

The Acting CHAIRMAN (Mr. POE). The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006".

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. DRAKE) having assumed the chair, Mr. POE, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 725, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HINCHEY. Yes, Madam Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hinchey of New York moves to recommit the bill, H.R. 4939, to the Committee on Appropriations with instructions to report the same forthwith to the House with the following amendment:

"On page 82, line 4, strike "2007" and insert "2006".

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. HINCHEY. Madam Speaker, the motion to recommit is very simple and direct. It says that the appropriations that were directed toward the Low-Income Home Energy Assistance Program for the year 2006 must be spent in that year, not moved over to the year 2007.

We are doing this for obvious reasons. The high cost of energy is making it extremely difficult for low-income people, particularly elderly, low-income people, to meet their home energy assistance payments, and also to meet their other needs.

It is also affecting large numbers of other people in our communities across the Northeast, the upper Midwest, and elsewhere across the country.

That, and the drop in temperatures recently, is causing some serious problems for many people. We want to make sure that the money that was appropriated for the LIHEAP program is used this year, appropriately so that people do not suffer as a result of its not being used.

I think the case has been made.

Mr. LEWIS of California. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. Madam Speaker, I will take 30 seconds.

The House has expressed its will in many ways regarding LIHEAP. We are going to do what is right regarding that funding for 2006 and 2007. To send it back to committee would kill this bill.

The Members have done a fabulous job in a very bipartisan way producing a fine product. I ask for an "aye" vote on final passage and against the gentleman's motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HINCHEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 188, noes 233, not voting 11, as follows:

[Roll No. 64]

AYES—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—233

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly

Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Boren
Cramer
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
McMorris
Radanovich
Shimkus
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. DRAKE) (during the vote). Members are advised there are 2 minutes remaining.

☐ 1809

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This 5-minute vote on passage will be followed by two more 5-minute votes on two postponed questions that were debated yesterday.

The vote was taken by electronic device, and there were—yeas 348, nays 71, not voting 13, as follows:

[Roll No. 65]

YEAS—348

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Cole (OK)
Conaway
Costa
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Engel
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHugh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Melancon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—71

Abercrombie
Baldwin
Blackburn
Blumenauer
Campbell (CA)
Cannon
Capps
Clay
Coble
Conyers
Cooper
Costello
Cubin
Deal (GA)
Eshoo
Farr
Flake
Frank (MA)
Gohmert
Grijalva
Gutierrez
Hensarling
Hinchey
Holt
Inslee
Jackson-Lee (TX)
Johnson, Sam
King (IA)
Kucinich
Lee
Lewis (GA)
Maloney
Markey
McCollum (MN)
McDermott
McGovern
McHenry
McKinney
McNulty
Meehan
Michaud
Miller, George
Moore (WI)
Neal (MA)
Neugebauer
Olver
Owens
Pallone
Paul
Payne
Pence
Petri
Rangel
Rothman
Schakowsky
Sensenbrenner
Serrano
Solis
Stark
Tancredo
Thompson (CA)
Tierney
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Woolsey
Wu

NOT VOTING—13

Boren
Cramer
Davis (CA)
Davis (IL)
Duncan
Emerson
Evans
Hastings (FL)
McMorris
Pickering
Radanovich
Shimkus
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

☐ 1816

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PICKERING. Madam Speaker, on rollcall No. 65, I was unavoidably detained. Had I been present, I would have voted "yea."

Mrs. DAVIS of California. Madam Speaker, during rollcall vote No. 65 on final passage of H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "yea."

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

The SPEAKER pro tempore (Mrs. DRAKE). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2320.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2320, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 287, nays 128, not voting 17, as follows:

[Roll No. 66]

YEAS—287

Abercrombie
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)

Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—128

Aderholt
Akin
Alexander
Baker
Barrett (SC)
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boustany
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Chocola
Cole (OK)
Conaway
Crenshaw
Cubin
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Emerson
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Granger
Gutknecht
Hall
Harris
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Issa
Johnson, Sam
King (IA)
Kingston
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCrery
McHenry
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Northup
Norwood
Nunes
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pitts
Price (GA)
Putnam
Regula
Rehberg
Renzi
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Rvun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Simpson
Sodrel
Souder
Stearns
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Boren
Coble
Cramer
Davis (CA)
Davis (IL)
Duncan
Evans
Hastings (FL)
Istook
Lofgren, Zoe
McMorris
Radanovich
Shimkus
Sullivan
Sweeney
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1825

Mr. TERRY, Ms. HARRIS and Mr. ADERHOLT changed their vote from "yea" to "nay."

Mr. SHUSTER changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of California. Madam Speaker, during rollcall vote No. 66 on the motion to suspend the rules and pass S. 2320, I was on a leave of absence due to illness. Had I been present, I would have voted "yea."

Stated against:

Mr. TANCREDO. Madam Speaker, on rollcall No. 66 I was inadvertently detained. Had I been present, I would have voted "nay."

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4297 offered by the gentleman from Tennessee (Mr. TANNER) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 187, not voting 24, as follows:

[Roll No. 67]

YEAS—222

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Frank (MA)
Gerlach
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (GA)
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher

Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn

NAYS—187

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
English (PA)
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—24

Ackerman
Boren
Brady (TX)
Coble
Cramer
Davis (CA)
Davis (IL)
Duncan
Evans
Everett
Granger
Hastings (FL)
Istook
Jefferson
Kilpatrick (MI)
Lipinski
Lofgren, Zoe
McKeon
McMorris
Pombo
Radanovich
Shimkus
Sullivan
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1833

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. HUNTER, from the Committee on Armed Services, submitted an adverse privileged report (Rept. No. 109-397) on the resolution (H. Res. 685) requesting the President and directing the Secretary of State and Secretary of Defense provide to the House of Representatives certain documents in their possession relating to any entity with which the United States has contracted for public relations purposes concerning Iraq, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. HUNTER. Madam Speaker, I offer a privileged concurrent resolution (H. Con. Res. 361) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 361

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 16, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, March 28, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, March 16, 2006, Friday, March 17, 2006, or Saturday, March 18, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, March 27, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO MONDAY, MARCH 20, 2006

Mr. HUNTER. Madam Speaker, I ask unanimous consent that when the House adjourns today pursuant to this order, it adjourn to meet at noon on Monday, March 20, 2006, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 361, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Mrs. DRAKE). Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, MARCH 29, 2006

Mr. HUNTER. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, March 29, 2006.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HONORING ELEANOR SLATER

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute.)

Mr. LANGEVIN. Madam Speaker, I rise today to pay my respects to Eleanor Slater, a great friend who passed away this week. Known as the grande dame of Rhode Island Democratic politics, Eleanor blazed trails for many people in our state, but especially for women. She began her distinguished political career in 1958 as a Representative in the Rhode Island General Assembly, and championed issues such as mental health, fair housing and especially issues affecting senior citizens.

Always thinking of the next generation, she was a great advisor to many former and current politicians, including myself, Congressman PATRICK KENNEDY, and Senator JACK REED. She had the foresight and belief that I could run for Secretary of State and win that race, which I did. She served as an honorary chair on many of my campaigns and taught me valuable lessons that I still carry with me today.

While I am sad to say goodbye to such a wonderful woman, at 97 years old, we should celebrate Eleanor's long distinguished life. Eleanor, you made a difference. May God bless you and keep you safe in His care.

HONORING MR. LEROY ROBBINS

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Madam Speaker, I want to take a moment to honor the life of a very generous man whose service to his family and community made him extraordinary to those of us privileged to know him.

Mr. Leroy Robbins passed away on Sunday, March 5, 2006 in Baton Rouge, Louisiana. Mr. Robbins leaves behind his wife, Bernice, nine children, 28 grandchildren and 52 great grandchildren. Yet his legacy extend far beyond his own family.

Mr. Robbins was extraordinary because of his faithfulness in the simple and precious things in life. For more than 50 years, he served as a 4-H Livestock Club Leader.

As a child, I lost my own father and Mr. Robbins' mentorship helped to fill the profound loss created by that particular event. His kindness shined through as he opened his home, lovingly called "Robbins Roost" to 30 4-H club Members. He and Mrs. Robbins patiently taught us how to make things, how to improve ourselves and how to be leaders. He just helped us participate in the joy of discovery through the wonderful array of 4-H club opportunities.

Mr. Robbins was a man of generosity, compassion and integrity. In life he demonstrated what it meant to be extraordinary and undoubtedly, his legacy will live on in the lives of those he touched, particularly mine.

HONORING AMEDEE "DICK" RICHARDS, JR.

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Madam Speaker, I rise today to honor Amedee Richards, Jr., a treasured member of the South Pasadena community who died Thursday at the age of 84. He was a great man who served for many years as mayor, councilman, and as a small business owner, and he will long be remembered for his influential leadership and the preservation of South Pasadena.

Dick Richards was one of the first people I sought out years ago to get his advice on issues important to the city. He and I shared a background in law enforcement. He was an FBI agent, and I was a Federal prosecutor and we instantly hit it off. Over the years, I continued to turn to him and always valued his thoughtful counsel.

He led many communities endeavors, founding the South Pasadena Relay For Life, serving as President of the Mission West Association, and later, as a founding member of the New South Pasadena Chamber of Commerce. With his wife, Clara, he also opened Family Fair, a gift and candy store, as well as Buster's Ice Cream and Coffee Shop, which both immediately became South Pasadena landmarks. He also helped to start the weekly Farmers' Market in the Mission West District.

I want to express my sincere condolences to the entire family. Sadly, that tremendous family lost another member in the last few days. Dick's eldest son, Amedee III, passed away on Monday morning. My heart goes out to the entire Richards family, Dick's wife, Clara, two sons, six daughters and 15 grandchildren.

Dick called South Pasadena a kind of oasis. In this time of immense grief, I hope our community is comforted in knowing that Dick's legacy as a devoted public servant will live on in the vibrant oasis that he helped to create in South Pasadena.

I rise today to honor Amedee "Dick" Richards Jr., a treasured member of the South Pasadena community, who died Thursday at the age of 84. He was a great man who served for many years—as mayor, councilman, and as a small business owner—and will long be remembered for his influential leadership in the preservation of South Pasadena.

Dick Richards was one of the first people I sought out years ago for advice on issues important to the city. He and I shared a background in law enforcement (he was an FBI agent, and I was a federal prosecutor) and we instantly hit it off. Over the years, I continued to turn to him and always valued his thoughtful counsel. His work, his family, and indeed his life are tremendous examples of what makes South Pasadena such a strong community.

He led many community endeavors, founding the South Pasadena Relay for Life (an annual fundraiser for the American Cancer Society), serving as President of the Mission West Association, and later as a founding member of the New South Pasadena Chamber of Commerce. With his wife Clara, he also opened Family Fair, a gift and candy store, as well as Buster's Ice Cream and Coffee Shop, which both immediately became instant South Pasadena landmarks. He also helped to start the weekly Farmers' Market in the Mission West District in 1999.

Dick was a man respected and admired by his colleagues and peers. Serving on the South Pasadena City Council from 1989 to 1997, he was admired for both his integrity and courage, always voting his conscience. Dick called South Pasadena a "kind of an oasis" and sought to preserve the small town characteristics that made it unique. Those who worked with him considered themselves fortunate, and as current Mayor Odom Stamps has acknowledged, Dick has "huge shoes that no one person will even remotely fill."

He was born in Worcester, Massachusetts in 1922 and graduated from Boston University in 1943. He then entered the Naval Reserve, serving during World War II in the Pacific theater as an ensign on a mine-sweeper. After WWII, he joined the FBI working specifically on Mafia cases and investigating the assassination of Robert F. Kennedy. He retired from the FBI in 1977, founding Family Fair that same year.

I want to express my sincere condolences to his entire family. And sadly, this tremendous family lost another member in the last few days. Dick's eldest son, Amedee III, passed away on Monday morning. My heart goes out to the entire Richards family, Dick's wife Clara, 2 sons, 6 daughters, and 15 grandchildren.

In this time of immense grief, I hope that our community is comforted in knowing that Dick's legacy as a devoted public servant will live on in the vibrant "oasis" that he created in South Pasadena.

APPOINTMENT OF HON. ROBERT B. ADERHOLT, HON. MICHAEL K. SIMPSON, AND HON. WAYNE T. GILCHREST TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MARCH 28, 2006

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 2006.

I hereby appoint the Honorable ROBERT B. ADERHOLT, the Honorable MICHAEL K. SIMPSON, and the Honorable WAYNE T. GILCHREST to act as Speaker pro tempore to sign enrolled bills and joint resolutions through March 28, 2006.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

REPORT ON THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 108 of the National Security Act of 1947, as amended (50 U.S.C. 404a), I am transmitting a report prepared by my Administration on the National Security Strategy of the United States.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 16, 2006.*

AMERICA CAN DO BETTER

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, today and yesterday, we spent time on the floor of the House trying to construct a legislative initiative in the emergency supplemental to rebuild lives of Americans. We also attempted to respond to the rising crisis in Iraq. And I rise today to simply say that I know that America can do better.

In the course of that debate, I heard a story of a woman whose husband is in Iraq, and she is looking to try to understand where the funding is going, or where are the monies that have been appropriated going, because her husband is writing back and telling her about contaminated water and lack of equipment.

And then of course, I met a mother in my district who wondered why her son had to be redeployed for the third time to Iraq. I know America can do better. I am hoping as this emergency supplemental makes its way to the United States Senate that our colleagues, working with the administration, will understand that it is time now to redeploy our troops to bring them home in the honor and victory that they deserve, and then, of course, invest in the rebuilding of the Gulf Coast and not causing the stigmatizing of any of those who have suffered the devastation of Hurricanes Katrina, Rita and Wilma, and certainly provide the funding that the State of Texas needs once and for all, a State that has been impacted in a devastating way as we host those who are in need. It is time to do better for Americans.

□ 1845

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NEW YORK TROOPER ANDREW SPERR

Mr. POE. Madam Speaker, I request permission to take Mr. JONES' time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Speaker pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, I rise today to honor New York State Trooper Andrew Sperr. Each person who wears a badge walks a thin blue line between life and death. Their families wonder when their police officer reports for duty, if that person will return home.

On March 1, 2006, Trooper Sperr did not return. He was shot and killed in the line of duty during a blazing gun fight with bank robbers in Big Flats, New York. Just after noon, Andrew Sperr stopped to investigate a suspicious pickup truck on the side of the road. As he approached the vehicle, the robbery suspects opened the door and opened fire on him, striking him multiple times. At least one round struck him in the right side above his body armor.

He was a dedicated lawman, so Trooper Sperr was able to return fire, and he wounded both of the suspects, which eventually led to their arrest, even though he was mortally wounded himself. Andrew Sperr was 33 years of age. He was from Greece, New York, and he had been a member of the New York State police force for 10 years.

Though he had no kids of his own, he was greatly involved in lives of his 10 siblings and their kids, and was godfather to several of his nieces and nephews. He was known as AJ to close family and friends, and he was remembered as always being the center of all activity.

He spent his free time on his 80-acre farm in Steuben County, New York. He loved the outdoors and in his other free time he was a hunter and a wildlife photographer. As a young kid, Andrew Sperr had wanted to serve his community by becoming a peace officer.

In his life and his death, service was his mission. Friends family and coworkers remember him as a compassionate public servant who generally cared about the people he came in contact with on a daily basis, no matter who they were. He had recently won the outstanding trooper award for the second year in a row.

When terrorists struck the World Trade Center in New York City on September 11, 2001, Andrew Sperr was there. He volunteered to go and help the people of New York, as well as the citizens of the United States, by providing law enforcement in the aftermath of that attack on America. Trooper Sperr also traveled to Louisiana this past fall in Hurricane Katrina and helped those folks in that area, neighbors.

Madam Speaker, as a former judge in Texas, I have had the opportunity to speak several times in New York and to the troopers at the New York State Police Academy in Albany, New York. After we got through the language barrier, I found these right-thinking Americans to be passionate about protecting the citizens of New York State and bringing outlaws to justice.

Trooper Andrew Sperr was proud to be a member of this group of law officers. Trooper Andrew Sperr died doing what he wanted to do, protecting, serving and defending the people. As thousands of his fellow State troopers, law enforcement personnel, friends and family, mourn his loss, our prayers go out to his family for allowing his life to be sacrificed for the rest of us.

Andrew J. Sperr was a dedicated officer and a compassionate friend to all. He served with distinction and honor, and he will be missed. America and Americans were better because of the life of Andrew Sperr. He wore the badge and proudly took the oath to protect and serve.

Madam Speaker, peace officers are the last strand of wire in the fence between safety and anarchy. They are all that stands between the people and the barbarians. Trooper Andrew Sperr died protecting the rest of us from those outlaws.

So God bless those that wear the badge of the American peace officer. That's just the way it is.

PORT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, many Americans are breathing a sigh of relief. They believe we have resolved the issue of port security, but that is far from the truth. True, for now, the idea of United Arab Emirates operating some of our port terminals has abated. But this is very much just a very small issue regarding port security.

The fact is, our ports are probably today very little less secure than pre-9/11. The grades that the 9/11 Commission give to this administration's efforts on port security were generally failing.

The United States has bound itself to an international agreement through the International Maritime Organization that allowed secret ownership of ships. Osama bin Laden could have a fleet of his own. We are not allowed to know. They fly under flags that countries that provide no supervision, in fact, in the case of Liberia, until recently, didn't even have a government, and barely exist.

They have crews of unknown identity. Yes, they send us a name about the ship lands, but is that really the person. Is that really the background. Do we have fingerprints? No. We don't know who the people are on those ships. The cargo on those ships is not secure. The containers are not secure. It would cost a few dollars to secure a container from loading to unloading in the United States of America and scan it. The Bush administration thinks that is a cost that we cannot afford or would unnecessarily impinge upon free commerce.

Then, of course, the technology, the technology that we don't have at the ports, to adequately scan these containers. Now, we cannot breathe a sigh of relief. Our ports are not yet secure. We depend upon a transmitted manifest. Now, I can just see that the Osama bin Laden line with the terrorist crew is going to send a manifest that says this container has 199 concrete bird baths and one small tactical nuclear weapon, and our intelligence people might even ask to open that container. Who knows, they might not. So we need to do a tremendous amount more.

Then there is another issue. The Bush administration, while Congress is away next week, is intending to put forward a rule that would allow foreign interests to control United States airlines in contravention of a very explicit law which prohibits control by foreign interests. The Bush Administration, using their inherent powers, has decided to reinterpret the meaning of the word control and say Congress just meant they can't control safety and security. We will wall that off.

How are you going to wall it off when you have foreign ownership of a U.S. airline, foreign management and a U.S. airline, foreign board of directors of a formerly U.S. airline, and you are going to wall off safety and security? Oh, come on, give me a break. As the chief operating officer of Continental said, hey, they are against this. They said, hey, I am head of safety, I am the COO, safety and security report to me. I can get someone to do whatever I want in that job, or I will fire them.

That is an extraordinary risk. It risks our civilian reserve air fleet, where we move our troops overseas. Just imagine a future deployment, say to maybe the Taiwan area with a problem with China, and the U.S. troops could be flying on an airline that was owned and controlled by Chinese communist government interests under this rule, which the Bush Administration wants to push through. Or it could be a UAE crew from Dubai, because they are the fastest expanding long-haul airline in the world, with all of their billions of surplus dollars.

We cannot rest easy, because the Bush Administration is continuing to dismantle critical infrastructure. We need a general review of critical infrastructure in this country, and we need to safeguard it. They are saying, no, we shouldn't do that. They are hoping to put the Dubai deal off, you know, and that we will not pay any attention to the threats at our ports or the threats to our airlines and aviation industry, or maybe even under the Bush administration, we will sell our nuclear plants to foreign interests.

Wouldn't that be spiffy if we allowed foreign interests to own our nuclear plants? That would be really, really great for security here in the United States of America. America should not be for sale. It is a symptom of a failed trade policy, and this Bush administration just wants to do more of the same. It is time for change. It is time for new trade policy. It is time to keep bringing jobs home. It is time to make America secure, and it is time to secure our assets.

REMARKS ON THE IRISH PEACE PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I rise this evening as we approach the St. Patrick's Day recess to remind this body of the continued struggle for peace and justice in the North of Ireland. For many in America of Irish ancestry, this is a time of celebration, as it should be. However, we must also recognize that the fight for freedom and equality on the island of Ireland is still being waged.

Tonight I want to remember and commemorate the 90th anniversary of the Easter Uprising and the proclamation of an Irish Republic at the General Post Office in 1916. The brave men and women who took up arms against England vowed to fight for religious and civil liberty, equal rights and equal opportunities for all Irish citizens.

This year also marks the 25th anniversary of the deaths of 10 brave men who died on a hunger strike in Long Kesh. Their courage and that of the women of Armagh inspired countless individuals and made the world take notice of the cruel and discriminatory policies of the British government in the North of Ireland. Their sacrifice proved the shortsightedness of a British policy criminalization.

Madam Speaker, I had the opportunity today to meet once again with Gerry Adams, whom I admire so much, for his continued determination to educate the Members of Congress about the situation in Northern Ireland. Because of the sacrifice of so many dedicated individuals like Gerry Adams over the years, we have seen great strides on the quest for an Ireland of equals.

The historic ceasefire by the IRA in 1994, followed by the Good Friday accords signed in 1998, created tremendous progression in the north. The IRA's recent decision to lay down their weapons and pursue exclusively peaceful means toward the goal of a united Ireland is yet another hopeful sign.

However there still remains much to be done. The Good Friday agreement must be implemented in full. Any attempt to walk away from the institutions set forth in the agreement or substitute them with something less is a mistake. It is designed to placate extremists who want to fight progress and maintain their superiority. This simply cannot be allowed to stand.

Responsible leaders on all sides and on all parties must recognize that a quality in progress is inevitable and give the people of Northern Ireland the democracy that they deserve now.

Madam Speaker, I have consistently called for the full implementation of the Patten recommendations on policing because I believe true peace cannot exist without justice. This will not happen until there is a fair and impartial police service representative of all the communities in the North.

A dismantling of the British war machine in towns like South Armagh and Crosmaglen need to happen now so that residents there can live in peace and without fear of violence from a government supposedly there to protect them.

With a history of collusion between the RUC and loyalists paramilitaries, a full, complete and independent inquiry must also be done into if death of Pat Finucan, murdered by paramilitaries in front of his young family.

Madam Speaker, 25 years ago, as Bobby Sands sat in his cell on a hunger strike, he wrote in his diary, and I quote, if they aren't able to destroy the desire for freedom, they won't break you. They won't break me, because the desire for freedom and the freedom of the Irish people is in my heart. The day will dawn when all the people of Ireland will have the desire for freedom to show.

Madam Speaker, the British and Irish governments must recognize that the desire for freedom is as strong today as it ever was, and it will not be destroyed. The historic moves by the IRA and the electoral gains made by Sinn Fein are evidence of this desire. People will simply not tolerate a return to the conditions that have plagued the North for so many years.

PROTECTING THE CROWN JEWEL OF AMERICA'S SPACE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Madam Speaker, last week was one of extraordinary triumph for the Nation's space program. On Thursday, NASA announced that the Cassini spacecraft may have found evidence of liquid water reservoirs that erupt in Yellowstone-Like geysers on Saturn's moon Enceladus. This stunning announcement was followed the next day by the successful orbital insertion of the Mars Reconnaissance Orbiter around the Red Planet.

I stand before the House today to celebrate these incredible technological achievements and wondrous scientific discoveries, but most of all, to honor those who made it possible, the men and women of the Jet Propulsion Laboratory in Pasadena, California.

JPL, which is managed for NASA by the California Institute of Technology, has designed, built and controlled many of America's most successful unmanned space craft. JPL has pioneered our exploration of space from Explorer 1, America's first satellite, to Ranger and Surveyor craft that paved the way for Apollo to the Voyager spacecraft that explore the outer planets and are still continuing to send back data even as they leave our solar system.

JPL missions have increased our comprehension beyond anything even contemplated half a century ago. Every American space probe that has visited another body our solar system was managed by JPL. Through the wonders of technology, we have circled Jupiter with Galileo, sampled a comet with Stardust and rolled across the surface of Mars with spirit and opportunity.

Cassini, which has been orbiting Saturn for just over 18 months, has transmitted stunning photographs and invaluable data on Saturn and its moons, while the Mar's Reconnaissance Orbiter, which will begin its science mission later this year, is expected to transmit more information about Mars than all of our previous Mars missions combined.

□ 1900

JPL's spectacular missions have not only brought us incalculable scientific data; they have also sustained American's interest in space flight, especially the Mars missions.

Now, as NASA prepares to accelerate the development of the Crew Exploration Vehicle and moves forward with plans to return humans to the Moon, the space agency and Congress must take care to continue to provide adequate resources to support the robotic exploration of space that is JPL's specialty.

Over the past months, NASA has worked to put into place a comprehensive program aimed at realizing the President's goal of landing an American on Mars. This is an ambitious and worthy goal, but the technological and physiological challenges, not to mention the cost, mean that it may be decades before an American walks on the Martian surface.

In the interim, we can continue to explore the Red Planet and our neighbors with relatively inexpensive probes that are better equipped than humans to survive the extreme hardship of long-duration space travel.

Madam Speaker, as we consider the future of our space program, I urge NASA and my colleagues not to deprive JPL, one of the crown jewels of American science and technology, of adequate resources. The Mars program is one of the centerpieces of JPL's focus and the lab has several exciting missions planned for the next couple decades.

But even as JPL unlocks the secrets of our planetary neighbors, it is poised to begin an ambitious search for habitable worlds around the stars, a search that will help to answer one of humankind's oldest questions: Are we alone in the universe?

SIM PlanetQuest scheduled for launch in the middle of the next decade will precisely determine the distances to stars throughout our galaxy and will probe nearby stars for Earth-sized planets. SIM will open a window to a new world of discoveries.

The Mars program and SIM PlanetQuest are ambitious and resource-intensive missions with long lead times. JPL has also been a leading NASA center for the Explorer that in the past has offered opportunities to carry out small and medium-sized missions that can be developed and launched in a short timeframe.

The Explorer program engages academia, industry, NASA centers and government labs in strong partnerships that provide young engineers, scientists, and managers the opportunity to develop and gain valuable experience on missions from inception to launch.

Unfortunately, as a result of budget cuts over the last few years, this important program is quietly being phased out. But I believe that we must consider the significant and damaging effect this will have on NASA's scientific and technological program.

I am especially concerned about the recent decision to terminate the NuSTAR mission before its interim confirmation review. This action will have permanent damaging consequences as it is causing the scientific community as well as industry to question the reliability of NASA as a partner and the wisdom of investing internal resources in the proposal development process.

The termination calls NASA's commitment to the peer review selection process into serious question and illustrates, in my view, a lack of appreciation of the serious investment made by the team at NASA to date.

While I understand that NASA is facing difficult budgetary decisions, the priorities must be set, it would be a severe blow to NASA science to allow such a low-cost, productive, and unique program like Explorers to be so severely cut. In particular the unprecedented action taken with NuSTAR will have lasting consequences for all future competed missions.

Madam Speaker, the decisions we make this year will have profound implications for the future of America's space program. Even as we celebrate JPL's most recent successes, I urge NASA and my colleagues to work to ensure JPL's leadership in exploring our solar system and the Universe beyond.

UNIVERSITY OF TOLEDO ALTERNATIVE SPRING BREAK GULF TRIP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I am taping or putting up here a Web site that will help to pay tribute to over 200 students, professors, and other citizens from Ohio's universities, schools, and just citizens interested who traveled to the gulf in our country on an alternative spring break.

Called Rockets on the Road to Compassion, the University of Toledo's alternative spring break directed the efforts of over 200 Americans in helping the hurricane-ravaged areas of the gulf. To learn more about what they did and are doing, go to the Web site www.UTalternative springbreak.utoledo.edu. I will keep repeating that tonight.

From March 3 through March 11, these magnificent Americans traveled to Florida, Louisiana, Alabama, Texas, Mississippi, and Georgia. The UT chapter of Campus Crusade for Christ sent 65 students to Pass Christian, Mississippi, where Katrina's eye made landfall.

The UT's Catholic Student Association sent 20 students to help build homes in Ft. Walton Beach, Florida. Donovan Nichols, a University of Toledo graduate student and AmeriCorps VISTA volunteer, led coordination efforts for 104 participants spread across five locations devastated by Hurricanes Katrina and Rita: Bay St. Louis, Mississippi; Bayou LaBatre, Alabama; Orange, Texas; Lake Charles; as well as Metairie in Louisiana.

Organizers and chaperones included Dr. Celia Regimbal, tenured University of Toledo professor in health sciences, and Reverend Dee Baker, the director of the Toledo Campus Ministry on the campus. America thanks all of them.

The world can learn more about their journey by looking at their Web site, www.utalternative springbreak.utoledo.edu. Some of the hundreds and thousands and stories from the gulf are reflected by what they did.

We recall with them the words: America is only as great as she is good. I know that their goal is to help follow through on this journey, to tell other Americans what happened so they can follow suit and to help us as we continue relating to these communities.

Let me just read some of the excerpts on this blog. From Dr. Celia Regimbal, University of Toledo professor, assigned to Bay St. Louis, Mississippi. She says, it has taken 21 of us 3 days to remove siding and get felt paper up. How long would it take one person? How long would it take to replace your neighborhood?

There is not a house in Bay St. Louis and Waveland that has not suffered some damage. We are guessing that 30 percent of the homes are totally gone. It will take years to rebuild the coast. We cannot forget that the folks here will continue to need our help.

Terrance Teagarden, who was assigned to New Orleans, wrote: between the two crews we have got operating right now down here, we look to have two houses gutted and a decent start on two more. Three houses gutted by crews of about 10 in 4 days' time. At this rate, he says, it will take years to get things back to normal here.

I saw President Bush and his escort fly over on a helicopter yesterday morning before we began our work. I heard the President say at a press conference awhile back he would love to bring his family here. Not in this condition he would not. Mr. President, he says, please come down to the 9th Ward and work with us, or any crew of volunteers for one day. I guarantee you will think differently of the progress made.

Then the young man says, honestly, pointing fingers will not help anyone anymore right now. We need thousands, droves, of Americans staying in tents and parks and churches all over the gulf region just helping to gut, prepare for inspection, and rebuild houses.

Through all of this, it has been the efforts of grass-roots organizations that have really gotten things done. Right now there is a need for playground items such as Hula-Hoops, balls. Schools and churches also need supplies to rebuild.

Donovan Nichols, who was assigned to Lake Charles, Louisiana, said, prior to Hurricane Rita, this town of Cameron had a population of roughly 2,000 people clinging to the edge of the Gulf of Mexico. Now, aside from relief workers, the community is deserted. While working on the roof at the house in Starks, two separate individuals dropped by asking us for help.

They described how they were not eligible for any FEMA money, but they really needed help. They sent them to some local churches for help.

Mary Ellen Edwards in Bay St. Louis, Mississippi, says: our group here in Bay St. Louis spent part of yesterday and today helping a family of five who were trying to get their uninhabitable house cleaned up.

Madam Speaker, I know my time is expired, but I would like to place all of the remarks in the RECORD and ask the American people to look at www.utalternative springbreak.utoledo.edu Please help Ohioans rebuild the gulf.

Today we also helped out the whole community by cleaning the debris off of the beach. The community gets a reduction in the loans it has gotten from FEMA to help out the people in Hancock County for each hour of work volunteers do in beach clean up. Celia Regimbal set this up through the environmental staff person from Congressman GENE TAYLOR's office.

If the role of the government is to provide for the common good, the Federal Government just cannot seem to get much of a handle on this problem. Perhaps it is too worried about the media spin, its image, and pointing fingers than really working on solving the problem.

Imagine, by Neda Archie in Bay St. Louis, Mississippi:

> Actually seeing the devastation has humbled me. The first day we drove through town I had no words. I felt every emotion possible to feel therefore I just looked with a kind of blank stare in disbelief. You don't know anything until you actually see it with your own eyes.
>
> Imagine what is now trash and rubble used to be your prized possessions, your family photographs, your favorite pair of shoes, an old staircase from the house your family grew up in, and not your roof but your neighbors roof. Imagine trying to salvage and dry out a little piece of your life that existed before the devastation.
>
> Imagine your schools you graduated from, the bridges you used to cross, the trees you used to climb, and the flowers that used to bloom are non-existent. Imagine losing some of your friends and loved ones. Imagine 75 percent of your town is gone.

Reflections by Danselle in Bay St. Louis, Mississippi:

> These past few days have taught us all a valuable lesson, humility. This street was once where beach houses, mansions, and beautiful summer homes once dwelled. Now there's nothing but the Gulf. I expected to come down here and see at least a house fixture, but that's barely possible even 6 months later.
>
> Most of the homes have been here for over 100 years, passed down through generations. These homes are extremely too expensive to replace, so most people have to settle with a home that's a lot cheaper.
>
> The residents here in Bay St. Louis have experienced the absolute worst in wind damage, and were basically forgotten all about. We have been described as elephant biters. Katrina was like a big elephant dropped onto the entire coast, and we are here to bite chunks out of this elephant until it's completely gone.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to persons outside the Chamber.

THIRD ANNIVERSARY OF THE IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, this weekend will mark the third anniversary of the Iraq war, and I am still wondering, more importantly the majority of the American people are wondering, why we went there, and what we are still doing there.

Remember, we were told this was going to be a walk in the park, in and out in a flash. A few thousand troops and a few million dollars, no sweat. Well, now it has been 3 years, and if we are not out by the end of this year, 2006, our troops will have been fighting in Iraq longer than their grandparents fought in World War II.

More than 2,300 Americans dead; tens of thousands wounded; tens of thousands, maybe even hundreds of thousands, of Iraqi civilians killed; over a quarter billion dollars spent, and for what? So we can lose all stature and credibility around the world? So we can give rise to an insurgency that shows no signs of abating? So we can inspire even greater hatred of the United States among violent jihadists in the Muslim world? Or so we can throw gasoline on the fire of sectarian strife in Iraq and further ignite a civil war?

Yesterday's Washington Post reports at least 86 bodies found in Iraq, many of them in a mass grave, many of them having been strangled or tortured. And today the biggest air offensive since the beginning of this mistake.

When is enough enough, Madam Speaker? How many more Presidential speeches? How many more half-baked platitudes about the march of freedom?

Just two days ago at George Washington University, the President said: "The work ahead in Iraq is hard." But it was his administration that assured us 3 years ago of just the opposite, that this was going to be easy. "We will complete the mission," he said yesterday. But in May 2003, he was declaring "mission accomplished," in fact, draping an aircraft carrier with those very words.

The real tragedy is that our Nation will be living with this disastrous fallout from this war for generations. The money we have spent on this war is money we do not have and will not have for investments in our people, their health care, their education, their retirement, their job training, and, yes, their security.

The unspeakable, despicable acts of torture that took place at Abu Ghraib have robbed us of our moral authority. The very foundations of freedom have been threatened by the PATRIOT Act and the President's defiance of the rule of law on domestic surveillance.

The trumped-up weapons of mass destruction intelligence and the fabrication about an Iraqi link to 9/11 have damaged the trust between America and its leaders, trust that is critical to a thriving democracy.

And on a very basic human level, what about men and women who come back from Iraq shattered by the experience? Even if they make it home with all of their limbs functioning and intact, what about the psychological demons that come home with them?

These brave patriots need medical help if they are going to lead a productive civilian life, but according to a recent study by the military, they are not getting it.

☐ 1915

Although one-third of returning Iraq and Afghanistan veterans are seeking mental health services, the great majority of those who are diagnosed with psychiatric problems are going untreated.

A lot of damage has been done, Madam Speaker, and there is a lot of work ahead: work to repair our troops, our principles, and our reputation. But there is one thing we could do right now to stem the tide, to contain the damage, to literally stop the bleeding. We could and we should bring our troops home now.

SAVING LIVES THROUGH LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY. Madam Speaker, I came here to Washington to do everything I could to reduce gun violence in this country; and unfortunately, the atmosphere that is here is preventing me from doing that.

There are many out there that say I am out there to try to take away the right of someone to own a gun, and yet I have never introduced any kind of legislation that would do any such thing.

What I am trying to do is save lives. What I am trying to do is certainly try to keep medical costs down. We have come to an agreement, many Members in this Chamber, on legislation I introduced a couple of years ago. The reason behind this legislation was because, unfortunately, there was another shooting in my district and two of my parishioners were killed. And the sad story is it could have been prevented.

Peter Troy, who is someone that had a very long mental health background, and he also had a restraining order from his mother against him because of his violent acts, was able to go into a store and legally buy a gun. He was able to do this because the State, my State of New York, did not put the information into the State system that was supposed to go into the NICS system.

This is happening every single day across this Nation. We looked into it and figured how can we change this. So we started looking at the different States. We saw that some States hardly had any records in the NICS system that had anything to do with domestic violence. We saw also that many States did not put anything in on those that were convicted of felonies. So we came up with legislation that we thought would help to reduce crime in this country.

We came up with legislation that we knew if we could keep guns out of illegal hands, those that should not be able to buy a gun, we could save lives. And if we could save lives, we are hoping also we could save injuries, and this way it is a win-win situation for everyone in our community.

I am hoping before the Memorial Day recess that I will be able to get my legislation back on to the floor for a vote. It did pass in 1997, and we had it on a voice vote because everybody agreed with it.

Now, I know our time down here is very short. We are going on another break this very week. For the 10 years that I have been here in Washington, we have never had a break in March. I wish we could be staying so we could continue to work to do the people's work.

I guess what I want to talk about is that we could have reasonable laws that could help people, save people's lives and make a difference in someone's life. We can do this without certainly infringing on anyone's second amendment rights.

The NICS bill that I am proposing would help our States bring their data up to speed. We all know that computers and the Internet are moving very rapidly, but a computer is only as good as the information in it. What I propose, and what had been accepted here in this House, would give the States the money so that when someone is convicted of a crime that would make them ineligible to be able to buy a gun, that would immediately go into the system. This is a win-win situation for everyone.

Back in my State of New York we are seeing more and more illegal guns coming into my city. It is probably happening in a lot of other States. It is only a small percentage of those bad people that are buying these illegal guns that we can stop.

Madam Speaker, there are so many things we could do to stop gun violence in this country, to make a difference. And I know it is not on the top of the list of everybody in this country. I know the majority of people are struggling to just get through their day, working, coming home, taking care of the family, doing everything that a family should be doing because they honestly feel that we as politicians are down here protecting them.

We talk about homeland security. We talk about possible terrorists in this country, and yet we make it so easy for those out there to buy guns.

Madam Speaker, I hope we can make a difference. I hope we can change the dialogue. I hope we can save lives. I hope we can prevent injuries.

BRAIN AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Rhode Island. Madam Speaker, today I rise to acknowledge Brain Awareness Week, which reminds us that neuroscience research is critical to the health of U.S. global competitiveness and much of this research is done by the National Institutes of Health.

As Members of Congress, many of us from both sides of the aisle make a commitment to doubling the NIH budget, and many of us now wonder what do we get for what we paid for.

Some are asking this and I have asked them to look at www.SFN.org, which stands for the Society of Neuroscience which has produced 24 separate brain research success stories. Behind me here you see some of the incredible technology that is giving rise to research in the brain by helping us through PET scans and FMRIs, looking into the brain as we have never been able to do before.

These discoveries have allowed us to develop treatments that reduce the severity of symptoms for those suffering from Parkinson's, those suffering from affective disorders. We have seen a whole new class of anti-depressants that produce fewer sides effects than their predecessors. We have also seen great breakthroughs in the identification of new stroke treatment and prevention methods, and we have seen the creation of ways to help prevent epileptic seizures, as well as expansion of treatments for psychotic symptoms and schizophrenia. Research brings hope and improves the lives of millions of Americans.

Madam Speaker, in this country mental illnesses comprise the second leading cause of lost work days in our country. Suicide in this country is twice the rate of homicide. We lose 34,000 people a year to suicide. The fact of the matter is we have 1,300 young people every single day who try to take their lives in this country. And yet we can reach into this brain science, find and discover ways to help reduce the severity of mental illness and address the needs that people have that cause them to suffer so greatly.

Madam Speaker, I would just point once again to the fact that we have had technology thanks to the National Institutes of Mental Health, the National Institute of Drug Addiction, the National Institute of Alcoholism that has demonstrated to us that we are going to see great promise. But we need the American people to call their Members of Congress and say to their Members of Congress, we want full funding for mental health research and neuroscience.

We have come too far to step back now. Anybody watching this program needs to call their Members of Congress, their Senator and their Representative, and say we do not want to take a step backward in brain research. We want us to go forward to help solve the many mysteries of the brain and the suffering that is going out around this country from those who are suffering from mental illness.

Madam Speaker, we also need them to ask for parity for mental health coverage, which means equal insurance coverage for mental illness as every other physical illness. You cannot look at these poster boards and not tell me that mental illness is physical illness.

It is not a sign of a character defect if they are depressed, if they are suffering from mental illness. It is a sign that they need the kind of attention to the organ, which is their brain, the organ which is their brain that too often has been associated with stigma and stereotype that has guided our policymaking too much of the time; and as a result we spend less than four of every 100 of your dollars at NIH studying brain diseases even though they comprise the second leading cause of lost days in this country.

Madam Speaker, I ask that my colleagues join me in recognizing Brain

Awareness Week and join me in helping to continue the research, the very promising work that is going on in our institutes of health that help us find the discoveries that we need in order to relieve the suffering of millions of Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. DAVIS of California (at the request of Ms. PELOSI) for today on account of illness.

Mr. SHIMKUS (at the request of Mr. BOEHNER) for today after 3:00 p.m. on account of overseeing elections in Belarus.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. KENNEDY of Rhode Island, for 5 minutes, today.

(The following Member (at the request of Mr. POE) to revise and extend his remarks and include extraneous material:)

Mr. BISHOP of Utah, for 5 minutes, today.

ENROLLED JOINT RESOLUTION SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which were thereupon signed by the Speaker:

H.J. Res. 47. Joint resolution increasing the statutory limit on the public debt.

ADJOURNMENT

Mr. KENNEDY of Rhode Island. Madam Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until noon on Monday, March 20, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 361, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 7 o'clock and 27 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until noon on Monday, March 20, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 361, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6721. A letter from the Administrator, FSIS, Department of Agriculture, transmitting the Department's final rule—Changes in Fees for Meat, Poultry, and Egg Products Inspection Services—Fiscal Years 2006-2008 [Docket No. 03-027F; FDMS Docket Number FSIS-2005-0025] (RIN: 0583-AD12) received February 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6722. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Add Kazakhstan, Romania, Russia, Turkey, and Ukraine to List of Regions in Which Highly Pathogenic Avian Influenza Subtype H5N1 is Considered to Exist [Docket No. APHIS-2006-0010] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6723. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE: Revision of Participating Providers Reimbursement Rate; TRICARE Dental Program (TDP) [DOD-2006-OS-002] (RIN: 0720-AA92) received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6724. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Delegation of Insuring Authority to Direct Endorsement Mortgages; Announcement of Information Collection Effective Date [Docket No. FR-4169-F-04] (RIN: 2502-AG87) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6725. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule—Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions [Regulation H and Y; Docket No. R-1087] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6726. A letter from the General Counsel, Federal Energy Commission, transmitting the Commission's final rule—Revised Regulations Governing Small Power Production and Cogeneration Facilities [Docket No. RM05-36-000; Order No. 671) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6727. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Microbiology Devices; Reclassification of Hepatitis A Virus Serological Assays [Docket No. 2003P-0564] received February 28, 2006], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6728. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Clarification to the Export Administration Regulations; General Order to Implement the Syria Accountability and Lebanese Sovereignty Act [Docket No. 051230351-5351-01] (RIN: 0694-AD68) received February 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6729. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-293, "DC-USA Economic Development Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6730. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule—Privacy Act of 1974: Implementation [AAG/A Order No. 004-2006] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6731. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule—Privacy Act of 1974; Implementation [AAG/A Order No. 019-2005] received January 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6732. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Termination of Federal Enforcement for Parts of the Misssouri Permanent Regulatory Program and Return of Full Regulatory Authority to the State of Missouri [Docket No. MO-738] received January 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6733. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule—Summer Undergraduate Research Fellowships (SURF) Gaithersburg and Boulder Programs; Availability of Funds [Docket No. 051222346-5346-01] received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6734. A letter from the Office of Regulations Policy and Management, VBA, Department of Veterans Affairs, transmitting the Department's final rule—Dependency and Indemnity Compensation: Surviving Spouse's Rate; Payments Based on Veteran's Entitlement to Compensation for Service-Connected Disability Rated Totally Disabling for Specified Periods Prior to Death (RIN: 2900-AL86) received February 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6735. A letter from the Assistant Director, Directives and Regulations Branch, Office of Regulatory and Management Services, USDA Forest Service, Department of Agriculture, transmitting the Department's final rule—Travel Management; Designated Routes and Areas for Motor Vehicle Use (RIN: 0596-AC11) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Resources.

6736. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Medicare Secondary Payer Amendments [CMS-6272-IFC] (RIN: 0938-AN27) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4709. A bill to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records (Rept. 109-395). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Supplementary Report and Document Annex by the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Rept. 109-396). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNTER: Committee on Armed Services. House Resolution 685. Resolution requesting the President and directing the Secretary of State and Secretary of Defense provide to the House of Representatives certain documents in their possession relating to any entity with which the United States has contracted for public relations purposes concerning Iraq; adversely (Rept. 109-397). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KIRK:

H.R. 4972. A bill to permit certain school districts in Illinois to be reconstituted for purposes of determining assistance under the Impact Aid program; to the Committee on Education and the Workforce.

By Mr. BAKER (for himself and Mr. FRANK of Massachusetts):

H.R. 4973. A bill to restore the financial solvency of the national flood insurance program, and for other purposes; to the Committee on Financial Services.

By Mr. HYDE (for himself and Mr. LANTOS) (both by request):

H.R. 4974. A bill to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. HASTERT, Mr. BOEHNER, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. REYNOLDS, Mr. CANTOR, Mr. KINGSTON, Mr. PUTNAM, Mr. EHLERS, Mr. TOM DAVIS of Virginia, and Mr. HASTINGS of Washington):

H.R. 4975. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on House Administration, Rules, Government Reform, and Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mr. FLAKE):

H.R. 4976. A bill to reiterate that chapters 119 and 121 of title 18, United States Code, and the Foreign Intelligence Surveillance Act of 1978 are the exclusive means by which domestic electronic surveillance may be conducted, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. HALL, Mr. REYES, Mr. CROWLEY, Mr. CUELLAR, Mr. BACA, and Mr. ORTIZ):

H.R. 4977. A bill to place a 2-year moratorium on certain contracts to conduct port operations in the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on International Relations, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 4978. A bill to require the Comptroller General to conduct a study on the extent to which security operations at United States seaports are managed by nationals of foreign countries and other related matters; to the Committee on Transportation and Infrastructure.

By Mr. PICKERING:

H.R. 4979. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the preference for local firms in the award of certain contracts for disaster relief activities; to the Committee on Transportation and Infrastructure.

By Mr. BASS (for himself, Mr. DAVIS of Illinois, Mr. WICKER, Mr. BOEHLERT, and Mr. GENE GREEN of Texas):

H.R. 4980. A bill to allow employees of Federally-qualified health centers to obtain health coverage under chapter 89 of title 5, United States Code; to the Committee on Government Reform.

By Mr. KUHL of New York (for himself, Mr. MATHESON, and Mr. ABERCROMBIE):

H.R. 4981. A bill to amend the National Dam Safety Program Act; to the Committee on Transportation and Infrastructure.

By Ms. BEAN:

H.R. 4982. A bill to improve public awareness in the United States regarding safe use of the Internet through the establishment of an Office of Internet Safety and Public Awareness within the Federal Trade Commission; to the Committee on Energy and Commerce.

By Mr. BLUMENAUER:

H.R. 4983. A bill to recognize the exemplary service of the National Guard in Iraq and to direct the President to begin the redeployment of United States military forces from Iraq, starting with National Guard units; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 4984. A bill to amend the Servicemembers Civil Relief Act to enhance the protection of credit ratings of active duty military personnel who are activated for military service; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas (for himself, Mr. POMEROY, Mr. SAM JOHNSON of Texas, Mr. CARDIN, Mr. RAMSTAD, Mr. ENGLISH of Pennsylvania, and Mr. HULSHOF):

H.R. 4985. A bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organizations; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 4986. A bill to amend title 46, United States Code, to require the Secretary of Transportation to prioritize maritime transportation security grants based on the risks and vulnerabilities of ports and the proximity of ports to critical infrastructure or urban or sensitive areas; to the Committee on Homeland Security.

By Mr. HAYES:

H.R. 4987. A bill to amend title 18, United States Code, to provide an increased maximum penalty for telemarketing fraud targeting seniors, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Government Reform, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself, Mr. HULSHOF, Mr. GUTKNECHT, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. PETERSON of Minnesota, Mr. ENGLISH of Pennsylvania, Mr. SHADEGG, Mr. WELDON of Pennsylvania, Mr. BEAUPREZ, and Mr. UDALL of Colorado):

H.R. 4988. A bill to amend the Rules of the House of Representatives to strengthen the ethics process, and for other purposes; to the Committee on Rules, and in addition to the Committees on Standards of Official Conduct, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 4989. A bill to amend the Help America Vote Act of 2002 to clarify the treatment of provisional ballots cast in elections for Federal office, to ensure that polling places are adequately staffed and have sufficient equipment, to direct States to issue durable voter registration cards to each individual who registers to vote in elections for Federal office in the State, and for other purposes; to the Committee on House Administration.

By Mr. ISRAEL:

H.R. 4990. A bill to provide for the establishment by the Secretary of Energy of a program of Federal support for local governments that establish Clean Energy Bond Acts; to the Committee on Energy and Commerce.

By Mr. JEFFERSON (for himself, Mr. TAYLOR of Mississippi, Mr. MELANCON, Mr. DAVIS of Alabama, Mr. BISHOP of Georgia, Mr.

McDermott, Mr. Ford, Mr. Watt, Mr. Owens, Ms. Kilpatrick of Michigan, and Mr. Towns):

H.R. 4991. A bill to require the Secretary of the Treasury to carry out a program to temporarily make payments under residential mortgage loans for properties significantly damaged by Hurricane Katrina; to the Committee on Financial Services.

By Mrs. KELLY (for herself and Mr. Bass):

H.R. 4992. A bill to provide for Medicare reimbursement for health care services provided to Medicare-eligible veterans in facilities of the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. Emanuel, Mr. McHugh, Mr. Lantos, Mrs. Maloney, Ms. Schakowsky, Mr. Kind, Ms. Baldwin, Mrs. Napolitano, Mr. Stark, Mr. Van Hollen, Mr. Weiner, Mr. Oberstar, Mr. Owens, Mr. Grijalva, Mr. Moran of Virginia, Mr. Doggett, Mr. Kennedy of Rhode Island, Mr. Delahunt, Mr. McNulty, Mr. Towns, and Mr. Rangel):

H.R. 4993. A bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 4994. A bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. Kuhl of New York, Mr. Owens, Mrs. Maloney, Mr. Fossella, Mr. Israel, Mr. Crowley, Mr. Boehlert, Mr. Ackerman, Mr. Higgins, Mrs. McCarthy, Mrs. Kelly, Mr. Hinchey, Mr. Engel, Mr. Weiner, Mr. Sweeney, Mr. McHugh, Mr. Nadler, Ms. Velázquez, Mr. Rangel, Mr. Serrano, Mr. McNulty, Mr. Walsh, Mr. Reynolds, Ms. Slaughter, Mr. King of New York, Mr. Meeks of New York, and Mr. Towns):

H.R. 4995. A bill to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the "Ronald Bucca Post Office"; to the Committee on Government Reform.

By Mrs. LOWEY (for herself and Mr. Bishop of New York):

H.R. 4996. A bill to amend title XVIII of the Social Security Act to extend the employer subsidy payment provisions under the Medicare prescription drug program to State Pharmaceutical Assistance Programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself and Mr. Pomeroy):

H.R. 4997. A bill to permanently authorize amendments made by the Immigration and Nationality Technical Corrections Act of 1994 for the purpose of permitting waivers of the foreign country residence requirement with respect to certain international medical graduates; to the Committee on the Judiciary.

By Ms. SCHWARTZ of Pennsylvania (for herself, Mr. Engel, Mr. Jefferson, Mr. Honda, Mr. Brown of Ohio, Mr. Inslee, Mr. Ortiz, Mr. Bishop of New York, Mr. Kanjorski, Mr. Murtha, Mr. Holden, Mr. Fattah, Mr. Brady of Pennsylvania, Mr. Butterfield, Mr. Thompson of Mississippi, Mr. Farr, Mr. Wu, Mr. Pascrell, Mr. Stupak, Mr. Kucinich, Mr. Stark, Mrs. McCarthy, Ms. Linda T. Sánchez of California, and Mr. Meehan):

H.R. 4998. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to protect disaster assistance employee reservists when activated by the Federal Emergency Management Agency for work at a specific disaster site from termination or demotion in their places of employment; to the Committee on Transportation and Infrastructure.

By Mr. SHAYS (for himself and Mr. Langevin):

H.R. 4999. A bill to enhance security and protect against terrorist attacks at chemical facilities; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Mrs. Maloney, Mr. Udall of New Mexico, Mr. Case, Mr. Owens, Mr. Stark, and Mr. Thompson of Mississippi):

H.R. 5000. A bill to amend the Intelligence Reform and Terrorism Prevention Act of 2004 with respect to the Privacy and Civil Liberties Oversight Board, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on the Budget, the Judiciary, Homeland Security, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS (for himself and Ms. Zoe Lofgren of California):

H.R. 5001. A bill to amend the Homeland Security Act of 2002 to enhance homeland security information sharing, and for other purposes; to the Committee on Homeland Security.

By Mr. SIMMONS (for himself and Ms. Zoe Lofgren of California):

H.R. 5002. A bill to amend the Homeland Security Act of 2002 to provide for information sharing partnerships, and for other purposes; to the Committee on Homeland Security.

By Mr. SIMMONS (for himself and Ms. Zoe Lofgren of California):

H.R. 5003. A bill to amend the Homeland Security Act of 2002 to provide for the full and efficient use of open-source intelligence; to the Committee on Homeland Security.

By Mr. SIMMONS (for himself and Ms. Zoe Lofgren of California):

H.R. 5004. A bill to amend the Homeland Security Act of 2002 to provide for an Office of Intelligence and Analysis and an Office of Infrastructure Protection, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas:

H.R. 5005. A bill to make technical changes to Federal firearms laws and for other purposes; to the Committee on the Judiciary.

By Ms. SOLIS:

H.R. 5006. A bill to designate certain public land as wilderness and certain rivers as wild and scenic rivers in the State of California, to designate Salmon Restoration Areas, to establish the Sacramento River National Recreation Area and Ancient Bristlecone Pine Forest, and for other purposes; to the Committee on Resources.

By Ms. SOLIS:

H.R. 5007. A bill to require the Department of Veterans Affairs to provide mental health services in languages other than English, as needed, for veterans and family members with limited English proficiency, to expand the scope of mental health services provided to family members of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WALDEN of Oregon:

H.R. 5008. A bill to authorize the Under Secretary of Technology of the Department of Commerce to award grants to establish up to eight Nanoscience to Commercialization Institutes throughout the United States to develop commercial applications for nanotechnology; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself and Mr. Souder):

H.R. 5009. A bill to reauthorize the HIV Health Care Services Program under title XXVI of the Public Health Service Act; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself, Mr. Simpson, Mr. Otter, Mr. Brown of Ohio, and Mr. Terry):

H.R. 5010. A bill to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from certain renewable resources, and for other purposes; to the Committee on Ways and Means.

By Ms. WOOLSEY:

H.R. 5011. A bill to award posthumously a congressional gold medal to John Pehle in recognition of his contributions to the Nation in helping rescue Jews and other minorities from the Holocaust during World War II; to the Committee on Financial Services.

By Mr. SHUSTER (for himself and Ms. Norton):

H. Con. Res. 359. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Mr. SHUSTER (for himself and Ms. NORTON):

H. Con. Res. 360. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 362. Concurrent resolution congratulating Prime Minister Portia Simpson-Miller for becoming the first democratically-elected female Prime Minister of Jamaica and the first female head of state; to the Committee on International Relations.

By Mr. FOSSELLA (for himself and Ms. ESHOO):

H. Con. Res. 363. Concurrent resolution expressing the sense of Congress that the Secretary of Health and Human Services should promulgate as expeditiously as possible regulations required under the Public Health Service Act, relating to protections for residents of certain facilities with respect to the use of restraints and involuntary seclusion; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. HASTERT, Mr. McHUGH, Mr. MEEHAN, Mr. KUHL of New York, Mr. RYAN of Ohio, Mr. BOEHLERT, and Mr. LYNCH):

H. Con. Res. 364. Concurrent resolution supporting the goals and ideals of St. Patrick's Day; to the Committee on Government Reform.

By Mr. FOLEY (for himself, Mr. FARR, Mr. ABERCROMBIE, Mrs. BONO, Ms. BORDALLO, Mrs. EMERSON, Mr. GIBBONS, Mr. BOUCHER, Mr. BROWN of South Carolina, Mr. CASE, Mrs. CHRISTENSEN, Mr. RAHALL, Mr. TANNER, Mr. WELDON of Florida, Mr. WILSON of South Carolina, Mr. KUHL of New York, Mr. JONES of North Carolina, Mr. SIMMONS, Mr. THOMPSON of California, Mr. SPRATT, Mr. PAYNE, Mr. LANGEVIN, Mr. OBERSTAR, Mr. PUTNAM, Mr. GONZALEZ, Ms. NORTON, Ms. BERKLEY, Mr. RAMSTAD, Mr. BOOZMAN, Mr. PORTER, Mr. KELLER, Mr. ALLEN, Mr. HIGGINS, Mr. SHAW, Mr. FERGUSON, Mr. HONDA, Mrs. CAPPS, Mrs. CUBIN, Mr. ORTIZ, Mr. PICKERING, Mr. UDALL of New Mexico, Mr. BAKER, Ms. LORETTA SANCHEZ of California, Mr. LANTOS, and Mr. McINTYRE):

H. Res. 729. A resolution supporting National Tourism Week; to the Committee on Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. BERKLEY, Mr. GENE GREEN of Texas, Mr. PAUL, Mr. CONYERS, Mr. DOGGETT, Mr. REYES, Ms. JACKSON-LEE of Texas, Mr. BURGESS, Mr. AL GREEN of Texas, Mr. RANGEL, Mr. HINOJOSA, and Mrs. CAPITO):

H. Res. 730. A resolution recognizing the efforts and contributions of The Women's Museum: An Institute for the Future; to the Committee on House Administration.

By Mr. MORAN of Kansas (for himself, Mr. BURGESS, Mr. SULLIVAN, Mr. BURTON of Indiana, Ms. BORDALLO, Mr. EVANS, Mr. MOORE of Kansas, Mr. McCOTTER, Mr. TANNER, Mr. TIAHRT, Mr. BOOZMAN, Mr. KING of Iowa, Mr. LEWIS of Kentucky, Mr. LUCAS, Mr. TERRY, Mr. OSBORNE, Mr. HULSHOF, Mr. SHIMKUS, Mrs. BLACKBURN, Mrs. KELLY, and Mr. RYUN of Kansas):

H. Res. 731. A resolution commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals; to the Committee on Armed Services.

By Ms. NORTON:

H. Res. 732. A resolution congratulating the Public Broadcasting Service as it celebrates the 15th anniversary season of the nationally televised broadcast program, Public Broadcasting Service's To The Contrary, with Bonnie Erbe; to the Committee on Government Reform.

By Mr. RYAN of Ohio (for himself, Mr. McCOTTER, Mr. RYAN of Wisconsin, Mr. PAYNE, Mr. WOLF, Mr. McDERMOTT, Mr. KUCINICH, Ms. SCHAKOWSKY, Mr. RANGEL, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. KENNEDY of Minnesota, Mrs. MALONEY, Mr. FITZPATRICK of Pennsylvania, Ms. McCOLLUM of Minnesota, Mr. FOLEY, Mr. ROTHMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LARSON of Connecticut, Mr. MORAN of Virginia, Mr. ENGLISH of Pennsylvania, Ms. HART, Mr. GARRETT of New Jersey, Mr. SWEENEY, Mr. LYNCH, Mr. WELDON of Pennsylvania, Mr. CARNAHAN, Mr. McHUGH, Mr. PUTNAM, Mr. GONZALEZ, Mr. HONDA, and Mr. CROWLEY):

H. Res. 733. A resolution expressing the sense of the House of Representatives that there should be established an Irish-American Heritage Month; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. KING of New York, Mr. NEAL of Massachusetts, Mr. PAYNE, Mr. PALLONE, Mr. PASCRELL, Mr. CROWLEY, Mrs. McCARTHY, Mrs. MALONEY, Mr. SWEENEY, Mr. WALSH, Mr. McNULTY, and Mr. ENGEL):

H. Res. 734. A resolution calling on the Government of the United Kingdom to immediately establish a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Weston Park agreement and a way forward for the Northern Ireland Peace Process; to the Committee on International Relations.

By Ms. WOOLSEY (for herself, Mr. SHAYS, Ms. SOLIS, Mrs. JOHNSON of Connecticut, Mrs. CAPPS, Mr. BOEHLERT, Mr. GEORGE MILLER of California, Mr. SIMMONS, Ms. PELOSI, Mr. PETERSON of Minnesota, Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. AL GREEN of Texas, Ms. McCOLLUM of Minnesota, Mr. FARR, Mr. BROWN of Ohio, Ms. MATSUI, Ms. WATSON, Ms. MILLENDER-McDONALD, Mr. NADLER, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. OLVER, Mr. LEWIS of Georgia, Mr. CARDIN, Ms. HERSETH, Ms. BEAN, Mr. KUCINICH, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, Ms. DEGETTE, Mrs. MALONEY, Mr. CONYERS, Ms. HOOLEY, Mr. CASE, Ms. SCHAKOWSKY, Mrs. TAUSCHER, Ms. ROYBAL-ALLARD, Ms. JACKSON-LEE of Texas, Ms. ZOE LOFGREN of California, Mr. SABO, Mrs. CAPITO, Mr. OWENS, Mr. VAN HOLLEN, Mr. PAYNE, and Mr. DAVIS of Illinois):

H. Res. 735. A resolution expressing the sense of the House of Representatives that the "Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test-part Three", issued by the United States Department of Education without notice or opportunity for public comment on March 17, 2005, is inconsistent with longstanding Department policies and fundamental principles of equality, is a disservice to our Nation's young women, and should be withdrawn by the Department of Education; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. WATERS introduced a bill (H.R. 5012) for the relief of Rafael Camacho, Rosa B. Camacho, and Rosa Camacho; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Ms. ROYBAL-ALLARD.

H.R. 25: Mr. CRENSHAW.

H.R. 115: Mr. PETERSON of Minnesota.

H.R. 269: Mr. BILIRAKIS.

H.R. 354: Mrs. JO ANN DAVIS of Virginia.

H.R. 363: Mr. CARNAHAN.

H.R. 376: Mr. BLUMENAUER.

H.R. 475: Mr. LEWIS of Georgia, Mr. FILNER, Mr. DOYLE, Mr. WEXLER, Ms. McCOLLUM of Minnesota, and Mr. PRICE of North Carolina.

H.R. 503: Mr. FRELINGHUYSEN.

H.R. 517: Mr. BONNER.

H.R. 552: Mr. SHADEGG.

H.R. 717: Mr. FILNER.

H.R. 735: Mr. FILNER, and Mr. PRICE of North Carolina.

H.R. 791: Ms. HARMAN.

H.R. 792: Mr. FRANK of Massachusetts and Mr. RUSH.

H.R. 819: Mr. RUPPERSBERGER and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 857: Mr. LEWIS of Georgia.

H.R. 916: Mr. MANZULLO.

H.R. 964: Mr. MOORE of Kansas, Mr. GERLACH, Mr. OBERSTAR, Mr. SPRATT, Mr. HINCHEY, Mr. McHUGH, Mr. KILDEE, Mr. CUMMINGS, and Mr. BOEHLERT.

H.R. 1070: Mrs. MUSGRAVE.

H.R. 1106: Mr. MOORE of Kansas and Ms. BERKLEY.

H.R. 1298: Mr. GERLACH.

H.R. 1306: Mr. ROSS and Mr. CARDOZA.

H.R. 1310: Ms. JACKSON-LEE of Texas and Ms. DEGETTE.

H.R. 1329: Mr. MOORE of Kansas.

H.R. 1402: Ms. MOORE of Wisconsin.

H.R. 1451: Mr. REYES, Mr. BERMAN, Mr. ROTHMAN, Ms. ESHOO, and Mr. MORAN of Virginia.

H.R. 1498: Ms. BEAN.

H.R. 1545: Mr. WEXLER.

H.R. 1578: Mr. YOUNG of Alaska, Mr. FLAKE, Ms. MILLENDER-McDONALD, and Mr. WALDEN of Oregon.

H.R. 1588: Mr. McINTYRE.

H.R. 1598: Mr. McINTYRE.

H.R. 1639: Ms. SCHAKOWSKY and Ms. ROYBAL-ALLARD.

H.R. 1807: Mr. REYES, Mr. CLAY, Mr. McGOVERN, and Mr. CONYERS.

H.R. 1950: Mr. TAYLOR of North Carolina.

H.R. 1951: Mr. BOUCHER.

H.R. 2059: Mr. ROTHMAN.

H.R. 2231: Ms. SCHWARTZ of Pennsylvania.

H.R. 2317: Ms. SOLIS, Mr. LIPINSKI, Ms. ESHOO, and Ms. ZOE LOFGREN of California.

H.R. 2358: Mr. RUPPERSBERGER.

H.R. 2369: Mr. MANZULLO, Mr. SMITH of Washington, Mr. CARDOZA, and Mr. OBEY.

H.R. 2386: Mr. McKEON, Mr. WHITFIELD, and Mr. CAMP of Michigan.

H.R. 2592: Mr. MEEK of Florida.

H.R. 2683: Mr. ETHERIDGE.

H.R. 2684: Mr. MCHUGH.

H.R. 2793: Mr. RUSH.

H.R. 2811: Mr. PASTOR and Mr. LEWIS of Georgia.

H.R. 2943: Mr. ENGLISH of Pennsylvania.

H.R. 3127: Mr. GEORGE MILLER of California.

H.R. 3159: Mr. SPRATT, Mr. BONNER, Mr. FORD, and Mr. HOLT.

H.R. 3164: Mrs. KELLY and Mr. MCHUGH.

H.R. 3265: Mr. BROWN of Ohio.

H.R. 3352: Mr. ROGERS of Michigan.

H.R. 3361: Ms. SCHWARTZ of Pennsylvania.

H.R. 3385: Mr. WELLER and Mr. CHOCOLA.

H.R. 3413: Mr. WALSH.

H.R. 3559: Mr. SMITH of Washington, Mr. SHUSTER, Ms. DEGETTE, Mr. MCINTYRE, Mr. PRICE of Georgia, Mr. BERRY, Mr. HOLDEN and Mr. JENKINS.

H.R. 3628: Ms. MOORE of Wisconsin and Mr. RENZI.

H.R. 3644: Mr. SPRATT and Mr. BOSWELL.

H.R. 3779: Mr. KUCINICH, Ms. CARSON, Ms. WATERS, Mr. CARNAHAN and Mr. JEFFERSON.

H.R. 3861: Mr. ROTHMAN.

H.R. 3883: Mr. WHITFIELD, Mr. SULLIVAN and Mr. ROYCE.

H.R. 3907: Mrs. JO ANN DAVIS of Virginia and Mr. CULBERSON.

H.R. 4030: Mr. EVANS.

H.R. 4063: Mr. FATTAH and Mr. SOUDER.

H.R. 4067: Mr. EVANS and Mr. OWENS.

H.R. 4085: Mr. BLUMENAUER.

H.R. 4092: Mr. JOHNSON of Illinois.

H.R. 4098: Mrs. NAPOLITANO and Mr. WALSH.

H.R. 4140: Mr. VAN HOLLEN and Mr. CUELLAR.

H.R. 4186: Mr. SCHWARZ of Michigan.

H.R. 4226: Mr. ABERCROMBIE.

H.R. 4239: Mr. BEAUPREZ.

H.R. 4318: Mr. BACHUS, Mr. BUYER, Mr. EVERETT, Mr. GINGREY, Mr. ISTOOK, Mr. KOLBE, Mr. LEWIS of Kentucky, Mr. TAYLOR of Mississippi, Mr. HULSHOF, Mr. ISSA, and Ms. JACKSON-LEE of Texas.

H.R. 4341: Mr. LATHAM and Mr. WALDEN of Oregon.

H.R. 4371: Mr. MORAN of Kansas.

H.R. 4409: Mr. ACKERMAN, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. MOORE of Kansas, and Mr. ROTHMAN.

H.R. 4450: Mr. SOUDER.

H.R. 4465: Ms. HARMAN, Mr. ROTHMAN, and Mr. FRANK of Massachusetts.

H.R. 4511: Mr. RAMSTAD and Mr. BEAUPREZ.

H.R. 4542: Mr. SHERMAN, Mrs. TAUSCHER, and Mr. PETERSON of Minnesota.

H.R. 4547: Mr. TAYLOR of North Carolina.

H.R. 4551: Mr. JENKINS.

H.R. 4562: Mr. BERMAN, Mr. MCGOVERN, Mr. CHANDLER, Mr. ABERCROMBIE, Mr. LEWIS of Georgia, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. WELDON of Pennsylvania, and Ms. ZOE LOFGREN of California.

H.R. 4574: Mr. CASE.

H.R. 4603: Mr. SHERMAN.

H.R. 4651: Mr. FRANK of Massachusetts.

H.R. 4657: Ms. BORDALLO.

H.R. 4681: Mr. JINDAL, Mrs. CAPITO, Mrs. BONO, Mr. TIBERI, Mr. MCHUGH, Mr. KIRK, Mr. SIMPSON, Mr. HAYWORTH, and Mr. GINGREY.

H.R. 4683: Mr. DOGGETT.

H.R. 4685: Mr. HONDA and Mr. BERRY.

H.R. 4725: Mr. HASTINGS of Washington, Mr. JONES of North Carolina, Mr. INGLIS of South Carolina, Mr. CULBERSON, Mr. MARCHANT, Mr. DOOLITTLE, Mr. HALL, Mr. MCKEON, Mr. UPTON, Mr. GREEN of Wisconsin, and Mr. MILLER of Florida.

H.R. 4737: Mr. OWENS and Mr. HONDA.

H.R. 4740: Mr. COSTA, Mrs. JO ANN DAVIS of Virginia, Mr. NEAL of Massachusetts, and Mr. TOM DAVIS of Virginia.

H.R. 4755: Mr. PETERSON of Minnesota.

H.R. 4760: Mr. MCGOVERN.

H.R. 4761: Mr. SOUDER and Mr. GINGREY.

H.R. 4773: Ms. MCKINNEY.

H.R. 4813: Mrs. JO ANN DAVIS of Virginia.

H.R. 4830: Mr. HERGER and Mr. MILLER of Florida.

H.R. 4834: Mr. EHLERS, Mr. PAUL, and Mr. LEWIS of Kentucky.

H.R. 4859: Mr. ENGLISH of Pennsylvania.

H.R. 4867: Mr. GERLACH, Mr. RADANOVICH, Mr. ENGEL, Mrs. MALONEY, Mr. DEFAZIO, Mr. DOYLE, Mr. MCGOVERN, Mr. MCNULTY, Mr. WAXMAN, Mr. WEXLER, Mr. WU, Ms. BERKLEY, Mr. HIGGINS, Mr. MURTHA, Mr. OLVER, Ms. MCKINNEY, and Mr. TAYLOR of Mississippi.

H.R. 4874: Mr. SCOTT of Georgia, Mr. SCHIFF, Mr. CARDOZA, Mr. BOYD, Mr. SALAZAR, Mr. COSTA, Mr. CONYERS, Mr. CHANDLER, Mr. SNYDER, Mr. ETHERIDGE, Mr. EDWARDS, and Mrs. EMERSON.

H.R. 4881: Mr. SANDERS and Mr. PLATTS.

H.R. 4890: Mr. COOPER, Mr. MCCRERY, Mr. CUELLAR, and Mr. HASTINGS of Washington.

H.R. 4899: Mr. HOYER and Mr. MCNULTY.

H.R. 4900: Mr. ABERCROMBIE, and Mr. BLUMENAUER.

H.R. 4902: Mr. BILIRAKIS, Mr. BONILLA, Mr. BONNER, Mr. COOPER, Mr. CRENSHAW, Mr. FOLEY, Mr. FORTUÑO, Ms. HART, Mr. HAYES, Mr. HUNTER, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Ms. LEE, Mr. LIPINSKI, Mr. DANIEL E. LUNGREN of California, Mr. MARKEY, Mr. OTTER, Mr. OXLEY, Mr. POE, Mr. PRICE of Georgia, Ms. ROS-LEHTINEN, Mrs. SCHMIDT, Mr. SHUSTER, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WEXLER, Mr. WOLF, Mr. AKIN, Mrs. BIGGERT, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. CALVERT, Mrs. CAPITO, Mr. CUELLAR, Mr. CULBERSON, Mr. TOM DAVIS of Virginia, Mr. FORBES, Mr. GARRETT of New Jersey, Mr. GIBBONS, Mr. GOODLATTE, Mrs. JOHNSON of Connecticut, Mr. KIRK, Mr. LATOURETTE, Mr. MCCRERY, Mr. MEEHAN, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. REGULA, Mr. SAXTON, Mr. SCHWARZ of Michigan, Mr. SNYDER, Mr. TERRY, Mr. THOMAS, Mr. UPTON, Mr. WICKER, Mr. BACA, Mr. BAKER, Mr. BISHOP of Utah, Mr. BLUMENAUER, Mr. BRADLEY of New Hampshire, Mr. CHABOT, Mr. CROWLEY, Mr. CRAMER, Mr. DENT, Mr. DOOLITTLE, Mr. FRANKS of Arizona, Mr. GONZALEZ, Ms. GRANGER, Mr. HONDA, Mr. HOSTETTLER, Mr. JENKINS, Mr. KING of New York, Mrs. MUSGRAVE, Mr. RENZI, Mr. REYNOLDS, Mr. RUSH, Mr. SULLIVAN, Mr. MCCAUL of Texas, and Mr. SAM JOHNSON of Texas.

H.R. 4904: Ms. SCHAKOWSKY.

H.R. 4914: Mr. FILNER.

H.R. 4915: Mr. MCNULTY and Ms. DELAURO.

H.R. 4943: Mr. SHADEGG.

H.R. 4945: Mr. EVANS.

H.R. 4946: Mr. INGLIS of South Carolina, Mr. LOBIONDO, and Mr. MILLER of Florida.

H.R. 4949: Mr. FORBES, Mr. CARDIN, Ms. KILPATRICK of Michigan, Mrs. LOWEY, Mr. RUPPERSBERGER, Mr. GEORGE MILLER of California, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. DELAHUNT, Mr. VISCLOSKY, Mr. MILLER of Florida, Ms. BALDWIN, and Mr. BONILLA.

H.R. 4950: Mr. BROWN of Ohio.

H.R. 4953: Mr. DINGELL and Mr. EHLERS.

H.R. 4956: Mrs. MCCARTHY, Mr. MARSHALL, Mr. JONES of North Carolina, Mr. DAVIS of Alabama, Mrs. JO ANN DAVIS of Virginia, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CLEAVER.

H.J. Res. 78: Mr. MILLER of Florida.

H. Con. Res. 179: Mr. BRADLEY of New Hampshire.

H. Con. Res. 282: Mr. LANTOS.

H. Con. Res. 318: Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. CONYERS, and Mr. NADLER.

H. Con. Res. 340: Mr. MORAN of Virginia.

H. Con. Res. 346: Mr. CUELLAR and Mr. PENCE.

H. Con. Res. 348: Mr. DOGGETT, Ms. ESHOO, Mr. FARR, Mr. GEORGE MILLER of California, and Ms. ZOE LOFGREN of California.

H. Con. Res. 357: Mr. BAIRD, Mr. GOODLATTE, and Mr. DICKS.

H. Res. 116: Mr. MORAN of Virginia and Mr. GONZALEZ.

H. Res. 521: Mrs. KELLY and Mr. RUSH.

H. Res. 526: Mr. PENCE.

H. Res. 544: Mr. PAUL and Mr. DELAHUNT.

H. Res. 686: Mr. BISHOP of Georgia, Ms. CARSON, Mr. MCNULTY, Mr. FILNER, Mr. LANTOS, Mr. MCDERMOTT, Ms. MCCOLLUM of Minnesota, Mrs. MALONEY, Mr. BERMAN, Mr. MARSHALL, Ms. SCHAKOWSKY, Mr. SABO, Mr. WAXMAN, Mrs. CAPPS, Mr. NADLER, and Mr. DINGELL.

H. Res. 691: Mr. GONZALEZ.

H. Res. 701: Mr. BASS.

H. Res. 703: Mr. LEVIN, Mr. BARTLETT of Maryland, and Ms. KAPTUR.

H. Res. 719: Mr. MCHUGH.

H. Res. 723: Ms. SCHWARTZ of Pennsylvania, Ms. MILLENDER-MCDONALD, and Mr. LANGEVIN.

H. Res. 728: Mr. PITTS.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. EDWARDS on House Resolution 271: Maxine Waters and Robert A. Brady.

Petition 4 by Ms. SLAUGHTER on House Resolution 460: Robert A. Brady.

Petition 5 by Mr. WAXMAN on House Resolution 537: Robert A. Brady.

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Robert A. Brady and Elijah E. Cummings.

Petition 7 by Ms. HERSETH on House Resolution 568: Charles A. Gonzalez, Maxine Waters, Robert A. Brady, Cynthia McKinney, Rush D. Holt, Brian Baird, and Ed Case.

Petition 8 by Mr. WAXMAN on House Resolution 570: Charles A. Gonzalez, Maxine Waters, Robert A. Brady, Cynthia McKinney, Rush D. Holt, Brian Baird, and Jim Davis.

Petition 9 by Mr. BOSWELL on House Resolution 584: Maxine Waters, Stephen F. Lynch, Richard E. Neal, William D. Delahunt, John T. Salazar, Joseph Crowley, Bobby L. Rush, Ron Kind, Charles B. Rangel, Earl Pomeroy, Chaka Fattah, Tim Ryan, David Wu, Jose E. Serrano, David R. Obey, Jerry F. Costello, Edolphus Towns, Luis V. Gutierrez, Maurice D. Hinchey, Xavier Becerra, Michael E. Capuano, Edward J. Markey, Robert A. Brady, Anthony D. Weiner, Louise McIntosh Slaughter, Howard L. Berman, Lucille Roybal-Allard, Lincoln Davis, Robert Wexler, Carolyn C. Kilpatrick, Diana DeGette, George Miller, Chet Edwards, Michael M. Honda, Emanuel Cleaver, Adam B. Schiff, Loretta Sanchez, Rosa L. DeLauro, Steve Israel, Robert E. (Bud) Cramer, Jr., Bart Gordon, Melvin L. Watt, Nita M. Lowey, Chris Van Hollen, Ed Case, Robert E. Andrews, David Scott, Jim Davis, Ike Skelton, Gene Taylor, Ted Strickland, James L. Oberstar, Alan B. Mollohan, Norman D. Dicks, Kendrick B. Meek, and Ed Pastor.

Petition 10 by Ms. HERSETH on House Resolution 585: Maxine Waters, Stephen F.

Lynch, Richard E. Neal, John T. Salazar, William D. Delahunt, Joseph Crowley, Bobby L. Rush, Jim Cooper, Ron Kind, Charles B. Rangel, Earl Pomeroy, Chaka Fattah, Tim Ryan, David Wu, Jose E. Serrano, David R. Obey, Jerry F. Costello, Luis V. Gutierrez, Anthony D. Weiner, Henry Cuellar, Maurice D. Hinchey, Xavier Becerra, Michael E. Capuano, Edward J. Markey, Robert A. Brady, Louise McIntosh Slaughter, Howard L. Berman, Lucille Roybal-Allard, Zoe Lofgren, Lincoln Davis, Robert Wexler, Mike McIntyre, Carolyn C. Kilpatrick, Diana DeGette, George Miller, Chet Edwards, Michael M. Honda, Emanuel Cleaver, Adam B. Schiff, Loretta Sanchez, Rosa L. DeLauro, Robert E. (Bud) Cramer, Jr., Bart Gordon, Melvin L. Watt, Brian Baird, Sander M. Levin, Nita M. Lowey, Ed Case, Robert E. Andrews, William J. Jefferson, Jim Davis, Ike Skelton, Gene Taylor, Ted Strickland, James L. Oberstar, Alan B. Mollohan, Norman D. Dicks, and Ed Pastor.

Petition 11 by Mr. BARROW on House Resolution 614: Charles A. Gonzalez, Maxine Waters, Benjamin L. Cardin, William J. Jefferson, Dan Boren, Maurice D. Hinchey, Daniel Lipinski, Cynthia McKinney, James E. Clyburn, Zoe Lofgren, Edolphus Towns, Carolyn C. Kilpatrick, Luis V. Gutierrez, Melissa L. Bean, Loretta Sanchez, Earl Pomeroy, Robert Wexler, John Conyers, Jr., Brian Baird, Mark Udall, James L. Oberstar, Robert E. Andrews, Gregory W. Meeks, Richard E. Neal, Jim Costa, Tim Holden, Diane E. Watson, Jim Davis, Ike Skelton, Gene Taylor, Marcy Kaptur, John T. Salazar, David Wu, Nick J. Rahall, II, Alan B. Mollohan, and Norman D. Dicks.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4939

Offered By: Ms. Millender-McDonald

Amendment No. 38: Page 59, line 1, insert "(increased by $50,000,000)" after the dollar figure.

SENATE—*Thursday, March 16, 2006*

(Legislative day of Wednesday, March 15, 2006)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of lights, who into chaotic darkness commanded brightness, shine into our world with the fullness of Your love. Illuminate our minds so we will be Your ambassadors.

Empower our Senators to release reconciliation forces that will bring harmony and concord.

Bless our world leaders, who agonize for strategies that will bring sanity during insane times. Help them to remember that there is no time when You will fail us and no moment when we do not need You.

Bless, also, our military people who have left home and homeland to sacrifice for freedom. Keep their families and loved ones secure in Your love.

We pray in Your sovereign Name. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 83, which the clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 83) setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2007 and 2008 through 2011.

The PRESIDENT pro tempore. Under the previous order, the time from 9 a.m. to 10:30 a.m. shall be evenly divided between the Senator from New Hampshire, Mr. GREGG, and the Senator from North Dakota, Mr. CONRAD.

Pending:

> Specter amendment No. 3048, to increase the advance appropriations allowance in order to fund health, education and training, and low-income programs.
>
> Reid (for Clinton/Reid) amendment No. 3115, to increase funding in fiscal year 2007 by $347 million to restore funding or provide increased funding over fiscal year 2006 for programs and policies that support the delivery of contraceptive services and medically accurate information in order to reduce the number of unintended pregnancies, including Title X of the Public Health Service Act, and to restore funding or provide increased funding over fiscal year 2006 for programs that help women have healthy pregnancies and healthy children, including the Child Care Development Block Grant, Maternal and Child Health Block Grant, Healthy Start, and the Special Supplemental Nutrition Program for Women, Infants, and Children paid for by closing corporate tax loopholes.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we are returning to the budget resolution for what we hope will be the final day. Chairman GREGG and Senator CONRAD will be managing the time until 10:30 a.m. At 10:30, we have an order for a series of four stacked votes. The first two are on the debt limit extension, and the last two votes are in relation to the avian flu amendments to the budget resolution. The two managers will then control the remaining time until 1:30 this afternoon when all time expires.

At 1:30 today, we begin disposing of the pending amendments and any additional amendments that are offered. This is the beginning of the so-called vote-arama. This is a difficult process. These votes will likely continue for a while today and possibly into the evening. I urge my colleagues to remain in or around the Chamber.

I was talking to the Democratic manager, and we both agreed, as does the Republican manager, that our colleagues must and we encourage them to show restraint during the day and recognize not every amendment needs to be offered. Yesterday, Senators missed some votes because they did not show up on time. The managers will be very clear in terms of how much time is allowed for each vote. We encourage Members to stay close to the Chamber so they do not miss the votes. The only way to finish the budget is to have that discipline and not to drag the votes on for 15 minutes or more. I also encourage Members to rethink whether they need to offer their amendments, as I stated earlier.

Finally, I note that we have some nominations to consider before we adjourn. On the list of nominations are two district judges we will finish. If votes are needed, then we will need to schedule those votes with the budget votes as well. However, I hope we can work on a nominations list that will be agreed to by unanimous consent.

I thank Senator GREGG and Senator CONRAD for their efforts so far. I thank everyone in advance for their patience during this budget process.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3133

Mr. CONRAD. Mr. President, I am offering an amendment on avian flu. I offered this same amendment in the committee because after testimony by Secretary Leavitt before the Committee on the Budget, we are clearly still unprepared to meet any potential pandemic.

Here is what the U.N. said on March 9:

> "Bird flu is likely to spread to birds in the United States within six months and could produce an epidemic among humans 'at any time,' said a U.N. official. The prediction by David Nabarro was the first by a top global health official pinpointing when birds carrying the flu will arrive in the lower 48 States."

He went on to say, and I hope my colleagues and their staffs are listening:

> "There will be a pandemic sooner or later," Nabarro said. "It could start any time. We have a virus capable of replicating inside humans. We have a virus that humans are not resistant to. We have a virus about which we don't understand everything."

The administration's assessment of what could happen if there were a pandemic is truly sobering. I will discuss the Bush administration estimates of possible consequences from avian flu pandemic. In terms of illness, if it were severe, 90 million people could be affected in this country. The requirement for outpatient medical care: 45 million people.

Colleagues, we are totally unprepared for something of this magnitude.

Hospitalization, if it were severe, 9.9 million people in this country would require hospitalization. ICU care—that is intensive care—almost 1.5 million people would need intensive care. We do not have the ventilators, we do not have the facilities, and we do not have the beds to accommodate that level of illness. Mechanical ventilation, almost 750,000 people would require ventilation. Again, we simply are not prepared for that.

And most sobering of all are the deaths. They anticipate in this country alone almost 2 million people could die.

Right now, the death rate is running far above that. We know, for everyone who has been diagnosed with this illness, roughly half are dying. Because these viruses tend to burn out, we would not get that same effect if we have a widespread outbreak, but nonetheless the potential is truly sobering. Again, we are not prepared.

Local communities will require Federal assistance if a pandemic strikes. This is from the director of public health in Seattle in King County, WA, as quoted in the USA Today on February 21, of this year:

> Our hospitals and our public health system are funded for normal levels of operation . . . but have always relied on the federal government should we have need for more ventilators, for example, in the event of an earthquake or other mass-fatality event. "What the federal planners are not getting," she says, "is that if there is a pandemic, every community will be asking for ventilators from the national stockpile at the same time."

Clearly she has that right. We are not prepared.

The Secretary said in his testimony before the Committee on the Budget that what is different about a pandemic is that it happens everywhere at once. You do not have the option of dealing with a few hotspots.

It is very clear we need more resources. What we most need additional resources for is to develop vaccines. We also need antivirals and more resources for public health. But clearly the top priority has to be developing vaccines that can safeguard people against this illness.

Here is the summary of our situation with respect to vaccines. We have limited vaccine production capacity, relying on only three companies. The bird flu virus is mutating, making current vaccines less effective. Current vaccine production is egg based and could be threatened by bird flu itself. That is a very important point. The way they make vaccine now, they use eggs, but of course the eggs are in the bird population. This is a bird flu. The population we would currently count on to produce vaccine may itself be threatened.

Finally, we need alternative technologies, since companies have few incentives to build expensive cell-based production facilities.

Mr. President and colleagues, it is very clear we cannot rely on eggs. Currently, there is not the production of the number of eggs to produce a max vaccine in a rapid way. So we have to move to a cell-based technology. But companies have few incentives to build these expensive cell-based production facilities unless they are guaranteed there is going to be a market.

The amendment I am offering would increase funding by $5 billion to combat an avian flu pandemic and increase local preparedness. The amendment would distribute that money as follows—this is based on testimony before the committee and our own outreach to the scientific community—an additional $1.5 billion to increase the stockpile of antivirals and necessary medical supplies, including masks, gloves, ventilators, antibiotics, and ongoing medical treatment needs for chronic-care patients.

With respect to antivirals, we know by the end of this year we are slated to have some 20 million courses of treatment of Tamiflu. The administration's goal is 80 million. So we are well short of having the necessary stockpiles of the antiviral Tamiflu. Clearly, we need more resources there. Clearly, we need more resources for ventilators. We already heard public health officials say that will be one place where there will be an extreme shortage should we face a pandemic.

Next, the amendment provides $2.5 billion to accelerate vaccine research, development, and manufacturing. And finally, it provides $1 billion to increase State and local preparedness. The amendment also ensures that the additional funding is fully offset, completely paid for.

I hope very much my colleagues will support this amendment. I know there is a resistance on the other side to increasing the top-line spending number. If there were ever a time to make an investment in protecting America, this is it. We could face the tragedy of our time.

I am reading a book called "The Great Influenza." It is about the 1918 flu epidemic in which they estimate 50 to 100 million people died in this world. We have not had a pandemic since. Pandemics typically occur every 50 years or so, so we are well overdue. We did have a widespread, very severe flu in 1968.

The Secretary says we are not prepared, says we are not ready. Local health officials say we are not ready. International health officials say we are not ready. I hope very much we get ready and make this investment.

Mr. President, I ask unanimous consent that Senator OBAMA, Senator CLINTON, Senator DURBIN, and Senator SCHUMER be added as cosponsors of this amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Finally, the Senator from North Carolina, Mr. BURR, will have an amendment that will be considered at the same time as mine. His amendment is an empty vessel. Mr. President, let me send my amendment to the desk. I am sensing they do not have a copy there.

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. OBAMA, Mrs. CLINTON, Mr. DURBIN, and Mr. SCHUMER, proposes an amendment numbered 3133.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding to combat avian flu, increase local preparedness, and create a Manhattan Project-like effort to develop a vaccine to inoculate the U.S. Population against a pandemic by $5 billion in FY 2007 paid for by requiring tax withholding on government payments to contractors like Halliburton)

On page 3, line 13, increase the amount by $5,100,000,000.

On page 3, line 15, increase the amount by $100,000,000.

On page 3, line 17, increase the amount by $200,000,000.

On page 3, line 19, increase the amount by $200,000,000.

On page 3, line 21, increase the amount by $200,000,000.

On page 4, line 1, increase the amount by $5,100,000,000.

On page 4, line 2, increase the amount by $100,000,000.

On page 4, line 3, increase the amount by $200,000,000.

On page 4, line 4, increase the amount by $200,000,000.

On page 4, line 6, increase the amount by $200,000,000.

On page 4, line 13, increase the amount by $5,000,000,000.

On page 5, line 4, increase the amount by $1,000,000,000.

On page 5, line 6, increase the amount by $2,800,000,000.

On page 5, line 8, increase the amount by $800,000,000.

On page 5, line 10, increase the amount by $300,000,000.

On page 5, line 19, increase the amount by $4,100,000,000.

On page 5, line 21, decrease the amount by $2,700,000,000.

On page 5, line 23, decrease the amount by $600,000,000.

On page 5, line 25, decrease the amount by $100,000,000.

On page 6, line 2, increase the amount by $200,000,000.

On page 6, line 8, decrease the amount by $4,100,000,000.

On page 6, line 10, decrease the amount by $1,400,000,000.

On page 6, line 12, decrease the amount by $800,000,000.

On page 6, line 14, decrease the amount by $700,000,000.

On page 6, line 16, decrease the amount by $900,000,000.

On page 6, line 22, decrease the amount by $4,100,000,000.

On page 6, line 24, decrease the amount by $1,400,000,000.

On page 7, line 2, decrease the amount by $800,000,000.

On page 7, line 4, decrease the amount by $700,000,000.

On page 7, line 6, decrease the amount by $900,000,000.

On page 19, line 24, increase the amount by $5,000,000,000.

On page 19, line 25, increase the amount by $1,000,000,000.

On page 20, line 4, increase the amount by $2,800,000,000.

On page 20, line 8, increase the amount by $800,000,000.

On page 20, line 12, increase the amount by $300,000,000.

On page 53, line 1, increase the amount by $5,000,000,000.

On page 53, line 2, increase the amount by $1,000,000,000.

Mr. OBAMA. Mr. President, on Monday, we heard Secretary Leavitt tell us that the avian flu will arrive in the United States by this fall. And if our worst fears are realized and it becomes a virus that can spread easily from human to human, the avian flu could be here within 30 days.

As Dr. Julie Greenberg, Director of the Centers for Disease Control and Prevention, has said, "This is the most important threat we face right now." We are not talking about hundreds or thousands of lives here—we are talking millions. Millions.

The question, then, is not whether we have taken steps to prepare ourselves for the avian flu. Instead, the question is whether we have taken every imaginable and necessary precaution—whether we have done everything we possibly could do—to combat potentially the greatest global health threat in a century.

I don't believe that we have. But I know that we must. The United States cannot afford to have a Katrina-level of preparedness or a Katrina-like response to an international outbreak of avian flu. With so many warnings and so much knowledge of the threat we face, there is no excuse for failure this time around.

The first thing we need to do is increase our supply of Tamiflu and other medications. Countries such as Japan, France, England, and others have now stockpiled enough Tamiflu to cover a quarter of their populations. The United States has enough to cover just 2 percent.

If the avian flu mutates and is able to spread between humans, we will also need a new vaccine to treat the new virus. But as we saw during last year's flu season, our vaccine industry remains fragile and even the supply and distribution of something simple like a flu shot poses a challenge. This has to change.

Of course, as Secretary Leavitt has pointed out, the time it takes to develop a new vaccine means that we could be without any treatment for up to 6 months after the avian flu first breaks out. And that means that if we have an outbreak, it is imperative that our public health infrastructure be prepared to handle the crisis.

First, we need a clear chain of command. We can't be wondering who is in charge of dealing with an outbreak.

Second, we need an aggressive outreach campaign to warn and educate the American public about what to do in the event of an outbreak.

Third, it is still unclear how much assistance the Federal Government is willing to provide already cash-strapped States to strengthen their fragile health infrastructures. Although States such as Illinois are rapidly increasing their efforts to prepare, many States will need substantial assistance to buy antivirals and other supplies. And our hospitals and health professionals still don't have the capacity to care for large numbers of sick Americans.

The devastation wrought by Katrina last year has shown us that we cannot stop the forces of nature. But as the wealthiest country on Earth, we can prepare, and we can respond in a way that saves as many lives as possible.

We must do that now with the avian flu. The Conrad avian flu amendment will provide the necessary funds for Federal agencies, working with the States, to prepare for potential pandemic. I am pleased to be a cosponsor of the amendment, and I encourage my colleagues to vote in favor of it.

Mr. CONRAD. Mr. President, Senator BURR will be offering an amendment at the same time as mine. What he is offering is a reserve fund that is deficit neutral but has no money attached to it. But later in the process, if funding were provided, that reserve fund would provide a receptacle. That is an empty vessel. There is nothing there.

It has value. I will support Senator BURR's amendment. It has value because at least there is a receptacle, at least there is a vessel, at least there is a way of taking funds that might be provided for later. But I want colleagues to know there is no new funding provided for in the Burr amendment.

The only amendment being offered here that is going to have additional resources to meet a possible pandemic is this one. So I hope colleagues think very carefully before they cast this vote.

With that, Mr. President, I note that Senator LIEBERMAN is in the Chamber. He is next up to offer an amendment on homeland security. Senator LIEBERMAN, of course, is the ranking member of the authorizing committee. He is, I think all would acknowledge on this floor, a leading voice on the question of homeland security.

Mr. President, I ask the Senator, how much time would he require?

Mr. LIEBERMAN. Mr. President, in a tradition that is associated with my family, I would ask the Senator from North Dakota, how much time does he have to offer?

Mr. CONRAD. Well, could the Senator do it in 10 minutes?

Mr. LIEBERMAN. Yes, indeed.

Mr. CONRAD. Mr. President, I am happy to yield 10 minutes off the resolution to the Senator from Connecticut.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Connecticut is recognized for 10 minutes.

Mr. LIEBERMAN. I thank the Chair.

AMENDMENT NO. 3034

Mr. President, I call up amendment No. 3034, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Ms. MIKULSKI, proposes an amendment numbered 3034.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the American people from terrorist attacks by providing $8 billion in additional funds for homeland security government-wide, by restoring cuts to vital first responder programs in the Department of Homeland Security and Justice, by providing an additional $1.2 billion for first responders, $1.7 billion for the Coast Guard and port security, $150 million for chemical security, $1 billion for rail and transit security, $456 million for FEMA, $1 billion for health preparedness programs and $752 million for aviation security)

On page 3, line 13, increase the amount by $2,151,000,000.

On page 3, line 15, increase the amount by $2,700,000,000.

On page 3, line 17, increase the amount by $1,729,000,000.

On page 3, line 19, increase the amount by $1,039,000,000.

On page 3, line 21, increase the amount by $203,000,000.

On page 4, line 1, increase the amount by $2,151,000,000.

On page 4, line 2, increase the amount by $2,700,000,000.

On page 4, line 3, increase the amount by $1,729,000,000.

On page 4, line 4, increase the amount by $1,039,000,000.

On page 4, line 6, increase the amount by $203,000,000.

On page 4, line 13, increase the amount by $7,977,000,000.

On page 5, line 4, increase the amount by $2,151,000,000.

On page 5, line 6, increase the amount by $2,700,000,000.

On page 5, line 8, increase the amount by $1,729,000,000.

On page 5, line 10, increase the amount by $1,039,000,000.

On page 5, line 12, increase the amount by $203,000,000.

On page 16, line 21, increase the amount by $1,889,000,000.

On page 16, line 22, increase the amount by $892,000,000.

On page 17, line 1, increase the amount by $412,000,000.

On page 17, line 5, increase the amount by $252,000,000.

On page 17, line 9, increase the amount by $135,000,000.

On page 17, line 13, increase the amount by $72,000,000.

On page 17, line 22, increase the amount by $3,747,000,000.

On page 17, line 23, increase the amount by $793,000,000.

On page 18, line 3, increase the amount by $1,350,000,000.

On page 18, line 7, increase the amount by $959,000,000.

On page 18, line 11, increase the amount by $646,000,000.

On page 19, line 24, increase the amount by $1,000,000,000.

On page 19, line 25, increase the amount by $125,000,000.

On page 20, line 4, increase the amount by $540,000,000.

On page 20, line 8, increase the amount by $185,000,000.

On page 20, line 12, increase the amount by $100,000,000.

On page 20, line 16, increase the amount by $20,000,000.

On page 24, line 24, increase the amount by $1,341,000,000.

On page 24, line 25, increase the amount by $341,000,000.

On page 25, line 4, increase the amount by $398,000,000.

On page 25, line 8, increase the amount by $333,000,000.

On page 25, line 12, increase the amount by $158,000,000.

On page 25, line 16, increase the amount by $111,000,000.

On page 53, line 1, increase the amount by $7,977,000,000.

On page 53, line 2, increase the amount by $2,151,000,000.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

I thank my friend from North Dakota. I thank him for his leadership on these matters of budget and really for his steadfastness.

Mr. President, I rise today to offer this amendment to the fiscal year 2007 budget resolution to strengthen our homeland security efforts in the face of the administration's budget, which in this regard—considering the fact we are in the post-9/11 world, in a long war against Islamist terrorism—I consider the administration's budget to be shortsighted and short funded, to be ill-considered and inadequate.

In my capacity as the ranking Democrat on the Homeland Security Committee, I have worked very closely with our chair, Senator COLLINS of Maine. This year, for the third year, I have worked with my staff, with experts from outside of the Government, to construct what I believed would be a wartime budget for homeland security. A budget that would do what really needs to be done to secure the American people against an enemy that has shown it will strike us not on the battlefields of conventional war but in our neighborhoods, where we live and where we work here in the United States of America.

The total I would add to the President's budget for homeland security is $8 billion. That, of course, is a significant sum, but in the overall context of the Federal budget submitted, it is less than one-third of 1 percent of the Federal budget—and it would be used to secure our homeland against an enemy of unprecedented inhumanity and against the forces of nature, which struck us badly in Hurricane Katrina, and, unfortunately, will again.

I propose to pay for this additional funding by tightening a number of tax loopholes. Therefore, the amendment would not add to the deficit.

Of the $8 billion in additional spending I am proposing, $6.2 billion would go directly to the Department of Homeland Security. The remainder is divided between the Department of Justice for law enforcement grants and the Department of Health and Human Services for public health preparedness in the face of a potential biological attack or a pandemic.

The money would restore what I consider to be unjustified cuts for first responders who, in the war against terrorism, are also our first preventers—hundreds of thousands of eyes and ears, of equipment, to detect and stop terrorists.

It would restore cuts for emergency managers and public health officials and make needed new investments in first responder programs. It would strengthen rail, transit, port, aviation, and chemical plant security, as well as Coast Guard readiness and bioterrorism preparedness.

Let me just look at a few of the details.

We know our first responders do not have the training, equipment, and frequently even the manpower they need to do their jobs properly whenever danger strikes.

Here, shown on this chart, is first responder funding. It is unbelievable when you see it charted in this way, in the midst of the long war against terrorism, in which our homeland has been struck. And we must assume the enemy will try to strike us again.

First responder funding in fiscal year 2004 was $3.95 billion. On this chart, you see a steady line going down, to the proposal here: $1.97 billion for the firefighters, the police officers, the emergency responders we depend on to protect us.

The President's budget in this regard would cut preparedness funding by 16 percent overall. It would cut $802 million from the first responder programs—a 23-percent cut from last year and a 50-percent reduction, as shown on the graph, from fiscal year 2004.

The administration's budget would entirely eliminate the Law Enforcement Terrorism Prevention Program and the Justice Assistance Grant Program—totally eliminate them—in a time of war against terrorism, and slash by 78 percent the highly successful, much depended upon COPS Program, Community Oriented Policing Services Program, which has put police officers on the beat throughout America and by and large reduced the incidence of crime.

For the second year in a row, the administration is also proposing to eliminate all funding for the Metropolitan Medical Response System, which supports planning and preparedness for potential mass casualties in a catastrophe. The administration is also proposing to eliminate funding for the SAFER Program, which helps recruit, hire, and train local firefighters. The budget given to us cuts grants that State and local emergency planners rely on to help them prepare for catastrophe. The fact is, without more support, our local communities will remain unprepared. That is dangerous in this age.

My amendment would begin to rebuild that support. It would restore $1.6 billion in proposed cuts to first responder programs and add an additional $1.2 billion to help improve State and local capabilities, especially in the area of interoperable communications. That would bring the total funding for first responders to $4.1 billion. Can we afford it? Honestly, we cannot afford not to afford it.

We would also restore funding for the programs I have talked about that will be cut in the Justice Department.

What about port security, because this is a comprehensive homeland security budget proposal? Moving on to port security, perhaps the silver lining of the Dubai Ports World disagreement is greater public recognition of the urgent need for port security. Ninety-five percent of all of the goods coming into America flow through our ports. A terrorism attack at a port would cause economic havoc, let alone human loss. And experts, of course, worry that weapons of mass destruction could be smuggled into this country in a shipping container.

We, therefore, must invest strategically in our defense, which is why this amendment would add an additional $1.7 billion for port security and for the Coast Guard, which performed so admirably in response to Hurricane Katrina but still does not have the capitalized, updated equipment it needs to do the job—enormous job—we are asking it to do.

On chemical security, we know too many facilities remain vulnerable and that an attack on one near a high-population center could have the same effect as a weapon of mass destruction. The administration's proposal is only $10 million. It is inadequate when compared with the $102 million the Coast Guard spent in 2005 and the $131 million it will spend in 2006 to protect chemical facilities at ports.

We face, as Senator CONRAD has said, the threat and danger of bioterrorism and bioterrorist attacks and pandemics, and yet inadequate funding is provided. Thus, my amendment would increase the money given to the Centers for Disease Control and Prevention, funding for State and local bioterrorism programs by $500 million and add another $500 million to the Health Resources and Services Administration bioterrorism program.

We have to absorb the painful dual lessons of September 11, 2001, and of August 29, 2005, the day Katrina struck. Our enemies are ruthless and choose to fight us at points of vulnerability. That is why we have to close those vulnerabilities. Nature will strike in unpredictable ways year after year. Yet so much of our national homeland security structure continues to have gaps. There is no cheap way to provide for the common defense, our constitutional responsibility. We have the best military in the world, and we have it because we have invested in it. We have the best personnel to carry out the protection of our homeland. We will never have the homeland defense we need unless we are prepared to spend for it. There is no more urgent need the American people have.

I urge my colleagues to support this amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I appreciate the extraordinary commitment of the Senator from Connecticut to national defense, to a responsible policy in fighting terrorism. He is clearly one of the leaders in the Senate and the Nation on the issue of how we should protect ourselves as a nation. I respect him immensely. I admire him. It is good to have his voice on the issues of foreign policy and international terrorism and how we fight it.

On this issue, however, I respectfully disagree relative to the need for these additional dollars at this time. In this budget, we have robustly funded the fight on terrorism. The defense budget will be increased in the core budget by $30 billion. A lot of that goes toward fighting terrorism. We have set aside $90 billion of additional money, the purpose of which is to fight the war on terrorism. That is $40 billion more than the administration asked for. In addition, within those funds we have dedicated an additional $4 billion specifically to the issue of port security and border security. Quite honestly, as chairman of the committee that has jurisdiction over port security and border security, that is probably more money than those agencies can handle in 1 year. We will have to be careful to be sure that that money is spent effectively and not pushed out the door in purchasing blue lights and whistles. We want to make sure it purchases real assets and adds real manpower that will assist us in the war on terrorism. We have made a huge commitment in this budget to the issue of fighting terrorism.

The Senator from Connecticut correctly points out that first responder funds are down in this budget. That is a decision that has been made because of the fact there was so much first responder money that came so quickly, it simply hasn't been spent effectively yet. There was $13 billion that we have put into first responders across the country. That is a huge number, so large, in fact, that $5.5 billion of it, which has already been appropriated, which is sitting there, has not been spent, going back to 2004. There is literally $5.5 billion sitting in the pipeline that first responder groups have not spent, in part because State planning has not caught up to adequately meet the need for using the available funding. As soon as they are, those dollars will go out. As soon as that pipeline of $5.5 billion starts to get drawn down—remember, we are adding another several billion dollars on top of it in this bill—we are going to refill that pipeline to make sure that first responder funding is adequate.

It is not an issue of lack of dollars. It is an issue of lack of programmatic and systematic infrastructure, to a large degree—and planning, to a large degree. You could put another $40 billion or $8 billion or whatever billion on top of this, and you would still get little improvement in the amount of money flowing out to first responders because the necessity of having the money flow in a way that actually produces programmatic results has not been resolved yet.

It should not be our purpose as the Federal Government to be hiring people for local police forces and local first responder teams. What this money is supposed to be used for primarily is to give them the support so they have the necessary interoperability equipment, the necessary tactical equipment, and the necessary training to be effective as first responders. We should not be taking Federal first responder dollars and replacing local dollars that are already being used for the purposes of putting people on the street. States are making progress. As they come at us, we will put more money out there.

In addition, in the appropriating process we have taken the view, which is a little different than the authorizing committee, that risk should be where the money goes first. If a community has a high likelihood of risk from a terrorist attack, that community should be the place where we put the dollars. This has actually worked to the disadvantage of the State of New Hampshire. But my view is strong that these dollars, which are being used to basically upgrade the capacity of first responders to handle a terrorist attack, should go first to those places most likely to be on the front lines. We know where those places are. They know who they are. That is why we have basically funded it in that manner.

That is where we stand today. Very simply stated, there is an extremely robust commitment to fighting the war on terrorism in this bill: a $30 billion increase in defense spending; $90 billion in a separate budgeting process for fighting the war on terror, $40 billion more than the President asked for; $4 billion of new funds directed right at border security and port security; $2.3 billion directed right at avian flu and the purchasing of necessary supplies and antitoxins and hopefully vaccines, to address that issue. In the pipeline already from prior appropriations, there is $5.5 billion of funds out of the $13 billion that has been appropriated which is available for first responders from prior appropriations onto which we will put another chunk of money here.

The issue is not dollars in almost all these accounts. It is not dollars in terms of this budget. In terms of the President's budget, there may be a difference of opinion, but in terms of this budget the issue is not dollars. The issue is getting those dollars out effectively.

I oppose this amendment. I would have opposed it, anyway, because it basically raises taxes and spends money and breaks the caps. I think that is bad fiscal policy. I also oppose it on substance.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield 5 minutes to the Senator from Rhode Island for his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

AMENDMENT NO. 3074

Mr. REED. Mr. President, I call up amendment No. 3074.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. KENNEDY, Mr. KERRY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. DORGAN, Mr. ROCKEFELLER, Mr. LEVIN, Mr. SCHUMER, Mr. DAYTON, Mr. KOHL, Mr. BAYH, Mr. MENENDEZ, Mr. HARKIN, Mr. LEAHY, and Mr. JOHNSON, proposes an amendment numbered 3074.

Mr. REED. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the Low-Income Home Energy Assistance Program by $3,318,000,000 for fiscal year 2007, increasing the funds available to carry out that program to the fully authorized level of $5,100,000,000, to be paid for by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $2,489,000,000.

On page 3, line 15, increase the amount by $763,000,000.

On page 3, line 17, increase the amount by $66,000,000.

On page 4, line 1, increase the amount by $2,489,000,000.

On page 4, line 2, increase the amount by $763,000,000.

On page 4, line 3, increase the amount by $66,000,000.

On page 4, line 13, increase the amount by $3,318,000,000.

On page 5, line 4, increase the amount by $2,489,000,000.

On page 5, line 6, increase the amount by $763,000,000.

On page 5, line 8, increase the amount by $66,000,000.

On page 21, line 24, increase the amount by $3,318,000,000.

On page 21, line 25, increase the amount by $2,489,000,000.

On page 22, line 4, increase the amount by $763,000,000.

On page 22, line 8, increase the amount by $66,000,000.

On page 53, line 1, increase the amount by $3,318,000,000.

On page 53, line 2, increase the amount by $2,489,000,000.

Mr. REED. Mr. President, my amendment is straightforward. It would increase funding for the LIHEAP program, the Low-Income Home Energy Assistance Program, by $3.318 billion. It is paid for fully by the closing of corporate tax loopholes and is cosponsored by Senators KENNEDY, KERRY, CLINTON, LIEBERMAN, ROCKEFELLER, DORGAN, LEVIN, DAYTON, SCHUMER, KOHL, BAYH, JOHNSON, LEAHY, MENENDEZ, and HARKIN.

The President's budget request and the level of funding assumed in this budget resolution for LIHEAP is $1.782 billion. That represents a $379 million cut from the fiscal year 2006 enacted level. Last week we were struggling to pass an additional $1 billion. The question before us is, are we going to accept this inadequate funding knowing full well it is inadequate today. I hope we don't do that. My amendment, the increase of $3.318 billion, would reach the authorized level of $5.1 billion set by the Energy Policy Act of 2005. On five separate occasions during the course of the debate over LIHEAP in the last 6 months, the majority of the Senate has voted for this full funding level. I call upon all of those Members to join me today to ensure we have full funding. We understand this year we are short of money. The President's budget starts us off with even less.

This year we benefited from unusually warm temperatures. I don't think anyone would bet that next winter's heating season will be as mild and as forgiving as this season's. With higher energy prices—and we know they are going up—with probably lower temperatures, we are going to be in a very serious position unless we adopt this amendment.

In the course of the debate about LIHEAP, many of our colleagues from warmer States pointed out that they are not getting as much as they should. If we get to the $5.1 billion level, this will truly be a national program. Warmer weather States will have the money in the hot season where they need air conditioning to help low-income people. I hope we can do so. For example, Alabama will receive $15 million from the block grant formula under the President's budget. It would receive $87.2 million under my amendment, a 479-percent increase, and so on throughout the country.

I hope we can pass this amendment. I hope we can have the foresight to recognize that we can't start off in the hole. We cannot expect warm temperatures this next heating season. We have to do more for the most vulnerable.

I yield whatever remaining time I have back to the Senator from North Dakota.

AMENDMENT NO. 3136

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Senator from Rhode Island for his amendment. I thank him also for his courtesy and graciousness.

The situation we have is, I have very few minutes left this morning. We don't have another Senator. I have asked other Senators to come to the floor. While we are waiting, I will do my final amendment. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 3136.

Mr. CONRAD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a reserve fund for bold energy legislation that is deficit neutral)

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or conference report thereon, that would reduce our nation's dependence on foreign sources of energy, expand production and use of alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, and reward conservation and efficiency, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2011.

Mr. CONRAD. Mr. President, in many ways this may be one of the most important amendments we offer on our side. I say that because if I look across the horizon at the challenges facing America, energy dependence would be right at the top of the list.

In his State of the Union Message, the President said:

> [W]e have a serious problem: America is addicted to oil, which is often imported from unstable parts of the world.

I think the President has that exactly right.

We can see in this chart that imports now account for 60 percent of total U.S. consumption; that is, of the oil that we are consuming, 60 percent of it is imported. That creates a vulnerability for America. This dependence on imported energy is dramatically adding to our record trade deficit; $266 billion of the trade deficit over the last year is due to imported petroleum products. We ran a trade deficit during that period of about $700 billion. More than a third of it is due to our reliance on foreign energy.

That represents over a third of the total trade deficit. The President made very strong statements in the State of the Union about the need to reduce our dependence, reduce our vulnerability. But if you look at his budget, you see something quite different: the clean coal power initiative, cut 90 percent; weatherization assistance grants to improve conservation of energy in homes reduced almost a third; electricity delivery and reliability, cut 23 percent; fossil energy R&D, cut 21 percent.

Mr. President, several weeks ago, President Bush had a small group of Senators to the White House to talk about energy. I told him I was going to be introducing legislation that would provide substantial incentives to do what Brazil did. It is very instructive to look back over the last 30 years. Thirty years ago, Brazil was 80 percent dependent on foreign energy. They reduced that to less than 10 percent today. If we look at our story, it is just the flip. Back in the 1970s, we were 35 percent dependent upon foreign energy; today it is 60 percent.

I think the question presents itself: What did Brazil do? Brazil very aggressively promoted biodiesel, ethanol, and flexible fuel vehicles. In fact, the vast majority of their vehicle fleet in Brazil are now flex fuel vehicles. They have very aggressively promoted ethanol and biodiesel. We should do the same. Those are the key components of the energy plan I will be presenting to our colleagues—aggressive promotion of biodiesel and ethanol, alternative fuel vehicles, wind energy, and coal-to-liquid fuel technology and energy efficiency in conservation.

Mr. President, my energy reserve fund creates a deficit-neutral reserve fund for bold and balanced energy legislation that reduces our Nation's dependence upon foreign sources of energy, expands the production and use of alternative fuels and alternative fuel vehicles, promotes renewable energy development, encourages responsible development of oil and natural gas resources right here in America, and rewards conservation and efficiency.

Mr. President, this is a deficit-neutral reserve fund. Only if we find a way to pay for this initiative will it be able to go forward. My own view is that this is such a high priority for our country and raised, I think, to national attention by the President in his State of the Union, but we don't have a budget to match bold words. We need bold initiatives to match bold words, to really do something to reduce our dependence. It makes us vulnerable. It is weakening our economy.

I said to the President: What a difference it could make. Would it not be wonderful if the President could wake up and instead of turning to the Middle East for oil, he could look to the Midwest of our own country where we could help grow our way out of this crisis by growing the feedstock that could produce biodiesel and ethanol, soybeans, corn, and canola? We are about to build in North Dakota the biggest biodiesel plant in North America. That is going to help us wean ourselves from this ongoing dependence upon foreign energy. I hope very much my colleagues will support this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The clerk will call the roll.

The Legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. CONRAD. Mr. President, I yield 4 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 4 minutes.

Mr. LAUTENBERG. Mr. President, I will soon offer an amendment to remove the airline passenger tax increase from this budget. It is fundamentally unfair for the President to raise taxes on everyday families as he doles out massive tax cuts to the wealthy.

Hidden among the thousands of pages in this legislation is a proposal to double the minimum amount that airline passengers pay as a security tax. President Bush wants to increase this tax from $2.50 per flight to $5 per flight. That is a 100-percent tax increase.

The impact on a family of four traveling roundtrip on nonstop flights is illustrated by the chart that we have here. An increase in security tax for a family of four traveling roundtrip on nonstop flights, typically, if it is $20 now, is going to be $40 obviously. That is quite a burden.

The traveling public is already too heavily taxed. Air travelers pay an enormous amount of Federal taxes on every airline ticket—nearly 20 percent of the base fare price now. For example, the tax on the average domestic roundtrip flight of $230 is $45. That is a tax rate of almost 20 percent.

Air travelers are taxed every time they turn around. They pay the Federal excise tax—on top of the Federal segment tax, on top of the passenger facility charge, on top of the security tax. Now the President wants to double the security tax.

To make matters worse, this tax increase will hit families the hardest. Sixty-three percent of the domestic air trips in this country in 2004 were taken for personal purposes, including vacations and visits to families and loved ones.

I am one of the strongest advocates for transportation security resources for our country, but we have to provide these necessary resources by spreading the tax burdens across this country fairly and not targeting everyday Americans while special interests raid the Federal Treasury.

I also want to point out to my colleagues that this amendment is offset by closing abusive tax shelters. So when we look at this, if the airlines don't pass along this tax increase to the average family, they themselves will have to experience further losses. There was $10 billion in losses in 2005 by the aviation industry. That is on top of $32 billion from 2001 to 2004. There were 150,000 jobs lost since 9/11. They just cannot handle it.

So I urge my colleagues to support the amendment and say no to the Bush airline passenger tax increases, keeping in mind that those tax increases are put upon the average family to give the wealthiest among us huge tax breaks. It is unfair and it ought not to be permitted. I urge you in this instance to vote no on further tax increases for the average American family.

With that, I yield the floor.

Mr. CONRAD. Mr. President, I thank the Senator from New Jersey for accommodating the schedule of his colleagues by coming this morning and offering his amendment. Next in the queue is Senator BURR with an amendment on avian flu.

The PRESIDING OFFICER. If the Senator will suspend, the Chair advises that the Senator from New Jersey did not send up an amendment.

AMENDMENT NO. 3137

Mr. LAUTENBERG. Yes. We neglected to do the most important part of it. I was overcome by the speech, Mr. President.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 3137.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the President's proposed tax increase on American airline passengers in fiscal year 2007 and to provide adequate funding for commercial aviation security and to offset these costs by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $1,230,000,000.

On page 4, line 1, increase the amount by $1,230,000,000.

On page 4, line 13, increase the amount by $1,230,000,000.

On page 5, line 4, increase the amount by $1,230,000;000.

On page 16, line 21, increase the amount by $1,230,000,000.

On page 16, line 22, increase the amount by $1,230,000,000.

On page 53 , line 1, increase the amount by $1,230,000,000.

On page 53 , line 2, increase the amount by $1,230,000,000.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3114

Mr. BURR. Mr. President, I send an amendment No. 3114 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 3114.

Mr. BURR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the establishment of a reserve fund concerning pandemic influenza preparedness planning)

At the appropriate place, insert the following:

SEC. ___. RESERVE FUND FOR PANDEMIC INFLUENZA PREPAREDNESS PLANNING.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) rebuilds the vaccine industry in the United States which has shrunk from over 25 to less than 5 companies;

(2) improves the United States capacity to produce life-saving pandemic influenza vaccines and antivirals;

(3) ensures adequate funding for advanced development and acquisition of needed medical countermeasures for biodefense and pandemic influenza protection;

(4) enhances the Strategic National Stockpile of pandemic influenza vaccines, antivirals, and other medical products;

(5) strengthens the Federal, State, and local public health infrastructure to effectively respond to a pandemic influenza outbreak;

(6) increases the domestic and international surveillance and outbreak containment capabilities; and

(7) improves public awareness and education of pandemic influenza preparedness planning;

assuming that the Committee is within its allocation as provided under section 302 (a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal years 2007 and for the period of fiscal years 2007 through 2011.

Mr. BURR. Mr. President, I rise on the Senate floor today to not only offer this amendment and talk about it, but to speak on an amendment of another Member of the Senate, an amendment that also focuses on the avian flu.

Our country faces threats, some of which we know and some of which we don't know today. One real threat is the threat of pandemic bird flu. The President of the United States was ahead of the curve on this with a proposal to the Congress of over $7 billion for advanced development of vaccines, for the preparation the country needs to go through, and for the stockpiles of antivirals and countermeasures.

The fact is that Congress has responded to his request. This year the budget resolution highlights the fact that the President's request of $2.3 billion of taxpayers' money is in this budget resolution.

My colleague from North Dakota, for whom I have a tremendous amount of respect and who has helped, along with Senator GREGG, to move this budget resolution through this body, has asked we increase that amount by $5 billion. If for 1 minute I thought $5 billion would make America safer, I would be on the floor as a cosponsor of that amendment. But the reality is, we are at a point where we are absorbing all the money we can, given where we are in this process.

I just left a hearing with the Secretary of Health and Human Services. My direct question to him was: The President's budget asked for $2.3 billion. Is that sufficient for 2007?

He looked at me and said: Senator, where we are in the development of vaccines, where we are in our need for stockpiles, that amount fulfills everything we can do in preparation.

So I urge my colleagues not to support the amendment for an additional $5 billion of taxpayers' money to potentially go into a black hole. I remind my colleagues that the way this is funded is to raise taxes on the American people. We have used tax loopholes for corporations to fund many items suggested in amendments on this floor. The fact is, once again, the American people realize this is a covert way of raising taxes on them.

My amendment does something very simple. It creates a reserve fund. It has been described as hollow because it has no money. I believe the American people demand that we bring fiscal responsibility to this institution, to the Congress of the United States. I don't want to tie the hands of individuals within the agencies if they see a need for something, but the creation of this reserve fund allows them to do it in a budget-neutral way.

I believe this will be overwhelmingly supported because, in fact, it doesn't spend any new money, but it provides the flexibility and authority to those who are charged with addressing this threat.

The amendment establishes a reserve fund, and that can help to rebuild our domestic vaccine industry, support advanced development and acquisition of needed drugs and vaccines, strengthen the public health infrastructure, and increase surveillance and outbreak containment.

We are at a point in this Congress where we have the opportunity to reauthorize the Public Health Security and Bioterrorism Preparedness and Response Act, and we are considering legislation on advanced development of vaccines and countermeasures against chemical, biological, or radiological and natural threats. There are many issues that we have to decide exactly how we are going to handle. But to throw money at them is, in fact, not the answer today.

Those who are charged with the responsibility of making sure this country is prepared, in fact, have sufficient funding today. I urge my colleagues to vote against the Conrad amendment, to vote for the Burr amendment, and to make sure this administration is able to carry out what has been a well-planned preparation for a known threat to this country and, I might add, to the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask that 10 minutes of the chairman's time be yielded to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the chairman very much. We have been trying to distribute time so we can most efficiently use time on the floor. I yield 3½ minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 3081

Mr. SALAZAR. Mr. President, I thank my colleague from North Dakota. I call up amendment No. 3081 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself, Mr. BINGAMAN, and Mr. LEAHY, proposes an amendment numbered 3081.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fully fund the Payment in Lieu of Taxes (PILT) program. Adds $152 million to Function 800 (General Government) for PILT. Paid for by closing $152 million in corporate tax loopholes)

On page 3, line 13, increase the amount by $152,000,000.

On page 4, line 1, increase the amount by $152,000,000.

On page 4, line 13, increase the amount by $152,000,000.

On page 5, line 4, increase the amount by $152,000,000.

On page 25, line 24, increase the amount by $152,000,000.

On page 25, line 25, increase the amount by $152,000,000.

On page 53, line 1, increase the amount by $152,000,000.

On page 53, line 2, increase the amount by $152,000,000.

Mr. SALAZAR. Mr. President, this amendment aims to fully fund the Payment in Lieu of Taxes Program for our country. It is an issue of vital importance to rural America. I am pleased to be joined in this effort today by Senator BINGAMAN and Senator LEAHY who are cosponsors of this amendment.

As I have said often on this floor before, rural America continues to wither on the vine. I will continue to come to this floor and sound the alarm of the plight of rural America because I am absolutely certain it doesn't have to be this way.

The heartland of this country is a vast reservoir of American potential and strength, and the values, common sense, perseverance, and work ethic embodied in the 50 million people who live in rural America are national treasures in and of themselves.

These people are also the stewards of our many public lands, and they deserve support in that effort. That is where PILT comes in. Created in 1976, PILT compensates local government for the presence of nontaxable Federal lands within their boundaries, as well as the associated costs of providing work, such as road work and law enforcement, to visitors on those lands.

Over the years, inflation has taken its toll. Repeatedly underfunding the PILT Program has also sent precisely the wrong message to rural America. Full PILT funding for fiscal year 2007 will likely be close to $350 million, but the President's budget for PILT was reduced by $38 million, or 16 percent, from where it was last year.

This is not just about my State of Colorado where some counties are owned by the Federal Government to the extent of 95 percent; it is about governments in at least 49 of our States where there are significant public land holdings within those States.

This amendment is fully offset by tax loophole closures. Some colleagues have approached me about alternatives, and I will work with them to explore other ideas in terms of funding alternatives.

I strongly encourage my colleagues to support this modest, commonsense amendment. When I travel through the rural counties of Colorado, I hear the voices of proud, hard-working rural Americans who feel neglected by Washington. Let's take an opportunity in a very small way in this budget resolution to send a different signal that we in Washington care about rural America.

I urge my colleagues to support this amendment. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague from Colorado. This is an important amendment, certainly an important amendment to Western States such as ours that all too often are shortchanged in terms of what they get in lieu of taxes where the Federal Government owns vast tracts of land and then is not a good neighbor, doesn't pay its fair share of the tab.

I thank the Senator from Colorado for his excellent amendment.

The PRESIDING OFFICER (Ms. Murkowski). Who yields time?

Mr. CONRAD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I ask that Senator Bayh be added as a cosponsor to my avian flu amendment No. 3133.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I see the Senator from Maryland is now on the floor. I say to the Senator from Maryland, I now have 6 minutes left, and I am wondering if I could give 4 minutes to the Senator from Maryland.

Mr. SARBANES. Yes, that would be fine.

Mr. CONRAD. I have to give some time to Senator Baucus before the debt limit vote. So I yield 4 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. I thank the Senator. Does that leave the Senator with enough time for his other purposes?

Mr. CONRAD. I am sure Senator Gregg and I will be able to work it out.

Mr. SARBANES. Madam President, I thank the Senator very much.

AMENDMENT NO. 3103

Mr. SARBANES. Madam President, I offer amendment No. 3103.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. Sarbanes], for himself, Mr. Lieberman, and Mr. Reed, proposes an amendment numbered 3103.

The amendment is as follows:

(Purpose: To restore funding for the civil works programs of the Corps of Engineers, the Federal Water Pollution Control State Revolving Fund, the National Park Service, the Forest Service, the National Oceanic and Atmospheric Administration, Federal conservation programs, and other natural resource needs, through an offset achieved by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $1,718,000,000.

On page 3, line 15, increase the amount by $699,000,000.

On page 3, line 17, increase the amount by $320,000,000.

On page 3, line 19, increase the amount by $116,000,000.

On page 3, line 21, increase the amount by $58,000,000.

On page 4, line 1, decrease the amount by $1,718,000,000.

On page 4, line 2, decrease the amount by $699,000,000.

On page 4, line 3, decrease the amount by $320,000,000.

On page 4, line 4, decrease the amount by $116,000,000.

On page 4, line 6, decrease the amount by $58,000,000.

On page 4, line 13, increase the amount by $2,912,000,000.

On page 5, line 4, increase the amount by $1,718,000,000.

On page 5, line 6, increase the amount by $699,000,000.

On page 5, line 8, increase the amount by $320,000,000.

On page 5, line 10, increase the amount by $116,000,000.

On page 5, line 12, increase the amount by $58,000,000.

On page 13, line 21, increase the amount by $2,912,000,000.

On page 13, line 22, increase the amount by $1,718,000,000.

On page 14, line 1, increase the amount by $699,000,000.

On page 14, line 5, increase the amount by $320,000,000.

On page 14, line 9, increase the amount by $116,000,000.

On page 14, line 13, increase the amount by $58,000,000.

On page 53, line 1, increase the amount by $2,912,000,000.

On page 53, line 2, increase the amount by $1,718,000,000.

Mr. SARBANES. Madam President, this amendment is to restore funding for function 300 Natural Resources and Environment, and for other purposes. I ask unanimous consent that Senator Lieberman and Senator Reed of Rhode Island be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. If the Chair would tell me when 1 minute is left on my time, I would be most appreciative.

Madam President, the purpose of this amendment is to restore funding for a number of important environmental programs under function 300. The President's budget request and the chairman's mark on the resolution cut funding for water resources, conservation and land management, recreational resources, pollution control and abatement, and other natural resources and environmental activities by nearly $3 billion from the baseline, or almost 10 percent. This amendment would seek to add $2.9 billion to bring the function 300 total back up to baseline. It is offset with revenues from the closing of corporate tax loopholes.

We have a list of possibilities, many of which have passed the Senate before and have been strongly supported by very large majorities in this body. Let me just give a few examples of the kinds of programs we are trying to at least provide some additional support for, although it falls short of what the need is; but we are trying to get back to baseline.

The Army Corps of Engineers civil works program, flood control, navigation, storm protection, environmental restoration—I hardly need, in the aftermath of Katrina, to emphasize the importance of such programs. The EPA budget has been sharply cut, including nearly $200 million from the clean water State revolving loan fund, which is now in this budget at the lowest funding level ever for clean water infrastructure. It has been cut by nearly 50 percent from the 2004 level because there has been a steady decline, and, of course, this impacts every State's and every community's ability to upgrade their waste water infrastructure and meet Clean Water Act requirements.

The National Park Service is being cut. Our National Parks have a desperate need for funding in order to carry out their activities.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. SARBANES. Madam President, the National Park Service is falling well short of what they need in order to sustain the park system. NOAA is being cut in this budget, including the National Marine Fisheries Service. There is a lot of emphasis on our oceans. Two commissions have studied it. Yet the Oceans Commission says we are falling well short of any real commitment there. The NOAA budget is cut, the Fish and Wildlife Service budget, and the Forest Service. This amendment seeks to at least bring back this funding to function 300 for all of these very important environmental and natural resource problems to baseline, to current funding levels.

I very much hope my colleagues will support this amendment and contribute to protecting the environment and health of our Nation's citizens, helping to ensure that we have clean water and that we breathe clean air.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I yield 2½ minutes to Senator DORGAN from North Dakota.

Mr. FEINGOLD. Madam President. I support Senator SARBANES' effort to restore funding for our agencies and programs directed at natural resource conservation and management and some of our fundamental environmental responsibilities. The programs and agencies include the Clean Water State Revolving Fund, the National Park Service, the National Oceanic and Atmospheric Administration, the Forest Service, the Army Corps of Engineers, and others. I do believe that we must meet our stewardship responsibilities and the President's budget simply doesn't cut it.

I do, however, want to flag a problem related to the Army Corps of Engineers. It is a problem that cripples the Corps: The minute its budget arrives on our doorsteps, Members of Congress scramble for Corps earmarks. We must move away from this earmarking and focus on national priorities. I will continue working to change the way this agency operates.

Mr. DORGAN. Madam President, I am going to be offering an amendment. I have noticed an amendment dealing with Indian program funding. I think most who understand these issues understand that we have a bona fide crisis in Indian health care, Indian housing, and Indian education. We have had hearings. I have had hearings in my State, and we have had hearings in the Indian Affairs Committee, and we have to address these issues. The issue of Indian health care is not an optional issue. When there is a young child on an Indian reservation or an elder on an Indian reservation who is sick, they need health care.

This is interesting. We have trust responsibility for health care for a couple of groups of Americans. One is Federal prisoners. If they are incarcerated, we have a responsibility to Federal prisoners for their health care. We also have trust responsibility for health care for American Indians. That is our trust responsibility. We spend nearly twice as much—twice as much—per person to provide health care for Federal prisoners as we do for American Indians. That is wrong.

Housing: We have a bona fide crisis in housing. In many cases on many of America's Indian reservations we have people living in Third World conditions.

Education: Do we really want a young child who is 6 or 8 years old to be walking through the doorway of a grade school and receiving an education that is much less of an education than other children are simply because we don't have the money? Shouldn't these young Indian children be given the opportunity for a good education? I think with respect to education, the GAO report shows quite clearly that facilities in BIA schools are inferior to other schools.

My point is this: When we take a look at our priorities, what is important, what we should be doing, we see that we have Americans living in Third World conditions on many of these Indian reservations. We have a crisis in health care, in education and housing, and we ought to do something about it. You can't go to these places and look at their health care system or look at their schools or look at people living in substandard housing and believe that it is not a priority for this Congress to meet its responsibilities.

I have offered this legislation before in the form of an amendment. I do so again today. I have a number of cosponsors I would like to add for the RECORD.

I yield the floor.

Mr. GREGG. Madam President, what is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire controls 7 minutes.

Mr. GREGG. Madam President, although I don't agree with him, I yield 3½ minutes to the Senator from Montana.

Mr. DORGAN. Madam President, might I, with the indulgence of my colleagues, simply read the cosponsors? They are Senators CANTWELL, MURRAY, BINGAMAN, and JOHNSON are added as cosponsors.

The PRESIDING OFFICER. The Senator will suspend. The amendment has not yet been offered.

The Senator from Montana is recognized.

DEBT LIMIT EXTENSION

Mr. BAUCUS. Madam President, I am speaking on an amendment I have offered to the debt limit. This amendment would simply require the Treasury Department to report on the economic and security implications of our debt to foreigners. Massive budget deficits are forcing America to borrow heavily. Last year, foreigners bought 96 percent of the Treasury bills that our Government sold to finance our debt—96 percent. That is an astounding statistic. The debt purchased last year, almost all of it, was purchased by foreigners, 96 percent.

Foreigners are becoming our bankers. America is becoming a debtor to foreign powers.

I think we need to understand this change. This amendment asks the Treasury to investigate what the full cost of our indebtedness will be, in higher interest rates, the value of a dollar, lower economic growth, less power to negotiate trade agreements, and diminished national security. We should let taxpayers know how big the cost of this foreign debt really is. This amendment will help to get the answers.

Some will make breathless arguments that passing this amendment will endanger the full faith and credit of the U.S. Government. I say that is hogwash. If the Senate passes this amendment, the House of Representatives could pass it and have the bill on the President's desk before suppertime, on the President's desk this evening.

The real reason some are opposing this amendment is to save the House of Representatives from having to vote on the debt limit even once—to save the House of Representatives, to save those folks on the other side of the body, on the other side of the Capitol, from having to vote on the debt limit. That is really what is going on here. I think if Senators vote on the debt limit, certainly House Members should vote on the debt limit, too. That is an embarrassingly poor reason to vote against a study that would help protect America's economic and security interests.

Last year, foreigners bought 96 percent of the Treasury bills that our Government sold—actually 96 percent—just to remind everybody. I therefore urge my colleagues to adopt this amendment to help find out what our foreign debt really means for America.

Mr. GREGG. Madam President, I know the chairman of the Finance Committee is coming over, and he may want to speak to this issue, but the time may lapse before he gets here so let me make this point: The study which the Senator is asking for could occur and would occur—and I can't speak for the chairman of the Finance Committee, but I would certainly be willing to sign the letter, and I suspect the chairman would, too. But simply writing the letter down there from the committees of jurisdiction—I don't happen to be a committee of jurisdiction, although it is an interesting issue—and then the chairman and the ranking member could get the study.

The reason this amendment is being put on this bill is to try to send it back to the House to delay the process so that the debt ceiling ends up with some political votes somewhere along the line. That is just gamesmanship and there is no need for it.

We should have this amendment taken off this bill. If there is a desire for this information, which we could certainly obtain rather easily by sending a letter demanding that they do the study, and then have GAO do the study—a little independence on the study might even be good—do a joint task force and get the information. So the amendment really isn't necessary at all.

So I agree with what I think is the leadership's position on this side, that this amendment is just dilatory and will end up delaying the debt ceiling legislation, which is a mistake. That is why it is opposed.

Has all my time expired?

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. GREGG. Madam President, I see the Democratic leader, and I will yield back my time and let the Democratic leader take leader time.

Mr. REID. Madam President, I will use leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, President Thomas Jefferson said:

> I place economy among the first and most important government virtues, and public debt as the greatest of the dangers to be feared.

That was President Thomas Jefferson.

Today the Senate is considering a bill to increase the Nation's debt by $781 billion. If adopted, it would be the fourth such increase in the 5 years this administration has been in office. I will be opposing this latest request, and I hope that people on both sides of the aisle will do the same.

Any objective analysis of our country's fiscal history would have to conclude this administration and this rubberstamping Republican Congress are the most fiscally irresponsible in the history of our country. In fact, no other President or Congress even comes close. When this administration came to office, the Federal Government was running large annual budget surpluses that were projected to continue as far as the eye could see. These projected surpluses were so large that the Congressional Budget Office estimated the Federal Government would pay off all its publicly held debt by the year 2009. In fact, Alan Greenspan, then the Chairman of the Federal Reserve, and other economists expressed concern that these surpluses would be so huge they risked unsettling the financial markets.

Because of the reckless fiscal policies of this President and the Republican-controlled Congress, 2009 will be a year to recognize President Bush's multi-trillion-dollar red-ink special. Over the past 5 years, rather than running record surpluses and reducing record amounts of debt, our Nation suffered record deficits and debt increases. In fact, when it comes to deficits, this President owns all the records. The three largest deficits in our Nation's history have all occurred under this administration's watch. The deterioration of the Federal Government's finances is the direct result of the misguided priorities of this administration and this rubberstamping Republican Congress.

These deficits have resulted in an unprecedented and dangerous borrowing spree. The total debt during this spree has grown by trillions of dollars. President Abraham Lincoln said:

> As an individual who undertakes to live by borrowing soon finds his original means devoured by interest and next no one left to borrow from, so must it be with government.

O, if the Republican President and Republican-dominated Congress had followed the advice of Abraham Lincoln.

The legislation on the floor today will push the Nation's borrowing limit to nearly $9 trillion. Compounding matters, the President's most recent budget—much of which Senate Republicans have placed before the Senate this week—would make matters substantially worse, leading to $12 trillion debt by 2011, just as the first wave of baby boomers is beginning to retire.

Not only is debt exploding at the worst possible time, increasingly we are borrowing from foreign lenders. Since this administration took office, U.S. debt financed by foreigners has more than doubled, increasing by well over $1 trillion. That is more foreign-held debt in 5 years than the Nation accumulated in the first 224 years of this Republic. By contrast, during the last 3 years of the Clinton administration, we paid off hundreds of billions of dollars of debt, including $200 billion in debt to foreign lenders.

Given the explosion of debt in recent years, it is long past time for Washington to change the course and adopt a new fiscal policy. After all, the future of our economy and our Nation is at stake. The Comptroller General of the United States, David Walker, told the Senate Budget Committee recently:

> Continuing on this unsustainable fiscal path will gradually erode, if not suddenly damage, our economy, our standard of living and ultimately our national security.

If my Republican friends believe that increasing our debt by almost $800 billion today, and more than $3 trillion dollars over the last 5 years, is the right thing to do, they should be upfront about it. They should explain why they believe more debt is good for our economy. How can the Republican majority and this Congress explain to their constituents that trillions of dollars of new debt is good for our economy? How can they explain that they think it is fair to force our children, our grandchildren, and our great grandchildren to finance this debt through higher taxes? That is what will have to happen. Why is it right to increase this Nation's dependence on foreign creditors? They should explain this.

Maybe they can convince the public they are right. I doubt it, because most Americans know that increasing the debt is the last thing we should be doing. After all, I repeat, the baby boomers are about to retire. Under the circumstances, any credible economist would tell you we should be reducing debt, not increasing it.

Again, on debt—Thomas Jefferson. These are his words:

> And to preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty—or profusion and servitude.

That was President Thomas Jefferson.

Democrats will not be making arguments to support this legislation which will weaken our country. The President often speaks of personal responsibility. In a speech before African-American leaders earlier in his administration, the President stated that a President is judged not by the words he speaks but by the work he leaves behind. By that benchmark, the President and this Republican-controlled Congress will not be judged kindly with respect to the stewardship of our Nation's finances.

We are being asked to do what should not be asked of us, to increase the debt to almost $9 trillion. I hope everyone walking down to these desks today will understand what they are doing, what they are doing to our country. On this side of the aisle, we know.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 3102

Mr. DORGAN. Madam President, let me ask for consideration of amendment 3102, as I had previously filed. That is the legislation I described previously. Senators CANTWELL, MURRAY, BINGAMAN, and JOHNSON join me in proposing this amendment as cosponsors. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN], for himself, Ms. CANTWELL, Mrs. MURRAY, Mr. JOHNSON, and Mr. BINGAMAN, proposes an amendment numbered 3102.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding by $1 billion for various tribal programs and provide necessary additional funding based on recommendations from Indian country, by closing corporate loopholes.)

On page 3, line 13, increase the amount by $285,000,000.

On page 3, line 15, increase the amount by $197,000,000.

On page 3, line 17, increase the amount by $230,000,000.

On page 3, line 19, increase the amount by $263,000,000.

On page 3, line 21, increase the amount by $302,000,000.

On page 4, line 1, increase the amount by $285,000,000.

On page 4, line 2, increase the amount by $197,000,000.

On page 4, line 3, increase the amount by $230,000,000.

On page 4, line 4, increase the amount by $263,000,000.

On page 4: line 6, increase the amount by $302,000,000.

On page 4, line 13, increase the amount by $1,000,000,000.

On page 5, line 4, increase the amount by $299,000,000.

On page 5, line 6, increase the amount by $385,000,000.

On page 5, line 8, increase the amount by $154,000,000.

On page 5, line 10, increase the amount by $126,000,000.

On page 5, line 12, increase the amount by $15,000,000.

On page 5, line 19, decrease the amount by $14,000,000.

On page 5, line 21, decrease the amount by $188,000,000.

On page 5, line 23, increase the amount by $76,000,000.

On page 5, line 25, increase the amount by $137,000,000.

On page 6, line 2, increase the amount by $287,000,000.

On page 6, line 8, increase the amount by $14,000,000.

On page 6, line 10, increase the amount by $202,000,000.

On page 6, line 12, increase the amount by $126,000,000.

On page 6, line 14, decrease the amount by $11,000,000.

On page 6, line 16, decrease the amount by $298,000,000.

On page 6, line 22, increase the amount by $14,000,000.

On page 6, line 24, increase the amount by $202,000,000.

On page 7, line 2, increase the amount by $126,000,000.

On page 7, line 4, decrease the amount by $11,000,000.

On page 7, line 6, decrease the amount by $298,000,000.

On page 13, line 21, increase the amount by $25,000,000.

On page 13, line 22, increase the amount by $13,000,000.

On page 14, line 1, increase the amount by $8,000,000.

On page 14, line 5, increase the amount by $4,000,000.

On page 14, line 9, increase the amount by $1,000,000.

On page 17, line 22, increase the amount by $120,000,000.

On page 17, line 23, increase the amount by $29,000,000.

On page 18, line 3, increase the amount by $33,000,000.

On page 18, line 7, increase the amount by $27,000,000.

On page 18, line 11, increase the amount by $18,000,000.

On page 18, line 15, increase the amount by $2,000,000.

On page 18, line 24, increase the amount by $120,000,000.

On page 18, line 25, increase the amount by $17,000,000.

On page 19, line 4, increase the amount by $90,000,000.

On page 19, line 8, increase the amount by $8,000,000.

On page 19, line 12, increase the amount by $2,000,000.

On page 19, line 24, increase the amount by $540,000,000.

On page 19, line 25, increase the amount by $187,000,000.

On page 20, line 4, increase the amount by $203,000,000.

On page 20, line 8, increase the amount by $75,000,000.

On page 20, line 12, increase the amount by $75,000,000.

On page 21, line 24, increase the amount by $125,000,000.

On page 21, line 25, increase the amount by $46,000,000.

On page 22, line 4, increase the amount by $25,000,000.

On page 22, line 8, increase the amount by $18,000,000.

On page 22, line 12, increase the amount by $15,000,000.

On page 22, line 16, increase the amount by $13,000,000.

On page 24, line 24, increase the amount by $70,000,000.

On page 24, line 25, increase the amount by $7,000,000.

On page 25, line 4, increase the amount by $26,000,000.

On page 25, line 8, increase the amount by $22,000,000.

On page 25, line 12, increase the amount by $15,000,000.

On page 53, line 1, increase the amount by $1,000,000,000.

On page 53, line 2, increase the amount by $298,000,000.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate will resume consideration of H.J. Res. 47, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 47), increasing the statutory limit on the public debt.

Pending:

Baucus/Lincoln amendment No. 3131, to require a study of debt held by foreigners.

AMENDMENT NO. 3131

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3131.

Mr. BAUCUS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Biden

The amendment (No. 3131) was rejected.

Mr. GREGG. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent the next vote in this series be 10 minutes in length; further, that when the votes begin at 1:30, all votes after the first vote be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader.

SENATOR SARBANES 11,000TH VOTE

Mr. REID. Mr. President, we just completed a vote that is a landmark for one of our Senators. Senator PAUL SARBANES cast his 11,000th vote.

It was only a few days ago that we stopped the proceedings of the Senate to underline and underscore the voting record of the senior Senator from Vermont, Senator LEAHY.

Senator SARBANES has decided not to run for reelection, as we all know, but what a legacy he has in the Senate. There is no one with a better academic record than PAUL SARBANES: Princeton University, summa cum laude. Phi Beta Kappa; a Rhodes scholar; he studied, of course, because of that, at Oxford; Harvard Law School.

Those who have had the privilege of working with PAUL SARBANES know that not only does he have this great intellect, he has so much common sense. Legislation he works on is detailed, very thorough.

He, of course, is our ranking member of the Committee on Banking. I have traveled with the distinguished senior Senator from Maryland. We have traveled various parts of the world. I have fond memories of PAUL SARBANES and all the things he has done. His wife Chris is a wonderful, caring person, just like PAUL.

Even though I have a lot of stories, I share one with the Senate. One of the things people do not realize about Senator SARBANES is his athletic ability. He is a great athlete. I was told a story about Senator SARBANES that for me is a classic. I love baseball. I follow the history of baseball. In high school, he was a star baseball player. He was selected to play on an all-star team. He was a shortstop. He comes to the all-star team as the shortstop from the Eastern Shore. The manager coach announces the starting lineup and he has SARBANES at second base. PAUL went up to the coach and said, I am a shortstop. I was selected as an all-star shortstop. The coach ignored him. He went back again, and finally the coach said, Kaline is starting shortstop. Al Kaline was a better shortstop, at least the coach thought so, than PAUL SARBANES. Al Kaline went to the Major Leagues when he was 18 or 19 years old and is in the Baseball Hall of Fame.

I know we have a lot of things to do today. People are going to the White House. There are a lot of places to go and this is a very important bill, but I could not let the time go by without acknowledging one of the great Senators in the history of our country, Senator PAUL SARBANES of Maryland.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask to speak not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, one of the greatest orations ever uttered was the oration on the Crown. And it can be said that the theme of that oration was a question: Who least serves the State? Demosthenes answered that question: He who does not say what he thinks.

Socrates was asked which great oration of Demosthenes he liked best. Socrates answered, "The longest." In other words, he liked the longest oration Demosthenes ever uttered. The Greeks taught the world to think.

This man who is going to leave us after this term, regrettably, and to our great loss, has always impressed me as a thinker, one in the train of Demosthenes.

PAUL SARBANES is a great Senator, a great Senator.

I can remember when he went with me and other Senators to Panama. There we talked to Torrijos and the other leaders of Panama, including our own people. It was there that I changed my mind about the Panama Canal Treaty. PAUL SARBANES was one of those who was there, who walked with us, who talked with us, who was on plane with Torrijos.

PAUL SARBANES has not only been a thinker, he has been a great inspiration to those who have served with him. He will be missed. He will not be replaced. There are no more PAUL SARBANES. I shall never forget him. He leaves a great void when he goes.

One might say: Whence cometh another?

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, much is being said about my dear and esteemed colleague, Senator SARBANES. He has been the longest serving Senator in Maryland's history. And I would put to the Senate, he has been the best serving Member of the U.S. Senate from Maryland.

Sure, he cast 11,000 votes, but each and every one of our colleagues will know that when those 11,000 votes were cast, they were cast with thoughtfulness, with due diligence, with the idea of how would that vote serve the Nation and how would it help Maryland.

If we want to honor Senator PAUL SARBANES, let's make sure every vote we cast brings to it the same kind of integrity, the same kind of intelligence, and the same kind of devotion and dedication. That is what I would like to do as the junior Senator, and say thank you for being side by side with me.

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I know we want to proceed with our business, but if I could just be recognized for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I thank my colleagues for their very gracious remarks and all of my colleagues for their expressions of respect and affection.

My colleague, Senator MIKULSKI, said I was the longest serving Senator in Maryland's history. I want you to know, it is a little bit like being like Cal Ripken; every day you go to work, you set a new record—one more day than the day before.

It has been, obviously, one of the great focuses and joys of my life to be able to work here in the Senate with all my colleagues. I am extremely grateful to all of you.

I will just close with this story, because I am still here until the 3rd of January 2007. So there is still time to go.

But I once got an award. My mother was there at this dinner. This was a few years ago. And they asked her to speak as well. So she got up to speak, and she said how honored she was they had given this recognition to her son, and so forth, and how much she appreciated it. And then she closed her remarks by saying: He has been a good boy—so far.

I carry that comment with me.

Thank you all very much.

(Applause, Senators rising.)

The PRESIDING OFFICER. The assistant majority leader.

Mr. MCCONNELL. Mr. President, if I could just briefly say to our good friend from Maryland that Republican Senators, too, join in wishing him well on this extraordinary accomplishment. And if he would like to resign any time before January, that would be all right, too. But in the meantime, we are glad to have you around.

Congratulations, Senator SARBANES.

Mr. OBAMA. Mr. President, I rise today to talk about America's debt problem.

The fact that we are here today to debate raising America's debt limit is a sign of leadership failure. It is a sign that the U.S. Government can't pay its own bills. It is a sign that we now depend on ongoing financial assistance from foreign countries to finance our Government's reckless fiscal policies.

Over the past 5 years, our federal debt has increased by $3.5 trillion to $8.6 trillion. That is "trillion" with a "T." That is money that we have borrowed from the Social Security trust fund, borrowed from China and Japan, borrowed from American taxpayers. And over the next 5 years, between now and 2011, the President's budget will increase the debt by almost another $3.5 trillion.

Numbers that large are sometimes hard to understand. Some people may wonder why they matter. Here is why: This year, the Federal Government will spend $220 billion on interest. That is more money to pay interest on our national debt than we'll spend on Medicaid and the State Children's Health Insurance Program. That is more money to pay interest on our debt this year than we will spend on education, homeland security, transportation, and veterans benefits combined. It is more money in one year than we are likely to spend to rebuild the devastated gulf coast in a way that honors the best of America.

And the cost of our debt is one of the fastest growing expenses in the Federal budget. This rising debt is a hidden domestic enemy, robbing our cities and States of critical investments in infrastructure like bridges, ports, and levees; robbing our families and our children of critical investments in education and health care reform; robbing our seniors of the retirement and health security they have counted on.

Every dollar we pay in interest is a dollar that is not going to investment in America's priorities. Instead, interest payments are a significant tax on all Americans—a debt tax that Washington doesn't want to talk about. If

Washington were serious about honest tax relief in this country, we would see an effort to reduce our national debt by returning to responsible fiscal policies.

But we are not doing that. Despite repeated efforts by Senators CONRAD and FEINGOLD, the Senate continues to reject a return to the commonsense Pay-go rules that used to apply. Previously, Pay-go rules applied both to increases in mandatory spending and to tax cuts. The Senate had to abide by the commonsense budgeting principle of balancing expenses and revenues. Unfortunately, the principle was abandoned, and now the demands of budget discipline apply only to spending.

As a result, tax breaks have not been paid for by reductions in Federal spending, and thus the only way to pay for them has been to increase our deficit to historically high levels and borrow more and more money. Now we have to pay for those tax breaks plus the cost of borrowing for them. Instead of reducing the deficit, as some people claimed, the fiscal policies of this administration and its allies in Congress will add more than $600 million in debt for each of the next 5 years. That is why I will once again cosponsor the Pay-go amendment and continue to hope that my colleagues will return to a smart rule that has worked in the past and can work again.

Our debt also matters internationally. My friend, the ranking member of the Senate Budget Committee, likes to remind us that it took 42 Presidents 224 years to run up only $1 trillion of foreign-held debt. This administration did more than that in just 5 years. Now, there is nothing wrong with borrowing from foreign countries. But we must remember that the more we depend on foreign nations to lend us money, the more our economic security is tied to the whims of foreign leaders whose interests might not be aligned with ours.

Increasing America's debt weakens us domestically and internationally. Leadership means that "the buck stops here." Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. Americans deserve better.

I therefore intend to oppose the effort to increase America's debt limit.

Mr. GRASSLEY. Mr. President, I urge my colleagues to vote in favor of final passage.

Raising the debt limit is necessary to preserve the full faith and credit of the U.S. Government.

We cannot as a Congress pass spending bills and tax bills and then refuse to pay our bills.

Refusing to raise the debt limit is like refusing to pay your credit card bill—after you've used your credit card.

The time to control the deficits and debt is when we are voting on the spending bills and the tax bills that create it.

Raising the debt limit is about meeting the obligations we have already incurred.

We must meet our obligations. Vote for this bill.

Mr. COBURN. Mr. President, the spending process in the Congress is broken. Some will argue that now is not the time to debate spending reform or budget reform. They will say that now is not the time to have a debate about our country's spending priorities. They will argue that right now we need to just "pay our bills" for past transactions and discuss reforms some time in the future. Raising the debt limit, however, does not count as "paying the bills." We are not paying our bills.

Last fiscal year, the real Federal deficit—the amount by which the Federal debt increased—was $538 billion. When we raise the debt limit, we are not "paying our bills." We are merely taking out another line of credit—another loan—to allow for more spending that we can't afford. It is akin to a deeply indebted family getting a loan for a new car or getting a new credit card or line of credit without cutting up the old credit cards that got them in trouble in the first place.

According to the Congressional Budget Office, the Federal Government spent roughly $2.5 trillion during the last fiscal year. Let's look at that amount of spending another way. If the Federal Government spent $2.5 trillion last year, that means that on average, $6.8 billion was spent each day, or $78,418 was spent per second by the Federal Government.

I believe that it is absolutely necessary to have an open and honest debate about our spending priorities. We are getting ready to increase this country's debt limit to almost $9 trillion. Over the past 5 years, our national debt has increased by $3 trillion, or nearly $9,000 per American. That is a lot of money. In 1990, our total national debt was about $3 trillion. That means that it took our country more than 200 years to accumulate that amount of debt—200 years to increase our debt by $3 trillion. We just added that much new debt in only 5 years.

In 2001, the share of Federal debt per person in this country was a little over $20,000. That includes everyone—not just those in the workforce. According to the Office of Management and Budget and the Census Bureau, total Federal debt per American will rise to $29,000 per American by the end of 2006. That is an increase of $9,000 per man, woman, and child in this country since 2001. But a lot of people are quick to dismiss that figure. They will say that it doesn't matter, that we only need to worry about how debt and deficits compare to economic growth or to the size of the economy. I think a better rule of thumb is how Government growth compares to the growth of wages and earnings.

If regular Americans are tightening their belts, the Federal Government should do the same instead of engaging in yet another spending binge. Since 2001, total Federal debt per American has increased by $9,000. But over that same time period, the average wages of American workers have only increased by $4,200. Over the past 5 years, the growth of Federal debt per person has doubled the growth of average wages of American workers. What makes this situation even worse is that that $9,000 increase in debt per person is just going to get bigger and bigger because we are not doing anything to cut spending or prepare for the impending fiscal crisis that will result from the retirement of the baby boomer generation. Interest on that debt is just going to get larger.

Last year, interest costs—the costs of Federal debt that the Government must pay to those who buy U.S. Treasury bonds—were about 8 percent of the total Federal budget. In contrast, the average American spends roughly 5 percent of his or her income on credit card debt and car loans according to the Federal Reserve. The Federal Government spent close to $200 billion on interest costs alone last year. According to the Government Accountability Office, or GAO, interest costs will consume 25 percent of the entire Federal budget by 2035. Let's put that figure into perspective. Twenty-five percent of the Federal budget is a huge amount.

By way of comparison, the Department of Education's share of Federal spending in 2005 was approximately 3 percent of all Federal spending. The Department of Health and Human Services was responsible for approximately 23 percent of all Federal spending. Spending by the Social Security Administration was responsible for about 20 percent of all Federal spending. Spending on Medicare was about 12 percent of all Federal spending. Spending in 2005 by the Department of Defense—in the midst of two wars in Iraq and Afghanistan and a global war against terrorism—comprised about 19 percent of all Federal spending. Thus, if we do not change our current spending habits, GAO estimates that as a percentage of Federal spending, interest costs in 2035 will be larger than defense costs today, Social Security costs today, Medicare costs today, and education costs today.

No family in America would ever be able to manage its finances this way. No family would be able to build up insane amounts of debt, unilaterally increase all of its credit card limits with no ability to ever pay them off, and still be able to spend, spend, spend without any accountability. We have some very serious problems to address regarding spending priorities in this country.

According to the Congressional Research Service, Congress appropriated $64 billion in earmarks for 2006, the current fiscal year. That doesn't even include the earmarks from the highway bill that was passed in 2005. We are going to spend $64 billion on earmarks and pork projects across the country this year even though it is estimated that the real Federal deficit—including the money that is regularly stolen from Social Security—will again surpass half a trillion dollars.

Earmarks are a serious problem because they put parochial interests ahead of national priorities. They put the interests of the next election ahead of the interests of the next generation. Some, however, argue that earmarks are not really a problem because they comprise a small percent of the budget. They argue that entitlement spending is the problem and that we ought to address that problem instead of focusing on earmarks. These arguments completely miss the point.

If entitlements are the real problem and earmarks are not a problem, then why did entitlement savings passed in the last budget resolution for fiscal year 2006 only amount to $5 billion? If entitlements are the real problem, why did we spend 13 times more money on earmarks last year than we saved in entitlement programs? At that rate, we will solve our country's fiscal problems some time after never. The budget resolution we passed last year created entitlement savings of about $40 billion over the next 5 years. We spent more on earmarks in 1 single year than we saved from entitlement programs over 5 years. Over the past 3 years—since 2004—we have spent nearly $160 billion on earmarks and special interest pork projects according to the Congressional Research Service.

Since 1994, the number of individual earmarks has more than tripled, increasing from 4,126 in 1994 to 12,852 in fiscal year 2006. Of those 12,852 earmarks, over 95 percent were not even included in bill language. Instead, they were hidden within conference reports. Many never even saw the light of day until they were snuck into unamendable conference reports that were sure to be rammed through at the last minute. Earmarking is a very serious problem that needs to be addressed before we can get our fiscal house in order. However, there are also other spending issues that this body should address.

The issue of improper payments by the Federal Government is one that can and should be fixed. The subcommittee that I chair—the Subcommittee on Federal Financial Management—has examined this issue in depth. We have uncovered numerous examples of improper payments that waste taxpayer money and harm those who aren't receiving the assistance they need. An improper payment is basically a payment that was either made to the right person in the wrong amount or a payment that was given to the wrong person, regardless of the amount. Improper payments include payments that were too high and payments that were too low.

According to estimates by the Office of Management and Budget, improper payments last year totaled $37 billion. That figure is larger than last year's expenditures by the Departments of Commerce, Interior, State, and Environmental Protection Agency combined. The amount of improper payments just from last year could have completely funded four major Federal agencies. Improper payments are a very serious problem. For example, 28 percent of all payments within the earned income tax credit program are incorrectly made. Thus, for every dollar we spend in that program, 25 cents are completely wasted. Improper payments within the Social Security Administration totaled nearly $6 billion. And these figures don't even take into account the seven major programs with outlays totaling about $228 billion that are not yet even reporting their improper payments.

There are some who wish to make the issue of spending a partisan issue, but it is not a partisan issue. Members of both parties are guilty of putting short-term interests ahead of long-term priorities. Last week, Members of both parties voted to ignore Senate budget rules in order to spend an additional $1 billion that is not paid for on home-heating costs even though the month of January was the warmest on record and winter will be over in less than a week. Both parties appear to lack the political courage to make the hard choices to address our impending fiscal crisis. This issue has nothing to do with Republicans and nothing to do with Democrats—it has to do with what is best for the American public.

Mr. President, the spending process in this body is broken. Our priorities are completely out of whack. Earmarking and wasteful spending are out of control. It makes no sense to effectively max out our credit cards and ask for a higher credit limit when we have no intention and no ability to ever actually pay for our debts.

Mr. LEVIN. Mr. President, the outcome of today's vote on raising the debt ceiling to nearly $9 trillion is not in question, but our future economic security will be if we do not change from our current disastrous course. We will raise the debt limit today so that the United States does not default on its obligations, but we cannot for a second think that we have solved the problem or even moved in the right direction.

This will be the fourth time in 5 years that we have had to raise the amount the Government is allowed to borrow. This is a direct result of the fiscal irresponsibility of this administration. These policies have taken the Nation from 2 years of record surpluses just 6 years ago—when we were paying down our debt—to record deficits and debt. We are passing on a crippling burden to our children and grandchildren and threatening our economic security.

Since 2002, we have increased the debt limit by an astounding $3 trillion. And unless we make a significant change in our fiscal policies, there are additional increases in our future. The Congressional Budget Office forecasts that our gross Federal debt, which includes debt the Government owes to the public plus funds owed to Federal trust funds, including Social Security and Medicare, will climb from its current level of $8.3 trillion to $12.8 trillion by 2016. Even this extraordinary estimate does not include either the coming costs of military operations in Iraq or the substantial cost of fixing the alternative minimum tax, which if left unchanged will impose unintended tax increases on middle-income taxpayers, which most agree need to be changed.

The burden this massive debt puts on our children is staggering. Today, each American citizen's share of the debt is over $27,000, and it will rise to over $39,000 by 2016. Paying off this debt will require either extraordinary tax increases or significant cuts in critical areas such as defense or Social Security. Tragically, it will mean that an increasing number of taxpayer dollars will be spent not on moving America forward but simply on treading water by making interest payments to our creditors. Even under the CBO's conservative estimates, interest payments on the gross debt will rise from $352 billion in 2005 to $662 billion in 2016. That means over the next 10 years, we will spend an estimated $5.6 trillion on interest payments alone. Making these interest payments means fewer resources are available for our national priorities such as shoring up the Social Security and Medicare trust funds as the babyboom generation begins to retire.

Equally disturbing is what this rampant borrowing will mean for our economic security. As we go deeper into debt to foreign countries we are losing control of our own destiny. Over 90 percent of our newly issued debt is being purchased by foreigners. By the end of 2004, U.S. Treasury debt held by foreigners was close to $2.2 trillion, more than double the amount that was held at the beginning of this administration. This large amount of foreign debt leaves us vulnerable to the priorities of foreign creditors. If foreign investors, including countries, were to decide, for economic or political reasons, to stop financing our debt, the U.S. economy would be in for a severe shock.

Even without a catastrophic event, our unbridled foreign borrowing erodes our power by providing other countries with leverage during trade or other negotiations. We cannot delude ourselves into thinking we can maintain our position in the world if we can't even balance our checkbook.

We need to turn away from this administration's irresponsible fiscal policies. One of the best steps we could take would be to reinstate pay-as-you-go budget enforcement rules that require tax cuts and not just spending to be paid for. This approach worked during the 1990s to help bring about the first surpluses in a generation, and it can work again.

We should also revisit this administration's irresponsible and unfair tax cuts that have driven us so deeply into this deficit ditch. It is unconscionable that middle-class Americans will be paying for years for tax cuts that went primarily to the wealthiest among us. In fact, the top 5 percent of households in our country, whose average income is more than $250,000 a year, received almost half of the President's tax cuts.

Today's action to raise the debt limit will hopefully be a reality check on what Republican fiscal policies have wrought. We need to change course. We need to return to fiscal responsibility. And we need to start climbing out of this deficit ditch before we are buried in it.

Mr. BIDEN. Mr. President, I was necessarily absent this morning when we considered Senator BAUCUS's amendment to the debt limit increase. If I had been here, I would have supported the Baucus amendment.

The Baucus amendment is clearly needed. The massive scale of other nations' accumulation of our debt has added another level of danger and complexity to our international economic relations.

This is a two-way street. The tsunami of debt created by the policies of this administration has to go somewhere. China is one of the major purchasers of that debt. Japan, Great Britain, and others have major holdings, too. In the short term, that has soaked up a lot of our bonds, and helped to keep interest rates down. That is a good thing.

However, that has kept the Chinese currency artificially low, and ours artificially high. So they can sell their products at a discount, and our exports are more expensive. That is a bad thing.

Our trade deficit was a record $726 billion last year; $202 billion of that was our trade deficit with China alone.

But as the rest of the world copes with the waves of U.S. debt, we are now all in the same leaky boat. There is just so much of our debt other nations want to hold. The more of it they accumulate, the closer we are to the day when they will not want any more.

When that happens, slowly or rapidly, our interest rates will go up, the value of their U.S. bonds will drop, and we will all have big problems. We need both more awareness, and more understanding, of this fundamental threat to our economic well being and the global economy.

But the roots of that threat lie in the disastrous policies of this administration.

Because this massive accumulation of debt was predicted, because it was foreseeable, because it was unnecessary, because it was the result of willful and reckless disregard for the warnings that were given and for the fundamentals of economic management, I am voting against the debt limit increase.

In the 5 years he has been in office, President Bush has added more to our foreign debt that the 42 Presidents before him. It took 224 years to accumulate $1 trillion of debt to other nations. It took President Bush just 5 years to more than double it.

Over $3 trillion in debt, foreign debt and debt held by Americans, has been piled up by this administration.

When he set out on the course that brought us to this sorry state, the President was clearly and repeatedly warned that massive tax cuts would leave us vulnerable to natural disasters, economic slowdown, or threats to our national security. "Don't worry," the President told us. "I know what I am doing."

After 9/11, in the face of what he has himself called the moral equivalent of the World War II, or the Cold War, he insisted that while everything else had changed, he would not change his economic policies.

Facts had changed. His promise to balance the budget, his promise to pay down the debt, were proved to be false.

But he refused to take responsibility for his policies. He refused to admit that a changed world demanded a change of course. His refusal has pushed us deeper and deeper into the hole.

His refusal added $450 billion to the debt in 2002; it added $984 billion in 2003; it added $800 billion in 2004. And here we are again today, adding another $781 billion. With that addition, our national debt will be $8.6 trillion at the end of this year.

The President's budget plans will bring that number to $11.8 trillion at the end of the next 5 years.

This is a record of utter disregard for our Nation's financial future. It is a record of indifference to the price our children and grandchildren will pay to redeem our debt when it comes due.

History will not judge this record kindly.

My vote against the debt limit increase cannot change the fact that we have incurred this debt already, and will no doubt incur more. It is a statement that I refuse to be associated with the policies that brought us to this point.

Mr. DODD. Mr. President, the Bush administration seeks for the fourth time in 5 years to increase the indebtedness of the United States—this time by $781 billion. This body's consideration of that increase allows us a moment to take stock of the abysmal fiscal health of our country.

As a Washington Post editorial pointed out yesterday morning, this President solemnly pledged upon taking office to payoff $2 trillion in debt held by the public over the next decade. It is patently obvious that President Bush has not just failed but failed spectacularly to deliver on his pledge. He has managed to amass more debt than any President in history, with no end in sight.

By the end of this year, our gross Federal debt is expected to surpass $8.6 trillion, or nearly $28,000 for every man, woman, and child in America. This amount represents an increase of approximately $3 trillion since President Bush took office.

This dramatic runup in the debt has real costs for America's families—both today and for future generations. It puts upward pressure on interest rates for things like student loans, home mortgages, and automobile loans. It raises the cost of capital for business investment. Each of these, in everything but name, represents a tax increase on American families and businesses.

More directly, instead of investing in America's most important priorities—like education, health care, and homeland security—the taxpayers of today and tomorrow must spend more money paying off yesterday's debts. In the late 1990s, interest on the debt represented a declining share of our total budget. Today, that share has begun to rise once again, a trend that would continue under the budget put forward by the administration and the leadership in this body. For 2007 alone, taxpayers will spend $247 billion dollars on interest on the debt instead of American troops and veterans or American families and children.

Our leaders have to be candid with the American public about the sources of this unprecedented level of indebtedness.

The administration is not incurring these debts in order to invest in education. They are not supporting States and local communities struggling to meet their school funding needs out of property taxes.

The administration is not incurring these debts to improve our infrastructure. States, municipalities, and local communities are struggling desperately just to maintain the infrastructure they have—roads, bridges, ports. They are struggling to maintain a 20th century infrastructure, let alone build a 21st century one.

Certainly, the wars in Iraq and Afghanistan have had a cost. So have the terrorist attacks of September 11, 2001, and natural disasters. Though the President has been quick to blame factors like these, the truth is the tax policies of his administration have played a far greater role in creating the budget deficits accumulated on his watch.

Under those policies, this administration has spent close to $125 billion on tax benefits for the few most fortunate households in America—those 0.2 percent of individuals making more than $1 million per year—while doing little, if anything, for families in the middle and those working hard to get themselves in the middle.

In a time of war and fiscal and economic strain, this administration has delivered a tax windfall to the most fortunate. Never before has a President made this choice during a time of war.

Regrettably, this kind of shortsighted leadership has been rubberstamped repeatedly by the leaders of this Congress on the other side of the aisle.

I would have hoped, at a minimum, that we as a body could adopt measures to restore some semblance of fiscal sanity, such as pay-as-you-go budget procedures or a smaller debt limit increase. Unfortunately, neither of these common sense reforms was adopted. Indeed, the majority even rejected an amendment by the Senator from Montana to merely study the impact that foreign-held U.S. debt is having on our Nation's long-term well-being.

We cannot erase what has happened in the past, but we can demonstrate to the people of our country going forward that the Senate is willing to take commonsense steps to put our Nation back on firmer budgetary footing. That, regrettably, has not happened in the Senate today. However, many of us will continue the effort to place our nation's fiscal house on firmer ground.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Mr. BAUCUS. Mr. President, is there time to speak on the debt limit?

The PRESIDING OFFICER. There is not.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burr
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Burns
Byrd
Cantwell
Carper
Clinton
Coburn
Conrad
Dayton
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

The joint resolution (H.J. Res. 47) was passed.

Mr. McCONNELL. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

* * *

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2007—Continued

AMENDMENT NO. 3133

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. Con. Res. 83.

Under the previous order, the vote now occurs on the Conrad amendment No. 3133.

Mr. SANTORUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3133.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NOT VOTING—1

Voinovich

The amendment (No. 3133) was rejected.

VOTE ON AMENDMENT NO. 3114

The PRESIDING OFFICER. The question now is on agreeing to the Burr amendment No. 3114.

Mr. BURR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—99

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—1

Byrd

The amendment (No. 3114) was agreed to.

Mr. GREGG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. GRAHAM). The time until 1:30 p.m. shall be equally divided.

Mr. GREGG. Mr. President, at this point, we are going to begin the amending process again. The sequence on our side will be Senator CORNYN, Senator VITTER, then I understand we go to Senator STABENOW and Senator AKAKA.

Mr. CONRAD. Mr. President, on our side it is Senator STABENOW, Senator AKAKA, Senator LINCOLN. I should intercede, Senator VITTER will be paired with Senator LANDRIEU on an amendment for Louisiana.

Mr. GREGG. We will do Senator CORNYN and then Senator VITTER, and then I presume we will go to Senator STABENOW and then Senator AKAKA, then Senator COLLINS, then Senator LINCOLN; right?

Mr. CONRAD. Very well.

Mr. GREGG. I yield Senator CORNYN 5 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

AMENDMENT NO. 3100

Mr. CORNYN. Mr. President, I call up amendment No. 3100 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN], for himself, and Mr. GRAHAM, proposes an amendment numbered 3100.

Mr. CORNYN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for reconciliation instructions to the Committee on Finance to reduce mandatory spending)

On page 4, line 15, decrease the amount by $1,279,625,000.

On page 4, line 17, decrease the amount by $1,340,125,000.

On page 4, line 19, decrease the amount by $1,403,250,000.

On page 4, line 21, decrease the amount by $1,469,500,000.

On page 5, line 6, decrease the amount by $1,279,625,000.

On page 5, line 8, decrease the amount by $1,340,125,000.

On page 5, line 10, decrease the amount by $1,403,250,000.

On page 5, line 12, decrease the amount by $1,469,500,000.

On page 5, line 21, decrease the amount by $1,279,625,000.

On page 5, line 23, decrease the amount by $1,340,125,000.

On page 5, line 25, decrease the amount by $1,403,250,000.

On page 6, line 2, increase the amount by $1,469,500,000.

On page 6, line 10, decrease the amount by $1,279,625,000.

On page 6, line 12, decrease the amount by $2,619,750,000.

On page 6, line 14, decrease the amount by $4,023,000,000.

On page 6, line 16, decrease the amount by $5,492,500,000.

On page 6, line 24, decrease the amount by $1,279,625,000.

On page 7, line 2, decrease the amount by $2,619,750,000.

On page 7, line 4, decrease the amount by $4,023,000,000.

On page 7, line 6, decrease the amount by $5,492,500,000.

On page 21, line 3, decrease the amount by $1,250,000,000.

On page 21, line 4, decrease the amount by $1,250,000,000.

On page 21, line 7, decrease the amount by $1,250,000,000.

On page 21, line 8, decrease the amount by $1,250,000,000.

On page 21, line 11, decrease the amount by $1,250,000,000.

On page 21, line 12, decrease the amount by $1,250,000,000.

On page 21, line 15, decrease the amount by $1,250,000,000.

On page 21, line 16, decrease the amount by $1,250,000,000.

On page 27, line 3, decrease the amount by $29,625,000.

On page 27, line 4, decrease the amount by $29,625,000.

On page 27, line 7, decrease the amount by $90,125,000.

On page 27, line 8, decrease the amount by $90,125,000.

On page 27, line 11, decrease the amount by $153,250,000.

On page 27, line 12, decrease the amount by $153,250,000.

On page 27, line 15, decrease the amount by $219,500,000.

On page 27, line 16, decrease the amount by $219,500,000.

On page 29, strike lines 14 through 19, and insert the following:

(a) SPENDING RECONCILIATION INSTRUCTIONS.—In the Senate, by May 16, 2006, the committees named in this section shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce budget authority and outlays by $0 in fiscal year 2007, and $3,000,000,000 for the period of fiscal years 2007 through 2011.

(c) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce budget authority and outlays by $0 in fiscal year 2007 and $10,000,000,000 for the period of fiscal years 2007 through 2011.

Mr. CORNYN. Mr. President, I further ask unanimous consent that Senator GRAHAM of South Carolina be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, last year, Congress made some real progress in getting a handle on mandatory spending by passing the Deficit Reduction Act. The Deficit Reduction Act will reduce mandatory spending by nearly $100 billion over the next decade, and it is the first time Congress has taken a hard look at how to find savings and reduce the budget deficit on the mandatory spending side since 1997.

The Deficit Reduction Act is a good first step. My amendment builds on the savings of the Deficit Reduction Act. My amendment lowers the Federal budget deficit, lowers the Federal debt, and does not increase taxes on the American people.

Today, the Federal budget, as we all know, is heavily weighted in favor of mandatory spending—entitlement spending, so to speak. As people live longer and the baby boom generation retires, that spending will increase and eat up a larger and larger share of our budget.

Just in Medicare and Medicaid alone, in the last 5 years, we have seen a 22-percent increase in entitlement spending for those two programs. And if we don't do something in the next 30 years about entitlement spending, we won't have a dime of revenue to pay for other items that are important, such as defense, education, NIH research, and payments to health care providers to reimbursement under Medicare and Medicaid.

My amendment directs the Senate Finance Committee to find $10 billion in additional savings over the next 5 years. One proposal for the Finance Committee to consider under this amendment would be to repeal the stabilization fund included in the Medicare Modernization Act. Let me explain what that is.

This is essentially a bonus provision to preferred provider organizations—insurance companies, in other words—over and above the regular Medicare share to encourage them to participate in the Medicare Program. There simply is no reason to increase the Federal subsidy for these insurance companies over and above regular Medicare payments. We should eliminate that bonus and use that money, which is not necessary, to pay down the debt by $7 billion.

There are other good areas I believe for the Finance Committee to find the $10 billion this amendment would require. The problem is this: If we don't do something about the autopilot our budget is on when it comes to the mandatory side of spending, we have only ourselves to blame because no one is at the wheel, and I am afraid the plane will crash all too soon. We are feeling the squeeze already. The appropriators, I know, are trying to squeeze more and more out of the discretionary spending portion of the budget because as the mandatory and entitlement side rose, there was less and less flexibility for spending on important programs that represent America's priorities under the discretionary portion of the budget.

So I encourage my colleagues to support this amendment. It is one that can be done without detracting from current Medicare spending, but eliminates this bonus provision, this additional cash or Federal subsidy that is provided for under the law that could be saved and be put to more constructive use, showing that we are serious about fiscal responsibility and paying down the debt.

I yield back the remaining time.

Mr. GREGG. Mr. President, I rise to support this amendment. I think it is an excellent idea and hopefully it will be successful. Stabilization money is certainly available. It is walking-around money. We don't need to have it sitting there, and we should use it for reducing the deficit.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is a difficult matter for this Senator because I have proposed many times to my colleagues doing away with the stabilization fund. So this amendment puts me in a quandary to the extent that if we can assure that with this amendment we would eliminate the stabilization fund, I would be with the Senator.

The problem we face here is, No. 1, the stabilization fund is $6.2 billion, it is not $10 billion. No. 2, because of the way the budget resolution works, we cannot direct the Finance Committee on how to make the reduction. I wish we could, but we cannot.

What we would be doing, in effect, by the Senator's amendment is telling the Finance Committee to cut $10 billion out of Medicare. They could do that in any number of ways without affecting the stabilization fund at all. In fact, colleagues may recall last year the Senate told the Finance Committee to take out the stabilization fund. I call it the slush fund. I think it is an absolute waste of money. I absolutely agree with the Senator on that point. But we all know at the end of the process, the stabilization fund was left intact because the way the budget process works, we give an instruction about how much finances to cut, but we cannot tell them how to do it.

So I want my colleagues to know that is the circumstance we face with this amendment. I thank the Senator for the good faith of his amendment.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Louisiana.

AMENDMENT NO. 3025

Mr. VITTER. Mr. President, I rise in support of my filed amendment No. 3025. I will not formally call it up because some revisions to it are still being worked on in conjunction with my colleague from Louisiana, Senator LANDRIEU, and many other leaders in the Senate. But I will speak on this very important topic, and it has to do with meeting in a positive and responsible way our ongoing needs throughout all the coastal areas—not just Louisiana—for hurricane protection and other coastal needs.

Obviously, we have faced many challenges since Hurricanes Katrina and Rita. This is a responsible way to help meet those needs and to help future coastal needs of all coastal States and to do it in a way that we can afford and that we can build into the budget. Rather than having to come back here every 2 months, every 3 months for additional appropriations, wouldn't it be far better to have a stable revenue source that can help us meet these needs directly? The biggest part of that stable revenue source is royalty share, getting our fair share of what we produce off our coasts in terms of offshore oil and gas.

This amendment is a first vital step in that direction because it would look to excess revenue, not anything built into the budget right now, but excess revenue in three areas to use for those vital purposes, not just for Louisiana but for coastal needs and coastal States in general.

What are these three areas I am talking about? The first would be offshore energy production, future revenues that aren't built into the budget now. The second would be the Federal share of ANWR energy production, should we pass that and say yes to that in the near future. Of course, ANWR is the Alaska National Wildlife Refuge. The third would be DTV revenue that comes in above the current projections for those spectrum auctions.

Again, this is a vital first step that can get us on this path to self-sufficiency, to taking care of these crucial needs without constantly having to come here and look for direct Federal appropriations. We continue to work to perfect this amendment No. 3025 so it can gain support.

AMENDMENT NO. 3078

I formally call up amendment No. 3078, which is a separate amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3078.

Mr. VITTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund to prevent catastrophic loss)

On page 43, between lines 22 and 23, insert the following:

SEC. 313. RESERVE FUND TO PREVENT CATASTROPHIC LOSS.

If—

(1) the Committee on Environment and Public Works of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that increases investment in measures designed to prevent catastrophic flood and hurricane damage in coastal areas such that—

(A) the measures, when completed, will likely decrease future expenditures from the Disaster Relief Fund;

(B) the increases do not exceed $10,000,000,000; and

(C) the measures are certified by the President as likely to prevent loss of life and property; and

(2) that Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a));

the Chairperson of the Committee on Budget of the Senate may make the appropriate adjustments in the allocations and aggregates to the extent that such legislation would not increase the deficit for the fiscal year 2007 and for the period of fiscal years 2007 through 2011.

Mr. VITTER. Mr. President, very quickly, this is a separate amendment that would give us flexibility in the context of the budget to account for future levy and hurricane protection projects should the Environment and Public Works Committee pass out a bill that authorizes these important projects. It builds flexibility into the budget through a reserve fund without busting the budget, without doing any harm to the budget numbers and the overall caps. I look forward to my colleagues' support of this flexibility.

I yield the remainder of my time.

Mr. CONRAD. Mr. President, I thank the two Senators from Louisiana, especially Senator LANDRIEU, for working with her colleague Senator VITTER on this important amendment for their home State that has obviously been so badly damaged by Hurricane Katrina. I thank Senator LANDRIEU and Senator VITTER for working together in a bipartisan way to begin to rebuild additional resources as their State has been so hard hit.

I yield 5 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator. He and the Senator from New Hampshire have done a fine job leading us through this budget. It is a tough instrument, of course, to negotiate.

Senator VITTER and I are pleased to come to the floor to speak about three particular amendments that will be offered later in the day. One that will be discussed in more detail is a small business amendment. He and I serve together on the Small Business Committee. It has become apparent to us there are many issues regarding the slowness in which the applications our small businesses are putting in but not getting their due checks based on the current law fast enough to get them reestablished. So we will be offering an amendment on a small business issue which I will be cosponsoring with him later.

These two issues we are speaking about this morning on levees are an authorization for an additional $10 billion through the committee Senator VITTER serves on to try to get the authorization levels up. Mr. President, as you know, because you just visited our great State, any number of levy projects throughout all of south Louisiana, from southwest to southeast, from the metropolitan area of New Orleans to the metropolitan area of Thibodaux, Houma, Lake Charles, and rural areas of Cameron and Vermilion Parish, all are short of the levy systems they need to protect themselves and are short of money to our coastal restoration efforts that serve as the first barrier against storms such as Rita and Katrina.

So the second amendment I hope our colleagues will consider is a $10 billion authorization increase in one of the committees Senator VITTER serves on, EPW. A critical third amendment we will discuss later when the details are worked out is a gulf coast recovery fund. That fund will take some additional revenues flowing into the Treasury from additional offshore oil and gas revenues, not specified to any particular place in the gulf, but of course the ANWR revenues and some others that may be coming in if this resolution passes, to support direct funding, coastal impact assistance to the Gulf Coast States: Texas, Mississippi, Alabama, and Louisiana. The Gulf Coast States that serve as America's only energy coast have been devastated by these two storms. Some smart investments now will save us billions of dollars down the road.

Of course, we say from Louisiana and the gulf coast, if it weren't for our Gulf Coast States, we wouldn't even be able to access the great mineral revenues off our shores, right off the southern shore of the United States. So I am pleased to join with my colleague and work through the better part of today on these three amendments.

Then at an additional time later on, with the leadership's go-ahead, we will also hopefully be discussing a defense amendment very important to the Barksdale Air Force Base in Shreveport.

I thank my colleagues for their generosity, and I yield back the remainder of my time.

Mr. CONRAD. Mr. President, I very much thank the Senator.

I see the Senator from Michigan is on the floor. Would the Senator from Michigan be prepared to present her amendment?

Ms. STABENOW. Yes.

Mr. CONRAD. I yield 3 minutes—is that sufficient time?

Ms. STABENOW. Yes.

Mr. CONRAD. I yield 3 minutes to the Senator from Michigan, and then next on our side will be Senator AKAKA, and then I think Senator COLLINS is in line, and then Senator LINCOLN.

Senator STABENOW.

The PRESIDING OFFICER. The Senator is recognized.

Ms. STABENOW. Thank you, Senator CONRAD. Again, thank you for your leadership on the Budget Committee.

Mr. CONRAD. Mr. President, will the Senator yield?

Ms. STABENOW. Yes.

Mr. CONRAD. Mr. President, if it is agreeable to the chairman, I have a report I am supposed to do at the luncheon that is going on. If I could give the time at this point to people, would that be appropriate?

Mr. GREGG. I would suggest that we reach a unanimous consent agreement that on the list you identified, everybody be granted 5 minutes.

Mr. CONRAD. Could we do 4 minutes? Because we have a bit of a time constraint, could we do 4 minutes?

Ms. STABENOW. If I might ask, are we asking for 2 minutes per side?

Mr. CONRAD. No. It would be 4 minutes for each of the Senators.

Mr. GREGG. And that will come off your time when the Democratic Members make offers, and when we make offers, it will come off of our time.

Mr. CONRAD. Very well.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3141

Ms. STABENOW. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 3141.

Ms. STABENOW. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an assured stream of funding for veteran's health care that will take into account the annual changes in the veterans' population and inflation to be paid for by restoring the pre-2001 top rate for income over $1 million, closing corporate tax loopholes and delaying tax cuts for the wealthy)

On page 3, line 13, increase the amount by $6,900,000,000.

On page 3, line 15, increase the amount by $16,500,000,000.

On page 3, line 17, increase the amount by $22,200,000,000.

On page 3, line 19, increase the amount by $27,000,000,000.

On page 3, line 21, increase the amount by $31,600,000,000.

On page 4, line 1, increase the amount by $6,900,000,000.

On page 4, line 2, increase the amount by $16,500,000,000.

On page 4, line 3, increase the amount by $22,200,000,000.

On page 4, line 4, increase the amount by $27,000,000,000.

On page 4, line 6, increase the amount by $31,600,000,000.

On page 4, line 13, increase the amount by $6,900,000,000.

On page 4, line 15, increase the amount by $16,500,000,000.

On page 4, line 17, increase the amount by $22,200,000,000.

On page 4, line 19, increase the amount by $27,000,000,000.

On page 4, line 21, increase the amount by $31,600,000,000.

On page 5, line 4, increase the amount by $6,900,000,000.

On page 5, line 6, increase the amount by $16,500,000,000.

On page 5, line 8, increase the amount by $22,200,000,000.

On page 5, line 10, increase the amount by $27,000,000,000.

On page 5, line 12, increase the amount by $31,600,000,000.

On page 23, line 24, increase the amount by $6,900,000,000.

On page 23, line 25, increase the amount by $6,900,000,000.

On page 24, line 3, increase the amount by $16,500,000,000.

On page 24, line 4, increase the amount by $16,500,000,000.

On page 24, line 7, increase the amount by $22,200,000,000.

On page 24, line 8, increase the amount by $22,200,000,000.

On page 24, line 11, increase the amount by $27,000,000,000.

On page 24, line 12, increase the amount by $27,000,000,000.

On page 24, line 15, increase the amount by $31,600,000,000.

On page 24, line 16, increase the amount by $31,600,000,000.

Ms. STABENOW. Mr. President, I rise today to offer an amendment to make veterans health care funding assured and mandatory.

Real security means supporting our troops abroad and making sure they have the body armor and the equipment they need, but it also means supporting them when they come home. It means giving our current and our future veterans the health care they need and deserve.

The amendment I am offering today provides full funding for veterans medical care to ensure that the VA has the resources necessary to provide quality health care in a timely manner to our Nation's sick and disabled veterans.

The problem we face today is that resources for veterans health care are falling behind demand, and we know this because every year we are trying to address the shortfall.

In 1993, there were about 2.5 million veterans in the VA health care system. Today there are more than 7 million veterans enrolled in the system, over half of whom receive care on a regular basis.

Despite the 160-percent increase in patients over the last decade, the VA has received an average of only a 5-percent increase in appropriations during this administration. Some of my colleagues will say this amendment isn't necessary because there have been funding increases over the last several years. They also say we do not need to create another entitlement program. Over the last 2 years, we have seen a 500-percent increase in the number of veterans seeking care from the VA who have been serving in Iraq and serving in Afghanistan. But the administration's budget projects that the VA will treat 109,191 veterans next year, and this falls over 35,000 veterans short of the number of Iraq and Afghanistan veterans the VA currently treats. So we see a 500-percent increase in the number of veterans coming home after serving us bravely in Iraq and Afghanistan, and yet their budget assumes that there are 35,000 fewer—fewer than last year—fewer Iraq and Afghanistan veterans we are going to treat next year. These numbers do not make sense.

Last year's budget is also a case study on why we need to have assured funding for VA health care. In total, Congress provided an additional $3 billion for veterans health care because the administration grossly miscalculated the need for veterans health care.

We need to finally move this into a category where every year those veterans coming home who need health care will know that the dollars are there based on their eligibility, based on their service, based on their need—not based on a debate on the floor in the Congress about how much we are willing to spend to address their health care needs. This should not be a year-to-year debate and commitment; this should be an assured commitment that the dollars will be there. Just as they are for Medicare, for Medicaid, our veterans ought to know that every year, their funding for critical health care services will be assured.

Today's soldiers are tomorrow's veterans. America has made a promise to these brave men and women to provide them with the care they need—not based on a debate on how much we want to spend or calculations year to year on the numbers that folks think may or may not seek care. This ought to be about making sure that every one of our brave men and women coming home, whether it is from the current wars or whether it is our World War II vets or any other war or conflict in which our soldiers have been serving—when they need health care as veterans, we will fulfill our promises to make sure it is there for them.

I urge my colleagues to support this very important amendment, supported by all of the major veterans organizations in this country. It is time to get this done and get it done right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 3071

Mr. AKAKA. Mr. President, I ask that the pending amendment be set aside, and I call up my amendment, No. 3071, and ask for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Mrs. CLINTON, Mr. KENNEDY, Mr. BINGAMAN, Mr. MENENDEZ, Mr. KERRY, Mr. LIEBERMAN, Mr. DODD, Ms. CANTWELL, Mr. SCHUMER, Ms. LANDRIEU, Ms. MIKULSKI, Mr. SALAZAR, Mrs. LINCOLN, Mr. DURBIN, and Mr. KOHL, proposes an amendment numbered 3071.

Mr. AKAKA. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for Title I grants and reduce debt by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $180,000,000.

On page 3, line 15, increase the amount by $4,860,000,000.

On page 3, line 17, increase the amount by $840,000,000.

On page 3, line 19, increase the amount by $120,000,000.

On page 4, line 1, increase the amount by $180,000,000.

On page 4, line 2, increase the amount by $4,860,000,000.

On page 4, line 3, increase the amount by $840,000,000.

On page 4, line 4, increase the amount by $120,000,000.

On page 4, line 13, increase the amount by $3,000,000,000.

On page 5, line 4, increase the amount by $90,000,000.

On page 5, line 6, increase the amount by $2,430,000,000.

On page 5, line 8, increase the amount by $420,000,000.

On page 5, line 10, increase the amount by $60,000,000.

On page 5, line 19, increase the amount by $90,000,000.

On page 5, line 21, increase the amount by $2,430,000,000.

On page 5, line 23, increase the amount by $420,000,000.

On page 5, line 25, increase the amount by $60,000,000.

On page 6, line 8, decrease the amount by $90,000,000.

On page 6, line 10, decrease the amount by $2,520,000,000.

On page 6, line 12, decrease the amount by $2,940,000,000.

On page 6, line 14, decrease the amount by $3,000,000,000.

On page 6, line 16, decrease the amount by $3,000,000,000.

On page 6, line 22, decrease the amount by $90,000,000.

On page 6, line 24, decrease the amount by $2,520,000,000.

On page 7, line 2, decrease the amount by $2,940,000,000.

On page 7, line 4, decrease the amount by $3,000,000,000.

On page 7, line 6, decrease the amount by $3,000,000,000.

On page 18, line 24, increase the amount by $3,000,000,000.

On page 18, line 25, increase the amount by $90,000,000.

On page 19, line 4, increase the amount by $2,430,000,000.

On page 19, line 8, increase the amount by $420,000,000.

On page 19, line 12, increase the amount by $60,000,000.

On page 53, line 1, increase the amount by $3,000,000,000.

On page 53, line 2, increase the amount by $90,000,000.

Mr. AKAKA. Mr. President, I thank the managers of this bill for accommodating this amendment. I am very grateful.

I rise with Senators CLINTON, KENNEDY, BINGAMAN, DODD, MENENDEZ, KERRY, LIEBERMAN, CANTWELL, SCHUMER, LANDRIEU, MIKULSKI, SALAZAR, LINCOLN, DURBIN, and KOHL to offer an amendment to the FY 2007 Budget Resolution to restore Title I funding within the No Child Left Behind Act. Certainly, NCLB has come under fire as schools across the country struggle to comply with its requirements, particularly for higher student test scores and teacher qualifications. My colleagues and I have gone on record several times about what we need to do to change the NCLB, to respond to the urgent concerns and needs in all of our communities, including those in my state of Hawaii.

However, today, we are not talking about deficiencies in the Act, but a shortfall in its funding, and about misplaced budget priorities. This budget resolution is similar to the President's budget in its stated priorities. It has debt-financed tax cuts that largely benefit the well-off and special interests. It presents a five year plan, which does not recognize the significant negative impact on revenues that tax cuts will have beyond the next five years. It proposes $14 billion in net mandatory spending cuts. It also omits war costs beyond 2007. We somewhat improved the measure by increasing veterans and defense funding, even if I do not fully agree with the budget gimmick that was used to offset these increases.

However, if we pass this budget as is, we fail our students and teachers once again by underfunding education. The President's FY 2007 budget proposed the largest cut to federal education funding in the Education Department's 26-year history, a $2.1 billion reduction. As approved by the Budget Committee, the budget resolution did not do much better, including the same total amount for discretionary spending, with no guarantee that education would be increased. We must not underfund an area that represents the future of this country. As we debate the need to remain competitive in the world, and worry about other countries overtaking us in producing scientists, engineers, and professionals in other areas important to our industries and national security, we cannot let education take the hit.

The Title I funding shortfall, the amount below authorized levels, is $12.3 billion for FY 2007. This increases the cumulative Title I shortfall since

NCLB's enactment to $43.7 billion. Actual funding has barely increased since 2002, which continued to grow the gap between authorized and actual funding. The rightful amount in FY 2007 for Title I, as authorized, should be $25 billion. This budget resolution puts the amount at $12.7 billion.

Mr. President, we are being realistic with our amendment, given our current budgetary climate. We are asking for a modest, responsible increase of almost $3 billion, which is what the President's initial budget requests sought to do. Let me underscore that point—our amendment would do what the President said he wanted to do in previous years, which is to secure an additional $4 billion in funding—$1 billion annually—since FY 2004. Actual increases since then add up to just over $1 billion. In addition, the amendment is fully offset by closing abusive corporate tax loopholes.

If we don't pass our amendment, Mr. President, 3.7 million students will not be served by the Title I program. A total of 29 states stand to lose Title I funding, according to the Department of Education, including Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, Oklahoma, Pennsylvania, Texas, Utah, Virginia, Washington, and Wisconsin.

Another 7 states will be level-funded, including Alaska, Delaware, New Hampshire, North Dakota, South Dakota, Vermont, and Wyoming.

The remaining states that gain overall funding will still have many districts—maybe even a majority of those districts—lose funding. In addition, we must not forget history—even if states would gain this year, they likely lost in a previous year. My state of Hawaii is in this last category, for example, having received $47.5 million in FY 2005, and more than a million dollars less in FY 2006 including across-the-board cuts, at about $46.4 million.

To extend this last point further, many states will have cuts a second year in a row, and some would be cut for four or even five years in a row. Twenty-nine states will receive less Title I money than they did two years ago in FY 2005: Alaska, Arkansas, California, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Fifteen states will receive less Title I money than they did three years ago in FY 2004: California, Connecticut, Iowa, Kansas, Maine, Massachusetts, Montana, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Wisconsin, and Wyoming.

Nine states will receive less Title I money than they did 4 years ago in FY 2003: Connecticut, Kansas, Maine, Massachusetts, Minnesota, Missouri, Montana, New Jersey, and North Dakota.

Three states will receive less Title I money than they did 5 years ago in FY 2002, which is less than they got before NCLB: Connecticut, Massachusetts, Minnesota.

The District of Columbia will receive less money than it did in FY 2004 or FY 2005.

The Northern Mariana Islands will receive less Title I money in FY 2007 than it had received in any of the years since the NCLB's enactment.

Let me remind my colleagues who we are hurting by failing to adequately fund Title I. This comprehensive education program focuses help on disadvantaged children—those from lower-income families. Title I helps these students meet state and local academic standards, with scientifically-proven instructional support, in basic subjects such as reading, language arts, and mathematics. Title I provides support through guidance, health, nutrition, and social services. It also provides resources for comprehensive school-wide planning, professional development, curriculum development, parental involvement, and acquisition of instructional materials and equipment. Now some may say that federal assistance does not help all schools, only Title I schools, but that is not true—the statewide accountability system required under Title I applies to all public schools. So this program, this central piece of the NCLB, works to meet urgent needs in all of public education.

Students, school faculty and staff, parents, and education administrators have been trying, mightily in some cases, to meet the challenges posed by NCLB and raise student academic achievement. We need to do this—to ensure that our citizens have the knowledge and skills they need to succeed when they leave school and enter the workforce or other pursuits. However, this is very difficult to do if they lack adequate funding.

I can give you concrete examples of how our schools are suffering that I just heard of this week, when I met with a representative of Hawaii's PTSA, our affiliate of national PTA. Some students in Hawaii are having bread and water for lunch. Why? Because the schools don't have enough resources to ensure that parents know how to apply for reduced and free lunch. Parents who have raised funds to install air conditioners in hot classrooms, to allow students and teachers to concentrate on learning, cannot do so because the education system cannot afford the additional electricity costs. Students are not receiving extra help through tutoring in reading and math because funds are needed for other services that are deemed essential. Hawaii's schools are suffering because they need a greater infusion of resources, and we need to help them from the federal level, as we said we would when we approved the NCLB.

Our schools will continue working to serve our kids and achieving the biggest bang for the buck, which is what education has been forced to do all along. I know this to my core, because I know what it's like to be in the shoes of those in education. I spent nearly two decades in education. I taught in several of Hawaii's elementary, middle, and high schools. Public and private. In the classroom, in music rooms, and in labs. In administration—as a vice principal and a principal. As a representative of Hawaii's principals to a national organization. And as a statewide administrator for the Hawaii Department of Education for the Model Cities program. I know what it's like to stretch the education dollar. However, we must stop being behind the curve with education funding.

Education funding must be a given, not just a goal. Our Title I amendment goes partway toward making that happen, and I urge my colleagues to support it.

The American Federation of Teachers, National Education Association, Council of State School Officers, and other education organizations support this increase for Title I. I ask unanimous consent that letters of support from the AFT and NEA be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF TEACHERS,
Washington, DC, March 15, 2006.

Office of the Hon. DANIEL K. AKAKA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the more than 1.3 million members of the American Federation of Teachers (AFT), I am writing in support of your Title I amendment to the fiscal year (FY) 2007 budget resolution.

Knowing that the goals of the No Child Left Behind Act (NCLB) could only be achieved with accountability and dedicated resources, Congress set a funding authorization for the program each year.

In the three years following NCLB's passage, K–12 education programs received average annual increases of $5 billion. However, this steady growth has stalled, as witnessed in the past two appropriations bills (FY 2005 and FY 06). Currently, the gap between authorized and appropriated funds for Title I from FY 02 through FY 06 is $40.3 billion. In addition, the president's budget provides no increase this year for Title I. Given inflation, this would amount to a cut in many districts. It would have a devastating effect on schools that educate large numbers of poor and minority students.

It would also exacerbate a problem that has occurred over the past few years as a result of chronic underfunding. The U.S. Education Department projects that 29 states will lose Title I funding and seven states will be level-funded in FY 07 if the president's budget request is enacted. The remaining states, those that gain funding overall, will see many of their individual school districts—possibly most of them—lose funding. Also, any gains will not make up for funding shortfalls since NCLB's enactment.

Your amendment seeks a relatively modest increase to help us move a step closer toward fully funding Title I. President Bush has acknowledged the need to increase Title I funding by $1 billion in FY 2004 and FY 2005, although actual increases over the past four years have amounted to much less.

At a time when schools and teachers are working hard to meet the requirements of NCLB, this amendment will be a boost for students, teachers, and school districts nationwide. Ensuring that all children have highly qualified teachers and that struggling schools have the tools to improve can't be done on the cheap. Research indicates that recruiting highly qualified teachers for hard-to-staff schools requires improving the physical plant, providing up-to-date textbooks and other learning resources, implementing proven curricula, attracting and retaining exemplary administrative staff and providing professional development and financial resources for teachers.

The AFT applauds you and your colleagues for making education a top priority in this budget. Securing these resources for the upcoming school year is critical to our collective efforts to support and improve our nation's public schools.

Sincerely,

KRISTOR W. COWAN,
Director, Legislation Department.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, March 16, 2006.

U.S. SENATE,
Washington, DC

DEAR SENATOR: On behalf of the National Education Association's (NEA) 2.8 million members, we would like to express our support for an amendment to be offered by Senator Akaka (D-HI) to the proposed fy07 budget resolution that would allow for an increase of $3 billion for Title I. This amendment would build on the important foundation offered by the just-passed Specter-Harkin amendment, which would replenish key education and health programs recently cut.

The Administration has called Title I the cornerstone of No Child Left Behind. The program provides invaluable funds to help close achievement gaps and maximize student learning. It funds supplemental programs to enable educationally disadvantaged students, particularly those attending schools in high-poverty areas, to meet challenging academic standards. It also pays the salaries of teachers and paraprofessionals, funds pre-K, after-school, and summer school programs, and provides for professional development for teachers and paraprofessionals.

Unfortunately, Title I continues to be significantly underfunded, denying too many eligible students the full services they need to succeed. The budget proposal before the Senate would shortchange Title I by $12.3 billion below the amount authorized in the No Child Left Behind Act. If enacted as proposed, the budget will reduce Title I funding for 29 states and will flat-fund seven additional states. As a result, the budget would deny essential Title I services to some 3.7 million children.

The Akaka amendment would allow for a relatively modest $3 billion increase for Title I, offset by closing abusive corporate tax loopholes. In so doing, it would allow for an important step in the right direction for this critical program.

Again, we urge your support for this important amendment.

Sincerely,

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager of Federal Policy and Politics.

Mr. AKAKA. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. AKAKA. Mr. President, I yield my time.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 3066

Ms. COLLINS. Mr. President, I call up amendment No. 3066, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Mr. LIEBERMAN, Mr. DEWINE, Ms. SNOWE, Mr. KENNEDY, and Mr. MENENDEZ, proposes an amendment numbered 3066.

Ms. COLLINS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that first responder and state and local government grant programs key to our Nation's homeland security are funded at no less than FY 2006 levels and to provide increases for port security, first responder programs, rail/transit security, and National Response Plan Training, offset by discretionary spending reductions)

On page 16, line 21, increase the amount by $4,000,000.

On page 16, line 22, increase the amount by $3,000,000.

On page 17, line 1, increase the amount by $1,000,000.

On page 17, line 22, increase the amount by $488,000,000.

On page 17, line 23, increase the amount by $164,000,000.

On page 18, line 3, increase the amount by $227,000,000.

On page 18, line 7, increase the amount by $75,000,000.

On page 18, line 11, increase the amount by $22,000,000.

On page 24, line 24, increase the amount by $494,000,000.

On page 24, line 25, increase the amount by $171,000,000.

On page 25, line 4, increase the amount by $158,000,000.

On page 25, line 8, increase the amount by $146,000,000.

On page 25, line 12, increase the amount by $19,000,000.

On page 27, line 23, decrease the amount by $986,000,000.

On page 27, line 24, decrease the amount by $338,000,000.

On page 28, line 2, decrease the amount by $386,000,000.

On page 28, line 5, decrease the amount by $221,000,000.

On page 28, line 8, decrease the amount by $41,000,000.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment, which is cosponsored by my colleague from Connecticut, Senator LIEBERMAN—we would like to add as additional cosponsors Senators DEWINE, SNOWE, KENNEDY, and MENENDEZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I rise today to speak on behalf of an amendment offered by Senator COLLINS and myself to the Fiscal Year 2007 budget resolution to strengthen our homeland security efforts—particularly the ability of first responders to prevent, prepare for, respond to, and recover from terrorist attacks or catastrophic natural disasters.

I have also filed an amendment that would increase the President's Government-wide homeland security budget by $8 billion—an amount still far below what the experts tell us we need to be as safe as we should be. I think the Nation would be best served by a healthier investment in homeland security, but I am happy to join with Senator COLLINS to offer this smaller $986 million proposal as a way to ensure support for first responders; rail, transit, port and cargo security, Coast Guard research and development, and assorted other programs.

September 11, 2001, changed our lives forever. We face new and dangerous threats from our enemies that we must be prepared to deal with. Furthermore, the Federal response to Hurricane Katrina proved beyond a shadow of a doubt that we are still a Nation unprepared for catastrophe. Yet, the Bush administration seems to have turned its back on the lessons of September 11, 2001, and of August 29, 2005, the day Hurricane Katrina made landfall. And this budget resolution, which largely reflects the President's budget proposal, does nothing to indicate otherwise.

We know our first responders lack the training, equipment, and frequently the manpower they need to do their jobs. Most don't even have the basic capability to communicate with one another across jurisdictional and service lines, and Hurricane Katrina demonstrated that sometimes during a major catastrophe they can't communicate at all.

Yet, the President's fiscal year 2007 budget proposal eliminates a number of first responder programs and cuts others, leaving those on the frontlines of the war against terror or on the frontlines of a hurricane, struggling to make due with less. Our amendment would add $860 million to restore and expand first responder programs.

We would restore $400 million for the Law Enforcement Terrorist Prevention Program, which the administration would totally eliminate; $251 million for the FIRE grants, which provide training and equipment to firefighters; $110 million to restore the SAFER Act, which helps recruit, hire and train local firefighters and which the administration would eliminate; $30 million for the Metropolitan Medical Response System which helps prepare local health officials for mass casualties; and $15 million for emergency preparedness grants. We would also add $67 million to the primary homeland security grants for States.

After first responders, port security would get the second highest amount of funding under our amendment—for a total of $427 million for port security. Perhaps one of the unintended consequences of the Dubai Ports World fracas was that it underscored the need for better port security. Ninety-five percent of all our trade flows through our ports, and a terrorist event at one could cause economic havoc. Security experts have also warned that WMD would most likely be smuggled into the country in a shipping container.

Our amendment would commit to strengthening port security by reallocating funding for the Targeted Infrastructure Protection Program to ensure a dedicated $300 million for port security grants. Another $2 million would be set aside to audit the grants to ensure the money is being used properly and efficiently.

Furthermore, we would provide $20 million for additional staff for the C-TPAT program—which permits expedited shipping for known companies that increase their shipping security. Currently, there are just 80 people responsible for overseeing 10,000 applications to the program. We would include $105 million for cutting-edge imaging inspection equipment for better cargo security and $4 million the administration cut from the Coast Guard's R&D program.

Because we know our rail and transit system is wide open, vulnerable, and appealing to terrorists, and because the President's budget eliminates rail and transit grants, we would dedicate $200 million specifically for rail and transit security grants, just as we did for port security grants. Fourteen million Americans ride mass transit each weekday, more than 16 times the number of daily trips taken by Americans on domestic airlines. Let's not fail to learn the lessons of attacks on the London, Madrid, Moscow, Tokyo, and Israeli rail and transit systems.

Our enemies are ruthless and choose their own battlefields in the communities where we live and work. Nature, too, can be ruthless and will strike in unpredictable ways year after year. We must have first responders who are trained and equipped not just to prepare for and respond to catastrophes but to work to prevent them, as well. We worked with a real sense of urgency after September 11, 2001, to secure our Nation. We must summon that same sense of urgency now to close the security gaps that remain. I wish there was a cheap way to do that. But there isn't. It takes money—more money than the administration's budget offers and more money than the majority's budget resolution we're debating this week offers. I urge my colleagues to support these modest proposals so that we can make additional headway toward our goal of being better able to prevent, prepare for, respond to, and recover from the terrorist attacks and natural disasters that are sure to come.

Ms. COLLINS. Mr. President, the Collins-Lieberman amendment would provide $986 million to help prevent terrorist attacks and to enable us to respond more effectively if one does occur. It enjoys the support of a wide range of first responder groups, representing our police and our firefighters.

Our amendment has two components. First, it restores funding to the fiscal year 2006 levels for key grant programs that assist first responders, as well as State and local governments. These are such programs as the Law Enforcement Terrorism Prevention Program, the Metropolitan Medical Response System, emergency management performance grants, the FIRE Act, and SAFER programs.

As this chart prepared by the Congressional Research Service indicates, the aggregate difference between the fiscal year 2006 appropriated amount and the proposed budget request for this year is $395 million. Our amendment ensures that none of the programs listed on this chart would be funded at any less than the level that was appropriated for fiscal year 2006.

Last year, for example, Congress appropriated $550 million for the State Homeland Security Grant Program, a key source of assistance to State and local governments and first responders. This level, I point out, was only half of the fiscal year 2005 enacted level. Communities use these funds for first responder preparation activities such as emergency planning, risk assessments, mutual aid agreements, equipment, training, and exercises.

It is important to realize that the biggest single expenditure of these funds is the purchase of interoperable communications equipment. Therefore, a vote for our amendment is a vote to increase funding for interoperable communications equipment for first responders.

Under the Collins-Lieberman amendment, we would also provide an additional $150 million for the State Homeland Security Grant Program to create a better national response system that will operate more smoothly at the Federal, State, and local level. Our committee's investigation into the preparedness for and response to Hurricane Katrina clearly demonstrated inadequate response and deficiencies in our ability to respond effectively to the catastrophic events. This is not the time to reduce the Federal Government's commitment to national preparedness.

The budget also shortchanges first responders in other programs, such as the FIRE Act and the SAFER grants. We would take care of that as well as the Law Enforcement Terrorism Prevention Program, one of the programs that focuses on preventing terrorist attacks.

Another important aspect of the Collins-Lieberman amendment deals with port security grants. Unfortunately, the administration's budget does not dedicate a separate funding stream for port security. Instead, it folds port security in with all other transportation and critical infrastructure, thus providing no assurance at all that any money will be provided to strengthen the security of our ports. The estimates are, from the ports administrators, that we need to have $400 million for port security grant funding. Because of budget constraints we don't go that far, but we do include dedicated funding, $300 million in port security grant funding. We have proposed an increase to move the funding level to meeting the identified needs and to help us improve the security of our ports.

There are so many needs, but we have worked very hard to keep the cost of our amendment down. It is fully offset. I hope our colleagues will support this proposal. It also provides funding for a number of other critical infrastructure needs, such as our Nation's rail and transit systems.

I urge my colleagues to support this amendment and send a message to our first responders that they are a top priority. The additional funding provided by the Collins-Lieberman amendment is an investment we simply must make to strengthen our ability to prevent, detect, and if necessary respond to attacks on our homeland.

I urge support for the amendment, and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I compliment our colleague from Maine for her conscientious efforts, as well as her fiscally responsible efforts. I ask unanimous consent to add my name to her list of cosponsors and again tell her how much we appreciate all of the many issues that have landed in her lap this year and what an incredible job she has done, working with Senator LIEBERMAN to address those. I ask unanimous consent to add my name as a cosponsor, please.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3047

Mrs. LINCOLN. Mr. President, I call up amendment No. 3047.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arkansas [Mrs. LINCOLN], for herself, Mr. DURBIN, and Mrs. CLINTON, proposes an amendment numbered 3047.

Mrs. LINCOLN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(To provide $7.8 billion over two years to fund refundable tax credits targeted to small businesses with up to 100 employees so that they may help purchase group health insurance for their low-wage workers, paid for by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $4,500,000,000.

On page 3, line 15, increase the amount by $3,300,000,000.

On page 4, line 1, increase the amount by $4,500,000,000.

On page 4, line 2, increase the amount by $3,300,000,000.

On page 4, line 13, increase the amount by $4,500,000,000.

On page 4, line 15, increase the amount by $3,300,000,000.

On page 5, line 4, increase the amount by $4,500,000,000.

On page 5, line 6, increase the amount by $3,300,000,000.

On page 19, line 24, increase the amount by $4,500,000,000.

On page 19, line 25, increase the amount by $4,500,000,000.

On page 20, line 3, increase the amount by $3,300,000,000.

On page 20, line 4, increase the amount by $3,300,000,000.

Mrs. LINCOLN. Mr. President, I cannot imagine that the rest of my colleagues in this body are not hearing the same thing I hear, as I travel back each week to Arkansas, from my constituents. Always in the top three issues they bring up in the most passionate of ways happens to be how in the world are we in this Nation going to deal with the number of uninsured in this country, particularly in the small business arena?

Those Americans who are working hard, those trying to provide for their families, those keeping the framework and the foundation of our small communities together, those working in small businesses, how are we going to do a better job in this body in helping to provide health insurance for those who are uninsured and their families?

I rise today with my good friend Senator DURBIN to propose an amendment to the budget resolution to provide $7.8 billion over 2 years to fund refundable tax credits targeted to small businesses with up to 100 employees so they may help purchase group health insurance for their low-wage workers.

I ask unanimous consent to add Senators CLINTON, KOHL, and CANTWELL as cosponsors of my amendment, and to take this opportunity as well to note that our amendment is endorsed by the National Association of Business Owners and the Small Business Majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, my amendment would dedicate funding to help small businesses that are struggling to provide health insurance to their employees, and would do so in a way that is fiscally responsible. My amendment is completely offset by closing corporate tax loopholes that have been agreed upon by the Finance Committee as well as by this entire body, the Senate. These are ways in which we can make fiscally responsible decisions in closing loopholes that exist and pay for something that is absolutely vital to working families.

Unfortunately, the budget resolution before us doesn't specify either an amount to promote expanding health insurance coverage for employees of small businesses or a way to pay for it, which leads me to believe—as do other Americans out there listening to this debate—that this is simply a priority for us.

We cannot continue to act as if this issue doesn't exist. The President has mentioned it year upon year in his State of the Union Addresses, and yet we are seeing increases by the millions of individuals who are finding themselves uninsured. There are nearly 46 million Americans currently without health insurance, including 456,000 Arkansans in my home State of Arkansas. Twenty percent of working-age adults are uninsured. These are people who are working and playing by the rules to provide for their families. This number is so alarming to me that addressing this problem should be a national priority.

Those who lack health insurance don't get access to timely and appropriate health care. They have less access to important screenings and state-of-the-art technology and prescription drugs. Working families need our help with this problem—and they need it now.

Senator DURBIN and I have a bill to help small businesses afford health insurance, and a refundable tax credit to employers as an integral part of our proposal. Our responsible tax credit is targeted to help those who need it the most.

Low-wage workers and small businesses are significantly more likely to be uninsured than high-wage workers, and firms with a high proportion of low-wage workers are much less likely to offer insurance. Our tax credits are targeted to the firms and employees who need the most incentives to purchase health insurance coverage. Our tax credit goes to the employer because small employers believe offering health insurance has a positive impact on recruitment, retention, employees' attitude, performance, and health status.

The budget resolution fails to address this huge problem in our country. The budget is a blueprint, and it should clearly represent America's working families' needs and priorities. It is supposed to reflect what our choices will be when it comes time to spending the tax dollars of this country. This amendment is about priorities.

We must make a priority this growing number of uninsured in our country. They are working families, playing by the rules, trying desperately to contribute to their great Nation. One of the things we can do is provide the employers the incentive they need to provide the kind of health insurance working families can use and need.

The underlying proposal Senator DURBIN and I have offered presents working families' ability to have the similar kind of health insurance that I and all of the Federal employees here have access to. What greater opportunity to provide greater choice at a lower cost. This is the tool that can make that happen. Providing a tax incentive to small businesses to be able to purchase and assist their employees—their low-wage workers—with the ability to engage in the insurance market and provide the ability to mitigate against their health care and their health care costs is absolutely essential, not just for the quality of life of working Americans but also think of what it does for our economy.

We have a great opportunity in this budget to set priorities that are important to the working families of this country. I urge my colleagues, let us come together and do something for our small businesses and working families—and do something now.

I ask my colleagues to support our amendment and look forward to the opportunity we have to do something about the escalating costs of health care and what it means to working families in this Nation.

I request the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Mr. CONRAD. Mr. President, we will have no trouble getting a sufficient second.

Perhaps we could give a second to the yeas and nays asked for by the Senator from Arkansas at this time. There now appears to be a sufficient second.

The PRESIDING OFFICER. There is now a sufficient second.

The yeas and nays were ordered.

Mr. CONRAD. Mr. President, I ask the Parliamentarian if he could give us a breakdown on the time remaining between now and 1:30.

The PRESIDING OFFICER. The majority has 24 minutes 32 seconds, the minority has 15 minutes 6 seconds.

Mr. CONRAD. Mr. President, we have calls out to two other offices of Members who indicated an interest in offering amendments in this time period.

As we have heard from the Parliamentarian, we only have 15 minutes left on our side. When we put in a quorum call, that time will be charged equally. I alert those Senators whose offices have been called that time is rapidly running through the hourglass. I hope very much those who have been called and who have asked for time will come. Time is rapidly evaporating.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I yield 2 additional minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 3106

Mrs. LINCOLN. Mr. President, I thank my colleague.

I come to the floor today to offer an amendment on behalf of rural America. If there is anything that has been consistent in this administration's budget, it has been that there has been more asked from rural America in terms of the burden of cuts that have happened and a disproportionate share of the labor-intensive ideas of how we are going to deal with incredible spending.

I offer this amendment on behalf of rural America. I thank Senators SALAZAR, PRYOR, HARKIN, and KOHL for joining me in this effort.

I am pleased to ask unanimous consent to add Senators DURBIN and SCHUMER as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, our amendment would restore approximately $2 billion in discretionary cuts proposed for programs administered by the U.S. Department of Agriculture in fiscal year 2007. To pay for these investments in rural America, our amendment would raise the discretionary cap by $2 billion and offset these expenditures by closing corporate tax loopholes which have passed the Senate on numerous occasions.

The proposed discretionary cuts for USDA impact a variety of conservation, rural development, nutrition, and forestry programs that are vitally important to our communities across this great Nation.

Mr. President, you and all other Members of this Senate have rural areas in your States and know the difficult times they are going through. They do not have the tax base. They may not have the corporate citizens in those areas that help them build this economy. These programs are vital to them in terms of developing the kind of economy they want and can have. They are not asking to be a major metropolitan area. They are simply asking to be the best they can possibly be.

The discretionary spending would decline $208 million in fiscal year 2007 in conservation. Rural development would see a decline of $421 million less than in fiscal year 2007, and research would see a 14.6 percent reduction from the fiscal year 2006 appropriations.

I ask all of my colleagues, whether you represent a major metropolitan area or rural America, you know the fabric of this country depends on all of us. Please do not ask for a disproportionate share of rural America, and do not devastate the incredible advances they have already been able to make. Let us help them grow with the rest of America in their great effort.

I urge my colleagues to support me in the WIC Program, the nutrition program, the conservation program, and all of the others that rural America depends on.

AMENDMENT NO. 3136, AS MODIFIED

Mr. CONRAD. Mr. President I call up an amendment at the desk. It is a substitute on the energy amendment I offered earlier. I ask unanimous consent to modify my previous amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is so modified.

The amendment (No. 3136), as modified, is as follows:

(Purpose: To provide a reserve fund for bold energy legislation that is deficit neutral)

At the appropriate place, insert the following:

"**SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or conference report thereon, that would reduce our nation's dependence on foreign sources of energy, expand production and use of alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, and reward conservation and efficiency, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit in fiscal year 2007 or over the total of the period of fiscal years 2007 through 2011, and provided that the committee or committees of jurisdiction are within their 302(a) allocations.

Mr. CONRAD. I thank the Chair.

I ask the Parliamentarian to give us an update on the time.

The PRESIDING OFFICER. The majority has 22 minutes 30 seconds, the minority has 9 minutes 5 seconds.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3106

Mrs. LINCOLN. Mr. President, I call up my amendment numbered 3106 which I described to my colleagues.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Mr. SALAZAR, Mr. PRYOR, Mr. HARKIN, and Mr. KOHL, proposes an amendment numbered 3106.

Mrs. LINCOLN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore the discretionary budget for the Department of Agriculture with an offset achieved by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $1,177,000,000.

On page 3, line 15, increase the amount by $439,000,000.

On page 3, line 17, increase the amount by $221,000,000.

On page 3, line 19, increase the amount by $107,000,000.

On page 3, line 21, increase the amount by $57,000,000.

On page 4, line 1, increase the amount by $1,177,000,000.

On page 4, line 2, increase the amount by $439,000,000.

On page 4, line 3, increase the amount by $221,000,000.

On page 4, line 4, increase the amount by $107,000,000.

On page 4, line 6, increase the amount by $57,000,000.

On page 4, line 13, increase the amount by $2,029,000,000.

On page 5, line 4, increase the amount by $1,177,000,000.

On page 5, line 6, increase the amount by $439,000,000.

On page 5, line 8, increase the amount by $221,000,000.

On page 5, line 10, increase the amount by $107,000,000.

On page 5, line 12, increase the amount by $57,000,000.

On page 13, line 21, increase the amount by $916,000,000.

On page 13, line 22, increase the amount by $540,000,000.

On page 14, line 1, increase the amount by $220,000,000.

On page 14, line 5, increase the amount by $101,000,000.

On page 14, line 9, increase the amount by $37,000,000.

On page 14, line 13, increase the amount by $18,000,000.

On page 14, line 21, increase the amount by $384,000,000.

On page 14, line 22, increase the amount by $295,000,000.

On page 15, line 1, increase the amount by $67,000,000.

On page 15, line 5, increase the amount by $17,000,000.

On page 15, line 9, increase the amount by $3,000,000.

On page 15, line 21, increase the amount by $95,000,000.

On page 15, line 22, increase the amount by $71,000,000.

On page 16, line 1, increase the amount by $22,000,000.

On page 17, line 22, increase the amount by $296,000,000.

On page 17, line 23, increase the amount by $12,000,000.

On page 18, line 3, increase the amount by $79,000,000.

On page 18, line 7, increase the amount by $96,000,000.

On page 18, line 11, increase the amount by $63,000,000.

On page 18, line 15, increase the amount by $35,000,000.

On page 19, line 24, increase the amount by $104,000,000.

On page 19, line 25, increase the amount by $93,000,000.

On page 20, line 4, increase the amount by $11,000,000.

On page 21, line 24, increase the amount by $234,000,000.

On page 21, line 25, increase the amount by $166,000,000.

On page 22, line 4, increase the amount by $40,000,000.

On page 22, line 8, increase the amount by $8,000,000.

On page 22, line 12, increase the amount by $4,000,000.

On page 22, line 16, increase the amount by $3,000,000.

On page 53, line 1, increase the amount by $2,029,000,000.

On page 53, line 2, increase the amount by $1,177,000,000.

Mrs. LINCOLN. I appreciate my colleagues' attention on this and encourage their support in supporting rural America.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3078, 3041, 3134, 3045, 3123, AND 3136, AS MODIFIED

Mr. GREGG. I ask unanimous consent the following amendments be agreed to en bloc: Amendment 3078, Senator VITTER and Senator LANDRIEU; amendment 3041, Senator BAUCUS; amendment 3134, Senators SNOWE, VITTER and KERRY; amendment 3045, Senator LAUTENBERG; amendment 3123, Senator COLEMAN; amendment 3136, as modified, Senator CONRAD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3078) was agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 3041

(Purpose: To provide funding for an Internet Crimes Against Children task force in Montana)

On page 24, line 24, increase the amount by "$250,000".

On page 24, line 25, increase the amount by "$250,000".

On page 27, line 23, decrease the amount by "$250,000".

On page 27, line 24, decrease the amount by "$250,000".

AMENDMENT NO. 3134

(Purpose: To prevent an increase in interest rates paid by disaster victims, and to increase funding for the SBA's Microloans, Small Business Development Centers, HUBZones, and other small business development programs, and to offset the cost through a reduction in funds under function 920)

On page 15, line 21, increase the amount by $130,000,000.

On page 15, line 22, increase the amount by $92,000,000.

On page 16, line 1, increase the amount by $30,000,000.

On page 16, line 5, increase the amount by $7,000,000.

On page 16, line 9, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $130,000,000.

On page 27, line 24, decrease the amount by $92,000,000.

On page 28, line 2, decrease the amount by $30,000,000.

On page 28, line 5, decrease the amount by $7,000,000.

On page 28, line 8, decrease the amount by $1,000,000.

AMENDMENT NO. 3045

(Purpose: To Add $8 million to Function 300 (Environment and Natural Resources) for Highlands Land Acquisition. Fully offset with Function 920)

On page 13, line 21, increase the amount by $8,000,000.

On page 13, line 22, increase the amount by $2,000,000.

On page 14, line 1, increase the amount by $2,000,000.

On page 14, line 5, increase the amount by $2,000,000.

On page 14, line 9, increase the amount by $1,000,000.

On page 14, line 13, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $8,000,000.

On page 27, line 24, decrease the amount by $2,000,000.

On page 28, line 2, decrease the amount by $2,000,000.

On page 28, line 5, decrease the amount by $2,000,000.

On page 28, line 8, decrease the amount by $1,000,000.

On page 28, line 11, decrease the amount by $1,000,000.

AMENDMENT NO. 3123

(Purpose: To increase funding to fully fund the Clean Coal Power Initiative)

On page 12, line 21, increase the amount by $200,000,000.

On page 12, line 22, increase the amount by $200,000,000.

On page 27, line 23, decrease the amount by $200,000,000.

On page 27, line 24, increase the amount by $200,000,000.

The amendment (No. 3136), as modified, was agreed to.

Mr. KERRY. Mr. President, I am deeply disappointed that this budget resolution assumes deep cuts and unprecedented fees for the Small Business Administration, the SBA. The administration's request of $624 million is insufficient to meet the needs of small businesses in this country that need access to capital, counseling, and Federal contracts. By the SBA's own calculation, the request is $18 million less than what was available to the Agency last year when congressional initiatives and disaster supplementals are excluded. If this budget is adopted, the Agency will have been cut more than 37 percent since 2001. In context, that means it will have suffered the largest cuts of all 24 Federal agencies.

To address this shortfall, I introduced S.A. 3072 to increase SBA's fiscal year 2007 budget of $624 million by $151 million, for a total of $775 million. The amendment would have paid for this increased spending by closing abusive corporate tax loopholes and would, among other things, have prevented the administration from increasing the cost of disaster loans, from imposing a new fee on SBA's largest loan and venture capital programs, from eliminating the SBA's microloan programs, and from weakening business assistance to women, minorities, veterans, Native Americans, and those trying to cut through redtape to contract with the Federal Government.

This budget resolution comes after 5 years of drastic budget cuts which have eroded SBA's core programs and left the Agency with one of the worst morale problems in the Federal Government. SBA's largest lending program, the 7(a) program, is now more expensive than ever for small business borrowers and lenders, and the administration is proposing to add new "administrative fees" for larger 7(a) loans, 504 loans, and SBIC or venture capital deals. These fees are the first time the SBA has attempted to pass along administrative costs to lenders and small business borrowers, but the administration is pushing for them because they will generate $7 million in savings. We are told that some 7(a) borrowers will pay $625 more per loan, some 504 borrowers will pay $1,625 per loan, and the majority of companies that get an SBIC investment will pay $45,000 more. This is in addition to the excessive fees these small business borrowers already pay to cover the loan subsidy cost. This would set a bad precedent. To prevent the administration from imposing a new fee on small business borrowers, my amendment provided $7 million to the SBA's budget for next year to offset this proposal.

Deep budget cuts for SBA have also meant less transparency and accountability when it comes to the oversight of small business contracting. After pressure from our Committee on Small Business and Entrepreneurship, the SBA hired additional procurement center representatives, PCRs—the Government officials responsible for monitoring the bundling of large contracts and for helping small businesses cut through redtape to compete for Federal contracts—now bringing the number of PCRs nationwide up to 58. But many of these are not full-time PCRs. To avoid further reports of contracting abuses, large businesses receiving small business contracts, and Federal agencies missing their small business goals, my amendment provided $10 million for 100 additional PCRs to ensure robust contracting oversight throughout the Nation.

For the fifth year in a row, this budget continues on the path of providing unrealistic funding by cutting critical programs, such as the Small Business Development Centers or SBDCs, Women's Business Centers and SCORE, forcing SBA's counseling partners to spend fewer hours with clients because the Federal matching grant isn't keeping pace with inflation or demand. Despite the budget's failure to account for inflation costs, these programs continue to play an integral role in helping entrepreneurs from underrepresented communities. These cuts, when combined with 5 years of budget cuts for the SBA as a whole, would leave the SBA ill-prepared to meet the demands of the growing entrepreneurial sector. I strongly oppose flat funding these resources for small businesses and so proposed an additional $23 million in my amendment to bring Small Business Development Centers from the outdated $87.1 funding level to $110 million, proposed $4.95 million to bring SCORE funding to $7 million, and $4.7 million to bring the Women's Business Centers to a level of $16.5 million.

All of this pales in comparison to the mismanagement of the response to recovery of the gulf coast region. The SBA's disaster loan program, essential to the recovery of business owners, homeowners, and renters after a disaster, almost ran out of money twice in February. Instead of getting their fiscal house in order like every American family must do, the President now proposes to raise the cost of disaster loans and no longer guarantee our most vulnerable borrowers fixed interest rates. Although they could still have up to 30 years to pay off a loan, if they don't pay it off in 5 years, the interest rate will go up. Instead of telling us how this will help disaster victims, we are told this will save the SBA an estimated $41 million. We should not be saving money on the backs of disaster victims. Instead, we should help them to rebuild their homes and businesses. To prevent raising disaster loan interest rates, my amendment provided $41 million to the SBA's budget for next year.

The $151 million in my amendment would have provided real money to our appropriators and to small business programs in desperate need of funding. Unfortunately, this amendment did not garner bipartisan support. While I am disappointed with this outcome, I am pleased that we were able to work out a bipartisan compromise with Senator SNOWE, the chair of the Small Business Committee. Our compromise, S.A. 3134, would increase the SBA fiscal year 2007 budget by $130 million, and although it would not add any additional funds to the budget resolution, it is a bipartisan effort to address many of the issues that my amendment 3072 attempted to address. There is bipartisan support for the 7(j) technical assistance program and the HUBZONE Program, which Senator BOND from Missouri worked hard to put in place and I joined with him in cosponsoring it when he was chairman for SBDCs and SCORE and Women's Business Centers; for the Microloan Program and microloan technical assistance, both of which the President has tried to eliminate for several years now. We all support U.S. Export Assistance Centers and Veterans Business Development, Small Business Innovation Research, and Small Business Technology Transfer Program. While I would have liked to have seen higher funding levels for the PRIME and New Markets Venture Capital Program, I am glad that our amendment reflects continued funding for these vital programs. We made a strong bipartisan statement that minority lending numbers must be increased, with about $1 million more toward Native-American outreach. And we agreed to reject the proposals to raise the cost of disaster loans and to impose a new fee on the lending and venture capital programs. Overall, amendment 3134 is sending an important signal to all that there is broad bipartisan support to increase funding for these vital small business programs.

Mr. President, I thank my colleagues, Senators LANDRIEU, LIEBERMAN, LEVIN, NELSON of Florida, VITTER, and COLEMAN for joining us to cosponsor this amendment, the entire Senate for agreeing to the amendment, and Senators CONRAD and GREGG for their help in putting together a more realistic budget for small businesses.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, could we get an update on the time situation?

The PRESIDING OFFICER. Certainly. The minority has 2 minutes remaining.

Mr. CONRAD. Two minutes?

The PRESIDING OFFICER. Correct. The majority has 16 minutes remaining.

Mr. CONRAD. I ask the chairman, could I get 2 additional minutes to give to Senator KERRY?

Mr. GREGG. Sure.

Mr. CONRAD. The chairman, once again, is gracious to provide another 2 minutes. I ask unanimous consent for 2 minutes from his time to our time and I give 4 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I am grateful to both of the managers and appreciate the courtesy.

AMENDMENT NO. 3143

Mr. President, I have an amendment which I send to the desk and ask for its appropriate consideration in the line of votes, as we decide on that later.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 3143.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate increased fees and co-payments for retired military healthcare)

On page 3, line 13, increase the amount by $592,000,000.

On page 3, line 15, increase the amount by $1,619,000,000.

On page 3, line 17, increase the amount by $2,188,000,000.

On page 3, line 19, increase the amount by $2,685,000,000.

On page 3, line 21, increase the amount by $3,271,000,000.

On page 4, line 1, increase the amount by $592,000,000.

On page 4, line 2, increase the amount by $1,619,000,000.

On page 4, line 3, increase the amount by $2,188,000,000.

On page 4, line 4, increase the amount by $2,685,000,000.

On page 4, line 6, increase the amount by $3,271,000,000.

On page 4, line 13, increase the amount by $735,000,000.

On page 4, line 15, increase the amount by $1,862,000,000.

On page 4, line 17, increase the amount by $2,322,000,000.

On page 4, line 19, increase the amount by $2,816,000,000.

On page 4, line 21, increase the amount by $3,424,000,000.

On page 5, line 4, increase the amount by $592,000,000.

On page 5, line 6, increase the amount by $1,619,000,000.

On page 5, line 8, increase the amount by $2,188,000,000.

On page 5, line 10, increase the amount by $2,685,000,000.

On page 5, line 12, increase the amount by $3,271,000,000.

On page 9, line 20, increase the amount by $735,000,000.

On page 9, line 21, increase the amount by $592,000,000.

On page 9, line 24, increase the amount by $1,862,000,000.

On page 9, line 25, increase the amount by $1,619,000,000.

On page 10, line 3, increase the amount by $2,322,000,000.

On page 10, line 4, increase the amount by $2,188,000,000.

On page 10, line 7, increase the amount by $2,816,000,000.

On page 10, line 8, increase the amount by $2,685,000,000.

On page 10, line 11, increase the amount by $3,424,000,000.

On page 10, line 12, increase the amount by $3,271,000,000.

Mr. KERRY. Mr. President, the President's budget proposal includes a concept to increase TRICARE—this is the DOD, Department of Defense, health care program—fees and copayments for military retirees under the age of 65 and for their dependents.

All of us recognize there is this spiraling cost to health care. I understand that. And it affects everything we are doing in the country. The Department of Defense is, needless to say, no different. It has those increases. But the answer is not found in tripling the fees for retired officers, doubling them for senior enlisted retirees, and demanding more from every military retiree under the age of 65 who uses the health care system, when you look at the other costs that are already going up for all of those folks.

Most importantly, there are a series of better ways that have been recommended to bring down the cost of health care for those retirees. So you do not have to go immediately to fees and copayments in order to solve the problem of the increase in costs.

In successive budget requests, the Bush administration has asked for increased fees and copayments for veterans health care, which is increasingly shifting the burden of that care from some veterans on to others, and it is driving some veterans out of the system altogether, which is, obviously, not fair.

My amendment will restore the funding for TRICARE so that military retirees are not saddled with these increased costs and fees. We pay for it by closing a number of tax loopholes. I think by doing so, we keep faith with people who have served our country for 20 years or more.

They did not ask to change the terms of their commitment to the military when things got tough, and I do not think we should be ignoring and changing our commitment to them now.

Mr. President, I yield back such time as may remain.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, we are 10 minutes away from the big show, which may go on for a long time. It may be a big, long show. In any event, I want to alert Members we are going to go to 10-minute votes. We are going to be holding the 10-minute votes as strictly as possible. The first vote will, obviously, not be 10 minutes. And we are going to start voting at 1:30. We have pending so many amendments that we could be here well into the evening. Cooperation is needed if people do not want to be here well into tomorrow morning.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, thank you. And I thank the distinguished chairman of the Budget Committee.

AMENDMENT NO. 3127

Mr. President, I call up amendment No. 3127 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL] proposes an amendment numbered 3127.

Mr. HAGEL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund for a Comprehensive Entitlement Reform Commission)

At the end of title III, insert the following:

SEC. . RESERVE FUND FOR A COMPREHENSIVE ENTITLEMENT REFORM COMMISSION.

If—

(1) the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment is offered thereto or if a conference report is submitted thereon, that establishes a Comprehensive Entitlement Reform Commission for the purpose of conducting a comprehensive review of the Social Security, Medicare, and Medicaid programs and making recommendations to sustain the solvency and stability of these programs for future generations; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and the period of fiscal years 2007 through 2011.

Mr. HAGEL. Mr. President, I ask unanimous consent that Senators Isakson and Chambliss be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, last October, I introduced legislation, S. 1889, to create a bipartisan entitlement reform commission. Senator ISAKSON cosponsored my legislation, and Representative JOHN TANNER joined me in introducing this legislation in the House of Representatives.

In January, the President called on Congress to create such a commission in his State of the Union Address. The amendment I am offering today responds to the President's request.

My amendment establishes a reserve fund that would allow Congress to pass legislation later this year forming a bipartisan entitlement reform commission. This bipartisan commission would review America's three major entitlement programs—Social Security, Medicare, and Medicaid—and make comprehensive recommendations on how to stabilize and keep solvent these programs for future generations.

The entitlement course that we are currently on is unsustainable. Social Security, Medicare, and Medicaid have been vital components for millions of Americans as they have found a happier retirement. However, over the next 75 years, these three programs represent a $42 trillion unfunded mandate for the American taxpayer.

The Social Security trust fund faces a $4 trillion unfunded commitment and will pay out more money than it takes in beginning around 2017. The fund will be exhausted by 2041. The Medicare Part A trust fund—hospital insurance—faces an almost $9 trillion unfunded commitment and will be exhausted by 2020.

Where is the money to pay for these commitments going to come from? We must deal with these challenges today while we still have time and constructive options. To leave future generations burdened with paying for huge entitlement commitments when they will be competing in a far more competitive world than exists today would be dangerously irresponsible.

This is not a Republican or a Democratic problem. This affects us all. Most significantly, it affects the most vulnerable in our society. Creating this commission will start us down the road to dealing with this problem and will protect the next generation from facing Draconian choices in their future.

Mr. President, I urge my colleagues to vote for this amendment today.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HAGEL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I assume I have no time remaining.

The PRESIDING OFFICER. That is correct. The remainder of the time is controlled by the Senator from New Hampshire.

Mr. CONRAD. Mr. President, may I ask the Senator from New Hampshire for 2 minutes so I might offer an amendment.

Mr. GREGG. Mr. President, I yield the Senator from North Dakota 2 minutes.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the chairman again for his courtesy.

AMENDMENT NO. 3148

Mr. President, I want to say to the Senator from Nebraska that while on this side we agree that we have long-term challenges, very deep long-term challenges, with the fiscal health of the country, we believe the amendment the Senator from Nebraska has offered is too narrow in scope.

Mr. President, for that reason, I send an amendment to the desk to be considered at the same time as the amendment offered by the Senator from Nebraska. Basically, the difference is this: We think everything ought to be on the table. We think everything ought to be on the table, not just entitlements but domestic discretionary spending, the revenue side of the equation, that all ought to be considered.

The PRESIDING OFFICER. Will the Senator briefly allow the clerk to formally report.

Mr. CONRAD. I will be happy to.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 3148.

The amendment is as follows:

(Purpose: To create a deficit-neutral reserve fund for addressing the long term fiscal challenges facing our nation, by creating a bipartisan commission or process to consider all parts of the budget, with everything on the table for discussion)

SEC. . RESERVE FUND FOR ADDRESSING THE LONG-TERM FISCAL CHALLENGES FACING THE NATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or a conference report thereon, that would provide for the bipartisan leadership of the House and Senate to work with the President to establish a commission (or other mutually agreeable process) to address the long-term fiscal challenges facing the nation, provided that such commission or process—

(1) Addresses these long-term fiscal challenges in a manner in which both political parties are represented equally, and

(2) Considers all parts of the budget by putting everything on the table for discussion

provided that such legislation would not increase the deficit for fiscal year 2007 and the period of fiscal years 2007 to 2011.

The PRESIDING OFFICER. The Senator may continue.

Mr. CONRAD. I thank the Chair.

Mr. President, I ask unanimous consent to have a letter printed in the RECORD from AARP in opposition to the Hagel amendment, indicating they agree that the Hagel amendment is too narrow in scope, and that we ought to have a broader look at all of the problems facing our fiscal future, not just focus on one part.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP,
March 16, 2006.

Hon. KENT CONRAD,
Ranking Minority Member, Budget Committee, Washington, DC.

DEAR SENATOR CONRAD: The Senate will shortly consider an amendment regarding a narrowly focused commission to address the long-term challenges facing Social Security, Medicare and Medicaid. AARP agrees that we must confront the challenges and opportunities posed by the aging of the baby boom generation, but a commission focused primarily on the fiscal impact of our critical health and income security programs overlooks the important role they play in the lives of millions of Americans of all ages.

Commissions have been most effective in laying out policy options when they have been balanced, established without preconditions, given a mandate to address the underlying causes of problems, and provided all sides with an opportunity to be heard. A commission to address our long-term fiscal challenges has merit provided it examines the full scope of our budgetary policy, including the revenue needed to ensure the health and income security of all Americans.

Most important to AARP and its 36 million members, the commission must recognize that ultimately the solutions must be about people. A commission's recommendations should put us on a path to secure the future ability of Social Security, Medicare and Medicaid to continue to provide a foundation for the health and retirement security of all generations as well as guide the way to sound long-term budget policies.

The current amendment offered by Senator Hagel does not meet all of these criteria. Therefore, AARP cannot support this amendment.

Sincerely,

DAVID P. SLOANE,
Senior Managing Director, Government Relations & Advocacy.

Mr. CONRAD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, just for the edification of our colleagues because it is going to get a little confusing around here with all the amendments we have, we are going to begin the amendment voting process with the amendment of Senator LIEBERMAN on homeland security. That will be followed by Senator CLINTON's amendment, followed by Senator SPECTER's amendment on education, followed by the amendment of Senator REED of Rhode Island on LIHEAP, followed by Senator LAUTENBERG's amendment on TSA fees, followed by Senator SARBANES's amendment on function 300, followed by Senator DORGAN's amendment on tribal issues, followed by Senator CORNYN's amendment on reconciliation, followed by Senator STABENOW's amendment on veterans, followed by Senator AKAKA's amendment on title I, followed by Senator COLLINS's amendment on homeland security, followed by Senator LINCOLN's amendment on small business—oh, we are stopping at Senator COLLINS's amendment, and then we are going to order the next group of amendments.

So that is the basic concept.

Mr. CONRAD. Might we put in a quorum call? We have a little bit of a glitch.

Mr. GREGG. Yes.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I wish to amend the prior list of how we will proceed with votes. We will begin with Senator REED and his LIHEAP amendment. We will follow that with Senator CLINTON on health care, followed by Senator SPECTER, and then we will go to Senator LIEBERMAN. Then the list will continue as outlined in the prior discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent that for the amendments which are pending, there be 2 minutes equally divided prior to each vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I further ask unanimous consent that no second degrees be in order, with the exception of the Clinton amendment which might be subject to a second degree or further side by side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized for 1 minute.

AMENDMENT NO. 3074

Mr. REED. Mr. President, this amendment would raise the allocation for LIHEAP to the statutorily authorized $5.1 billion. It recognizes the fact that energy prices have been going up and that we are likely not to see a mild winter again next year; that we can expect right now to need more resources. Just a few weeks ago, we were on the floor of the Senate trying to raise the emergency funding for LIHEAP because of the intersection of cold temperatures and the increased cost of fuel. If we do pass this amendment, it will increase the allocation of resources not just to the cold States but to the warm States. This will provide significant resources for those States such as Alabama, Louisiana, and Nevada that need the assistance in the summertime for air-conditioning.

I urge my colleagues to pass my amendment. We know it is going to be a problem next year. The funds in the President's budget are insufficient. We have to stand up and make sure we take care of the vulnerable people.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we made a very strong commitment to LIHEAP a few weeks ago. We passed an additional billion dollars on the Senate floor. In other vehicles, we have passed even more money for LIHEAP. This amendment does not fund LIHEAP because nothing in this bill is binding on the Appropriations Committee. What it does do, however, is raise the cap by $1 billion and raise taxes by $1 billion. It will be up to the Appropriations Committee to decide whether they are going to fund LIHEAP at this year's level or next year's level or last year's level. The history is pretty strong. LIHEAP gets well funded around here and you can pretty much presume that the Appropriations Committee will do that. But they will do it within the cap, and that is the way it should be. Therefore, I hope Members will reject this amendment because it is basically a tax-and-spend amendment.

I ask unanimous consent that the yeas and nays be deemed to have been ordered on all amendments that are proceeding here.

Mr. CONRAD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second. The yeas and nays are ordered.

Mr. GREGG. I ask unanimous consent that seconds be deemed to have been approved for all the yeas and nays for the balance of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 3074.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 3074) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3115 WITHDRAWN

Mr. REID. Mr. President, I hope this sets a good example for the 40-odd amendments we have left. I ask unanimous consent that the Reid-Clinton amendment be withdrawn, and the Ensign amendment—it has not been filed yet, I believe—will not be offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, we will now go to the Specter amendment. Senator SPECTER and those in opposition had not expected this amendment to come up so quickly. I hate to slow the voting down.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, if we could ask our colleagues, we know the list that has been put in, and if colleagues who have amendments about to be considered will be closely attentive to what is happening here so we don't have dead time, that would be very helpful to the process.

After this amendment, next is the Lieberman amendment. So we alert Senator LIEBERMAN and his staff. Then we will have the Lautenberg amendment. If those Senators can be ready to go.

Mr. GREGG. Mr. President, I see the cosponsor of the amendment is on the Senate floor. Would he like to take the time allocated to him?

Mr. HARKIN. We have 30 seconds?

Mr. GREGG. The Senator has a minute. Proponents of the amendment have a minute.

AMENDMENT NO. 3048

The PRESIDING OFFICER. Under the previous order, there will now be 1 minute on each side on the Specter-Harkin amendment No. 3048, on which the yeas and nays have been ordered.

Who seeks recognition? The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator HARKIN and I have submitted this amendment, joined by 27 cosponsors, which would add $7 billion to the fund for education, health, and workers' safety. This account has been decimated since fiscal year 2005 with a loss of some $15.7 billion when we consider the cuts and the failure to have an inflationary increase.

Health and education are the two major capital assets of the country. We have gone beyond the fat, beyond the muscle, beyond the bone, and into the marrow. This funding will help us a little, not really enough. We ask our colleagues to support it.

I yield to Senator HARKIN.

Mr. HARKIN. Mr. President, I thank my colleague for his great leadership in the areas of health and education, especially medical research. This amendment only takes us back to 2005. That is all it does. It sets the level back to where it was in 2005. It is a very modest proposal.

I hope we can have a strong vote on this amendment to get the money we need for Pell grants, for NIH, for the Centers for Disease Control—all the programs that are so necessary to our country.

Ms. MIKULSKI. Mr. President, I rise in support of this amendment to provide an additional $7 billion for critical health, education, training and low-income programs. This budget has all the wrong priorities. Instead of easing the burden on middle-class families and helping to curb the costs of education and health care, President Bush and the Republicans want to cut funding for these programs by more than $4 billion and spend billions on tax breaks for multimillionaires. This amendment would restore cuts to some of the most vital programs in our country programs like No Child Left Behind, Pell grants, NIH, and nursing education. It is my job as a U.S. Senator to look out for the day-to-day needs of Marylanders and the long-term needs of the Nation, and this amendment takes us closer to both of these goals.

Our middle-class families are stressed and stretched. Families in my

State of Maryland are worried—they are worried about their jobs, they are terrified of losing their health care, and they don't know how they are going to afford to send their kids to college. Families are looking for help and President Bush doesn't offer them much hope. His budget would freeze the maximum Pell grant at $4,050 for the fourth year in a row. Twenty years ago, Pell grants covered 80 percent of average costs at 4-year public colleges. Now, they cover only 40 percent. If Pell grants remain the same for another year, many students will be forced to take out more student loans and some won't be able to go to school at all. Our students are graduating with so much debt, it is like their first mortgage. The average undergraduate student debt from college loans is almost $19,000. College is part of the American dream; it shouldn't be part of the American financial nightmare.

We need to do more to help middle-class families afford college. We need to immediately increase the maximum Pell Grant to $4,500 and double it over the next 6 years. We need to make sure student loans are affordable. And we need a bigger tuition tax credit for the families stuck in the middle who aren't eligible for Pell grants but still can't afford college.

America needs a public school system that works. I support the goals of No Child Left Behind: a good teacher in every classroom, making sure every student is proficient in math and reading, and fighting against the soft bigotry of low expectations. But to do that, schools need help from the Federal Government. Schools need resources for smaller classes, teacher training, and meeting special needs—like bilingual education or special education. Yet the Republican budget doesn't give schools the funds to do the job. It falls $15.4 billion short of what we promised for No Child Left Behind. It shortchanges schools and shortchanges our children. That is wrong.

I have heard from teachers and parents from all over Maryland. They are worried about how they are going to meet all the requirements in No Child Left Behind. They all tell me that they are worried about whether their school will make the grade—especially in this time of budget cuts and budget crunches.

No Child Left Behind placed the burden on schools to improve. I know the teachers and school officials are doing their best to turn struggling schools around. But they can't do it alone. They need encouragement, support, and resources. That is why this amendment is so important. We must make sure no child is left out of the budget.

NIH is a jewel in the Nation's crown. As the Senator from Maryland, I am proud that NIH is in my home State. The investments we are making in biomedical research today have the potential to pay priceless returns for people across this country. That is why I strongly supported the bipartisan doubling of the NIH budget over 5 years to $27 billion. This goal was met in 2003, but our work is not done. We must continue to invest in biomedical research and support continued increases of the NIH budget, so that the research that scientists are doing will continue to help people live longer, healthier lives.

The Republican budget level funds the NIH at $28.3 billion, which is $62 million less than in fiscal year 2005. As a result, the total number of NIH-funded research project grants would drop by 642, or 2 percent, below last year's level. The budget would cut funding for 18 of the 19 institutes. Funding for the National Cancer Institute would drop by $40 million, and funding for the National Heart, Lung, and Blood Institute would drop by $21 million. Over the years, the American people have invested in NIH. It is paying off in improved prevention, diagnosis, and treatments for diseases. We must continue to invest in biomedical research.

Today, our Nation faces a shortage of nearly 500,000 nurses. As our population continues to grow and age, the need for nurses will continue to increase. The Department of Labor reported in the Winter 2005–2006 Occupational Outlook Quarterly that America's demand for new and replacement RN's will grow by 29 percent between 2004 and 2014, to 1.2 million, in order to accommodate growing patient needs and to replace retiring nurses. Yet the Republican budget funds nursing workforce development programs at last year's level of $150 million. Congress must do more to address this crisis.

I am proud to cosponsor this amendment and I urge my colleagues to vote for it. These additional funds are crucial for so many important programs that change lives and save lives. I will keep fighting so that these programs get the funds they need and to ensure that Americans have health care at any age, public schools we can depend on, and access to higher education.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

Mr. GREGG. I yield back the time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to amendment No. 3048. The yeas and nays have been ordered. The clerk will call the roll.

This will be a 10-minute vote.

The bill clerk called the roll.

The result was announced—yeas 73, nays 27, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—73

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Burns
Byrd
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Frist
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thune
Voinovich
Warner
Wyden

NAYS—27

Allard
Allen
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Ensign
Enzi
Graham
Gregg
Inhofe
Isakson
Kyl
Martinez
McCain
McConnell
Sessions
Shelby
Sununu
Thomas
Vitter

The amendment (No. 3048) was agreed to.

Mr. REID. Mr. President, I spoke to the distinguished majority leader just a few minutes ago, and we have lots and lots of amendments. We hope we would stick to 10 minutes. On my side, if Senators aren't here in 10 minutes, I hope it would be a fair, equal punishment that if people aren't here in 10 minutes, the vote should be closed. Everyone knows what the rules are. People have things to do. It is not fair to the Senators. People come straggling in after 16, 17, 18 minutes, and it is not fair. So I would hope that we have 10-minute votes. We have lots of votes to do.

Mr. FRIST. Mr. President, I also wish to agree with the Democratic leader and express a request. We are going to have a long day here. We have a lot of votes lined up, and we have a lot of votes to follow that as well. So let's follow the managers' lead, and we are going to leave it to their discretion. Right now, we have instructed them to cut off those votes. With that, no complaints. People have to stick close to the floor.

AMENDMENT NO. 3034

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, the next amendment is the Lieberman amendment No. 3034 on which the yeas and nays have been ordered and for which there will be 2 minutes evenly divided for debate.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, could I just alert colleagues, we have now done a vote count. We have over 60 votes pending. We can only do three votes an hour. That would take us 20 hours. I urge colleagues—there are other vehicles coming. We have had a lot of votes already on this budget resolution. We have a lot more votes scheduled. I would urge colleagues to come to us and remove some of their amendments from consideration.

I thank the Chair.

The PRESIDING OFFICER. On amendment No. 3034, the Senator from Connecticut is recognized for 1 minute.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Senator DURBIN be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I have said that the budget before us, when it comes to our homeland security, is shortsighted and short-funded. But I wish to go beyond that, so working with my staff we reached out to experts in the various areas that constitute our homeland security in a time of terrorism. This is the result: a comprehensive proposal that would add $8 billion to our homeland security. It is, in fact, what is necessary to protect the American people at a time of terrorism and from natural disasters like Katrina. The money will go to first responders, port security, rail transit security, FEMA, bioterrorism, chemical security, and aviation security, and the Coast Guard.

For real homeland security, I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition? The Senator from New Hampshire.

Mr. GREGG. Mr. President, we have increased the funding for national defense by $30 billion in this bill in the core budget. We have increased it by $40 billion in the ancillary budget which funds alongside the core budget, putting it up to $90 billion. We have increased border and port security funding by $4 billion, and we already have in the pipeline something like $5 billion of unspent money for first responders and something like $3.5 billion for interoperability. This amendment is not needed, and it is a tax-and-spend amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 3034.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Virginia (Mr. ALLEN), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—43

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—53

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—4

Allen
Baucus
Chafee
Lott

The amendment (No. 3034) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3137

The PRESIDING OFFICER. Under the previous order, the next amendment is the Lautenberg amendment on which the yeas and nays have been ordered. There will be 2 minutes evenly divided. The Senator from New Jersey is recognized for 1 minute.

Mr. LAUTENBERG. Mr. President, my amendment is now being considered. The vote is simple: If you vote yes, you support my amendment to strike this unfair tax increase from the budget. However, if you vote no on this, you are saying to the average family that they should pay more taxes. So the vote is yes. We want to strike this unfair tax increase from the budget.

The average family of four traveling round-trip on nonstop flights will pay $40 in security taxes under the President's budget proposal. The traveling public is already overtaxed. They pay nearly 20 percent in total Federal taxes on every airline ticket.

To make matters worse, this tax increase will hit families the hardest—families and loved ones traveling to be together, whether during holidays or emergencies.

The proper vote for the families of America is a yes vote. I urge my colleagues to support my amendment and eliminate the Bush airline passenger tax increase.

The PRESIDING OFFICER. The time of the Senator has expired. Who seeks time in opposition?

Mr. GREGG. We are willing to accept this amendment. I ask unanimous consent the yeas and nays be vitiated and the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated and the amendment is agreed to.

The amendment (No. 3137) was agreed to.

AMENDMENT NO. 3103

The PRESIDING OFFICER. Under the previous order, the next amendment is No. 3103, the Sarbanes amendment, on which the yeas and nays have been ordered and on which there will be 2 minutes evenly divided.

The Senator from Maryland.

Mr. SARBANES. Mr. President, this amendment raises the function 300 back to baseline. I have a letter here. I ask unanimous consent to have it printed in the RECORD. It is from a number of the leading environmental organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 16, 2006.

DEAR SENATOR: On behalf of our millions of members and supporters, we write to urge you to vote for the amendment to the budget resolution proposed by Senator Sarbanes. It will provide $31.1 billion for environmental protection and restoration in function 300 of the Fiscal Year 2007 budget. This amendment will restore funding in function 300 to the baseline level taken from Fiscal Year 2006 and stop the proposed back slide in environmental protection. The environment is not only important for public health, but it is also a critical asset to the nation providing recreational, cultural, economic, and ecological capital to our society.

The cuts proposed in the Senate budget resolution would undermine the progress that has been made on protecting our natural resources. Funding for drinking water and clean water infrastructure has been cut to dangerous levels; clean up of toxic sites around the country will continue to slow down; species and land preservation for future generations will struggle forward; the condition of our national parks would continue to deteriorate; our ocean resources would linger on the brink of collapse; and farmers and ranchers seeking assistance to improve environmental quality will be turned away.

Unfortunately, the federal government in the past several years has not provided the support that these resources need to protect local communities and the natural ecosystems. In addition, past budget resolutions have proposed Arctic drilling—an old, tired idea that would further devastate the environment—as a way to pay for other important programs. Though on paper there have been increases in funding for the environment, inflation has outstripped those increases leading to cut backs in critical environmental programs. Adjusted for inflation the cuts have amounted to almost $2 billion in the past two years. We ask that you stop this trend and reinvigorate the federal government's role as a leader in investing in our country by providing at least $31.1 billion for environmental protection and restoration in the Fiscal Year 2007 budget.

Sincerely,

Cindy Shogan, Executive Director, Alaska Wilderness League; S. Elizabeth

Birnbaum, Vice President for Government Affairs, American Rivers; Mary Beth Beetham, Director of Legislative Affairs, Defenders of Wildlife; Marty Hayden, Vice President for Policy and Legislation, Earthjustice; Brock Evans, President, Endangered Species Coalition; Sara Zdeb, Legislative Director, Friends of the Earth; Betsy Loyless, Vice President for Policy, National Audubon Society; Karen Steuer, Vice President, National Environmental Trust; Blake Selzer, Legislative Director, National Parks Conservation Association; Heather Taylor, Deputy Legislative Director, Natural Resources Defense Council; Michele Boyd, Legislative Director, Public Citizen; Anna Aurilio, Legislative Director, U.S. PIRG; Linda Lance, Vice President Public Policy, The Wilderness Society.

Mr. SARBANES. I will quote one paragraph:

> The cuts proposed in the Senate budget resolution would undermine the progress that has been made on protecting our natural resources. Funding for drinking water and clean water infrastructure has been cut to dangerous levels; clean up of toxic sites around the country will continue to slow down; species and land preservation for future generations will struggle forward; the condition of our national parks would continue to deteriorate; our ocean resources would linger on the brink of collapse; and farmers and ranchers seeking assistance to improve environmental quality will be turned away.

Don't let these things happen. Support this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me say to my friend Senator SARBANES, there is no stronger supporter of our State revolving funds than I am, as chairman of the Environment and Public Works Committee. But I wish to say this is a $2.9 billion tax increase. There are ways of doing it by eliminating some unnecessary programs.

Regarding the portion also affecting the Corps of Engineers, I understand they are underfunded at this time and we are working right now in our committee to see what we can do to come up with some money by striking some of the less important, less necessary programs.

I urge my colleagues to vote against the Sarbanes amendment.

The PRESIDING OFFICER. All time having been yielded, the question is on agreeing to the amendment. The yeas and nays have been ordered. Under the previous order, this will be again a 10-minute vote.

The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAIG).

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Warner
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich

NOT VOTING—3

Craig
Landrieu
Levin

The amendment (No. 3103) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3102

The PRESIDING OFFICER. Under the previous order, the next amendment is the Dorgan amendment No. 3102. The yeas and nays have been ordered. There will be 2 minutes equally divided.

Mr. CONRAD. Mr. President, can I alert colleagues again? We have colleagues who are missing votes. They are missing votes because of the time deadline. We have had Democrats missing votes and we have had Republicans missing votes. We don't want you to miss votes. We want you to make votes but at the same time we have to stay on schedule.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I will be very brief.

This is an amendment which I offered last year. It adds $1 billion to the account dealing with American Indians.

All of us in this Chamber know there are neighbors among us in this country who live in Third World communities. We have a bona fide Federal crisis in health care, education, and housing on Indian reservations. We have a trust responsibility for the health care of American Indians.

Did you know we also have a responsibility for Federal prisoners' health care? We spend twice as much per person for the health care of Federal prisoners as we do to meet our trust responsibility for the health care of American Indians.

We all know we underfund these accounts. This adds $1 billion to a multitude of Indian accounts dealing with health care, housing, and education. It is funded by closing some tax loopholes.

I hope this Senate will decide this is the right set of priorities.

Mr. GREGG. Mr. President, this amendment doesn't guarantee that any money goes to the tribal authorities. All it does is raise the cap by $1 billion—increases taxes by $1 billion. It is entirely up to the Appropriations Committee how they spend money. We have no control over that. The practical effect of this amendment is simply tax and spend.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Under the previous order, the yeas and nays have been ordered. Under the previous order, this will be a 10-minute vote.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—42

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—56

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Dayton
Inouye

The amendment (No. 3102) was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3100

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to voting on the Cornyn amendment.

Mr. CORNYN. Mr. President, my amendment directs the Senate Committee on Finance to find $10 billion in additional savings out of the Medicare Program and builds on the work done in the Deficit Reduction Act where we reduced the rate of growth for mandatory spending by nearly $100 billion over the next decade.

As all Members know, there is increasing pressure on discretionary spending on important priorities because of the growth of Medicare, Social Security, and Medicaid. Medicare and Medicaid alone grew by 22 percent over the last 5 years. This will allow the Committee on Finance to take the stabilization fund, for example, that is used to supplement payments to preferred provider organizations which participate in the Medicare Program, which is available to be recouped to help pay down some of the debt in the amount of $10 billion, as well as other sources of revenue that they can gain out of the Medicare Program.

I ask my colleagues to vote "aye."

Mr. CONRAD. I yield the time to the ranking member on the Finance Committee, Senator BAUCUS.

Mr. BAUCUS. Mr. President, colleagues, this is déjà vu all over again. This is the reconciliation cut bill of $11 billion which barely passed the House all over again. It is added on, on top of that again. That was a net $11 billion cut for Medicare and Medicaid in the jurisdiction of the Committee on Finance, and this is $11 billion yet on top of that. That will come out of you know whose hides. You know how unpopular that will be back home.

This is not the way to cut entitlement spending or put a limit on it. The better way is an all-encompassing way when everyone is in it together, not directed to the Committee on Finance jurisdiction which will cut more out of Medicaid, cut more spending out of Medicare.

I strongly urge my colleagues, just remember, this is déjà vu all over again. It is a repeat of what happened last year. That was extremely unpopular.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—43

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Isakson
Kyl
Lott
McCain
McConnell
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Sununu
Talent
Thune
Vitter
Voinovich
Warner

NAYS—57

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Thomas
Wyden

The amendment (No. 3100) was rejected.

Mr. GREGG. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. STEVENS. Mr. President, on vote No. 62, I am recorded as "yea." I intended to vote "nay." I ask unanimous consent to change my vote. It will not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 3112 WITHDRAWN

Mr. GREGG. Mr. President, with the approval of Senator LANDRIEU, I ask unanimous consent that her amendment No. 3112 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, for the edification of our colleagues, when we complete the Collins amendment, the next five amendments after that—we have pending the Stabenow, Akaka, and Collins amendments—and the next five amendments after that will be the Lincoln amendment No. 3047; Grassley, an unnumbered amendment; Inhofe, No. 3093, I believe; Lincoln, No. 3106; Kerry, No. 3143.

We are now on to Senator STABENOW.

AMENDMENT NO. 3141

The PRESIDING OFFICER. There is 2 minutes equally divided on the amendment.

Who yields time?

The Senator from Michigan.

Ms. STABENOW. Mr. President, my amendment is about guaranteeing that every veteran in America has the health care they were promised and they deserve. Over the last 2 years, we have seen a 500-percent increase in the number of veterans seeking care from the VA who served in Iraq and Afghanistan alone. But this budget falls over 35,000 veterans short of the number of Iraq and Afghanistan veterans whom the VA currently treats. And remarkably, the President's budget projects fewer vets will seek mental health care, which is absolutely incorrect. If you believe, as I do, the men and women who have fought for our country should not have to fight every day, every year, for the health care they need, I urge you to vote yes on this amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I will be brief, but it is important I have the attention of my colleagues.

Yesterday, with the Burns amendment, we increased veterans funding over last year by 14 percent, so we have already increased veterans spending by 14 percent. The Senator from Michigan wishes now to increase it by 36 percent. That is 104 billion new dollars over a 5-year period. And it is taxed for. At least she has the courtesy of offering something that is paid for.

But even the Veterans Administration, with the Burns amendment, by their best guesstimation—and I use the word "guesstimation"—would suggest that veterans' care next year will grow by less than 2 percent. There is absolutely no justification for increasing veterans health care budgets by a grand total of 36 percent in 1 year.

This Senate has been progressively generous to America's veterans, as we should be. It is now one of the most rapidly growing health care budgets in our country, with the Burns amendment, not the Stabenow amendment. Please vote no on the Stabenow amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln

Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 3141) was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Ms. LANDRIEU. Mr. President, I ask unanimous consent to change my vote on amendment No. 3141, which we just voted on prior to this, offered by Senator STABENOW. I voted "nay." I wish to change it to "yea." It doesn't change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 3071

The PRESIDING OFFICER. There will now be 2 minutes equally divided prior to a vote on the Akaka amendment.

Who yields time?

Mr. CONRAD. I yield time to the Senator.

Mr. AKAKA. Mr. President, I ask unanimous consent that Senators Boxer and Johnson be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, this amendment restores $3 billion to title I in No Child Left Behind educational programs. The amendment was offered because this budget resolution underfunds title I by more than $12 billion. You should know that a $3 billion increase would bring title I up to what the President requested since fiscal year 2004. Without this increase, 29 States could lose title I funding, and another 7 States would be level funded.

Vote aye on the amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. ENZI. Mr. President, this amendment increases funding by $3 billion and will be offset by closing tax loopholes, which means raising taxes, which would require a separate effort, anyway. The resolution we have before us already provides $12.7 billion in 2007 for grants to local education agencies, the largest component of No Child Left Behind. That represents a 45-percent increase from 2001.

The Federal investment in education will have grown by $12.2 billion, or 29 percent, since fiscal year 2001. In addition, the resolution provides an additional $1.5 billion for funding for function 500, which includes No Child Left Behind, and those funds can be used for that. Education is and should be one of our highest priorities, but this amendment is paid for by increasing taxes and busts the discretionary spending cap. I ask that you vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant journal clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 3071) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, we are waiting for Senator CONRAD. For the moment, we will have to skip over Senator COLLINS. I understand we are hopefully going to have an understanding relative to the next two amendments, which will be the Grassley and Lincoln amendments.

That brings us to Senator INHOFE. We will come back to Senators COLLINS, GRASSLEY, and LINCOLN after this Inhofe vote.

AMENDMENT NO. 3093

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will report the Inhofe amendment.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 3093.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . TO CONTROL DISCRETIONARY SPENDING

"Beginning with fiscal year 2007 and thereafter, all non-defense, non-trust-fund, discretionary spending shall not exceed the previous fiscal year's levels, for purposes of the congressional budget process (Section 302 et al of the Congressional Budget Act of 1974), without a 2/3 vote of Members duly chosen and sworn."

Mr. INHOFE. Mr. President, how much time is divided on this amendment? I didn't get that.

The PRESIDING OFFICER. There is 1 minute for each side.

Mr. INHOFE. Mr. President, this is kind of a litmus test amendment. We have had it up a couple times before. We do intend to pick up votes each time. It is an amendment to get into some of the big spending we do around here. With the exception of trust votes and national defense, it says that any vote on appropriations that exceeds the previous year has to have a two-thirds majority.

This amendment is endorsed by a number of groups, including the American Conservative Union, Christian Coalition, and other groups. It will be a scored vote. It is a very significant vote. I think it is really the only meaningful vote to do something about curbing spending that we will have the entire day.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, this is truly a sweeping amendment. I hope colleagues are listening. This amendment seeks to lock in the current level of discretionary spending, not just for this year but permanently. I hope colleagues are listening. This seeks to lock in the current level of spending for homeland security, for veterans health, for NIH, not just for 1 year but permanently because it would take 67 votes to increase it.

I hope my colleagues will reject this amendment. This is an amendment which goes against every democratic impulse of this body.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that on the five amendments we have put in order, the yeas and nays be deemed to have been granted, along with the seconds of those yeas and nays.

The PRESIDING OFFICER. Is there objection to that being in order? Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3093. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Arkansas (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 62, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—35

Allard
Allen
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Martinez
McCain
McConnell
Nelson (NE)
Santorum
Sessions
Sununu
Thomas
Thune
Vitter

NAYS—62

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Voinovich
Warner
Wyden

NOT VOTING—3

Domenici
Lott
Murkowski

The amendment (No. 3093) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

AMENDMENT NO. 3064

Mr. GREGG. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the Collins amendment No. 3064, and I ask unanimous consent that it be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the amendment is agreed to.

The amendment (No. 3064) was agreed to.

AMENDMENTS NOS. 3148, 3127, AND 3047 WITHDRAWN

Mr. CONRAD. Mr. President, I am prepared to withdraw my amendment No. 3148 and Senator HAGEL is also prepared to have his amendment No. 3127 withdrawn. We are also prepared to withdraw Lincoln amendment No. 3047. We have managed to work out an understanding on all of these matters, so I ask unanimous consent to have those amendments withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, it is also our understanding that Senator GRASSLEY would not offer his amendment that was the matching amendment to the Lincoln amendment that has now been withdrawn.

Mr. GREGG. Under the previous agreement, Mr. President, we are now going to turn to the Lincoln amendment No. 3106, followed by the Kerry amendment No. 4103, followed by the DeMint amendment No. 3087.

AMENDMENT NO. 3106

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided.

Mrs. LINCOLN. Mr. President, in this administration's budget, time and time again rural America has been asked to give disproportionately, whether it is to deficit reduction, the war in Iraq, or anything else. Quite frankly, I think it is important for us to look seriously at the priorities of this budget but, more importantly, to look at rural America and what it means to the fabric of this country.

There are cuts in this budget to supplemental nutrition programs for women, infants, and children. USDA's rural housing program is cut by $259 million, resource conservation and development council, world business enterprise grant, telemedicine, State and private forestry programs, cooperative agriculture and food safety research units—all of these issues are critical to rural America. They don't have the corporate tax base or corporate citizenry out there that is going to support them.

If we want the way of life in this country to be maintained with both the fabric of this country being built by our urban areas and our rural areas, it is essential that we support the people and the working families in those areas.

I ask my colleagues to look at conservation, WIC, all of these programs and how important they are in your State.

Mr. CHAMBLISS. Mr. President, I regrettably rise in opposition to this amendment. The Senator from Arkansas and I normally agree on every issue involving agriculture. Philosophically, I am with her. But the problem is it raises the cap a little over $2 billion. It is simply not paid for. The things she is seeking to add money for such as research, nutrition, various rural development programs, all are great programs, but the time to handle that is in the appropriations process, not in the budget process. This means we would either have to raise taxes or increase the deficit, and now is not the time to have that debate. I think it should be in the appropriations process. I urge a "no" vote.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 3106.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Burns
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 3106) was rejected.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 3143, AS MODIFIED

Mr. KERRY. Mr. President, I ask unanimous consent my modification be accepted at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To prevent the imposition of excessive TRICARE fees and co-pays on military retirees)

On page 3, line 13, increase the amount by $592,000,000.

On page 3, line 15, increase the amount by $1,619,000,000.

On page 3, line 17, increase the amount by $2,188,000,000.

On page 3, line 19, increase the amount by $2,685,000,000.

On page 3, line 21, increase the amount by $3,271,000,000.

On page 4, line 1, increase the amount by $592,000,000.

On page 4, line 2, increase the amount by $1,619,000,000.

On page 4, line 3, increase the amount by $2,188,000,000.

On page 4, line 4, increase the amount by $2,685,000,000.

On page 4, line 6, increase the amount by $3,271,000,000.

On page 4, line 13, increase the amount by $735,000,000.

On page 4, line 15, increase the amount by $1,862,000,000.

On page 4, line 17, increase the amount by $2,322,000,000.

On page 4, line 19, increase the amount by $2,816,000,000.

On page 4, line 21, increase the amount by $3,424,000,000.

On page 5, line 4, increase the amount by $592,000,000.

On page 5, line 6, increase the amount by $1,619,000,000.

On page 5, line 8, increase the amount by $2,188,000,000.

On page 5, line 10, increase the amount by $2,685,000,000.

On page 5, line 12, increase the amount by $3,271,000,000.

On page 9, line 20, increase the amount by $735,000,000.

On page 9, line 21, increase the amount by $592,000,000.

On page 9, line 24, increase the amount by $1,862,000,000.

On page 9, line 25, increase the amount by $1,619,000,000.

On page 10, line 3, increase the amount by $2,322,000,000.

On page 10, line 4, increase the amount by $2,188,000,000.

On page 10, line 7, increase the amount by $2,816,000,000.

On page 10, line 8, increase the amount by $2,685,000,000.

On page 10, line 11, increase the amount by $3,424,000,000.

On page 10, line 12, increase the amount by $3,271,000,000.

On page 53, line 1, increase the amount by $735,000,000.

On page 53, line 2, increase the amount by $592,000,000.

On page 53, line 4, increase the amount by $1,862,000,000.

On page 53, line 7, increase the amount by $2,322,000,000.

Mr. KERRY. Mr. President, the Bush budget triples the fees for officers who are retired under the age of 65 who put in their 20 years of service, and doubles the fees and copays for senior enlisted folks, again, after their 20 years of service to the country.

There are several other ways to cover the costs of increased health care under TRICARE. We could stimulate the use of lower cost mail-order pharmacies. We could negotiate with drug manufacturers who secure discounts under TRICARE, which we don't do. You don't have to take it out of the hide of the retirees themselves.

We pay for this. It is paid for by closing a number of tax loopholes and it is fully paid for so we do not have to raise copays on retirees who put in 20 years of service in uniform.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Massachusetts for highlighting an issue that is important to the Armed Services Committee, the authorizing committee. A lot of work is already going on to deal with this problem. The Chairman of the Joint Chiefs, Peter Pace, said rising health care costs are the No. 1 issue when he spoke to our committee.

This amendment would cost $10.4 billion over 5 years and result in an increase in taxes by that amount. The authorizing committee does need to focus on it and is focusing on this issue.

I ask the amendment be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Montana (Mr. BURNS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Chafee
Clinton
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Burns

The amendment (No. 3143), as modified, was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we have made significant progress in reducing the number of amendments. This is the good news—really dramatic progress. The bad news is, with the amendments that are still pending we will be here until 2 o'clock in the morning.

It is in the hands of Members of this body. If everybody sticks to their guns and insists on their amendments, we are going to be here until 2 o'clock in the morning.

I ask colleagues to please show some forbearance. We have other vehicles that are coming—the appropriations bills—and other opportunities to make Members' views known.

Mr. GREGG. Mr. President, I appreciate the especially hard work of the Senator from North Dakota in reducing the number of amendments. I just wish we had been a little more successful because we will be here until 2 o'clock in the morning at the rate we are going.

AMENDMENTS NOS. 3144, 3085, 3140, 3139, 3053, 3079, 3083, 3033; 3052, AS MODIFIED, 3154, AND 3059, EN BLOC

Mr. GREGG. Mr. President, in an effort to try to move things along, I ask unanimous consent that the following amendments be considered and agreed to en bloc, and the motions to reconsider be laid upon the table:

Senator OBAMA's amendment No. 3144; Senator ENSIGN, amendment No. 3085; Senator LEVIN, amendment No. 3140; Senator LANDRIEU, amendment No. 3139; Senator LINCOLN, amendment No. 3053; Senator DEWINE, amendment No. 3079; Senator DEWINE, amendment No. 3083; Senator DEWINE, amendment No. 3033; Senator SANTORUM, amendment No. 3052, as modified; Senator LEAHY, amendment No. 3154; and Senator BAUCUS, amendment No. 3059.

Mr. CONRAD. Mr. President, reserving the right to object, we don't have on our list the amendment of the Senator from Pennsylvania.

I am told that is OK. That has been cleared on both sides.

Mr. COBURN. I object.

Mr. GREGG. Mr. President, I renew my unanimous consent request reflecting all those amendments which have been read except for amendment No. 3052 of Mr. SANTORUM.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Objection, the amendments are agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 3144

(Purpose: To provide a $40 million increase in FY 2007 for the Homeless Veterans Reintegration Program and to improve job services for hard-to-place veterans)

On page 23, line 24, increase the amount by $40,000,000.

On page 23, line 25, increase the amount by $5,000,000.

On page 24, line 4, increase the amount by $25,000,000.

On page 24, line 8, increase the amount by $6,000,000.

On page 24, line 12, increase the amount by $3,000,000.

On page 24, line 16, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $40,000,000.

On page 27, line 24, decrease the amount by $5,000,000.

On page 28, line 2, decrease the amount by $25,000,000.

On page 28, line 5, decrease the amount by $6,000,000.

On page 28, line 8, decrease the amount by $3,000,000.

On page 28, line 11, decrease the amount by $1,000,000.

AMENDMENT NO. 3085

(Purpose: To provide funding to hire an additional 500 Border Patrol Agents; fully funding the promise Congress made to the American people to hire 2,000 new agents in FY2007 as authorized by the National Intelligence Reform Act of 2004 and as recommended by the 9/11 Commission)

On page 24, line 24, increase the amount by $153,000,000.

On page 24, line 25, increase the amount by $122,400,000.

On page 25, line 4, increase the amount by $15,300,000.

On page 25, line 8, increase the amount by $15,300,000.

On page 10, line 20, decrease the amount by $153,000,000.

On page 10, line 21, decrease the amount by $122,400,000.

On page 10, line 25, decrease the amount by $15,300,000.

On page 11, line 4, decrease the amount by $15,300,000.

AMENDMENT NO. 3140

(Purpose: To provide funds to establish additional Northern Border Air Wings, offset through reductions in Function 920)

On page 24, line 24, increase the amount by $6,000,000.

On page 24, line 25, increase the amount by $4,000,000.

On page 25, line 4, increase the amount by $2,000,000.

On page 27, line 23, decrease the amount by $6,000,000.

On page 27, line 24, decrease the amount by $4,000,000.

On page 28, line 2, decrease the amount by $2,000,000.

AMENDMENT NO. 3139

(Purpose: To provide funding for maintaining a robust long range bomber force including 94 B–52 aircraft)

On page 9, line 20, increase the amount by $77,000,000.

On page 9, line 21, increase the amount by $43,000,000.

On page 9, line 24, increase the amount by $239,000,000.

On page 9, line 25, increase the amount by $188,000,000.

On page 10, line 3, increase the amount by $270,000,000.

On page 10, line 4, increase the amount by $238,000,000.

On page 10, line 7, increase the amount by $217,000,000.

On page 10, line 8, increase the amount by $240,000,000.

On page 10, line 11, increase the amount by $263,000,000.

On page 10, line 12, increase the amount by $246,000,000.

On page 10, line 20, decrease the amount by $77,000,000.

On page 10, line 21, decrease the amount by $43,000,000.

On page 10, line 24, decrease the amount by $239,000,000.

On page 10, line 25, decrease the amount by $188,000,000.

On page 11, line 3, decrease the amount by $270,000,000.

On page 11, line 4, decrease the amount by $238,000,000.

On page 11, line 7, decrease the amount by $217,000,000.

On page 11, line 8, decrease the amount by $240,000,000.

On page 11, line 11, decrease the amount by $263,000,000.

On page 11, line 12, decrease the amount by $246,000,000.

AMENDMENT NO. 3053

(Purpose: To provide for restoring funding for the portion of the COPS program devoted to countering methamphetamine, offset by a reduction to Function 920 (Allowances)

On page 24, line 24, increase the amount by $23,000,000.

On page 24, line 25, increase the amount by $3,000,000.

On page 25, line 3, increase the amount by $23,000,000.

On page 25, line 4, increase the amount by $9,000,000.

On page 25, line 7, increase the amount by $23,000,000.

On page 25, line 8, increase the amount by $15,000,000.

On page 25, line 11, increase the amount by $23,000,000.

On page 25, line 12, increase the amount by $20,000,000.

On page 25, line 15, increase the amount by $23,000,000.

On page 25, line 16, increase the amount by $23,000,000.

On page 27, line 23, decrease the amount by $23,000,000.

On page 27, line 24, decrease the amount by $3,000,000.

On page 28, line 1, decrease the amount by $23,000,000.

On page 28, line 2, decrease the amount by $9,000,000.

On page 28, line 4, decrease the amount by $23,000,000.

On page 28, line 5, decrease the amount by $15,000,000.

On page 28, line 7, decrease the amount by $23,000,000.

On page 28, line 8, decrease the amount by $20,000,000.

On page 28, line 10, decrease the amount by $23,000,000.

On page 28, line 11, decrease the amount by $23,000,000.

AMENDMENT NO. 3079

(Purpose: To increase funding for Child Survival and Maternal Health Programs)

On page 10, line 20, increase the amount by $77,000,000.

On page 10, line 21, increase the amount by $77,000,000.

On page 27, line 23, decrease the amount by $77,000,000.

On page 27, line 24, decrease the amount by $77,000,000.

AMENDMENT NO. 3083

(Purpose: To increase funding for the Children's Hospitals Graduate Medical Education Program under the Public Health Service Act for fiscal year 2007)

On page 19, line 24, increase the amount by $198,000,000.

On page 19, line 25, increase the amount by $198,000,000.

On page 27, line 23, decrease the amount by $198,000,000.

On page 27, line 24, decrease the amount by $198,000,000.

AMENDMENT NO. 3033

(Purpose: To increase funding for NASA aeronautics programs by $179,000,000 in fiscal year 2007, with an offset)

On page 11, line 21, increase the amount by $179,000,000.

On page 11, line 22, increase the amount by $179,000,000.

On page 27, line 23, decrease the amount by $179,000,000.

On page 27, line 24, decrease the amount by $179,000,000.

AMENDMENT NO. 3154

(Purpose: To fund grants for bullet proof vests for local law enforcement agencies at the full authorized level)

On page 24, line 24, increase the amount by $41,000,000.

On page 24, line 25, increase the amount by $5,000,000.

On page 25, line 4, increase the amount by $11,000,000.

On page 25, line 8, increase the amount by $10,000,000.

On page 25, line 12, increase the amount by $8,000,000.

On page 25, line 16, increase the amount by $6,000,000.

On page 27, line 23, decrease the amount by $41,000,000.

On page 27, line 24, decrease the amount by $5,000,000.

On page 28, line 2, decrease the amount by $11,000,000.

On page 28, line 5, decrease the amount by $10,000,000.

On page 28, line 8, decrease the amount by $8,000,000.

On page 28, line 11, decrease the amount by $6,000,000.

AMENDMENT NO. 3059

(Purpose: To improve America's economic competitiveness)

At the end of section 309, insert the following:

(d) FINANCE.—If—

(1) the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) improves America's trade competitiveness or enforcement; or

(B) fosters health care information technology or pay-for-performance; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974; the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

AMENDMENTS NOS 3155 AND 3156

Mr. GREGG. Mr. President, I ask unanimous consent that the following two amendments which have not been filed be considered and agreed to en bloc, and the motions to reconsider be laid upon the table:

Senator SALAZAR on PILT, and Senator STABENOW on borders.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 3155

(Purpose: To fully fund the Payment in Lieu of Taxes (PILT) program. Adds $152 million to Function 800 (General Government) for PILT)

On page 25, line 24, increase the amount by $152,000,000.

On page 25, line 25, increase the amount by $152,000,000.

On page 27, line 23, decrease the amount by $152,000,000.

On page 27, line 24, decrease the amount by $152,000,000.

AMENDMENT NO. 3156

(Purpose: To protect the American People from terrorist attacks and threats to public health by collecting a fee for inspection exclusively of international trash shipments at the U.S. border generating $45 million in receipts. The fee will help defray the cost of increasing the number and quality of inspections of these potentially dangerous shipments at the border. The fee for inspection service will be implemented to be fully compliant with the General Agreement on Tariffs and Trade and other applicable trade agreements)

On page 24, line 24, decrease the amount by $45,000,000.

On page 24, line 25, decrease the amount by $45,000,000.

On page 25, line 3, decrease the amount by $45,000,000.

On page 25, line 4, decrease the amount by $45,000,000.

On page 25, line 7, decrease the amount by $45,000,000.

On page 25, line 8, decrease the amount by $45,000,000.

On page 25, line 11, decrease the amount by $45,000,000.

On page 25, line 12, decrease the amount by $45,000,000.

On page 25, line 15, decrease the amount by $45,000,000.

On page 25, line 16, decrease the amount by $45,000,000.

On page 27, line 23, increase the amount by $45,000,000.

On page 27, line 24, increase the amount by $45,000,000.

On page 28, line 1, increase the amount by $45,000,000.

On page 28, line 2, increase the amount by $45,000,000.

On page 28, line 4, increase the amount by $45,000,000.

On page 28, line 5, increase the amount by $45,000,000.

On page 28, line 7, increase the amount by $45,000,000.

On page 28, line 8, increase the amount by $45,000,000.

On page 28, line 10, increase the amount by $45,000,000.

On page 28, line 11, increase the amount by $45,000,000.

AMENDMENT NO. 3087, AS MODIFIED

Mr. GREGG. Mr. President, I now believe that we are on the amendment by Senator DEMINT.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 3087, AS MODIFIED

Mr. DEMINT. Mr. President, I have a modified amendment that I would like to send to the desk

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3087, as modified.

Mr. DEMINT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. RESERVE FUND FOR SOCIAL SECURITY REFORM.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that provides changes to the Federal Old Age, Survivors, and Disability Insurance Benefits Program established under title II of the Social Security Act (42 U.S.C. 401 et seq.), by—

(1) requiring that the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund are used to finance expenditures to provide retirement and disability income of future beneficiaries of such program;

(2) ensuring that there is no change to current law scheduled benefits for individuals born before January 1, 1950;

(3) providing the option to voluntarily obtain legally binding ownership of at least some portion of each participant's benefits; and

(4) ensuring that the funds made available to finance such legislation do not exceed the amounts of the Chief Actuary of the Social Security Administration's intermediate actuarial estimates of the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund, as published in the most recent report of the Board of Trustees of such Trust Funds,

the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

Mr. DEMINT. Mr. President, the amendment I have sent to the desk adds a reserve fund to the budget resolution for Social Security that would allow Congress to begin saving Social Security surpluses for future Social Security recipients.

If the Finance Committee does not report back, then nothing happens. The amendment does nothing to change Social Security—no privatization, no stock market investment, and it does not add to the deficit.

The amendment only creates a budget mechanism to allow Congress to consider ways to begin saving the Social Security surplus.

I suspect most Members of this body, Republican and Democrat, are on record on the Senate floor or in a campaign saying that it is wrong to spend the Social Security surplus on other Government programs.

While we don't yet agree on how to fix Social Security, every Member and I believe every American knows that it is wrong to continue to spend Social Security taxes on other Government programs.

This amendment would open the door to consider ways to stop spending Social Security money.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. CONRAD. Mr. President, I yield the time on this side to the Senator from Montana.

Mr. BAUCUS. Mr. President my colleagues are not being fooled. This is privatization of Social Security. Turn to page 29, paragraph 3. It so provides.

We have already gone down the road on privatization of Social Security.

The so-called surplus that the Senator referred to is just to privatize Social Security.

The American public said no to privatizing Social Security. The President has realized that it is a bad idea. The Congress should realize it. It is a bad idea. The AARP sure knows it is a bad idea. I have a letter from the AARP. Let me read from it. They say:

> AARP strongly opposes this attempt to resurrect a proposal that the American public has soundly rejected.

This is privatization of Social Security, pure and simple. The Senate should reject it as the American people have rejected it.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP
Washington, DC, March 16, 2006.

Hon. HARRY REID,
Minority Leader, Capitol Office Building, Washington, DC.

DEAR SENATOR REID: The Senate will vote on an amendment to S. Con. Res. 83 offered by Senator DeMint to use annual Social Security surpluses to create private accounts. AARP strongly opposes this attempt to resurrect a proposal that the American public has soundly rejected.

AARP believes this proposal has serious consequences for our nation's overall fiscal health and Social Security's long-term outlook. Ostensibly designed to "stop the raid on the surplus", the proposal would still result in the Treasury Department receiving the money to spend on its needs, but the federal deficit and debt would increase by over $700 billion over the next ten years. Our nation cannot afford this unnecessary increase in its already large federal debt, and we should not ask future generations to pay for the added cost.

Social Security faces a long-term financial shortfall that we should address in a timely manner, but private accounts do nothing to address long-term solvency. AARP believes it is time to put aside polarizing ideas that do not work and get serious about securing Social Security so future generations can count on these important benefits.

Sincerely,

DAVID P. SLOANE,
Senior Managing Director, Government Relations & Advocacy.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—46

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Warner

NAYS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Burns
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Stabenow
Talent
Wyden

NOT VOTING—1

Voinovich

The amendment (No. 3087), as modified, was rejected.

Mr. GREGG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. I understand the Senator from Nebraska will offer an amendment.

AMENDMENT NO. 3116 WITHDRAWN

Mr. NELSON of Nebraska. Mr. President, many of our colleagues would be surprised to learn, as I was, that some agencies are skimming off the top a portion of some of the congressional appropriations and keeping money in that agency without authorization.

This amendment is simple. It says if it has been determined that a constituency warrants a direct appropriation, one that has gone through the scrutinizing process and is supported by the House, Senate, and signed into law, that constituency should receive the full amount. Bureaucrats at the agencies, who are not the fourth branch of Government, should not be unilaterally determining that some sort of surcharge should be charged against these projects. It amounts to a tax on our constituents, and it usurps the authority of Congress by circumventing the legislative process and giving nameless, faceless bureaucrats the authority to alter legislation after it has been signed into law.

We have every right to expect that what we appropriate will be 100 percent provided when we determine that is the way it is, unless we determine otherwise. And in the situation where our constituents determine that the full amount of the earmark is not needed and turns back some of the funding to the government—this amendment says that instead of going to bureaucrats in the agencies to spend as they wish—it should instead go towards deficit reduction.

I am withdrawing my amendment at this time for the sake of time. But we will all see this amendment again because I will bring it back.

Mr. GREGG. We turn to the Senator from Minnesota.

AMENDMENT NO. 3097

Mr. DAYTON. Mr. President, I call up amendment numbered 3097 and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself, Mr. DODD, Ms. MIKULSKI, Mr. DURBIN, Mr. SCHUMER, Mr. MENENDEZ, and Mrs. CLINTON, proposes an amendment numbered 3097.

Mr. DAYTON. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide mandatory funding to fully fund the Individuals with Disabilities Education Act (IDEA) Part B grants to states: paid for by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $230,000,000.

On page 3, line 15, increase the amount by $7,591,000,000.

On page 3, line 17, increase the amount by $3,450,000,000.

On page 3, line 19, increase the amount by $230,000,000.

On page 4, line 1, increase the amount by $230,000,000.

On page 4, line 2, increase the amount by $7,591,000,000.

On page 4, line 3, increase the amount by $3,450,000,000.

On page 4, line 4, increase the amount by $230,000,000.

On page 4, line 13, increase the amount by $11,501,000,000.

On page 5, line 4, increase the amount by $230,000,000.

On page 5, line 6, increase the amount by $7,591,000,000.

On page 5, line 8, increase the amount by $3,450,000,000.

On page 5, line 10, increase the amount by $230,000,000.

On page 18, line 24, increase the amount by $11,501,000,000.

On page 18, line 25, increase the amount by $230,000,000.

On page 19, line 4, increase the amount by $7,591,000,000.

On page 19, line 8, increase the amount by $3,450,000,000.

On page 19, line 12, increase the amount by $230,000,000.

Mr. DAYTON. I ask unanimous consent Senators MENENDEZ and CLINTON be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, this amendment is a unique concept. It says the Senate will fulfill a 29-year-old commitment to fund 40 percent of the costs of special education. I appreciate the amendment of the Senator from Rhode Island, Mr. CHAFEE, which was adopted by the Senate to bring us to 20 percent, which is half of that goal. That is an improvement.

But if we were to say the Defense Department was half funded, or national security or homeland security were half funded, we would find a reason to immediately increase that funding. So I respectfully submit that closing tax loopholes for corporations that are not paying taxes now and providing that money for special education for our students across this country is a worthy goal.

I urge adoption of the amendment. I will accept a voice vote.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield back time in opposition and ask that we proceed to the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3097) was rejected.

Mr. GREGG. Mr. President, I ask unanimous consent that if the yeas and nays were ordered on that amendment they would be vitiated.

The PRESIDING OFFICER. The yeas and nays were not ordered.

Mr. GREGG. Good.

Mr. President, we will now turn to the Boxer amendment, No. 3105; followed by the Bingaman amendment, No. 3121; followed by the Nelson amendment, No. 3001; followed by the Feinstein amendment, No. 3067; followed by the Stabenow amendment, No. 3118; followed by the Santorum amendment, No. 3052; followed by the Domenici amendment, No. 3128. And we reserve the right to offer an amendment after the Nelson amendment but before the Feinstein amendment relative to the same topic as the Nelson amendment.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 3105

Mrs. BOXER. Mr. President, I call up amendment No. 3105 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 3105.

The amendment is as follows:

(Purpose: To increase funding for the 21st Century Community Learning Center program; paid for by rolling back tax cuts for those with incomes over $1 million)

On page 3, line 13, increase the amount by $15,000,000.

On page 3, line 15, increase the amount by $435,000,000.

On page 3, line 17, increase the amount by $225,000,000.

On page 3, line 19, increase the amount by $75,000,000.

On page 4, line 1, increase the amount by $15,000,000.

On page 4, line 2, increase the amount by $435,000,000.

On page 4, line 3, increase the amount by $225,000,000.

On page 4, line 4, increase the amount by $75,000,000.

On page 4, line 13, increase the amount by $750,000,000.

On page 5, line 4, increase the amount by $15,000,000.

On page 5, line 6, increase the amount by $435,000,000.

On page 5, line 8, increase the amount by $225,000,000.

On page 5, line 10, increase the amount by $75,000,000.

On page 18, line 24, increase the amount by $750,000,000.

On page 18, line 25, increase the amount by $15,000,000.

On page 19, line 4, increase the amount by $435,000,000.

On page 19, line 8, increase the amount by $225,000,000.

On page 19, line 12, increase the amount by $75,000,000.

On page 53, line 1, increase the amount by $750,000,000.

On page 53, line 2, increase the amount by $15,000,000.

Mrs. BOXER. Mr. President, I call this amendment the "Gucci afterschool amendment" because we are asking millionaires to give up one Gucci jacket or $2,000 out of their $114,000 tax cut they are going to get in 2007 so we can offer 716,000 additional children an afterschool program.

This amendment begins to fulfill the promise this President and this Congress made to our children. It will mean a big difference in every Senator's children's lives. In other words, I am looking at Senators all across this country. Every one of their States will see an increase of eligible children: in Alaska, 3,000 more children; in Florida, 33,000 more; in Indiana, 9,000 more; in Maine, 3,000 more—and it goes on—in New Hampshire, 3,000 more; in Ohio, 20,000 more; in Pennsylvania, 27,000 more; in Texas, 68,000 more.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. So I think the people earning $1 million can give up a Gucci jacket to send more children to afterschool. I urge an "aye" vote.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first, we have already approved an extra $7 billion for these accounts here this evening. In addition, in the budget we brought forward, we added $1.5 billion for these accounts.

This amendment is very much in the tradition of tax and spend. As the Senator from California openly admits, she wants to raise taxes significantly to pay for this new spending. But we have already committed significant dollars into these accounts, and I do not think it is necessary. So I hope we vote this amendment down.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—43

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—57

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 3105) was rejected.

Mr. GREGG. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3121

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this amendment is one Senator SMITH and I are offering to delete section 406 from the budget resolution. Section 406 does for direct spending legislation exactly what the Senate determined not to do with discretionary spending about an hour and a half ago on the Inhofe amendment. It says that for any bill that contains direct spending, a 60-vote point of order can be raised against it. That includes the Defense bill, the farm bill, a tremendous number of bills that we try to pass through the Senate every year. I urge my colleagues to support this amendment and delete that section from the budget resolution.

I yield the rest of my time to Senator SMITH.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, with reluctance I rise in opposition to this particular provision, but my reluctance vanishes when I consider the programs this would automatically affect—not just Social Security, Medicaid, and Medicare but the farm program, county payments, Indian water rights, all the things that are dealt with under entitlements. I think we need to deal with those eventually as Republicans and Democrats and as Americans. We should not do it on the basis of this particular formula.

The PRESIDING OFFICER. Has the Senator from New Mexico offered the amendment?

Mr. BINGAMAN. Mr. President, I do offer the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. SMITH, proposes an amendment numbered 3121.

The amendment is as follows:

(Purpose: To strike the direct spending limitation)

Strike section 406.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the characterization of this amendment has been totally inaccurate. In fact, I haven't heard as inaccurate a characterization of an amendment today, and we have heard a lot of talk today. This amendment doesn't do what was just represented. What this amendment does is, it says that for any 2-year period the trustees of the Medicare trust fund tell us that over 45 percent of the cost of Medicare or another entitlement—but it would probably be Medicare—is coming out of the general fund. Remember, Medicare is supposed to be an insurance fund; this is part A. Then at that point, there is an opportunity to raise a point of order against new entitlement spending. It specifically excludes Social Security.

The fact is, this is a point of order which will probably not come into play for many years, but it is an attempt to address what is a looming problem, which is that Medicare is taking more and more assets out of the general fund rather than being paid through the insurance process. It is good budget discipline.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3121. The clerk will call the roll.

The assistant journal clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 3121) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. It is my understanding that by unanimous consent my amendment is next in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. Do I need to call up amendment No. 3001?

The PRESIDING OFFICER. The Senator does.

AMENDMENT NO. 3001

Mr. NELSON of Florida. Mr. President, I call up amendment No. 3001.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 3001.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds ensuring Survivor Benefit Plan annuities are not reduced by the amount of dependency and indemnity compensation that military families receive, and to provide funds for "paid-up" SBP, offset by closing abusive corporate tax loopholes)

On page 3, line 13, increase the amount by $975,000,000.

On page 3, line 15, increase the amount by $1,037,000,000.

On page 3, line 17, increase the amount by $792,000,000.

On page 3, line 19, increase the amount by $826,000,000.

On page 3, line 21, increase the amount by $861,000,000.

On page 4, line 1, increase the amount by $975,000,000.

On page 4, line 2, increase the amount by $1,037,000,000.

On page 4, line 3, increase the amount by $792,000,000.

On page 4, line 4, increase the amount by $826,000,000.

On page 4, line 6, increase the amount by $861,000,000.

On page 4, line 13, increase the amount by $975,000,000.

On page 4, line 15, increase the amount by $1,037,000,000.

On page 4, line 17, increase the amount by $792,000,000.

On page 4, line 19, increase the amount by $826,000,000.

On page 4, line 21, increase the amount by $861,000,000.

On page 5, line 4, increase the amount by $975,000,000.

On page 5, line 6, increase the amount by $1,037,000,000.

On page 5, line 8, increase the amount by $792,000,000.

On page 5, line 10, increase the amount by $826,000,000.

On page 5, line 12, increase the amount by $861,000,000.

On page 9, line 20, increase the amount by $975,000,000.

On page 9, line 21, increase the amount by $975,000,000.

On page 9, line 24, increase the amount by $1,037,000,000.

On page 9, line 25, increase the amount by $1,037,000,000.

On page 10, line 3, increase the amount by $792,000,000.

On page 10, line 4, increase the amount by $792,000,000.

On page 10, line 7, increase the amount by $826,000,000.

On page 10, line 8, increase the amount by $826,000,000.

On page 10, line 11, increase the amount by $861,000,000.

On page 10, line 12, increase the amount by $861,000,000.

Mr. NELSON of Florida. Mr. President, am I allocated 1 minute?

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. Mr. President, this is the widows or orphans amendment. You have already voted on this, 92 to 6, last fall. It is eliminating the offset between two different programs taking care of widows and orphans. It is a cost of war, just as providing equipment and ammunition. It is a cost of war to take care of our widows or orphans.

On the one hand, the service member pays for taking care of the survivors in the survivors benefit plan. On the other hand, the Veterans Department takes care of the dependents indemnity compensation. But those two are offset in current law. This eliminates the offset. I urge you to support the widows and the orphans.

Mr. GREGG. Mr. President, would the Senator agree to a voice vote?

Mr. NELSON of Florida. The Senator will agree to a voice vote as long as it passes favorably. I expect the Senator is being advised that since the Senate is on record with a 92-to-6 vote, there will be a voice vote.

Mr. GREGG. Why don't we do a voice vote.

Mr. NELSON of Florida. That is acceptable to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 3001) was agreed to.

Mr. NELSON of Florida. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 3164

Ms. STABENOW. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 3164.

Ms. STABENOW. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund to allow for deficit-neutral legislation that would provide seniors with a prescription drug benefit option that is affordable, user-friendly, and administered directly by the Secretary of Health and Human Services)

At the end of title III, insert the following:

SEC. . RESERVE FUND TO ALLOW FOR DEFICIT-NEUTRAL LEGISLATION THAT WOULD PROVIDE SENIORS WITH A PRESCRIPTION DRUG BENEFIT OPTION THAT IS AFFORDABLE, USER-FRIENDLY, AND ADMINISTERED DIRECTLY BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or conference report thereon, that would—

(1) provide all Medicare beneficiaries with a Medicare-administered prescription drug plan option, while preserving the private prescription drug plan options;

(2) ensure that Medicare beneficiaries pay the lowest possible prescription drug prices by directing the Secretary of Health and Human Services to negotiate with pharmaceutical manufacturers with respect to the

purchase price of covered part D drugs on behalf of beneficiaries enrolled in the Medicare-administered prescription drug plan;

(3) improve the part D standard prescription drug benefit; and

(4) guarantee that Medicare beneficiaries receive the FDA-approved drugs they need by preventing prescription drug plans and MA-PD plans from ending coverage of drugs, or imposing restrictions or limitations on coverage of drugs, that were covered when the beneficiary enrolled in the plan until the beneficiary has the opportunity to switch plans, with an exception to such guarantee for brand name drugs for which there is a generic drug approved under section 505(j) of the Food and Drug Cosmetic Act that is placed on the market during the period in which the guarantee applies;

by the amount provided in such measure for those purposes, provided that such legislation would not increase the deficit for the period of fiscal years 2007 through 2011.

Ms. STABENOW. Mr. President, this amendment would create a deficit-neutral reserve fund to provide seniors with the one prescription drug choice that they want, which they don't currently have, and that is an affordable prescription drug benefit administered directly through Medicare.

As you know, the current system has a lot of headaches right now. There are a lot of private plans—over 70 in Michigan—and there has been mass confusion. A lot of folks are actually paying more for drugs under this Part D program than they were before.

My amendment would give our seniors a new option, a Medicare-guaranteed option. Seniors today can get their Part A and Part B benefits either through a private plan or a traditional Medicare benefit plan. But they don't have that choice for their medicine. This would give them that choice. It would also direct the Secretary of HHS to negotiate drug prices on behalf of seniors choosing to get their medicines through Medicare.

This amendment simply gives seniors and disabled persons the real choice they want, which is a Medicare prescription drug benefit, where you go to Medicare and you can sign up and you know the copay and the premium. You go to the pharmacy and get your medicine. I ask for your support.

Mr. GRASSLEY. Mr. President, it is beyond my understanding when the argument is made that this program is too confusing because there are too many plans, and then you add yet another plan. That is what this amendment does. They say there is too much confusion and there are too many plans, and they want to add another plan.

This amendment is going to destroy the competitive incentives and replace them with a Government-controlled regime. It puts the Government into the full-time business of setting drug prices and determining what drugs are covered. Strong competition has led to lower costs. The average premium is $25. That is 20 percent less than we expected.

This amendment would result in higher premiums. This amendment would also have a drug safety issue with it. This amendment would force plans to keep unsafe drugs in the formulary because what is on at the first of the year has to stay on through the whole year. So if Vioxx was on in January 2004 and was found unsafe in September 2004, it would still have to be on the formulary for another 3 months.

This is a Government-run plan. It increases costs and has price controls and unsafe drugs. This is just not a good amendment.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator's time has expired. The question is on agreeing to amendment No. 3164.

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—39

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—60

Alexander
Allard
Allen
Baucus
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Bennett

The amendment (No. 3164) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, at this point we are going to go to Senator AKAKA.

Mr. CONRAD. Mr. President, if we could ask colleagues' indulgence for a few more minutes here, we are very close. We have made enormous progress in the last 20 minutes, 30 minutes. We are very close. If we could have colleagues' indulgence for a few more minutes, we could rapidly come to conclusion.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

AMENDMENT NO. 3044

Mr. AKAKA. Mr. President, I call up amendment No. 3044 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself and Mr. INOUYE, proposes an amendment numbered 3044.

Mr. AKAKA. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 13, increase the amount by $70,000,000.

On page 3, line 15, increase the amount by $80,000,000.

On page 3, line 17, increase the amount by $70,000,000.

On page 3, line 19, increase the amount by $50,000,000.

On page 3, line 21, increase the amount by $40,000,000.

On page 4, line 1, increase the amount by $70,000,000.

On page 4, line 2, increase the amount by $80,000,000.

On page 4, line 3, increase the amount by $70,000,000.

On page 4, line 4, increase the amount by $50,000,000.

On page 4, line 6, increase the amount by. $40,000,000.

On page 4, line 13, increase the amount by $70,000,000.

On page 4, line 15, increase the amount by $80,000,000.

On page 4, line 17, increase the amount by $70,000,000.

On page 4, line 19, increase the amount by $50,000,000.

On page 4, line 21, increase the amount by $40,000,000.

On page 5, line 4, increase the amount by $70,000,000.

On page 5, line 6, increase the amount by $80,000,000.

On page 5, line 8, increase the amount by $70,000,000.

On page 5, line 10, increase the amount by $50,000,000.

On page 5, line 12, increase the amount by $40,000,000.

On page 23, line 24, increase the amount by $70,000,000.

On page 23, line 25, increase the amount by $70,000,000.

On page 24, line 3, increase the amount by $80,000,000.

On page 24, line 4, increase the amount by $80,000,000.

On page 24, line 7, increase the amount by $70,000,000.

On page 24, line 8, increase the amount by $70,000,000.

On page 24, line 11, increase the amount by $50,000,000.

On page 24, line 12, increase the amount by $50,000,000.

On page 24, line 15, increase the amount by $40,000,000.

On page 24, line 16, increase the amount by $40,000,000.

Mr. AKAKA. Mr. President, my amendment would provide nonservice-connected pensions to Filipino veterans of World War II. In 1941, President Roosevelt issued an Executive order which called into the order of the Armed Forces of the United States all organized military forces of the Commonwealth of the Philippines. These veterans fought alongside American troops and were commanded by General MacArthur. There was no question when they were fighting that they would be treated the same as American troops. Congress betrayed these veterans by enacting the Rescission Act which deemed the service of soldiers of the Commonwealth Army of the Philippines not to be service in the United States military. This was after they already served with the U.S. military. These veterans have been waiting for 60 years to have their benefits reinstated. It is time that the United States fulfill its responsibility to these veterans.

I yield back my time.

Mr. GREGG. Mr. President, I believe we can go to a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3044.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3044.

The amendment (No. 3044) was rejected.

AMENDMENT NO. 3052

Mr. SANTORUM. Mr. President, I call up amendment No. 3052 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mr. DURBIN, Mr. DAYTON, Ms. STABENOW, Mrs. CLINTON, Mrs. BOXER, Mr. SARBANES and Mr. KERRY, proposes an amendment numbered 3052.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To continue providing 33 percent of the Global Fund's revenue and to contribute an additional $566,000,000 to the Global Fund for fiscal year 2007 to support grant renewals and new proposals to support international HIV/AIDS, tuberculosis, and malaria programs)

On page 10, line 20, increase the amount by $566,000,000.

On page 10, line 21, increase the amount by $566,000,000.

On page 27, line 23, decrease the amount by $566,000,000.

On page 27, line 24, decrease the amount by $566,000,000.

At the appropriate place, insert the following:

SEC. . UNITED STATES RESPONSE TO GLOBAL HIV/AIDS, TUBERCULOSIS, AND MALARIA.

Congress makes the following findings:

(1) The HIV/AIDS pandemic has reached staggering proportions. Over 40,000,000 people are living with HIV/AIDS worldwide, and 5,000,000 more people become infected each year. HIV/AIDS is estimated to kill 3,000,000 men, women, and children each year.

(2) The United States was the first, and remains the largest, contributor to the Global Fund to Fight AIDS, Tuberculosis and Malaria (referred to in this section as the "Global Fund").

(3) The Presidential Administration of George W. Bush (referred to in this section as the "Administration") has supported legislative language that links United States contributions to the Global Fund to the contributions of other donors, permitting the United States to provide 33 percent of all donations, which would match contributions on a 1-to-2 basis.

(4) As of the date of the approval of this Resolution, Congress has provided ⅓ of all donations to the Global Fund since its inception.

(5) The Global Fund currently estimates that during fiscal year 2007, it will renew $1,600,000,000 worth of effective programs that are already operating on the ground, and the Administration and Global Fund Board have said that renewals of existing grants should receive priority funding.

(6) The Global Fund estimates that during fiscal year 2007, it could award $1,000,000,000 in funding to proposals submitted for Round 6.

(7) For fiscal year 2007, the President has requested $300,000,000 for the United States contribution to the Global Fund.

(8) The Global Fund is an important component of the United States efforts to combat AIDS, tuberculosis, and malaria, and supports approximately 350 projects in 130 countries.

(9) Through a mid-year review process, Congress and the Administration will assess contributions to date and anticipated contributions to the Global Fund, and ensure that United States contributions, at year end, are at the appropriate 1-to-2 ratio.

(10) Congress and the Administration will monitor contributions to the Global Fund to ensure that United States contributions do not exceed ⅓ of the Global Fund's revenues.

(11) The United States will need to contribute $566,000,000 more than the President's fiscal year 2007 request for the Global Fund to—

(A) fund ⅓ of renewals during fiscal year 2007;

(B) support at least 1 new round of proposals in fiscal year 2007; and

(C) maintain the 1-to-2 funding ratio.

Mr. DURBIN. Mr. President, Senator SANTORUM and I come to the floor today to offer our amendment to increase funding for global AIDS by $566 million, raising the U.S. contribution to the Global Fund to Fight AIDS, TB, and Malaria for fiscal year 2007 to $866 million. This amendment would raise the U.S. contribution to the fight against global AIDS to $4.8 billion in total for bilateral and multilateral programs combined.

This money is desperately needed.

This year we mark the 25 anniversary of the discovery of AIDS.

A generation has been born and come of age since then.

Twenty-five years ago, the Centers for Disease Control published what turned out to be one of the first descriptions of acquired immune deficiency syndrome in a short article in a weekly report. That article described five cases of pneumonia. It stated that these five cases "suggest the possibility of a cellular-immune dysfunction."

AIDS did not yet have a name, but it had an identity.

In the quarter century since those first cases were diagnosed, roughly 70 million people have been infected with HIV.

More than 22 million have died.

More than 12 million children in Africa alone have been orphaned.

Last year, 3 million people died, and 5 million people were newly infected.

Every 60 seconds, there are five more deaths from AIDS and nine more infections.

Over the next decade, an estimated 50 million more people will contract HIV.

Those numbers are devastating.

But the trajectory of destruction that AIDS has followed over the last quarter century can be changed. It is changing. In the last decade, new research and new international efforts have begun to alter that deadly equation.

Antiretrovirals mean that an HIV/AIDS diagnosis is no longer a death sentence, if one can get access to the drugs. Successful programs in Africa and elsewhere have convinced doubters that you can administer ARVs under extremely difficult circumstances. Effective prevention strategies in countries such as Uganda offer hope that the epidemic's relentless spread can be slowed.

But millions who are infected receive no treatment, and tens of millions more remain at risk.

The United States is a world leader in the battle against global AIDS. And the Global Fund to Fight AIDS, TB, and Malaria is one of the most effective and widest reaching weapons in our arsenal.

The amendment that Senator SANTORUM and I are offering today seeks to ensure that we maintain that leadership and maintain the extraordinary leveraging potential of our contribution.

For every dollar that the United States has provided to the Global Fund, the rest of the world has contributed two more.

The U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 linked U.S. contributions to the fund to those of other contributors.

We believe that the United States must live up to the commitment we have made to reach our one-third match. We also believe that it is very much in our interests to do so.

As Secretary of State Condoleezza Rice has stated, "HIV/AIDS is not only a human tragedy of enormous magnitude; it is also a threat to the stability of entire countries and to entire regions of the world."

I strongly support fully funding the President's request for bilateral HIV/AIDS programs. These programs are vitally important.

The Global Fund is a complement to our other HIV/AIDS programs, not a competitor with them. The Global Fund offers unique leveraging opportunities. It also expands our reach, well beyond PEPFAR focus countries, thus giving our assistance breadth and depth. The Global Fund reaches 130 countries around the world. It provides one-quarter of all donor HIV/AIDS spending, two-thirds of all donor TB spending, and half of all donor spending on malaria.

As of December 2005, the Global Fund was providing voluntary counseling and testing to 3.9 million people. The Global Fund is currently supporting community outreach efforts to 7 million people. It is providing antiretrovirals—ARVs—for 384,000 people.

The fund has also provided 7.7 million bed nets to prevent malaria and treated 1 million cases of TB through directly observed therapy. Malaria and TB kill 3 million people a year. There are proven, cost-effective solutions to prevent and treat these diseases, and the Global Fund helps provide them.

The President's request included $300 million for the Global Fund. But this level of funding falls far short.

It falls short of our previous contributions, it falls short of our commitment, and it falls far short of the actual need.

First, $300 million is less than what the United States has contributed to the Global Fund last year, and the year before that. Last year, the United States provided $550 million. To cut that level almost in half would have a devastating effect.

As the AIDS crisis grows ever greater, our funding should be increasing, not decreasing.

Second, funding at that level will either fall well short of the one-to-two match from the international community or, even worse, will encourage other donors to lowball their own contributions.

Just as our generosity has been matched by the rest of the world, the reverse may also be true.

Third, the President's request falls far short of what is needed.

This year, the fund estimates that it will need $1.6 billion just to renew current grants. That would require a $533 million contribution from the United States. This figure is based on the assumption that about one in six grants will not be renewed, as part of the fund's screening mechanism. The programs that will be renewed are already on the ground, providing care and treatment. Three hundred million dollars will not come close to funding renewals of proven, lifesaving programs.

That is where we must begin, with $533 million for renewals.

However, the need for expanded prevention, care, and treatment of these terrible diseases does not stay stable: it grows.

Our potential to help also increases, through proven interventions and demonstrated best practices and through the elimination of programs that do not meet standards of effectiveness or honesty.

The Global Fund must not remain static in the face of an expanding epidemic: it must grow to meet it.

Therefore, Senator SANTORUM and I believe that the United States must also make a one third contribution to a new round of grants, at $333 million.

That would mean a total contribution of $866 million for the Global Fund from the United States.

On average, every $100 million contribution to the Global Fund will generate the following results: The Fund can provide 630,000 bed nets to fight malaria; it can deliver 150,000 treatments for malaria; it can provide 80,000 highly-effective DOTS treatments for TB; it can supply 370,000 people with HIV tests; and it can provide 11,000 people with lifesaving AIDS treatment.

Lives hang in the balance. We must not shortchange this vital program, which dramatically extends the reach of U.S. foreign assistance.

Our amendment offsets the $566 million increase in global AIDS funds with the 920 function, administrative allowances. This offset asks appropriators to find $566 million in savings across all budget functions.

We do not believe that this money should come at the expense of other international humanitarian programs.

Out of a discretionary budget of $873 billion, I don't think $566 million is too much to ask in the global fight against these diseases.

Senator SANTORUM and I will be working together through the appropriations process to make sure we find these savings.

We believe it is important to set the U.S. mark now for the Global Fund at $866 million.

This sends a clear signal to other donors that they need to step up their contributions to match this U.S. level.

I know there are many budgetary pressures, but this is literally a matter of life and death.

Twenty-five years ago, doctors first began to diagnose AIDS cases, but they could do almost nothing to save people. Then they began using AZT, which could slow the disease and, 10 years ago, ARVs, which could give people their lives back.

Sadly, for the first 10, even 20 years of this pandemic, the response of the international community to the tragedy unfolding before them was dreadfully slow.

Jan Eliasson, President of the U.N. General Assembly, has rightly declared that our slow response marks a scar "on the conscience of our generation."

Eliasson continues, "We cannot turn back the clock. We must ensure that, when historians look at the way the world responded to HIV and AIDS, they see that 2006 was the year when the international community finally stepped up to the mark the year when . . . the world began to 'keep the promise.'"

In 25 years we have made enormous strides, and yet the disease has moved faster.

I urge you to join me in supporting this amendment to ensure that the Global Fund to Fight AIDS, TB, and Malaria can both renew ongoing, proven programs and expand its lifesaving efforts.

Mr. SANTORUM. Mr. President, this amendment adds $566 million for the Global AIDS Fund. This is a fund that historically the United States has participated at one-third funding level. It is an encouragement and incentive for the rest of the world to contribute to end the scourge of HIV/AIDS, particularly on the continent of Africa. To be able to meet that requirement for this funding year required an additional $566 million above the President's request of $300 million. That will fund 85 percent of the renewals that are coming due this year, in addition to round six of new funding for this initiative by the Global Fund.

This is a commitment that the United States has made. We have been a leader on this. We need to continue to lead in an area that does cry out for humanitarian support and compassion by the people of the United States.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. SANTORUM. Mr. President. I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 3052.

The amendment (No. 3052) was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mrs. CLINTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENTS NOS. 3111, 3110, 3057, 3067, 3147, 3089, EN BLOC

Mr. GREGG. Mr. President, we have a series of amendments we wish to agree to at this time. I ask unanimous consent that the following amendments be considered and agreed to en bloc, and that the motions to reconsider be laid upon the table: Dodd amendment No. 3111, Hutchison amendment No. 3110, Kohl amendment No. 3057, Feinstein amendment No. 3067, Clinton amendment No. 3147, Salazar amendment No. 3089.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. No objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 3111

(Purpose: To establish a reserve fund for the FIRE and SAFER programs)

At the end of title III, insert the following:

SEC. ___. RESERVE FUND FOR THE FIRE AND SAFER PROGRAMS.

If a bill or joint resolution is offered, or an amendment is offered thereto, or a conference report is submitted thereon, that provides firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant, the Chairman of the Committee on Budget shall adjust the revenue aggregates and other appropriate aggregates, levels, and limits in their resolution to reflect such legislation to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

AMENDMENT NO. 3110

(Purpose: To provide a reserve fund to ensure that physicians will receive an appropriate reimbursement rate under Medicare instead of a scheduled cut which would threaten the adequate provision of care for seniors and disabled citizens)

"SEC. . Reserve Fund for Physician Payment Increase under Medicare. If—

(1) the Committee on Finance Reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that has the effect of increasing the reimbursement rate for physician services under Section 1848(d) of the Social Security Act; and

(2) that committee is within its allocation as provided under section 102(a) of the Congressional Budget Act of 1974; the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

AMENDMENT NO. 3057

(Purpose: To restore $380 million to juvenile justice programs funded by the Department of Justice, offset by a reduction to Function 920 (Allowances))

On page 24, line 24, increase the amount by $380,000,000.

On page 24, line 25, increase the amount by $46,000,000.

On page 25, line 4, increase the amount by $106,000,000.

On page 25, line 8, increase the amount by $95,000,000.

On page 25, line 12, increase the amount by $76,000,000.

On page 25, line 16, increase the amount by $57,000,000.

On page 27, line 23, decrease the amount by $380,000,000.

On page 27, line 24, decrease the amount by $46,000,000.

On page 28, line 2, decrease the amount by $106,000,000.

On page 28, line 5, decrease the amount by $95,000,000.

On page 28, line 8, decrease the amount by $76,000,000.

On page 28, line 11, decrease the amount by $57,000,000.

AMENDMENT NO. 3067

(Purpose: To provide $390,000,000 in fiscal year 2007 for cancer funding in the National Institutes of Health, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration paid for by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $111,000,000.

On page 3, line 15, increase the amount by $199,000,000.

On page 3, line 17, increase the amount by $55,000,000.

On page 3, line 19, increase the amount by $12,000,000.

On page 3, line 21, increase the amount by $3,000,000.

On page 4, line 1, increase the amount by $111,000,000.

On page 4, line 2, increase the amount by $199,000,000.

On page 4, line 3, increase the amount by $55,000,000.

On page 4, line 4, increase the amount by $12,000,000.

On page 4, line 6, increase the amount by $3,000,000.

On page 4, line 13, increase the amount by $390,000,000.

On page 5, line 4, increase the amount by $111,000,000.

On age 5, line 6, increase the amount by $199,000,000.

On page 5, line 8, increase the amount by $55,000,000.

On page 5, line 10, increase the amount by $12,000,000.

On age 5, line 12, increase the amount by $3,000,000.

On page 19, line 24, increase the amount by $390,000,000.

On page 19, line 25, increase the amount by $111,000,000.

On page 20, line 4, increase the amount by $199,000,000.

On page 20, line 8, increase the amount by $55,000,000.

On page 20, line 12, increase the amount by $12,000,000.

On page 20, line 16, increase the amount by $3,000,000.

On page 53, line 1, increase the amount by $390,000,000.

On page 53, line 2, increase the amount by $111,000,000.

AMENDMENT NO. 3147

(Purpose: To restore funding for the Alzheimer's Association 24/7 Contact Center (under Training, Research and Discretationary Programs), Alzheimer's Disease Demonstration Grants, Preventive Health Services, Home-Delivered Nutrition Services, Congregate Nutrition Services, the Nutrition Services Incentive Program, the National Family Caregiver Support Program, and the Long Term Care Ombudsmen Program in the Administration on Aging, fully offset through closing corporate tax loopholes)

On page 3, line 13, increase the amount by $26,000,000.

On page 3, line 15, increase the amount by $13,000,000.

On page 3, line 17, increase the amount by $1,000,000.

On page 4, line 1, increase the amount by $26,000,000.

On page 4, line 2, increase the amount by $13,000,000.

On page 4, line 3, increase the amount by $1,000,000.

On page 4, line 13, increase the amount by $41,000,000.

On page 5, line 4, increase the amount by $26,000,000.

On page 5, line 6, increase the amount by $13,000,000.

On page 5, line 8, increase the amount by $1,000,000.

On page 18, line 24, increase the amount by $41,000,000.

On page 18, line 25, increase the amount by $26,000,000.

On page 19, line 4, increase the amount by $13,000,000.

On page 19, line 8, increase the amount by $1,000,000.

On page 53, line 1, increase the amount by $41,000,000.

On page 53, line 2, increase the amount by $26,000,000.

AMENDMENT NO. 3089

(Purpose: Restore $100 million to the Land and Water Conservation Fund Stateside Grant Program. Paid for by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $25,000,000.

On page 3, line 15, increase the amount by $30,000,000.

On page 3, line 17, increase the amount by $30,000,000.

On page 3, line 19, increase the amount by $10,000,000.

On page 3, line 21, increase the amount by $5,000,000.

On page 4, line 1, increase the amount by $25,000,000.

On page 4, line 2, increase the amount by $30,000,000.

On page 4, line 3, increase the amount by $30,000,000.

On page 4, line 4, increase the amount by $10,000,000.

On page 4, line 6, increase the amount by $5,000,000.

On page 4, line 13, increase the amount by $100,000,000.

On page 5, line 4, increase the amount by $25,000,000.

On page 5, line 6, increase the amount by $30,000,000.

On page 5, line 8, increase the amount by $30,000,000.

On page 5, line 10, increase the amount by $10,000,000.

On page 5, line 12, increase the amount by $5,000,000.

On page 13, line 21, increase the amount by $100,000,000.

On page 13, line 22, increase the amount by $25,000,000.

On page 14, line 1, increase the amount by $30,000,000.

On page 14, line 5, increase the amount by $30,000,000.

On page 14, line 9, increase the amount by $10,000,000.

On page 14, line 13, increase the amount by $5,000,000.

On page 53, line 1, increase the amount by $100,000,000.

On page 53, line 2, increase the amount by $25,000,000.

AMENDMENT NO. 3111

Mr. DODD. Mr. President, I rise to discuss S.A. 3111 to the fiscal year 2007 budget resolution which I sponsored with my colleague, Senator DEWINE. This amendment, which helps our Nation's firefighters perform their critical duties more safely, was adopted by unanimous consent. I thank the Chairman of the Budget Committee, Senator GREGG, and the committee's ranking member, Senator CONRAD, both for their work on the budget resolution and for their consideration of this important issue.

I would imagine that this amendment, which creates a special reserve fund to pay for the assistance to firefighters grants, is not the way that everyone would choose first to provide critical resources to the FIRE Act and SAFER Act grants. However, this amendment does demonstrate the commitment of the Senate to increase conditionally funding for our firefighters in a manner consistent with the need to be fiscally responsible.

Clearly, the need for these grants is irrefutable. Across our country, fire departments are in desperate need of obtaining updated equipment and more expensive firefighter training—two activities that are crucial to ensuring that firefighters can carry out their expanded responsibilities safely and effectively in this post-9/11 world.

In fiscal year 2002, there were over 19,000 FIRE grant applications seeking almost $2 billion in support for eligible activities. In fiscal year 2005, there were over 27,000 FIRE grant applications seeking over $4 billion for such activities. The manmade and natural hazards that firefighters are expected to face today have strapped the ability of municipalities and States to provide for their needs. Therefore, it is imperative that the Federal Government expand its commitment to support our firefighters.

I think that very few people who are not firefighters stop and think about how much we ask of our firefighters in today's world. They still perform their traditional duties of extinguishing fires, delivering emergency medical services, and ensuring that fire codes are inspected. However, many firefighters have also taken on new homeland security responsibilities that include responding to and handling hazardous biological and radiological agents.

According to a national needs assessment study of the U.S. Fire Service published in December 2002, most fire departments lack the necessary resources and training to properly handle terrorist attacks and large-scale emergencies.

More specifically, the study found that, first, using local personnel, only 11 percent of fire departments can handle a rescue with emergency medical services at a structural collapse of a building with 50 occupants. Nearly half of all fire departments consider such an incident beyond their scope. Second, using local personnel, only 13 percent of fire departments say that they can handle a hazardous material incident involving chemical and/or biological agents with 10 injuries. Only 21 percent have a written agreement to direct the use of nonlocal resources to handle the situation. Third, an estimated 40 percent of fire department personnel involved in hazardous material response lack formal training in those duties. And finally, the study found an estimated 60 to 75 percent of fire departments do not have enough fire stations to achieve widely used response-time guidelines. Many fire departments are often stretched so thin that they cannot respond to fires with sufficient personnel to initiate an interior attack on a structural fire safely.

Moreover, the need for additional firefighters—both paid and volunteer—on our Nation's streets is great. According to National Fire Protection Association standards, a minimum of four firefighters is required to initiate an interior attack on a house fire. The study goes on to conclude that 73 percent of fire departments serving populations between 10,000 and 25,000 lack such personnel, 82 percent of departments serving populations between 25,000 and 50,000, 76 percent of departments serving populations between 50,000 and 100,000, 56 percent of departments serving populations between 100,000 and 250,000, 41 percent of departments serving populations between 250,000 and 500,000 people, 40 percent of departments serving populations between 500,000 and 1 million people, and zero percent of departments serving populations at least 1 million people.

Over the past 5 years, FIRE and SAFER grants have been highly successful in enabling fire departments to acquire the resources they demand and hire the people they need. Over $3 billion in assistance as been provided to well over 20,000 fire departments in all 50 States thus far. Yet the job of ensuring that all communities receive the assistance they need and deserve is far from done.

America's firefighters are always the first ones in and the last ones out. They risk their own lives to save the lives of others. They stare danger in the face every single day because they know they have a duty to fulfill. We must recognize their contribution to our domestic safety to see to it that they have the necessary equipment and personnel they demand in order to perform their critical duties safely.

I look forward to working with Senator DEWINE and my colleagues during the appropriations season to help ensure that the maximum amount of aid is delivered to all of our firefighters.

Mr. KOHL. Mr. President, I have offered an amendment to the budget resolution with Senator BIDEN to significantly restore funding for juvenile justice programs. Our amendment will increase funding for these programs funded by the Department of Justice by adding $380 million to the Office of Juvenile Justice and Delinquency Prevention—OJJDP—budget. The amendment accomplishes this by raising the functional total for the justice allocation by $380 million offset in function 920—which gives the Appropriations Committee the flexibility to design the exact offsets.

Let me briefly illustrate why we must put money back into these programs. Following the administration's lead, the Senate Budget Committee allocated $176 million to the OJJDP budget, which is about $167 million less than what we appropriated last year and $380 million less than the fiscal year 2002 appropriation. I am particularly disturbed that the Senate budget resolution assumes complete elimination of the Juvenile Accountability Block Grant Program—JABG—which received a little less than $50 million last year. JABG provides funding for intervention programs that address the urgent needs of juveniles who have had run-ins with the law. Positive intervention and treatment at this early stage of delinquency can prevent further violent behavior and steer a young person in the right direction before it's too late.

That said, the Budget Committee seems to feel that the JABG program is ineffective. An example from my homestate of Wisconsin proves otherwise. Using Federal dollars from the JABG program, the Southern Oaks Girls School, a juvenile detention center outside of Racine, WI, built a new mental health wing to provide much-needed counseling services for the girl inmates. The administrator of this school cites a 56-percent drop in violent behavior since the new mental services have been offered. This is just one example of JABG's many successes—a record that supports keeping JABG alive and well-funded.

The same is true of title V Local Delinquency Prevention Program, the only Federal program solely dedicated to juvenile crime prevention. Title V programs include preschool and parent training programs, youth mentoring, afterschool activities, tutoring, truancy reduction, substance abuse prevention and gang prevention outreach. Nonetheless, the Senate budget assumes a 50-percent cut to title—V penny pinching now that will cost us dearly in the future. According to many experts in the field, every dollar spent on prevention saves $3 or $4 in costs attributable to juvenile crime. And who can put a dollar value on the hundreds, even thousands of young lives turned from crime and into productive work and community life by the juvenile crime prevention programs supported by title V?

The downward spiral of juvenile justice funding is a disturbing budget trend with ugly real world implications. Juvenile crime is an ongoing challenge and it is not a problem that is going to solve itself. Boosting funding for successful juvenile justice programs is the first step in addressing this challenge. Just a few short years ago in fiscal year 2002, juvenile justice programs received $556 million. Of that amount, more than $94 million went to the title V program and nearly $250 million was dedicated to JABG. We need to restore these initiatives to those robust levels and our amendment will do just that by adding $380 million to the OJJDP budget for juvenile justice programs.

We have a choice in this Congress of where we want to invest our money. We can choose to address the roots of crime and invest in our children by preventing a life of criminal behavior. We can choose to intervene in a positive manner to work with those teens that have fallen through the cracks and have had a few scrapes with the law—we can turn many of those kids around. I urge my colleagues to make the right choice this year and support our amendment which will increase funding for juvenile justice programs. We can and must do better.

AMENDMENTS NOS. 3167, 3168, AND 3169 EN BLOC

Mr. GREGG. Mr. President. I ask unanimous consent that the following amendments which have not been filed be considered en bloc, and that the motions to reconsider be laid upon the table: Senator BROWNBACK on a commission on accountability and review of Federal agencies, Senator BAUCUS on high intensity drug trafficking, and Senator GRAHAM relative to the Port of Charleston.

Mr. CONRAD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 3167

(Purpose: To establish a reserve fund for a Commission for Accountability and Review of Federal Agencies)

At the end of title III, insert the following:

SEC. ___. RESERVE FUND A COMMISSION FOR ACCOUNTABILITY AND REVIEW OF FEDERAL AGENCIES.

If—

(1) the Homeland Security and Governmental Affairs Committee of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conferecne report is submitted thereon, that creates a Commission for the review of the performances of Federal agencies, with the purpose of recommending legislation to realign or eliminate programs or agenices that are wasteful, duplicative, inefficient, outdated, irrelevant, or failed; and

(2) the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

AMENDMENT NO. 3168

(Purpose: To expand funding for the High Intensity Drug Trafficking Area (HIDTA) Program, offset through reductions in Function 920. To ensure that HIDTA funding remains in ONDCP)

On page 24, line 24, increase the amount by $19,000,000.

On page 24, line 25, increase the amount by $5,000,000.

On page 25, line 4, increase the amount by $11,000,000.

On page 25, line 8, increase the amount by $2,000,000.

On page 25, line 12, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $19,000,000.

On page 27, line 24, decrease the amount by $5,000,000.

On page 28, line 2, decrease the amount by $11,000,000.

On page 28, line 5, decrease the amount by $2,000,000.

On page 28, line 8, decrease the amount by $1,000,000.

AMENDMENT NO. 3169

(Purpose: To restore funding for a pilot project in the Port of Charleston that coordinates over 50 State and local law enforcement agencies to prevent and detect acts of terrorism and criminal activity)

On page 24, line 24, increase the amount by $27,000,000.

On page 24, line 25, increase the amount by $21,600,000.

On page 25, line 4, increase the amount by $2,700,000.

On page 25, line 8, increase the amount by $2,700,000.

On page 27, line 23, decrease the amount by $27,000,000.

On page 27, line 24, decrease the amount by $21,600,000.

On page 28, line 2, decrease the amount by $2,700,000.

On page 28, line 5, decrease the amount by $2,700,000.

Mr. GREGG. Mr. President, at this point we are ready to go to the Vitter amendment. Is the Senator from North Dakota ready?

Mr. CONRAD. No, we are not. We have people looking at that amendment. Could we go to Senator DOMENICI's amendment?

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Journal clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I know Senator VITTER wants to be heard on his amendment and Senator DOMENICI wants to be heard on his amendment. There was a prior order that said Senator DOMENICI would occur after Senator SANTORUM—not an order but sort of a collegial understanding—so we will go to Senator DOMENICI, then Senator VITTER.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 3128

Mr. DOMENICI. Mr. President, last year the Senate by an overwhelming majority—74 Senators voted to support the Energy Policy Act. A number of programs, projects, and activities within that act were not contained in the President's budget.

What this does, it supports an energy reserve fund paid for by ANWR receipts. In other words, ANWR is in the bill, and we allocate part of the receipts in a reserve fund to the Secretary of Energy to pay for various projects that were already voted on by the Congress that we thought were good projects. Therefore, this would fund $150 million a year for 5 years from the ANWR receipts.

I think we should do it. I urge the Senate to adopt this. It is a good way to use the funds, an appropriate way, and I believe it would add to the validity of our Energy Policy Act and make those things happen more quickly.

I yield the floor.

Mr. DURBIN. Mr. President, I rise in opposition to the amendment by the Senator from New Mexico. This is a debate we have been through over and over again. There are some who believe that drilling for oil in the Arctic National Wildlife Refuge is the answer to America's energy challenge. This amendment says the proceeds from that drilling will fund all the other energy policies in our Nation.

This makes no sense whatsoever. There is no possible way that in the next fiscal year, even if we approved the drilling in ANWR, there will be proceeds that can be contributed to the Energy Policy Act funding.

Yesterday, this body had a chance to vote for real money to fund the Energy Policy Act when Senator BINGAMAN offered the amendment, and it was defeated by opposition from the other side of the aisle.

I rise in opposition to this amendment. This is no way to fund energy policy, and ANWR is not the answer to our energy prayers.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant journal clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 3128.

Mr. DOMENICI. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for implementing the Energy Policy Act of 2005 from ANWR)

On page 4, line 17, increase the amount by $151,593,000.

On page 4, line 19, increase the amount by $156,269,000.

On page 4, line 21, increase the amount by $162,937,000.

On page 5, line 8, increase the amount by $69,093,000.

On page 5, line 10, increase the amount by $133,769,000.

On page 5, line 12, increase the amount by $155,437,000.

On page 5, line 23, decrease the amount by $69,093,000.

On page 5, line 25, decrease the amount by $133,769,000.

On page 6, line 2, decrease the amount by $155,437,000.

On page 6, line 12, increase the amount by $69,093,000.

On page 6, line 14, increase the amount by $202,862,000.

On page 6, line 16, increase the amount by $358,299,000.

On page 7, line 2, increase the amount by $69,093,000.

On page 7, line 4, increase the amount by $202,862,000.

On page 7, line 6, increase the amount by $358,299,000.

On page 13, line 4, increase the amount by $150,000,000.

On page 13, line 5, increase the amount by $67,500,000.

On page 13, line 8, increase the amount by $150,000,000.

On page 13, line 9, increase the amount by $127,500,000.

On page 13, line 12, increase the amount by $150,000,000.

On page 13, line 13, increase the amount by $142,500,000.

On page 41, strike lines 8 through 11 and insert the following:

"ate may make the adjustments described in subsections (b) and (c).

(b) ADJUSTMENT FOR IMPLEMENTATION OF ENERGY POLICY ACT OF 2005.—If the Committee on Appropriations of the Senate reports a bill or joint resolution, or if an amendment is offered thereto or a conference report is submitted thereon that makes available a portion of the receipts resulting from enactment of the legislation described in subsection (a) for programs to implement the Energy Policy Act of 2005 (Public Law 109–58), the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but the adjustment may not exceed $150,000,000 in new budget authority in each of fiscal years 2009 through 2011.

(c) ADJUSTMENT FOR THE LAND AND WATER CONSERVATION FUND PROGRAMS AND ADDITIONAL LAND CONSERVATION PROGRAMS.—If the Committee on Appro-* * *

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—51

Akaka
Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—49

Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Stabenow
Wyden

The amendment (No. 3128) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I yield to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3165

Mr. VITTER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant journal clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3165.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to create a Reserve Fund for Gulf Coast, Protection, Reconstruction and Recovery Fund)

On page 43, after line 22, add the following: If—

(1) the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Energy and Natural Resources of the Senate, or both Committees, reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that creates a Gulf Coast Protection, Reconstruction and Recovery Fund to provide assistance to coastal states for coastal conservation, mitigation and resource protection activities, or other purposes, based on the allocation formula provided in Section 31 of the Outer Continental Shelf Lands Act that is funded $10 billion from the following sources or any combination of funds thereof—

(A) Receipts deposited into the Digital Television Transition and Public Safety Fund that exceed estimates of the Congressional Budget Office for the Deficit Reduction Act of 2005 at the time of enactment;

(B) Receipts (including bonus bids, rents, royalties, and payments associated with royalties in kind) from the Arctic National Wildlife Refuge, if the Committee on Energy and Natural Resources of the Senate reports a bill, and such measure is enacted, to establish oil exploration and production in the Arctic National Wildlife Refuge;

(C) Receipts equal to the amount of receipts received by the United States government attributable to offshore energy production (including bonus bids, rents, royalties, and payments associated with royalties in kind) for each year that exceed estimates of the Congressional Budget Office as of March 16, 2006; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3165) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

UNANIMOUS CONSENT AGREEMENT

Mr. GREGG. Mr. President, I ask unanimous consent that after the passage of the budget—I like that—the Senate proceed to executive session and proceed to two consecutive votes on the confirmation of the following judicial nominations on the Executive

Calendar: Calendar No. 547, Jack Zouhary to be United States District Judge for the Northern District of Ohio; and Calendar No. 548, Stephen G. Larson to be United States District Judge for the Central District of California; further, that prior to the first vote the two Senators from Ohio be given 1 minute each, and prior to the second vote the Senators from California be given 1 minute each; that following these votes the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. LEAHY. Mr. President, reserving the right to object, is time also reserved before each vote for the chairman of the Judiciary Committee and ranking member?

Mr. GREGG. There was not. But I will be happy to ask for that.

Mr. LEAHY. One minute each prior; and I wonder if the distinguished Senator from New Hampshire would be willing to amend his unanimous consent to make it in order to ask for the yeas and nays at this point on both votes.

Mr. GREGG. I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered en bloc.

AMENDMENTS NOS. 3031, 3089, 3170, AND 3171, EN BLOC

Mr. GREGG. Mr. President, I ask unanimous consent that the following amendments be considered en bloc and that the motions to reconsider be laid upon the table: A Levin amendment relative to ATP; a Salazar amendment relative to the LWCF. I further ask unanimous consent that the following amendments which have not been filed be considered and agreed to en bloc, and the motions to reconsider be laid on the table: A Conrad-Gregg amendment on tax cap; and a Gregg-Conrad amendment for Senator BYRD on mine safety.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 3031

(Purpose: Provide funding for the Advanced Technology Program to help ensure America's competitive advantage and fully offset with reductions in function 920)

On page 15, line 21, increase the amount by $140,000,000.

On page 15, line 22, increase the amount by $21,000,000.

On page 16, line 1, increase the amount by $98,000,000.

On page 16, line 5, increase the amount by $21,000,000.

On page 27, line 23, decrease the amount by $140,000,000.

On page 27, line 24, decrease the amount by $21,000,000.

On page 28, line 2, decrease the amount by $98,000,000.

On page 28, line 5, decrease the amount by $21,000,000.

AMENDMENT NO. 3089

(Purpose: Restore $100 million to the Land and Water Conservation Fund Stateside Grant Program. Paid for by closing corporate tax loopholes)

On page 3, line 13, increase the amount by $25,000,000.

On page 3, line 15, increase the amount by $30,000,000.

On page 3, line 17, increase the amount by $30,000,000.

On page 3, line 19, increase the amount by $10,000,000.

On page 3, line 21, increase the amount by $5,000,000.

On page 4, line 1, increase the amount by $25,000,000.

On page 4, line 2, increase the amount by $30,000,000.

On page 4, line 3, increase the amount by $30,000,000.

On page 4, line 4, increase the amount by $10,000,000.

On page 4, line 6, increase the amount by $5,000,000.

On page 4, line 13, increase the amount by $100,000,000.

On page 5, line 4, increase the amount by $25,000,000.

On page 5, line 6, increase the amount by $30,000,000.

On page 5, line 8, increase the amount by $30,000,000.

On page 5, line 10, increase the amount by $10,000,000.

On page 5, line 12, increase the amount by $5,000,000.

On page 13, line 21, increase the amount by $100,000,000.

On page 13, line 22, increase the amount by $25,000,000.

On page 14, line 1, increase the amount by $30,000,000.

On page 14, line 5, increase the amount by $30,000,000.

On page 14, line 9, increase the amount by $10,000,000.

On page 14, line 13, increase the amount by $5,000,000.

On page 53, line 1, increase the amount by $100,000,000.

On page 53, line 2, increase the amount by $25,000,000.

AMENDMENT NO. 3170

(Purpose: To provide an additional $500 million to enhance the ability of the Internal Revenue Service to collect taxes owed but not paid voluntarily)

On page 4, line 13, increase the amount by $363,000,000.

On page 5, line 4, increase the amount by $340,000,000.

On page 5, line 6, increase the amount by $14,000,000.

On page 5, line 8, increase the amount by $9,000,000.

On page 5, line 19, decrease the amount by $340,000,000.

On page 5, line 21, decrease the amount by $14,000,000.

On page 5, line 23, decrease the amount by $9,000,000.

On page 6, line 8, increase the amount by $340,000,000.

On page 6, line 10, increase the amount by $354,000,000.

On page 6, line 12, increase the amount by $363,000,000.

On page 6, line 14, increase the amount by $363,000,000.

On page 6, line 16, increase the amount by $363,000,000.

On page 6, line 22, increase the amount by $340,000,000.

On page 6, line 24, increase the amount by $354,000,000.

On page 7, line 2, increase the amount by $363,000,000.

On page 7, line 4, increase the amount by $363,000,000.

On page 7, line 6, increase the amount by $363,000,000.

On page 25, line 24, increase the amount by $363,000,000.

On page 25, line 25, increase the amount by $340,000,000.

On page 26, line 4, increase the amount by $14,000,000.

On page 26, line 8, increase the amount by $9,000,000.

On page 53, line 1, increase the amount by $137,000,000.

On page 53, line 2, increase the amount by $128,000,000.

On page 55, line 13, strike $274,000,000 and insert $500,000,000.

AMENDMENT NO. 3171

(Purpose: To provide $184 million over five years for the Mine Safety and Health Administration to hire additional mine safety inspectors)

On page 4, line 13, increase the amount by $37,000,000.

On page 4, line 15, increase the amount by $38,000,000.

On page 4, line 17, increase the amount by $41,000,000.

On page 4, line 19, increase the amount by $43,000,000.

On page 4, line 21, increase the amount by $46,000,000.

On page 5, line 4, increase the amount by $33,000,000.

On page 5, line 6, increase the amount by $37,000,000.

On page 5, line 8, increase the amount by $40,000,000.

On page 5, line 10, increase the amount by $42,000,000.

On page 5, line 12, increase the amount by $45,000,000.

On page 5, line 19, decrease the amount by $33,000,000.

On page 5, line 21, decrease the amount by $37,000,000.

On page 5, line 23, decrease the amount by $40,000,000.

On page 5, line 25, decrease the amount by $42,000,000.

On page 6, line 2, decrease the amount by $45,000,000.

On page 6, line 8, increase the amount by $33,000,000.

On page 6, line 10, increase the amount by $70,000,000.

On page 6, line 12, increase the amount by $110,000,000.

On page 6, line 14, increase the amount by $152,000,000.

On page 6, line 16, increase the amount by $197,000,000.

On page 6, line 22, increase the amount by $33,000,000.

On page 6, line 24, increase the amount by $70,000,000.

On page 7, line 2, increase the amount by $110,000,000.

On page 7, line 4, increase the amount by $152,000,000.

On page 7, line 6, increase the amount by $197,000,000.

On page 19, line 24, increase the amount by $36,000,000.

On page 19, line 25, increase the amount by $32,000,000.

On page 20, line 3, increase the amount by $36,000,000.

On page 20, line 4, increase the amount by $35,000,000.

On page 20, line 7, increase the amount by $37,000,000.

On page 20, line 8, increase the amount by $36,000,000.

On page 20, line 11, increase the amount by $37,000,000.

On page 20, line 12, increase the amount by $36,000,000.

On page 20, line 15, increase the amount by $38,000,000.

On page 20, line 16, increase the amount by $37,000,000.

On page 26, line 24, increase the amount by $1,000,000.

On page 26, line 25, increase the amount by $1,000,000.

On page 27, line 3, increase the amount by $2,000,000.

On page 27, line 4, increase the amount by $2,000,000.

On page 27, line 7, increase the amount by $4,000,000.

On page 27, line 8, increase the amount by $4,000,000.

On page 27, line 11, increase the amount by $6,000,000.

On page 27, line 12, increase the amount by $6,000,000.

On page 27, line 15, increase the amount by $8,000,000.

On page 27, line 16, increase the amount by $8,000,000.

On page 53, line 1, increase the amount by $36,000,000.

On page 53, line 2, increase the amount by $32,000,000.

On page 53, line 4, increase the amount by $36,000,000.

On page 53, line 7, increase the amount by $37,000,000.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we are very close to being able to move toward final passage, but we still have a number of amendments to dispose of. If we can just have the patience of the body for a few more minutes, we can dispose of these final amendments and move toward final passage.

First of all, I think it is important to thank colleagues—dozens of colleagues—who have given their amendments in the last hour—we appreciate it very much—and others who were able to work with us to get their amendments agreed to as the chairman has just reviewed.

The next amendment is Senator ENSIGN. We ask colleagues to give the Senator from Nevada their attention.

AMENDMENT NO. 3166

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 3166.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To deny funds in FY2007 for the United Nations Human Rights Council, which the United States just voted against because countries found complicit in sustained human rights abuses are eligible for Council membership. Savings redirected to border security)

On page 10, line 20, decrease the amount by $4,000,000.

On page 10, line 21, decrease the amount by $4,000,000.

On page 24, line 24, increase the amount by $4,000,000.

On page 24, line 25, increase the amount by $4,000,000.

Mr. ENSIGN. Mr. President, just very briefly, this amendment has to do with funding for the United Nations Human Rights Council which I believe is worse than the discredited United Nations Commission on Human Rights.

Members will not be selected primarily on the basis of their commitment to human rights, even countries under Security Council sanctions for human rights violations or terrorism.

The United States has been a member of the United States Commission on Human Rights since 1947, with one exception. That will no longer be the case. Due to a rotating membership, the United States will be ineligible for the Human Rights Council membership every 6 years. So our country, which has been at the forefront of promoting human rights, would periodically lose its seat but still be required to cover 22 percent of the United Nations Human Rights Council cost.

I am proud of the United States and how we have stood firm and opposed creation of this fatally flawed council. We need to make sure we are not funding this council, and that is exactly what our amendment does. It takes away the funding from the Human Rights Council and puts it toward border security.

Mr. CONRAD. Mr. President, this amendment reduces the international account by $4 million. That is what it does. We have no assurance that it will actually take money from the Human Rights Council, although that is the intention of the Senator. The fact is, it reduces the international account by $4 million and increases the 750 account by a like amount.

I yield the remainder of my time to the Senator from Maryland.

Mr. SARBANES. Mr. President, I urge my colleagues to vote against this amendment. The United States did not get all the changes it wanted made with respect to the Human Rights Council, but very significant changes were made. And under Secretary Burns, they have indicated that the administration intends to work with those changes to try to improve that situation. We have a real problem with respect to that Human Rights Council. But changes are being made. They are being made in the right direction.

I very much oppose this amendment. I hope my colleagues will vote against it.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Cochran
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Menendez
Mikulski
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Voinovich
Wyden

The amendment (No. 3166) was rejected.

Mr. SARBANES. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3152 AND 3172, EN BLOC

Mr. GREGG. I ask unanimous consent the following amendments be considered, agreed to en bloc, and the motions to reconsider be laid upon the table: One amendment by Senators LOTT, TALENT, REED, LIEBERMAN, DURBIN, BAUCUS, and WARNER, an amendment dealing with the military, dealing with defense accounts, and an amendment by Senator SCHUMER dealing with courthouses.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

(Purpose: To provide additional new budget authority and outlay authority for fiscal year 2007 for National Defense (050) in the amount of $3,700,000,000, the amount requested for defense for fiscal year 2007 in the budget of the President for fiscal year 2006, in order to fund principal unfunded priorities of the military departments and fund an authorized end strength of active duty members of the Army of 512,400, and an authorized end strength of active duty members of the Marine Corps of 179,000, for fiscal year 2007)

On page 48, line 5, decrease the amount by $3,700,000,000.

On page 53, line 1, increase the amount by $3,700,000,000.

On page 53, line 2, increase the amount by $3,700,000,000.

(Purpose: To add $308 million to function 800 for GSA fully offset by function 920)

On page 25, line 24, increase the amount by $308,000,000.

On page 25, line 25, increase the amount by $9,000,000.

On page 26, line 4, increase the amount by $31,000,000.

On page 26, line 8, increase the amount by $65,000,000.

On page 26, line 12, increase the amount by $95,000,000.

On page 26, line 16, increase the amount by $77,000,000.

On page 27, line 23, decrease the amount by $308,000,000.

On page 27, line 24, decrease the amount by $9,000,000.

On page 28, line 2, decrease the amount by $31,000,000.

On page 28, line 5, decrease the amount by $65,000,000.

On page 28, line 8, decrease the amount by $95,000,000.

On page 28, line 11, decrease the amount by $77,000,000.

MENTAL HEALTH PARITY ASSUMPTION

Mr. DOMENICI. Mr. President, I want to begin by complimenting my friend from New Hampshire and the chairman of the Senate Budget Committee on a job well done. He has taken a difficult situation and produced the budget resolution before us today. Congratulations.

I would like to raise the issue of mental health parity as the Senate debates the fiscal year 2007 Senate budget resolution.

It is my understanding the resolution before us assumes the revenue impact of enacting a mental health parity law at a cost of $1.5 billion over 5 years. I want to make sure that it is indeed the case that the overall revenue number is such that it assumes Congress will pass a mental health parity bill.

Mr. GREGG. I understand the interest of the distinguished senior Senator from New Mexico regarding mental health parity legislation and I would concur with my colleague's assessment. S. Con. Res. 83 does assume the revenue impact of enacting a mental health parity bill.

Mr. DOMENICI. I thank the distinguished chairman for his consideration and explanation of this important matter.

BORDER PATROL CHALLENGES

Mr. ISAKSON. Mr. President, as the chairman may know, I recently took a trip with Senator COLEMAN to the U.S.-Mexican border to look at the challenges facing our Border Patrol agents as they work to secure the border against illegal immigration. One of our stops was at Fort Huachuca, AZ, where we saw, in operation, the lone UAV Predator B that the Customs and Border Patrol has in service. I was tremendously impressed with this technology and saw its usefulness in assisting our CBP agents in locating and interdicting illegal immigrants as they crossed the border. In fact, Mr. Chairman, while at Fort Huachuca, CBP caught 13 illegal immigrants using the Predator B right before our eyes.

In our discussions with the CBP officials at Fort Huachuca, we learned that with a squadron of UAVs the CBP could provide 24-hour-a-day, 7-day-a-week, coverage on the Mexican border. These MQ-9 UAVs would have satellite command, control, and communications which would allow them to be operated anywhere in the world from anywhere in the world, as well as an updated sensor suite to assist in finding illegals coming across the border. It is my belief that this body should make a significant investment in unmanned aerial vehicles.

We also learned that there is an issue surrounding critical spares for the lone UAV in operation. I understand the CBP is scheduled to receive a second Predator B this year; however, we need to fund the critical spares CBP needs to keep these UAVs up and flying.

Through conversations that I and my staff have had with FAA, I understand they are working out the issues surrounding the flying of UAVs within U.S. airspace. I would like to take this opportunity to encourage the FAA to continue to work with other Government agencies as well as the private sector to mitigate the problems surrounding the use of UAVs in U.S. airspace.

Mr. Chairman, the chairman has been a leader in this body on so many issues but in particular on homeland security issues. I look forward to working with you in this effort and on this issue.

Mr. GREGG. I thank my good friend and colleague from Georgia for highlighting this issue. Protecting U.S. borders is a basic Federal function; it is national security. I also believe these unmanned aerial vehicles can enhance our capabilities, as they have for our military as demonstrated in Afghanistan and Iraq. I am in the position of being both the chairman of the Budget Committee and manager of this budget resolution, and also the chairman of the Appropriations Subcommittee that oversees the Department of Homeland Security both our counterterrorism and border security programs.

The distinguished Senator from Georgia is known as a real leader in this area, and we appreciate his counsel. I might note that this budget resolution proposes increases of some $4 billion for border security focused on improving infrastructure and giving our men and women on the front lines the tools to do the job. We will have to see how much of these funds survive the Appropriations Committee's 302(b) allocation process and the administration's transmittals of emergency spending. But I can assure the Senator we will take a hard look at the UAV program as a component of a border security infrastructure program.

Mr. GRASSLEY. Mr. President, today, I would like to take a few minutes to speak about the tax gap. Before I get started, I first want to thank my colleagues, the chairman and ranking member of the Budget Committee, for their interest in the tax gap. As chairman of the Finance Committee, I too have a great interest in this topic. It is my intention to close the tax gap, and I look forward to working with Senator GREGG and Senator CONRAD to achieve this important goal.

The tax gap, as we all know, is the difference between the amount of tax owed by taxpayers from legal activities and the amount voluntarily paid on time. Today, specifically, I want to clarify the facts and the fiction regarding the possible solutions to this $350 billion problem.

Under my chairmanship, the Finance Committee has held at least eight hearings to address the tax gap:

No. 1, Oversight of the Internal Revenue Service, "Taxpayer Beware: Schemes, Scams, and Cons," April 5, 2001; No. 2, Tax Code Complexity: New Hope for Fresh Solutions, April 26, 2001; No. 3, Taxpayer Alert: Choosing a Paid Preparer and the Pitfalls of Charitable Car Donation, April 1, 2003; No. 4, Tax Shelters: Who's Buying, Who's Selling, and What's the Government Doing About It?, October 21, 2003; No. 5, Bridging the Tax Gap, July 21, 2004; No. 6, Charities and Charitable Giving: Proposals for Reform, April 5, 2005; No. 7, The $350 Billion Question: How to Solve the Tax Gap, April 14, 2005; and No. 8, Social Security: Achieving Sustainable Solvency, May 25, 2005.

During these hearings, we learned a lot about the tax gap, including several good ideas for closing it. We heard from the Joint Committee on Taxation. We heard from the Treasury Department, including IRS and TIGTA. We heard from the Comptroller General and GAO. We heard from the Justice Department. We heard from the Taxpayer Advocate. We heard from CBO. We heard from the States. We heard from the private sector, both nonprofit and for-profit. And, of course, we heard from the American taxpayer.

From the testimony of all these hearings, and the expertise of all these witnesses, we identified several truths about the tax gap:

No. 1, the tax gap is a huge problem for the tax system; No. 2, it is easy to discuss in the abstract; No. 3, there is no easy solution to the problem; No. 4, there is no one silver bullet; the tax gap can only be solved through many small steps; No. 5, enforcement is important, but any real solution to this problem will require legislative changes, the most important being Tax Code simplification; No. 6, closing the tax gap should not place an undue burden on honest taxpayers; and No. 7, taking concrete steps to close the tax gap will require a lot of political will and bipartisan cooperation.

In the spirit of bipartisan cooperation, I look forward to working with Senator CONRAD and others to solve the tax gap problem. Before we can reach a bipartisan solution, however, we first need to get on the same page regarding the facts and fiction of this issue.

A common misperception by some of my friends on the other side of the aisle is that the only thing we need to do to close the tax gap is give the IRS more money for enforcement. This myth asserts that if the IRS gets more funding for enforcement, both the $350 billion tax gap and the budget deficit will magically disappear. This myth is even being used as an offset for new spending.

The Finance Committee's tax gap hearings have emphasized the importance of IRS enforcement. In fact, this budget will provide the IRS additional resources to get the job done. However, our best estimates suggest that enforcement alone could account for only 10 percent of the tax gap, not 100 percent as purported by Senator CONRAD. But even this possible 10 percent is misleading, because it doesn't accurately reflect the reality of expanded enforcement. To achieve these kinds of returns from enforcement alone would, I fear, require us to backtrack to a time when there was serious concern about the IRS overreaching and stepping on the rights of taxpayers. We must always keep a balance between taxpayer rights and enforcement.

So yes, while I support additional enforcement, we need to keep our feet on the ground and our rhetoric in check as to how much can be achieved through enforcement and the level of enforcement that can be supported.

We must also remember that it is vital that enforcement resources be targeted properly. We need to be smart in our use of enforcement. Too often the IRS has "no-change" audits. That is, they have spent a lot of time going through the shoebox of receipts belonging to some person and found out there were no problems. This is a waste of IRS resources and takes up the time of honest taxpayers. I been pleased to work with Senator BAUCUS to encourage the IRS to do the research and review that will allow them to focus their attention on the bad actors and get more bang for the buck on audits and enforcement.

Let me note, too, from my work on the Commission on Restructuring the IRS that the Commission found that taxpayer service and clarity of law are vital in encouraging compliance. So many folks want to abide by their obligations as a citizen, but they can't because the law is too confusing, and they can't get the right answer. Service and simplification must be part of any effort to deal with the tax gap. I will return to simplification later in my comments.

So if enforcement can't solve the $350 billion problem, what are our other options? Well, a little over a year ago, the Joint Committee on Taxation, at the Finance Committee's request, issued a report.

This is the report right here. It is titled "Options to Improve Tax Compliance and Reform Tax Expenditures," otherwise known as the "White Book."

This report provided about $190 billion over 5 years with some very controversial items. Let me give you some examples:

Repeal the mortgage interest deduction for home equity loans. Subject State and local workers to the Medicare tax. Apply the payroll tax to most fringe benefits. Allow the offshore activities of U.S. companies to be exempt from U.S. tax.

These are clearly controversial proposals, and I am sure there are not many in the Senate who would line up to endorse them today.

Some other ideas came out of the Finance Committee's examination of the payroll tax gap last spring. The Joint Committee on Taxation and the Treasury Department testified on the leakage in the payroll tax system. To fix this leak, we heard some of the following ideas:

Modify the determination of amounts subject to employment tax for partners and S Corporation shareholders. Provide consistent FICA treatment of salary reduction amounts. Remove the employment tax cap.

Again, many of these and other comprehensive payroll tax proposals, all which would have improved Social Security solvency, were too controversial to stand on their own.

With the lack of bipartisan cooperation on Social Security, we did not have an environment to consider these important, but controversial proposals. Perhaps, if there had been bipartisan cooperation on addressing the Social Security problem, we could have made headway on the payroll tax gap.

In addition, no discussion of methods to close the tax gap can be complete without identifying the single most important one, which is Tax Code simplification. Our tax code is just too complex. Complex laws lead to inadvertent errors as well as opportunities for intentional noncompliance. Complexity in the Tax Code also contributes heavily to taxpayer confusion and real or perceived unfairness in the tax system. And studies have shown that if taxpayers feel they are being treated unfairly by the tax system, they are less likely to be compliant. Any real effort to close the tax gap cannot be taken seriously unless Tax Code simplification is part of the proposal.

Finally, I also want to alert my colleagues to the fact that we have measures in the tax relief reconciliation bill that aim at some aspects of the tax gap. In particular, some of these are dealing with problems we are seeing in tax-exempt entities—charitable donations and abuses of tax-exempt organizations. We have reforms of two types of charitable entities—donor advised funds and supporting organizations. Too often, people have been making donations to these organizations but retaining control and seeing an inappropriate benefit going to themselves and their family, rather than to the community and those in need.

Let my colleagues understand, the issues of donor advised funds and supporting organizations are not minor as it relates to the tax gap. The IRS recently released its "dirty dozen" tax scams for 2006, and throughout the thousands of pages of Tax Code and regulations, abuse of donor advised funds and supporting organizations was targeted as one of the top dozen problems.

Two years ago, the Commissioner of the IRS, in a letter to me, highlighted the abuse of donor advised funds and supporting organizations as the No. 1 problem IRS was seeing in tax-exempt entities.

I think the public would view the Finance Committee as neglecting its work if it didn't seek to shut down such abuses. The Finance Committee didn't turn a blind eye; we worked on addressing these problems and drafting reforms. These reforms of donor advised funds and supporting organizations have been drafted on a bipartisan basis and with significant comment and input from the charity sector, particularly the Nonprofit Panel. I am pleased that these measures are now in tax reconciliation and conference. I think it is important that we take steps in addressing these problems here and now.

But my point is that here is something—problems of donor advised funds and supporting organizations—labeled as one of the most dirty abuses in the entire Code, and yet I still have a few colleagues who come to me with this complaint, this change, this concern about what we are doing to stop the abuses. If the road is so full of potholes on dealing with these areas of clear abuse and relatively small dollars, I think we need to recognize the real problems ahead in dealing with the big issues in the tax gap. Unfortunately, all too often I find that the tax gap is an issue in which everyone shouts for solving in the abstract, while many of those same voices are stilled when it comes to the particulars.

In closing, I want to re-emphasize the importance of this debate. Today, I have just scratched the surface on this topic. I praise the Treasury and IRS for taking some initial steps. I applaud the chairman and ranking member of the Budget Committee for their interest in closing the tax gap, and I welcome input from other Senators as well. I will eagerly entertain any specific ideas to close the tax gap as long as they go beyond "more money for IRS enforcement," and as long as they do not place an undue burden on honest taxpayers. The solution to this problem needs to be bipartisan, and it needs to be legislative. Let's sit down at the table, separate the facts from the fiction, and work together to solve this tax gap problem.

But, the bottom line for the discussion today is that the minority's point that closing the tax gap can be done just through enforcement just doesn't have merit. And, the $35 billion—and that is stretching it—that may be gotten through enforcement doesn't come close to paying for the over $100 billion in new spending that the Democrat leadership is pushing.

Mr. President, virtually all Democratic Members have had a common theme in their purported offsets for their amendments to this resolution—they would close tax loopholes to pay for whatever popular spending program is proposed. Closing corporate tax loopholes is the common refrain to pay for spending. Several Members have referred to the raisers in Senator CONRAD's substitute amendment to the tax relief reconciliation bill—and they keep trying to spend that same money over and over again.

Of the raisers in Senator CONRAD's substitute amendment, $30 billion of those are included in the Senate tax relief reconciliation bill that is now in conference between the House and Senate. Many of the proponents of these amendments that have been offered on the other side of the aisle, using tax loophole closers, were among the small minority of Members who opposed the tax relief reconciliation bill that contained offsets.

This brings me then to the amendments that have been proposed. The sponsors say they have offset the costs of the amendments by closing tax loopholes. Senator CONRAD's amendment contains the known universe of revenue raisers supported by those on the other side. If we assume that the raisers in Senator CONRAD's amendment would have raised approximately $89 billion over 10 years that is still a far cry from the cumulative demands of the amendments that have already been offered from the other side. The amendments that have been offered that propose to use those tax loophole closers as offsets total $319 in new spending. That total is as of 3:30 p.m. this afternoon. We don't have a tally for all of the additional amendments that have been proposed since then. That new spending, by the way occurs over the budget period—5 years. That means we will have to find $319 more in revenue raisers just to cover those new spending items.

Now, if you use a loophole closer that is already called for in the tax relief package that is in conference, we will also need to find another $30 billion in raisers to cover the tax reconciliation bill unless my colleagues on the other side of the aisle have decided that they are no longer interested in the tuition deduction and the low income savers credit and the work opportunity tax credit and the deduction for teacher expenses and small business expensing and, oh yes, AMT relief for nearly 20 million Americans. The Finance Committee staff hopes to use the full $30 billion that is already in conference in the Senate tax relief reconciliation bill for those important tax relief provisions.

So, if we leave the $30 billion in raisers that are in tax reconciliation out of it, we will have $59 billion in net new revenue raisers available that are supported by those on the other side. Keep in mind, I'm giving the other side a break here because I'm using 10 year numbers for the offsets. The 5 year numbers are probably less than half of the net $59 billion they could claim they are raising. If you subtract the $59 billion from the $319 billion in new spending proposed, it means the other side's amendments were short by $260 billion. That's $260 billion, Mr. President.

Now, that $260 billion needs to come from some place. It wipes out all the tax relief in the package. That means no extension of the child tax credit, marginal rate relief, marriage penalty relief, retirement security relief, or education tax relief when those provisions expire in 2011.

It also means no extension of the Alternative Minimum Tax relief "patch" and other extenders like the research and development tax credit.

You can't have it both ways, Mr. President.

Either the other side, if they had prevailed, would have added $260 billion in deficit spending or they would've gutted the tax relief they claim to support.

Budgets are about choices. In this case, the choices are clear. If the Democratic leadership were in control of the Senate, we would have no tax relief left in this budget or we would have added $269 billion in deficit spending. That deficit spending would be $269 billion higher than the deficits in the budget that the other side criticizes. Neither choice would be the right choice for the American people.

I yield the floor.

Mr. CRAIG. The President's budget proposal fiscal year 2007 includes a plan to change, through issuance of a new administrative ruling, the way Bonneville Power Administration, BPA, retires its debt to the Federal Treasury. The plan would require BPA to use excess revenues to retire long-term debt more quickly. Because the change would be made through the rulemaking process, congressional approval would not be needed for the rule to go into effect. Analysts believe the proposed rule would result in 10-percent rate increase that BPA would be forced to pass on to ratepayers.

This rate proposal is not acceptable. The Northwest is a region that is growing very rapidly, and our economy is built on hydropower. That means each year is different, depending on what kind of water year we have had. This proposal would limit BPA's flexibility to deal with the bad water years by taking advantage of the good ones.

According to a February 8, 2006, analysis by the Northwest Power and Conservation Council, the Office of Management and Budget, OMB, proposal will result in a retail rate increase of at least 6.6 percent, raising power rates $145 million a year, costing retail customers an additional $26.13 a year, decreasing personal income in the Northwest by $109 million, and resulting in the loss of 1,120 jobs. The Pacific Northwest economy is only beginning to rebound from the recent recession, and increasing energy costs will only serve to slow that recovery. Surely, it is preferable to foster longer-term economic growth in the region rather than focus on a short-term revenue stream for the U.S. Treasury.

Some assert that this proposal is good business practice because it prepays BPA's Federal debt. I disagree because the full story is not being told. While it is not unusual to prepay debt, it is certainly unusual for the Government to require this. In fact, this proposal is one-sided. It takes excess revenues away from BPA during good water years but does not assist BPA in bad water years.

BPA has been prepaying debt for more than 20 years, even when our Northwest States had the second and third highest unemployment in the country. Power rates were not raised to do this. So why is the Government requiring prepayment of debt and an increase in power rates when the Northwest has been successful in prepaying debt without impacting rates? This does not make sense unless there is another reason for the proposal.

According to the Department of Energy, DOE, the main purposes of the proposal are to allow more financial flexibility for BPA and to help build more transmission infrastructure. We agree with these goals but think the individuals in the region can better decide how to accomplish them.

Unfortunately, it seems this proposal would result in the establishment of BPA as a revenue raiser for the Treasury—a questionable precedent and one BPA will not always be able to achieve. This proposal must be stopped.

Senators CRAPO, WYDEN, and MURRAY have successfully inserted section 312 into S. Con. Res. 83, which relates to requiring BPA to use excess revenues to prepay long-term debt. I commend my colleagues for their effort and support their provision, but this is just the first step in making sure that this proposal does not go forward. Our work is far from over.

I will continue to work with my colleagues to put this issue to rest.

Mr. LEVIN. Mr. President, the Levin-DeWine amendment would provide $140 million to the Advanced Technology Program to support cost-shared industry-led research and development of cutting-edge high-risk technology with broad commercial potential and societal benefits. The amendment is fully offset with reductions in function 920.

The Senate has voted twice recently in support of this program. Last year the Senate voted to adopt a Levin-DeWine budget amendment to provide for the Advanced Technology Program, ATP. The Senate defeated an amendment that would have eliminated the ATP Program during consideration of the fiscal year 2006 Commerce-Justice-Science appropriations bill.

We have lost nearly 2.8 million manufacturing jobs since January 2001. We should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies and produce the systems that are defending our national security. This budget resolution includes $28 billion for agriculture but includes very little for manufacturing.

In fiscal year 2006 the Senate funded ATP at $140 million, but because the House zeroed out the program, ATP ended up with only $80 million in conference. The Senate needs to again provide $140 million for ATP to help ensure this program has at least last year's level of funding.

The ATP is a very modest program which, according to the Department of Commerce, has had a result eight times more in technologies developed than the amount of money we have put into the program. This is an eight-time return on investment in advanced technologies which is achieved when the Department of Commerce partners with industry through the ATP. I urge adoption of the amendment.

Mr. DODD. Mr. President, as a statement of priorities and a vision of where we want our nation to be in the years to come, this budget fails the test of responsible leadership. Instead of correcting the mistakes of the past few years, this budget repeats and compounds those mistakes. It adds to record levels of national debt. It favors the fortunate few over everyone else who is working hard and playing by the rules. It does far too little for the most vulnerable and needy Americans—our children, our seniors, our veterans. Unlike China, India, and other countries, it invests only a minute fraction of our resources in research and development. We've seen where this agenda has led us—it represents a stunning failure to address any of the major challenges of our era, like globalization, security, stagnant incomes, and rising income inequality.

America has always been blessed with great natural resources. But in spite of these physical resources, our greatest strength has always been our human ones—the American spirit of ingenuity, creativity, and old fashioned hard work. Regrettably, the budget before this body fails to make the necessary investments to build and maintain the strength of our human capital, America's greatest asset. This may not be intentional; I presume that President Bush and my colleagues across the aisle believe just as strongly in boosting our nation's economic competitiveness. But regardless of their intentions, the fact is that mismanagement, misplaced priorities, and misguided faith in outdated economic ideologies continue to set us back.

On Friday of last week, an article appeared on an international news wire that is rather stunning in its implications for the budget resolution now pending before the Senate. The headline of this article, Mr. President, reads, "China to Boost Science, Tech Spending by Nearly 20 Percent." The story continues:

> "China will increase its spending on science and technology by nearly 20 percent this year in a move to remain competitive in the face of international challenges, the government said . . . The State Council, or cabinet, last month said 2.5 percent of China's gross domestic product (GDP) would be allocated to spending on research and development over the next 15 years, up from 1.23 percent in 2002."

"The government," the article goes on to say, "will not only allocate more money but also encourage all segments of society, including companies, to put emphasis on research and development through measures including tax incentives."

Finally, it quotes the Minister of Science and Technology as telling the National People's Congress, "Without progress on science and technology, it would be very hard to reach our target of becoming a well-off society."

On one level, we as Americans should welcome the decision by virtually any country to invest more in science and technology. In fact, if more nations were to make a similar decision, the world as a whole would greatly benefit by peaceful advances in commerce and in finding solutions to some of the planet's most intractable problems.

But this news from China should also serve as a reminder to Americans, as we consider our budget priorities for the upcoming year and our vision for the future, of the commitment it takes to remain a leader in the global economy. Even with the passage of the amendment to increase Labor, Health, and Human Services funds offered by Senators SPECTOR and HARKIN, of which I was a cosponsor, this budget regrettably falls short.

The average American family over the last few years has been working harder and harder just to tread water. A household earning the median income made $1,600 less in 2004 than they did 4 years earlier. Meanwhile, during the same period, the average family's health insurance premiums have risen by $3,600, or 57 percent. Their energy costs continue to rise—even though many parts of the country had warmer than usual weather this winter, families can still expect to pay more than $250 extra this year to heat their homes. If they have a child attending a public 4-year college, that bill has gone up by 57 percent since 2000, as well.

My colleagues on the other side of the aisle claim that this budget sets us on a path to fiscal responsibility. But as the Senator from North Dakota, the ranking member of the Budget Committee, has pointed out time and again before this body, that is anything but the case. Instead of saving for the retirement of the baby boomers—which is already beginning—we're borrowing like there's no tomorrow.

In 2000, we had a budget surplus of $128 billion; in 2006, largely as a consequence of the fiscal recklessness of this administration and the majority party in the Congress, the Federal Government is expected to run a deficit of $371 billion. Under this administration, the president and his allies will have added $3 trillion to our national debt by the end of this fiscal year. That would put America's public debt at more than $8.6 trillion, or around $28,000 for every man, woman, and child in America. Further, under the current administration, the share of that debt held by foreign creditors has more than doubled.

And it's not just the Federal Government that's borrowing, but the economy as a whole. Our personal savings rate in January was negative 0.7 percent, the 10th consecutive month for which it was effectively zero or below. Our current account deficit continues to set new records; it was an unprecedented $805 billion in 2005.

This dramatic run-up in the debt has real costs for America's families—both today and for future generations. It puts upward pressure on interest rates for things like student loans, home mortgages, and automobile loans. It raises the cost of capital for business investment. Rising interest rates, caused by America's growing indebtedness, represent a de facto tax increase on American families and businesses.

This administration's fiscal recklessness has also hurt our ability to address our nation's most important priorities, like education and health care, that strengthen our economic competitiveness and allow more Americans to share in greater prosperity. This budget provides a clear illustration of this failure, with the drastic cuts it would make in these areas.

The budget proposed by the Bush administration and my colleagues across the aisle would make the largest cut in our Nation's commitment to education in the 26-year history of the Education Department. These cuts will adversely affect students at all levels of learning. Investment and competitiveness begin with our children. As I have said many times before, education may be expensive, but ignorance costs more.

As I noted earlier, college tuition and fees have increased 57 percent for a public 4-year college. They have risen 32 percent for a private 4-year college since 2000. Yet instead of helping middle class families meet these skyrocketing college costs, this budget proposes to once again freeze the maximum Pell grant award at $4,050. In 1975, a Pell grant covered 80 percent of the cost of a public, 4-year college education; today, it covers only 40 percent. Surely we can do better than this for America's families. A college education should be a gateway to a better life for anyone willing to work for it, not just a privilege for those who can afford it.

This budget also continues to underfund K-12 education. The president and my colleagues on the other side of the aisle tout their commitment to education in the No Child Left Behind law. But this law is underfunded by $15.4 billion this year. The budget also cuts Head Start, afterschool programs, and child care, all of which prepare our children to learn better and help parents keep their kids in school and off the streets.

While countries like China are increasing their investments in science and technology, this budget would make a commitment in these areas that is little more than cosmetic. President Bush has talked a great deal about his so-called "American Competitiveness Initiative," but under the budget he sent to the Congress, he would actually cut overall R&D funding in real terms for the first time since 1996. As a share of the economy, total Federal R&D funding would fall below 1 percent for the first time since fiscal year 2003.

One of the casualties would be biomedical and cancer research through the National Institutes of Health. Just two months ago, President Bush signed into law the first cut to NIH funding since 1970. Now, he has proposed further cutting funding for 18 of the 19 institutes in Fiscal 2007, including the ones conducting research on two of America's leading causes of death: cancer and heart disease.

The administration's proposals are reflected in the budget before this body today, which carries the same low level of overall discretionary spending. So while countries like China are setting goals like boosting R&D funding to 2.5 percent of Gross Domestic Product by 2020, we have nothing but a catchy slogan and cuts in the kinds of investments we need to stay strong.

This budget increases costs for entrepreneurs and small businesses. President Bush likes to say that his high-income tax breaks have benefited small business owners, but in reality, the distribution of benefits to small business owners has followed the same pattern as it has for everyone else—those with the highest incomes have received the most, and everyone else has been stuck with the bill. Among Americans with small business income, more than half of the benefits of the 2001 and 2003 tax breaks have been spent on those making more than $200,000 a year, or less than 8 percent of all small business owners, according to the nonpartisan Urban-Brookings Tax Policy Center. So while few small businesses have gained anything meaningful from the tax breaks, the administration this year is proposing to increase their cost of capital by charging a new fee for Small Business Administration loans. This would be a direct tax increase on one of our most important engines of growth. For an administration that claims to value small business, the record fails to live up to the rhetoric.

This budget fails the test of economic leadership not only by cutting investments in American competitiveness, but by abandoning our most basic American values. As Americans, we proudly look out for the least fortunate among us. Unfortunately, this budget fails to do this. It asks struggling parents to work more hours, but cuts the child care that helps them do it. It cuts funding for children's hospitals, like Hartford's Connecticut Children's Medical Center in my home state. Children's hospitals like CCMC train 30 percent of the Nation's pediatricians and more than 50 percent of the nation's pediatric specialists. This budget cuts food aid for senior citizens, pregnant women, and children. It cuts housing assistance and freezes funding that helps homeless veterans find work.

By adopting this budget, the president and his allies in the Congress would continue to walk away from one of America's bedrock principles: that everyone in our nation should have an equal opportunity to live a free and meaningful life.

While some of the amendments considered by this body appear on the surface to rectify some of the cuts this budget would make to vital priorities, they in reality fail to live up to their billing. The amendment offered by Senator McCONNELL, for example, claimed to support port security, which should be one of our nation's highest priorities. It would have done so, however, through a budgetary gimmick that would result in an across-the-board cut to other areas, including, ironically, homeland security and national defense. It also would have provided no new funds beyond the already specified discretionary spending cap. Instead, it would have offered nothing more than non-binding instructions to the Appropriations Committee about how to allocate the funds under its jurisdiction. For this reason, I supported the port security amendment offered by Senator MENENDEZ instead of the McConnell amendment. The Menendez amendment would have provided the funds we need for this critical priority without making other cuts, and done so in a fiscally responsible manner by shutting down tax shelters and closing corporate tax loopholes, measures that have already passed this body on a bipartisan basis but which have not become law.

In the last few years, the American economy has weathered the storm of terrorist attacks, a downturn in the business cycle, natural disasters, and war. This is a testament to the strength and resiliency of the American people. But I wonder how much more our Nation can take of mismanaged economic policies and wrong priorities; of underinvestment in people, ideas, and innovation; and of an agenda that increases the burden on the most vulnerable members of our society rather than lightening it, before we do irreparable harm.

If we want to continue to increase living standards and expand the capabilities of our society so that all may benefit, we must continue to invest in people, ideas, and innovation. We need a budget that will make our Nation stronger and more vibrant. We need more than just cosmetic solutions to the major challenges of our era. Above all, we need our government's priorities to reflect the values of the American people, like opportunity and responsibility, and the American vision of shared prosperity, expanding freedoms, and a just society. Regrettably, the budget offered by the President and by my colleagues across the aisle fails to accomplish these goals and fails to make the changes necessary to put our Nation back on the right course.

Mr. President, I have filed an amendment that will restore crucial investments to support our children and families in the fiscal year 2007 budget. I am joined on the amendment by Senators

Kennedy, Clinton, Harkin, Mikulski, Murray, Durbin, Lieberman, Cantwell, Kerry, Salazar, Baucus, Schumer, Lautenberg, Kohl, and Lincoln. It is important that we shift priorities and resources toward young children and families, to create an environment for healthy development and to help parents give their children the best possible start in life. Children represent one-quarter of our population but 100 percent of our future. We must nurture their growth and education as they provide the human capital that will determine our Nation's success in the global economy.

Today our families are working harder to pay for basic needs such as housing, fuel, health care, and childcare. At the same time, real income has decreased over the past 4 years. As a result, many hard-working families are finding it more difficult to make ends meet.

If our Nation is going to compete with the rest of the world, we must prepare our children for this challenge. It is essential that we cultivate the potential of each and every child. How can we know who may be a Nobel laureate, who may take us further into space, or who may be our future President, if we do not give them all an equal chance to thrive?

We all agree that we should not burden our children and grand children with great debt. Nor should our Nation abandon their need for health care, education, and other necessities.

As I said earlier, the amendment focuses on crucial assistance to children and families. The amendment is very simple. It takes several initiatives which have bipartisan support and restores the investments to a level that the Congress has already agreed to—in previous authorization or spending measures.

This amendment would increase resources by $3.3 billion in the fiscal year 2007 budget resolution for five programs: the childcare and development block grant by $540 million; Head Start by $520 million; 21st Century Community Learning Centers by $1.5 billion; Child Abuse Prevention and Treatment Act programs by $105 million; and the community services block grant by $650 million. In addition, it reduces the Federal deficit by $3.3 billion and pays for itself by closing corporate tax loopholes that were passed by the Senate in the tax reconciliation bill in February.

This amendment attempts to renew investments that have failed to keep pace with our Nation's needs. This proposal will restore the community services block grant to $650 million, the level Congress appropriated in fiscal year 2002; the Child Abuse Prevention and Treatment Act initiatives to $200 million for the level authorized for fiscal year 2004; and restore funding to the level of $7.2 billion for Head Start to keep pace with inflation and recent across-the-board cuts.

In addition, the amendment brings the investment in afterschool up to $2.5 million, the level authorized for 21st century community learning centers in the No Child Left Behind Act. The childcare and development block grant investment will reach a level of $2.66 billion from its previous level-funding of $2.06 billion, if the amendment passes.

We must invest in our children and improve their lives. Each day, 12 million children ages 0 to 4 spend much of their day in out-of-home child care while their parents work. In a majority of cases, having both parents work is a necessity, not a choice.

Currently, about one in seven children who are eligible for childcare and development block grant—CCDBG—subsidies are receiving assistance. With childcare costing between $4,000 and $10,000 a year, many families simply can not afford to pay for the care they need. Average child care fees for a year exceed 10 percent of the median household income in most States. Not only is childcare an essential support for hard-working families, it is an important early education opportunity for children.

With respect to Head Start, only 50 percent of eligible children are enrolled in Head Start classes. Costs are rising for transportation, heating, and cooling, health insurance, and supplies. Some centers have cut back hours and days of service to children and let teachers go. Our children deserve a high-quality opportunity to learn and thrive through Head Start, and we should give more children that chance.

As they struggle to reach their own potential and achieve financial stability, working families require support. Community services block grant initiatives serve 15 million individuals, 6 million families and 3.7 million children. Forty-four percent of those receiving funds are gainfully employed, but they may still have trouble affording the cost of heating their home, putting food on the table, or sending their children to a quality childcare program. While each Federal dollar spent leverages more than $5 in State, local and private funding, the Federal investment is still essential to helping hard-working people get ahead.

At the very least, we must keep children from harm. Each year, nearly 3 million cases of child abuse and neglect are reported, and nearly 1 million of these cases are substantiated. States lack the resources necessary to investigate suspected cases, to protect children, and to prevent abuse and neglect from occurring. The Child Abuse Prevention and Treatment Act—CAPTA—helps communities maintain and expand efforts to improve children's lives. The amendment seeks to increase this important investment.

All of our children and families deserve a fair start. We know that investments in children pay dividends later in life. But it takes financial commitment and an understanding that we cannot waste a day of a child's life, leaving that child to play catchup later.

Families are asking for our help. I ask my colleagues to join me in heeding their call and supporting this amendment.

Mr. LEVIN. Mr. President, every year the Senate considers a budget resolution that sets forth the blueprint for the Government's spending and revenues. Unfortunately, the budget we are considering this year continues the administration's policies that have led to the deepest deficits and debt in American history. It also reflects the wrong priorities by cutting important programs like education and Medicare to fund large tax cuts which mostly benefit the richest among us.

The result of these irresponsible fiscal policies is that we are passing on a huge burden to our children and grandchildren and threatening our economic security. Our Nation is currently $8.2 trillion in debt—that's over $27,000 per person—and this astounding number is only getting worse. Earlier today the Senate voted to raise the Federal debt limit for the fourth time in 5 years, meaning we've increased our debt by $3 trillion since 2002. A sensible budget resolution would try to curb this unsustainable trend; unfortunately, this budget moves in the wrong direction. Under this budget, the national debt would grow to $11.8 trillion in the next 5 years.

Continued deficits will mean rising long-term interest rates and slower economic growth. Continued deficits will make it more expensive to buy a house, pay for college, or pay off credit card debt. Alan Greenspan recently warned that, if left unchecked, deficits "would cause the economy to stagnate or worse." Continued deficits will also mean the continued use of the Social Security Trust Fund to cover the funding shortfalls.

Instead of changing course, however, this budget proposes to make the administration's tax cuts permanent. Over 10 years, the cost of making tax cuts permanent would be approximately $2.8 trillion, or $3.3 trillion when the added interest payments on the debt are included. Although the cost of the President's tax breaks are as large as the entire budgets of the Departments of Agriculture, Labor, Education, Veterans Affairs, Transportation, Justice, Interior, Energy, State, HUD, and EPA combined, his budget cuts critical programs which are a small percentage of the deficit problems his tax breaks create.

On a positive note, I was able to get an amendment included in this budget to provide $140 million to the Advanced Technology Program to support cost-shared industry-led research and development of cutting-edge high risk technology with broad commercial potential and societal benefits. America has lost nearly 2.8 million manufacturing jobs since January 2001. We should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies and produce the systems that are defending our national security.

I am also pleased that the Senate agreed to my amendment to add $6 million to the budget for the establishment of new Northern Border Air Wing sites. Northern Border Air Wings have been operational in New York and Washington since 2004 and I look forward to the opening of additional sites in Michigan, North Dakota, and Montana in the coming years. These sites will help improve critical air and marine interdiction capabilities along our Northern Border.

I am also pleased that the budget includes an important amendment that Senator STABENOW and I offered that will improve inspections of trash trucks entering the U.S. from Canada. These trucks pose a threat to our security and the environment, and this amendment is a critical step towards reducing these risks.

I am also pleased that the Senate adopted an amendment to the budget resolution to fund the Low Income Home Energy Assistance Program, LIHEAP, at its full authorized level of $5.1 billion. This amendment would increase the LIHEAP funding for 2007 by $3.318 billion and offset the increased spending by closing corporate tax loopholes. The Senate has voted on five previous occasions to support full funding for the LIHEAP program, and I hope that this time the conferees on the budget resolution will retain this amendment. Full funding for LIHEAP will ensure that States are able to serve more people in need of assistance during both the cold winter months.

While there are certainly some positive inclusions in this budget package, it is entirely too fiscally irresponsible and short-changes too many important programs for me to vote to support it.

Mr. KOHL. Mr. President, I have serious reservations about this budget and will vote against it.

At their best, budgets ought to embody discipline, vision, and accuracy. Not so for this budget. While it claims fiscal discipline, that claim is belied in the budget's bloated bottom line. While it claims strategic vision, that vision is a blurred blend of wasted dollars, missed opportunities, and neglected priorities. While it claims financial accuracy, that accuracy is of the quality found in an Enron balance sheet.

The tax portion of the budget resolution is remarkable, not for what it contains, but for what it omits. It fails to account for the expiration of alternative minimum tax relief at the end of 2006. The AMT currently captures approximately 4 million, mostly middle-class, families and individuals in its high tax trap—a trap meant to catch only high-income taxpayers who take advantage of complicated loopholes to avoid paying their fair share. That number would swell to more than 34 million people in 2011 under this budget.

Instead of AMT reform, this budget contains $228 million to accommodate tax cuts that were included in the House and Senate passed reconciliation bills currently in conference. I voted against the Senate tax reconciliation bill because I could not support unnecessary tax cut extensions at a time of burgeoning deficits. The deficits are still burgeoning, and I still oppose those unneeded and unjustified tax breaks for our highest income taxpayers.

The budget's generosity to high-income taxpayers is offset by its miserly treatment of our Nation's educational system. The budget proposes the largest cut to federal education funding in the 26-year history of the Education Department. Students, educators, parents, and administrators all lose out. Under this budget, funding for No Child Left Behind and special education will still fall far short of their authorized levels. The same holds for Career and Technical Education, Safe and Drug Free Schools, and TRIO programs. I commend Senators SPECTER and HARKIN for their successful amendment to restore some of these deeps cuts, and hope their provision will survive conference with the House.

As ranking member of the Senate Special Committee on Aging, I am also troubled that some of the most painful cuts in this budget would fall on important programs at the Administration on Aging. The meager funding levels in this budget would put Meals on Wheels and Family Caregiver Support Services on the chopping block. That means that, while Wisconsin's senior population continues to grow from 705.000 senior citizens in 2000 to 730.000 seniors this year, and is projected to grow to 1.2 million seniors by 2025, this budget will not keep pace with needed services in Wisconsin or any other State.

Funding for geriatric health professions is also likely to suffer. Title VII funding for geriatrics training is the only Federal program that specifically develops academic geriatricians at a time when more are needed. In prior years, Congress has demonstrated its strong support for the program through continued and increased appropriations over the past five years, including $31.5 million in fiscal year 2005. I was disappointed that the fiscal year 2006 Labor, HHS bill eliminated this program, and I am even more concerned that the budget before us makes it difficult, if not impossible to restore it in fiscal year 2007. Delegates to the recent White House Conference on Aging ranked increased training in geriatrics among their top ten resolutions at the once in a decade meeting in December of 2005. Clearly, this budget does not adequately prepare for our aging population.

Nowhere is that more clear than in the budget resolution's treatment—or lack thereof—of the Medicare prescription drug benefit. During consideration of this budget, many of us worked to improve that benefit. The launch of the drug benefit has been confusing and complicated for too many seniors and people with disabilities. Medicare beneficiaries who do not choose a plan by the May 15 deadline and enroll at a later date will face a substantial and permanent penalty. I cosponsored an amendment to extend the enrollment period through all of 2006 to give people additional time to make the best plan choice for them. This amendment would have also allowed a one-time change in plan enrollment at any point in 2006.

Enrolling in drug plans has been challenging and confusing for too many beneficiaries, and it makes sense to give them a chance to correct an initial mistake made during this difficult first year of implementation. Unfortunately, our amendment failed by one vote and the Senate instead gave Medicare managers discretionary authority to decide to extend the enrollment deadline for the drug benefit. While I voted for that amendment because I believe it is important to send a strong signal, I am concerned by recent comments made by the President and Medicare officials. Those comments clearly show their resistance to giving seniors more time to make a careful decision about what drug plan they will be locked into for the remainder of the year.

In addition, under current law, prescription drug plans can change the drugs they cover as many times as they want—while seniors are prohibited from changing drug plans except during the annual open enrollment period. This means that after seniors complete their research and choose the drug plan they believe is the best plan for their needs, they have no guarantee that their drugs will continue to be covered all year. That is why I cosponsored an amendment that would prohibit Medicare prescription drug plans from removing a drug from their approved list until the beginning of each plan year. This would ensure that seniors will not lose coverage of the drugs they take without being allowed to also change their plan.

Finally, one of the most troublesome features of the new law is that it prohibits the Government from utilizing the tremendous purchasing power of the Medicare program to reduce prices. I cosponsored an amendment to repeal this provision and allow the Federal Government to negotiate directly with drug companies for lower drug prices for seniors. I am pleased the amendment passed and I hope this provision will remain in the final resolution.

The budget was also improved by an amendment, of which I was an original sponsor, on the Manufacturing Extension Partnership program, MEP. The amendment, which was unanimously accepted, would fund the MEP at $106 million for fiscal year 2007. I am a long-time supporter of the MEP program and believe manufacturing is crucial to the U.S. economy. By offering resources, including organized workshops and consulting projects, to manufacturers, MEP allows them to streamline operations, integrate new technologies, shorten production times, and lower costs. At a time when we want to increase economic activity and strengthen the manufacturing base of our nation, the MEP is a fiscally sound investment.

I am similarly pleased that this budget was amended to include adequate funding for the Low-Income Home Energy Assistance Program. I voted to include $5.1 billion in order to fund this valuable program at its fully authorized level. Just a few months ago the Congress passed an energy bill, which I supported, which funded LIHEAP at $5.1 billion. This was a sorely needed update to a program where the funding has been frozen at an inadequate amount for years. There was bipartisan support for the Energy Bill, and I am pleased the Congress met the commitment we made in that bill.

But even those improvements—important as they are to me—fail to make up for one of the central and most disturbing inadequacies of this budget. This budget simply fails to provide adequate resources to take care of our returning troops. Once again the President's budget requires the Veterans Administration to charge veterans an enrollment fee and increases the co-payments for veterans receiving medical care through the VA system. These charges add insult to injury when veterans are also being forced to wait for months before they are able to see a doctor at the local VA hospital. Senator AKAKA's amendment tried to remedy this situation by adding an additional $1.5 billion to the budget, but his responsible approach was rejected.

We face unprecedented challenges in our Nation today. War and terrorism demand our resources and attention. An aging population struggles to find the money to educate the next generation while battling sky high health care costs. Our powerful economy fights to create high quality jobs in a world market of constant technological innovation and fierce international competition.

We need a budget that sees and meets these challenges clearly—vision. We need a budget that faces the difficult realities of our world today with honest proposals and precise numbers—accuracy. And we need a budget that does what we should and must and no more—discipline. We have a budget that does none of that, and so I will vote "no."

AMENDMENT NO. 3116

Mr. NELSON of Nebraska. Mr. President, some of my colleagues may be surprised to learn—like I was—that some agencies are skimming off the top a portion of some of the congressional appropriations and keeping that money in that agency.

My amendment is simple. It says: If it has been determined that a constituency warrants a direct appropriation—one that has gone through the scrutinizing process and is supported by the House, Senate and then signed into law—then that constituency should receive the full amount.

Bureaucrats at the agencies should not be unilaterally determining that some sort of "surcharge" should be assessed to these projects. It amounts to a tax on our constituents. And it usurps the authority of Congress by circumventing the legislative process and giving nameless faceless bureaucrats the authority to alter legislation after it is signed into law.

And in the case where our constituents determine that the full amount of the earmark is not needed and turns back some of the funding to the government—this amendment says that instead of going to bureaucrats in the agencies to spend as they wish—it should instead go towards deficit reduction.

I offer this amendment because long before some started discussing concerns about the appropriations process, I identified—with the assistance of the Congressional Research Service—and have made an effort to investigate this practice of skimming from Congressional appropriations. Let's just say our efforts thus far have been less than successful: almost half of the agencies that have been contacted for information have not bothered to respond.

Each year, I invite Nebraskans—including community officials and nonprofit groups—to propose investments that help ensure some of their tax dollars are returned to the state. I am often approached by Nebraskans seeking help with a project that has been identified as a priority by local officials or others in the community. I support these direct investments only after they have been proposed by Nebraskans and been subjected to reviews to ensure they are both necessary and responsible.

In the absence of a full accounting of how the agencies handle this practice, I am working with the information that has thus far been shared with me. I plan to continue my efforts to seek out information on this practice by the agencies. I can assure this body that as the budget process moves forward this year, I will continue in my efforts to crack down on this practice by agencies to skim some off some of these funds.

Mrs. FEINSTEIN. Mr. President, I oppose this budget. This administration has chosen to continue down an unsustainable economic path. They have put forth an irresponsible budget that does not take constructive steps toward righting our Nation's fiscal course. I strongly urge my Senate colleagues not to follow suit.

Our Nation is going in the wrong direction. The signals grow more evident each day.

Deficits are at record levels. The debt is reaching astronomic heights. And we have fewer resources available for important domestic programs.

Under President Clinton, we had 4 years of budget surplus. And, when he left office, we had a projected 10-year surplus of $5.6 trillion.

But the economic policies of the past 5 years have produced a catastrophic turnaround. Record budget surpluses have given way to record deficits—projected at $1.6 trillion over the next decade. And the debt is projected to exceed $11 trillion.

This budget resolution assumes that the deficit will decline from $359 billion in FY 2007 to $177 billion in FY 2011. Unfortunately, these numbers don't tell the whole story.

This is a 5-year budget. This clouds the full impact of the administration's policies. The debt and deficit are set to explode in the out years—the end of the 10-year window. And, this does not even include the costs of ongoing military operations in Iraq and Afghanistan beyond 2007 and reforming the alternative minimum tax beyond 2006.

When all costs are included, this budget proposal will contribute $1.14 trillion to the Federal budget deficit over the next 5 years.

In this year alone, our national debt is slated to increase by $654 billion. This is a far cry from the President's goals for deficit reduction, and deeply troubling to those who value fiscal responsibility.

As a result, we are now again confronted with raising the nation's debt limit. The increase—from $8.2 trillion to roughly $9 trillion—will be the fourth major hike in the last 5 years.

In 2000, our national debt was at $5.8 trillion. Today, this figure stands at $8.27 trillion. And, at this rate, with all costs included, debt will more than double to $12 trillion in 2011.

Additionally, more and more of our debt is being held in foreign hands. We now owe Japan $685 billion and China over $250 billion. It took 42 Presidents 224 years to run up $1 trillion of foreign held debt. In only 5 years, President Bush has more than doubled that amount.

Contrast this with the last 3 years of the Clinton administration, where we paid off more than $200 billion in debt to foreign countries.

These staggering figures represent a great burden for future generations who will have to pay the bill. They also keep interest rates high, limit economic growth, and slow job creation.

This President has the worst record of private sector job growth since Herbert Hoover. And the jobs that are created are largely minimum wage and temporary work. Americans are working harder, for less money. Average household income for working families decreased by $1,669 between 2000 and 2005, when adjusted for inflation.

By almost every indicator, American families are facing tough times: Housing affordability, a big problem in California, is at a 14-year low; Health care costs are up 50 percent since 2000; Gas prices are up 60 percent; College costs at public universities are up 57 percent; 45 million people are going without health care, including 6.6 million in California; and 37 million Americans are living in poverty, a number that has increased each year under this administration, U.S. Census Bureau.

You'd think that this budget would attempt to provide relief for most Americans. Instead middle-class families are asked to do more with less.

At the same time, the President is proposing to make tax breaks permanent for the wealthiest Americans—at a cost of $1.3 trillion over the next decade. And, when you combine the cost of the tax cuts with costs of war in Iraq—currently totaling $370 billion—the inevitable result is that critical domestic programs are squeezed.

The budget before the Senate today reflects these constraints by: Cutting food stamps, by $272 million; Cutting food assistance for seniors and children, by $111 million; Reducing the effectiveness of our police officers in cutting COPS by more than $407 million, 15,000 officers nationwide; Cutting $244 million from firefighter grants; Failing to reimburse state and local governments for the Federal responsibilities in paying for the incarceration of illegal immigrants; Cutting funding for 18 of the 19 National Institutes of Health, including those conducting research on cancer and heart disease; And, No Child Left Behind, the President's signature education program, would be underfunded this year by more than $15 billion and $55.78 billion since it was enacted.

These are vital priorities that must be funded.

Because of record federal deficits and debt, money that could have been available for education, healthcare, defense, infrastructure, job development, and homeland security, must now go to interest payments.

In 2006, interest costs alone on the national debt will total nearly $400 billion. And, this figure will grow to nearly $600 billion over the next 5 years. Total non-defense discretionary spending—$416 billion in this budget—is only modestly larger than this interest payment.

This could have been prevented.

The Congressional Budget Office estimated that last year, economic problems caused only about 8 percent of the deficit. The rest resulted from policy choices by Congress and this administration—largely tax cuts for the wealthiest among us.

The time has come to chart a different course, and make the tough choices that the President and this resolution avoid.

We must adopt a balanced approach to both taxes and spending and return to a program of fiscal sanity.

When I first came to the Senate, over a decade ago, a small, bipartisan group decided to get our fiscal house in order. Democrats worked to bring spending under control. And Republicans pledged not to push for additional tax cuts.

I have no problem holding the line on spending, but believe that it must be done in the context of a more responsible approach to tax policy.

We must consider rolling back the tax cut for the wealthiest Americans, to bring the income tax rate from its current 35 percent back to 38.6 percent.

This will affect those earning more than $312,000 per year—less than one percent of taxpayers—but will save nearly $130 billion over the next decade.

Finally, we need to work together to begin addressing some of the deeper structural problems with Social Security and Medicare—before these programs fall into crisis.

These are not easy answers. But, we must change the direction in which this nation is moving. We cannot afford to continue down this path of fiscal irresponsibility. Americans work hard to balance their checkbooks and live within their budgets. They deserve a Government willing to do the same.

Mr. KERRY. Mr. President, I cannot support this budget resolution. It closely mirrors the President's budget which projects the largest deficit in history for 2006 $423 billion. We are on an unsustainable path. We cannot continue year after year to pass budget resolutions that increase the deficit, rather than put us on a course of fiscal responsibility.

Not only should we be concerned about growing deficits, we should be concerned about the debt. Under this budget, the deficit will increase to $371 billion for 2006, and the debt will increase by $654 billion a year. The Senate has just passed a $781 billion increase in the debt ceiling, the fourth largest debt limit increase in our Nation's history. This is the fourth time that the Bush administration has requested an increase in the debt. These increases now total $3 trillion.

The service on the debt alone for this year is $220 billion. This money could be put to better use. With the approaching retirement of the baby boomers, we should not be increasing the debt.

The budget being debated today is not based in reality. It leaves out the full 10 year numbers. Without these numbers, the budget hides the full cost of making the 2001 and 2003 tax cuts permanent. The budget does not include funding for the ongoing war costs beyond 2007. Relief from the individual alternative minimum tax, AMT, is only addressed for 2006. It does not include the President's Social Security privatization proposal.

This budget is incomplete. If the missing items were added back, the debt would increase every year by more than $600 billion. The deficit and debt will continue to explode because the budget will continue a course of spending more than the amount of revenue raised.

It is not right to vote on budget that is incomplete. In his budget, the President only chose to address the AMT for 1 year—2006—and chose not to address it for the current budget year. The administration's budget deliberately leaves out a more permanent solution for the AMT for two reasons: first, the AMT would add additional costs to the budget; and second, the AMT masks the true costs of the 2001 and 2003 tax cuts.

This budget resolution follows the administration's lead. It chooses to only address the AMT for 2006 and to extend tax provisions that do not expire until the end of 2010. The budget does not address the 23 million families that will be impacted by the AMT in 2007, but the budget makes sure that the tax cuts that are skewed to those making more than $1 million are extended through 2011.

This budget continues the repeated pattern of choosing tax cuts for the wealthy rather than investing in our future. The tax cuts going to those who on average earn over $1 million a year cost $41 billion for a single year. In contrast, the President's budget cuts education by $2.2 billion—the biggest cut ever for education. This budget shortchanges veterans. There are reductions in law enforcement, firefighter grants, and essential air services. These are just a few of the many examples how the budget's priorities are misguided.

The budget does not adequately address healthcare. Access to quality, affordable health care continues to be a challenge for most Americans and the Bush budget only exacerbates the problems. And what about the uninsured? There is nothing in this budget to help them. Sure, there are some recycled, stale proposals the administration has been trying to advance for 5 years now but nothing really new. Nothing that will help any families gain access to coverage that is quality, affordable, comprehensive care. It's high time we have a real debate and discussion in the Congress on real reforms necessary to address the health needs of our nation.

The budget resolution assumes the deep cuts and unprecedented fees for the Small Business Administration, SBA. The administration's request of $624 million is insufficient to meet the needs of small businesses in this country that need access to capital, counseling and Federal contracts. By the SBA's own calculation, the request is $18 million less than what was available to the Agency last year when congressional initiatives and disaster supplemental appropriations are excluded.

I proposed an amendment to increase the funding shortfall by $151 million and it was offset by closing abusive corporate tax loopholes. Unfortunately, this amendment did not garner bipartisan support. However, we were able to reach a bipartisan agreement that would increase SBA funding by $130 million.

This budget is another example of how the Republican controlled Congress continues to misuse the reconciliation process. The reconciliation process was designed to make it easier to pass difficult legislation that would provide fiscal discipline. It is now being used to ram through tax cuts and pet priorities that do not have the support of 60 Senators.

I am vigorously opposed to the inclusion in the budget of assumed revenues and a reconciliation instruction for the Energy and Natural Resources Committee linked to opening the Arctic National Wildlife Refuge to oil and gas leasing and development. I object to the inclusion of drilling in the refuge for two primary reasons. First, it is irresponsible to base our budget on the highly speculative projection of lease revenues from the Coastal Plain. Second, I oppose using the reconciliation process to open the Arctic Refuge to drilling because it would limit consideration of this highly controversial issue.

The reconciliation process is being used to address only one Senate committee's jurisdiction, and is clearly intended to authorize oil and gas leasing in the Arctic Refuge. This underscores that the real objective of the process is not deficit reduction, but rather to circumvent normal Senate process and procedure with respect to this controversial subject.

On the whole this budget reflects no new ideas and recycles bad policies. This budget fails to address reality, and I therefore cannot support it.

Mr. KENNEDY. Mr. President, today, I filed an amendment that would increase funding for basic research at the National Institutes of Health, and restore cuts made under the President's budget to critical R&D programs. It would have been fully offset by closing tax loopholes. But I faced opposition from my Republican colleagues and it was not accepted.

This budget and the President's American Competitiveness Initiative make no new serious commitments to invest in R&D. The President would have you believe that he is increasing our investment in R&D when it barely keeps pace with projected inflation. To fund the increases at the National Science Foundation and other increases, every other R&D agency will see real cuts for the next 5 years. It just creates winners and losers.

In fact, this budget keeps our R&D investment stagnant—it has already flat-lined at 1.1 percent of our GDP.

If America is going to compete and win in the global economy, we must innovate and support basic research in all areas. We want the new inventions and new technologies and new cures to be made in the U.S.A. And that means supporting the basic research that is the foundation of new discoveries that will create the good jobs of the future.

But this budget cuts funding for basic research. The National Academy of Sciences, the Council on Competitiveness, and Nobel prize winners like American physicist Steven Chu say that is wrong for America's future.

When Dr. Chu testified before the Senate last year, he said "There are growing signs that all is not well . . . We call for an increased federal investment in long-term, basic research."

The Internet, the laser, MRIs, and the mapping of the human genome all came about from basic research at DOD, NIH, and other Federal agencies. Think of the millions of jobs that these innovations have created.

I intend to continue my efforts in the Senate to ensure that American innovation will continue. It is critical to our growth and our future competitiveness.

Mrs. MURRAY. Mr. President, I rise today to discuss my amendment to the fiscal year 2007 budget resolution, which would have provided immediately for a $4.500 Pell grant for needy students. My amendment would have redirected the savings generated by the HELP Committee as part of reconciliation back to student aid, as originally intended and passed by the committee and the full Senate.

Last year, through Chairman ENZI's leadership, the HELP Committee drafted a bipartisan Higher Education Act reauthorization and reconciliation instructions. The committee was instructed to find savings of $13.7 billion—$7 billion of which was to be generated from education programs. The committee developed reconciliation instructions that included savings of over $20 billion. As a member of the HELP Committee, I can say that we purposely generated additional savings with the intent that a portion of the savings would be returned to students in the form of grant aid.

Accordingly, the committee created two programs for Pell-eligible students. We allocated $2.25 billion for SMART grants to target aid to students who study math, science or a critical foreign language. We also allocated $6 billion to the Provisional Grant Assistance Program, or ProGAP. These increases in the Pell grant program are critical, given that tuition has increased rapidly.

This year alone, tuition rose by 7.1 percent at public colleges and 5.9 percent at private universities. Yet students and families have seen no growth in the Pell grant program in the past 4 years; the maximum Pell award has been stagnant at $4,050 since fiscal year 2003. ProGAP would have immediately provided current Pell recipients with a $4,500 maximum grant.

However, when the Deficit Reduction Act returned to the Senate from conference with the House, ProGAP had been eliminated and was replaced by Academic Competitiveness grants. The majority will claim to have increased grant aid for needy students through Academic Competitiveness and SMART grants.

However, the Congressional Budget Office has estimated that less than 10 percent of Pell-eligible students will be able to take advantage of the Academic Competitiveness and SMART grants in 2006. The percent of eligible students rises slowly, from 10.3 percent in 2007 to a paltry 13.5 percent in 2010. Given the existence of both Academic Competitiveness and SMART grants in the conference bill, adopting my amendment would have allowed us to help both needy Pell students and target math and science programs.

The intention of the committee was for the savings generated from changes to the student loan programs go towards deficit reduction and student aid. Not only did the final bill significantly reduce the aid going to students, the savings are clearly going for tax cuts that will not help the families we sought to help in the bill we passed in the Senate. In fact, even with the savings generated through the Deficit Reduction Act, the tax cuts cost more than the savings we generated. The newest tax cuts yet again result in an increase to the deficit.

Currently only one-third of the U.S. workforce has a postsecondary education, but it is estimated that 60 percent of new jobs in the 21st century will require a college education. Workers who have attended college on average have higher incomes and lower rates of unemployment than those who don't. And those with a college education also are more likely to have jobs with benefits like health care, retirement and pensions plans.

My amendment would have restored our original intent of the Senate by redirecting the savings generated by the HELP Committee into the pockets of needy students, not the pockets of the wealthy benefiting from the tax cuts.

Mr. President, I withdrew my amendment after we had a huge victory for education—the overwhelming passage of the Specter-Harkin amendment which would provide $7 billion in increased funding to health and education programs. As an appropriator, I know first hand how critical that funding will be for education programs in fiscal year 2007. But we must all fight to retain that funding when the budget resolution is conferenced with the House. We should not accept a final budget resolution that does not contain the funding provided through the Specter-Harkin amendment.

While I withdrew my amendment today, I will continue to fight for increasing Pell grants and student aid. We can do better than level funding for our nation's needy college students.

Mr. THOMAS. Mr. President, as many of you know, I am co-chair of the Senate Rural Health Caucus and have worked on rural hospital and provider equity issues for a long time. Of course, the Senate does not always agree on every issue especially when it comes to health care. Over the years, however, the Rural Health Caucus has proved to be a bipartisan forum for Members on both sides of the aisle to come together and work on real solutions to help rural Americans have access to the same affordable, quality health care services as folks living in urban areas.

There are now over 80 members of the Rural Health Caucus, and together we remain committed to making sure the unique health care needs of rural and frontier areas are met. We all shared the success of passing landmark rural Medicare equity provisions in the Medicare Modernization Act of 2003. This legislation included the most comprehensive attempt to put rural providers on a level playing field with their urban counterparts. Clearly, this was a significant victory, but there is much more still to do.

As most of you know, the President's fiscal year 2007 budget eliminated or severely reduced several effective and efficient rural health programs. Now, I have long believed that we need to hold Federal agencies and programs accountable for the taxpayer dollars they spend. I also believe the Federal Government cannot be all things to all people. Congress must take the necessary, and often difficult, steps to ensure we put this country on a solid path toward reducing the deficit. Of course, we all have different ideas on how to achieve that goal. I agree with Chairman GREGG that we can start by slowing—and in some cases—eliminating wasteful spending. The budget before us focuses, primarily, on cutting spending and encouraging growth. If programs are not meeting their intended purpose, or are not performing well, then it is fair to look at eliminating the program. Many of the programs Congress funds are duplicative in nature. We have a responsibility to identify reasonable ways to root out waste, streamline program creating and spending, and manage our limited resources so that we can serve folks better.

While it is important to identify and eliminate wasteful and inefficient programs, I also believe that we must support government policies that work. Rural health care programs operate on a shoestring budget. Current spending for all rural health discretionary programs is relatively small, but it plays a critical role in solidifying the fragile health care infrastructure common in rural communities. There are several important rural health programs such as: rural hospital flexibility grants, rural outreach program, trauma care, small hospital improvement program, health professions training, and rural access to emergency devices which all play a key role in delivering services to our medically underserved rural areas. The importance of these programs should not be undervalued. They meet our unique rural health needs by improving emergency medical service networks, developing chronic disease management programs, implementing quality improvement initiatives, and helping small rural hospitals unable to keep their doors open convert to Critical Access Hospital, CAH, status.

In Wyoming, rural health programs have made a real difference in the quality, access, and affordability of care available in our frontier communities. That is why I am extremely pleased to see the budget before us today assumes a $235 million increase for the Health Resources and Services Administration, HRSA, over the President's request. Chairman GREGG's mark clearly states this $235 million increase is primarily intended to support rural health programs. I want to take this opportunity to thank Chairman GREGG for his hard work and support of this important issue. These increases will go a long way toward helping rural hospitals and providers deliver essential health care services to many remote and medically underserved areas.

I also want to especially thank my colleague from North Dakota, Senator CONRAD, for consistently partnering with me to ensure fair and equitable rural health treatment in the budget process.

I now look forward to working with all members of the Senate Rural Health Caucus as we fight to ensure adequate funding for rural health programs during the fiscal year 2007 appropriations process.

Mr. BAUCUS. Mr. President, I rise today with my colleague, the distinguished Senator from Oregon, to speak out against the administration's proposal to fund the Secure Rural Schools Program with a fire sale of our public land. It is vital to rural Montana and rural America that we reauthorize and fully fund the Secure Rural Schools Program, but we should not do it by putting a "for sale" sign on our prime hunting and fishing lands.

The administration's padlock proposal to sell public lands to reauthorize the Secure Rural Schools Program sells rural America short. Montana and Oregon like many other States are outdoors States. We hunt. We fish. We take our kids hiking and camping. Our public lands are part of our recreational heritage as Americans. We should be increasing access for hunters and anglers, not putting more padlocks on more gates.

The administration's land grab proposal is bad for sportsmen, an it is bad for our schools. Back in 2000, I was proud to be a cosponsor of Senator WYDEN and Senator CRAIG's secure rural schools bill. The Secure Rural Schools Act has given counties more money, more certainty, and more flexibility. I would call that a pretty good solution. We should not be abandoning 6 years of success. It is vital to our rural communities that we reauthorize the Secure Rural Schools Act, and I will fight tooth and nail with Senator WYDEN to protect our public lands, reauthorize the Secure Rural Schools Act, and stop the administration's misguided land grab.

Mr. WYDEN. Mr. President, I am in full agreement with my friend and colleague from Montana. The idea to sell public lands to fund the secure rural schools reauthorization is a fundamentally flawed one. It pushes the debate over public lands and forestry back into the political briar patch despite the power of the legislation to bring traditional enemies together all across rural America in over 40 States and over 700 counties. It is because of the good work by my friend from Montana that this faulty idea is not assumed as part of this budget we debate today.

As Senator BAUCUS and I continue our exhaustive search in the next weeks for offsets to pay for the reauthorization of the county payments legislation, he and I will continue our work to defeat the ill-conceived and divisive idea of selling off public lands to pay for the continuation of such a collaborative and locally successful program. From his position as the ranking member of the Senate Finance Committee, on which I am privileged to serve with him, I feel sure that he will come up with the winning solution to offset the costs of reauthorizing this vital national program.

Mr. ENSIGN. Mr. President, last year when the Senate was considering the national intelligence reform bill, we adopted several recommendations of the 9/11 Commission.

One of those recommendations was to hire an additional 2,000 new Custom and border protection agents each year for the next 5 years. This body agreed with the recommendation. We agreed that our national security depended on such an investment, and we enacted that recommendation into law.

We are now considering a budget resolution that will determine whether Congress will keep the promise we made to the American people to protect our Nation's borders. There are many provisions in this budget that demonstrate a commitment to border security. I thank and congratulate Chairman Gregg for those provisions. But the budget that was reported out of committee includes funding for only 1,500 new agents in the coming year.

My amendment would provide $153 million to ensure that we hire 2,000 new agents next year. This amendment is fully offset. Let's face it—the threat of illegal border crossing by people who wish to kill us is very real. In order to prevent another terrorist attack on American soil, we must improve every aspect of our Nation's security. Our security is truly only as strong as our weakest link.

For too long, the lack of funding for border agents has been a weak link. By funding additional agents, we protect both our southern and our often neglected northern border. This will make it harder for terrorists to enter the United States and attack us.

There have been several news reports recently that I want to bring to my colleagues' attention.

Last year, intelligence officials confirmed that the terrorist, Zarqawi, plans to infiltrate America through our borders. He plans to attack targets such as movie theaters, restaurants, and schools. My amendment commits the resources to make sure that this does not happen.

Just last summer, in Detroit, a Lebanese national named Mahmoud Youssef Kourani, who was in the United States illegally, pled guilty in Federal court to conspiring to raise money for a recognized terrorist group. He was in the United States raising money to fund terrorists. That is outrageous. But what is equally outrageous is how he came into the United States in the first place.

Kourani took advantage of our porous border. Kourani paid a Mexican consular official in Beirut $3,000 for a visa to enter Mexico. Once in Mexico, he snuck across the U.S.-Mexican border in 2001 and settled in Michigan.

According to Federal prosecutors, Kourani and another member of his family are heavily involved with the same group that killed 214 marines in Beirut in 1983 and which is also responsible for bombing two U.S. Embassies.

While in the United States, Kourani also helped harbor other illegal immigrants. Thankfully, he was prosecuted before he could inflict any direct harm on any American.

Given how easy it is for people like Kourani to enter the United States, I believe that my amendment is imperative to our national security.

My amendment does not require any additional spending. It is completely offset. This amendment is paid for.

Homeland Security spending must be based on priorities. The fact that terrorists would use our borders to gain access to the United States to attack us is a real threat. So we must provide funds for Customs and border protection.

Four and a half years ago it only took 19 to change the course of this country. We must do everything that we can to prevent another terrorist attack on American soil.

The world has changed dramatically since 9/11 when the terrorists used our open and trusting society against us. We can not allow a repeat of that tragedy.

This amendment will help those who guard our frontiers by providing the necessary, and I stress necessary, tools to ensure the safety of our citizens.

I urge my colleagues to adopt my amendment.

Mr. JOHNSON. Mr. President, as we continue to debate the budget resolution, I wanted to raise an important issue with my colleagues. The budget for fiscal year 2007 that was proposed by the administration would discontinue all activities of the National Children's Study or NCS.

This important study which was authorized as part of the Children's Health Act of 2000, provides for the development and implementation of the largest longitudinal study of children ever conducted in the United States. The goal of the study is to improve the health and well-being of children. The information from this study will be used to determine and affect the major causes of childhood illness such as premature birth, asthma, obesity, preventable injury, autism, developmental delay, mental illness, and learning disorders.

These disorders, among many other high-frequency diseases that afflict children, result from the interaction of multiple biologic, genetic, chemical, social and behavioral factors that combine to determine health. Researchers will analyze how these elements interact with each other and what helpful and/or harmful effects they might have on children's health. By studying children through their different phases of growth and development, researchers will be better able to understand the role of these factors on health and disease.

The National Children's Study will follow a representative sample of America's children in order to identify causes and develop treatments of specific diseases, and develop population-based intervention strategies to prevent illness and ameliorate the impacts of poverty and substandard environments on children's growth, development, and mental health. This will include approximately 100,000 children from over 100 locations throughout the United States.

Since 2000, over 50 million has been spent planning the study. Over 2,500 scientists and community members from across the country have developed a study plan that defines research question, hypotheses, and critical exposure and outcome measures beginning before pregnancy and continuing throughout the life cycle of children. In 2005, the Study designated seven Vanguard pilot centers throughout the United States, including sites in California, New York, North Carolina, Pennsylvania, South Dakota, Utah, and Wisconsin to begin the study with over 100 additional sites planned across the Nation.

It is unfortunate that funding for the study was zeroed out the President's budget and would be extremely shortsighted to put off this study. While there are upfront costs to conduct a study of this size, they are dwarfed by the cost of treating the diseases and conditions it can be expected to address. The National Institute of Child Health and Human Development, NICHD estimates that the major chronic diseases the study will address directly cost American $269 billion per year. If the study were to result in only a 1 percent reduction in those costs, the expense of the entire 20-plus year study could be recouped in a single year.

The environment in which our children grow up has changed significantly over the past 50 years, resulting in increases in rates of diseases such as asthma, obesity, and learning and other developmental disabilities. In order to overcome these challenges, we need to invest in the National Children's Study, in addition to other research efforts to improve our understanding of how to prevent disease and improve the environments in which our children live.

As a parent of three children, and now a grandparent of three, I know how important it is to provide a healthy environment for our youth. I hope the future will be brighter for future generations, and one way we can make that happen is by finding the answers to many health questions that plague us today. The National Children's Study will be one of the richest information resources available to children's health and development and will form the basis of child health guidance, interventions, and policy for generations to come.

It is my hope that this body will do all it can to restore the cuts to the NCS and keep this critical work moving forward, and I will work with my colleagues through the Appropriations Committee to make that happen.

Mr. LEAHY. Mr. President, my amendment No. 3154 to the budget resolution would restore much-needed funding to the Bulletproof Vest Partnership Program. The administration's budget slashes this program by $20 million, which amounts to a 63-percent cut to a program that helps save the lives of law enforcement officers nationwide by providing State and local law enforcement agencies with the resources to help buy body armor for their officers.

My amendment supports the allocation of $41 million in funding for bulletproof vest partnership grants to fully fund it at the authorized level of $50 million in fiscal year 2007. The increase in funds is offset by discretionary spending reductions.

Our former colleague Senator Campbell and I authored the Bulletproof Vest Grant Partnership Act of 1998 in response to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two State troopers who lacked bulletproof vests were killed. The federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost.

We have successfully reauthorized this program three more times: in the Bulletproof Vest Partnership Grant Act of 2000, in the State Justice Institute Reauthorization Act of 2004, and most recently as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005. It is now authorized at $50 million per year through fiscal year 2009.

Year after year, the Bulletproof Vest Partnership Program saves the lives and spares injuries of law enforcement officers nationwide by providing more help to State and local law enforcement agencies to purchase body armor. Since its inception in 1999, this highly successful DOJ program has provided law enforcement officers in 16,000 jurisdictions nationwide with nearly 350,000 new bulletproof vests. In Vermont, more than 150 municipalities have used this partnership help to purchase 1,400 vests. Without the assistance this program offers, I daresay there would be close to that number of police officers without vests in Vermont today.

Compounding the ongoing funding needs to help purchase vests, concerns from the law enforcement community over the effectiveness of body armor surfaced nearly 2 years ago when a Pennsylvania police officer was shot and critically wounded through his relatively new Zylon-based body armor vest. In August 2005, the Justice Department announced that test results indicated that used Zylon-based vests may not provide the intended level of ballistic resistance. Unfortunately, an estimated 200,000 of these faulty vests have been purchased—many with vest partnership funds—and now need to be replaced.

We know that body armor saves lives, but the cost has put these vests out of the reach of many of the officers who need them. This program makes it more affordable for police departments of all sizes. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of this program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day.

I want to make sure that every police officer who needs a bulletproof vest gets one. If the Senate approves this amendment to fully fund this program at $50 million, then we will be on our way to helping ease the burden faced by officers and their families and to further our mission to provide every police officer who needs a safe vest with the means to purchase one.

Mr. JOHNSON. Mr. President, as a member of the Budget Committee, I am deeply disappointed that the budget we are considering and the one proposed by the President last month will make finding adequate funding for so many of our Nation's domestic priorities exceedingly hard to achieve.

Budgets are about priorities—hard-working South Dakota families know that because they have to make priorities in their family budget every day. Unfortunately, the President and the Republican leadership in Congress fail to make investments in key programs that assist average, hard-working Americans.

Federal education mandates are woefully underfunded. Yet the President's budget proposed the largest cut to Federal education funding in the Department of Education's 26-year history. Further, for the second year in a row, the administration proposed a 5-percent across-the-board cut to crop and dairy payments for producers. As well, the President's budget included $16.9 billion in cuts to Medicaid and about $35 billion in cuts to Medicare over 5 years. While I am pleased the Senate budget resolution does not contain all of the President's budget cuts, we cannot continue to try to balance the budget on the backs of students, farmers and ranchers, and seniors.

While the administration is advocating cuts to important domestic programs, it is estimated that the cost of the Bush tax cuts for those making over $1 million annually will be more than $41 billion in fiscal year 2007 alone.

Despite what the leadership likes to say about their budget, this is not a fiscally responsible budget. I think it is time we put our Nation's finances back in order. This budget assumes that the deficit for fiscal year 2007 will be $359 billion, and decline to $177 billion in fiscal year 2011. However, these assumptions omit items like the cost of extending expiring tax cuts, fixing the alternative minimum tax, AMT, the ongoing war costs, and the spending of the Social Security and other trust funds. When these costs are included, the Nation's debt will increase by more than $600 billion every year over the next 5 years.

To put this in perspective, consider how much U.S. debt is held by foreigners. It took 224 years and 42 Presidents—all of our Presidents from Washington to Clinton—to have $1 trillion in debt held outside our country. In just 5 years, that foreign debt level has more than doubled.

I believe one of the best ways we can restore fiscal responsibility is to reinstate the pay-as-you-go rules that were in effect from 1991 to 2000. The pay-go rule simply means that if you want additional mandatory spending or tax cuts, you have to pay for them by offsets or obtain a supermajority vote to pass them. Unfortunately, the Senate failed to adopt a pay-go rule to the budget resolution yesterday on a tie vote of 50–50.

Instead, we are being asked to support a budget that I don't think reflects the values and priorities of a majority of South Dakota families, and does not restore fiscal responsibility. I will continue working in a bipartisan manner to make improvements in the fiscal year 2007 budget and restoring our Nation's fiscal strength.

Mr. SALAZAR. Mr. President, as we debate the Senate budget resolution for fiscal year 2007 and the bill before us now to raise the debt ceiling, I want to talk for a moment about the broader issue of fiscal responsibility and honesty.

We are about to significantly raise the limit on our national debt for the fourth time in the past 5 years, this time to nearly $9 trillion. With deficits as far as the eye can see, we are on an unsustainable budgetary path that threatens not only to severely restrict our Government's ability to provide critical services but to cause irreparable damage both to our economy and our influence in the world community.

Alan Greenspan articulated our situation clearly in his last months as Chairman of the Federal Reserve Board. Mr. Greenspan said, "our budget position will substantially worsen in the coming years unless major deficit-reducing actions are taken . . . crafting a budget strategy that meets the nation's longer-run needs will become more difficult the more we delay."

Even more troubling, our deficits are worse than they seem. While the Congressional Budget Office has estimated the size of this year's deficit at $371 billion, that figure does not account for the tens of billions of dollars of emergency supplemental spending that we can all anticipate to address needs in Iraq and Afghanistan. It also does not include the $180 billion we are raiding from the Social Security trust fund, nor does it take into account the interest we will need to pay on the additional debt. As Senator CONRAD has pointed out, we anticipate the national debt will increase by $654 billion this year.

Six years ago, we were running a budget surplus. While the national debt was $5 trillion, for the first time in almost 20 years, we found ourselves in a position where we could start to pay off some of that debt. We knew we would soon face the demographic pressures associated with the retirement of the baby boom generation, but we had the resources at our disposal to begin preparing for those pressures.

Now, just 6 years later, the circumstances that gave us a reason to be optimistic have all but dissolved in a sea of irresponsible fiscal policies, dishonest accounting, and partisan opportunism.

To be sure, not everything that brought us to this point was within our control. The terrorist attacks of September 11, 2001, shook our economy, gave rise to new and unexpected costs, and rightly caused us to shift our national focus to the threat of international terrorism—sometimes, unavoidably, to the detriment of our ability to sufficiently focus on our looming fiscal challenges.

Having said that, much of what led to our current crisis was within our control. The fairness of the multiple tax cuts that Congress passed in the last 5 years was certainly within our control.

Whether or not those tax cuts were paid for was certainly within our control.

And whether or not we are honest about including the costs of the ongoing military efforts in Iraq and Afghanistan, the need to provide continuing relief for middle-class families from the alternative minimum tax, and the inevitable costs associated with any proposal to address the problems faced by our entitlement programs is certainly within our control.

We must be more responsible and more realistic.

First, we must begin working today to prepare for the retirement of the baby boomers. While the situation is not as dire as some would have us believe, the Social Security system cannot support itself in its current form forever. We need to make tough decisions in order to restore that program to a path of solvency.

In addition, with health care costs skyrocketing, we need to take a hard look at Medicare and Medicaid in order to ensure they can continue to provide high-quality care for the elderly and the poor. Again, the problems associated with these programs will only grow with the retirement of the baby boom generation, and we need to act now to avert a full-fledged fiscal disaster.

Second, we must be more realistic about aligning our tax policies with our spending policies. American families understand the simple fact that you cannot spend more than you take in. Yet this fact seems to escape this administration and the current congressional leadership. Year after year, we see massive spending reductions in vital programs followed up by even bigger tax cuts.

Contrary to what some seem to believe, the tax cuts of the past 5 years are not going to pay for themselves. While I support many of those tax cuts—particularly those that benefit middle-class families—it is undeniable that they have resulted in lower revenue for the Federal Government and will continue to do so in the long run. This is especially in light of the fact that they were not paid for and will therefore add to the national debt and increase the associated interest costs.

Third, we cannot afford to be dishonest about costs we know we will face. The President's budget contained no funding for the military operations in Iraq and Afghanistan beyond next year. Yet the Congressional Budget Office has said we should expect to pay $312 billion in war-related costs for the period between 2007 and 2016.

Furthermore, we know we will need to provide relief from the alternative minimum tax for middle-class families. The Senate recently passed legislation that would contain a 1-year fix of the AMT at the price tag of $30 billion. The cost of providing AMT relief for the next decade is estimated at $1 trillion. Yet neither the President's budget request nor the proposal before the Senate includes the cost of providing any AMT relief beyond this year.

And this is to say nothing of how costly it would be to make permanent the President's 2001 tax cuts, which is something we all know he will try to do. A recent estimate by the Center on Budget and Policy Priorities indicated that the cost of extending the President's tax cuts through 2016 would be nearly $2 trillion.

This debate is as much about honesty as it is about crunching numbers. How can we expect to be adequately prepared for the looming influx of Americans into the Social Security, Medicare, and Medicaid programs if we are not honest about costs we know we will have to deal with—and not just over the long term but this year?

Yet another troubling symptom of our current misguided policies is the growing percentage of our debt that is being purchased by foreign investors. As Senator CONRAD has repeatedly pointed out in recent weeks, the level of debt purchased by foreign investors under President Bush is more than twice the amount purchased by foreign investors under the previous 42 Presidents combined. Foreign investors—whether it be the central banks of foreign countries or private investors—now own nearly half of all publicly issued U.S. debt.

I was astounded by the following statistics. According to the Economic Policy Institute, if foreign lenders keep buying U.S. debt at their current rate, the Federal Government will owe $3.8 trillion to foreign lenders by 2011, an amount equivalent to 23 percent of expected gross domestic product for that year. We will owe those lenders $181 billion in interest alone.

To provide some context, that amount is 2½ times the size of the entire fiscal year 2007 budget for the Department of Veterans' Affairs.

I realize that we cannot fix all of these problems this week, or even this year. But we can start to bring some sense to our Nation's fiscal priorities by going on record in support of our most critical programs and by embracing fiscal responsibility.

It is why I have consistently cosponsored classic pay-go proposals, which aim to ensure that both spending increases and tax cuts are fully paid for.

There is much more that is wrong with the Government's fiscal practices and priorities than what I have discussed today. Among other things, I do not believe that our budget goes far enough in supporting rural America; I do not believe it does enough to provide resources to State and local law enforcement; and I do not believe it does enough to promote community development.

More than anything, however, the debate on the Senate floor this week is about our broader priorities as a nation. It is about whether we value candor and responsibility over partisan opportunism. If we do not act soon to reverse our direction, we will have made our decision, and it will have been the wrong one.

Mr. REED. Mr. President, the Humphrey Hawkins Act of 1978 specifies that time should be set aside in the consideration of the budget resolution for debate on economic goals and policies. As the ranking member of the Joint Economic Committee, I rise today to talk about how the budget submitted by President Bush and the version of that budget which we are debating this week in the Senate embody the wrong goals and policies to address the challenges facing the American economy.

If you listen to the President and my colleagues on the other side of the aisle, you would get the impression that the economy is in good shape and that their policies have been successful. But if you listen to the American people you know that there is considerable anxiety about the economy and considerable disapproval about how the other side has managed economic policy.

The American people are right. All is not well with the Bush economy and the President's economic policies. President Bush likes to cite statistics on how fast the economy is growing and how much productivity—the output a worker produces in an hour—has increased. What he doesn't mention is that on his watch the economy went through the most protracted jobs slump in decades; that there is still considerable evidence of lagging labor force participation and hidden unemployment; and that the benefits of productivity growth have been showing up in the bottom lines of companies rather than in the paychecks of workers.

The President doesn't mention that disparities in wages and incomes are growing wider. Those who are already well-to-do are continuing to do very well. But the typical American family is struggling to make ends meet in the face of rising costs for energy, health care, and a college education for their children.

The administration and its supporters will not take responsibility for the failure of their policies. They say that their tax cuts are working and that all the American economy needs is more tax cuts. But the Bush tax cuts have not created an economy that works for ordinary Americans and they have mortgaged our future. Responsible analysts have shown that the President's tax cuts for the rich were poorly designed for generating jobs and putting people back to work in the wake of the 2001 recession. They had very low "bang-for-the-buck" in terms of job stimulus in the short run, but they were so massive that they created a legacy of large budget deficits and mounting debt that will be a drag on the economy in the long run.

President Bush has squandered the hard-won fiscal discipline achieved in the 1990s. He inherited a 10-year budget surplus of $5.6 trillion and turned it into a stream of deficits.

This year's budget gives the illusion that we will be making substantial progress in reducing the deficit over the next few years. But that is not what responsible analysts say. They point out that a realistic budget assessment shows continuing structural deficits over the next several years and a potential explosion of the deficit once the costs of the baby-boom generation's retirement kick in fully.

With a $5.6 trillion 10-year budget surplus now a deficit of at least $2.7 trillion, this administration has turned us into a nation of debtors, relying on the rest of the world to finance our budget deficits and the rest of our excessive spending. Yesterday we learned that the current account deficit—the broadest measure of our international payments imbalance—was $805 billion last year, an amount equal to 6.4 percent of GDP. That is a record both in dollar terms and as a share of GDP.

The ballooning international trade and budget deficits dramatize the misplaced fiscal priorities of the President and the Republican Congress. The administration's large Federal budget deficits and mounting Federal debt are putting enormous pressure on the trade deficit and the dollar. We are mortgaging our future to foreign investors and foreign governments instead of getting our fiscal house in order and boosting our own national saving.

And we are not investing in people here at home the way we should be. A new analysis of the President's budget by the Democratic staff of the Joint Economic Committee shows that the President's policies would add to the deficit and reduce investments that aid moderate- and lower-income families in order to pay part of the cost of tax cuts going disproportionately to those with very high incomes.

The JEC Democratic staff analysis shows that the burden of cuts in those programs that provide benefits to individuals would be borne disproportionately by families in the bottom 40 percent of the income distribution. The share of spending cuts borne by those families would be disproportionate to their share of aggregate family income and to the share of any benefits they could expect to receive from the President's proposed tax cuts.

Families in the bottom 20 percent of the income distribution would absorb 32 percent of the cuts in payments for individuals, even though their share of aggregate family income is only 3 percent. Families in the next lowest fifth of the income distribution, with 8 percent of aggregate family income, would bear 23 percent of the budget cuts in payments for individuals.

Disparities in the impact of the President's budget proposals on families in different parts of the income distribution are even more pronounced when the tax cuts are taken into account. Families in the bottom 40 percent of the income distribution would receive only 6 percent of the benefits from tax cuts while bearing over half the burden of the spending cuts. In contrast, families in the top 20 percent of the income distribution would receive over 70 percent of the benefits of the tax cuts while bearing only 14 percent of the burden of the spending cuts.

The net impact of those cuts would leave families at the bottom of the income distribution shouldering nearly all of the pain while families at the top of the income distribution would reap nearly all of the net benefits.

A budget resolution that echoes the President's budget neither meets the pressing needs of the American people nor addresses the long-term challenges that lie ahead. Clearly, we're in for another year of policies that do little to help the average family or bring down the deficit.

A long-term budget and economic disaster looms if we don't restore fiscal discipline. The President's large and growing Federal budget deficits leave us increasingly hampered in our ability to deal with the host of challenges we face. We need policies that address the problems facing the country's most disadvantaged citizens and help ordinary working families deal with job and retirement insecurity and the rising costs of energy, health care, and education for their children.

We can and should do better.

Mr. OBAMA. Mr. President, I rise today to speak about the budget resolution.

A budget is about choices. It is about tradeoffs. It is about weighing competing priorities and conflicting objectives and figuring out what matters most for Americans.

Unfortunately, the budget we have before us makes the wrong choices. Instead of tackling Federal deficits and rising debt, this budget worsens them. Instead of strengthening our schools so America can be competitive in a global economy, this budget weakens them. Instead of taking bold action against poverty as the President promised after Katrina, this budget cuts important services that Americans depend on.

Budgets matter because the tradeoffs we make matter, and this budget makes the wrong tradeoffs. It extends tax breaks aimed at millionaires while doing nothing to expand opportunity for working Americans. It claims to be fiscally responsible while ignoring billions of dollars of Government spending for ongoing military operations overseas.

At a time when we have maxed out our borrowing, this budget has us borrowing more. At a time when we have already cut certain programs beyond the level of efficiency, this budget cuts them some more. At a time when we have already lavished tax breaks on the wealthiest people and corporations, this budget lavishes even more.

As I talk to families in Illinois—farmers and small businesspeople, teachers and veterans, salespeople and service workers, doctors and senior citizens, people prospering and those struggling at the margins—I see people dealing with real issues and real problems. I see people concerned about our national security and our domestic security. I see people worried about what they see and what they don't see happening here in Washington.

Unfortunately, this budget that we are debating today gives Americans little reason to have confidence in their Government. This budget gives them little reason to think that their elected leaders are paying attention.

Many of my Democratic colleagues and I have been offering amendments over the last few days. Together we are troubled by this budget and doing our best to ensure that it reflects at least some of America's cherished values. A few of my Republican colleagues have also joined us in trying to improve this bill.

I was disappointed on Tuesday by the failure of the Senate to pass the Pay-go amendment to restore discipline to our budgeting process. That vote was bipartisan and very close, and I hold out hope that this body will soon restore budget rules that work to reduce deficits and restrain debt. But there are still opportunities to make this resolution more responsive to the needs and concerns of the people in Illinois.

For example, I appreciate the willingness of Senator GREGG and Senator CONRAD, as the managers of this bill, to accept an important amendment of mine that addresses the problem of homeless veterans.

Each and every night, more than 200,000 of our Nation's veterans are homeless. More than 400,000 will experience homelessness over the course of a year. In my hometown of Chicago, as many as 38,000 veterans spend a night homeless over the course of a year.

It is one the great tragedies of this Nation that brave men and women who risked their lives for us have no place to turn to and no place to call home.

There is no single cause for homelessness among veterans. Homeless vets are men and women, single and married. They have served in every conflict since World War II. Many suffer from posttraumatic stress disorder or were physically and mentally battered in combat. A large number left the military without job skills that could be easily transferred to the private sector. Regardless of the cause, we know that there are ways to combat this crisis.

My amendment devotes a small amount to begin addressing this problem by building on existing proven programs. For nearly 20 years, the Homeless Veterans Reintegration Program has helped get veterans off the streets with intensive services that are unavailable elsewhere and really get to the heart of the causes of homelessness.

HVRP grant recipients provide clothing and food to help stabilize veterans, they provide mental health and substance abuse counseling, and they provide employment services and housing assistance to allow them to reenter society. Some HVRP programs even employ formerly homeless veterans to serve as counselors and role models to other veterans. HVRP offers specialized support for veterans who are turned away from other programs. In short, HVRP is a cost-effective and proven way to help veterans who have no place else to turn.

The budget currently flatlines spending for the HVRP at $22 million, which is only 44 percent of the authorized level. At this amount, we will only be able to serve 16,250 veterans next year.

My amendment increases HVRP to its full authorized amount, an increase of $28 million. This will help us reach approximately 36,820 homeless veterans. This is still less than 10 percent of the total need, but it is an important start. My amendment will also devote an additional $12 million to the Department of Labor to improve jobs services for hard-to-place veterans. This is a modest increase of 6 percent over last year.

Every day, we walk past men and women on street corners with handwritten signs like "Homeless Veteran—Need Food." Sometimes we give a dollar, sometimes we just keep walking. These are soldiers who fought in World War II, Vietnam, and Iraq.

We cannot allow the proud shoulders that have carried the weight of liberty to be broken by the terrible burden of homelessness and hopelessness. We owe our veterans more than an emergency shelter cot or a cardboard box beneath an overpass. We owe them a chance to enjoy the dignity and respect they earned fighting for our freedom.

These men and women served us without fail when we needed them, and now we must do the same for them.

I thank Senators GREGG and CONRAD for accepting this amendment.

Mr. President, I hope we can continue to improve this budget. But, until we have a fiscally responsible budget that makes the right choices for America, I owe it to the people of Illinois to reject it.

I hope it won't be too long before this body can get serious about solving the real problems we face as a country and preparing for the new challenges and opportunities we will face in the years ahead.

VOTE EXPLANATION

Mr. BAUCUS. Mr. President, I regret that I was unable to vote in support of Senator LIEBERMAN's amendment 3034 to the fiscal year 2007 congressional budget resolution. It is critically important to protect the American people from terrorist attacks. This amendment would have done so by providing $8 billion in additional funds for homeland security. These funds would have come from restoring cuts to vital first responder programs in the Departments of Homeland Security and Justice. It also would have provided an additional $1.2 billion for first responders, $1.7 billion for the Coast Guard and port security, $150 million for chemical security, $1 billion for rail and transit security, $456 million for FEMA, $1 billion for health preparedness programs, and $752 million for aviation security.

At the time of this vote I was meeting with a group of Montana's high school students from Project Close-Up. This program introduces young people to Washington, DC and to the U.S. Government. I believe it is very important to give these students the unique opportunity to meet with their State's Senators in person—it is a tradition I have maintained for years. It is unfortunate that this vote to support homeland security occurred at the same time as the visit. For this reason, I must make it clear that I firmly believe in properly funding homeland security. I was one of the first Senators to visit New Orleans and the gulf coast after Hurricane Katrina and I recognize that FEMA needs more funding to improve their mission and ability to properly respond to disasters.

Most importantly, our first responders in Montana are the backbone of emergency services in our State. We are a rural State, and our police and fire departments and hospitals call upon them to react across many miles to keep Montana's citizens safe. I have always voted in favor of these efforts in the past and I pledge to do so in the future.

Mr. GREGG. Mr. President, Senator CONRAD and I are fortunate to have an outstanding staff serving the members of the Senate Budget Committee. These professionals work long hours and take great pride in the work of the committee and the institution of the U.S. Senate.

I would like to take just a few minutes today to single out two of these talented individuals who work on the majority side or Republican committee staff.

David Fisher serves as our health policy director on the committee. As Willie Sutton said, "You rob banks because that's where the money is," and with respect to the Federal budget, the money is in health care. Medicare, Medicaid, and Social Security are three programs that David handles for our team, and these three programs are on a glidepath to consume over 20 percent of this Nation's gross domestic product in about 30 years. If we do not find a way to control the growth of spending for these programs, there simply will not be resources available for all other priorities, from national defense to homeland security to science and research.

David came over to the Budget Committee from the Health, Education, Labor, and Pensions Committee in 2005. David holds a master's in public policy degree from Georgetown University. He has held a number of key positions in both the Senate and the House of Representatives having served as both a chief of staff and legislative director.

David is one of those rare individuals who can drill into specific programmatic detail and simultaneously understand the broader policy and political context in which programs operate. He is a perfectionist. David has a complete top-to-bottom understanding of medical and health care programs and has staffed me with distinction with such issues as bioterrorism, medical liability reform, and FDA drug approval. Most recently, he has been working tirelessly on Avian flu preparedness.

David Fisher has earned a reputation around town, here in Congress, and down at the White House as an expert on health issues. Few people who have worked with David have not been impressed with intellect and dedication. I am proud to have him on my team.

For many people, the budget resolution is just a compilation of accounts and dollar levels. But the budget is much more. The budget is a framework, a blueprint for the Federal Government and fiscal policy. Maybe good public policy states that policy drives budgets, but it is no secret that in Washington budgets often drive policy. The budget and our resolution have a real impact on the financial markets and economy.

When I took over the committee, a number of people advised me to make sure that we employed a talented economist. We are fortunate in Dan Brandt to have just that.

Dan Brandt serves as our Committee chief economist, and he also serves as analyst for a number of budget functions, such as what we call function 370 or commerce and housing credit. Dan is our expert who keeps on top of what the economy is doing, what is happening at the Federal Reserve, at the Securities and Exchange Commission, at the stock exchanges, and international finance. Dan is our "go to guy" for understanding the latest GDP and employment statistics, inflation, and other economic data. He is our expert on tax policy and works closely with the Finance Committee in ensuring that we are advocating progrowth tax policies. He works closely with the Banking Committee on a number of issues affecting financial institutions and the lending industry.

Dan's academic background is in business administration and economics at the Johns Hopkins University, the American University, and the Frei Universitat in Berlin, Germany. Prior to joining the committee, Dan worked in the House of Representatives, at Solomon Smith Barney, and at the International Trade Administration in the U.S. Department of Commerce. During 2004, Dan Brandt worked on President George W. Bush's reelection campaign where he handled tax and economic issues.

Dan is a workhorse for the committee. Few people could serve as a guide through the intricacies of economic forecasts and the budget rules—Dan can do both. The technical accuracy and effectiveness of his work products is a matter of personal pride. I have learned that he is a professional staff member in every sense of the word. I will conclude by just saying that Dan Brandt is a real credit to the Senate, and we are fortunate to have him here on our Budget Committee and as part of my team.

Mr. President, we are now able to go to final passage. Before we go to final passage, I wish to begin by thanking Senator CONRAD and his extraordinary staff.

AMENDMENT NO. 3081 WITHDRAWN

Before I do that, I ask unanimous consent to withdraw the pending amendment No. 3081 at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, we are now able to go to final passage. Before we go to final passage, I wish to begin by thanking Senator CONRAD and his extraordinary staff, led by Mary Naylor. They have been incredibly cooperative. They are always extraordinarily professional. There is no question but we would not have been able to complete this—in what may not seem timely to most folks because we have been here all day but is—quite honestly we could have been here into tomorrow or Saturday without the extraordinary cooperation of the Senator from North Dakota and his team. I thank him for his professionalism and their team.

I also thank my Committee on the Budget staff. They have worked tirelessly and continuously on this budget for the last 6 weeks. They literally have gotten very little sleep, especially, of course, Scott Gudes, my budget leader, and Denzel McGuire, his top assistant. They did a great job of organizing, especially today, the amendments.

Jeff Turcotte, Dave Myers, and Sam Donoghue of our communications team, who has tried to compete with the chart machine on the other side of the aisle, they have come close. They have done a great job. Jim Hearn and Cheri Reidy, David Pappone and Gail Millar, are the specialists who make this place work. The cornerstone of the great team, John Mashburn, and Vas Chrisopoulos, my AA who keeps everything humming along and does an incredible job on my personal staff, and I thank the leadership staff. There are an awful lot of good people working for the leadership around here. They should be acknowledged for their tremendous work.

Let me thank the clerks and all the Senate staff. They have worked all day with virtually no break, along with the Reporters of Debates. I thank everyone for an extraordinary amount of commitment to making this place work correctly.

This budget is now on the verge of being passed. It is the first step in the process. As I have said before, it is the responsibility of governance to pass a budget. That is our responsibility as Senators. This is a responsible budget. It is not everything I wanted, obviously, but it is a step in the right direction. It is a step on the road, and it is a positive step on the road.

Rather than prolong the discussion, because we have had a lot of discussion on it, I will now yield the floor to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first, I want to indicate that we may have one matter to conclude before we end.

AMENDMENT NO. 3023, AS MODIFIED

Mr. President, I send to the desk amendment No. 3023, as modified, and ask unanimous consent that it be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3023), as modified, was agreed to, as follows:

(Purpose: To strengthen homeland security by adding $10 million to National Defense for an interoperable and survivable mobile wireless communications network enabling clear, reliable communications among DoD and first responders for the military homeland defense command)

On page 9, line 20, increase the amount by $10,000,000.

On page 9, line 21, increase the amount by $10,000,000.

On page 27, line 23, decrease the amount by $10,000,000.

On page 27, line 24, decrease the amount by $10,000,000.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we are prepared to go to final passage. We cannot do that without first thanking people. This has been a marathon, and people—many people—have worked around the clock to get us to this position.

Let me thank a colleague because we would not be finishing at 7:15 without the extraordinary work of Senator PATTY MURRAY.

Thank you, PATTY.

She convinced literally dozens of our colleagues to drop amendments tonight; otherwise, we would have been here until 2 o'clock in the morning. So special thanks to her.

And thanks to my staff director, Mary Naylor; and John Righter, my deputy staff director; Lisa Konwinski, my counsel; and, most of all, my chart master, Kobye Noel.

And thanks to the staff of Senator GREGG: Scott Gudes and Denzel McGuire, outstanding professionals.

Of course, my personal thanks to the chairman of the committee, who has been so decent to deal with, and so honorable to deal with.

On our side, Mr. Chairman, we thank you for your courtesies.

With that, let me conclude on the budget itself.

Mr. GREGG. No.

Mr. CONRAD. Oh, yes.

Borrow and spend—that is what this budget represents.

Mr. President and colleagues, as shown on this chart, this is what is going to happen to the debt under this budget. It is up, up, and away. A vote for this budget is a vote for more debt, higher interest rates, a weaker economy, the export of American jobs, the selling off of America, piece by piece.

Colleagues, we could do a whole lot better than this. I urge my colleagues to vote no.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I have been asked to remind Senators that there will be two more votes, after the final vote on the budget, on judges.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the adoption of the concurrent resolution.

The clerk will please call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

The concurrent resolution (S. Con. Res. 83), as amended, was agreed to.

(The resolution will be printed in a future edition of the RECORD.)

Mr. FRIST. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I would be remiss if I did not make at least a short statement on the budget we just passed. I agree with those who believe that government is simply out of control. We just passed a budget that promises a budget deficit in the vicinity of $400 billion, a truly staggering amount of money. Our Federal Government is borrowing in excess of a billion dollars a day to fund the awesome amount of obligations that we have authorized. While I would have preferred a vastly smaller budget today, I know it is simply not politically feasible to do so at this time. I pledge to work toward creating an environment where we can achieve responsible spending and fiscal sanity while meeting our obligations. The budget we have just passed does represent a step, albeit a small one, toward fiscal responsibility. Getting our entitlement spending under control, reining in earmarks and other wasteful discretionary spending, and maintaining the conditions necessary for strong, stable economic growth are all necessary to achieve a balanced budget, and it will take the concerted efforts of each and every one of us to achieve this in the future.

Mr. FEINGOLD. Mr. President, today, the Senate allowed its budget process to be hijacked by those seeking to move a policy issue that has been rightly rejected so many times. I opposed the manipulation of process in the Budget Committee and I opposed final passage this evening. Using the reconciliation process to advance a single controversial policy—a policy that should be considered through the appropriate legislative channels—is shameless.

We debated drilling in the Arctic last spring. We debated it again last fall, and at that time, a number of House Republicans shot the idea down. Then, in December, we wasted more time on the issue. This year, nine members of the Budget Committee reached out ahead of time to Chairman GREGG and Ranking Member CONRAD asking that the budget process not be used to revisit drilling in the Arctic Refuge, and yet, it was. I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 6, 2006.

Hon. JUDD GREGG,
Chairman, Budget Committee,
Washington, DC.
Hon. KENT CONRAD,
Ranking Member, Budget Committee
Washington, DC.

DEAR CHAIRMAN GREGG AND RANKING MEMBER CONRAD: As members of the Budget Committee, we write to express our opposition to the inclusion of any language or mechanism in the fiscal year 2007 budget resolution that assumes revenues from drilling in the Arctic National Wildlife Refuge or allows for the insertion of any provision that opens the Coastal Plain of the Refuge to oil and gas drilling and exploration. We also strongly oppose the inclusion of any Arctic Refuge reconciliation instructions for the Energy Committee in the budget resolution.

It is irresponsible to base the country's budget on highly speculative and dubious projections of lease revenues for the coastal plain of the Arctic National Wildlife Refuge. The reality is that leasing portions of the Arctic Refuge would likely not bring in the assumed levels of revenue to the federal treasury, and yet, the Congressional Budget Office (CBO) assumes $6 billion in revenue from leasing of the Arctic Refuge, and the President's fiscal year 2007 budget proposal presupposes $7 billion in revenue from a 2008 Refuge lease sale. Previous drilling proposals called for leasing between 400,000 and 600,000 acres of the Arctic Refuge. The Administration proposal would therefore require that industry bid at least $11,667 per leased acre. The facts of oil and gas leasing on Alaska's North Slope and elsewhere in the country show that such a proposal is far out of touch with reality:

Since 1991, 38 leases on the North Slope and in near-shore waters have brought in an average of only $64.38 per leased acre. The Administration's projection is 181 times this historic average.

Last year, the oil industry bid $161.55 per acre for areas offshore of the Arctic Refuge—an amount that is nearly an order of magnitude lower than the Administration's projections.

The CBO acknowledged in December 2005 that higher oil prices do not necessarily result in higher lease bids when it wrote that other factors, such as operating and capital costs and the attractiveness of competing projects elsewhere, influence bid amounts.

The North Slope leasing history demonstrates CBO's point. In the last five years, when North Slope crude averaged $33.60 a barrel, the average price per acre was $48.15. In the five years prior to that, when North Slope crude averaged $19.60, the average price per acre was $93.58. Additionally, preliminary analysis of two lease sales held on March 1, 2006 reveals an average per acre price of less than $40 on a day when North Slope crude was selling for $59.11.

This kind of budget charade will simply not help reduce our huge and growing federal deficit.

As we all know, the President acknowledged our addiction to oil during his State of the Union address. As with any addiction, recognition of the problem is the first step toward change. Thus, now more than ever, instead of looking to drill to the past in areas such as the Arctic National Wildlife Refuge, we should truly dedicate ourselves to a cleaner energy future. The American people expect Congress and the Administration to stop wasting their time on dead-end drilling schemes and to instead chart an energy vision reflective of the 21st century.

Again, we encourage you to reject any requests that are intended to misuse the budget process to open the Refuge to oil and gas drilling and exploration and we thank you for your consideration of this matter.

Russ Feingold, Patty Murray, Tim Johnson, Bill Nelson, Robert Menendez, Paul S. Sarbanes, Ron Wyden, Robert C. Byrd, Debbie Stabenow.

Mr. FEINGOLD. Mr. President, I oppose drilling in the Arctic National Wildlife Refuge, but if we are going to debate this policy, we should do so openly—not through a backdoor budget maneuver. My colleagues who want to open the Arctic Refuge to drilling should go through the regular legislative process that the rest of us use to advance policy initiatives. After all, what message do you send when you manipulate a process simply because the normal procedure does not give you the outcome you want? That is not a message this body should endorse.

Proponents will say that using the budget process is the only way they can get an up-or-down vote. My response is simple. I know how hard it is to be very close to having the votes to pass legislation, but not quite being there. Senator McCAIN and I worked very hard on our campaign finance reform legislation to get the votes needed to move forward—it took years—but we stuck with it until we could get the legislation passed. We fought hard but we fought fair. We did not—and we would not have—tried to advance our legislation by manipulating the budget process. This single reconciliation instruction opening up the Arctic National Wildlife Refuge is simply out of bounds.

My concerns, however, go beyond the obvious abuse of process. The bottom line is that the revenue assumptions are highly speculative and in no way reflect reality. For a second, let's ignore the fact that last year a Bush adviser was quoted as saying that "even if you gave the oil companies the refuge for free, they wouldn't want to drill there" and let's look at the numbers.

The Congressional Budget Office assumes $6 billion in revenues while the President's budget puts the number at $7 billion. Based on past proposals, 400,000 to 600,000 acres in the Arctic National Wildlife Refuge would be on the leasing block. Therefore, to achieve the administration's estimate, companies would have to pay between $17,500 and $11,667 per acre to make it to the $7 billion level. To get to CBO's estimate, they would have to pay between $15,000 and $10,000 per acre to get to a total of $6 billion. Now let's consider these numbers a bit more closely to see how they line up with reality:

Since 1991, 40 lease sales on the North Slope and in near-shore waters have brought in an average of only $60.47 per leased acre in real 2006 dollars. CBO's projections are 165 times greater than the inflation-adjusted average during the last 16 years.

Think that higher gas prices will mean higher lease bids? Think again. In December of 2005, CBO said that higher gas prices at the pump don't directly translate into higher lease bids by oil companies, and cited other factors—such as operating and capital costs and the attractiveness of competing projects elsewhere—that influence bid amounts.

Additionally, the reconciliation instruction assumes $3 billion in Federal revenues, based on a 50/50 split between the State of Alaska and the U.S. Treasury. Given public statements by members of the Alaska delegation, as recently as last December, this 50/50 split is, at best, speculative.

Some may argue that oil company activities in the Arctic Refuge could be done in an environmentally safe manner. I would point out to them that earlier this month the largest crude oil spill in the history of oil and gas operations was discovered on Alaska's North Slope. To quote an employee of the Alaska Department of Environmental Conservation, "Hopefully, the tundra will recover. It's never going to be perfect." I don't think anyone wants to contemplate the possibility of such an accident occurring within the Arctic National Wildlife Refuge.

During his State of the Union Address, the President acknowledged our addiction to oil. I hoped that this would mean we could move forward to discuss real energy solutions, solutions that protect our national security, our citizens, and our environment, as I continue to believe that we can do all three. In fact, there are bipartisan bills out there to move our transportation sector to renewable sources of energy and sadly we spend our time talking about this issue, an issue that divides us. When are we going to move past this divisive debate to discuss real energy solutions for the 21st century?

If we do not stand against misuse of the legislative process, then every member of this esteemed body is at risk. Today, I cast a vote against abuse and in favor of the integrity of the Senate.

EXECUTIVE SESSION

NOMINATION OF JACK ZOUHARY TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session and proceed to consider the nomination of Jack Zouhary to be U.S. District Judge for the Northern District of Ohio, which the clerk will report.

The legislative clerk read the nomination of Jack Zouhary, of Ohio, to be United States District Judge for the Northern District of Ohio.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, the Senate now considers two more lifetime appointments to U.S. courts. These confirmations will bring the total number of judicial appointments since January 2001, to 234, including the confirmations of two Supreme Court Justices and 43 circuit court judges. Of course, 100 judges were confirmed during the 17 months when there was a Democratic majority in the Senate. In the other 45 months, 134 judges have been confirmed. Ironically, under Democratic leadership, the Senate was almost twice as productive as under Republican leadership.

It is most regrettable that this President has not fulfilled his promise to the American people to be a uniter. Nor has he fulfilled his pledge to complete his work in advance of vacancies and to make nominations promptly. Judicial vacancies have grown to more than 50 and the White House has failed to send nominees for more than half of those. Some of those vacancies have been sitting empty for more than a year. Over and over the White House has missed the deadline the President established for himself, and today, more than half of the judicial vacancies, 27, are without nominations. One-third of those vacancies are already more than 180 days old, and one-third of the judicial emergency vacancies are without nominees.

If the White House would eliminate its partisan, political, and ideological litmus tests from the judicial nominations process and its emphasis on rewarding cronies and focus only on qualifications and consensus, the job of selecting nominees and our job of considering them for confirmation would be much easier.

Jack Zouhary, the nominee from Ohio, has the support of his Republican home State Senators, and Stephen G. Larson, the nominee from California, has the support of his Democratic home State Senators. They are the kind of qualified consensus nominees who are confirmed relatively easily.

Recently we have seen the President withdraw a circuit nomination after information became public about that nominee's rulings in a number of cases in which he appears to have had a conflict of interest. Those conflicts were pointed out not by the administration's screening process or by the ABA but by online journalists.

At a minimum that case and other recent revelations reinforce a point about this White House's poor vetting process for important nominations. A number of nominations by this President have had to be withdrawn. Among the more well known are Bernard Kerik to head Homeland Security, Harriet Miers to the Supreme Court, and Claude Allen to be a Fourth Circuit judge. It was, as I recall, reporting in a national magazine that doomed the Kerik nomination. It was opposition within the President's own party that doomed the Miers nomination. Democratic Senators resisted the nomination of Allen, a Virginian, because the President was seeking to appoint someone from another State to a Maryland seat on the Fourth Circuit. When we are considering lifetime appointments of judicial officers who are entrusted with protecting the rights of Americans, it is important to be thorough. Unfortunately, all too often this White House seems more interested in rewarding cronies.

Mr. DEWINE. Mr. President, I rise today to speak in strong support of the nomination of Judge Jack Zouhary, whom the President has nominated to be United States District Court Judge for the Northern District of Ohio. Judge Zouhary currently is serving on the Lucas County Common Pleas Court. His service there has been outstanding and is an excellent indication of the type of judge he will be on the Federal bench.

I'd like to share with my Senate colleagues just a few of the numerous admirable qualities that make Judge Zouhary such an outstanding nominee. Both as a professional and as a person, he is exactly the sort of individual we want to be serving on the Federal bench.

Judge Zouhary grew up in Toledo. He is a first-generation American, whose parents immigrated from Lebanon to the United States and instilled in their son a respect for the values of education, religion, and community service. After graduating as the valedictorian of his high school, he attended Dartmouth College, where he received his undergraduate degree before returning to his hometown to earn his law degree from the University of Toledo College of Law. Judge Zouhary then embarked on what would become a long and accomplished legal career—a career with 30 years of legal experience that has given him the background and understanding of our legal system to successfully take on the role of a Federal judge.

He began his legal career with the law firm of Robison, Curphey & O'Connell, where he worked as an associate and then as a partner. During his 23 years there, he had a varied practice, representing individuals and businesses on a range of legal issues, with an emphasis on civil trial practice and corporate matters. In 2000, Judge Zouhary became the Senior Vice President and General Counsel for S.E. Johnson Companies, Inc., a large highway contractor and asphalt producer.

In 2004, Judge Zouhary accepted a position as "Of Counsel" with the law firm of Fuller & Henry. He remained with Fuller & Henry until 2005, when Ohio Governor Bob Taft appointed him to the Lucas County Common Pleas Court. In Ohio, the Common Pleas Court is the highest state trial bench and hears all major civil and criminal cases.

During his time as an attorney in private practice, Judge Zouhary distinguished himself as an excellent litigator and was honored by being selected as a member of the prestigious American College of Trial Lawyers. Membership in the American College of Trial Lawyers is by invitation only and is limited to the best of the trial bar.

Judge Zouhary has long been committed to the ideals of civility and professionalism in the legal field. Friends and colleagues often describe him as "a gentleman." I agree with that assessment. He is well regarded for his honesty, his integrity, and his intelligence, and those who have known and worked with him through the years speak warmly of his even-temper and cordial demeanor.

Not surprisingly, given his interest in preserving a less combative approach to the law, Judge Zouhary frequently has presented lectures focusing on legal ethics and civility in the practice of law for Continuing Legal Education Seminars. His commitment to serving the community as a professional also is exemplified by his membership in the Toledo Rotary Club, as well as his participation in a broad array of other charitable activities, ranging from pro bono work for a local church to service at a community soup kitchen.

Although he has been a Common Pleas judge for only a relatively short time, Judge Zouhary already has distinguished himself on the bench. He has worked diligently to clear a very large backlog of cases from his crowded docket and has made a good deal of headway in that effort. Most important, attorneys who have appeared before him—criminal and civil, prosecution and defense—speak in glowing terms of his talent, fairness, and excellent judicial temperament.

With Judge Zouhary's impressive record as a legal professional and community leader, it should come as no surprise that the American Bar Association was unanimous in giving him its highest rating of "well-qualified." Judge Zouhary is in every way an outstanding nominee, who will serve the people of Ohio and of this country well.

I strongly support the nomination of Judge Jack Zouhary as a Federal District Court Judge for the Northern District of Ohio.

Mr. LEAHY. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the nomination of Judge Stephen Larson so that it can be done by voice vote. I see the distinguished leaders on the Senate floor. I don't think there is any objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. That is my St. Patrick's Day gift to the body.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Jack Zouhary, of Ohio, to be U.S. District Judge for the Northern District of Ohio? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Oklahoma, (Mr. COBURN), the Senator from Mississippi, (Mr. COCHRAN), the Senator from Nevada, (Mr. ENSIGN), and the Senator from Oklahoma, (Mr. INHOFE).

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 75 Ex.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—4

Coburn
Cochran
Ensign
Inhofe

The nomination was confirmed.

NOMINATION OF STEPHEN G. LARSON TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The Senate will now consider Executive Calendar No. 548, which the clerk will report.

The legislative clerk read the nomination of Stephen G. Larson, of California, to be United States District Judge for the Central District of California.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the nomination of Magistrate Judge Stephen Larson to a seat on the Federal District Court for the Central District of California in Riverside, CA.

Judge Larson comes to this nomination with a strong background of public service.

Since October 2000, Judge Larson has served as a magistrate judge for the Central District of California in Riverside. In the 10 years before becoming a magistrate judge, Larson served the public as an assistant U.S. attorney in the Central District of California.

where he was chief of the U.S. Attorney Office's Organized Crime Strike Force and coordinator of its Russian Organized Crime Unit.

Judge Larson attended college here in Washington, at the Georgetown University School of Foreign Service, from which he received a bachelor's of science in 1986. Judge Larson returned to California for law school, graduating from the University of Southern California Law School in 1989.

The American Bar Association has unanimously declared Judge Larson to be "well qualified," the ABA's highest rating.

Judge Larson has the strong support of California's Inland Empire. I have received endorsements of Judge Larson's nomination from a diverse cross-section of the Inland Empire's legal community: from judges and law professors, from government attorneys and private practitioners, and from Democrats and Republicans.

In these letters, Judge Larson is praised for his "legal knowledge," "fairness," "integrity," "hard work," "temperament," "intelligence," "patience," and "sense of social justice."

Judge Larson was nominated through the bipartisan judicial selection process that we developed in California, a process which I believe is a model for the Nation. Under this system, a committee of lawyers including Democrats and Republicans recommends qualified, non-ideological applicants to the President.

Judge Larson's nomination through this process, along with his impressive record of public service, gives me confidence that he comes to the bench without an agenda and that he will serve the people of California and the Nation with wisdom, integrity, and humility.

Mrs. BOXER. Mr. President, I rise in enthusiastic support of the confirmation of Judge Stephen Larson to the U.S. District Court for the Central District of California, one of the Nation's busiest Federal courts, serving seven of Southern California's most populous counties.

Judge Larson is a model of hard work, fairness, moderation and judicial independence. Judge Larson is skilled at bringing all sides together. He is a Republican with broad local, bipartisan support and respect from lawyers, judges and Federal practitioners in Riverside and San Bernardino Counties, where he currently serves.

Judge Larson has had a distinguished legal career and a sterling reputation within the California legal community. He was sworn in as magistrate on September 25, 2000. Prior to this position, Judge Larson was a Federal prosecutor and chief of the Organized Crime Section of the U.S. Attorney's Office.

Judge Larson is a nationally known expert in organized and international crime. He was heavily involved in fighting Russian gangs and helped form the Russian Organized Crime Program in Los Angeles.

Judge Larson earned his undergraduate degree from the Georgetown University School of Foreign Service. While at Georgetown, he served as a teaching assistant to former Secretary of State Madeleine Albright. He earned his law degree from the University of Southern California in 1989. He worked as an associate at O'Melveny & Myers in Los Angeles until 1991, when he joined the U.S. Attorney's Office.

I congratulate Judge Larson on his confirmation vote. And I look forward to what I hope will be many years of service to the people of California and the Nation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Stephen G. Larson, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. As a Senator from the State of South Dakota, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPRINGTIME

Mr. BYRD. Mr. President, Monday, March 20, marks the vernal equinox and the first day of spring. On Monday, night and day are equal in length, marking the midpoint of our climb out of the dark winter into the glorious long days of spring.

Lovely, lovely spring. It takes a cold heart indeed not to love the springtime.

Spring is the morning of the year,
And summer is the noontime bright;
The autumn is the evening clear,
That comes before the winter's night.

The Golden Rod, by Frank Dempster Sherman.

Though most of the United States has enjoyed an unseasonable winter with mild temperatures and even thunderstorms in February, it is comforting to see the plants and animals around us heeding the celestial timetable even if the mercury in the thermometer is not. Right on schedule, this year as last year and in all the years before, the crocus and the daffodil burst through the leaf mold and lawn thatch, staining the subdued winter landscape with vibrant color, like Easter eggs hidden in the grass. In time for Saint Patrick's day, the grass put on a deep cloak of Irish green.

Day by day, the skeletal tree limbs and branches are swelling and budding with soft, new leaves whose iconic color can only be named "spring green."

Next week, the Nation's Capital will be celebrating the Cherry Blossom Festival. These lovely trees, a gift from the Government of Japan, delight jaded commuters as well as visitors with the ethereal beauty of their graceful blooms reflected against the dark water of the Potomac River or framing the elegant marble columns of the Jefferson Memorial.

Oh, fair to see
Bloom-laden cherry tree,
Arrayed in sunny white:
An April day's delight,
Oh, fair to see!

Oh, Fair to See by Christina Rossetti.

Deep within the earth, the soil warms, ready for priming for the germination of crop and flower seeds. The ageless cycles of agriculture and horticulture are rumbling into action across West Virginia and the Nation.

The Bible says, "The hay appeareth, and the tender grass sheweth itself, And herbs of the mountains are gathered." I know that I am not alone in appreciating the rhythmic patterns of a freshly plowed field while anticipating the mouthwatering goodness of the crops to come. For 2,000 years and more, mankind has rejoiced in the promise of spring. Even now, home gardeners are sowing early spring crops of peas and starting more tender shoots under lights. Fertilizer and weed killer are in short supply at garden stores, while bedding plants are starting to arrive.

And it is not just the farmers and gardeners among us who revel in the signs of emerging springtime. All of God's creatures feel the pull of the warming sun, the warming of the waters, the melting of the snow and ice. The penciled Vees of Canada geese hew to the seasonal timetable as their formations power their way northward, honking to announce their passing as they drive to their northern nesting grounds. The dainty goldfinches that mob our winter feeders are changing, too, shedding their drab winter garb for brilliant springtime yellow as they chatter and flit about. As the longer, warmer days advance, more and more birds appear, and the sky fills with their vernal songfest. The poet, Percy Bysshe Shelley, famously captured the beauty of birdsong in his poem, "To a Skylark:"

Hail to thee, blithe spirit!
Bird thou never wert,
That from heaven, or near it,
Pourest thy full heart
In profuse strains of unpremeditated art.

Higher still and higher

From the earth thou springest
Like a cloud of fire;
The blue deep thou wingest,
And singing still dost soar, and soaring ever singest.

In the golden lightning
Of the setting sun
O'er which clouds are brightening,
Thou dost float and run
Like an unbodied joy whose race is just begun.

Deer, once a common sight along the roadsides and fields in the later afternoon dusk, are retreating into the woods, nibbling new shoots as they seek out hidden coverts in which to secret their wobbly-legged fawns. The deer's place along the road seems, alas, to have been taken over by amorous skunks seeking their springtime love.

In cities as well as rural areas, the spring shows itself. In the stone flower beds around the Capitol, the tulip bulbs are sending green spears up through the soil as the squirrels race about in an exuberant display of spring energy. The spring sunshine and warmth energize us all. Parks and playgrounds are welcoming young shoots of humankind to play among the swings and slides while contented parents keep watch. Even our dogs affect a more jaunty air as they soak up the fresh scents and nibble on the green shoots of new grass. Later, as the summer heat saps our energy and lawn chores become more tiresome, as the children get sweaty and the dogs pant in the shade, we may long for the dark cold days of winter. But now, in the gentle warmth of spring sunshine, it seems as if our prayers are answered with the blooming of the flowers. Winter is passing, and spring is here. Welcome, welcome spring.

Mr. President, I close with another poem about spring. This one from Robert Frost, one of the 20th century's leading American poets. His poem, "A Prayer in Spring," beautifully captures the ephemeral pleasure of an early spring day with a word of thanks to the Creator of it all.

A PRAYER IN SPRING

Oh, give us pleasure in the flowers today;
And give us not to think so far away
As the uncertain harvest; keep us here
All simply in the springing of the year.

Oh, give us pleasure in the orchard white,
Like nothing else by day, like ghosts by night;
And make us happy in the happy bees,
The swarm dilating round the perfect trees.

And make us happy in the darting bird
That suddenly above the bees is heard,
The meteor that thrusts with needle bill,
And off a blossom in mid-air stands still.

For this is love and nothing else is love,
The which it is reserved for God above
To sanctify to what far ends He will,
But which it only needs that we fulfill.

TRIBUTE TO WESTERN KENTUCKY UNIVERSITY ON ITS CENTENNIAL YEAR

Mr. McCONNELL. Mr. President, I rise today to pay tribute to an outstanding institution of higher learning in my home State, Western Kentucky University. Next Tuesday, March 21, 2006, marks Western's 100th year of fulfilling its mission to "prepare students to be productive citizens of a global society" and to "provide service and lifelong learning opportunities for its constituents."

Located in Bowling Green, KY, Western Kentucky University has not always been known by its current name. On March 21, 1906, the Kentucky General Assembly approved legislation establishing two teacher-training institutions. Bowling Green was selected as one of the sites, and the Western Kentucky State Normal School was established. With a mission to train teachers, the newly created institution selected Henry Hardin Cherry as its first president.

Five years after its founding, the school moved to its current site on "the Hill," a scenic location overlooking the city of Bowling Green. This move would later lend itself to an appropriate school motto that is proudly used today, describing Western Kentucky University as "the home of the Hilltoppers." In 1922, the school was renamed and became known as Western Kentucky State Normal School and Teachers College; at this time, it was also authorized to grant 4-year degrees. In 1924, the first such degrees were earned and awarded.

In the years that followed, Western continued to expand its curriculum and shorten its name. While many "Hilltoppers" have followed the school's early roots and pursued degrees in education, the institution now offers a broader set of degree programs. On June 16, 1966, Western underwent its final name change and became known simply as Western Kentucky University. The university now has an enrollment of over 18,000 students and offers 88 academic majors and 57 academic minors. It also offers 18 associate degrees and graduate studies.

I always enjoy visiting Western and spending time with its students, faculty, and staff. I am proud to have partnered with the university to secure over $48 million in Federal funding for worthwhile projects such as the Western Mobile Health Unit and the ARS Federal research lab. University president Gary Ransdell, the institution's ninth president, is a great leader, and we work well together. He has been successful in advancing the university and winning accolades from students, faculty, and educators nationwide.

Mr. President, I ask my colleagues to join me in congratulating Western Kentucky University on its centennial year.

IMMIGRATION REFORM

Mr. REID. Mr. President, I am encouraged by reports regarding progress the Judiciary Committee made on the immigration bill today. I understand that the committee has scheduled a meeting for Monday, March 27 when we return from our break to try to conclude work on the bill.

It is very important that we allow this process to continue. The committee should be given the opportunity to report out a consensus bill on a bipartisan basis. I want to commend Senators SPECTER, LEAHY, and KENNEDY, among others, for their efforts to draft a comprehensive immigration bill and I hope that the Leader will give them the time they need to complete their work.

I ask unanimous consent to have printed in the RECORD letters that were sent to Senator FRIST today from the U.S. Chamber of Commerce, the National Restaurant Association and the National Roofing Contractors Association that express a similar desire.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, March 16, 2006.

Hon. BILL FRIST,
Senate Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, I am writing to request that you allow the Senate Judiciary Committee additional time to develop and report out an immigration reform measure for consideration by the full Senate.

While we fully appreciate that the Senate floor schedule is very crowded, and that you must adhere to a schedule to move important legislation through the process, it is apparent that more time is needed by the Committee to adequately consider the many complex issues surrounding immigration. Hundreds of amendments have been introduced by Senators sitting on the Committee, and it would seem that those actually offered should be given due consideration.

Unfortunately, it has now become clear that this will be impossible under a deadline of March 27, with the result that the Committee will not be able to report out a bill by that deadline. The Committee has an obvious expertise to bring to bear on the many difficult, and frankly, controversial issues involved and it should be given an adequate opportunity to shape legislation before consideration by the full Senate.

Thank you for your consideration of this important matter.

Sincerely,

R. BRUCE JOSTEN.

MARCH 16, 2006.

Hon. BILL FRIST,
Senate Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: On behalf of the National Roofing Contractors Association (NRCA), we write today to urge you to allow the Senate Judiciary Committee the time necessary to complete its work on an immigration reform measure for consideration by the full Senate. We fully appreciate the breadth of business placing demands on the Senate calendar, but given the paramount economic and national security concerns addressed in this legislation, it is imperative that the Committee have adequate time to consider the complexities of immigration reform in a full and reasoned fashion.

Established in 1886, NRCA is one of the nation's oldest trade associations and the voice of roofing contractors worldwide. It is an association of roofing and waterproofing contractors, material manufacturers, distributors, architects, consultants and engineers. NRCA has over 5,000 member companies from all 50 states and 54 countries and is affiliated with 105 local, state, regional and international roofing contractor associations.

As you are aware, hundreds of amendments have been submitted by Committee members. Unfortunately, it has become clear during the markup process that your March 27 deadline will not be met given the sheer volume of amendments to be considered.

We commend you for your commitment to bringing immigration reform before the full Senate. The topic is one of our most pressing public policy challenges and ripe for discussion. Toward that end, NRCA looks forward to a vigorous and comprehensive debate on the Senate floor that addresses America's national security needs, while ensuring the long-term health of our economy.

Respectfully submitted,

CRAIG S. BRIGHTUP,
Vice President, Government Relations.
R. CRAIG SILVERTOOTH,
Director of Federal Affairs.

NATIONAL RESTAURANT ASSOCIATION,
March 16, 2006.

Hon. BILL FRIST,
U.S. Senate, Senate Office Building,
Washington, DC.

DEAR SENATOR FRIST: On behalf of the National Restaurant Association, I am writing to ask that more time be allotted to allow the Judiciary Committee to complete its work on comprehensive immigration reform legislation presently before it.

We greatly appreciate your setting aside substantial time on the Senate calendar for consideration of this critically important bill, but think that time would be best spent if the Senate could have the benefit of full consideration of the proposal by the committee of jurisdiction.

Given the tremendous number of amendments offered thus far, and the conflicts with other committee and floor activities impeding the Judiciary Committee's ability to operate, it is clear that without an extension the Committee will be unable to complete its work by the deadline you had earlier set.

In the interest of producing the best possible policy, we respectfully urge you to extend the deadline to allow the Committee to complete its responsibilities,

Sincerely,

JOHN GAY,
Senior Vice President,
Government Affairs and Public Policy.

RECOGNITION OF THE RAPE, ABUSE, AND INCEST NATIONAL NETWORK

Mr. REID. Mr. President, I rise today to thank everyone involved with the Rape, Abuse, Incest, National Network, RAINN, for giving me the Congressional Crime Fighter Award. This is a great honor.

I have worked in public service, in one way or another, for about 40 years now. During my career, I have become aware of the horrible effects of sexual assault and child abuse—on the victims, but also on our community as a whole. It is a silent epidemic that is shattering lives across America.

We have made progress in helping abuse victims, and that is largely because of the hard work of your organization. Since 1994, more than 970,000 people have called your National Sexual Assault Hotline. More than 5,300 of them were Nevadans. Your work makes an incredible difference in people's lives.

But too many victims are still suffering in the shadows. We need to do more to strengthen laws to fight sexual assault, to provide law enforcement with the tools and funding they need, and to support victims.

I have always been a strong supporter of the Violence Against Women Act. As you probably know, VAWA was landmark legislation that expanded the Federal Government's commitment to eliminating violence against women. I was a cosponsor of the original act back in 1990, and I have voted for it every time it has come up for reauthorization.

As a member of the Senate Appropriations Committee, I have worked to get funding for sexual assault prevention programs and victims aid programs in Nevada and around the country.

I was also happy to work with RAINN last year to get funding to help victims. I hope some of this money will be used specifically to help the victims of Hurricane Katrina and Hurricane Rita. We set aside $500,000 in last year's Federal budget. I think it should have been more the Senate approved more, but the House did not—but I am happy we were able to get the funding.

I know there is a lot more work to be done, and I look forward to working with all of you in the future. Thank you again for this honor.

SUPPORT HOMELAND SECURITY AND EDUCATION

Mr. DURBIN. Mr. President, I rise today to urge my colleges to support the Homeland Security Education Act. This bill encourages initiatives to increase the number of Americans trained in science, technology, engineering, math, and foreign languages.

Our security and economic future depends on the next generation of workers and their ability not just to keep up, but to innovate. Science and technology are the engines of economic growth. We must invest in our students and our educational system by providing the training and resources needed in science, technology, engineering, mathematics, and foreign languages.

The United States graduates some of the world's best engineers, scientists and mathematicians; however, China, India, South Korea, and Japan are educating a higher proportion of their people in technology, science, and math. According to the National Science Board, in 2004, 59 percent of undergraduates in China and 66 percent of Japanese undergraduates received a degree in science and engineering. In the United States, only 32 percent of the undergraduate degrees awarded were in science and engineering. In 2004, China and India graduated over 600,000 and 350,000 engineers, respectively, while the United States graduated about 70,000 engineers.

In an increasingly global economy and an atmosphere of heightened security, we also need people who can speak a foreign language, particularly less commonly taught languages such as Arabic, Farsi, Chinese, and Korean. Al-Qaida operates in more than 75 countries where hundreds of languages and dialects are spoken. Half of all European citizens speak another language. In contrast, only 9 percent of American students enroll in a foreign language course in college. Even though enrollment in Arabic classes has increased, it represents less than 1 percent of all foreign language enrollments in institutions of higher education.

According to the National Education Association, while student enrollments in education are rising rapidly, more than a million veteran teachers are nearing retirement. Almost a third of our new teachers leave the profession after only 3 years. About half exit after five. We will need more than 2 million new teachers in the next decade. We are feeling this teacher recruitment challenge most acutely in high-need subject areas such as special education, math, science, engineering, and critical foreign languages.

The Homeland Security Education Act encourages the smart and eager students in our country to seek degrees in science, technology, engineering, math, and foreign languages by providing $5,000 scholarships to undergraduate students who obtain such degrees. Scientists, engineers, technology professionals and those fluent in foreign languages are encouraged to return to the classroom through $15,000 scholarships. New grant programs encourage educational institutions, public entities, and businesses to enter into partnerships that improve math and science curricula, establish programs that promote students' foreign language proficiency along with their science and technological knowledge, and create and establish foreign language pathways from elementary school through college.

The technological challenge to our country has been explored from many different angles—from the founder of Microsoft, Bill Gates, and the chairman of Intel, Craig Barrett, to the journalist and writer Tom Friedman and the National Academies of Science. The need to strengthen our students' proficiency in science, technology, engineering, math, and foreign languages is well documented. We can't afford not to invest in thoughtful Federal initiatives that foster the kind of technological innovation this country has grown up on. Research and development is critical, but it all starts in the schools. The Homeland Security Education Act will help put our resources where they are needed most.

NEW COMPREHENSIVE COUNTERTERRORISM STRATEGY IN SOUTHEAST ASIA

Mr. FEINGOLD. Mr. President, I have spoken on the floor several times about the administration's ill-conceived, poorly executed, and self-defeating strategy in Iraq. Today, I intend to talk about how the war in Iraq is having a far-reaching and negative impact on our ability to conduct an effective fight against international terrorism. I saw this firsthand during a recent visit to Thailand and Indonesia, two valuable partners in the fight against terrorism in a strategically critical and often underappreciated region. I visited these two countries to gain a detailed understanding of the radical Jihadist networks that are proliferating throughout the region and of what it will take to effectively confront this threat.

I bring back from the trip both good news and bad news. The good news is that we have a significant opportunity in Thailand, Indonesia, and in Southeast Asia in general, to get our counterterrorism strategy right. It is not too late to stem the relationship between international terrorist networks and local extremist organizations. Nor is it too late to tackle the root causes of extremism in the region.

Unfortunately, there is bad news. Unless we develop a truly comprehensive, global strategy to counter terrorist threats, we will miss the opportunity to gain the upper hand in the fight against terrorism in Southeast Asia at what couldn't be a more critical time. And changing our misguided policies in Iraq must be a central element of this strategy.

First, international terrorist networks are alive and well in Southeast Asia. During my visit, I examined the current nature of a leading regional terrorist organization, al-Jesmaah al-Islamiyah, or "JI", and its affiliates—the threat it continues to pose to countries throughout the region, how it has survived the deaths and arrests of some of its key leaders, and its ties with al-Qaida. Most importantly, I gained a more detailed understanding of the conditions that have provided JI with a recruitment base and operational space.

JI takes advantage of vast areas of ocean, isolated islands, weak or corrupt local and provincial governments, the absence of rule of law, and marginalized Islamic populations to develop its strength. JI has a presence throughout the region. And while arrests of prominent JI leaders in the last few years have helped shed light on the organization, it continues to operate in loosely formed cells, in regionally oriented entities, and in partnership with other terrorist organizations like the Abu Sayyaf group in the Philippines.

That said, according to a number of sources, including the International Crisis Group, Congressional Research Service, and the State Department, JI and al-Qaida have developed a symbiotic relationship. There is some overlap in membership. They have shared training camps in Pakistan, Afghanistan, and Mindanao, and often help one another with supply chain systems and transportation. Al-Qaida has also provided JI with considerable financial support

JI and al-Qaida also exploit similar ground as they seek safe haven and new recruits. These groups feed on anti-United States and anti-Western sentiment, fueled in part by discontent and anger about United States policies in Iraq. Unfortunately, the administration's refusal to provide a flexible timeline for withdrawing United States troops from Iraq allows these groups to portray us as occupiers of a Muslim country. Until we show that we are truly committed to redeploying United States troops from Iraq, terrorist organizations will continue to find recruits in otherwise moderate Muslim communities, and we will continue to make it harder to win the full backing of potential partners and allies in the fight against terrorist networks.

It is in this light that I would like to lay out some of my key observations from my recent trip. I will talk about the political and security dynamics in both Thailand and Indonesia, and will argue that a new counterterrorism strategy in the region must incorporate respect for human rights, the rule of law, and the need to hold our friends and allies accountable for making necessary democratic reforms.

I would like to begin with Thailand. Thailand is a critical strategic partner of the United States in, among other things, the fight against al-Qaida and its affiliates. Our close political and military relationship goes back decades and is a vital component of United States national security policies in the region. The 1954 Manila Pact, together with the 1962 Thanat-Rusk communique, forms the basis of the longstanding United States-Thai security relationship. Thailand's airfields and ports play a particularly important role in United States global military strategy, including having served as the primary hub of the relief effort for the Indian Ocean tsunami.

Thailand has also shown its willingness to stand by the United States in recent military campaigns. Thailand sent 130 soldiers, mostly engineers, to Afghanistan to participate in the reconstruction phase of Operation Enduring Freedom. Specifically, Thai forces are responsible for the construction of a runway at Bagram Airbase, medical services, and some Special Forces operations.

Thailand also contributed to reconstruction efforts in Iraq by dispatching over 450 troops, including medics and engineers, to the southern city of Karbala. The deployment proved unpopular with the Thai public, however, particularly in the volatile southern provinces, and in September 2004, Thai troops were withdrawn from Iraq.

While Thailand has been and will continue to be a strong ally, my visit occurred during a politically fragile time for the government. Public demonstrations and significant political pressure on the Prime Minister highlighted the challenges of conducting an effective and responsible counterinsurgency campaign while managing domestic political pressures. The Thai Government has also struggled to account for over 2,000 extrajudicial killings over the last few years, the kidnapping of a prominent human rights lawyer by Thai police and his death in police custody, and overly aggressive and heavy-handed tactics used in the counterinsurgency campaign that in one case resulted in the killing of over 70 detained suspects.

At the same time, though, preparations for national celebrations of the King's 60-year reign underscored the underlying stability of Thailand's constitutional monarchy. It is this stability that has permitted the United States to pursue close counterterrorism and other strategic ties with Thailand that transcend individual politicians and parties. It also provides the foundation of a partnership that can and must be based not only on an understanding of a common threat, but on a shared commitment to finding solutions to the conditions that breed extremism and terrorism.

My visit to Thailand focused primarily on Thailand's counterterrorism role in the region. As I mentioned, longstanding tensions in the mostly Muslim southern provinces of Thailand have recently exploded into violent unrest that has claimed hundreds of lives. The unrest, which has elements of a separatist insurgency, included brutal attacks on civilians. Insurgent tactics have sometimes suggested the influence of international terrorism, but Thai, United States Government, and independent experts believe that neither al-Qaida nor its Southeast Asian affiliates have been behind the violence so far. Thai officials have noted publicly, however, that there has been evidence that many of those involved in the unrest in the south had received militant schooling or training outside of Thailand. It is possible that in the near future international terrorist organizations like JI could exploit the continuing unrest in Thailand's southern provinces.

The United States needs to have a clear understanding of what is happening in Thailand in order to formulate an appropriate policy response. With our Thai partners, we must remain vigilant to the possibility that international terrorist organizations could take advantage of unrest among disaffected Muslim populations in the south.

When I met Prime Minister Thaksin and a number of his key advisors and cabinet members, I stressed the need for the Thai Government to confront the root causes of this unrest before it becomes an international security concern. This means promoting human rights and accountability for abuses that have been committed by Thai security forces and have helped fuel the unrest, as well as increasing opportunities for disaffected or marginalized communities to join regional and international economies. It also means promoting civil society, economic development, transparency and increased political participation of the Muslim community.

I was pleased to learn of the progress being made by the National Reconciliation Council to address grievances stemming from the government's policies in the South. I urged the Prime Minister to take seriously the recommendations that the NRC will be delivering in the coming months, and to emphasize the value of honoring the NRC as a mechanism for strengthening dialogue between the Thai people and the government.

I would like to shift to Indonesia now. After 3 days of meeting with senior Indonesian Government officials including the President, the Foreign and Defense Ministers, the new Chief of the Indonesian military, and the police chief, I have a new sense of optimism about United States-Indonesian relations. But while I am optimistic about progress being made there, limited progress in areas such as military reform and accountability for past crimes against humanity could undermine further democratic reforms and counterterrorism efforts.

Indonesia is the world's largest Muslim country, and it is a critical player in the global fight against al-Qaida and its affiliates. The terrorist organization al-Jamaah al-Islamiyah and associated groups in the region pose a serious threat to Indonesia and to the interests of the United States, our allies, and our friends. In response to this threat, we need a comprehensive counterterrorism strategy and a bilateral relationship with Indonesia aimed at fighting terrorism while supporting that country's efforts at democratization. Fighting terrorism and supporting democratization are not incompatible—in fact, democratic reforms and the growth of civil society in Indonesia have gone hand in hand with expanded counterterrorism efforts, providing a clear indication that Indonesia's political reforms do not come at the cost of the government's ability to fight terrorism.

While the United States-Indonesia relationship has never been more important, Indonesia's effectiveness in countering terrorist networks and other emerging threats hinges on its ability to reform its government, address past crimes and abuses, and improve both the transparency and the effectiveness of the central and provincial governments.

We cannot forget that the Government of Indonesia has had a poor human rights record. The Indonesian military in particular has long been a perpetrator of human rights abuses as well as a serious obstacle to democratization. In recent years, efforts to reform the military, while commendable, have produced mixed results. The greatest improvement has been an increase in civilian control of the military and the withdrawal of the military from active politics.

Ridding the Indonesian military of its private business holdings and providing greater transparency have been harder to achieve. In some areas, the military's treatment of civilian populations has improved, but abuses still occur and there has been virtually no accountability for past human rights violations. There is still a considerable amount of distance to travel for the government and the military to become "reformed," and while progress is being made, more needs to be done.

Serious tensions continue in Papua, the remote easternmost province of Indonesia. Serious unrest due to repressive government policies, poverty, and recent abuses by the Indonesian military and police forces has created an environment of distrust, and I urged the Government of Indonesia to address the abuses that are taking place and immediately open up Papua to journalists and human rights organizations. Doing so would be an important step toward making transparency and justice the new norm for Indonesia.

United States policy toward Indonesia, including the implementation of the administration's decision to resume military assistance, must take these ongoing concerns into account. We must ensure that our assistance promotes reform and human rights, we must remain vigilant to any backsliding, and we must develop clear benchmarks for progress.

Carefully circumscribing any new military assistance is critical to formulating an effective bilateral counterterrorism relationship. There may be areas where the Indonesian military's role is warranted, such as maritime security in the Strait of Malacca. But any resurrection of the military's historical role in domestic security would be counterproductive to the fight against terrorism, not least because it would likely alienate much of the population. We must therefore make clear that such a development would undermine our bilateral relationship.

We must also be alert to the risk that military assistance could overwhelm other elements of a larger counterterrorism strategy. If Indonesia is going to effectively fight terrorism, it must develop a professional, capable, and honest police force and strong judiciary. An imbalanced United States assistance program could harm reform efforts and undermine Indonesia's nascent efforts to coordinate the counterterrorism roles of its various military, police and civilian agencies.

Finally, we must expand assistance programs in the areas of education, economic development and the promotion of civil societies. No counterterrorism strategy can succeed unless the political, social and economic conditions that breed terrorism are confronted head on.

I do believe that we have an opportunity to create and execute a comprehensive and effective counterterrorism strategy in Southeast Asia. This strategy needs to take into account the unique nature of each of our partners in the region and their internal political, social, and economic dynamics, while addressing the root causes of extremism and the conditions that fuel or support the growth of terrorist networks.

The United States can take a leadership role in the region and can help friends and allies like Thailand and Indonesia engage as full partners in the fight against terrorist networks. In many cases, the United States should push strongly for ending abusive or heavy-handed government policies, addressing past human rights abuses, and opening political space that allows the freedom to express political discontent or dissatisfaction with government leaders or policies.

Unfortunately, our policies in Iraq are making it increasingly difficult to execute such a strategy effectively. Public opinion in Southeast Asia is critically important if we are to dry up potential havens and recruiting grounds for terrorists. In Thailand, neither anti-American nor anti-Western sentiment has taken root. At the same time, however, Thai officials have stated that the withdrawal of Thai troops from Iraq was motivated in part by the Iraq war's unpopularity in the Muslim community. Indonesians' views on United States policy in Iraq are harsher still, ranging from indifference to deep suspicion. At best, Iraq is seen as

“America's problem;” at worst, people question our motives for being there. These widely held views make the critically important work of engaging our friends and allies in the fight against al-Qaida and its affiliates that much more difficult.

There are also opportunity costs to our narrow focus on Iraq. The war in Iraq has drained precious resources away from what must be a global counterterrorism strategy, one that addresses the dangers of weak states and regions. The war also undercuts critical elements of this strategy. Widespread global skepticism about our policies in Iraq makes it all the more difficult for us to promote human rights and the rule of law while seeking partners against extremism and violence.

The President's misguided, Iraq-centric foreign policy is both symptom and cause of an alarming failure to conduct a comprehensive, global war on the terrorist networks that threaten us. Southeast Asia is but one of the regions that requires more focused attention. We cannot afford to continue treating threats in this and other parts of the world as secondary to an Iraq-focused national security strategy. The time has long since come for the President to set a flexible timeline for withdrawal from Iraq, and to develop a comprehensive, global strategy to fight terrorist networks and the conditions that breed them.

HONORING OUR ARMED FORCES

SPECIALIST JOSHUA HILL

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Fairmount. Joshua Hill, 24 years old, died on March 12 when a roadside bomb went off as he was clearing a route in eastern Afghanistan with other members of his battalion. With his entire life before him, Joshua risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2001 graduate of Madison-Grant High School in Fairmount, Joshua joined the Army shortly after the birth of his first child Jalin, who is now 6 years old. Joshua was also the father of 1 year old, Arianna. On the day Joshua was killed, he was only 35 days away from returning home. Joshua was also studying to be a medical assistant at the Indiana Business College. He had one more semester to complete to earn his degree. His parents recalled to a local newspaper the pride they had for their son and how much they would miss his sense of humor and love of laughter. His mother, Susan Hill, said, “I was proud of him. I didn't want him over there, but I'm very proud he went. I loved him with all my heart, he was a good kid, and I'm lucky to have had him for 24 years.”

Joshua was killed while serving his country in Operation Enduring Freedom. He was a member of the Ashville-based Company A of the 391st Engineering Battalion. This brave young soldier leaves behind his mother Susan Kay Hill; his father Terry Kay; his wife Alexis; his son Jalin; and his daughter Arianna.

Today, I join Joshua's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Joshua, a memory that will burn brightly during these continuing days of conflict and grief.

Joshua was known for his dedication to his family and his love of country. Today and always, Joshua will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Joshua's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: “We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.” This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Joshua's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Joshua Hill in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Joshua's can find comfort in the words of the prophet Isaiah who said, “He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.”

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Joshua.

45TH ANNIVERSARY OF THE PEACE CORPS

Mr. COLEMAN. Mr. President, this year we celebrate the 45th Anniversary of the Peace Corps. It is with immense pride that I send my congratulations to Peace Corps volunteers as they commemorate this anniversary throughout the year with events across the country and throughout the world.

In 1961, President John F. Kennedy established the Peace Corps to promote world peace and friendship. Since then, more than 182,000 Peace Corps volunteers have made significant contributions to the cause of peace and human progress in 138 countries around the world.

Today, we are at a 30-year high in terms of the number of Peace Corps volunteers in the field. In 2005, there were nearly 8,000 volunteers serving 75 countries, in Africa, Asia, the Caribbean, Latin America, Eastern Europe and Central Asia, North Africa, the Middle East, and the Pacific Islands.

Throughout its illustrious history, the Peace Corps has been committed to helping the people of interested countries train their men and women to work in education, community development, agriculture, health care, and public works. Peace Corps volunteers are also unofficial ambassadors of goodwill, promoting both a better understanding of America throughout the world, and a better understanding here at home of the world around us.

Today, the Peace Corps' mission is more important than ever. Peace Corps volunteers are a critical part of the global fight against HIV/AIDS. The Peace Corps was also part of America's response to the tsunami, deploying Crisis Corps volunteers to Sri Lanka and Thailand to assist with rebuilding tsunami devastated areas. And when Hurricane Katrina hit here at home, some 272 Crisis Corps volunteers answered the call to assist with relief efforts along the gulf coast in partnership with the Federal Emergency Management Agency, FEMA.

It is with great pleasure that I join with Peace Corps volunteers, past, present and future, to congratulate the Peace Corps on its 45th anniversary.

NATIONAL SECURITY AGENCY

Mr. BIDEN. Mr. President, I rise today to offer a few brief comments on the National Security Agency eavesdropping program.

The truth is that we don't know what is going on under this program. And we have an obligation to find out and a committee set up to do just that.

Senator ROCKEFELLER has been correct from the beginning to call for a full and thorough Intelligence Committee investigation. I couldn't agree more with my colleague from West Virginia and was deeply disappointed his March 7 motion calling for a full committee investigation failed along party lines.

I have been arguing consistently since we found out about this program in December that we need to do here what we did when we originally crafted the Foreign Intelligence Surveillance Act, FISA.

For several years preceding the enactment of FISA in 1978, the Judiciary and Intelligence Committees conducted extensive public and private hearings and staff investigations that built the record for the act.

FISA was a bipartisan product; in the Senate, the original version was sponsored by Senators across the ideological spectrum—including Birch Bayh, TED KENNEDY, Mac Mathias, James Eastland, and Strom Thurmond.

The Senate ultimately adopted the bill on April 20, 1978, by a strong bipartisan vote of 95 to 1. At the time the bill was approved in the Senate, I stated that it "was a reaffirmation of the principle that it is possible to protect national security and at the same time the Bill of Rights." I was also a member of the conference committee that produced the final version of the law that was enacted with broad support in October 1978.

I was proud of what we were able to accomplish then and sincerely hoped that we could undertake the same serious, thoughtful, bipartisan process here. And the first step is to undertake a full Intelligence Committee investigation, just as my colleague Vice Chairman ROCKEFELLER has been pushing for months.

It is essential that such a carefully considered record be developed so we don't act precipitously either to legislate or not to legislate. Issues concerning the core privacy rights of U.S. citizens, whether we are fighting an effective war on terrorism, and the fundamental structure of our separation of powers are directly involved here and deserve a full and thorough examination.

At present, our knowledge of the National Security Agency program is severely limited. We need to know much more, for example: No. 1, the nature and scope of the program or programs; No. 2, the extent of the impact on U.S. citizens; No. 3, why the administration did not seek amendments to FISA; No. 4, why some high Justice Department officials were hesitant to approve the program; No. 5, the actual value of the information gathered; No. 6, how decisions are made on whom to target; and No. 7, any procedures followed to protect civil liberties. Senator ROCKEFELLER understands that we need to know the answers to our questions.

But politics and protecting the President seem to be the order of the day. I am told one of the committee Republicans went so far as to say that some of the committee Democrats "believe the gravest threat we face is not Osama bin Laden and al-Qaeda, but rather the president of the United States." That is totally uncalled for; it is ridiculous.

I understand a special subcommittee has now been created to conduct at least some oversight over the NSA surveillance program going forward. But this just isn't enough—the whole committee should be undertaking an investigation, and it should be a full and thorough investigation, just as Senator ROCKEFELLER has called for.

It also is a grave mistake to put forward legislation authorizing the NSA program outside of the FISA system and in advance of actually knowing anything about the program, as some of my colleagues are proposing. Talk about putting the cart before the horse.

So I would hope we learn from history and listen to Senator ROCKEFELLER. Let's go back to what worked so well in the past when we all worked together to craft FISA. Let's first hold a full and thorough investigation in the Intelligence Committee.

Then, and only when we know what is going on, should we make a judgment about whether FISA needs to be updated. If additional changes need to be made, this Senator stands ready and willing to engage in that exercise.

NATIONAL AGRICULTURE DAY

Mr. NELSON of Nebraska. Mr. President, I rise today to speak in honor of National Agriculture Day and to discuss a couple of important agricultural issues. My home State of Nebraska has a proud agricultural heritage. The rural way of life is something we are proud of and we believe it needs to be preserved.

As we begin to analyze the success and failures of the last farm bill, we need to thoroughly review that information in order to make improvements to the next farm bill. As a member of the Senate Agriculture Committee, I am looking forward to working on this bill next year. I believe there is a lot of work to be done for the American farmer and our rural communities. I have started to call this next bill the Food and Fuel Security Act of 2007 because I believe its focus should be on securing a safe, healthy food supply as well as investing in the production of biofuels so as to substantially improve our fuel and energy security. I think the focus should be on crafting a bill that is more effective for the majority of farmers and rural communities and with an emphasis on the opportunities presented by biofuels production.

I look forward to listening to the concerns and recommendations of farmers, ranchers and businesses in the coming months as the Senate Agriculture Committee begins consideration of this bill. I also look forward to reviewing the findings and analysis from Secretary Johanns and the USDA as a result of their listening sessions. I will be evaluating all of this and other available information and will look to work with the other members of the committee and the Senate to put forth an effective Food and Fuel Security Act.

One area that will certainly warrant consideration is payment limits on production subsidies and efforts to transition current production subsidies towards a system more focused on "green payments" modeled after programs like the Conservation Security Program, CSP, and the Environmental Quality Incentives Program, EQIP. We should also look to significantly expand those and similar programs to compensate farmers for the environmental and conservation benefits they provide.

I believe we must also seriously consider improving our rural development efforts in the next bill. There are opportunities to help rural communities by encouraging entrepreneurial investments and helping these communities capitalize on their unique advantages, resources, and qualities.

Our focus on rural development and improving rural communities must also include addressing the problems young farmers face in choosing the farming way of life. As the current generation of farmers approaches retirement, it is imperative that we provide opportunities to those members of the next generation who are interested in farming. The daunting obstacles for young farmers, from the price of land, equipment and inputs to the low margins from farming, must be addressed in a sound manner so that we can help secure this profession and America's food security for future generations. Doing so is important for the rural communities that would otherwise lose these talented young people and the economic activity associated with farming. But this is also important for the future of our Nation's food security. I often tell people that if they like importing about 60 percent of their fuel now, they are really going to love importing 60 percent of their food in the future. Helping a new generation of young farmers get started in farming and helping them work toward successful careers as farmers is vital to securing a safe, healthy, and affordable food supply. We should make this a priority in the Food and Fuel Security Act.

There is another important component of the next bill that has gained much welcomed attention lately: biofuels. In order to improve our energy and fuel security situation we must make it a priority to invest more into research, market development, and infrastructure development, as well as feedstock development, for biofuels. I have long believed the only way to break the cycle of our dependency on foreign oil is to invest in alternative and renewable fuel technology.

As a Nebraskan, my focus has been on the role agriculture can play in the development of alternative sources of energy. Agriculture is positioned to supply the Nation with an abundant source of clean, high-quality energy that will reduce our destructive reliance on foreign oil.

Biofuels production can be the catalyst for a new wave of American innovation in a continuing search for better energy solutions. The virtue in producing cleaner, more sustainable fuels derived from our own fields rather than extracted from distant lands could help spur new technologies, new jobs, and new growth in our national and rural economies.

We in Nebraska know the value of ethanol. We know the benefits it holds for the environment and our farmers and we know that it is critical in lessening our dependence on foreign oil. We currently have 11 ethanol facilities in Nebraska that have the capability to produce 534 million gallons of ethanol annually. These facilities represent more than $700 million of capital investment and have a net value of production that tops $1 billion annually. Plus, more than six thousand Nebraskans are now employed directly or indirectly in Nebraska ethanol production, and we have more facilities and jobs on the way.

I believe a national emphasis on biofuels production represents an important investment in the proud tradition of the American farmer, American ingenuity, and American productivity. There is not an area of the country that does not have some agricultural product that can be used as an alternative energy source, whether it is corn in Nebraska; forestry wastes in the Northeast and Northwest, sugar cane in Hawaii, Louisiana, and Florida; or the potential of dedicated energy crops like switchgrass that can be grown throughout the country. So in honor of National Agriculture Day today, I want to emphasize the importance of biofuels for agriculture and for our Nation. We must make increased production and usage of biofuels a national priority.

Today we honor those who work so hard to feed not only the people of our Nation but also people around the world. One day is not enough. I am thankful for our farmers and agricultural producers every day, but I am pleased to pay them a special tribute today.

PROPOSED MERGER BETWEEN AT&T AND BELLSOUTH

Mr. DORGAN. The proposed merger between AT&T and BellSouth is controversial. The proposal should trigger a serious evaluation by both the Justice Department and the Federal Communications Commission.

A recent column in the March 20 issue of Business Week by Leo Hindery caught my eye, and I want to share it with my colleagues. I don't necessarily share all of his conclusions, but I think his perspective is an interesting one. I hope that others will weigh in as we try to make a judgment about whether this proposed merger is in the interest of the American people.

For me, it remains an open question whether this merger should be allowed. In the meantime, it is useful to hear many different perspectives about it and I wanted to share Leo Hindery's column with my colleagues.

I ask unanimous consent to print the column in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Business Week, Mar. 20, 2006]

IDEAS OUTSIDE SHOT

(By Leo Hindery Jr.)

Watch This Hookup Closely. Who says you can't put Humpty Dumpty together again? With AT&T's acquisition of BellSouth, Ma Bell will (almost) be back. The stated justifications for this huge new merger are to save $2 billion a year in expenses on a $120 billion combined revenue base and, says Chief Executive Edward E. Whitacre Jr., to enable the combined company to "have more products, better services, and better prices."

Unfortunately, neither justification is likely to pan out, and there is not one product or service that AT&T will have with BellSouth that it could not have had without it. Not one. So the only real advantages from this merger for AT&T shareholders are a clarified management structure at the two companies' Cingular cellular joint venture and probably slightly faster rollout of wireless Internet calling. Those two changes are certainly important, but they're not nearly desirable enough to allow this merger to proceed without regulators imposing some very tough conditions.

I'm so skeptical because every time a major cable-systems merger was proposed in the past, the justifications were essentially the same: modest cost savings that would fuel more services and better prices for consumers. But those never materialized. Why not? Once a telco or major cable company has achieved scale, and they all have by now, these purported justifications become ludicrous, especially when (as with AT&T and BellSouth) there is little or no preexisting overlap of their service areas.

As a businessman and former cable operator, I can appreciate Mr. Whitacre's desire to bulk up to better compete in both traditional telephony and newer growth areas like broadband video distribution. Not only is he battling stiff competition in voice-over-Internet telephony from the likes of Vonage, Google, and Skype, but he also faces an array of newer delivery technologies such as Wi-Fi, WiMAX, and broadband over power lines. Then there are the major cable companies, which are deeply entrenched in video distribution and have the huge advantage of vertically owning much (in fact, way too much) of the nation's programming.

But the telcos and cable already have virtual strangleholds over wire-line access. (A combined AT&T and BellSouth would control 71 million local phone customers in 22 states.) So this proposed megamerger will be devastating for consumers unless some strong limitations are put on the merged company in two areas: bundling and pricing practices and "Internet neutrality."

Indeed, with broadband soon to be AT&T's (and all other significant distributors') major offering, the Bush Administration and the Federal Communications Commission must stand up for consumers and insist that AT&T, Verizon, Qwest, and cable operators not layer on to their broadband services unreasonable user surcharges and "speed controls" that favor one service provider over another. Such acts would crimp consumers' access to the Net and give distributors unwarranted monopoly-like profits and controls. Likewise, regulators must restrict discriminatory bundling and predatory pricing, which limit consumer choice, in both services and content.

That's not to say that regulators should crack down only on telcos. Washington should give AT&T, Verizon, and Qwest nationwide video-transmission rights so they can compete sooner and better with cable in video distribution. And it must end the vice grip of vertical integration that allows programming owned by a distributor (especially cable operators) to be treated more favorably than independent programming. Such vertical integration, when abused; is a fraud on consumers and an impediment to competition. It needs to be restrained, and Mr. Whitacre should demand that as a quid pro quo for the limits that are sure to be imposed on his proposed deal.

So let Mr. Whitacre have his merger—heck, the Administration and the FCC let Comcast acquire AT&T Broadband in 2002 without blinking an eye. But let's hold him to his promise of "more products, better services, and better prices." Given the grave potential for abuse to consumers by those with quasi-monopoly power, the Administration, the FCC, and Congress must impose appropriate restrictions on the AT&T-BellSouth merger.

NATIONAL SUNSHINE WEEK

Mr. CORNYN. Mr. President, this week our country is celebrating the second annual National Sunshine Week, established last year by an extraordinary coalition of print, radio, television, and online media associations and outlets. And yesterday was national Freedom of Information Day—celebrated every year at a national conference held at the Freedom Forum's World Center in Arlington, VA, on James Madison's birthday.

As we celebrate National Sunshine Week, it is an appropriate time to evaluate the significant progress of the past year toward reforming the Freedom of Information Act. But we must also recognize that we can—and should—certainly do more to preserve the open-government principles on which our great country was founded.

At a time when Americans reportedly know more about the television show "The Simpsons" than they do about the five provisions of the first amendment—freedom of press, speech, religion, assembly, and petition for redress of grievances—or can name the three "American Idol" judges more readily than three first amendment provisions, Congress must do its utmost to preserve these protections while also educating the public about reform efforts.

The Declaration of Independence makes clear that our inalienable rights to life, liberty, and the pursuit of happiness may be secured only where "Governments are instituted among Men, deriving their just powers from the consent of the governed." And James Madison, the father of our Constitution, wrote that consent of the governed means informed consent—that "a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."

As attorney general of Texas, I was responsible for enforcing Texas's open government laws. I have always been proud that Texas is known for having one of the strongest, most robust freedom of information laws in the country, and I have enjoyed working with my colleagues here in Washington to spread a little of that "Texas Sunshine".

I would specifically like to express my gratitude to Senator LEAHY and to his staff for all their hard work on these issues of mutual interest and national interest. And I would like to thank and to commend Senator LEAHY for his decades-long commitment to freedom of information. He has been a strong ally and valuable advocate in this process, and he and I have both noted that openness in government is not a Republican or a Democratic issue. Any party in power is always reluctant to share information, out of an understandable—albeit ultimately unpersuasive—fear of arming its enemies and critics. But regardless of our differences on various policy controversies of the day, we should all agree that those policy differences deserve a full debate before the American people.

While much of the FOIA reform efforts, to date, have focused on providing access generally, more can be done to improve the process specifically. Access to information is certainly essential, but so is accelerating the rate at which these requests are fulfilled. Access is of little value when requests for information are subjected to lengthy delay.

Open government is one of the most basic requirements of a healthy democracy. The default position of our Government must be one of openness. If records can be open, they should be open. If good reason exists to keep something closed, it is the Government that should bear the burden to prove that need—not the other way around.

Back in December, President Bush signed an Executive order that enhances current FOIA policies. That move was just one important step toward more sunshine in government.

But the President's directive moves the country forward toward strengthening open government laws and reinforcing a national commitment to freedom of information in several important ways that I will discuss here just briefly:

It affirms that FOIA has provided citizens with important information about the functioning of government;

It directs FOIA officials to reduce agency backlogs, create a process for everyday citizens to track the status of their request, and establishes a protocol for requestors to resolve FOIA disputes short of filing litigation:

It creates a FOIA service center where people seeking information can track the status of their requests;

And one very good step is that it creates a FOIA public liaison who acts as a supervisor of FOIA personnel. This person will be available to resolve any disagreements that might arise between people seeking information and the Government. It also requires each chief FOIA officer to review his or her agency's practices, including ways that technology is used, in order to set concrete milestones and timetables to reduce backlogs and carry out its FOIA responsibilities.

Other important progress was made throughout 2005. In June, the Senate passed the legislation Senator PAT LEAHY and I authored, and hopefully the House of Representatives will quickly pass this important legislation. This particular reform creates additional legislative transparency by requiring that any future legislation containing exemptions to requirements be "stated explicitly within the text of the bill.

In addition, we introduced the Openness Promotes Effectiveness in our National Government Act of 2005—OPEN Government Act, S. 394—in February and a separate bill in March to establish an advisory Commission on Freedom of Information Act Processing Delays. A hearing held in March examined the OPEN Government Act. And I urge Congress to pass this law as quickly as is possible.

But, as I said, more remains to be done to ensure that American citizens have access to the information they need. One way we could do that, and something I believe would be a positive and welcome step in this area, would be to provide additional, dedicated funding for FOIA resources, to address request backlogs. I believe this could be accomplished much in the same way Congress offered assistance to local law enforcement through providing additional funds so they could address their DNA backlogs or the assistance it provided to the FBI to address its backlog of untranslated intercepts of terrorists' telephone calls. Additional funding dedicated to this problem will speed the rate information is given to the requestors. Working toward these goals means that we continue to ensure the public's access to information.

Our Founders understood that a free society could not exist without informed citizens and open, accessible government. And as our country celebrates National Sunshine Week, Congress must continue its work to restore and strengthen its commitment to open government and freedom of information.

RAIL CAPACITY PROBLEMS

Mr. THUNE. Mr. President, I rise today to highlight an Issue that has great importance, not just to my home state of South Dakota, but to our entire Nation. On the front page of yesterday's Wall Street Journal, a copy of which I will ask to have printed in the CONGRESSIONAL RECORD, there was an extensive article that highlighted the significant rail capacity problems that exist in the Powder River Basin coal fields of Wyoming.

These rail capacity problems are starting to have a negative impact on electric utilities and rate payers around the country. The Wall Street Journal article highlighted an Arkansas power plant that "can't get enough coal to run its power plants because the trains that serve as its supply line aren't running on time" and went on to note: "Snags in railroad service are fueling fears that railroads won't be able to meet the growing demand for coal, casting a cloud over a goal set by President Bush and key members of Congress to make America energy independent."

I bring this article to the attention of my colleagues as a reminder that we need to be doing more to address the significant rail capacity problems that exist, not just in the Powder River Basin of Wyoming, but across the country. My colleagues will be interested to know that the U.S. Department of Transportation projects that there will be a 55-percent increase in freight rail transportation demand by 2020.

While major railroads such as Union Pacific, Burlington Northern and Santa Fe, and Norfolk Southern are making significant improvements to their rail systems, these investments can't keep up with the demand they face—even though U.S. railroads are slated to invest a record $8 billion in capital expenditures this year. Just to show how expensive rail infrastructure is, it costs private railroads anywhere from $1 million to $3 million per mile to lay new track, not to mention the costs associated with ongoing maintenance.

While the larger Class I railroads are in a much better financial position to make infrastructure investments, the smaller Class II and III railroads are not as capable of making large-scale infrastructure improvements—even though they are responsible for roughly 30 percent of the 140,000 miles of rail that exist in our country.

In an effort to assist the smaller Class II and III railroads as they work to make much needed improvements to their rail infrastructure, Congress passed the short line railroad tax credit as part of the 2004 FSC/ETI tax bill. This tax credit has started to bolster rail improvements among smaller railroads across the country. However, it is slated to expire in 2007.

There is also an additional Federal rail program that seeks to improve the overall condition of our Nation's rail system. In the 1970s, Congress created a loan program to spur rail improvements among Class I, II, and III railroads. This loan program, the Railroad Rehabilitation Improvement Financing Program, commonly referred to as RRIF, was dramatically improved as part of the Transportation Reauthorization bill, SAFETEA–LU, that was signed into law last year. These RRIF improvements not only increased the program's overall lending authority from $3.5 billion to $35 billion, but a number of much needed improvements were made to ensure that the RRIF Program functions as Congress originally intended it to.

The RRIF Program is unique because it allows a railroad to receive a loan for infrastructure improvements at the Government lending rate. This assists small railroads in particular because they don't have the financial wherewithal that their large Class I counterparts have. RRIF loans must be paid back with interest by qualifying applicants who are also required to provide full collateral to protect the Federal Government and the American taxpayer against the risk of default. Since the program's creation in 1976, there has been only one default, which underscores the overall success of the program.

The Wall Street Journal article I am submitting for the RECORD went on to describe the fact that a railroad based in my home State of South Dakota, the Dakota, Minnesota and Eastern Railroad, DM&E, has recently received approval from the Surface Transportation Board for their expansion project that would add much needed rail capacity to the Powder River Basin of Wyoming. When completed, this project will not only add rail capacity, but it will dramatically reduce shipping costs for agricultural products, ethanol, coal, and other commodities.

As a result of the RRIF improvements in last year's Transportation Bill, this is just one example of how smaller railroads across the country are working to address a serious need that if left unmet will drive utility rates up and hamstring our Nation's ability to efficiently move finished goods and raw materials across the country and in the global marketplace.

I ask unanimous consent to have printed in the RECORD the article to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TAKING LUMPS: AS UTILITIES SEEK MORE COAL, RAILROADS STRUGGLE TO DELIVER

(By Rebecca Smith and Daniel Machalaba)

During the past 10 months, Arkansas Electric Cooperative Corp. has been forced to do things that power generators hate to do: It cut electricity production at plants that are the cheapest to operate and ran its costliest units harder than ever. At times, it even bought electricity on the open market at top prices.

The electricity co-op made these moves because it is afraid of running out of coal. That's surprising in a country with such vast domestic reserves that some dub it the "Saudi Arabia of coal." But Arkansas Electric has a problem that is a growing concern for many U.S. utilities: It can't get enough coal to run its power plants because the trains that serve as its supply line aren't running on time. Delays in coal shipments to the Arkansas generator began last May with rail disruptions in Wyoming and forced the utility to burn more natural gas, lifting its 2005 power-generation costs by 21%, or $100 million.

Nearly a year after problems began, "coal deliveries still aren't back to normal," says Steve Sharp, head of fuel procurement for Arkansas Electric, which furnishes power to 17 utilities. That, in turn, inflated power bills by about $20 a month for residential electricity consumers across much of Arkansas. For big industrial energy users, the hit was even greater. Matt Szymanski, general manager of Green Bay Packaging Inc., which operates a paper mill in Morrilton, Ark., says he "freaked out when I saw the power bill for December," which was double that from a year ago.

At a time of surging prices for petroleum and natural gas and rising anxiety about U.S. reliance on overseas energy sources, coal more than ever is seen as the U.S.'s dirty, but reliable, ace in the hole. With 27% of the world's proven reserves, the U.S. in recent years has seen stable coal prices relative to other fuels used for power generation. But the ability of railroads to get coal to power plants when it's needed is suddenly no sure thing.

Consolidation has left the rail industry with just a half-dozen major operators, which have been cutting rail routes and costs since the industry was deregulated in 1980. That can cause paralyzing bottlenecks when something goes wrong. Last year, a series of derailments dramatically delayed coal shipments from the Powder River Basin in Wyoming, one of the nation's most important coal-producing regions. The delays have cut into fuel supplies at many coal-fired power plants around the country. In some cases, supplies are perilously low.

Now, the utilities are pouncing on the delays and a longstanding beef over concentrated ownership of rail routes, which crimps competition. Major utilities are asking members of Congress to hold hearings on the coal-delivery problems. They may ask Congress to direct the federal regulator, the Surface Transportation Board, to establish reliability standards for railroad deliveries and enforce them if necessary. In the past, Congress hasn't shown much interest in imposing new regulations on the railroads. But the fact that coal-delivery problems in some cases could threaten the reliability of power supplies pushes the contest to a new level. Meanwhile, the railroads are seeking a 25% federal tax credit on investments that expand railroad capacity.

For decades, coal was the No.1 commodity moved over the rails. Lately it has been displaced in the rankings by consumer goods, with much of that cargo pouring into West Coast ports from Asia. The utilities recently have been required to pay sharply higher rail rates. As their old negotiated contracts expire, the utilities are forced to pay the railroads' standard rates, pushing up fees by 20% to 100%.

Railroads are strained by a surge in freight of all types—from coal to containers—and rail rates are going up across the board. But the utility industry is complaining loudest. Snags in railroad service are fueling fears that railroads won't be able to meet the growing demand for coal, casting a cloud over a goal set by President Bush and key members of Congress to make America "energy independent."

The big rail carriers stress that the industry, after years of overcapacity and dismal profits, finally is in good enough shape to invest heavily. Meddling by the government now, says Chris Jenkins, a vice president of CSX Corp.'s railroad subsidiary, is "the surest way to wreck the railroad system and prevent us from making the types of investments that are necessary."

Matthew Rose, chairman, president and chief executive of Burlington Northern Santa Fe Corp., estimates that the railroad has spent about $2.7 billion since 1994 to maintain and expand capacity for moving Powder River Basin coal. He says that when the Clean Air Act of 1990 kicked off the demand for low-sulfur Western coal, the railroads stepped up. They have increased the amount of coal hauled from the Basin, including a section in Montana, to about 400 million tons a year from half that in 1990. The area now accounts for about 40% of the U.S. coal mined.

"We have provided just incredibly reliable transportation and have allowed tremendous growth of the basin since 1990," he says, calling the problems in Wyoming last year an "episodic event" that's unlikely to be repeated.

Big utilities, until recently, have shied away from a public confrontation. But Michael Morris, chief executive of American Electric Power Co., Columbus, Ohio, warned Congress in mid-February that "railroads have put the electric industry in a potential crisis situation this winter and next summer."

Bringing the matter to Congress, rather than trying to work things out quietly, shows how much the level of frustration has grown. Some utilities, backed by state regulators, are clamoring for more federal review of rail rates and the creation of national service-quality standards, backed by penalties for infractions.

One reason for hope in the long term: Rail regulators this year approved an application of the Dakota, Minnesota & Eastern Railroad Corp. to build a new line out of the Powder River Basin. Although it would take three years or more to construct, a new line could shake up the dominance of Union Pacific Corp. and Burlington Northern by adding 25%, or 100 million tons, of new capacity. The railroad is seeking a $2.5 billion loan from the Federal Government and commitments from utilities to use the new route.

In the short run, utilities are worried that a shortage of coal this summer, when air-conditioning use pushes electricity demand to its peak, could force them to buy power on the expensive spot market. The utility industry estimates that the cost of substituting more expensive fuels for the 20 million tons of Powder River Basin coal held up in Wyoming and Montana last year topped $3 billion.

"We're going to have a really huge problem if railroads aren't held accountable for reliable deliveries and reasonable prices," says Sandra Hochstetter, chairwoman of the Arkansas Public Service Commission, who wants the Federal Government to exercise more forceful control.

The deteriorating relationship comes as the power sector heads for greater reliance on coal, which long has been used to create about half the nation's electricity. For the last 10 years, the industry has been building natural-gas-fired plants almost exclusively because the fuel is cleaner and the price was attractive. As natural-gas supplies and prices have become a problem, the power industry is shifting to coal in a big way, with plans to build more than 100 coal-fired power plants in coming years at a potential cost of more than $100 billion. The federal Energy Information Administration forecasts that the electric-power industry will produce 3% more electricity from coal in 2007 than in 2005. Production from natural gas is projected to drop by 2% over the same period.

Unlike natural gas, which flows smoothly and silently through thousands of miles of underground pipelines, coal must be loaded onto trains of 100 cars or more and hauled across hundreds or thousands of miles of prairie, towns and farmland to where it's burned.

Although one unit of gas is nearly indistinguishable from another, coal types vary greatly and utilities have incentives to acquire it from more sources than in the past. One big reason is tighter air-pollution rules. Many Midwestern and Eastern utilities want more of the Western coal in their mix because it's "low sulfur" and therefore less polluting. But Eastern coal burns hotter, which means a given volume will make more electricity. The various types also carry different prices: A survey Feb. 17 by the EIA found Powder River coal selling for $16.85 a short ton versus $58.25 for Central Appalachian coal and $45 for Northern Appalachian coal. The trade-offs complicate railroad logistics since many utilities want to burn a mix of coals now.

Railroads say the power industry's sudden interest in coal over natural gas caught them by surprise. Now, the railroads are spending hundreds of millions of dollars to build new double- and triple-track stretches and buy additional locomotives.

Wall Street investors, for the most part, want railroads to keep their capacity tight, so as not to erode their newfound pricing power.

The recent coal-delivery problem has its roots in something fairly mundane. Last spring, an accumulation of coal dust that had fallen or blown from moving cars in Wyoming prevented track beds from draining properly. Amid the spring thaw and heavy rain, the poor drainage left the water with no place to go. That resulted in derailments and track damage along stretches of the major railroad line that takes coal trains that are more than a mile long out of the Powder River Basin. As a result, the railroads sharing the line—Union Pacific and Burlington Northern—failed to meet their coal-delivery commitments. Shipments picked up late last year, but it takes a long time to make up for lost loads, given how taxed the rail system is already.

The consolidation has left little backup capacity and fewer options to reroute freight when there are floods, derailments or other service breakdowns. Some of the biggest bottlenecks are in major rail hubs such as Chicago. When trains get backed up in one place, the effects ripple through the system.

Consider Laramie River Station, a big power plant in southeastern Wyoming that is owned by six utilities and furnishes power to consumers in nine states. At this time of year, the plant would normally have 700,000 tons of coal on hand. But it's now down to 140,000 tons even though the plant is only 170 miles from the Powder River Basin. At 125,000 tons, which it may reach in the next few days, the plant likely will cut production. "Already, the bulldozers are scraping up dirt with the coal," says Shelly Sahling-Zart, assistant counsel of the Lincoln Electric System, a member of the consortium.

Representatives of the Laramie River consortium say the delivery problems began soon after a long-term contract with Burlington Northern—the railroad serving the plant—expired in late 2004 and have gotten progressively worse. Adding to the sense of injury was the fact that rates were doubled. Burlington Northern spokesman Richard Russack says the railroad committed a train of its own in February, supplementing the three trains owned by the utilities. Trains used in the area tend to have 125 to 135 coal-carrying hopper cars. But, given that the facility is short the equivalent of 5,833 hopper cars, it's doubtful the plant can catch up in its reserves very fast. The utilities say they're paying $70,000 a month for the extra train.

For utilities, the problem is that the road to relief—either for service-quality problems or high rates—runs through the Surface Transportation Board, the federal agency that reviews railroad mergers, rates and service. Utilities generally feel the board favors railroads over their customers. Board Chairman W. Douglas Buttrey says his tiny agency, created in 1995 to replace the once-huge Interstate Commerce Commission, has an obligation to "balance the interests." But the board's power over railroads is limited. The industry is exempt from some aspects of antitrust law and the board can only rule on whether its prices are reasonable.

Otter Tail Power Co., a small Minnesota utility, recently concluded it had had enough of rising rail rates at the hands of Burlington Northern, which provides the only rail service to Otter Tail's power plant in Big Stone City, S.D. The first step in filing its protest with the Surface Transportation Board: paying the board's $102,000 filing fee.

Under an arcane procedure required to make its case, Otter Tail created a virtual railroad on paper—complete with hypothetical routes, equipment, freight and customers—to show that even a brand-new rail line would be able to serve Otter Tail's coal needs at a lower cost than Burlington Northern. But in February, after a four-year case that ultimately cost $4.5 million, the board told Otter Tail that its arguments came up short and the higher rates would stand.

A growing group of members of Congress is worried about deteriorating rail service and the high cost to consumers. Sen. Conrad Burns, a Montana Republican, introduced a bill that would slash fees for rate challenges to $150, require faster action by the board and eliminate the "virtual railroad" economic modeling. Others are looking at a host of remedies, including reimposing some antitrust rules.

U.N. HUMAN RIGHTS COUNCIL

Mr. ENSIGN. Mr. President, I rise today to decry the failure of the United Nations to create a human rights body that deserves U.S. support. I regret that the United Nations, tasked with the solemn duty to craft a Human Rights council that would be beyond reproach, has failed in its mission. It has created a council that in its essential components has the same failings as its predecessor, the U.N. Commission on Human Rights.

The U.N. Commission on Human Rights is an embarrassment. The U.N. Secretary General admitted as much in March 2005 when he said that; "the Commission on Human Rights suffers from declininq credlibility and professionalism, and is in major need of reform" and that a fundamental problem is that, "States have sought membership . . . not to strengthen human rights but to protect themselves against criticism or to criticize others."

Just look at the current Members of the Commission on Human Rights, the U.N.'s primary human rights body. They include some of the world's worst human rights violators, such as China, Cuba, Saudi Arabia, Sudan, Venezuela, and Zimbabwe.

The United States and other countries quite rightly called for the abolition of the U.N. Commission on Human Rights and its replacement with a new Human Rights Council. The Secretary General endorsed the need for a smaller body that would be less likely to include countries found complicit in massive and sustained human rights abuses would be able to serve.

Unfortunately, true reform was not embraced by the U.N. The Council will have 47 members instead of 53. That's far above the 20 member level proposed by the United States. And members will not be selected primarily on the basis of their commitment to human rights. In fact, there are no real criteria for membership. Even countries under Security Council sanctions for human rights violations or terrorism are not categorically excluded from membership on the Council.

The protection of human rights is of fundamental value to the United States. The United States has become used to having a presence on the U.N.'s primary human rights body. The US has been a member of the commission every term since 1947, with one exception. That will no longer be the case. Due to a rotating membership on the new council, the United States would be ineligible for Human Rights Council membership every six years. So our country, which has been at the forefront of promoting human rights would periodically lose its seat but still be required to cover 22 percent of the Human Rights Council's costs. Mr. President, in my book this makes this new U.N. Council worse than the discredited U.N. Commission on Human Rights.

President Bush noted in his remarks before the U.N. General Assembly in September 2005, "When this great institution's member states choose notorious abusers of human rights to sit on the U.N. Human Rights Commission, they discredit a noble effort, and undermine the credibility of the whole organization. If member countries want the United Nations to be respected—respected and effective, they should begin by making sure it is worthy of respect."

Mr. President, I am proud that the United States stood firm and opposed the creation of this fatally flawed Human Rights Council. Our country understood that to affirm this new council with our vote would have granted it legitimacy. The United States should be consistent. We should decline to participate on the council and fund the council for the very same reason we voted against it. Our country should not support a U.N. Human Rights Council which permits countries found complicit in sustained human rights abuses to be eligible for membership.

Mr. President, I am embarrassed to say that some in the State Department are suggesting that even though we voted against the creation of the council we should take a wait-and-see approach and support it in the interim. That makes no sense. If this council had a chance to work, then the U.S. should have voted for it.

Mr. President, other nations may not like what we stand for—but they know where we stand. U.S. human rights policy needs to be consistent and clear. We need to take a different wait-and-see approach. No participation and no funding until the U.N. proves that member states will not elect human rights violators.

THE PROBLEM WITH KITCHEN-TABLE GUN DEALERS

Mr. LEVIN. Mr. President, last week, the Violence Policy Center, VPC, released a report which analyzes statistics related to basic Federal Firearms License, FFL, holders in the United States since 1992. The report warns of a large group of current FFL holders it calls "kitchen-table dealers." The VPC defines this group as "individuals who conduct business out of their homes and offices and do not operate actual gun or sporting goods stores" and estimates that more than half of current FFL holders fit into this group. Disturbingly, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, ATF, found in 2000 that 23 percent of its illegal gun trafficking investigations involved "kitchen-table dealers" who were responsible for the illegal trafficking of more than 40,000 guns.

According to the VPC, many "kitchen-table dealers" have no interest in actually selling firearms, but they obtain an FFL because of the exemptions it provides from Federal requirements including background checks, waiting periods, and limits on the number of guns that can be purchased. Under current law, an FFL holder must be a person who "devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms." However, a February 2000 ATF report found that 31 percent of FFL holders had not reported selling a single firearm in the previous year. Unfortunately, rather than allowing the ATF to work within the law to revoke illegitimate FFLs and help to eliminate a source of illegally trafficked firearms, opponents of commonsense gun safety laws inserted a provision in the fiscal year 2006 Department of Justice Appropriations bill which prevents the ATF from denying the application or renewal of a FFL due to a lack of business activity.

In its report, the VPC calls on Congress to rescind this provision and proposes a number of other ideas to help eliminate the abuse of FFLs. Among other things, the VPC proposes that all FFL holders be required to operate from a storefront business devoted primarily to the sale of firearms, rather than a residence, and securely store inventories of firearms. Additionally, the VPC suggests an expansion of ATF's ability to inspect FFL businesses for compliance with record keeping and safety requirements.

We must do more to eliminate the abuse of FFLs in order to reduce the number of guns that are illegally bought and sold in our communities.

KENYA

Mr. FEINGOLD. Mr. President, I wish to bring attention to troubling political developments in Kenya. Earlier this week, Kenyans witnessed the most aggressive assault on media since the country's independence in 1963, when elite police and paramilitary commandos armed with AK-47s stormed the offices of the Standard Group's TV station, Kenya Television Network and the Standard newspaper. Internal Security Minister John Michuki ordered the event in an apparent attempt to prevent the newspaper from publishing a story on a sensitive political matter. Saying little more than "when you rattle a snake you must prepare to be bitten," President Kibaki has failed to take swift and sufficient action to condemn this event.

Unfortunately, this event, while deeply troubling in itself, is but the latest manifestation of a larger problem in Kenya today. Over the last year, President Kibaki and senior members of his government have presided over a growing level of turmoil concerning corruption charges, mismanagement of public funds, insufficient anti-corruption efforts, and political favoritism. Particularly troubling are allegations that senior members of Kibaki's government have been involved in a number of large, illegal business dealings with public money. The most visible of these allegations—which Mr. Kibaki apparently knew about more than a year ago—came to light in a report written by the man who was appointed by the president himself to help expose corruption. He is now in London in exile after receiving death threats.

I am concerned that Kenya may be backsliding. Just 4 years ago, the Kenyan people went to the polls and marked an historic event in the country's political history. Kenyans unambiguously rejected years of mismanagement, corruption, and declining economic growth experienced under previous regimes. The opposition National Rainbow Coalition, NARC, was overwhelmingly elected to power, ending more than 40 years of rule by the Kenya African National Union, KANU. Now, only 4 years after these elections, President Kibaki's government is beginning to revert to strong-man tactics as evidenced in this week's raid. It also apparently unwilling to take seriously the significant corruption present throughout senior levels of Kenya's government and in the president's own cabinet.

While these are discouraging developments, I am heartened that the Kenyan people have responded with such passion. Kenyans are rightfully outraged. Thousands of demonstrators filled the streets of Nairobi on Tuesday, and a range of media sources denounced the raid as "thuggish" and "corrupt." Radio programs, TV shows, and newspapers are devoting significant attention to the government's inept management of corruption charges and the recent raid. Resignations of key ministers, new court cases, and active opposition parties are all testaments to the positive political developments Kenya has made. It is essential that Kenyans do not lose this progress.

We have an opportunity to send a firm message to President Kibaki that this type of behavior does not benefit his government or the Kenyan people. Kenya is a critical partner in a particularly important region. It has served as a leader in the region and in Africa, and will continue to be a friend to the United States. But if Kenya's government wants to maintain its credibility as a government representative of the Kenyan people and a leader in the region, it must take immediate actions to address recent developments and renew its pledge to fight corruption.

In conclusion, the international community must condemn in the strongest manner possible the Kenyan government's use of security forces to limit political discussion and the freedom of the press. The international community must also support efforts of Kenyan citizens to hold their government accountable for weeding out corruption and political favoritism. As the country turns its attention toward the 2007 general elections, the international community must help Kenyans strengthen democratic processes, advance political freedoms, and fight corruption—and perhaps most importantly, signal to President Kibaki that too much progress has been made in Kenya to allow for a reversion to old, corrupt, violent political practices.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On February 13, 2002, Paul Chmiel was murdered in a Michigan prison by Michael Keep. According to reports, Keep confronted Chmiel after he had made a sexual advance toward him. During the altercation, Keep slapped Chmiel, crushed his ribs, and strangled him to death.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

HONORING OFFICER PETER ALFRED KOE

• Mr. BAYH. Mr President, I rise today to pay tribute to Indianapolis police officer Peter Alfred Koe for his extraordinary valor above and beyond the call of duty. Today, in honor of his courageous service, Officer Koe received the Public Safety Officers Medal of Valor from President Bush. Officer Koe is one of only five public safety officers selected nationwide to receive the medal, and I could not be more proud that a Hoosier like Officer Koe is the recipient of such a prestigious award.

On August 18, 2004, Officer Koe of the Indianapolis Police Department received information that several fellow officers had been shot by a violent gunman. He and other officers responded immediately to the scene, where a hidden gunman shot and wounded Officer Koe. He suffered a gunshot wound to his left leg and additional injuries to his face and body from flying glass and debris. However, rather than succumbing to his own injuries, Officer Koe charged the gunman to prevent him from further harming any of the other wounded officers. Despite his own critical injuries, he exchanged fire with the attacker and effectively subdued him. When medical personnel responded to the scene, Officer Koe urged them to assist the other officers, selflessly deflecting attention from his own serious wounds.

Throughout this encounter, Officer Koe displayed remarkable valor and composure under fire. For this, I commend him and offer my sincere gratitude on behalf of Indiana for his outstanding service to the citizens of our state.

While the events of August 18 demonstrated Officer Koe's abilities, I also want to thank him for his day-to-day work that may not generate the same headlines as a shoot-out or enjoy the glamour of an award but is equally crucial to the safety of Indianapolis residents.

Officer Koe and all of his colleagues at the Indianapolis Police Department make daily sacrifices to ensure the safety of our Indianapolis streets, keeping our families safe and our neighborhoods secure. In an increasingly dangerous world, we depend on our first responders to defend us against violence and other threats to our communities, and I know that many Indianapolis families sleep better at night knowing that people like Officer Koe are protecting them.

Officer Koe and countless others like him dedicate each day to justice as they protect and serve all Hoosiers. I am sure I speak for many Indianapolis area residents when saying thank you to Officer Koe. He went above and beyond the call of duty, and we are forever indebted to him for the lives that he has saved.

On behalf of the State of Indiana, it is my honor to enter this tribute in the official record of the Senate in recognition of Officer Koe's award and his many years of service.•

COMMEMORATING DR. JOE AGUILLARD

• Mr. VITTER. Mr. President, today I rise to recognize Dr. Joe Aguillard, who will be inaugurated as the eighth president of Louisiana College on March 23. Dr. Aguillard has been serving as president of this Christian liberal arts school since January of 2005.

Joe Aguillard has been on faculty at Louisiana College since 2000, but his personal history with the college is a long and storied one. Both of Dr. Aguillard's parents attended Louisiana College and met at the liberal arts school. He and his wife also met at Louisiana College, and all three of their children have attended their parents' alma mater.

On top of having a close connection to Louisiana College, Dr. Aguillard also has a proven academic track record. In addition to a bachelor's degree from Louisiana College, he also has two master's degrees from McNeese State University, as well as a doctorate in education from Nova Southeastern University. Dr. Aguillard previously held the positions of chair of the Division of Education, coordinator of the Department of Teacher Education, and Associate Professor of Education.

Joe Aguillard is a top notch educator whose ability is sure to lead Louisiana College to its greatest days. Under his leadership the Teacher Education Department has consistently received high marks from the Louisiana Board of Regents, among others. He also led a group of Louisiana College education students in researching and writing the curriculum for the Heart of Spain art exhibit at the Alexandria Museum of Art in 2003, and that curriculum was used by teachers and their students around the world.

Dr. Aguillard has maintained a lifetime commitment to learning and educating, and his contribution to the state of Louisiana is greatly appreciated. I come to the Senate floor today to join the students and faculty of Louisiana College in personally commending Dr. Joe Aguillard and wishing him great success in his new post.•

A TRIBUTE TO ROBERT E. BAUTE, M.D.

• Mr. CHAFEE. Mr. President, I am pleased to pay special tribute to Dr. Robert E. Baute of Warwick, RI.

Since 1970, Dr. Baute has tended to the needs of Rhode Islanders in various capacities, specializing in internal medicine and pulmonary diseases. For the past 10 years, he has served with distinction as the President and CEO of Kent County Memorial Hospital in Warwick, RI. On March 30, 2006, Dr. Baute will retire after 36 years as a member of the Kent medical staff, and nearly 20 years as an administrator.

A graduate of Yale University in 1959, Dr. Baute went on to serve with distinction in the U.S. Navy and received his degree from the Hahnemann University School of Medicine in 1966. Following in the footsteps of his father, he engaged in a private medical practice for 18 years, and simultaneously emerged as a leader in the administration at Kent County Hospital. Throughout his distinguished administrative career, Dr Baute served as chief of internal medicine, vice president and medical director, and as a member of the board of trustees. In 1995, he was named as president and chief executive officer.

In all of these capacities, Dr. Baute fought tirelessly to further the scope and quality of care provided by Kent Hospital, and successfully brought new services and modern treatments to the community, while holding himself and his staff to the highest standards of quality, safety, and patient satisfaction. His support for the creation of the Care New England Health Care System was instrumental in its success, and his lifelong pursuit of quality, affordable, and accessible health care services has been nothing short of remarkable.

I join with all Rhode Islanders in expressing gratitude for Dr. Baute's efforts to advance the scope and quality of medical treatment in our State, and I congratulate him for the many achievements in his outstanding career.●

80TH ANNIVERSARY OF THE GOODYEAR BLIMP

● Mr. DEWINE. Mr. President, today I would like to recognize the Goodyear Tire and Rubber Company, based in Akron, OH, upon the 80th anniversary of the operation of its Goodyear Blimps. Since 1925, the Goodyear Tire and Rubber Company has operated its blimps throughout the country, providing aerial coverage of sporting events and other major public gatherings. Over time, the Goodyear Blimp has become one of the most readily recognizable corporate symbols in the United States and throughout the world. I wish Goodyear the best, as it celebrates the 80th anniversary of the Blimp, and ask that the following proclamation honoring this occasion be printed in the RECORD.

The material follows:

A PROCLAMATION HONORING THE GOODYEAR BLIMP ON ITS 80TH ANNIVERSARY

Whereas, the Goodyear Blimps have been operating in the skies of America since 1925; and

Whereas, from 1941 to 1944, Goodyear built airships for the United States military to help protect America and its troops by escorting convoys safely across the Atlantic during World War II; and

Whereas, for 45 years, the Goodyear Blimps have provided aerial television coverage of America's most-watched sports, entertainment and news events, including Super Bowls, World Series, Final Four Tournaments, college football bowl games, and political conventions; and

Whereas, the Goodyear Blimps have responded to requests from the American Red Cross and other emergency response agencies and used their aerial electronic signs to help victims of hurricanes and earthquakes by communicating with victims to let them know where to find help, food, water, and medical aid; and

Whereas, the Goodyear Blimps annually support non-profit and public service groups through promotional programs and rides donated to the charities, which are then auctioned off helping to raise hundreds of thousands of dollars every year; and

Whereas, the Goodyear Blimps are celebrating their 80th Anniversary as the world famous icon for America and the Goodyear Tire & Rubber Company.

Now, therefore, I, Mike DeWine, United States Senator from the Great State of Ohio, join with the residents of Ohio and the Goodyear Tire & Rubber Company in honoring the Goodyear Blimp on its 80th Anniversary.

On this, the Sixteenth of March, Two Thousand and Six.●

HONORING THE LIFE OF SAMUEL M. SHARKEY, JR

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Sam Sharkey, who died on Tuesday at the age of 90. Mr. Sharkey, who joined the New York Times in 1945 as a copy editor on the foreign desk, was one of the founding executives of its International Air Edition, now the International Herald Tribune, in 1948, and in 1950 he became head of the national news desk. Five years later, he moved to the National Broadcasting Company as its first editor of NBC News, a position comparable to the editor of a newspaper, and was one of a triumvirate of executives who in 1956 put together the Huntley-Brinkley news program.

While working at the Times, he had become frustrated with the slowness with which the two major wire services reported national election returns—one relayed all returns from west of Kansas City through that city and the other through Chicago, both producing delays. In 1956 at NBC, he invented a system based at the start on buying the fastest Associated Press State wires in every State and funneling their returns electronically through 10 centers around the United States, thence to computers in Studio 8–H in New York, where they were displayed immediately, beating all competition by substantial margins. His system for collecting votes in national elections is still used today by broadcasters, wire services, and newspapers.

In 1958, Mr. Sharkey expanded the system and turned to volunteer teams of members of the League of Women Voters in every State who staffed every polling place and phoned in results to State headquarters, where the data were sent electronically directly to computers in the studio. In 1960, CBS News and the ABC News were added to form the Network Election Service, a cooperative. That was expanded with the addition of the A.P. and United Press International to form the News Election Service, which continues to this day. At NBC, Mr. Sharkey also headed an internal NBC News Service at national political conventions linking reporters at various locations with Chet Huntley and David Brinkley at the anchor desk.

Born March 26, 1915, in Trenton, NJ, he began covering sports on a "stringer," free lance, basis for the Trenton State Gazette at the age of 13. He attended Rutgers University in the class of 1937 but was a Depression dropout. He then worked for the State Gazette as sports editor, columnist, reporter, music and theater critic, and acting city editor. Among the stories he covered were the kidnapping of the Lindbergh baby and the trial of Bruno Richard Hauptmann, the crash of the Hindenburg at Lakehurst, and the burning of the Bermuda cruise liner Morro Castle off Asbury Park, NJ.

He was a copy editor on the Saratoga Springs, NY, Saratogian and foreign editor of the Philadelphia Inquirer during World War II. He also was a contributing editor to Printing News. At NBC, he was a member of the FCC National Industry Advisory Committee that created the Emergency Broadcast System, and he wrote the broadcast closed-circuit radio advisories from every location to which a President could be taken in time of national emergency—in the air, on land, at sea, under the sea.

In 1963, Mr. Sharkey moved to Seattle as managing director of news for the King Broadcasting Company's stations there and in Spokane, WA, and Portland, OR. While at KING-TV, he won two local Emmys for news and documentary programming. When Bonneville International Corporation purchased KIRO-TV-AM Seattle in 1964, he was appointed corporate director of news for all Bonneville stations nationwide.

In 1965, Mr. Sharkey was named Newhouse National Service economics and labor columnist, based in Washington, DC, later adding the news editor role. He entered government in 1972 as public information director for the then-new Occupational Safety and Health Administration, OSHA, moving to the same position at the FCC in 1975.

Mr. Sharkey also taught at the Columbia University Graduate School of Journalism for 9 years and taught economics and public affairs at the Tobe-Coburn School for Fashion Careers in New York. Known as a witty speaker, he lectured widely for the Times and NBC News. He also was a choral singer, a private airplane pilot, an automobile and outboard motorboat race driver, a motor yachtsman, and even a clown in the Aquacade at the 1939 New York World's Fair. Mr. Sharkey was a life member and former vice commodore of the Capital Yacht Club here in Washington, DC.

Sam Sharkey was a pioneer in journalism for over 70 years, and he left an indelible mark, especially in the field of broadcast journalism. I extend my condolences to his wife Marilyn and the rest of his family.●

REPORT ON THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 108 of the National Security Act of 1947, as amended (50 U.S.C. 404a), I am transmitting a report prepared by my Administration on the National Security Strategy of the United States.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 16, 2006.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:58 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1184. An act to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

S. 2064. An act to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the Malcolm Melville "Mac" Lawrence Post Office.

S. 2363. An act to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4944. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 190. Concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

At 6:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2320. An act to make available funds included in the Deficit Reduction Act of 2005 for the Low Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 361. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

At 7:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 47. Joint resolution increasing the statutory limit on the public debt.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4944. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 190. Concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4472. An act to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

H.R. 4911. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 16, 2006, she had presented to the President of the United States the following enrolled bills:

S. 1184. An act to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

S. 2064. An act to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the Malcolm Melville "Mac" Lawrence Post Office.

S. 2363. An act to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–279. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to authorizing the development of a secure electronic balloting system for active duty military personnel; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 411

Whereas, the United States and the Commonwealth of Pennsylvania are obligated to ensure that servicepersons participate in the very democracy they are fighting to defend; and

Whereas, the National Defense Committee has recently completed a survey of the nation's 7,838 election offices; and

Whereas, twenty-eight and four tenths percent of persons who applied for a military absentee ballot in the November 2004 election were disenfranchised because their ballots could not be received, executed and returned in a timely fashion; and

Whereas, the National Defense Committee is recommending that the Congress authorize the development of an electronic balloting system for active duty military personnel: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress to authorize the development of a secure electronic balloting system for our active duty military personnel; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–280. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to require the Federal Emergency Management Agency to honor the preferences of local governing authorities in determining the location of temporary housing sites; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, in the aftermath of Hurricane Katrina, the Federal Emergency Management Agency (FEMA) has established a number of temporary housing sites consisting of trailer homes for thousands of displaced families; and

Whereas, there has been much disagreement as to the appropriate locations of these temporary housing sites; and

Whereas, local governing authorities must be permitted to make the final determination as to whether or not a FEMA trailer community is established within their respective parishes and municipalities; and

Whereas, it is imperative that the power to accept or refuse the placement of a FEMA temporary housing site rests with the citizens of the community in question and not with FEMA; and

Whereas, citizens, through the power of the local elected governing authorities that represent them, should be empowered to either allow or disallow the establishment of FEMA trailer sites in their communities: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to require the Federal Emergency Management Agency to honor the preferences of local governing authorities in determining the location of temporary housing sites; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation and to the acting director of FEMA.

POM–281. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to supporting the

CORRIDORone regional rail proposal and encouraging its support by counties and municipalities in the region of the CORRIDORone project; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 565

Whereas, transportation planning efforts in south central Pennsylvania should incorporate a regional planning perspective to ensure that economic development efforts are enhanced with linkages to regional development initiatives; and

Whereas, regionwide efforts must encompass a vision for the future to most wisely accommodate future growth needs, including means of transportation; and

Whereas, transportation systems in south central Pennsylvania should include multimodal forms of transportation to ensure that the full breadth of options, including rail, bus and others, are made available to citizens for the most efficient means of travel; and

Whereas, it is extremely important to preserve the existing rail rights-of-way throughout the region and this Commonwealth; and

Whereas, the intersection known as the Lemoyne Connection will provide additional freight rail efficiency for Norfolk Southern's rail operations in the region, as well as a multimodal commuter connection in Cumberland County for the CORRIDORone commuter rail project; and

Whereas, by 2020 south central Pennsylvania is expected to experience a 27% growth in population and a 44% growth in employment; and

Whereas, further regionwide economic development efforts will extend only to the extent that these efforts can be strengthened and supported by modes of transportation to efficiently access jobs, meeting places for businesses and conventions and historical and cultural points of interest; and

Whereas, air quality and traffic congestion are projected to worsen as road traffic increases and linked forms of mass transit would positively impact air quality and congestion; and

Whereas, the proposed CORRIDORone project would establish an affordable, easily accessed, regional rail network with connections among the communities of Lancaster, Harrisburg and Carlisle and later expanding to CORRIDORtwo communities of York, Hershey and Lebanon, while providing a connection to the Keystone service line for travel east of Lancaster; and

Whereas, the CORRIDORone project would link multimodal forms of transit including intrastate and interstate rail, bus and international air to provide the most comprehensive and efficient means of travel in the region, providing greater access for business and recreational travel while encouraging tourism and other economic development efforts; and

Whereas, the CORRIDORone project would provide a cost-efficient form of transportation expansion with the cost of 41 miles of regional rail equivalent to the cost of only three miles of roadway construction; and

Whereas, Capital Area Transit has completed all of the studies required by the Federal Transit Administration, and the results show that a regional commuter rail system is the most efficient and effective mass transit alternative for the region; and

Whereas, the CORRIDORone project is 93% complete, through the preliminary engineering and environmental phases; and

Whereas, SAFETEA-LU, the Federal transportation legislation, included CORRIDORone Phase I (Lancaster to Harrisburg to Cumberland County—Hampden/Sporting Hill) for Final Design and Construction and provided authorization for alternatives analysis and preliminary engineering for Phase II—Cumberland County (Hampden/Sporting Hill to Carlisle); and

Whereas, the United States Congress has appropriated $7,404,157 to the CORRIDORone project; and

Whereas, the Commonwealth has budgeted in Act 47 of 1997 and Act 40 of 2004 a total of $41 million to the CORRIDORone project; and

Whereas, Section 2002 of the act of April 9, 1929 (P.L. 177, 22 No. 175), known as The Administrative Code of 1929, as amended May 6, 1970 (P.L. 356, No. 120), set forth the powers and duties of the Department of Transportation (PENNDOT). Among those 25 powers are:

(1) To develop and maintain a continuing, comprehensive and coordinated transportation planning process.

(2) To develop programs designed to foster efficient and economical public transportation services in the State.

(3) To prepare plans for the preservation and improvement of the commuter railroad system.

(4) To prepare and develop plans and programs for all modes of urban transportation, including in addition to commuter rail and motor bus, rapid rail; trolley coach, surface rail, corridor rail and other innovative modes of urban transportation.

(5) To coordinate the transportation activities of the department with those of other public agencies and authorities.

(6) To superintend, supervise and control the work of constructing, reconstructing, maintaining and repairing State designated highways and other transportation facilities and rights-of-way;

Whereas, the PENNDOT Strategic Agenda adopted in July 2004 stated a vision that promotes "customer driven, intermodal transportation system and services that enhance the quality of life in Pennsylvania" and a mission statement that says: "Through the active involvement of customers, employees and partners, PENNDOT provides services and a safe intermodal transportation system that attracts businesses and residents and stimulates Pennsylvania's economy"; and

Whereas, the PENNDOT Strategic Focus Areas adopted by the Rendell Administration include safety, quality of life, mobility, management and productivity and system preservation. This document seeks innovative management of our transportation system and services and improved access and mobility, ensuring that people and goods can move efficiently, and it guides the management of our assets and processes with funding and resources prioritized for the preservation and betterment of all systems and services; and

Whereas, revenue for local matching funds for the CORRIDORone project has been received from Cumberland County, Dauphin County, Lancaster County and 12 boroughs, 11 townships and more than 50 businesses throughout the region; and

Whereas, the local Municipal Planning Organization (MPO)—Harrisburg Area Transportation Study (HATS)—has endorsed and funded the CORRIDORone project and has included the project in its 30-year plan; therefore be it

Resolved, That the House of Representatives support the continued planning efforts for the CORRIDORone proposal as it could provide a needed regional linkage for economic development efforts; and be it further

Resolved, That the House of Representatives encourage the Governor and the Secretary of Transportation to do everything possible to preserve the CORRIDORone right-of-way options and future extensions as provided in the preliminary Engineering and Environmental Analysis; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, to the Secretary of Transportation, to each member of Congress from Pennsylvania and to the President of Norfolk Southern Railroad Corporation.

POM-282. A resolution adopted by the Senate of the State of Michigan relative to taking steps to improve access to fertility preservation options for cancer patients; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 72

Whereas, approximately 130,000 people under the age of 45 are diagnosed with cancer each year. At least 90 percent of patients within this age group will undergo potentially sterilizing treatments such as surgery, chemotherapy, or radiation; and

Whereas, survivorship rates have dramatically increased over the years expanding the life expectancy of 71 percent of cancer patients by at least five years beyond the diagnosis of their disease. The long-term consequences of cancer treatment, such as infertility, are of increasing concern to patients since they are highly likely to survive their cancer. The diagnosis of infertility can be as devastating for many patients as the cancer diagnosis itself; and

Whereas, successful fertility preservation options for men and women include sperm banking, oocyte (egg) freezing, and ovarian and testicular tissue freezing. Many cancer patients are given the option of taking steps to preserve their fertility before their potentially sterilizing cancer treatment begins. However, many others do not take these steps because they were not informed by their health care professionals that their fertility is at risk, or, if they are informed of the risk, they are generally not counseled on their fertility preservation options; and

Whereas, unrelated factors such as marital status or poor prognosis should not preclude certain patients from being informed about their fertility risks and options. The 2003–2004 President's Cancer Panel Report recognized that comprehensive written and verbal information regarding fertility side effects and fertility preservation options for all reproductive-age patients should be provided before treatment; and

Whereas, the great state of Michigan has an active, productive cancer survivor population, demonstrating that a cancer diagnosis is no longer a death sentence. We should do everything possible to make fertility preservation options available for cancer patients: Now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress and the United States Department of Health and Human Services to take steps to improve access to fertility preservation options for cancer patients by endeavoring to:

(A) encourage research that will strengthen fertility preservation options for cancer patients;

(B) continue to consider ways to improve access to fertility preservation options for cancer patients; and

(C) raise awareness about the fertility side effects and fertility preservation options for cancer patients; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Michigan Congressional delegation and the United States Department of Health and Human Services.

POM–283. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to enact legislation to change ZIP codes in Jefferson Parish and to assign the new ZIP codes to the main post office in Metairie; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 67

Whereas, when the United States Postal Service first instituted the ZIP code system, Old Jefferson was designated as 70121, a New Orleans ZIP code number; and

Whereas, then when the city of Harahan built a post office in its city hall, it was assigned the 70123 ZIP code, another New Orleans ZIP code number; and

Whereas, the 70123 ZIP code, as expanded, now covers the area of River Ridge as well as the city of Harahan; and

Whereas, when the new post office was built on Citrus Boulevard in Jefferson, it was also assigned the 70123 ZIP code; and

Whereas, the ZIP code directory issued by the United States Postal Service and used by businesses nationwide reports all ZIP codes beginning with "701" as having a New Orleans address; and

Whereas, this misidentification and confusion of the locations of businesses in ZIP codes 70121 and 70123, including the businesses located in Elmwood Industrial Park which employ more than thirty-five thousand people, have caused numerous mailing and taxation problems for these companies; and

Whereas, many insurance companies impose higher premium rates attributable to properties in New Orleans on residents of Jefferson Parish in the ZIP code areas 70121 and 70123; and

Whereas, mail addressed to homes and businesses having ZIP code 70121 or 70123 was held up for more than a month in the aftermath of Hurricane Katrina because of the effect that the storm had on the operations of the United States Postal Service in New Orleans: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary, due to the many problems that have occurred in Jefferson Parish with the ZIP codes 70121 and 70123, to enact legislation to change the ZIP code in Jefferson Parish in the area currently covered by the United States Postal Service ZIP code 70121 to 70021 and to change the ZIP code in Jefferson Parish in the area currently covered by the United States Postal Service ZIP code 70123 to 70023 and also to assign the new ZIP codes to the main post office in Metairie; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–284. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to reduce by twenty-five percent the amount of outstanding federal student loan debt of any college graduate who resides in certain areas of Louisiana most affected by Hurricane Katrina or Hurricane Rita for at least five consecutive years immediately following graduation and to memorialize congress to provide for the establishment of conditions and requirements for such debt reduction; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 48

Whereas, certain areas of Louisiana that were impacted by Hurricane Katrina or Rita or both have suffered a great loss in population due to the ravages of these catastrophic storms; and

Whereas, it is imperative that people from Louisiana and beyond are provided with incentives to reside in the great state of Louisiana, and one such incentive could be the reduction of certain student loan debt; and

Whereas, drawing college graduates to the hurricane-affected areas of Louisiana would be one step toward restoring the areas' populations, and populating these areas with college-educated citizens could bring positive impacts to the areas due to their ability to use the skills and knowledge acquired through their educations to help the areas to rebuild; and

Whereas, it is appropriate to ask congress to establish such a loan forgiveness program as part of a collective effort to restore the population of certain areas of Louisiana following the historic hurricanes of 2005: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to reduce by twenty-five percent the amount of outstanding federal student loan debt of any college graduate who resides for at least five consecutive years immediately following graduation in any parish in Louisiana which has been designated pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act as eligible for individual assistance or individual assistance and public assistance as a result of Hurricane Katrina or Hurricane Rita and to memorialize congress to provide for the establishment of conditions and requirements for such debt reduction; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–285. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to revising the requirement that applicants for hunting and fishing licenses provide their Social Security numbers; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 461

Whereas, Section 5536 of the Balanced Budget Act of 1997, (Public Law 105–33, 111 Stat. 251) amended Federal law to require each state to have in place laws requiring applicants for recreational licenses (hunting and fishing) to provide their Social Security numbers; and

Whereas, the Commonwealth of Pennsylvania has inplemented this Federal mandate through the amendatory act of December 16, 1997 (P.L. 549, No.58), to 23 Pa.C.S.; and

Whereas, the Commonwealth of Pennsylvania strongly supports all effective mechanisms to encourage payment of child support obligations; and

Whereas, requiring applicants for hunting and fishing licenses to provide their Social Security numbers does not appear to enhance effective enforcement of child support obligations inasmuch as hunting and fishing license records are not retrievable by reference to the Social Security numbers; and

Whereas, the vast majority of hunting and fishing licenses are not sold by government agencies but are sold by private businesses ranging in size from large department stores to small bait and outdoor shops; and

Whereas, Imposing the requirement to collect Social Security number information on the businesses that sell hunting and fishing licenses unduly complicates the license issuance transaction; and

Whereas, many purchasers of hunting and fishing licenses object to disclosure of their Social Security numbers to the private businesses that sell these licenses; and

Whereas, the legitimate privacy concerns expressed by many purchasers of hunting and fishing licenses from private businesses need to be addressed; and

Whereas, collection of Social Security numbers from applicants for hunting and fishing licenses does not aid in effective enforcement of child support obligations but does unduly inconvenience both the sellers and purchasers of these licenses and raises legitimate concerns about protection of personal information: Therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to eliminate the requirement that states must require applicants for hunting and fishing licenses to provide their Social Security numbers.

POM–286. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to amend the Federal Rules of Civil Procedure to recognize state law authorizing legal continuances for members of the legislature during legislative sessions and to adopt a substantially similar rule in federal court; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 29

Whereas, Louisiana R.S. 13:4163 provides that during sessions of the legislature, if the presence of a member of the legislature is required in any criminal case, civil case, or administrative proceeding, his service shall constitute peremptory cause for the continuance of any type of proceeding upon the timely filing of a motion for continuance; and

Whereas, this statute dates back over one hundred years and was devised as a way to satisfy the compelling demands and responsibilities incumbent upon a part-time legislator, who usually must have a career outside of public service in order to make a living; and

Whereas, Federal Rules of Civil Procedure do not have such a provision for a continuance, but many state legislators have business before federal courts which may significantly interfere with their responsibilities as representatives of the people during legislative sessions; and

Whereas, during this time of statewide emergency due to Hurricanes Katrina and Rita, the duties and responsibilities on legislators have been especially demanding: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to amend the Federal Rules of Civil

Procedure to recognize state law authorizing legal continuances for members of the legislature during legislative sessions and to enact substantially similar rules for federal court; and be if further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 598. A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing (Rept. No. 109–221).

By Mr. McCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1057. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act (Rept. No. 109–222).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Brig. Gen. Charles J. Dunlap, Jr. to be Major General and to be the Deputy Judge Advocate General of the United States Air Force.

Air Force nomination of Col. William H. Walker IV to be Brigadier General.

Army nomination of Brig. Gen. James L. Snyder to be Major General.

Army nomination of Col. Joseph C. Carter to be Brigadier General.

Marine Corps nomination of Lt. Gen. Robert R. Blackman, Jr. to be Lieutenant General.

Marine Corps nominations beginning with Brigadier General Ronald S. Coleman and ending with Brigadier General Edward G. Usher III, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Marine Corps nomination of Col. James C. Walker to be Brigadier General.

Navy nomination of Capt. James W. Houck to be Rear Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Billy P. Cecil II and ending with Brian K. Witt, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Air Force nomination of Thomas L. McKnight to be Colonel.

Air Force nominations beginning with Bartlett H. Hayes and ending with Zaiga K. Sears, which nominations were received by the Senate and appeared in the Congressional Record on February 17, 2006.

Air Force nomination of William M. Rogers to be Colonel.

Air Force nomination of Kevin D. Brooks to be Lieutenant Colonel.

Air Force nomination of Thomas L. Rempfer to be Major.

Air Force nomination of Stephen R. Geringer to be Major.

Air Force nomination of James D. Bone to be Major.

Air Force nominations beginning with Clinton E. Abell and ending with Anne K. Whitis, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 2006.

Army nomination of Jack L. Kaplan, Jr. to be Colonel.

Army nomination of Marianne E. Watson to be Colonel.

Army nominations beginning with Sterling W. Heymen and ending with Timothy J. Wojtecki, which nominations were received by the Senate and appeared in the Congressional Record on February 17, 2006.

Army nominations beginning with David Abdalla and ending with Roburt C. Yale, which nominations were received by the Senate and appeared in the Congressional Record on February 17, 2006.

Army nominations beginning with Andre B. Abadie and ending with X1444, which nominations were received by the Senate and appeared in the Congressional Record on February 17, 2006.

Army nomination of Eichel C. Joseph to be Colonel.

Army nomination of James E. Barker to be Major.

Army nomination of Chantel Newsome to be Major.

Army nomination of Clayton D. Chilcoat to be Major.

Army nominations beginning with Mazen Abbas and ending with Lance C. Varney, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 2006.

Army nominations beginning with Lee R. Yoakam and ending with Tyson J. Wood, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 2006.

Army nomination of Christopher D. Carrier to be Major.

Marine Corps nominations beginning with John A. Aho and ending with Daniel D. Yoo, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Marine Corps nominations beginning with John D. Adams and ending with Brandon W. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Marine Corps nominations beginning with Stephen J. McNulty and ending with Donald C. Wayman, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Carnell Luckett and ending with Carlos D. Sanabria, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Dean L. Jones and ending with Christopher A. Sutherland, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nomination of Christopher Ramsey to be Major.

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Roger Shane Karr, of the District of Columbia, to be an Assistant Secretary of Transportation.

*Tyler D. Duvall, of Virginia, to be an Assistant Secretary of Transportation.

*Nicole R. Nason, of Virginia, to be Administrator of the National Highway Traffic Safety Administration.

*Thomas J. Barrett, of Alaska, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

*Robert C. Cresanti, of Texas, to be Under Secretary of Commerce for Technology.

*Robert M. McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2004.

*Coast Guard nomination of Vice Adm. Thad W. Allen to be Admiral.

*Coast Guard nomination of Rear Adm. (lh) John C. Acton to be Rear Admiral.

Coast Guard nominations beginning with Rear Adm. (lh) Jody A. Breckenridge and ending with Rear Adm. (lh) Timothy S. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on October 25, 2005.

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning with Stephanie M. Adams and ending with Alexander T. Yuille, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2006.

National Oceanic and Atmospheric Administration nomination of Stephen S. Meador to be Lieutenant.

By Mr. SPECTER for the Committee on the Judiciary.

David F. Kustoff, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

John F. Clark, of Virginia, to be Director of the United States Marshals Service.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. PRYOR):

S. 2426. A bill to facilitate the protection of minors using the Internet from material that is harmful to minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNETT:

S. 2427. A bill to amend title II of the Social Security Act to provide for progressive indexing and longevity indexing of social security old-age insurance benefits for newly retired and aged surviving spouses to ensure the future solvency of the social security program, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 2428. A bill to amend the Public Health Service Act to reauthorize the Automated Defibrillation in Adam's Memory Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. Allen, Mr. Stevens, Mr. Cornyn, Mr. Crapo, and Mrs. Hutchison) (by request):

S. 2429. A bill to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India; to the Committee on Foreign Relations.

By Mr. DEWINE (for himself and Mr. Levin):

S. 2430. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study; to the Committee on Environment and Public Works.

By Mr. BAUCUS:

S. 2431. A bill to amend the Internal Revenue Code of 1986 to encourage all Americans to save for retirement by increasing their access to pension plans and other retirement savings vehicles, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 2432. A bill to designate certain public land as wilderness and certain rivers as wild and scenic rivers in the State of California, to designate Salmon Restoration Areas, to establish the Sacramento River National Recreation Area and Ancient Bristlecone Pine Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself, Mr. Thune, Mr. Akaka, Mr. Dorgan, Mr. Pryor, Mr. Johnson, Mr. Burns, Ms. Murkowski, Mr. Thomas, Mr. Baucus, Mr. Conrad, Mrs. Murray, Mrs. Lincoln, and Mr. Burr):

S. 2433. A bill to amend title 38, United States Code, to establish an Assistant Secretary for Rural Veterans in the Department of Veterans Affairs, to improve the care provided to veterans living in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN (for himself and Mr. Graham):

S. 2434. A bill to limit the amount of time Senators spend on non-legislative activities; to the Committee on Rules and Administration.

By Mr. LUGAR:

S. 2435. A bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. NELSON of Florida (for himself and Mr. Menendez):

S. 2436. A bill to establish an Office of Consumer Advocacy and Outreach within the Federal Trade Commission to protect consumers from certain unfair or deceptive acts or practices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS (for himself, Mrs. Hutchison, Mrs. Dole, Mr. Talent, Mrs. Feinstein, Ms. Mikulski, and Mr. Byrd):

S. 2437. A bill to increase penalties for trafficking with respect to peonage, slavery, involuntary servitude, or forced labor; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. Martinez, Mr. Salazar, Mr. Talent, Mr. Dayton, Mr. Bond, Mr. Dorgan, Mr. Coleman, Mr. Johnson, Mr. Burns, Mrs. Murray, Mr. Thune, Mrs. Lincoln, Mr. Reid, Ms. Stabenow, Ms. Landrieu, Ms. Cantwell, Mr. Nelson of Florida, Mr. Pryor, Mr. Baucus, Mr. Durbin, Mr. Obama, Mr. Hagel, Mr. Harkin, and Mr. Nelson of Nebraska):

S. 2438. A bill to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID:

S. 2439. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide for certain nuclear weapons program workers to be included in the Special Exposure Cohort under the compensation program established by that Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mr. Lautenberg, Mr. Kerry, and Mr. Wyden):

S. 2440. A bill to provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. OBAMA:

S. 2441. A bill to authorize resources for a grant program for local educational agencies to create innovation districts; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN:

S. 2442. A bill to require the President or the Committee on Foreign Investment in the United States to submit to Congress draft investigation reports on national security related investigations, to address mandatory investigations by such committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCAIN:

S. 2443. A bill to grant the power to the President to reduce budget authority; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself and Mr. Inouye):

S. 2444. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself and Mr. Obama):

S. 2445. A bill to permit certain school districts in Illinois to be reconstituted for purposes of determining assistance under the Impact Aid program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself and Mr. Lugar):

S. 2446. A bill to promote the national security and stability of the economy of the United States by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. Jeffords):

S. 2447. A bill to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area"; considered and passed.

By Mr. DURBIN:

S. 2448. A bill to increase the minimum penalties for violations of the Federal Mine Safety and Health Act of 1977, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. Dayton, Mr. Durbin, Mr. Johnson, Mr. Lautenberg, Ms. Mikulski, Mr. Menendez, and Mr. Reid):

S. 2449. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age; to the Committee on Armed Services.

By Mr. AKAKA (for himself and Mr. Durbin):

S. 2450. A bill to strengthen national security by encouraging and assisting in the expansion and improvement of educational programs in order to meet critical needs at the elementary, secondary, and higher education levels, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 2451. A bill to amend the Internal Revenue Code of 1986 to expand certain tax benefits related to Hurricane Katrina and to Hurricane Rita; to the Committee on Finance.

By Mr. BAYH (for himself and Mr. Chambliss):

S. 2452. A bill to prohibit picketing at the funerals of members and former members of the armed forces; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 2453. A bill to establish procedures for the review of electronic surveillance programs; to the Committee on the Judiciary.

By Mr. FRIST:

S. 2454. A bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; placed on the calendar.

By Mr. DEWINE (for himself, Mr. Graham, Mr. Hagel, and Ms. Snowe):

S. 2455. A bill to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN:

S. Res. 403. A resolution recognizing the benefits of breastfeeding, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. Res. 404. A resolution expressing the sense of the Senate that all people in the

United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad; considered and agreed to.

ADDITIONAL COSPONSORS

S. 308

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 308, a bill to require that Homeland Security grants related to terrorism preparedness and prevention be awarded based strictly on an assessment of risk, threat, and vulnerabilities.

S. 811

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 841

At the request of Mrs. CLINTON, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 841, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 894

At the request of Mr. ENZI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 894, a bill to allow travel between the United States and Cuba.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1112

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1112, supra.

S. 2039

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2039, a bill to provide for loan repayment for prosecutors and public defenders.

S. 2087

At the request of Mr. CHAMBLISS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2087, a bill to amend the Immigration and Nationality Act to provide for the employment of foreign agricultural workers, and for other purposes.

S. 2123

At the request of Mr. ALLARD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2123, a bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

S. 2157

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2157, a bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart.

S. 2178

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2197

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2197, a bill to improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories.

S. 2198

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2199

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2199, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote research and development, innovation, and continuing education.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Arkansas (Mr. PRYOR) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2322

At the request of Mr. ENZI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. ROBERTS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2423

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2423, a bill to improve science, technology, engineering, and mathematics education.

S. CON. RES. 16

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 16, a concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the state of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

S. RES. 398

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 398, a resolution relating to the censure of George W. Bush.

AMENDMENT NO. 2962

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2962 intended to be proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2964

At the request of Mr. FEINGOLD, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 2964 intended to be proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2965

At the request of Mr. OBAMA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2965 intended to be proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 3001

At the request of Mr. NELSON of Florida, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 3001 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3023

At the request of Mr. SALAZAR, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 3023 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3034

At the request of Mr. LIEBERMAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3034 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3046

At the request of Mr. BIDEN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mrs. CLINTON) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 3046 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3047

At the request of Mrs. LINCOLN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 3047 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3048

At the request of Mr. SPECTER, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Rhode Island (Mr. CHAFEE), the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 3048 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3052

At the request of Mr. SANTORUM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 3052 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3053

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3053 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3064

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 3064 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3066

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 3066 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of amendment No. 3066 proposed to S. Con. Res. 83, supra.

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 3066 proposed to S. Con. Res. 83, supra.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 3066 proposed to S. Con. Res. 83, supra.

AMENDMENT NO. 3067

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3067 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3071

At the request of Mr. AKAKA, the names of the Senator from Connecticut (Mr. DODD), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mr. SCHUMER), the Senator from Maryland (Ms. MIKULSKI), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Colorado (Mr. SALAZAR), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. KOHL), the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3071 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3074

At the request of Mr. REED, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3074 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3081

At the request of Mr. SALAZAR, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 3081 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3082

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3082 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3083

At the request of Mr. DEWINE, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of amendment No. 3083 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3087

At the request of Mr. DEMINT, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of amendment No. 3087 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3089

At the request of Mr. SALAZAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3089 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3097

At the request of Mr. DAYTON, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 3097 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3100

At the request of Mr. CORNYN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 3100 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3102

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 3102 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3103

At the request of Mr. SARBANES, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Rhode Island (Mr. REED), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 3103 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3106

At the request of Mrs. LINCOLN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3106 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3110

At the request of Mrs. HUTCHISON, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. COLLINS), the Senator from Arizona (Mr. KYL), the Senator from North Carolina (Mrs. DOLE) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 3110 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3111

At the request of Mr. DODD, the names of the Senator from Maine (Ms. COLLINS), the Senator from Maryland (Mr. SARBANES) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3111 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3115

At the request of Mrs. CLINTON, the names of the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3115 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3122

At the request of Mr. TALENT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 3122 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3127

At the request of Mr. HAGEL, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 3127 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3130

At the request of Mr. SCHUMER, the names of the Senator from Utah (Mr. HATCH) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 3130 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. PRYOR):

S. 2426. A bill to facilitate the protection of minors using the Internet from material that is harmful to minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BAUCUS. Mr. President, on March 1, 2006 Evert Meiners of Billings, MT pled guilty to distributing child pornography over the Internet. A search of his computer by the FBI turned up more than 12,000 images of child pornography.

Mr. Meiners had the child pornography images on his website, which he operated from his home in Billings. But authorities across the world were able to access the pictures. Law enforcement in New York, Illinois, Maryland, and even Germany, reported that Mr. Meiners distributed and solicited pornographic images in their jurisdictions.

The Internet has proved to be a powerful tool for both good and evil. Criminals operating from around the world can now prey on children in our own backyards. We used to worry what could happen to our kids on their way home from school. Now parents have to worry about their kids even in the safety of their own homes.

Since 1995 the FBI has tracked down over 11,000 unique web addresses that solicit and market child pornography.

The danger posed by these graphic web sites to our children demands action. That is why I will introduce the "Cyber Safety for Kids Act" today. As a general matter the legislation seeks to create a zone for all sexually explicit material that parents can easily block their children from visiting.

Specifically, the bill would do the following: First, the Cyber Safety for Kids Act would require the Internet Corporation for Assigned Names and Numbers to designate a top level domain name for web sites with sexually explicit materials harmful to minors. The domain name would be titled dot XXX, rather than dot Com.

Next, within six months of the launch of the .XXX domain name, all web sites that contain sexually explicit materials harmful to minors would be required to adopt the dot XXX domain name.

Finally, if a web site that contains sexually explicit material harmful to minors fails to use the dot XXX domain name, the web operator would be subject to civil penalties set by the Department of Commerce.

I know that some people believe that my legislation goes too far. Others believe that it does not go far enough. For example, some argue that all pornography over the Internet should be banned. That would certainly be effective, but would unquestionably be overturned by the Supreme Court. On numerous occasions, the Supreme Court has struck down laws that prohibit the broadcast of pornographic images.

On the other hand, I have heard from some that believe my legislation is too restrictive. I am a strong defender of the Constitution's protection of speech. But we cannot bury our heads in the sand and pretend that the problem of children viewing harmful material over the Internet will go away.

We must do what we can do to help parents protect their kids. My legislation aims to follow the successful efforts by States and localities to zone adult book and movie theaters in one part of a city or town.

In Renton v. Playtime Theaters the Supreme Court specifically upheld a city zoning ordinance that prohibited adult motion picture theaters from locating within 1,000 feet of any residential zone, single- or multiple-family dwelling, church, park, or school.

Likewise, my legislation creates a zone for all sexually explicit material that is harmful to minors on the Internet. Parents could easily install filters on their computer to keep their kids from visiting the dot XXX neighborhood.

There is no silver bullet that will stop sick adults from trafficking and soliciting child pornography. But my legislation offers an important first step.

I look forward to working with my colleagues to move this legislation forward. I am also appreciative of Senator PRYOR's leadership on this issue in the Commerce Committee. I am glad to say that Senator PRYOR has agreed to be the lead co-sponsor of my legislation.

I urge Congress to support my legislation, and have it on the President's desk as soon as possible. American parents have asked for our help, it's our duty to act.

By Mr. BENNETT:

S. 2427. A bill to amend title II of the Social Security Act to provide for progressive indexing and longevity indexing of social security old-age insurance benefits for newly retired and aged surviving spouses to ensure the future solvency of the social security program, and for other purposes; to the Committee on Finance.

Mr. BENNETT. Mr. President, I want to thank the managers of the resolution for providing me with a few minutes to discuss my introduction today of the Sustainable Solvency for Social Security Act. In introducing this legislation, I am under no illusion that there will be a rush to enactment, but do believe this is an appropriate time to draw attention to this issue and the broader issue of entitlement spending as we consider the budget resolution for fiscal year 2007.

Yesterday, we had a close vote on an amendment to reinstitute pay-as-you-go rules for spending increases and tax reductions. I opposed that amendment because a vote for it was, in essence, a vote for automatic tax increases on the American taxpayer. A more honest approach would have been to ask the Senate to adopt an amendment that required 60 votes to pass any legislation that would prevent the expiration of any tax provision that would, if allowed to expire, result in a tax increase on individual taxpayers.

I mention this because I do believe that we need fiscal discipline. We do need to collect higher revenues, but collecting higher revenues does not mean that you need to impose higher tax rates on capital or labor. Even if the sponsors of pay-go had prevailed, the real issue would be—once again—ignored.

The loaded gun held to the heads of American taxpayers is entitlement benefits that have been promised, but cannot be paid for under any realistic scenario. Economic growth can help solve or mitigate many fiscal challenges, but it cannot overcome the twin realities of demographic destiny or benefit structures that are simply unsustainable.

Today, four items—Social Security, Medicare, Medicaid and interest—consume just under 10 percent of our Gross Domestic Product. If we do nothing we will see expenditures for the three programs increase to almost 20 percent of GDP. That is simply unsustainable.

Over the past year, I spent a great deal of time talking to members on both sides of the aisle, as well as the administration, about ways to begin addressing this looming crisis. 'started with Social Security. Some asked, "Why start with the smallest problem?" The answer was simple. If we can't come together on a problem that can be fixed by aligning benefits with program income, how can we ever expect to come together on more difficult issues like Medicare reform.

In the case of Social Security, we can quibble about exactly when, but at some point between 2042 and 2052, the program will be unable to pay benefits called for under current law and benefits will be reduced automatically to match program income with program outlays.

As I said, I have no illusion that the legislation I am introducing today will be enacted this year, but I offer it for my colleagues' examination and suggestions.

This legislation does not include personal accounts of any shape or form. It focuses exclusively on the goal of making Social Security solvent. And it does so without any increases in taxes or increases in the payroll cap.

Presently, the Social Security system faces an actuarial deficit of 1.92 percent of payroll. According to the Chief Actuary at Social Security, 1.60 percent of this deficit is related to the Old Age and Survivors Insurance (OASI) program—what we traditionally think of as Social Security. The remaining 0.32 percent is attributable to the disability insurance program. As I discussed this issue with many of my colleagues and with others, it was clear that there was a broad consensus that the disabled should be held harmless. It was also clear that there was little or no support for the proposition that retirement program beneficiaries should subsidize the disability program. Therefore, this legislation does not touch the present disability program and leaves open the question of how to address the disability program deficit. Additionally, there was broad agreement that current retirees and those nearing retirement, born before 1950, should not have their benefits affected.

This legislation focuses solely on the 1.60 percent actuarial deficit in the OASI program. It achieves sustainable solvency for Social Security's OASI program through two primary policy tools: progressive price indexing and longevity indexing. Those reforms would slow the projected real rate of increase in future retirement benefits to a more sustainable level, while protecting low-wage-earners, the disabled, and their dependents. It also modestly accelerates the timetable for the transition under current law to a normal retirement age of 67, and it ensures sufficient backup general revenue funding to maintain a contingency reserve in the Old Age, Survivors and Disability Insurance (OASDI) trust fund.

My proposal for sustainable solvency has been scored by the office of the actuary at the Social Security Administration. The effects of its provisions affecting retirement benefits, progressive indexing, accelerated NRA 67, and longevity indexing, would eliminate entirely the OASI program actuarial deficit of 1.60 percent of payroll that is projected under current law.

Progressive indexing would not begin until 2012. First, it is important to note the beneficiaries, and Social Security programs to which progressive indexing would NOT apply. It would not apply to any current or future retiree born before 1950. Its provisions also would not apply to any worker in the future whose Social Security earnings history was in the lowest 30 percent of career earnings for workers becoming eligible to retire in a given year.

Progressive indexing essentially slows the future growth rate of benefits for higher-earning workers. Their initial retirement benefits will grow more In line with price growth, rather than the even-higher rate of increase pegged to wage growth under current law.

Under current law, retirement benefits are calculated under a "wage indexing" formula that will help propel them to levels significantly higher than the payroll tax revenue available to pay for them. The formula uses the average rate of growth of wages within the economy, rather than changes in the cost of living, to adjust, or "index", the past earnings of a worker that are used to determine the worker's initial benefit level at retirement. Because average wages generally grow faster than prices over time, the current benefit formula essentially guarantees that future retirement benefit levels will grow faster in "real" dollar value from generation to generation. Under this proposal, the individuals in the lowest 30 percent of all wage earners retiring in a given year would continue to have their past wages, and resulting benefit levels, indexed according to wage growth, while those at the top of the wage distribution would have their past wages indexed for changes in prices. Those falling in between would have their past wages indexed based upon a "progressive blend" of wage and price changes. In short, future benefit levels for workers who earned higher wages over their working career would not rise as much as benefit levels for workers with lower lifetime earnings, but those workers most dependent on social security for retirement income would be protected from such changes.

This blended version of progressive price indexing targets the sustainable levels of revenue that will be available for future Social Security benefits under current law in a manner that ensures that those retirees that will be most in need are treated the most generously. It builds on the underlying progressive structure of the current benefits formula that replaces lower levels of career earning with a relatively higher share of retirement benefits. The real purchasing power of future OASI benefits will continue to grow, but not as much, in future decades for higher wage workers.

Longevity indexing recognizes that future retirees will live longer and, accordingly, receive inflation protected levels of their initial retirement benefits for longer periods of time than prior retirees. Absent any adjustment for changes in life expectancy beyond the age of retirement, longer lifetimes in retirement would mean increasingly greater dollar amounts of lifetime Social Security retirement benefits in future decades.

Under present law, the retirement age is scheduled to increase incrementally to age 67 beginning in 2022, the normal retirement age gradually increases for workers born in 1960 and later years, by two months each year starting in 2022 until it reaches age 67 in 2027. Under this proposal, the move from age 66 to age 67 would begin in 2012. The Normal Retirement Age or NRA would be increased by two months each year until the NRA reached age 67 in 2017. After that date, initial monthly benefits for future retirees would be periodically adjusted by the Social Security Administration to account for changes in the expected average lifetimes of future retirees.

Because it does not change current-law benefits for disabled beneficiaries, my bill does not address the remaining actuarial deficit for the DI program under current law, which amounts to another .32 percent of payroll. Accordingly, it does not close the larger overall actuarial deficit for the combined OASDI programs. The latter is 1.92 percent of payroll under current law, and would be substantially reduced to only .28 percent of payroll under my bill.

My plan's provisions that reduce OASDI benefit obligations first begin to operate in 2012, and they then improve annual unified budget balances for that year and all subsequent years within the standard 75-year projection period used by the Social Security Administration.

Several other measures demonstrate the improved solvency for the overall OASDI programs under my bill. The net cash flow from the OASDI Trust Funds to the general fund is improved by $3.6 trillion in present value. The OASDI Trust Fund exhaustion date would be extended from 2041 until 2056.

Until we can find further support for dealing with the remaining solvency problems in the DI program, we should at least ensure that sufficient resources are committed to prevent sudden across-the-board reductions in OASDI benefit levels in later decades. Therefore, my bill provides budget authority for general fund transfers as needed to maintain a 100 percent OASDI trust fund ratio in later years. Those general fund transfers are estimated by the SSA actuaries to amount to $0.6 trillion, in present value, over the next 75 years. This provision ensures solvency for the combined OASDI program through that period. After 2080, additional general revenue transfers are not expected to be necessary, and annual program cash-flow balances are projected to be improving and approaching positive annual balances beyond that year.

I also think it is important to point out that this legislation recognizes that changes in economic conditions have an impact on the actuarial balance of the program. Greater economic growth can improve but not alone restore the program's solvency; recessions can significantly worsen that financial position. Some expressed concern early in discussions on this legislation that we might be going too far, that some of the changes might prove unnecessary. For that reason I have included a provision that will allow for the administrative "turning off" if you will of the progressive indexing or longevity indexing if the program comes into actuarial balance prior to those provisions being fully phased in.

In conclusion, this legislation would substantially reduce the mountain of unfunded debt projected for the Social Security program in the decades ahead. It does so in a manner that gradually and sensibly reduces the formula-driven increases in real retirement benefits under current law for future retirees, while protecting low-wage workers and the disabled. We could do more, but this bill would do a lot. At other times, I have proposed separate provisions to enhance overall retirement security, such as through the option of personal accounts funded partly from current payroll taxes and partly from additional personal saving. I have also proposed reforms in pension policy to encourage automatic enrollment in employer plans, provide better access to standard investment options, and stimulate increased saving by workers. But

I have left those issues for another debate and focused on the solvency of the retirement program.

I offer this legislation as a starting point. I remain, as I have been over the past year, open to suggestions or modifications that can lead to bipartisan reform that will insure the permanent solvency of the Social Security system. We cannot afford to ignore this issue any longer. Burying our heads in the sand will only magnify the folly of inaction.

I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION BY SECTION ANALYSIS

SECTION 1: SHORT TITLE

"Sustainable Solvency First for Social Security"

SECTION 2: PROGRESSIVE INDEXING

For an individual who becomes eligible for Social Security retirement benefits in 2012 or later, the bill would use "progressive indexing"—a mix of wage and price indexing—to determine his or her initial benefit. Those individuals whose lifetime covered earnings are in the lowest 30th percentile of all wage earners retiring in a particular year will not be affected in any way by these changes. Similarly, those individuals currently receiving Social Security benefits or near retirement (age 55 or older) will be held harmless. .

Current Law: Current Social Security benefits are calculated under a "wage indexing" formula. Benefits for retired or disabled workers retiring in 2006 and later years will be based on the average level of their indexed wage earnings over their working lifetime that were subject to OASDI payroll taxes up to the annual taxable maximum ($94,200 in 2006).

Several adjustments must be made to those past earnings before a retired worker's initial benefits can be calculated. Upon reaching age 62 or becoming disabled, the actual amount of a worker's previous "covered" earnings must first be converted into average indexed monthly earnings, or AIME. Earnings for any year before the worker reaches age 60 are wage-indexed to reflect changes in average wage levels (rather than average price levels) in the economy that occurred between the year when the earnings were realized and the year when the worker reaches age 60. Wage indexing means that workers do not lose the value of their past earnings (when money was worth more) in relation to their more recent earnings. It may add an additional productivity "bonus" by indexing past wages to reflect subsequent "real" growth in average wages that exceeds the effects of price inflation alone. Earnings after age 60 are not wage indexed. A retired worker's AIME is then based on the highest 35 years of all covered earnings, divided by 420 (the number of months in 35 years). For disabled workers and the survivors of deceased workers, the AIME can be based on a shorter period (excluding periods when the worker was disabled or deceased).

A progressive formula is then applied to a worker's AIME to calculate his or her primary insurance amount (PIA). The PIA is the monthly amount determined either for a worker who begins receiving Social Security retirement benefits at the age at which he or she is eligible for full benefits or for a disabled worker. The formula is designed to ensure that initial Social Security benefits replace a larger proportion of pre-retirement earnings for people with low average earnings than for those with higher earnings. Under the formula, the worker's PIA is determined by applying three separate percentages (90 percent, 32 percent, and 15 percent), known as PIA factors, to three different portions of the worker's AIME. The dollar thresholds at which the applicable PIA factor changes (in other words, where the fraction of additional dollars of a particular portion of AIME that becomes part of a worker's PIA changes) are known as "bend points." The Social Security Administration indexes the bend points annually to match the rate of growth of average wages, while the PIA factors never change. This keeps the portion of workers' pre-retirement earnings (AIMEs) that is replaced by each of the respective PIA factors roughly constant for each new retiring cohort.

The PIA formula applicable to any worker, regardless of the age at which he or she actually retires, is the formula in place in the year the worker reached age 62 or became disabled. For example, the PIA formula for workers who first became eligible for retirement benefits in 2005 was the sum of: 90 percent of the first $627 of the worker's AIME, 32 percent of the worker's AIME falling between $627 and $3.779, and 15 percent of the worker's AIME above $3.779.

The amounts $627 and $3.779 were the bend points of the 2005 PIA formula.

The initial basic retirement benefit of a worker retiring at the "normal retirement age," or NRA, is based on 100 percent of the PIA. However, if a worker retires at an age earlier than the NRA, he or she faces an "early retirement penalty" which reduces the amount of his benefit. Before the year 2000, the NRA was age 65 and the early retirement penalty, or reduction factor, was 6-2/3 percent of the benefit for each year of early retirement. That is, a worker retiring three years early, at age 62 (the earliest age at which retirement benefits may be claimed), would receive a benefit equal to only 80 percent of the PIA. Beginning in 2000, the "normal" retirement age began to rise from age 65 to age 66, at the rate of 2 months per year for those reaching age 62 between the years 2000 and 2005. The NRA will continue to rise to age 67, at the same rate of 2 months per year, for those reaching age 62 between 2017 and 2022. A worker will still be able to collect benefits beginning at age 62, but the two additional years of early retirement (as fully phased in by 2022) will reduce benefits by an additional 5 percent per year adjustment factor. The age 62 benefit in 2022 and thereafter will fall to 70 percent of the PIA.

Once a worker's basic benefit (PIA adjusted for applicable early retirement penalty) is determined, it is augmented by annual cost of living adjustment (COLA) to offset inflation, if any, from the year the worker reached age 62 until the year of filing for benefits. After a retired worker has received his or her first benefit check, the amount is similarly adjusted upward every January 1 to reflect annual changes in the cost of living, as measured by the consumer price index (CPI). This price indexing of initial retirement benefits, after a retiree has begun to receive them, is a separate procedure from wage indexing a worker's earnings history or the bend points of the benefit formula used to set initial payments to new retirees over time.

In addition to the COLA, a recipient's benefit may increase if the individual continues to work after first becoming eligible to draw benefits. If subsequent earnings in a later year exceed any of the indexed yearly earnings initially used to determine the worker's initial benefit at age 62, Social Security will automatically substitute the new earnings for the lowest ones in the worker's earnings history, recalculate the worker's PIA, and increase the worker's future benefits.

The current structure of the formula presents an inherent problem. Because average wages generally grow faster than prices over time, the current benefit formula essentially guarantees that future retirement benefit levels will grow faster in "real" dollar value from generation to generation. Hence, the actual purchasing power of the Social Security benefit of a person retiring in 2005, for example, is greater than for a person who retired in 1995.

Bennett Bill: The current benefit formula would remain essentially the same, except that, for new cohorts of retirees beginning in 2012, the upper-two PIA factors (32 percent and 15 percent) used to calculate their PIAs would be adjusted lower annually by the Social Security Administration in order to slow the future growth of initial retirement benefits. Those benefit levels would increasingly reflect the levels of price growth, rather than average wage growth, that occurred during the course of most workers' careers. For those individuals whose AIMEs were above the 30th percentile of workers retiring in a given year, their initial retirement benefit would be indexed based upon a "progressive blend" of wage and price changes. The slowest rate of growth in future retirement benefits would be for workers with steady maximum taxable earnings. Future benefit levels for workers who earned higher wages over their working careers would rise at a lower rate than benefit levels for workers with lower lifetime earnings.

Moreover, those workers most dependent on Social Security for retirement income would be fully protected from the changes. Individuals whose career-average indexed monthly earnings were in the lowest 30 percent of all career-average wage earners retiring in a particular year would continue to have their initial benefits calculated using the current law formula and they would, therefore, be held harmless entirely from the PIA factor adjustments. Those workers who were age 55 or older on January 1,2005 also would not be affected by this change in the benefit formula. Current law benefits for young survivors, as well as disability benefits, would remain unchanged.

The progressive indexing provisions of the bill would operate first by establishing a new second bend point in the benefit formula. It would be set above the current-law first bend point (below which the first 90–percent PIA factor would continue to apply. The current-law 32-percent PIA factor would continue to operate up to this new second bend point. The new bend point would be determined to be at about the 30th percentile of AIME for those newly eligible for social security retirement benefits in 2012. (The calculation relies on the latest available statistics for AIME of workers first becoming eligible for retired worker benefits in 2001 through 2003 and updates them to 2012 using the intermediate assumptions of the 2005 Trustees Report). The future levels at which this new bend point would apply beyond 2012 would be wage indexed, as is done for the other two bend points in current law.

For workers eligible to retire in 2012 and beyond with portions of AIME above the level of this second new bend point, further progressive indexing adjustments would be made to the other two remaining marginal PIA factors (32 percent and 15 percent, respectively) under current law. The objective is to gradually reduce those two PIA factors by the same proportional amount over time, in a manner that would reflect the relative difference between using price indexing and using the current law practice of wage indexing to determine the benefits for a career-maximum earner (a worker always earning annual wages at or above the maximum amount subject to OASDI payroll taxes). The percentage by which those upper-two PIA factors are reduced in a given year, however, must be somewhat greater than that ratio alone, because it must be applied to a smaller base of career earnings. (Initial retirement benefits derived from the portion of any worker's AIME below the 30th percentile are held harmless from the progressive indexing adjustments). Hence, the new benefits formula adjusts those 15-percent and 32-percent PIA factors by multiplying them by (1) the difference of the maximum CPI-indexed benefit amount for a given year after 2011 over the benefit amount determined for an individual whose AIME is equal to the hold-harmless 30th percentile level at the second new bend point divided by (2) the difference of the maximum wage-indexed benefit amount for the same year over the benefit amount determined for an individual with AIME at the 30th percentile level.

Over time, as the original 15 percent and 32 percent PIA factors are reduced incrementally in line with the difference between price growth and average wage growth, higher earning workers will have relatively smaller shares of their total AIME converted into retirement benefits. Growth in future retirement benefits for relatively lower earning workers, with a greater share of total AIME affected by the unchanged lower-two PIA factors, will be slowed at a lesser "blended" rate.

The progressive indexing reduction of the upper-two PIA factors would not continue indefinitely if the financial status and outlook of the Social Security system improved and returned to sustainable solvency. Whenever the Chief Actuary of the Social Security Administration certifies that, for a calendar year after 2080, the combined balance of the Old-Age and Survivors Trust Fund and the Disability Insurance Trust Fund is positive and not less than 100 percent for that calendar year, and it is projected to remain stable and grow in the future, further adjustments to the PIA factors would be frozen and the upper-two PIA factors would remain at their level of the preceding year. Additional adjustments would resume in any later calendar year during which the combined balance dropped below 100 percent. This stabilizing provision may cause the incremental effects of progressive indexing to be added only intermittently in calendar years after 2080.

SECTION 3: LONGEVITY INDEXING

Initial Social Security benefits would be adjusted to more accurately account for increases in worker life expectancy.

Current Law: A worker's initial retirement benefit is price indexed annually to adjust for increases in the cost-of-living, as measured by the CPI-W. No further adjustments in benefits are made for changes in average life expectancy for any given cohort of retirees.

Bennett Bill: In 2018 and later years, initial benefits for future retirees would be adjusted annually by the Social Security Administration to account for changes in the expected average life expectancy, at age 67 (the age of normal retirement for future retirees). This would be done by multiplying the PIA factors by a life expectancy ratio calculated by the Chief Actuary, using final and complete actual data that is available for a given calendar year. It would represent the ratio of the period life expectancy based on computed death rates for 2013 of an individual at age 67 to the period life expectancy of an individual at that age based on the computed death rates for the fourth calendar year preceding the calendar year for which the life expectancy ratio is determined.

Those persons who are currently age 55 and older or who are young survivors would not have their benefits impacted by this adjustment.

The bill would also require the Social Security Commissioner to conduct a study on the feasibility of determining life expectancies for disabled beneficiaries. A report on the study would be due no later than one year after the date of enactment of the bill.

SECTION 4: TREATMENT OF DISABLED BENEFICIARIES

With regard to the disabled, the bill would not affect those receiving Social Security disability benefits while they are disabled.

Current Law: Upon reaching normal retirement age, the social security benefits for disabled beneficiaries are no longer paid by the Disability Insurance Trust Fund, and disabled beneficiaries become eligible for retiree benefits financed by the Old-Age and Survivors Trust Fund. Disability benefits are computed similarly to retirement benefits, but they are calculated as if the worker attained the full retirement age in the year he or she became disabled.

Bennett Bill: At the time of conversion by disabled beneficiaries to retired worker status, their retirement benefits would be calculated using a blend of two formulas. The current law benefit formula would continue to apply proportionately for the relative period of time during their potential working lifetime (between age 22 and age 62) when they were disabled. Future changes in current law benefits due to progressive indexing and longevity indexing would apply proportionately to the relative period of time when they were able to engage in covered employment.

SECTION 5: ACCELERATION OF PRESENT-LAW NORMAL RETIREMENT AGE CHANGES

The age of normal retirement, for full Initial Social Security benefits, would be adjusted to more accurately account for increases in worker life expectancy.

Current Law: The age at which a worker becomes eligible for full Social Security retirement benefits—the normal retirement age, or NRA, is currently scheduled to increase incrementally from age 66 to age 67 for those workers first reaching age 62 in 2017 or later. The NRA depends on the worker's year of birth and, correspondingly, when he or she becomes age 62 and first eligible for retirement benefits. For people born before 1938, the NRA is 65. For workers born between 1938 and 1943, the NRA already began to increase by two months per birth year. Hence, the NRA now is 66 for people born in 1943 or later. It will remain at that level until 2017, when it again begins to increase at the rate of two months per birth year, beginning with people born in 1955. By 2022, the NRA will be 67 for workers born in 1960 or later.

Retirement benefits are still available at age 62, but with greater reduction as the NRA increases to age 67. For example, a worker retiring at age 62 in 2022 will have their initial benefits reduced by 30 percent. A worker who retired at age 62 in 2005 would have received benefits reduced by only 20 percent.

Bennett Bill: The current-law increase in the NRA from age 66 to age 67 would begin 5 years sooner, starting in the year 2012 (for those born in 1950) rather than in the year 2017. Hence, the NRA would be increased by two months each year thereafter until it reached age 67 in 2017, for those born in 1955 and later.

SECTION 6: MAINTENANCE OF ADEQUATE BALANCES IN THE SOCIAL SECURITY TRUST FUNDS

The bill would ensure that benefits are not cut automatically in future years due to the combined OASDI Trust Fund becoming insolvent (trust fund assets insufficient to cover the entire costs of the programs).

Current Law: According to the latest projections by the Chief Actuary, the Old-Age and Survivor Trust Fund will be insolvent in the year 2041. Under current law, if assets are insufficient to pay for benefits in a particular year, the benefits of all beneficiaries are reduced proportionately to make up for the shortfall. Hence, the Chief Actuary currently projects that in 2042, benefits will be reduced by roughly 30 percent.

Bennett Bill: This bill would ensure that for years in which there would not otherwise be sufficient assets in the trust fund to pay out scheduled benefits, the gap would be filled by the appropriation of funds from general revenues. This failsafe general revenue transfer provision would ensure that a sufficient financial cushion remains to provide payment of all benefits promised under the bill. However, it primarily operates as a fiscal placeholder that indicates the annual amount of increased revenue, or reduced expenditures, required to maintain an annual combined trust fund balance ratio of no less than 100 percent. It remains neutral as to which fiscal method, or combination of methods, is used to achieve this objective.

By Mr. FEINGOLD:

S. 2428. A bill to amend the Public Health Service Act to reauthorize the Automated Defibrillation in Adam's Memory Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing the reauthorization of the Automated Defibrillators in Adam's Memory Act, or the ADAM Act. This bill is modeled after the successful Project ADAM that originally began in Wisconsin, and will reauthorize a program to establish a national clearing house to provide schools with the "how-to" and technical advice to set up a public access defibrillation program.

Every 2 minutes, someone in America falls into sudden cardiac arrest. By improving access to AEDs, we can improve the survival rates of cardiac arrest in our communities.

In my home State of Wisconsin, as in many other States, heart disease is the number one killer. Ninety-five sudden deaths from cardiac arrest occur each day in Wisconsin alone. Overall, heart disease kills more Americans than AIDS, cancer and diabetes combined.

Cardiac arrest can strike anyone. Cardiac victims are in a race against time, and unfortunately, for too many of those in rural areas, Emergency Medical Services are unable to reach people in need, and time runs out for victims of cardiac arrest. It's simply not possible to have EMS units next to every farm and small town across the Nation.

Fortunately, recent technological advances have made the newest generation of AEDs inexpensive and simple to operate. Because of these advancements in AED technology, it is now practical to train and equip police officers, teachers, and members of other community organizations.

An estimated 163,221 Americans experience out-of-hospital sudden cardiac arrests each year. Immediate CPR and early defibrillation using an automated external defibrillator, AED, can more than double a victim's chance of survival. By taking some relatively simple steps, we can give victims of cardiac arrest a better chance of survival.

Over the past 6 years, I have worked with Senator Susan Collins, a Republican from Maine, on a number of initiatives to empower communities to improve cardiac arrest survival rates. We have pushed Congress to support rural first responders—local police and fire and rescue services—in their efforts to provide early defibrillation. Congress heard our call, and responded by enacting two of our bills, the Rural Access to Emergency Devices Act and the ADAM Act.

The Rural Access to Emergency Devices program allows community partnerships across the country to receive a grant enabling them to purchase defibrillators, and receive the training needed to use these devices. This program is entering its second year of helping rural communities purchase defibrillators and train first responders, and I'm pleased to say that grants have already put defibrillators in rural communities in 49 States, helping those communities be better prepared when cardiac arrest strikes.

Approximately 95 percent of sudden cardiac arrest victims die before reaching the hospital. Every minute that passes before a cardiac arrest victim is defibrillated, the chance of survival falls by as much as 10 percent. After only 8 minutes, the victim's survival rate drops by 60 percent. This is why early intervention is essential—a combination of CPR and use of AEDs can save lives.

If we give people in rural communities a chance, they may be able to reverse a cardiac arrest before it takes another life. Unfortunately, the President zeroed out the funding for the Rural AED program in fiscal year 2007 after the program was cut by 83 percent last year. I am very disappointed that this program has been eliminated in the President's budget, and I will do everything in my power to restore funding to this program.

Heart disease is not only a problem among adults. A few years ago I learned the story of Adam Lemel, a 17-year-old high school student and a star basketball and tennis player in Wisconsin. Tragically, during a timeout while playing basketball at a neighboring Milwaukee high school, Adam suffered sudden cardiac arrest, and died before the paramedics arrived.

This story is incredibly tragic. Adam had his whole life ahead of him, and could quite possibly have been saved with appropriate early intervention. In fact, we have seen a number of examples in Wisconsin where early CPR and access to defibrillation have saved lives.

Seventy miles away from Milwaukee, a 14-year-old boy collapsed while playing basketball. Within 3 minutes, the emergency team arrived and began CPR. Within 5 minutes of his collapse, the paramedics used an AED to jump start his heart. Not only has this young man survived, doctors have identified his father and brother as having the same heart condition and have begun preventative treatments.

These stories help to underscore some important issues. First, although cardiac arrest is most common among adults, it can occur at any age—even in apparently healthy children and adolescents. Second, early intervention is essential—a combination of CPR and the use of AEDs can save lives. Third, some individuals who are at risk for sudden cardiac arrest can be identified to prevent cardiac arrest.

After Adam Lemel suffered his cardiac arrest, his friend David Ellis joined forces with Children's Hospital of Wisconsin to initiate Project ADAM to bring CPR training and public access defibrillation into schools, educate communities about preventing sudden cardiac deaths and save lives.

Today, Project ADAM has introduced AEDs into several Wisconsin schools, and has been a model for programs in Washington, Florida, Michigan and elsewhere. Project ADAM provides a model for the Nation, and now, with the enactment of this new law, more schools will have access to the information they seek to launch similar programs.

The ADAM Act was passed into law in 2003, but has yet to be funded. Should funding be enacted, the program will help to put life-saving defibrillators in the hands of people in schools around the country. I have been very proud to play a part in having this bill signed into law, and it is my hope that the reauthorization of the Act will quickly pass through the Congress and into law, and that funding will follow. It would not take much money to fund this program and save lives across the country.

The ADAM Act is one way we can honor the life of children like Adam Lemel, and give tomorrow's pediatric cardiac arrest victims a fighting chance at life.

This act exists because a family experienced the tragic loss of their son, but they were determined to spare other families that same loss. I thank Adam's parents, Joe and Patty, for their courageous efforts and I thank them for everything they have done to help the ADAM Act become law. Their actions take incredible bravery, and I commend them for their efforts.

By making sure that AEDs are available in our Nation's rural areas, schools and throughout our communities we can help those in a race against time have a fighting chance of survival when they fall victim to cardiac arrest. I urge Congress to pass this reauthorization, and to fund the ADAM Act and the Rural AED program at their full levels. We have the power to prevent death—all we must do is act.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Automated Defibrillation in Adam's Memory Reauthorization Act".

SEC. 2. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Section 312(e) of the Public Health Service Act (42 U.S.C. 244(e)) is amended in the first sentence by striking "fiscal year 2003" and all the follows through "2006" and inserting "for each of fiscal years 2003 through 2010".

By Mr. LUGAR (for himself, Mr. Allen, Mr. Stevens, Mr. Cornyn, Mr. Crapo, and Mrs. Hutchison) (by request):

S. 2429. A bill to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce, at the request of the administration, its proposed legislation to implement the recently concluded U.S.-India Civilian Nuclear Agreement.

By providing this draft legislation to the Senate and the House of Representatives, the administration has taken the first step in initiating the congressional review of the U.S.-Indian Civilian Nuclear Agreement. The Committee on Foreign Relations has held one hearing on the issue thus far. Under Secretaries of State Nick Burns and Bob Joseph, as well as outside experts testified on the matter. Last week I joined with a number of House and Senate colleagues in discussing the agreement with President Bush at the White House. In recent weeks I have met repeatedly with administration officials on this matter and look forward to commencing the Committee on Foreign Relations' review of the agreement.

The Committee on Foreign Relations will review the proposed nuclear cooperation agreement, the Indian separation plan, and this legislation closely. The committee will commence the review with a classified briefing from Under Secretaries Nick Burns and Bob Joseph the last week of March. During the first week of April Secretary Rice will testify in an open hearing. The week we return from the Easter congressional recess the committee will receive testimony from panels of outside experts who both support and oppose the agreement. This schedule should be looked on as the beginning of the oversight and review process; it is possible additional committee hearings and briefings will be necessary.

I look forward to working with my colleagues and the administration to review this agreement to fulfill our Constitutional role on this important matter.

By Mr. DeWine (for himself and Mr. Levin):

S. 2430. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study; to the Committee on Environment and Public Works.

Mr. DeWine. Mr. President, today, I join my colleague from Michigan, Senator Levin, in introducing the Great Lakes Fish and Wildlife Restoration Act of 2006.

This measure was first enacted in 1990 and reauthorized in 1998 to coordinate the management, protection, and restoration of fish and wildlife resources within the Great Lakes Basin. Many groups support this program because it is a good management tool and facilitates better communication between their agencies.

The Great Lakes harbor a wide variety of fish and wildlife. Over 140 fish species and over 500 species of migratory bird can be found in the basin. As in many coastal areas, there is a heavy concentration of people and industry bordering the Great Lakes. Further, the Great Lakes are threatened by the continuing introduction of invasive species, which negatively impact the native food chain and habitat.

The fish and wildlife in the Great Lakes are facing grave dangers, and the Great Lakes Fish & Wildlife Restoration Act of 2006 would provide needed resources and authority to alleviate some of these concerns. For instance, the bill would reauthorize the grant program, increasing the available amount to $12 million and would add wildlife projects to the types of projects that may receive grants. The U.S. Fish & Wildlife Service would award grants based on the recommendations from the existing grant proposal review committee, with the addition of wildlife experts.

The bill also would authorize up to $6 million each year for the U.S. Fish & Wildlife Service to undertake projects that have a regional benefit to fish and wildlife. Under this new authority, the Service would undertake projects based on the recommendations of states and tribes.

Additionally, the bill would require the Fish & Wildlife Service to submit a report to Congress in 2011 that describes the fish and wildlife grants that have been awarded and the results of those grants. The Service would report annually to the states and tribes regarding the grants that have been awarded, priorities proposed for funding in the budget, and actions taken in support of Great Lakes regional collaboration.

This bill reflects the collaboration of non-governmental groups, as well as tribal, State, and Federal agencies with jurisdiction over the management of fish and wildlife resources of the Great Lakes. All of those groups have the goal of protecting and restoring Great Lakes fish and wildlife, and this bill will continue in the right direction.

I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Fish and Wildlife Restoration Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

(3) it is in the national interest to undertake activities in the Great Lakes Basin that support sustainable fish and wildlife resources of common concern provided under the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force);

(4) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin;

(5) as of the date of enactment of this Act, actions are not funded that are considered essential to meet the goals and objectives in managing the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin; and

(6) the Great Lakes Fish and Wildlife Restoration Act (16 U.S.C. 941 et seq.) allows Federal agencies, States, and tribes to work in an effective partnership by providing the funding for restoration work.

SEC. 3. DEFINITIONS.

Section 1004 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941b) is amended—

(1) by striking paragraphs (1), (4), and (12);

(2) by redesignating paragraphs (2), (3), (5), (6), (7), (8), (9), (10), (11), (13), and (14) as paragraphs (1), (2), (3), (4), (5), (6), (7), (9), (10), (11), and (12), respectively;

(3) in paragraph (4) (as redesignated by paragraph (2)), by inserting before the semicolon at the end the following: ", and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin"; and

(4) by inserting after paragraph (7) (as redesignated by paragraph (2)) the following:

"(8) the term 'regional project' means authorized activities of the United States Fish and Wildlife Service related to fish and wildlife resource protection, restoration, maintenance, and enhancement that benefit the Great Lakes basin;".

SEC. 4. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS.

Section 1005 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941c) is amended to read as follows:

"SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.

"(a) In General.—Subject to subsection (b)(2), the Director—

"(1) shall encourage the development and, subject to the availability of appropriations, the implementation of fish and wildlife restoration proposals and regional projects; and

"(2) in cooperation with the State Directors and Indian Tribes, shall identify, develop, and, subject to the availability of appropriations, implement regional projects in the Great Lakes Basin to be administered by Director in accordance with this section.

"(b) Identification of Proposals and Regional Projects.—

"(1) Request by the director.—The Director shall annually request that State Directors and Indian Tribes, in cooperation or partnership with other interested entities and in accordance with subsection (a), submit proposals or regional projects for the restoration of fish and wildlife resources.

"(2) Requirements for proposals and regional projects.—A proposal or regional project under paragraph (1) shall be—

"(A) submitted in the manner and form prescribed by the Director; and

"(B) consistent with—

"(i) the goals of the Great Lakes Water Quality Agreement, as amended;

"(ii) the 1954 Great Lakes Fisheries Convention;

"(iii) the 1980 Joint Strategic Plan for Management of Great Lakes Fisheries, as revised in 1997, and Fish Community Objectives for each Great Lake and connecting water as established under the Joint Strategic Plan;

"(iv) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

"(v) the North American Waterfowl Management Plan and joint ventures established under the plan; and

"(vi) the strategies outlined through the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed.

Reg. 29043; relating to the Great Lakes Interagency Task Force).

"(3) Sea lamprey authority.—The Great Lakes Fishery Commission shall retain authority and responsibility to formulate and implement a comprehensive program to eradicate or minimize sea lamprey populations in the Great Lakes Basin.

"(c) Review of Proposals.—

"(1) Establishment of committee.—There is established the Great Lakes Fish and Wildlife Restoration Proposal Review Committee, which shall operate under the guidance of the United States Fish and Wildlife Service.

"(2) Membership and appointment.—

"(A) In general.—The Committee shall consist of 2 representatives of each of the State Directors and Indian Tribes, of whom—

"(i) 1 representative shall be the individual appointed by the State Director or Indian Tribe to the Council of Lake Committees of the Great Lakes Fishery Commission; and

"(ii) 1 representative shall have expertise in wildlife management.

"(B) Appointments.—Each representative shall serve at the pleasure of the appointing State Director or Tribal Chair.

"(C) Observer.—The Great Lakes Coordinator of the United States Fish and Wildlife Service shall participate as an observer of the Committee.

"(D) Recusal.—A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.

"(3) Functions.—The Committee shall—

"(A) meet at least annually;

"(B) review proposals and special projects developed in accordance with subsection (b) to assess the effectiveness and appropriateness of the proposals and special projects in fulfilling the purposes of this title; and

"(C) recommend to the Director any of those proposals and special projects that should be funded and implemented under this section.

"(d) Implementation of Proposals and Regional Projects.—

"(1) In general.—After considering recommendations of the Committee and the goals specified in section 1006, the Director shall—

"(A) select proposals and regional projects to be implemented; and

"(B) subject to the availability of appropriations and subsection (e), fund implementation of the proposals and regional projects.

"(2) Selection criteria.—In selecting and funding proposals and regional projects, the Director shall take into account the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of other laws applicable to restoration of the fish and wildlife resources and habitat of the Great Lakes Basin.

"(e) Cost Sharing.—

"(1) In general.—Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal selected under subsection (d) (excluding the cost of establishing sea lamprey barriers) shall be paid in cash or in-kind contributions by non-Federal sources.

"(2) Regional projects.—Regional projects selected under subsection (d) shall be exempt from cost sharing if the Director determines that the authorization for the project does not require a non-Federal cost-share.

"(3) Exclusion of federal funds from non-federal share.—The Director may not consider the expenditure, directly or indirectly, of Federal funds received by any entity to be a contribution by a non-Federal source for purposes of this subsection.

"(4) Effect on certain indian tribes.—Nothing in this subsection affects an Indian tribe affected by an alternative applicable cost sharing requirement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).".

SEC. 5. GOALS OF UNITED STATES FISH AND WILDLIFE SERVICE PROGRAMS RELATED TO GREAT LAKES FISH AND WILDLIFE RESOURCES.

Section 1006 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941d) is amended by striking paragraph (1) and inserting the following:

"(1) Restoring and maintaining self-sustaining fish and wildlife resources.".

SEC. 6. ESTABLISHMENT OF OFFICES.

Section 1007 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941e) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Great Lakes Coordination Office.—

"(1) In general.—The Director shall establish a centrally located facility for the coordination of all United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the 'Great Lakes Coordination Office'.

"(2) Functional responsibilities.—The functional responsibilities of the Great Lakes Coordination Office shall include—

"(A) intra- and interagency coordination;

"(B) information distribution; and

"(C) public outreach.

"(3) Requirements.—The Great Lakes Coordination Office shall—

"(A) ensure that information acquired under this Act is made available to the public; and

"(B) report to the Director of Region 3, Great Lakes Big Rivers.";

(2) in subsection (b)—

(A) in the first sentence, by striking "The Director" and inserting the following:

"(1) In general.—The Director";.

(B) in the second sentence, by striking "The office" and inserting the following:

"(2) Name and location.—The office"; and

(C) by adding at the end the following:

"(3) Responsibilities.—The responsibilities of the Lower Great Lakes Fishery Resources Office shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Lower Great Lakes."; and

(3) in subsection (c)—

(A) in the first sentence, by striking "The Director" and inserting the following:

"(1) In general.—The Director";.

(B) in the second sentence, by striking "The office" and inserting the following:

"(2) Name and location.—The office"; and

(C) by adding at the end the following:

"(3) Responsibilities.—The responsibilities of the Upper Great Lakes Fishery Resources Offices shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Upper Great Lakes.".

SEC. 7. REPORTS.

Section 1008 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941f) is amended to read as follows:

"SEC. 1008. REPORTS.

"(a) In General.—Not later than December 31, 2011, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

"(1) actions taken to solicit and review proposals under section 1005;

"(2) the results of proposals implemented under section 1005; and

"(3) progress toward the accomplishment of the goals specified in section 1006.

"(b) Annual Reports.—Not later than December 31 of each of fiscal years 2007 through 2012, the Director shall submit to the 8 Great Lakes States and Indian Tribes a report that describes—

"(1) actions taken to solicit and review proposals under section 1005;

"(2) the results of proposals implemented under section 1005;

"(3) progress toward the accomplishment of the goals specified in section 1006;

"(4) the priorities proposed for funding in the annual budget process under this title; and

"(5) actions taken in support of the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

"(c) Study.—

"(1) In general.—Not later than December 16, 2009, the Director, in consultation with State fish and wildlife resource management agencies, Indian Tribes, and the Great Lakes Fishery Commission, shall—

"(A) conduct a comprehensive study of the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin, including a comprehensive review of the accomplishments that have been achieved under this title through fiscal year 2008; and

"(B) submit to the President of the Senate and the Speaker of the House of Representatives—

"(i) the study described in subparagraph (A); and

"(ii) a comprehensive report on the findings of the study.

"(d) Report.—Not later than June 30, 2006, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives the 2002 report required under this section as in effect on the day before the date of enactment of the Great Lakes Fish and Wildlife Restoration Act of 2006.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 1009 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941g) is amended to read as follows:

"SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Director for each of fiscal years 2007 through 2012—

"(1) $12,000,000, of which—

"(A) $11,400,000 shall be allocated to implement fish and wildlife restoration proposals as selected by the Director under section 1005(e); and

"(B) the lesser of 5 percent or $600,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity;

"(2) $6,000,000, which shall be allocated to implement regional projects by the United States Fish and Wildlife Service, as selected by the Director under section 1005(e); and

"(3) $2,000,000, which shall be allocated for the activities of the Great Lake Coordination Office in East Lansing, Michigan, of the Upper Great Lakes Fishery Resources Office, and the Lower Great Lakes Fishery Resources Office under section 1007.".

By Mr. BAUCUS:

S. 2431. A bill to amend the Internal Revenue Code of 1986 to encourage all Americans to save for retirement by increasing their access to pension plans and other retirement savings vehicles, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing legislation to make America more competitive by increasing savings. The bill encourages savings at work, and requires that the Government consider the Nation's savings in the budget process.

That great American philosopher Yogi Berra once said: "If you see a fork in the road, take it."

Well, we are at that fork in the road. Private savings are at an all time low. And the government just spoons out more and more red ink. If America does not change its ways, we will find ourselves on the wrong fork.

For the past 10 months, I have been talking about competitiveness. I have been talking about the steps that we must take to keep this country strong. And I have been talking about the steps that we must take to make it stronger.

One key component of my competitiveness agenda is savings. We must improve our national savings rate because capital is critical to growth. And continued deficits lead ultimately to a downward spiral.

The 2005 personal savings rate was negative—minus 0.5 percent. Taxpayers have joined their government in engaging in deficit spending. We have to turn our savings rates around. The question is how to do it.

With regard to Federal Government budget deficits, we have talked a lot over the last few days about the need for a pay-as-you-go process. We all know that it is important. The only question is whether we are willing to take the tough steps that pay-go requires, and not leave the burden to our children and grandchildren.

Pay-go does not necessarily mean tax increases. It could mean collecting the taxes that are already owed. The most recent IRS estimate of the tax gap—the difference between what taxpayers owe and what they pay on time—is $350 billion each year.

Collecting that difference would pay for a lot of the Government. Several times, the Senate has passed legislation that would close corporate loopholes and other abuses that contribute to the tax gap. Instead of looking for additional taxes, we should work with our Colleagues in the House to enact proposals like these that will simply get taxpayers to pay what they already owe.

Today, I want to focus on the lack of personal savings for retirement. We all know it is inadequate. And we must address this problem if American workers are to be able to retire with confidence that they can maintain their living standards.

The "Savings Competitiveness Act," which I introduce today, will make it easier for millions of workers to save for retirement. It will create an automatic opportunity for workers to have savings withheld from their paychecks.

We cannot improve the personal savings rate by providing tax incentives that simply shift savings from one type of account to another, or from one investment to another. We can improve the personal savings rate only by creating new savings, especially savings by workers who would otherwise not save. I believe that this bill will do just that.

Data on retirement savings show that workers who can save at work through payroll deduction arrangements—such as 401(k) plans—usually take advantage of the opportunity to save. About two-thirds of eligible workers contribute to a 401(k) plan. That percentage jumps dramatically—to more than 80 percent—if eligible workers are automatically enrolled in these plans. Automatic enrollment makes saving the default. Workers can opt out. But those who do not opt out, start saving.

In November, we passed the pension bill by an overwhelming margin—97-to-2. That bill included provisions to encourage opt-out 401(k) and 403(b) plans, instead of opt-in plans. This is a very important first step. Separate bills introduced by Senators BINGAMAN and SNOWE, and Senators CONRAD and SMITH were the basis for the Senate provisions. And I applaud their efforts to move these ideas along. Since the House also included automatic enrollment language in its bill, I expect that the final conference bill will take this dramatic step toward increasing savings.

That, however, is just a first step. Automatic enrollment in 401(k) and 403(b) plans will help only those who are eligible to join an employer-sponsored plan. That is about 60 percent of working Americans. Unfortunately, that leaves 40 percent of workers out in the cold. For small employers, the situation is worse. More than half of workers with small employers—those with fewer than 25 employees—have no employer-sponsored retirement plan. And for firms with fewer than 10 employees, only 16 percent of workers participate in an employer-sponsored plan.

Those who have no employer-sponsored retirement program are far less likely to save for retirement than those who do; 85 percent of workers eligible for an employer-sponsored plan are actually earning benefits in those plans. But less than 20 percent of eligible taxpayers contribute to an IRA.

Many more own IRAs—because funds from employer plans have been rolled over to an IRA. But the truth is, most retirement savings came from employer-based retirement plans.

The high participation rates in employer-sponsored 401(k) plans, and the low rates for IRAs, leads to a clear conclusion. We can increase retirement savings—create new savings—by making payroll deduction retirement savings available to more workers.

This is not a new idea. President Clinton's USA accounts were one attempt to bring retirement savings to all working Americans. Senator BINGAMAN first proposed universal access to retirement savings in his Secure Retirement for America Act in the 107th Congress. But it is time that we stopped talking. It is time that we started doing something to change the direction of the personal savings rate.

Access to payroll savings is important, but it is not enough. The Savings Competitiveness Act that I introduce today will expand savings opportunities and more.

This bill helps workers by providing an opportunity to save for retirement through payroll deduction at work. Employers are not required to contribute. Employers just withhold contributions and forward them to an IRA. We provide a modest credit to help small employers with the start-up costs.

This bill helps children by allowing Young Saver's Accounts to be used for kid's savings.

This bill helps small employers who want to contribute toward employees' retirement savings get started with a 3-year start-up credit for 50 percent of contributions to workers who are not highly compensated. And small employers who use "SIMPLE" plans can share the profits in a good year by making discretionary contributions to employees' SIMPLE IRAs.

This bill helps lower-income taxpayers by replacing the current Saver's Credit with a refundable credit, deposited to the taxpayer's retirement savings account. Families earning up to $50,000 would be eligible for a 50 percent credit. Those earning up to $60,000 would be entitled to a portion of the credit. Low-income savers would not be penalized by losing eligibility for food stamps and other benefits.

This bill helps retirees with modest savings by exempting $50,000 of their savings from minimum distribution requirements.

This bill removes traps for the unwary by simplifying distribution rules. It would conform 401(k) and IRA penalties so that workers who do not have advisers to lead them through a series of hoops do not get hit with excise taxes that those with a guide can avoid.

This bill takes some of the guesswork out of choosing an IRA. It would create a seal of approval for IRAs that have investment options similar to those in the Thrift Savings Plan and modest fees.

The Senate's automatic enrollment provisions are not law yet. So I have also included them in this new legislation.

I encourage my Colleagues to join with me to provide workplace savings opportunities for working Americans that now have none and to stop the unlimited growth of the deficit by adopting a pay-as-you-go requirement. I ask you to support the Savings Competitiveness Act.

By Mr. SALAZAR (for himself, Mr. THUNE, Mr. AKAKA, Mr. DORGAN, Mr. PRYOR, Mr. JOHNSON, Mr. BURNS, Ms. MURKOWSKI, Mr. THOMAS, Mr. BAUCUS, Mr. CONRAD, Mrs. MURRAY, Mrs. LINCOLN, and Mr. BURR):

S. 2433. A bill to amend title 38, United States Code, to establish an Assistant Secretary for Rural Veterans in the Department of Veterans Affairs, to improve the care provided to veterans living in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Veterans Care Act of 2006".

SEC. 2. ASSISTANT SECRETARY FOR RURAL VETERANS.

Section 308 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "There";

(B) by striking "six" and inserting "seven"; and

(C) by striking "Each" and inserting the following:

"(2) Each";

(2) by redesignating subsection (c) as paragraph (3) and inserting such paragraph at the end of subsection (a);

(3) by inserting after subsection (b) the following new subsection:

"(c)(1) One of the Assistant Secretaries appointed under subsection (a) shall be the Assistant Secretary for Rural Veterans, who, under the direction of the Secretary, shall formulate and implement all policies and procedures of the Department that affect veterans living in rural areas.

"(2) The Assistant Secretary for Rural Veterans, under the direction of the Secretary, shall perform the following functions:

"(A) Except as otherwise expressly provided in this title, carry out the provisions of this title and administer all Department programs for providing care to veterans living in rural areas who are eligible for services authorized under this title.

"(B) Oversee and coordinate personnel and policies of the Veterans Health Administration, the Veterans Benefits Administration, the National Cemetery Administration, and their respective subagencies, including Veterans Integrated Service Networks, to carry out Department programs to the extent such programs affect veterans living in rural areas.

"(C) Oversee, coordinate, promote, and disseminate research into issues affecting veterans living in rural areas in cooperation with the medical, rehabilitation, health services, and cooperative studies research programs, the Office of Policy and the Office of Research and Development of the Veterans Health Administration, and the centers established in section 7329.

"(D) Ensure maximum effectiveness and efficiency in providing services and assistance to eligible veterans under the programs described in subparagraph (A), after consultation with appropriate representatives of the Centers for Medicare and Medicaid Services, the Indian Health Service, and the Office of Rural Health Policy of the Department of Health and Human Services, the Social Security Administration, the Department of Labor, the Department of Agriculture (acting through the Under Secretary for Rural Development), and other Federal, State, and local government agencies.

"(E) Work with all personnel and resources of the Department to develop, refine, and promulgate policies, best practices, lessons learned, and innovative and successful programs to improve care and services for rural veterans.

"(F) Perform such other functions and duties as the Secretary considers appropriate.

"(3) The Secretary shall ensure that the Assistant Secretary for Rural Veterans has the budget, authority, and control necessary for the development, approval, implementation, integration, and oversight of policies, procedures, processes, activities, and systems of the Department relating to the care of rural veterans. The Secretary shall identify a Rural Veterans Coordinator in each Veterans Integrated Service Network, who shall report to the Assistant Secretary for Rural Veterans and coordinate the functions authorized under this subsection within such network.

"(4) The Assistant Secretary for Rural Veterans, under the direction of the Secretary, shall supervise the employees of the Department who are responsible for implementing the policies and procedures described in paragraph (1)."; and

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "18" and inserting "19"; and

(ii) by adding at the end the following: "One of the Deputy Assistant Secretaries appointed under this paragraph shall be the Deputy Assistant Secretary for Rural Veterans, who shall perform such functions as the Assistant Secretary for Rural Veterans prescribes.";

(B) in paragraph (2), by inserting "or, in the case of the Deputy Assistant Secretary for Rural Veterans, comparable service in a management position in the Armed Forces" after "Secretary".

SEC. 3. RESPONSIBILITIES OF ASSISTANT SECRETARY FOR RURAL VETERANS.

(a) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Assistant Secretary for Rural Veterans, appointed under section 308 of title 38, United States Code, shall carry out demonstration projects to examine alternatives for expanding care in rural areas, including—

(A) establishing a partnership between the Department of Veterans Affairs and the Centers for Medicare and Medicaid Services of the Department of Health and Human Services to coordinate care for rural veterans conducted at critical access hospitals (as designated or certified under section 1820 of the Social Security Act (42 U.S.C. 1395i–4));

(B) establishing a partnership between the Department of Veterans Affairs and the Department of Health and Human Services to coordinate care for rural veterans conducted at community health centers;

(C) expanding the use of fee basis care through which private hospitals, health care facilities, and other third-party providers are reimbursed for providing care closer to the homes of veterans living in rural areas, as authorized under section 7405(a)(2); and

(D) expanding coordination between the Department of Veterans Affairs and the Indian Health Service to expand care for Native American veterans.

(2) GEOGRAPHIC DISTRIBUTION.—The Assistant Secretary for Rural Veterans shall ensure that the demonstration projects authorized under paragraph (1) are located at facilities that are geographically distributed throughout the United States.

(3) REPORT.—Not later than two years after the date of enactment of this Act, the Assistant Secretary for Rural Veterans shall submit a report on the results of the demonstration projects conducted under paragraph (1) to—

(A) the Committee on Veterans Affairs of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Veterans Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(b) POLICY REVISIONS.—Not later than one year after the date of enactment of this Act, the Assistant Secretary for Rural Veterans shall—

(1) reevaluate directives 5005 and 5007 of the Department of Veterans Affairs and other guidance and procedures related to the use of fee basis care nationwide; and

(2) revise established policies to—

(A) provide stronger guidance to units of the Department of Veterans Affairs; and

(B) strengthen the use of fee basis care to extend health care services to rural and remote rural areas.

(c) REPORTS TO CONGRESS.—The Secretary of Veterans Affairs shall submit to Congress, in conjunction with the documents submitted in support of the President's budget for each fiscal year, an assessment of the implementation during the most recently completed fiscal year of the provisions of this Act and the amendments made by this Act.

SEC. 4. PILOT PROGRAM ON ENHANCED ACCESS TO HEALTH CARE FOR VETERANS IN HIGHLY RURAL AND GEOGRAPHICALLY REMOTE AREAS.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a pilot program to evaluate the feasability and advisability of utilizing various means to improve the access of veterans who reside in highly rural or geographically remote areas to health care services referred to in subsection (d).

(2) PROVISION OF SERVICES UNDER PILOT PROGRAM.—In conducting the pilot program, the Secretary shall provide health care services referred to in subsection (d) to eligible veterans who reside in highly rural or geographically remote areas in the geographic service regions selected for purposes of the pilot program utilizing the contract authority of the Secretary under section 1703 of title 38, United States Code, and such other authorities available to the Secretary as the Secretary considers appropriate for purposes of the pilot program.

(b) ELIGIBLE VETERANS.—A veteran is an eligible veteran for purposes of this section if the veteran—

(1) has a service-connected disability; or

(2) is enrolled in the veterans health care system under section 1705 of title 38, United States Code.

(c) HIGHLY RURAL OR GEOGRAPHICALLY REMOTE AREAS.—An eligible veteran resides in a highly rural or geographically remote area for purposes of this section if the veteran—

(1) resides in a location that is more than 60 miles driving distance from the nearest Department of Veterans Affairs health care facility; or

(2) in the case of an eligible veteran who resides in a location that is less than 60 miles driving distance from such a facility, experiences such hardship or other difficulties (as determined pursuant to regulations prescribed by the Secretary for purposes of this section) in travel to the nearest Department of Veterans Affairs health care facility that such travel is not in the best interests of the veteran.

(d) HEALTH CARE SERVICES.—The health care services referred to in this section are—

(1) acute or chronic symptom management;

(2) nontherapeutic medical services; and

(3) any other medical services jointly determined appropriate for an eligible veteran for purposes of this section by the physician of the department responsible for primary care of such eligible veteran and the director of the Veterans Integrated Service Network concerned.

(e) AREAS FOR CONDUCT OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be conducted in 3 of the geographic service regions of the Veterans Health Administration (referred to as Veterans Integrated Service Networks) selected by the Secretary for purposes of the pilot program.

(2) SELECTION.—In selecting geographic service regions for the purposes of the pilot program, the Secretary, based on the recommendations of the Assistant Secretary for Rural Veterans, shall select from among the Veterans Integrated Service Networks that have a substantial population of veterans who reside in highly rural or geographically remote areas.

(f) PERIOD OF PILOT PROGRAM.—The pilot program shall be conducted during fiscal years 2007, 2008, and 2009.

(g) FUNDING FOR PILOT PROGRAM.—

(1) IN GENERAL.—For each fiscal year during which the pilot program is conducted, the Secretary shall allocate for the pilot program an amount equal to 0.9 percent of the total amount appropriated for such fiscal year for medical services.

(2) TIMING OF ALLOCATION.—The allocation under paragraph (1) for a fiscal year shall be made before any other allocation of funds for medical care is made for such fiscal year, and any remaining allocation of funds for medical care for such fiscal year shall be made without regard to the allocation under subsection (a) in such fiscal year.

(h) REPORT TO CONGRESS.—Not later than February 1, 2009, the Secretary shall submit to Congress a report on the pilot program. The Secretary shall include in the report such recommendations as the Secretary considers appropriate concerning extension of the pilot program or other means to improve the access of veterans who reside in highly rural or geographically remote areas to health care services referred to in subsection (d).

SEC. 5. TRAVEL REIMBURSEMENT FOR VETERANS RECEIVING TREATMENT AT FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 111 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "subsistence)," and inserting "subsistence at a rate equivalent to the rate provided to Federal employees under section 5702 of title 5),"; and

(B) by striking "traveled," and inserting "(at a rate equivalent to the rate provided to Federal employees under section 5704 of title 5),";

(2) by striking subsection (g); and

(3) by redesignating subsection (h) as subsection (g).

SEC. 6. CENTERS FOR RURAL HEALTH RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7329. Centers for rural health research, education, and clinical activities

"(a) ESTABLISHMENT OF CENTERS.—The Assistant Secretary for Rural Veterans shall establish and operate not less than one and not more than five centers of excellence for rural health research, education, and clinical activities, which shall—

"(1) conduct research on rural health services;

"(2) allow the Department to use specific models for furnishing services to treat rural veterans;

"(3) provide education and training for health care professionals of the Department; and

"(4) develop and implement innovative clinical activities and systems of care for the Department.

"(b) GEOGRAPHIC DISPERSION.—The Assistant Secretary for Rural Veterans shall ensure that the centers authorized under paragraph (1) are located at health care facilities that are geographically dispersed throughout the United States.

"(c) SELECTION CRITERIA.—The Assistant Secretary for Rural Veterans may not designate a health care facility as a location for a center under this section unless—

"(1) the peer review panel established under subsection (d) determines that the proposal submitted by such facility meets the highest competitive standards of scientific and clinical merit; and

"(2) the Assistant Secretary for Rural Veterans determines that the facility has, or may reasonably be anticipated to develop—

"(A) an arrangement with an accredited medical school to provide residents with education and training in care for rural veterans;

"(B) the ability to attract the participation of scientists who are capable of ingenuity and creativity in health care research efforts;

"(C) a policymaking advisory committee, composed of appropriate health care and research representatives of the facility and of the affiliated school or schools, to advise the directors of such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center; and

"(D) the capability to effectively conduct evaluations of the activities of such center.

"(d) PANEL TO EVALUATE PROPOSALS.—(1) The Assistant Secretary for Rural Veterans shall establish a panel to—

"(A) evaluate the scientific and clinical merit of proposals submitted to establish centers under this section; and

"(B) provide advice to the Assistant Secretary for Rural Veterans regarding the implementation of this section.

"(2) The panel shall review each proposal received from the Assistant Secretary for Rural Veterans and shall submit its views on the relative scientific and clinical merit of each such proposal to the Assistant Secretary.

"(3) The panel established under paragraph (1) shall be comprised of experts in the fields of public health research, education, and clinical care.

"(4) Members of the panel shall serve as consultants to the Department for a period not to exceed two years.

"(5) The panel shall not be subject to the Federal Advisory Committee Act.

"(e) FUNDING.—(1) There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a).

"(2) The Assistant Secretary for Rural Veterans shall allocate such amounts as the Under Secretary for Health determines to be appropriate to the centers established pursuant to subsection (a) from funds appropriated for the Medical Care Account and the Medical and Prosthetics Research Account.

"(3) Activities of clinical and scientific investigation at each center established under subsection (a)—

"(A) shall be eligible to compete for the award of funding from funds appropriated for the Medical and Prosthetics Research Account; and

"(B) shall receive priority in the award of funding from such account to the extent that funds are awarded to projects for research in the care of rural veterans.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting after the item relating to section 7328 the following new item:

"7329. Centers for rural health research, education, and clinical activities.".

By Mr. WYDEN (for himself and Mr. GRAHAM):

S. 2434. A bill to limit the amount of time Senators spend on non-legislative activities; to the Committee on Rules and Administration.

Mr. WYDEN. Mr. President, the Senate has been working away at a lobbying reform bill, which is a good start at curbing the influence of special interests, but that alone is not enough. Everyone knows the root of the problem is money. Money is the oil that runs the engine of a viable campaign for office.

Every single one of my colleagues and I are in a perpetual campaign. Whether you were born a multi-millionaire or come from more humble origins, you are chasing money. Senators are elected or reelected on a Tuesday, sleep in on Wednesday and by Thursday they are back on the phone, dialing supporters for contributions to fuel the next campaign.

I do not believe Senators should have to operate this way. I believe the people send Senators to the Capitol to resolve their and the Nation's problems; I don't believe they send us to the United States Senate to spend all our time calling donors for support.

Senators are here to do the people's business, and that's why Senator GRAHAM and I are introducing the first bipartisan bill that would let Senators focus on what the voters of our States sent us here to do. This would be the first serious step toward shutting the door on the 6-year stockpiling of campaign contributions. Our bill would amend the Senate rules to prohibit incumbent Senators from raising money until 18 months prior to their re-election. An exception to this ban would be triggered if an opposing candidate or group targeted a Senator with more than $100,000 in paid advertisements. Such a targeted campaign would free an incumbent Senator from the prohibition on soliciting contributions. Likewise, the ban would not apply to contributions to retire campaign debt.

I have long admired the system used in many European countries for keeping campaigns focused on a short but intense period. That would require an amendment to the Constitution, an avenue that time and again has proved too difficult to navigate. Short of a Constitutional amendment I believe the new approach Senator GRAHAM and I are offering could prove viable.

Campaign finance reform is much like nuclear disarmament: everyone is for it but few are willing to take the first step unilaterally. I believe that those of us who are already here in the Senate bear the responsibility to take that first step.

Our proposal aims not just to treat the symptoms of scandal and corruption; it aims to cure the overall disease by going after the endless race for money in politics. Our bipartisan approach enjoys the support of a number of groups, including Common Cause, Democracy21, US PIRG and Public Citizen.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senate Campaign Reform Act of 2006".

SEC. 2. LIMITATION ON SOLICITATION OR ACCEPTANCE OF CONTRIBUTIONS.

Paragraph 1 of rule XLI of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" after "1."; and

(2) by adding at the end the following:

"(b)(1) A Member of the Senate, or officer or employee of the Senate, shall not solicit, receive, direct, or authorize the acceptance of a contribution with respect to a political committee authorized by or affiliated with a Senator at any time other than during the period beginning on the date that is 18 months prior to the date of the next general election for the office held by such Senator and ending on the date of such election.

"(2) This subparagraph shall not apply for the period beginning on the date in which a candidate opposing a Senator receives contributions or makes expenditures in excess of $100,000.

"(3)(A) This subparagraph shall not apply in any case in which a Senator is targeted (by name or office) in broadcast advertisements paid for by an individual or group that is not affiliated with any candidate for the Senate, but only to the extent that contributions do not exceed the amount paid by the individual or group for such advertisements.

"(B) Contributions permitted by subclause (A) shall be used for the sole purpose of responding to such advertisements, and funds remaining at the conclusion of such response shall be returned to the individual contributors (based on the percentage of the total amount contributed).

"(C) Not later than 30 days after the date on which a response is made under subclause (B), the Senator shall submit for review to the Select Committee on Ethics of the Senate the amount raised, copies of the advertisements in question, and the dates and outlets on which the advertisements were run.

"(4) This subparagraph shall not apply to any authorized committee of a Senator who is a candidate for an office other than Senator, but only if such committee is established for the purpose of running for such other office and no contribution accepted by the committee is used for the purpose of running for the office of Senator.

"(5) Any term used in this subparagraph which is also used in the Federal Election Campaign Act of 1971 (2 U.S.C. 331 et seq.) shall have the meaning given such term under such Act.".

By Mr. LUGAR:

S. 2435. A bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the "Energy Diplomacy and Security Act," legislation that recognizes energy security to be a foremost concern for United States national security, and would realign our diplomatic priorities to meet energy security challenges.

Energy issues pose a multitude of challenges for United States national security, foreign policy, economy, and environment. Meeting these challenges requires a rigorous and farsighted policy to move us toward a sustainable energy future, which will include international partnership. The bill calls upon the President to improve the focus and coordination of Federal agency activities in international energy affairs. The bill further would ensure that concern for energy security is integrated into the State Department's core mission and activities, and to this end, it calls for the creation of a Coordinator for International Energy Affairs within the Office of the Secretary.

The bill calls upon the Federal Government to expand international cooperation on energy issues. The bill seeks to enhance international preparedness for major disruptions in oil supplies. A particular priority is to offer a formal coordination agreement with China and India as they develop strategic petroleum reserves. This would help draw them into the international system, providing supply reassurance, and thereby reducing potential for conflict. The bill also calls for extension of petroleum supply disruption to developing nations which are most vulnerable.

The bill would also stimulate regional partnerships in the Western Hemisphere. Most of our oil and virtually all of our gas imports come from this Hemisphere. The bill would create a Western Hemisphere Energy Forum modeled on the APEC energy working group. This would provide a badly-needed mechanism for hemispheric energy cooperation and consultation, and would promote private investment in the Hemisphere.

Finally, the bill would enhance international partnerships with both major energy producing and consuming countries. We must engage major oil and natural gas producing countries. Not working with major oil and gas exporters will lead to unproductive political showdowns and conflict. Strategic energy partnerships with other major consuming countries are also crucial for our national security. Energy security is a priority we hold in common with other import dependent countries, and partnership with the world's largest consumers will increase leverage in relation to petro-states and speed our own conversion to sustainable energy sources. In addition to seeking new avenues of cooperation, the bill would give focus to existing bilateral energy dialogues, which have lacked clear objectives and political backing.

I look forward to working with my colleagues and the Administration to pursue a foreign policy that meets the grave national security challenges posed by the global energy situation.

By Mr. NELSON of Florida (for himself and Mr. MENENDEZ):

S. 2436. A bill to establish an Office of Consumer Advocacy and Outreach within the Federal Trade Commission to protect consumers from certain unfair or deceptive acts or practices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise today on behalf of myself, and Senator ROBERT MENENDEZ of New Jersey, to introduce a bill to create an Office of Consumer Advocacy and Outreach within the Federal Trade Commission.

Pyramid schemes, too-good-to-be-true business opportunities, miracle weight loss products—these are all examples of how average Americans are taken advantage of on a daily basis. These schemes have the potential to deplete an innocent person's bank accounts and ruin their finances and credit record for years to come. Some even damage people's health permanently—all for sake a making a few bucks.

Unfortunately, Hispanics are twice as likely as other Americans to become victims of consumer fraud. In fact, 14.3 percent of Hispanics will fall prey to this type of crime. It's hard to know exactly why this is affecting Hispanics disproportionately. Some believe that disreputable businesses target certain communities because they believe victims are less likely to report crimes. In fact, data has shown that Hispanics are less likely to report incidents of fraud than other segments of the population.

The Federal Trade Commission has levied an increasing number of complaints against deceptive Spanish-language advertisements, including fraudulent driving permits and junk computers in recent years. Two of these complaints were filed against businesses in South Florida that targeted Spanish speakers with advertisements for "scientifically unfeasible" weight-loss pills.

The Office of Consumer Advocacy and Outreach created by this bill will provide information to targeted consumers in these communities on how to protect themselves against fraudulent schemes and where to seek redress if they become a victim. The Office will work with law enforcement to track and investigate fraud schemes that target immigrants, the elderly, minorities and other communities.

This legislation will create, develop, and manage an anonymous tip program that will allow individuals to report fraud schemes that specifically target their community. The tip program will allow anyone with knowledge of a fraud scheme involving deceptive advertising to get a reward for reporting it directly to the experts who work at the Federal Trade Commission.

To help publicize the reward program, the number for this newly created hotline would be included in a Spanish-language public service advertising campaign produced by the Federal Trade Commission that warns against consumer fraud and provides the number for this newly created anonymous hotline.

Finally, the Office will work with law enforcement to increase their level of participation in the Consumer Sentinel database system. This database, currently in existence, collects information from local, State and Federal agencies on consumer complaints to assist in the tracking and investigating of consumer fraud issues.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Trade Commission Consumer Advocacy Act".

SEC. 2. ESTABLISHMENT OF THE OFFICE OF CONSUMER ADVOCACY AND OUTREACH.

There is established within the Federal Trade Commission an Office of Consumer Advocacy and Outreach.

SEC. 3. PURPOSE OF THE OFFICE OF CONSUMER ADVOCACY AND OUTREACH.

The purpose of the Office of Consumer Advocacy and Outreach is to protect minority consumers, disabled consumers, and other targeted consumers from unfair or deceptive acts or practices that violate section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

SEC. 4. RESPONSIBILITIES OF THE OFFICE OF CONSUMER ADVOCACY AND OUTREACH.

The head of the Office of Consumer Advocacy and Outreach shall—

(1) assist law enforcement personnel in—

(A) investigating unfair or deceptive acts or practices that violate section 5 of the Federal Trade Commission Act (15 U.S.C. 45) and that affect minority, disabled, or other targeted consumers; and

(B) increasing the amount of information available about such acts or practices through the Consumer Sentinel database system or an equivalent database system;

(2) provide consumers, including minority, disabled, or other targeted consumers, information regarding detecting unfair or deceptive acts or practices;

(3) administer a program that permits individuals to anonymously report information regarding an unfair or deceptive act or practice that affects minority, disabled, or other targeted consumers;

(4) carry out a program to provide a monetary reward to an individual who reports an unfair or deceptive act or practice that affects minority, disabled, or other targeted consumers if such report results in the Federal Trade Commission obtaining a civil penalty from a person liable for such act or practice; and

(5) carry out a public awareness campaign in Spanish to inform Spanish-speaking consumers about the services provided by the Office and the award program described in paragraph (4).

By Mr. STEVENS (for himself, Mrs. HUTCHISON, Mrs. DOLE, Mr. TALENT, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mr. BYRD):

S. 2437. A bill to increase penalties for trafficking with respect to peonage, slavery, involuntary servitude, or forced labor; to the Committee on the Judiciary.

Mr. STEVENS. Mr. President, over 100 years ago, our country criminalized slavery with the 13th amendment to the U.S. constitution. Yet, thousands of people in our country still live a life of slavery and forced prostitution.

According to the State Department, up to 800,000 people worldwide are trafficked across borders each year. As many as 17,000 persons are believed to be trafficked in the United States annually.

The majority of these victims are women and children. Most of them are trafficked into commercial sexual exploitation.

Human trafficking is a highly profitable and dangerous business. It generates an estimated $9.5 billion annually and is closely connected to organized crime. Human trafficking operations have been linked to money-laundering, drug-trafficking, document forgery, and the funding of terrorist activities.

Those involved in human trafficking prey on the most vulnerable in our society. They seek out those living in poverty and those who have not had access to a good education.

Human traffickers hold their victims against their will and force them into slavery or the sex industry, where they are threatened and often physically or sexually abused.

The State Department is working with other nations to combat this problem internationally, and we must do more here at home.

Those involved in human trafficking should face severe criminal penalties. It is my hope that such penalties will discourage this type of activity. Our country is a beacon of freedom for the world, and the idea that thousands of people a year are enslaved right in our own backyard sickens me. This must be stopped.

In the past, Congress has passed laws increasing the penalties for human trafficking. I urge my colleagues to join me in increasing these penalties once again.

This bill makes the trafficking of humans a capital offense. It not only holds those who lure men, women, and children into a life of slavery and prostitution responsible; it also punishes those involved in the transport or purchase of these victims.

This bill gives our courts the tools they need to curb this ongoing epidemic. I urge my colleagues to support this legislation.

By Mr. REID:

2439. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide for certain nuclear weapons program workers to be included in the Special Exposure Cohort under the compensation program established by that Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today to introduce a bill to provide compensation for civilian veterans of the Cold War who contracted cancer as a result of their work at our nuclear weapons facilities. The Nevada Test Site Veteran's Compensation Act of 2006.

The Nevada Test Site Veteran's Compensation Act of 2006 will ensure that employees who worked at the Nevada Test Site during the years of above and below ground nuclear weapons testing and suffer from radiation-induced cancers as a result of that work finally receive the compensation they deserve. These Cold War veterans sacrificed their health and wellbeing for their county. We can wait no longer to acknowledge those sacrifices and to try, in some small way, to compensate for the cancers they have suffered as a result of their service to their country.

United States citizens have served their country working in facilities producing and testing nuclear weapons and engaging in other atomic energy defense activities that served as a deterrent during the Cold War. Many of these workers were exposed to cancer-causing levels of radiation and placed in harm's way by the Department of Energy and contractors, subcontractors, and vendors of the Department without the knowledge and consent of the workers, without adequate radiation monitoring, and without necessary protections from internal or external occupational radiation exposures.

Six years ago, I worked with President Clinton to pass The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (EEOICPA) to ensure fairness and equity for the men and women who performed duties uniquely related to the nuclear weapons production and testing programs by establishing a program that would provide timely, uniform, and adequate compensation for 22 specified radiation-related cancers.

Research by the Department of Energy, the National Institute for Occupational Safety and Health (NIOSH), NIOSH's contractors, the President's Advisory Board on Radiation and Worker Health, and congressional committees indicates that workers were not adequately monitored for internal or external exposures to ionizing radiation to which the workers were exposed and records were not maintained, are not reliable, are incomplete, or fail to indicate the radioactive isotopes to which workers were exposed.

Because of the inequities posed by the factors described above and the resulting harm to the workers, EEOICPA has an expedited process for groups of workers whose radiation dose cannot be estimated with sufficient accuracy or whose dose cannot be estimated in a timely manner. These workers are placed into a Special Exposure Cohort (SEC). Workers in an SEC do not have to go through the dose reconstruction process, which can take years and be extremely difficult as these workers are often unable to produce information because it was or is classified.

Congress has already legislatively designated classes of atomic energy veterans at the Paducah, Kentucky, Portsmouth, Ohio, Oak Ridge K–25, Tennessee, and the Amchitka Island, Alaska, sites as members of the Special Exposure Cohort under EEOICPA. Amchitka Island was designated because three underground nuclear tests were conducted on the Island.

Nevada Test Site workers deserve the same designation.

I and many other Nevadans remember watching explosions at the Nevada Test Site. We were struck with awe and wonder at the power and strength of these explosions. Little did we know that there was another side to those atomic tests—the exposure of men and women working at the site to cancer-causing substances. Now, hundreds, perhaps thousands, of these Cold War veterans face deadly cancers. Many have already passed away.

The contribution of the State of Nevada to the security of the United States throughout the Cold War and since has been unparalleled. In 1950, President Harry S Truman designated what would later be called the Nevada Test Site as the Nation's nuclear proving grounds and, a month later, the first atmospheric test at the Nevada Test Site was detonated. The United States conducted 100 aboveground and 828 underground nuclear tests at the Nevada Test Site from 1951–1992. Out of the 1054 nuclear tests conducted in the United States, 928, or 88 percent, were conducted at the Nevada Test Site.

Unfortunately, Nevada Test Site workers, despite having worked with significant amounts of radioactive materials and having known exposures leading to serious health effects, have been denied compensation under EEOICPA as a result of flawed calculations based on records that are incomplete or in error as well as the use of faulty assumptions and incorrect models.

It has become evident that it is not feasible to estimate with sufficient accuracy the radiation dose received by employees at the Department of Energy facility in Nevada known as Nevada Test Site at all in some cases and in other in a timely manner. There are many reasons for this, including inadequate monitoring, incomplete radionuclide lists, and DOE's ignoring nearly a dozen tests conducted at the site that vented. Because of these problems, Nevada Test Site workers have been denied compensation under the Act, some of which have waited for decades for their government to acknowledge the sacrifices they made for their country and compensate them.

Unfortunately, 6 years since the passage of EEOICPA and in some cases decades after their service to their country, very few of those Nevada Test Site Cold War veterans who have cancer have received compensation. In fact, Nevada Test Site workers are receiving compensation at a rate lower than the national average and many who have waited decades are being told that they have to wait longer. And many have already died while waiting for their compensation.

Last November, I sent a letter to President Bush asking him to initiate this process himself. He still has not responded. However, his Administration is trying to re-write the law via regulation and cut funding to this program in order to delay compensation further and halt it for some workers altogether.

This is unacceptable. That is why I am committed to ensuring that Nevada Test Site workers through 1993 are designated as a "Special Exposure Cohort." This will streamline and speed up the recovery process for those workers.

The Nevada Test Site Veteran's Compensation Act of 2006 would ensure employees and survivors of employees who worked at the Nevada Test Site through 1993 that they receive compensation. They helped this country win the cold war, sacrificing their personal health in the process and after decades of waiting and suffering, it is time the government honored these sacrifices

This bill would include within the Special Exposure Cohort, Nevada Test Site workers employed at the site from 1950–1993 who were: (1) Present during an atmospheric or underground nuclear test or performed drillbacks, re-entry, or clean up work following such test; (2) present at an episodic event involving radiation releases; or (3) employed at Nevada Test Site for at least 250 work days and in a job activity that was monitored for exposure to ionizing radiation or worked in a job activity that is or was comparable to a job that is, was or should have been monitored for exposure to ionizing radiation.

The Nevada Test Site has served, and continues to serve, as the premier research, testing, and development site for our nuclear defense capabilities. The Nevada Test Site and its workers have been, and are, an essential and irreplaceable part of our Nation's defense capabilities. This bill would honor the service of our Atomic Energy veterans and provide them with the compensation they deserve.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Test Site Veterans' Compensation Act of 2006".

SEC. 2. FINDINGS.

(a) Congress makes the following findings:

(1) Employees working on Cold War-era nuclear weapons programs were employed in facilities owned by the Federal Government and the private sector producing and testing nuclear weapons and engaging in related atomic energy defense activities for the national defense beginning in the 1940s.

(2) These Cold War atomic energy veterans helped to build and test the nuclear arsenal that served as a deterrent during the Cold War, sacrificing their personal health and well-being in service of their country.

(3) During the Cold War, many of these workers were exposed to radiation and

placed in harm's way by the Department of Energy and contractors, subcontractors, and vendors of the Department without their knowledge and consent, without adequate radiation monitoring, and without necessary protections from internal or external occupational radiation exposure.

(4) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (in this section referred to as "EEOICPA") was enacted to ensure fairness and equity for the men and women who, during the past 60 years, performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy, its predecessor agencies, and contractors by establishing a program that would provide timely, uniform, and adequate compensation for beryllium- and radiation-related health conditions.

(5) Research by the Department of Energy, the National Institute for Occupational Safety and Health (NIOSH), NIOSH contractors, the President's Advisory Board on Radiation and Worker Health, and congressional committees indicates that at certain nuclear weapons facilities—

(A) workers were not adequately monitored for internal or external exposure to ionizing radiation; and

(B) records were not maintained, are not reliable, are incomplete, or fail to indicate the radioactive isotopes to which workers were exposed.

(6) Due to the inequities posed by the factors described above and the resulting harm to the workers, Congress designated classes of atomic weapons employees at the Paducah, Kentucky, Portsmouth, Ohio, Oak Ridge K-25, Tennessee, and the Amchitka Island, Alaska, sites as members of the Special Exposure Cohort under EEOICPA.

(7) The contribution of the State of Nevada to the security of the United States throughout the Cold War and since has been unparalleled.

(8) In 1950, President Harry S. Truman designated what would later be called the Nevada Test Site as the country's nuclear proving grounds and, a month later, the first atmospheric test at the Nevada Test Site was detonated.

(9) The United States conducted 100 aboveground and 828 underground nuclear tests at the Nevada Test Site from 1951 to 1992.

(10) Out of the 1,054 nuclear tests conducted in the United States, 928, or 88 percent, were conducted at the Nevada Test Site.

(11) The Nevada Test Site has served, and continues to serve, as the premier research, testing, and development site for our nuclear defense capabilities.

(12) The Nevada Test Site and its workers are an essential and irreplaceable part of our nation's defense capabilities.

(13) It has become evident that it is not feasible to estimate with sufficient accuracy in a timely manner the radiation dose received by employees at the Department of Energy facility at the Nevada Test Site for many reasons, including the following:

(A) The NIOSH Technical Basis Document, the threshold document for radiation dose reconstruction under EEOICPA, has incomplete radionuclide lists.

(B) NIOSH has not demonstrated that it can estimate dose from exposure to large, nonrespirable hot particles.

(C) There are significant gaps in environmental measurement and exposure data.

(D) Resuspension doses are seriously underestimated.

(E) NIOSH has not been able to estimate accurately exposures to bomb assembly workers and radon levels.

(F) NIOSH has not demonstrated that it can accurately sample tritiated water vapor.

(G) External dose records lack integrity.

(H) There are no beta dose data until 1966.

(I) There are no neutron dose data until 1966 and only partial data after such date.

(J) There are no internal dose data until late 1955 or 1956, and limited data until well into the 1960s.

(K) NIOSH has ignored exposure from more than a dozen underground tests that vented, including Bianca, Des Moines, Baneberry, Camphor, Diagonal Line, Riola, Agrini, Midas Myth, Misty Rain, and Mighty Oak.

(L) Instead of monitoring individuals, groups were monitored, resulting in unreliable personnel monitoring.

(14) Amchitka Island, where only 3 underground nuclear tests were conducted, has been designated a Special Exposure Cohort under EEOICPA.

(15) Some Nevada Test Site workers, despite having worked with significant amounts of radioactive materials and having known exposures leading to serious health effects, have been denied compensation under EEOICPA as a result of flawed calculations based on records that are incomplete, in error, or based on faulty assumptions and incorrect models.

SEC. 3. INCLUSION OF CERTAIN NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) The employee was so employed at the Nevada Test Site or other similar sites located in Nevada during the period beginning on January 1, 1950, and ending on December 31, 1993, and, during such employment—

"(i) was present during an atmospheric or underground nuclear test or performed drillbacks, re-entry, or clean-up work following such a test (without regard to the duration of employment);

"(ii) was present during an episodic event involving radiation releases (without regard to the duration of employment); or

"(iii) was employed at the Nevada Test Site for a number of work days aggregating at least 250 work days and was employed in a job activity that—

"(I) was monitored through the use of dosimetry badges or bioassays for exposure to ionizing radiation; or

"(II) worked in a job activity that is or was, comparable to a job that is, was, or should have been monitored for exposure to ionizing radiation through the use of dosimetry badges or bioassay.".

(b) DEADLINE FOR CLAIMS ADJUDICATION.—Claims for compensation under section 3621(14)(C) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as added by subsection (a), shall be adjudicated and a final decision issued—

(1) in the case of claims pending as of the date of the enactment of this Act, not later than 30 days after such date; and

(2) in the case of claims filed after the date of the enactment of this Act, not later than 30 days after the date of such filing.

By Ms. CANTWELL (for herself, Mr. LAUTENBERG, Mr. KERRY, and Mr. WYDEN):

S 2440. A bill to provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Oil Pollution Prevention and Response Act of 2006 with my colleagues Senators LAUTENBERG, KERRY, and WYDEN. The Oil Pollution Act of 1990 (OPA 90) was passed shortly after the *Exxon Valdez* ran aground in 1989, spilling 11 million gallons of crude oil in Alaska's pristine Prince William Sound—the largest spill in US. history. OPA 90 revolutionized oil spill risk management and we have OPA 90 to thank for improving oil spill prevention, preparedness, and response.

However, in a report and testimony recently provided to Congress, the U.S. Coast Guard identified serious shortcomings in our oil spill management system. First, in a report transmitted to Congress on May 12, 2005, the Coast Guard noted that the Oil Spill Liability Trust Fund was in danger of being depleted. And they noted that every state or U.S. territory has received money from the Fund for oil spills. Without the Fund, states would have to provide funds for these emergency events.

Through legislation that I cosponsored last year with Senator STEVENS and Senator INOUYE, which became law as part of the Energy Policy Act, we solved part of this problem by reinstating OPA 90's per-barrel fee on oil, in order to replenish the Fund, and raising the total level of principal from $1 billion to $2.7 billion. However, the Coast Guard also noted that the costs of oil spills increasingly exceed the liability limits for responsible parties that were set back in 1990. Under OPA 90, responsible parties can be reimbursed for costs above their liability limit from the Fund—and this practice continues to deplete the Fund. This issue also was highlighted at a field hearing of the Senate Commerce Committee's Subcommittee on Fisheries and Coast Guard that I chaired last August in Seattle, where the Coast Guard testified that the current limits are too low. The bill I introduce today will increase these caps so that we return to the "polluter pays" principle enshrined in OPA 90.

The devastating hurricane Katrina also led to an historic number of oil spills. The Coast Guard has estimated that such spills could amount to close to $1 billion. If these claims are made against the Fund, the Fund will be quickly wiped out. That's why the Oil Pollution Prevention and Response Act of 2006 would ensure that such claims would be covered through the Stafford Act process and supplemental funding, and not through the regular claims process of OPA 90. Finally, this bill would require improved accountability of how monies from the Fund are expended by Federal agencies.

The Coast Guard also testified in our hearing that we must remain vigilant in our efforts to prevent oil spills. According to Coast Guard data, although the number of oil spills from vessels has decreased enormously since passage of OPA 90, the volume of oil spilled nationwide is still significant. In fact, vessels spilled 665,432 gallons of oil in 1992, while in 2004, the total was higher, at 722,768 gallons. Significant numbers of spills are still occurring. In 2004, there were 36 spills from tank ships, 141 spills from barges, and 1,562 spills from other vessels, including cargo ships. And even though the number of spills from tankers declined from 193 spills in 1992 to 36 spills in 2004, a single incident from a vessel like the *Exxon Valdez* can be devastating, as the recent *Athos I* incident in the Delaware River and Bay demonstrates.

The bill I introduce today addresses a number of key areas to improve prevention and response. Because human error is the leading cause of accidental oil spills, the Coast Guard would be required to identify and pass regulations to address the most frequent sources of human error that have led to oil spills from vessels and "near-misses." It would require the Coast Guard to ensure the safety of single hull tankers and other high-risk vessels by increasing inspections of such vessels. The Oil Pollution Prevention and Response Act of 2006 also would require the Coast Guard to address and reduce the increased risk of oil spills from oil transfers. It would also make companies who knowingly hire substandard single-hull tank vessels after 2010 "responsible parties" in order to provide a disincentive for such contracts.

Of particular importance to my state, the bill would provide a mechanism for year-round funding of the Neah Bay rescue tug, a central element of the oil spill prevention safety net for Washington state's outer coast. It would also increase oil spill preparedness in the Strait of Juan de Fuca by changing the definition of "High Volume Port" for Puget Sound to make the westerly boundary begin at the entry to the Strait. This change would require oil spill response equipment to be stationed along the entire Strait and not just east of the current line at Port Angeles. In addition, the Oil Pollution Prevention and Response Act of 2006 would require improved coordination with federally-recognized tribes on oil spill prevention, preparedness, and response. Finally, the bill would codify into federal law the establishment of the Oil Spill Advisory Council, which was created by the Washington State Legislature and Governor Gregoire in the wake of the October 2004 Daleo Passage Oil Spill. My bill would provide $1 million annually to support the Council's important work.

The slow response to the oil spill in Dalco Passage in the Puget Sound was largely attributed to difficulties with detecting the oil that was spilled. The Oil Pollution Prevention and Response Act of 2006 would reinvigorate a federal research program on oil spill prevention, detection, and response, and would establish a grant program for the development of cost-effective technologies for detecting discharges of oil from vessels, including infrared, pressure sensors, and remote sensing. It would also require the Secretary of Homeland Security, in conjunction with other federal agencies, to conduct an analysis of the condition and safety of all aspects of oil transportation in the United States, and provide recommendations to improve such safety. This was a specific recommendation of the U.S. Commission on Ocean Policy.

The Department of Justice has also noted that a major category of oil spills are intentional discharges of oil from vessels. The United States cannot address this problem alone. Thus, the bill would require the Coast Guard to pursue stronger enforcement measures for oil discharges in the International Maritime Organization and other appropriate international organizations.

Oil spill prevention and response is timely for Congress' consideration because waterborne transportation of oil in the United States continues to increase, significant volumes of oil continue to be released, and the potential for a major spill remains unacceptably high. Recent spills involving significant quantities of oil have occurred off the coasts of Alaska, Maine, Massachusetts, Oregon, Virginia, and Washington, and involved barges, tankers, and non-tank vessels.

One thing we've learned from these spills is that it is more cost-effective to prevent oil spills than it is to cleanup oil once it is released into the environment. We've also learned that although double hulls and redundant steering do increase tanker safety, these technologies are not a panacea and we need to do more to ensure against oil spills.

The Federal Government has a responsibility to protect the Nation's natural resources, public health, and environment by improving Federal measures to prevent and respond to oil spills. I urge my colleagues to consider this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Pollution Prevention and Response Act of 2006".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Definitions.

TITLE I—PREVENTION OF OIL SPILLS

SUBTITLE A—COAST GUARD PROVISIONS

Sec. 101. Rulemakings.
Sec. 102. Safety standards for towing vessels.
Sec. 103. Inspections by Coast Guard.
Sec. 104. Oil transfers from vessels.
Sec. 105. Improvements to reduce human error.
Sec. 106. Navigational measures for protection of natural resources.
Sec. 107. Existing areas to be avoided.
Sec. 108. Higher volume port area regulatory definition change.
Sec. 109. Recreational boater outreach program.
Sec. 110. Improved coordination with tribal governments.
Sec. 111. Oil spill advisory council.

SUBTITLE B—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROVISIONS

Sec. 151. Hydrographic surveys.
Sec. 152. Electronic navigational charts.

TITLE II—RESPONSE

Sec. 201. Rapid response system.
Sec. 202. Coast Guard oil spill database.
Sec. 203. Reports on certain Oil Spill Liability Trust Fund expenditures.
Sec. 204. Use of funds.
Sec. 205. Limits on liability.
Sec. 206. Liability for use of unsafe single-hull vessels.
Sec. 207. Rescue tugs.
Sec. 208. International efforts on enforcement.
Sec. 209. Investment of amounts in damage assessment and restoration revolving fund.

TITLE III—RESEARCH AND MISCELLANEOUS REPORTS

Sec. 301. Federal Oil Spill Research Committee.
Sec. 302. Grant project for development of cost-effective detection technologies.
Sec. 303. Status of implementation of recommendations by the National Research Council.
Sec. 304. GAO report.
Sec. 305. Oil transportation infrastructure analysis.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) Oil released into the Nation's marine waters can cause substantial, and in some cases irreparable, harm to the marine environment.

(2) The economic impact of oil spills is substantial. Billions of dollars have been spent in the United States for cleanup of, and damages due to, oil spills.

(3) The Oil Pollution Act of 1990, enacted in response to the worst vessel oil spill in United States history, substantially reduced the amount of oil spills from vessels. However, significant volumes of oil continue to be released, and the potential for a major spill remains unacceptably high.

(4) Although the total number of oil spills from vessels has decreased since passage of the Oil Pollution Act of 1990, more oil was spilled in 2004 from vessels nationwide than was spilled from vessels in 1992.

(5) Waterborne transportation of oil in the United States continues to increase.

(6) Although the number of oil spills from tankers declined from 193 in 1992 to 36 in 2004, spills from oil tankers tend to be large with devastating impacts.

(7) While the number of oil spills from tank barges has declined since 1992 (322 spills to 141 spills in 2004), the volume of oil spilled from tank barges has remained constant at approximately 200,000 gallons spilled each year.

(8) Oil spills from non-tank vessels averaged between 125,000 gallons and 400,000 gallons per year from 1992 through 2004 and accounted for over half of the total number of spills from all sources, including vessels and non-vessel sources.

(9) Recent spills involving significant quantities of oil have occurred off the coasts of Alaska, Maine, Massachusetts, Oregon, Virginia, and Washington, and involved barges, tank vessels, and non-tank vessels.

(10) The existing statutory caps that limit liability for responsible parties were set in 1990 and have not been modified since. These liability levels no longer reflect the costs of oil spills, particularly for barges and large non-tank vessels. For example, the liability limit for the ATHOS I oil spill was $45,400,000, but costs could exceed $267,000,000. Similarly, the liability limit for the SELENDANG AYU spill was $23,800,000 while the actual costs will likely exceed $100,000,000.

(11) It is more cost-effective to prevent oil spills than it is to clean-up oil once it is released into the environment.

(12) Of the 20 major vessel oil spill incidents since 1990 where liability limits have been exceeded, 10 involved tank barges, 8 involved non-tank vessels, 2 involved tankers, and only 1 involved a vessel that was double-hulled.

(13) Although recent technological improvements in oil tanker design, such as double hulls and redundant steering, increase tanker safety, these technologies are not a panacea and cannot ensure against oil spills, the leading cause of which is human error.

(14) The Federal government has a responsibility to protect the nation's natural resources, public health, and environment by improving Federal measures to prevent and respond to oil spills.

SEC. 4. DEFINITIONS.

In this Act:

(1) Area to be avoided.—The term "area to be avoided" means a routing measure established by the International Maritime Organization as an area to be avoided.

(2) Non-tank vessel.—The term "non-tank vessel" means a self-propelled vessel other than a tank vessel.

(3) Oil.—The term "oil" has the meaning given that term by section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)).

(4) Secretary.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating except where otherwise explicitly stated.

(5) Tank vessel.—The term "tank vessel" has the meaning given that term by section 1001(34) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(34)).

(6) Waters subject to the jurisdiction of the United States.—The term "waters subject to the jurisdiction of the United States" means navigable waters (as defined in section 1001(21) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(21)) as well as—

(A) the territorial sea of the United States as defined in Presidential Proclamation Number 5928 of December 27, 1988; and

(B) the Exclusive Economic Zone of the United States established by Presidential Proclamation Number 5030 of March 10, 1983.

TITLE I—PREVENTION OF OIL SPILLS

Subtitle A—Coast Guard Provisions

SEC. 101. RULEMAKINGS.

(a) Status Report.—

(1) In general.—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of all Coast Guard rulemakings required (but for which no final rule has been issued as of the date of enactment of this Act)—

(A) under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.); and

(B) for—

(i) automatic identification systems required under section 70114 of title 46, United States Code; and

(ii) inspection requirements for towing vessels required under section 3306(j) of that title.

(2) Information required.—The Secretary shall include in the report required by paragraph (1)—

(A) a detailed explanation with respect to each such rulemaking as to—

(i) what steps have been completed;

(ii) what areas remain to be addressed; and

(iii) the cause of any delays; and

(B) the date by which a final rule may reasonably be expected to be issued.

(b) Final Rules.—The Secretary shall issue a final rule in each pending rulemaking under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) as soon as practicable, but in no event later than 18 months after the date of enactment of this Act.

SEC. 102. SAFETY STANDARDS FOR TOWING VESSELS.

In promulgating regulations for towing vessels under chapter 33 of title 46, United States Code, the Secretary shall—

(1) give priority to completing such regulations for towing operations involving tank vessels;

(2) ensure that such regulations appropriately address the risks from such operations, taking into account such factors as vessel age and hull configuration; and

(3) consider the possible application of standards that, as of the date of enactment of this Act, apply to self-propelled tank vessels, and any modifications that may be necessary for application to towing vessels due to ship design, safety, and other relevant factors.

SEC. 103. INSPECTIONS BY COAST GUARD.

(a) In General.—The Secretary shall ensure that the inspection schedule for all United States and foreign-flag tank vessels that enter a United States port or place increases the frequency and comprehensiveness of Coast Guard safety inspections based on such factors as vessel age, hull configuration, past violations of any applicable discharge and safety regulations under United States and international law, indications that the class societies inspecting such vessels may be substandard, and other factors relevant to the potential risk of an oil spill.

(b) Enhanced Verification of Structural Condition.—The Coast Guard shall adopt, as part of its inspection requirements for tank vessels, additional procedures for enhancing the verification of the reported structural condition of such vessels, taking into account the Condition Assessment Scheme adopted by the International Maritime Organization by Resolution 94(46) on April 27, 2001.

SEC. 104. OIL TRANSFERS FROM VESSELS.

(a) Regulations.—Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to reduce the risks of oil spills in operations involving the transfer of oil from or to a tank vessel. The regulations—

(1) shall focus on operations that have the highest risks of discharge, including operations at night and in inclement weather; and

(2) shall include—

(A) requirements for use of equipment such as putting booms in place for transfers;

(B) operational procedures such as manning standards, communications protocols, and restrictions on operations in high-risk areas; or

(C) both such requirements and operational procedures.

(b) Application with State Laws.—The regulations promulgated under subsection (a) do not preclude the enforcement of any State law or regulation the requirements of which are at least as stringent as requirements under the regulations (as determined by the Secretary) that—

(1) applies in State waters; and

(2) does not conflict with, or interfere with the enforcement of, requirements and operational procedures under the regulations.

SEC. 105. IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.

(a) Report.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oil spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years; and

(3) includes recommendations by the Secretary to address the identified types of errors and incidents.

(b) Regulations.—Based on the findings contained in the report required by subsection (a), the Secretary shall promulgate regulations designed to reduce the risks of oil spills from human errors.

(c) International Measures.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action at the International Maritime Organization to reduce the risk of oil spills from human error internationally.

SEC. 106. NAVIGATIONAL MEASURES FOR PROTECTION OF NATURAL RESOURCES.

(a) Designation of At-risk Areas.—The Secretary and the Undersecretary of Commerce for Oceans and Atmosphere shall jointly identify areas where routing or other navigational measures are warranted in waters subject to the jurisdiction of the United States to reduce the risk of oil spills and potential damage to natural resources. In identifying those areas, the Secretary and the Undersecretary shall give priority consideration to natural resources of particular ecological importance or economic importance, including commercial fisheries, aquaculture facilities, marine sanctuaries designated by the Secretary of Commerce pursuant to the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), estuaries of national significance designated under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1330), critical habitats (as defined in section 3(5) of the Endangered Species Act of 1973 (16 U.S.C. 1532(5)), estuarine research reserves within the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management Act of 1972, and national parks and national seashores administered by the National Park Service under the National Park Service Organic Act (16 U.S.C. 1 et seq.).

(b) Factors Considered.—In determining whether navigational measures are warranted, the Secretary and the Undersecretary shall consider, at a minimum—

(1) the frequency of transits of vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j));

(2) the type and quantity of oil transported as cargo or fuel;

(3) the expected benefits of routing measures in reducing risks of spills;

(4) the costs of such measures;

(5) the safety implications of such measures; and

(6) the nature and value of the resources to be protected by such measures.

(c) Establishment of Routing and Other Navigational Measures.—The Secretary shall establish such routing or other navigational measures for areas identified under subsection (a).

(d) Establishment of Avoidance Areas.—To the extent that the Secretary and the Undersecretary conclude that the establishment of areas to be avoided is warranted under this section, they shall seek to establish such areas through the International Maritime Organization or establish comparable areas pursuant to regulations and in a manner that is consistent with international law.

(e) Oil Shipment Data and Report.—

(1) Data collection.—The Secretary, through the Commandant of the Coast Guard and in consultation with the Army Corps of Engineers, shall collect and analyze data on oil transported as cargo on vessels in the navigable waters of the United States, including information on—

(A) the quantity and type of oil being transported;

(B) the vessels used for such transportation;

(C) the frequency with which each type of oil is being transported; and

(D) the point of origin, transit route, and destination of each such shipment of oil.

(2) Report.—The Secretary shall transmit a report, not less frequently than quarterly, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, on the data collected and analyzed under paragraph (1) in a format that does not disclose information exempted from disclosure under section 552b(e) of title 5, United States Code.

SEC. 107. EXISTING AREAS TO BE AVOIDED.

(a) Enforcement of Existing Areas to be Avoided Provisions.—The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere shall cooperate in tracking compliance by vessels with the conditions and requirements of areas to be avoided established in United States waters, and shall enforce compliance with those conditions and requirements. A violation of those conditions and requirements is subject to a civil penalty of not more than $100,000, and each day of a continuing violation constitutes a separate violation.

(b) Olympic Coast Natural Marine Sanctuary Area to be avoided.—The Secretary and the Undersecretary of Commerce for Oceans and Atmosphere shall—

(1) revise the area to be avoided off the coast of the State of Washington so that restrictions apply to all vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) (other than fishing vessels while engaged in fishing within the area to be avoided); and

(2) revise the area to be avoided to make the conditions and requirements for that area to be avoided mandatory, consistent with international law.

(c) Emergency Drill.—Beginning with 1 year after the date of enactment of this Act, the Secretary shall conduct, jointly with other Federal agencies and State, local, and tribal governmental entities, regular, unannounced emergency drills for responding to an oil spill in the Olympic Coast National Marine Sanctuary.

(d) RACON Beacons.—The Secretary shall place 1 or more radar beacons in or near the area to be avoided described in subsection (b) in sites that maximize warnings to vessels of the boundaries of that area.

SEC. 108. HIGHER VOLUME PORT REGULATORY DEFINITION CHANGE.

Within 30 days after the date of enactment of this Act, notwithstanding subchapter 5 of title 5, United States Code, the Commandant of the Coast Guard shall modify the definition of the term "higher volume port area" contained in section 155.1020 of the Coast Guard regulations (33 C.F.R. 155.1020) by striking "Port Angeles, WA" in paragraph (13) of that section and inserting "Cape Flattery, WA" without initiating a rulemaking proceeding.

SEC. 109. RECREATIONAL BOATER OUTREACH PROGRAM.

The Secretary shall establish an outreach program for recreational boaters and commercial and recreational fishermen to inform them about ways in which they can assist in reducing the risk of an oil spill or release. The program shall focus initially on regions in the country where, in the past 10 years, the incidence of such spills has been the highest.

SEC. 110. IMPROVED COORDINATION WITH TRIBAL GOVERNMENTS.

(a) In General.—The Secretary shall take such action as may be necessary to improve the Coast Guard's consultation and coordination with the tribal governments of Federally recognized Indian tribes with respect to oil spill prevention, preparedness, and response.

(b) Inclusion of Tribal Government.—The Secretary shall ensure that, as soon as practicable after identifying an oil spill that is likely to have an impact on natural resources owned or utilized by a Federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the affected tribes are included as part of the incident response team established by the Coast Guard to respond to the spill;

(2) share nonconfidential information about the oil spill with the tribal government of the affected tribe; and

(3) to the extent practicable, involve tribal governments in deciding how to respond to such spill.

(c) Cooperative Arrangements.—The Coast Guard may enter into memoranda of understanding or similar arrangements with tribal governments in order to establish cooperative arrangements for oil pollution prevention, preparedness, and response. Such memoranda may include training for preparedness and response and provisions on coordination in the event of a spill.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $500,000 for each of fiscal years 2007 through 2011 to be used to execute and implement memoranda of understanding under this section.

SEC. 111. OIL SPILL ADVISORY COUNCIL.

Section 5002(k) of the Oil Pollution Act of 1990 (33 U.S.C. 2732(k)) is amended by adding at the end the following:

"(4) Washington State program.—

"(A) In general.—For purposes of this paragraph, the oil spill advisory council established by section 90.56.120 of title 90 of the Revised Code of Washington is deemed to be an advisory council established under this section. The provisions of this section, other than this paragraph, do not apply to that oil spill advisory council.

"(B) Funding.—The owners or operators of terminal facilities or crude oil tankers operating in Washington State waters shall provide, on an annual basis, an aggregate amount of not more than $1,000,000, as determined by the Secretary. Such amount—

"(i) shall be made available to the oil spill advisory council established by section 90.56.120 of title 90 of the Revised Code of Washington;

"(ii) shall be adjusted annually by the Consumer Price Index; and

"(iii) may be adjusted periodically upon the mutual consent of the owners or operators of terminal facilities or crude oil tankers operating in Washington State waters and the Council.".

Subtitle B—National Oceanic and Atmospheric Administration Provisions

SEC. 151. HYDROGRAPHIC SURVEYS.

(a) Reduction of Backlog.—The Undersecretary of Commerce for Oceans and Atmosphere shall continue survey operations to reduce the survey backlog in navigationally significant waters outlined in its National Survey Plan, concentrating on areas where oil and other hazardous materials are transported.

(b) New Surveys.—By no later than January 1, 2010, the Undersecretary shall complete new surveys, together with necessary data processing, analysis, and dissemination, for all areas in United States coastal areas determined by the Undersecretary to be critical areas.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Undersecretary for the purpose of carrying out the new surveys required by subsection (b) $68,000,000 for each of fiscal years 2007 through 2011.

SEC. 152. ELECTRONIC NAVIGATIONAL CHARTS.

(a) In General.—By no later than September 1, 2007, the Undersecretary of Commerce for Oceans and Atmosphere shall complete the electronic navigation chart suite for all coastal waters of the United States.

(b) Priorities.—In completing the suite, the Undersecretary shall give priority to producing and maintaining the electronic navigation charts of the entrances to major ports and the coastal transportation routes for oil and hazardous materials, and for estuaries of national significance designated under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Undersecretary for the purpose of completing the electronic navigation chart suite $6,200,000 for fiscal years 2007 and 2008.

TITLE II—RESPONSE

SEC. 201. RAPID RESPONSE SYSTEM.

The Undersecretary of Commerce for Oceans and Atmosphere shall develop and implement a rapid response system to collect and predict in situ information about oil spill behavior, trajectory and impacts, and a mechanism to provide such information rapidly to Federal, State, tribal, and other entities involved in a response to an oil spill.

SEC. 202. COAST GUARD OIL SPILL DATABASE.

The Secretary shall modify the Coast Guard's oil spill database as necessary to ensure that it—

(1) includes information on the cause of oil spills maintained in the database; and

(2) is capable of facilitating the analysis of trends and the comparison of accidents involving oil spills.

SEC. 203. REPORTS ON CERTAIN OIL SPILL LIABILITY TRUST FUND EXPENDITURES.

(a) Annual Spending Report.—Title I of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended by adding at the end the following:

"SEC. 1021. ANNUAL EXPENDITURE REPORT.

"(a) In General.—No later than March 1 of each year after 2006, the Secretary shall provide an annual report on spending for the preceding fiscal year on expenditures from the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986, whether or not subject to annual appropriations, to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure and to the National Pollution Funds Center, which shall make the report available to the public on its Internet website.

"(b) Contents.—The report shall include—

"(1) a list of each expenditure of $500,000 or more from the Fund during the fiscal year to which the report relates; and

"(2) a description of how each such expenditure related to—

"(A) oil pollution liability and compensation;

"(B) oil pollution prevention;

"(C) oil pollution preparedness;

"(D) oil spill removal;

"(E) natural resource damage assessment and restoration;

"(F) oil pollution research and development; or

"(G) other pollution-related activities.

"(c) Agency Reports.—Each Federal agency that receives appropriated funds for use from the Fund shall—

"(1) maintain records of the purposes for which such funds were obligated or expended in such detail as the Secretary may require for purposes of the report required by subsection (a); and

"(2) transmit the information contained in such records to the Secretary at such time, in such form, and in such detail as the Secretary may require for purposes of that report, including a breakdown of expenditures described in subsection (b)(1) and a description of the use of such expenditures in accordance with subsection (b)(2).

"(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.".

(b) Audit Cooperation.—Section 1012(g) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(g)) is amended by striking the last sentence and inserting the following: "Each Federal agency that receives appropriated funds for use from the Fund shall cooperate with, and provide requested documentation to, the Comptroller General in carrying out this subsection and the Secretary in carrying out section 1021.".

(c) Use of Fund in National Emergencies.—Notwithstanding any provision of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) to the contrary, no amount may be made available from the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 for claims described in section 1012(a)(4) of that Act (33 U.S.C. 2712(a)(4)) attributable to any national emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(d) Conforming Amendment.—Section 2 of the Oil Pollution Act of 1990 (33 U.S.C. 2701 note) is amended by inserting after the item relating to section 1020 the following:

"Sec. 1021. Annual expenditure report.".

SEC. 204. USE OF FUNDS.

Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) not more than $25,000,000 in each fiscal year shall be available to the Secretary of Commerce for expenses incurred by, and activities related to, response and damage assessment capabilities of the National Oceanic and Atmospheric Administration;".

SEC. 205. LIMITS ON LIABILITY.

(a) Increase of Liability Limits.—Within 6 months after the date of enactment of this Act, the Secretary, acting through the Commandant of the Coast Guard, shall by regulation revise the limits of liability specified in section 1004(a) of that Act (33 U.S.C. 2704(a)) as follows:

(1) For a tank vessel under paragraph (1)—

(A) by substituting "$2,400" for "$1,200" in subparagraph (A);

(B) by substituting "$20,000,000" for "$10,000,000" in subparagraph (B)(i); and

(C) by substituting "$6,000,000" for "$2,000,000" in subparagraph (B)(ii).

(2) For other vessels under paragraph (2)—

(A) by substituting "$1,800" for "$600"; and

(B) by substituting "$1,000,000" for "$500,000".

(3) For offshore facilities other than deepwater ports, by substituting "$150,000,000" for "$75,000,000" in paragraph (3).

(b) Inflation Adjustment.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended by striking "significant".

(c) Financial Responsibility.—Section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) is amended—

(1) by striking "or" after the semicolon in paragraph (1);

(2) by inserting "or" after the semicolon in paragraph (2); and

(3) by inserting after paragraph (2) the following:

"(3) any tank vessel over 100 gross tons (except a non-self-propelled vessel that does not carry oil as cargo) using any place subject to the jurisdiction of the United States;".

SEC. 206. LIABILITY FOR USE OF UNSAFE SINGLE-HULL VESSELS.

Section 1001(32) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(d)) is amended by striking subparagraph (A) and inserting the following:

"(A) Vessels.—In the case of a vessel—

"(i) any person owning, operating, or demise chartering the vessel; and

"(ii) the owner of oil being transported in a tank vessel with a single hull after December 31, 2010, if the owner of the oil knew, or should have known, from publicly available information that the vessel had a poor safety or operational record.".

SEC. 207. RESCUE TUGS.

Paragraph (5) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

"(J) Rescue tugs.—

"(i) In general.—The Secretary shall require the stationing of a rescue tug in the entry to the Strait of Juan de Fuca near Neah Bay and other areas designated by the Secretary as areas where the risk of oil spill and the remoteness of the area warrants. In selecting such areas for designation, the Secretary shall consider the frequency of transits by vessels required to prepare a response plan under this paragraph, weather conditions, distance to existing Federally required response equipment and vessels, and other relevant criteria.

"(ii) Shared resources.—The Secretary may authorize compliance with the rescue tug stationing requirement of paragraph (1) through joint or shared resources between or among entities to which this subsection applies.

"(iii) State requirements.—Nothing in this subparagraph preempts the authority of any State to require the stationing of rescue tugs in any area under State law or regulations.".

SEC. 208. INTERNATIONAL EFFORTS ON ENFORCEMENT.

The Secretary, in consultation with the heads of other appropriate Federal agencies, shall ensure that the Coast Guard pursues stronger enforcement in the International Maritime Organization of agreements related to oil discharges, including joint enforcement operations, training, and stronger compliance mechanisms.

SEC. 209. INVESTMENT OF AMOUNTS IN DAMAGE ASSESSMENT AND RESTORATION REVOLVING FUND.

The Secretary of the Treasury shall invest such portion of the damage assessment and restoration revolving fund described in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (33 U.S.C. 2706 note) as is not, in the Secretary's judgment, required to meet current withdrawals in interest-bearing obligations of the United States in accordance with section 9602 of the Internal Revenue Code of 1986.

TITLE III—RESEARCH AND MISCELLANEOUS REPORTS

SEC. 301. FEDERAL OIL SPILL RESEARCH COMMITTEE.

(a) Establishment.—There is established a committee to be known as the Federal Oil Spill Research Committee.

(b) Membership.—The members of the Committee shall be designated by the Undersecretary of Commerce for oceans and Atmosphere and shall include representatives from the National Oceanic and Atmospheric Administration, the United States Coast Guard, the Environmental Protection Agency, and such other Federal agencies as the President may designate. A representative of the National Oceanic and Atmospheric Administration, designated by the Undersecretary, shall serve as Chairman.

(c) Duties.—The Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, universities, research institutions, State governments, tribal governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

(d) Reports to Congress.—

(1) Not later than 180 days after the date of enactment of this Act, the Committee shall submit to Congress a report on the current state of oil spill prevention and response capabilities that—

(A) identifies current research programs conducted by governments, universities, corporate entities;

(B) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies;

(C) establishes national research priorities and goals for oil pollution technology development related to prevention, response, mitigation, and environmental effects;

(D) identifies regional oil pollution research needs and priorities for a coordinated program of research at the regional level developed in consultation with the State and local governments, tribes;

(E) assesses the current state of spill response equipment, and determines areas in need of improvement including amount, age, quality, effectiveness, or necessary technological improvements;

(F) assesses the current state of real time data available to mariners, including water level, currents and weather information and predictions, and assesses whether lack of timely information increases the risk of oil spills; and

(G) includes such recommendations as the Committee deems appropriate.

(2) Quinquennial updates.—The Committee shall submit a report every fifth year after its first report under paragraph (1) updating the information contained in its previous report under this subsection.

(e) Advice and Guidance.—The Committee shall accept comments and input from State and local governments, Indian tribes, industry representatives, and other stakeholders.

(f) National Academy of Science Participation.—The Chairman, through the National Oceanic and Atmospheric Administration, shall contract with the National Academy of Sciences to—

(1) provide advice and guidance in the preparation and development of the research plan; and

(2) assess the adequacy of the plan as submitted, and submit a report to Congress on the conclusions of such assessment.

(g) Research and Development Program.—

(1) In general.—The Committee shall establish a program for conducting oil pollution research and development. Within 180 days after submitting its report to the Congress under subsection (c), the Committee shall submit to Congress a plan for the implementation of the program.

(2) Program elements.—The program established under paragraph (1) shall provide for research, development, and demonstration of new or improved technologies which are effective in preventing, detecting, or mitigating oil discharges and which protect the environment, and include—

(A) high priority research areas described in the report;

(B) environmental effects of acute and chronic oil spills;

(C) long-term effects of major spills and the long-term cumulative effects of smaller endemic spills;

(D) new technologies to detect accidental or intentional overboard discharges;

(E) response capabilities, such as improved booms, oil skimmers, and storage capacity;

(F) methods to restore and rehabilitate natural resources damaged by oil discharges; and

(G) research and training, in consultation with the National Response Team, to improve industry's and Government's ability to remove an oil discharge quickly and effectively.

(h) Grant Program.—

(1) In general.—The Undersecretary of Commerce for Oceans and Atmosphere shall manage a program of competitive grants to universities or other research institutions, or groups of universities or research institutions, for the purposes of conducting the program established under subsection (g).

(2) Applications and conditions.—In conducting the program, the Undersecretary—

(A) shall establish a notification and application procedure;

(B) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program; and

(C) may make grants under the program on a matching or nonmatching basis.

(i) Facilitation.—The Committee may develop memoranda of agreement or memoranda of understanding with universities, States, or other entities to facilitate the research program.

(j) Annual Reports.—The chairman of the Committee shall submit an annual report to Congress on the activities carried out under this section in the preceding fiscal year, and on activities proposed to be carried out under this section in the current fiscal year.

(k) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Commerce to carry out this section—

(1) $200,000 for fiscal year 2007, to remain available until expended, for contracting with the National Academy of Sciences and other expenses associated with developing the report and research program; and

(2) $2,000,000 for each of fiscal years 2007, 2008, and 2009, to remain available until expended, to fund grants under subsection (h).

(l) Committee Replaces Existing Authority.—The authority provided by this section supersedes the authority provided by section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) for the establishment of the Interagency Committee on Oil Pollution Research under subsection (a) of that section, and that Committee shall cease operations and terminate on the date of enactment of this Act.

SEC. 302. GRANT PROJECT FOR DEVELOPMENT OF COST-EFFECTIVE DETECTION TECHNOLOGIES.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall, by regulation, establish a grant program for the development of cost-effective technologies for detecting discharges of oil from vessels including infrared, pressure sensors, and remote sensing.

(b) Matching Requirement.—The Federal share of any project funded under subsection (a) may not exceed 50 percent of the total cost of the project.

(c) Report to Congress.—Not later than 3 years after the date of enactment of this Act the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure on the results of the program.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

SEC. 303. STATUS OF IMPLEMENTATION OF RECOMMENDATIONS BY THE NATIONAL RESEARCH COUNCIL.

(a) In General.—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on whether the Coast Guard has implemented each of the recommendations directed at the Coast Guard, or at the Coast Guard and other entities, in the following National Research Council reports:

(1) "Double-Hull Tanker Legislation, An Assessment of the Oil Pollution Act of 1990", dated 1998.

(2) "Oil in the Sea III, Inputs, Fates and Effects", dated 2003.

(b) Content.—The report shall contained a detailed explanation of the actions taken by the Coast Guard pursuant to the National Research Council reports. If the Secretary determines that the Coast Guard has not fully implemented the recommendations, the Secretary shall include a detailed explanation of the reasons any such recommendation has not been fully implemented, together with any recommendations the Secretary deems appropriate for implementing any such non-implemented recommendation.

SEC. 304. GAO REPORT.

Within 1 year after the date of enactment of this Act, the Comptroller General shall provide a written report with recommendations for reducing the risks and frequency of releases of oil from vessels (both intentional and accidental) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that includes the following:

(1) Continuing oil releases.—A summary of continuing sources of oil pollution from vessels, the major causes of such pollution, the extent to which the Coast Guard or other Federal or State entities regulate such sources and enforce such regulations, possible measures that could reduce such releases of oil.

(2) Double hulls.—

(A) A description of the various types of double hulls, including designs, construction, and materials, authorized by the Coast Guard for United States flag vessels, and by foreign flag vessels pursuant to international law, and any changes with respect to what is now authorized compared to the what was authorized in the past.

(B) A comparison of the potential structural and design safety risks of the various types of double hulls described in subparagraph (A) that have been observed or identified by the Coast Guard, or in public documents readily available to the Coast Guard, including susceptibility to corrosion and other structural concerns, unsafe temperatures within the hulls, the build-up of gases within the hulls, ease of inspection, and any other factors affecting reliability and safety.

(3) Alternative designs for non-tank vessels.—A description of the various types of alternative designs for non-tank vessels to reduce risk of an oil spill, known effectiveness in reducing oil spills, and a summary of how extensively such designs are being used in the United States and elsewhere.

(4) Response equipment.—An assessment of the sufficiency of oil pollution response

and salvage equipment, the quality of existing equipment, new developments in the United States and elsewhere, and whether new technologies are being used in the United States.

SEC. 305. OIL TRANSPORTATION INFRASTRUCTURE ANALYSIS.

The Secretary of the Department of Homeland Security shall, in conjunction with the Secretary of Commerce, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies, contract with the National Research Council to conduct an analysis of the condition and safety of all aspects of oil transportation infrastructure in the United States, and provide recommendations to improve such safety, including an assessment of the adequacy of contingency and emergency plans in the event of a natural event.

By Mr. OBAMA:

S. 2441. A bill to authorize resources for a grant program for local educational agencies to create innovation districts; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, I rise today to introduce a bill—the "Innovation Districts for School Improvement Act"—to establish grants to 20 school districts across the country. Through competitive grants, these districts would be offered new resources in return for systematic reforms and measurable results.

Today, in my own state, out of every 100 African-American or Latino males in the Chicago schools at age 13, only 3 or fewer will continue on to earn a degree from a 4-year college. The chances of success for a young man of color in many of our urban school districts are the same as the chance of a soldier in Napoleon's Grand Army surviving in the dismal march to Moscow. That is considered a great historical folly, a waste of a generation of young talent. How will we be judged?

Today, a good education is parceled out to some and denied to others, handed down, as a privilege, from generation to generation. A good education is denied not only to children of color in our cities, but also to children living in poverty in our rural areas.

Today, 6 million middle and high school students are reading with skills far below their grade level. Half of all teenagers are unable to understand basic fractions, and half of all 9 year olds are unable to perform basic multiplication or division. We now have one of the highest high school dropout rates of any industrialized country.

This is a folly and a failure that hurts us all. As we continue in this failure, other nations are moving ahead of us. We know that China and India are training more skilled engineers, who are developing new technologies and innovating in ways that result from their investments in education. We live in a world where few American jobs are secure, and we know that to compete successfully, we must better educate our students. All our students: urban and rural, black and white, rich and poor.

In fact, America's richest untapped source of talent may be in our underserved cities and poor rural areas, among students now trapped in inadequate schools. The best strategy for maintaining America's economic preeminence is to give more students the knowledge and the skills to innovate. To achieve this, our schools, too, must innovate.

That is why today I am introducing the Innovation Districts for School Improvement Act. We need to make sure there is an effective teacher in every classroom and an effective principal in every school. We need to make sure teachers are not distributed in a way that disproportionately places inexperienced and untrained teachers in classrooms with students who need the best teachers. We need to help young teachers get the training and coaching they need, and make sure that experienced teachers have the career opportunities that make use of their talents, giving the best ones a chance to train younger teachers, and a reason to stay in their schools and take on added roles.

Many schools do this and achieve encouraging results. The Innovation Districts for School Improvement Act would apply lessons from these successes, with school districts from across the country becoming seedbeds for further reform. Innovation Districts will focus on teacher recruitment, training, and retention, using successful residency-based programs as a model. They would offer performance pay increases to high-performing teachers, and financial incentives to teachers willing to work in low income schools.

Innovation Districts would partner with local universities, charitable foundations or community institutions to develop, execute, and evaluate their reforms. Most importantly, Innovation Districts would look at new ways to do things better, identify current practices that prevent them from innovating, and show us that if we are willing to support and rethink our schools, all our children can learn, all our children can compete, and our schools can be the best in the world.

I hope my colleagues will support this important legislation.

By Mr. DURBIN:

S. 2442. A bill to require the President or the Committee on Foreign Investment in the United States to submit to Congress draft investigation reports on national security related investigations, to address mandatory investigations by such committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I rise today to introduce common sense legislation that would improve the way we review proposed purchases of American assets by foreign companies and governments.

Much has already been said about the prospect of Dubai Ports World taking responsibility for some of the operations of our nation's ports. The way that the Bush Administration has handled this situation has made it very clear that the process we currently use to review the national security implications of foreign acquisitions is simply not working. We must do better.

Let me be clear: I do not believe that we should automatically dismiss out of hand any potential foreign investments in this country. Vibrant trade, when conducted sensibly and fairly, is good for America.

However, I think that for any proposed deal in which a foreign company would take over important responsibilities related to America's critical infrastructure—whether it be our ports, our railroads, our airports, or anything else that is fundamental to our national security—we should take a very close look at such a deal.

For any proposed deal in which a foreign country would take over any of our nations' companies, we should take an even closer look.

I strongly believe that we should be building our ties with friendly Arab nations, through diplomacy, trade, and all of the other mechanisms we have at our disposal. However, the process by which this Dubai Ports World deal was waved through by the Bush Administration without anything resembling a thorough review of the security risks is simply not good enough.

This bill would improve the review process in five ways.

First, my legislation would require that a more thorough 45-day investigation be undertaken by the Committee on Foreign Investment in the United States (CFIUS) when either of two situations occurs: when a foreign government wants to purchase any assets in the United States, and when a foreign-owned company wants to purchase critical infrastructure in the United States.

Second, my bill would mandate that at least 7 days before the end of a foreign investment review, the CFIUS chair must submit a draft of its report to the Homeland Security committees in each chamber.

Third, when the CFIUS review is completed, each cabinet secretary whose agency has been involved in the review must certify in writing his or her agreement or dissent.

Fourth, under current law, the President can only block a transaction when the buyer "might fail to take necessary action to prevent impairment of the national security," which is an extraordinarily high threshold for action. My bill would lower the threshold so that the President can realistically take action in more ambiguous situations where there is credible evidence that the buyer itself presents a national security threat.

Fifth, the bill would mandate that CFIUS should be chaired by the Secretary of Homeland Security instead of the Secretary of the Treasury.

I believe that these common sense reforms will support healthy trade and investment, but will at the same time ensure that foreign investments in American assets do not compromise our national security. I look forward to working with my colleagues to combine my bill with the many other good ideas that have been proposed in order to pass legislation that will make this review process stronger.

Our national security—and our economic strength—depend on it.

By Mr. MCCAIN:

S. 2443. A bill to grant the power to the President to reduce budget authority; to the Committee on Rules and Administration.

Mr. MCCAIN. Mr. President, in his final State of the Union Address, President Reagan stood for the last time before both Houses of Congress and asked for line-item veto authority for future Presidents.

On that evening, the President had with him three pieces of legislation: an appropriations bill that was 1,053 pages long and weighed 14 pounds; a budget reconciliation bill that was 1,186 pages long and weighed 15 pounds; and a continuing resolution that was 1,057 pages long and weighed 14 pounds. President Reagan slammed down on the lectern the 43 pounds of paper and ink, which represented 1 trillion dollars' worth of spending. He did so to emphasize the magnitude of wasteful spending in the bills—spending that the President could not stop unless he was willing to veto each piece of legislation in its entirety. In the case of the continuing resolution, that would have meant that the Federal government would shut down.

Almost 20 years later we are in exactly the same situation we were in when President Reagan said to Congress, "Let's help ensure our future of prosperity by giving the President a tool that, though I will not get to use it, is one I know future Presidents of either party must have. Give the President the same authority that 43 Governors use in their States: the right to reach into massive appropriation bills, pare away the waste, and enforce budget discipline. Let's approve the line-item veto."

Last week, President Bush rightly renewed Ronald Reagan's call for line-item veto authority by sending to Congress a legislative proposal for a form of line-item veto authority known as expedited rescission. That proposal was introduced as the Line Item Rescission Act of 2006 shortly after the President offered it. I am an original cosponsor of that legislation, which would authorize the President to propose spending and targeted tax benefits that would ultimately have to be approved by a majority of each House of Congress. The Line Item Rescission Act is one way to give the President more authority to impose fiscal restraint, and if it were enacted it would constitute a significant move in Washington, DC, towards fiscal discipline.

Today, I am introducing the Separate Enrollment and Line Item Veto Act of 2006 to present what I believe is a stronger approach to granting the President true line-item veto power. Under this proposal, which is crafted to ensure its constitutionality, each item of every appropriation measure and authorization measure containing new direct spending or new targeted tax benefits passed by Congress would be separately enrolled. The President would then be able to consider each item as a separate bill and would have the power to veto items that, as President Bush has said, constitute unneeded spending that reflects special interests instead of the people's interest.

We must keep in mind that even strong line-item veto authority will not solve all of our fiscal problems. We also desperately need to reform our earmarking process and our lobbying practices—and we must remember that it is ultimately Congress's responsibility to control spending. However, granting the President line-item veto authority would go a long way toward restoring credibility to a system ravaged by congressional waste and special interest pork. I look forward to the Senate's consideration of line-item veto legislation, and I trust that Congress will act on such legislation soon.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2444. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

Mr. AKAKA. Mr. President, I rise today, along with my good friend and colleague Senator DANIEL INOUYE, to introduce the Senate companion to H.R. 1105, the Dam Rehabilitation and Repair Act, which was introduced by Representative SUE KELLY and co-sponsored by my colleagues from the State of Hawaii, Representatives NEIL ABERCROMBIE and ED CASE.

The Dam Rehabilitation and Repair Act will improve the safety of our Nation's dams by establishing a Federal program to assist Hawaii and other states in rehabilitating publicly owned dams that pose a risk to public safety.

Storms that struck Hawaii in recent weeks remind us that the devastation wrought by the collapse of a dam can be severe and tragic. All too often, these catastrophic collapses come with little or no warning, leaving those in the path of flooding with no time to avoid danger.

Dam safety is a neglected aspect of our homeland security. While we plan for the possibility that terrorists may attack our infrastructure, we fail to fully recognize that critical infrastructure is also subject to the forces of nature and, therefore, prone to wear and tear. Just as we must guard against attacks on our critical infrastructure, we must also be attentive to its maintenance.

Our Nation has thousands of dams. The homes and businesses of millions of Americans are in the path of potentially catastrophic flooding that could result from dam failures. Some of our great cities are at risk, as are vast tracts of our most productive agricultural land. Although dams are often out of sight and given little regard in everyday life, we put lives and property at peril when we fail to properly maintain them.

The Dam Rehabilitation and Repair Act takes an important step forward by allocating Federal funds for the repair and rehabilitation of publicly owned dams that are deemed to be unsafe. Specifically, this bill will: Mandate the Director of the Federal Emergency Management Agency (FEMA) to establish a program providing grant assistance to states for the repair of dams that pose a public safety risk; require the FEMA Director to determine appropriate procedures for awarding grants and allocating funds; establish a risk-based priority system to identify dams in need of repair; and establish a cost sharing arrangement between the Federal Government and States.

In addition, I am working to ensure that both public and private dams receive the maintenance they need for the public's safety, and I appreciate the technical assistance that the American Society of Civil Engineers has given me on this critical problem. I look forward to working with my colleagues to pass legislation that augments the National Dam Safety Program and provides states with the necessary assistance to protect the public.

I ask unanimous consent to print in the RECORD at this point a letter from the Dam Safety Coalition endorsing this legislation and that text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DAM SAFETY COALITION,
March 16, 2006.

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The dam safety, engineering, and construction community would like to commend you for your commitment to dam safety and for introducing the Dam Repair and Rehabilitation Act in U.S. Senate. The legislation would fill a vital need in our infrastructure by developing a federal funding program devoted to repairing the nation's unsafe dams.

Dams are a vital part of our nation's aging infrastructure and provide enormous benefits to the majority of Americans—benefits that include drinking water, flood protection, renewable hydroelectric power, navigation, irrigation and recreation. Yet, these critical daily benefits' provided by the nation's dams are inextricably linked to the potential consequences of a dam failure if the dam is not maintained, or is unable to impound water, pass large flood events or withstand earthquake events in a safe manner.

In 2005, ASCE published the Report Card for America's Infrastructure giving the condition of our nation's dams a grade of D, equal to the overall infrastructure grade. States have identified 3,500 unsafe or deficient dams, many being susceptible to large flood events or earthquakes. The Association of State Dam Safety Officials, in its October 2003 report entitled "The Cost of Rehabilitating Our Nation's Dams", estimated that $10 billion would be needed to repair the most critical dams over the next 12 years.

It is a reasonable expectation of every American to be protected by our government; including protection from preventable disasters such as dam failures.

We look forward to working with you to enact the Dam Rehabilitation and Repair Act in the 109th Congress.

Sincerely,

BRIAN PALLASCH,
Co-Chair, Dam Safety Coalition.

S. 2444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dam Rehabilitation and Repair Act of 2006".

SEC. 2. REHABILITATION AND REPAIR OF DEFICIENT DAMS.

(a) DEFINITIONS.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (4), (5), (6), (7), (8), (9), (10), (12), (13), (14), and (15), respectively;

(2) by inserting after paragraph (2) the following:

"(3) DEFICIENT DAM.—The term 'deficient dam' means a dam that, as determined by the State within the boundaries of which the dam is located—

"(A) fails to meet minimum dam safety standards of the State; and

"(B) poses an unacceptable risk to the public."; and

(3) by inserting after paragraph (10) (as redesignated by paragraph (1)) the following:

"(11) REHABILITATION.—The term 'rehabilitation' means the repair, replacement, reconstruction, or removal of a dam to meet applicable State dam safety and security standards.".

(b) PROGRAM FOR REHABILITATION AND REPAIR OF DEFICIENT DAMS.—The National Dam Safety Program Act is amended by inserting after section 8 (33 U.S.C. 467f) the following:

"SEC. 8A. REHABILITATION AND REPAIR OF DEFICIENT DAMS.

"(a) ESTABLISHMENT OF PROGRAM.—The Director shall establish, within FEMA, a program to provide grants to States for use in rehabilitation of publicly-owned deficient dams.

"(b) GRANTS.—

"(1) IN GENERAL.—In carrying out the program established under subsection (a), the Director—

"(A) may provide grants to States for the rehabilitation of deficient dams; and

"(B) shall enter into a project grant agreement with each State that receives a grant to establish the terms of the grant and the project, including the amount of the grant.

"(2) APPLICATION.—To receive a grant under this section, a State shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require, by regulation.

"(c) PRIORITY SYSTEM.—The Director, in consultation with the Board, shall develop a risk-based priority system for use in identifying deficient dams for which grants may be provided under this section.

"(d) ALLOCATION OF FUNDS.—During a fiscal year, of amounts appropriated pursuant to subsection (f)(1) for that fiscal year—

"(1) ⅓ shall be distributed equally among the States that receive grants under this section; and

"(2) ⅔ shall be distributed among the States described in paragraph (1) based on the ratio that—

"(A) the number of non-Federal publicly-owned dams located within the boundaries of a State that the Secretary of the Army identifies in the national inventory of dams maintained under section 6 as constituting a danger to human health; bears to

"(B) the number of non-Federal publicly-owned dams so identified located within the boundaries of all States that receive grants under this section.

"(e) COST SHARING.—The Federal share of the cost of rehabilitation of a deficient dam for which a grant is made under this section shall be not more than 65 percent.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, to remain available until expended—

"(A) $50,000,000 for fiscal year 2007; and

"(B) $100,000,000 for each of fiscal years 2008 through 2010.

"(2) STAFF.—There is authorized to be appropriated to provide for the employment of such additional staff of FEMA as the Director determines to be necessary to carry out this section $400,000 for each of fiscal years 2007 through 2009, to remain available until expended.".

SEC. 3. RULEMAKING.

(a) PROPOSED RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response, acting through the Director of the Federal Emergency Management Agency, shall issue a notice of proposed rulemaking regarding the amendments made by section 2 to the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

(b) FINAL RULE.—Not later than 120 days after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response, acting through the Director of the Federal Emergency Management Agency, shall promulgate a final rule regarding the amendments described in subsection (a).

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2445. A bill to permit certain school districts in Illinois to be reconstituted for purposes of determining assistance under the Impact Aid program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY FOR IMPACT AID PAYMENT.

(a) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)(B)), North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.

(b) COMPUTATION.—Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—

(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and

(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.

By Mr. DURBIN:

S. 2448. A bill to increase the minimum penalties for violations of the Federal Mine Safety and Health Act of 1977, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce the Mine Safety Enforcement, Reporting, and Training Act. This bill will raise the minimum fine for safety violations from $60 to $500, require coal mine operators to pay fines up front, require a public yearly report of fine payments, and double funding for education and training grants to States from $10 million to $20 million.

The recent tragic events in West Virginia and Kentucky have captured the Nation's attention and exposed the serious dangers our miners face every day. Safety violations often result in injuries that cost miners their health, livelihood or lives. Safety inspectors have advised me that the fines need to be tougher when a company violates our safety laws and that we need to put more resources into training inspectors.

The vast majority of fines issued in 2005 were under $100. Unfortunately, many multimillion dollar mining companies view these fines no worse than a minor speeding ticket. Hopefully, raising the minimum fine from $60 to $500 will prompt these companies to get serious about making safety improvements.

Many coal operators are taking advantage of the current system which allows them to withhold payment of fines levied against them while negotiating to reduce the amount of those fines. From 2001 to 2003, more than two-thirds of all major fines were reduced from the original amount imposed by safety inspectors from the Mine Safety and Health Administration (MSHA). MSHA reports that of the fines that are appealed, the average reduction is 47 percent.

Moreover, since 2001, almost half of all fines have not been collected. Federal records also show that in the last two years the federal mine safety agency has failed to hand over any delinquent cases to the Treasury Department for further collection efforts, as is supposed to occur after 180 days. I believe that a public report card of fine payments gives us the chance to grade these companies and make necessary changes before we have another tragic accident on our hands.

Over the years, funding for education and training grants has steadily declined—seriously impacting the agency's ability to meet the training needs of individual States. Nationally, MSHA awards up to $10 million in grants annually, and like many other states, my home state of Illinois has witnessed a reduction in grants in the past ten years, which is especially troublesome during a time of revived coal mining activity. State regulating agencies, such as the Illinois Office of Mines and Minerals, uses the funds it receives from MSHA to purchase safety vehicles, rescue training equipment and to help train new coal mine employees. Not only are state mine agencies unable to purchase new equipment as old equipment wears out, but state agencies are having trouble purchasing modern mine rescue training equipment.

I hope that my colleagues will join me in this effort to increase enforcement efforts, public reporting of violations, and education and training grants for the benefit of our coal miners across the country. Our coal miners deserve no less.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mine Safety Enforcement, Reporting, and Training Act".

SEC. 2. INCREASED MINIMUM PENALTIES FOR, AND IMMEDIATE PAYMENT OF, MINE SAFETY VIOLATIONS.

(a) INCREASED MINIMUM PENALTIES.—Section 110 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820) is amended—

(1) by redesignating subsection (*l*) as subsection (m);

(2) by inserting after subsection (k) the following:

"(l) MINIMUM PENALTY.—The amount of a fine or civil penalty assessed for a violation of a mandatory health or safety standard or other provision of this Act shall be not less than $500."; and

(3) in subsection (g), by striking "shall not be more than $250" and inserting "shall be $500".

(b) IMMEDIATE PAYMENT OF PENALTIES.—Section 110(j) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820(j)) is amended by adding at the end the following: "An operator shall pay a civil penalty owed under this Act promptly after such penalty is assessed and prior to contesting the penalty before the Commission or appealing the decision to the appropriate court.".

(c) REPORT.—Section 110 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820) is further amended by adding at the end the following:

"(n) REPORT.—

"(1) IN GENERAL.—The Secretary shall annually prepare and submit a report to Congress detailing, for the previous fiscal year—

"(A) the amount of fines assessed under this Act for each operator;

"(B) the amount of fines actually collected from each operator; and

"(C) the total amount of fines assessed, and the total amount of fines collected, under this Act.

"(2) AVAILABILITY ON INTERNET.—The Secretary shall post the report described in paragraph (1) on the website of the Department of Labor in a conspicuous and prominent location.".

SEC. 3. INCREASING AUTHORIZATION OF APPROPRIATIONS FOR HEALTH AND SAFETY GRANTS.

Section 503(h) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 953(h)) is amended in the first sentence by striking "$10,000,000" and inserting "$20,000,000".

By Mr. KERRY (for himself, Mr. DAYTON, Mr. DURBIN, Mr. JOHNSON, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. MENENDEZ, and Mr. REID):

S. 2449. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age; to the Committee on Armed Services.

Mr. KERRY. Mr. President, for several years members of this Chamber have worked to reduce the age that retired members of the National Guard and Reserve can receive their retirement pay from 60 to 55. Senator Corzine offered such legislation in the first session of this Congress, and I was delighted to co-sponsor it. With Senator Corzine's departure from the Senate for the New Jersey State House, we have reassembled the body of co-sponsors and are introducing this legislation again to signal our continued commitment to addressing this issue.

The issue is simple. If you join the active duty Army at age 18 and serve 20 years on active duty, retiring at age 38, you are immediately eligible to receive retirement pay. If you join the National Guard or Reserves, you may retire after 20 years, but you must wait until age 60 to begin collecting retirement pay. A 38-year-old veteran of the Guard and Reserves must wait 22 years to see any of their retirement pay.

To be sure, everyone recognizes the difference between service in the active component and the reserve component in peace time. But since September 11, 2001, as we are reminded almost daily, we have been a Nation at war. Our National Guard and Reserves have been fully engaged in the War against al Qaeda and the War in Iraq. As of last week, nearly 120,000 reservists were mobilized, including 1,230 troops from my home state of Massachusetts. And sadly, almost 600 members of the Guard and Reserves have made the ultimate sacrifice for this country.

We can never fully express our Nation's gratitude for their service and sacrifice, but we can try to make benefits and compensation more worthy of the commitment and service shown by America's citizen soldiers. That's exactly what the legislation I introduce today seeks to accomplish. I'm delighted to be joined in this effort by Senators DAYTON, DURBIN, JOHNSON, LAUTENBERG, MIKULSKI, MENENDEZ, and REID.

It is no secret that our all volunteer force is stretched. Recruiting numbers have sagged under the anxieties and concerns of a nation at war. Retention has remained healthy to date, but as the nation approaches its 5th year of war, we must be proactive in seeking to support those who have already done so much for us. Reducing the age at which members of the Guard and Reserves can receive their retirement pay can help make continued service more attractive, retaining those in whom America has already invested so much.

We are asking for more from our National Guard and Reserve members than ever before. In turn we should be providing them with what they deserve and have certainly earned. This legislation would be a small step in the right direction to honor the service of these Americans and to ensure their continued strength.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN AGE FOR RECEIPT OF MILITARY RETIRED PAY FOR NON-REGULAR SERVICE.

(a) REDUCTION IN AGE.—Section 12731(a)(1) of title 10, United States Code, is amended by striking "at least 60 years of age" and inserting "at least 55 years of age".

(b) APPLICATION TO EXISTING PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age, a reference to the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply to retired pay payable for that month and subsequent months.

By Mr. AKAKA (for himself and Mr. DURBIN):

S. 2450. A bill to strengthen national security by encouraging and assisting in the expansion and improvement of educational programs in order to meet critical needs at the elementary, secondary, and higher education levels, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I rise today to reintroduce legislation with Senator DURBIN that will increase educational opportunities in science, technology, engineering, mathematics (STEM), and foreign languages for all students.

Last month, I shared with my colleagues the need to expand educational opportunities in these areas so that the youth of today can meet the challenges of tomorrow. The President, in his State of the Union address, said that America's ability to compete in global markets and to defend the nation against foreign threats depends on the strength of our educational system. On this point, he and I agree. Our future national and economic security are tied directly to our mathematical, scientific, and linguistic acumen.

For example, prior to 9/11, the Intelligence Community was not prepared to handle the challenge of translating the volumes of foreign language counter-terrorism intelligence it had collected. The Intelligence Community faced backlogs in material awaiting translation, a shortage of language specialists and language-qualified field officers, and a readiness level of only 30 percent in the most critical foreign languages. This news, however, was not new. In 2000, Ellen Laipson, Vice Chairman of the National Intelligence Council, reported similar problems and said that thousands of technical papers providing details on foreign research and development in scientific or technical areas were not being translated because of the lack of personnel to interpret the material, which could lead to the possibility of "a technological surprise."

It is clear that our national security relies on having a workforce skilled in the areas of science, technology, engineering, math, and foreign languages. We need to take action to strengthen education in these areas so that the United States can compete, prosper, and be secure in the 21st Century. A major investment in America's education system is necessary to ensure that we can communicate with and understand the cultures of our world partners and competitors. In the words of the Committee for Economic Development, "we must redefine, as each generation has done, what it means to be an educated American in a changing world." Enactment of the Homeland Security Education Act provides the framework to enhance our education system to ensure that our nation's youth will have the skills needed for success.

Our education system must be reenergized and reinvigorated to meet the needs of our nation by preparing students to be proficient in foreign languages and leaders in the scientific and engineering fields. Our schools need the equipment and the materials to teach the critical STEM and foreign language courses and bring these subjects to life. To address these issues our bill would: encourage public private partnerships to improve science and math curricula; upgrade laboratory facilities; provide scholarships for students to study math, science, or engineering at the university level; and establish internship and mentoring opportunities for students in grades K through 12; develop cultural awareness and immersion programs in colleges and universities that combine science, technology, and engineering instruction with foreign language to expand international understanding and scientific collaboration; and create language learning pathways to facilitate proficiency in critical foreign languages from Kindergarten through graduate school.

However, no amount of funding or new programs will address the problem if there are not enough teachers trained in these subjects. To address the shortage of STEM and foreign language teachers, our bill includes provisions to award scholarships in the amount of $15,000 to language-proficient individuals and practicing scientists and engineers to return to school and earn their degrees and become certified to teach these critical skills to students in high-need, low income schools. Our bill would also allow National Security Education Program scholarship and fellowship recipients to meet their service requirements by teaching in these critical areas if they cannot find a national security position in the Federal Government.

A key provision in the Homeland Security Education Act focuses on foreign language teacher training by awarding grants to facilitate partnerships between K through 12 schools and institutions of higher education to build professional development programs, summer workshops or institutes, and foreign language distance learning programs for elementary and secondary school teachers.

In addition to providing new programs and teachers, we must encourage students to study these subjects. The U.S. currently lags far behind other countries in the number of students majoring in these critical areas. We must reverse this trend if we are to ensure an adequate supply of science, technology, engineering, and mathematics expertise in the years ahead. For example, only 32 percent of undergraduates in the United States receive their degrees in science and engineering, compared to 59 percent in China and 66 percent in Japan. The statistics are even worse for foreign language education, where fewer than one in 10 college students enroll in a foreign language class. Our bill would provide financial incentives for students to take the tough classes, earn their degrees, and be trained in the skills that will help America succeed by providing them with $5,000 scholarships to earn degrees in STEM or a foreign language.

I am proud of my home State of Hawaii, which appreciates the importance of learning other languages and understanding other cultures and where high school seniors take Advanced Placement (AP) exams in calculus, chemistry, physics, and science at rates that are higher than, and in some cases nearly double, the national average. Still, there definitely is room for more students to take AP exams and excel in these important areas.

The Homeland Security Education Act would help make this a reality by complementing efforts such as the PACE bills, Senator KENNEDY's legislation, and the President's education initiatives—all of which I support because they are positive steps to increasing educational opportunities in critical STEM and foreign language studies.

Professor Richard Schmidt, Director of the National Foreign Language Resource Center at the University of Hawaii, said that "this legislation has strong potential to produce the kind of close articulation between K through 12 and higher education programs that has been very difficult in the past."

I wish to thank Professor Schmidt, the University of Hawaii College of Education, and the National Council for Languages and International Studies for supporting this bill. I ask unanimous consent that letters of support be printed in the RECORD

Education serves as the catalyst to ensure our Nation's long-term security. To remain a world leader we need Americans who are well-educated and who can communicate in the global marketplace. The bill we introduce today will help us meet these essential requirements.

I urge my colleagues to support the Homeland Security Education Act, and I look forward to working with them to strengthen our national security through enactment of our bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL FOR LANGUAGES
AND INTERNATIONAL STUDIES,
Washington, DC, March 6, 2006.

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: I am writing on behalf of the National Council for Languages and International Studies, representing 54 member language and international education associations, to thank you for sponsoring the Homeland Security Education Act (HSEA), which increases federal investment in foreign language education, specifically in languages of critical need to national security.

The benefits of language learning as a part of a basic education cannot be overstated. In addition to learning another language, studies indicate that students develop better problem-solving and cognitive skills. In addition to being an essential part of a basic education, recent events have demonstrated that early language learning is also imperative for national security. The events of September 11th brought to light the scarcity of highly qualified language professionals in the federal government workforce. Our nation cannot develop the high-level language expertise necessary to national security and economic competitiveness if we do not have the programs that encourage proficiency in critical languages.

Recent studies and initiatives such as the National Security Language Initiative, the Lincoln Commission Report, and the Center for Education Development's report, Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security provide a much-needed framework to develop foreign language skills by calling for the implementation of new and expanded language programs at all levels of education and in the workforce. HSEA will provide the resources needed to develop such critical programs.

Legislation like HSEA provides the framework and funding that is critical to carrying out these initiatives at the primary, secondary and higher education levels. Its focus on encouraging students to continue their language education as well as providing the grants needed for institutions of higher education to develop and strengthen foreign language programs, this bill will create the resources needed to address the issues facing the U.S. in today's world.

This comprehensive and forward thinking legislation is sorely needed. Thank you for your assistance and support of languages, international education and programs that promote better understanding of other languages and cultures. If there is anything we can do to help, please let us know.

Sincerely,

J. DAVID EDWARDS, PhD,
Executive Director.

UNIVERSITY OF HAWAI'I AT MĀNOA,
COLLEGE OF EDUCATION,
Honolulu, Hawai'i, March 9, 2006.

Hon. DANIEL K. AKAKA,
U.S. Senate, 141 Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: I am writing on behalf of the faculty and students of the University of Hawai'i, College of Education to express my enthusiastic support for the Homeland Security Education Act proposed by you and Senator Durbin.

It is clear that if we are to remain leaders in this increasingly competitive world, America needs a workforce skilled in science, mathematics, computer science, and engineering. We also need a larger population of people able to speak foreign languages and relate well with people from other countries and cultures.

The Homeland Security Education Act is designed very well to address this need, as it provides scholarships for college students entering those fields and for teacher candidates in the sciences, mathematics, and languages. It also provides grants to assist K-12 schools in improving related instruction, to improve facilities and obtain equipment. Three different grant programs support efforts to improve the numbers of foreign language speakers. The student loan program also holds promise of encouraging more people to enter these fields.

As Dean of the College of Education, I know first hand how difficult it is to attract teacher candidates into mathematics or science. The scholarships provided through the Homeland Security Education Act will help us encourage more students to enter these teaching fields. It may also be helpful if the student loan repayment program could be applied to individuals who enter the teaching profession and teach in some of our more difficult to staff public schools.

I am also finding it very difficult to find mathematics and science educators to teach in our teacher preparation programs. There is a severe national shortage of mathematics and science educators with doctoral degrees. You may want to consider providing support to individuals to obtain doctorates in these areas.

Your Homeland Security Education Act addresses a very serious problem. If we do not address this problem today, our nation will suffer because of it in the near future and for many years to come. I sincerely hope that your colleagues in congress will share your vision and choose to support this important legislation.

Thank you for your good leadership and for your continued support for excellent education for all children.

Sincerely,

RANDY HITZ,
Dean.

By Mr. SPECTER:

S. 2453. A bill to establish procedures for the review of electronic surveillance programs; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to introduce a bill to regulate electronic surveillance programs designed to gather intelligence for national security purposes.

On Friday, December 16, 2005, the New York Times reported that in late 2001, President Bush signed a highly classified directive that authorized the National Security Agency to intercept communications between people inside the United States and terrorism suspects overseas. And so the debate began. Did the President have the authority to authorize this program? Did it violate the Foreign Intelligence Surveillance Act—or FISA? Had Congress independently granted the President this authority? Did he have these inherent powers under the Constitution? Lawyers and laymen throughout our country have debated the issue. The Senate Judiciary Committee initiated two hearings on the legality of the NSA program and, pursuant to our oversight function, brought in Attorney General Alberto Gonzales and seven leading scholars and experts to testify. After questioning General Gonzales for some 7 hours, and the panel of scholars for hours more, we were still left troubled by two competing concerns.

On the one hand, we are a Nation at war. On September 11 we suffered the worst attack on civilians in our country's history by an enemy like none we had faced before. The more we learn about this enemy, the more we learn about a cruel and brutal opponent who will stop at nothing to terrorize and harm our country. This is an enemy that knows no honor. It seeks to inflict ever-escalating violence on defenseless civilians. This is an enemy that knows no mercy. It beheads innocent aid workers and journalists and proudly broadcasts these murders for the world to see. This is an enemy that knows no bounds of decency. It recruits women and children to strap bombs to their bodies and blow themselves up, knowing that American soldiers are likely to come close to help them. This is an enemy that is patient. It infiltrates our borders and waits quietly for an opportunity to attack. Most frighteningly, this is an enemy that is capable. It roams the globe, organizing terrorist cells along its path. It has the ability to master and exploit modem technology and organize attacks on America from anywhere on the globe.

On the other hand, we are a Nation that believes in the rule of law. We are a people that hold dear the rights and liberties enshrined in our Constitution. Although we recognize the threat we face, we are not willing to sacrifice our rights and live in a state of perpetual fear. Our enemy is the enemy of freedom, and we will not give that enemy the satisfaction of making us give up the very freedom we cherish.

The question remains, what is a society like ours to do?

I do not agree with those who contend that the current FISA law is just fine. When the FISA bill was enacted in 1978, we faced a very different enemy. That enemy did not attack on our soil; that enemy was organized into nation states that we could negotiate with; that enemy did not use terrorist tactics on our civilian population. And in 1978, we were grappling with very different technologies. We were worried about telephone and telegraphs, not e-mail, cell phones, handheld computers, and Internet chat rooms. Accordingly, the Congress passed a law in 1978 that required case-by-case warrants; warrants that identified individual persons and places; warrants a lot like those a prosecutor would seek in a routine criminal investigation. These case-by-case warrants, however, simply may not be sufficient today, when we are in a time of war and we need to track an amorphous enemy that moves quickly and is often able to evade detection.

At the same time, I do not agree with those who insist that we are facing an entirely new situation, and that the checks and balances our nation has long embraced are now outdated. I think these advocates are wrong when they insist that the best we can do is to give the Executive Branch a blank check and hope that it will do the right thing.

I believe that there is a middle ground. I believe it is possible to provide the President with the flexibility and secrecy he needs to track terrorists, while providing for meaningful supervision outside of the Executive Branch. It may be surprising to some, but I think we can get some insight from, of all places, a Senate hearing.

Let's step back and survey the situation. The country had recently discovered that the NSA had secretly worked with major communication companies for years. We learned that initially the program focused on certain foreign targets, but it grew to cover communications from U.S. citizens. Amid accusations that the President had violated the Constitution and Federal statute, a Senate Committee called the Attorney General to testify and address the "serious legal and constitutional questions . . . raised by the program."

If this sounds familiar, it should. It is what took place in November 1975, when the nation discovered a secret NSA program to monitor telegraph messages, and a special Senate Committee called Attorney General Edward Levi to testify.

That hearing, like the hearing the Senate Judiciary Committee held last week, elicited discussions on the importance of preserving civil liberties and upholding the Bill of Rights, and the need to protect national security and preserve secrecy in foreign intelligence. That hearing also elicited a possible solution.

During his testimony to the Church Committee on U.S. Intelligence Activities, Attorney General Levi suggested that one method for granting the President the needed flexibility, while maintaining supervision by the courts, was to give a special court the power to issue broader, program-wide warrants. Attorney General Levi reasoned that for programs "designed to gather foreign-intelligence information essential to the security of the Nation," the court should have the power to approve a "program of surveillance." He explained that the traditional warrant procedure works only when surveillance "involves a particular target location or individual at a specific time." While this procedure was fine for routine, criminal investigations, the Nation needed a different solution for enemies that require "virtually continuous surveillance, which by its nature does not have specifically predetermined targets." Attorney General Levi suggested that in approving a surveillance plan, the court should determine whether the program "strikes a reasonable balance between the government's need for the information and the protection of individuals' rights."

Unfortunately, we did not follow Attorney General Levi's suggestion. It is not too late to do so, however. The National Security Surveillance Act of 2006 seeks to pick up where the Congress of 1978 left off.

I believe that the National Security Surveillance Act sets forth workable and effective procedures for the FISA Court to evaluate surveillance programs. Its procedures, in fact, are very similar to those Attorney General Levi advocated thirty years ago.

First, in order to continue the NSA program, or any similar programs, the Attorney General must apply to the FISA court for permission to initiate a surveillance program and then seek reauthorization of that program every 45 days. The Attorney General must explain his legal basis for concluding that the surveillance program is constitutional. He must also provide a good deal of information to the court. He must: identify or describe the foreign country or terrorist group he seeks to monitor; provide enough facts to indicate one of the parties on the line is a member of that foreign country or terrorist group or has had communications with it; identify the steps he is taking to make sure that innocent Americans are not being swept into the surveillance program; determine that at least one of the parties is in the U. S.; estimate the number of communications to be monitored; and provide data so the FISA court can evaluate the program, including information on how long the program has existed and what type of intelligence it has uncovered.

The Attorney General should feel no concern in sharing information about the program with the FISA court. The FISA court has proven that it is capable of maintaining the secrecy with which it has been charged and that it possesses the requisite expertise and discretion for adjudicating sensitive issues of national security.

The FISA court must then determine whether approving the program is consistent with the U.S. Constitution. It must also balance the interests at stake and decide whether to approve the program. Specifically, the court must: determine whether probable cause exists to authorize the surveillance: evaluate whether historically the government has implemented the electronic surveillance program in accordance with its proposals; determine that at least one of the participants to the electronic communication is a member of the foreign country or terrorist group that the Attorney General has identified; consider the privacy costs of the program as measured by the number of communications subjected to the electronic surveillance program, the length of time the electronic surveillance program has been in existence, and the effectiveness of the minimization procedures; and consider the benefits of the program as measured by the intelligence information obtained or the number of plots uncovered or cells disrupted.

The Attorney General must resubmit the program to the FISA court every 45 days. In the event the FISA court refuses to approve the electronic surveillance program, that does not end the matter. The Attorney General may modify the program and then submit a new application, until the FISA court concludes that the program satisfies the Constitution and the standards set forth in this bill. In the alternative, the Attorney General may conclude that implementing an amended program is inappropriate in light of the FISA court's concerns. The FISA court would itself be required to notify Congress of its decision with respect to the proffered program's constitutionality. Finally, the bill requires the Attorney General to submit information on the program's scope and effectiveness to the Chairman and Ranking Member of the Senate and House Intelligence Committees every 6 months.

In the case at hand, the Attorney General would be required to justify the NSA surveillance program to the FISA court, which would, in turn, determine whether the program met all constitutional and legal requirements. The court would be required to consider, for example, whether members of Al Qaeda were appropriately targeted, whether proper minimization techniques were being followed, and whether the program satisfied the demands of the Fourth Amendment.

There are those who will say that we should not act. That currently, things are fine. I would remind my colleagues that our enemies are not so content to sit still. A country that does not understand that our enemy has changed since the 1970s will come to regret it. And a Congress that pauses when it should act, denies its duty to adapt to the enemy we currently face. But, ultimately, the enemies of democracy win when civil liberties are lost. We must maintain our democracy and defeat our enemies.

This legislation does both and I urge my colleagues to support it.

Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Security Surveillance Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) After the terrorist attacks of September 11, 2001, President Bush authorized the National Security Agency to intercept communications between people inside the United States, including American citizens, and terrorism suspects overseas.

(2) One of the lessons learned from September 11, 2001, is that the enemies who seek to greatly harm and terrorize our Nation utilize technologies and techniques that defy conventional law enforcement practices.

(3) The Commander in Chief requires the ability and means to detect and track an enemy that can master and exploit modern technology.

(4) Although it is essential that the President have all necessary means to protect us against our enemies, it is equally essential that, in doing so, the President does not compromise the very civil liberties that the President seeks to safeguard. As Justice Hugo Black observed, "The President's power, if any, to issue [an] order must stem either from an Act of Congress or from the Constitution itself.". Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 585 (1952) (opinion by Black, J.).

(5) In 2004, Justice Sandra Day O'Connor explained in her plurality opinion for the Supreme Court in Hamdi v. Rumsfeld: "We have long since made clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens. Youngstown Sheet & Tube, 343 U.S., at 587, 72 S.Ct. 863. Whatever power the United States Constitution envisions for the Executive in its exchanges with other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all three branches when individual liberties are at stake.". Hamdi v. Rumsfeld, 542 U.S. 507, 536 (2004) (citations omitted).

(6) Similarly, as Justice Jackson famously observed in his Youngstown concurrence: "When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate . . . . When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility . . . When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive Presidential control in such a case only by disabling the Congress from acting upon the subject.". Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 635-38 (1952) (Jackson, J., concurring).

(7) The Constitution provides Congress with broad powers of oversight over national security and foreign policy, under article I, section 8 of the Constitution of the United States, which confers on Congress numerous powers, including the powers—

(A) "To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water";

(B) "To raise and support Armies";

(C) "To provide and maintain a Navy";

(D) "To make Rules for the Government and Regulation of the land and naval Forces";

(E) "To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions"; and

(F) "To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States".

(8) It is in our Nation's best interest for Congress to use its oversight power to establish a system to ensure that electronic surveillance programs do not infringe on the constitutional rights of Americans, while at the same time making sure that the President has all the powers and means necessary to detect and track our enemies.

(9) While Attorney General Alberto Gonzales explained that the executive branch reviews the electronic surveillance program of the National Security Agency every 45 days to ensure that the program is not overly broad, it is the belief of Congress that approval and supervision of electronic surveillance programs should be conducted outside of the executive branch, by the Article III court established under section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803). It is also the belief of Congress that it is appropriate for an Article III court to pass upon the constitutionality of electronic surveillance programs that may implicate the rights of Americans.

(10) The Foreign Intelligence Surveillance Court is the proper court to approve and supervise classified electronic surveillance programs because it is adept at maintaining the secrecy with which it was charged and it possesses the requisite expertise and discretion for adjudicating sensitive issues of national security.

(11) In 1975, then-Attorney General Edward Levi, a strong defender of executive authority, testified that in times of conflict, the President needs the power to conduct long-range electronic surveillance and that a foreign intelligence surveillance court should be empowered to issue special warrants in these circumstances.

(12) This Act clarifies and definitively establishes that the Foreign Intelligence Surveillance Court has the authority to review electronic surveillance programs and pass upon their constitutionality. Such authority is consistent with well-established, longstanding practices.

(13) The Foreign Intelligence Surveillance Court already has broad authority to approve surveillance of members of international conspiracies, in addition to granting warrants for surveillance of a particular individual under sections 104, 105, and 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804, 1805, and 1842).

(14) Prosecutors have significant flexibility in investigating domestic conspiracy cases. Courts have held that flexible warrants comply with the fourth amendment to the Constitution of the United States when they relate to complex, far reaching, and multi-faceted criminal enterprises like drug conspiracies and money laundering rings. The courts recognize that applications for search warrants must be judged in a common sense and realistic fashion, and the courts permit broad warrant language where, due to the nature and circumstances of the investigation and the criminal organization, more precise descriptions are not feasible.

(15) Federal agents investigating international terrorism by foreign enemies are entitled to tools at least as broad as those used by Federal agents investigating domestic crimes by United States citizens. The Supreme Court, in the "Keith Case", United States v. United States District Court for the Eastern District of Michigan, 407 U.S. 297 (1972), recognized that the standards and procedures used to fight ordinary crime may not be applicable to cases involving national security. The Court recognized that national "security surveillance may involve different policy and practical considerations from the surveillance of ordinary crime" and that courts should be more flexible in issuing warrants in national security cases. United States v. United States District Court for the Eastern District of Michigan, 407 U.S. 297, 322 (1972).

(16) By authorizing the Foreign Intelligence Surveillance Court to review electronic surveillance programs, Congress preserves the ability of the Commander in Chief to use the necessary means to guard our national security, while also protecting the civil liberties and constitutional rights that we cherish.

SEC. 3. DEFINITIONS.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by redesignating title VII as title VIII;

(2) by redesignating section 701 as section 801; and

(3) by inserting after title VI the following:

"TITLE VII—ELECTRONIC SURVEILLANCE

"SEC. 701. DEFINITIONS.

"As used in this title—

"(1) the terms 'agent of a foreign power', 'Attorney General', 'foreign intelligence information' ,'foreign power', 'international terrorism', 'minimization procedures', 'person', 'United States', and 'United States person' have the same meaning as in section 101;

"(2) the term 'congressional intelligence committees' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives;

"(3) the term 'electronic communication' means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system, cable, or other like connection furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of communications;

"(4) the term 'electronic surveillance' means the acquisition by an electronic, mechanical, or other surveillance device of the substance of any electronic communication sent by, received by, or intended to be received by a person who is in the United States, where there is a reasonable possibility that the surveillance will intercept communication in which a person in the United States participating in the communication has a reasonable expectation of privacy;

"(5) the term 'electronic surveillance program' means a program to engage in electronic surveillance—

"(A) to gather foreign intelligence information or to protect against international terrorism or clandestine intelligence activities by obtaining the substance of or information regarding electronic communications sent by, received by, or intended to be received by a foreign power, an agent or agents of a foreign power, or a person or persons who have had communication with a foreign power seeking to commit an act of international terrorism or clandestine intelligence activities against the United States;

"(B) where it is not feasible to name every person or address every location to be subjected to electronic surveillance; and

"(C) where effective gathering of foreign intelligence information requires an extended period of electronic surveillance;

"(6) the term 'Foreign Intelligence Surveillance Court' means the court, sitting en banc, established under section 103(a);

"(7) the term 'Foreign Intelligence Surveillance Court of review' means the court established under section 103(b);

(8) the term 'intercept' means the acquisition of the substance of any electronic communication by a person through the use of any electronic, mechanical, or other device; and

"(9) the term 'substance' means any information concerning the words, purport, or meaning of a communication, and does not include information identifying the sender, origin, or recipient of the communication or the date or time of its transmission.".

SEC. 4. FOREIGN INTELLIGENCE SURVEILLANCE COURT JURISDICTION TO REVIEW ELECTRONIC SURVEILLANCE PROGRAMS.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 3, is amended by adding at the end the following:

"SEC. 702. FOREIGN INTELLIGENCE SURVEILLANCE COURT JURISDICTION TO REVIEW ELECTRONIC SURVEILLANCE PROGRAMS.

"(a) In General.—The Foreign Intelligence Surveillance Court shall have jurisdiction to issue an order under this title, lasting not longer than 45 days, that authorizes an electronic surveillance program to obtain foreign intelligence information or to protect against international terrorism or clandestine intelligence activities.

"(b) Reauthorization.—In order to continue an electronic surveillance program after the time period described in subsection (a), the Attorney General shall submit a new application under section 703. There shall be no limit on the number of times the Attorney General may seek approval of an electronic surveillance program.

"(c) Modifications and Appeal in Event Application Is Denied.—

"(1) In general.—In the event that the Foreign Intelligence Surveillance Court refuses to approve an application under subsection (a), the court shall state its reasons in a written opinion.

"(2) Opinion.—The court shall submit a written opinion described in paragraph (1) to the Attorney General and to each member of the congressional intelligence committees (or any subcommittee thereof designated for oversight of electronic surveillance programs under this title).

"(3) Resubmission or appeal.—The Attorney General shall be permitted to submit a new application under section 703 for the electronic surveillance program, reflecting modifications to address the concerns set forth in the written opinion of the Foreign Intelligence Surveillance Court. There shall be no limit on the number of times the Attorney General may seek approval of an electronic surveillance program. Alternatively, the Attorney General shall be permitted to appeal the decision of the Foreign Intelligence Surveillance Court to the Foreign Intelligence Surveillance Court of Review.

"(d) Communications Subject to This Title.—

"(1) In general.—The provisions of this title requiring authorization by the Foreign Intelligence Surveillance Court apply only to interception of the substance of electronic communications sent by, received by, or intended to be received by a person who is in the United States, where there is a reasonable possibility that a participant in the communication has a reasonable expectation of privacy.

"(2) Exclusion.—The provisions of this title requiring authorization by the Foreign Intelligence Surveillance Court do not apply to information identifying the sender, origin, or recipient of the electronic communication or the date or time of its transmission that is obtained without review of the substance of the electronic communication.

"(e) Existing Programs Subject to This Title.—

"(1) In general.—The Attorney General shall submit an application to the Foreign Intelligence Surveillance Court for any electronic surveillance program to obtain foreign intelligence information or to protect against international terrorism or clandestine intelligence activities.

"(2) Existing programs.—Not later than 45 days after the date of enactment of this title, the Attorney General shall submit an application under this title for approval of the electronic surveillance program sometimes referred to as the 'Terrorist Surveillance Program' and discussed by the Attorney General before the Committee on the Judiciary of the United States Senate on February 6, 2006. Not later than 120 days after the date of enactment of this title, the Attorney General shall submit applications under this title for approval of any other electronic surveillance program in existence on the date of enactment of this title that has not been submitted to the Foreign Intelligence Surveillance Court.".

SEC. 5. APPLICATIONS FOR APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 4, is amended by adding at the end the following:

"SEC. 703. APPLICATIONS FOR APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

"(a) In General.—Each application for approval of an electronic surveillance program under this title shall—

"(1) be made by the Attorney General;

"(2) include a statement of the authority conferred on the Attorney General by the President of the United States;

"(3) include a statement setting forth the legal basis for the conclusion by the Attorney General that the electronic surveillance program is consistent with the requirements of the Constitution of the United States;

"(4) certify that the information sought cannot reasonably be obtained by conventional investigative techniques or through an application under section 104;

"(5) include the name, if known, identity, or description of the foreign power or agent of a foreign power seeking to commit an act of international terrorism or clandestine intelligence activities against the United States that the electronic surveillance program seeks to monitor or detect;

"(6) include a statement of the means and operational procedures by which the surveillance will be executed and effected;

"(7) include a statement of the facts and circumstances relied upon by the Attorney General to justify the belief that at least 1 of the participants in the communications to be intercepted by the electronic surveillance program will be the foreign power or agent of a foreign power that is specified under paragraph (5), or a person who has had communication with the foreign power or agent of a foreign power that is specified under paragraph (5), and is seeking to commit an act of international terrorism or clandestine intelligence activities against the United States;

"(8) include a statement of the proposed minimization procedures;

"(9) include a detailed description of the nature of the information sought and the type of communication to be intercepted by the electronic surveillance program;

"(10) include an estimate of the number of communications to be intercepted by the electronic surveillance program during the requested authorization period;

"(11) specify the date that the electronic surveillance program that is the subject of the application was initiated, if it was initiated before submission of the application;

"(12) certify that any electronic surveillance of a person in the United States under this title shall cease 45 days after the date of the authorization, unless the Government has obtained judicial authorization for continued surveillance of the person in the United States under section 104 or another Federal statute;

"(13) include a statement of the facts concerning all previous applications that have been made to the Foreign Intelligence Surveillance Court under this title involving the electronic surveillance program in the application, including the minimization procedures and the means and operational procedures proposed, and the Foreign Intelligence Surveillance Court's decision on each previous application; and

"(14) include a statement of the facts concerning the implementation of the electronic surveillance program described in the application, including, for any period of operation of the program authorized at least 45 days prior to the date of submission of the application—

"(A) the minimization procedures implemented;

"(B) the means and operational procedures by which the surveillance was executed and effected;

"(C) the number of communications subjected to the electronic surveillance program;

"(D) the identity, if known, or a description of any United States person whose communications sent or received in the United States were intercepted by the electronic surveillance program; and

"(E) a description of the foreign intelligence information obtained through the electronic surveillance program.

"(b) Additional Information.—The Foreign Intelligence Surveillance Court may require the Attorney General to furnish such other information as may be necessary to make a determination under section 704.".

SEC. 6. APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 5, is amended by adding at the end the following:

"SEC. 704. APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

"(a) Necessary Findings.—Upon receipt of an application under section 703, the Foreign

Intelligence Surveillance Court shall enter an ex parte order as requested, or as modified, approving the electronic surveillance program if it finds that—

"(1) the President has authorized the Attorney General to make the application for electronic surveillance for foreign intelligence information;

"(2) approval of the electronic surveillance program in the application is consistent with the duty of the Foreign Intelligence Surveillance Court to uphold the Constitution of the United States;

"(3) there is probable cause to believe that the electronic surveillance program will intercept communications of the foreign power or agent of a foreign power specified in the application, or a person who has had communication with the foreign power or agent of a foreign power that is specified in the application and is seeking to commit an act of international terrorism or clandestine intelligence activities against the United States;

"(4) the proposed minimization procedures meet the definition of minimization procedures under section 101 (h);

"(5) the application contains all statements and certifications required by section 703; and

"(6) an evaluation of the implementation of the electronic surveillance program, as described in subsection (b), supports approval of the application.

"(b) EVALUATION OF THE IMPLEMENTATION OF THE ELECTRONIC SURVEILLANCE PROGRAM.—In determining whether the implementation of the electronic surveillance program supports approval of the application for purposes of subsection (a)(6), the Foreign Intelligence Surveillance Court shall consider the performance of the electronic surveillance program for at least 3 previously authorized periods, to the extent such information is available, and shall—

"(1) evaluate whether the electronic surveillance program has been implemented in accordance with the proposal by the Federal Government by comparing—

"(A) the minimization procedures proposed with the minimization procedures implemented;

"(B) the nature of the information sought with the nature of the information obtained; and

"(C) the means and operational procedures proposed with the means and operational procedures implemented;

"(2) consider the number of communications intercepted by the electronic surveillance program and the length of time the electronic surveillance program has been in existence; and

"(3) consider the effectiveness of the electronic surveillance program, as reflected by the foreign intelligence information obtained.".

SEC. 7. CONGRESSIONAL OVERSIGHT.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 6, is amended by adding at the end the following:

"SEC. 705. CONGRESSIONAL OVERSIGHT.

"(a) IN GENERAL.—The President shall submit to each member of the congressional , intelligence committees (or any subcommittee thereof designated for oversight of electronic surveillance programs under this title) a report on the management and operational details of the electronic surveillance program generally and on any specific surveillance conducted under the electronic surveillance program whenever requested by either of the committees, or any such subcommittee, as applicable.

"(b) Semi-Annual Reports.—

"(1) IN GENERAL.—In addition to any reports required under subsection (a), the President shall, not later than 6 months after the date of enactment of this Act and every 6 months thereafter, fully inform each member of the congressional intelligence committees (or any subcommittee thereof designated for oversight of electronic surveillance programs under this title) on all electronic surveillance conducted under the electronic surveillance program.

"(2) CONTENTS.—Each report under paragraph (1) shall include the following:

"(A) A complete discussion of the management, operational details, effectiveness, and necessity of the electronic surveillance program generally, and of the management, operational details, effectiveness, and necessity of all electronic surveillance conducted under the program, during the 6-month period ending on the date of such report.

"(B) The total number of targets of electronic surveillance commenced or continued under the electronic surveillance program.

"(C) The total number of United States persons targeted for electronic surveillance under the electronic surveillance program.

"(D) The total number of targets of electronic surveillance under the electronic surveillance program for which an application was submitted under section 104 for an order under section 105 approving electronic surveillance, and, of such applications, the total number either granted, modified, or denied.

"(E) Any other information specified, in writing, to be included in such report by the congressional intelligence committees or any subcommittees thereof designated for oversight of the electronic surveillance program.

"(F) A description of the nature of the information sought under the electronic surveillance program, the types of communications subjected to such program, and whether the information sought under such program could be reasonably obtained by less intrusive investigative techniques in a timely and effective manner.

"(c) FORM OF REPORTS.—Any report or information submitted under this section shall be submitted in classified form.".

SEC. 8. EMERGENCY AUTHORIZATION.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 6, is amended by adding at the end the following:

"SEC. 706. EMERGENCY AUTHORIZATION.

"Notwithstanding any other provision of law, the President, through the Attorney General, may authorize electronic surveillance without a court order under this title to acquire foreign intelligence information for a period not to exceed 45 days following a declaration of war by Congress.".

SEC. 9. CONFORMING AMENDMENT.

The table of contents for the Foreign Intelligence Surveillance Act of 1978 is amended I by striking the items related to title VII and section 701 and inserting the following:

"TITLE VII—ELECTRONIC SURVEILLANCE

"Sec. 701. Definitions.
"Sec. 702. Foreign Intelligence Surveillance Court jurisdiction to review electronic surveillance programs.
"Sec. 703. Applications for approval of electronic surveillance programs.
"Sec. 704. Approval of electronic surveillance programs.
"Sec. 705. Congressional oversight.
"Sec. 706. Emergency Authorization.

"TITLE VIII—EFFECTIVE DATE

"Sec. 801. Effective date.".

By Mr. FRIST:

S. 2454. A bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; placed on the calendar.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill and a section by section analysis be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Securing America's Borders Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to the Immigration and Nationality Act.
Sec. 3. Definitions.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

Sec. 101. Enforcement personnel.
Sec. 102. Technological assets.
Sec. 103. Infrastructure.
Sec. 104. Border patrol checkpoints.
Sec. 105. Ports of entry.
Sec. 106. Construction of strategic border fencing and vehicle barriers.

Subtitle B—Border Security Plans, Strategies, and Reports

Sec. 111. Surveillance plan.
Sec. 112. National Strategy for Border Security.
Sec. 113. Reports on improving the exchange of information on North American security.
Sec. 114. Improving the security of Mexico's southern border.

Subtitle C—Other Border Security Initiatives

Sec. 121. Biometric data enhancements.
Sec. 122. Secure communication.
Sec. 123. Border patrol training capacity review.
Sec. 124. US-VISIT System.
Sec. 125. Document fraud detection.
Sec. 126. Improved document integrity.
Sec. 127. Cancellation of visas.
Sec. 128. Biometric entry-exit system.
Sec. 129. Border study.
Sec. 130. Secure Border Initiative financial accountability.

TITLE II—INTERIOR ENFORCEMENT

Sec. 201. Removal and denial of benefits to terrorist aliens.
Sec. 202. Detention and removal of aliens ordered removed.
Sec. 203. Aggravated felony.
Sec. 204. Terrorist bars.
Sec. 205. Increased criminal penalties related to gang violence, removal, and alien smuggling.
Sec. 206. Illegal entry or unlawful presence of an alien.
Sec. 207. Illegal reentry.
Sec. 208. Reform of passport, visa, and immigration fraud offenses.
Sec. 209. Inadmissibility and removal for passport and immigration fraud offenses.

Sec. 210. Incarceration of criminal aliens.
Sec. 211. Encouraging aliens to depart voluntarily.
Sec. 212. Deterring aliens ordered removed from remaining in the United States unlawfully.
Sec. 213. Prohibition of the sale of firearms to, or the possession of firearms by certain aliens.
Sec. 214. Uniform statute of limitations for certain immigration, naturalization, and peonage offenses.
Sec. 215. Diplomatic security service.
Sec. 216. Field agent allocation and background checks.
Sec. 217. Denial of benefits to terrorists and criminals.
Sec. 218. State criminal alien assistance program.
Sec. 219. Transportation and processing of illegal aliens apprehended by State and local law enforcement officers.
Sec. 220. State and local law enforcement of Federal immigration laws.
Sec. 221. Reducing illegal immigration and alien smuggling on tribal lands.
Sec. 222. Alternatives to detention.
Sec. 223. Conforming amendment.
Sec. 224. Reporting requirements.
Sec. 225. Mandatory detention for aliens apprehended at or between ports of entry.
Sec. 226. Removal of drunk drivers.
Sec. 227. Expedited removal.
Sec. 228. Protecting immigrants from convicted sex offenders
Sec. 229. Law enforcement authority of States and political subdivisions and transfer to Federal custody.
Sec. 230. Listing of immigration violators in the National Crime Information Center database.
Sec. 231. Laundering of monetary instruments.
Sec. 232. Severability.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

Sec. 301. Unlawful employment of aliens.
Sec. 302. Employer Compliance Fund.
Sec. 303. Additional worksite enforcement and fraud detection agents.
Sec. 304. Clarification of ineligibility for misrepresentation.

TITLE IV—BACKLOG REDUCTION AND VISAS FOR STUDENTS AND ALIENS WITH ADVANCED DEGREES

Sec. 401. Elimination of existing backlogs.
Sec. 402. Country limits.
Sec. 403. Allocation of immigrant visas.
Sec. 404. Relief for minor children.
Sec. 405. Student visas.
Sec. 406. Visas for individuals with advanced degrees.
Sec. 407. Medical services in underserved areas.

TITLE V—IMMIGRATION LITIGATION REDUCTION

Sec. 501. Consolidation of immigration appeals.
Sec. 502. Additional immigration personnel.
Sec. 503. Board of immigration appeals removal order authority.
Sec. 504. Judicial review of visa revocation.
Sec. 505. Reinstatement of removal orders.
Sec. 506. Withholding of removal.
Sec. 507. Certificate of reviewability.
Sec. 508. Discretionary decisions on motions to reopen or reconsider.
Sec. 509. Prohibition of attorney fee awards for review of final orders of removal.
Sec. 510. Board of Immigration Appeals.

TITLE VI—MISCELLANEOUS

Sec. 601. Technical and conforming amendments.

SEC. 2. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term "Department" means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) CUSTOMS AND BORDER PROTECTION OFFICERS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 250 the number of positions for full-time active duty Customs and Border Protection officers.

(2) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 250 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(3) BORDER PATROL AGENT.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734) is amended—

(A) by striking "2010" both places it appears and inserting "2011"; and

(B) by striking "2,000" and inserting "2,400".

(4) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INSPECTORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) CUSTOMS AND BORDER PROTECTION OFFICERS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) PORT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (2) of subsection (a).

(3) BORDER PATROL AGENTS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734), as amended by subsection (a)(3).

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 103. INFRASTRUCTURE.

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the

United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 25 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (b).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, security,

technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each

alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in the heading, by striking "**ENTRY AND EXIT DOCUMENTS**" and inserting "**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**";

(3) in subsection (b)(1)—

(A) by striking "Not later than October 26, 2004, the" and inserting "The"; and

(B) by striking "visas and" both places it appears and inserting "visas, evidence of status, and";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

"(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.".

SEC. 127. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

"(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.".

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or alien seeking to transit through the United States; or

"(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).".

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

"(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.".

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

"(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.".

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register."; and

(2) in subsection (l)—

(A) by striking "There are authorized" and inserting the following:

"(1) IN GENERAL.—There are authorized"; and

(B) by adding at the end the following:

"(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.".

SEC. 129. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance; and

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) INSPECTOR GENERAL.—

(1) ACTION.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) REPORTS ON UNITED STATES PORTS.—Not later that 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking "or (VI)" and inserting "(V), (VI), (VII), or (VIII)".

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking "inadmissible under" and inserting "described in"; and

(2) by striking "deportable under" and inserting "described in".

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)" and inserting "described in paragraph (2)(A)(iii) or (4) of section 237(a)".

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv) by striking the period at the end and inserting "; or";

(3) by inserting after clause (iv) the following:

"(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States)."; and

(4) in the undesignated paragraph, by striking "For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.".

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

"A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

"(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

"(2) entered the United States before January 1, 1972;

"(3) has resided in the United States continuously since such entry;

"(4) is a person of good moral character;

"(5) is not ineligible for citizenship; and

"(6) is not described in section 237(a)(4)(B).".

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to—

(A) any aliens in a removal, deportation, or exclusion proceeding pending on or after the date of the enactment of this Act; and

(B) any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking "Attorney General" the first place it appears and inserting "Secretary of Homeland Security";

(B) by striking "Attorney General" any other place it appears and inserting "Secretary";

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.".

(ii) by amending subparagraph (C) to read as follows:

"(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

"(i) make all reasonable efforts to comply with the removal order; or

"(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal."; and

(iii) by adding at the end the following:

"(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.";

(D) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.";

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

"(i) to prevent the alien from absconding;

"(ii) for the protection of the community; or

"(iii) for other purposes related to the enforcement of the immigration laws.";

(F) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

"(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with subparagraphs (C) and (E).

"(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

"(i) has effected an entry into the United States;

"(ii) has made all reasonable efforts to comply with the alien's removal order;

"(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

"(iv) has not conspired or acted to prevent removal.

"(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

"(i) shall consider any evidence submitted by the alien;

"(ii) may consider any other evidence, including—

"(I) any information or assistance provided by the Department of State or other Federal agency; and

"(II) any other information available to the Secretary pertaining to the ability to remove the alien.

"(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

"(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

"(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

"(ii) certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

"(IV) that—

"(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

"(bb) the alien—

"(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies or such crimes, for an aggregate term of imprisonment of at least 5 years; or

"(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

"(V) that—

"(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

"(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

"(F) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

"(G) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (H).

"(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

"(H) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

"(I) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

"(i) the alien fails to comply with the conditions of release;

"(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

"(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

"(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

"(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

"(i) has effected an entry into the United States; and

"(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

"(aa) failed or refused to make all reasonable efforts to comply with a removal order;

"(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

“(cc) conspired or acted to prevent removal; or

“(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

“(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

“(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting “(1)” before “If, after a hearing”;

(C) in subparagraphs (B) and (C), as redesignated, by striking “paragraph (1)” and inserting “subparagraph (A)”; and

(D) by adding after subparagraph (C), as redesignated, the following:

“(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

“(A) is an alien; and

“(B)(i) has no lawful immigration status in the United States;

“(ii) is the subject of a final order of removal; or

“(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2327, and 1328).”; and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking “and” at the end; and

(B) by adding at the end the following:

“(C) the person's immigration status; and”.

SEC. 203. AGGRAVATED FELONY.

Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking “The term ‘aggravated felony’ means—” and inserting “Notwithstanding any other provision of law (including any provision providing an effective date), the term ‘aggravated felony’ applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—”;

(2) in subparagraph (N), by striking “paragraph (1)(A) or (2) of”;

(3) in subparagraph (O), by striking “section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph” and inserting “section 275 or 276 for which the term of imprisonment is at least 1 year”;

(4) in subparagraph (U), by striking “an attempt or conspiracy to commit an offense described in this paragraph” and inserting “aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense”; and

(5) by striking the undesignated matter following subparagraph (U).

SEC. 204. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

“(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;”;

(2) in paragraph (8), by striking “(as defined in subsection (a)(43))” and inserting the following: “, regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

“(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

“(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or”; and

(3) in the undesignated matter following paragraph (9), by striking “a finding that for other reasons such person is or was not of good moral character” and inserting the following: “a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.”.

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: “A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.”.

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting “if the alien has had the conditional basis removed pursuant to this section” before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting “if the alien has had the conditional basis removed pursuant to this section” before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting “, not later than 120 days after the Secretary of Homeland Security's final determination,” after “may”; and

(2) by adding at the end the following: “The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law. Except in a proceeding under section 340, and notwithstanding any other provision of law, no court shall have jurisdiction to determine, or to review a determination of the Secretary regarding, whether, for purposes of an application for naturalization, an alien—

“(1) is a person of good moral character;

“(2) understands and is attached to the principles of the Constitution of the United States; or

“(3) is well disposed to the good order and happiness of the United States.”.

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

“(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).”.

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking “the Attorney General if” and all that follows and inserting: “the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.”.

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

“(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such district court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary of Homeland Security for the Secretary's determination on the application.”.

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act;

(2) shall apply to any act that occurred before, on, or after such date of enactment; and

(3) shall apply to any application for naturalization or any other case or matter under the immigration laws pending on, or filed after, such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) Criminal Street Gangs.—

(1) Inadmissibility.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

"(F) Members of criminal street gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

"(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is inadmissible.".

(2) Deportability.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) Members of criminal street gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

"(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is deportable.".

(3) Temporary protected status.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: "Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.";

(ii) in subparagraph (C), by striking "a period of 12 or 18 months" and inserting "any other period not to exceed 18 months";

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking "The amount of any such fee shall not exceed $50.";

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking ", or" at the end;

(II) in clause (ii), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(iii) the alien is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code)."; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) in paragraph (4), by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.".

(b) Penalties Related to Removal.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting "212(a) or" after "section"; and

(B) in the matter following subparagraph (D)—

(i) by striking "or imprisoned not more than four years" and inserting "and imprisoned for not less than 6 months or more than 5 years"; and

(ii) by striking ", or both";

(2) in subsection (b), by striking "not more than $1000 or imprisoned for not more than one year, or both" and inserting "under title 18, United States Code, and imprisoned for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a))"; and

(3) by amending subsection (d) to read as follows:

"(d) Denying Visas to Nationals of Country Denying or Delaying Accepting Alien.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed.".

(c) Alien Smuggling and Related Offenses.—

(1) In general.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

"SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

"(a) Criminal Offenses and Penalties.—

"(1) Prohibited activities.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

"(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

"(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

"(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or legal authority;

"(D) encourages or induces a person to reside or remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in or remain in the United States;

"(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

"(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

"(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

"(2) Criminal penalties.—A person who violates any provision under paragraph (1)—

"(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

"(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—

"(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

"(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both;

"(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

"(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

"(i) transporting the person in an engine compartment, storage compartment, or other confined space;

"(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

"(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

"(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;

"(F) shall be fined under such title and imprisoned for not less than 10 years or more than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

"(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

"(ii) intending to engage in terrorist activity;

"(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

"(3) Limitation.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

"(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year; or

"(B) for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered, provided that such assistance is rendered without compensation or the expectation of compensation.

"(4) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

"(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

"(1) CRIMINAL OFFENSE AND PENALTIES.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

"(2) DEFINITION.—An alien described in this paragraph is an alien who—

"(A) is an unauthorized alien (as defined in section 274A(h)(3));

"(B) is present in the United States without lawful authority; and

"(C) has been brought into the United States in violation of this subsection.

"(c) SEIZURE AND FORFEITURE.—

"(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

"(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

"(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

"(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

"(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

"(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

"(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

"(2) other officers responsible for the enforcement of Federal criminal laws.

"(e) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if—

"(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

"(2) the deposition otherwise complies with the Federal Rules of Evidence.

"(f) OUTREACH PROGRAM.—

"(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

"(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

"(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

"(2) FIELD OFFICES.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

"(g) DEFINITIONS.—In this section:

"(1) CROSSED THE BORDER INTO THE UNITED STATES.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

"(2) LAWFUL AUTHORITY.—The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

"(3) PROCEEDS.—The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

"(4) UNLAWFUL TRANSIT.—The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which the alien is traveling or moving.".

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

"Sec. 274. Alien smuggling and related offenses.".

(d) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ", alien smuggling crime," after "any crime of violence";

(B) in subparagraph (A), by inserting ", alien smuggling crime," after "such crime of violence";

(C) in subparagraph (D)(ii), by inserting ", alien smuggling crime," after "crime of violence"; and

(2) by adding at the end the following:

"(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).".

SEC. 206. ILLEGAL ENTRY OR UNLAWFUL PRESENCE OF AN ALIEN.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"SEC. 275. ILLEGAL ENTRY OR UNLAWFUL PRESENCE OF AN ALIEN.

"(a) IN GENERAL.—

"(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

"(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

"(B) knowingly eludes examination or inspection by an immigration officer;

"(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact; or

"(D) is otherwise present in the United States, knowing that such presence violates the terms and conditions of any admission, parole, immigration status, or authorized stay granted the alien under this Act.

"(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

"(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

"(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

"(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

"(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

"(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(A) alleged in the indictment or information; and

"(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(4) Duration of offense.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

"(b) Improper Time or Place; Civil Penalties.—

"(1) In general.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

"(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

"(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

"(2) Crossed the border defined.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.".

(b) Clerical Amendment.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry or unlawful presence of an alien.".

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

"SEC. 276. REENTRY OF REMOVED ALIEN.

"(a) Reentry After Removal.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

"(b) Reentry of Criminal Offenders.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

"(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(c) Reentry After Repeated Removal.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

"(d) Proof of Prior Convictions.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(1) alleged in the indictment or information; and

"(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(e) Affirmative Defenses.—It shall be an affirmative defense to a violation of this section that—

"(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

"(2) with respect to an alien previously denied admission and removed, the alien—

"(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

"(B) had complied with all other laws and regulations governing the alien's admission into the United States.

"(f) Limitation on Collateral Attack on Underlying Removal Order.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

"(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

"(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.

"(g) Reentry of Alien Removed Prior to Completion of Term of Imprisonment.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

"(h) Limitation.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered, provided that such assistance is rendered without compensation or the expectation of compensation.

"(i) Definitions.—In this section:

"(1) Crosses the border.—The term 'crosses the border' applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

"(2) Felony.—Term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(3) Misdemeanor.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

"(4) Removal.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

"(5) State.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) In General.—Chapter 75 of title 18, United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

"Sec.
"1541. Trafficking in passports.
"1542. False statement in an application for a passport.
"1543. Forgery and unlawful production of a passport.
"1544. Misuse of a passport.
"1545. Schemes to defraud aliens.
"1546. Immigration and visa fraud.
"1547. Marriage fraud.
"1548. Attempts and conspiracies.
"1549. Alternative penalties for certain offenses.
"1550. Seizure and forfeiture.
"1551. Additional jurisdiction.
"1552. Additional venue.
"1553. Definitions.
"1554. Authorized law enforcement activities.

"§ 1541. Trafficking in passports

"(a) Multiple Passports.—Any person who, during any 3-year period, knowingly–

"(1) and without lawful authority produces, issues, or transfers 10 or more passports;

"(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

"(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) Passport Materials.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1542. False statement in an application for a passport

"Any person who knowingly—

"(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

"(2) completes, mails, prepares, presents, signs, or submits an application for a United

States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

"(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1543. Forgery and unlawful production of a passport

"(a) FORGERY.—Any person who—

"(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

"(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

"(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

"(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

"(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1544. Misuse of a passport

"(a) IN GENERAL.—Any person who—

"(1) knowingly uses any passport issued or designed for the use of another;

"(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

"(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) ENTRY; FRAUD.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

"(1) to enter or to attempt to enter the United States; or

"(2) to defraud the United States, a State, or a political subdivision of a State,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1545. Schemes to defraud aliens

"(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

"(1) to defraud any person, or

"(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) MISREPRESENTATION.—Any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1546. Immigration and visa fraud

"(a) IN GENERAL.—Any person who knowingly—

"(1) uses any immigration document issued or designed for the use of another;

"(2) forges, counterfeits, alters, or falsely makes any immigration document;

"(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

"(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

"(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

"(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) MULTIPLE VIOLATIONS.—Any person who, during any 3-year period, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

"(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

"(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1547. Marriage fraud

"(a) EVASION OR MISREPRESENTATION.—Any person who—

"(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

"(2) knowingly misrepresents the existence or circumstances of a marriage—

"(A) in an application or document authorized by the immigration laws; or

"(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) MULTIPLE MARRIAGES.—Any person who—

"(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

"(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) COMMERCIAL ENTERPRISE.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

"(d) DURATION OF OFFENSE.—

"(1) IN GENERAL.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

"(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

"§ 1548. Attempts and conspiracies

"Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

"§ 1549. Alternative penalties for certain offenses

"(a) TERRORISM.—Any person who violates any section of this chapter—

"(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

"(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

"(b) OFFENSE AGAINST GOVERNMENT.—Any person who violates any section of this chapter—

"(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

"(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1550. Seizure and forfeiture

"(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

“§ 1551. Additional jurisdiction

“(a) In General.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

“(b) Extraterritorial Jurisdiction.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

“(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

“(2) the offense is in or affects foreign commerce;

“(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

“(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

“(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

“(6) the offender is a stateless person whose habitual residence is in the United States.

“§ 1552. Additional venue

“(a) In General.—An offense under section 1542 may be prosecuted in—

“(1) any district in which the false statement or representation was made;

“(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

“(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

“(b) Savings Clause.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

“§ 1553. Definitions

“As used in this chapter:

“(1) The term ‘falsely make’ means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

“(A) contains a statement or representation that is false, fictitious, or fraudulent;

“(B) has no basis in fact or law; or

“(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

“(2) The term a ‘false statement or representation’ includes a personation or an omission.

“(3) The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(4) The term ‘immigration document’—

“(A) means—

“(i) any passport or visa; or

“(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

“(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

“(5) The term ‘immigration laws’ includes—

“(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

“(B) the laws relating to the issuance and use of passports; and

“(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

“(6) The term ‘immigration proceeding’ includes an adjudication, interview, hearing, or review.

“(7) A person does not exercise ‘lawful authority’ if the person abuses or improperly exercises lawful authority the person otherwise holds.

“(8) The term ‘passport’ means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

“(9) The term ‘produce’ means to make, prepare, assemble, issue, print, authenticate, or alter.

“(10) The term ‘State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

“§ 1554. Authorized law enforcement activities

“Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).”.

(b) Clerical Amendment.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting the following:

“75. Passport, visa, and immigration fraud .... 1541”.

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) Inadmissibility.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subclause (I), by striking “, or” at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting “; or”; and

(3) by inserting after subclause (II) the following:

“(III) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code,”.

(b) Removal.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

“(iii) of a violation of any provision of chapter 75 of title 18, United States Code,”.

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) Institutional Removal Program.—

(1) Continuation.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the “Program”) or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) Expansion.—The Secretary may extend the scope of the Program to all States.

(b) Authorization for Detention After Completion of State or Local Prison Sentence.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) Technology Usage.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) Report to Congress.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) In General.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) Instead of removal proceedings.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.”;

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

“(2) Before the conclusion of removal proceedings.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.”;

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

“(A) Instead of removal.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.";

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

"(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.";

(iv) in subparagraph (C), as redesignated, by striking "subparagraphs (C) and(D)(ii)" and inserting "subparagraphs (D) and (E)(ii)";

(v) in subparagraph (D), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(vi) in subparagraph (E), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(F) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subsection (b)(2), by striking "a period exceeding 60 days" and inserting "any period in excess of 45 days";

(3) by amending subsection (c) to read as follows:

"(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

"(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

"(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

"(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

"(4) FAILURE TO COMPLY WITH AGREEMENT.—

"(A) IN GENERAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(i) ineligible for the benefits of the agreement;

"(ii) subject to the penalties described in subsection (d); and

"(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

"(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(5) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.";

(4) by amending subsection (d) to read as follows:

"(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(5) by amending subsection (e) to read as follows:

"(e) ELIGIBILITY.—

"(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens."; and

(6) in subsection (f), by adding at the end the following: "Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(b) RULEMAKING.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal (or within 20 years" and inserting "seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal"; and

(2) in clause (ii), by striking "seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of" and inserting "seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after".

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(c) INELIGIBILITY FOR RELIEF.—

"(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

"(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.".

(c) Effective Dates.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal, whether the removal order was entered before, on, or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));"; and

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));".

(3) in subsection (y)—

(A) in the header, by striking "Admitted Under Nonimmigrant Visas" and inserting "in a Nonimmigrant Classification";

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) the term 'nonimmigrant classification' includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).";

(C) in paragraph (2), by striking "has been lawfully admitted to the United States under a nonimmigrant visa" and inserting "is in a nonimmigrant classification"; and

(D) in paragraph (3)(A), by striking "Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)" and inserting "Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)".

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) In General.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§ 3291. Immigration, naturalization, and peonage offenses

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.".

(b) Clerical Amendment.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses.".

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);".

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) In General.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

"(f) Minimum Number of Agents in States.—

"(1) In general.—The Secretary of Homeland Security shall allocate to each State—

"(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

"(i) investigate immigration violations; and

"(ii) ensure the departure of all removable aliens; and

"(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

"(2) Waiver.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census"; and

(2) by adding at the end the following:

"(i) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.".

(b) Effective Date.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. DENIAL OF BENEFITS TO TERRORISTS AND CRIMINALS.

(a) In General.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"SEC. 362. CONSTRUCTION.

"(a) In General.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

"(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

"(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

"(b) Denial; Withholding.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.".

(b) Clerical Amendment.—The table of contents is amended by inserting after the item relating to section 361 the following:

"Sec. 362. Construction.".

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) Reimbursement for Costs Associated With Processing Criminal Illegal Aliens.—The Secretary of Homeland Security shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) Authorization of Appropriations.—

(1) Processing criminal illegal aliens.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) Compensation upon request.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry this subsection—

"(A) such sums as may be necessary for fiscal year 2007;

"(B) $750,000,000 for fiscal year 2008;

"(C) $850,000,000 for fiscal year 2009; and

"(D) $950,000,000 for each of the fiscal years 2010 through 2012.".

(c) Technical Amendment.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) In General.—The Secretary of Homeland Security shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a Department of Homeland Security detention facility.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as necessary to carry out this section.

SEC. 220. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) In General.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: "If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security."; and

(2) in paragraph (4), by adding at the end the following: "The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.".

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 221. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) Grants Authorized.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) Use of Funds.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 222. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 223. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking "(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)" and inserting "which is described in chapter 75 of title 18, United States Code, and"; and

(2) by inserting the following: "that is not described in section 1548 of such title (relating to increased penalties), and" after "first offense".

SEC. 224. REPORTING REQUIREMENTS.

(a) Clarifying Address Reporting Requirements.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking "notify the Attorney General in writing" and inserting "submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,";

(B) by striking "the Attorney General may require by regulation" and inserting "the Secretary may require"; and

(C) by adding at the end the following: "If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.";

(2) in subsection (b), by striking "Attorney General" each place such term appears and inserting "Secretary";

(3) in subsection (c), by striking "given to such parent" and inserting "given by such parent"; and

(4) by inserting at the end the following:

"(d) Address to Be Provided.—

"(1) In general.—Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien's current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

"(2) Specific requirements.—The Secretary may provide specific requirements with respect to—

"(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

"(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

"(3) Detention.—An alien who is being detained by the Secretary under this Act is not required to report the alien's current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

"(e) Use of Most Recent Address Provided by the Alien.—

"(1) In general.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

"(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

"(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

"(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

"(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

"(2) Reliance.—The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

"(3) Obligation.—The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).".

(b) Conforming Changes With Respect to Registration Requirements.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(2) in section 263(a), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) in subsection (f)—

(i) by striking "Attorney General is authorized" and inserting "Secretary of Homeland Security and Attorney General are authorized"; and

(ii) by striking "Attorney General or the Service" and inserting "Secretary or the Attorney General".

(c) Penalties.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

"(b) Failure to Provide Notice of Alien's Current Address.—

"(1) Criminal penalties.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

"(2) Effect on immigration status.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk. The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.";

(2) in subsection (c), by inserting "or a notice of current address" before "containing statements"; and

(3) in subsections (c) and (d), by striking "Attorney General" each place it appears and inserting "Secretary".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 225. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) IN GENERAL.—Beginning on October 1, 2006, an alien who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land or maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2006, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) shall not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 226. REMOVAL OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(F)) is amended by inserting ", including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State or Federal law," after "offense)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 227. EXPEDITED REMOVAL.

(a) IN GENERAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting "EXPEDITED REMOVAL OF CRIMINAL ALIENS";

(2) in subsection (a), by striking the subsection heading and inserting: "EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—";

(3) in subsection (b), by striking the subsection heading and inserting: "REMOVAL OF CRIMINAL ALIENS.—";

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

"(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien, whether or not admitted into the United States, was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).";

(5) in the subsection (c) that relates to presumption of deportability, by striking "convicted of an aggravated felony" and inserting "described in subsection (b)(2)";

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking ", who is deportable under this Act,".

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subclause:

"(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking "and who arrives by aircraft at a port of entry" and inserting "and—"; and

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

"(ii) who is present in the United States and arrived in any manner at or between a port of entry.".

(c) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)(2) (8 U.S.C. 1252(f)(2)) is amended by inserting "or stay, whether temporarily or otherwise," after "enjoin".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i) by striking "Any" and inserting "Except as provided in clause (viii), any";

(2) in subparagraph (A) by inserting after clause (vii) the following:

"(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in section 101(a)(43)(A), section 101(a)(43)(I), or section 101(a)(43)(K), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed."; and

(3) in subparagraph (B)(i)—

(A) by striking "Any alien" and inserting the following: "(I) Except as provided in subclause (II), any alien"; and

(B) by adding at the end the following:

"(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in section 101(a)(43)(A), section 101(a)(43)(I), or section 101(a)(43)(K), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.".

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 204(a)(1)(A)(viii))" after "citizen of the United States" each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

"(b) Construction.—Nothing in this subsection shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(c) Transfer.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States, either—

"(i) not later than 72 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, not later than 72 hours after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(d) Reimbursement.—

"(1) In general.—The Secretary of Homeland Security shall reimburse a State or a political subdivision of a State for expenses, as verified by the Secretary of Homeland Security, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) Cost computation.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) The cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(e) Requirement for Appropriate Security.—The Secretary of Homeland Security shall ensure that aliens incarcerated in a Federal facility pursuant to this subsection are held in facilities which provide an appropriate level of security, and that, where practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(f) Requirement for Schedule.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States and political subdivisions of States which routinely submit requests described in subsection (c) into Federal custody.

"(g) Authority for Contracts.—

"(1) In general.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) Determination by secretary.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or where appropriate, the political subdivision in which the agencies are located has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) Authorization of Appropriations for the Detention and Transportation to Federal Custody of Aliens Not Lawfully Present.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 230. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) Provision of Information to the National Crime Information Center.—

(1) In general.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(D) whose visa has been revoked.

(2) Removal of information.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) Procedure for removal of erroneous information.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180 time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) Inclusion of Information in the National Crime Information Center Database.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SEC. 231. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor)," after "section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),"; and

(2) by inserting "section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),".

SEC. 232. SEVERABILITY.

If any provision of this title, any amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any other person or circumstance shall not be affected by such holding.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) In General.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) Making Employment of Unauthorized Aliens Unlawful.—

"(1) In general.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) Continuing employment.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing or with reason to know that the alien is (or has become) an unauthorized alien with respect to such employment.

“(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Securing America's Borders Act, to obtain the labor of an alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

“(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.

“(5) DEFENSE.—

“(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

“(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

“(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

“(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

“(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

“(A) the employer is in compliance with the requirements of subsections (c) and (d); or

“(B) that the employer has instituted a program to come into compliance with such requirements.

“(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

“(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

“(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

“(1) ATTESTATION BY EMPLOYER.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

“(I) a document described in subparagraph (B); or

“(II) a document described in subparagraph (C) and a document described in subparagraph (D).

“(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

“(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

“(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual's—

“(i) United States passport; or

“(ii) permanent resident card or other document designated by the Secretary, if the document—

“(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

“(II) is evidence of eligibility for employment in the United States; and

“(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual's—

“(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

“(ii) any other documents evidencing eligibility of employment in the United States, if—

“(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

“(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

“(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109-13; 119 Stat. 302);

“(ii) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that is not in compliance with the requirements of the REAL ID Act of 2005, if the license or identity card—

“(I) is not required by the Secretary to comply with such requirements; and

“(II) contains the individual's photograph or information, including the individual's name, date of birth, gender, and address; and

“(iii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

“(I) contains the individual's photograph or information including the individual's name, date of birth, gender, eye color, and address; and

“(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

“(iv) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i), (ii), or (iii) a document of personal identity of such other type that—

“(I) the Secretary determines is a reliable means of identification; and

“(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

“(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

“(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

“(2) ATTESTATION OF EMPLOYEE.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited or referred for a fee, in the United States.

“(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

“(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

“(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referral; or

“(B) in the case of the hiring of an individual the later of—

“(i) 7 years after the date of such hiring;

“(ii) 1 year after the date the individual's employment is terminated; or

“(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

“(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

“(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

“(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

“(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

“(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—The employer shall maintain records related to an individual of any no-match notice from the Commissioner of Social Security regarding the individual's name or corresponding social security account number and the steps taken to resolve each issue described in the no-match notice.

“(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

“(D) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

“(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

“(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

“(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

“(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) as described in this subsection.

“(2) MANAGEMENT OF SYSTEM.—

“(A) IN GENERAL.—The Secretary shall, through the System—

“(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

“(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

“(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

“(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquire to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

“(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

“(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

“(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

“(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

“(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

“(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

“(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

“(ii) to respond to each inquiry made by an employer; and

“(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

“(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

“(v) to allow for monitoring of the use of the System and provide an audit capability; and

“(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status.

“(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

“(ii) a determination of whether such social security account number was issued to the named individual;

“(iii) determination of whether such social security account number is valid for employment in the United States; and

“(iv) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

“(F) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

“(ii) a determination of whether such number was issued to the named individual;

“(iii) a determination of whether the individual is authorized to be employed in the United States; and

“(iv) any other related information that the Secretary may require.

“(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

“(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

“(A) CRITICAL EMPLOYERS.—

“(i) REQUIRED PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Securing America's Borders Act, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired by the employer prior to, on, or after such date of enactment, if the Secretary determines, in the Secretary's sole and unreviewable discretion, such employer or class of employer is—

“(I) part of the critical infrastructure of the United States; or

“(II) directly related to the national security or homeland security of the United States.

“(ii) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Securing America's Borders Act, the Secretary may require additional any employer or class of employers to participate in the System with respect to employees hired on or after such date if the Secretary designates such employer or class of employers, in the Secretary's sole and unreviewable discretion, as a critical employer based on immigration enforcement or homeland security needs.

“(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Securing America's Borders Act, Secretary shall require an employer with more than 5,000 employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(C) MID-SIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Securing America's Borders Act, the Secretary shall require an employer with less than 5,000 employees and with more than 1,000 employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Securing America's Borders Act, the Secretary shall require all employers with less than 1,000 employees and with more than 250 employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Securing America's Borders Act, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

"(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

"(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion—

"(A) to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

"(B) to require any employer that is required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer prior to, on, or after the date of the enactment of the Securing America's Borders Act, if the Secretary has reasonable causes to believe that the employer has engaged in violations of the immigration laws.

"(5) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

"(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

"(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

"(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

"(7) SYSTEM REQUIREMENTS.—

"(A) IN GENERAL.—An employer that participates in the System shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, shall—

"(i) obtain from the individual and record on the form designated by the Secretary—

"(I) the individual's social security account number; and

"(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require; and

"(ii) retain the original of such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

"(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

"(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

"(ii) in the case of an employee hired prior to the date of enactment of the Securing America's Borders Act, at such time as the Secretary shall specify.

"(C) CONFIRMATION OR NONCONFIRMATION.—

"(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

"(ii) NONCONFIRMATION AND VERIFICATION.—

"(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and the individual may contest such nonconfirmation notice.

"(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

"(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

"(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

"(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

"(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

"(D) CONSEQUENCES OF NONCONFIRMATION.—

"(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

"(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

"(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

"(10) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(11) FEES.—The Secretary is authorized to require any employer participating in the System to pay a fee or fees for such participation. The fees may be set at a level that will recover the full cost of providing the System to all participants. The fees shall be deposited and remain available as provided in subsection (m) and (n) of section 286 and the System is providing an immigration adjudication and naturalization service for purposes of section 286(n).

"(12) REPORT.—Not later than 1 year after the date of the enactment of the Securing America's Borders Act, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

"(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence of any employer being investigated; and

"(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

"(3) COMPLIANCE PROCEDURES.—

"(A) PRE-PENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) disclose the material facts which establish the alleged violation; and

"(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—

"(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

"(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

"(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

"(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

"(4) CIVIL PENALTIES.—

"(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

"(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

"(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

"(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

"(B) RECORD KEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of the subsection (b), (c), and (d), shall pay a civil penalty as follows:

"(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

"(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

"(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

"(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

"(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good-faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

"(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

"(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

"(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

"(g) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

"(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(1) EMPLOYERS WITH NO CONTRACTS, GRANTS OR AGREEMENTS.—

"(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

"(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

"(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

"(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

"(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

“(3) Suspension.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

“(i) Miscellaneous Provisions.—

“(1) Documentation.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

“(2) Preemption.—The provisions of this section preempt any State or local law—

“(A) imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens; or

“(B) requiring as a condition of conducting, continuing, or expanding a business that a business entity—

“(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

“(ii) take other steps that facilitate the employment of day laborers by others.

“(j) Deposit of Amounts Received.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

“(k) Definitions.—In this section:

“(1) Employer.—The term ‘employer’ means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

“(2) No-match notice.—The term ‘no-match notice’ means written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

“(3) Secretary.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

“(4) Unauthorized alien.—The term ‘unauthorized alien’ means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

“(A) an alien lawfully admitted for permanent residence; or

“(B) authorized to be so employed by this Act or by the Secretary.”.

(b) Conforming Amendment.—

(1) Amendment.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) are repealed.

(2) Construction.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) Technical Amendments.—

(1) Definition of unauthorized alien.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking “274A(h)(3)” and inserting “274A”.

(2) Document requirements.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking “274A(b)” and inserting “274A(d)”; and

(B) in subsection (g)(2)(B)(ii), by striking “274A(b)(5)” and inserting “274A(d)(9)”.

(d) Effective Date.—The amendments made by subsections (a), (b), and (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

“(w) Employer Compliance Fund.—

“(1) In general.—There is established in the general fund of the Treasury, a separate account, which shall be known as the ‘Employer Compliance Fund’ (referred to in this subsection as the ‘Fund’).

“(2) Deposits.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

“(3) Purpose.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

“(4) Availability of funds.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.”.

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) Worksite Enforcement.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning date of the enactment of this Act.

(b) Fraud Detection.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning date of the enactment of this Act.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking “citizen” and inserting “national”.

TITLE IV—BACKLOG REDUCTION AND VISAS FOR STUDENTS, MEDICAL PROVIDERS, AND ALIENS WITH ADVANCED DEGREES

SEC. 401. ELIMINATION OF EXISTING BACKLOGS.

(a) Family-Sponsored Immigrants.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

“(c) Worldwide Level of Family-Sponsored Immigrants.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

“(1) 480,000;

“(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

“(3) the difference between—

“(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

“(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.”.

(b) Employment-Based Immigrants.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

“(d) Worldwide Level of Employment-Based Immigrants.—

“(1) In general.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

“(A) 290,000;

“(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

“(C) the difference between—

“(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

“(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

“(2) Visas for spouses and children.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).”.

SEC. 402. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking “, (4), and (5)” and inserting “and (4)”; and

(B) by striking “7 percent (in the case of a single foreign state) or 2 percent” and inserting “10 percent (in the case of a single foreign state) or 5 percent”; and

(2) by striking paragraph (5).

SEC. 403. ALLOCATION OF IMMIGRANT VISAS.

(a) Preference Allocation for Family-Sponsored Immigrants.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

“(a) Preference Allocations for Family-Sponsored Immigrants.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

“(1) Unmarried sons and daughters of citizens.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

“(A) 10 percent of such worldwide level; and

“(B) any visas not required for the class specified in paragraph (4).

“(2) Spouses and unmarried sons and daughters of permanent resident aliens.—

“(A) In general.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

"(i) the spouses or children of an alien lawfully admitted for permanent residence; or

"(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

"(B) Minimum Percentage.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77 percent of the visas allocated under this paragraph.

"(3) Married Sons and Daughters of Citizens.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level; and

"(B) any visas not required for the classes specified in paragraphs (1) and (2).

"(4) Brothers and Sisters of Citizens.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.".

(b) Preference Allocation for Employment-Based Immigrants.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "15 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "15 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "5 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) Other Workers.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States."; and

(8) by striking paragraph (6).

(c) Conforming Amendments.—

(1) Definition of Special Immigrant.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4),".

(2) Repeal of Temporary Reduction in Workers' Visas.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is repealed.

SEC. 404. RELIEF FOR MINOR CHILDREN.

(a) In General.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

"(2)(A)(i) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

"(ii) In this subparagraph, the term 'immediate relative' means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

"(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

"(I) 2 years after such date; or

"(II) the date on which the spouse remarries.

"(iv) In this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

"(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.".

(b) Petition.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154 (a)(1)(A)(ii)) is amended by striking "in the second sentence of section 201(b)(2)(A)(i) also" and inserting "in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)".

SEC. 405. STUDENT VISAS.

(a) In General.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking "he has no intention of abandoning, who is" and inserting the following: "except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

"(I)";

(B) by striking "consistent with section 214(l)" and inserting "(except for a graduate program described in clause (iv)) consistent with section 214(m)";

(C) by striking the comma at the end and inserting the following: "; or

"(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;";

(2) in clause (ii)—

(A) by inserting "or (iv)" after "clause (i)"; and

(B) by striking ", and" and inserting a semicolon;

(3) in clause (iii), by adding "and" at the end; and

(4) by adding at the end the following:

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree.".

(b) Admission of Nonimmigrants.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (L), or (V)".

(c) Requirements for F-4 Visa.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) Nonimmigrant Elementary, Secondary, and Post-Secondary School Students.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under section 101(a)(15)(F)(iv) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.".

(d) Off Campus Work Authorization for Foreign Students.—

(1) In General.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) Disqualification.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(e) Adjustment of Status.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) Authorization.—

"(1) In General.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa;

"(C) the alien is admissible to the United States for permanent residence; and

"(D) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) Student Visas.—Notwithstanding the requirement under paragraph (1)(C), an alien may file an application for adjustment of status under this section if—

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(F)(iv), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien's graduation;

"(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $1,000 is remitted to the Secretary on behalf of the alien.

"(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.".

(f) USE OF FEES.—

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting "and 20 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 406. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(F) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(G) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

"(H) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.".

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned an advanced degree in science, technology, engineering, or math.";

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

"(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.".

(d) APPLICABILITY.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

SEC. 407. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note; Public Law 103–416) is amended by striking "Act and before June 1, 2006." and inserting "Act.".

TITLE V—IMMIGRATION LITIGATION REDUCTION

SEC. 501. CONSOLIDATION OF IMMIGRATION APPEALS.

(a) REAPPORTIONMENT OF CIRCUIT COURT JUDGES.—The table in section 44(a) of title 28, United States Code, is amended in the item relating to the Federal Circuit by striking "12" and inserting "15".

(b) REVIEW OF ORDERS OF REMOVAL.—Section 242(b) (8 U.S.C. 1252(b)) is amended—

(1) in paragraph (2), by striking the first sentence and inserting "The petition for review shall be filed with the United Sates Court of Appeals for the Federal Circuit.";

(2) in paragraph (5)(B), by adding at the end the following: "Any appeal of a decision by the district court under this paragraph shall be filed with the United States Court of Appeals for the Federal Circuit."; and

(3) in paragraph (7), by amending subparagraph (C) to read as follows:

"(C) CONSEQUENCE OF INVALIDATION AND VENUE OF APPEALS.—

"(i) INVALIDATION.—If the district court rules that the removal order is invalid, the court shall dismiss the indictment for violation of section 243(a).

"(ii) APPEALS.—The United States Government may appeal a dismissal under clause (i) to the United States Court of Appeals for the Federal Circuit within 30 days after the date of the dismissal. If the district court rules that the removal order is valid, the defendant may appeal the district court decision to the United States Court of Appeals for the Federal Circuit within 30 days after the date of completion of the criminal proceeding.".

(c) REVIEW OF ORDERS REGARDING INADMISSABLE ALIENS.—Section 242(e) (8 U.S.C. 1252(e)) is amended by adding at the end the following new paragraph:

"(6) VENUE.—The petition to appeal any decision by the district court pursuant to this subsection shall be filed with the United States Court of Appeals for the Federal Circuit.".

(d) EXCLUSIVE JURISDICTION.—Section 242(g) (8 U.S.C. 1252(g)) is amended—

(1) by striking "Except"; and inserting the following:

"(1) IN GENERAL.—Except"; and

(2) by adding at the end the following:

"(2) APPEALS.—Notwithstanding any other provision of law, the United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction to review a district court order arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States, including a district court order granting or denying a petition for writ of habeas corpus.".

(e) JURISDICTION OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—

(1) EXCLUSIVE JURISDICTION.—Section 1295(a) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(15) of an appeal to review a final administrative order or a district court decision arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States.".

(2) CONFORMING AMENDMENTS.—Such section 1295(a) is further amended—

(A) in paragraph (13), by striking "and"; and

(B) in paragraph (14), by striking the period at the end and inserting a semicolon and "and".

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Court of Appeals for the Federal Circuit for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of additional attorneys for the such Court.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of this Act and shall apply to any final agency order or district court decision entered on or after the date of enactment of this Act.

SEC. 502. ADDITIONAL IMMIGRATION PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) TRIAL ATTORNEYS.—In each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters by not less than 100 above the number of such positions for which funds were made available during each preceding fiscal year.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection.

(b) DEPARTMENT OF JUSTICE.—

(1) LITIGATION ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice.

(2) UNITED STATES ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of attorneys in the United States Attorneys' office to litigate immigration cases in the Federal courts.

(3) IMMIGRATION JUDGES.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 20 the number of full-time immigration judges compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 80 the number of positions for personnel to support the immigration judges described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year.

(4) STAFF ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 10 the number of positions for full-time staff attorneys in the Board of Immigration Appeals compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 10 the number of positions for personnel to support the staff attorneys described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

(c) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In each of the fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, increase by not less than 50 the number of attorneys in the Federal Defenders Program who litigate criminal immigration cases in the Federal courts.

SEC. 503. BOARD OF IMMIGRATION APPEALS REMOVAL ORDER AUTHORITY.

(a) IN GENERAL.—Section 101(a)(47) (8 U.S.C. 1101(a)(47)) is amended to read as follows:

"(47)(A)(i) The term 'order of removal' means the order of the immigration judge, the Board of Immigration Appeals, or other administrative officer to whom the Attorney General or the Secretary of Homeland Security has delegated the responsibility for determining whether an alien is removable, concluding that the alien is removable, or ordering removal.

"(ii) The term 'order of deportation' means the order of the special inquiry officer, immigration judge, the Board of Immigration Appeals, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable, or ordering deportation.

"(B) An order described under subparagraph (A) shall become final upon the earlier of—

"(i) a determination by the Board of Immigration Appeals affirming such order;

"(ii) the entry by the Board of Immigration Appeals of such order;

"(iii) the expiration of the period in which any party is permitted to seek review of such order by the Board of Immigration Appeals;

"(iv) the entry by an immigration judge of such order, if appeal is waived by all parties; or

"(v) the entry by another administrative officer of such order, at the conclusion of a process authorized by law other than under section 240.".

(b) CONFORMING AMENDMENTS.—The Immigration and Nationality Act is amended—

(1) in section 212(d)(12)(A) (8 U.S.C. 1182(d)(12)(A)), by inserting "an order of" before "removal"; and

(2) in section 245A(g)(2)(B) (8 U.S.C. 1255a(g)(2)(B))—

(A) in the heading, by inserting ", REMOVAL," after "DEPORTATION"; and

(B) in clause (i), by striking "deportation," and inserting "deportation or an order of removal,".

SEC. 504. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) (8 U.S.C. 1201(i)) is amended by striking the last sentence and inserting "Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.".

SEC. 505. REINSTATEMENT OF REMOVAL ORDERS.

(a) REINSTATEMENT.—

(1) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1231(a)(5)) is amended to read as follows:

"(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—

"(A) IN GENERAL.—If the Secretary of Homeland Security finds that an alien has entered the United States illegally after having been removed, deported, or excluded or having departed voluntarily, under an order of removal, deportation, or exclusion, regardless of the date of the original order or the date of the illegal entry—

"(i) the order of removal, deportation, or exclusion is reinstated from its original date and is not subject to being reopened or reviewed notwithstanding section 242(a)(2)(D);

"(ii) the alien is not eligible and may not apply for any relief under this Act, regardless of the date that an application or request for such relief may have been filed or made; and

"(iii) the alien shall be removed under the order of removal, deportation, or exclusion at any time after the illegal entry.

"(B) NO OTHER PROCEEDINGS.—Reinstatement under this paragraph shall not require proceedings under section 240 or other proceedings before an immigration judge.".

(2) CONFORMING AMENDMENT.—Section 242(a)(2)(D) (8 U.S.C. 1252(a)(2)(D)) is amended by striking "section)" and inserting "section or section 241(a)(5))".

(b) JUDICIAL REVIEW.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

"(h) JUDICIAL REVIEW OF REINSTATEMENT UNDER SECTION 241(a)(5).—

"(1) REVIEW OF REINSTATEMENT.—Judicial review of a determination under section 241(a)(5) is available under subsection (a) of this section.

"(2) NO REVIEW OF ORIGINAL ORDER.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review any cause or claim, arising from or relating to any challenge to the original order.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if enacted on April 1, 1997, and shall apply to all orders reinstated on or after that date by the Secretary (or by the Attorney General prior to March 1, 2003), regardless of the date of the original order.

SEC. 506. WITHHOLDING OF REMOVAL.

(a) IN GENERAL.—Section 241(b)(3) (8 U.S.C. 1231(b)(3)) is amended—

(1) in subparagraph (A), by adding at the end "The burden of proof is on the alien to establish that the alien's life or freedom would be threatened in that country, and that race, religion, nationality, membership in a particular social group, or political opinion would be at least one central reason for such threat."; and

(2) in subparagraph (C), by striking "In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A)" and inserting "For purposes of this paragraph,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on May 11, 2005, and shall apply to applications for withholding of removal made on or after such date.

SEC. 507. CERTIFICATE OF REVIEWABILITY.

(a) BRIEFS.—Section 242(b)(3)(C) (8 U.S.C. 1252(b)(3)(C)) is amended to read as follows:

"(C) BRIEFS.—

"(i) ALIEN'S BRIEF.—The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available. The court may not extend this deadline except upon motion for good cause shown. If an alien fails to file a brief within the time provided in this subparagraph, the court shall dismiss the appeal unless a manifest injustice would result.

"(ii) UNITED STATES BRIEF.—The United States shall not be afforded an opportunity to file a brief in response to the alien's brief until a judge issues a certificate of reviewability as provided in subparagraph (D), unless the court requests the United States to file a reply brief prior to issuing such certification.".

(b) CERTIFICATE OF REVIEWABILITY.—Section 242(b)(3) (8 U.S.C. 1252 (b)(3)) is amended by adding at the end the following new subparagraphs:

"(D) CERTIFICATE OF REVIEWABILITY.—

"(i) After the alien has filed a brief, the petition for review shall be assigned to one judge on the Federal Circuit Court of Appeals.

"(ii) Unless such judge issues a certificate of reviewability, the petition for review shall be denied and the United States may not file a brief.

"(iii) Such judge may not issue a certificate of reviewability under clause (ii) unless the petitioner establishes a prima facie case that the petition for review should be granted.

"(iv) Such judge shall complete all action on such certificate, including rendering judgment, not later than 60 days after the date on which the judge is assigned the petition for review, unless an extension is granted under clause (v).

"(v) Such judge may grant, on the judge's own motion or on the motion of a party, an extension of the 60-day period described in clause (iv) if—

"(I) all parties to the proceeding agree to such extension; or

"(II) such extension is for good cause shown or in the interests of justice, and the judge states the grounds for the extension with specificity.

"(vi) If no certificate of reviewability is issued before the end of the period described in clause (iv), including any extension under clause (v), the petition for review shall be denied, any stay or injunction on petitioner's removal shall be dissolved without further action by the court or the Government, and the alien may be removed.

"(vii) If such judge issues a certificate of reviewability under clause (ii), the Government shall be afforded an opportunity to file a brief in response to the alien's brief. The alien may serve and file a reply brief not later than 14 days after service of the Government brief, and the court may not extend this deadline except upon motion for good cause shown.

"(E) NO FURTHER REVIEW OF DECISION NOT TO ISSUE A CERTIFICATE OF REVIEWABILITY.—The decision of a judge on the Federal Circuit Court of Appeals not to issue a certificate of reviewability or to deny a petition for review, shall be the final decision for the Federal Circuit Court of Appeals and may not be reconsidered, reviewed, or reversed by the such Court through any mechanism or procedure.".

SEC. 508. DISCRETIONARY DECISIONS ON MOTIONS TO REOPEN OR RECONSIDER.

(a) EXERCISE OF DISCRETION.—Section 240(c) (8 U.S.C. 1229a(c)) is amended—

(1) in paragraph (6), by adding at the end the following new subparagraph:

"(D) DISCRETION.—The decision to grant or deny a motion to reconsider is committed to the Attorney General's discretion."; and

(2) in paragraph (7), by adding at the end the following new subparagraph:

"(D) DISCRETION.—The decision to grant or deny a motion to reopen is committed to the Attorney General's discretion.".

(b) ELIGIBILITY FOR PROTECTION FROM REMOVAL TO ALTERNATIVE COUNTRY.—Section 240(c) (8 U.S.C. 1229a(c)), as amended by subsection (a), is further amended by adding at the end of paragraph (7)(C) the following new clause:

"(v) SPECIAL RULE FOR ALTERNATIVE COUNTRIES OF REMOVAL.—The requirements of this paragraph may not apply if—

"(I) the Secretary of Homeland Security is seeking to remove the alien to an alternative or additional country of removal under paragraph (1)(C), 2(D), or 2(E) of section 241(b) that was not considered during the alien's prior removal proceedings;

"(II) the alien's motion to reopen is filed within 30 days after receiving notice of the Secretary's intention to remove the alien to that country; and

"(III) the alien establishes a prima facie case that the alien is entitled by law to withholding of removal under section 241(b)(3) or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, with respect to that particular country.".

(c) EFFECTIVE DATE.—This amendment made by this section shall apply to motions to reopen or reconsider which are filed on or after the date of the enactment of this Act in removal, deportation, or exclusion proceedings, whether a final administrative order is entered before, on, or after the date of the enactment of this Act.

SEC. 509. PROHIBITION OF ATTORNEY FEE AWARDS FOR REVIEW OF FINAL ORDERS OF REMOVAL.

(a) IN GENERAL.—Section 242 (8 U.S.C. 1252), as amended by section 505(b), is further amended by adding at the end the following new subsection:

"(i) PROHIBITION ON ATTORNEY FEE AWARDS.—Notwithstanding any other provision of law, a court may not award fees or other expenses to an alien based upon the alien's status as a prevailing party in any proceedings relating to an order of removal issued under this Act, unless the court of appeals concludes that the determination of the Attorney General or the Secretary of Homeland Security that the alien was removable under sections 212 and 237 was not substantially justified.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to proceedings relating to an order of removal issued on or after the date of the enactment of this Act, regardless of the date that such fees or expenses were incurred.

SEC. 510. BOARD OF IMMIGRATION APPEALS.

(a) REQUIREMENT TO HEAR CASES IN 3-MEMBER PANELS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), cases before the Board of Immigration Appeals of the Department of Justice shall be heard by 3-member panels of such Board.

(2) HEARING BY A SINGLE MEMBER.—A 3-member panel of the Board of Immigration Appeals or a member of such Board alone may—

(A) summarily dismiss any appeal or portion of any appeal in any case which—

(i) the party seeking the appeal fails to specify the reasons for the appeal;

(ii) the only reason for the appeal specified by such party involves a finding of fact or a conclusion of law that was conceded by that party at a prior proceeding;

(iii) the appeal is from an order that granted such party the relief that had been requested;

(iv) the appeal is determined to be filed for an improper purpose, such as to cause unnecessary delay; or

(v) the appeal lacks an arguable basis in fact or in law and is not supported by a good faith argument for extension, modification, or reversal of existing law;

(B) grant an unopposed motion or a motion to withdraw an appeal pending before the Board; or

(C) adjudicate a motion to remand any appeal—

(i) from the decision of an officer of the Department if the appropriate official of the Department requests that the matter be remanded back for further consideration;

(ii) if remand is required because of a defective or missing transcript; or

(iii) if remand is required for any other procedural or ministerial issue.

(3) HEARING EN BANC.—The Board of Immigration Appeals may, by a majority vote of the Board members—

(A) consider any case as the full Board en banc; or

(B) reconsider as the full Board en banc any case that has been considered or decided by a 3-member panel.

(b) AFFIRMANCE WITHOUT OPINION.—Upon individualized review of a case, the Board of Immigration Appeals may affirm the decision of an immigration judge without opinion only if—

(1) the decision of the immigration judge resolved all issues in the case;

(2) the issue on appeal is squarely controlled by existing Board or Federal court precedent and does not involve the application of precedent to a novel fact situation;

(3) the factual and legal questions raised on appeal are so insubstantial that the case does not warrant the issuance of a written opinion in the case; and

(4) the Board approves both the result reached in the decision below and all of the reasoning of that decision.

(c) REQUIREMENT FOR REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall promulgate regulations to carry out this section.

TITLE VI—MISCELLANEOUS

SEC. 601. TECHNICAL AND CONFORMING AMENDMENTS.

The Attorney General, in consultation with the Secretary, shall, as soon as practicable but not later than 90 days after the date of the enactment of this Act, submit to Congress a draft of any technical and conforming changes in the Immigration and Nationality Act which are necessary to reflect the changes in the substantive provisions of law made by the Homeland Security Act of 2002, this Act, or any other provision of law.

SECURING AMERICA'S BORDERS ACT (SABA)—SECTION BY SECTION ANALYSIS

TITLE I—BORDER ENFORCEMENT

SUBTITLE A—ASSETS FOR CONTROLLING UNITED STATES BORDERS

Section 101. Enforcement personnel

Section 101 authorizes such sums as necessary to recruit, hire, and train 250 new Custom and Border Protection officers, 200 new positions for investigative personnel to investigate alien smuggling, and 250 additional port of entry inspectors, annually from FY 2007 to FY 2011. It also increases the number of customs enforcement inspectors by 200 in section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004. Finally, it authorizes appropriations as necessary for the hiring of 2,400 additional border patrol agents annually for six years—adding an additional 4,400 agents to the border over 6 years to the 10,000 already added by the Intelligence Reform and Terrorism Prevention Act of 2004 (for a total of 14,400 new Border Patrol Agents by 2011).

Section 102. Technological assets

Section 202 authorizes such sums as necessary for the acquisition of unmanned aerial vehicles, cameras, poles, sensors and other technologies to achieve operational control of the borders. It also requires the Secretary of DHS and the Secretary of Defense to increase the availability and use of Defense equipment to assist in controlling the borders and submit a report to Congress.

Section 103. Infrastructure

Section 103 authorizes such sums as necessary to construct all-weather roads and add vehicle barriers along the borders.

Section 104. Border Patrol checkpoints

Section 104 authorizes the Secretary to maintain temporary or permanent border patrol checkpoints in close proximity to the southern border.

Section 105. Ports of entry

Section 105 authorizes the Secretary to construct additional ports of entry and to make improvements to existing ports of entry along the land borders.

Section 106. Construction of strategic border fencing and vehicle barriers

Section 106 requires DHS, over the next two years, to replace all aged, deteriorating, or damaged primary fencing with double or triple layered fencing in Arizona population centers on the border. The fencing must be extended no less than 2 miles beyond those population centers. This section also requires DHS to construct at least 200 miles of vehicle barriers and all-weather roads in areas that are known transit points for illegal cross border traffic.

SUBTITLE B—BORDER SECURITY PLANS, STRATEGIES AND REPORTS

Section 111. Surveillance plan

Section 111 requires the Secretary of DHS to submit a comprehensive plan for the systematic surveillance of the U.S. land and sea borders.

Section 112. National strategy for border security

Section 112 requires the Secretary of DHS, in consultation with the heads of other appropriate Federal agencies, to develop and submit to Congress a National Strategy for Border Security.

Section 113. Reports on Improving the exchange of information on North American security

Section 113 requires the Secretary of State, in coordination with the Secretary of DHS and the Secretary of Defense, to submit to Congress a report on improving the exchange of information related to the security of North America, including a description of progress made on security clearances and document integrity, immigration and visa management, visa policy coordination, counterterrorism and terrorist watch lists, and law enforcement cooperation among the United States, Mexico, and Canada.

Section 114. Improving the security of Mexico's southern border

Section 114 directs the Secretary of State and Secretary of DHS to work with Canada and Mexico to establish a program to assess the needs of Guatemala and Belize in maintaining the security of their borders, and to work with Guatemala and Belize to provide law enforcement assistance to dismantle human smuggling organizations and gain additional control over the border between Guatemala and Belize. It also directs the Secretaries and the Director of the FBI to establish a database to track criminal gang activities in Central America.

SUBTITLE C—OTHER BORDER SECURITY INITIATIVES

Section 121. Biometric data enhancements

Section 121 requires the Secretary of DHS, by October 1, 2007, to enhance the connectivity between the Automated Biometric Fingerprint Identification System (IDENT) and Integrated Automated Fingerprint Identification System (IAFIS) biometric databases and collect all fingerprints from individuals through the United States Visitor and Immigrant Status Indicator Technology (US–VISIT) program during their initial enrollment.

Section 122. Secure communication

Section 122 requires the Secretary of DHS to implement a two-way communication system between Border Patrol agents in the field and their station offices, as well as between appropriate DHS border security agencies at the State, local and tribal law enforcement agencies.

Section 123. Border Patrol training capacity review

Section 123 requires the Comptroller General to review the basic training provided to new Border Patrol agents to ensure that such training is provided as efficiently and cost effectively as possible.

Section 124. US-VISIT system

Section 124 requires the Secretary of DHS, in consultation with the heads of other appropriate Federal agencies, to submit to Congress a timeline for equipping all land border ports of entry with the US-VISIT system, deploying at all land border ports of entry the exit component of the US-VISIT system, and making all immigration screening systems interoperable.

Section 125. Document fraud detection

Section 125 requires that all immigration inspectors receive training in identifying and detecting fraudulent travel documents and obtain access to the Forensic Document Laboratory. It also requires the Inspector General of DHS to conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory and to submit a report to Congress.

Section 126. Improved document integrity

Section 126 requires that immigration-status documents, other than interim documents, issued by DHS be machine-readable, tamper-resistant, and incorporate biometric identifiers by October 26, 2007.

Section 127. Cancellation of visas

Section 127 voids visas held by a nonimmigrant alien if the alien remains in the U.S. beyond the period of authorized stay, and requires aliens who overstay to return to their consulate abroad to undergo additional screening before being able to return to the U.S.

Section 128. Biometric entry-exit system

Section 128 authorizes DHS to collect biometric data from any alien or LPR seeking admission to, exit from, transit through, or paroled into the U.S., and provides that failure to comply with the biometric requirements is a ground for inadmissibility.

Section 129. Border study

Section 129 requires the Secretary of DHS to conduct a study and submit a report to Congress on the construction of a physical barrier system along the southern and northern international land and maritime borders of the United States.

Section 130. Secure border initiative financial accountability

Section 130 requires the Inspector General of the Department of Homeland Security to review all contracts over $20 million that pertain to the Secure Border Initiative. The IG would have to provide a report to the Secretary on any cost overruns, delays in execution, or mismanagement of these contracts. This section would also require the Secretary of Homeland Security to disclose all contracts with foreign entities on the Secure Border Initiative and the Committee on Foreign Investment in the United States would have to report to Congress on proposed purchases of U.S. port operations by a foreign entity.

TITLE II.—INTERIOR ENFORCEMENT

Section 201. Removal and denial of benefits to terrorist aliens

Section 201(a) amends the INA so that all aliens inadmissible on terrorism-related grounds are ineligible for asylum.

Section 201(b) expands the class of aliens ineligible on security-related grounds for cancellation of removal. Current law provides that all aliens "inadmissible" and "deportable" on security-related grounds are ineligible; subsection (b) provides that all aliens "described in" those provisions are also ineligible.

Section 201(c) expands the class of aliens ineligible on security-related grounds for voluntary departure. Current law disqualifies from voluntary removal all aliens "deportable" on security-related grounds and because of conviction of an aggravated felony; subsection (c) extends this disqualification to all aliens "described in" those provisions.

Section 201(d) renders ineligible for withholding of removal all aliens "described in" the provisions of the INA rendering aliens inadmissible on terrorism grounds and most of the provisions rendering aliens deportable on terrorism grounds.

Section 201(e) narrows the class of aliens eligible for a record of admission for permanent residence if no such record is otherwise available. Current law requires an alien seeking such a record of admission to prove that he is not "inadmissible" on the grounds of participation in certain Nazi-related activities and certain other activities, and that he is not "deportable" for terrorist activities; subsection (e) requires aliens to prove they are not "described in" those provisions.

Section 201(f) provides that the amendments in this section apply to aliens in removal, deportation, and exclusion proceedings on the date of enactment, and to acts or conditions occurring before, on, or after the date of enactment.

Section 202. Detention and removal of aliens ordered removed

Section 202 responds to the Supreme Court's decision in Zadvydas v. Davis, 533 U.S. 678 (2001). The issue addressed in this section, and in Zadvydas, is what the Government may do if the removal period expires and the Government has not managed to remove the alien.

Section 202(a)(1)(E)–(G) addresses authority to detain beyond the removal period aliens ordered removed who are inadmissible; who are removable as a result of violations of status requirements or entry conditions, violations of criminal law, or reasons of security or foreign policy; or who have otherwise been determined by the Attorney General to constitute a risk to the community or to be unlikely to comply with the order of removal.

Section 202(a)(1)(E) provides that such aliens may be detained beyond the removal period in the discretion of DHS and without any limitations other than those specified in the statute. Section 202(a)(1)(G) sets forth detailed guidelines for detention following the removal period of the classes of aliens identified above:

With respect to aliens who have effected entry to the United States and have fully cooperated with the Government's efforts to carry out removal, DHS may detain such aliens until removal after making one of a variety of certifications. DHS must renew such a certification every six months for as long as it wants to continue detaining the alien. In the absence of a certification, the alien is to be released, although conditions may be imposed and re-detention is possible. DHS may not delegate the decision to certify or renew a certification to an officer inferior to the Commissioner of ICE.

With respect to aliens who have effected an entry to the United States and would be removed but for failure to cooperate fully with removal efforts, DHS may detain them until the alien makes all reasonable efforts to comply with the removal efforts.

With respect to aliens who have not effected an entry to the United States, DHS is required to follow the guidelines set forth in a specified provision of the CFR.

Section 202(a)(1)(G) authorizes DHS to parole the alien if she/he is an applicant for admission. Finally, it makes judicial review regarding the above paragraphs available only in habeas corpus proceedings after exhaustion of administrative remedies available as of right.

Section 202(a)(1)(A) provides that DHS, not DOJ, oversees detention and removal of aliens ordered removed.

Section 202(a)(1)(B) modifies the definition of one of the three events, the latest of which marks the beginning of the 90-day removal period. Under current law, one of the three events marking the beginning of the removal period is the date of the court's final order, if such a court has stayed the alien's removal so that it can review the removal order. Section 202(a)(1)(B) revises this clause so that the removal period would begin on the expiration of the stay of removal entered by a court, the BIA, or an immigration judge.

Section 202(a)(1)(B) also expands the authority of the Government to extend the removal period beyond 90 days, if the alien fails or refuses to make all reasonable efforts to comply with the removal order or to fully cooperate with DHS's efforts to establish the alien's identity and carry out the removal order.

Finally, Section 202(a)(1)(B) provides that in no event can the 90-day removal period begin until the alien is in DHS's custody. If DHS transfers custody of the alien during the removal period to another Federal, state, or local agency, the removal period is tolled and begins anew when the alien is returned to DHS's custody.

Section 202(a)(1)(C) provides explicit statutory authority for DHS to detain an alien during a stay of removal ordered by a court, the BIA, or an immigration judge, so long as the alien is otherwise subject to an administratively final order of removal.

Section 202(a)(1)(D) addresses the terms under which the alien is to be supervised if she has not been removed after the removal period expires to prevent the alien from absconding, to protect the community, or otherwise to enforce the immigration laws.

Section 202(a)(2) provides that the amendments made by Section 202(a)(1) will apply to all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of enactment of the Act.

Section 202(b) amends that portion of title 18 concerning release of a criminal defendant pending trial to establish a rebuttable presumption that no conditions of release will reasonably ensure the appearance of the defendant as required if the judge finds probable cause to believe that the person has no lawful immigration status, is the subject of a final order of removal, or has committed one in a list of immigration offenses.

Section 202(b) also amends that portion of title 18 enumerating the factors that a judge must consider when determining whether there are conditions of release that will reasonably assure the appearance of criminal defendants as required. The subsection provides that the judge shall consider the person's immigration status.

Section 203. Aggravated felony

Section 203(a) modifies the definition of the term "aggravated felony." Sections 203(a)(1) and (a)(5) provide that convictions based on the term of imprisonment are covered even if the length of the sentence was based on recidivist or other enhancements.

Section 203(a)(2) broadens the term to include all bringing in and harboring certain aliens crimes.

Section 203(a)(3) broadens the definition to include any felony conviction under INA Section 275 (Improper Entry by an Alien) and Section 276 ("Reentry of Removed Alien"). The current definition covers only crimes under Sections 275(a) and 276 that were committed by an alien previously deported for another aggravated felony. By capturing the rest of Section 275, the definition now includes felony convictions for marriage fraud and immigration-related entrepreneurship fraud, in addition to a much broader swath of offenses for improper entry and reentry themselves.

Section 203(a)(4) expands the definition to include soliciting, aiding, abetting, counseling, commanding, inducing, or procuring another to commit one of the crimes listed already in the definition.

Section 203(b) bars a refugee convicted of an aggravated felony from eligibility for adjustment of status.

Section 203(c) provides that Sections 203(a) and 203(b) apply to acts occurring before, on, or after the date of enactment and to all proceedings in which the alien is required to establish admissibility on or after the date of enactment of the Act.

Section 204. Terrorist bars

Section 204(a)(1) provides that no alien shall be found to have "good moral character" for purposes of the INA if DHS or DOJ determines that the alien is described in sections 212(a)(3) (excludable on security or related grounds) or 237(a)(4) (removable on security or related grounds).

Section 204(a)(2) clarifies that the bar against aggravated felons being found to have "good moral character" applies even if the underlying crime was not classified as an aggravated felony at the time of conviction, and provides waiver authority when the completion of the term of imprisonment and sentence occurred 10 or more years prior to the date of application.

Section 204(a)(3) clarifies that the "catch-all" component of the definition of "good moral character" includes discretionary authority to find an alien lacks good moral character for reasons not enumerated in the definition. The provision also clarifies that this discretionary authority may be based upon the alien's conduct outside the period during which good moral character is required.

Section 204(b) provides that a petition for granting certain classes of immigrant status may not be granted if there is any proceeding pending that could result in the petitioner's denaturalization or loss of the petitioner's lawful permanent resident status.

Section 204(c) clarifies that an alien admitted as a conditional lawful permanent resident must have the condition removed before she can be lawfully admitted.

Section 204(d) modifies the law governing judicial review of naturalization decisions. Subsection (d)(1) requires an alien to seek review of the denial of his application for naturalization within 120 days of DHS's final determination. Subsection (d)(2) imposes on the alien the burden of showing that DHS's denial was contrary to law. It also removes jurisdiction from the courts, except in proceedings to revoke naturalization, to review or make any determination that an alien is a person of good moral character, understands and is attached to the principles of the Constitution, and is well-disposed to the good order and happiness of the United States.

Section 204(e) bars from being naturalized any alien whom DHS determines to have been at any time an alien described in INA sections 212(a)(3) (excludable on security or related grounds) or 237(a)(4) (removable on security or related grounds).

Section 204(f) provides that neither a court nor DHS may consider a naturalization application while there is pending any proceeding to determine inadmissibility, deportability, or rescission of eligibility for lawful permanent residence, regardless of when the proceeding commenced.

Section 204(g) modifies the circumstances under which an alien may seek judicial review of a pending naturalization application. The subsection limits the district court's jurisdiction to examining the basis for any delay and remanding to DHS for adjudication. The time after which the alien may seek judicial review is extended to 180 days after DOJ's examination of the applicant.

Section 204(h) provides that the amendments made by this section will apply to acts occurring before, on, or after the date of enactment and to all applicable cases or matters pending on or filed after the date of enactment of the Act.

Section 205. Increased criminal penalties related to gang violence, removal and alien smuggling

Section 205(a)(1) renders inadmissible any alien who a consular officer, DOJ, or DHS knows or has reason to believe is or has been a member of a gang (as defined in Title 18), or who has participated in such a gang's activities knowing or having reason to know that such activities supported the gang's illegal conduct. Section 205(a)(2) renders such aliens deportable as well, though it exempts aliens who were members of a gang only before admission to the country. (DHS and DOJ can waive application of both 205(a)(1) and (a)(2).)

Section 205(a)(3) modifies the rules concerning Temporary Protected Status (TPS). It transfers the authority over TPS from DOJ to DHS; provides DHS with authority to terminate a TPS designation for any reason; permits DHS to extend a country's TPS designation for any amount of time up to 18 months; abolishes the $50 cap on the TPS registration fee; denies TPS status to any alien who is a member of a gang, or has been at any time after admission; and clarifies that a TPS alien's immunity from detention on the basis of his/her immigration status does not extend to detentions authorized by other provisions of law.

Section 205(b):

Permits the government to penalize for failure to depart those aliens ordered removed because they were inadmissible.

Changes the base penalty for failure to depart to a mandatory minimum of 6 months and a maximum of 5 years, along with a fine.

Changes the penalty for an alien's willful failure to comply with the terms of release under supervision by removing any statutory limit on the fine and adding a mandatory minimum of 6 months and a maximum of 5 years, or 10 years for certain categories of deportable aliens.

Allows the Secretary of Homeland Security to instruct the Secretary of State to deny issuing a visa to any national of a country if that country refuses to accept the return of its nationals. The language only relates to visa issuance, not denial of admission at port-of-entry, ensuring that refugees/asylees are not impacted and that aliens know they will not be admitted before they travel to the U.S.

Section 205(c) strikes and replaces the provision of the INA covering alien smuggling and related offenses. One key purpose of this section is to clarify a provision of the INA that has become confusing and overly complicated after years of piecemeal amendments. But there are substantive changes as well, as the section:

Expands the alien-smuggling crime to cover individuals who "facilitate[ ], encourage[ ], direct[ ], or induce[ ]" an alien to enter the country at other than a designated port of entry, and to cover those who act with reckless disregard of the alien's unlawful immigration status;

Creates a new crime for transporting or harboring certain aliens in unlawful transit outside the U.S., under circumstances where the alien is seeking to enter the United States unlawfully; and

Criminalizes attempts to encourage or induce an alien to reside or remain in the United States.

Section 205(c) also dispenses with the current penalty scheme for alien smuggling and provides increasing penalties depending on whether the offense was not committed for profit (5 year stat max), if the offense was committed for commercial advantage, profit, or private financial gain (20 year stat max), if the offense was a second or subsequent violation and committed for profit (3 year mandatory minimum, 20 year stat max), if the offense was committed with the intent to further or aid another offense punishable by 1 year or more (5 year mandatory minimum, 20 year stat max), if the offense created a substantial risk of death or serious bodily injury (5 year mandatory minimum, 20 year stat max), if the offense caused serious bodily injury (7 year mandatory minimum, 30 year stat max), if the offense involved an alien who the offender knew or had reason to believe was engaged in terrorist activity (10 year mandatory minimum, 30 year stat max), or if death resulted (10 year mandatory minimum, life maximum). The subsection also provides for extraterritorial federal jurisdiction.

In addition, Section 205(c) clarifies that a religious organization is not guilty of alien smuggling if it provides room, board, travel, and medical assistance to an alien serving as a minister or missionary in a volunteer capacity, provided that the alien has been a member of the religious denomination for at least one year.

Section 205(c) also broadens the crime of hiring unauthorized aliens for employment to include those who knowingly hire in reckless disregard of the alien's unlawful immigration status and increases the maximum penalty to 10 years.

Section 205(c) also expands the forfeiture provisions of the alien-smuggling statute to cover any property used to commit or facilitate a violation of either alien smuggling or hiring of unauthorized aliens, proceeds of such a violation, and property traceable to either of them.

Finally, Section 205(c) simplifies and slightly expands the reach of provisions governing prima facie evidence in the determination of alien smuggling violations; makes two modest changes to the section governing admissibility of videotaped witness testimony to ensure compliance with the Confrontation Clause; and includes new definitions making it clear that for purposes of alien smuggling, an alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

Section 205(d) adds alien smuggling to the list of crimes during and in relation to which 18 U.S.C. §924(c) provides a mandatory minimum for carrying or using a firearm.

Section 206. Illegal entry or unlawful presence of an alien

Section 206 modifies INA Section 275, which currently covers illegal entry.

The new Section 275(a):

Adds a scienter requirement, "knowingly," to the various improper entry crimes.

Criminalizes an alien's knowing unlawful presence in the United States;

Clarifies that the unlawful entry crime covers any alien who knowingly crosses the border, even if s/he was under observation at the time;

Provides higher maximum penalties for aliens convicted of illegal entry (and unlawful presence) who have a sufficiently serious criminal record; and

Clarifies that illegal entry and unlawful presence continue until the alien is discovered within the country by an immigration officer.

The new Section 275(b) clarifies that the civil penalties for unlawful entry cover any alien who knowingly crosses the border, even if s/he was under observation at the time.

Section 207. Illegal reentry

Section 207 provides higher maximum penalties for aliens convicted of illegal reentry who have a sufficiently serious criminal record. The penalty structure here is similar to that provided for illegal entry and unlawful presence in Section 206.

In addition, this section:

Adds an element to an affirmative defense available to aliens previously denied admission and removed;

Heightens the standard the alien must meet in order to collaterally attack the underlying removal order under this section; and

Clarifies that the illegal reentry crime covers any alien who knowingly crosses the border, even if s/he was under observation at the time.

Section 208. Reform of passport, visa, and immigration fraud offenses

Section 208 provides a comprehensive rewriting of chapter 75 of title 18, which currently covers Passports and Visas and is amended to cover Passport, Visa, and Immigration Fraud.

The proposed section 1541 creates a new crime for trafficking in passports. Section 1541(a) would punish those who unlawfully produce, issue, transfer, forge, or falsely make passports, as well as those who transact in passports they know to be forged or counterfeited and those who prepare, submit, or mail applications for passports that they know include a false statement. The maximum penalty for these crimes would be 20 years.

Section 1541(b) would punish any individual who knowingly and without lawful authority produced, obtained, possessed, or used various papers, seals, symbols, or other materials used to make passports. This crime also would carry a maximum of 20 years.

The proposed section 1542 modifies the current penalization of false statements in a passport application:

For making a false statement in a passport application, modifies the requisite mens rea to "willfully"; removing the requirement that the government show intent to induce or secure the issuance of a passport from the United States; and broadens the crime to cover the passport's supporting documentation;

Creates a new crime for completing, signing, or submitting a passport application (including supporting documentation), knowing that it contains a false statement or representation;

Creates a new crime for causing (or attempting to cause) the production of a passport by means of any fraud or false application for a U.S. passport, when such production occurs (or would occur) at an authorized facility; and

Creates a statutory maximum of 15 years for all these crimes, replacing the tiered penalty structure under current law.

The proposed section 1543 addresses "Forgery and Unlawful Production of a Passport," and is analogous to existing section 1543, which covers "Forgery or False Use of a Passport.":

For falsely making or counterfeiting a passport, requires that the defendant knowingly counterfeited or falsely made the passport (in contrast to current law, which requires proof that the defendant falsely made or counterfeited a passport with intent that the same may be used);

For transferring a forged or counterfeited passport, requiring only that the defendant "knowingly" transferred the passport, knowing it to be forged or counterfeited (in contrast to current law, which requires proof that the defendant "willfully and knowingly" furnished such a passport to another);

For using a forged or counterfeited passport, reducing the mens rea to "knowingly";

Adding the new crime of knowingly and without lawful authority producing or issuing a passport for or to any person not owing allegiance to the United States;

Adding the new crime of knowingly and without lawful authority transferring a passport to a person for use when such person is not the person for whom the passport was issued or designed; and

Creating a statutory maximum of 15 years for all these crimes, replacing the tiered penalty structure under current law.

The proposed section 1544 covers "Misuse of a Passport," the same title that section bears under current law. Changes include:

For using a passport issued or designed for another, reducing the mens rea to "knowingly";

For using a passport in violation of applicable rules, reducing the mens rea to "knowingly";

Expanding the crime of knowing use of a forged or counterfeit passport so that it covers the knowing possession, receipt, purchase, sale, or distribution of such a passport;

Amending the crime for violating the terms and conditions of any duly-obtained safe conduct by adding a mens rea of "knowingly";

Increasing the maximum penalty for violating the terms of any safe conduct from 10 to 15 years;

Creating a new crime for knowingly using a passport to enter or attempt to enter the country, knowing that the passport is forged or counterfeited;

Creating a new crime for knowingly using a passport to defraud an agency of the United States or a State, knowing that the passport is forged or counterfeited; and

Creating a statutory maximum of 15 years for all these crimes, replacing the tiered penalty structure under current law.

Section 1545 creates new crimes designed to punish schemes to defraud aliens. Section 1545(a) provides a maximum 15-year penalty for anyone who knowingly executes a scheme to defraud any person in connection with any matter arising under the immigration laws or that the offender claims arises under the immigration laws. Section 1545(b) provides a maximum 15-year penalty for anyone who knowingly and falsely represents himself to be an attorney in any matter arising under the immigration laws.

Section 1546, "Immigration and Visa Fraud," revises and expands the current version of the same section, which is titled, "Fraud and Misuse of Visas, Permits, and Other Documents." Changes to Section 1546(a) include:

Creating a new crime for knowing use of any immigration document issued or designed for use by another;

Penalizing those who knowingly forge or falsely make any immigrant document (in contrast to current law, which covers only those immigration documents "prescribed by statute or regulation for entry into or as evidence of authorized stay or employment" in the U.S.);

Expanding the crime for false statements in an application for immigration documents by striking the requirement that the statement was made under oath;

Expanding the crime of knowing use of a forged or counterfeit immigration document so that it covers "any immigration document";

Expanding the same crime so that it covers the knowing possession, receipt, purchase, sale, or distribution of such documents;

Creating a statutory maximum of 15 years for all these crimes, replacing the tiered penalty structure under current law.

Section 1546(b) creates new penalties for trafficking in immigration documents. The covered conduct is analogous to those covered in the proposed section 1541(a), concerning trafficking in passports. Also like the proposed section 1541(a), section 1546(b) provides a maximum penalty of 20 years.

Section 1546(c) creates new penalties analogous to section 1541(b). The new 1546(c) would punish any individual who knowingly and without lawful authority produced, obtained, possessed, or used various papers, seals, symbols, or other materials used to make immigration documents. Like its counterpart, section 1541(b), section 1546(c) would carry a maximum of 20 years.

Section 1547 strengthens the penalties for marriage fraud by:

Increasing the maximum penalty for marriage fraud from 5 years to 10 years;

Providing a new penalty of up to 10 years for those who misrepresent the existence or circumstances of a marriage in immigration documents or proceedings;

Providing a new penalty of up to 20 years for those who enter into multiple marriages in order to evade immigration law;

Providing new penalties of up to 20 years for those who arrange, support, or facilitate multiple such marriages;

Providing that the offenses continue until the fraudulent nature of the marriage is discovered; and

Penalizing attempts and conspiracies in the same manner as a completed violation.

Expanding the penalty for immigration-related entrepreneurship fraud from 5 years to 10 years.

Section 1548 provides that attempts and conspiracies to violate any section of chapter 75 carry the same punishment as a completed violation.

Section 1549 provides for a maximum penalty of 25 years for any violation of this chapter where the actor intends to facilitate an act of international or domestic terrorism, or where s/he knew that the violation would facilitate such an act. It also provides a maximum penalty of 20 years for any violation where the actor intends to facilitate any felony offense against the United States or a State, or where s/he knew that the violation would facilitate such a felony offense.

Section 1550 provides for seizure of property used to commit or facilitate any crime under this chapter, the gross proceeds of such a crime, and property traceable. Section 1551 extends the jurisdiction of U.S. courts to violations of this chapter committed outside the United States in certain circumstances. Section 1552 provides broad venue for the prosecution of false statements in an application for a passport. Section 1553 consists of definitions, and section 1554 clarifies that these amendments are not designed to modify certain tools of law enforcement.

Section 209. Inadmissibility and removal for passport and immigration fraud offenses

Section 209 renders inadmissible and removable any alien convicted of a passport or visa violation under Chapter 75 of title 18. Section 209(c) provides that these amendments apply to proceedings pending on or after the date of enactment.

Section 210. Incarceration of criminal aliens

Section 210(a) authorizes DHS to extend the Institutional Removal Program (IRP), which identifies removable aliens in Federal and State prisons and remove such aliens after completion of their sentences, to all states.

Section 210(b) authorizes States to hold an illegal alien for up to 14 days after completion of the alien's prison sentence in order to effectuate transfer of the alien to Federal custody. Alternatively, the State may issue a detainer allowing such an alien to be detained by the State prison until ICE can take the alien into custody.

Section 210(c) requires the use of technology "to the maximum extent possible" in order to make IRP available in remote locations. Section 210(d) requires reporting on State participation in the IRP or similar programs, and Section 210(e) authorizes appropriations.

Section 211. Encouraging aliens to depart voluntarily

Section 211(a)(1):

Expands the class of aliens ineligible for voluntary departure to those "described in" Section 237(a)(2)(A)(iii) (aggravated felony) and Section 237(a)(4) (security and related grounds, including terrorist grounds); and

Transfers the power to permit aliens to depart voluntarily in lieu of removal proceedings from the Attorney General to the Secretary of DHS.

Section 211(a)(1) also modifies the procedures for aliens who accept voluntary departure after the beginning, but prior to the completion, of removal proceedings, by:

Offering such an alien only 60 days to depart (in contrast to the 120 days allowed under current law) and allows for aliens who agree to voluntary departure in lieu of removal proceedings under both current law and the INA as amended by this Act); and

Requiring such an alien to post a voluntary departure bond, to be surrendered upon proof that the alien has left the country within the time specified, which can be waived on presentation of "compelling" evidence that the bond is unnecessary and would present a financial hardship.

Section 211(a)(2) makes one change with respect to aliens permitted to depart voluntarily at the conclusion of removal proceedings: reducing the period in which such an alien must depart from 60 days to 45 days.

Section 211(a)(3) sets forth various new provisions governing voluntary departure agreements, providing that:

Voluntary departure is granted only as part of an affirmative agreement by the alien;

An alien who accepts voluntary departure after the conclusion of removal proceedings must waive his or her right to any further appeal or petition relating to removal;

DHS has the authority, in connection with a voluntary departure agreement, to reduce the period of inadmissibility for certain aliens; and

Agreements as to voluntary departure reached during removal proceedings or at the conclusion of removal proceedings must be presented on the record before the immigration judge, and the judge must advise the alien of the consequences of the agreement.

In addition, Section 211(a)(3) provides that the failure of the alien to comply with any terms of a voluntary departure agreement renders the alien automatically ineligible for the benefits of that agreement, subject to civil penalties already authorized by the INA, and subject to an alternate order of removal. Moreover, if the alien agrees to voluntary departure but later files a timely appeal, such an appeal voids the agreement and renders the alien ineligible for voluntary departure while s/he remains in the country.

Finally, Section 211(a)(3) provides that unless expressly agreed to by DHS, an alien who has agreed to voluntary departure shall not have the period allowed for such departure tolled or otherwise affected by any motion, application, or other legal petition.

Section 211(a)(4) provides penalties for an alien's failure to comply with a voluntary departure agreement: an automatic $3,000 fine; ineligibility for certain forms of relief as long as the alien remains in the country and for 10 years thereafter; and ineligibility to reopen a final order of removal, except to apply for withholding of removal or protection under the Convention Against Torture.

Section 211(a)(5) provides that all aliens previously permitted to depart voluntarily are ineligible for a second or subsequent voluntary departure agreement. This subsection also transfers the power to issue regulations limiting eligibility for voluntary departure in lieu of removal proceedings from the Attorney General to the DHS Secretary, and provides the DHS Secretary authority concurrent with the Attorney General's to issue regulations limiting eligibility for voluntary departure in other circumstances.

Section 211(a)(6) removes jurisdiction from the courts to stay, toll, or otherwise affect the period allowed for voluntary departure.

Section 211(b) authorizes the DHS Secretary to promulgate rules to impose and collect penalties for failure to honor a voluntary departure agreement.

Section 212. Deterring aliens ordered removed from remaining in the U.S. unlawfully

Section 212(a) closes a loophole allowing aliens to avoid the bar on reentry by aliens ordered removed by unlawfully remaining in the United States. Specifically, Section 212(a) provides that the bar on admissibility applies to aliens who seek admission "not later than" 5 years (or 10, or 20, as the case may be) after the date of removal, in contrast to the current law's bar on admissibility for aliens who seek admission "within" 5 years (or 10, or 20, as the case may be) of the date of removal.

Section 212(b) renders ineligible for future discretionary relief any alien who absconds after receiving a final order of removal. The bar applies until the alien leaves the United States and for 10 years after. However, Section 213(b) clarifies that such an alien remains eligible for a motion to reopen to seek withholding of removal under certain circumstances.

Section 213. Prohibition of the sale of firearms to or the possession of firearms by certain aliens

Section 213(1) prohibits the transfer of firearms and ammunition to an alien by those knowing or having reason to know that the alien is a parolee. Section 214(2) prohibits aliens who are parolees from transporting, possessing, and receiving firearms and ammunition in interstate commerce. Section 214(3) makes several technical corrections.

Section 214. Uniform statute of limitations for certain immigration, naturalization, and peonage offenses

Section 214 provides a statute of limitations of 10 years for most immigration crimes under the INA and title 18.

Section 215. Diplomatic security services

Section 215 authorizes Special Agents of the State Department and the Foreign Service to investigate identity theft, document fraud, peonage, slavery, and Federal offenses committed within the special maritime and territorial jurisdiction of the United States.

Section 216. Field Agent Allocation and Background Checks

Section 216 mandates each State to have at least 40 immigration enforcement agents, and at least 15 service personnel (Secretary may waive requirement for states with smaller populations).

It also requires DHS and DOJ to wait until the completion of background and security checks before granting any immigration-related status or benefit or issuing documentation evidencing such a grant.

Section 217. Denial of benefits of terrorist and criminals

Section 217 provides that nothing in the INA shall be construed to require any federal agency to grant any application, status, or benefit to an alien who may pose a threat to national security, who is the subject of an investigation under certain circumstances, and for whom background checks have not been completed.

Section 218. State criminal alien assistance program

Section 218 directs DHS to reimburse States and units of local government for costs associated with detaining and processing illegal aliens through the criminal justice system.

Section 219. Transportation and processing of illegal aliens apprehended by state and local law enforcement officers

Section 219 requires DHS to provide sufficient transportation and officers to take all illegal aliens apprehended by State and local law enforcement officers into custody for processing at a DHS detention facility.

Section 220. State and local law enforcement of federal immigration laws

Section 220 requires the Secretary of Homeland Security to reimburse state/local police organizations for training required under §287(g). Under §287(g), Immigration and Customs Enforcement provides state and local law enforcement with the training and subsequent authorization to identify, process, and when appropriate, detain immigration offenders they encounter during their regular, daily law-enforcement activity.

Section 221. Reducing illegal immigration and alien smuggling on tribal lands

Section 221 authorizes DHS to award grants to Indian tribes with lands adjacent to international borders who may have been adversely affected by illegal immigration.

Section 222. Alternatives to detention

Section 222 directs the Secretary of DHS to study the effectiveness of alternatives to detention, including electronic monitoring and the Intensive Supervision Appearance Program (ISAP).

Section 223. Conforming amendment

Section 223 amends the definition of "aggravated felony" so that it covers all penalties for passport, visa, and immigration fraud under chapter 75 of title 18, as amended by Section 208 of this Act.

Section 224. Reporting requirements

Section 224(a)(I) and (2) amend the current provisions in INA Section 265 to take account of the transfer of immigration enforcement authority from the Attorney General to DHS.

Section 224(a)(4) adds several new registration requirements to the INA. Section 224(a)(4) makes clear that the Secretary should provide for appropriate coordination and cross-referencing of address information provided by aliens. This section also makes clear that the Secretary can rely on the most recent address provided by an alien to the Secretary for any purpose under the immigration laws as an address to contact the alien, and the Attorney General and the Secretary may rely on the most recent address provided by the alien pursuant to section 239 for purposes of contacting the alien with respect to pending removal proceedings. Section 224(a)(4) makes clear that there is a separate change of address requirement under existing law for aliens who are in pending removal proceedings.

Section 224(b) makes several conforming amendments with respect to related provisions of the INA.

Section 224(c) modifies the penalties provided in section 266(b) of the INA, by providing for an increase in fines (the current $200 fine has remained unchanged in the more than 50 years since enactment of the INA), and by providing for imprisonment up to 6 months for a second or subsequent violation. Subsection (c)(I) also adds a new paragraph (3) in section 266(b), providing that the Secretary and the Attorney General may take into account, as a negative discretionary factor in evaluating discretionary forms of relief from removal, an alien's previous failure to comply with section 265. Section 224(c) also amends the penalty provision for aliens who file an application for registration containing a statement known by them to be false, so that it covers the filing of a change of address notice containing a statement known to be false.

Section 225. Mandatory detention for aliens apprehended at or between ports of entry

Section 225 requires that as of October 1, 2006, all aliens attempting to cross the border illegally must be detained until removed, with some exceptions. This provision also requires that in the interim period before October 1, 2006, an alien who is released pending an immigration removal hearing will have to post bond of at least $5,000.

Section 226. Removal of drunk drivers

Section 226 establishes that a third DUI conviction is an aggravated felony and a reason for removal.

Section 227. Expedited removal

Section 227 mandates the use of expedited removal of illegal aliens who are apprehended within 100 miles of the border or 14 days of unauthorized entry. Additionally, this section amends the INA to expand the scope of offenses subject to the expedited removal program for incarcerated or deportable aliens and allows DHS to use expedited removal on criminal aliens found in correctional institutions.

Section 228. Protecting immigrants from convicted sex offenders

Section 228 prohibits certain criminals from sponsoring an alien (e.g. spouse or fiancée) for a green card unless the DHS determines that the sponsor poses no threat to the alien. Specifically, the prohibition would apply to any person convicted of (i) murder, rape or sexual abuse of a minor; (ii) certain crimes related to sexual exploitation of minors; or (iii) an offense that relates to a prostitution business or trafficking.

Section 229. Law enforcement authority of states and political subdivisions and transfer to federal custody

Section 229 reaffirms the existing inherent authority of State law enforcement personnel to assist the federal government in enforcing the immigration laws of the United States during the normal course of carrying out their law enforcement duties. It also requires DHS to promptly take aliens apprehended by state and local law enforcement entities into Federal custody. Alternatively, DHS can request that the relevant state or local law enforcement entity temporarily detain the illegal alien or transport them to the point of transfer to Federal custody. Finally, this section mandates that states and localities be fully reimbursed for all reasonable expenses incurred for detention and transportation.

Section 230. Listing of immigration violators in the NCIC database

Section 230 directs ICE to work with the FBI to place information on certain immigration violators into the already existing Immigration Violators File (IVF) of the National Crime Information Center database. The four categories of immigration violators whose information will be entered are: aliens with final orders of removal, aliens under voluntary departure agreements, aliens who have overstayed their authorized period of stay and aliens whose visas have been revoked.

Section 231. Laundering of monetary instruments

Section 231 permits those who engage in alien smuggling or the harboring of illegal aliens for financial gain to be prosecuted for money laundering based on the receipt of proceeds from their illegal activity.

Section 232. Severability

This section is a severability clause.

TITLE III—INCREASED WORKSITE ENFORCEMENT AND PENALTIES

Section 301. Unlawful employment of aliens

Section 301 amends Section 274A of the Immigration and Naturalization Act.

Subsection (a)(1) prohibits the hiring, recruiting, or referral of any alien with knowledge or with reason to know of the alien's illegal status, as well as the hiring of an individual without complying with the identification and employment documentation verification requirements of subsection (c) and the Electronic Employment Verification System requirements of subsection (d).

Subsections (a)(2) and (a)(3) bar the continued employment of an unauthorized alien after acquiring knowledge of the alien's illegal status, as well as the use of illegal aliens as laborers through contracts or subcontracts.

Subsection (a)(4) provides that, in a civil enforcement context, if the Secretary determines that an employer has hired more than ten unauthorized aliens within a calendar year, a rebuttable presumption is created that the employer knew or had reason to know that such aliens were unauthorized.

Subsection (a)(5) provides a defense for employers who comply in good faith with the requirements of subsections (c) and (d) and who voluntarily use the Electronic Employment Verification System.

Subsection (b): Order of internal review and certification of compliance

This provision authorizes the Secretary to require, when there is reasonable cause to believe that employers have failed to comply with this section, an employer to certify that it is in compliance with this section, or has instituted a program to come into compliance.

The purpose of this section is to allow the Secretary to obtain an employer's formal assurance that the employer is in fact in compliance with immigration laws or that it has developed a plan to come into compliance with the requirements of this section. The provision allows DHS to rely on an employer's self-assessment and self-certification rather than launching a formal DHS investigation. Within 60 days, the employer is required to certify completion of this review and that it is either in compliance or has instituted a program to come into compliance. At the request of the employer, the Secretary may extend the deadline for good cause.

Subsection (c): Document verification system

Subsection (c) requires employers hiring, recruiting, or referring employees to take reasonable steps to verify that such employees are authorized to work.

Subsection (c)(1) requires employers to attest under penalty of perjury that they have verified the identity and work authorization status of their employees by examining a document establishing both work authorization and identity (described in (c)(I)(B)) or a document establishing work authorization (described in (c)(I)(C)) and a document establishing identity (described in (c)(I)(D)).

Subsection (c)(1) also establishes the standard of compliance with regard to examination of a document. Section (c)(I)(E) authorizes the Secretary to prohibit or place conditions on the use of documents that do not reliably establish identity or work authorization or which are being used fraudulently to an unacceptable degree.

Subsection (c)(2) describes an employee's obligation to attest in writing to being legally authorized to work and prescribes a penalty for false representations.

Sections (c)(3) and (c)(4) require the employer to retain copies of the attestation form and supporting documentation.

Subsection (c)(5) subjects an employer that fails to comply with the documentation, recordkeeping, and other requirements of subsection (c) to penalties pursuant to subsection (e)(4)(B). As detailed in subsection (e)(4)(B), penalties for paperwork violations are progressive in their severity, depending upon whether the violation is a first, second or third offense.

Subsection (c)(6) provides that nothing in this subsection authorizes the issuance or use of a national identification card.

Subsection (d): Electronic employment verification system

Subsection (d)(1) requires the Secretary, in cooperation with the Commissioner of Social Security, to implement an Electronic Employment Verification System (EEVS).

Subsection (d)(2) incorporates existing Basic Pilot program language requiring the Secretary to operate the verification system through a toll-free phone number or other electronic media through which participating employers can make inquiries as to whether individuals are work authorized. This subsection also requires that the Secretary maintain records of inquiries and responses to inquiries, allowing for a robust audit capability. The verification system must provide an initial response within 3 days. Until the employer receives an answer, the employment relationship may continue. If the employer receives a tentative non-confirmation from the verification system, the employee may contest that finding. While the tentative nonconfirmation is being contested, the employer may not terminate the employee based on a lack of work authorization.

The system must be designed and operated for maximum reliability, ease of use, and safeguarding against unauthorized disclosure of private information as well as unlawful discriminatory practices. This section requires the SSA Commissioner to establish a system to compare names with SSNs in order to confirm or not confirm their correspondence as well as whether a SSN is authorized for employment, and prohibits the disclosure of SSN information to employers. The section requires the Secretary to establish a system to compare names with alien identification or authorization numbers in order to confirm or not confirm work authorization. This section also requires updating of information for maximum accuracy.

Subsection (d)(3) outline the requirements for employer participation into the System. As a general rule, the verification requirement will apply only to new employees and be rolled out gradually. As of the date of enactment, the Secretary is authorized through notice in the Federal Register to require participation in the EEVS by employers that the Secretary determines to be part of the critical infrastructure, or directly related to the national, or homeland security needs of the United States. Participation of these employers shall apply with respect to both newly hired and currently hired employees.

Two years after the date of enactment of this Act, the Secretary must require employers with more than 5,000 employees to participate in the EEVS. Three years after the date of enactment, the Secretary must require employers with less than 5,000 employees and with more than 1,000 employees to participate in the EEVS. Four years after the date of enactment, the Secretary must require employers with more than 250 employees and less than 1,000 employees to participate in the EEVS. Five years after the date of enactment, the Secretary must require all employers to participate in EEVS.

The Secretary also has the authority to require employers to participate in the EEVS based upon immigration enforcement. Participation of these employers shall apply with respect to their newly hired employees. The Secretary is authorized to waive or delay the participation in EEVS but must provide notice to Congress of such waiver prior to the date such waiver is granted.

Subsection (d)(6) states that any failure to comply with the EEVS's requirements by a shall be treated as a violation of subsection (a)(1)(B)' s prohibition against hiring individuals without complying with this section, including the requirements of subsections (c) and (d). Subsection (d)(6) further provides that such failure to comply shall be treated as presumed violations of subsection (a)(1)(A)'s prohibition against the hiring of unauthorized aliens.

Subsection (d)(7) establishes procedures for employers participating in the EEVS, including provision of identity and work authorization information, presentation of documentation, reliance on documentation, requirements for seeking confirmation or resolving non-confirmations of work authorizations, and consequences of final non-confirmations. This subsection largely incorporates language identical to that contained in the current Basic Pilot statute, in order to allow the current program to be expanded with a minimum of operational disruption.

Subsection (d)(8) protects from civil and criminal liability any person or entity who relies in good faith on information provided through the EEVS confirmation system. This incorporates existing language applicable to the Basic Pilot program authority.

Subsection (d)(9) prohibits use of the EEVS by any Federal agency for any purposes other than enforcement and administration of the immigration laws, the SSA, or the criminal laws.

Subsection (d)(10) authorizes the Secretary to modify the requirements of the EEVS.

Subsection (d)(11) allows the Secretary to establish, require, and modify fees for employers participating in the EEVS. Such fees may be set at a level that will recover the full cost of providing the EEVS to all participants. This provision further provides that fees are to be deposited and remain available as provided in INA sections 286(m) and (n), and that the EEVS is considered an immigration adjudication service under 286(n). This provision also allows the Secretary to modify the frequency or schedule for payment.

Subsection (d)(12) requires that the Secretary submit a report to Congress within one year after enactment on the capacity, integrity, and accuracy of the EEVS.

Subsection (e): Compliance

Subsection (e)(1) requires the Secretary to establish procedures for the filing of complaints and investigation of possible violations.

Subsection (e)(2) ensures that immigration officers have reasonable access to evidence of employers they are investigating. It also authorizes DHS to compel the production of evidence by subpoena and to fine or void any mitigation of penalties available to employers who fail to comply with subpoenas.

Subsection (e)(3) authorizes the Secretary to issue pre-penalty notices to employers when there is reasonable cause to believe the employer has violated this section. It would provide employers a reasonable opportunity to defend their actions and to petition the Secretary for the remission or mitigation of any fine or penalty or to terminate the proceedings. Mitigating circumstances would include good faith compliance and participation in the EEVS. The subsection also sets forth the procedures for the Secretary to follow when making a determination of whether there has been a violation and authorizes the Secretary to mitigate penalties or terminate proceedings in appropriate cases.

Subsection (e)(4) sets forth the civil monetary penalties for unlawfully hiring, recruiting, or referring unauthorized aliens or for continuing to employ an individual who is unauthorized to work, as well as penalties for recordkeeping or verification practice violations.

Subsection (e)(5) provides that an employer may appeal an adverse determination within 45 days of the issuance of the final determination.

Subsection (e)(6) authorizes the Government to file suit in Federal court if an employer fails to comply with a final determination.

Subsection (f): Criminal penalties

Subsection (f) establishes criminal penalties and injunction procedures for employers who engage in a pattern or practice of knowing violations of subsection (a)(1)(A), which prohibit hiring unauthorized aliens, or subsection (a)(2), which prohibits continuing to employ unauthorized aliens after employer is aware or has reason to be aware that the alien is not authorized to work. Such employers can be fined up to $10,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned up to six months, or both. This subsection further authorizes the Attorney General to bring a civil action requesting such monetary penalties or injunctive relief.

Subsection (g): Prohibition of indemnity bonds

Subsection (g) prohibits any employer from requiring prospective employees to post a bond or other security indemnifying the employer against liability arising from the employer's violation of this section. Violation of this prohibition is subject to civil penalties, and amounts obtained in the form of such bonds can be ordered to be deposited in the Employer Compliance Fund authorized by INA §286(w).

Subsection (h) bars noncompliant employers from eligibility for Federal contracts.

Subsection (i) contains provisions relating to work documentation from DHS and a federal preemption clause applicable to the provisions of this section.

Subsection (j) directs the deposit of funds paid for civil penalties into the employer compliance fund authorized by INA §286(w).

Section 302. Employer compliance fund

Section 302 establishes an Employer Compliance Fund into which funds derived from civil penalties are to be deposited. The Employer Compliance Fund shall be used for enhancing and enforcing employer compliance with section 274A.

Section 303. Additional worksite enforcement and fraud detection agents

Section 303 authorizes the hiring of additional DHS personnel dedicated to worksite enforcement fraud detection agents.

Section 304. Clarification of ineligibility for misrepresentation.

Section 304 is a technical change that conforms section 212 to section 274A. This provision closes a loophole in the ground of inadmissibility for falsely claiming U.S. nationality in section 212 of the INA that has been exploited to obtain unauthorized employment and subsequently evade removal.

The employment verification provisions in section 274A of the INA require an employee to certify that (unless claiming work authorized alien status) he is a "citizen or national" of the United States. The Form I–9 uses this formulation. The parallel ground of inadmissibility, although it refers specifically to section 274A verification, only uses the phrase "citizen." Some aliens have escaped the consequences of their misrepresentations by successfully arguing that a false attestation that one is a "citizen or national" is not covered by the ground of inadmissibility. A false attestation to any form of U.S. nationality should have the same consequences in employment verification or in other circumstances.

TITLE IV—BACKLOG REDUCTION AND VISAS FOR STUDENTS AND ALIENS WITH ADVANCED DEGREES

Section 401. Elimination of existing backlogs

Section 401 reduces visa backlog waiting times by allowing the recapture of unused visa numbers and increases the number of employment-based green cards from 140,000 to 290,000. It also exempts immediate relatives of U.S. citizens from the 480,000 annual cap on family-based immigration.

Section 402. Country limits

Section 402 increases the per-country limits for family-sponsored and employment-based immigrants are from 7 percent to 10 percent (in the case of countries) and from 2 percent to 5 percent (in the case of dependent areas).

Section 403. Allocation of immigrant visas

The current 480,000 ceiling on family-sponsored immigrants is redistributed among existing family preference categories. Ten percent is allocated to the first preference—unmarried sons and daughters of U.S. citizens. Fifty percent is allocated to the second preference—spouses and unmarried sons and daughters of lawful permanent residents, of which seventy-seven percent of such visas will be allocated to spouses and minor children of lawful permanent residents. Ten percent is allocated to the third preference—married sons and daughters of U.S. citizens. Thirty percent is allocated to the fourth preference—brothers and sisters of U.S. citizens.

Section 403 restructures visa number availability to provide additional visas for unskilled workers (who are limited to 5,000/year right now) and other categories where visas have not kept up with demand. The 290,000 ceiling for employment-based immigrant visas is redistributed among the employment-based immigrant visa categories and certain modifications are made to current categories. 15% is allocated to the first preference—aliens with extraordinary ability, outstanding professors and researchers, and multinational executives and managers. 15% is allocated to the second preference—aliens holding advanced degrees or having exceptional ability. 35% is allocated to the third preference—skilled workers and professionals. 5% is allocated to a re-designated fourth preference—investors. 30% is allocated to a re-designated fifth preference—other workers performing labor or services (previously included in third preference).

Section 404. Relief for minor children

Section 404 amends the immediate relative category to allow the children of spouses and parents of U.S. citizens to obtain legal status and travel to the United States with their families.

Section 405. Student visas

Section 405 extends foreign students' post-curricular Optional Practical Training (and F–1 status) to 24 months. It also creates a new "F–4" student visa for students pursuing an advanced degree candidates studying in the fields of math, engineering, technology or the physical sciences. The new visa would allow eligible students to either to return to their country of origin or remain in the United States for up to one year and seek employment in their relevant field of study. Once such a student received such an offer of employment, the individual would be allowed to adjust status to that of a legal permanent resident once the alien paid a $1,000 fee and completed necessary security clearances. Eighty percent of this fee would be deposited into a fund for job training and scholarships for American workers, while twenty percent of the fee would go toward fraud prevention.

Section 406. Visas for individuals with advanced degrees

Section 406 exempts from the numerical cap on employment-based visas aliens with advanced degrees in science, technology, engineering, or math, and has worked in a related field in the U.S. during the 3 year period preceding their application for adjustment of status. It also exempts immediate relatives of aliens who are admitted as employment-based immigrants from the numerical limitations of 203(b). Finally, it increases the available visas numbers for H–1B nonimmigrants and provides an exemption from the numerical limitation aliens who have earned advanced degrees in science, technology, engineering, or math. The numerical limitation is also supplemented with a flexible limitation that is set according to demand for foreign high-skilled workers.

Section 407. Medical services in underserved areas

Section 407 permanently authorizes the current J–1 visa waiver program. Under this program, participating states are allocated 30 J–1 visa waivers, which enables them to waive the 2 year home residency requirement for medical students and physicians who serve in "medically underserved areas" upon completion of their J–1 program. The program has been reauthorized twice before and is now set to expire on June 1, 2006.

TITLE V—IMMIGRATION LITIGATION REDUCTION

Section 501. Consolidation of immigration appeals

Section 501 consolidates all INA civil and administrative appeals into the United States Court of Appeals for the Federal Circuit, and increases the number of authorized judgeships in the Federal Circuit by three to 15. The amendments made by this section shall apply to any final agency order or District Court decision entered on or after the date of enactment of this Act.

Section 502. Additional immigration personnel

Section 502 directs the Secretary of Homeland Security to increase annually in FY 2007–2011 the number of investigative personnel investigating immigration violations by not less than 200 and the number of trial attorneys in the Office of General Counsel working on immigration by not less than 100, subject to the availability of appropriations. It also directs the Attorney General to increase annually in FY 2007–2011 the number of litigation attorneys in the Office of Immigration Litigation by not less than 50, the number of Assistant U.S. Attorneys who litigate immigration cases in Federal courts by not less than 50, and the number of immigration judges by not less than 50, subject to the availability of appropriations. Finally, it authorizes appropriations for additional Assistant Federal Public Defenders who litigate Federal criminal immigration cases in Federal court.

Section 503. Board of Immigration Appeals removal order authority

Section 503 grants the Board of Immigration Appeals (Board) authority to enter an order of removal without remanding to the immigration judge. It also conforms certain terminology to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) by inserting the term "order of removal", and the term "immigration judge" in place of the term "special inquiry officer," and expands the situations in which orders of removal are deemed final.

Section 504. Judicial review of visa revocation

Section 504 provides that the decision to revoke a visa and the removal order predicated on that revocation are not reviewable. Review of a final order of removal, however, is still permitted under 8 U.S.C. §1252(a)(2)(D) when questions of statutory interpretation or alleged constitutional infirmity arise.

Section 505. Reinstatement of removal orders

Section 505 clarifies that section 241(a)(5) of the INA (8 U.S.C. §1231(a)(5)) does not require further hearing by an immigration judge in cases in which prior orders of removal are reinstated against aliens who illegally reenter the United States. This provision applies to orders of deportation or exclusion issued in cases initiated before April 1, 1997, and clarifies that the alien's ineligibility for relief is not dependent on when the alien applied for such relief. This section also provides that reinstatement orders are not reviewable.

Section 506. Withholding of removal

Section 506 clarifies an alien's burden of proof with respect to withholding of removal to make it consistent with the standard established for asylum by section 101(a)(3) of the REAL ID Act. Applicants for withholding, who have traditionally borne a higher burden than applicants for asylum, will bear the same burden of proof as applicants for asylum.

Section 507. Certificate of reviewability

Section 507 establishes a screening process for aliens' appeals of Board decisions under which appeals of removal orders will be referred to a single judge on the Federal Circuit Court of Appeals. If the alien establishes a prima facie case that the petition for review should be granted, the judge will issue a "certificate of reviewability" allowing the case to proceed to a three-judge panel; otherwise it is dismissed.

Section 508. Discretionary decisions on motions to reopen or reconsider

Section 508 revises the statutory provisions relating to motions to reopen and motions to reconsider to state expressly that the Attorney General's decision whether to grant or deny such motions are committed to his discretion, subject to existing statutory exceptions. This section adds a special provision providing for reopening in order to consider withholding of removal or protection under the Convention Against Torture claims in one limited circumstance. These amendments are applicable to all motions to reopen or reconsider filed on or after the date of enactment in any removal, deportation, or exclusion proceeding.

Section 509. Prohibition of attorney fee awards for review of final orders of removal

Section 509 abolishes EAJA fee awards in immigration cases for aliens who are removable, except when the Attorney General's or the Secretary's determination regarding removability was not substantially justified.

Section 510. Board of Immigration Appeals

Section 510 directs the Attorney General to promulgate regulations to require the Board of Immigration Appeals to hear cases in 3 member panels (unless certain conditions are met) and to permit the Board limited authority to issue affirmances without opinion.

TITLE VI—MISCELLANEOUS

Section 601. Technical and conforming amendments

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 403—RECOGNIZING THE BENEFITS OF BREASTFEEDING, AND FOR OTHER PURPOSES

Mr. DURBIN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 403

Whereas the Surgeon General and the American Academy of Pediatrics recommend that most babies be exclusively fed with breast milk for the first 6 months of life, and continue on with breast milk through the first year of life;

Whereas studies have shown that children who were breastfed had a 20 percent lower risk of dying in the first year of life than children who were not breastfed;

Whereas promoting breastfeeding can potentially prevent up to 720 postneonatal deaths in the United States each year;

Whereas breast milk provides the right balance of nutrients to help an infant grow into a strong and healthy toddler, improves the chances of infant survival, and helps protect against common childhood illnesses and infections;

Whereas research also suggests that breastfeeding may be protective against chronic diseases such as type I and type II diabetes, leukemia, and obesity;

Whereas breast milk contains important amino acids, only found in natural breast milk, that help an infant's brain develop;

Whereas maternal benefits to breastfeeding include decreased postpartum bleeding, decreased risk of breast and ovarian cancer, and decreased risk of postmenopausal osteoporosis;

Whereas the health advantages for mothers and children of breastfeeding translate into economic benefits for the family, health care system, and workplace;

Whereas breastfeeding more children would reduce medical care costs, decrease spending for public health programs such as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and decrease parental absenteeism;

Whereas breastfeeding more children would have an environmental benefit by reducing trash and plastic waste from formula cans and bottle supplies;

Whereas 1 of the objectives for improving health in Focus Area 16, Maternal, Infant, and Child Health, from Healthy People 2010, is to increase the percentage of mothers who breastfeed to 75 percent in the postpartum period, 50 percent 6 months after birth, and 25 percent 1 year after birth; and

Whereas throughout the United States, mothers have encountered legal and systematic challenges while trying to breastfeed in public and upon returning to work when seeking out adequate places to express milk in the workplace: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the unique health, economic, and social benefits breastfeeding affords to children, mothers, and the community at large; and

(2) calls upon States to take steps to protect a mother's right to breastfeed and remove the barriers faced by women who breastfeed.

Mr. DURBIN. Mr. President, I speak today to recognize the importance of breastfeeding as a child and maternal health issue. Breastfeeding is widely accepted as the most complete form of nutrition for infants, and it provides an array of benefits for both infants and mothers.

Yet many mothers who choose to breastfeed find themselves in situations where they are discouraged, or even prohibited, from breastfeeding. I submitted a Senate resolution today to recognize the many benefits of breastfeeding and to encourage States to protect the rights of women to feed their children.

My home State of Illinois recently adopted legislation to exempt breastfeeding mothers from the State's public indecency laws. The impetus behind the State initiative came in no small part from a woman named Kasey Madden, a young mother turned advocate after she was asked one too many times not to breastfeed her infant daughter.

Kasey was at her local fitness center one day, exercising to get back into shape after pregnancy but also caring for five-month-old Sadie. Sadie was in the day care center at the gym. At the moment, she was mad, and she was hungry. Kasey picked up the baby and sat down to let her nurse. Imagine how she felt when the gym manager came to her and asked her to leave the child care center, in case anyone there might be offended.

Today, Sadie is a healthy, red-haired, energetic toddler. Kasey knows more than she ever thought she would about how to affect public policy. That fitness center and every place like it in the State of Illinois now must respect the right of women to breastfeed their babies. I am not sure that gym manager realized what he was starting the day he asked Kasey Madden not to breastfeed her baby in the gym's child care center, but I commend Kasey. She recognized the value of breastfeeding—not just for Sadie--but for moms and babies everywhere who are frowned on or even prevented from breastfeeding.

The American Academy of Pediatricians and other organizations affiliated with the U.S. Breastfeeding Committee strongly support the Healthy People 2010 goal to increase the percentage of mothers who breastfeed to 75 percent.

I urge my Colleagues to join me in this Resolution to express the Sense of the Senate acknowledging the exceptional health benefits of breastfeeding and encouraging States to protect and promote a woman's right to breastfeed.

SENATE RESOLUTION 404—EXPRESSING THE SENSE OF THE SENATE THAT ALL PEOPLE IN THE UNITED STATES SHOULD PARTICIPATE IN A MOMENT OF SILENCE TO REFLECT UPON THE SERVICE AND SACRIFICE OF MEMBERS OF THE ARMED FORCES BOTH AT HOME AND ABROAD

Ms. STABENOW submitted the following resolution; which was considered and agreed to:

S. RES. 404

Whereas it was through the brave and noble efforts of the forefathers of the United States that the United States first gained freedom and became a sovereign country;

Whereas there are more than 1,300,000 active component and more than 1,100,000 reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all people in the United States cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of the people of the United States for putting their lives in danger for the sake of the freedoms enjoyed by all people of the United States;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all the people of the United States;

Whereas all people of the United States should participate in a moment of silence to support the troops; and

Whereas March 26th, 2006, is designated as "National Support the Troops Day": Now, therefore, be it

Resolved, That it is the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3133. Mr. CONRAD (for himself, Mr. Obama, Mrs. Clinton, Mr. Durbin, Mr. Schumer, and Mr. Bayh) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

SA 3134. Ms. SNOWE (for herself, Mr. Kerry, Mr. Vitter, Ms. Landrieu, Mr. Lieberman, Mr. Coleman, Mr. Nelson, of Florida, and Mr. Levin) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra.

SA 3135. Mrs. CLINTON (for herself, Mr. Reid, Mr. Obama, Mr. Harkin, Mr. Durbin, and Mr. Kennedy) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3136. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3137. Mr. LAUTENBERG proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3138. Mr. LOTT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3139. Ms. LANDRIEU (for herself, Mr. Conrad, Mr. Dorgan, and Mr. Vitter) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra.

SA 3140. Mr. LEVIN (for himself, Ms. Stabenow, Mr. Baucus, and Mr. Schumer) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3141. Ms. STABENOW (for herself, Ms. Mikulski, and Mr. Johnson) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3142. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3143. Mr. KERRY (for himself, Mr. Lautenberg, Mr. Schumer, Mr. Dorgan, Mr. Johnson, and Ms. Cantwell) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3144. Mr. OBAMA (for himself, Mr. Durbin, and Mr. Baucus) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3145. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3146. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3147. Mrs. CLINTON (for herself, Ms. Mikulski, and Mr. Menendez) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra.

SA 3148. Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3149. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3150. Mr. LOTT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3151. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3115 proposed by Mr. Reid (for Mrs. Clinton (for herself, Mr. Reid, and Mrs. Murray)) to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3152. Mr. LOTT (for himself, Mr. Talent, Mr. Reed, Mr. Lieberman, Mr. Durbin, Mr. Baucus, and Mr. Warner) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3153. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3154. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3155. Mr. GREGG (for Mr. Salazar (for himself, Mr. Allard, Mr. Craig, Mr. Domenici, Mr. Burns, Mr. Ensign, Mr. Enzi, Mr. Thomas, Mr. Bennett, Mr. Hatch, Mr. Kyl, Mr. Crapo, Mr. Coleman, Mrs. Boxer, Mr. Reid, Mr. Dorgan, Mr. Leahy , Mr. Baucus, and Mr. Johnson)) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3156. Mr. GREGG (for Ms. Stabenow (for herself and Mr. Levin)) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3157. Mr. FRIST submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3158. Mr. DODD (for himself, Mr. Kennedy, Mrs. Clinton, Ms. Mikulski, Mrs. Murray, Mr. Durbin, Mr. Lieberman, Ms. Cantwell, Mr. Kerry, Mr. Salazar, Mr. Baucus, Mr. Schumer, Mr. Lautenberg, Mr. Kohl, Mrs. Lincoln, and Mr. Harkin) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3159. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3160. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3161. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3162. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3163. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3164. Ms. STABENOW proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3165. Mr. VITTER (for himself and Ms. Landrieu) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3166. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3167. Mr. GREGG (for Mr. Brownback) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3168. Mr. GREGG (for Mr. Baucus) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3169. Mr. GREGG (for Mr. Graham) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3170. Mr. GREGG (for Mr. Conrad (for himself and Mr. Gregg)) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3171. Mr. GREGG (for Mr. Byrd) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3172. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

TEXT OF AMENDMENTS

SA 3133. Mr. CONRAD (for himself, Mr. Obama, Mrs. Clinton, Mr. Durbin, Mr. Schumer, and Mr. Bayh) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $5,100,000,000.

On page 3, line 15, increase the amount by $100,000,000.

On page 3, line 17, increase the amount by $200,000,000.

On page 3, line 19, increase the amount by $200,000,000.

On page 3, line 21, increase the amount by $200,000,000.

On page 4, line 1, increase the amount by $5,100,000,000.

On page 4, line 2, increase the amount by $100,000,000.

On page 4, line 3, increase the amount by $200,000,000.

On page 4, line 4, increase the amount by $200,000,000.

On page 4, line 6, increase the amount by $200,000,000.

On page 4, line 13, increase the amount by $5,000,000,000.

On page 5, line 4, increase the amount by $1,000,000,000.

On page 5, line 6, increase the amount by $2,800,000,000.

On page 5, line 8, increase the amount by $800,000,000.

On page 5, line 10, increase the amount by $300,000,000.

On page 5, line 19, increase the amount by $4,100,000,000.

On page 5, line 21, decrease the amount by $2,700,000,000.

On page 5, line 23, decrease the amount by $600,000,000.

On page 5, line 25, decrease the amount by $100,000,000.

On page 6, line 2, increase the amount by $200,000,000.

On page 6, line 8, decrease the amount by $4,100,000,000.

On page 6, line 10, decrease the amount by $1,400,000,000.

On page 6, line 12, decrease the amount by $800,000,000.

On page 6, line 14, decrease the amount by $700,000,000.

On page 6, line 16, decrease the amount by $900,000,000.

On page 6, line 22, decrease the amount by $4,100,000,000.

On page 6, line 24, decrease the amount by $1,400,000,000.

On page 7, line 2, decrease the amount by $800,000,000.

On page 7, line 4, decrease the amount by $700,000,000.

On page 7, line 6, decrease the amount by $900,000,000.

On page 19, line 24, increase the amount by $5,000,000,000.

On page 19, line 25, increase the amount by $1,000,000,000.

On page 20, line 4, increase the amount by $2,800,000,000.

On page 20, line 8, increase the amount by $800,000,000.

On page 20, line 12, increase the amount by $300,000,000.

On page 53, line 1, increase the amount by $5,000,000,000.

On page 53, line 2, increase the amount by $1,000,000,000.

SA 3134. Ms. SNOWE (for herself, Mr. KERRY, Mr. VITTER, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. COLEMAN, Mr. NELSON of Florida, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 15, line 21, increase the amount by $130,000,000.

On page 15, line 22, increase the amount by $92,000,000.

On page 16, line 1, increase the amount by $30,000,000.

On page 16, line 5, increase the amount by $7,000,000.

On page 16, line 9, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $130,000,000.

On page 27, line 24, decrease the amount by $92,000,000.

On page 28, line 2, decrease the amount by $30,000,000.

On page 28, line 5, decrease the amount by $7,000,000.

On page 28, line 8, decrease the amount by $1,000,000.

SA 3135. Mrs. CLINTON (for herself, Mr. REID, Mr. OBAMA, Mr. HARKIN, Mr. DURBIN, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT NEUTRAL RESERVE FUND FOR ENVIRONMENTAL HEALTH INITIATIVES.

(a) IN GENERAL.—If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that—

(1) increases the funding for research into the links between the environment and breast cancer, including the establishment of research centers to conduct multidisciplinary and multi-institutional research on environmental factors that may be related to the etiology of breast cancer;

(2) increases the funding for research into environmental health and the links between environmental pollutants and chronic diseases, including programs that—

(A) expand the Centers for Disease Control and Prevention's Environmental Public Health Tracking system and the ability of the agency to respond to, analyze and report environmental health information to the public;

(B) enhance the ability of States to collect and report environmental health data;

(C) train public health professionals to research, identify, and respond to the environmental factors that contribute to disease; and

(D) expand the biomonitoring activities of States and the Centers for Disease Control and Prevention; or

(3) increases the funding available for research into the links between indoor and outdoor environmental factors and asthma, including programs that—

(A) incorporate patient management into research;

(B) expand interagency programs through which the United States can develop a national response to the rising incidence of asthma among Americans, particularly children;

(C) establish training for professionals to research, identify, and respond to the environmental factors that contribute to asthma; and

(D) expand State and Federal programs in asthma surveillance, education and management;

the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution by $210,000,000 for that purpose, provided that such legislation would not increase the deficit for the period of fiscal years 2007 through 2011.

SA 3136. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

At the appropriate place, insert the following:

"Sec. . Deficit-Neutral Reserve Fund for Energy Legislation.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or conference report thereon, that would reduce our nation's dependence on foreign sources of energy, expand production and use of alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, and reward conservation and efficiency, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2011.

SA 3137. Mr. LAUTENBERG proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $1,230,000,000.

On page 4, line 1, increase the amount by $1,230,000,000.

On page 4, line 13, increase the amount by $1,230,000,000.

On page 5, line 4, increase the amount by $1,230,000,000.

On page 16, line 21, increase the amount by $1,230,000,000.

On page 16, line 22, increase the amount by $1,230,000,000.

On page 53, line 1, increase the amount by $1,230,000,000.

On page 53, line 2, increase the amount by $1,230,000,000.

SA 3138. Mr. LOTT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PERMANENT EXTENSION OF THE REDUCTIONS IN INDIVIDUAL INCOME TAX RATES.

It is the sense of the Senate that—

(1) the aggregate reduced levels of Federal revenues under section 101(1)(B) assume the extension of the reductions in the individual income tax rates provided under section 101 of the Economic Growth and Tax Relief and Reconciliation Act of 2001 through September 30, 2011, and

(2) such reductions should be made permanent.

SA 3139. Ms. LANDRIEU (for herself, Mr. CONRAD, Mr. DORGAN, and Mr. VITTER) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 9, line 20, increase the amount by $77,000,000.

On page 9, line 21, increase the amount by $43,000,000.

On page 9, line 24, increase the amount by $239,000,000.

On page 9, line 25, increase the amount by $188,000,000.

On page 10, line 3, increase the amount by $270,000,000.

On page 10, line 4, increase the amount by $238,000,000.

On page 10, line 7, increase the amount by $217,000,000.

On page 10, line 8, increase the amount by $240,000,000.

On page 10, line 11, increase the amount by $263,000,000.

On page 10, line 12, increase the amount by $246,000,000.

On page 10, line 20, decrease the amount by $77,000,000.

On page 10, line 21, decrease the amount by $43,000,000.

On page 10, line 24, decrease the amount by $239,000,000.

On page 10, line 25, decrease the amount by $188,000,000.

On page 11, line 3, decrease the amount by $270,000,000.

On page 11, line 4, decrease the amount by $238,000,000.

On page 11, line 7, decrease the amount by $217,000,000.

On page 11, line 8, decrease the amount by $240,000,000.

On page 11, line 11, decrease the amount by $263,000,000.

On page 11, line 12, decrease the amount by $246,000,000.

SA 3140. Mr. LEVIN (for himself, Ms. STABENOW, Mr. BAUCUS, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, increase the amount by $6,000,000.

On page 24, line 25, increase the amount by $4,000,000.

On page 25, line 4, increase the amount by $2,000,000.

On page 27, line 23, decrease the amount by $6,000,000.

On page 27, line 24, decrease the amount by $4,000,000.

On page 28, line 2, decrease the amount by $2,000,000.

SA 3141. Ms. STABENOW (for herself, Ms. MIKULSKI, and Mr. JOHNSON) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $6,900,000,000.

On page 3, line 15, increase the amount by $16,500,000,000.

On page 3, line 17, increase the amount by $22,200,000,000.

On page 3, line 19, increase the amount by $27,000,000,000.

On page 3, line 21, increase the amount by $31,600,000,000.

On page 4, line 1, increase the amount by $6,900,000,000.

On page 4, line 2, increase the amount by $16,500,000,000.

On page 4, line 3, increase the amount by $22,200,000,000.

On page 4, line 4, increase the amount by $27,000,000,000.

On page 4, line 6, increase the amount by $31,600,000,000.

On page 4, line 13, increase the amount by $6,900,000,000.

On page 4, line 15, increase the amount by $16,500,000,000.

On page 4, line 17, increase the amount by $22,200,000,000.

On page 4, line 19, increase the amount by $27,000,000,000.

On page 4, line 21, increase the amount by $31,600,000,000.

On page 5, line 4, increase the amount by $6,900,000,000.

On page 5, line 6, increase the amount by $16,500,000,000.

On page 5, line 8, increase the amount by $22,200,000,000.

On page 5, line 10, increase the amount by $27,000,000,000.

On page 5, line 12, increase the amount by $31,600,000,000.

On page 23, line 24, increase the amount by $6,900,000,000.

On page 23, line 25, increase the amount by $6,900,000,000.

On page 24, line 3, increase the amount by $16,500,000,000.

On page 24, line 4, increase the amount by $16,500,000,000.

On page 24, line 7, increase the amount by $22,200,000,000.

On page 24, line 8, increase the amount by $22,200,000,000.

On page 24, line 11, increase the amount by $27,000,000,000.

On page 24, line 12, increase the amount by $27,000,000,000.

On page 24, line 15, increase the amount by $31,600,000,000.

On page 24, line 16, increase the amount by $31,600,000,000.

SA 3142. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 25, line 24, increase the amount by $60,000,000.

On page 25, line 25, increase the amount by $13,200,000.

On page 26, line 4, increase the amount by $18,000,000.

On page 26, line 8, increase the amount by $12,000,000.

On page 26, line 12, increase the amount by $9,000,000.

On page 26, line 16, increase the amount by $7,800,000.

On page 27, line 23, decrease the amount by $60,000,000.

On page 27, line 24, decrease the amount by $13,200,000.

On page 28, line 2, decrease the amount by $18,000,000.

On page 28, line 5, decrease the amount by $12,000,000.

On page 28, line 8, decrease the amount by $9,000,000.

On page 28, line 11, decrease the amount by $7,800,000.

SA 3143. Mr. KERRY (for himself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DORGAN, Mr. JOHNSON, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $592,000,000.

On page 3, line 15, increase the amount by $1,619,000,000.

On page 3, line 17, increase the amount by $2,188,000,000.

On page 3, line 19, increase the amount by $2,685,000,000.

On page 3, line 21, increase the amount by $3,271,000,000.

On page 4, line 1, increase the amount by $592,000,000.

On page 4, line 2, increase the amount by $1,619,000,000.

On page 4, line 3, increase the amount by $2,188,000,000.

On page 4, line 4, increase the amount by $2,685,000,000.

On page 4, line 6, increase the amount by $3,271,000,000.

On page 4, line 13, increase the amount by $735,000,000.

On page 4, line 15, increase the amount by $1,862,000,000.

On page 4, line 17, increase the amount by $2,322,000,000.

On page 4, line 19, increase the amount by $2,816,000,000.

On page 4, line 21, increase the amount by $3,424,000,000.

On page 5, line 4, increase the amount by $592,000,000.

On page 5, line 6, increase the amount by $1,619,000,000.

On page 5, line 8, increase the amount by $2,188,000,000.

On page 5, line 10, increase the amount by $2,685,000,000.

On page 5, line 12, increase the amount by $3,271,000,000.

On page 9, line 20, increase the amount by $735,000,000.

On page 9, line 21, increase the amount by $592,000,000.

On page 9, line 24, increase the amount by $1,862,000,000.

On page 9, line 25, increase the amount by $1,619,000,000.

On page 10, line 3, increase the amount by $2,322,000,000.

On page 10, line 4, increase the amount by $2,188,000,000.

On page 10, line 7, increase the amount by $2,816,000,000.

On page 10, line 8, increase the amount by $2,685,000,000.

On page 10, line 11, increase the amount by $3,424,000,000.

On page 10, line 12, increase the amount by $3,271,000,000.

SA 3144. Mr. OBAMA (for himself, Mr. DURBIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 23, line 24, increase the amount by $40,000,000.

On page 23, line 25, increase the amount by $5,000,000.

On page 24, line 4, increase the amount by $25,000,000.

On page 24, line 8, increase the amount by $6,000,000.

On page 24, line 12, increase the amount by $3,000,000.

On page 24, line 16, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $40,000,000.

On page 27, line 24, decrease the amount by $5,000,000.

On page 28, line 2, decrease the amount by $25,000,000.

On page 28, line 5, decrease the amount by $6,000,000.

On page 28, line 8, decrease the amount by $3,000,000.

On page 28, line 11, decrease the amount by $1,000,000.

SA 3145. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $90,000,000.

On page 3, line 15, increase the amount by $60,000,000.

On page 3, line 17, increase the amount by $45,000,000.

On page 3, line 19, increase the amount by $46,000,000.

On page 3, line 21, increase the amount by $47,000,000.

On page 4, line 1, increase the amount by $90,000,000.

On page 4, line 2, increase the amount by $60,000,000.

On page 4, line 3, increase the amount by $45,000,000.

On page 4, line 4, increase the amount by $46,000,000.

On page 4, line 6, increase the amount by $47,000,000.

On page 4, line 13 increase the amount by $145,000,000.

On page 4, line 15, increase the amount by $129,000,000.

On page 5, line 4, increase the amount by $145,000,000.

On page 5, line 6, increase the amount by $129,000,000.

On page 5, line 19, decrease the amount by $55,000,000.

On page 5, line 21, decrease the amount by $69,000,000.

On page 5, line 23, increase the amount by $45,000,000.

On page 5, line 25, increase the amount by $46,000,000.

On page 6, line 2, increase the amount by $47,000,000.

On page 6, line 8, increase the amount by $55,000,000.

On page 6, line 10, increase the amount by $124,000,000.

On page 6, line 12, increase the amount by $79,000,000.

On page 6, line 14, increase the amount by $33,000,000.

On page 6, line 16, decrease the amount by $14,000,000.

On page 6, line 22, increase the amount by $55,000,000.

On page 6, line 24, increase the amount by $124,000,000.

On page 7, line 2, increase the amount by $79,000,000.

On page 7, line 4, increase the amount by $33,000,000.

On page 7, line 6, decrease the amount by $14,000,000.

On page 21, line 24, increase the amount by $145,000,000.

On page 21, line 25, increase the amount by $145,000,000.

On page 22, line 3, increase the amount by $129,000,000.

On page 22, line 4, increase the amount by $129,000,000.

SA 3146. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $5,000,000.

On page 3, line 15, increase the amount by $1,000,000.

On page 4, line 1, increase the amount by $5,000,000.

On page 4, line 2, increase the amount by $1,000,000.

On page 4, line 13, increase the amount by $6,000,000.

On page 5, line 4, increase the amount by $5,000,000.

On page 5, line 6, increase the amount by $1,000,000.

On page 24, line 24, increase the amount by $6,000,000.

On page 24, line 25, increase the amount by $5,000,000.

On page 25, line 4, increase the amount by $1,000,000.

On page 53, line 1, increase the amount by $6,000,000.

On page 53, line 2, increase the amount by $5,000,000.

SA 3147. Mrs. CLINTON (for herself, Ms. MIKULSKI, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $26,000,000.

On page 3, line 15, increase the amount by $13,000,000.

On page 3, line 17, increase the amount by $1,000,000.

On page 4, line 1, increase the amount by $26,000,000.

On page 4, line 2, increase the amount by $13,000,000.

On page 4, line 3, increase the amount by $1,000,000.

On page 4, line 13, increase the amount by $41,000,000.

On page 5, line 4, increase the amount by $26,000,000.

On page 5, line 6, increase the amount by $13,000,000.

On page 5, line 8, increase the amount by $1,000,000.

On page 18, line 24, increase the amount by $41,000,000.

On page 18, line 25, increase the amount by $26,000,000.

On page 19, line 4, increase the amount by $13,000,000.

On page 19, line 8, increase the amount by $1,000,000.

On page 53, line 1, increase the amount by $41,000,000.

On page 53, line 2, increase the amount by $26,000,000.

SA 3148. Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

SEC. ___. RESERVE FUND FOR ADDRESSING THE LONG-TERM FISCAL CHALLENGES FACING THE NATION

The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or a conference report thereon, that would provide for the bipartisan leadership of the House and Senate to work with the President to establish a commission (or other mutually agreeable process) to address the long-term fiscal challenges facing the nation, provided that such commission or process—(1) Addresses these long-term fiscal challenges in a manner in which both political parties are represented equally, and (2) Considers all parts of the budget by putting everything on the table for discussion provided that such legislation would not increase the deficit for fiscal year 2007 and the period of fiscal years 2007 to 2011.

SA 3149. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. RESERVE FUND A COMMISSION FOR ACCOUNTABILITY AND REVIEW OF FEDERAL AGENCIES.

If—

(1) the Homeland Security and Governmental Affairs Committee of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conferecne report is submitted thereon, that creates a Commission for the review of the performances of Federal agencies, with the purpose of recommending legislation to realign or eliminate programs or agenices that are wasteful, duplicative, inefficient, outdated, irrelevant, or failed; and

(2) the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for 2007 or the period of fiscal yeas 2007 through 2011; the chairman of the Committee on Budget may make the appropriate adjustments in

allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3150. Mr. LOTT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 29, between lines 19 and 20, insert the following:

SEC. 202. REVENUE RECONCILIATION INSTRUCTIONS IN THE SENATE.

The Committee on Finance shall report to the Senate a reconciliation bill not later than September 15, 2006, that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than $61,200,000,000 for fiscal year 2007, and $428,900,000,000 for the period of fiscal years 2007 through 2011.

SA 3151. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3115 proposed by Mr. REID (for Mrs. CLINTON (for herself, Mr. REID, and Mrs. MURRAY)) to the concurrent resolution S. Con. Res. 83, setting forth the cogressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 25, line 24, increase the amount by $60,000,000.

On page 25, line 25, increase the amount by $13,200,000.

On page 26, line 4, increase the amount by $18,000,000.

On page 26, line 8, increase the amount by $12,000,000.

On page 26, line 12, increase the amount by $9,000,000.

On page 26, line 16, increase the amount by $7,800,000.

On page 27, line 23, decrease the amount by $60,000,000.

On page 27, line 24, decrease the amount by $13,200,000.

On page 28, line 2, decrease the amount by $18,000,000.

On page 28, line 5, decrease the amount by $12,000,000.

On page 28, line 8, decrease the amount by $9,000,000.

On page 28, line 11, decrease the amount by $7,800,000.

SA 3152. Mr. LOTT (for himself, Mr. TALENT, Mr. REED, Mr. LIEBERMAN, Mr. DURBIN, Mr. BAUCUS, and Mr. WARNER) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 48, line 5, decrease the amount by $3,700,000,000.

On page 53, line 1, increase the amount by $3,700,000,000.

On page 53, line 2, increase the amount by $3,700,000,000.

SA 3153. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, decrease the amount by $4,500,000,000.

On page 3, line 15, decrease the amount by $3,300,000,000.

On page 4, line 1, decrease the amount by $4,500,000,000.

On page 4, line 2, decrease the amount by $3,300,000,000.

On page 4, line 13, increase the amount by $108,000,000.

On page 4, line 15, increase the amount by $297,810,000.

On page 4, line 17, increase the amount by $388,650,000.

On page 4, line 19, increase the amount by $406,710,000.

On page 4, line 21, increase the amount by $425,880,000.

On page 5, line 4, increase the amount by $108,000,000.

On page 5, line 6, increase the amount by $297,810,000.

On page 5, line 8, increase the amount by $388,650,000.

On page 5, line 10, increase the amount by $406,710,000.

On page 5, line 12, increase the amount by $425,880,000.

On page 5, line 19, decrease the amount by $4,608,000,000.

On page 5, line 21, decrease the amount by $3,597,810,000.

On page 5, line 23, decrease the amount by $388,650,000.

On page 5, line 25, decrease the amount by $406,710,000.

On page 6, line 2, decrease the amount by $425,880,000.

On page 6, line 8, increase the amount by $4,608,000,000.

On page 6, line 10, increase the amount by $8,205,810,000.

On page 6, line 12, increase the amount by $8,594,460,000.

On page 6, line 14, increase the amount by $9,001,170,000.

On page 6, line 16, increase the amount by $9,427,050,000.

On page 6, line 22, increase the amount by $4,608,000,000.

On page 6, line 24, increase the amount by $8,205,810,000.

On page 7, line 2, increase the amount by $8,594,460,000.

On page 7, line 4, increase the amount by $9,001,170,000.

On page 7, line 6, increase the amount by $9,427,050,000.

On page 26, line 24, increase the amount by $108,000,000.

On page 26, line 25, increase the amount by $108,000,000.

On page 27, line 3, increase the amount by $297,810,000.

On page 27, line 4, increase the amount by $297,810,000.

On page 27, line 7, increase the amount by $388,650,000.

On page 27, line 8, increase the amount by $388,650,000.

On page 27, line 11, increase the amount by $406,710,000.

On page 27, line 12, increase the amount by $406,710,000.

On page 27, line 15, increase the amount by $425,880,000.

On page 27, line 16, increase the amount by $425,880,000.

SA 3154. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, increase the amount by $14,000,000.

On page 24, line 25, increase the amount by $5,000,000.

On page 25, line 4, increase the amount by $11,000,000.

On page 25, line 8, increase the amount by $10,000,000.

On page 25, line 12, increase the amount by $8,000,000.

On page 25, line 16, increase the amount by $6,000,000.

On page 27, line 23, decrease the amount by $41,000,000.

On page 27, line 24, decrease the amount by $5,000,000.

On page 28, line 2, decrease the amount by $11,000,000.

On page 28, line 5, decrease the amount by $10,000,000.

On page 28, line 8, decrease the amount by $8,000,000.

On page 28, line 11, decrease the amount by $6,000,000.

SA 3155. Mr. GREGG (for Mr. SALAZAR (for himself, Mr. ALLARD, Mr. CRAIG, Mr. DOMENICI, Mr. BURNS, Mr. ENSIGN, Mr. ENZI, Mr. THOMAS, Mr. BENNETT, Mr. HATCH, Mr. KYL, Mr. CRAPO, Mr. COLEMAN, Mrs. BOXER, Mr. REID, Mr. DORGAN, Mr. LEAHY, Mr. BAUCUS, and Mr. JOHNSON)) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 25, line 24, increase the amount by $152,000,000.

On page 25, line 25, increase the amount by $152,000,000.

On page 27, line 23, decrease the amount by $152,000,000.

On page 27, line 24, decrease the amount by $152,000,000.

SA 3156. Mr. GREGG (for Ms. STABENOW (for herself and Mr. LEVIN)) proposed an amendment to concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, decrease the amount by $45,000,000.

On page 24, line 25, decrease the amount by $45,000,000.

On page 25, line 3, decrease the amount by $45,000,000.

On page 25, line 4, decrease the amount by $45,000,000.

On page 25, line 7, decrease the amount by $45,000,000.

On page 25, line 8, decrease the amount by $45,000,000.

On page 25, line 11, decrease the amount by $45,000,000.

On page 25, line 12, decrease the amount by $45,000,000.

On page 25, line 15, decrease the amount by $45,000,000.

On page 25, line 16, decrease the amount by $45,000,000.

On page 27, line 23, increase the amount by $45,000,000.

On page 27, line 24, increase the amount by $45,000,000.

On page 28, line 1, increase the amount by $45,000,000.

On page 28, line 2, increase the amount by $45,000,000.

On page 28, line 4, increase the amount by $45,000,000.

On page 28, line 5, increase the amount by $45,000,000.

On page 28, line 7, increase the amount by $45,000,000.

On page 28, line 8, increase the amount by $45,000,000.

On page 28, line 10, increase the amount by $45,000,000.

On page 28, line 11, increase the amount by $45,000,000.

SA 3157. Mr. FRIST submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

Amendment No. ___ Reserve Fund for Gulf Coast, Protection, Recons and on page 43, after line 22, add the following:

(1) the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Energy and Natural Resources of the Senate, or both Committees, reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that creates a Gulf Coast Protection, Reconstruction and Recovery Fund to provide assistance to coastal states for coastal conservation, mitigation and resource protection activities, or other purposes, based on the allocation formula provided in Section 31 of the Outer Continental Shelf Lands Act that is funded $10 billion from the following sources or any combination of funds thereof—

(A) Receipts deposited into the Digital Television Transition and Public Safety Fund that exceed estimates of the Congressional Budget Office for the Deficit Reduction Act of 2005 at the time of enactment;

(B) Receipts (including bonus bids, rents, royalties, and payments associated with royalties in kind) from the Arctic National Wildlife Refuge, if the Committee on Energy and Natural Resources of the Senate reports a bill, and such measure is enacted, to establish oil exploration and production in the Arctic National Wildlife Refuge;

(C) Receipts equal to the amount of receipts received by the United States government attributable to offshore energy production (including bonus bids, rents, royalties, and payments associated with royalties in kind) for each year that exceed estimates of the Congressional Budget Office as of March 16, 2006; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974; the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3158. Mr. DODD (for himself, Mr KENNEDY, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, Mr. DURBIN, Mr. LIEBERMAN, Ms. CANTWELL, Mr. KERRY, Mr. SALAZAR, Mr. BAUCUS, Mr. SCHUMER, Mr. LAUTENBERG, Mr. KOHL, Mrs. LINCOLN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $2,230,000,000.

On page 3, line 15, increase the amount by $3,084,000,000.

On page 3, line 17, increase the amount by $1,024,000,000.

On page 3, line 19, increase the amount by $330,000,000.

On page 4, line 1, increase the amount by $2,230,000,000.

On page 4, line 2, increase the amount by $3,084,000,000.

On page 4, line 3, increase the amount by $1,024,000,000.

On page 4, line 4, increase the amount by $330,000,000.

On page 4, line 13, increase the amount by $3,334,000,000.

On page 5, line 4, increase the amount by $1,115,000,000.

On page 5, line 6, increase the amount by $1,542,000,000.

On page 5, line 8, increase the amount by $512,000,000.

On page 5, line 10, increase the amount by $165,000,000.

On page 5, line 19, increase the amount by $1,115,000,000.

On page 5, line 21, increase the amount by $1,542,000,000.

On page 5, line 23, increase the amount by $512,000,000.

On page 5, line 25, increase the amount by $165,000,000.

On page 6, line 8, decrease the amount by $1,115,000,000.

On page 6, line 10, decrease the amount by $2,657,000,000.

On page 6, line 12, decrease the amount by $3,169,000,000.

On page 6, line 14, decrease the amount by $3,334,000,000.

On page 6, line 16, decrease the amount by $3,334,000,000.

On page 6, line 22, decrease the amount by $1,115,000,000.

On page 6, line 24, decrease the amount by $2,657,000,000.

On page 7, line 2, decrease the amount by $3,169,000,000.

On page 7, line 4, decrease the amount by $3,334,000,000.

On page 7, line 6, decrease the amount by $3,334,000,000.

On page 18, line 24, increase the amount by $2,794,000,000.

On page 18, line 25, increase the amount by $732,000,000.

On page 19, line 4, increase the amount by $1,407,000,000.

On page 19, line 8, increase the amount by $490,000,000.

On page 19, line 12, increase the amount by $165,000,000.

On page 21, line 24, increase the amount by $540,000,000.

On page 21, line 25, increase the amount by $383,000,000.

On page 22, line 4, increase the amount by $135,000,000.

On page 22, line 8, increase the amount by $22,000,000.

On page 53, line 1, increase the amount by $3,334,000,000.

On page 53, line 2, increase the amount by $1,115,000,000.

SA 3159. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $2,392,000,000.

On page 3, line 15, increase the amount by $2,138,000,000.

On page 3, line 17, increase the amount by $534,000,000.

On page 3, line 19, increase the amount by $97,000,000.

On page 3, line 21, increase the amount by $25,000,000.

On page 4, line 1, increase the amount by $2,392,000,000.

On page 4, line 2, increase the amount by $2,138,000,000.

On page 4, line 3, increase the amount by $534,000,000.

On page 4, line 4, increase the amount by $97,000,000.

On page 4, line 6, increase the amount by $25,000,000.

On page 4, line 13, increase the amount by $5,226,000,000.

On page 5, line 4, increase the amount by $2,392,000,000.

On page 5, line 6, increase the amount by $2,138,000,000.

On page 5, line 8, increase the amount by $534,000,000.

On page 5, line 10, increase the amount by $97,000,000.

On page 5, line 12, increase the amount by $25,000,000.

On page 9, line 20, increase the amount by $2,500,000,000.

On page 9, line 21, increase the amount by $1,275,000,000.

On page 9, line 25, increase the amount by $963,000,000.

On page 10, line 4, increase the amount by $223,000,000.

On page 10, line 8, increase the amount by $23,000,000.

On page 10, line 12, increase the amount by $5,000,000.

On page 11, line 21, increase the amount by $1,150,000,000.

On page 11, line 22, increase the amount by $713,000,000.

On page 12, line 1, increase the amount by $362,000,000.

On page 12, line 5, increase the amount by $53,000,000.

On page 12, line 9, increase the amount by $13,000,000.

On page 12, line 13, increase the amount by $4,000,000.

On page 15, line 21, increase the amount by $176,000,000.

On page 15, line 22, increase the amount by $47,000,000.

On page 16, line 1, increase the amount by $65,000,000.

On page 16, line 5, increase the amount by $44,000,000.

On page 16, line 9, increase the amount by $15,000,000.

On page 16, line 13, increase the amount by $5,000,000.

On page 19, line 24, increase the amount by $1,400,000,000.

On page 19, line 25, increase the amount by $357,000,000.

On page 20, line 4, increase the amount by $748,000,000.

On page 20, line 8, increase the amount by $214,000,000.

On page 20, line 12, increase the amount by $46,000,000.

On page 20, line 16, increase the amount by $11,000,000.

On page 53, line 1, increase the amount by $5,226,000,000.

On page 53, line 2, increase the amount by $2,392,000,000.

SA 3160. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 24, line 24, increase the amount by $19,000,000.

On page 24, line 25, increase the amount by $5,000,000.

On page 25, line 4, increase the amount by $11,000,000.

On page 25, line 8, increase the amount by $2,000,000.

On page 25, line 12, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $19,000,000.

On page 27, line 24, decrease the amount by $5,000,000.

On page 28, line 2, decrease the amount by $11,000,000.

On page 28, line 5, decrease the amount by $2,000,000.

On page 28, line 8, decrease the amount by $1,000,000.

SA 3161. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. . RESERVE FUND REGARDING FORMULARY REQUIREMENTS UNDER MEDICARE PART D.

If the Committee on Finance of the Senate reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) requires Medicare prescription drug plans and MA-PD plans to follow—

(A) the same process for making formulary changes under the Federal Employees Health Benefits Program or under programs under the Department of Veterans Affairs; or

(B) if more favorable to beneficiaries than the processes described in subparagraph (A), the current process for making formulary changes under part D of the Medicare program; and

(2) requires that any formulary used under a Medicare prescription drug plan or an MA-PD plan include all or substantially all drugs in each of the following categories:

(A) Antidepressants.

(B) Antipsychotics.

(C) Anticancer.

(D) Anticonvulsants.

(E) Immunosuppressants.

(F) Drugs to treat HIV/AIDs;

the Chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3162. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 24, line 24, increase the amount by $27,000,000.

On page 24, line 25, increase the amount by $21,600,000.

On page 25, line 4, increase the amount by $2,700,000.

On page 25, line 8, increase the amount by $2,700,000.

On page 27, line 23, decrease the amount by $27,000,000.

On page 27, line 24, decrease the amount by $21,600,000.

On page 28, line 2, decrease the amount by $2,700,000.

On page 28, line 5, decrease the amount by $2,700,000.

SA 3163. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. RESERVE FUND A COMMISSION FOR ACCOUNTABILITY AND REVIEW OF FEDERAL AGENCIES.

If—

(1) the Homeland Security and Governmental Affairs Committee of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conferecne report is submitted thereon, that creates a Commission for the review of the performances of Federal agencies, with the purpose of recommending legislation to realign or eliminate programs or agenices that are wasteful, duplicative, inefficient, outdated, irrelevant, or failed; and

(2) the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3164. Ms. STABENOW proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

At the end of title III, insert the following:

SEC. . RESERVE FUND TO ALLOW FOR DEFICIT-NEUTRAL LEGISLATION THAT WOULD PROVIDE SENIORS WITH A PRESCRIPTION DRUG BENEFIT OPTION THAT IS AFFORDABLE, USER-FRIENDLY, AND ADMINISTERED DIRECTLY BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or conference report thereon, that would—

(1) provide all Medicare beneficiaries with a Medicare-administered prescription drug plan option, while preserving the private prescription drug plan options;

(2) ensure that Medicare beneficiaries pay the lowest possible prescription drug prices by directing the Secretary of Health and Human Services to negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs on behalf of beneficiaries enrolled in the Medicare-administered prescription drug plan;

(3) improve the part D standard prescription drug benefit; and

(4) guarantee that Medicare beneficiaries receive the FDA-approved drugs they need by preventing prescription drug plans and MA-PD plans from ending coverage of drugs, or imposing restrictions or limitations on coverage of drugs, that were covered when the beneficiary enrolled in the plan until the beneficiary has the opportunity to switch plans, with an exception to such guarantee for brand name drugs for which there is a generic drug approved under section 505(j) of the Food and Drug Cosmetic Act that is placed on the market during the period in which the guarantee applies:

by the amount provided in such measure for those purposes, provided that such legislation would not increase the deficit for the period of fiscal years 2007 through 2011.

SA 3165. Mr. VITTER (for himself and Ms. LANDRIEU) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

"If—

(1) the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Energy and Natural Resources of the Senate, or both Committees, reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that creates a Gulf Coast

Protection, Reconstruction and Recovery Fund to provide assistance to coastal states for coastal conservation, mitigation and resource protection activities, or other purposes, based on the allocation formula provided in Section 31 of the Outer Continental Shelf Lands Act that is funded $10 billion from the following sources or any combination of funds thereof—

(A) Receipts deposited into the Digital Television Transition and Public Safety Fund that exceed estimates of the Congressional Budget Office for the Deficit Reduction Act of 2005 at the time of enactment;

(B) Receipts (including bonus bids, rents, royalties, and payments associated with royalties in kind) from the Arctic National Wildlife Refuge, if the Committee on Energy and Natural Resources of the Senate reports a bill, and such measure is enacted, to establish oil exploration and production in the Arctic National Wildlife Refuge;

(C) Receipts equal to the amount of receipts received by the United States government attributable to offshore energy production (including bonus bids, rents, royalties, and payments associated with royalties in kind) for each year that exceed estimates of the Congressional Budget Office as of March 16, 2006; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011''.''

SA 3166. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 10, line 20, decrease the amount by $4,000,000.

On page 10, line 21, decrease the amount by $4,000,000.

On page 24, line 24, increase the amount by $4,000,000.

On page 24, line 25, increase the amount by $4,000,000.

SA 3167. Mr. GREGG (for Mr. BROWNBACK) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

At the end of title III, insert the following:

SEC. . RESERVE FUND A COMMISSION FOR ACCOUNTABILITY AND REVIEW OF FEDERAL AGENCIES.

If—

(1) the Homeland Security and Governmental Affairs Committee of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conferecne report is submitted thereon, that creates a Commission for the review of the performances of Federal agencies, with the purpose of recommending legislation to realign or eliminate programs or agenices that are wasteful, duplicative, inefficient, outdated, irrelevant, or failed; and

(2) the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3168. Mr. GREGG (for Mr. BAUCUS) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, increase the amount by $19,000,000.

On page 24, line 25, increase the amount by $5,000,000.

On page 25, line 4, increase the amount by $11,000,000.

On page 25, line 8, increase the amount by $2,000,000.

On page 25, line 12, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $19,000,000.

On page 27, line 24, decrease the amount by $5,000,000.

On page 28, line 2, decrease the amount by $11,000,000.

On page 28, line 5, decrease the amount by $2,000,000.

On page 28, line 8, decrease the amount by $1,000,000.

SA 3169. Mr. GREGG (for Mr. GRAHAM) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, increase the amount by $27,000,000.

On page 24, line 25, increase the amount by $21,600,000.

On page 25, line 4, increase the amount by $2,700,000.

On page 25, line 8, increase the amount by $2,700,000.

On page 27, line 23, decrease the amount by $27,000,000.

On page 27, line 24, decrease the amount by $21,600,000.

On page 28, line 2, decrease the amount by $2,700,000.

On page 28, line 5, decrease the amount by $2,700,000.

SA 3170. Mr. GREGG (for Mr. CONRAD (for himself and Mr. GREGG)) proposed an amendment to concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 4, line 13, increase the amount by $363,000,000.

On page 5, line 4, increase the amount by $340,000,000.

On page 5, line 6, increase the amount by $14,000,000.

On page 5, line 8, increase the amount by $9,000,000.

On page 5, line 19, decrease the amount by $340,000,000.

On page 5, line 21, decrease the amount by $14,000,000.

On page 5, line 23 , decrease the amount by $9,000,000.

On page 6, line 8, increase the amount by $340,000,000.

On page 6, line 10, increase the amount by $354,000,000.

On page 6, line 12, increase the amount by $363,000,000.

On page 6, line 14, increase the amount by $363,000,000.

On page 6, line 16, increase the amount by $363,000,000.

On page 6, line 22, increase the amount by $340,000,000.

On page 6, line 24, increase the amount by $354,000,000.

On page 7, line 2, increase the amount by $363,000,000.

On page 7, line 4, increase the amount by $363,000,000.

On page, 7, line 6, increase the amount by $363,000,000.

On page 25, line 24, increase the amount by $363,000,000.

On page 25, line 25, increase the amount by $340,000,000.

On page 26, line 4, increase the amount by $14,000,000.

On page 26, line 8, increase the amount by $9,000,000.

On page 53, line 1, increase the amount by $137,000,000.

On page 53, line 2, increase the amount by $128,000,000.

On page 55, line 13, strike $274,000,000 and insert $500,000,000.

SA 3171. Mr. GREGG (for Mr. BYRD) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 4, line 13, increase the amount by $37,000,000.

On page 4, line 15, increase the amount by $38,000,000.

On page 4, line 17, increase the amount by $41,000,000.

On page 4, line 19, increase the amount by $43,000,000.

On page 4, line 21, increase the amount by $46,000,000.

On page 5, line 4, increase the amount by $33,000,000.

On page 5, line 6, increase the amount by $37,000,000.

On page 5, line 8, increase the amount by $40,000,000.

On page 5, line 10, increase the amount by $42,000,000.

On page 5, line 12, increase the amount by $45,000,000.

On page 5, line 19, decrease the amount by $33,000,000.

On page 5, line 21, decrease the amount by $37,000,000.

On page 5, line 23, decrease the amount by $40,000,000.

On page 5, line 25, decrease the amount by $42,000,000.

On page 6, line 2, decrease the amount by $45,000,000.

On page 6, line 8, increase the amount by $33,000,000.

On page 6, line 10, increase the amount by $70,000,000.

On page 6, line 12, increase the amount by $110,000,000.

On page 6, line 14, increase the amount by $152,000,000.

On page 6, line 16, increase the amount by $197,000,000.

On page 6, line 22, increase the amount by $33,000,000.

On page 6, line 24, increase the amount by $70,000,000.

On page 7, line 2, increase the amount by $110,000,000.

On page 7, line 4, increase the amount by $152,000,000.

On page 7, line 6, increase the amount by $197,000,000.

On page 19, line 24, increase the amount by $36,000,000.

On page 19, line 25, increase the amount by $32,000,000.

On page 20, line 3, increase the amount by $36,000,000.

On page 20, line 4, increase the amount by $35,000,000.

On page 20, line 7, increase the amount by $37,000,000.

On page 20, line 8, increase the amount by $36,000,000.

On page 20, line 11, increase the amount by $37,000,000.

On page 20, line 12, increase the amount by $36,000,000.

On page 20, line 15, increase the amount by $38,000,000.

On page 20, line 16, increase the amount by $37,000,000.

On page 26, line 24, increase the amount by $1,000,000.

On page 26, line 25, increase the amount by $1,000,000.

On page 27, line 3, increase the amount by $2,000,000.

On page 27, line 4, increase the amount by $2,000,000.

On page 27, line 7, increase the amount by $4,000,000.

On page 27, line 8, increase the amount by $4,000,000.

On page 27, line 11, increase the amount by $6,000,000.

On page 27, line 12, increase the amount by $6,000,000.

On page 27, line 15, increase the amount by $8,000,000.

On page 27, line 16, increase the amount by $8,000,000.

On page 53, line 1, increase the amount by $36,000,000.

On page 53, line 2, increase the amount by $32,000,000.

On page 53, line 4, increase the amount by $36,000,000.

On page 53, line 7, increase the amount by $37,000,000.

SA 3172. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 25, line 24, increase the amount by $308,000,000.

On page 25, line 25, increase the amount by $9,000,000.

On page 26, line 4, increase the amount by $31,000,000.

On page 26, line 8, increase the amount by $65,000,000.

On page 26, line 12, increase the amount by $95,000,000.

On page 26, line 16, increase the amount by $77,000,000.

On page 27, line 23, decrease the amount by $308,000,000.

On page 27, line 24, decrease the amount by $9,000,000.

On page 28, line 2, decrease the amount by $31,000,000.

On page 28, line 5, decrease the amount by $65,000,000.

On page 28, line 8, increase/decrease the amount by $95,000,000.

On page 28, line 11, decrease the amount by $77,000,000.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 29, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1832, to authorize the Secretary of the Interior to lease oil and gas resources underlying Fort Reno, OK, to establish the Fort Reno Management Fund, and for other purposes; S. 2150, to direct the Secretary of Interior to convey certain Bureau of Land Management Land to the City of Eugene, OR, and H.R. 3507, to transfer certain land in Riverside County, CA, and San Diego County, CA, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Sara Zecher 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 16, 2006, at 8:30 a.m., to receive testimony from combatant commanders on their military strategy and operational requirements, in review of the defense authorization request for Fiscal Year 2007 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Disaster Prediction and Prevention be authorized to meet on Thursday, March 16, 2006, at 10 a.m. on Volcanic Hazards.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 16, 2006 at 3 p.m. on pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a hearing on Thursday, March 16, 2006 at 10 a.m. on the Great Lakes Regional Collaboration's strategy to restore and protect the Great Lakes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, March 16, 2006 at 9:30 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Cuno and Competitiveness: Where to draw the line".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, March 16, 2006 at 9:15 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, March 16, 2006, at 9 a.m. in The Mansfield Room, S–207 The Capitol.

Agenda

I. Nominations: Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Patrick J. Schiltz, to be U.S. District Court Judge for the District of Minnesota; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; John F. Clark to be Director of the United States Marshals Service.

II. Bills: S. . Comprehensive Immigration Reform; Chairman's Mark; S. 1768. A bill to permit the televising of Supreme Court proceedings; Specter, Leahy, Cornyn, Grassley, Schumer, Feingold, Durbin; S. 829, Sunshine in the Courtroom Act of 2005; Grassley, Schumer, Cornyn, Leahy, Feingold, Durbin, Graham, DeWine, Specter; S. 489, Federal Consent Decree Fairness Act; Alexander, Kyl, Cornyn, Graham, Hatch; S. 2039, Prosecutors and Defenders Incentive Act of 2005; Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges; Specter, Leahy, Cornyn, Feinstein, Biden.

III. Matters: S.J. Res. 1, Marriage Protection Amendment; Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 16, 2006, for a committee hearing titled "Looking At Our Homeless Veterans' Programs: How Effective Are They?" The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, March 16, 2006, at 9:30 a.m. for a hearing regarding "Earmark Reform: Understanding the Obligation of Funds Transparency Act".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup on Thursday, March 16, 2006 at 1:30 p.m. in Dirksen Senate Office Building Room 226 on S.J. Res. 12, the Flag Desecration Resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. GREGG. Mr. President. I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on March 16, 2006 at time 3:30 p.m., in open session to receive testimony on global strike plans and programs in review of the defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GREGG. Madam President, I ask unanimous consent that Mark Van de Water of the Senate Appropriations Committee be granted the privilege of the floor during the consideration of S. Con. Res. 83.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE BUSINESS

Mr. FRIST. Mr. President, we have several items in wrapup in a little bit and a lot of activity is going on. Hopefully in 15 or 20 minutes we will be able to close the Senate. I come to the Senate to make a couple of statements.

I begin with the very brief comment on the budget itself. I thank my colleagues on both sides of the aisle for their tremendous efforts in bringing to a close passage of a budget resolution that this Senate can be very proud of. Overall management of the budget was superb. I thank Chairman JUDD GREGG and Senator KENT CONRAD for their leadership, for their patience on what is always a very difficult process that culminates in this vote-arama that we have been in from about 1:30 today up until about an hour ago. With these vote-aramas, everyone is on the floor and milling around, considering amendment after amendment. It is a challenge for all Senators, with tensions tending to rise. To have two cool heads calmly manage this bill is a real tribute to both of them. I thank them for their leadership.

The budget itself is a tough budget. It is a disciplined budget. It restrains spending and tackles the deficit. It reflects our commitment to America's future and to making America stronger and safer and more economically sound. Like so many of the issues we tackled this year, it is not an easy process. It has not been a very easy process. With determination and with focus, a lot of energy by leading on principle, we are delivering meaningful solutions for the American people. We have demonstrated this Senate can and does govern. We have been doing that consistently.

As we reflect over the last several weeks, no more so than with the confirmation of Justice Samuel Alito. A lot of our opponents had tried to distort his record and to undermine the process, but this Senate held firm, and with that Judge Alito did receive a fair up-or-down vote that he deserved in the Senate. But to get to that point was tough. We proved that the Senate can hold a free, a dignified, and a thorough debate while at the same time fulfilling our constitutional responsibility of giving advice and consent. Justice Alito now sits on the Supreme Court of the United States. In every respect Judge Alito was a nominee who meets the highest standards of excellence. I congratulate him once again on his most deserved achievement.

Principle and determination to protect the American people also guided more recently our passage of the PATRIOT Act. Again, the process got stymied. There was a lot of delay. There was a lot of postponement. But we pressed forward and after sustained negotiations we were able to secure law enforcement's No. 1 terrorist fighting tool, the USA PATRIOT Act.

The legislation itself works to promote information sharing and breaking down barriers between our intelligence agencies and our law enforcement agencies. It has proven to be an effective tool. It levels the playing field so we can effectively harness all of our resources to defeat terror. It appropriately balances the constitutional rights of all Americans against our need to effectively investigate and halt potential terrorist attacks. Every day it is helping the authorities dismantle terrorist organizations and stop our enemies in their tracks.

Keeping America strong also means keeping our economy thriving, and that is why also this past month we passed the Tax Relief Act of 2005. We know that tax cuts work. We know they grow the economy and help create jobs. In 2001 we delivered tax relief to the American people of $1.4 trillion; 2 years later, another $350 billion. We cut taxes on income and marriage. We doubled the child tax credit, we slashed taxes on capital gains and dividends. And the product we are seeing, our economy, has grown. We created over 5 million jobs in the last 36 months. Unemployment is the lowest it has been since before September 11, lower now than the average of the 1990s, those boom years, and the 1980s and the 1970s. Home ownership is up. Almost 70 percent of Americans own their homes. Minority ownership is at an all-time high. Tax relief has led to 3 years of continued strong growth.

The tax cuts are working. Even this past year we saw growth in revenues coming to the Government in over 10 percent, in double digits. When we return, I hope we will be able to address the conference report on this tax reconciliation bill.

That brings me to what will come in the 2 weeks after the current recess.

Our attention is to focus on border security when we come back. Our country needs security at our borders in order to stop the flow of illegal immigration and make America safer from foreign criminals and terrorists.

Today, I introduced a border security bill to ensure the Senate will have legislation available for consideration during that week of March 27. The Senate Judiciary Committee, under the fantastic leadership of ARLEN SPECTER, has been addressing border security and interior enforcement aggressively over the last 3 weeks. They have had what we all know of as a markup this week, including today and yesterday, on 2 days of last week and the week before. ARLEN SPECTER has been a tireless leader. Indeed, they will return on that first Monday to continue that markup.

Now is the time to take their outstanding work to the floor. That is exactly what we will do. The bill I introduced is based on the consensus enforcement, visa reform, and immigration litigation reform titles of Chairman SPECTER's bill, the markup of border security legislation. It focuses on ensuring strict enforcement of our Nation's immigration laws.

I do look forward to bringing a border security bill to the floor in the early part of that week, on Monday or Tuesday of that week, and allowing the full Senate to work its will on border security and on interior law enforcement, as well as comprehensive immigration reform.

America will be more secure, and our constituents will be safer. I hope the Judiciary Committee will be able to report a bill that we can bring to the floor that meets these objectives. As a country of immigrants who respect the rule of law, I expect us to honor those heritages as the debate unfolds.

It is going to be a heated discussion. These are tough issues. This body will struggle with each of these issues. There will be a lot of debate, and I know there will be a lot of amendments. But it is important to the American people, for their safety, for their security, and to do what is right on the issue of border security and immigration. A country that cannot secure its borders cannot secure its destiny.

We made great strides in the past 2 months. We are working hard to secure America's future. We are working hard to deliver real outcomes on real issues. I look forward to continuing this work when we return.

TRIBUTE TO BILL HOAGLAND

Mr. FRIST. Mr. President, tonight, as we wrapped up our votes on the budget, I do want to take a minute to acknowledge someone who everybody in this body knows very well, but someone who has worked hard for many years behind the scenes—shirt sleeves rolled up, often with a furrowed brow. His name: Bill Hoagland, the Senate's undisputed budget guru, and my valued budget adviser.

No one knows the budget better than Bill Hoagland. No one understands better the stresses and strains it has undergone as Congress has struggled to find ways to control spending.

Bill has seen this process transform as Congress has added layer upon layer of complexity in our ongoing efforts to control deficits. There is no greater authority than Bill on how that process began, how it has changed, where it is going in the future.

He has amassed this deep reservoir of knowledge, in part, by being scrupulously frank and impeccably honest. Bill will always tell you what he thinks, and he does so in a way that is often maybe too open, but open and transparent. And never, ever does he have a hidden agenda.

He provided this service for many years for Senator DOMENICI when he served as the former Budget Committee chairman's staff director. He has done it for me since joining my team in the leader's office, and for any other Senator who has solicited his views.

Over the last 3 days, and especially over the course of today—when things started to get a little bit tough, when there was a question among Senators in their many small meetings, both on the floor and off the floor—the most common question was, as things got tough: Where is Bill Hoagland? Where is Bill? And indeed, Bill would come, and with his experience and with his discipline and with his focus, he would fix it. And fix it he did—again and again and again.

Bill is dedicated, well informed, and honest. He never trims his counsel to please the listener. These qualities have been a huge asset, an enormous asset, to me as leader. I know when I talk with him, I may not always necessarily hear what I want, but I always hear what I probably should.

This is Bill Hoagland's 22nd budget. It is my last. I want to take this opportunity to thank the Indiana native for his service to the Senate and to the American people.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOMENT OF SILENCE IN HONOR OF ARMED FORCES SERVING AT HOME AND ABROAD

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 404 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 404) expressing the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 404) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 404

Whereas it was through the brave and noble efforts of the forefathers of the United States that the United States first gained freedom and became a sovereign country;

Whereas there are more than 1,300,000 active component and more than 1,100,000 reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all people in the United States cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of the people of the United States for putting their lives in danger for the sake of the freedoms enjoyed by all people of the United States;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all the people of the United States;

Whereas all people of the United States should participate in a moment of silence to support the troops; and

Whereas March 26th, 2006, is designated as "National Support the Troops Day": Now, therefore, be it

Resolved, That it is the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad.

ROBERT T. STAFFORD WHITE ROCKS NATIONAL RECREATION AREA

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2447 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2447) to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area".

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased the Senate has agreed to unanimously approve this legislation to rename the White Rocks National Recreation Area in the Green Mountain National Forest as the Robert T. Stafford

White Rocks National Recreation Area. Along with Senator JEFFORDS, I introduced this legislation as what we believed is a fitting tribute to our friend and former colleague, Senator Robert Stafford.

Bob Stafford is an absolute giant in Vermont politics. He spent almost 30 years representing our great State first in the U.S. House of Representatives and then in the United States Senate. Prior to his arrival in Washington in the early 1960s, he served his fellow Vermonters closer to home holding a number of prominent State positions. He served as Rutland County prosecuting attorney, as Rutland County State's Attorney, as deputy State attorney general, and finally as our State's attorney general. From 1957–1959 Bob Stafford held the post of lieutenant governor, and in 1959 he went on to become Governor.

In 1960, Bob Stafford was elected to Vermont's sole seat in the U.S. House of Representatives. He won five successive reelections. In September 1971, he resigned his House seat to accept appointment to the U.S. Senate following the death of Senator Winston Prouty. After winning a special election in January 1972, Bob proceeded to represent Vermont in the Senate during the next 17 years. I had the distinct privilege of serving with him during all but two of those years. During his Senate service Bob Stafford became a national figure of stature, of vision and of courage in his leadership especially on environmental and education policy issues and legislation. His legacy endures in his many legislative achievements.

To honor our friend, Senator JEFFORDS and I introduced this legislation to name the White Rocks National Recreation Area in the Green Mountain National Forest as the "Robert T. Stafford White Rocks National Recreation Area." White Rocks is among his most beloved natural areas in Vermont, and Bob Stafford protected more land in our State than anyone who came before him. I know he and Helen could actually see the towering white cliff face of White Rocks Mountain from their home. By passing this legislation, the Senate honors our former colleague and our friend.

Mr. JEFFORDS. Mr. President, I join my colleague from Vermont, Senator LEAHY, in seeking to rename the White Rocks National Recreation Area in the Green Mountain National Forest of Vermont in honor of our great friend, and my mentor and predecessor, Robert T. Stafford.

Twenty-two years ago, Senator Stafford introduced the Vermont Wilderness Act of 1984 on behalf of himself and Senator LEAHY. Senator Stafford said at that time, "It is our intention to present this legislation to Vermonters and seek their comments . . . I am willing to listen to the voices of other Vermonters before a decision is made." And listen he did.

Senator Stafford then led Senator LEAHY and me back home to Vermont to hear from hundreds of our constituents. Their input changed the bill, and the result was the creation of the White Rocks National Recreation Area.

This magnificent, 36,000-acre recreation area exists because of Senator Stafford's insistence upon listening to Vermonters and seeing their views embodied in the law.

Senator Stafford's public service spanned four decades, and included six years as chairman of the Senate Committee on Environment and Public Works. Throughout his career, he proved himself a true steward of our environment. As he approached his retirement at the end of the 100th Congress, Senator Stafford gave a series of floor statements describing the environmental threats that faced our Nation.

On September 12, 1988, he said, "We humans have degraded the environment of our world, and now we must set ourselves on the path of reversing that course. It will not be an easy task to accomplish, but it is a necessary one . . . If only we can recognize this circumstance for what it is—an opportunity to redirect ourselves toward a brighter future—then setting ourselves to the task ahead will not be a burden, but a joy."

That was 18 years ago, and unfortunately, those threats remain very much with us today. But it is my hope that the White Rocks recreation area, which Senator Stafford can look out upon from his home in Rutland, Vermont, will be a constant reminder of Senator Stafford's devotion to Vermont and his devotion to our environment.

No monument or statement or park renaming can do justice to the unparalleled contributions Senator Stafford has made to both Vermont and this Nation. Senator Stafford has been one of the most devoted, capable and complished public servants the Senate has ever known. That said, naming the White Rocks area after Senator Stafford is as fitting a tribute as I can imagine.

Just as the Wilderness Act of 1984 named the George Aiken Wilderness Area in honor of that great Vermont Senator, we seek to bestow the same honor upon Senator Stafford with the naming of the Robert T. Stafford White Rocks National Recreation Area.

Mr. FRIST. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2447) was read the third time and passed, as follows:

S. 2447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT T. STAFFORD WHITE ROCKS NATIONAL RECREATION AREA .

(a) REDESIGNATION.—The White Rocks National Recreation Area in the State of Vermont, as established by section 202 of the Vermont Wilderness Act of 1984 (16 U.S.C. 460nn–1), is redesignated as the "Robert T. Stafford White Rocks National Recreation Area".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the recreation area referred to in subsection (a) shall be deemed to be a reference to the Robert T. Stafford White Rocks National Recreation Area.

TEMPORARY INCREASE IN THE BORROWING AUTHORITY OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. FRIST. Mr. President, I ask unanimous consent that the chair now lay before the Senate the House message to accompany S. 2275.

The Presiding Officer laid before the Senate the following message:

S. 2275

Resolved, That the bill from the Senate (S. 2275) entitled "An Act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Flood Insurance Program Enhanced Borrowing Authority Act of 2006".

SEC. 2. INCREASE IN BORROWING AUTHORITY.

The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)), as amended by the National Flood Insurance Program Further Enhanced Borrowing Authority Act of 2005 (Public Law 109–106; 119 Stat. 2288), is amended by striking "$18,500,000,000" and inserting "$20,775,000,000".

SEC. 3. EMERGENCY SPENDING.

Amendments made pursuant to this Act are designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress).

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMITTING USE OF THE CAPITOL ROTUNDA FOR A CEREMONY IN REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 350 received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 350) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 350) was agreed to.

AUTHORITY OF THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4826, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4826) to extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4826) was read the third time and passed.

UNDERTAKING SPAM, SPYWARE, AND FRAUD ENFORCEMENT WITH ENFORCERS BEYOND BORDERS ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calender No. 372, S. 1608.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1608) to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1608) was read the third time and passed, as follows:

S. 1608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) Short Title.—This Act may be cited as the "Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2005" or the "U.S. SAFE WEB Act of 2005".

(b) Findings.—The Congress finds the following:

(1) The Federal Trade Commission protects consumers from fraud and deception. Cross-border fraud and deception are growing international problems that affect American consumers and businesses.

(2) The development of the Internet and improvements in telecommunications technologies have brought significant benefits to consumers. At the same time, they have also provided unprecedented opportunities for those engaged in fraud and deception to establish operations in one country and victimize a large number of consumers in other countries.

(3) An increasing number of consumer complaints collected in the Consumer Sentinel database maintained by the Commission, and an increasing number of cases brought by the Commission, involve foreign consumers, foreign businesses or individuals, or assets or evidence located outside the United States.

(4) The Commission has legal authority to remedy law violations involving domestic and foreign wrongdoers, pursuant to the Federal Trade Commission Act. The Commission's ability to obtain effective relief using this authority, however, may face practical impediments when wrongdoers, victims, other witnesses, documents, money and third parties involved in the transaction are widely dispersed in many different jurisdictions. Such circumstances make it difficult for the Commission to gather all the information necessary to detect injurious practices, to recover offshore assets for consumer redress, and to reach conduct occurring outside the United States that affects United States consumers.

(5) Improving the ability of the Commission and its foreign counterparts to share information about cross-border fraud and deception, to conduct joint and parallel investigations, and to assist each other is critical to achieve more timely and effective enforcement in cross-border cases.

(c) Purpose.—The purpose of this Act is to enhance the ability of the Federal Trade Commission to protect consumers from illegal spam, spyware, and cross-border fraud and deception and other consumer protection law violations.

SEC. 2. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following:

"'Foreign law enforcement agency' means—

"(1) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

"(2) any multinational organization, to the extent that it is acting on behalf of an entity described in paragraph (1).".

SEC. 3. AVAILABILITY OF REMEDIES.

Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end the following:

"(4)(A) For purposes of subsection (a), the term 'unfair or deceptive acts or practices' includes such acts or practices involving foreign commerce that—

"(i) cause or are likely to cause reasonably foreseeable injury within the United States; or

"(ii) involve material conduct occurring within the United States.

"(B) All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in this paragraph, including restitution to domestic or foreign victims.".

SEC. 4. POWERS OF THE COMMISSION.

(a) Publication of Information; Reports.—Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

(1) by inserting "(1)" after "such information" the first place it appears; and

(2) by striking "purposes." and inserting "purposes, and (2) to any officer or employee of any foreign law enforcement agency under the same circumstances that making material available to foreign law enforcement agencies is permitted under section 21(b).".

(b) Other Powers of the Commission.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is further amended by inserting after subsection (i) and before the proviso the following:

"(j) Investigative Assistance for Foreign Law Enforcement Agencies.—

"(1) In general.—Upon a written request from a foreign law enforcement agency to provide assistance in accordance with this subsection, if the requesting agency states that it is investigating, or engaging in enforcement proceedings against, possible violations of laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any provision of the laws administered by the Commission, other than Federal antitrust laws (as defined in section 12(5) of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211(5))), to provide the assistance described in paragraph (2) without requiring that the conduct identified in the request constitute a violation of the laws of the United States.

"(2) Type of assistance.—In providing assistance to a foreign law enforcement agency under this subsection, the Commission may—

"(A) conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance, using all investigative powers authorized by this Act; and

"(B) when the request is from an agency acting to investigate or pursue the enforcement of civil laws, or when the Attorney General refers a request to the Commission from an agency acting to investigate or pursue the enforcement of criminal laws, seek and accept appointment by a United States district court of Commission attorneys to provide assistance to foreign and international tribunals and to litigants before such tribunals on behalf of a foreign law enforcement agency pursuant to section 1782 of title 28, United States Code.

"(3) Criteria for determination.—In deciding whether to provide such assistance, the Commission shall consider all relevant factors, including—

"(A) whether the requesting agency has agreed to provide or will provide reciprocal assistance to the Commission;

"(B) whether compliance with the request would prejudice the public interest of the United States; and

"(C) whether the requesting agency's investigation or enforcement proceeding concerns acts or practices that cause or are likely to cause injury to a significant number of persons.

"(4) INTERNATIONAL AGREEMENTS.—If a foreign law enforcement agency has set forth a legal basis for requiring execution of an international agreement as a condition for reciprocal assistance, or as a condition for provision of materials or information to the Commission, the Commission, with prior approval and ongoing oversight of the Secretary of State, and with final approval of the agreement by the Secretary of State, may negotiate and conclude an international agreement, in the name of either the United States or the Commission, for the purpose of obtaining such assistance, materials, or information. The Commission may undertake in such an international agreement to—

"(A) provide assistance using the powers set forth in this subsection;

"(B) disclose materials and information in accordance with subsection (f) and section 21(b); and

"(C) engage in further cooperation, and protect materials and information received from disclosure, as authorized by this Act.

"(5) ADDITIONAL AUTHORITY.—The authority provided by this subsection is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.

"(6) LIMITATION.—The authority granted by this subsection shall not authorize the Commission to take any action or exercise any power with respect to a bank, a savings and loan institution described in section 18(f)(3) (15 U.S.C. 57a(f)(3)), a Federal credit union described in section 18(f)(4) (15 U.S.C. 57a(f)(4)), or a common carrier subject to the Act to regulate commerce, except in accordance with the undesignated proviso following the last designated subsection of section 6 (15 U.S.C. 46).

"(7) ASSISTANCE TO CERTAIN COUNTRIES.—The Commission may not provide investigative assistance under this subsection to a foreign law enforcement agency from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

"(k) REFERRAL OF EVIDENCE FOR CRIMINAL PROCEEDINGS.—

"(1) IN GENERAL.—Whenever the Commission obtains evidence that any person, partnership, or corporation, either domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, to transmit such evidence to the Attorney General, who may institute criminal proceedings under appropriate statutes. Nothing in this paragraph affects any other authority of the Commission to disclose information.

"(2) INTERNATIONAL INFORMATION.—The Commission shall endeavor to ensure, with respect to memoranda of understanding and international agreements it may conclude, that material it has obtained from foreign law enforcement agencies acting to investigate or pursue the enforcement of foreign criminal laws may be used for the purpose of investigation, prosecution, or prevention of violations of United States criminal laws.

"(l) EXPENDITURES FOR COOPERATIVE ARRANGEMENTS.—To expend appropriated funds for—

"(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

"(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission's mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

"(A) such incidental expenses as meals taken in the course of such attendance;

"(B) any travel and transportation to or from such meetings; and

"(C) any other related lodging or subsistence.".

(c) AUTHORIZATION OF APPROPRIATIONS.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed $100,000 per fiscal year for purposes of section 6(l) of the Federal Trade Commission Act (15 U.S.C. 46(l)) (as added by subsection (b) of this section), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement agencies and organizations:

(1) The International Consumer Protection and Enforcement Network.

(2) The International Competition Network.

(3) The Mexico-U.S.-Canada Health Fraud Task Force.

(4) Project Emptor.

(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.

(d) CONFORMING AMENDMENT.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking "clauses (a) and (b)" in the proviso following subsection (l) (as added by subsection (b) of this section) and inserting "subsections (a), (b), and (j)".

SEC. 5. REPRESENTATION IN FOREIGN LITIGATION.

Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

"(c) FOREIGN LITIGATION.—

"(1) COMMISSION ATTORNEYS.—With the concurrence of the Attorney General, the Commission may designate Commission attorneys to assist the Attorney General in connection with litigation in foreign courts on particular matters in which the Commission has an interest.

"(2) REIMBURSEMENT FOR FOREIGN COUNSEL.—The Commission is authorized to expend appropriated funds, upon agreement with the Attorney General, to reimburse the Attorney General for the retention of foreign counsel for litigation in foreign courts and for expenses related to litigation in foreign courts in which the Commission has an interest.

"(3) LIMITATION ON USE OF FUNDS.—Nothing in this subsection authorizes the payment of claims or judgments from any source other than the permanent and indefinite appropriation authorized by section 1304 of title 31, United States Code.

"(4) OTHER AUTHORITY.—The authority provided by this subsection is in addition to any other authority of the Commission or the Attorney General.".

SEC. 6. SHARING INFORMATION WITH FOREIGN LAW ENFORCEMENT AGENCIES.

(a) MATERIAL OBTAINED PURSUANT TO COMPULSORY PROCESS.—Section 21(b)(6) of the Federal Trade Commission Act (15 U.S.C. 57b-2(b)(6)) is amended by adding at the end "The custodian may make such material available to any foreign law enforcement agency upon the prior certification of an appropriate official of any such foreign law enforcement agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement purposes, if—

"(A) the foreign law enforcement agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

"(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

"(i) foreign laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any law administered by the Commission;

"(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

"(iii) with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government;

"(C) the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) or, in the case of a Federal credit union, the National Credit Union Administration, has given its prior approval if the materials to be provided under subparagraph (B) are requested by the foreign law enforcement agency for the purpose of investigating, or engaging in enforcement proceedings based on, possible violations of law by a bank, a savings and loan institution described in section 18(f)(3) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(3)), or a Federal credit union described in section 18(f)(4) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(4)); and

"(D) the foreign law enforcement agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

Nothing in the preceding sentence authorizes the disclosure of material obtained in connection with the administration of the Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.".

(b) INFORMATION SUPPLIED BY AND ABOUT FOREIGN SOURCES.—Section 21(f) of the Federal Trade Commission Act (15 U.S.C. 57b-2(f)) is amended to read as follows:

"(f) EXEMPTION FROM PUBLIC DISCLOSURE.—

"(1) IN GENERAL.—Any material which is received by the Commission in any investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission, and which is provided pursuant to any compulsory process under this Act or which is provided voluntarily in place of such compulsory process shall not be required to be disclosed under section 552 of title 5, United States Code, or any other provision of law, except as provided in paragraph (2)(B) of this section.

"(2) MATERIAL OBTAINED FROM A FOREIGN SOURCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

"(i) any material obtained from a foreign law enforcement agency or other foreign government agency, if the foreign law enforcement agency or other foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

"(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

"(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign law enforcement agencies or other foreign government agencies.

"(B) SAVINGS PROVISION.—Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.".

SEC. 7. CONFIDENTIALITY; DELAYED NOTICE OF PROCESS.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21 the following:

"SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF COMPULSORY PROCESS FOR CERTAIN THIRD PARTIES.

"(a) APPLICATION WITH OTHER LAWS.—The Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, shall apply with respect to the Commission, except as otherwise provided in this section.

"(b) PROCEDURES FOR DELAY OF NOTIFICATION OR PROHIBITION OF DISCLOSURE.—The procedures for delay of notification or prohibition of disclosure under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, including procedures for extensions of such delays or prohibitions, shall be available to the Commission, provided that, notwithstanding any provision therein—

"(1) a court may issue an order delaying notification or prohibiting disclosure (including extending such an order) in accordance with the procedures of section 1109 of the Right to Financial Privacy Act (12 U.S.C. 3409) (if notification would otherwise be required under that Act), or section 2705 of title 18, United States Code, (if notification would otherwise be required under chapter 121 of that title), if the presiding judge or magistrate judge finds that there is reason to believe that such notification or disclosure may cause an adverse result as defined in subsection (g) of this section; and

"(2) if notification would otherwise be required under chapter 121 of title 18, United States Code, the Commission may delay notification (including extending such a delay) upon the execution of a written certification in accordance with the procedures of section 2705 of that title if the Commission finds that there is reason to believe that notification may cause an adverse result as defined in subsection (g) of this section.

"(c) EX PARTE APPLICATION BY COMMISSION.—

"(1) IN GENERAL.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the Commission may apply ex parte to a presiding judge or magistrate judge for an order prohibiting the recipient of compulsory process issued by the Commission from disclosing to any other person the existence of the process, notwithstanding any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia. The presiding judge or magistrate judge may enter such an order granting the requested prohibition of disclosure for a period not to exceed 60 days if there is reason to believe that disclosure may cause an adverse result as defined in subsection (g). The presiding judge or magistrate judge may grant extensions of this order of up to 30 days each in accordance with this subsection, except that in no event shall the prohibition continue in force for more than a total of 9 months.

"(2) APPLICATION.—This subsection shall apply only in connection with compulsory process issued by the Commission where the recipient of such process is not a subject of the investigation or proceeding at the time such process is issued.

"(3) LIMITATION.—No order issued under this subsection shall prohibit any recipient from disclosing to a Federal agency that the recipient has received compulsory process from the Commission.

"(d) NO LIABILITY FOR FAILURE TO NOTIFY.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the recipient of compulsory process issued by the Commission under this Act shall not be liable under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, or under any contract or other legally enforceable agreement, for failure to provide notice to any person that such process has been issued or that the recipient has provided information in response to such process. The preceding sentence does not exempt any recipient from liability for—

"(1) the underlying conduct reported;

"(2) a failure to comply with the record retention requirements under section 1104(c) of the Right to Financial Privacy Act (12 U.S.C. 3404), where applicable; or

"(3) any failure to comply with any obligation the recipient may have to disclose to a Federal agency that the recipient has received compulsory process from the Commission or intends to provide or has provided information to the Commission in response to such process.

"(e) VENUE AND PROCEDURE.—

"(1) IN GENERAL.—All judicial proceedings initiated by the Commission under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), chapter 121 of title 18, United States Code, or this section may be brought in the United States District Court for the District of Columbia or any other appropriate United States District Court. All ex parte applications by the Commission under this section related to a single investigation may be brought in a single proceeding.

"(2) IN CAMERA PROCEEDINGS.—Upon application by the Commission, all judicial proceedings pursuant to this section shall be held in camera and the records thereof sealed until expiration of the period of delay or such other date as the presiding judge or magistrate judge may permit.

"(f) SECTION NOT TO APPLY TO ANTITRUST INVESTIGATIONS OR PROCEEDINGS.—This section shall not apply to an investigation or proceeding related to the administration of Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211).

"(g) ADVERSE RESULT DEFINED.—For purposes of this section the term 'adverse result' means—

"(1) endangering the life or physical safety of an individual;

"(2) flight from prosecution;

"(3) the destruction of, or tampering with, evidence;

"(4) the intimidation of potential witnesses; or

"(5) otherwise seriously jeopardizing an investigation or proceeding related to fraudulent or deceptive commercial practices or persons involved in such practices, or unduly delaying a trial related to such practices or persons involved in such practices, including, but not limited to, by—

"(A) the transfer outside the territorial limits of the United States of assets or records related to fraudulent or deceptive commercial practices or related to persons involved in such practices;

"(B) impeding the ability of the Commission to identify persons involved in fraudulent or deceptive commercial practices, or to trace the source or disposition of funds related to such practices; or

"(C) the dissipation, fraudulent transfer, or concealment of assets subject to recovery by the Commission.".

(b) CONFORMING AMENDMENT.—Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (C) by striking "or" after the semicolon;

(2) in subparagraph (D) by inserting "or" after the semicolon; and

(3) by inserting after subparagraph (D) the following:

"(E) under section 21A of this Act;".

SEC. 8. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is further amended by adding after section 21A (as added by section 7 of this Act) the following:

"SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

"(a) IN GENERAL.—

"(1) NO LIABILITY FOR PROVIDING CERTAIN MATERIAL.—An entity described in paragraphs (2) or (3) of subsection (d) that voluntarily provides material to the Commission that such entity reasonably believes is relevant to—

"(A) a possible unfair or deceptive act or practice, as defined in section 5(a) of this Act; or

"(B) assets subject to recovery by the Commission, including assets located in foreign jurisdictions;

shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material.

"(2) LIMITATIONS.—Nothing in this subsection shall be construed to exempt any such entity from liability—

"(A) for the underlying conduct reported; or

"(B) to any Federal agency for providing such material or for any failure to comply with any obligation the entity may have to notify a Federal agency prior to providing such material to the Commission.

"(b) CERTAIN FINANCIAL INSTITUTIONS.—An entity described in paragraph (1) of subsection (d) shall, in accordance with section 5318(g)(3) of title 31, United States Code, be exempt from liability for making a voluntary disclosure to the Commission of any possible violation of law or regulation, including—

"(1) a disclosure regarding assets, including assets located in foreign jurisdictions—

"(A) related to possibly fraudulent or deceptive commercial practices;

"(B) related to persons involved in such practices; or

"(C) otherwise subject to recovery by the Commission; or

"(2) a disclosure regarding suspicious chargeback rates related to possibly fraudulent or deceptive commercial practices.

"(c) CONSUMER COMPLAINTS.—Any entity described in subsection (d) that voluntarily provides consumer complaints sent to it, or information contained therein, to the Commission shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material. This subsection shall not provide any exemption from liability for the underlying conduct.

"(d) APPLICATION.—This section applies to the following entities, whether foreign or domestic:

"(1) A financial institution as defined in section 5312 of title 31, United States Code.

"(2) To the extent not included in paragraph (1), a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, money orders, or similar instruments.

"(3) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar or registry acting as such, and a provider of alternative dispute resolution services.

"(4) An Internet service provider or provider of telephone services.".

SEC. 9. STAFF EXCHANGES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by adding after section 25 the following new section:

"SEC. 25A. STAFF EXCHANGES.

"(a) IN GENERAL.—The Commission may—

"(1) retain or employ officers or employees of foreign government agencies on a temporary basis as employees of the Commission pursuant to section 2 of this Act or section 3101 or section 3109 of title 5, United States Code; and

"(2) detail officers or employees of the Commission to work on a temporary basis for appropriate foreign government agencies.

"(b) RECIPROCITY AND REIMBURSEMENT.—The staff arrangements described in subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.

"(c) STANDARDS OF CONDUCT.—A person appointed under subsection (a)(1) shall be subject to the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees that are applicable to the type of appointment.".

SEC. 10. INFORMATION SHARING WITH FINANCIAL REGULATORS.

Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended by inserting "the Federal Trade Commission," after "the Securities and Exchange Commission,".

SEC. 11. AUTHORITY TO ACCEPT REIMBURSEMENTS, GIFTS, AND VOLUNTARY AND UNCOMPENSA TED SERVICES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating section 26 as section 28; and

(2) by inserting after section 25A, as added by section 9 of this Act, the following:

"SEC. 26. REIMBURSEMENT OF EXPENSES.

"The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement agency, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.

"SEC. 27. GIFTS AND VOLUNTARY AND UNCOMPENSATED SERVICES.

"(a) IN GENERAL.—In furtherance of its functions the Commission may accept, hold, administer, and use unconditional gifts, donations, and bequests of real, personal, and other property and, notwithstanding section 1342 of 10 title 31, United States Code, accept voluntary and uncompensated services.

"(b) LIMITATIONS.—

"(1) CONFLICTS OF INTEREST.—The Commission shall establish written guidelines setting forth criteria to be used in determining whether the acceptance, holding, administration, or use of a gift, donation, or bequest pursuant to subsection (a) would reflect unfavorably upon the ability of the Commission or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

"(2) VOLUNTARY SERVICES.—A person who provides voluntary and uncompensated service under subsection (a) shall be considered a Federal employee for purposes of—

"(A) chapter 81 of title 5, United States Code, (relating to compensation for injury); and

"(B) the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees.

"(3) TORT LIABILITY OF VOLUNTEERS.—A person who provides voluntary and uncompensated service under subsection (a), while assigned to duty, shall be deemed a volunteer of a nonprofit organization or governmental entity for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.). Subsection (d) of section 4 of such Act (42 U.S.C. 14503(d)) shall not apply for purposes of any claim against such volunteer.".

SEC. 12. PRESERVATION OF EXISTING AUTHORITY.

The authority provided by this Act, and by the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), as such Acts are amended by this Act, is in addition to, and not in lieu of, any other authority vested in the Federal Trade Commission or any other officer of the United States.

SEC. 13. REPORT.

Not later than 3 years after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report describing its use of and experience with the authority granted by this Act, along with any recommendations for additional legislation. The report shall include—

(1) the number of cross-border complaints received by the Commission;

(2) identification of the foreign agencies to which the Commission has provided nonpublic investigative information under this Act;

(3) the number of times the Commission has used compulsory process on behalf of foreign law enforcement agencies pursuant to section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 4 of this Act;

(4) a list of international agreements and memoranda of understanding executed by the Commission that relate to this Act;

(5) the number of times the Commission has sought delay of notice pursuant to section 21A of the Federal Trade Commission Act, as added by section 7 of this Act, and the number of times a court has granted a delay;

(6) a description of the types of information private entities have provided voluntarily pursuant to section 21B of the Federal Trade Commission Act, as added by section 8 of this Act;

(7) a description of the results of cooperation with foreign law enforcement agencies under section 21 of the Federal Trade Commission Act (15 U.S.C. 57-2) as amended by section 6 of this Act;

(8) an analysis of whether the lack of an exemption from the disclosure requirements of section 552 of title 5, United States Code, with regard to information or material voluntarily provided relevant to possible unfair or deceptive acts or practices, has hindered the Commission in investigating or engaging in enforcement proceedings against such practices; and

(9) a description of Commission litigation brought in foreign courts.

AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and the senior Senator from New Mexico be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO MAKE APPOINTMENTS

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 361 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 361) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 361) was agreed to, as follows:

H. CON. RES. 361

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 16, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, March 28, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, March 16, 2006, Friday, March 17, 2006, or Saturday, March 18, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, March 27, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

MEASURES READ THE FIRST TIME

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time, en bloc.

The legislative clerk read as follows:

A bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

A bill (H.R. 4911) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

Mr. FRIST. I ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURING AMERICA'S BORDERS ACT—MOTION TO PROCEED

Mr. FRIST. Mr. President, I ask unanimous consent that the bill I introduced earlier today on border control be placed on the calendar. I further ask it now be in order to make a motion to proceed to the bill at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. I now move to proceed to the bill. I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

Bill Frist, Craig Thomas, John Cornyn, Johnny Isakson, Jim Bunning, Mel Martinez, Saxby Chambliss, Charles E. Grassley, Elizabeth Dole, Christopher S. Bond, Judd Gregg, Chuck Hagel, Lisa Murkowski, Richard Burr, Conrad Burns, Kay Bailey Hutchison, Mitch McConnell.

Mr. FRIST. I ask unanimous consent the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar 523, 567, 568, 569, 570, 571, 574, 580—David Kustoff, for U.S. Attorney, Western Division of Tennessee—581, 582, 583, 584, 585, 586, 587, 588, 589, 594, 597 and 598, and all the nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Paul J. McNulty, of Virginia, to be Deputy Attorney General.

DEPARTMENT OF STATE

Mark D. Wallace, of Florida, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Mark D. Wallace, of Florida, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

Richard T. Miller, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Richard T. Miller, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

OVERSEAS PRIVATE INVESTMENT CORPORATION

John A. Simon, of Maryland, to be Executive Vice President of the Overseas Private Investment Corporation.

Alexander A. Karsner, of Virginia, to be an Assistant Secretary of Energy.

DEPARTMENT OF JUSTICE

David F. Kustoff, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

John A. Clark, of Virginia, to be Director of the United States Marshals Service.

IN THE AIR FORCE

The following named officer for appointment in the Regular Air Force of the United States to the position and grade indicated under title 10, U.S.C., section 8037:

To be major general and to be the deputy judge advocate general of the United States Air Force

Brig. Gen. Charles J. Dunlap, Jr., 5759

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William H. Walker, IV, 4035

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James L. Snyder, 3847

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Joseph C. Carter, 2435

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert R. Blackman, Jr., 0141

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, US.C., section 624:

To be major general

Brigadier General Ronald S. Coleman, 3216
Brigadier General James F. Flock, 6021
Brigadier General George J. Flynn, 5536
Brigadier General Kenneth J. Glueck, Jr., 6343
Brigadier General Dennis J. Hejik, 3767
Brigadier General Carl B. Jensen, 5079
Brigadier General Mary Ann Krusa-Dossin,
Brigadier General Robert B. Neller, 0298
Brigadier General John M. Paxton, Jr., 0190
Brigadier General Edward G. Usher, III, 6626

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be brigadier general

Col. James C. Walker, 5284

IN THE NAVY

The following named officer for appointment as Deputy Judge Advocate General of the United States Navy and for appointment to the grade indicated under title 10, U.S.C., section 5149:

To be rear admiral

Capt. James W. Houck, 4314

DEPARTMENT OF COMMERCE

Robert C. Cresanti, of Texas, to be Under Secretary of Commerce for Technology.

To be admiral

Vice Adm. Thad W. Allen, 4359

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, U.S.C., Section 12203:

To be rear admiral

Rear Adm. (lh) John C. Acton, 3694

The following named officers for appointment in the United States Coast Guard to the grade indicated under Title 14, U.S.C., Section 271:

IN THE AIR FORCE

PN1208 AIR FORCE nominations (14) beginning BILLY P. CECIL II, and ending BRIAN K. WITT, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1336 AIR FORCE nomination of Thomas L. McKnight, which was received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1337 AIR FORCE nominations (4) beginning BARTLETT H. HAYES, and ending ZAIGA K. SEARS, which nominations were received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1377 AIR FORCE nomination of William M. Rogers, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1378 AIR FORCE nomination of Kevin D. Brooks, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1379 AIR FORCE nomination of Thomas L. Rempfer, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1380 AIR FORCE nomination of Stephen R. Geringer, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1381 AIR FORCE nomination of James D. Bone, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1382 AIR FORCE nominations (102) beginning CLINTON E. ABELL, and ending ANNE K. WHITIS, which nominations were received by the Senate and appeared in the Congressional Record of March 7, 2006.

IN THE ARMY

PN1338 ARMY nomination of Jack L. Kaplan, Jr., which was received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1339 ARMY nomination of Marianne E. Watson, which was received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1340 ARMY nominations (2) beginning STERLING W. HEYMEN, and ending TIMOTHY J. WOJTECKI, which nominations were received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1341 ARMY nominations (94) beginning DAVID * ABDALLA, and ending ROBURT C. * YALE, which nominations were received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1342 ARMY nominations (1686) beginning ANDRE B. ABADIE, and ending *X1444, which nominations were received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1356 ARMY nomination of Eichel C. Joseph, which was received by the Senate and appeared in the Congressional Record of February 27, 2006.

PN1357 ARMY nomination of James E. Barker, which was received by the Senate and appeared in the Congressional Record of February 27, 2006.

PN1358 ARMY nomination of Chantel Newsome, which was received by the Senate and appeared in the Congressional Record of February 27, 2006.

PN1359 ARMY nomination of Clayton D. Chilcoat, which was received by the Senate and appeared in the Congressional Record of February 27, 2006.

PN1384 ARMY nominations (35) beginning MAZEN ABBAS, and ending LANCE C. VARNEY, which nominations were received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1385 ARMY nominations (2) beginning LEE R. YOAKAM, and ending TYSON J. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1386 ARMY nomination of Christopher D. Carrier, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

IN THE COAST GUARD

PN1350 COAST GUARD nominations (207) beginning Stephanie M. Adams, and ending Alexander T. Yuille, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2006.

IN THE FOREIGN SERVICE

P1111 FOREIGN SERVICE nominations (56) beginning Lisa Chiles, and ending Michael F. Walsh, which nominations were received by the Senate and appeared in the Congressional Record of December 13, 2005.

IN THE MARINE CORPS

PN1223–1 MARINE CORPS nominations (145) beginning JOHN A. AHO, and ending DANIEL D. YOO, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1243 MARINE CORPS nominations (113) beginning JOHN D. ADAMS, and ending BRANDON W. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1257 MARINE CORPS nominations (5) beginning STEPHEN J. MCNULTY, and ending DONALD C. WAYMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1259 MARINE CORPS nominations (2) beginning CARNELL LUCKETT, and ending CARLOS D. SANABRIA, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1268 MARINE CORPS nominations (3) beginning DEAN L. JONES, and ending CHRISTOPHER A. SUTHERLAND, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1387 MARINE CORPS nomination of Christopher Ramsey, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1320 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nomination of Stephen S. Meador, which was received hy the Senate and appeared in the Congressional Record of February 10, 2006.

Mr. FRIST. Mr. President, I did mention No. 580, David Kustoff, judicial nomination, as I mentioned, for U.S. Attorney for the Western Division of Tennessee, a colleague and a friend. I wish to congratulate him.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, MARCH 27, 2006

Mr. FRIST. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 361 until 1 p.m. on Monday, March 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved and the Senate then resume consideration of S. 2349, the lobbying reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, after 4 full days of floor consideration and 36 rollcall votes, today the Senate passed the budget resolution. I congratulate, once again, Chairman GREGG and Senator CONRAD on moving this legislation to passage.

When we return from the recess, we will have a vote at 5:30 p.m. on Monday, March 27. I expect that vote to be in relation to the lobbying reform bill. We will work to finish that bill as quickly as possible.

Just a few moments ago, I filed cloture on the motion to proceed to the border security bill. We expect to have that cloture vote on Tuesday morning, unless an agreement is reached.

ADJOURNMENT UNTIL MONDAY, MARCH 27, 2006, AT 1 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 361.

There being no objection, the Senate, at 10:04 p.m., adjourned until March 27, 2006, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, March 16, 2006:

DEPARTMENT OF STATE

MARK D. WALLACE, OF FLORIDA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

MARK D. WALLACE, OF FLORIDA, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

RICHARD T. MILLER, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

RICHARD T. MILLER, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

OVERSEAS PRIVATE INVESTMENT CORPORATION

JOHN A. SIMON, OF MARYLAND, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

DEPARTMENT OF ENERGY

ALEXANDER A. KARSNER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY EFFICIENCY AND RENEWABLE ENERGY).

DEPARTMENT OF COMMERCE

ROBERT C. CRESANTI, OF TEXAS, TO BE UNDER SECRETARY OF COMMERCE FOR TECHNOLOGY.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U. S. C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN C. ACTON

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

PAUL J. MCNULTY, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL.

THE JUDICIARY

JACK ZOUHARY, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

STEPHEN G. LARSON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

DEPARTMENT OF JUSTICE

DAVID F. KUSTOFF, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

JOHN F. CLARK, OF VIRGINIA, TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE POSITION AND GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be major general and to be the deputy judge advocate general of the United States Air Force

BRIG. GEN. CHARLES J. DUNLAP, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM H. WALKER IV

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES L. SNYDER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOSEPH C. CARTER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT R. BLACKMAN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL RONALD S. COLEMAN
BRIGADIER GENERAL JAMES F. FLOCK
BRIGADIER GENERAL GEORGE J. FLYNN
BRIGADIER GENERAL KENNETH J. GLUECK, JR.
BRIGADIER GENERAL DENNIS J. HEJLIK
BRIGADIER GENERAL CARL B. JENSEN
BRIGADIER GENERAL MARY ANN KRUSA-DOSSIN
BRIGADIER GENERAL ROBERT B. NELLER
BRIGADIER GENERAL JOHN M. PAXTON, JR.
BRIGADIER GENERAL EDWARD G. USHER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be brigadier general

COL. JAMES C. WALKER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. JAMES W. HOUCK

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) JODY A. BRECKENRIDGE
REAR ADM. (LH) ARTHUR E. BROOKS
REAR ADM. (LH) JOHN E. CROWLEY
REAR ADM. (LH) RICHARD R. HOUCK
REAR ADM. (LH) RICHARD R. KELLY
REAR ADM. (LH) DAVID P. PEKOSKE
REAR ADM. (LH) FRED M. ROSA
REAR ADM. (LH) TIMOTHY S. SULLIVAN

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH BILLY P. CECIL II AND ENDING WITH BRIAN K. WITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

AIR FORCE NOMINATION OF THOMAS L. MCKNIGHT TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH BARTLETT H. HAYES AND ENDING WITH ZAIGA K. SEARS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 17, 2006.

AIR FORCE NOMINATION OF WILLIAM M. ROGERS TO BE COLONEL.

AIR FORCE NOMINATION OF KEVIN D. BROOKS TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF THOMAS L. REMPFER TO BE MAJOR.

AIR FORCE NOMINATION OF STEPHEN R. GERINGER TO BE MAJOR.

AIR FORCE NOMINATION OF JAMES D. BONE TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH CLINTON E. ABELL AND ENDING WITH ANNE K. WHITIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 7, 2006.

IN THE ARMY

ARMY NOMINATION OF JACK L. KAPLAN, JR. TO BE COLONEL.

ARMY NOMINATION OF MARIANNE E. WATSON TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH STERLING W. HEYMEN AND ENDING WITH TIMOTHY J. WOJTECKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 17, 2006.

ARMY NOMINATIONS BEGINNING WITH DAVID ABDALLA AND ENDING WITH ROBURT C. YALE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 17, 2006.

ARMY NOMINATIONS BEGINNING WITH ANDRE B. ABADIE AND ENDING WITH X1444, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 17, 2006.

ARMY NOMINATION OF EICHEL C. JOSEPH TO BE COLONEL.

ARMY NOMINATION OF JAMES E. BARKER TO BE MAJOR.

ARMY NOMINATION OF CHANTEL NEWSOME TO BE MAJOR.

ARMY NOMINATION OF CLAYTON D. CHILCOAT TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MAZEN ABBAS AND ENDING WITH LANCE C. VARNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 7, 2006.

ARMY NOMINATIONS BEGINNING WITH LEE R. YOAKAM AND ENDING WITH TYSON J. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 7, 2006.

ARMY NOMINATION OF CHRISTOPHER D. CARRIER TO BE MAJOR.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH STEPHANIE M. ADAMS AND ENDING WITH ALEXANDER T. YUILLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2006.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH LISA CHILES AND ENDING WITH MICHAEL F. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 13, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN A. AHO AND ENDING WITH DANIEL D. YOO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN D. ADAMS AND ENDING WITH BRANDON W. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH STEPHEN J. MCNULTY AND ENDING WITH DONALD C. WAYMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH CARNELL LUCKETT AND ENDING WITH CARLOS D. SANABRIA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH DEAN L. JONES AND ENDING WITH CHRISTOPHER A. SUTHERLAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATION OF CHRISTOPHER RAMSEY TO BE MAJOR.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATION OF STEPHEN S. MEADOR TO BE LIEUTENANT.

EXTENSIONS OF REMARKS

COMMENDING CABRINA GOMEZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. PORTER. Mr. Speaker, I rise today to acknowledge the achievements of an outstanding young woman, Cabrina Gomez, and for her work with the Arthritis Foundation and Walk for A Cure.

As a young woman, Cabrina was always active in cheerleading and dance, however, late in the summer of 2003, she began to experience severe pain in her legs, arms, and hand muscles. In January 2004, doctors diagnosed Cabrina with chronic inflammatory demylating polyneuropathy (CIDP). This nerve disorder enlarges the spinal column, which prevents brain signals from controlling muscles. Cabrina stopped cheerleading and dance classes due to the onset of CIDP. About 1 in 300,000 children are diagnosed with this disease.

Cabrina fights this disease through several treatments including steroids and plasma phorenthis. However, these treatments do not have long-term results. Throughout her treatments, Cabrina continues to have a positive attitude, and she uses this disease to raise money for the Arthritis Foundation and Walk for A Cure.

Mr. Speaker, I appreciate the opportunity to recognize and honor Cabrina Gomez in front of my colleagues on the floor of the House of Representatives today.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. DAVIS of California. Mr. Speaker, during roll call vote No. 40 to order the previous question on H. Res. 725, I was on a leave of absence due to illness. Had I been present, I would have voted "nay."

A TRIBUTE TO DR. KATHLEEN CASHIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Dr. Kathleen Cashin, a distinguished member of the Brooklyn community.

Dr. Kathleen Cashin's career as an educator commenced more than 30 years ago. She was a teacher, staff developer, reading consultant, and program manager in the New York City public schools. Her expertise in school leadership and her compassion for staff and children enabled her to successfully lead P.S. 193, The Oil Hodges School, as principal, for 16 years.

As Superintendent of Community School District 23, Dr. Cashin continued her commitment to children. Her ability to lead supervisors, foster professional growth, and engage parents and the community was reflected in the educational resurgence of the District 23 community.

Presently, as Regional Superintendent of Region 5, Dr. Cashin continues to create an environment that offers growth opportunities for students and their families. She is committed to fostering professional growth on the part of all staff, as well as engaging parents and community leaders in all components of the educational program.

Dr. Cashin's educational background includes a Bachelor of Science Degree in Education from Brentwood College, a Master of Science degree in Education from Brooklyn College, and a Professional Diploma and Doctorate from Fordham University.

Outside of school, Dr. Cashin leads an active life. She is an athlete who enjoys jogging, swimming, and skiing. Possessing boundless energy, Dr. Kathleen Cashin has dedicated herself to educating children and ensuring that every child receives an equal opportunity to develop into a contributing member of society.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Dr. Kathleen Cashin, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Dr. Kathleen Cashin's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

Mr. Speaker, please join our community in honoring Dr. Kathleen Cashin for her dedication and outstanding service to our community.

CONGRATULATING OWEN GRAY AND BIG O'S SEAFOOD GRILL FOR RECEIVING THE 2005 RESTAURANT NEIGHBOR AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. Owen Gray, owner of Big O's Seafood Grill in Gulf Shores, Alabama, on the occasion of receiving the National Restaurant Association's 2005 Restaurant Neighbor Award.

Owen is a vital member of the Gulf Shores community. Following the devastation of Hurricane Ivan in 2004, Owen's restaurant, Big O's Seafood Grill, was one of the few restaurants in the area capable of continuing business. Over a two-week period, Owen, with the help of his manager, sister and fiancé, was able to provide more than 25,000 meals to relief workers. Working on just a generator with no power, gas, or water, he fed the relief workers, including state troopers and the National Guard, three meals a day! Owen, his employees, and volunteers worked 12- to 14-hour days providing these meals. Soon other restaurants that were too damaged to serve at their locations brought over food for Big O's to serve.

The National Restaurant Association's Restaurant Neighbor Award was designed to raise awareness of charitable giving like Owen's and honor restaurateurs from across the country for outstanding community service.

Mr. Speaker, I would like to offer my congratulations, as well, to Owen Gray and Big O's Seafood Grill for receiving the National Restaurant Association's 2005 Restaurant Neighbor Award. I know his family, his many friends, his employees, and especially his loyal customers join with me in praising his accomplishments and good deeds.

TRIBUTE TO JUDGE ARTHUR K. WEINSTEIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Judge Arthur K. Weinstein on the occasion of his retirement. Judge Weinstein is being honored by his colleagues, family and friends for his lifelong commitment to public service.

After graduating from Boston University, Arthur's mother encouraged him to "do something for the world." Inspired by her words, he joined the Peace Corps. He was assigned to a small, remote village in Malawi, Africa where he helped build a clinic for infants which is still in use today. Although he had to extend his stay an additional year to complete the project, he never wavered. The clinic has helped save the lives of hundreds of thousands of children.

In 1969, not wanting to veer from his personal mission, Arthur moved to California to attend UCLA and earn a masters degree in public health. He then served as a senior health educator for the county of Los Angeles. During these years he married, raised a family and attended evening law school classes. His strong interest in public service led him to become a defense attorney for the State Compensation and Insurance Fund and a certified specialist in Workers Compensation Law.

Arthur Weinstein was appointed a Workers Compensation judge nearly 5 years ago, achieving a long sought after goal. He has earned a stellar reputation and the respect of his peers. Judge Weinstein is married to Dina and they have three grown children and six grandchildren.

I ask my colleagues to join me in saluting an outstanding member of the community, Judge Arthur Weinstein.

PAYING TRIBUTE TO LORI ANN FOUTZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Lori Ann Foutz who is the recipient of the 2006 Nevada Young Mother of the Year Award.

Lori graduated from Brigham Young University in 1989 with a bachelor's degree in art education and a minor in health. She and her husband, Tracy Foutz, moved to Henderson in 1990 where he has worked for Clark County and the city of Henderson as a city planner. They have four children: Lance Tracy, Travis Lee, Jaclyn Beth, and Victoria Jo.

Lori has been a weekly classroom volunteer in her children's classes for the past 12 years, specializing in fun Halloween parties, campaign manager for her kid's student council elections and homecoming floats. She has served as chairman for the PTA Reflections Art contest for 10-year-olds.

Lance and Travis have achieved their Eagle Scout award, run cross-country and played volleyball in high school. All four children have participated in soccer and basketball, and the girls attend dance classes.

Lori is very active in the LDS Church and has served as president of the Young Women's Organization and is currently the president of the women's auxiliary, the Relief Society. She is responsible for more than 150 women, seeing to their temporal and spiritual needs.

Mr. Speaker, it is an honor to recognize Lori Ann Foutz today. She is a fine example of motherhood and I commend her for her service to the State of Nevada.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 41 on H. Res. 725, providing for consideration of H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "nay."

A TRIBUTE TO CLAUDETTE ELLIOT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Claudette Elliot, a distinguished member of the Brooklyn community.

Claudette Elliot is a quiet maverick and community trailblazer. Born in Trinidad West Indies, Claudette and her family emigrated to the United States of America in the mid-1960s where she pursued her dream of higher education. A staunch advocate of education, Claudette obtained an associate degree in business administration at Kingsborough Community College, a bachelor's degree in business management at Long Island University and a professional diploma in paralegal studies at Baruch College. During her 30 plus years of employment, Claudette worked in both the private and public sector. Presently, she is employed by the New York City Housing Authority where she tirelessly serves the residents of the Brownsville community.

Her socially conscious political work has brought her into contact with a number of organizations that have greatly benefited from her talents. Claudette is committed to public service in the East New York community and has served in various capacities. Claudette volunteers her service as the financial secretary to the Van Siclen Block Association that she incorporated. Also, she initiated and organized several fundraisers to achieve the goals for the block association residents and homeowners. As the treasurer of East New York Concerned Citizens, Inc., Claudette has spearheaded and coordinated various social events, which benefited the residents and seniors of the East New York community. In addition, she served as a committee member of the Beaux Arts Ball 2005 in memory of Ossie Davis.

Mr. Speaker, Claudette Elliot is a dedicated person who tirelessly serves our community and because of her devotion we bestow this honor upon her.

Mr. Speaker, please join our community in honoring Claudette Elliot for her dedication and outstanding service to our community.

HONORING TRINITY BAPTIST CHURCH ON THE OCCASION OF ITS 100TH YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BONNER. Mr. Speaker, today I rise to pay tribute to Trinity Baptist Church on the occasion of its 100th year.

Trinity Baptist Church has been a vital partner to the town of Wilmer, Alabama. The church was founded in 1906, and for a century, this congregation has been worshipping God and serving the people of south Alabama.

The congregation of Trinity Baptist Church has used its resources and opportunities to provide hope, comfort, instruction, and inspiration to so many in south Alabama.

It is my sincere hope that Trinity Baptist Church will continue to be such a source of inspiration, hope, and comfort to the people of Wilmer for another 100 years, and I rise today to salute this congregation and the many contributions they have made toward the spiritual enrichment of the community and the betterment of south Alabama.

IN CELEBRATION OF THE CITY OF CUDAHY'S 100TH ANNIVERSARY

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, It is an honor to rise today in celebration of the 100th anniversary of the City of Cudahy, a community that I am proud to serve as part of the Fourth Congressional District. Happy 100th Birthday, Cudahy!

Cudahy occupies a beautiful stretch of land that lies along the south shore of Lake Michigan. Settled on former Potawatomi tribal grounds, the City of Cudahy was incorporated in 1906, having emerged in the wake of Patrick Cudahy's decision to establish the Cudahy Brothers meatpacking plant there. Throughout the 20th century, the City of Cudahy contributed significantly to the development of the area's strong manufacturing economy, serving as home to a number of prominent local companies.

Cudahy's hallmark is its strong sense of community, a testament to the values and work ethic of the immigrant families who served as its backbone. Cudahy's slogan, Generations of Pride, conveys the sense of connection people feel to their hometown, and it is easy to see why. Early city planners ensured that generations of residents would have access to beautiful public parks, and preserved the shoreline for public use. From its earliest days, Cudahy fostered a spirit of volunteerism and public involvement that is very much alive and well today. Modern-day community efforts—including the expansion of the local library, strong support for Cudahy Interfaith and Project Concern, and participation in a wide range of civic organizations—pay tribute to the actions of city founders who dedicated themselves to public service.

With the decline of manufacturing, Cudahy is now focused on redevelopment and identifying new engines for growth. Local leaders have proposed exciting projects and the community is engaging in vigorous debate. I am confident that city residents will continue to draw on their laudable history, carrying on the legacy of the generations that built this community. I am delighted to recognize the City of Cudahy on this occasion, to congratulate its founders and residents on their many accomplishments, and to offer my best wishes for the future.

THE OUTSOURCING OF AMERICA AND AMERICAN NATIONAL SECURITY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today in staunch opposition to the outsourcing of American national security. In the current climate, our national security must be paramount and we have an obligation to our constituents to make every effort to protect our homeland. As the Bush Administration recently learned, outsourcing the operations of our ports is a dangerous path and poses serious security concerns and grave implications for the safety of our Nation. Fortunately, the proposed sale of American seaports to Dubai Ports World, the government-owned company based in the United Arab Emirates, appears to have been stopped. But we must remain vigilant to prevent this potentially dangerous outsourcing of America.

The haphazard attitude towards American security policy that was on display in the Dubai Ports debacle, takes America backwards in our fight with terrorists. In a post 9/11 world, handing over management and daily operations to a country that funneled money to the 9/11 hijackers, served as a transfer point of nuclear components to Iran, Libya, and North Korea, and continues to participate in the boycott against Israel, is unwise at best.

In the last few weeks, I received hundreds of emails, letters, and phone calls from extremely alarmed and angry constituents about this transaction. As I meet people all across my district, they are asking, "Is American security for sale?"

It is clear to me that the Administration only gave the Dubai Ports deal a cursory look before approving it in January. We should institute a mandatory review of all foreign transactions that could impact national security, requiring the President to notify Congress; and ensuring that Congress has a role in vetting the proposed foreign takeover. The CFIUS review process is in need of major reform, especially if they intend to take America down this spiraling path.

This controversy also brings to the forefront the enormous concerns that surround port security in our country. Even after 9/11, only six percent of containers entering our ports are screened, and the Administration has failed to develop container security standards. The President's 2007 Budget eliminates port security grants and there are still no minimum security standards for containers entering the United States. Seventy-five percent of our ports do not even have the capacity to screen containers for weapons of mass destruction. We must build a comprehensive port security system that closes these loopholes and strengthens safeguards.

But it should come as no surprise that America has begun to outsource our national security, since we continue to promote policies that encourage businesses to ship jobs overseas. Outsourcing comes with substantial costs to the American public and is reflected in our record trade deficit of 725 billion dollars in 2005.

Hundreds of thousands of American jobs continue to be shipped overseas. From accountants and computer programmers to factory personnel, American workers are losing their jobs because companies are outsourcing their production so they can hire low-wage workers abroad and not have to follow meaningful labor laws or environmental protections.

Manufacturing has been particularly hard hit. My district has lost thousands and thousands of manufacturing jobs, and the losses continue. These are good-paying jobs that have built the middle class in our country, the middle class which is the backbone of America. Some say that these job losses are insignificant because these are old industries that should be allowed to disappear in America. I could not disagree more. We must act now to help manufacturers keep jobs in this country. When these jobs are lost, not only do families suffer, but our national security suffers because we lose the ability to manufacture goods that are critical to the defense of our country.

Today, many companies that ship jobs to other countries receive federal tax breaks. This means that the current tax code actually encourages companies to move their production centers out of the U.S. to cut costs. We must end these tax breaks and instead cut taxes for companies that keep American jobs here in the U.S. These cuts will encourage companies to maintain factories and preserve jobs here, and give them the capital they need to grow and fuel our economy.

Mr. Speaker, first it was manufacturing, then high tech, and now our security that is being sold to the highest bidder. We cannot allow this to continue. We must protect America's families by defending our national security and preserving and growing American jobs. America must not be sold out.

PAYING TRIBUTE TO LAURIE RICHARDSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. PORTER. Mr. Speaker. I rise today to honor Laurie Richardson, who is the recipient of the 2006 Nevada Mother of the Year Award.

At an early age, Laurie found that she had a gift for advocating for children. After marrying her sweetheart Sullivan Richardson, Laurie opened her heart and home to abused and neglected children as a foster parent, of which she adopted four. She also gave birth to three children of her own.

Active in church programs, Laurie helped her children develop talents in music and sports, and encouraged their community involvement while serving as a Girl Scout and Cub Scout leader, leading to her son earning his Eagle Scout Award. She has organized several mother support groups, volunteered for PTA, and led many service opportunities.

While raising special-needs children, Laurie helped communities and schools recognize the unique needs of children with academic, social, and emotional problems. For twenty-nine years, Laurie has voluntarily advocated for children within school districts, taught parenting classes and represented abused children in court.

Mr. Speaker, it is an honor to recognize Laurie Richardson on the floor of the House today. She is an outstanding example to all parents and I commend her for her service to the communities and children of Nevada.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. DAVIS of California. Mr. Chairman, during rollcall vote No. 43 on the Gilchrest amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "no."

A TRIBUTE TO MARY ANN HAWTHORNE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Mary Ann Hawthorne, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Born, raised and entirely educated in the state of New York, Mary Ann Hawthorne has found a unique way to give back to her state's education system. Ms. Hawthorne earned her Bachelors in Education from Bernard Baruch College in New York City in 1972. During her first two years as a teacher, Ms. Hawthorne simultaneously worked her way through Graduate school and earned a Masters in Business Education from Long Island University. Four years later, Ms. Hawthorne received her Professional Diploma and Masters of Science in Administration and Supervision of Education.

Deeply committed to the education of New York's youth, Ms. Hawthorne worked as a teacher, an Assistant Principal, and a Principal. Today, Ms. Hawthorne is the Community Superintendent for District 11, as well as Local Instructional Superintendent for Region 2. Ms. Hawthorne has acted as a wonderful role model to children and fellow educators alike.

Ms. Hawthorne's achievements in education are endless. In September 2001, Ms. Hawthorne was selected by the National Association of Secondary School Principals to serve as an Assessor for new principals. In January 2003, President Bush and Secretary of Education Rod Paige honored Ms. Hawthorne at The White House upon her selection as one of the top eight principals in the United States.

Mr. Speaker, Mary Ann Hawthorne's is a product of the New York education system and a true inspiration to the community around her. She continues to work to improve education in New York and for that I ask that we recognize and give thanks to Mary Ann Hawthorne for her wonderful contribution to our community.

Mr. Speaker, Mary Ann Hawthorne selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

Mr. Speaker, please join our community in honoring Mary Ann Hawthorne for her dedication and outstanding service to our community.

LETTER TO THE EDITOR AS OFFERED BY TERRY C. PLAUCH OF MOBILE, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BONNER. Mr. Speaker, last week one of my constituents, Terry C. Plauch, submitted a letter to the Mobile Register offering a theory regarding Vice President Cheney's recent hunting accident.

Conspiracy theories are not new to Washington, D.C. From the conspiracies surrounding the assassinations of both Presidents Lincoln and Kennedy, to the Watergate break-in, almost every event in this town elicits its own conspiracy theory. Today, I rise to ask that this letter be entered into the CONGRESSIONAL RECORD in its entirety for I believe Terry Plauch may be on to something:

Some facts on the Cheney conspiracy:

I have been fascinated with the conspiracy theories about the recent Dick Cheney hunting incident. Although I thought most of them foolish, I decided to find out if any were valid.

After careful research, I have discovered some interesting facts the media either didn't learn or were too scared to report. It turns out these facts prove that conspiracy was involved in the Texas story.

The first fact relates to the prey involved. I found that the birds being hunted, quail and pheasant, have strong political histories. It is no coincidence "quail" just happens to sound like the name of the first Bush vice president, Dan Quayle. And what was one of the main topics the media criticized Bush/Quayle about? They were deaf to the poor, the downtrodden. In other words, the peasants.

It is no coincidence that "peasant" sounds like "pheasant." In fact, the words are only one "h" away from each other. And what is the difference between President George W. Bush and his father, George H.W. Bush? It is a single "h," although capitalized. A happenstance? I think not.

Another interesting fact is that Cheney used a 20-gauge shotgun instead of the more common 12-gauge. So what? It is no coincidence that the difference between the two gauges is eight, the number of years Bush and Cheney will be in office. A happenstance? I think not.

I have therefore concluded from my research that the shooting was self-defense. Here's what happened: Cheney's intelligence brief stated that birds fly as their primary means of transportation. Knowing that they had to fly to get to the ranch where the hunt was scheduled, Mr. Cheney concluded that the birds flew to the ranch. Now, "flew" sounds like "flu." That's right, the deadly Asian bird flu.

The vice president, former head of Halliburton, knew that if the birds recognized him, they would attack, trying to get revenge for their name sounding like Dan Quayle's. He would then be infected. So when he saw the birds, the self-preservation reflex took over, I and he started shooting anything that flew his way. His lawyer friend, however, started shooting the birds just for a meal. And in his hunger, he stepped into Cheney's arc of fire and became the victim. So Cheney protected himself, and his friend missed lunch.

In conclusion, I must mention the fact that Dick Cheney ran Halliburton. It is no coincidence that the two people the company was named for, Halle Berry and Richard Burton, have ties to the vice president.

Halle Berry played Catwoman in the movies. Cats, as you know, are sworn enemies of birds, both quail and pheasant.

And Richard Burton was married to Elizabeth Taylor. So what? Well, Vice President Dick Cheney happens to be the only person of his generation in the United States who has not been married to Elizabeth Taylor.

A happenstance? I think not.

TERRY C. PLAUCH.

RECOGNIZING THE LAKE OSWEGO HIGH SCHOOL BOYS' BASKETBALL TEAM AS OREGON 4A STATE CHAMPIONS

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Ms. HOOLEY. Mr. Speaker, I am honored to recognize the Lake Oswego High School boys' basketball team as Oregon State 4A champions. Capping a storybook season, the Lakers brought home the state title for the first time ever.

The Lakers started strong this season, and never let up. They won 26 games to only 3 losses and were ranked No. 2 going into the championship game on Saturday, where they faced off against the No.1 South Medford Panthers. Like every good championship game, this one came down to the final seconds with Lake Oswego winning 59–57.

This successful season for the Lakers was more than just the sum of their skill and talent. The team and coaches played all year with heart, desire, and the confidence that they could win it all. Congratulations to Coach Mark Shoff, the players, their families and friends, and the community who cheered them on throughout the season. I am proud to represent this team and its supporters in Congress, and will close with this:

Go Lakers!

HONORING DICK KAY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to recognize the long and distinguished career of my friend, Mr. Dick Kay, political editor, and host of the news show "City Desk." Mr. Kay wil retire in June, 2006, with the honor of having been the longest-serving reporter in the history of Chicago's WMAQ–Channel 5 TV.

With 46 years in the business, Dick Kay has unparalleled political experience, knowledge and perspective. He arrived at WMAQ–Channel 5 in 1968, initially working as a writer/producer but soon switching to reporting. He later became their political editor as well as the host of "City Desk," the Sunday morning public service program.

Over the years, Dick Kay has interviewed mayors, governors, Congressmen, Senators, and countless other public leaders. Viewers have come to rely on his thoughtful yet fearless approach to covering politics and public policy.

Dick Kay's hard work and insightful reporting have been recognized by numerous awards over the years. Among others, Dick has received a Peabody Award—the highest honor in TV broadcasting—as well as 11 Emmys, a National Headliner award, and a Jacob Scher award for investigative reporting. In 2001, he was inducted into the Television Academy's Silver Circle Hall of Fame, which honors those who have made major contributions to Chicago broadcasting for 25 years or more.

In addition to his work as a reporter and editor, Dick was the long-time president of the local unit of the American Federation of Television and Radio Artists. In this capacity, Dick successfully persuaded Illinois legislators to ensure that on-air employees had the freedom to move to competing stations.

I am sure Dick's wife, children and grandchildren will be glad to enjoy more time with him. The rest of us will miss his hard-hitting investigative work, insightful commentary, and engaging Sunday morning discussions.

Mr. Speaker, I wish Dick and his family the best of luck during his retirement and throughout his future endeavors. Political reporting in Chicago will not be the same without Dick Kay, dean of Chicago political reporters.

PAYING TRIBUTE TO JAY W. JEFFERS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Jay W. Jeffers for his career as a teacher. Jay will be honored next week on Tuesday, March 21, at the dedication of Jay W. Jeffers Elementary School, which is named in his honor.

Born in Milford, UT, on May 7, 1921, he grew up along the railroad, the son of a locomotive engineer. In 1939, he graduated from Milford High School where he participated in extracurricular activities such as the yearbook, newsletter, band, chorus, orchestra, and debate team. In 1939, Jay was accepted to the University of Utah. He worked part-time for the Bamberger/Utah Central Railroad, completing office work and loading cars, and as a stone mason helper, building flagstone fireplaces and barbeque pits. Before finishing his degree, Jay served a mission for the LDS Church in the Texas-Louisiana Mission, for 2 years. After returning, he went back to the University of Utah and graduated in 1946 with a teaching degree and a major in geology. The following year, Jay moved to Las Vegas and accepted a position as a seventh and eighth grade science teacher at the Fifth Street School for $2,600 per year. In December 1948, he married June Mac Farlane. The couple has 3 sons, 2 daughters, 18 grandchildren and 9 great-grandchildren.

With the desire to further his own education, Jay entered a master's program at the University of Utah, and continued to teach full-time. At this time, he helped consolidate 13 individual school districts into the Clark County School District. In 1953, He received his master's degree in administration from the University of Utah and in the same year, he was appointed principal at the Washington School in North Las Vegas. Also in that year, he became one of four original instructors at UNLV, teaching geology and geography part-time, from 1953 to 1971.

The new Twin Lakes elementary School opened in 1955 with Jay as principal. The seventh and eighth grades were still in the elementary schools so Jay developed and implemented new programs for those grades by departmentalizing subjects and instituting interschool athletic competitions. With Jay's support, the district's first elementary string music program was held there. In 1964, at a time when large numbers of Hispanic pupils were moving to Las Vegas Jay became principal of John S. Park Elementary School. He helped establish the "English as a Second Language" program with a philosophy that students needed to develop and maintain proficiency in basic reading and writing skills, along with learning to speak English. His final assignment was principal at Lincoln Elementary School in North Las Vegas. After 30 years of teaching, Jay retired in September of 1977. In addition to his contributions in education, Jay was a cofounder of the Clark County Teachers Federal Credit Union, now Silver State Schools Credit Union. He also worked with the Boy Scouts of America for 23 years.

Mr. Speaker, I am honored to recognize Jay W. Jeffers. His career and life have been dedicated to the education of youth of Clark County. Thousands of current and former residents of Clark County cite his influence as a factor in their success in life. I thank him for his service.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 42 on the motion to suspend the rules and agree to H. Con. Res. 190, I was on a leave of absence due to illness. Had I been present, I would have voted "yea."

A TRIBUTE TO MARY HARVELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Mary Harvell.

Mary Harvell is a pillar in our community who has tirelessly served on our behalf for many years. She was born in the small town of Glenville, Georgia. She is the seventeenth child out of eighteen born to Wilbert and Leressie Brown. As a young girl, Mary dreamed about migrating to New York City. Fortunately, she got her wish and relocated to the "Big Apple" as a young child. She attended public schools in Bedford-Stuyvesant and went on to attend Midwood High School and Brooklyn College where she majored in Sociology.

While studying at Brooklyn College she met and later married Charlie Harvell. From their illustrious union three beautiful children were produced. Today, she is a happy grandmother of five. Mary is also committed and deeply connected to her spiritual family, including her brother, the Bishop Harry Brown of Brunswick, Georgia. She is a member of the New Jerusalem Holy Church of Brooklyn, New York, where the Pastor Lester Charles Smith presides. Mary is very active in her church and has served in various capacities including the Book Ministry, as a Bible Study teacher, and as a member of the Hospitality Committee. Likewise, she also volunteers at the Annual Church Health Fair, which serves the East New York community and assists with the Church Food Pantry, which feeds the community spiritually and physically.

Mary strongly believes that our seniors are the pillars of the community and visits several senior citizen homes and also assists with the transportation of seniors at her church. Additionally, this busy lady volunteers for Assemblyman Darryl Towns. What is so amazing is that Mary makes the time to volunteer all while being employed at Interfaith Medical Center in Brooklyn, New York. At Interfaith, she serves as the Secretary in the Purchasing Department where she processes orders from sales representatives, prepares the Purchasing Department payroll, and oversees the ordering of office supplies for the entire medical center. Mary has worked at Interfaith for 34 years, which affords her the opportunity to fulfill her personal mission: "If I can help somebody, then my living will not be in vain."

Mr. Speaker, Mary Harvell has helped many people and we duly note that hers is a life well lived and that we appreciate all that she does for our community. She has consistently demonstrated a level of commitment to our community that makes her most worthy of our recognition today.

HONORING BOBBY CLARK FOR HIS EFFORTS TO HELP THE VICTIMS OF HURRICANE KATRINA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BONNER. Mr. Speaker, there are many heroes who have worked countless hours to help victims of hurricanes recover. Mr. Bobby Clark is one of these heroes.

Bobby, along with his wife Lori and children, Danielle, Joe, and Jack, have a history of helping hurricane victims along the Gulf Coast. Following Hurricane Ivan in 2004, Bobby cleared roads of fallen trees, removed trees from his neighbors' homes or from driveways, and delivered supplies and food to victims.

Following Hurricane Katrina, Bobby along with his business partner Pat Achee traveled to Gulfport, Mississippi, to deliver supplies and check on family and friends. Soon after their arrival in Gulfport, they learned St. James Baptist Church was feeding about 300 people a day and sheltering dozens in its sanctuary. The two raised money to provide a generator for the sanctuary, and they also filled an 18–wheeler with food and supplies donated by the city of Fairhope.

Bobby's work at the church led him to meet Cleavon and Corrine Robinson, an elderly couple without home insurance. The couple's home was almost completely destroyed by a fallen tree. Bobby met with Bob Chatham of Chatham Home Planning, who drew up a house plan for Mr. and Mrs. Robinson.

Bobby then organized volunteers from the community to build the Robinson's new home in seven days. He developed a schedule and had volunteers working from dawn to dark, and the 864 square-foot house was actually completed in 6½ days!

This was the beginning of the nonprofit "We Care" of Baldwin County, whose mission is to repair or rebuild homes for people in need. The goal for 2006 is to build 15 homes. The residents and businesses throughout Mobile and Baldwin counties have also responded to Bobby's call, donating everything from the building supplies, to the furniture, to the landscaping, and even the lighting.

Mr. Speaker, I proudly ask you and my colleagues to join me in honoring Bobby Clark for his selfless commitment to helping his community and inspiring others to do the same. His story serves as an inspiration not only to those of us who live across the Gulf Coast but also to people across the country. We need more people like Bobby Clark in this world—a true hero to those most in need.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. ANDREWS. Mr. Speaker, I regret that I missed five votes on March 15, 2006. I stayed in New Jersey to be with a family member who was undergoing surgery. Had I been present, I would have voted no on Ordering the Previous Question (with regard to H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes); no on H. Res. 725 (the rule providing for consideration of H.R. 4939); yes on H. Con. Res. 190 (Expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards); no on the Gilchrest Amendment (which strikes language in the H.R. 4939 that would block the Dubai Port World deal); and yes on H.R. 4944 (To amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes).

HONORING WESLEY JON NYKAMP UPON HIS RETIREMENT FROM THE 20TH CIRCUIT COURT OF MICHIGAN

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor Judge Wesley J. Nykamp upon his retirement from the 20th Circuit Court of Michigan.

The Honorable Wesley J. Nykamp is worthy of recognition for his many years of dedicated public service to the people of Ottawa County as a judge and county prosecutor.

Judge Nykamp was awarded the Scholarship Key of the Delta Theta Phi Law Fraternity for Excellence in Scholarship in 1967 while attaining his law degree from Wayne State University Law School

He joined the Ottawa County Prosecutor's Office as Chief Assistant Prosecutor on January 1, 1975, and was elected to serve as judge in 1990. He oversaw the remodeling of the circuit court and the establishment of the Family Court during his tenure, and as Chief Judge of the Circuit Court he designated himself to serve as one of the Family Court judges.

Judge Nykamp is well-respected and held in the highest regard among those in the Michigan court system. His interest in the people of Ottawa County and in upholding justice in the legal system is a trait to be admired. He will be missed in the courtroom.

Mr. Speaker, please let it be known that on this 16th day of March in 2006, that the U.S. House of Representatives acknowledges the contributions and achievements of Judge Nykamp and wishes him well upon his retirement.

PAYING TRIBUTE TO JO SIMPSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Jo Simpson for 30 years of public service, who will retire on March 31 after 9 years in Nevada.

Jo began working for the Federal Government in 1976, as a public affairs specialist in the Washington headquarters public affairs offices for the U.S. Marshals Service and the U.S. Army Corps of Engineers. In 1994, she moved to the Bureau of Land Management, first working as public affairs officer for the California Desert District. There she distinguished herself as a dedicated public servant and exceptional citizen. In August of 1997, Jo served as the BLM's Chief for the Office of Communications in Nevada. In this role, Jo not only assured that key information was made readily available to the public regarding their public lands but more importantly, she served as the catalyst for assuring that public land stakeholders had a voice in how their public lands were managed.

Jo has been instrumental in directing the work of the BLM's three Resource Advisory Councils in Nevada. These councils are made up of 45 individuals representing the diverse interest of public land stakeholders from throughout the state. This amount of citizen involvement set the tone for improved working relationship between Federal land management agencies and all Nevadans. She appeared numerous times before local county commissions and the State of Nevada's legislative Council on Public Lands to apprise them of public land proposals and to solicit their vital input. This is extremely important in a state where 87 percent of the land base is managed by the Federal Government.

Jo and her staff helped members of the Nevada Congressional Delegation and local governments during the development of precedent-setting land bills and her assistance proved extremely beneficial in gaining the support of key officials within the Department of the Interior for legislative initiatives affecting public lands in Nevada.

In the course of performing her duties, Jo earned the respect of countless people, for her integrity and sincerity. Her deeds represent what is good, righteous, and admirable in public service. For that, the state of Nevada is grateful for her exemplary service.

Mr. Speaker, I am honored to recognize Jo Simpson on the floor of the House today. I thank her for her service and wish her well in retirement.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. DAVIS of California. Mr. Speaker, during roll call Vote No. 44 on H.R. 4944, I was on a leave of absence due to illness. Had I been present, I would have voted "yea."

A TRIBUTE TO AUDREY MARIE BAKER JACKSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Audrey Marie Baker Jackson, a distinguished member of the Brooklyn community. I am honored to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Audrey Marie Baker Jackson was born and raised in Brooklyn, New York, as one of twin daughters of Marie and Henry Baker. Ms. Baker Jackson is a distinguished product of the New York City public school system. Upon graduation from Eastern District High School, Ms. Baker Jackson won a National Defense Foreign Language Fellowship in Chinese to study at Columbia University. Proving her vast knowledge of foreign languages, Ms. Baker Jackson graduated with a Bachelors of Arts in linguistics and a minor in Chinese from Queens College (CUNY). She also earned a Masters in Science in Educational Administration and Supervision from Pace University. While at Pace, Ms. Baker Jackson was recommended and accepted to Phi Delta Kappa.

Upon graduation, Ms. Baker Jackson became a Special Education teacher and worked in various administration capacities in District 75 (Special Education). In 1999, she joined District 8, located in the Bronx, as Director of Pupil Personnel. Ultimately, Ms. Baker Jackson was named principal of the School for Theater, Arts, and Research (STAR) Academy in Hunts Point.

Ms. Baker Jackson retired in 2003, but has remained an advocate for the education of children and assists parents in obtaining resources and services for their children. Since retirement, Ms. Baker Jackson has worked as an adjunct professor at City College (CUNY) teaching an introductory Special Education graduate course. She is also creating a consulting company that will assist educational publishing companies in their evaluation of education software and Web-based learning materials.

Audrey Baker Jackson has been a loyal and devoted patron of our community. She has worked diligently to improve special education resources. Her passionate and sensitive character deserves our thanks and for that I ask that we applaud Ms. Baker Jackson's outstanding achievements in our community.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Audrey Baker Jackson, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Audrey Baker Jackson's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

Mr. Speaker, please join our community in honoring Audrey Baker Jackson for her dedication and outstanding service to our community.

PROTECTING IMPACT AID FOR NORTH SUBURBAN SCHOOLS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. KIRK. Mr. Speaker, today I am introducing a bill to ensure the federal government fulfills an important obligation to the families of servicemen and women in my district. In 1950, Congress established the Impact Aid program to assist school districts and communities that lose their property tax base because of the presence of the federal government. Though the program was fully-funded between 1950 and 1969, funding levels in more recent years have not kept pace with the amount required. I am happy that my Illinois Senators are introducing a companion bill to the same effect.

Due to a unique housing situation for the Great Lakes Naval Training Facility, Impact Aid funding should be higher in five of my school districts. This Naval base is located in North Chicago, one of the poorest school districts in my state. However, some service members and their families live in housing the Navy obtained when Ft. Sheridan and Naval Air Station Glenview, located well away from North Chicago, were closed in the 1990's. These former bases are located within the boundaries of other school districts—districts that bear the economic cost of educating children from a base, but receive none of the economic benefits a base provides. Thus, it is vitally important that we both ensure North Chicago continues to receive heavily impacted payments for the benefit of students living there, and that the surrounding communities are more fairly compensated for their loss of property taxes.

Mr. Speaker, we cannot abdicate our responsibility towards our military families. I have already introduced a bill this Congress, H.R. 390, the Government Reservation Accelerated Development for Education Act (GRADE–A), to fully fund the Impact Aid program. However, the situation in my district warrants special attention. In order to ensure that our students most in need continue to receive necessary resources, I have introduced a new bill to help North Chicago remain qualified for heavily impacted payments, and Glenview and Highland Park receive fair compensation.

By passing this bill, the federal government will be fulfilling its responsibility to these communities, and giving our military families the support they deserve. I urge the local communities to continue to work to come to an agreement that most importantly, takes care of our students .

TRIBUTE TO MINNESOTA NATIONAL GUARD'S 1ST BRIGADE COMBAT TEAM

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. KENNEDY of Minnesota. Mr. Speaker, I express today my strong support and appreciation for the 2,600 soldiers of the Minnesota National Guard's 1st Brigade Combat team as they prepare to depart Camp Shelby, Mississippi for Iraq.

As the 1st Brigade heads overseas for their 12 month deployment, we will remember not just their service and sacrifice, but also that each and every one of these soldiers has a family who is also sacrificing for their country's security in the War on Terror.

Today these soldiers and their families are showing us their commitment to their Nation's security and safety.

Let us make sure we show them ours by giving them the tools and support they need to do their jobs and return home quickly and safely.

As these brave soldiers depart over St. Patricks day, may all our prayers and the luck of the Irish be with them. May they come home safely.

HONORING MS. KATHY ALJOE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor the service and commitment of Ms. Kathy Aljoe of Flower Mound, Texas. Ms, Aljoe's zealous and passionate spirit towards community service warrants recognition. Recently, she retired as the town's longest-tenured employee after 31 years of service.

Kathy Aljoe started working for the City of Flower Mound on July 16, 1975 as an administrative assistant to the town manager. When Ms. Aljoe started working for Flower Mound, she was one of only seven town employees—Flower Mound only had 1,600 residents, The town now has grown to 62,000 residents, and Kathy has had her hand in many parts of the development throughout her career, in particular with the planning services division. Ms. Aljoe's work has been so influential, that the Town of Flower Mound has announced February 24th as Kathy Aljoe Day.

Mr. Speaker, it is with great honor that I stand here today to recognize Ms. Kathy Aljoe, who has dedicated her career to her community. Ms. Aljoe's admirable commitment to the Town of Flower Mound is greatly appreciated. I am honored to represent her in Congress, and I hope that others will follow in her steps of service to their community.

TENNESSEE CONGRESSIONAL DELEGATION LETTERS TO ATTORNEY GENERAL ALBERTO GONZALES

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. COOPER. Mr. Speaker, I would like to insert into the RECORD letters that the entire Tennessee Congressional Delegation recently sent to Alberto Gonzales, Attorney General of the United States and Michael O. Leavitt, Secretary of the Department of Health and Human Services. These letters discuss the case of Cookeville v. Thompson and Section 5002 of the Deficit Reduction Act of 2005. The U.S. District Court decision in this case awarded 15 Tennessee hospitals up to $100 million in Medicare Disproportionate Share Hospital payments.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 10, 2006.

Hon. ALBERTO GONZALES,
Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL GONZALES: We are writing to express our deep concern regarding the recent Motion filed by the Department of Health and Human Services (HHS) to alter the judgment in the case of Cookeville v. Thompson based on Section 5002 of the Deficit Reduction Act of 2005 (DRA). As you will recall, the U.S. District Court decision in this case awarded 15 Tennessee hospitals up to $100 million in Medicare Disproportionate Share Hospital (DSH) payments.

The U.S. District Court's ruling, which is now being challenged, was based on its rejection of the Centers for Medicare and Medicaid Services (CMS) DSH policy as a violation of the Medicare statute. In CMS' 2000 policy statement announcing the inclusion of certain expansion population individuals in the DSH formula, CMS stated that these individuals would only be included in the DSH calculation prospectively. Hospitals challenged the prospective nature of the policy and were awarded compensation for patients treated prior to 2000.

At the recommendation of CMS, Congress included a provision in the DRA ratifying the 2000 policy and its prospective application. Tennessee hospitals expressed concern that court decisions directing CMS to pay retroactively could be appealed with the new law. During the reconciliation process, however, CMS continually assured Congressional staff verbally, and by electronic communication, that hospitals which had been successful in litigation would still receive payment. CMS asserted that the new provision would not affect decided cases and would only be applied prospectively.

In its Motion, however, HHS cites the DRA as support for the reversal of the Cookeville decision. There is no mention that the regulation should only apply prospectively. In fact, HHS' position suggests that recalculation of the DSH formula should not have been required. Congress intended that this provision would only be used prospectively. Thus, hospitals that had been successful in litigation prior to passage of the DRA would still receive payment. Considering the argument made by HHS rests upon the DRA, and that it was our understanding that this provision would not be used to appeal decided cases, we request further explanation of what we believe to be a serious miscommunication by CMS.

Thank you for your time and attention. We look forward to your prompt response.

Sincerely,

William H. Frist, M.D., Majority Leader, United States Senate, Zach Wamp, John Duncan, Jr., Jim Cooper, Marsha Blackburn, Harold Ford, Lamar Alexander, William L. Jenkins, Lincoln Davis, Bart Gordon, John Tanner, *Members of Congress.*

CONGRESS OF THE UNITED STATES,
Washington, DC, March 10, 2006.

Hon. MICHAEL O. LEAVITT,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY LEAVITT: We are writing to express our deep concern regarding the recent Motion filed by the Department of Health and Human Services (HHS) to alter the judgment in the case of Cookeville v. Thompson based on Section 5002 of the Deficit Reduction Act of 2005 (DRA). As you will recall, the U.S. District Court decision in this case awarded 15 Tennessee hospitals up to $100 million in Medicare Disproportionate Share Hospital (DSH) payments.

The U.S. District Court's ruling, which is now being challenged, was based on its rejection of the Centers for Medicare and Medicaid Services (CMS) DSH policy as a violation of the Medicare statute. In CMS' 2000 policy statement announcing the inclusion of certain expansion population individuals in the DSH formula, CMS stated that these individuals would only be included in the DSH calculation prospectively. Hospitals challenged the prospective nature of the policy and were awarded compensation for patients treated prior to 2000.

At the recommendation of CMS, Congress included a provision in the DRA ratifying the 2000 policy and its prospective application. Tennessee hospitals expressed concern that court decisions directing CMS to pay retroactively could be appealed with the new law. During the reconciliation process, however, CMS continually assured Congressional staff verbally, and by electronic communication, that hospitals which had been successful in litigation would still receive payment. CMS asserted that the new provision would not affect decided cases and would only be applied prospectively.

In its Motion, however, HHS cites the DRA as support for the reversal of the Cookeville decision. There is no mention that the regulation should only apply prospectively. In fact, HHS' position suggests that recalculation of the DSH formula should not have been required. Congress intended that this provision would only be used prospectively. Thus, hospitals that had been successful in litigation prior to passage of the DRA would still receive payment. Considering the argument made by HHS rests upon the DRA, and that it was our understanding that this provision would not be used to appeal decided cases, we request further explanation of what we believe to be a serious miscommunication by CMS.

Thank you for your time and attention. We look forward to your prompt response.

William H. Frist, M.D., Majority Leader, Zach Wamp, John J. Duncan, Jr., Jim Cooper, Marsha Blackburn, Harold Ford, Lamar Alexander, William L. Jenkins, Lincoln Davis, Bart Gordon, John Tanner, *Members of Congress.*

A TRIBUTE TO MARIA JOHNSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Maria Johnson, a member of the Brooklyn community and a distinguished member of the healthcare profession.

Mrs. Johnson has been a professional registered nurse for 15 years, working in various areas of nursing, such as oncology, medical-surgical nursing, visiting nursing and intensive care, and for the past 10 years, as a public health school nurse in the department of Health and Mental Hygiene Office of School Health. Her passion is geared to helping and impacting people.

Mrs. Johnson is currently a supervising nurse for the Office of School Health in District 23 and 19 in Brownsville and East New York, Brooklyn. She supervises a staff of 35, consisting of nurses, public health advisors and assistants. Her goal is to provide optimal health services to children especially in underserviced areas. She is passionate about providing public health teaching to the school health community, and making a difference by upholding the standards of service. Her commitment to encouraging and empowering people to become more knowledgeable about public health services helps public health professionals develop organizational systems that work well in providing care to students. She keeps her staff focused and enthusiastic so that they not only see their very difficult role as the school nurse, advisor or assistant as just a profession, but as a purpose by which they are driven. Two years ago, she inspired her staff to create a Secret Santa for various needy children in the community.

Mrs. Johnson is a graduate of Long Island University with a Baccalaureate degree in nursing. She was the first nurse to be nominated as employee of the month in the Department of Health.

Mrs. Johnson attributes her success first to God and a strong foundation from her parents, and the support from her husband and children. She is an active member of her church where she and her husband provide lay biblical counseling for pre-marital couples. She enjoys reading, dancing, craft projects and decorating.

An important question she often asks herself is, what I have done today to affect others and make a difference. Her famous motto is "Keep a smile on your face and let your spirit shine through," which is often placed on her staff's schedule.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Maria Johnson, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Maria Johnson's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

TRIBUTE TO RACHEL CORRIE

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Ms. McKINNEY. Mr. Speaker, today is the third anniversary of the murder of Rachel Corrie, an American who was crushed to death by Israel's American-manufactured Caterpillar bulldozers. Rachel was protesting the Israeli Army's illegal bulldozing of Palestinian homes in the Gaza Strip. The Corrie family has filed suit against Caterpillar, charging it with knowingly selling machines used to violate human rights.

From the Rachel Corrie website I found a link to these lyrics by Ten Foot Pole entitled, "Rachel Corrie."

"RACHEL CORRIE"

You heard of Rachel Corrie?
The press won't tell her story
Caught between a house and bulldozer
She found out that Israel
Hates gardens and it will kill
Americans who help rebuild the Gaza Strip.

Let's pretend that everything will be OK
It's not our fault let's look the other way
And go to films or dance lessons or baseball games at night
and trust elected leaders to choose right

I hurt for Rachel's father
To bury his young daughter
And her belief in human goodness
He taught her to fight violence
Now all that's left is silence
And the memory of her dignity
Let's pretend . . .
Rachel I hope you find justice or even a
garden where anyone can grow some food in peace
No guns, no need to fight. No poor, no black no white,
Heaven, you deserve a break from misery

Thanks to Maarten Joostens (hiprock_cafe@hotmail.com) for these lyrics.

FREEDOM FOR ALBERT SANTIAGO DU BOUCHET HERNÁNDEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Albert Santiago Du Bouchet Hernández, a political prisoner in totalitarian Cuba.

Mr. Du Bouchet Hernández is the director of the independent Havana Press Agency. His peaceful, pro-democracy activities and truthful articles have helped the world to learn the facts about the nightmare that is the Castro regime. Unfortunately, those who believe in truth are targeted by the tyrant's machinery of repression.

The Committee to Protect Journalists (CPJ) reports that Mr. Du Bouchet Hernández was harassed and threatened because he insisted on reporting and covering the historic congress of the Assembly to Promote Civil Society (APSC). The CPJ also reports that Castro's thugs ordered him to appear at a police station on the opening day of the APSC meeting. Mr. Du Bouchet Hernández bravely disobeyed their command, and reported on the momentous events that occurred at the historic congress.

In retaliation for telling the world the truth about the nightmare that is the Castro regime, Mr. Du Bouchet Hernández was arrested on August 6th and, in a sham trial 3 days later, sentenced to 1 year in the totalitarian gulag. As the 2005 edition of the U.S. Department of State's Country Reports on Human Rights Practices states, "Prison conditions continue to be harsh and life threatening." According to CPJ, Mr. Du Bouchet Hernández has suffered severe headaches and progressive loss of his vision since his arrest in August 2004.

Mr. Du Bouchet Hernández is a brilliant example of the heroism of the Cuban people. Despite incessant repression, harassment, incarceration and abuse, he remains committed to the belief that freedom of the press and democracy are inalienable rights of the Cuban people. It is a crime against humanity that Castro's totalitarian gulags are full of men and women, like Mr. Du Bouchet Hernández, who represent the best of the Cuban nation.

Mr. Speaker, it is morally repugnant that, in the 21st Century, men and women are still locked in the dungeons of dictators because of their beliefs in freedom and human rights. It is as inconceivable as it is unacceptable that, while the world stands by in silence and acquiescence, independent journalists who write the truth about totalitarian regimes are systematically tortured. My Colleagues, we must demand the immediate and unconditional release of Albert Santiago DuBouchet Hernández and every political prisoner in totalitarian Cuba.

CONGRATULATING LONG'S DRUG STORE ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. DUNCAN. Mr. Speaker, I rise today to recognize a long-standing institution in my district that has been serving the people of Knoxville, Tennessee for 50 years. On March 27, 2006, Long's Drug Store will mark its Silver Anniversary.

Determined to provide friendly, prompt service to the Knoxville community, Dr. Clarence Long opened Long's Drug Store on March 21, 1956. It was the first drug store to serve West Knoxville and was included in the first shopping center in Knoxville. Long's is a landmark that has remained at its Kingston Pike location since its opening.

Along with Dr. Long, several members of the Peck family joined the staff in the late 1950s and early 1960s. After the passing of Dr. Long in 1966, the Peck family took over the business and continues to maintain it today.

Today, Long's Drug Store offers the community the same welcoming service it did when it opened its doors 50 years ago, despite advances in technology. Long's continues to fill prescriptions and provide free home delivery service to its customers.

While commonly paired many decades ago, soda fountains in drug stores are a rare find these days. Long's Drug Store has the distinction of having the only old-time soda fountain in the City of Knoxville. This soda fountain provides relief during hot East Tennessee summers with its delicious Coke floats and chocolate malts. It is one of the most popular and memorable sections of the store.

Always at near capacity with loyal customers, both young and old, Long's provides a welcoming meeting place to enjoy a fountain drink or congregate with neighbors over breakfast or lunch.

Long's Drug Store provides its customers and the citizens of Knoxville with caring, personal service. Generations of customers continue to come to Long's for their pharmacy needs as well as a place to meet friends. I'm sure that Dr. Long would be delighted by the staying power of his business and its commitment to tradition.

Mr. Speaker, in closing, I would like to commend Long's Drug Store for its service to the people of Knoxville, and ask my colleagues to join me in congratulating them on this anniversary and wishing them the best for the next 50 years.

TRIBUTE TO DELTA COMPANY, 113 AVIATION, OREGON NATIONAL GUARD

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to the citizen soldiers of Delta Company, 113 Aviation, Oregon National Guard on the occasion of their return home tomorrow from a 14-month deployment to Afghanistan in support of Operation Enduring Freedom. Commanded by Captain David Doran, the 92 Soldiers of this heavy lift helicopter company operating CH47D Chinooks proved to be one of the most effective and versatile aviation companies in the Army's Total Force Structure.

The "Mustangs" of Delta 113 were alerted in June 2004 and assembled from cities and towns throughout Oregon, including: Athena, Baker City, Beaverton, Bend, Boardman, Clackamas, Corvallis, Echo, Eugene, Fairview, Haines, Helix, Hermiston, La Grande, LaPine, Lyons, McMinnville, Merrill, Milton-Freewater, Ontario, Pendleton, Pilot Rock, Portland, Prineville, Redmond, Roseburg, The Dalles, Umatilla, Union, and Vale.

By late February 2005, the aircrews were fully trained, loaded up, and ready for deployment into the theater of operations. In March 2005, Delta 113 arrived in Kandahar, Afghanistan. Within the first 20 days, the maintainers had the aircraft ready to fly, aircrews were oriented on the mission and environment, refuelers had moved out beyond Kandahar to Forward Operating Bases, and Delta 113 had assumed the mission.

They immediately integrated with Task Force Griffin (12 Aviation Brigade) and in 3 weeks, the Mustangs had conducted a thorough relief-in-place of the outgoing Heavy Lift Helicopter Company and were conducting all heavy lift operations in southern and western Afghanistan. Their missions included: Combat Service support and Air Assault support for units of the 25th Infantry Division and 173rd Airborne as well as the 7th Special Forces; downed aircraft recovery; and transporting VIPs, including Secretary of Defense Donald Rumsfeld. These missions were all accomplished while flying their standard re-supply missions, moving more than 95 percent of personnel and equipment throughout southern Afghanistan. The Mustangs were responsible for airlifting 11 million pounds of supplies and equipment and 45,000 troops. In addition they carried troops directly into contact with the enemy, executing over 100 deliberate operations with the 173rd Airborne and 3rd and 7th Special Forces Groups.

Delta 113 was critical to the success of Operation Catania in June of 2005. This 4-day operation resulted in the death or capture of over 150 Anti-Coalition Militants, marking it as one of the largest single engagements of Operation Enduring Freedom to date. During this fighting, four CH47Ds were damaged by enemy fire and two were forced to make emergency landings. All four were recovered and repaired by "Mustang" Downed Aircraft Recovery Teams (DART) on the same day and returned to service within 24 hours.

In September 2005, the Mustangs lost a crew of 5 and an aircraft to an enemy RPG during Operation Hazurbus. The fallen soldiers included Sgt. Tane Baum and Warrent Officer Adrian Stump, both of Pendleton. The Company quickly rallied and continued to execute assigned missions. This ability to remain focused during a time of extreme tragedy is the hallmark of this unit's greatness and an example of their commitment to duty and dedication to mission accomplishment.

In addition to their taxing in support of Operation Enduring Freedom missions, the Mustangs deployed 2 aircraft, aircrews, and support personnel to Islamabad, Pakistan, to conduct humanitarian aid missions in October 2005. They were on site for 1 month and during that time moved over 750,000 pounds of supplies, evacuated 750 casualties, and transported 650 aid workers.

Executing deliberate combat operations to sustain all ongoing combat and combat support missions throughout the country, the Mustangs of Delta 113 gained the reputation throughout CJTF–76 as a highly dependable, professional organization able to execute a wide range of aviation missions.

Mr. Speaker, due to the versatility of the CH47D Chinook Helicopter and the expertise and skill of "Mustang" aircrews, the combat units they transported were able to pursue and eliminate hundreds of Taliban and Al-Qaeda fighters in the region. By penetrating deep into the heart of the Taliban's stronghold, the Mustangs of Delta 113 were instrumental to the success of the ground forces in denying Anti-Coalition Militants respite and sanctuary in Afghanistan.

I take great pride in the sacrifice and outstanding performance of all of Oregon's patriots who serve our nation at home and abroad, and am particularly looking forward to joining the friends and families of Delta 113 in Pendleton on this weekend to officially welcome them back to our great state.

TRIBUTE TO DUANE B. HAGADONE

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. OTTER. Mr. Speaker, I rise today to draw the attention of the House to an entrepreneur and philanthropist from my district whose initiative and vision are an inspiration to all Idahoans.

Duane B. Hagadone began his modest career selling newspaper subscriptions. With hard work and passion Duane worked his way up to editor, then owner of that newspaper. Much later he founded one of the most successful diversified publishing and hospitality businesses in Idaho history, the Hagadone Corporation.

On December 9, 2004, this lifelong resident of Coeur d'Alene, Idaho, was inducted into the Horatio Alger Association, an organization that honors those who have overcome adversity and modest beginnings to achieve success. He now serves on that association's board of directors, and through determination and leadership has provided countless scholarships for underprivileged high school seniors.

Duane B. Hagadone was inducted into the Idaho Hall of Fame, and was named Most Influential North Idaho Citizen for the past 5 years for his many contributions to the welfare of Idaho and its citizens.

Duane B. Hagadone shines as a leader in the field of business and public works. He has given back endlessly to the State of Idaho and embodies a sense of civic virtue that makes him one of our state's greatest advocates and most valuable assets. I hope the House will join me in acknowledging Duane B. Hagadone's many contributions to Idaho, and his continuing example to us all.

TRIBUTE TO ST. CASIMIR'S CATHOLIC WAR VETERANS POST #652

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to congratulate St. Casimir's Catholic War Veterans Post #652 on the occasion of its 60th anniversary.

The Catholic War Veterans of the United States of America, Inc., (CWV), was founded in 1935 with the National headquarters located in Alexandria, Virginia. CWV joined other organized groups that were formed to guard the rights and privileges of veterans and included the protection of all our freedoms. Service programs help those who are sick and disabled and care for our hospitalized veterans.

St. Casimir's Post #652 Inc., Chapter of Philadelphia, Department of Pennsylvania, of the Catholic War Veterans of the United States of America, was established on the 2nd of April, 1946. The home post is located at 1524 South 2nd Street, Philadelphia, Pennsylvania.

In 1984, the Catholic War Veterans of the United States of America, Inc., was Congressionally Chartered and its Service Officers were accredited to the Department of Veterans Affairs. They are authorized to represent veterans and advance their claims to the Department of Veterans Affairs.

To quote the Post's constitution, it was established "to promote faith, hope, and charity with prudence, justice, fortitude, and to enjoy the blessings of liberty, to sustain domestic tranquility, and to develop peace and good will."

St. Casimir's extends help to veterans in hospitals and assists their families with any hardships; has honor guards at funerals of deceased veterans; and helps family members with red tape regarding burial arrangements. The Post also holds benefits to help veterans and their families who are in need.

I ask that you and my distinguished colleagues join me in honoring St. Casimir's Catholic War Veterans Post #652 for their 60 years of service and dedicated commitment towards our war veterans.

TRIBUTE TO KADE HINKHOUSE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. MUSGRAVE. Mr. Speaker, today I rise to honor a true American hero, Lance Corporal Kade Hinkhouse. Lance Corporal Hinkhouse is a United States Marine from the 1st Marine Division, 3rd Battalion, 7th Marine Regiment based out of Twenty-Nine Palms, California. Kade is from Burlington, Colorado.

At a young age, Kade was impacted by the devastating terrorist attacks that occurred on September 11, 2001. Because of his pride in our country and determination to protect America's values, Kade signed up for the Marine Corp just prior to graduating from high school.

Last year, LCpl. Hinkhouse was sent to the Middle East to serve in Operation Iraqi Freedom. On October 9, 2005, LCpl. Hinkhouse was severely injured while on his mission at Ar Ramadi, Iraq. After being stationed there for only one month, he and 12 others traveling in a small convoy were hit on the right side with an improvised explosive device. Kade's vehicle was in the middle. The explosion killed the Marine sitting next to him, and 4 other soldiers were injured.

LCpl. Hinkhouse sustained the worst of the injuries including a traumatic brain injury, shrapnel in his shoulder, an open leg wound, and two collapsed lungs. He and the other 4 injured Marines were taken to the Baghdad hospital, where the medical staff stabilized Kade and amputated his right leg at the knee. The next day, Kade was flown to a military hospital in Germany.

His head trauma was very severe because of severe bruising and swelling. The doctors had to remove a portion of the right side of his skull to alleviate the swelling around Kade's brain. He stayed in Germany until Thursday, October 13, 2005, and then he was flown to Bethesda, Maryland. LCpl. Hinkhouse is now at Walter Reed Hospital receiving therapy and recovering.

Mr. Speaker, we are so fortunate to live in a country served by Marines like LCpl. Hinkhouse; I am grateful for the courage of our servicemen and women. We can maintain the blessings of our freedoms only because we have citizens like Kade who are willing to defend them.

I am proud to honor Kade for his courage and sacrifice on behalf of all Americans. I applaud Kade for his courage and selfless dedication to duty. Lance Corporal Kade Hinkhouse is the embodiment of the values that makes America the great Nation it is today.

IN HONOR AND RECOGNITION OF IRA ALBERT "SONNY" BEACH

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TIAHRT. Mr. Speaker, I rise today in honor and memory of the late Ira Albert Beach of Arkansas City Kansas, who passed away on February 3rd 2006.

Ira, known as "Sonny" to his friends, was a model American. Sonny was born without legs and with a deformed right arm. He spent the first years of his life in the Children's Hospital in Wichita, KS. After graduating from Winfield High School, he went on to junior college. At age 10, Sonny learned to drive a tractor with mechanical aides on his father's farm. Despite his disability, Sonny insisted on contributing to society with his work and his charitable ways.

Sonny paid his way through junior college by hauling five gallon milk cans around his neighborhood. After college he married and had four children. His motto was, "If man made it, man could fix it." Sonny made a living insulating homes, doing construction work, operating heavy equipment and backhoes, and picking up dead animals from farmers all over Oklahoma and Kansas and delivering them to rendering companies. Eventually Sonny sought out a position at General Electric. After a 36 year career, he retired from GE as a jet engine inspector. Sonny also served as an accountant for an oilman in eastern Kansas. At one time Sonny owned and operated a garbage collection business. Sonny was well known as a generous man who had a positive attitude towards life.

Although Sonny was born disabled, he insisted that he was not handicapped. He refused to park in handicap parking, and insisted on never accepting any form of government benefit available to the handicapped or unemployed. Despite hardships Sonny Beach was able to overcome obstacles, work in numerous careers, and raise four beautiful children who survive him today.

HONORING THE LIFE AND CAREER OF JACK B. McCONNELL, MD

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. WILSON of South Carolina. Mr. Speaker, the American Medical Association has established a new honor, the Jack B McConnell, MD, Award for Excellence in Volunteerism, which recognizes the work of a senior physician who provides treatment to U.S. patients who lack access to health care. After a full career of practice, this physician remains dedicated to the future of medicine through the spirit of volunteerism.

Jack B. McConnell, MD, is a distinguished physician and scientist who served as Corporate Director of Advanced Technology at

Johnson & Johnson. Widely acknowledged for his medical contributions, he directed the development of the TB Tine Test used in the detection of tuberculosis, participated in the early stages of the development of the Polio Vaccine, supervised the discovery of Tylenol, was instrumental in developing the technology for MRI's and helped write the enabling legislation to map the genome.

Dr. McConnell saved his greatest achievement for retirement: the creation of Volunteers in Medicine. His visionary concept—using retired medical personnel to volunteer their time and talents in a network of free community clinics for the working uninsured—coupled with his enthusiasm and determination has enabled the VIM program to grow to over 40 clinics in less than a decade. The initial VIM clinic was opened on Hilton Head, SC and continues to serve with over 20,000 patient visits in 2005.

Today, I am honored to recognize the tremendous life and career of Dr. McConnell. His service has benefited so many citizens throughout the Second District of South Carolina.

TRIBUTE TO THE 150TH ANNIVERSARY OF NEWBERRY COLLEGE

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. SPRATT. Mr. Speaker, I am honored to recognize the 150th anniversary of Newberry College, which is in my 5th Congressional District of South Carolina.

In celebrating this milestone, I am pleased to join the State of South Carolina, the City of Newberry, Newberry College, and the Newberry College Alumni Association. I want to pay special tribute to the Association's international symposium, planned for April 2006, which recognizes the life and work of the college's founder, the Rev. Dr. John Bachman, by presenting the following joint proclamation to the U.S. House of Representatives.

A JOINT PROCLAMATION FOR JOHN BACHMAN MONTH

Whereas, at an early age in New York State the future Dr. Bachman showed strong interest in studies of natural history and religion, particularly the works of Martin Luther; and

Whereas, the esteemed Dr. Bachman traveled south in January 1815 from his birthplace to Charleston, South Carolina to become pastor of St. John's Lutheran Church; and

Whereas, Dr. Bachman served St. John's faithfully and honorably as her beloved pastor for an amazing and productive fifty-six years, during which time he became a true pillar of the Charleston community; and

Whereas, contrary to civil statutes and community standards of the time, Dr. Bachman educated Charleston slaves and freemen of African descent and baptized hundreds, perhaps thousands, into membership at St. John's during his tenure; and

Whereas, Dr. Bachman helped form and served twice as President of the South Carolina Lutheran Synod, from 1824 to 1833 and again from 1839 to 1840; and

Whereas, Dr. Bachman, as Synod President, took action that led to establishment in 1831 of a school to train Lutheran ministers, now known as the Lutheran Theological Southern Seminary of Columbia, South Carolina; and

Whereas, Dr. Bachman had a keen interest in natural history of the South Carolina Low Country and discovered or described many birds and mammals previously unknown to science; and

Whereas, Dr. Bachman was a seminal and active member of the "Circle of Naturalists," whose work in various natural history fields made antebellum Charleston a scientific center equal in importance to such cities as Philadelphia, Boston, and New York; and,

Whereas, Dr. Bachman frequently published letters and short articles about his natural history observations in local and regional publications (including the South Carolina Medical Journal), and gave public lectures on these topics to audiences of both learned and lay people; and

Whereas, Dr. Bachman hosted John James Audubon in 1831 when the famous bird artist visited Charleston, thereby beginning a lifelong friendship and professional collaboration; and

Whereas, Dr. Bachman was instrumental in founding the South Carolina State Horticultural Society in 1833; and

Whereas, various scientists have seen fit to recognize Dr. Bachman's natural history contributions by naming three North American birds, two mammals, and one butterfly in his honor, including Bachman's Warbler (Vermivora bachmanii), Bachman's Sparrow (Aimophila aestivalis bachmani), Bachman's (now Black) Oystercatcher (Haematopus bachmani), Bachman's Brush Rabbit (Sylvilagus bachmanii), Bachman's Fox squirrel (Sciurus niger bachmani), and the Snout Butterfly (Libytheana bachmanii); and

Whereas, Dr. Bachman encouraged African-American members of St. John's Lutheran Church to enter the ministry, nurturing nationally known clergymen such as Jehu Jones (first African-American Lutheran minister ordained in North America), Boston Jenkins Drayton (missionary to Liberia and eventual Chief Justice of the Liberian Supreme Court), and Daniel Alexander Payne (sixth bishop of the African Methodist Episcopal Church); and

Whereas, Dr. Bachman served on the Board of Trustees of the College of Charleston from 1834 until 1848; and

Whereas, Dr. Bachman in 1838 sailed for England and Europe, where he was greeted as a scientist of renown and awarded an honorary doctorate from the University of Berlin; and

Whereas, in 1840 Dr. Bachman and John James Audubon began work on The Viviparous Quadrupeds of North America, an illustrated folio on mammals equal in importance, quality, and artistic grandeur to Audubon's earlier Birds of North America; and

Whereas, Dr. Bachman wrote the entire descriptive text of the Quadrupeds and, in collaboration with Audubon's sons, brought the work to publication in folio and quarto formats beginning in 1845; and

Whereas, Dr. Bachman through his marriage to Harriett Martin, produced many sons and daughters (two of the latter eventually marrying two sons of John James Audubon), and creating a lineage that continues through many accomplished American families; and

Whereas, Dr. Bachman was elected to a three-year term as Vice President of the Charleston Library Society in 1845; and

Whereas, in 1848 Dr. Bachman began a five-year teaching position as Professor of Natural History at the College of Charleston; and

Whereas, Dr. Bachman published numerous important natural history papers including Two Letters on Hybridity (1850), Notice of the Types of Mankind by Nott and Gliddon (1854), and Examination of Professor Agassiz's Sketch of the Natural Provinces of the Animal World (1855); and

Whereas, in 1851 Dr. Bachman journeyed to the National Capital in Washington, meeting with President Millard Fillmore to lobby for federal action that in a time of political unrest would mollify the Southern states and preserve the Union; and

Whereas, in 1853 Dr. Bachman published A Defense of Luther and the Reformation in which he countered on-going Charleston-area attacks on Protestantism; and

Whereas, Dr. Bachman was instrumental in founding in December 1856 the Lutheran-based Newberry College, an extant liberal arts institution at Newberry, South Carolina; and

Whereas, Dr. Bachman served as first president of the Newberry College Board of Trustees beginning in January 1857, and during his tenure took many actions at the College to assure the high quality of secular and religious education that has continued for 150 years; and

Whereas, Dr. Bachman became co-editor of Southern Lutheran magazine in 1860; and

Whereas, Dr. Bachman, although a Unionist, led the opening prayer for guidance at Institute Hall in Charleston as the State of South Carolina met on 20 December 1860 to discuss whether to vote for secession, after which he withdrew from political activities and devoted his energies to ministering the sick and needy; and

Whereas, Dr. Bachman survived and continued his good work and scholarship despite a beating by Union soldiers that permanently paralyzed his arm; and

Whereas, in 1864 Dr. Bachman published Characteristics of Genera and Species, as Applicable to the Doctrine of Unity in the Human Race, in which he argued from a scientific perspective that all humans (including slave and master) were the same species—a radical, controversial, visionary, and correct pronouncement that took great courage on his part, particularly amid the turmoil of the Civil War; and

Whereas, Dr. Bachman was a true renaissance man devoted to his church and to his God, to science and natural history, to his community and country, and to secular and religious education—particularly of African Americans in antebellum and post-war Charleston; and

Whereas, Dr. Bachman's legacy is alive and well at Newberry College, which—led by its Alumni Association—will begin its Sesquicentennial Celebration on 20 April 2006 with a major four-day symposium entitled "Nature, God, and Social Reform in the Old South: The Life and Work of the Rev. John Bachman"; and

Whereas, esteemed international authorities on Bachman will make keynote presentations during the College's John Bachman Symposium; and

Whereas, the public is invited to attend and participate in this auspicious event in the life of Newberry College by registering through the Symposium Web site at www.johnbachman.org; and

Whereas, as noted by the many diverse accomplishments listed above, Dr. Bachman had lasting and wide-ranging impact on science, education, religion, and social progress in South Carolina, the United States, and beyond; and

Whereas, the month of February is significant because Dr. Bachman was born on February 4, 1790, and died eighty-four years and twenty days later on February 24, 1874;

Now, therefore, the State of South Carolina, the City of Newberry, Newberry College, and the Newberry College Alumni Association do hereby proclaim through the powers vested in Governor Mark Sanford, Mayor T. Edward Kyzer, President Mitchell M. Zais, and Symposium Chair William J. Hilton Jr. that April 2006 shall be designated as "John Bachman Month" throughout the State of South Carolina, and urge all citizens to recognize this observance and to attend the John Bachman Symposium at Newberry College.

TRIBUTE TO THE LIFE OF SGT. ANTON HIETT

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Ms. FOXX. Mr. Speaker, it is with a heavy heart that I rise today to express the heartfelt condolences of a grateful Nation and to honor the life of Sergeant Anton Hiett of Mt. Airy, North Carolina. Sergeant Hiett passed away on March 12, 2006 while serving in Afghanistan.

Sergeant Hiett served our country as a U.S. Army Reserve combat medic. His strong patriotism and desire to do what was right led him to join the military after graduating from North Surry High School. He began his career as an infantryman, but later decided that his calling was to care for his wounded comrades. Last year, Sergeant Hiett volunteered to go to Afghanistan because he felt compelled to help his country at war.

Sergeant Hiett was a loving husband, father, son, and brother. His friends describe him as someone "having a big heart and always going the extra mile to help others." He leaves behind his wife, Misty Hiett, his 2 year-old daughter, Kyra Hiett, his parents George and Angela Hiett, and three siblings. May God bless them and comfort them during this very difficult time.

We owe this brave soldier and his family a tremendous debt of gratitude for his selfless service and sacrifice. Our country could not maintain its freedom and security without heroes like Sergeant Hiett, who make the ultimate sacrifice. Americans, as well as Afghanis, owe their liberty to Sergeant Hiett and his fallen comrades who came before him.

Mr. Speaker, please join me in honoring the life of Sergeant Anton Hiett.

TRIBUTE TO E.S. "BUD" VANBERG

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to B.S. "Bud" VanBerg for his impressive contributions to Colorado agriculture. Bud grew up in Nebraska where he learned to work hard, ride horses, chase cows, drive racehorse vans across the country, and talk fast. After graduating from the University of Nebraska with a degree in agricultural business, he returned to the family business where he centered his interests on auctioneering and the sale barn.

Bud was sent to Sterling in 1957 to manage the sale barn purchased by his father. He commuted between Columbus, Nebraska and Sterling, Colorado until 1964, when the Sterling sale barn became a separate entity. He and his wife, Arlene, were active partners and worked together to establish a fair and honest business with a good reputation that earned a respected place in the community.

Together, they raised four daughters: Debbie, Becky, Deanie and Cindy, and they became actively involved with youth groups and organizations in the community. Bud was known as the consummate volunteer, frequently giving his time and talents to help others, particularly young people. Bud touched the lives of many through his volunteer work, by doing numerous benefit auctions, 4–H livestock sales, and other acts of community service. Bud loved people, he loved life, but most of all he loved his family.

Bud also had a tremendous effect on the lives of eight prominent auctioneers in the region. Teaching, encouraging, giving, trusting and finally letting go, he gave his students the courage to move into the career of their choice.

Bud was named the Logan County Citizen of the year in 1988 and was a member of the Colorado Auctioneer Hall of Fame. Bud's lifelong contributions to agriculture earned him induction in the Colorado Agriculture Hall of Fame in February of 2006. Bud led by example and his enthusiastic community involvement demonstrated his passion for making a positive impact on the world around him.

We have been saddened by the recent loss of this man who gave so much to his community and his state for so many years I am proud to honor Bud VanBerg for his devotion and service.

IN MEMORY OF SAM CHU LIN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. HONDA. Mr. Speaker, I rise today with a heavy heart. A heavy heart over the passing of one of the giants of Asian American Journalism, and my dear friend: Mr. Sam Chu Lin.

Sam was a pioneer; not just in the Asian American Community, but in the entire field of journalism.

A reporter par excellence—news anchor—radio announcer—media consultant—a conscience, of and for, American journalism for almost four decades.

As one of the first Asian American network reporters in New York City, he announced to the Nation on CBS News, the fall of Saigon.

He interviewed Presidents and world leaders. He covered earthquakes and major disasters.

He reported from China the government crackdown on the democracy demonstrators in Tiananmen Square.

His childhood in Greenville, Mississippi, must have been a seminal experience for him; one that forged his commitment to both exposing and fighting discrimination wherever he found it. Undoubtedly, he certainly witnessed and experienced first-hand racial prejudice that pervaded the South in the 40's and 50's. More importantly he saw the devastation discrimination did to the dreams of young people of color.

As a result, his life was one of endless commitment to truth-seeking and justice for all Americans—but especially for his brothers and sisters in the Asian American Community.

He believed "informing and helping others is what makes journalism exciting." He also believed his beloved career in journalism was an opportunity to use his roots for a positive purpose.

His relentless pursuit of excellence in journalism was legendary. He once convinced ABC's Nightline to do a program called "Asian American—When Your Neighbor Looks Like the Enemy." After doing so, he helped book the guest, checked the script for accuracy, and found historical footage for the broadcast. He went on to spend the entire next year educating the executive producer about how Asian Americans have been unfairly stereotyped because of the campaign fundraising and spy scandals.

The program went on to be the highest rated show in its time slot beating out both Jay Leno and David Letterman in the national ratings.

Sam was a visionary—for that show would be as relevant today as it was when it first aired. I have no doubt if Sam were still with us, he would be haranguing the current producers to replay it today to show Americans just how little we've learned from our history.

His advocacy on behalf of civil rights and justice for Asian Americans continued to the day he died. It was Sam's interview with Senator JOHN MCCAIN that enlightened the Senator to the plight of citizenship denial for Asian American Civil War Veterans. And it was Sam Chu Lin's coverage at the critical junctures of Dr. Wen Ho Lee, Captain James Yee and Captain James Wang's careers that kept the Asian Pacific civil rights community rallying to their defense.

He continued to this day investigating, advocating, and agitating on behalf of Asian Americans as a media consultant and an independent reporter for several newspapers.

His humbleness belied his accomplishments. He was the recipient of awards across the entire spectrum of journalism—from the Associated Press and UPI, to the Golden

Mike, National Headliner Award for Best Documentary to name but a few. Just this past August he was honored with the Spirit of America Award by the Chinese American Citizens Alliance.

In spite of his accomplishments, he never lost the value of humility or the heartfelt treasure of friendship. He was my dear friend and mentor. My heart goes out to his wife, Judy, and his sons, Mark and Christopher. His absence in my life and in the Asian Community is irreplaceable.

But his body of work will live on and inspire generations of aspiring young Asian Americans to dream big dreams, and then go on to realize them.

It has been said that Asian American men are some of America's best kept secrets. Sam Chu Lin helped to change that. There is a story of a short man who was in the midst of some tall men. One of the taller men said to him, "You must feel pretty small right now." The man replied, "Yes, I feel like a dime in the midst of nickels."

Sam Chu Lin was no dime amongst nickels. He was a silver dollar amongst dimes. For in fact, the lifetime body of accomplishments of Sam Chu Lin has forever changed the face of American journalism.

INTRODUCTION OF THE FIRST STEP TO REDEPLOYMENT ACT OF 2006

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BLUMENAUER. Mr. Speaker, our security depends on the President changing the course in Iraq. Last November, I released a plan to do just this by carrying out a phased redeployment of U.S. troops starting with bringing the National Guard home and refocusing our political, diplomatic and reconstruction efforts. Today, having received a good deal of support for my plan, I am introducing the First Step to Redeployment Act of 2006 which would put my plan into practice by beginning the redeployment of U.S. armed forces from Iraq. This legislation will begin the redeployment of our troops with the National Guard because they also have an important role here at home, fighting forest fires, providing hurricane relief, and keeping our country safe.

Our challenge now is to learn from our mistakes in Iraq and make the appropriate adjustments to our strategy. However, the Iraq conflict is only the beginning of our challenge. We face very real strategic threats from North Korea to Iran and we need thoughtful, moral, and honest efforts to deal with them.

TRIBUTE TO BOB JENNINGS

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. NUNES. Mr. Speaker, I rise today to pay tribute to a man who has had a tremendous positive effect on the political landscape of California for more than 30 years. For the past three years Bob Jennings has been my District Director. I could not have chosen a better person to fill this role as I sought to lay a solid foundation for my Congressional career. Bob's knowledge and guidance has made all the difference in helping establish an effective office that meets the needs of my constituents and anticipates opportunities to improve the quality of life for residents in my area.

Bob is no stranger to the San Joaquin Valley and its many challenges. He started his career as a District Director for former Rep. Bob Mathias in 1969. He served in that position until 1975. He went on to form California Data Marketing with then Assemblyman Bill Jones. The two formed a unique friendship and partnership in business and politics that endured through Jones' career as a State Senator and eventually as California's Secretary of State. Bob served as Chief Assistant Secretary and later Undersecretary of State for Bill and was instrumental in establishing the Golden State Museum in Sacramento.

During his time on my staff, Bob spearheaded efforts at the district level to address a wide range of issues through community summits and workshops, including the shortage of health care workers and professionals; affordable housing needs; leading the charge for a Congressional Research Service study on the 8-county area of the Valley and most notably, fostering a greater sense of unity and cooperation among federal and state district staffs across party lines.

For more than five decades, his quiet leadership and vision have made an indelible mark on the communities he has served. His guidance and mentorship of my staff will pay immeasurable dividends far into the future.

As he ends his career at the end of March, I ask my colleagues to join me in wishing him all the best in a well-deserved retirement, and in offering up many thanks for his hard work and dedicated service over so many years. Thank you, Bob.

PAYING TRIBUTE TO THE NEVADA WOMEN'S HISTORY PROJECT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor The Nevada Women's History Project for their contributions to the community in promoting awareness of the historical contributions of Nevadan women.

The Nevada Women's History Project (NWHP) was founded in the fall of 1994 to provide visibility and support for the gathering and dissemination of history about the roles and contributions of Nevada women of every race, class and ethnic background. The NWHP is a statewide organization, with active regions in the North and South. Currently the group has over 200 members.

On March 5, 2005 the second statue from the state of Nevada, that of Sarah Winnemucca, was placed in the United States Capitol. The NWHP was the main factor in placing the statue, by raising the funds to make the statue and lobbying the Nevadan Legislature to give Sarah this honor. The NWHP has gone further to recognize Sarah by placing a replica of the original statue in Reno, Nevada. A second replica statue, which will reside in Las Vegas City Hall, will be dedicated on March 25.

"Life Among the Piutes," is Sarah Winnemucca's powerful legacy to both cultures, the Native Americans and the whites. It appeared in 1883, the first book ever published that was written by a Native American woman. Following the oral tradition of her people, she reaches out to readers with a deeply personal appeal for understanding, recording a portion of the history of the far west from the Native American perspective. The book was a monumental achievement, recording the Native American viewpoint of whites settling the west, told in a language that was not her own and written and published by a woman during a time when even white women were not allowed to vote. The achievement of her book is second only to the work she performed everyday to promote understanding across cultures. I applaud the NWHP for their efforts to recognize her.

This year the NWHP is publishing a book entitled "Skirts That Swept the Desert Floor." The book contains the biographies of 100 women from Nevada that were instrumental in shaping all aspects of Nevada's history. This unique encyclopedic collection pays tribute to an otherwise unrecognized group of individuals whose stories should not be overlooked.

Mr. Speaker I am honored to recognize the Nevada Women's History Project on the floor of the House, today. I commend them for their service in recognizing the women in our history that have made special contributions to help make Nevada the great state that it is.

WELCOME HOME FORT KNOX 233RD

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to welcome home the 233rd Heavy Transportation Company of Fort Knox, Kentucky, and pay public tribute to their recent courageous service during their deployment in the Middle East.

This was the fourth deployment to Operation Iraqi Freedom for the 233rd. The unit, made up of more than 120 troops, transported vehicles and supplies back and forth between bases in Kuwait and the war theater in Iraq. The entire unit returned safely home last week, completing their mission without any serious injuries or fatalities.

I would like to take this opportunity to express my gratitude to the 233rd for selflessly standing in harm's way, transporting critical supplies over millions of miles of dangerous roads, to protect our freedom and way of life. Their distinguished service epitomizes values—duty, honor, country—that make our nation an example of freedom and prosperity for the rest of the world.

In the spirit of Fort Knox soldiers of generation past, their courage and sacrifice significantly contributed to a supreme level of safety and readiness during uncertain times. They were selfless in their sacrifice, taking time away from their families to keep others safe. For that they deserve the admiration and thanks of a grateful nation.

It is my privilege to recognize the 233rd Heavy Transportation Company today, before the entire U.S. House of Representatives, for their generous service and unflinching duty to our great country. Welcome home!

TRIBUTE TO TERRELLITA MAVERICK

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to honor the 80th birthday of Terrellita Maverick, a member of one of San Antonio's and Texas' most distinguished families. The Maverick family has long been committed to independence of mind, fairness, and equality for all. Some claim the Mavericks can trace their roots to Boston at the eve of the American Revolution. While that may be hard to prove, we do know they have shaped San Antonio and Texas in ways that few families have.

Terrellita's ancestor, Samuel Augustus Maverick, was an original signer of the Texas Declaration of Independence. An important figure in the founding of the Texas Republic, he later served in the Congress of the Texas Republic, as mayor of San Antonio, and in the State legislature.

His family's name entered the lexicon because he refused to brand his cattle unlike all other cattlemen in Texas. Maverick originally meant an unbranded male calf, yet the word soon expanded to reflect the family's independent ways. Yet, being a Maverick did not mean individualism for individualism's sake. Rather, their individualism was founded on never turning one's back on doing what was right.

Terrellita's father, Maury Maverick, Sr., represented San Antonio in the House from 1934–1938. In typical Maverick fashion, he defied the city's political machine and won his seat on the strength of San Antonio's Latino vote. A fiery New Deal advocate and close ally of President Franklin Delano Roosevelt, Rep. Maverick spoke his mind and fought for civil rights at a time when doing so put one's political career and life at risk. Still, Rep. Maverick fought for his constituents and for the causes he believed were right.

Like his illustrious forebearer, he became Mayor of San Antonio and thanks to his vision for the city, La Villita was restored. La Villita was San Antonio's first neighborhood and this project spurred other restoration and construction projects in downtown San Antonio. Mayor Maverick was probably the single person most responsible for the appearance of downtown San Antonio today.

Moreover, his service to Texas and our nation were not limited to elected positions. During World War I, he was an infantry lieutenant and won the Silver Star and a Purple Heart. After his service as mayor, he served in a number of capacities to ensure that our production was efficient during WWII.

Terrellita's brother, Maury Maverick, Jr., was another in this family of individualists. Maury served his nation during World War II as a marine. During the 1950s, Maury represented San Antonio in the Texas House of Representatives along side my father and fought McCarthyism and racism. He and other members killed a bill that would have given communists the death penalty. In 1960, he was one of the 71 candidates to run for Vice-President's Johnson's Senate seat.

He then began to practice law but concentrated on pro bono legal work for powerless or unpopular people. He successfully argued against a law barring 'mixed-race' boxing matches and won a case before the Supreme Court for a San Antonio bookseller accused of possessing allegedly 'seditious' papers. He passed away in 2003 and our city misses his voice and his conscience.

However, I am pleased that Terrellita still makes San Antonio her home and is dedicated to improving our city. When not busy as a mother or grandmother, she is an active member of the Democratic Party and ACLU. She is every bit a Maverick and our community is the better for it. So, I would like to send my birthday wishes to one of San Antonio's distinguished citizens.

This has long been a family committed to fighting the fights that may not have been fashionable but that history declared right and just.

IN RECOGNITION OF MR. TIMOTHY J. ROONEY, GRAND MARSHAL OF NEW YORK CITY'S ST. PATRICK'S DAY PARADE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the extraordinary contributions to American civic and public life of Mr. Timothy J. Rooney, the the 245th Grand Marshal of New York City's world famous St. Patrick's Day Parade, which marches up Fifth Avenue in Manhattan on March 17 every year.

Timothy J. Rooney is a scion of the Rooney family, which is prominent in the worlds of business and professional athletics. He is the proud son of Arthur Rooney, the founder of the National Football League's fabled Super Bowl-winning franchise, the Pittsburgh Steelers. The Rooney family also owns and manages the Yonkers Raceway in New York, a premier harness racing venue that is currently being refurbished. Since his family assumed ownership of the raceway in 1972, Mr. Rooney has served as the track's president.

Mr. Rooney has long been active in Irish-American circles. He was honored by the New York-based, United Irish Counties organization in 1975, and the Rooney family's dedication to the people of Ireland and contributions to Irish-American relations and to the Irish-American community have been honored by the American Ireland Fund in New York and Palm Beach, FL.

In 2004, the Knights of St. Patrick presented Timothy Rooney with its Lifetime Achievement award. He has been recognized with many other civic honors as well, including the Terence Cardinal Cooke Award from the New York City Catholic Youth Organization.

Mr. Rooney's leadership in the business world reflects his many diverse interests. A partner for 10 years at Chaplin, McGuiness & Co., Mr. Rooney is an associate member of the New York and American Stock Exchanges. He is president of Delta Electric, an electrical contracting corporation in Westchester County in New York, and served as a partner in an investment banking firm before assuming the reins at the Yonkers Raceway.

Mr. Rooney's leadership in the racing industry has been well-documented. He is one of the owners of a stud farm in County Kildare in Ireland, and he serves as a director of the United States Trotting Association. He is the business manager of the family-owned Shamrock Farm in Maryland, one of the oldest horse breeding farms in the Terrapin State.

Mr. Rooney is also a devoted family man. He and his wife June are proud parents of 5 children and are devoted to their 17 grandchildren as well as 1 great-grandchild.

Mr. Speaker, I ask that my distinguished colleagues join me in honoring Mr. Timothy Rooney, the grand marshal of New York's 2006 St. Patrick's Day Parade, the largest parade held in our Nation's greatest metropolis.

AERAS GLOBAL TB VACCINE FOUNDATION'S RESEARCH FACILITY IN ROCKVILLE, MD

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. VAN HOLLEN. Mr. Speaker, we are marking a milestone in the global fight against one of the world's most deadly diseases—tuberculosis.

In Rockville, MD, the Aeras Global TB Vaccine Foundation opened a new research and production facility to meet the world's need for an advanced tuberculosis vaccine. The Aeras Foundation is currently testing multiple TB vaccine candidates. The facility will be capable of producing 150 million doses of vaccine per year. It will use the most advanced medical research and manufacturing technologies and will serve as Aeras's headquarters as well as its research and production center.

The world badly needs a new TB vaccine. More than 1.75 million people die from this disease every year: It is second only to AIDS as the world's deadliest infectious disease. The World Health Organization estimates that there are 8.8 million new cases of TB every year. TB is also the leading cause of death among people diagnosed with AIDS, accounting for about 13 percent of AIDS deaths worldwide.

The current TB vaccine, known as BCG, is nearly 100 years old and was developed in the early 20th century. One of the most widely used children's vaccines in the world, BCG is largely ineffective against TB in adults, who comprise the majority of TB cases.

A new vaccine is the best hope for controlling TB, because vaccination is the only medical intervention that has eliminated an infectious disease. This was the case with smallpox, and today, global polio vaccinations efforts are bringing closer the day when this human disease will be eliminated.

A better TB vaccine may be in reach within the next decade. At least four candidate vaccines have entered human trials recently, and others are in the development pipeline.

I am pleased that the Aeras Foundation has decided to make its home in the community I represent in the U.S. Congress. The Aeras Foundation was founded in 1997 for the purpose of developing new concepts and tools to control the global TB epidemic. Today, it is the only non-profit organization in the world working through public-private partnerships with the sole focus of developing new vaccines against TB and ensuring their production and availability to all who need them.

In 2004, the Aeras Foundation received a grant of $82.9 million from the Bill & Melinda Gates Foundation for new TB vaccine development. It has also received funding support from the U.S. Center for Disease Control and Prevention and the Government of Denmark.

Dr. Jerald C. Sadoff, president and CEO of the Aeras Foundation, has devoted more than three decades to developing vaccines for dozens of diseases, including malaria and chicken pox, and is one of the world's leading experts in this field. He and his team of researchers and scientists are dedicated to saving the lives of millions of people in some of the poorest places in the world from the scourge of this disease. But TB is not just a disease characteristic of the developing world; there are an estimated 8 cases per 100,000 people in Europe and 5 cases per 100,000 people here in the United States.

This month we will celebrate World Tuberculosis Day, a day to heighten awareness of and rededicate ourselves to the search for a TB vaccine. That goal is closer to reality thanks to the tireless work of the skilled and talented men and women of the Aeras Foundation at their new facility in Rockville, MD. I wish them the greatest success in their important and noble mission.

TRIBUTE FOR THE EFFORTS OF OPERATION MISSISSIPPI CHRISTMAS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. HOYER. Mr. Speaker, Hurricane Katrina crashed into the heart of the Gulf Coast on the morning of August 29, 2005, forever altering the landscape of New Orleans and the surrounding cities and towns, as well as the lives of those who called the region their home. It has taken the hands and efforts of many Americans of goodwill to help alleviate the hardships faced during this trying time.

Rebuilding the post-Katrina Gulf Coast has not been, and will not be, easy. Yet in the midst of one of the country's greatest natural disasters, countless selfless individuals have worked to create a sense of normalcy for those who lost everything in Hurricane Katrina.

Operation Mississippi Christmas was one such organized effort working out of St. Mary's County, Maryland, in my Congressional District. The members of Operation Mississippi Christmas volunteered their time and efforts in order to give the children of D'Iberville, Mississippi a much-deserved and enjoyable Christmas season. It is a privilege to be able to recognize the faith and determination of these men and women, as well as their dedication to such a worthwhile project.

Members of the St. Mary's Hurricane Relief Fund kicked off their efforts with a gift drive spanning the entirety of St. Mary's County. The generosity of the residents of St. Mary's County was uplifting; all but eight of more than a thousand boxes passed out for adoption of the younger children of D'Iberville were returned with gifts. This feat can only be attributed to the great sense of humanity shared by the residents of St. Mary's.

The original plan for transporting the gifts was to organize a C–130 air transport mission, but this plan was abandoned for lack of certainty of plane availability and impending inclement weather. Undaunted, the volunteers were able to obtain two tractor trailers generously donated by the Bailey family and the defense systems company BAE at the last minute, which allowed them to transfer even more supplies to D'Iberville than the original airlift would have.

The organizers of Operation Mississippi Christmas laid out plans for a December 12 delivery of the goods and stuck to this plan with such tenacity that there was never any doubt of their success. On December 10, the loaded tractor trailers set out for Mississippi, while a team of eight St. Mary's Hurricane Relief volunteers flew commercially to Jackson and then drove the remaining 170 miles to D'Iberville.

The volunteers then presented the gifts to local children during a celebration in the D'Iberville Elementary School gymnasium that included food and a special appearance from Santa. The younger children received the presents donated by St. Mary's County residents and the upper middle and high school students received gift cards.

In addition to gifts for the town's children, the St. Mary's volunteers were also able to donate supplies sorely needed by the city of D'Iberville, including school supplies, first aid kits, computer systems, and medical supplies.

Mr. Speaker, it is wonderful that the efforts of so few were able to bring such joy to so many, and these efforts would not have been possible without the hard work and dedication to public service exhibited by the St. Mary's Hurricane Relief Fund. Today I honor the amazing fortitude of these individuals and would like to thank them for their contribution towards bringing a much-needed sense of hope back to the Gulf Coast.

TRIBUTE TO JIM HINGA

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. SALAZAR. Mr. Speaker, I stand before you today to pay tribute to Jim Hinga, a beloved father of three and renowned lawyer, who passed away on March 5. It was a privilege to know Jim and I offer my deepest condolences to his family and friends.

Jim was born and raised in Indiana. He received his B.A. from Notre Dame in 1971 where he was known by many as "Muncie Milkman" of the Notre Dame basketball team. His achievements on the team led to his induction into the Indiana Basketball Hall of Fame as a member of the Silver Anniversary Basketball Team. After earning a law degree from the University of Mississippi, Jim served as a litigator and widely respected mediator in Denver, Colorado for the next 25 years. Jim was often sought out for his talent, intellect, and expertise.

But Jim is remembered first and foremost as a compassionate friend and dedicated family man. He never missed a chance to attend one of his children's school or sporting events. He took time out of his busy work schedule to call his children and tell them how proud he was of their accomplishments. Jim raised a determined set of talented children who will honor his memory with their good works for years to come.

We can all learn from Jim and can only hope to have his sense of dedication and compassion. His caring personality brightened the lives of those who knew him. Jim will be missed, but remembered by the hundreds of people whose lives he touched. May he rest in peace.

TRIBUTE TO DR. LOUIS J. AGNESE JR.

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to honor a person who has made an indelible impact on San Antonio and higher education, Dr. Louis Agnese Jr., the President of the University of the Incarnate Word (UIW.) On March 25, 2006, Dr. Agnese will celebrate his 20th anniversary as President of the university and during his tenure the school has been transformed from a small private school into a world class academic institution. Yet despite the changes at UIW, it remains a school committed to expanding both the minds and consciences of its students. I am proud that San Antonio can call UIW one of its schools, but we are especially thankful that Dr. Agnese has applied his talents and energy to making UIW into the institution that it is.

In 1986, Dr. Agnese was inaugurated as the 8th president of Incarnate Word College. He was the driving force that transformed the school from a college into the University of the Incarnate Word. In addition to the San Antonio campus, UIW now has sites in Corpus Christi, Texas, Guangzhou, China, and Mexico City, Mexico and 80 sister schools in 30 countries. During his presidency, UIW has doubled the size of its faculty, tripled the number of buildings on its main campus, and has greatly increased the school's endowment. Dr. Agnese has done nothing less than remake the school while remaining true to its founders' mission.

In the aftermath of the Civil War, Texas Bishop Claude M. Dubuis decided to establish a new religious congregation, the Sisters of Charity of the Incarnate Word, dedicated to helping the poor and ill. He persuaded three sisters from a cloistered community of nuns in Lyons, France to emigrate to Texas and establish the Santa Rosa Infirmary, the first civilian hospital in San Antonio. The Sisters increased the scope of their mission as new circumstances arose. When they found that the hospital was caring for a significant number of orphans, they began orphanages, which led to starting schools to educate these children.

In 1881, the Sisters of Charity of the Incarnate Word applied for and were granted a state charter to operate hospitals and schools. At first UIW opened and ran elementary and secondary schools but began offering college courses for young women around the turn of the 20th Century. Soon thereafter, the Sisters christened their school the College and Academy of the Incarnate Word.

Much has changed in the last 125 years. Today UIW is the largest Catholic University in Texas and the fourth largest private school. At the same time the school has grown, it remains committed to the core principles of its founders. UIW recognizes that service to others is the highest calling one can pursue. Moreover, Dr. Agnese has lived this credo as he has helped increase opportunities for young people to earn an education and look at the world in a broader way.

UIW truly is an international school with students from all over the world attending its main campus in San Antonio. This kind of diversity teaches young people to embrace and respect the cultural differences that make life enriching but also to recognize the similarities that bind us together.

In addition to increasing the diversity of the student body, Dr. Agnese also pushed to expand the academic programs at UIW and established the university's first Ph.D. program. Moreover, Dr. Agnese and the university have been sensitive to the challenges facing young Latinos seeking higher education and he has helped facilitate this process. Indeed, Dr. Agnese has said that "one of the proudest moments of my life occurred when I was selected as the national Hispanic Educator of the Year in 1996, even though I'm Italian-American."

In 1986, Dr. Louis Agnese had a vision of UIW could become. Yet, he did not just envision UIW as one of Texas' finest academic institutions; he also saw a school that would continue to educate young men and women who would work to improve our community. Knowledge may fire the mind but unless guided by a moral compass, it is little more than pedantry. UIW helps its students gain the moral guidance necessary to implement their education.

Of course, Dr. Agnese is also deeply dedicated to his family and has proven his commitment to San Antonio. He has helped make San Antonio the thriving city it is today and we are the better for his coming here. I wish Dr. Agnese many more years of success at UIW.

IN RECOGNITION OF THE 1ST BATTALION, 69TH INFANTRY OF THE NEW YORK NATIONAL GUARD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. MALONEY. Mr. Speaker, I rise to recognize the soldiers of the 1st Battalion, 69th Infantry of the New York National Guard who are being honored on St. Patrick's Day in New York City. I know that my distinguished colleagues will join me in extending our appreciation and gratitude to all of the brave members of the armed forces serving in the National Guard and the Reserve, who are so courageously and selflessly dedicated to their fellow Americans.

The National Guard in an integral part of a great tradition in American military history that began during the American Revolution. At that time, our Founding Fathers placed the country's security in the hands of citizen-soldiers who trained and organized into militias in their home colonies. To this day, members of the National Guard must be ready to serve their state and their country, often at a moment's notice.

The members of the 1st Battalion, 69th Infantry continue to uphold a distinguished tradition in both battle and disaster response. As part of the famous Irish Brigade during the Civil War, the members of the 69th Infantry were renowned for their tenacity on the battlefield, leading Confederate General Robert E. Lee to bestow upon them the nickname of "The Fighting 69th." In acknowledgement of its proud heritage, the Fighting 69th participates each year in New York's St. Patrick's Day Parade.

The Fighting 69th are infantry soldiers—the "guns on the ground"—whose mission is to engage and destroy enemy forces in close combat. In addition to the Civil War, its members have also fought in the Spanish American War, World War I and World War II, where its soldiers served valiantly in the battles of Makin, Saipan and Okinawa, and its members just completed a tour of duty in Iraq, returning to the U.S. six months ago after serving with distinction. Sixteen soldiers in the Manhattan-based 69th National Guard Regiment have died in the Iraq War, including a member who was one of the New York firefighters who raised the American flag above Ground Zero, Christian Engledrum.

In April, six members of the 69th Regiment were awarded Purple Hearts after being wounded by roadside bombs in Iraq. The unit patrolled the infamous road to the Baghdad airport and was stationed primarily in the Sunni Triangle, where most of the insurgent attacks have taken place. In a speech at Fort Drum, New York, Vice President Richard Cheney paid tribute to the Fighting 69th, thanking its members for their "toughness in confronting insurgents around Baghdad." Nine members of the Fighting 69th are continuing to serve on active duty in Iraq today.

The members of the Fighting 69th also have mobilized during times of emergency in their home state of New York. The Battalion Commander, Lt. Col Geoffrey Slack, informs me that the Fighting 69th was the first National Guard unit to arrive on the scene following the devastating terrorist attacks of September 11th, 2001. In the hours after the attacks, the Battalion assisted medical teams treating the wounded and provided significant assistance to rescue and recovery operations, continuing in this mission for nearly a year.

Mr. Speaker, in recognition of its tremendous contributions to civic and public life, I request that my colleagues join me in paying tribute to the Fighting 69th Regiment of the New York State National Guard, who are great New Yorkers and great Americans. All Americans should be grateful for the dedication demonstrated every day by the men and women of the Fighting 69th as well as all of the brave individuals serving in National Guard and Reserve units throughout our nation. Their members' dedication to our country serves as an inspiration to us all.

MARCH IS WOMEN'S HISTORY MONTH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. VAN HOLLEN. Mr. Speaker, in March, we celebrate Women's History Month and honor the historic contributions that women have made our great Nation. We remember those who have fought for progress in women's rights and recognize those who continue to fight to expand opportunities for women.

Recently, I, along with other Members of Congress, welcomed Liberian President Ellen Johnson-Sirleaf to the U.S. Capitol where she addressed a Joint Session of Congress. It was a moving experience to hear the first woman elected president of an African country. President Johnson-Sirleaf's historic achievement is an inspiration and she embodies the theme of this year's Women's History Month—"Women: Builders of Communities and Dreams."

During the past year, we lost several remarkable women whose courage and vision transformed our Nation. Coretta Scott King was not only the keeper of the flame, but a woman who worked for change so that all Americans would have the opportunity to experience true freedom and justice. Rosa Parks' courage and determination launched the Montgomery, Alabama bus boycott and sparked the civil rights movement. Betty Friedan, one of the founders of the modern women's rights movement, agitated and struggled, never ceasing the fight, for women's rights.

In spite of the efforts of these and other brave women, much work still needs to be done to fulfill the legacy of these women. We must redouble our efforts to create a Nation where everyone has an equal opportunity to succeed. We must pursue new policies that promote economic prosperity, affordable healthcare, and strong public schools.

America can do better. This March, as we recognize and celebrate the contributions of our great American heroines, we must rededicate ourselves to making the future for all of America's girls and women full of hope and opportunity.

THE ACCOMPLISHMENTS OF ROBERT WAXMAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. HOYER. Mr. Speaker, today I rise to honor a great patriot as well as a great friend, Robert "Bob" E. Waxman. On March 1st, 2006, Bob retired as the Deputy for Aircraft Division operations for the Avionics Competency of the Navy Air Navigation Electronics Project (NANEP).

Bob has had a long and distinguished career in service to our nation. He graduated from Forest Park High School in 1942, and worked for the Army Air Corps from 1943–1946, where he trained as a Navigator in B–l7's and B–29's. Bob next attended the University of Maryland, where he received his Bachelor of Science in Electrical Engineering in 1950.

In 1951, Bob began working for the Electrical Test Division's Radio Communication Branch of the NANEP at Patuxent River. Two years later, he was promoted to the Supervisory Electrical Engineer for the organization. In 1958, Bob was promoted to the Technical Director of the NANEP, a leadership position he would hold for almost 48 years. One of Bob's major accomplishments as the Technical Director occurred when he oversaw NANEP's move to Webster Field in 1960. During the 1960s Bob earned his Master's of Science in Electrical Engineering Management from George Washington University. In 1994, Bob successfully led the transition of the Naval Electronic Systems Engineering Activity into NAV AIR, the Naval Air Systems Command.

Bob Waxman has guided Webster Field through an unprecedented period of growth and success. When he began his service, Webster Field had 57 employees and a $320,000 budget. Under Bob's leadership, Webster Field reached a peak of more than 2,800 employees and a budget of more than $368 million. Bob also achieved another milestone: Webster Field was supposed to have been closed on five separate occasions. On each of these occasions, however, Bob succeeded in saving the organization. These acts alone make him a great leader and a hero to many.

Throughout the past 25 years, Bob's achievements have been recognized time and again with myriad awards and honors. In 2002, Bob was honored as the first employee at Patuxent River to receive a 55-year Length of Service Certificate. Bob is the recipient of the Navy Superior Civilian Service Award, the Navy Meritorious Civilian Service Award, the Distinguished Civilian Service Award, and a Congressional Certificate of Appreciation. In 2001, the Air 4.5 Avionics Robert E. Waxman Leadership Award was established in Bob's name. Finally, Bob's expertise and leadership skills were recognized by his peers when Bob was elected President of the Society of Engineers and Scientists.

Mr. Speaker, throughout his dynamic career, Bob Waxman has been a positive influence on many lives. On behalf of the thousands of individuals that Bob has helped over the years, I would like to congratulate and thank Bob Waxman for his extraordinary contributions to not only our community, but to our Nation.

PERSONAL EXPLANATION

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. SALAZAR. Mr. Speaker, last week I received an official leave of absence due to the death of my father-in-law, George Jaramillo. Had I been here, I would have voted in the following manner.

For the votes on H.R. 4167, the Food Labeling Act, I would have voted:

"Aye" on the Cardoza Amendment; "No" on the Waxman Amendment; "No" on the Capps/Eshoo/Stupak/Waxman Amendment; "No" on the Wasserman-Schultz Amendment; "No" on the Stupak Motion to Recommit; and "Aye" on Final Passage of the HR 4167.

For the votes on H.R. 2829—Office of National Drug Control Policy Reauthorization Act of 2005, I would have voted:

"No" on the Previous Question on the Rule; "Aye" on the Chabot/Boswell/Calvert/Cannon/Larsen Amendment; "Aye" on Hooley Amendment; "No" on the Paul Amendment; "Aye" Rehberg/Boozman/King (IA)/Capito/Souder/Graves Amendment; and "Aye" on Final Passage.

TRIBUTE TO UNIVERSITY OF THE INCARNATE WORD

HON. CHARLES A GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to celebrate the 125 years that the University of the Incarnate Word (UIW) has enriched the city of San Antonio and South Texas. Incarnate Word has grown from humble beginnings to become one of our city's leading schools and Texas' largest Catholic university.

In the aftermath of the Civil War, Americans began the arduous task of rebuilding our war-scarred nation, particularly the South. In the late 1860's, after a cholera epidemic had struck, Bishop Claude M. Dubuis sent a letter to France urging the first Sisters to come to Texas and minister to the sick in the area.

Bishop Dubuis found three young Sisters willing to accept this challenge. Sisters Madeleine Chollet, Pierre Cinquin, and Agnes Buisson journeyed from Lyons, France to Texas and founded the Sisters of Charity of the Incarnate Word. Immediately, they established the Santa Rosa Infirmary, the first civilian hospital in Texas.

They soon expanded their mission to care for orphaned children and this led to the establishment of the first homes for children in San Antonio, St. Joseph's Orphanage for Girls and St. John's Orphanage for Boys. Naturally, the Sisters were concerned in the long-term well-being of the children in their care, so they opened schools to educate these orphans in San Antonio and eventually other cities in Texas. In 1881, the Sisters of Charity of the Incarnate Word applied for and were granted a state charter to operate hospitals and schools.

Their dedication to providing education to the youth of the area led to the formation of a boarding and day school for young women. The Sisters added college courses to the curriculum in 1909. In 1925, the College and Academy of the Incarnate Word received accreditation by what is now the Southern Association of Colleges and Schools. In 1929, the School of Nursing Education was established to continue the Sisters' original mission of healthcare. More recently, in 2004, the Feik School of Pharmacy was founded to address the serious shortage of pharmacists in Texas and elsewhere. I know that San Antonio can depend on UIW to be faithful to their original purpose by producing first-rate nurses and pharmacists.

Moreover, UIW reflects the diversity of our nation and our world. Students from all over the world come to attend UIW, which creates an atmosphere of tolerance and cooperation that we will need as our world continues to shrink. Boundaries and oceans that once separated us no longer do and recognizing that events on the other side of the planet can and will have profound influences on our lives is necessary. UIW provides a campus where American students can learn about and from the perspectives that international students have.

UIW now has a student body of 5200 from 47 countries and offers more than 70 undergraduate and graduate programs of study. I expect that UIW will continue to evolve yet remain committed to the calling of serving others. I am pleased to honor UIW on its 125th anniversary.

HONORING BOY SCOUT TROOP 95 OF NORTH COVENTRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Boy Scout Troop 95 of North Coventry Township, Chester County, Pennsylvania on the occasion of its 50th Anniversary. It is the mission of the Boy Scouts of America (BSA) to build character, foster citizenship, and develop fitness. These three aims are the bedrock of the American Scouting movement and the foundation of 50 years of scouting experience for Troop 95.

Troop 95 is a tremendous group of young men that have and continue to practice the policy of "boy-led and boy-run" in the development of teamwork, leadership skills and personal responsibility. They develop the rules and standards to meet and work together to accomplish their many goals and objectives.

The Troop is also a safe haven for young men. It seeks to create a place where everyone feels physically and emotionally secure. The scouts of Troop 95 live the Scout Oath and Law each moment of each day, to the best of their individual and combined abilities.

The Troop has also created an extremely high standard of tolerance and acceptance. Scouts communicate openly with each other and demonstrate camaraderie and friendship at all times. Troop 95 has also created an environment based on learning and fun. Scouts seek the best from each participant, and go the extra mile to help each person achieve personal success.

Mr. Speaker, I ask that my colleagues join me in congratulating the Scouts, their outstanding leaders, and scout parents of Troop 95, past and present, for the terrific contributions they have made in their community and for the positive development of the moral, physical, and emotional well-being of the young men who have participated in the Troop over the past 50 years.

IN RECOGNITION OF NOW–NYC'S 26th ANNUAL SUSAN B. ANTHONY AWARDS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of NOW–NYC and the recipients of the 2006 Susan B. Anthony Awards and the Elizabeth Cady Stanton Award. Whether it's fighting against the appointment of Judge Alito, demanding an increase in the availability of Emergency Contraception or working to end the statute of limitations for rape in New York State, the members of NOW–NYC have been leaders in standing up for women's rights.

The Elizabeth Cady Stanton Award is presented to a woman of outstanding achievement who has made important contributions toward creating a more equal society and has served as a role model for other women. The Susan B. Anthony Awards honor women who have accomplished something remarkable. Each of this year's recipients has, in her own way, spoken up, spoken out, gotten involved and made a difference. They are our role models and heroines.

Councilwoman Gale Brewer, recipient of this year's Elizabeth Cady Stanton Award, is an outstanding member of the New York City Council, representing Manhattan's Upper West Side. She is a strong ally, a good friend and a champion of women's rights and human rights. Brewer has been instrumental in passing numerous laws, the most recently being the Human Rights Bill, which protects domestic partnerships from discrimination and retaliation in the workplace. In 2000, the Daily News hailed her as "One of 50 New Yorkers to Watch."

When the crime rate in their North Brooklyn neighborhood began to rise, Oraia Reid and Consuelo Ruybal started helping women take back the night by offering them a safe way home. In 2004 they founded RightRides, a not-for-profit organization that offers free late-night rides home to women in several Brooklyn neighborhoods and parts of the Lower East Side of Manhattan. Their creative response to improving women's safety so impressed Mayor Michael Bloomberg, that December 12, 2005 was named "RightRides For Women's Safety Day."

Nancy Lublin has proved that one person really can change the world. Recognizing that what you wear can make the difference between getting the job and getting shown the door, she created Dress for Success, which provides business attire for low income women who are seeking jobs. For many women, that would have been enough. But Nancy saw another need—the need to encourage kids to get involved in their communities and to recognize their achievements when they do. So she agreed to become CEO of Do Something, an organization founded in 1993 by Andrew Shue (of Melrose Place) and Michael Sanchez, childhood friends who wanted to make community service as cool as sports. Do Something has distributed over 1 million dollars through its Brick Awards to young people who are making a difference in their communities. In 1998, CNN dubbed the BRICK Awards "the Oscars for young people in service".

Former NOW–NYC President and current Chair of the Board, Jane Manning has taken her activism to the courts as well as to the streets. A graduate of Yale College and NYU Law School, Jane served as Assistant District Attorney for six years and currently defends women's rights as a human rights attorney for the non-profit organization Equality Now. A dedicated advocate for victims of domestic violence, sexual violence, and trafficking, Jane launched NOW–NYC's campaign to repeal New York's statute of limitations on rape cases and works closely with human rights groups to bring an end to the human rights epidemic of trafficking in women. Recently she represented a coalition of feminist organizations before New York State's highest court, arguing as amici curiae to reverse an appellate court decision that would have made the defense of extreme emotional disturbance almost universally available to men who kill their wives or girlfriends. In a unanimous decision, the court reversed the lower court's decision and ruled in favor of the feminist groups.

Finally, I want to congratulate Kathleen Ham, a symbol of courage to rape victims around the country. She is one of the reasons I fought so hard to pass the Debbie Smith Act. In June of 1973, Kathleen Ham was brutally attacked and raped in her New York apartment. Although the suspect was immediately apprehended while fleeing the scene, the trial resulted in a hung jury. In 2005, DNA technology linked the man charged in her rape definitively not only to her rape but also to at least 23 other rapes in Maryland and New Jersey over the past 32 years. Knowing that this serial rapist must be put behind bars, Ms. Ham courageously decided to take the stand once again, and to go public with her identity and story. When she came forward, nine other women also came forward to say that this man had raped them. Their stories are being used to illustrate the absurdity of New York's five year statute of limitations for rape.

Mr. Speaker, I request that my colleagues join me in paying tribute to the 2006 Elizabeth Cady Stanton and Susan B. Anthony Award winners.

DEERWOOD ELEMENTARY SCHOOL AND VETERANS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. POE. Mr. Speaker, children are never too young to understand patriotism, and be thankful for it. A group of students at Deerwood Elementary School in Kingwood, Texas, showed us that even young minds can appreciate and revere those who have fought for our great nation.

The students at Deerwood paid tribute to our veterans by making cards in honor of National Salute to Hospitalized Veterans Week. The cards thanked the veterans for keeping us safe, fighting for our freedom and other actions inherent to the United States Armed Forces.

My staff handed out the cards during a visit to the Michael E. DeBakey VA Medical Center. Upon receiving a card, many of the veterans smiled, for the first time in a long time. One veteran even said it was the first card he'd gotten in ages.

As Americans, we can learn a lot from the students at Deerwood Elementary. We, too, should always find a way to thank our brave men and women in uniform.

The exceptional actions of these students are a fitting tribute to the dedicated hard-working staff of Deerwood. It is obvious to me, that the teachers are doing a great job shaping the minds of these young Americans.

Deerwood students are proof that the outlook for our future generation is bright. If they already appreciate those who fight on the frontlines for our freedom, there is great hope for the future of this nation.

I would like to commend the students, the principal Carol Suell, and teachers at Deerwood Elementary School for a job well done.

OLYMPIC GOLD FOR REFUGEES OF DARFUR: THANK YOU JOEY CHEEK!

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. RANGEL. Mr. Speaker, I rise to applaud an Olympic Champion Gold Medal winner speed-skater Joey Cheek. Joey Cheek won the Olympic Gold Medal in the men's 500-meter speed skating race in Turin, Italy on February 13, 2006. Minutes after he won the race while millions of Americans and almost a billion listeners from around the world were focused solely on him, Cheek used his "fifteen minutes of fame" to announce he was donating his prize money to child refugees from

Darfur. Cheek, citing the U.S. government finding of genocide in the Darfur region of Sudan, said he wanted to sponsor programs for 60,000 children of Darfur forced into refugee camps in Chad.

For Joey Cheek, competing in the Olympics was a blessing and his way of saying thanks for his opportunity, was to help others. Before answering any questions about his winning race, Cheek announced he would talk to and challenge all Olympic sponsors and participants to match his gift.

When Mr. Cheek won the Silver Medal in the 1000 meter he donated his $15,000 prize money. By the end of the Olympics, Mr. Cheek donated his total money from the US Olympic Committee, $40,000, to victims of genocide in Darfur. By the end of the Olympic Games, ABC's announcer, Bob Costas reported that Cheek's challenge had brought in donations of $300,000 for the refugees from Darfur.

Joey Cheek is an Olympic champion, but he is more; he is a citizen champion: a person who demonstrated the true American values of his country: generosity, compassion, kindness and goodness of heart. Mr. Cheek is not a rich man; he is 27 years old. He had already announced the 2006 games would be his last Olympics. In donating what might have been his one and only time to bask in triumph before a world-wide audience for his skating skills, Joey Cheek revealed his heart. He demonstrated something I believe lives in the hearts of all the compassionate people of this country; altruism, a pure selfless gift to men, women and children who, without our help, are destined to die.

UNICEF's website says 1.4 million Sudanese children, including 500,000 age five or younger, have been displaced from the Darfur region by militia groups, including the Janjaweed militia, that have destroyed villages, brutally killed men and children and raped women as the means of annihilating an entire people because they are non-Arab, black Africans. The Government in Khartoum has been complicit in these mass murders and slow starvation of at least 300,000 people. Two and one-half million people of Darfur have been displaced, their villages burned, their crops destroyed and their well water poisoned with the bodies of their children, spouses, brothers, sisters, fathers and mothers.

In February of this year, I signed a bipartisan letter to the President along with 80 of my colleagues, Democrat and Republican, in the House of Representatives asking Mr. Bush to exercise badly needed leadership to stop the genocide in Darfur. This is the first genocide that can be stopped. The 7000 African Union (AU) peacekeepers protecting the people in Darfur are good, but they are not enough to save the tribes of Darfur. They need help. According to the experts, the genocide could be stopped, it would cease, if there were 20,000 peacekeepers to provide genuine security. My colleagues and I wrote the letter in February because for 28 days the United States was the President of the United Nations Security Council. We hoped the President would seize this moment to do what no other President has done: stop genocide. Although we are not now the President of the UN Security Council, it does not mean we cannot act to stop the genocide.

Not one other winner of any medal did a deed as great as Joey Cheek's. I am proud of every American Olympian who worked so hard and made us proud by winning gold, silver and bronze medals at the Olympics, but I believe what Mr. Cheek did is worthy of special recognition and celebration; he set an example, a standard for the people of America. He is one person who made a huge difference to children, many of whom are orphans, victims of genocide by the government of Sudan in Khartoum.

Joey Cheek told the media that he wants to help Darfur refugee children to live but he also hopes they will be able to learn and play sports. If more citizens would follow Mr. Cheek's example, his vision of the children of Darfur being children not victims, would not be out of reach.

There is a teaching from the Talmud: "He who saves one life has saved the world." Joey Cheek started what I hope will be a beginning for many who want to express their moral values as Mr. Cheek has done. Every citizen may not be able to give money for Darfur, but he or she can ask his pastor, priest, imam or rabbi to speak out at every service and remind their congregations that genocide is happening. It is a long slow genocide that has gone on for three years. Each citizen can also call on the Administration to stop the genocide now. It is within the power of this greatest country on earth to end the horrific suffering of people who are being murdered, starved, raped and mutilated because they are non-Arab Africans. Each person can do something to save a life in Darfur and to save the world.

REMEMBRANCE OF MARVALYNE HENRY: A REMARKABLE WOMAN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to pay belated tribute to one of our community's unsung leaders, the late Marvalyne W. Henry, whose life was remembered and celebrated on January 9, 2006 at the Range Memorial Chapel in Miami-Dade County, Florida.

Ms. Henry left a wonderful legacy for all of us, and she will be sorely missed, especially by those who looked up to her as a model of utmost benevolence and caring. I want to take this opportunity to honor her faithful stewardship over those who came to her for guidance and understanding. The hallmark of her life's excellence and commitment was defined by her compassion, which evoked the ever-enduring presence of God in her life.

Born to the late J.C. Woodson and Margaret "Maggie" Williams on August 16, 1937 in Smithville, Georgia, Ms. Henry demonstrated an immense love and compassion for others, especially the less fortunate and the downtrodden. Despite the problems she had had with her health, her faith was unshakable and served her well in ministering to those who needed her help.

Her nurturing spirit transformed her home into an oasis of love and encouragement—not only for the immediate members of her family, but also for countless others who came to seek much-needed comfort and solace from her. Indeed, the genuine kindness she extended to others transformed a rather sad occasion into a celebration of her life when they could take comfort in memorializing the magnificent example of a life so nobly lived. Despite the sobering challenges of her health problems, Ms. Henry managed to exude a great soul and a beautiful spirit that evoked an unshakable belief rarely shown and tested amidst so much trial and tribulation.

Ms. Henry is survived by her children: Nedra Henry, Lynnette Mathis (Larry), Tammie Coney (Michael), Gidget McLean (Charleston), Tameka Benbow, Derrick Henry (Alisia), Gary Mays, and Sherman Henry; sister, Wendie Williams; brothers, Samuel Williams (Mary), Richard Williams (Vanessa), and Leon Williams (Ann); two aunts: Loraine Humphries, and Doll Calbert of Detroit, Michigan; a host of grandchildren, great grandchildren, nieces, nephews, cousins and friends.

Buttressed by her unflinching faith, Ms. Henry's life has indeed been bountifully blessed. This is the celebration of a remarkable woman, and I know that my colleagues join me in honoring her.

REMEMBERING THE LIFE OF ELEANOR SLATER

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. LANGEVIN. Mr. Speaker, I rise today to pay my respects to Eleanor Slater, a great friend who recently passed away. Known as the grande dame of Rhode Island Democratic politics, Eleanor blazed trails for women in our state and will be greatly missed.

She began her distinguished political career in 1958 when she was elected to the Rhode Island House of Representatives where she served four terms. She then ran successfully for the Rhode Island Senate. While in the Senate, she championed what is believed to be the first Fair Housing Act in the country. Eleanor was also vocal on mental health and gerontology issues, and in 1969 became the chief of the former Division on Aging.

After 18 years in public service, Eleanor decided to pursue other interests, which included receiving a degree in political science from the University of Rhode Island at the age of 70. She remained instrumental in the Democratic Party and was a fixture at numerous Democratic National Conventions as a delegate.

Always thinking of the next generation, she was a great advisor for many former and current politicians, including myself. She had the foresight and belief that I could run for Secretary of State and win that race—which I did. She served as an honorary chair on many of my campaigns and taught me valuable lessons that I still use today.

While her dedication to the Democratic Party and the state of Rhode Island was great, Eleanor was above all dedicated to her family, and my thoughts and prayers are with her two sons, William and Thomas; her brother Robert

Boland; her sister, Dorothy Merrill; her four grandchildren; and her five great grandchildren.

While I am sad to say goodbye to such a wonderful woman, at 97 years old, we should celebrate Eleanor's long, distinguished life. Eleanor, you made a difference.

IN RECOGNITION OF FIFTY YEARS OF INDEPENDENCE FOR THE TUNISIAN REPUBLIC AND U.S.-TUNISIAN RELATIONS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to recognize the people of the Tunisian Republic and extend my congratulations to President Ben Ali as his nation celebrates fifty years of independence on March 20, 2006.

The United States and Tunisia have a strong relationship that promotes cooperation on important bilateral and regional issues. The engagement between our two countries on economic, security and cultural matters is vibrant and reflects a commitment to enhancing and strengthening our bilateral relationship for the future. In this regard, both our nations should have more desire than ever before to strengthen our ties and build even stronger bridges between our countries. The strength of our friendship also allows our two nations to openly discuss issues in which common perspectives are not shared. In this regard we must continue to work together to find common ground that reflects the respective values and hopes of the American and Tunisian people.

Tunisia has a critically important stabilizing role in both Africa and the Middle East. We should clearly recognize Tunisia as a diplomatic and political force for moderation and shared security in the Maghreb region. I thank the Tunisian government for its cooperation with the United States in combating terrorism and for its commitment to continue this positive partnership. At a time when extremists in various parts of the world are promoting violence and intolerance, Tunisia's moderate role is vital to promoting security, as well as peace.

One area of great interest to me is the status of women and girls around the world. Over the past fifty years, Tunisia has been an example of a nation willing to raise the status of women by promoting opportunities for women and girls to achieve their potential and contribute their skills to society. Today, schools and universities are filled with girls and women preparing themselves to help lead Tunisia into the future. This, for me, is a very exciting prospect indeed.

Mr. Speaker, let us extend our warmest regards to the people of Tunisia, officials of the Tunisian Republic and President Ben Ali on their celebration of fifty years of independence. Their friendship and decades of cooperation with the people of the United States is truly valuable and a relationship that I intend to work to both maintain as well as strengthen.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BECERRA. Mr. Speaker, on March 15, 2006, I was unable to cast my floor vote on rollcall 43. The vote I missed was an amendment to H.R. 4939.

Had I been present for the vote, I would have voted "no" on rollcall 43.

CANADIAN BORDER PARTNERSHIP

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. POE. Mr. Speaker, as a Member of the House International Relations Committee, I would like to congratulate our neighbors to the north on their recent Parliamentary elections and the swearing in of Stephen Harper, the 22nd Prime Minister of Canada on February 6, 2006. Prime Minister Harper ran a successful campaign focused on a conservative agenda and creating a smaller, more effective government.

Our two countries have had and will continue to have friendly diplomatic relations. The United States and Canada are each other's largest trading partners with $1.3 billion of trade crossing our shared border every day. It is my sincere desire that our American and the newly formed Canadian Government are not overly consumed by our economic ties that we turn a blind eye to ensuring strong border security. Our two countries will need to stand side by side and continue working together as neighbors to approach future challenges and confront mutual dangers to keep our countries safe from terrorism.

It is now a known fact, despite some of the rhetoric in the American media, that none of the 9/11 hijackers entered across the U.S.-Canadian border to plan and implement their attacks. However, there have been two confirmed cases of terrorists captured while attempting to cross our large and extensive northern border. There is no denying that this threat still exists today and those who seek to do us harm will continue to exploit our vulnerabilities.

The United States and Canada have taken measures to better secure our shared border. Recent efforts include a 32-point plan, commonly referred to as the "Smart Border Accord" that secures the border and facilitates the flow of travelers and goods through coordinated law enforcement operations, intelligence-sharing, infrastructure improvements, improvement of compatible immigration databases, visa policy coordination, common biometric identifiers in travel documents, prescreening of air passengers, joint passenger analysis units, and improved processing of refugee and asylum claims. I applaud these efforts and welcome ways to improve document standards that govern travel across our borders. I believe this can be done without sacrificing security and efficiency.

In today's world, with the threats that we face, it is essential that we have friends and allies. Our Canadian neighbors to the north are our friends. I again congratulate them on their successful elections and look forward to working together in the future to ensure that both countries remain safe, secure, and prosperous for years to come.

HONORING OFFICER MARC A. REIDER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Officer Marc A. Reider for his thirty years of exemplary service to the citizens and businesses of Tredyffrin Township in Chester County, Pennsylvania. Officer Reider retired as a decorated officer on December 23, 2005 from the Tredyffrin Township Police Department.

As an outstanding public servant, Officer Reider retired as one of the most highly trained officers in the field of accident reconstruction. In addition to his many honors, he also served on the Tredyffrin Township Police Department's Traffic Accident Review Board. While on this Board, he oversaw the agency's forensic mapping team where his leadership and attention to detail helped to recreate and solve difficult auto related cases. Officer Reider is highly regarded throughout Pennsylvania as an expert witness in vehicular accidents and also serves as a member of the American Board of Forensic Examiners.

Officer Reider also takes the time to share his knowledge with younger members of the police force. He has held a Pennsylvania Municipal Police Certificate since 1983 and has had the distinct honor of serving as an expert instructor in traffic accident investigations for the Montgomery County Municipal Police Academy. Throughout his distinguished career, Officer Reider has worked tirelessly to make the Township, County, and Commonwealth a safer place. His dedication to service and professionalism will be greatly missed.

Mr. Speaker, I ask that my colleagues join me today in honoring Officer Marc A. Reider for his many years of exceptional service and professional contributions to the Tredyffrin Township Police Department and community. I am honored to stand before you to congratulate and celebrate Officer Marc A. Reider on his many impressive accomplishments.

REMARKS ON H.R. 4939

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. CAMPBELL of California. Mr. Speaker, today, the House considered legislation to increase spending. I support the Global War on Terror and would have supported a clean bill to continue to provide financial support to our efforts in Iraq and Afghanistan. However, I could not vote for this bill because it was loaded with extraneous unrelated spending initiatives that run up our deficit and take precious recourses away from our troops in the field and those fighting the War on Terrorism.

SENATE—*Monday, March 27, 2006*

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of life, King of our hearts and Ruler of all, teach us how to lay up treasures in heaven. Empower us to see the importance of setting our affections on the things above. Strengthen our lawmakers for today's challenges. Give them hearts eager to do Your will. Help them to know Your ways and teach them Your paths.

Today, comfort us as we mourn the deaths of David Lee Hamlett, a Senate police officer, and Erma James Byrd, wife of Senator ROBERT BYRD. Help us to bring You our wounded hearts and to tell You our anguish. Remind us that Earth has no sorrow that heaven cannot heal. Infuse us with a faith that will not shrink though tossed by the winds of trial.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, we will resume consideration of the lobbying reform measure. As I mentioned before the break, it is my expectation the Senate will consider the lobbying reform bill and the border control legislation during the next 2 weeks. This should allow sufficient time to work through these bills, and I hope we can focus our efforts and work together across the aisle on both of these bills. These bills are nonpartisan, and we should be able to address them in a bipartisan way working together.

On the lobbying reform bill today, first, I hope the Senator from New York will withdraw his unrelated amendment. That would then allow the two managers to find a way to begin to schedule some of the lobbying-related amendments for debate and votes. In addition, we have Senator WYDEN's amendment currently pending, and we are working to set a time certain for a vote on that amendment.

On the border control bill, we have a cloture vote scheduled for tomorrow on the motion to proceed to that bill. I will be talking to the Democratic leader later today on the precise timing of that vote, as we await the work of the Judiciary Committee under Chairman SPECTER that is meeting today.

With respect to today, I wish to remind my colleagues that we are working to set up a vote this afternoon, either on an amendment or a nomination. We are expecting that vote to begin at approximately 5:15. We will likely have to drag that vote a little bit for a few minutes because we are starting that vote 15 minutes earlier than most of our colleagues had anticipated.

MORNING BUSINESS

Mr. FRIST. Mr. President, while the managers of the lobbying reform bill sort through some of the amendments and because we have some Members who want to speak on other subjects today, I now ask unanimous consent that there be a period of morning business until 3 p.m., with Senators to speak for up to 10 minutes each.

The PRESIDENT pro tempore. Is there an objection?

Without objection, it is so ordered.

ERMA ORA JAMES BYRD

Mr. FRIST. Mr. President, I would like to open today with respects paid to Erma Byrd, the wife of our dear friend and colleague, Senator ROBERT BYRD. As the Chaplain mentioned in his prayer, Mrs. Byrd passed away recently—in fact, on Saturday night.

Erma Ora James Byrd was the devoted wife of Senator BYRD for nearly 69 years. Born in Virginia in 1917, Erma and her family moved to West Virginia when she was a child. It was there that she met her future husband at the Mark Twain Grade School in Raleigh County.

The couple married when they were 19 years old. The daughter of coal miners, Erma never forgot her humble beginnings.

As a young couple, the BYRDs enjoyed a simple existence. They could often be found at community square dances where Senator BYRD would be playing his fiddle and Erma would be dancing. From those local dances, to running a grocery business, to raising a family, Erma and Senator BYRD were partners in everything they did.

When Senator BYRD decided to come to the House of Representatives in 1952 and then later entered law school, Erma took the lead in handling the house and bringing up their daughters.

Throughout her life, Mrs. Byrd focused on her family. The Byrds were the proud parents to two daughters, Mona and Marjorie. And they were blessed with six grandchildren and six great grandchildren.

Mrs. Byrd's love of children extended far beyond her family. In West Virginia, Erma Byrd was known far and wide for her advocacy for children and for helping young people get ahead.

Dedicated, determined, loving, and loyal—these were the words many used to describe Erma Byrd. And they are the qualities that our colleague cherished dearly in his wife.

On their 65th wedding anniversary, Senator BYRD said:

> Erma and I are complete and whole, a total that is more than the sum of its parts. In my life, Erma Ora Byrd is the diamond. She is a priceless treasure, a multifaceted woman of great insight and wisdom, of quiet humor and common sense. I wish that more people could know the joy I have had in finding one's soul mate early in life and then sharing that deep companionship over many happy years.

Senator BYRD, our thoughts and our prayers are with you and your family. We mourn your loss, and we celebrate the life of the wonderful woman who stood by your side.

BORDER SECURITY

Mr. FRIST. Mr. President, this week, if there are no obstructionist tactics, the Senate will begin debate on protecting our country and fixing a broken immigration system.

Since last fall, when I announced the Senate would take up this issue, the Judiciary Committee has spent over 5 weeks, and, as of today, they are in their sixth markup on it. I thank Chairman SPECTER for his leadership throughout this process, during these six markups over the last 5 weeks. The Judiciary Committee members and their staff have worked long and hard under his guidance. As we speak, his committee is in session trying to finish the task set out for them. I, as leader, appreciate that and appreciate their efforts and the tremendous work they have done thus far.

America needs secure borders. Right now, we do not have them. Every day,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

thousands of people violate our frontiers. We do not know who they are and quite often we cannot stop them. As a nation of immigrants which honors the rule of law, we must secure our borders to make America safe, so we can fix our country's immigration system.

We are a nation of immigrants. We all came from somewhere else, and we have all benefited from America's uniquely inclusive ethos. But America is also a nation of laws. Our laws bind and protect us. They transform us from seekers into citizens and are the very foundation of our democracy.

A nation that cannot secure its borders cannot secure its destiny or administer its laws. The situation along our southern border now ranks as a national security challenge second only to the war on terror.

Before we left for last week's recess, I introduced the Securing America's Borders Act, or SABA, so that the Senate would be able to take up border security and interior law enforcement and allow the Senate to focus on comprehensive illegal immigration reform. It includes a number of commonsense, consensus measures that improve security along our physical border, crack down on human smugglers, simplify the process of deporting wrongdoers, and make it easier for employers to confirm their employees' legal status. And many of its provisions are built from ideas in the 9/11 Commission report.

Why should we act and why should we act now? Well, every day we delay we discover new facts that show us waiting makes America less safe and less secure. To take just one example, in January, officials discovered a massive tunnel stretching nearly a half a mile from Tijuana to San Diego. We do not know how many, or who, snuck in through this tunnel. We do not know what materials came into our country, or when, through this tunnel.

When people break our laws and come through our borders, we do know that mixed in with families looking for a better life are drug dealers, human traffickers, terrorists, and common criminals who cross into our country. Increasing our border security reduces that threat to our country and to our citizens.

The danger is not only to America; there is danger to those who try to cross our borders as well. Unofficial data collected along the Arizona border—the only area for which we have information—show that nearly 225 people died along the border in 2005 alone. About 10 percent perished under circumstances that suggest foul play. And we all know the terrible stories of those who prey on vulnerable migrants, who charge outrageous prices to smuggle them across the border and then, often, abandon them the moment trouble strikes. That is wrong. We must act. And we will do so over the next 2 weeks.

We need better enforcement and more manpower on the ground. Last year, the Senate led the charge to provide funding to hire 1,000 additional officers, more equipment, and more detention beds. This was a start but only a start.

My proposal adds nearly 15,000 more officers over the next few years in a sustained and focused effort to buttress the 20,000 already deployed to work on border issues. It also requires new investments in unmanned aerial vehicles, cameras, and sensors, and a comprehensive national border security strategy. It establishes the long-term project of building a virtual barrier to cover every mile of the 1,951-mile long border with Mexico. This will both make America safer and reduce the number of people endangering themselves trying to come into this country.

In addition to physically strengthening the border, the bill makes it easier for the Department of Homeland Security to catch people who violate our immigration laws. It enhances the collection of biometric data about who enters the country and allows the Homeland Security Department to set up additional border checkpoints.

The law creates tough, new penalties for human smugglers and document forgers. And under this bill, terrorists, dangerous gang members, and others with serious criminal connections face expedited removal from the United States.

But my bill doesn't just draw on the common sense of the American people for its provisions; it also looks to the 9/11 Commission report for guidance.

Many of the bill's provisions reflect the guidance of that commission. For example, the commission recommended that we consolidate border screening systems. SABA does that. It encouraged the use of biometric data to keep track of who was coming and going. SABA does that. It identified the need of State and local officials to work with Federal agencies to identify terrorist suspects. SABA does that as well.

Securing the border and enforcing our laws are crucial first steps to making America safer. But much more remains to be done. There are over 11 million people in this country illegally today. Congress cannot turn a blind eye to this growing number. We need to act.

As many know, I oppose amnesty. With our economy at full employment, many who break our laws come to this country to do the work others won't do so as to make a better life for themselves and their families. I honor that. America has always been the place where one can come to live out a dream of improvement and renewal. But while we welcome those who refresh and restore our American spirit, we have always done so within a framework of law. The full Senate should have the chance to discuss and to debate and to decide how we balance that rule of law with the situation as we find it today.

I am here to solve problems, not stand around. All Members come here to act and not to fill space. We need to work together so that all 100 Senators have the opportunity to work within our rules to solve this problem.

I do hope the minority will not put procedural roadblocks in the way of the Senate resolving these issues, so we can put some of our country's best minds to work here on the floor now, this week.

I invite all who have ideas to come and work with us. Together, rather than apart, we can bring the best to bear to solve this problem of illegal immigration so that America is safer, so that America is more secure.

As I said when I introduced the bill we call SABA, I want this coming debate to reflect our history in America as a nation committed to the rule of law and our immigrant inheritance.

I am glad many agree on the need to ensure our debate is in the best keeping of the Senate's traditions. We ought to be honest about the problems we face and the outcomes we seek, within a framework of conversation that does credit to the Senate and the Nation.

This debate, and our effort, is about the American dream and the hope this country holds for so many hard-working people. But it is also an issue about what it means to be a nation. And every nation must keep its citizens safe and keep its borders secure. We should not have to choose between respect for our history and respect for our laws.

With hard work and responsible debate, we can have both. I hope we can conduct this debate with civility and seriousness. I look forward to a thorough and full discussion over the coming days.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

The President pro tempore is recognized.

TRIBUTE TO ERMA BYRD

Mr. STEVENS. Mr. President, having arrived late Saturday night from Hawaii where we attended the memorial services for Senator INOUYE's late wife Maggie, my wife Catherine and I were deeply saddened the next morning to learn that Erma Ora James Byrd had passed away Saturday night. I come to offer our sincere condolences to our good friend Senator BYRD and his family.

As the leader has said, Senator BYRD and Erma were married at the age of 19. In their nearly 69 years of marriage, Erma was a pillar of strength to our friend. She stood by him as he finished high school and college and attended American University Law School. She was at his side every moment and milestone in his 60 years of public service. As he has often told us, it was Erma who made sure he was polished and well pressed before he left for the Capitol every morning. She took great pride in the work he did for their State and for our Nation.

Erma has been part of our Senate family since the Senator was elected to this body in 1958. Those of us who have served with the Senator have come to know her and love her, and we will deeply miss her.

She was a true southern lady in every sense—intelligent, graceful, and known for her southern hospitality. As Senator BYRD has often mentioned, she never sought the limelight, choosing instead to keep her focus on their family and their home.

Catherine and I were privileged to travel with Erma and Senator BYRD over the years, and my family has always enjoyed being with them. We have looked forward to celebrating Erma's birthday each year. Her annual birthday lunch on Capitol Hill has always included lots of beautiful flowers which Erma loved.

We have also been the recipient of Senator BYRD's good wishes for our family, particularly our children over the years. I remember distinctly the comment that Senator BYRD made on the floor when our first grandchild was born, and he has been very kind to our last child, Lily, who has grown up and known Senator BYRD as one of her "uncles," so to speak. Catherine remembers the many hours Erma spent sewing and knitting on Tuesday mornings for the Senate wives' Red Cross projects. We will not forget how gracious and generous she was when she hosted Members of the Senate and the British Parliament in their home State of West Virginia some years ago. It was a lovely evening up on the mountaintop. Those memories will stay with us forever.

Erma was not only a great partner to Senator BYRD in life, she was a wonderful mother to their two daughters. Senator FRIST has spoken extensively on them. But anyone who wants to understand the depth of the Senator's love for Erma should read the speeches he has come to the floor to deliver each Mother's Day.

In his Mother's Day address in 1997, he said this:

> I could not have put in the countless hours required by my office without [Erma's] extreme patience and forbearance, understanding and good humor and support. Erma is the epitome of traditional family values, and my pride in the accomplishments of my daughters and their children is a clear reflection of the values and lessons they learned from their mother and their grandmother.

Mr. President, West Virginia has lost a beloved daughter, and the Senate has lost a dear friend. I think she may have been the longest serving wife of a Senator. Catherine and I extend our deepest sympathies to Senator BYRD, his family, and all who knew and loved Erma. We are deeply saddened by this news.

The PRESIDING OFFICER. The Democratic minority whip.

Mr. DURBIN. Mr. President, I rise today to commemorate the life and mourn the loss of a remarkable woman. Erma Byrd, the wife of Senator ROBERT C. BYRD, passed away over the weekend after battling a long illness. Her death brings sadness to the entire Senate family. On behalf of the Senate I wish to extend our condolences to Senator BYRD and their two daughters, five grandchildren, and six great-grandchildren.

This remarkable couple had been married for 69 years, and anyone who spent time with Senator BYRD knows how much they loved one another. It is clear they took their vows very seriously, to stand by one another in sickness and health. It is a tribute to our colleague and to his late wife that their devotion and love sustained them together for so many years.

As Senator BYRD has said on the floor of the Senate so many times, Erma Byrd has always been his touchstone. He said:

> Her faith in me has never wavered and she took to mothering me as effortlessly as she took to mothering our daughters. In Erma Ora James Byrd runs the blood of a great line of mothers, fierce in their devotion to their families, vigilant in their care, loving in their manner.

In a time of increasing callousness and cynicism, the story of ROBERT and Erma Byrd can only be described as a true lifelong love story. Erma and ROBERT BYRD were married when they were both 19 years old. They met when they were students in grade school in Raleigh County, WV.

One of my favorite stories that Senator BYRD tells is about his courtship of Erma. It turns out he decided that the best way to Erma's heart was with another man's candy. His family wasn't prosperous, but the young ROBERT C. BYRD had a friend whose father owned a candy store, and each day that young man would pass out a few pieces of candy to his friends—such as ROBERT BYRD. As tempting as I am sure it was, ROBERT C. BYRD never ate his candy. Instead, he would present it to his girlfriend Erma.

It worked. Those of us who know the two of them know that little exchange of friendship would lead to a lifetime of commitment. I am sure ROBERT C. BYRD had many fine qualities and Erma noticed those, but she also apparently noticed the candy.

A true coal miner's daughter, Erma Byrd met Presidents and Senators, kings and queens, and the greatest among celebrities, yet. She never sought the limelight. She never lost her sturdy and sensible ways. She never forgot the values that sustained her in West Virginia and throughout all her life.

All of us in political life know that we make increasing demands on our spouses. We know they have to make great sacrifices because of our choice of public service. We all join in expressing our sadness at the loss of Erma Byrd, and we stand by our colleague Senator BYRD and his family to help them remember, at this time of loss, those good memories of times together. We know those memories will sustain their family.

Erma Byrd was the guiding star in her husband's firmament—the light that sustained him, healed him, and comforted him. I know her remarkable spirit will continue to guide him not only through this day of mourning but throughout the rest of his life.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. GREGG. I ask unanimous consent to proceed for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. GREGG. Mr. President, we are about to begin this week a very significant discussion, debate, and, hopefully, passage of some legislation to address what is one of the crucial public policy issues we have as a country, which is the question of how we handle immigration.

We are, obviously, a nation which has been built on immigrants. Every one of us in this country, except for Native Americans, comes from a family that came from somewhere else and immigrated to this country. It is a part of our heritage of which we are most proud, the fact we have been able to assimilate cultures from around the world and bring them to the United States and create America. We should take pride in something that sets an example for the rest of the world to show that people can gather and can live together and can be productive and can produce a nation founded on democracy, freedom, liberty, individual rights, and heritage—heritage which has built a matrix of strength for us as a nation as we bring together peoples from different cultures and we form an America.

E Pluribus Unum, the line above the Presiding Officer of the Senate, says it so well: From many, one. We are, therefore, a nation which needs to have an immigration policy which understands that, which, first and foremost, appreciates and continues to reward the idea that there are people from around this world who wish to come to America to participate in this country and to make us a more productive place in which to raise their children and to assist us as a nation in being stronger economically, socially, and from a standpoint of inner strength we obtain from having so many different people participate in our country. We always want to be that beacon, that light upon the hill that draws the world to us. As long as people want to come to America, we know we are doing something right, and we should take great pride in it.

We continue to be a place where people want to come and, as a result, we do have issues of how we deal with immigration. But most importantly, as we move down this road, we have to recognize it is critical that we not do anything which tarnishes or chills or in any way undermines that great tradition of America, which is that we reach out our arms to people who wish to come here and be productive and participate in our way of life.

However, unfortunately, over the last few decades, and especially in an accelerated way as we moved through the nineties and moved into this first decade of 2000, we have seen that a large number of people are coming into our Nation illegally. They are not following the course which is available to become an American citizen legally—to immigrate here, to take advantage of our system, and to build on the opportunities that are here but to do it legally. That has become a problem for us. It is a problem, obviously, from the standpoint that it violates our laws. It is also a problem for us in the post-9/11 world where we need to know who is coming into this Nation because of the threat of terrorist acts against us.

For the most part, these people who come to our country have come here for purposes which are good and decent. They want to have a better life. They want to be able to earn a better living. They want to be able to give their families more than they had in the nation they left. That is a well-intentioned purpose. But they have still come here illegally, and we need to address the issue of how we deal with that situation.

This question has been divided into basically two functions. First is how we physically control the borders of our Nation and make sure those borders are reasonably secure so that we have a decent idea of who is coming across those borders and why they are coming into our Nation.

The second question is how we deal with people who have come here to work, to perform tasks which are available to them, people who may already be here illegally, but people who still want to come here and do it in a way that is within the law. And that, of course, involves the debate over a guest worker program.

On the first issue, I have had a fair amount of interest and involvement because I chair the subcommittee that has jurisdiction over this question, the Subcommittee on Homeland Security. The question of whether our borders are secure is something which, since I have taken over as chairman of this subcommittee, has been all consuming over the last 2 years I have had the good fortune of chairing this subcommittee of the Appropriations Committee. It is pretty obvious to any American that our borders are not secure, that we do not know who is coming in. We certainly don't know who is leaving. We don't know what is coming in, and we don't know, to a large degree, what is going out.

But on the issue of movement of people, we are attempting to address that question. We have over the last 2 years significantly increased the resources going into border security. We have increased the number of Border Patrol agents by almost 2,000. We have increased the number of beds which are available—what is known as detention beds—also by a significant number. We have increased resources flowing in to the border security area, especially in the area of technology capability, trying to set up a system called US-VISIT which will allow us to effectively track who is coming into our country on a real-time basis through using fingerprints and our databases on fingerprints. We have made progress, but we are nowhere near solving the problem.

I wanted to talk briefly about that specific issue and then a little bit about the bigger issue of the guest worker program and how you become an American citizen.

As the Judiciary Committee wrestles with this problem of border security, it is important that we do it the right way, that we think about it in terms of what is going to get the best results versus what is going to get the best press releases.

To begin with, we do not need a wall across our southern border. We don't need it from the standpoint of being able to know who is coming across the border, we don't need it from the standpoint of being good neighbors, and we do not need it from the standpoint of presenting the national culture. Doing that would be the exact opposite of what we should do as a Nation.

There may be sections, clearly, where some sort of fencing or wall will be necessary, sections where the commingling of the border is so close that it is very difficult to control that section without some sort of a definable event which forces people who wish to come across the border through a controlled point, but to run a wall the length of the border as has been suggested by some of our colleagues, especially in the other body, is just anathema to the concept of what America stands for. We want to continue to be a society which says we are open, that we are a place where people are encouraged to come, and that we are a place that reaches out to people who wish to be productive and come here to be productive citizens. Furthermore, it would cost a huge amount of money, and it would accomplish very little.

So much more could be accomplished through other means, such as the addition of a fairly significant but not dramatic increase in the number of border agents, if we went up to, say, 20,000—we are now at about 13,000—and with the addition of a fairly significant but not a dramatic amount of new detention beds and some creative approach to detention capability such as using former military bases and the facilities that might be available through transient housing. Maybe we could use some of those trailers we have sitting down there in Arkansas which are not being used. But through creative detention capability, we could add the necessary additional beds, and there are not that many needed compared to the overall numbers, with creative approaches using technology, of which we have an unlimited source of ingenuity in this Nation. In fact, every day, it seems as if somebody comes to my office with a new idea as to how to create a monitoring system or some form of monitoring system through the use of unmanned vehicles, through the use of satellite technology, through the use of sensors, which would not cost that much. With the creative use of just adding physical capital assistance such as new cars, new helicopters, new planes for Customs, such as new capacity for the Coast Guard, we could, without a great deal of incremental increase compared to the expending which we do in other parts of this government, effectively monitor and manage certainly the southern border. As a result, we would know who was coming into this country across that southern border, which is where most of the illegal immigration occurs.

Would we solve the northern border issues? Probably not. That is a little different puzzle. The northern border does not have the huge illegal immigration issue, but it does have an equally severe, maybe even more severe opportunity for terrorists, people who wish to do us harm, to cross. There are other approaches which need to be taken there. But as to the southern border, it is totally possible, reasonable, and should be done to manage that border effectively with the addition of some significant resources, but not dramatic increases.

I suggested a year and a half ago that if we increased the capital resources available to the Border Patrol and the Customs Agencies by about $1.2 billion, we could essentially buy out almost all the major capital needs they need in order to manage the border—all the housing, all the airplanes, all the cars, all the unmanned vehicle monitors, all the technology for detection capability we would need. That is a lot of money by New Hampshire standards, but in the context of a $1.8 trillion budget, it is certainly a manageable sum. So far, that suggestion has been stiff-armed by the administration and basically limited as a result of politics here on the floor of the Senate.

In addition to that capital need, which, as I mentioned, is about $1.2 billion, there is the need to add new agents, and there is the need to increase our capability on the operational side. But again, the dollars necessary to do that are not dramatic, not dramatic at all—probably in the range of $2 billion of additional funding per year. That is a lot of money, again, by New Hampshire standards, but in the context of overall national defense where we are spending $440 billion plus $90 billion on the war on terrorism, for a total of over $500 billion, an additional $2 billion to secure our southern borders in the context of personnel increases is not dramatic and is doable. The point is, it would accomplish our goal, which is to secure the southern borders.

I have asked for that to be done. Unfortunately, that has not been done—well, that is incorrect. It was proposed by the administration to increase the commitment of the number of Border Patrol agents. They gave that commitment in their budget submission, but they took it away because they tied it to creating a fee, which would increase the airline user fee, and the practical result of that would be the money which was supposed to be used to add these additional agents would never be realized. But it should be done, it can be done, and if a fee is necessary to do it, it should be done on a fee basis, but a fee that has no relationship to the actual usage.

An airline fee does not impact southern border protection. The airline fee impacts the TSA, and it needs support. It has gone through 2 years of freeze and should be increased in our commitment there, and this fee maybe should be used to do that. But if we are going to have a fee, it should be border related, if that is the way it is going to be done. In any event, it should be done. We should spend those dollars to accomplish this.

The bill that is working its way through the Judiciary Committee has a commitment to these types of efforts, but it is an authorizing bill. It doesn't have to find the money. I have to find the money as an appropriator, and right now the money isn't there. So the ability to accomplish those good intentions isn't there.

Also, the bill that is coming through the authorizing committee creates a number of mandates. It says: This shall be done by Border Patrol, this shall be done by Customs, this shall be done by the Coast Guard. I am not sure it addresses the Coast Guard, but it has a number of mandates for Border Patrol and Immigration, and the practical effect of that is that it is artificially directing and redirecting flows of revenues and resources, and it may actually, as a result of those mandates, end up undermining our ability to effectively address the border. As the bill comes to the floor, which I hope will be this week, we can discuss that, and I am sure we can deal with those kinds of issues.

But the bottom line is simply this: We can accomplish security on the southern border. We can know to a large extent who is coming in and out of this country. We can limit dramatically—I mean dramatically; down to a trickle for all intents and purposes—the number of people who get into this country illegally across our southern border by the application of resources which, in the relative context of national defense, are quite small and in the relative context of the overall national budget are extraordinarily small. If we have to pay for them, we should pay for them through some sort of a border security fee. It can be done.

Why hasn't it been done? Because border security has been a stepchild around here to national defense for a long time. I find that unacceptable myself. If we are going to have a defense budget which spends $440 billion, up from $289 billion just 5 years ago, on top of which we are spending $90 billion a year to fight a war, one has to ask: What is the core defense budget for? It is not to fight the war, obviously, because we have to spend the next exceptional amount of money on top of it to fight the war, so it is obviously for strategic defense, for personnel, for operations, and it is needed, I guess, for the most part. But if that is the need of critical priority, clearly protecting our southern border is an equal need of national defense. Maybe we should roll the border security effort into the Defense Department and then we would get the resources for it, although I think that would be a bad policy decision, but at least we would get resources.

In any event, in the context of what is important from the standpoint of national security, I can't think of anything—well, there are a lot of things. I think it has to rank right up there at the top, knowing who is coming in and out of this country, when it is our country that is at risk. We know these people want to attack us on our soil, so it is absolutely critical that we have the necessary resources to protect our borders, to know who is coming in and out of our country so we can protect ourselves from people who might cause us harm.

It is also critical that, as a culture, we control this. We cannot survive as a culture if we have a massive amount of people coming into this country illegally. It just doesn't work. People who want to come to this country—and we do want to maintain a very open approach to encourage people to come into this country—have to know that if they follow the rules and if they come here legally, they are going to be able to get in line under the rules and legally and get a shot at American citizenship and participating in the American dream.

So it is critical that we get our southern border under control, and it is critical that we get our northern border under control. It is critical, we can do it, and we should do it. We should have done it long ago, and we can do it now, and we should make that commitment to those types of resources. As this bill moves forward, I intend to make those points and try to get people to look at this in the context of a doable event rather than in the context of simply a press release event.

Secondly, on the issue of immigration itself, it is also obvious that we have to have a workable guest worker program. We have to have something that says to people: If you want to come here and work and better your family, there is a way we can work that out. We can make that happen. That takes the pressure off of illegal immigration.

As we secure the border, it is clear that some sort of effective guest worker program is necessary. As part of that overall immigration effort, there is one little slice, though, which I believe we need to address. It is a small slice.

Today there is a lottery program where you can essentially send in your name and you are put into a lottery, and you have to be from a country which is deemed underprivileged, I believe; there is some sort of categorization. But if your name is pulled out of a hat, you can get on the path to American citizenship. Fifty thousand names are pulled out of the hat every year, just as a lottery.

At one time, this may have made sense, but it doesn't make sense today. It is very obvious today that just pulling people's names out of hats to put them on the path to citizenship in America is not fair to those people who are waiting in line and who have a reason and who have followed the process and have a purpose, and it is not fair to our Nation. How do we know we want somebody whose name is drawn out of a hat to be an American citizen? What benefit is that to us, other than that the person happened to be lucky?

Thus, if we are going to keep this lottery program, I believe we should change it over to a lottery program which essentially says: If you want to participate in this lottery, you have to have some unique talents or skills which America needs, such as a master's degree or a doctorate in some sort of science or mathematical capability or maybe some foreign language capability, something that America has a use for. So I think we should convert this lottery to that type of an approach.

I note that my time is about to expire and that we have both assistant leaders on the Senate floor, so something big must be happening. Therefore, I will continue this discussion as we move forward on the debate of immigration. But I do believe it is critical to understand that resolving the border issue is a very doable event. There is no complication to this, it is not subtle. It is simply a question of resources, and we can accomplish it with the right amount of resources placed in the right place. We don't need new laws to do it.

I yield the floor.

IMMIGRATION REFORM

Mr. DURBIN. Mr. President, I wish to comment very briefly, because I notice Senator MCCONNELL is on the floor, about the pending immigration bill now before the Senate Judiciary Committee. It is an interesting story, as we watch the news reports, of the people who are gathering across the United States. Over 110,000, some say close to 200,000, came out in Chicago a few days ago; 500,000 in the city of Los Angeles. There is hardly a major city in America where people have not stepped forward because of their concern about this immigration bill.

Who are these people? They are people we always see but seldom come to know. They are our neighbors. They sit next to us in church; they send their kids to the same school as our kids. They probably cooked your breakfast this morning. They probably washed your dishes and cleaned your hotel room. They are watching your children at daycare and they are changing your aging mother's soiled bed in the nursing home. They make sure your putting green is perfect, and they stand for hours every day in a damp and cold place, watching a production line of chicken carcasses come by, so you can invite friends for a barbecue this weekend.

They often live in crowded homes. They deny themselves many things. They sacrifice for their children and in the hopes that, at the end of the week, they might be able to send a small check home to their families in other countries.

Their children are in our military—thousands of them, wearing the uniform of the United States of America. Some have been killed serving our country. At their funerals, people in uniform come forward and present to the grieving parents a flag as a token of their heroism and bravery and their commitment to America.

Now from this Republican-controlled House of Representatives, we learn the way to treat these people is to declare them criminals—criminals. These 11 million undocumented people, according to the Sensenbrenner bill which passed the U.S. House of Representatives, would be branded and prosecuted as aggravated felons, treated the same as armed robbers and rapists—11 million people. That is the bill that came over.

This same Sensenbrenner bill doesn't stop there. It makes criminals of those who offer help. In the city of Chicago is a domestic violence center, Las Mujeres En Accion. I know it because I have been going there for years. It is in a place called Little Village. The people in Little Village are Mexican. Some are citizens and some not. Las Mujeres is there for battered women. Women who have been beaten unmercifully by their husbands bring their small children to Las Mujeres for safety, for shelter. They are allowed to stay there while the police are out trying to find drunk and abusive husbands and put them in jail.

Under the Sensenbrenner bill which passed in the Republican House of Representatives, all of the volunteers at that center and all of the staff at that center could be prosecuted as aggravated felons. Why? Because the people they are sheltering, many of them, are not documented citizens in the United States.

That is the sad reality of the bill that came over from the House of Representatives. These immigrants are people in America without legal status. Some, indeed, crossed the border in darkness. Some entered legally and stayed on beyond the time given them. Some had their paperwork lost in this mindless bureaucracy of immigration laws. Some came, fell in love, married, and over time they became the only ones in their family who were not American citizens. They are Mexican, they are Polish, they are Irish—they are from many nations. Their ranks have grown to almost 11 million.

Most polls tell us the American people don't want to give them all amnesty, to automatically make them citizens, and no one is suggesting that. But we also realize that deporting all of them, as some have called for, is as unrealistic as well. Even if it were wise—and it is not—it would be prohibitively expensive.

America has two great traditions. We are a nation of immigrants and we are a nation intolerant of immigrants.

How can that be? Many of us have seen examples in our lives. Just a floor away, in my office, is a little framed certificate I value very much. It is my mother's naturalization certificate. She came to the United States in 1911 and some 20 years later became a naturalized citizen. Her son is now the 47th Senator from the State of Illinois. It is a classic immigrant story of hard work and sacrifice so your children can do better. It is a story that has been repeated millions of times by immigrant families who came here at great risk, with great courage, and gave this country something special. The people who came to our shores had the courage to step up one day and say: I am leaving my village. I am leaving my children. I am leaving my family, my culture, my language, my history. I am going to a place I have never been where they speak a language I cannot speak in the hope that I will have a better life.

Think of that courage. They bring it to our shores by the thousands, and change America into this vibrant, growing, diverse Nation we value so much.

Just a few blocks away from where I am speaking, in the Dirksen Senate Office Building, the Senate Judiciary Committee is trying to decide what to do next. We are agreed on several things. We need better enforcement. America cannot absorb every person who wants to live here. We need better border security, and those amendments passed this morning overwhelmingly on a bipartisan basis. We need to work with employers to make sure they are following the law in the people that they hire. We are considering now an amendment, a bipartisan amendment, so agricultural workers can come here to harvest the fruit and vegetables that are an important part of our lives and our economy and not be arrested for doing it—giving them a chance. We are also going to address, before this day is over, whether we will make criminals of all of the people who are here.

I certainly hope those who are following this debate understand that if the 11 million undocumented are to come out of the shadows and be part of America, they won't do it with the threat of going to jail or being deported. What we need to do is establish a sensible, tough, but fair process so that those who have come, who work hard, pay taxes, raise their families, obey the law, learn English, and want to be part of America have a chance. They can be given a chance over a longer period of time than those who go through the regular legal process. That is only fair. They should not be able to jump in front of others in line. But ultimately if we give them a path to legalization, a path to dignity, we will be a better nation for it.

They want to be part of America and its future. They left their home countries, as many of our parents and grandparents did, to come to this great Nation. We see it in the hundreds of thousands who have come out in the streets of major cities, as they stand and say in Spanish: Si, se puede—yes, we can. They chant, as they do in Chicago: USA, USA—that they love this country as much as almost any other citizen. Giving them a chance to become an important part of America's future will make us an even stronger country.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

HONORING OUR ARMED FORCES

SERGEANT JONATHAN ADAM HUGHES

Mr. McCONNELL. Mr. President, I ask the Senate to pause for a moment today to remember the heroism and sacrifice of SGT Jonathan Adam Hughes.

"Sergeant Hughes was a proud member of Bravo Battery, First Battalion, 623rd Field Artillery, and he will always remain a member. He has earned that right." So says Sergeant Hughes's wife, Sara Hughes, on her husband's time in the Kentucky Army National Guard. She continues, "He will never have to re-enlist or extend his contract, for it has been extended forever."

On March 19, 2005, Sergeant Hughes and three other Kentucky Guard soldiers were traveling south in a Humvee, escorting a 30-truck convoy to Camp Liberty, the loading and unloading zone for supply trucks near the Baghdad International Airport.

Suddenly, at a point about 30 miles from Camp Liberty, an explosive device hidden in a car detonated. The other soldiers in the Humvee were injured; Sergeant Hughes, of Lebanon, KY, was killed. He had served his Nation as a citizen-soldier for almost 4 years. He was 21 years old.

For his valorous service, Sergeant Hughes was awarded the Bronze Star Medal, the Purple Heart and the Combat Action Badge. He had previously received the Army Good Conduct Medal, and he was awarded the Kentucky Distinguished Service Medal, for demonstrating all the qualities of a great soldier, remaining combat-focused while decisively engaged with the enemy, performing his duties and accomplishing his mission.

Adam, as his family and friends called him, was inspired to enlist in the Kentucky National Guard after his time in Junior ROTC at Marion County High School, where he graduated in 2002. After Sergeant Hughes's death, the flag outside Marion County High flew at half-staff in his honor and memory.

SFC Twymon Ray, Jr., also from Lebanon, KY, served with Sergeant Hughes and reports that one couldn't have asked to work alongside a finer soldier. Sergeant Hughes excelled at whatever task was put before him. When given an order, he would often reply with the rejoinder, "Gotcha, boss, gotcha covered."

On March 18, 2005, the day before the fatal attack, Sergeant Hughes and his unit were leading a convoy when they came upon another convoy, headed in the opposite direction, that was under attack. Being in the lead Humvee, Sergeant Hughes's team moved forward to engage the terrorists, a group of three or four cars with gunmen in their trunks.

As the terrorist drivers weaved between the tractor-trailers, the gunmen would open the trunks and fire at the truck drivers. Sergeant Hughes, who had volunteered to serve as his unit's gunner that day, engaged two of the cars, immediately drawing fire from both sides of the road.

SGT Brian Mattingly, Sergeant Hughes's team leader, recalls hearing shots "ping" off the armor of the Humvee he and Adam were in. The team was able to rescue two Iraqi-national truck drivers who had been targeted by these malicious killers. Sergeant Hughes was successful in chasing the enemy off and allowing both convoys to continue on their way without further attack.

During his downtime in Iraq at Camp Anaconda, Adam built a desk and book shelf from plywood the squad had acquired to hold his treasured pictures of his wife, Sara, and their young son, Peyton. Adam was also a cook. He asked his mother and grandmother to send him a frying pan, and he would fry up potatoes after a unit run to Baghdad to pick up food and other supplies.

Adam Hughes also used his downtime in Iraq to work on his Humvee or play video games. He grew up as an avid outdoorsman, and especially enjoyed hunting and fishing.

Sergeant Hughes was laid to rest last year in Holy Name of Mary Cemetery, outside Lebanon, KY. I was honored to be one of the many who went to pay my respects that day to a courageous American hero. A lot of people love and miss Adam Hughes, and they will remember his bravery, his can-do optimism, and his sacrifice.

CPT Lawrence Joiner, commander of Sergeant Hughes's company, remembered Adam for his quiet and shy disposition, saying, "Words cannot express our love and brotherhood. . . . He will forever be a part of our lives."

Adam was blessed to have a loving family and many friends. His wife Sara is present today, and we thank her for sharing her memories of her husband with us. I also commend Mrs. Hughes for her tremendous compassion for the families of other Kentucky Guard soldiers who have fallen in service of our country, which she has shown by attending funerals and helping other soldiers' families cope with their loss.

Mrs. Hughes has brought her son, Peyton, who is almost 2 years old, to the Capitol today to honor his father. Accompanying the Hughes family is SGT Keith Cox, who served with Sergeant Hughes, his wife, Libbi, and their children Kyle and Mariah. The Hughes family is lucky to have such friends during this difficult time.

Adam also leaves behind a loving family: his mother, Karen Hill; his father, John Hughes; and his two sisters, Nikki Hill and Claire Hughes.

"There are no great words in a time of deep tragedy. But surely there are great men in the midst of great tragedy." Those are again the words of Sara Hughes. How true and how profound.

I ask my colleagues to join me today in saying that America can never repay the debt we owe SGT Jonathan Adam Hughes or the Hughes family. We are truly blessed to live in a country where so many brave men and women volunteer to wear the uniform and defend freedom, here at home and across the world.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate remain in a period of morning business until 5:15 this afternoon, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON TRIP TO PAKISTAN, AFGHANISTAN, IRAQ, TURKEY, AND ENGLAND

Mr. LEVIN. Mr. President, I returned on Saturday evening from a trip to Pakistan, Afghanistan, Iraq, Turkey, and England. The trip was led by a very dear friend of mine and a great leader of this Senate who happens to be the Presiding Officer at the moment, Senator WARNER of Virginia, and it included Senator SESSIONS, Senator THOMAS, Senator BINGAMAN, Senator SALAZAR, in addition to myself.

I know if the Presiding Officer was allowed to speak in the position in which he sits that he would be the first to acknowledge that this was one of the most extraordinary trips either one of us has ever taken in the 28 years we have served together in the U.S. Senate.

The focus of the trip was to assess the situation in Afghanistan and Iraq. We also conveyed to the men and women of our Armed Forces the extraordinary support for them in the Congress and throughout the Nation, regardless of our debates and differences over Iraq policy.

In meeting with our troops, including many from my home State of Michigan, it was they who lifted our spirits. As always, I came away deeply impressed by the professionalism, dedication, and high morale of our troops. They are truly America's finest.

The situation in Afghanistan is hopeful. President Karzai has led his nation with a firm and steady hand. He has successfully, albeit gradually, neutralized the warlords and demobilized and disarmed their forces. The Taliban has indeed regrouped to some extent and, together with a much weakened al-Qaida, are capable of causing casualties among the Afghan Army and coalition and NATO forces, but they are not a threat to the Afghan nation.

Meanwhile, the Afghan Army is growing stronger, the training of the Afghan police is improving, a large number of provincial reconstruction teams are helping with local governance, and NATO is assuming more of the burden of providing security throughout the country. Serious work does remain, including the need to deal with poppy cultivation and the drug traffickers. But overall the situation in Afghanistan provides grounds for optimism.

Sadly, the same cannot be said of Iraq. The situation in Iraq is deeply troubling and threatens to grow worse. Since the recent attack on the Golden Mosque in Samarra, there has been a huge increase in sectarian violence. The increase is so significant that our senior military leaders in Iraq say it has replaced the insurgent attacks on Iraqi and coalition forces as the No. 1 security problem there.

Although there has been some progress in training the Iraqi Army, even a stronger Iraqi Army cannot prevent a civil war. Only the political and religious leaders and the police can do that. The police are not making significant progress in coming together as a cohesive force. In some critical areas, including Baghdad, where the militias continue to dominate, the police are not reliable and are still likely to respond to the sectarian calls of the clerics and the militias instead of the government.

Do we need to succeed in Iraq now that we are there? Yes, because the outcome there will have a major effect on the region and on our own security. I define success as a stable Iraq with a government of national unity supported by a reliable national army and police who are not weakened by sectarian fissures.

To achieve that success, General Casey, the Commander of U.S. and coalition forces in Iraq, reiterated to us that there is no military solution to the violence without a political solution.

We need to do everything we can to help the Iraqis achieve a prompt political solution, which means the quick formation of a government of national unity involving representatives of the three main Iraqi factions. It also means a highly sectarian individual would not be heading up the Ministry of Defense or the Ministry of the Interior. The alternative to a prompt formation of a government of national unity by Iraqi leaders is a continuation of this drift to all-out civil war.

In Baghdad we met with Prime Minister Jaafari, who was nominated by the dominant Shiite faction—the United Iraqi Alliance—as their candidate for Prime Minister in the new government. Although he was confident that a national unity government would be formulated by the end of April, his optimism was not widely shared by others we met. Moreover, his one-vote victory for the nomination to continue on as Prime Minister is being contested from both within and without the Shiite coalition. I shared with him the letter to President Bush that Senators COLLINS, JACK REED, and I had written, the bottom line of which is that:

> A prompt political settlement is not only essential to the Iraqis, it is a condition of our continued presence.

I told him his "end of April" commitment to President Jaafari, in my judgment, met that test of a prompt political settlement.

We also met with leaders from the two main Sunni Arab parties: Mr. Hashimi and Mr. Samarai of the Iraqi Islamic Party, and Mr. Mutlak of the Iraqi Dialogue Council. They were not optimistic about the negotiations and forcefully advocated a decisional role rather than a facilitating role for the United States in the negotiations. Mr. Mutlak argued:

> You are responsible for this mess and you must correct what you have done. You have to dictate the result.

The Sunni leaders were also of the view that Iraq has been in the midst of a civil war between the militias and the innocent Iraqis for some time, and they voiced their concern about Iranian influence over the Shiite parties. I told them, and I know the other members of our codel, of our delegation told them as bluntly as we know how that their dictator was removed at a great loss of American blood and treasure and that the Iraqis and only the Iraqis will decide their own fate, and that our continued presence should depend on their promptly choosing a path of reconciliation and unity against violence and terror.

On our second day in Iraq we met with the U.S. Ambassador to Iraq, Zalmay Khalilzad. One constant theme we found in Iraq and elsewhere in the region was the high regard with which all hold our Ambassador, Mr. Khalilzad. Unfortunately, although the parties are finally talking, more than 3 months after the elections, Ambassador Khalilzad was not encouraging that a political solution is in sight. He is putting modest pressure on the Iraqis. For instance, he told the Iraqis our response to continued deadlock of Iraq's political leaders might not be to their liking. He has told the Iraqi political leaders: It is your decision, and after you make it, we will make our own decision in response.

Although his statement is on the right track, it is still too subtle. It is too oblique. The political leaders of Iraq are deadlocked, feuding while Iraq descends toward all-out civil war. There is little chance of achieving a government of national unity without our pointedly and forcefully persuading the parties to make the compromises necessary to achieve it.

But what is the leverage that could be used to pointedly persuade the Iraqi leaders to make those needed compromises? We can't dictate to them who should be their leaders. That would undermine the President's belatedly arrived at explanation for his decision to attack Iraq, which is replacing a brutal dictator with a democracy. Yes, there should be a need to apply pressure. The prospect of sectarian clashes and the specter of civil war should be sufficient incentives on their own to end the deadlock. But, so far, they don't appear to be.

To help break the political gridlock, a combination of carrots and sticks is required. The carrot is the provision of economic development funds, particularly from neighboring wealthy countries, on the condition that a national unity government is created and produces a coherent economic plan. The biggest stick is clearly telling the Iraqis that our continued presence in Iraq is dependent upon their promptly putting together a government of national unity.

Sadly, the rhetoric of the President and the administration has often worked against the pressure which needs to be applied against the Iraqi leaders.

The President recently asked the American people, for instance, for their patience. I believe instead he should be telling the Iraqi leaders bluntly and openly that the American people are understandably downright impatient with Iraqi leaders fiddling while Baghdad is burning.

The Secretary of State has said we are in Iraq as long as needed. I believe she should be telling the Iraqi leaders that our continued presence is dependent upon their doing what only they can do: reach an agreement on a government of national unity. That political settlement is not only the best hope, it is the only hope of ending the insurgency and the sectarian strife. The pressure to reach an agreement on a government of national unity needs to be applied clearly and forcefully, pointedly and publicly, not just by President Bush but also by the leaders of Iraq's neighbors.

In our meeting with the Prime Minister of Turkey, Mr. Erdogan, we urged him to do just that, and he said he would. The leaders of all of Iraq's neighboring countries need to do the same because an unstable and civil war-torn Iraq threatens them even more than us.

Is there a risk in this course of forcefully pressing Iraqi leaders to agree on a national unity government? Is there a risk in following that course? The answer is yes. But there is a greater risk in continuing on the current course of political gridlock while sectarian fires threaten to burn out of control.

The President needs to act based on the reality that we confront in Iraq. He recently said if there were a premature departure of American troops that "Iraq would become a place of instability."

Would become? Iraq is a place of grave instability, and to use the words of Ambassador Khalilzad in an interview he gave with a London newspaper: "Iraq is moving towards civil war."

My conclusion is this: President Bush needs to forcefully transmit a message to the Iraqis in plain and simple language: your survival as a nation depends on your working things out together. Your survival as a nation is in the hands of your political leaders, not our military. Along with Senator COLLINS and Senator JACK REED, as I indicated, we wrote the President on March 10, 2006, and ended with the following thoughts:

> We urge you to make it clear to the Iraqis how important it is to us that they achieve a political settlement, form a unity government, and make the necessary amendments to their Constitution. We believe it is essential that the Iraqi leaders understand that our continued presence is not unconditional, and that whether they avoid all-out civil war and have a future as a Nation is in their hands. If they don't seize that opportunity, we can't protect them or save them from themselves.

We ended:

> The bottom line is this: The United States needs to make it clear to Iraqi leaders that a prompt political settlement is not only essential to them, it is a condition of our continued presence.

We all want to succeed in Iraq, regardless of the positions we took going in. Whether we favored or opposed our intervention, and whether we are critics or supporters of the administration's policies since then, we all want to succeed. We all want to try to leave Iraq in better condition, obviously, than we found it. But to maximize the chances of success, we need to maximize pressure on the leaders of Iraq to end their political deadlock. The insurgents and outside terrorists are not going to be defeated and civil war is not going to be averted if Iraqi leaders are at war with themselves. They should know that if they squander the chance to bring political unity to Iraq, we cannot and will not protect them from their own folly.

Let me close by thanking our Presiding Officer for leading, again, one of the most extraordinary visits to a foreign country that I have ever participated in. His leadership was essential to making the visits that we were able to make and for all of us to come back with greater information and with thoughts about where the future lies.

Mr. President, I ask unanimous consent at this time that the letter that I referred to from the three Senators be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 10, 2006.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: There is a consensus among our senior military commanders that a political settlement involving the three main Iraqi groups is essential for defeating the insurgency and that the Iraqis need to agree on a government of national unity and make significant compromises to amend their Constitution to achieve such a political settlement. A political settlement is also essential to prevent all-out civil war and is a critical element of our exit strategy for our troops.

In the midst of the spiral of violence, it is clear to us that we must act to change the current dynamic in Iraq and that the only thing that can produce that change is a political settlement that is accepted by all the major groups.

But an Iraqi political settlement won't happen without pressure from the United States. We can't make them form a unity government, we can't decide who fills what positions in that government, and we can't write the amendments to their Constitution for them.

By a 79-19 vote last year, the Senate said that:

"The Administration should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq, within the timetable they set for themselves."

We urge you to make it clear to the Iraqis how important it is to us that they achieve a political settlement, form a unity government, and make the necessary amendments to their Constitution. We believe it is essential that the Iraqi leaders understand that our continued presence is not unconditional, and that whether they avoid all-out civil war and have a future as a nation is in their hands. If they don't seize that opportunity, we can't protect them or save them from themselves.

The bottom line is this: The U.S. needs to make it clear to Iraqi leaders that a prompt political settlement is not only essential to them, it is a condition of our continued presence.

Sincerely,

CARL LEVIN.
SUSAN M. COLLINS.
JACK REED.

Mr. LEVIN. I thank the Chair again for his leadership, not only on this one trip but for his leadership in the Senate on so many matters of national security, including the ongoing effort that all of us are participating in to find a positive outcome in Iraq and Afghanistan.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRU'S LAW

Mr. DORGAN. Mr. President, this coming month it will be 2 years since the body of a young woman named Dru Sjodin was found in Crookston, MN. Dru Sjodin was a young woman, a college student at the University of North Dakota, who walked out of a North Dakota shopping center at about 5 o'clock in the afternoon. She was abducted, a search was made for her, and some months later her body was found near Crookston, MN. She had been brutally murdered.

I have visited with her parents a number of times. The more I have come to know the details of her abduction and her murder—and since that time I have come to know the details of other abductions and murders, in many cases of young children in our country—it is clear that Congress needs to take some action to deal with some of these issues.

What happened to Dru Sjodin was a vicious, almost unspeakable crime for which a man will soon be tried for murder.

The man who has been arrested and will be on trial shortly for the murder of Dru Sjodin is Alfonso Rodriguez, Jr. He has served prison time for rape. He was sentenced to 23 years in prison for a violent rape. At the end of his sentence, he was deemed by prison officials—including psychiatrists and psychologists—to be at high risk of reoffending.

Despite that, he was let out of prison with little or no supervision. The State's attorney in the jurisdiction where he was prosecuted was not notified of his pending release. He was released without any significant supervision. And within 6 months—it is alleged—he murdered Dru Sjodin.

I have proposed a piece of legislation called Dru's Law, and gotten it passed by the Senate twice. It still has not passed the House. Dru's Law is title II in a comprehensive piece of legislation reported out October of last year by the Senate Judiciary Committee, yet that bill has also not been brought to the floor of the Senate.

Let me describe the legislation I put together because I was astounded when I took a look at Federal and State laws that so little information is available about those who have committed violent sexual offenses.

First of all, there has not been a national database of convicted sex offenders. A year ago, I met with the Attorney General and talked to him about Dru's Law. When the Attorney General took office he began the development of a national database, administratively. We need to do that in law. And provisions of Dru's Law would require the development of a national database of sex offenders that is accessible to the public. So the bill requires the development of a national database of sex offenders accessible to the public.

Second, it requires States to notify prosecutors of impending release of high-risk sex offenders. When we have sex offenders who have committed violent acts, there is a substantial amount of information demonstrating it is very likely, upon release, they will recommit those violent acts. When seen by psychiatrists and psychologists and evaluated for high-risk activities upon their release, it seems to me when those high-risk offenders are about to be released from prison, their names should be given to the local State's attorney where they were prosecuted so the State's attorney would have the time and capability to determine whether they wanted to seek civil commitment, which is to say further incarceration to protect the public. That is a procedure that many States have allowed.

In this case, the alleged murder by Alfonso Rodriguez, who the experts alleged would be at great risk for reoffending, if he had been civilly committed, he would not have been on the streets.

What is happening too often now, violent sex offenders are let out of prison at the end of the term without so much as a wave, "so long, good luck." That is not what should happen, and this brings me to the third piece of the bill. If, in fact, a high-risk sex offender is released from prison, there must be monitoring by the States upon their release for at least 1 year.

Martha Stewart is put in prison and let out of prison and she wears an ankle bracelet. Martha Stewart is wearing an ankle bracelet, and high-risk sex offenders are let out of prison with a wave, "so long, see you later." Then they abduct and murder children. It is not just Dru Sjodin. I can go through an entire list of young people who have been abducted and murdered by people we knew about, people whose names we had, people who had been serving time in prison but were let out with a wave, to say, "so long, see you later."

Now, I mentioned that Dru's Law, which has the three provisions I described, has twice been passed by the Senate by unanimous consent. But the House has not taken it up and as a result it is not now law.

I have not stopped trying to get Dru's Law passed. In fact, Dru's Law has now been incorporated into S. 1086, the Sex Offender Registration and Notification Act, has been authored by Senators HATCH and BIDEN, both former chairmen of the Senate Judiciary Committee. It is legislation I fully support. It is terrific legislation. I commend both of them for doing a great job.

Title II of that legislation incorporates all of Dru's Law. That legislation is cosponsored also by Senator SPECTER, who is the current chairman of the Judiciary Committee. And I'm happy to say that S. 1086 passed out of the Judiciary Committee in October of last year.

Yet S. 1086 has not been considered by the full Senate. I don't understand that. The majority leader has told us what we are going to consider. We are going to consider constitutional amendments on gay marriage, constitutional amendments on flag desecration. The list goes on and on and on, but we do not have time to consider this? This is important. This is life or death in many instances.

We have had time for a free trade agreement with the country of Bahrain. Boy, that is a priority. What would have happened if we had not had a trade agreement with Bahrain? We passed the Delaware Water Gap National Recreation Area Improvement Act. We did the Benjamin Franklin National Memorial Commemoration Act. We have done a lot of things here, but we did not have time to bring up S. 1086, the Sex Offender Registration and Notification Act? I don't understand that.

There is a recent study that found 72 percent of the highest risk sexual offenders reoffend within 6 years of being released from prison. The Bureau of Justice Statistics has determined that sex offenders released from prison are over 10 times more likely to be arrested for a sexual crime than individuals who have no record of a sexual assault.

This legislation is endorsed by a good many people. Dru's Law has 18 cosponsors in the Senate. Senators HATCH and LEAHY have worked closely with me to pass Dru's Law separately, as a standalone bill.

Mark Lunsford, the father of 9-year-old Jessica Lunsford, is a strong supporter of this. Jessica Lunsford, this country might remember, was abducted a year or so ago from her bedroom in her Florida home. Her body was found a month later. The crime was committed by a 46-year-old convicted sex offender with a 30-year criminal history. After committing the assault of Jessica and the murder of Jessica, John Couey, the man who committed this crime, fled across State lines to Savannah, GA. Had he not been recaptured, he very likely would have reoffended in Georgia, as well.

Mr. Lunsford wrote me a letter about Dru's death:

> If my daughter's death is going to have any meaning, it will be efforts such as yours that strengthen existing laws by making our streets safer for all children. My heart continues to break as I mourn the loss of my beautiful little girl. I do not want other families to suffer as mine has done and I believe that your effort will go far toward that important goal.

This bill is endorsed by Marc Klaas, the father of 12-year-old Polly Klaas, who was kidnaped and murdered by a previously diagnosed sex offender. Mr. Klaas wrote:

> I would like to reiterate my full support of this important effort.

It does not take the recitation of 100 cases, but let me mention Sarah Michelle Lunde, 13 years old. She disappeared and was found dead. David Onstott, a convicted sex offender, who once had a relationship with the girl's mother, has confessed to killing her.

Jetseta Gage of Cedar Rapids, IA, was abducted, sexually assaulted, and murdered. Roger Paul Bentley was arrested for that crime, a convicted sex offender on Iowa's sex registry.

The list goes on and on and on and on. I held a meeting in Fargo, ND, about a year ago to describe how important it is to track sex offenders' movements across State lines. I held a town meeting in Fargo, ND, to talk about the issue of violent sex offenders. This was an outgrowth of the information I had developed as a result of Dru Sjodin's murder.

Before that meeting in Fargo, I checked the registry in North Dakota to find out the names of convicted sex offenders living within walking distance of the place I was going to have a meeting.

One name kind of jumped out to me and I described the case to the people at the meeting: Joseph E. Duncan. I did not know him, I had never previously heard of him. But in 1980 when Joseph Duncan was a 16 year old, he abducted a 14-year-old boy who had been walking in his neighborhood, sexually assaulted the boy twice at gunpoint, pled guilty to rape in the first degree, and was sentenced to 20 years in prison. He was released from prison July 14, 2000, after completing a 20-year sentence. Because he completed his full term, he was released without parole and without probation. He went to live in North Dakota within walking distance of city hall in Fargo.

So I mentioned to the people in Fargo about five cases of people who were convicted sex offenders who lived within walking distance of city hall, just to describe the people who were living in our midst. What I didn't know when I mentioned it that day in Fargo was that 1 month earlier, Joseph E. Duncan had been charged with molesting a 6-year-old boy at a playground just across the river in Detroit Lakes, MN. He appeared in court on April 5, 2005. A county judge set the bail at $15,000 and Duncan was released after paying the cash. A friend apparently posted the cash for him.

The next I heard of this man was July 2. He was arrested in Idaho for kidnaping 8-year-old Shasta Groene and her 9-year-old brother Dylan Groene. The children had been missing since May 16 when the bound and bludgeoned bodies of their mother, older brother, and mother's boyfriend were found at their rural home. This case is another tragic reminder of the urgent need. Duncan has now been charged with abducting and molesting this young girl, three counts of first-degree murder.

These predators, in many cases, are not strangers. We know who they are. They have been in prison. They have violently molested, violently sexually assaulted other people. I am not necessarily suggesting we put them in prison and throw away the key, but I am saying when we know someone is a violent sexual predator and they are about to be released from prison and the psychiatrists tell us they are at high risk for reoffending and recommitting another violent sexual act, then it seems to me the local people ought to be notified to determine whether the State's attorney wishes to recommit them for a civil commitment to protect society at large. And, second, if that person is released, it cannot any longer be "so long and good luck," with nothing much more than a wave. We cannot do that. There must be a high level of monitoring.

Kids are dying. People are being murdered. We have not had a national registry of sex offenders that is complete and that works. We let people out of prison who we know are going to offend again, or at least we know will offend again, and we let these people out of prison with virtually no monitoring at all by the Government.

Again, isn't it interesting, Martha Stewart—and, incidentally, I don't even watch her television show, but she sure got a lot of press for going to prison. Martha Stewart goes to prison, and when she is let out, she is walking around with an electronic ankle bracelet. Yet these people are going to prison and they come out after having been guilty of violent sex offenses, they are judged to be at risk for committing another sexual offense, and they do not wear any electronic bracelet, any electronic monitoring device. It is "so long, see you later."

That has to change. That is what Senator HATCH and Senator BIDEN say in their bill. It is what I say in Dru's Law. And it is long past the time for the majority leader to schedule this for a debate in the Senate.

Last October, this Hatch-Biden bill was passed by the Senate Judiciary Committee. This is bipartisan. It has strong support in the Senate. There is no longer any excuse for that not to come to the Senate and to be debated and passed. Will it take the next vicious murder, the next brutal murder of some young child, to understand that violent sexual predators exist and are being let out of prison with little monitoring? I hope not. I hope before we have the next set of headlines the majority leader will decide this represents a priority, a priority far higher than some of the other priorities he has suggested for floor action, and that we can see in the Senate very soon the legislation offered by Senator HATCH and Senator BIDEN.

I commend them for the legislation they have written. I appreciate the fact that title II is Dru's Law. I have worked with them, as have many of my colleagues. They have done this country a great service by putting S. 1086 together. Now the majority leader can do this country a great service by scheduling the Senate's consideration of this bill, after these many months following its favorable reporting from the Senate Judiciary Committee.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF DENNIS R. SPURGEON TO BE AN ASSISTANT SECRETARY OF ENERGY

Mr. BURNS. Mr. President, I ask unanimous consent that at 5:15, the Senate proceed to executive session and an immediate vote on the confirmation of Executive Calendar No. 575, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read the nomination of Dennis R. Spurgeon, of Florida, to be an Assistant Secretary of Energy.

Mr. BURNS. Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is in order to request the yeas and nays at this time.

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Dennis R. Spurgeon, of Florida, to be an Assistant Secretary of Energy? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI), the Senator from Florida (Mr. NELSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. DEMINT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 76 Ex.]

YEAS — 88

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hutchison
Isakson
Jeffords
Johnson
Kennedy
Kohl
Kyl
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING — 12

Biden
Byrd
Hatch
Inhofe
Inouye
Kerry
Landrieu
Lautenberg
Mikulski
Murkowski
Nelson (FL)
Rockefeller

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. SPECTER. Mr. President, the Judiciary Committee has just concluded a markup on the immigration bill. For those who may be watching on C-SPAN2, a markup means we take a bill, which was the chairman's mark in this situation, a bill which my staff and I have constructed, taking parts of legislation introduced by Senator McCAIN and Senator KENNEDY and legislation introduced by Senator KYL and Senator CORNYN, and amalgamated it into one bill with some other provisions which had been suggested by other Senators.

We had hearings on the issue. As is customary, we heard both from the administration and from outside witnesses. We had a series of markups. Then, today, in an unusual Monday session, we convened at 10 o'clock this morning, and had a working quorum present by 10:10. We concluded right at 6 p.m. this afternoon and reported the bill out.

It is a very emotional issue. It is a very contentious issue. The President called for a civil debate, and we reached that objective. We had a very civil debate. It is expected that there will be considerable controversy when the bill reaches the Senate floor. That is to be expected on a matter as charged and as controversial as is this bill. It is my expectation that the Senate will work its will and will enact legislation. Then, under our bicameral system, we will go to work with the House of Representatives, which has a substantially different approach, having passed a bill that is an enforcement bill. Our legislation is comprehensive, including a temporary guest worker program and an approach to deal with the approximately 11 million undocumented workers in the United States.

On the subject of the 11 million undocumented workers, it had been my hope that we would have been able to reach an accommodation between McCain-Kennedy and Kyl-Cornyn.

Last week, and on Saturday and Sunday, the staff was here working full time, late every night. I was in town all of last week, Monday through Thursday, until Friday morning, trying to come up with an accommodation which would deal with the elements of Kyl-Cornyn.

There is obvious concern that we not produce a bill which would be justifiably categorized as amnesty, and I believe we have a bill which is not justifiably categorized as amnesty. We have a provision that people who were among the undocumented aliens will have to pay a fine, will have a criminal background check, will have to be at work for 6 years, and will have to earn their path to citizenship.

The option of having the undocumented aliens return home is a very difficult decision. There is no doubt they have violated the law of the United States by coming in without complying with our immigration procedures. They have come in because there has been a demand for the workers, because people have wanted to give them work. The employers have given them work. But to expect them to come forward and to identify themselves if they know they are going to be sent home is unrealistic.

It is obviously highly undesirable to create a fugitive class in America. We do not want 11 million fugitives, which is what we have at the present time. It could be possible to make arrests and to have deportation orders. But it is unrealistic to say we are going to find the 11 million, and that we are going to have facilities to detain them. If you detain somebody, you have to have a detention facility. You have to have beds. You have to be able to house them until deportation proceedings are concluded, and that takes some time. The approach we have undertaken is to try to have them come forward, and have them come forward in a context where we are not rewarding their illegal conduct.

There are people who have waited outside the country for lawful admittance; in some countries, people have been waiting since 1983. Under the provisions of the bill which we passed out of the committee, the 11 million undocumented workers go to the back of the line. They will have to pay a fine, they will have to undergo a criminal background check, they will have to earn their way by working, and if they are out of work, they are subject to arrest and deportation at that point.

We are open to suggestions, as to any Senators who have ideas. We are not in concrete. If somebody has better ideas, there will be full opportunity to offer amendments on the Senate floor.

Title III, which relates to worksite enforcement, requires Social Security number identification, which we did not report out because that is a matter under the jurisdiction of the Finance Committee, and the Finance Committee rules require any amendments to those laws to be signed by 11 members of the committee, a majority of the committee.

Senator GRASSLEY gave us a report on the status in the Finance Committee. They did not have their work finished, so the Judiciary Committee could not take it up. There is a jurisdictional issue with the Finance Committee asserting jurisdiction and perhaps preferring to offer their amendments on the floor.

We did not take up title VII, which is judicial reform, because there is considerable controversy about the chairman's mark on those provisions.

We have included a modification in appeals to the federal circuit courts after the immigration judge has ruled, after the Board of Immigration Appeals has ruled. We have consolidated those actions in the Federal Circuit. We have heard from a number of judicial officials. We heard from the chief judge of the Federal Circuit that with increased resources, the court can handle the additional cases. But with regard to the changes we proposed in trying to provide more independence for immigration judges and in increasing the number of judges on the Board of Immigration Appeals so there are enough judges to write opinions, to try to cut down on the backlog and the number of appeals to the circuit courts, we ought to find out more.

We are noticing a hearing for next Monday morning where we will have an opportunity to hear from the judges, who have already written us: the chief judge of the Second Circuit, and a judge from the Seventh Circuit. We will hear from the chief judge of the Federal Circuit, and consider further the viewpoints of the Department of Justice and others on the issue of the independence of the immigration judges on the Board of Immigration Appeals.

We have operated with the knowledge that the majority leader filed a bill under rule XIV and announced that would be the bill which would be taken up if the Judiciary Committee did not report out a bill. I think we have produced a bill which is the product of serious debate. I would have preferred more time, but as reported in the press today, we are operating under considerable pressure and we responded in a major way. Senators who had amendments to offer were heard and heard fully. There was an obvious effort to make the discussion as focused and as brief as possible. But every Senator who wanted recognition was recognized. Senators were permitted to speak, which is their right under committee procedure, until they had concluded. I think it is a major bill. The full Senate will have the opportunity to work its will.

I would talk longer, but the majority leader has scheduled another meeting at 6:30—a few minutes from now—to take up a number of provisions of the bill. My attendance is required there, so I shall conclude.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. We are in morning business.

The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I want to follow the chairman of the Judiciary Committee and make brief comments about the immigration bill that came out of our committee with a strong, bipartisan vote.

It is a big issue. It is a tough issue. It is a tough issue that is confronting America. I believe that is what this body should be about—dealing with big, tough issues confronting America. That is what the committee came through and did.

The bill that came out of the committee today is not the final product. I think it needs substantial adjustment. Hopefully, during the 2-week period we are going to be discussing this bill on the floor, we will have a lot of discussion and we will get a final product that we can agree on that strengthens the immigration system.

Currently, our system is not working. It has not worked for some period of time. It has not worked for the country. It has not worked for the people wanting to come into the country. It needs to be changed. There is no question about it.

One specific item I wish to talk about is the need for comprehensive reform. The reason we need it is because of our past experience, when we have had just pieces of comprehensive reform.

A quick bit of history: In 1986, we had 3 million undocumented individuals in the United States, and Ronald Reagan put forward an amnesty program. In 1996—we seem to do this in 10-year increments—people were upset we had 7 million undocumented immigrants in the United States—3 million in 1986; 7 million in 1996—and we put forward an enforcement program and passed it into law and toughened up enforcement because that was seen as the need and the answer.

So we had an amnesty program in 1986, without enforcement; we had an enforcement program in 1996, without some sort of legalized system for people to get into the country. We had 3 million undocumented; we had 7 million undocumented. We are at 2006, and we have 11 million undocumented, and people are saying what we need is tougher enforcement. We did do that in 1996, and we increased the number of those undocumented whom we have in the country.

Now we have to increase enforcement. I think we have to do more than just border enforcement, though. We have to do interior enforcement and integrating our tax system and Social Security system along with the immigration system so we can catch people at the workplace, we can catch people in a place where they will be interior in the country and strengthen our enforcement that way. We have to get that done. So we have to strengthen enforcement.

But, at the same time, you have to have some way to bring people into a legalized system. President Bush has talked about a guest worker program. Others have talked about a circular program where you can come in, work for a period of time, and leave. Others have talked about a system where you can earn your citizenship by working here. That is what was basically passed in the committee bill, with much tougher enforcement and a way of being able to get the 11 million into a system where they can get into a legalized status and out of the shadows. That is what we want to take place.

We also have in the bill more interior enforcement. We have provisions that have yet to be worked out on Social Security and immigration enforcement that are being talked about with the chairman of the Finance Committee.

My reason for outlining that is that this is a big step we have taken today out of the Judiciary Committee. I serve on that committee. But it is not the final step. The President needs to engage in these discussions and negotiations, hopefully, as well as the House leadership, as we debate on the Senate floor one of the biggest issues facing this country today and its future. And make no mistake about it, this will affect the future makeup of the United States. It is a major issue.

I think it is one we can be proud of, that this is a nation of immigrants. We can be humbled by all of our humble beginnings that each of us came from and have grown in this country. Once given freedom and liberty, people can do amazing things. We have seen that time and again, the story of people who have come to the United States.

The final point I want to make is a philosophical one. One of the key measures in any society is what you do for the so-called least of these. It is what you do for those who are not in the Chair presiding in the Senate, even with the humble roots that he came from, or other individuals, it is what you do for the least of these, what you do for the huddled masses. That really is a key hallmark and a key measure for society. Those huddled masses that we enshrined in the Statue of Liberty are a key indicator of what we have stood for so much in the past.

Categories of people who are in the least of these status generally are referred to as widows and orphans and the foreigner amongst you. They are considered the least of these. People who have difficulty with status, difficulty having laws applied to them, have difficulty accessing the system are considered the least of these.

And what do we do. Today we took a step in dealing with the 11 million population, we believe, of undocumenteds in this country, trying to deal with them as beautiful, unique individuals. And then we have to, as well, deal with these as a nation of laws. We have to be a nation of laws. We can't just say: Well, the winds are this way or that way, and we have decided we are going to do this. We have to be a nation of laws. We have to get to a system that we can have people believe in and say this is a system of laws that will work, and yet still deal with our aspiration as a society to deal with people in difficult circumstances, the so-called least of these.

I think we have struck that balance today as a start. We have a long way to go to finish. We are heading toward the higher aspirations of what this country is about. It will be a very difficult and visceral debate, as people's passions are strong. It does amaze me that passions frequently change from the macro to the micro on an immigration debate. In a macro debate, people say: We need to be a nation of laws. On a micro basis, if it is their neighbor next door that is working and doing construction work, they say: Look, leave him alone. But on a macro basis, I want to deal with this on a tough situation. I have seen that so much, of individuals who will say on a macro basis: We need to have a tough set of laws, but don't pick on this individual I know personally and I really care for. They should have a chance to experience the American dream.

We are off to a good start of having a wholesome, full debate that is dignified, that is important, that deals with the highest aspirations of this country and yet maintains and tries to get us back through the immigration system into a nation of laws and not situations where they are just thrown to the side.

Our current system is such, with the complexity and the time waits in it that a person may come here legally but their spouse can't be here legally for 7 to 10 years. So frequently the spouses decide, let's get there any way we can. Or you will find an agricultural worker in a system saying that it is just so complicated that we are going to go around the system to the point that half to three-fourths of our agricultural workers, foreign-born agricultural workers, are undocumented illegals. Yet without them you don't run the agricultural system. You could say that is a bad place to be in, and it is. But I think it also tells us the path to change that we have to get to be able to make a legal system that does work and that can get most people into it. We need to do so to be compassionate and a nation of laws.

It will be a tremendous debate. It is an important one for the country. It is an important one for the Republican Party, for us to have a good, full debate about this topic and how we move forward with it. I think we are going to have it, and it is going to be one of the most dignified and important moments in debates for this Senate during this term of Congress.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ERMA ORA BYRD

Mr. REID. Mr. President, I want the record to reflect that my dear friend, Senator JAY ROCKEFELLER, is unable to be on the floor tonight because of a medical condition. It is nothing that won't be resolved quickly, but he is unable to be here today. He asked me to read, verbatim, a statement he would give if he were here tonight.

Mr. President, this is a floor statement on the passing of Erma Ora Byrd, read by HARRY REID, as written by JAY ROCKEFELLER:

> My dear friend and revered colleague of more than two decades has suffered a grievous loss, and I ask my colleagues to join Sharon and me in mourning the passage of Erma Ora Byrd, the wife and soul mate of West Virginia Senator, Robert C. Byrd.
>
> Before Robert Byrd was a Senator, before he was an attorney, before the West Virginia Legislature named him the West Virginian of the 20th Century, Erma recognized something extraordinary in this son of the Winding Gulf coalfields. What we see today, she saw then in the gas station attendant and welder and butcher's apprentice who became her husband. Those of us who had the privilege of knowing Erma, also know that this was hardly the last time her vision proved extraordinary. Throughout her life, her intelligence and common sense made her a close partner to one of America's most influential men. As Senator Byrd once said: "She is not only my wife, but also my best counselor."
>
> Yet, as sharp as Erma was in finding her husband, Senator Byrd was equally astute. Not only was Erma a wise counselor, but she was also a constant source of support. A proud coal miner's daughter from Stotesbury, WV, she gave unhesitatingly and without reserve. She was the support system that got him from Capitol Hill to law school at the end of a hard day, and to the many meetings and appearances his job required. Always the model of grace and dignity, she was an extraordinary mother, grandmother and great-grandmother. She made Robert C. Byrd a better father, a better Senator, and a better man. In many ways, Erma Byrd was the quintessential West Virginia woman, teaching her family to work hard and care deeply, all the while giving unceasingly to those around her.
>
> Their marriage was not some practical partnership—it was a love-match. After nearly 69 years of marriage, Senator Byrd still radiated, in the words of John Cheever, the deep and indisguisable joy of someone who has just fallen in love. Together, they shared the triumphs and setbacks of political life, always celebrating not elective office but the opportunity to help people in their home State, for which they cared so deeply.
>
> Together, they knew tragedy as well, with the devastating and untimely death of a beloved grandson. For a time, Senator Byrd even gave up playing his fiddle as the music became too much to bear. But they found solace in each other, in family, and in their truly extraordinary faith in God.
>
> During one of my last visits with Erma, I was sitting on my couch being charmed, as everyone always was, by her warmth and wit as we talked about everything in the world except the United States Senate. She was a welcome reminder that life existed outside our work and that delight was best discovered in mountain flowers and close family and old friends.
>
> Just a few weeks ago at my home, Senator Byrd spoke lovingly and movingly about what we now know to be Erma's final days. Even as Erma's mind and body failed her, he felt profoundly that their hearts are forever linked and their souls will recognize each other always. You could see that as she suffered, he suffered, as she endured, he endured.
>
> All the while Senator Byrd maintained a daunting Senate schedule, as she had wanted him to do, and every evening he returned home to his one true love.
>
> As Erma's hardship is over now and she is in the loving arms of the Lord, Senator Byrd will have the complete support of West Virginia and his Senate family as he bears the new hardship of this loss, but with the added grace of Mrs. Byrd watching over him.
>
> The circle has been broken. But we take strength from the sure knowledge that, in years to come, a better home awaits all of us, and for Senator Byrd his life will be complete again.

Mr. President, that ends the statement of JAY ROCKEFELLER.

Speaking for myself as the Democratic leader and as someone who has learned so much about the Senate from ROBERT C. BYRD, I recognize that at 7:20 p.m. on this past Saturday night, Erma Byrd, the wife of our own Senator ROBERT BYRD, passed away. Mrs. Byrd had been struggling with illness for quite some time. But after years of pain and discomfort, she has found peace.

On behalf of the Senate, I offer our condolences to this good man, Senator BYRD, his daughters Mona and Marjorie, and to his dozens of grandchildren and great-grandchildren. It is our prayer that they, too, find peace and comfort during these difficult days.

This is a sad time for the Senate family. Erma's passing is a loss for all of us. She was a special person and will be missed. She touched the lives of everyone she met. She touched my life. My colleague from West Virginia, Senator ROCKEFELLER, had the privilege of knowing Erma better than most, and that has been certainly addressed in the statement I read for Senator ROCKEFELLER.

As I indicated, he is not able to be here today because he is recovering from back surgery, but he asked that I read this tribute to Erma, which I was so happy to do.

We are recognizing the loss of Erma Byrd, and in so doing, we have to mention the greatness of Senator BYRD, running for his ninth term for the Senate—ninth term. It has never happened before. I marvel at what I have learned from Senator BYRD. I can remember as though it were yesterday when he decided he was no longer going to be the Democratic leader. Senator Dole wanted to do a luncheon in recognition of Senator BYRD over in the Russell Building. It was a wonderful occasion. We learned about Senator BYRD more than we had known. We thought we knew him well. But he told us that day that we would learn some things we didn't know, and we did.

What a marvelous man. He could leave his home in Virginia for his home in West Virginia and back, 4 hours one way, 4 hours back, recite poetry over and back and never recite the same poem twice. He is a man with a mind that I have never seen before. He is an expert in Shakespeare. This man is so brilliant that he gave lectures here dealing with the line-item veto where he based his 10 lectures on the rise and fall of the Roman Empire. He could recite from memory every ruler that Rome had. His lectures were so dynamic that at the University of Nevada-Las Vegas, a professor taught classes to his graduate students based only on Senator BYRD's lectures.

I can remember going to a parliamentary exchange in West Virginia where we exchanged with British Parliamentarians. Senator BYRD stood and recited from memory the reign of the British monarchs, their names, how they spelled their names, the years they were in power, and what they had done. Unbelievable.

The reason I mention this is that Senator BYRD did not get there alone. He was supported—and that is an understatement—by Mrs. Byrd. His greatness suggests her greatness. I had the good fortune to travel with the Byrds when her health was better. Their relationship is just as JAY ROCKEFELLER said—people married for nearly 60 years who were like teenagers—teenagers in love.

I know Senator BYRD is a better person because of the person he chose to be his wife, but as a result of that, all of us are better people because of the influence Erma Byrd had on ROBERT C. BYRD.

My thoughts go to ROBERT BYRD. I spoke with him yesterday. He was strong, resilient, saying this is what Erma would want, for him to be strong. I haven't heard his voice as powerful as it was yesterday, at 2 or so in the afternoon, for a number of years because he suffered the pain his wife suffered. We all felt that. Her pain is past. Senator BYRD's pain is past.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

60TH ANNIVERSARY OF WINSTON CHURCHILL'S IRON CURTAIN SPEECH AND HONORING SENATOR BAKER

Mr. FRIST. March 2006 marks the 60th anniversary of what is regarded as one of the most influential speeches of the 20th century. March 5, 1946, Winston Churchill gave his famous "Iron Curtain" speech at Westminster College, in Fulton, MO. Historians date the beginning of the cold war to this speech.

In this speech Mr. Churchill introduced to the world the phrase "Iron Curtain" to describe the division between Western powers and the area controlled by the Soviet Union. This speech not only marked the onset of the cold war but drew attention to the unique relationship between the United States and Great Britain. This special relationship spans three eras from Winston Churchill and FDR to Ronald Reagan and Margaret Thatcher and now to George W. Bush and Tony Blair.

In celebration of this historic event and the special relationship between our Nation and Great Britain, the Howard H. Baker Jr. Center for Public Policy at the University of Tennessee and the Churchill Archives Centre at Cambridge University, the United Kingdom, have come together for a stellar international conference and to honor one of America's greatest statesmen and one of Tennessee's greatest sons, the Honorable Howard H. Baker, Jr.

This premier occasion has brought together two great universities and two great centers, each dedicated to preserving and presenting their complementary historical resources. This coming together has formed a new partnership for the 21st century and will support an ongoing, trans-Atlantic and international educational alliance.

Here are excerpts from the Iron Curtain speech:

> The United States stands at this time at the pinnacle of world power. It is a solemn moment for the American democracy. For with this primacy in power is also joined an awe-inspiring accountability to the future. As you look around you, you must feel not only the sense of duty done, but also you must feel anxiety lest you fall below the level of achievement. Opportunity is here now, clear and shining, for both our countries. To reject it or ignore it or fritter it away will bring upon us all the long reproaches of the aftertime.
>
> From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent. Behind that line lie all the capitals of the ancient states of Central and Eastern Europe.
>
> The safety of the world requires a new unity in Europe, from which no nation should be permanently outcast. It is from the quarrels of the strong parent races in Europe that the world wars we have witnessed, or which occurred in former times, have sprung.
>
> Fraternal association requires not only the growing friendship and mutual understanding between our two vast but kindred systems of society, but the continuance of the intimate relationship . . .
>
> Beware, I say; time may be short. Do not let us take the course of allowing events to drift along until it is too late. If there is to be a fraternal association of the kind I have described, with all the extra strength and security which both our countries can derive from it, let us make sure that that great fact is known to the world, and that it plays its part in steadying and stabilizing the foundations of peace. There is the path of wisdom. Prevention is better than cure.

LOCAL RADIO BROADCAST EMERGENCY SERVICES

Mr. LOTT. Mr. President, on Wednesday, March 15, 2006, I joined Senator SNOWE and Senator BAUCUS in introducing S. 2418, a bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for that purpose.

Growing up in my home town of Pascagoula, MS, I had my own radio show. Through local radio, I had the opportunity to have a voice in my community. Local radio keeps communities informed about what is going on in their back yards, and gives local leaders an opportunity to communicate with their supporters.

Over the years, I have been actively voicing my concerns on the issue of media ownership. I believe that the problem of the pervasiveness of indecency in broadcasting is related to my concerns about media ownership. When media conglomerates become too large, they are less responsive to the concerns of the American viewing public and less accountable to local communities. Media companies which use publicly owned airwaves must become more responsive to public needs, respectful of local values and reflective of community standards which seem to be constantly ignored by executives in east and west coast high-rise office buildings.

In order to ensure that radio remains an independent source of information for local communities, I am pleased to introduce a bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for that purpose.

ADDITIONAL STATEMENTS

A COLORADO LEADER: MONTE PASCOE

• Mr. SALAZAR. Mr. President, I rise today to honor a good and decent man, who left an indelible mark on Colorado, but who sadly left us suddenly and too soon.

Monte Pascoe of Denver died unexpectedly on March 2, at age 71, leaving behind his wonderful wife Pat, children Sarah, Ted and Will, a brother Patrick, and a legacy as a "servant leader," a model we would all do well to follow.

Monte was a friend and mentor to me. He was a lawyer who worked on water and natural resource issues, helping protect the natural heritage of our great State of Colorado. He served as the executive director of the Colorado Department of Natural Resources, a post I held in later years. He was a longtime member of the Denver Board of Water Commissioners; member of the Colorado School of Mines board;

president of the Iliff School of Theology; and chairman of the Colorado Water Quality Commission.

Monte led the Colorado Democratic Party as its chairman during the early and mid 1970s, when Colorado elected such illustrious public servants as Gary Hart, Pat Schroeder and Tim Wirth to the U.S. Senate and House of Representatives; Dick Lamm to the Governor's mansion; and my good friend Ruben Valdez as the first Hispanic Speaker of the Colorado House of Representatives.

In 1969, Monte ran for the Denver Board of Education, losing in a campaign defined by the issue of the segregation of public schools. Monte fought the good fight, standing firm for equality in access to public schools. Even though he lost that election, he helped organize the legal effort which eventually led to the desegregation of Denver schools.

In 1983, Monte ran for mayor of Denver among a crowded field that included the eventual winner, former U.S. Secretary of Energy and Transportation, Federico Peña.

Monte stood beside his wife Pat during her own distinguished career in the Colorado State Senate.

Monte was a community leader in the best sense of the word, active in his church, Montview Presbyterian Church, and numerous nonprofit and community organizations.

Up until his death, Monte, along with his friend of over 30 years, Ed Benton, walked from his home to his law firm, Ireland Stapleton Pryor & Pascoe, where he had worked since 1960.

Monte was born Jan. 4, 1935, in Ames, IA. His family moved to Denver when he was a young boy, settling in the Park Hill neighborhood. He graduated from East High School and went to Dartmouth College, where he met Pat, and earned his law degree from Stanford University.

We in Denver and Colorado counted on Monte and turned to him when a task needed to be done, or a problem solved, or a perspective gained. He carried out his role as a "servant leader" with humor, grace, selflessness and humility. Our community will miss him tremendously, and our thoughts and prayers are with his wonderful family.●

TRIBUTE TO GARLAND RASH

● Mr. PRYOR. Mr. President, today I would like to share with you Garland Rash's inspiring story of bravery and determination that saw him use his remarkable talent for woodwork to serve his country during the dark days of World War II.

Born in 1924, Garland was raised in Drew County, AR, where he put himself through school and developed an interest in carpentry. Like so many other Americans, he was horrified at the attack on Pearl Harbor in 1941 and immediately set out to aid in the country's war effort. This led him to California, where he dedicated himself to building wooden racks that could be used to raise ships out of the water to be repaired.

Garland soon realized during a visit home on Mother's Day in 1943 that he wanted to do more for his county. That summer, he enlisted in the Navy and underwent a grueling period in boot camp. Garland was then assigned to the 116th Naval Battalion as part of the construction unit of the Navy, nicknamed the "Seebees."

After more training in Rhode Island and Bay St. Louis, Garland was shipped to Pearl Harbor where he, alongside many other talented carpenters, was part of a covert operation to equip U.S. military planes with a more advanced type of engine. While there, Garland decided to collect several pieces of wood and Plexiglas from the debris of the 1941 bombing. During his nonworking hours, Garland used these pieces to fashion two wooden boxes, using parachute scraps for the lining and Plexiglas from windshields to create a beautiful inlaid mosaic pattern on the lid.

While in Pearl Harbor, a young marine named Bob Crosby, brother of famed singer Bing Crosby, was struck by the workmanship of these boxes. He asked Garland whether he would be willing to sell one to him and Garland agreed. Though Garland never saw him again, Bob Crosby would go on to become an accomplished actor and musician through the 1950s.

Garland continued his distinguished military service in Iwo Jima, the Philippines, and Japan where he and his fellow American troops accepted the surrender of Japanese forces in 1945. After returning to the United States in December of that year, Garland resumed his relationship with Kathleen Lawson, a woman he had dated while on leave from the Navy during the war. They were married on March 1, 1946.

Today, their home in Monticello, AR, is filled with loving pictures of several grandchildren and great-grandchildren. Remarkably, Garland managed to hold on to the other wooden box that he carved from the rubble of Pearl Harbor and keeps it today as a remembrance of the war and his service.

Looking at this box today, I, like Bob Crosby so many years ago, am amazed by the extraordinary craftsmanship, and I am awestruck knowing its historical significance. Garland, like so many World War II veterans, is truly a part of the "greatest American generation" and I hope you will join me in paying tribute to his extraordinary service to this Nation.●

RECOGNIZING DARLYS J. BAUM

● Mr. JOHNSON. Mr. President, I rise today to congratulate Darlys J. Baum on her retirement from the South Dakota Housing Development Authority after 30 years of dedicated service to our State. Dar has served under six South Dakota Governors. Prior to being named executive director in 1995, Dar served as deputy executive director for 11 years. Before that, she served in various capacities, including director of rental housing programs.

In addition to her duties as executive director, Dar found the time to bring South Dakota's rural housing perspective to regional and national boards. She served as a member of Fannie Mae's National Housing Impact Advisory Council from 2002–2003 and as a member of the Board of Directors of the Federal Home Loan Bank of Des Moines from 2002–2004.

Under Dar's leadership, the South Dakota Housing Development Authority issued nearly $2.27 billion in long-term and $1.95 billion in short-term home ownership bonds. During this time, 23,869 families and individuals took advantage of SDHDA's low-interest mortgage loan opportunities, accounting for more than $1.8 billion in loans purchased. Additionally, more than $12.8 million was loaned to 7,602 families for downpayment and closing cost assistance.

Working with lenders, service providers, and realtors, Dar helped create the Homeownership Education Resource Organization, HERO, to provide high-quality home buyer education. Pursuing the American dream of homeownership can be a daunting challenge for many families, and home buyer education services can help walk these families through the home buying process.

Since Dar became executive director, SDHDA allocated more than $16.4 million in housing tax credits for 89 developments across South Dakota. Nearly 3,300 affordable housing units were created or preserved, totaling more than $242 million in project costs.

During that same time, SDHDA used the HOME Investment Partnership Program for 939 HOME-assisted units in 88 multifamily developments, receiving more than $39 million in funding for construction or rehabilitation. Also, more than $1.6 million in HOME funding was utilized for homeownership rehabilitation in 222 homes. Total development costs contributed to South Dakota's economy from the HOME Program were more than $102 million during Dar's tenure as executive director.

Dar was instrumental in helping lead the charge to end homelessness in South Dakota. She helped form the statewide Housing for the Homeless Consortium and the Governor's Interagency Council on Homelessness. These organizations were created to unite those who work to provide shelter, employment opportunities, food, education, health care, and support for those who are homeless or at risk of becoming homeless. Since its creation, the Housing for the Homeless Consortium has been awarded about $6.5 million through the Continuum of Care Grant Program, which is a competitive grant program administered through the U.S. Department of Housing and Urban Development.

As you can see, under Dar's extraordinary leadership, the South Dakota Housing Development Authority has done an impressive amount of work on South Dakota's housing needs. I, again, want to thank Dar for her tireless efforts to improve the housing opportunities available to South Dakota families. My staff and I have always highly valued her advice on so many important housing issues. Dar has a unique ability to generate creative solutions and bring people together in partnerships that solve so many critical housing problems. Dar Baum's commitment and dedication to public service is an example for others in public service to emulate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on March 17, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. ADERHOLT) had signed the following enrolled bills:

S. 2275. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

S. 2320. An act to make available funds included in the Deficit Reduction Act for 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

H.R. 4826. An act to extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

Under the authority of the order on the Senate of January 4, 2005, the enrolled bills were signed on March 17, 2006, during the adjournment of the Senate, by the President pro tempore (Mr. STEVENS).

MESSAGE FROM THE HOUSE

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has signed the following bill in which it requests the concurrence of the Senate:

H.R. 4939. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4939. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 4472. An act to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

H.R. 4911. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on March 17, 2006, she had presented to the President of the United States the following enrolled bills:

S. 2275. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

S. 2320. An act to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6041. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—April 2006" (Rev. Rul. 2006–22) received on March 27, 2006; to the Committee on Finance.

EC–6042. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revocation of Qualified Intermediary Brach Rule" (Notice 2006–35) received on March 27, 2006; to the Committee on Finance.

EC–6043. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Purchase Price Safe Harbors for Sections 143 and 25 Revenue Procedure" (Rev. Proc. 2006–17) received on March 27, 2006; to the Committee on Finance.

EC–6044. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—January 2006" (Rev. Rul. 2006–15) received on March 27, 2006; to the Committee on Finance.

EC–6045. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transition Relief Regarding the Application of Section 409A(b) to Nonqualified Deferred Compensation Plan" (Notice 2006–33) received on March 27, 2006; to the Committee on Finance.

EC–6046. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Go Zone Resident Population Estimates" (Notice 2006–21) received on March 27, 2006; to the Committee on Finance.

EC–6047. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance under Section 1502: Suspension of Losses on Certain Stock Dispositions" (RIN1545–BB25) received on March 27, 2006; to the Committee on Finance.

EC–6048. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Agent for a Consolidated Group with Foreign Common Parent" (RIN1545–BF31) received on March 27, 2006; to the Committee on Finance.

EC–6049. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2006 Census Count" (Notice 2006–22) received on March 27, 2006; to the Committee on Finance.

EC–6050. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2006–32) received on March 27, 2006; to the Committee on Finance.

EC–6051. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revisions to Regulations Relating to Withholding of Tax on Certain U.S. Source Income" (RIN1545–AY92) received on March 27, 2006; to the Committee on Finance.

EC–6052. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxation of Cross Licensing Arrangements" (Notice 2006–34) received on March 27, 2006; to the Committee on Finance.

EC–6053. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the 2005 Fair

Act Inventory; to the Committee on Finance.

EC–6054. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on March 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6055. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Guam Longline Fishery Prohibition Area" (RIN0648–AU11) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6056. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Limited Entry Fixed Gear Sablefish Fishery Permit Stacking Program; Final Rule" (RIN0648–AP38) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6057. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6058. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Mackerel, Squid, and Butterfish Specifications for 2006" (RIN0648–AT19) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6059. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" received on March 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6060. A communication from the Chairman, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update" received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6061. A communication from the Acting Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, a report containing inventories of commercial and inherently governmental positions in the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC–6062. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the FAA's Capital Investment Plan for Fiscal Years 2007–2011; to the Committee on Commerce, Science, and Transportation.

EC–6063. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer in the position of Under Secretary; to the Committee on Health, Education, Labor, and Pensions.

EC–6064. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Tomato Lycopene Extract and Tomato Lycopene Concentrate" (Doc. No. 2001C–0486) received on March 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6065. A communication from the Acting Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Emergency Mine Evacuation" (RIN1219–AB46) received on March 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6066. A communication from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting, pursuant to law, the Department's 2005 FAIR Act Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Health, Education, Labor, and Pensions.

EC–6067. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for 2005; to the Committee on Homeland Security and Government Affairs.

EC–6068. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–293, "DC–USA Economic Development Act of 2006" received on March 18, 2006; to the Committee on Homeland Security and Government Affairs.

EC–6069. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Certification of the Fiscal Year 2006 Revised General Purpose General Fund Revenue Estimate in Support of the District's $331,210,000 General Obligation Bonds (Series 2005A)"; to the Committee on Homeland Security and Government Affairs.

EC–6070. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Government Affairs.

EC–6071. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Definitions of Federal Election Activity" received on March 18, 2006; to the Committee on Rules and Administration.

EC–6072. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Definitions of 'Solicit' and 'Direct'" received on March 18, 2006; to the Committee on Rules and Administration.

EC–6073. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the Fiscal Year 2007 Congressional Budget Request; to the Committee on Rules and Administration.

EC–6074. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Army, case number 05–02; to the Committee on Appropriations.

EC–6075. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wyoming Abandoned Mine Land Reclamation Plan" (WY–033–FOR) received on March 18, 2006; to the Committee on Energy and Natural Resources.

EC–6076. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department's Report on Human Trafficking, Fiscal Years 2001–2006; to the Committee on the Judiciary.

EC–6077. A communication from the Special Trustee for American Indians, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "American Indian Trust Fund Management Reform Act" (RIN1035–AA04) received on March 27, 2006; to the Committee on Indian Affairs.

EC–6078. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "International Banking Operations" (Doc. No. R–1147) received on March 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6079. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Definition of 'Client' of a Commodity Futures Trading Advisor" received on March 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6080. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Interstate Movement of Pine Bark Products from Quarantined Areas" received on March 27, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6081. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis; Reduction in Timeframe for Movement of Cattle and Bison From Modified Accredited and Accreditation Preparatory States or Zones Without an Individual Tuberculin Test" received on March 27, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6082. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Quarantined Areas" received on March 27, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6083. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Vermont Update to Materials Incorporated by Reference" (FRL No. 8037–2) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6084. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation No. 1; Direct Final Rule" (FRL No. 8047–1) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6085. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; 15% and 5% Emission Reduction Plans, Inventories, and Transportation Conformity Budgets for the Portland One and Eight Hour Ozone Nonattainment Areas" (FRL No. 8048–2) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6086. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Charlotte, Raleigh-Durham, and Winston-Salem Areas Second 10-Year Maintenance Plan for the Carbon Monoxide National Ambient Air Quality Standard" (FRL No. 8049–2) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6087. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Air Pollution from New Motor Vehicles: Amendments to the Tier 2 Motor Vehicle Emission Regulations" ((RIN2060–AN67) (FRL No. 8049–6)) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6088. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inclusion of Delaware and New Jersey in the Clean Air Interstate Rule" ((RIN2060–AM95) (FRL No. 8048–1)) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6089. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OMB Approvals Under the Paperwork Reduction Act; Technical Amendment" (FRL No. 7760–4) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6090. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District" (FRL No. 8046–1) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6091. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 8046–6) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6092. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Nevada State Implementation Plan" (FRL No. 8045–9) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6093. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rulemaking on Section 126 Petition from North Carolina to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to the Clean Air Interstate Rule; Revisions to the Acid Rain Program" (FRL No. 8047–5) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6094. A communication from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and D—2006–2007 Subsistence Taking of Fish and Shellfish Regulations" (RIN1018–AU05) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6095. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Kootenai River Population of the White Sturgeon" (RIN1018–AU47) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6096. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Brodiaea filifolia" (RIN1018–AT75) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6097. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Atriplex coronata var. notatior (San Jacinto Valley crownscale)" (RIN1018–AJ11) received on March 27, 2006; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1102. A bill to extend the aviation war risk insurance program for 3 years (Rept. No. 109–223).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1215. A bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development (Rept. No. 109–224).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 109–5 Tax Convention with Bangladesh (Ex. Rept. 109–10)]

[Treaty Doc. 109–7 Protocol Amending Tax Convention on Inheritances with France (Ex. Rept. 109–11)]

[Treaty Doc. 109–8 Protocol Amending the Convention with Sweden on Taxes on Income (Ex. Rept. 109–12)]

[Treaty Doc. 109–4 Protocol Amending the Tax Convention with France (Ex. Rept. 109–9)]

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

109–4: Protocol Amending the Tax Convention With France

Resolved (two-thirds of the Senators present concurring therein),

That the Senate advises and consents to the ratification of the Protocol Amending the Convention Between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994.

109–5: Tax Convention With Bangladesh

Resolved (two-thirds of the Senators present concurring therein),

That the Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Dhaka on September 26, 2004 with an exchange of notes enclosed.

109–7: Protocol Amending Tax Convention on Inheritances With France

Resolved (two-thirds of the Senators present concurring therein),

That the Senate advises and consents to the ratification of the Protocol Amending the Convention Between the United States of America and the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, and Gifts signed at Washington on November 24, 1978.

109–8: Protocol Amending the Convention With Sweden on Taxes on Income

Resolved (two-thirds of the Senators present concurring therein),

That the Senate advises and consents to the ratification of the Protocol Amending the Convention Between the Government of the United States of America and the Government of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Washington on September 30, 2005.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. 2456. A bill to suspend temporarily the duty on Crotonaldehyde; to the Committee on Finance.

By Ms. SNOWE:

S. 2457. A bill to amend the Internal Revenue Code to provide incentives for supplying health insurance to employees of small employers, and for other purposes; to the Committee on Finance.

By Ms. STABENOW:

S. 2458. A bill to amend the Internal Revenue Code of 1986 to encourage college savings by providing a Federal income tax credit to match contributions to Coverdell education savings accounts, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mrs. MURRAY, Mr. COLEMAN, and Mr. LIEBERMAN):

S. 2459. A bill to improve cargo security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ:

S. 2460. A bill to permit access to certain information in the Firearms Trace System database; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. BURNS, Ms. CANTWELL, Mr. COCHRAN, Mrs. DOLE, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. REID, and Ms. SNOWE):

S. Res. 405. A resolution designating August 16, 2006, as "National Airborne Day"; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. Res. 406. A resolution congratulating Graceland on the occasion of its designation as a National Historic Landmark; considered and agreed to.

ADDITIONAL COSPONSORS

S. 48

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 48, a bill to reauthorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 237

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 237, a bill to amend title 23, United States Code, to ensure that certain states remain eligible for Federal highway funds.

S. 368

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 368, a bill to provide assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.

S. 418

At the request of Mr. ENZI, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 424

At the request of Mr. BOND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 440

At the request of Mr. BUNNING, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 484

At the request of Mr. WARNER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 495

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1033

At the request of Mr. MCCAIN, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1033, a bill to improve border security and immigration.

S. 1086

At the request of Mr. HATCH, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1116

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1116, a bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes.

S. 1221

At the request of Mr. DAYTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1221, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1343

At the request of Mr. REID, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1343, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 1488

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1488, a bill to withhold funding from the United Nations if the United Nations abridges the rights provided by the Second Amendment to the Constitution, and for other purposes.

S. 1864

At the request of Mr. TALENT, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1864, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1899

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1899, a bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes.

S. 1930

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1930, a bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1948

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 1955

At the request of Mr. ENZI, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1955, a bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.

S. 2008

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2008, a bill to improve cargo security, and for other purposes.

S. 2010

At the request of Mr. HATCH, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2025

At the request of Mr. BAYH, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2087

At the request of Mr. CHAMBLISS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2087, a bill to amend the Immigration and Nationality Act to provide for the employment of foreign agricultural workers, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2276

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2276, a bill to provide for fairness for the Federal judiciary.

S. 2284

At the request of Mr. STEVENS, his name was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2322

At the request of Mr. ENZI, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2339

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2339, a bill to reauthorize the HIV Health Care Services Program under title 26 of the Public Health Service Act.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Nevada (Mr. ENSIGN), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Delaware (Mr. CARPER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2382

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2382, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 2390

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2390, a bill to provide a national innovation initiative.

S. 2400

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2400, a bill to transfer authority to review certain mergers, acquisitions, and takeovers of United States entities by foreign entities to a designee established within the Department of Homeland Security, and for other purposes.

S. 2414

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2414, a bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes.

S. 2429

At the request of Mr. BROWNBACK, his name was added as a cosponsor of S. 2429, a bill to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India.

S. 2450

At the request of Mr. AKAKA, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2450, a bill to strengthen national security by encouraging and assisting in the expansion and improvement of educational programs in order to meet critical needs at the elementary, secondary, and higher education levels, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 2457. A bill to amend the Internal Revenue Code to provide incentives for supplying health insurance to employees of small employers, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce legislation that would address the crisis that faces small businesses when it comes to purchasing quality, affordable health insurance. This isn't a new crisis. Nearly 46 million Americans are uninsured, and we've now experienced double digit percentage increases in health insurance premiums in four of the past five years.

Last year, I introduced the Small Business Health Fairness Act, S. 406, which would allow small businesses to pool together, through national Association Health Plans, also known as Small Business Health Plans, SBHPs, to offer uniform health insurance products to their employees. Small businesses would receive the same benefits currently enjoyed by larger employers and union plans under Federal law.

I am encouraged by the considerable progress that has been made on SBHPs in this Senate. I would like to commend Senator MIKE ENZI for his continuing commitment to the SBHP issue, and for marking-up SBHP legislation in the Health, Education, Labor, and Pensions Committee. Plain and simple, the Senate must take up—and pass—SBHP legislation to provide small businesses with much-needed, long-awaited relief.

While I continue to believe that SBHPs are a crucial solution to the small business health insurance crisis, we in Congress must look for other means by which to encourage small businesses to offer health insurance. I believe that we should do this by: 1. providing targeted tax incentives that encourage the smallest businesses to offer health insurance; and 2. using the tax code to inject much-needed competition in dysfunctional State small group markets.

The Small Business Health Insurance Relief Act of 2006 would achieve both of these objectives. First, I propose a targeted tax credit that would encourage our Nation's smallest businesses to offer health insurance as a workplace benefit.

Study after study tells us that the smallest businesses are the ones least likely to offer insurance and most in need of assistance. According to the Employee Benefit Research Institute, of the working uninsured, who make up 83 percent of our Nation's uninsured population, 60.6 percent either work for a small business with fewer than 100 employees or are self-employed.

Small businesses in my own State of Maine have it particularly bad. Last summer, the Maine Center for Economic Policy, MECEP, reported a 15 percent average premium increase for small businesses in Maine over the past three years. The MECEP report also highlighted several other alarming trends: Half of the small businesses surveyed raised deductibles over the past three years. Over one quarter have either increased co-payments or reduced coverage, or have delayed pay raises to cover increased costs. Eight percent of Maine's small businesses have dropped health coverage entirely.

Furthermore, coverage trends for small businesses are getting worse, not better. According to the Kaiser Family Foundation's Employer Health Benefits 2005 Annual Survey: only 47 percent of the smallest employers, those with 3 to 9 workers, now offer health insurance as a workplace benefit. This is down from 52 percent in 2004, and 58 percent in 2002. In sharp contrast, 98 percent of larger businesses, those with 200 or more workers, offer health insurance as a benefit.

The targeted tax incentives in my bill would help ensure that our Nation's smallest businesses can offer health insurance—in the same way that larger businesses currently do. My legislation targets small businesses with 50 or fewer employees because these are the small businesses most desperately in need. The maximum tax credit under the proposal would be $1,500 for single coverage and $3,000 for family coverage. The tax credit would phase out as a business increases in size. Notably, my proposal is neutral between types of insurance: small businesses and their employees can choose what works best for them—traditional employer-sponsored health insurance or health savings accounts, HSAs.

Under my legislation, a small business with five employees would be eligible for a per-participant tax credit of $3,000 for a family health insurance plan, and a potential total tax credit of $15,000. Small businesses cite escalating cost as the number one impediment to providing health insurance. Putting $15,000 in the hands of a small business owner could certainly help to overcome this barrier.

My proposal would also allow small businesses to establish cafeteria tax plans so that they can provide their employees with nontaxable benefits. Under current law, many larger businesses and the Federal Government enable their employees to purchase health insurance and other qualified benefits with tax-free dollars. However, small businesses face difficulty in offering cafeteria plans because they must satisfy strict nondiscrimination rules under the tax code. Although these non-discrimination rules serve a legitimate purpose, many small businesses simply cannot satisfy those mechanical rules because, through no fault of their own, they have relatively few employees and a high proportion of owners considered highly compensated individuals. This makes it difficult for small firms to offer benefits through a cafeteria plan.

It is vital that we allow small businesses to offer their employees nontaxable benefits so that they can effectively compete with their larger counterparts. Small businesses are the engine that drives economic growth and job creation, and it is critical that we put them on an equal footing with large businesses in the quest for talent.

Second, my legislation also would provide a necessary reform of the State small group health insurance markets. Plain and simple, there is no competition in the small group market, and coverage and affordability are real problems. I recently requested, along with Senators CHRISTOPHER BOND and JIM TALENT, that the Government Accountability Office, GAO, survey: 1. the number of insurance carriers licensed in the small group market; 2. the largest carriers and their market share; 3. the market share of the five largest carriers in the small group market; and 4. the combined market share of all Blue Cross and Blue Shield, BCBS, carriers in each State.

The GAO reported a frightening consolidation of control over State insurance markets. The five largest carriers now have more than 75 percent market share in 26 States, up from 19 in 2002, and more than 90 percent market share in 12 States, as opposed to 7 in 2002. In Maine, BCBS carriers now have a 63 percent market share, up from 39.1 percent in 2002, and the five largest carriers have a 98 percent share. Across the country, BCBS carriers now control 44 percent of small group market, up from 34 percent in 2002.

To counter this market consolidation, my legislation would provide insurers with a 50 percent tax deduction for claims and expenses incurred in serving the small group market and Small Business Health Plans, SBHPs. I believe this incentive will serve as a powerful motivator for new insurers to enter this dysfunctional marketplace.

My legislation would reduce barriers insurance companies face in entering new markets. Specifically, it would provide a tax credit to defray the cost of State licensing requirements. Under the proposal, an insurer can claim a tax credit of the lesser of 50 percent of qualified costs or $10,000 to cover the administrative costs and expenses incurred in satisfying State licensing requirements. Available with respect to each State in which an insurer operates, this incentive should encourage a host of insurers to provide products in the State small group market.

Finally, my legislation would establish a pilot grant program for Small Business Development Centers to provide educational programs to small businesses designed to increase awareness regarding health insurance options available in their areas. Recent research has found that with a short, less than 10 minute education session, organizations can increase small business knowledge and interest in offering health insurance by about 33 percent.

Together with SBHP legislation, I believe that these proposals could help to solve the small business health insurance crisis. I look forward to working in a bipartisan fashion, with my colleagues on both the Finance and HELP Committees to push these proposals through the Senate.

The time for words has long passed. Now is a time for action. The Senate must take action this year to provide small businesses with much-needed relief.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Health Insurance Relief Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH CARE COVERAGE TAX INCENTIVES FOR SMALL BUSINESSES

Subtitle A—Credit for Provision of Health Insurance

Sec. 101. Credit for health care contributions by small business employers.

Subtitle B—Simple Cafeteria Plans

Sec. 111. Establishment of simple cafeteria plans for small businesses.
Sec. 112. Modifications of rules applicable to cafeteria plans.
Sec. 113. Modification of rules applicable to flexible spending arrangements.

Subtitle C—Incentives for Insurance Companies

Sec. 121. Special deduction for certain health insurance companies in the small group market.
Sec. 122. Credit for licensing costs of certain health insurance companies.

TITLE II—SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Small Business Health Insurance Information Pilot Program.
Sec. 204. Reports.
Sec. 205. Authorization of appropriations.

TITLE I—HEALTH CARE COVERAGE TAX INCENTIVES FOR SMALL BUSINESSES

Subtitle A—Credit for Provision of Health Insurance

SEC. 101. CREDIT FOR HEALTH CARE CONTRIBUTIONS BY SMALL BUSINESS EMPLOYERS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by adding at the end the following new section:

"SEC. 30D. SMALL EMPLOYER HEALTH CARE CONTRIBUTIONS.

"(a) GENERAL RULE.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable percentage of the sum of—

"(1) the amounts contributed by such employer for qualified health insurance coverage with respect to any full-time employee during the taxable year, plus

"(2) the amounts contributed by such employer to any health savings account (as defined in section 223(d)) of any full-time employee who is an eligible individual (as defined in section 223(c)(1)) during the taxable year.

"(b) LIMITATIONS.—

"(1) IN GENERAL.—The amount of the credit allowed under subsection (a) with respect to any employee for any taxable year shall not exceed—

"(A) in the case of an employee with self-only coverage, $1,500, and

"(B) in the case of an employee with family coverage, $3,000.

"(2) LIMITATION ON PREMIUMS.—The amount taken into account under subsection (a)(1) with respect to any employee for any taxable year shall not exceed an amount equal to the product of—

"(A) $1,500 ($3,000 if coverage for all months described in subparagraph (B)(i) is family coverage), and

"(B) a fraction—

"(i) the numerator of which is the number of months during the taxable year for which such employee participated in qualified health insurance coverage, and

"(ii) the denominator of which is the number of months in the taxable year.

"(3) LIMITATION ON HSA CONTRIBUTIONS.—The amount taken into account under subsection (a)(2) with respect to any employee for any taxable year shall not exceed an amount equal to the product of—

"(A) $1,500 ($3,000 if coverage for all months described in subparagraph (B)(i) is family coverage), and

"(B) a fraction—

"(i) the numerator of which is the number of months that the employee was covered under a high deductible health plan (as defined under section 223(c)(2)) maintained by the employer, and

"(ii) the denominator of which is the number of months in the taxable year.

"(c) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage shall be—

"(1) in the case of an eligible employer with less than 10 employees, 100 percent,

"(2) in the case of an eligible employer with more than 9 employees but less than 20 employees, 80 percent,

"(3) in the case of an eligible employer with more than 19 employees but less than 30 employees, 60 percent,

"(4) in the case of an eligible employer with more than 29 employees but less than 40 employees, 40 percent, and

"(5) in the case of an eligible employer with more than 39 employees, 20 percent.

"(d) ELIGIBLE EMPLOYER.—For purposes of this section, the term 'eligible employer' means, with respect to any taxable year, an employer—

"(1) with 50 or fewer employees, and

"(2) whose average annual gross receipts for the 3-taxable year period ending with the taxable year preceding such taxable year does not exceed $10,000,000.

"(e) QUALIFIED HEALTH INSURANCE COVERAGE.—For purposes of this section, the term 'qualified health insurance coverage' means health insurance coverage purchased or provided by an eligible employer. Such term includes health insurance coverage purchased through a small business health plan (as defined in section 833(b)(4)(C)).

"(f) SPECIAL RULES.—For purposes of this section—

"(1) DETERMINATION OF NUMBER OF EMPLOYEES.—

"(A) IN GENERAL.—The number of employees of an employer with respect to any year shall be determined by the using the average number of full-time employees of the employer on business days during the 2 preceding years. For purposes of this subparagraph, a year may only be taken into account if the employer was in existence throughout the year.

"(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination under subparagraph (A) shall be based on the average number of full-time employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(C) SPECIAL RULES.—

"(i) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(ii) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person.

"(2) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—For purposes of this section, rules similar to the rules of section 401(c) shall apply.

"(3) SALARY REDUCTION CONTRIBUTIONS.—For purposes of subsection (a)(1), amounts contributed under a cafeteria plan under section 125 shall not be considered to be amounts contributed by the eligible employer for qualified health insurance coverage.

"(4) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for the taxable year for that portion of amounts contributed for qualified health insurance coverage and to health savings accounts during the taxable year which is equal to the credit determined under subsection (a).

"(5) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

"(6) SPECIAL RULE FOR MARRIED INDIVIDUALS.—For purposes of subsection (b)(2), rules similar to the rules of section 223(b)(5) (other than subparagraph (B)(i) thereof) shall apply.

"(g) CARRYOVER OF UNUSED CREDIT AMOUNTS.—

"(1) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under paragraph (1) for such taxable year, such excess shall be allowed—

"(A) as a credit carryback to each of the 3 taxable years preceding such year, and

"(B) as a credit carryforward to each of the 10 taxable years following such year.

"(2) AMOUNT CARRIED TO EACH YEAR.—For purposes of this paragraph, rules similar to the rules of section 39(a)(2) shall apply.

"(h) COST-OF-LIVING ADJUSTMENTS.—

"(1) LIMITATION.—In the case of taxable years beginning after 2007, each of the $1,500 and $3,000 amounts under subsection (b) shall each be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2006' for '1992' in subparagraph (B) thereof.

If any dollar amount as increased under this clause is not a multiple of $100, such dollar amount shall be rounded to the next lowest multiple of $100.

"(2) ELIGIBLE EMPLOYER.—In the case of taxable years beginning after 2007, the $10,000,000 amount under subsection (d)(2) shall be increased by an amount equal to—

"(A) $10,000,000, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2006' for '1992' in subparagraph (B) thereof.

If any dollar amount as increased under this clause is not a multiple of $100,000, such dollar amount shall be rounded to the next lowest multiple of $100.

"(i) Regulations.—The Secretary shall promulgate regulations to prevent employer contributions to health savings accounts under subsection (a)(2) to be used for purposes other than qualified medical expenses (as defined in section 223(d)(2)).".

(b) Conforming Amendment.—Section 6501(m) of the Internal Revenue Code of 1986 is amended by inserting "30D(f)(5)," after "30C(e)(4),".

(c) Clerical Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Small employer health care contributions.".

(d) Effective Date.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2006.

Subtitle B—Simple Cafeteria Plans

SEC. 111. ESTABLISHMENT OF SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.

(a) In General.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) Simple Cafeteria Plans for Small Businesses.—

"(1) In general.—An eligible employer maintaining a simple cafeteria plan with respect to which the requirements of this subsection are met for any year shall be treated as meeting any applicable nondiscrimination requirement with respect to benefits provided under the plan during such year.

"(2) Simple cafeteria plan.—For purposes of this subsection, the term 'simple cafeteria plan' means a cafeteria plan—

"(A) which is established and maintained by an eligible employer, and

"(B) with respect to which the contribution requirements of paragraph (3), and the eligibility and participation requirements of paragraph (4), are met.

"(3) Contributions requirements.—

"(A) In general.—The requirements of this paragraph are met if, under the plan—

"(i) the employer makes matching contributions on behalf of each employee who is eligible to participate in the plan and who is not a highly compensated or key employee in an amount equal to the elective plan contributions of the employee to the plan to the extent the employee's elective plan contributions do not exceed 3 percent of the employee's compensation, or

"(ii) the employer is required, without regard to whether an employee makes any elective plan contribution, to make a contribution to the plan on behalf of each employee who is not a highly compensated or key employee and who is eligible to participate in the plan in an amount equal to at least 2 percent of the employee's compensation.

"(B) Matching contributions on behalf of highly compensated and key employees.—The requirements of subparagraph (A)(i) shall not be treated as met if, under the plan, the rate of matching contribution with respect to any elective plan contribution of a highly compensated or key employee at any rate of contribution is greater than that with respect to an employee who is not a highly compensated or key employee.

"(C) Special rules.—

"(i) Time for making contributions.—An employer shall not be treated as failing to meet the requirements of this paragraph with respect to any elective plan contributions of any compensation, or employer contributions required under this paragraph with respect to any compensation, if such contributions are made no later than the 15th day of the month following the last day of the calendar quarter which includes the date of payment of the compensation.

"(ii) Form of contributions.—Employer contributions required under this paragraph may be made either to the plan to provide benefits offered under the plan or to any person as payment for providing benefits offered under the plan.

"(iii) Additional contributions.—Subject to subparagraph (B), nothing in this paragraph shall be treated as prohibiting an employer from making contributions to the plan in addition to contributions required under subparagraph (A).

"(D) Definitions.—For purposes of this paragraph—

"(i) Elective plan contribution.—The term 'elective plan contribution' means any amount which is contributed at the election of the employee and which is not includible in gross income by reason of this section.

"(ii) Highly compensated employee.—The term 'highly compensated employee' has the meaning given such term by section 414(q).

"(iii) Key employee.—The term 'key employee' has the meaning given such term by section 416(i).

"(4) Minimum eligibility and participation requirements.—

"(A) In general.—The requirements of this paragraph shall be treated as met with respect to any year if, under the plan—

"(i) all employees who had at least 1,000 hours of service for the preceding plan year are eligible to participate, and

"(ii) each employee eligible to participate in the plan may, subject to terms and conditions applicable to all participants, elect any benefit available under the plan.

"(B) Certain employees may be excluded.—For purposes of subparagraph (A)(i), an employer may elect to exclude under the plan employees—

"(i) who have less than 1 year of service with the employer as of any day during the plan year,

"(ii) who have not attained the age of 21 before the close of a plan year,

"(iii) who are covered under an agreement which the Secretary of Labor finds to be a collective bargaining agreement if there is evidence that the benefits covered under the cafeteria plan were the subject of good faith bargaining between employee representatives and the employer, or

"(iv) who are described in section 410(b)(3)(C) (relating to nonresident aliens working outside the United States).

A plan may provide a shorter period of service or younger age for purposes of clause (i) or (ii).

"(5) Eligible employer.—For purposes of this subsection—

"(A) In general.—The term 'eligible employer' means, with respect to any year, any employer if such employer employed an average of 100 or fewer employees on business days during either of the 2 preceding years. For purposes of this subparagraph, a year may only be taken into account if the employer was in existence throughout the year.

"(B) Employers not in existence during preceding year.—If an employer was not in existence throughout the preceding year, the determination under subparagraph (A) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current year.

"(C) Growing employers retain treatment as small employer.—If—

"(i) an employer was an eligible employer for any year (a 'qualified year'), and

"(ii) such employer establishes a simple cafeteria plan for its employees for such year, then, notwithstanding the fact the employer fails to meet the requirements of subparagraph (A) for any subsequent year, such employer shall be treated as an eligible employer for such subsequent year with respect to employees (whether or not employees during a qualified year) of any trade or business which was covered by the plan during any qualified year. This subparagraph shall cease to apply if the employer employs an average of 200 more employees on business days during any year preceding any such subsequent year.

"(D) Special rules.—

"(i) Predecessors.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(ii) Aggregation rules.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person.

"(6) Applicable nondiscrimination requirement.—For purposes of this subsection, the term 'applicable nondiscrimination requirement' means any requirement under subsection (b) of this section, section 79(d), section 105(h), or paragraph (2), (3), (4), or (8) of section 129(d).

"(7) Compensation.—The term 'compensation' has the meaning given such term by section 414(s).".

(b) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2006.

SEC. 112. MODIFICATIONS OF RULES APPLICABLE TO CAFETERIA PLANS.

(a) Application to Self-Employed Individuals.—

(1) In general.—Section 125(d) of the Internal Revenue Code of 1986 (defining cafeteria plan) is amended by adding at the end the following new paragraph:

"(3) Employee to include self-employed.—

"(A) In general.—The term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(B) Limitation.—The amount which may be excluded under subsection (a) with respect to a participant in a cafeteria plan by reason of being an employee under subparagraph (A) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the cafeteria plan is established.".

(2) Application to benefits which may be provided under cafeteria plan.—

(A) Group-term life insurance.—Section 79 of such Code (relating to group-term life insurance provided to employees) is amended by adding at the end the following new subsection:

"(f) Employee Includes Self-Employed.—

"(1) In general.—For purposes of this section, the term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(2) Limitation.—The amount which may be excluded under the exceptions contained in subsection (a) or (b) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the individual is so treated.".

(B) ACCIDENT AND HEALTH PLANS.—Section 105(g) of such Code is amended to read as follows:

"(g) EMPLOYEE INCLUDES SELF-EMPLOYED.—

"(1) IN GENERAL.—For purposes of this section, the term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(2) LIMITATION.—The amount which may be excluded under this section by reason of subsection (b) or (c) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the accident or health insurance was established.".

(C) CONTRIBUTIONS BY EMPLOYERS TO ACCIDENT AND HEALTH PLANS.—

(i) IN GENERAL.—Section 106 of such Code, as amended by subsection (b), is amended by adding after subsection (b) the following new subsection:

"(c) EMPLOYER TO INCLUDE SELF-EMPLOYED.—

"(1) IN GENERAL.—For purposes of this section, the term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(2) LIMITATION.—The amount which may be excluded under subsection (a) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the accident or health insurance was established.".

(ii) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.".

(b) LONG-TERM CARE INSURANCE PERMITTED TO BE OFFERED UNDER CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.—

(1) CAFETERIA PLANS.—The last sentence of section 125(f) of the Internal Revenue Code of 1986 (defining qualified benefits) is amended to read as follows: "Such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract.".

(2) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 of such Code (relating to contributions by employer to accident and health plans) is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 113. MODIFICATION OF RULES APPLICABLE TO FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986, as amended by section 111, is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) SPECIAL RULES APPLICABLE TO FLEXIBLE SPENDING ARRANGEMENTS.—

"(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a flexible spending or similar arrangement solely because under the plan or arrangement—

"(A) the amount of the reimbursement for covered expenses at any time may not exceed the balance in the participant's account for the covered expenses as of such time,

"(B) except as provided in paragraph (4)(A)(ii), a participant may elect at any time specified by the plan or arrangement to make or modify any election regarding the covered benefits, or the level of covered benefits, of the participant under the plan, and

"(C) a participant is permitted access to any unused balance in the participant's accounts under such plan or arrangement in the manner provided under paragraph (2) or (3).

"(2) CARRYOVERS AND ROLLOVERS OF UNUSED BENEFITS IN HEALTH AND DEPENDENT CARE ARRANGEMENTS.—

"(A) IN GENERAL.—A plan or arrangement may permit a participant in a health flexible spending arrangement or dependent care flexible spending arrangement to elect—

"(i) to carry forward any aggregate unused balances in the participant's accounts under such arrangement as of the close of any year to the succeeding year, or

"(ii) to have such balance transferred to a plan described in subparagraph (E).

Such carryforward or transfer shall be treated as having occurred within 30 days of the close of the year.

"(B) DOLLAR LIMIT ON CARRYFORWARDS.—

"(i) IN GENERAL.—The amount which a participant may elect to carry forward under subparagraph (A)(i) from any year shall not exceed $500. For purposes of this paragraph, all plans and arrangements maintained by an employer or any related person shall be treated as 1 plan.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2007, the $500 amount under clause (i) shall be increased by an amount equal to—

"(I) $500, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2006' for '1992' in subparagraph (B) thereof.

If any dollar amount as increased under this clause is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.

"(C) EXCLUSION FROM GROSS INCOME.—No amount shall be required to be included in gross income under this chapter by reason of any carryforward or transfer under this paragraph.

"(D) COORDINATION WITH LIMITS.—

"(i) CARRYFORWARDS.—The maximum amount which may be contributed to a health flexible spending arrangement or dependent care flexible spending arrangement for any year to which an unused amount is carried under this paragraph shall be reduced by such amount.

"(ii) ROLLOVERS.—Any amount transferred under subparagraph (A)(ii) shall be treated as an eligible rollover under section 219, 223(f)(5), 401(k), 403(b), or 457, whichever is applicable, except that—

"(I) the amount of the contributions which a participant may make to the plan under any such section for the taxable year including the transfer shall be reduced by the amount transferred, and

"(II) in the case of a transfer to a plan described in clause (ii) or (iii) of subparagraph (E), the transferred amounts shall be treated as elective deferrals for such taxable year.

"(E) PLANS.—A plan is described in this subparagraph if it is—

"(i) an individual retirement plan,

"(ii) a qualified cash or deferred arrangement described in section 401(k),

"(iii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iv) an eligible deferred compensation plan described in section 457, or

"(v) a health savings account described in section 223.

"(3) DISTRIBUTION UPON TERMINATION.—

"(A) IN GENERAL.—A plan or arrangement may permit a participant (or any designated heir of the participant) to receive a cash payment equal to the aggregate unused account balances in the plan or arrangement as of the date the individual is separated (including by death or disability) from employment with the employer maintaining the plan or arrangement.

"(B) INCLUSION IN INCOME.—Any payment under subparagraph (A) shall be includible in gross income for the taxable year in which such payment is distributed to the employee.

"(4) TERMS RELATING TO FLEXIBLE SPENDING ARRANGEMENTS.—

"(A) FLEXIBLE SPENDING ARRANGEMENTS.—

"(i) IN GENERAL.—For purposes of this subsection, a flexible spending arrangement is a benefit program which provides employees with coverage under which specified incurred expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions).

"(ii) ELECTIONS REQUIRED.—A plan or arrangement shall not be treated as a flexible spending arrangement unless a participant may at least 4 times during any year make or modify any election regarding covered benefits or the level of covered benefits.

"(B) HEALTH AND DEPENDENT CARE ARRANGEMENTS.—The terms 'health flexible spending arrangement' and 'dependent care flexible spending arrangement' means any flexible spending arrangement (or portion thereof) which provides payments for expenses incurred for medical care (as defined in section 213(d)) or dependent care (within the meaning of section 129), respectively.".

(b) CONFORMING AMENDMENT.—

(1) The heading for section 125 of the Internal Revenue Code of 1986 is amended by inserting "**AND FLEXIBLE SPENDING ARRANGEMENTS**" after "**PLANS**".

(2) The item relating to section 125 of such Code in the table of sections for part III of subchapter B of chapter 1 is amended by inserting "and flexible spending arrangements" after "plans".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2006.

Subtitle C—Incentives for Insurance Companies

SEC. 121. SPECIAL DEDUCTION FOR CERTAIN HEALTH INSURANCE COMPANIES IN THE SMALL GROUP MARKET.

(a) IN GENERAL.—Section 833 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 833. SPECIAL DEDUCTION FOR HEALTH INSURANCE RELATED TO SMALL GROUP COVERAGE AND SMALL BUSINESS HEALTH PLANS.

"(a) GENERAL RULE.—In the case of any insurance company other than a life insurance company, the deduction determined under subsection (b) for any taxable year shall be allowed.

"(b) AMOUNT OF DEDUCTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the deduction determined under this subsection for any taxable year is the excess (if any) of—

"(A) 50 percent of the claims incurred during the taxable year and liabilities incurred during the taxable year under cost-plus contracts, over

"(B) the adjusted surplus as of the beginning of the taxable year.

"(2) LIMITATION.—The deduction determined under paragraph (1) for any taxable year shall not exceed taxable income for such taxable year (determined without regard to such deduction).

"(3) ADJUSTED SURPLUS.—For purposes of this subsection—

"(A) IN GENERAL.—The adjusted surplus as of the beginning of any taxable year is an amount equal to the adjusted surplus as of the beginning of the preceding taxable year—

"(i) increased by the amount of any adjusted taxable income for such preceding taxable year, or

"(ii) decreased by the amount of any adjusted net operating loss for such preceding taxable year.

"(B) SPECIAL RULE.—The adjusted surplus as of the beginning of the organization's 1st taxable year beginning after December 31, 2006, shall be its surplus as of such time. For purposes of the preceding sentence, the term 'surplus' means the excess of the total assets over the total liabilities as shown on the annual statement.

"(C) ADJUSTED TAXABLE INCOME.—The term 'adjusted taxable income' means taxable income determined—

"(i) without regard to the deduction determined under this subsection,

"(ii) without regard to any carryforward or carryback to such taxable year, and

"(iii) by increasing gross income by an amount equal to the net exempt income for the taxable year.

"(D) ADJUSTED NET OPERATING LOSS.—The term 'adjusted net operating loss' means the net operating loss for any taxable year determined with the adjustments set forth in subparagraph (C).

"(E) NET EXEMPT INCOME.—The term 'net exempt income' means—

"(i) any tax-exempt interest received or accrued during the taxable year, reduced by any amount (not otherwise deductible) which would have been allowable as a deduction for the taxable year if such interest were not tax-exempt, and

"(ii) the aggregate amount allowed as a deduction for the taxable year under sections 243, 244, and 245.

The amount determined under clause (ii) shall be reduced by the amount of any decrease in deductions allowable for the taxable year by reason of section 832(b)(5)(B) to the extent such decrease is attributable to deductions under sections 243, 244, and 245.

"(4) ONLY CERTAIN HEALTH-RELATED ITEMS TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—Any determination under this subsection shall be made by only taking into account items attributable to the qualified health-related business of the taxpayer.

"(B) QUALIFIED HEALTH RELATED BUSINESS.—For purposes of this paragraph, the term 'qualified health-related business' means health-related business which is attributable to—

"(i) the small group market (as defined under section 2791(e)(6) of the Public Health Service Act), and

"(ii) small business health plans.

"(C) SMALL BUSINESS HEALTH PLAN.—

"(i) IN GENERAL.—For purposes of this section, the term 'small business health plan' means a group health plan whose sponsor is (or is deemed under this section to be) described in clause (ii).

"(ii) SPONSORSHIP.—The sponsor of a group health plan is described in this clause if such sponsor—

"(I) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381)), or a bona fide labor union, for substantial purposes other than that of obtaining or providing medical care,

"(II) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership in the sponsor, and

"(III) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation.

Any sponsor consisting of an association of entities which meet the requirements of subclause (I), (II), and (III) shall be deemed to be a sponsor described in this clause.".

(b) CONFORMING AMENDMENT.—The table of section for part II of subchapter L of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 833 and inserting the following:

"Sec. 833. Special deduction for health insurance related to small group coverage.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 122. CREDIT FOR LICENSING COSTS OF CERTAIN HEALTH INSURANCE COMPANIES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45N. HEALTH INSURANCE LICENSING CREDIT.

"(a) DETERMINATION OF AMOUNT.—For purposes of section 38, the health insurance licensing credit determined under this section with respect to any eligible entity for any taxable year is an amount equal to the qualified licensing costs paid or incurred by such eligible entity in each State during the taxable year.

"(b) LIMITATION.—The qualified licensing costs taken into account under subsection (a) with respect to any State for any taxable year shall not exceed the lesser of—

"(1) 50 percent of qualified licensing costs paid or incurred by such eligible entity with respect to such State during the taxable year, or

"(2) $10,000.

"(c) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means an insurance company (as defined in section 816(a)) other than life which conducts qualified health-related business during the taxable year in the State in which the qualifying licensing costs are incurred.

"(d) QUALIFIED LICENSING COSTS.—For purposes of this section, the term 'qualified licensing costs' means costs in connection with satisfying State licensing requirements related to conducting a qualified health-related business in such State.

"(e) QUALIFIED HEALTH-RELATED BUSINESS.—For purposes of this section, the term 'qualified health-related business' has the meaning given such term under section 833(b)(4).

"(f) REGULATIONS.—Not later than 6 months after the date of the enactment of this section, the Secretary shall promulgate regulations on allocating qualified licensing costs between a qualified health-related business and other businesses of an eligible entity.

"(g) TERMINATION.—This section shall not apply to costs paid or incurred in taxable years beginning after December 31, 2011.".

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking "and" at the end of paragraph (28), by striking the period at the end of paragraph (29) and inserting ", plus", and by adding at the end the following new paragraph:

"(30) the health insurance licensing credit determined under section 45N(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 45N. Health insurance licensing credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE II—SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM

SEC. 201. PURPOSE.

The purpose of this title is to establish a 4-year pilot program to provide information and educational materials to small business concerns regarding health insurance options, including coverage options within the small group market.

SEC. 202. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers.

(2) ASSOCIATION.—The term "association" means an association established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of small business development centers.

(3) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term "participating small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648) that—

(A) is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)); and

(B) receives a grant under the pilot program.

(4) PILOT PROGRAM.—The term "pilot program" means the small business health insurance information pilot program established under this title.

(5) SMALL BUSINESS CONCERN.—The term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(6) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

SEC. 203. SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM.

(a) AUTHORITY.—The Administrator shall establish a pilot program to make grants to small business development centers to provide information and educational materials regarding health insurance options, including coverage options within the small group market, to small business concerns.

(b) APPLICATIONS.—

(1) POSTING OF INFORMATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall post on the website of the Small Business Administration and publish in the Federal Register a guidance document describing—

(A) the requirements of an application for a grant under the pilot program; and

(B) the types of informational and educational materials regarding health insurance options to be created under the pilot program, including by referencing such materials developed by the Healthcare Leadership Council.

(2) SUBMISSION.—A small business development center desiring a grant under the pilot program shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(c) SELECTION OF PARTICIPATING SBDCs.—

(1) IN GENERAL.—The Administrator shall select not more than 20 small business development centers to receive a grant under the pilot program.

(2) SELECTION OF PROGRAMS.—In selecting small business development centers under paragraph (1), the Administrator shall not select—

(A) more than 2 programs from each of the groups of States described in paragraph (3); and

(B) more than 1 program in any State.

(3) GROUPINGS.—The groups of States described in this paragraph are the following:

(A) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(B) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(C) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(D) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(E) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(F) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(G) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(H) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(I) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(J) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(4) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 6 months after the later of the date on which the information described in subsection (b)(1) is posted on the website of the Small Business Administration and the date on which the information described in subsection (b)(1) is published in the Federal Register.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A participating small business development center shall use funds provided under the pilot program to—

(A) create and distribute informational materials; and

(B) conduct training and educational activities.

(2) CONTENT OF MATERIALS.—In creating materials under the pilot program, a participating small business development center shall evaluate and incorporate relevant portions of existing informational materials regarding health insurance options, such as the materials created by the Healthcare Leadership Council.

(e) GRANT AMOUNTS.—Each participating small business development center program shall receive a grant in an amount equal to—

(1) not less than $150,000 per fiscal year; and

(2) not more than $300,000 per fiscal year.

(f) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program.

SEC. 204. REPORTS.

Each participating small business development center shall transmit to the Administrator and the Chief Counsel for Advocacy of the Small Business Administration, as the Administrator may direct, a quarterly report that includes—

(1) a summary of the information and educational materials regarding health insurance options provided by the participating small business development center under the pilot program; and

(2) the number of small business concerns assisted under the pilot program.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(2) $5,000,000 for each of the 3 fiscal years following the fiscal year described in paragraph (1).

(b) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this title.

By Mr. MENENDEZ:

S. 2460. A bill to permit access to certain information in the Firearms Trace System database; to the Committee on the Judiciary.

Mr. MENENDEZ. Mr. President, today, I am introducing new legislation to address the critical issue of access to information about guns traced to crimes. This bill would repeal restrictions on the release of crime gun trace data from the Federal Government to State and local police.

It goes without saying that the more we understand a problem and its sources, the more proficient we will be in our attempt to create a solution that works. That is especially true when talking about guns that are used to commit crimes. One study has shown that 1.2 percent of gun dealers sell 57 percent of guns later traced to criminal investigations.

The State that I have the honor of representing in the Senate, New Jersey, has some of the strictest gun laws in the country, yet hundreds, if not thousands, of off-limit customers, such as those under age or those who do not have a license, wind up with such weapons each month. And the overwhelming majority of guns used to commit crimes in our State's cities were originally sold in compliance with the law in other States.

In fact, a large majority of the guns used to commit crimes in Jersey City, Newark, and Camden traveled up the East Coast along I-95, which has been called the "Iron Pipeline." This is truly a paradox that has not only frustrated law enforcement agents, but elected officials too.

That is why the Bureau of Alcohol, Tobacco, Firearms and Explosives's Crime Gun Trace Reports (CGTRs) were created to provide information to three different audiences: Federal, State, and local law enforcement agencies; federal Firearm Licensees (FFL); and the public, Congress, and State and local authorities.

According to the reports released in July 2002, 85 percent of the traced guns used to commit crimes in Jersey City and Newark, and 77 percent of those used in Camden, were originally purchased outside of New Jersey. And more than 67 percent of crime guns recovered in Jersey City were originally purchased more than 250 miles away.

This is exactly the type of information that assists law enforcement officials in placing local crime guns in a regional and national strategic enforcement context and would allow Federal, State, and local elected officials to develop national, regional, and local strategic responses to gun crime.

Unfortunately, every year for the past few years Republicans in the House have slipped a provision into law to prohibit the release of this information to anyone other than ". . . a Federal, State, or local law enforcement agency or a prosecutor solely in a criminal investigation or prosecution." This amendment effectively prohibits information from reaching Congress, and State and local authorities, and the public.

This even limits how Federal, State and local law enforcement agencies can use these Crime Gun Trace Reports. It only allows law enforcement agencies to use these reports to investigate a crime that has already been committed.

So, it only allows law enforcement officials to retroactively punish crime, rather than proactively preventing it from happening in the first place.

That is why I am introducing legislation to make this gun crime data public again. It will not only help law enforcement prosecute gun crimes, but will also increase public awareness about where these guns originated.

Until now, the restrictions have been imposed through the annual appropriations process, which means they end at the end of each fiscal year, or September 30. However, the House Judiciary Committee will hold a hearing tomorrow on legislation that would write these restrictions into law permanently.

Why is this information being concealed from the American people? It certainly contains no classified or sensitive national security material. The taxpayers have paid for information to be collected and the reports to be prepared, so why do they not deserve access to the information? And why is it illegal for Federal, State and local policymakers and law enforcement officials to use these reports in the way they were envisioned: to better understand and combat the scourge of gun violence that plagues our cities?

Denying police access to this information about crime gun traces helps no one but the bad guys. Our families' safety should never take a backseat to the demands of radical interest groups seeking only to further their own narrow agenda. Congress needs to pass my legislation—instead we need to stand up for our families. I urge my colleagues to join me in this important effort.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FIREARMS TRACE SYSTEM.

(a) In General.—The Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2295) is amended in title I, under the heading "Bureau of Alcohol, Tobacco, Firearms and Explosives", by striking "*Provided further*, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database" and all that follows through "section 921(a)(10) of such title);".

(b) Access to Information.—The Attorney General shall provide public access to the Crime Gun Trace Report (both nationally and for individual cities) from the Youth Crime Gun Interdiction Initiative, which is generated using information in the Firearms Trace System database maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 405—DESIGNATING AUGUST 16, 2006, AS "NATIONAL AIRBORNE DAY"

Mr. HAGEL (for himself, Mr. Akaka, Mr. Bingaman, Mr. Burns, Ms. Cantwell, Mr. Cochran, Mrs. Dole, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Reid, and Ms. Snowe) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 405

Whereas the airborne forces of the United States Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16, 2006, marks the anniversary of the first official validation of the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the United States Department of War, and was launched when 48 volunteers began training in July of 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that, since then, have served with distinction and repeated success in armed hostilities;

Whereas among those units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II provided a basis of evolution into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf Region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment which, together with other units, comprise the quick reaction force of the Army's XVIII Airborne Corps when not operating separately under a regional combatant commander;

Whereas that modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault) and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affair missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's "Silver Wings of Courage", thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops; and

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2006, as the 66th anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2006, as "National Airborne Day"; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe "National Airborne Day" with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 406—CONGRATULATING GRACELAND ON THE OCCASION OF ITS DESIGNATION AS A NATIONAL HISTORIC LANDMARK

Mr. FRIST (for himself and Mr. Alexander) submitted the following resolution; which was considered and agreed to:

S. Res. 406

Whereas Graceland—

(1) served as the home and private retreat of Elvis Aaron Presley from 1957 through 1977; and

(2) is intimately connected to the musical and cultural heritage of Elvis Aaron Presley;

Whereas Elvis Presley is—

(1) universally recognized as the "King of Rock and Roll";

(2) known to generations by only his first name; and

(3) widely agreed to be one of the most famous and influential American cultural icons of the 20th century;

Whereas Elvis Presley, having drawn on musical traditions including gospel, country, and rhythm and blues, contributed to the development, popularization, and evolution of the rock and roll genre;

Whereas Elvis Presley, having been an exceptionally talented vocalist and stage performer, experienced a career marked by unprecedented professional success and achievement;

Whereas Elvis Presley received numerous honors and accolades, including—

(1) 3 Grammies;

(2) 14 Grammy nominations; and

(3) a Grammy Lifetime Achievement Award from the National Academy of Recording Arts and Sciences;

Whereas the Recording Industry Association of America has officially recognized Elvis Presley as the number 1 Solo Artist in United States History because he has—

(1) achieved over 150 gold, platinum, or multi-platinum awards; and

(2) documented album sales exceeding 120,000,000 albums;

Whereas Elvis Presley is the only artist to be inducted into 3 major music halls of fame, including—

(1) the Rock and Roll Hall of Fame in 1986;

(2) the Country Music Hall of Fame in 1998; and

(3) the Gospel Music Hall of Fame in 2001;

Whereas Elvis Presley continues to maintain a preeminent position on numerous Top Artist Achievements lists, including—

(1) "Most Chart Hits";

(2) "Most Top 10 Hits";

(3) "Most Top 40 Hits";

(4) "Most Weeks at the number 1 Position";

(5) "Most Consecutive number 1 Hits";

(6) "Most Consecutive Top 10 Hits"; and

(7) "Most Gold and Platinum Hits";

Whereas Elvis Presley was personally involved in the renovation and reconstruction of Graceland, and the unique design and decoration of Graceland enshrines his style, character, influence, and cultural legacy;

Whereas Graceland serves as a museum for promoting, celebrating, and maintaining the role of Elvis Presley in the history of the United States;

Whereas Graceland—

(1) is a historic residence built in the Classical Revival style; and

(2) was placed on the National Register of Historic Places in 1991;

Whereas Graceland continues to serve as a pilgrimage site for millions of Elvis Presley fans from around the world;

Whereas Graceland is recognized as one of the most visited historic house museums in the United States, attracting over 600,000 visitors each year; and

Whereas Graceland will continue to impact the popular culture of the United States by educating millions of visitors for years to come: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Graceland as exceptionally valuable for promoting and illustrating the contributions of Elvis Presley to the music and popular culture of the United States;

(2) acknowledges the importance of designating Graceland as a National Historic Landmark for the purposes of recognizing and preserving that unique cultural attraction; and

(3) congratulates Graceland on the occasion of its designation as a National Historic Landmark.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3173. Mr. OBAMA (for himself, Mr. COBURN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 3174. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2944 submitted by Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) to the bill S. 2349, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3173. Mr. OBAMA (for himself, Mr. COBURN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. PROHIBITION ON PAID COORDINATION LOBBYING ACTIVITIES.

(a) IN GENERAL.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. A Member of the Senate shall not engage in paid lobbying activity in the year after leaving the employment of the Senate, which shall include the development, coordination, or supervision of strategy or activity for the purpose of influencing legislation before Congress.".

(b) CRIMINAL PROHIBITION.—Section 207(e)(1) of title 18, United States Code, is amended by inserting after "in his or her official capacity," the following: "or, within 1 year after that person leaves office, receives compensation for the development, coordination, or supervision of strategy or activity for the purpose of influencing legislation before either House of Congress,".

SA 3174. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2944 submitted by Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___.

"No unanimous consent may be granted to pass any bill which amends federal law, has a net budgetary effect, or authorizes new federal spending, unless—

(a) A quorum is present, which shall be ascertained by the Presiding Officer; or

(b) A petition signed by 100 Senators explicitly granting consent to passage is presented to the Presiding Officer and printed in the Congressional Record."

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations will hold two days of hearings on March 28 and 30, 2006, "Neutralizing The Nuclear And Radiological Threat: Securing the Global Supply Chain."

On March 28, the Subcommittee will focus on the domestic and international deployment of radiation detection equipment, as well as U.S. Government efforts to prevent radiological or nuclear terrorism. Three Government Accountability Office Reports will be released at the March 28th hearing. These reports include: 1. U.S. Customs and Border Protection Radiation Portal Monitor Program, RPMP, to install Radiation Portal Monitors, RPMs, at U.S. Ports of Entry; 2. the Department of Energy Second Line of Defense program to install RPMs at key international border crossings and ports; and 3. the successful importation of radiological sources across the northern and southern border.

On March 30, the Subcommittee will focus on the security of the global supply chain and update the May 2005 hearing, The Container Security Initiative and the Customs-Trade Partnership Against Terrorism: Securing the Global Supply Chain or Trojan Horse? A Subcommittee staff report on global supply chain security will be released at the March 30 hearing.

In addition to examining forthcoming reports, the hearings will examine the other programs that form our layered defense against nuclear terrorism including the Container Security Initiative, the Megaports Initiative, and the Customs-Trade Partnership Against Terrorism. Moreover, these hearings will examine the role of the Domestic Nuclear Detection Office, a new office created within DHS to coordinate global nuclear detection architecture.

The Subcommittee hearings are scheduled for Tuesday, March 28 at 9:30 a.m. and Thursday, March 30 at 10 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224-3721.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, the Subcommittee on Public Lands and Forests has previously announced a hearing to be held on Wednesday, March 29, 2006, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC. In addition to the bills previously listed, the following bills will be included:

S. 1056, to direct the Secretary of the Interior to convey to the city of Henderson, NV, certain Federal land located in the city, and for other purposes; and S. 2373, to provide for the sale of approximately 132 acres of public land to the city of Green River, at fair market value.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Dick Bouts at (202) 224-7545 or Sara Zecher at (202) 224-8276.

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, March 28, 2006, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1439, the Indian Trust Reform Act of 2005, Titles II through VI. Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 29, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on the following bills:

1. S. 2078, Indian Gaming Regulatory Act Amendments.
2. S. 1899, Indian Child Protection and Family Violence Prevention Act Amendments.
3. S. 2245, Indian Youth Telemental Health Demonstration Project Act.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Monday, March 27, 2006, at 10 a.m. in the Dirksen Senate Office Building Room 226.

Agenda

I. Nominations: Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Patrick J. Schiltz, to be U.S. District Court Judge for the District of Minnesota; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel.

II. Bills: S. ____, Comprehensive Immigration Reform; Chairman's Mark; S. 1768, A bill to permit the televising of Supreme Court proceedings; Specter, Leahy, Cornyn, Grassley, Schumer, Feingold, Durbin; S. 829, Sunshine in the Courtroom Act of 2005; Grassley, Schumer, Conlyn, Leahy, Feingold, Durbin, Graham, DeWine, Specter; S. 489, Federal Consent Decree Fairness Act; Alexander, Kyl, Cornyn, Graham, Hatch; S. 2039, Prosecutors and Defenders Incentive Act of 2005; Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges; Specter, Leahy, Cornyn, Feinstein, Biden; S. 2453, National Security Surveillance Act of 2006; Specter; S. 2455, Terrorist Surveillance Act of 2006; DeWine, Graham.

III. Matters; S.J. Res. 1, Marriage Protection Amendment; Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback; S. Res. 398, A resolution relating to the censure of George W. Bush; Feingold.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING GRACELAND

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 406, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 406) Congratulating Graceland on the occasion of its designation as a National Historic Landmark.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 406) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 406

Whereas Graceland—

(1) served as the home and private retreat of Elvis Aaron Presley from 1957 through 1977; and

(2) is intimately connected to the musical and cultural heritage of Elvis Aaron Presley;

Whereas Elvis Presley is—

(1) universally recognized as the "King of Rock and Roll";

(2) known to generations by only his first name; and

(3) widely agreed to be one of the most famous and influential American cultural icons of the 20th century;

Whereas Elvis Presley, having drawn on musical traditions including gospel, country, and rhythm and blues, contributed to the development, popularization, and evolution of the rock and roll genre;

Whereas Elvis Presley, having been an exceptionally talented vocalist and stage performer, experienced a career marked by unprecedented professional success and achievement;

Whereas Elvis Presley received numerous honors and accolades, including—

(1) 3 Grammies;

(2) 14 Grammy nominations; and

(3) a Grammy Lifetime Achievement Award from the National Academy of Recording Arts and Sciences;

Whereas the Recording Industry Association of America has officially recognized Elvis Presley as the number 1 Solo Artist in United States History because he has—

(1) achieved over 150 gold, platinum, or multi-platinum awards; and

(2) documented album sales exceeding 120,000,000 albums;

Whereas Elvis Presley is the only artist to be inducted into 3 major music halls of fame, including—

(1) the Rock and Roll Hall of Fame in 1986;

(2) the Country Music Hall of Fame in 1998; and

(3) the Gospel Music Hall of Fame in 2001;

Whereas Elvis Presley continues to maintain a preeminent position on numerous Top Artist Achievements lists, including—

(1) "Most Chart Hits";

(2) "Most Top 10 Hits";

(3) "Most Top 40 Hits";

(4) "Most Weeks at the number 1 Position";

(5) "Most Consecutive number 1 Hits";

(6) "Most Consecutive Top 10 Hits"; and

(7) "Most Gold and Platinum Hits";

Whereas Elvis Presley was personally involved in the renovation and reconstruction of Graceland, and the unique design and decoration of Graceland enshrines his style, character, influence, and cultural legacy;

Whereas Graceland serves as a museum for promoting, celebrating, and maintaining the role of Elvis Presley in the history of the United States;

Whereas Graceland—

(1) is a historic residence built in the Classical Revival style; and

(2) was placed on the National Register of Historic Places in 1991;

Whereas Graceland continues to serve as a pilgrimage site for millions of Elvis Presley fans from around the world;

Whereas Graceland is recognized as one of the most visited historic house museums in the United States, attracting over 600,000 visitors each year; and

Whereas Graceland will continue to impact the popular culture of the United States by educating millions of visitors for years to come: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Graceland as exceptionally valuable for promoting and illustrating the contributions of Elvis Presley to the music and popular culture of the United States;

(2) acknowledges the importance of designating Graceland as a National Historic Landmark for the purposes of recognizing and preserving that unique cultural attraction; and

(3) congratulates Graceland on the occasion of its designation as a National Historic Landmark.

Mr. FRIST. Mr. President, I want to take a few moments to comment on the resolution that was just agreed to with regard to Graceland.

As famous as the White House, as beloved as Wrigley Field, each year over 600,000 people from around the world travel to Memphis, TN, to see Graceland, the legendary home of the King of Rock.

Today, I am pleased to introduce and pass the Senate resolution honoring Graceland as a National Historic Landmark.

On behalf of my fellow Tennesseans, I extend my thanks to Secretary Norton for recognizing this unique contribution to American culture, and the extraordinary influence of the man who made it his own, Elvis Aaron Presley.

Born on January 8, 1935, in a 2-room house in East Tulepo, MS, Elvis and his family moved to Memphis when he was 13. Six years later—with the help of Sam Phillips, Sun Records, and his recording of "That's All Right"—Elvis became a star.

From that moment on his fame only grew, propelling him into the small pantheon of American icons who single-handedly remade popular culture.

In the 1960s, Leonard Bernstein was moved to remark, "Elvis is the greatest cultural force in the 20th century. He introduced the beat to everything music, language, clothes. It's a whole new social revolution."

John Lennon famously said, "Before Elvis, there was nothing."

Elvis fused the styles of gospel country, and rhythm and blues. His instinctual style revolutionized rock'n roll and drove it to the center of popular culture.

Through his enormous talent, drive, and charisma, Elvis achieved remarkable success over 2 decades earning 97 gold albums, 55 platinum albums, 25 multi-platinum albums, 51 gold singles, 27 platinum singles, 7 multi-platinum singles, and album sales exceeding 120 million copies.

When the 21-year-old star appeared on the Ed Sullivan Show in 1956, 82.6 percent of the viewing public tuned in.

Thirteen years later Elvis opened in Las Vegas, selling out a 2,000 seat showroom, 2 shows a night, for 4 weeks straight.

He became the most successful performer in Las Vegas history, surpassing Frank Sinatra, Dean Martin, or Barbra Streisand.

In 1973 Elvis performed the now legendary "Aloha from Hawaii, via Satellite." The concert was beamed worldwide, attracting the largest television audience to date, estimated at 1.5 billion viewers.

Elvis was only 36 when he received the prestigious Recording Academy's Lifetime Achievement Award.

In 2004, the Recording Industry Association officially certified Elvis Presley as the No. 1 solo artist in U.S. history.

Elvis was, and remains, a genuine cultural force. Millions of fans from around the world have traveled to Graceland to feel a little closer to this American icon. And his music continues to course through American life.

Bruce Springsteen once said, "There have been a lotta tough guys. There have been pretenders. And there have contenders. But there is only one King."

And there's only one Graceland that preserves the King's memory.

I commend my colleagues for recognizing this singular cultural landmark.

CONGRESSIONAL GOLD MEDAL ON BEHALF OF THE TUSKEGEE AIRMEN

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 1259, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1259) to award a congressional gold medal on behalf of the Tuskegee Airmen, collectively, in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1259) was read the third time and passed.

MEASURES PLACED ON THE CALENDAR—H.R. 4472 and H.R. 4911

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

A bill (H.R. 4911) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

PRIVILEGES OF THE FLOOR

Mr. FRIST. Mr. President, I ask unanimous consent that the privilege of the floor be extended to Harry Wingo through this session of Congress. Mr. Wingo is on loan to the Senate Commerce Committee from the Federal Communications Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 28, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. Tuesday, March 28. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business for up to an hour, with the first 30 minutes the under control of the Democratic leader or his designee, and the final 30 minutes under the control of the majority leader or his designee; provided further that the cloture vote scheduled on the motion to proceed to the border control bill be postponed until 2:15 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, this evening we have continued to work on an agreement for lobbying reform, as well as the border control bill which is scheduled for tomorrow. Under the agreement just reached, the cloture vote on the motion to proceed to the border control bill will be postponed to the afternoon unless further agreement is reached. We will notify Members as we lock in votes on either of the bills mentioned, and we do expect votes throughout Tuesday's session of the Senate.

Before we close today's session, I want to again say how much the Senate mourns the loss of Erma Byrd, the wife of our esteemed colleague, Senator BYRD. As the Chaplain opened the Senate remembering her in prayer, it is only fitting to close honoring this lovely and remarkable lady. Our thoughts and prayers are with Senator BYRD and his entire family.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:26 p.m., adjourned until Tuesday, March 28, 2006, at 9:45 a.m.

NOMINATIONS

EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE MARCH 27, 2006:

ENVIRONMENTAL PROTECTION AGENCY

MOLLY A. O'NEILL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE KIMBERLY TERESE NELSON.

DEPARTMENT OF STATE

MICHAEL D. KIRBY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

RONALD S. COOPER, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF FOUR YEARS, VICE ERIC S. DREIBAND, RESIGNED.

NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2008. (REAPPOINTMENT)

PETER W. TREDICK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2007, VICE EDWARD J. FITZMAURICE, JR., TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT SURGEON GENERAL/CHIEF OF THE DENTAL CORPS, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3036 AND 3039:

To be major general

COL. RUSSELL J. CZERW, 7676

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANCES C. WILSON, 7788

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. NANCY E. BROWN, 4870

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) ANN D. GILBRIDE, 3120

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JON W. BAYLESS, JR., 0539
REAR ADM. (LH) EDWARD MASSO, 5959
REAR ADM. (LH) WILLIAM H. PAYNE, 6466

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

To be colonel

REX R. KIZIAH, 2993

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

MAUREEN MCCARTHY, 6862

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JOSEPH A. WEBER, JR., 8564

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

DANIEL J. MCGRAW, 9693

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

CONSTANCE C. MCNABB, 2381
AMY L. WALKER, 3749

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

KENNETH R. FRANKLIN, 0707
MICHAEL S. PETERS, 5724

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

PETER L. BARRENECHEA, 3033
PATRICK H. DURBIN, 5355
ALAN K. HODGDON, 9958
WORTHE S. HOLT, JR., 7388
KAREN L. MORRISSETTE, 9614
JAMES T. NINOMIYA, 8072
DAVID L. PORTER, 6614
PHILLIP E. STYKA, 1061
RALPH M. SUTHERLIN, 2879

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

DAVID G. ALLEN, 4658
RALPH B. ARNOLD, 9308
ROBERT B. AUNAN, 4001
PAUL L. AYERS, 5911
JOHN C. BABICZ, 6730
JAMES D. BARKER, 7976
BRIAN P. BARNES, 5855
GWENDOLYN G. BATES, 2411
MARK H. BERRY, 5911
JAMES C. BLAYDON, 6910
GREGORY A. BULKLEY, 6071
CHRISTOPHER H. COLBERT, 2148
LANDIS B. COOK, 1190
JOHN M. CROCKER, 2533
JOHN P. CURRENTI, 8777
HOWARD D. DAVIS, JR., 2237
JOHN L. DERRICO, 7804
SCOTT A. DOLD, 9562
JOSEPH H. EARLY III, 8780
DAVID R. FOUNTAIN, 3567
LENUE GILCHRIST, JR., 6242
JEROME J. GOODIN, 7933
RANDALL E. GRATZ, 9516
STEVEN F. GRECO, 6667
MICHAEL J. GREEN, 7342
JOHN A. GWOSCH, 3379
RICHARD N. HARRIS, JR., 4260
EARL A. HENDERSON, 7146
CECIL J. HENSEL, JR., 8038
SHELLY M. HUNIHAN, 6964
HAROLD L. JENNINGS, JR., 1213
DAVID R. JOBE, 8339
ZANE R. JOHNSON, 7976
DAVID T. KENNEDY, 9548
DAVID E. KRINER, 6411
MICHAEL D. LABOUNTY, 6023
BURL N. LAMBERT, 6750
MICHAEL A. LOH, 0156
DAVID C. LOWELL, 6718
RUSSELL A. MADDERRA, 2101
NORBERT MADERA, 5360
TIMOTHY J. MALONE, 3687
JIM S. MCCREADY, JR., 8513
MICHAEL G. MCMILLIE, 2181
STEPHEN B. MEHRING, 6276
ROBERT A. MEYER, JR., 3674
JAMES C. MILLER, 7032
HAROLD T. MOBLEY, 5056
ROBERT C. MOHR, 0816
GREG H. MUSE, 5080
JANET F. NOBLE, 3194
MICHAEL A. NOLAN, 3011
GREGORY P. OCONNOR, 9525
JAMES OGONOWSKI, 0363
SCOTT E. PATTEN, 9593
JAMES M. PFAFF, JR., 7265
STEPHEN M. PULLEY, 4923
STEPHEN E. RADER, 3432
GREGORY S. RIDDLEMOSER, 3030
ORLANDO J. ROSADO, 5216
WILLIAM S. RYAN, 1931
LUTTRELL G. SCHETTLER, 6497
MICHAEL A. SCHWAMM, 4898
PAUL R. SHEPPARD, 9068
DONALD B. SIMS, 0694
GEORGE C. SPEAKE, 8160
MICHAEL E. STASIEWICZ, 4691
MICHAEL E. STENCEL, 7322
GREGORY N. STROUD, 1978
SCOTT A. STUDER, 9181
GARY A. TAYLOR, 6550
KEVIN A. TURNBO, 5240
SCOTT T. TYRRELL, 0110
JONATHAN C. WARREN, 7453
WENDY B. WENKE, 2999
DAVID B. WHIPPLE, 5407
DENNIS W. YOUNT, 9719
DAVID D. ZWART, 1472

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID M. LIND, 0032

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

MARY M. SUNSHINE, 0777

To be major

DEBRA CHAPPEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

JACQUELINE P. ALLEN, 7831

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

VALERIE MCDAVID, 3021
BRUCE R. MEYER, 5349
VICKI WYAN, 6961

To be major

SCOTT BROWN, 6813
MARK E. BUFALINI, 7299
ROBERT SELDERS, 4049
CATHLEEN STERLING, 4368

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERNINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHARLES C. DODD, 2213

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ALVIS DUNSON, 0347
FRANCIS WILLIAMS, 1116

CONFIRMATION

Executive nomination confirmed by the Senate Monday, March 27, 2006:

DEPARTMENT OF ENERGY

DENNIS R. SPURGEON, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF ENERGY (NUCLEAR ENERGY).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on March 27, 2006, withdrawing from further Senate consideration the following nominations:

HENRY W. SAAD, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, WHICH WAS SENT TO THE SENATE ON FEBRUARY 14, 2005.

DAVID C. SANBORN, OF VIRGINIA, TO BE ADMINISTRATOR OF THE MARITIME ADMINISTRATION, WHICH WAS SENT TO THE SENATE ON JANUARY 18, 2006.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 28, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 29

9:30 a.m.

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine U.S. nonproliferation strategy and the roles and missions of the Department of Defense and the Department of Energy in nonproliferation in review of the defense authorization request for fiscal year 2007 and the future years defense program.
SR–222

Environment and Public Works
To hold an oversight hearing to examine the impact of the elimination of MTBE.
SD–628

Foreign Relations
To receive a closed briefing regarding U.S.-India atomic energy cooperation, focusing on the Indian separation plan and the Administration's related legislative proposal.
S–407, Capitol

Indian Affairs
Business meeting to consider pending calendar business.
SR–485

Judiciary
To hold hearings to examine judicial nominations.
SD–226

10 a.m.

Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimate for fiscal year 2007 for the Air Force.
SD–192

Finance
To hold hearings to examine U.S.-China economic relations revisited.
SD–215

Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold hearings to examine economic impact issues in export-import bank reauthorization.
SD–538

Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine the importance of basic research to United States' competitiveness.
SD–562

Aging
To hold hearings to examine how seniors can stop investment fraud.
SD–106

2 p.m.

Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine state regulation of violent video games and the first amendment.
SD–226

2:30 p.m.

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine U.S.-Burma relations.
SD–419

Appropriations
Military Construction and Veterans' Affairs and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Veterans Affairs.
SD–124

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To resume hearings to examine how prepared is the nation's capital for terrorism, focusing on efforts to improve and refine coordination efforts and the NCR strategic plan and implementation.
SD–342

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 2150, to direct the Secretary of the Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon, H.R. 3507, to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, S. 1832, to authorize the Secretary of the Interior to lease oil and gas resources underlying Fort Reno, Oklahoma, to establish the Fort Reno Management Fund, S. 1056, to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and S. 2373, to provide for the sale of approximately 132 acres of public land to the City of Green River, Wyoming, at fair market value.
SD–366

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine Global Strike Plans and programs in review of the defense authorization request for fiscal year 2007.
SR–222

Intelligence
To receive a closed briefing regarding certain intelligence matters.
SH–219

3:30 p.m.

Armed Services
SeaPower Subcommittee
To hold hearings to examine Navy/Marine Corps force structure and future capabilities in review of the defense authorization request for fiscal year 2007 and the future years defense program.
SR–232A

MARCH 30

9:30 a.m.

Foreign Relations
To hold hearings to examine the hidden cost of oil.
SD–419

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of the Interior.
SD–124

Judiciary
Business meeting to consider S. 829, to allow media coverage of court proceedings, and other pending calendar business.
SD–226

10 a.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for programs under its jurisdiction.
SD–192

Banking, Housing, and Urban Affairs
Business meeting to consider Foreign Investment and National Security Act of 2006.
SD–538

Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SD–562

Appropriations
Energy and Water Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Energy's Supply and Conservation account, Electricity Delivery and Energy Reliability account, Office of Nuclear Energy, Office of Civilian Radioactive Waste Management, Office of Environmental Management,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Office of Fossil Energy Research and Development, and Office of Science.
SD–138

Homeland Security and Governmental Affairs
Investigations Subcommittee
To resume hearings to examine securing the global supply chain relating to neutralizing the nuclear and radiological threat, focusing on programs that form the defense against nuclear terrorism including the Container Security Initiative, the Megaports Initiative, the Customs-Trade Partnership Against Terrorism, and the role of the Domestic Nuclear Detection Office, a new office created within DHS to coordinate global nuclear detection architecture.
SD–342

Veterans' Affairs
To hold hearings to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, the AMVETS, the American Ex-Prisoners of War, and the Vietnam Veterans of America.
SD–106

11 a.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold an oversight hearing to examine National Polar-Orbiting Operational Environmental Satellite System.
SD–562

1:30 p.m.
Appropriations
District of Columbia Subcommittee
To hold hearings to examine the potential effects of a flat Federal income tax in the District of Columbia.
SD–138

2 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine reserve component personnel policies in review of the defense authorization request for fiscal year 2007.
SD–106

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine competition and convergence.
SD–562

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine McKinney-Vento Act reauthorization and consolidation of HUD's homeless programs.
SD–538

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the Federal government's implementation of veterans' preference in the hiring of employees, including an evaluation of the laws designed to protect and promote the employment of veterans, the impact of workforce flexibilities had on veterans, and how are veterans' redress mechanisms are working.
SD–342

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 1577, to facilitate the transfer of Spearfish Hydroelectric Plant Number 1 to the city of Spearfish, South Dakota, S. 1962 and H.R. 4000, bills to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, S. 2028, to provide for the reinstatement of a license for a certain Federal Energy Regulatory Commission project, S. 2035, to extend the time required for construction of a hydroelectric project in the State of Idaho, S. 2054, to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont, S. 2205, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and H.R. 3812, to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River.
SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MARCH 31

9:30 a.m.
Judiciary
To hold hearings to examine the call to censure the President.
SD–226

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Uttam Dhillon, of California, to be Director of the Office of Counternarcotics Enforcement, Department of Homeland Security, and Mark D. Acton, of Kentucky, to be a Commissioner of the Postal Rate Commission.
SD–342

APRIL 3

9:30 a.m.
Judiciary
To hold hearings to examine immigration.
SD–226

APRIL 4

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine how Congress might go about creating a program to control U.S. greenhouse gas emissions.
SH–216

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Federal Aviation Administration funding options.
SD–562

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine missile defense programs in review of the defense authorization request for fiscal year 2007.
SD–138

2:30 p.m.
Energy and Natural Resources
To continue hearings to examine how Congress might go about creating a program to control U.S. greenhouse gas emissions.
SH–216

Armed Services
Personnel Subcommittee
To resume hearings to examine health benefits and programs in review of the defense authorization request for fiscal year 2007.
SR–232A

3:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine the posture of the U.S. Transportation Command in review of the defense authorization request for fiscal year 2007 and the future years defense program.
SR–222

APRIL 5

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine Department of Defense's role in combating terrorism in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session.
SR–222

Indian Affairs
To hold hearings to examine the problem of methamphetamine in Indian country.
SR–485

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Sergeant at Arms and U.S. Capitol Police Board.
SD–138

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the 2005 wildfire season and the Federal land management agencies' preparations for the 2006 wildfire season.
SD–366

3 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine improving contractor incentives in review of the defense authorization request for fiscal year 2007.
SR–222

APRIL 6

10 a.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine offshore aquaculture, focusing on current proposals to regulate offshore aquaculture operations, discuss research in this field being conducted off the coasts of

New England and Hawaii, and the impacts that expanded aquaculture operations would have on fishermen, seafood processors, and consumers.

SD–562

3:30 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine military space programs in review of the defense authorization request for fiscal year 2007.

SR–222

APRIL 26

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine fostering innovation in math and science education.

Room to be announced

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To resume hearings to examine the progress of construction on the Capitol Visitor Center.

SD–138

MAY 3

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.

SD–138

MAY 17

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine accelerating the adoption of health information technology.

Room to be announced

MAY 24

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To resume hearings to examine the progress of construction on the Capitol Visitor Center.

SD–138

JUNE 14

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine alternative energy technologies.

Room to be announced

POSTPONEMENTS

MARCH 29

2:30 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine missile defense programs in review of the defense authorization request for fiscal year 2007.

SR–222

SENATE—*Tuesday, March 28, 2006*

The Senate met at 9:44 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator and Redeemer, we praise You today for Your goodness and for Your wonderful works to the children of humanity. You satisfy the longing soul and fill hungry spirits with goodness. Thank You for Your many blessings: for life and health, for grace and friendship, for praise and worship.

Equip our Senators for the challenges of this day. Empower them to seize the opportunities to make a difference in our Nation and the life of our world. May their best energies not be squandered in partisan politics. Instead, give each lawmaker the courage to understand what is right and the willingness to do it.

Give us all a faith that will discern the new things You are doing in our world.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 28, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. DEMINT thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. We are not yet in morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for not to exceed 1 hour, with the first 30 minutes under the control of the minority leader or his designee, and the remaining 30 minutes under the control of the majority leader or his designee.

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, seeing no one from the minority here at the moment, I ask unanimous consent I be allowed to proceed for a few moments in majority time in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

TRIBUTE TO ERMA ORA JAMES BYRD

Mr. McCONNELL. Mr. President, the King James version of the Bible tells us that shortly after the creation of man:

> The Lord God said "It is not good that the man should be alone; I will make a helpmate for him."
>
> And the Lord God caused a deep sleep to fall upon Adam.

It continues that "he took one of his ribs . . . and . . . made he a woman."

> And Adam said, This is now bone of my bones, and flesh of my flesh.

The verse concludes:

> Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.

Mr. President, for almost 69 years, ROBERT BYRD and Erma Ora James Byrd have been one—since their marriage on May 29, 1937. And today I rise to offer my heartfelt condolences to the Senator from West Virginia, ROBERT BYRD, on the passing of his dear wife.

Senator BYRD has served for nearly 50 years in the Senate as our cornerstone—a reminder of this body's mission and duty. Sadly, the cornerstone of the Senate has lost the keystone of his life. Erma Ora James Byrd went home to be with her Creator on this Saturday past, at the age of 88.

Erma Byrd was born in Floyd County, VA, and moved to the coalfields of West Virginia as a child with her family. Her father was a coal miner and came to the State to work.

As a Kentuckian—another State of coal miners—I was always moved to hear Senator BYRD proudly declare that he had, in fact, married a coal miner's daughter.

On the Byrds' 65th wedding anniversary in 2002, Senator BYRD said:

> Erma and I are complete and whole, a total that is more than the sum of its parts. In my life, Erma Ora Byrd is the diamond.

As every schoolchild in West Virginia learns, coal, when placed under great pressure, becomes a diamond. So it is fitting that Senator BYRD has the coalfields to thank for bringing his beloved Erma to him.

The Byrds' marriage was a study of partnership, devotion, and teamwork. It was living proof of the deep bonds that grow between a loving husband and wife. My own parents were married for 50 years, so I have seen firsthand the strength of those bonds and know the heartache when they are broken—until the reunion.

And so we grieve with our friend for his loss. Our prayers are with him. But we also know West Virginia's great Senator will one day be rejoined with his beloved Mrs. Byrd.

May God bless our friend ROBERT BYRD and the Byrd family.

Mr. President, I suggest the absence of a quorum.

I withhold that suggestion.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

TRIBUTE TO MAGGIE INOUYE AND ERMA ORA BYRD

Mr. DODD. Mr. President, I join with my colleague from Kentucky in expressing my deep sense of sorrow, as well, over the passing of two members of our family. And I speak of both the wife of our colleague from Hawaii, Senator INOUYE, who lost his beloved Maggie a week or so ago and, of course, the recent news we received over the weekend of the passing of Erma Ora Byrd. These are members of our family, in a sense.

I have known both Mrs. Byrd and Mrs. Inouye since I was a child. My father was a Member of this body and was elected, in fact, to the Senate on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the same day ROBERT BYRD was, in 1958. So I have had the privilege of serving with Senator BYRD both indirectly and directly for these now more than 40 years. In fact, I have the unique privilege of being his seatmate in this body, something which I have enjoyed immensely over the past decade and a half that I have sat at this seat in the Senate next to the distinguished senior Senator from West Virginia.

I certainly remember Maggie Inouye. She was wonderful to my parents and was good to me over the years. To watch two of our colleagues about whom we care so deeply go through the tremendous suffering they are going through as a result of the loss of their life mates is something all of us—regardless of where we sit in this Chamber, to what party we belong, in what direction our ideological compass may lead us—we all have a deep sense of loss for these wonderful people.

DAN and Maggie Inouye were very close to my parents, as I mentioned. She was born in 1924 and attended schools in Hawaii and then went on to receive degrees at the University of Hawaii and Columbia University and was highly respected in the area of speech pathology. She was a remarkable woman in her own right who could have had a very distinguished career independently of her husband.

She and DAN met in 1947, and as DAN INOUYE likes to tell the story, on the second date he proposed marriage. Not one to delay at all, he had met the person he clearly decided was going to be his life mate. And for the next 57 years, they were just that.

They celebrated the birth of their son Kenny who was again a wonderful child and has done a remarkable job in his own right.

I will remember Maggie best for her grace and poise and I was saddened to hear of her passing after a long battle with cancer earlier this month.

I went out to Hawaii last week and attended Maggie's funeral along with Senator STEVENS and his wife Catherine. It was a long trip, and I know that DAN did not expect a large number of his colleagues to make that journey. It was not a hard trip to make. It would have been harder not to make it in my case, given the closeness of our families over the years. And for me I knew there was nowhere else I could be than being present with DAN and his family to celebrate the life of Maggie.

During the visitation period prior to the funeral service, I was deeply moved by watching literally a couple thousand people express their condolences to DAN, to his son Kenny, Kenny's wife, Jessica. Each expression was heartfelt. It was personal. These were relationships that were solidified over years of friendship with DAN INOUYE, with his wife Maggie, and the constituents and friends of theirs from Hawaii.

I was also moved by the peacefulness of the funeral service, and most especially by the very touching and eloquent eulogy delivered by Maggie's longtime friend, Sumi McCabe.

I would like to close by offering my thoughts and prayers, once again, to DAN, to his son Kenny, and to his daughter-in-law Jessica.

As we mourn the loss of this wonderful woman, let us remember that her spirit will be with us and that her inspirational legacy will live on in the generations to come of her family.

So again, to our friend DAN, we want to express our deep sense of loss and our sense of solidarity with him.

Mr. President, to lose, just a few days later, of course, the wife of our great friend and leader, Senator BYRD, was a major blow as well. Certainly, the history of Erma Ora Byrd is well known to all of us.

As Senator MCCONNELL just pointed out, she was the daughter of a coal miner. She had been the life mate, for 69 years, of our colleague from West Virginia. It was clear to anyone who had the fortune of knowing them that they loved each other very deeply.

Erma Ora James was born in Floyd County, VA, in 1917. The daughter of a coal miner, as I just mentioned, her family moved to Raleigh County, WV, where she met ROBERT while attending the Mark Twain Grade School.

They were married when they were both 19 years of age in 1937. Shortly thereafter they began a loving family that has grown to two daughters, five grandchildren, and six great-grandchildren.

Even though she was content to remain out of Washington's limelight, Erma became quickly known and loved for her commonsense values and her devotion to her family.

Erma also became well respected for her advocacy on issues affecting children across West Virginia and, of course, our Nation as well. Two academic scholarship programs at Marshall University and West Virginia University, respectively, have been named in her honor as a result of her efforts.

Four years ago, at the couple's 65th wedding anniversary, Senator BYRD said of his wife:

> Erma and I are complete and whole, a total that is more than the sum of its parts. In my life, Erma Ora Byrd is the diamond. She is a priceless treasure, a multifaceted woman of great insight and wisdom, of quiet humor and common sense. I wish that more people could know the joy I have had in finding one's soul mate early in life and then sharing that deep companionship over many happy years.

Mr. President, my thoughts and prayers, along with those of our colleagues, I know, are with Senator BYRD and his family in these hours. I wish to extend my sympathies to ROBERT; his daughters, Mona and Marjorie; their husbands, Mohammed and Jon; ROBERT and Erma's grandchildren, Erik, Darius, Fredrik, Mona, and Mary; and ROBERT and Erma's great-grandchildren, Caroline, Kathryn, Anna, Emma, Hannah, and Michael.

Knowing of Senator BYRD's love for poetry, I am reminded of a passage in Thomas Gray's "Elegy in a Country Churchyard," which happened to be my father's favorite poem. Gray's "Elegy" says in one of its stanzas:

> Large was his bounty, and his soul sincere,
> Heaven did a recompense as largely send:
> He gave to Misery all he had, a tear,
> He gained from Heaven ('twas all he wished)
> a friend.

ROBERT gained a wonderful friend, obviously, and a companion—a life companion—in Erma. It is my hope that her spirit remains with us and will inspire all of us and future generations to come.

Mr. OBAMA. Mr. President, I wish to take a minute to offer my sincerest condolences to Senator BYRD on the passing of his beloved wife Erma. In a love story that is both moving and inspiring to all people, ROBERT BYRD's grade school sweetheart became his lifelong best friend in a marriage that spanned almost seven decades. While this makes the loss that much more profound, I would imagine it makes the memories that much sweeter and the love all the more enduring.

As somebody who is fortunate enough myself to be married to a wonderful woman for the past 14 years, I can only imagine the difficult transition this causes for our dear colleague from the State of West Virginia, but I pray that the Byrd family will find strength in this difficult time. I pray that Erma may now rest in eternal peace.

Mr. LOTT. Mr. President, I join many of my colleagues who have been speaking today and yesterday extending their heartfelt sympathy to Senator ROBERT BYRD of West Virginia for the loss of the diamond of his life, Erma. She truly was the light of his life. On many occasions, I have eased over into the chair next to Senator BYRD, and we have talked about how blessed we are with our two wives. He knows my wife Tricia and often asks about her, typically the courtesy that Senator BYRD extends to all of us.

I have asked him about Erma and how she was doing. We talked a lot about what a difference they have made in our lives. There is no question that he is going to miss her greatly, as will all of the family, I know. To all of them, we extend our heartfelt sympathies. We know the children and grandchildren are with Senator BYRD now and with Mrs. Byrd.

I remember an occasion on a Friday afternoon standing here when Senator BYRD asked me to yield. You are not always sure what Senator BYRD is asking you to yield for because it could be that you violated some rule of the Senate. But he asked if I would yield so that he could speak on the beauty of the grandson. I had just had my first grandchild, and it happened to be a grandson. He spoke so beautifully, so eloquently, totally from memory, and ended with a beautiful quote of what a grandson means to a grandfather. I was moved by it, literally to tears. And of course, when it came out in the CONGRESSIONAL RECORD, I had it framed. It hangs on the wall of my son's home in Paris, KY. Obviously, he doesn't think much of it right now, doesn't fully appreciate it. But some day, he will read that, and I know he will think of his grandfather and where he has served.

I tell that story to remind my colleagues about the kind of man Senator BYRD is. He can be a tough adversary. He can cause leaders to have a lot of heartburn. I have had it a couple of times when I was standing here in this place. But it is because he reveres the institution, because he does care about us as individual men and women. He knows about every one of us. He knows about our families. And not only does he love the institution, but he loves knowledge and great history and poetry.

Many have quoted from his favorite poem in the last couple of days. I don't have a poem. I don't have some great saying from memory. I only rise to join all the others in saying how much I admire and appreciate this Senator who is an institution in his own right in this body. I know how much he is suffering right now.

Sometimes we get so busy these days in this institution, trying to make it move forward or trying to keep up with the mail and the constituents and the flying back and forth, we really need a few who have very firm rudders and their sails set in the right direction for the best interests of the country. I know that is true of Senator BYRD.

Again, I extend my best wishes to him. When he returns, I will join all my colleagues in paying my respects to him and my appreciation for the example he set for himself and Erma, his wife of 69 years.

Mrs. BOXER. Mr. President, I rise to pay tribute to Erma Ora Byrd, the wife of our esteemed colleague, ROBERT C. BYRD of West Virginia. It has always warmed my heart to watch the Senator from West Virginia speak of his wife in conversation, of which we have had many, or as he has stood on this Senate floor. He has mentioned her name, and whenever he mentioned it, he immediately got this glow on his face in reverence to his friend, his wife, his love of nearly seven decades.

Love of this magnitude should be celebrated. And their marriage of 69 years should be celebrated. As a matter of fact, recently I talked to Senator BYRD about his marriage, and he said: I just hope that we can celebrate 70 years of marriage. Well, they did not get to 70 years. They got to 69, plus. And although her body failed her this past weekend, and their time together on this Earth ended, the love they shared—Senator BYRD and Erma—that love is timeless and that love is forever.

ROBERT BYRD is known throughout the country for his intellect and his patriotism, for his devotion to this country, to the State of West Virginia, his reverence for the Constitution, and his reverence for the Senate. But as famous as he is, and as eloquent as he is, and as far as he has gone in this Senate—he has been the leader here; he has been the chairman of committees here—he never would fail to share the credit for his many accomplishments with his wife, who inspired him and humbled him.

Erma never sought the spotlight, nor, according to ROBERT, would she allow her husband to bask in it for any longer than absolutely necessary. She strived to be a model of duty and service—service to one's family and service to one's country.

Erma Byrd has always been by her husband's side, ever since they were married, both of them at the age of 19. Imagine: the age of 19. Their love never waned. It is as strong now as it was on the very day they said their wedding vows. And I would posit that it has actually grown deeper, far deeper. That love is a bond that will never be broken, and even in her death her spirit will remain by his side to guide him on.

Erma had been struggling with illness for the past several years. God ended her battle, allowing her to be at rest. Although Erma's struggle with illness is over, and the deep pain that ROBERT felt as he watched her struggle with this illness is over, we should all know that he needs us now, his friends and his colleagues. He needs us to be his friend as he grieves for the loss of his soulmate.

Although we mourn her loss, we must not forget to also celebrate the rich, full life she made with her husband, her children, and her grandchildren.

The good Senator from West Virginia has always had a penchant for poetry, especially when it was used to help him describe Erma. So in closing, I will quote a poem by Charles Jeffreys that the Senator himself has used to describe his marriage to Erma:

We have lived and loved together
Through many changing years;
We have shared each other's gladness
And wept each other's tears;
I have known ne'er a sorrow
That was long unsoothed by thee;
For thy smiles can make a summer
Where darkness else would be.

Like the leaves that fall around us
In autumn's fading hours,
Are the traitor's smiles, that darken,
When the cloud of sorrow lowers;
And though many such we've known, love,
Too prone, alas, to range,
We both can speak of one love
Which time can never change.

We have lived and loved together
Through many changing years,
We have shared each other's gladness
And wept each other's tears.
And let us hope the future,
As the past has been will be:
I will share with thee my sorrows,
And thou thy joys with me.

When ROBERT BYRD spoke these words, he meant them deeply in his soul toward his one love. And so my husband joins me, and our family joins me, and I know all of our colleagues feel this way: We offer our thoughts and prayers to our dear friend Senator BYRD, to his family, and to the good people of West Virginia during this difficult time. I know my friend ROBERT will dedicate his future in the Senate not only to the people of West Virginia, whom he serves so proudly, but to his incomparable soulmate who so inspired him.

Thank you very much, Mr. President.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMMIGRATION

Mr. DURBIN. Mr. President, yesterday in the Senate Judiciary Committee, there was a historic vote, a vote that relates to an issue America has grappled with almost from the beginning. That is the issue of immigration. It is interesting as we reflect on our history that we are a nation of immigrants. But for the Native Americans who were here on our shores when the first White men arrived, we have all come to this country either directly or indirectly through our parents, grandparents, or previous generations. It is that immigration which has made America such a unique and diverse place. We take great pride in our roots, where we came from, and even greater pride in where we have planted those roots in American soil. That is a fact of life in America. It brings a special quality to this country.

Think of the people who have decided to come to our shores, men and women who walked away from a comfortable life in a familiar place with a familiar church, with family, a culture, a language, to embark on a journey to a place they had never seen before, to come to a country where they could not speak the language, to live in a place where they were not certain what their future would hold. It takes an extraordinary person to make that leap of faith into the future. It takes an extraordinary family to decide that their future is going to be here in a new place.

The story I have described has been repeated millions of times. The people who had the courage to step forward and come here have brought a special quality to this country, a quality we admire—creativity, a love of freedom, entrepreneurship, things that make America a much different place in the world, an America which we are all proud to call home.

An interesting thing happened in the course of history. Those who came first would look at the ships coming in and say: No, not more of those people. That is part of it, too—an intolerance for immigration even as we know our own birthright included an immigrant experience.

Now we are involved in a national debate about some 11 or 12 million in our midst who are not here with proper documentation, not having followed the proper legal process. We have been asked to reflect on that. Do we need them? Are they an important part of America?

They are a very important part, not just for the spirit they bring but for what they do each day. These are the men and women who probably cooked your breakfast, probably cleared the table after you finished, washed the dishes in the kitchen. These are the people who each day clean your hotel room. They are the ones who are watching your children at daycare. They are taking care of your aging parent at a nursing home at this moment. They make sure that when you go to the golf course the putting green is perfect. They stand in line many times for 8 hours or more in dull, tough jobs, in damp cold, experience watching chicken carcasses and beef carcasses go by so you can enjoy a barbecue over the weekend. They take jobs many people won't take. That is the immigrant story.

They volunteer to serve our country. Some 60,000 of them are now in the U.S. military, not legal citizens—here legally but not citizens—willing to put on that uniform, take an oath of loyalty to the United States, and literally risk their lives for you and for me. Some of them die in the process. We have this kind of cruel wrinkle in the law that if you die in service to America, we will make you a citizen after you die. Their grieving parents receive folded American flags in gratitude from a nation that is so thankful for their heroism.

Now they have come forward out of the shadows, hundreds of thousands of them across America, protesting a bill that passed the House of Representatives which would make a criminal out of every single one of them, not just ordinary criminals but aggravated felons. The House bill, the SENSENBRENNER bill which passed, says that the 11 or 12 million in America who are undocumented would be branded as aggravated felons, the same type of criminal penalty which we save for the worst—armed robbers and rapists. That is what the House bill would do. That is what they would brand these people, the same people who sit next to us in church, whose kids go to school with our kids, the same people we see every day though we may not speak to them. That bill is cruel. That bill is wrong.

Yesterday, the Senate Judiciary Committee and the Senate on a bipartisan basis decided that there was a better way. By a 12-to-6 vote, the Senate Judiciary Committee said the following: First, if we are going to be a secure America, we need to know who lives here. We need to know the names and addresses and workplaces of all the people in America, particularly the 11 or 12 million undocumented. So for security purposes, we moved forward with this bill to identify who these people are, where they live, where they are from, and to make certain that any single one of them who is a threat to America would be removed and has to leave. But we went further. We said: We need to toughen the borders, too. Let's make sure we enforce the laws that are there. America can't absorb every single person who wants to come here. That is physically impossible. So we need better enforcement at the borders, and we need enforcement when it comes to employment. If we say to employers: We need to know who is working for you, we need to know if, in fact, they are American citizens, and we will enforce the law, it is going to tighten the system.

The second thing we did was essential. We said to the people who are here: We are going to give you a chance, a chance to become legal in the eyes of America. But it won't be easy. It will take you a long time. It will take you more than 10 years. During that 10-year period, you will have to demonstrate to us that you were, in fact, a person of good moral standing, that you don't have a criminal record, that you were working, you were paying your taxes, you were learning English, and you will pay a fine for having violated the law in coming to this country. At the end of that period, we will decide if you met these strict qualifications and whether you can get on to a 5- or 6-year path to finally become an American citizen.

It is not an easy road. Some will fall along the wayside. Some will make it. Those who make it will add something to America. They will show that their determination to leave a place and come here has been matched by the determination to stay here and make this a better country.

When I walk through the streets of Chicago—I love that city, the diversity. When you get in a taxicab in Chicago, you will meet the world. Every driver is from country after country, people who come here—doctors, scientists, and others who are driving cabs and praying they might become part of America. It reminds me of my own roots, and my mother, who came from Lithuania. In 1911, when she arrived, could she have ever dreamed that one day her youngest son would be sworn in as the 47th Senator from the State of Illinois? It was a dream she never could have had, but it came true when she saw me sworn in before she passed away. In my office is her naturalization certificate behind my desk—a reminder of who I am and where I am from and, quite honestly, where we are all from.

Yesterday, with the bill passed on a bipartisan vote, which now will come to the floor of the Senate, we have an opportunity to do something that is not only historic and fair but right, to make America a more secure place, make certain there is fairness, and to make certain, as the President said, that we maintain not only the lawful tradition in America but the welcoming tradition in America. We can celebrate our diversity, knowing that it makes us different than so many other countries—countries that are now torn by sectarian strife and ethnic violence. Thank God that in the United States, because there are so many of us from so many different places, we have largely avoided that kind of confrontation.

I hope we will consider this bill on a bipartisan basis. We will need to tighten up some aspects and change a few words here and there. But we can never go how the House of Representatives went, with the Sensenbrenner bill; it is a punitive bill, a mean-spirited bill, not in the best tradition of America. We can do better. It criminalizes 11 million or 12 million Americans. Calling them aggravated felons is no way to embark on this road to a more united America.

That law, as it passed the House, will never be enforced. We know that. But it is a shadow over the lives of so many millions—not just those here without documentation, but those who would reach out to help them, such as the priest who counsels the mother to stay with her children, even though she may not have the right legal documents or the person at the domestic violence shelter who tells a mother and her battered children to stay in this place; it is a safe and secure place for you; stay here until that abusive, drunken husband of yours is arrested and the kids are safe again.

Under the bill passed by the House of Representatives, the people I have described would be branded not just as criminals but as felons. That is an unfortunate approach and one that doesn't reflect the values of this country. That is an approach which would drive more people into the shadows.

The Democrats support a comprehensive approach, one that includes security and also includes a path to legalization—a tough, long path, with many requirements that some will not finish. But those who do finish will make a better America. We have to go beyond enforcement. We have a reasonable and realistic approach to address the undocumented who live among us. We would give them an opportunity, and that is the best America can offer to anybody. By giving them this opportunity, we encourage them to come forward and register and to be part of the legal rolls in America. That way, we know who is living here, which enhances our national security. This is also true to American values. It is rewarding immigrants who work hard and play by the rules.

We face extraordinary security challenges in America today. We have a war that now has claimed over 2,300 of our best and bravest—sons and daughters of families across America, from Illinois and every State in the union. Today, 138,000 American troops stand risking their lives for us in Iraq and another 20,000-plus in Afghanistan. We owe them not only our gratitude and our admiration, but we owe them a plan to come home.

When I take a look at the situation in Iraq, it deteriorates each day and moves inexorably toward a civil war, which we pray will never happen, and I wonder how this will end. For some of us who voted against the resolution which brought us into this war, we argued at the time that it is a lot easier to get into a war than to get out of one. We argued that we needed more allies to stand with us so that it would not be just American soldiers. We argued that more nations should be with us in this effort so we would not be subsidizing a war, which now costs us $2 billion a week.

Unfortunately, this administration moved forward, anyway. They went into a war without enough troops, without enough body armor, without enough protection on the humvees, and without the necessary defensive equipment on helicopters. They sent the troops into battle and, sadly, so many have not come home. Many have come home with broken and battered bodies.

We have an obligation now to say to the Iraqis: We have helped you. We have removed your dictator. We have given you a chance to govern yourself, given you a chance for free elections, and we have given you a chance for your future. But now it is your responsibility. Govern your own nation; bring it together and defend your own people.

This administration promised us for years that, given enough time, the Iraqi Army and the police force would replace our troops. How much longer must we wait? How much longer must we wait until these Iraqis will stand and fight for their own future and their own country? I will believe this administration has a plan that works when the first American soldier comes home, replaced by an Iraqi soldier standing guard there in his own country. We are still waiting for that day. I hope it will come soon.

When President Bush said last week that perhaps we will have to wait until we have another President, 2½ years from now, my heart sank. Two and a half more years of this? Two and a half more years of losing American lives and watching these soldiers come back with visible scars?

We have to do better than that. Real security in America means a real plan to bring this Iraqi war to an end. I urge this administration to work toward that day and toward that plan, on a bipartisan basis, and to work toward homeland security that makes certain we are safe.

The General Accounting Office reported yesterday there is the ability to bring across our border enough fissile material to make a dirty bomb, despite our border security. There is a lot more we need to do to make America safe, and a stronger America begins at home.

This administration needs to do more when it comes to port security—not turn it over to some foreign government to manage five major ports.

This administration needs to do more when it comes to security at our chemical plants and nuclear plants.

This administration needs to do more when it comes to protecting us and making sure our first responders have what they need. I was in Marion, IL, at the fire department meeting with Chief Rinella, talking about the cuts in the Bush budget that will reduce the funds available to that department and to police departments, which we will count on if we ever have a major challenge in the United States. Real security begins at home, with an administration committed to security.

I urge my colleagues to join, on a bipartisan basis, to restore the funds that were cut in the Bush budget.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I ask unanimous consent to speak after Senator SANTORUM for approximately 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

IRAQ'S FIGHT FOR ITS FREEDOM

Mr. SANTORUM. Mr. President, I have to respond to my colleague from Illinois, who suggested that somehow the Iraqis are not standing up and fighting for the freedom of their country and the comment, "How much longer do we have to wait?"

Ask the Iraqi families of the men who were beheaded—30 of them most recently—whether they are waiting for the Iraqis to step forward and sacrifice for their country. Ask the Iraqis who are in the military who are dying today, sacrificing for the freedom of their country, whether they are waiting. The people of Iraq are stepping forward and fighting for their country. We are helping them do that. It is the clear intention of our policy in Iraq to hand over the responsibility, and it is happening.

I find it almost remarkable that here now, 3 years into this conflict, where we are trying to transform an entire society, that the level of patience for this very difficult process, given all the progress made and all the elections that have been held and the Constitution drafted—I think in all but four of the provinces, there is very little terrorist activity, or insurgent activity, or whatever you want to call it. There is a concentration in a few provinces where there are problems.

But I met with people from Mosul yesterday—elected officials—who came here and talked about the dramatic improvements that are going on in that area, and the lack of any kind of al-Qaida operations and terrorist operations in that area, saying that life is dramatically advancing. We don't hear talk about that. We hear talk about the problem spots, and that is legitimate. But the idea that the Iraqis are not fighting for their country, that they are not stepping forward—as we see day in and day out that they are conducting missions and they are eliminating the terrorist threat in Iraq—I think it is almost incredible. I don't know how you can read the news and suggest that the Iraqis are not stepping forward to defend their country and fight for their freedom.

Also, coming back to the issue of patience, I thank God sometimes that some of the elected officials who are here today were not around in 1777, 1778, and 1779. We would still be singing "God save the queen," not "hail to the chief." It took us 11 years to put a democracy together, in circumstances that I suggest were far less difficult, in a neighborhood that was far less problematic than the neighborhood Iraq happens to be situated in. So the idea that we have lost our patience in a struggle against Islamic fascism, which is a real present danger to the future of the United States of America, to me, is almost unconscionable.

This is a struggle we are engaged in. This is a struggle for our time. It is one that I believe history will look back upon and suggest that we met the threat that would have fundamentally changed the future of the world, and we met it before it did so. We met it with strength, with determination, and we overcame the doubters, overcame those who would have rather cut and run. I am not for cutting and running when it comes to the future security of this country. I have patience because things that are difficult and meaningful take time. We have to give that time.

I suggest there are some things that we are finding out now. Another effort I have been working on in Iraq is the intelligence information we have been able to gather from the former regimes in Iraq and Afghanistan. This has been a project that Congressman PETER HOEKSTRA, chairman of the House Intelligence Committee, has been working on—and I have worked with him—to make sure these 48,000 boxes, containing roughly 2 million documents, are released to the American public and the world to determine what was the intelligence assessment and the activity level and, in particular, in Iraq with Saddam, and with his interaction with elements of al-Qaida or other terrorist organizations.

What we are finding is that some of the statements that have been made on the floor and statements that were made just as recently as March 19, 2006 by my colleague from Pennsylvania, Congressman JACK MURTHA, who said:

> There was no terrorism in Iraq before we went there. None. There was no connection with al-Qaida. There was no connection with terrorism in Iraq itself.

Yet if we look at some of the documents that are being released by Director of National Intelligence John Negroponte—and, again, only a few hundred of the millions of documents have been released. As a caveat, while Congressman HOEKSTRA and I are excited about the fact that DNI decided to release these documents, the pace of the release is, let us say, unsatisfactory to this point.

We have, with the blogosphere, the Internet, the opportunity to put these documents out there and have almost instantaneously translated postings about what these documents contain.

During the time the Director of National Intelligence Negroponte has had these documents—this is 3 years ago—less than 2 percent of the documents have been translated. At this pace, my grandchildren may know what is in these documents.

We need to get these documents out. Mr. President, 600 over a little over a 2-week period is almost the same pace as translating with the people they had over in DNI Negroponte's shop. We need to get these documents out quicker. Why? Because if we look at what is in these documents, there is important information in understanding the connection between Iraq and terrorist organizations and the threat we were facing, the potential threat we had talked about, which is the coordination between a country that had used chemical and biological weapons, was thought universally to have chemical and biological weapons, and terrorists who have expressed a direct desire to use those weapons and get access to them.

If we look at a report that was issued by the Pentagon Joint Forces Command translating and analyzing some of these documents, called the "Iraqi Perspectives," on page 54, they write: Beginning in 1994, the Fedayeen Saddam opened its own paramilitary training camps for volunteers—this is 9 years, by the way, before the Iraq war—graduating more than 7,200 "good men racing full with courage and enthusiasm" in the first year.

Mr. President, 7,200 in the first year, 1994.

Beginning in 1998, these camps began hosting "Arab volunteers from Egypt, Palestine, Jordan, 'the Gulf,' and Syria." Volunteers. I wonder why they would be volunteering to help Saddam. It is not clear, it says, from the available evidence where are all these non-Iraqi volunteers who were "sacrificing for the cause" went to ply their newfound skills. Before the summer of 2002, most volunteers went home upon the completion of training. They didn't stay in Iraq. They came for training from countries in the gulf regions, and they went home. Odd that they would be fighting for the cause which would, in that case, be Saddam, if they went home.

Before the summer of 2002, as I said, most volunteers went home upon completion of the training, but these camps were humming with frenzied activity in the months immediately prior to the war.

As late as January 2003, the volunteers participated in a special training event called the Heroes Attack.

Stephen Hayes, who deserves a tremendous amount of credit for his reporting on these documents in the Weekly Standard, has brought this issue to the forefront and has awakened Members of Congress, myself included, to the importance of discovering the content of these documents as well as some of the information contained in these documents.

He reminds us of the special significance of that training in 1998:

> That is the same year that the U.N. weapons inspectors left Iraq for good; the same year a known al Qaeda operative visited Baghdad for 16 days in March; the same year the U.S. embassies were bombed in East Africa; the same year the U.S. bombed Baghdad in Operation Desert Fox; and, the same year Saddam wired $150,000 to Jabir Salim, the former Iraqi Ambassador to the Czech Republic, and ordered him to recruit Islamic radicals to blow up the headquarters of Radio Free Europe.

What we have here is, again, information that I believe is vitally important for the American public to see. I encourage Director of National Intelligence John Negroponte to step up the pace. Congressman HOEKSTRA and I have introduced legislation which would require just that: it would require the release of these documents and provides a way to do so.

We introduced this legislation prior to the decision to release these documents, but, again, I just make the point that the pace with which these documents are being released is inadequate. We need to continue to step that up, allow this information to get out for people to see, pro and con—all the information that is available to us. These are old documents. They are at least 3 years old; in some cases much more than that. The classified nature is specious, at best. We want to protect names, obviously, if there are reasons to protect certain names because of potential fallout from having their names released. If there are recipes for chemical weapons, fine. But the bottom line is most of this information should be released, can be released, and is not being released.

I assure my colleagues—and I think I can speak for Congressman HOEKSTRA in this regard—we will stay on this issue, and we will make sure all of this information is made available to the American public so we have a better understanding of what the situation was in Iraq prior to the war.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

IMMIGRATION REFORM

Mr. OBAMA. Mr. President, let me begin by congratulating members on both sides of the aisle on the Judiciary Committee for the fine work they did yesterday on the immigration bill. My expectation is that it will be coming to the floor soon.

I wish to echo some of the remarks that were made by my senior colleague from Illinois, Senator DICK DURBIN. I think everybody in this Chamber should be interested in a comprehensive immigration reform bill, one that takes seriously the security of our borders, one that takes seriously enforcing the hiring practices of employers, but also one that makes sure we are providing a pathway to citizenship for the 11 million to 12 million undocumented workers who are making enormous contributions to this country.

The bill that came out of the Judiciary Committee last night strikes the right balance. I believe it is a bill that is worthy of support on both sides of the aisle, and I am looking forward to participating in the debate on what I think will be one of the most important issues we face in the Senate.

LOBBYING REFORM

Mr. OBAMA. Mr. President, I come to the Chamber today to address the ethics bill that has been pending before the Senate for the past three weeks. It has now been exactly four months since Duke Cunningham resigned from the House after pleading guilty to bribery, tax evasion, and mail fraud charges. It has now been almost three months since Jack Abramoff pled guilty to defrauding Indian tribes.

In the aftermath of both guilty pleas, Members on both sides of the aisles in both Houses of Congress brought forward good proposals to change the culture that led to these scandals, and yet here we are on March 28th with a half-finished ethics bill in the Senate and even less in the House.

I know there are many important issues facing our country—health care, education, the war in Iraq, and, as I just mentioned, immigration—but it is equally important that we as Members of Congress consider how we are going to deal with the cloud of corruption that hangs over the Capitol and how that affects the issues which are important to the American people. For that reason, I sincerely hope the leadership of both parties will be able to reach an agreement to bring this bill back to the floor before our next recess.

The American people are tired of a Washington that is only open to those with the most cash and the right connections. They are tired of a political process where the vote you cast isn't as important as the favors you do. And they are tired of trusting us with their tax dollars when they see them spent on frivolous pet projects and corporate giveaways.

It is not a game that is new in this town. It is not particularly surprising to the public. People are not naive about the existence of corruption. They know it has worn the face of both Republicans and Democrats over the years. So the hope is that we could find a bipartisan solution to the problem.

Before the recess, we made some progress on the ethics bill. I was pleased to join with Senator DODD on an amendment to ban Members and staff from accepting meals from lobbyists. And when we get back to the bill, I will be joining Senators SANTORUM, MCCAIN, LIEBERMAN, and FEINGOLD in offering an amendment to define the way we reimburse corporate jet travel. I would like to spend a few minutes talking about this amendment.

During the past 5 years, Members of Congress, Presidential candidates, and political parties have used the corporate jets of 286 companies a total of more than 2,100 times. Despite the fact that a single flight of these jets can cost tens of thousands of dollars, the average reimbursement rate has only been about $1,700 per trip. So far, politicians have gotten away with this because current law only requires us to reimburse the cost of a first-class ticket on these charter flights, not the actual cost of operating the plane. But since we are usually the only passengers on the plane who don't work for the company, this rule is effectively giving us thousands of dollars in unwarranted discounts. This has to change.

Let me say this to my colleagues: Although I discontinued the practice earlier this year, I have used corporate jets in the past. I know some of the other proponents of this amendment have done the same. I know how convenient these charters can be. I know that a lot of my colleagues, particularly those from large States, will oppose this rule change because it makes it significantly more difficult and costly to interact with their constituents who live in less populated parts of their States. So I am not unsympathetic to these concerns. There are many parts of Illinois in which there is no commercial air service.

But this isn't about our convenience. It is about our reputation as public servants who are here to work for the common voter, not the highest bidder. We all know that corporations are not allowing us to use their jets out of the kindness of their hearts. It is yet another way that lobbyists try to curry influence with lawmakers.

One lobbyist told USA Today about the advantages of allowing Members of Congress to use his jet. He said:

> You can sit down and have a cocktail and talk casually about a matter, rather than rushing in between meetings on Capitol Hill.

A lobbyist for a telecommunications company is quoted as saying that providing a jet to a lawmaker "gives us an opportunity to form relationships, to have a long stretch of time to explain issues that are technical and complicated. If it wasn't useful, we wouldn't do it." The vast majority of the people we represent don't have the money to buy that access and form those relationships. They don't have the ability to fly us around on their private planes. In fact, they are having enough trouble paying the mortgage and their medical bills and their kids' college tuition. And they expect us to listen to their issues with the same concern we would any lobbyist or corporation with a jet.

I know that some say that legislation isn't really being discussed on these flights. But appearances matter. If we want to be serious about showing our constituents that we are fighting for them—and not just for the wealthy and powerful—we can't allow a small number of special interests to be subsidizing our travel.

If there isn't enough commercial air service in a state and there is a need to take a charter flight, then we should pay the full cost of the charter. If there is not enough money in our Senate travel accounts to cover these costs, then we should increase our travel budgets. What we shouldn't do is allow lobbyists to pick up the tab.

I know this may not be a popular amendment. I know many of my colleagues will be inconvenienced if it is adopted; I will be as well. But if we are serious about cleaning up the way we do business in Washington, it is an important step for us to take. I hope my colleagues will do the right thing and support this amendment.

In closing, let me say it is obvious we are not going to be able to finish ethics reform today. I know Senator LOTT and Senator DODD are working diligently to try to get this bill back on the floor. I also am aware of the importance of the immigration bill that we are going to be considering for the next two weeks. But I have to insist that we bring this ethics and lobbying bill back to the floor as soon as practicable and that we get to work on getting a bill passed and sent over to the House. The American people expect us to take strong action to clean up the way we do business in this city. They have been waiting for a long time. It is time we got to work.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LOBBYING AND RULES REFORM

Mr. LOTT. Mr. President, for the information of all of our colleagues, we should be getting some indication from our leadership soon as to when and how we will proceed on the lobbying and rules reform legislation. Of course, a major part of our time this week will necessarily be involved in considering the immigration reform legislation that was reported out of the Judiciary Committee on a bipartisan vote on Monday night. But I do think that we should go back to this very important issue also, which has been pending now for 3 weeks.

This is a bipartisan piece of legislation from two different committees. It is one of those rare but blessed occasions when Republican and Democrat, chairman and ranking members, can work together. Senator DODD and I worked together on this legislation, along with Senator FEINSTEIN and other Democrats, to shape the package that came out of the Rules Committee. Senator COLLINS, the chairman of the very important Homeland Security and Governmental Affairs Committee, was able to get legislation out of her committee working with Senator LIEBERMAN of Connecticut. Good work is being done. We were making progress and were about to get into a position where we could have wrapped the legislation up in a couple of days.

However, Senator SCHUMER proposed an amendment involving the Dubai World ports issue, and that caused the legislation to be stopped. That issue now is being dealt with by transferring the responsibility for the operations of those terminals to domestic companies. So that issue is being addressed, for now. I believe Senator SCHUMER has indicated that he is willing to withdraw his amendment, and we can go forward.

The pending business then would be the Wyden amendment on the issue of holds and how secret holds could be dealt with in this body. Some Senators have some concerns about the amendment. I would like for us to step up and address that issue and work with our leaders. That is a Rules Committee issue and I have held a hearing on the issue of holds. I support the Wyden-Grassley approach, but I think that when it involves rules that directly impact how the Senate operates day-today, the leaders of our two parties in the Senate have to have major input in how we deal with the issue in the future.

There are other issues that are pending that have interest and support. Obviously, one of those is the amendment by Senator COLLINS and Senator LIEBERMAN dealing with establishing a new Office of Public Integrity. That issue was considered in their committee, and they would like for it to be considered on the floor. I certainly understand that and would be supportive of that because it is supported by these two leaders of that committee. But we have 77 amendments filed as first-degree amendments, most of which are not germane to the bill. So I have to ask my colleagues: Are we serious about lobbying reform and rules reform?

There are some good things in here. I don't support all of them, and on a bill of this magnitude nobody is going to support all of it. But I think we need to step up and resolve these issues. We do need reform in the lobbying area and some changes in the rules especially in the area of disclosure. We also need a mechanism to deal with earmarks that have not been considered by either the House or the Senate, and then are inserted in conference reports.

We are going to have to deal with all these issues sooner or later. We can do it now or we can do it later. Some people I suspect hope this entire package of reforms will slide off the face of the Earth and disappear. It is not going to. It is here, and it is going to come back. We can do it today if the leaders give us that charge or we can come back to it later as filler or we can be the legislative yo-yo. But this issue is going to be dealt with. I hope we can come up with a way to get it done even today, if possible.

We have actually lost a full day. We could have been working on this yesterday afternoon. We could have been working on it this morning. There are other issues that are of interest and concern to the Members and to the leaders, so I understand how that goes. But if every Senator presumes to offer his or her amendment and demand a recorded vote, we will not ever finish it. Maybe the American people are not that focused. Obviously, when I was home I got a lot of questions about immigration, about taxes, but I got one call, just one, about this bill. It was from somebody who was concerned about something they hoped we would not put in the bill. Actually, it was a lobbyist, and I didn't even agree with what he was saying.

I think we should reconsider the cloture vote as soon as possible. I will support it no matter at what point it occurs. We can consider two or three of these amendments or several of them or not. But we need to step up to the issue, vote cloture, and complete this legislation as soon as possible.

I ask my colleagues: Who wants to take the blame for not getting this done? I was very disturbed about the way this was brought to a halt because I had yielded for what I was clearly told were going to be comments and all of a sudden, we were hit with a second-degree amendment that had no applicability to this at all.

We need to get together in a bipartisan way to address this issue, and we need to do it now. If we do not, somebody is going to have to explain it. The way I will explain it is not going to be positive because we have a commitment and we need to go forward with it.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business has expired.

The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent to proceed as in morning business for a period of time not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LOBBYING AND RULES REFORM

Ms. COLLINS. Mr. President, let me begin my comments by commending the Senator from Mississippi for his excellent statement. The Senator from Mississippi deserves great credit for working with his ranking member, Senator DODD, to craft a lobbying reform and disclosure bill on the provisions that were under the Rules Committee jurisdiction. Similarly, I worked very closely with the ranking Democrat on the homeland security committee to come up with a bipartisan bill that reflects issues that are under the jurisdiction of the Homeland Security and Governmental Affairs Committee.

The result is a strong bill. We have married the bills reported by the two committees on the Senate floor. We have produced legislation that I think would help to restore the public's confidence in the integrity of the decisions that we make in Washington. Some may ask: Why does this matter? Why should we enact lobbying disclosure and reform legislation? The reason is, if the public does not trust us to make decisions that are not tainted by undue influence from special interests, then we will not, as a Congress, be able to tackle the major issues facing our country. If the bonds of trust between those we represent and public officials are so frayed, then we are not going to be able to make the tough decisions, the hard choices that are necessary when tackling the big issues and challenges that confront our country.

The issues before the Senate in this bill are pressing and serious. Recent scandals involving Jack Abramoff and former Representative Duke Cunningham have brought to light the need for Congress to reevaluate practices that, although legal, raise questions about the integrity of decisions that are made or at least create the appearance of conflicts of interest and undue influence. We need to ban practices that erode the public's confidence in the integrity of Government's decisions. We need to have greater disclosure of the amount of money spent on lobbying and how it is spent. I think sunlight is the best disinfectant in many cases, and providing and requiring greater disclosure will make a real difference.

All of us here today recognize that lobbying, whether done on behalf of a business organization, an environmental cause, a children's advocacy group, an educational institution or any other cause can provide us with very useful information that does not dictate but does aid our decision-making process. We should remember that lobbying actually has a noble history. The word comes to us from Great Britain when individuals would gather in the lobby of Parliament in order to talk to members, and the medium of exchange was ideas and not favors.

Today, unfortunately, the word "lobbying" too often conjures up images of all-expense-paid vacations masquerading as factfinding trips, special access that the average citizen can never have, and undue influence that leads to decisions not being made in the public interest. The corrosive effect of that image on the public's confidence in the decisions that we make cannot be underestimated.

We in Congress have an obligation to strengthen that crucial bond of trust between those in Government and those whom Government serves. This legislation is a significant step in that direction, and we need to pass it promptly, without delay.

As my colleague, the Senator from Mississippi, has mentioned, there are some 77 amendments that have been filed to this bill. Many of them have nothing to do with lobbying or ethics reform. Others only have a very tangential connection. If we are serious about delivering lobbying reform legislation, if we believe that we need to clean up questionable practices, if we want to restore that bond of trust between the public and its elected officials, then we should move forward with this legislation without delay, without extraneous amendments that have nothing to do with the issue before us. We can do this bill with a good day of hard work.

I thank the majority leader for bringing up the bill again, for recognizing its importance, and for working with the four managers of the bill to try to find a path forward. But we need cooperation from our colleagues and from the leaders on the other side of the aisle if we are going to be successful in doing so. I am convinced, as is the distinguished chairman of the Rules Committee, that in a day's time we can complete action on this bill and be on our way to conference with the House if we have a little cooperation from our colleagues.

Let's not fail this test. Let's not fail to get this job done. This matters. It matters because if we do not have the support of the American people, the trust and confidence of the American people, then we cannot tackle the major issues facing this country.

This bill would be a significant step forward in repairing the frayed bonds between the American people and their Government at a time when surveys indicate that trust in Congress is perilously low.

I hope we can come together. This is a bipartisan effort. Senator SANTORUM convened a bipartisan task force that has worked very hard and gave rise to many of the bipartisan principles upon which this bill is based. Let us work together on both sides of the aisle. We have bipartisan support. With the ranking Democrats, Senator LIEBERMAN and Senator DODD, with the two chairmen, Senator LOTT and myself, we can get this job done.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANDREW H. CARD, JR.

Mr. GREGG. Mr. President, I rise to praise and thank Secretary Card who, for the last 5½ years, served as Chief of Staff for the President of the United States. Those of us from New Hampshire, such as the Senator in the Chair, know Andy Card well. Long before he became Chief of Staff, before he became Secretary of Transportation, before he even went into the White House with the first President Bush, he was an individual who had a fair amount of presence in New Hampshire. He started out in Massachusetts in the State legislature. There, with a small band of Republican members of that body in the 1970s, those of us who were in government in New Hampshire had a chance to meet him on occasion as a neighbor and fellow legislator and member of the government.

Then, in 1987, I believe it was, he came to New Hampshire and basically took up residence on a cot in a rundown building that we used as the headquarters for the George H. Bush campaign for President. He was the field director, the campaign manager under Governor Sununu and under my father, Governor Gregg. He, at that time, created a tremendous amount of goodwill amongst those who had a chance to work with him. He was an extraordinarily highly capable individual who got his job done, did it without ego but did it very effectively.

That approach, which grew with experience both as a Deputy Chief of Staff with the first President Bush and then as Transportation Secretary, and now as Chief of Staff since the beginning of this administration—that approach of a quiet, confident, unassuming but extraordinarily effective individual has been really his modus operandi. He has really set a standard, I believe, to which Chiefs of Staff will be held as we go forward from administration to administration.

The job of Chief of Staff is one of the most difficult jobs there is in Washington, obviously. It is a high-intensity position requiring workdays that often run into 20 hours. It requires that you know all the issues, that you know who the players are, that you put out the fires, that you communicate effectively, that you be courteous to people who may not be so courteous to you, and that you deal effectively with getting the President of the United States the information he needs in order to do his job. Andy Card, as I said, set a standard which will be one which I think Chiefs of Staff to come will try to equal.

He is always fair. He is always open. He is low key, unassuming, extraordinarily effective but firm when he had to be on issues and with people relative to carrying out the policy of the President. As he said today at the ceremony at the White House, he always recognized the fact that he was a staffer. He was not an elected official as a Chief of Staff, but he was a staffer who worked for the President of the United States and that his job was to carry forward the policies of the President. He did that extraordinarily well.

His wife, of course, has been with him all these years and put up with the thousands of hours he has not been at home since he has done this job—his wife Kathleene. As she has ministered to people who attend their church and others, she has certainly been a soulmate and person of strength for Andy Card.

We bid him a sort of a bittersweet farewell in that I know he will be missed in that position, but he has certainly earned the right to move on to take some time for himself and his family, to be able to get up in the morning and be able to enjoy the day without having to know that he will be rushing off for a 20-hour day at the White House.

I suspect he will be returning to New England. We look forward to having him back. I know he will spend a fair amount of time in Massachusetts and a fair amount of time in Maine, and I am sure he is going to stop on his way between Massachusetts and Maine to take advantage of New Hampshire's "no sales tax" climate. He is a special person, and the country has been well served by having him.

His successor, Josh Bolten, I have had the good fortune of dealing with also for a number of years but especially in the last few years as Director of OMB. In my role as chairman of the Budget Committee, he is obviously the person I have had the most contact with in the administration. Interestingly enough, he brings a lot of the same characteristics to the job Andy Card does. He is low key, he is bright, has a great sense of humor, and he understands that his job is to carry forward the mission of and purposes of the President.

He is a person you can talk to, who enjoys listening, will reach out, and does reach out for and has reached out as Director of OMB to Members of the Senate to hear their thoughts and ideas as to how we should proceed.

He has tremendous respect, I believe, on both sides of the aisle in the way he has led the OMB, and he will create a seamless transition in the White House as he moves over to the chief of staff job.

We are fortunate to have people such as this—people such as Andy Card and Josh Bolten who are willing to take on the obligation of public service and serve in positions such as Chief of Staff for the President, jobs which are extraordinarily intense and involve tremendous sacrifice relative to family. But without good people such as this willing to do them, the Nation would be much less.

We thank Andy Card for his service. We wish him and Kathleene good luck and good fortune as they move forward, and we welcome Josh Bolten to the job.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that morning business be extended and that I be permitted to speak for up to 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

OFFICE OF PUBLIC INTEGRITY

Ms. COLLINS. Mr. President, I do not anticipate taking the full 15 minutes, but I did want to alert my colleagues to an amendment that I believe will be coming up this afternoon, or perhaps even later this morning. In any event, later today Senators McCAIN, LIEBERMAN, and I will be offering an amendment to the ethics bill before us to create an Office of Public Integrity.

The American people view the way that we enforce ethics requirements on each other and on our staff as an inherently conflicted process. We set our own rules, we are our own advisers, we are our own investigators, we are our own prosecutors, we are our own judges, and we are our own juries. Even though we have some of our finest Members serving on the Ethics Committee, they cannot escape the perception that the process is plagued by conflict of interest. We do have extraordinary capable, ethical individuals serving on the Ethics Committee in the Senate. We are very fortunate to have a committee that works in harmony and that takes its job very seriously.

I believe we can preserve the important role of the Ethics Committee—and it is a vital role because the Constitution requires each House of Congress to discipline its own Members, if necessary, and we are going to preserve that absolutely critical role—but that we can make an improvement in the process by creating a congressional office, the Office of Public Integrity.

I emphasize this is part of the legislative branch. We are not talking, as some have, about creating an outside commission of judges and former Members of Congress and ethics experts. We are talking about recognizing that the Constitution clearly places responsibility within the legislative branch for taking actions, if necessary, against its own Members who violate the House or Senate rules. But we believe that process would be enhanced if we create an office of public integrity. It would be headed by a director who would be appointed by the majority and minority leaders of the Senate. That office would conduct investigations of possible ethics violations independent of any direct supervision by the Senate. So we would be assured that the public would perceive the process—the investigation—as more credible than now occurs when the Ethics Committee is investigating allegations against their colleagues.

I wish to point out, however, this is not the Shays-Meehan bill in the House, whatever the merits of that approach. This is a different approach from that taken by the Senator from Illinois, Senator OBAMA, and it is even different from the proposal Senator LIEBERMAN and I advanced in the Homeland Security markup. We have refined it still further. We narrowed the authority of the Office of Public Integrity, and I think we struck exactly the right balance between the duties of this office and the duties of the Ethics Committee. This office would conduct impartial, independent, thorough investigations and report its findings to the Ethics Committee which then would retain authority to rule on the cases and allegations and decide what action, if any, is taken. This would enhance the public confidence that this investigation would be an independent one.

It is very difficult for us to investigate ourselves. There are friendships, there are inherent conflicts of interest. The Ethics Committee does a terrific job in the Senate. It has wonderful members serving on it, individuals of the highest integrity. But the public perception is always going to be that this is an inherently conflicted process because we are investigating ourselves. We are playing every role in the process. What we are trying to do is create an office that would conduct the investigation.

I know many of our colleagues are not comfortable with this concept. Some of them have compared it to the old special prosecutor laws. But that is not what we are doing. We are very carefully setting up a system of checks and balances with the Ethics Committee retaining all of the final authority to decide how to proceed, to decide whether subpoenas should be employed, to decide whether an investigation should go forward in the first place, and to decide the ultimate disposition of the case. The investigation would be done by this independent office.

I point out to my colleagues one of the advantages of having an independent Office of Public Integrity conduct the investigation. The public now is often skeptical of the findings and actions taken by the Ethics Committee. If the Office of Public Integrity comes to the Ethics Committee and says these allegations have been thoroughly investigated, we, an independent entity, have investigated these allegations and we find there is no truth to them, that finding is much more likely to be accepted by the public if the investigation is done by this independent office. It would have complete credibility. That would be a great advantage. It would remove the cloud of doubt and suspicion that often hangs over Members of Congress unfairly when allegations are made against them.

The reason the public often has those doubts is they know we are investigating ourselves. They know our colleagues are investigating allegations against their colleagues.

If we insert this Office of Public Integrity into the process, public confidence in the thoroughness, independence, and credibility of the investigations would be enhanced. It would in no way diminish the authority of the Ethics Committee to take the action, make the final judgments, and indeed judgments all along the way, on this case.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIMINATING SECRET HOLDS

Mr. WYDEN. Mr. President, I am hopeful that shortly the Senate will be voting on a measure that will take a very significant step forward by bringing sunshine and public accountability to the Senate.

If you walk the streets of this country and ask someone what a hold is in the Senate, I don't think you will get 1 out of 100 people who will have any idea what you are talking about. But the fact of the matter is, a hold in the Senate is the ability to block a piece of legislation, block a nomination from being even discussed in the Senate. As a result of a hold, the Senate will not even get a peek at a topic that may involve millions of our citizens, billions of dollars, and affect the quality of life of citizens in every corner of the land.

It would be one thing if the Senator who exercises this extraordinary tool—this tool that carries so much power with it—if that Senator would exercise the tool in public and could be held accountable. Unfortunately, holds are now placed in secret. They are done behind closed doors. The sponsor of a piece of legislation will not even know about it. It seems to me a Senate that is serious about lobbying reform absolutely must stop doing so much of its important business in secret, behind closed doors.

I will offer later in the day, I hope, with Senator GRASSLEY, Senator INHOFE, and Senator SALAZAR, an amendment to bring a bit of sunshine to the Senate. It is an amendment that would not abolish the hold. Senators' rights would be fully protected. Senator COLLINS is in the Senate, and as a result of the colloquy we had several weeks ago, this legislation also protects the Senator's right to be consulted on a piece of legislation. Certainly, that is something all Members feel is important. If there are bills that affect a Senator's State or that they have a great interest in, that Senator would have an opportunity to study the legislation and to reflect on what it means.

What we say in this bipartisan amendment is when a Senator digs in, when a Senator plans to exercise this extraordinary power, the power to block a bill or a nomination from ever being heard, we are saying that Senator has got to be held publicly accountable. What we require is that a Senator who exercises a hold would have to so state in the CONGRESSIONAL RECORD. They could still use their procedural rights to make sure they have a chance to oppose the legislation and to oppose it strongly, but they would be identified as the person who was so objecting.

The intelligence reauthorization bill is now being prevented from coming to this Senate as a result of a secret hold. A lot of Senators give lengthy and eloquent speeches about fighting terrorism, but now a bill that is vital to national security is being held up in secret. It has been held up for months and months as a result of this secret hold. That ought to change.

Certainly, it ought to change if Senators are serious about lobbying reforms because one of the best ways for lobbyists to work their will is to have procedures that help them behind closed doors. That is what the secret hold is all about. It is written nowhere in the Senate rules, but it has become one of the most significant and powerful tools a Senator can exercise. It is done without any public accountability at all.

There has been a bit of irony in the last couple of days about this legislation. I thought it was going to come up already, given the fact that we had come back from the recess. I was under the impression that would be the first order of business. But we could not get to the bipartisan measure to abolish secret holds because, lo and behold, there was a secret hold on an amendment to try to get the Senate to do its business in public. That pretty much says it all. Not only do we have secret holds on national security legislation, legislation that would make a real difference in terms of striking a balance between fighting terrorism ferociously and protecting civil liberties, not only do we have national security legislation being held up, but even efforts to bring about basic reforms such as openness and sunshine for the Senate are being held up as a result of this secret procedure.

I emphasize what the change will mean for the Senate. No longer if this change is put in place will staff be able to keep secret from Members an objection; no longer will leadership be the only one to know about an objection; no longer will it be possible for a Senator to be kept in the dark about something they have worked on for years and years. The fact is, Senator GRASSLEY and I have worked on this legislation for a full decade.

Senator LOTT, the chairman of the Rules Committee, has been particularly helpful in terms of working with us on this measure. There have been hearings. Senator BYRD, who, of course, knows more about the Senate rules than anyone in the history of this Senate, has been very helpful in terms of giving us background about what we ought to do. This amendment puts the burden on the person who ought to be held publicly accountable: squarely on the shoulders of an objector. The person who exercises a hold will be identified and colleagues can discuss with that person how to move forward in a bipartisan way.

No Senator is going to be stripped of their rights. No Senator is going to be kept from protecting constituents that have serious concerns about legislation. But with the right to stand up for your view and to object to a piece of legislation, there ought to be some responsibility. There ought to be some accountability.

I find it stunning the Senate would even consider lobbying reform without an effort to do its business in public. We have already spent several days on this legislation. Hopefully, it will be completed shortly. It seems to me one of the most obvious reforms that Senators ought to be in favor of, if this Senate is serious about reform, is doing its business in public.

Nowhere in the Senate rules does it say anything about secret holds. Nowhere is it written down that a Senator can exercise this enormous power and do it without any accountability at all.

Senator GRASSLEY and I believe it is time to bring some sunshine for the Senate and for Senators to do the people's business in public. Secret holds have been the bane of the Senate for decades. Back in the 101st Congress, then-majority Bob Dole said:

> I have never understood why Republicans put a hold on Republican nominees. Maybe I will figure it out some day. I have been working on it. I have not quite understood it.

In that same Congress, former Senator John Glenn observed:

> . . . as one hold would come off, there was agreement another one would be put on, so that no one really had to identify themselves. The objecting Senator would remain anonymous. So much for sunshine in the United States Senate.

Those are the words of one of our most respected colleagues, John Glenn, words that I hope Senators will remember later in the day when we will have a chance to vote on a bipartisan amendment to bring some sunlight to the Senate and some openness in the way the Senate conducts the public's business.

When we have important national security legislation held hostage today by a secret hold, that alone says that this Senate needs to change the way it does business. It ought to do its business in the open. It ought to do its business in a way that will hold Senators accountable.

After 10 years, Senator GRASSLEY and I have watched these secret holds block legislation, block nominations in a way that does a disservice to all the people we represent.

We are going to have a chance to end this. We are going to have a chance to ensure that while Senators can exercise their rights and debate topics that they feel strongly about, they can also be held publicly accountable.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, we are beyond 12:30 p.m. Thus, I ask unanimous consent to delay the recess until we complete, in a few minutes, two items of business we will be addressing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we are going to address two issues, and those are the issue surrounding the lobbying bill, which is on the floor now, and we will march through that issue—the Democratic leader and I will explain to our colleagues what has just been done—and then also we expect to address the issue surrounding immigration and the cloture vote that is scheduled this afternoon.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

> A bill (S. 2349) to provide greater transparency in the legislative process.

Pending:

> Wyden/Grassley amendment No. 2944, to establish as a standing order of the Senate a requirement that a Senator publicly disclose a notice of intent to object to proceeding to any measure or matter.
>
> Schumer amendment No. 2959 (to amendment No. 2944), to prohibit any foreign-government-owned or controlled company that recognized the Taliban as the legitimate government of Afghanistan during the Taliban's rule between 1996-2001, may own, lease, operate, or manage real property or facility at a United States port.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2959 WITHDRAWN

Mr. SCHUMER. Mr. President, since I offered the amendment on the Dubai Ports World, a lot has happened. In fact, Dubai Ports World has agreed to sell its U.S. operations, and so it will have no control over them. That will happen over the next several months. The administration has agreed that should be what happens.

Obviously, we are going to keep a watchful eye on the deal, and should for some reason—and I have no expectation this will occur—the deal not be allowed, we would want to bring the amendment back to the floor. The majority leader has graciously agreed that we would be allowed to do so, although I have no expectation that will happen.

So I ask unanimous consent to withdraw the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. FRIST. Mr. President, let me add to what the distinguished Senator from New York just said. First of all, I thank him, through the Chair, for his cooperation on an issue which is constantly evolving, but it looks as if it is well underway to satisfy everybody's concerns. But the understanding is we will come back and address the issues in his amendment at some point in some way on the floor if that glidepath to satisfactory conclusion is not reached.

AMENDMENT NO. 3176 TO AMENDMENT NO. 2944

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, on behalf of myself, Senator McCAIN, and Senator LIEBERMAN, I send a second-degree amendment to the pending amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Maine [Ms. COLLINS], for herself, Mr. McCAIN, and Mr. LIEBERMAN, proposes an amendment numbered 3176 to amendment No. 2944.

Ms. COLLINS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. FRIST. Mr. President, I ask unanimous consent that there now be 2 hours equally divided between Senator COLLINS and Senator VOINOVICH or his designee. I further ask unanimous consent that there be 20 minutes equally for debate between Senator WYDEN and Senator SESSIONS or his designee. I further ask unanimous consent that following the use or yielding back of time the Senate proceed to a vote on the Collins amendment, to be followed immediately by a vote on the Wyden amendment, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. Mr. President, what we have done is cleared a way, with one amendment and calling up other amendments, with the glidepath that we will address two amendments shortly after our break for our policy lunches today. We, I think, can be on a glidepath thus of completing the lobbying reform bill before addressing the border security and immigration bills. Again, we have a lot of work to do, but that would be the intent.

There is one remaining piece of business we need to address, in terms of the cloture vote that is scheduled for this afternoon, and I will, before lunch, have a further unanimous consent about that as well.

At this juncture, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the cloture vote with respect to S. 2454 be vitiated. I further ask unanimous consent that at a time to be determined after further concurrence by the Democratic leader, the Senate proceed to S. 2454 and, further, that the bill be open for debate only during the first day of consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, very briefly to review, after our break today for lunch, our policy lunches, we will be on lobbying reform. We have two amendments which will be debated. We set up to 2 hours. I would think that time could be condensed. Further discussions will take place over our lunches on lobbying reform. At a point in time, we would expect after we finish with lobbying reform, we will go to the border security bill, and we will have more to say about how that will all be handled at a later date.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess—

Mr. KENNEDY. Mr. President, I wonder if the majority leader would be willing to respond to a—

Mr. DURBIN. Mr. President, I ask unanimous consent that when we return at 2:15 I be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object to the unanimous consent request, I believe that Senator COLLINS had offered an amendment and that she would be scheduled to be recognized first.

Mr. DURBIN. Mr. President, if I might respond to my colleague, I am asking that I be recognized in morning business for 10 minutes.

Mr. REID. Mr. President, what is the status of the proceedings? What is happening here?

The PRESIDING OFFICER. There has been a unanimous consent request by the Senator from Illinois to speak at 2:15.

Mr. REID. Who has the floor now?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. REID. Mr. President, will the Senator yield to me?

Mr. LOTT. Mr. President, further reserving the right to object, the legislative business that is pending, what is the status of that, before the unanimous consent was made?

The PRESIDING OFFICER. Under the previous order, the Senate is scheduled to have 2 hours equally divided between the Senator from Maine, Senator COLLINS, and——

Mr. LOTT. So Senator COLLINS would be recognized upon the return from the luncheon period to begin debate on the pending amendment?

The PRESIDING OFFICER. Or Senator VOINOVICH or his designee.

Mr. LOTT. Mr. President, we have had so much difficulty in getting an agreement to move forward on this legislation: we were not able to do it yesterday or this morning. I really hope that when we return from lunch, we go straight to the pending business and amendment. I would like to accommodate all of our colleagues, but we have struggled so hard to get to this point, I would have to object.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be recognized at 2:15, when we return, for 10 minutes.

Mr. LOTT. Mr. President, reserving the right to object, but I will not object. I was not aware of the purpose of the request, and I understand the sensitivity and the timing of this. We will be prepared to proceed with Senator COLLINS at 2:25.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:50 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized for 10 minutes in morning business. At this point, I yield 5 minutes to my colleague, Senator BARACK OBAMA, from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

RETIREMENT OF LANE EVANS

Mr. OBAMA. Mr. President, I rise today, along with my colleague from Illinois, in a bittersweet moment. One of our dearest friends from Illinois, Congressman LANE EVANS, announced today that he will not be seeking reelection next term.

Since the day he arrived in Congress more than two decades ago, LANE EVANS has been a tireless advocate for the heroes with whom he served and the countless other veterans who bravely defended this country. When Vietnam vets were falling ill from Agent Orange exposure, he led the effort to pass Agent Orange compensation. Just recently, he led the fight to make sure the children of veterans exposed to Agent Orange who were born with spina bifida would be taken care of as well.

He was one of the first in Congress to speak out about some of the health problems facing Persian Gulf war veterans and has fought for benefits for them ever since.

He fought to expand benefits to women veterans. He worked to help those veterans suffering from post-traumatic stress syndrome, and also worked to make sure there is a roof over the heads of the thousands of homeless veterans in our country today.

LANE EVANS has fought these battles for more than 20 years, and even in the face of his own debilitating disease, Parkinson's, he has had the courage to keep fighting. Today, veterans across America have this man to thank for reminding America of its duty to take care of those who have risked their lives to defend ours. Today, we all thank LANE EVANS for his courage in reminding us of this. His voice is going to be missed in this town, but I am sure it will continue to be heard wherever there are veterans who need help or vulnerable people across America who are looking for a hand up, not a handout.

Just a personal note: I don't know many people who are more courageous than LANE EVANS, who has worked tirelessly, despite extraordinarily challenging physical ailments. He is one of the most gracious, best humored, and hardest working people that I have ever seen.

I remember when I first started my own campaign for the Senate, he took me around on a tour of his district. By the end of the day I was worn out because he was indefatigable in terms of his efforts. I consider him not only a dear friend, but I think it is fair to say that had he not supported me early in my election campaign I would not be here today. So I think this is an enormous loss for the Congress, but I know all of us will continue to draw inspiration from LANE EVANS, and I am glad that he will continue to be my friend for many years to come.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, only a little over an hour ago, LANE EVANS announced he would not seek reelection in November to the U.S. House of Representatives. I understand his decision. It is a loss for his district, for our State, and for America. From the Quad Cities to Quincy, Springfield, Decatur, Carlinville, and towns in between, LANE EVANS is deeply respected and his service will be deeply missed.

For over 20 years, LANE EVANS has stood as a beacon of hope and has been a strong voice in his Illinois congressional district.

There are two kinds of courage in this world. There is physical courage, which is rare. Then there is even a rarer commodity, moral courage. Once in a great while you find someone who has both. LANE EVANS is that person.

He grew up in Rock Island, IL, the son of a union firefighter. He joined the Marine Corps right out of high school, served during the Vietnam era from 1969 to 1971. After the Marines, LANE went to college, then to Georgetown Law School. He was elected to Congress in a famous upset election in 1982.

For nearly a quarter of a century, the U.S. House of Representatives had LANE EVANS, former marine, as a Member of its body. He closed his announcement today the way he closed many letters, with the vow: Semper Fi. Semper Fi, those Latin words that mean "always faithful." LANE EVANS was always faithful—first to his fellow veterans. I can't think of another colleague in the House or Senate who worked harder for veterans, whether it was the Vietnam era Veterans Congressional Caucus which he chaired, his work with Senator Tom Daschle on Agent Orange, his dogged efforts to find out what was behind Gulf War Syndrome, helping homeless veterans, helping veterans find jobs, expanding VA home loans, trying to find health benefits for veterans with post-traumatic stress disorder, and, of course, working with the vets at the Rock Island Arsenal.

Like others who served his country in uniform, LANE EVANS was a man of peace. He worked to ban landmines which maim and kill thousands. He hung a portrait of John Lennon in his office, he said, because he thought John Lennon was often a better reminder than many people he met in Congress of the hopes of working-class young people for peace and freedom.

What a champion for America's workers. After the Berlin Wall fell and the Cold War ended, LANE EVANS said we could not abandon workers at places such as the Rock Island Arsenal, men and women who helped to win the Cold War. He fought for fair trade. He saw what happened in Galesburg when Maytag closed, costing 1,600 jobs. He fought to make sure America's workers were never left behind. And what a fighter for family farmers and for the environment, for the Arctic National Wildlife Refuge. He was cochairman of the Alcohol Fuels Caucus. He has been a leader in proethanol battles.

But, you know, he was a battler starting early in his career. As a lawyer he didn't take the easy way out to make a lot of money. He was a legal aid lawyer. He fought for people who had no voice in the courtroom, and he came to Congress to make sure everyone had a voice in his congressional district. I have no doubt Lane would have been reelected again if he had chosen to run in November. Now he is fighting a different kind of battle.

Nearly 8 years ago, LANE came out publicly and announced that he had Parkinson's disease. It was a cruel blow. It turns out that I was with him when he discovered it. We were in a Labor Day parade in Galesburg. He was waving and he said he couldn't feel some of the fingers in his hand. He sensed something was wrong. It took a while for the diagnosis to come out. For a man that young to be diagnosed with Parkinson's is unusual. Publicly he announced his disease and started fighting—for stem cell research and for medical help for those who suffer from diseases just like his.

During his last race, in 2004, he told audiences: I may be slow, but I still know which way to go. Living with Parkinson's made him a better Congressman because, "I can understand what families are going through." Time and again, LANE EVANS showed extraordinary courage, not just as a politician but as a human being.

His determination to serve his district pushed him to work harder, even as the burden of Parkinson's became heavier. His dignity and perseverance in the face of this relentless and cruel disease is an inspiration to every one of us who counts LANE EVANS as a friend. In his statement today, LANE EVANS said:

> I appreciate the support of people I never met before who would ask how I was doing and tell me to keep up the good fight.

The truth is, LANE EVANS, his whole adult life, has been involved in a series of good fights. Politicians come and go in the Halls of Congress, but this soft-spoken son of Illinois will leave his mark as a man truly committed to securing the American dream for everyone in our Nation.

Thank heavens for LANE EVANS.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Maine.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Continued

AMENDMENT NO. 3176

Ms. COLLINS. Mr. President, would the Presiding Officer review the time agreement that we are about to embark on for consideration of the Collins-Lieberman-McCain amendment?

The PRESIDING OFFICER. There is 2 hours evenly divided between the Senator from Maine and the Presiding Officer.

Ms. COLLINS. Thank you, Mr. President. I was aware that was the case, but I thought it would be helpful to our colleagues to better understand the state of play.

Mr. President, I made some preliminary comments this morning. I do want to explain further the concept of the Office of Public Integrity, but I know the Senator from Illinois had asked that I yield to him some time. In the interests of accommodating his schedule, I yield 10 minutes to the Senator from Illinois to speak in support of the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I thank Senator COLLINS, not only for her accommodation but also for her leadership on this issue. I also thank Senator LIEBERMAN for his outstanding work on this issue.

I rise today to speak about the importance of improving the ethics enforcement process that we currently have. Last month I introduced legislation to create an outside congressional ethics enforcement commission that would be staffed by former judges and former Members of Congress from both parties. Under my proposal, any citizen could report a possible ethics violation by lawmakers, staff, or lobbyists. My commission would have had the authority to conduct investigations, issue subpoenas, gather records, call witnesses, and provide its full public report to the Department of Justice or the House-Senate ethics committees.

I knew this proposal would not be the most popular one that I introduced in Congress, but I didn't anticipate the deafening silence that greeted it. Change is difficult and Members of Congress are understandably concerned about delegating investigations of their own conduct to an outside body, but I hope, when my colleagues learn a little more about the amendment I am offering with Senators COLLINS, LIEBERMAN, and McCAIN, that they will understand an independent ethics fact-finding body is not only a good idea but a necessary idea.

Earlier this year, I was asked by the Minority Leader to take a lead role in crafting ethics legislation. I was glad to assume that role because I believe that the foundation of our democracy is the credibility that the American people have in the legitimacy of their Government. Unfortunately, over the past few years, that legitimacy has been questioned because of the scandals we have here in Washington.

But one of the greatest travesties of these scandals is not what Congress did, but what it didn't do.

Because for all the noise we have heard from the media about the bribes accepted by Congressman Duke Cunningham, the thousands of dollars in free meals accepted by other Congressmen, and the "K Street Project" that filled lobbying firms with former staffers, we have heard only silence from the very place that should have caught these ethics violations in the first place, the House Ethics Committee.

For years now, it's been common knowledge that this committee has largely failed in its responsibility to investigate and bring to light the kind of wrongdoing between Members of Congress and lobbyists that we are now seeing splashed across the front pages. And the sad truth is that the House ethics process does not inspire public confidence that Congress can serve as an effective watchdog over its own Members.

Time and time again over the past few years, the House Ethics Committee has looked the other way in the face of seemingly obvious wrongdoing, which has the effect of encouraging more wrongdoing. In those few instances when the committee has taken action, its leadership was punished, and it ceased to become an effective body. Coupled with a Federal Election Commission that was deliberately structured to produce deadlock, this has produced a dangerous outcome

In the words of one outside observer:

> When everyone in Washington knows the agency that is supposed to enforce campaign finance laws is not going to do it and the ethics committees are moribund, you create a situation where there is no sheriff. You end up in the Wild West, and that's the context we've been operating under in recent years.

Without question, the Senate ethics process is far superior, and I commend my colleagues who have served—and continue to serve—selflessly and tirelessly on the Senate Ethics Committee. Indeed, I have the greatest respect for Senator VOINOVICH and Senator JOHNSON. They have done an outstanding job in a difficult task. They are two of the finest people I have had the pleasure to serve with since I arrived in the Senate.

But here's the sad reality. No matter how well our process works here in the Senate, it doesn't really matter since the American people perceive the entire ethics system—House and Senate—to be broken. Our constituents, unfortunately, do not distinguish between the bodies in their opinion of Congress. And as long as our credibility is stained by the actions—and inactions—of the other body, then the legitimacy of what we do is also called into question.

With all due respect to my colleagues on the Senate Ethics Committee, there's some good reason for the American people to be skeptical of our enforcement system. After all, we in the Senate are our own judge, jury, and prosecutor. Under the current system, Members investigating their colleagues are caught in a bind. Either they investigate and become vulnerable to the allegation that they are prosecuting a Member for political reasons or they do not investigate and it looks like they are just covering up for a colleague. That investigation trigger has to be depoliticized for the good of Members and the integrity of the process.

And so, we can pass all the ethics reforms we want—gift bans, travel bans, lobbying restrictions—but none of them will make a difference if there isn't a nonpartisan, independent body that will help us enforce those laws.

That's why I come to the floor today to support this amendment for an Office of Public Integrity. The office is the next critical step in the evolution of ethics enforcement in the Senate and vital to restoring the American people's faith in Congress.

This amendment doesn't have quite the same level of independence as the outside commission that I proposed setting up. But it does have much more independence than the current system, and for that reason I wholeheartedly endorse it and am proud to be a cosponsor.

The Office of Public Integrity established in this amendment would provide a voice that cannot be silenced by political pressures. It would have the power to initiate independent investigations and bring its findings to the Ethics Committees in a transparent manner. Final authority to act on these findings would remain with the members of the Ethics Committees, which would satisfy constitutional concerns.

Currently, in both the House and the Senate, the initial determination of whether to open an investigation has often resulted in a game of mutually assured destruction—you don't investigate Members of my party, and I won't investigate Members of your party.

But what's interesting is that while there is often great disagreement and sometimes even deadlock in the decision to open an investigation, there's usually general agreement on what the final judgment and punishment should be. That's because the development of a full factual record can convince even the most ardent partisan that a Member of his own party should be disciplined.

In this sense, the OPI proposal is an admirable attempt to reform the most troublesome aspect of the current ethics process while still retaining what works about it. Under this proposal, Ethics Committee members would be relieved of the most difficult part of their duties, which will make it easier for members to serve on the Ethics Committees and easier for them to carry out their responsibilities.

Most importantly, it would add much-needed credibility to the outcome of the process itself. By having the courage to delegate the investigative function to an Office of Public Integrity, the U.S. Senate would be sending the message that we have confidence in ourselves and our ability to abide by the rules. That would be an important signal to send to the American people.

To put this in some historical context, a similar approach was endorsed by a Joint Committee on the Organization of Congress that was cochaired by Congressmen Lee Hamilton, a Democrat, and DAVID DREIER, a Repulblican, in 1997. Representatives Hamilton and DREIER recommended the establishment of an independent body to supplement ethics investigations through fact finding. Had that recommendation been embraced by the House then, it is possible that the recent House scandals could have been averted.

In the Senate, similar proposals have been suggested over the years by Senators BOND, GRASSLEY, and LOTT, as well as former Senator Helms. And state legislatures in Kentucky, Tennessee, and Florida, among others, have established mechanisms to allow for independent input into ethics enforcement.

Today, it's time for the Senate to take the lead, the same way it took the lead in creating the first congressional Ethics Committee in the 1960s.

In the end, the true test of ethics reform is not whether we pass a set of laws that appeal to a lowest common denominator that we can all agree on, it's whether we pass the strongest bill with the strongest reforms possible that can truly change the way we do business in Washington. That's what the American people will be watching for, and that's what we owe them.

Enforcing the laws we pass is a crucial step toward reaching this goal and restoring the public's faith in a government that stands up for their interests and respects their values.

I commend, once again, Senators COLLINS and LIEBERMAN for their outstanding work in the committee. I strongly urge my colleagues to support their amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Illinois for his support. He has worked very hard on these issues. I appreciate his comments.

Mr. President, I yield to my partner and colleague from Connecticut, the ranking member of the Committee on Homeland Security, Senator LIEBERMAN, for 15 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the chairman of the committee, the Senator from Maine, for her leadership generally on this bill and to say and it may be repetitious, what a pleasure it is to work with her and how proud I am of what our committee has accomplished in a thoroughly nonpartisan way under her leadership.

In that spirit, I am proud to join with Senator COLLINS as a cosponsor of this amendment and also pleased that Senators MCCAIN and OBAMA have joined us as cosponsors of this amendment. Senator MCCAIN deserves credit for having led, along with Senator DORGAN, the tough, independent investigation of the Abramoff scandal that led to the action that I hope Congress will now take to reform our lobbying laws. Senator MCCAIN introduced a very strong lobbying reform bill of which I am pleased to be the cosponsor.

Senator OBAMA has played a very important role in this debate on ethics reform, introduced a very strong enforcement proposal of his own, and his support of this amendment is very important to Senator COLLINS and me.

The bottom line is the proposals that are in the Senate now that came out of the Committee on Homeland Security and Governmental Affairs and the Rules Committee do represent significant reform of our existing lobbying regulations and laws.

But there is a missing piece. The missing piece is enforcement, taking steps to make sure that strong rules will be accompanied by strong enforcement. That is exactly what this amendment does.

When our committee considered this subject; that is, the Committee on Homeland Security, Senator COLLINS and I put down a bipartisan mark that would have created an Office of Public Integrity, a bipartisan, bicameral Office of Public Integrity, empowered to receive and oversee reports filed under the ethics rules in the Lobbyist Disclosure Act.

The Office of Public Integrity also would have had the authority to give advice on compliance with ethics rules, the Lobby Disclosure Act, and the investigative violations of the ethics rules.

We were very anxious to respond to concerns that somehow this independent Office of Public Integrity would become, as someone said, a rogue entity or violate the Constitution's mandate that each House of Congress determine its own rules and sanction its own Members when the facts justify that, so we included a number of protections to ensure that the office would be under the control of the Ethics Committee and that the Ethics Committee would have final say on interpretation of the rules and on the question of whether the rules had been violated.

Some felt our proposal was meant to imply dissatisfaction with the Senate Ethics Committee and the job it has done. That was decidedly not the case. The opposite is true. Rather, it reflected our decision that if we are aspiring to genuinely elevate, improve, and strengthen not just our lobbying regulations but the credibility and legitimacy they have with the American people, whose faith has been undercut by so many recent events in the processes here in Washington, including the Abramoff scandal and the conviction of a Member of the other body, rather, it reflects that belief that we have to act in a way to restore that confidence.

One way to do that is to say not only are we adopting tough new lobbying laws, but we are prepared to create an independent office to enforce them.

That provision that was in the mark Senator COLLINS and I put before our committee was, in fact, removed by a majority vote of the committee. We have taken to heart the comments offered by our colleagues. Today we offer this amendment in a form that we think addresses the most serious and frankly realistic and accurate concerns of our colleagues—not the speculative fears or truly rank misunderstandings of what our intentions of the provision's unfortunate amendment were, and it still provides the element of independence that we need for ethics enforcement.

First, here are some of the questions. A number of people raised questions about whether a bicameral Office of Public Integrity would be constitutional. I believe strongly that our original proposal was consistent with the Constitution's mandate that each House set and enforce its own rules. Nevertheless, in the spirit of accommodation, we have changed our original amendment to make the Office of Public Integrity a Senate-only office. That is what this amendment before the Senate today provides.

Second, we have responded to concerns expressed about the authority of the Office of Public Integrity as Senator COLLINS and I initially proposed it, to give advice and opinions on the ethics rules. Some of our colleagues in committee worried that the Office of Public Integrity and the Ethics Committee might give conflicting advice. Although we always intended the Ethics Committee to retain ultimate interpretive authority, the amendment we offer today eliminates the advice-giving function of the Office of Public Integrity, leaving it with the Senate Ethics Committee.

Third, our original committee proposal assigned to the Office of Public Integrity the responsibility for receiving, monitoring, and auditing filings under the Lobbying Disclosure Act. Improved compliance with that act should be one of the goals of the reform package that is before the Senate. However, I know there has been objection to that, and at some point we may offer that as an independent amendment—in fact, one I think for which there will be less objection.

Fourth, we have left the responsibility of receiving and reviewing Member and staff financial disclosure statements with the Ethics Committee. Under the proposal we offer today, the duties of the Office of Public Integrity will center on the initial review of ethics complaints.

These are good changes that respond to concerns expressed and still preserve the integrity and strength and independence of the Office of Public Integrity. It would remain a nonpartisan, independent, and professional office headed by a full-time executive Director who would serve for a 5-year term. The Director would be appointed by the President pro tempore of the Senate, upon the joint recommendation of the majority and minority leaders of the Senate.

The selection and appointment of the Director would be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the office.

I have every confidence that, as called for by our proposal—this amendment—the Director will be a person of integrity, independence, and public credibility who will have experience in law enforcement, the judiciary, civil or criminal litigation, or has served as a member of a Federal, State, or local ethics enforcement agency.

Our proposal will provide an important element of independence to the initial stages of an ethics complaint, while still retaining the full authority of the Ethics Committee. Let me walk through the process that we propose.

Under our proposal, an ethics complaint may be filed with the office by a Member or an outside complainant, or may be initiated by the office on its own initiative. Within 30 days of the filing of the complaint, the Director of the Office will make an initial determination as to whether the complaint should be dismissed or whether there are sufficient grounds to conduct an investigation. The subject of the complaint is provided the opportunity during that period to respond to the complaint.

The Director may dismiss a complaint if he or she determines that the complaint fails to state a violation, lacks credible evidence of a violation, or is inadvertent, technical, or otherwise de minimis in nature. In any case where the Director decides to dismiss the complaint, the Director may refer the case to the Senate Ethics Committee so that the Ethics Committee may decide if the complaint is frivolous.

On the subject of frivolous complaints, let me assure my colleagues that we have provided strong safeguards. If the Ethics Committee determines that a complaint is frivolous, it may notify the Director of the Office of Public Integrity not to accept any future complaint filed by that same person, and the person who filed the frivolous complaint may be required to pay the costs of processing the complaint. Also, the Director will not be allowed to accept any complaint concerning a Member within 60 days of an election. This so-called cooling-off period before an election will ensure that we do not attract politically motivated complaints in the midst of competitive campaigns. Also, let me note that any member of the public can already file an ethics complaint with the Senate Ethics Committee, so in that respect our proposal continues current practice.

If during the 30 days the Director determines that there are sufficient grounds to conduct an investigation, the Director must notify the Ethics Committee. The Ethics Committee may then overrule the decision by a two-thirds, public rollcall vote of the committee, and the committee must issue a public report. Thus, we preserve the ultimate authority of the Ethics Committee even at this early stage while providing a greater measure of both independence and transparency.

If the Ethics Committee does not overrule the decision of the Director, the Director then conducts an investigation to determine if probable cause exists that a violation occurred. If the Director determines that probable cause exists that an ethics violation has occurred, the Director must then inform the Ethics Committee, and, again, the Ethics Committee may overrule the decision with a two-thirds, public rollcall vote of the committee which must be accompanied by a public report.

If the committee does not overturn the Director's decision, the Director then presents the case to the Ethics Committee, and the Ethics Committee makes the final decision as to whether a violation has occurred by a rollcall vote and a report that includes the vote of each member.

If the Ethics Committee decides that a violation has occurred, the Director will recommend appropriate sanctions to the committee. The Ethics Committee, though, retains the final decision on whether sanctions will be imposed, what those sanctions will be, and whether to take action itself or recommend sanctions to the full Senate for consideration.

Our proposal does preserve the ultimate authority of the Ethics Committee at every stage of the process while providing a much greater measure of both independence and transparency along the way. This is a way to give the American people confidence that we will have an independent entity, watchdog, assisting Senators preparing the case before the Ethics Committee.

Finally, I note that, at the suggestion of Senator McCAIN, we are assigning to the Office of Public Integrity the role of recommending approval or disapproval of privately funded travel by Members and staff. The reform legislation that is before the Senate, reported out of the Rules Committee, contains a new preapproval process for privately funded travel. Giving this responsibility to the Office of Public Integrity will, here again, assure the American public that travel requests by Members of the Senate will be scrutinized by an independent office. This proposal, in sum, will add staff and support to the Ethics Committee process and will add greater independence and greater transparency. It is a sensible, sound, strong effort to assure the American people we are not only adopting reforms in our lobbying regulations and laws, we are taking action to make sure those reforms are enforced.

I urge my colleagues to support our amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, how much time is remaining on the side of the proponents?

The PRESIDING OFFICER. There is 38 minutes.

Ms. COLLINS. Mr. President, I expect Senator McCAIN will be on the floor very shortly to speak in favor of the amendment. While we are waiting for his arrival, let me make a few more comments on the purpose of this amendment.

Even though we are so fortunate to have the Presiding Officer as the chairman of the Ethics Committee and some of our finest Members serving on the Ethics Committee, the fact is, that does not change the public's frustration or doubt about the process. The public views the process as inherently conflicted. The public believes that investigations of our colleagues by our colleagues raise obvious conflicts of interests.

No matter the incredible integrity of the Members who serve on the Ethics Committee, they simply cannot escape that problem of public perception. That is why Senator LIEBERMAN, Senator McCAIN, and I have attempted to come up with a new approach in our amendment that is designed to restore the public's confidence in the ethics system. We do so by creating the new Senate Office of Public Integrity. This office would be headed by a Director, appointed by the President pro tempore of the Senate upon the joint recommendation of the majority and minority leaders of the Senate. This individual would have a 5-year term and could be reappointed. This is not a lifetime appointment of someone who could somehow get out of control. This person would have to have a background suitable for the position, and it would take a joint agreement of the majority and minority leaders to appoint the person to the 5-year term.

I pointed out in my comments this morning that our proposal is not the same as the proposal advanced in the House by Congressmen SHAYS and MEEHAN, regardless of the merits of that proposal. It is not the version created or proposed by Senators OBAMA and REID earlier. In fact, we have refined it from the proposal offered during the Homeland Security Committee's markup to try to accommodate some concerns that were raised by the Presiding Officer. But what this proposal does is recognize that the public does not have confidence in the current system.

We do not undermine the authority of the Ethics Committee. We recognize and appreciate the hard work of the Ethics Committee, and we realize the Ethics Committee alone should retain the ability to decide what sanctions may be appropriate for a Member who has been shown to have committed some misconduct. The Ethics Committee is involved every step of the way, as a safeguard, as a check or balance.

But I would ask my colleagues to consider allegations that may be raised against a Member and that are investigated by an independent Office of Public Integrity. Now, that office comes back and says: There is no merit to these allegations. That judgment is going to be readily accepted by the public because it has been rendered not by a group of us sitting in judgment of our colleague but, rather, by an independent Office of Public Integrity.

Again, if the Office of Public Integrity found grounds to continue the investigation, found probable cause, conducted an investigation and came to the Ethics Committee with its findings, it is the Ethics Committee and not the Office of Public Integrity that has the decision to make on what sanctions, if any, are appropriate.

I think we have struck the right balance. I think we have sustained the authority of the Ethics Committee, but we have also ensured that the investigations will be carried out by an independent Office of Public Integrity that would have the credibility to carry out this kind of sensitive investigation. After all, it is very difficult to investigate one of our colleagues.

We are fortunate because we know each other in this body. We have a great deal of regard for one another. We are friends with the people with whom we serve. All of that helps make the Senate a more collegial body, helps us to get our work done. But it also raises questions in the mind of the public about whether serious allegations are independently and thoroughly investigated. I believe that is the advantage of the approach we put forward.

This is a modest proposal. We are not suggesting the Office of Public Integrity should provide rulings on ethics matters, providing advice. We are not suggesting the Office of Public Integrity would decide sanctions to be imposed on Members. We build in that that is the job of the Ethics Committee. We do not change that. But we do try to deal with the perception that the current process is inherently conflicted.

Let me run through how the process would work. Essentially, the office would do much of the investigative work that is now conducted by the staff of the Ethics Committee, with the notable exception, which Senator LIEBERMAN mentioned, of ruling on requests for privately funded travel. The office would not provide advice or counsel. It would not issue advisory opinions. It would not have the power to enforce subpoenas. It could not make public the product of its investigations. And it could not directly refer matters to Federal or State authorities, such as the Department of Justice. All of those authorities would remain with the Ethics Committee.

I make that point because, perhaps due to the many different versions of this concept, as advanced in the House or by outside groups or by other Members, there is a lot of confusion over the duties and responsibilities of the Office of Public Integrity. So I want to make clear what the powers of this office would be.

What the office would do is accept complaints, and within 30 days of receiving a complaint would make an initial determination as to whether the complaint should be dismissed or whether an investigation is warranted. If the office dismisses a complaint, it may refer the case to the Ethics Committee to determine if the complaint is frivolous and whether sanctions should be imposed on the individual or the outside group filing the complaint. I think that is a big improvement on the current system.

If, after the initial inquiry, the office finds sufficient grounds to open an investigation, it would provide notice to the Ethics Committee. The Ethics Committee would then have 10 days to overrule that determination.

I want to make that point very clear, that the Ethics Committee can decide to overrule the decision of the Office of Public Integrity to pursue the investigation further or the Ethics Committee could decide to take no action at all, in which case the Office of Public Integrity, having found sufficient grounds to open an investigation, would proceed. If the office finds probable cause that a violation has occurred, the Ethics Committee would then have up to 30 days in which to overrule that determination or let it stand. If not overruled, the office then presents the case and the evidence to the Ethics Committee to vote on whether any rules or any other standards of conduct have been violated.

Again, you see that the Ethics Committee is involved at every single stage. There is a report from the Office of Public Integrity and an opportunity for the committee to overrule the Office of Public Integrity. That opportunity is always available.

Mr. President, I do expect Senator MCCAIN will be joining us shortly. In the meantime, I suggest the absence of a quorum and ask unanimous consent that it be charged to both sides.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I rise to, first, commend Senators LOTT and COLLINS for bringing the underlying bill to the floor of the Senate. I know both worked extremely hard to pass their respective pieces from the Rules Committee and the Homeland Security and Governmental Affairs Committee.

Second, I want to make one thing clear: I strongly support lobbying reforms that protect the integrity of our legislative process, close loopholes, promote moral/ethical behavior, and enforce our Senate rules. Any reforms that make sense that are not cosmetic should be given the strongest consideration by this body. I am particularly pleased that this bill requires the completion of an ethics training program conducted by the Ethics Committee within 120 days of enactment for current Members of the Senate and staff as well as requiring training for incoming Members and staff. It is not mandatory today. It is voluntary. This makes it mandatory, which is an improvement.

The Senate Ethics Committee professional nonpartisan staff already conduct numerous ethics lectures and seminars for the Senate community. The Ethics Committee staff also regularly conducts training for individual Member's offices upon request. In addition, the Ethics Committee staff receives and responds to over 200 calls per week asking specific questions about rules compliance. While I applaud the many positive aspects of the proposed lobbying reform bill, this amendment to create an Office of Public Integrity is off target and unnecessary. As a member of the Ethics Committee for 8 years and chairman for the past 3, I oppose the proposed OPI because it will harm the Senate ethics process rather than improve it.

If adopted, the OPI will introduce partisan politics into a process that has been bipartisan. It is interesting to note that none of the sponsors of this OPI has served on the Ethics Committee, and all Members of the Ethics Committee currently, and others, are opposed to it. By its very design, the OPI will simply replicate the tasks the Ethics Committee does every day, including receiving complaints against Members and staff and investigating allegations of misconduct. Given all the other duties of the Ethics Committee staff and the need for the Ethics Committee to have its own counsel when reviewing the Director's recommendation, there would not be any reduction in the staff of the Ethics Committee. More importantly, the OPI would add a duplicate investigative stage because the Ethics Committee will need to conduct its own investigation to verify the merits of any complaint it receives from the Director of the OPI; otherwise, the Ethics Committee would be acting irresponsibly.

Some proponents of the OPI have argued that the Ethics Committee cannot or does not get the job done. They believe that a third party must be appointed to ensure that nefarious acts are not committed within these walls. The fact that the Ethics Committee has an excellent track record of enforcement seems to have been forgotten by those who have taken this position, although I must say that the Senator from Maine has been very complimentary to the chairman of the Ethics Committee and the work we are doing. I am appreciative of that.

Other OPI proponents argue that despite the great work of the Ethics Committee, the appearance of Senators enforcing our rules on other Senators is a problem that OPI will fix. Some of this criticism appears to be based on the fact that Members of the Ethics Committee and its staff are obligated to keep matters confidential. We can't talk to people about things. It is easy for critics to point and sneer when the committee and its members are obliged to confidentiality and are prohibited from responding to questions and criticism. Frankly, I believe it is the Ethics Committee's commitment to keep matters confidential that causes some to question the effectiveness and values of the Ethics Committee. However, it is this confidentiality that provides due process protection for Members and staff and keeps partisan politics out of the ethics process. These confidentiality provisions provide due process protection for Members while keeping partisan politics out of the ethics process.

Nevertheless, if a colleague acts in a way that is contrary to the rules of conduct of the Senate, the Ethics Committee has the ability and the duty to investigate the allegation, and it does so. Right now we have a right to initiate investigations without a complaint. In terms of reading something in the newspaper, something brought to our attention and it seems like it casts a bad reflection upon the Members of the Senate, we have often sent letters off to Senators saying: We have seen this. We want you to respond to it.

Frankly, that is why the proposed OPI is somewhat offensive. It suggests that Members lack the moral conviction to make difficult decisions when a fellow Member has acted in violation of the Senate rules.

While sitting in judgment of one's peers is never easy, the Ethics Committee conducts itself with a sense that the reputation of the Senate is above any individual Member. In my opinion—I hope my colleagues will agree with me after considering this amendment—the OPI and its independent counsel is more cosmetic and, frankly, problematic. It seems as if proponents of the measure understand that as well. In fact, proponents of the OPI offered a much more robust proposal during the markup of the lobbying reform bill in the Homeland Security and Governmental Affairs Committee. The proposal was soundly defeated in a bipartisan manner. Recognizing all of the other flaws in the earlier proposal, this amendment strips away all of the other elements of the earlier proposal to offer nothing more than the creation of an independent counsel within the Senate.

Frankly, I am confused. On the one hand, one would believe that in offering this amendment, faith in the Senate Ethics Committee would be low. However, the scaled-back version of the OPI suggests that the proponents recognize the Senate Ethics Committee is doing its job but still want to force this independent counsel on the Senate for no reason than to appease the media, frankly, and some of the watchdog groups. I keep hearing the public doesn't have any confidence in the process. There have been complaints about what has happened over in the other House. But the fact is, to my knowledge, we have not had complaints about the work of the Senate Ethics Committee. Certainly, I haven't heard any complaints from any of my constituents about this work, and I am chairman of the committee.

Despite the misunderstandings and commentary by various groups, the Ethics Committee is already a vigorous enforcer of Senate rules. The Ethics Committee and its 11 professional, nonpartisan staff, including 5 nonpartisan attorneys with many years of prosecutorial and investigative experience, are there to initiate investigations based on complaints from Members and staff, outside individuals and groups, as well as on its own initiative. What I am saying is, if this stuff comes to the attention of the staff, they go out and do the investigation. They look into the matter. They bring it to us and ask us: Do you think we should go forward. It is not as though we are controlling what they can do. That is one of the things the proposal for the independent counsel doesn't recognize. They are already in a position to do that. We are proposing to do what we are already doing.

With the assistance of this professional nonpartisan staff, the Senate Ethics Committee is doing exactly what our colleagues and the American people should expect of us—protecting the integrity of the Senate and vigorously pursuing and sanctioning Senators and staff who violate the rules of the Senate. I have not heard any evidence to the contrary.

The tradition of the Ethics Committee doing its job is a long one. For over 40 years, the Ethics Committee has operated in a way to meet the constitutional mandate that each body establish rules, investigate its Members for disorderly behavior, and hand out appropriate punishment. The Ethics Committee continues to meet this mandate today, and it does so in a bipartisan manner. In fact, published accounts reveal that the Ethics Committee has considered allegations involving some 35 Senators, all but 3 of which occurred after 1977.

While these Members include only public allegations, frankly, this reveals that the Senate Ethics Committee has not had the problem of partisan gridlock that has affected the House ethics process. If we create a Senate OPI, however, I can almost guarantee the Ethics Committee will become partisan and gridlocked, especially in the present political environment.

This is also why all six members of the Ethics Committee, three Republicans and three Democrats, oppose creation of the OPI. Over the years, the Ethics Committee has benefited from a bipartisan working relationship. This positive working relationship could be quickly lost under this new independent counsel. Moreover, the OPI appears designed to result in conflict and disagreement between the Ethics Committee and the Director of the OPI.

First, Members should understand the three-stage process that has been proposed under the OPI and understand why this proposal would ruin the bipartisan nature of the system as well as creating an adversarial relationship between the Ethics Committee and the Director.

At each stage of the OPI process, if the Director, prosecutor, independent counsel, or whatever you want to call him or her, determines that he or she believes there are sufficient grounds to conduct or proceed with an investigation, then the Director would notify the Ethics Committee. The Ethics Committee then has the opportunity to overrule the determination by a two-thirds vote. But if the Ethics Committee disagrees with the Director and votes to overrule, the Ethics Committee is required to issue a public report which would include a record of how each Member voted. While this OPI amendment does not specify what should be included in these public reports, as a practical matter, these public reports will include the Member's name, facts about the alleged misconduct, and the rationale for rejecting the Director's recommendations. By requiring the public report, a Member's name will be disclosed even if the Ethics Committee determines there is no violation of the rules.

I think this new public reporting process will turn the existing Senate ethics process into a political public relations battle rather than a determination on the merits of each matter. What's more, the Director is not likely to be happy that the Ethics Committee disagreed with his or her conclusions.

If you bring it in, talk about it, and then if you disagree with independent counsel and you have a vote, this will go back and forth. Then Members will start worrying about how they are voting in terms of the fact that they disagreed with the independent counsel's decision. Then we get into the issue of your votes in terms of various Members who are before the committee and having Members in your own caucus coming up to you and saying: Why did you vote that way or why didn't you vote this way? These considerations are not part of our decisionmaking today. This is a nuance that I think many people don't understand. That is how we keep this.

People ask me about cases, and I say "no comment." The media asks, and I say "no comment." Once the name is out there, Katey, bar the door—especially today, unfortunately, in this partisan, political environment.

I want to take a second to point out something that is obvious but may be overlooked in this debate. Issuing a subpoena to a Member of the Senate is a very serious matter, and Members know it. The heart of the subpoena power is a big stick that the Ethics Committee must occasionally use to enforce information requests during an investigation. The subpoena power is used judiciously. This power should not be delegated lightly as the OPI proposes to do.

Proponents of the OPI also suggest that the Director of the OPI will be responsible and answerable to the Ethics Committee throughout the process. In fact, this Director would not be answerable and responsible throughout the process. After the Ethics Committee approves the Director's initial decision to begin an investigation, the Director would have the unchecked power to investigate. These investigations may go on as long as the Director, in his or her sole discretion, sees fit.

We all know that independent of any power to sanction, the power to investigate is itself an awesome power and may itself impose on the subject of the investigation a heavy burden to his or her resources, to his or her reputation, to his or her ability to represent and serve constituents fully and effectively. The OPI amendment would resurrect the independent counsel in the institution of the Senate. This would serve neither the interests of this institution nor the public.

Finally, inherent conflict between the Ethics Committee and the Director, as I mentioned, is built into the way this determination is made.

Advocates of the OPI state that the process would remove politics from the ethics process. I can guarantee you that by creating this independent counsel, politics would not only play a part in the ethics process but would be a decisive factor to every inquiry. Members of the Ethics Committee would have to explain why they voted the way they did to the media, their colleagues, and party members. Partisan considerations will transform a now bipartisan decisionmaking process into another partisan battle. The Senate has had enough of some of these partisan problems.

I also find it troubling that Members believe it is better policy to turn over the investigative process to an unelected and unaccountable individual rather than leaving such an important responsibility with Members who respect the Senate as an institution and are accountable to the voters every 6 years.

I also want to take a step back and discuss another reason proponents of the OPI claim it is necessary. Throughout the entirety of the recent scandals, reports appear that cast doubts upon the integrity of everybody on Capitol Hill. There is a belief that the Senate Ethics Committee was asleep at the wheel—or even worse, indifferent to the allegations in the Abramoff-related matter. As detailed in the committee response to Democracy 21, which is posted on the Ethics Committee Web site, the committee voted to follow its general practice of not initiating an investigation that might interfere with an ongoing Department of Justice criminal investigation. We keep hearing complaints from Democracy 21 and others that "you guys should be involved in the Abramoff case." We discussed it and decided to follow the procedure we followed in the past. The Justice Department said: Keep your nose out of this. Let us do our work. When we are done, we will come to you.

We had the same case in terms of Senator Torricelli. He was under investigation—this is public knowledge—by the Justice Department and, for some reason, they decided not to prosecute him. They sent the stuff to us after they did their investigation. By the way, it was helpful to us because we had the Justice Department investigation before us. As a result of that, we censured as a public admonition of Senator Torricelli. He decided not to seek reelection to the Senate. So I just want you to know that the opposition to this is a bipartisan opposition. People who have been around here and have been through the process understand that we are getting the job done.

One other thing that I think will help is annual reports. As you know, right now we don't have to report what we do. People at home come up to me and say: What are you doing?

I say: I am chairman of the Senate Ethics Committee.

They say: What about it?

I cannot talk about it.

What do you do?

I cannot talk about it. There is no record on this, and I put out an annual report every year and cannot talk about what we have accomplished.

We have an amendment that we got in the committee, when it was marked up, that says we will report each year everything that we do. Members' names will not be mentioned, but at least the public will know that we are doing our work and we are not just sitting there letting everything pass us by. I am not sure that is going to satisfy some of the public interest groups, or that it will satisfy some of the media who have taken shots at me editorially because they think we are trying to hide something.

But the fact is, we are trying to get the job done. We must preserve the reputation of this Senate. So I want to say that I think the creation of the OPI is not a positive step forward and, in fact, it would diminish the job that is being done in the Senate to enforce our ethics laws and rules.

Mr. President, I reserve my time.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I yield up to 10 minutes to the Senator from Arizona, who is a key supporter of the amendment.

Mr. McCAIN. I thank the Senator from Maine. I will not take all of the 10 minutes. I would like to begin by thanking her and Senator LIEBERMAN for their very hard work and their dedication to trying to fix a problem that perhaps some of my colleagues may not be aware of, and that is our reputation as a body is suffering rather significantly in the view of the American people.

I view this amendment by the Senator from Maine as a way to help the

Ethics Committee do its job because the questioning has been: Why haven't people been investigated? If you had a body that would help them determine whether a case is worthy of further investigation and pursuit or not, it seems to me it would relieve the Ethics Committee of some of the onus of making tough decisions when we are talking about our colleagues.

I was interested in the comment by the Senator from Ohio that he won't investigate until after the Abramoff thing is done by the Justice Department. The Abramoff thing would not have been investigated by the Justice Department if it had not been for the Indian Affairs investigation; and while the Justice Department began and continued the investigations, we continued our hearings on the Abramoff case. If I may say, with a bit of ego, the Indian Affairs Committee contributed quite a bit to the information they needed in order to pursue this not unprecedented but egregious case of corruption of the system, staff, and Members. Really remarkable things happened under Mr. Abramoff. So somehow we on the Indian Affairs Committee were able to have an investigation—the little, obscure Indian Affairs Committee.

But the fundamental point is that we need to restore the confidence of the American people in the way we do business. Hardly a day goes by, or at least a week, that there is not a major story about influence of special interests, wrongdoing, or certainly ethical questions that are raised. That is the kindest way that I can describe it. We need to fix the problem. So why not give this to the body of the Senate that is charged with these onerous obligations.

I sympathize with anybody who is a member of the Ethics Committee because tough decisions have to be made and most of us are friends here. That is very tough.

So why would it be harmful? And why would it not be helpful to have an Office of Public Integrity with a mission that would be carefully circumscribed, which, if they made a decision, could be overruled by a vote of the Senate, and would be helpful in clearing up sometimes a cloud of investigations such as those that characterized the 1980s and 1990s, particularly in the other body where there were charges launched and there were partisan vendettas which many people called "the criminalization of partisan differences."

Mr. President, I hope my colleagues recognize that when our approval ratings are down around 25, 26 percent, and there are people who continue to be deeply disturbed about the way we do business—whether or not it is legitimate, the perception is out there; you can look at any public opinion poll—should we not do what we can to help fix either a real or imagined problem that we have with the people we serve?

It seems to me that an Office of Public Integrity that would recommend appropriate action taken by the Ethics Committee, not by the Office of Public Integrity such as has been recommended by this amendment, would be helpful to the Ethics Committee process, helpful in carrying out and determining whether these are partisan, unwarranted charges, or whether those are legitimate.

I want to point out again that this is a legitimate difference of opinion. The Senator from Maine and I, and others, including Senator LIEBERMAN, have a view that this is necessary. Others think it is not. Can we calm down a little bit? This is a legitimate subject of debate on whether we need it. I hope we can discuss this, but I also believe that if you don't do this, what are we going to do? What are we going to do to try to restore some of the confidence that the American people have clearly lost in us?

Obviously, a functioning Ethics Committee, with a level of credibility with the American people, is something I think would contribute to healing this breach that has developed between us and the people we represent.

I thank the Senator from Maine and Senator LIEBERMAN and others for this bipartisan effort. I would like to say a word about the so-called watchdog groups. I think they do a lot of good. They have done a lot of good for this body and for this Nation. There are people who are concerned about public integrity. There are people who bring issues before us and the American people. They are legitimate. I may not agree with them all the time, but I think to view them as adversaries, frankly, in my dealings with them they have been helpful. They certainly were in various investigations in which I and my committee have been involved, and also with reform efforts in which I have been involved. I, for one, appreciate their work and the dedication they have to giving a better Government to the American people.

Again, I thank Senator COLLINS for her hard work, and I appreciate her efforts. I appreciate her and Senator LIEBERMAN's bipartisan stewardship of one of the most important committees in the Senate.

I yield the floor.

Mr. VOINOVICH. Mr. President, I yield 10 minutes to the Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise to discuss the pending McCain-Collins-Lieberman amendment to create an Office of Public Integrity. I thank my colleague from Ohio, Senator VOINOVICH, who serves as chairman of the Senate Ethics Committee. I serve as vice chair. This is a committee that has three Republicans and three Democrats, and it has a history of close bipartisan cooperation.

I applaud Senator VOINOVICH's observations about the Abramoff scandal and the fact that the Department of Justice has an investigation that is ongoing. The Department of Justice actually has requested the Ethics Committee not to begin its own investigation for fear of jeopardizing criminal charges that may or may not be brought by DOJ, and we also recognize a much greater investigative capability and the importance of not duplicating efforts. So I appreciate Chairman VOINOVICH's observations in that regard.

I thank Senators COLLINS, LIEBERMAN, LOTT, and DODD for their efforts to bring to the floor this bipartisan lobbying reform legislation and their ongoing work to complete this important bill. I support the bill, and I believe many of the reforms we are debating are long overdue.

As vice chairman of the Senate Ethics Committee, I am hopeful we can continue to work in a bipartisan manner to pass this legislation, conference the bill with the House, and enact these much needed reforms.

I must say as an aside, while these reforms are much needed, the underlying truth is, I believe the greatest share of problems this body faces is due to a separate issue, that of campaign finance, but that will have to be taken up in a different context and different legislation.

Unfortunately, I rise today to oppose the pending amendment. I know my colleagues have offered this amendment in an attempt to improve the ethics process and because they believe in good faith that the creation of a new Office of Public Integrity, or OPI, will address perceived shortcomings in the operations of the Ethics Committee. However, I am concerned this amendment attempts to fix something that, frankly, is not broken and will, in fact, have a detrimental impact on the Senate.

As a relatively new member of the Ethics Committee, I do not have an entrenched loyalty to that committee. If I believed the committee was not taking its duties seriously or was acting in an irresponsible manner, I would be the first to call for a new approach. The truth is, I believe the Senate Ethics Committee operates effectively and in a bipartisan fashion. However, the members of the committee and its staff are obligated to operate under strict confidentiality, which I believe some of our colleagues and certain outside groups equate with inaction. This simply is not the case. To the contrary, the committee serves Senate offices in an advisory role, investigates matters of concern, and enforces the rules of the Senate on a daily basis. But to provide due process protections and to ensure professionalism, most of the committee's actions are confidential.

I believe the Members who have had interactions with the Ethics Committee appreciate this professional approach which further encourages Members and their staff to seek the prior advice of the committee and avoids many potential problems.

I recognize this perception of inaction must be addressed in order to restore public confidence in the ethics process. I thank the chairman of the Ethics Committee, Senator VOINOVICH, for offering an amendment during the markup of this bill that will allow the Ethics Committee to publish annually on a no-name basis a report detailing the activities of the committee. I believe this is an important step and will give our colleagues and the public a better idea of the committee's operations.

I wish to spend a few minutes discussing my concerns about the amendment itself.

First, I believe there are significant constitutional issues surrounding the creation of an independent Office of Public Integrity. The Constitution gives the Senate the authority to establish its own rules and to punish its own Members. An Office of Public Integrity that is outside the Senate would violate this section of the Constitution, as well as the speech and debate clause. As a consequence, such an office would never be able to acquire the information or compel the necessary testimony to investigate rules violations, keeping in mind that each Member of the Senate is subject to the same criminal laws as every other citizen of America but beyond those laws also must comply with the ethics rules we have internally in the U.S. Senate.

An Office of Public Integrity that is set up within the Senate to avoid these constitutional issues, as I understand the current amendment as drafted, would merely duplicate the Senate Ethics Committee, would be a waste of resources, and would not solve the problems the sponsors perceive to exist. The two-tiered ethics process that would be created by this amendment would undoubtedly slow consideration of ethics complaints, create more doubt about the process, and make our colleagues and the public less confident in our ability to address these issues.

I am also concerned about the practical operations of an Office of Public Integrity. As I understand the amendment under consideration, the Office of Public Integrity would take over most of the investigatory functions of the Senate Ethics Committee. When an ethics complaint is received, the Office of Public Integrity would preliminarily investigate the matter, and if grounds for further investigation are found, the matter would then be sent to the Senate Ethics Committee for approval. The decision to continue the investigation could be overridden by a public two-thirds vote of the Ethics Committee with a required public report on the matter. If approved, the matter would be referred back to the Office of Public Integrity for further investigation.

At the conclusion of the investigation, if the Director of the Office of Public Integrity determines that there is probable cause that an ethics violation has occurred, the Director would, once again, send the matter to the Ethics Committee and, once again, this determination could be overridden by a public two-thirds vote of the Ethics Committee with a mandatory public report. Assuming the Ethics Committee did not override the Director's determination, the Office of Public Integrity would then present the case to the committee for a final ruling and implement any sanctions. Regardless of the committee's decision on the case, the amendment would require the committee to issue a public report at this stage of the process.

I fail to see how this process of ethics cases bouncing back and forth between the Office of Public Integrity and the Ethics Committee will improve in any way the way ethics complaints are handled. Instead, the amendment would create more bureaucracy and a more belabored process.

In addition, it is not clear if the underlying ethics complaint would remain confidential during this process. The amendment contains a provision prohibiting the Director or the staff of the Office of Public Integrity from disclosing any information about a case unless authorized by the Senate Ethics Committee. However, I do not know how information will remain confidential when cases are being referred back and forth between the Office of Public Integrity and the Ethics Committee, especially when the amendment specifically requires the committee to issue public reports. This leaves open the possibility that Members will be forced to live under the cloud of an investigation as a result of every accusation brought before the Office of Public Integrity, regardless of its merit—regardless of its merit. Such a situation would only interject more partisanship into the ethics process and create a blunt tool for extreme partisan groups to make politically based attacks.

I have no doubt that my colleagues have offered this amendment with the best of intentions and based on their belief that this Office of Public Integrity would improve how we do our business in the Senate. Once again, if I believed the Ethics Committee process was broken or that the proposed Office of Public Integrity would, in fact, improve the mechanism for considering ethics complaints in the Senate, I would support that amendment. However, I know the ethics process is working in the Senate.

To address the perception of inactivity which is the result of the Senate's confidentiality rules, the bill does contain important language to mandate that the committee report in broad terms its activities, which will provide greater transparency to the committee's action.

It is my hope that my colleagues will listen to the concerns about this amendment expressed by the current and past members of the Ethics Committee who best understand the committee operations and will join us in a bipartisan fashion opposing the McCain-Collins-Lieberman amendment.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. VOINOVICH. I yield up to 5 minutes to Senator STEVENS.

Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty-one minutes.

Mr. VOINOVICH. How much time does the Senator need?

Mr. STEVENS. How much time is left?

The PRESIDING OFFICER. Thirty-one minutes.

Mr. STEVENS. Ten minutes.

Mr. VOINOVICH. I yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want to express my concerns regarding the creation of the Office of Public Integrity. We discussed this proposal in committee, and I joined a bipartisan group of Senators in defeating it, and rightly so.

The proposed Office of Public Integrity would duplicate the efforts of the Senate Ethics Committee. Our Ethics Committee was established pursuant to the Constitution, which states each body of Congress must make its own rules. This office would, in effect, replace—or duplicate—the current rule of the Senate.

The implication the sponsors here make is that in order to restore public confidence, we have to create something new. I do not think we should replace the Senate Ethics Committee, nor do I think we should imply that our current system is not working.

I happen to have been the target of complaints to the Ethics Committee, and I can tell you it has a qualified staff headed by a very capable chairman and ranking member who have the public's trust.

As a matter of fact, I once chaired this committee, and believe me, it is a difficult and thankless job, but one Chairman VOINOVICH is doing very well. If the Ethics Committee process is broken, we should fix it. We should not create another layer of bureaucratic red tape and ask American taxpayers to pay $2 million a year to fund it.

What's more, I am concerned that the Office of Public Integrity could be used as a partisan, political tool. The climate in Washington today is the most partisan I have experienced in my 37 years in the Senate, and we should think carefully about offering up another tool for partisan critics of either party to abuse. Under this proposal, accusations don't have to be verified, those making accusations are not under oath. This proposal will add another layer to what is already a very expensive process. Who will pay those costs? A Senator could face multiple accusations presented to this OPI—and the Senate Ethics Committee. The costs of legal assistance in such instances will be doubled.

In my judgment, this proposal points us in the wrong direction, and it's a slap in the face to Chairman VOINOVICH and Senator JOHNSON, and all past chairmen for that matter.

I have some concern about this amendment. I can state, as President pro tempore of the Senate, I would have a series of duties under this amendment subject to being told exactly what to do by the two leaders of the Senate. However, as I view this amendment, it does not create an entity that makes any decisions.

I think the Senator from South Dakota is absolutely correct. The impact of this amendment would be that the Director of this office would become the investigatory arm of the Senate Ethics Committee. As a matter of fact, once the Director gets a complaint, he then has to make recommendations to the Senate Ethics Committee. The Senate Ethics Committee either approves or denies the recommendation. In terms of the investigation concept, the complaint with the Office of Public Integrity is not made under oath, it is not made under normal procedures.

I agree with the Senator from South Dakota, I don't know how the Senate has the authority to create an independent body that is spending taxpayers' money that has the job of duplicating the investigatory arm in the Senate Ethics Committee. We have a Senate Ethics Committee investigating group, and it does a very good job.

I happen to have been chairman of the Ethics Committee in the past, and I have also have been the subject of investigation by the Ethics Committee. I can assure my colleagues they do a good job. I can also assure my colleagues that it costs a considerable amount of money to comply with the inquiries of an ethics complaint. All this does is set up another entity that also will cause more attorney's fees and more time of the Senator to deal with the problem of someone having presented a complaint against him.

If the Director decides to dismiss a complaint, it goes back to the Senate Ethics Committee. They decide whether it is frivolous. The Director doesn't make that decision. Again, it is back to the committee.

I don't understand the Senator from Arizona saying this is supposed to take the workload off the Senate Ethics Committee. To the contrary, I agree with the assertion that has been made that I don't know of any Senator who would serve the Ethics Committee under this rule. I certainly would not. Whenever the Director determines there are sufficient grounds to conduct an investigation, he notifies the Senate Committee on Ethics, and the committee may overrule that. In other words, there is nothing this Director does without going back to the Ethics Committee and burdening the Ethics Committee. Under current Senate rules, the Ethics Committee can continue to investigate complaints presented to it. They have the procedures and they have the rules. They would have to follow them if the complaint was directed to that committee. There is nothing in here saying you can only present a complaint to the Director of this Office of Public Integrity.

If the Director determines there is cause to proceed further, what does he do? He goes back to the Senate Ethics Committee and says that is his determination. The Ethics Committee then has the right to vote on that. I don't know how we are restoring public confidence in the system if we create an investigatory arm that comes back to the Senate Ethics Committee every time it wants to do something. They are the people who make the decisions now, and the process is working.

I don't understand because of some complaints from public interest groups that the process is not working, mainly because—I applaud the initiative of Senator VOINOVICH and Senator JOHNSON and the decision by the committee to publish a report. I think that is a good one. That is a complaint that was heard back in the days when I was chairman of the committee. We, by nature, kept those decisions within the Senate, except when there was a final decision made. I was here when one Senator was censored and one other expelled from the Senate because of a Senate Ethics Committee investigation.

Whatever decision is made, whether the office is going to refer something to the Department of Justice, what do they do? The Director comes back to the committee and tells them the Director thinks it should be referred to the Department of Justice, and then the Senate committee votes on whether it should go to the Department of Justice.

I tell the Senate, from my point of view, the Constitution gave us not only the right but the duty to create our own rules, and the rules we have—and they are very important—are the rules concerning our ethics. They are enforced internally by the Senate itself.

The decisions made under this amendment would be no different than right now. The final decision will be made by the Senate Ethics Committee. All this really does is find a way to further publicize that complaints have been made.

I know it says if there is a frivolous complaint made, then this Director can say you cannot present the complaint any longer to the Office of Public Integrity. There is nothing barring them from complaining to the Senate Ethics Committee again. The Senate rules are there. Anybody can file a complaint with the Senate Ethics Committee, and they are reviewed by very fine staff.

I have to tell my colleagues, if we take the action to create something in the public—call it Office of Public Integrity—and it has no teeth, how have we restored confidence in the system? This is not a way to restore confidence in the system. The way to restore confidence in the system is for Senators to stop repeating rumors about the Senate, to stand up and say: The Senate has integrity and the Senate is doing its job.

The Senators who serve on this Ethics Committee—and believe me, I remember trying to get someone to take my place. It took a long time to find someone to take my place because we had just gone through a long investigation of a Senator, and it was really a bitter period of time for the Senate Ethics Committee. No one wanted to serve on it anymore.

This is going to present a situation where no one will serve on this committee. Why would they do it? They have someone, a director, who comes to them and tells them the director thinks some Senator has done something wrong. The Senate votes. Then what do they do? If he disagrees, then they publish it. What good does that do? The problem is the integrity of the rules. And I think, serving on both this committee—and I have been the chairman of this committee also, and the Homeland Security and Governmental Affairs Committee—these are heavy burdens, to carry out these responsibilities.

The Senate Ethics Committee is a heavy burden. It takes more time than any Senator who hasn't served on the committee can possibly determine. Talk about reading. You have to read depositions, go through files; enormous time is put into this. What are we going to do now if we create this Office of Public Integrity? Someone else is going to do the investigations and bring it to the committee and say: What do you think about this? Guess what. In the final analysis, there is one section that says, in any event, the committee will comply with the Senate rules. So the whole body of Senate rules and the precedent behind Senate rules are still in place, but we create a new Office of Public Integrity on top of it to start the investigations. The investigatory process of the Senate Ethics Committee is a very unique one.

and I urge the Senators to at some time read that rule and read the precedents under that rule which are set forth in the publication the Senate Ethics Committee has made.

I agree we have to restore public confidence, but this is one aspect that destroys public confidence because it says you cannot have confidence in the investigatory side of the ethics process. There is nothing that says you can't have confidence in the committee itself because every final decision in this process is still made by the Senate Ethics Committee. That, to me, is not an improvement at all of the process.

Furthermore, we ought to take into account the situation that exists right here in Washington, DC, now. In the 37 years I have been in the Senate, I have never seen such partisan people outside of the Senate on both sides accusing Members of the Senate. It is part of the political process now, it is not part of the ethics process. We have people accusing us almost daily of having done something wrong and publishing it through blogs and all that. I think we should be very careful in setting up another tool for these bloggers and these people to use to create more news, to create more charges against the Senate. So I urge the Senate to vote against this amendment and keep confidence in our own rules and our own procedure.

It is my hope the Senate will follow the example of the Majority of the Rules Committee and the Governmental Affairs Committee. We will closely scrutinize this and other amendments before us.

I cannot support an amendment that either replaces the Senate Ethics Committee or adds another layer to our already expensive and time-consuming process. I urge the Senate to defeat this provision.

The PRESIDING OFFICER. Who yields time?

Mr. VOINOVICH. Mr. President, I yield time to the Senator from Utah. How much time do I have remaining?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. VOINOVICH. I yield 7 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I have heard the arguments, and I agree with most of them. I simply want to put it all in perspective.

Let us remember that the Senate Ethics Committee, under the man who is currently the assistant majority leader, the majority whip, Senator McCONNELL, censured the chairman of the Senate Finance Committee, a member of Senator McCONNELL's own party. The Senate Ethics Committee is not a namby-pamby, rollover, protect-the-party kind of institution. Let us remember that the current Democratic leader, the Senator from Nevada, was on the Ethics Committee when it censured a member of his own party with sufficient strength to cause that Member to recognize that he could not possibly seek reelection.

There would be those who would say: Oh, Senator REID will protect the Democrat. Senator REID will see to it that the decision of the Justice Department, which said he had not violated a law, would be sufficient and would give him appropriate political cover. Senator REID did not do that. Instead, the Ethics Committee came out with a statement so strong that the Senator in question withdrew himself from the election.

Again, the Senator from Kentucky, when he was chairman of the Ethics Committee, came out with statements so strong that the chairman of the Senate Finance Committee—in some people's view, the most significant committee assignment anyone could have in this body—was forced to resign.

Let us not listen to those who say the Senate Ethics Committee does not do its job and needs some kind of a watchdog—some kind of a gatekeeper, if you will—that will go out and gather those accusations which the Ethics Committee has not properly examined. Let's create the Senate version of the independent counsel.

The Independent Counsel Act came after Watergate, as people reacted to the Watergate scandal and said: We need a counsel who is independent of all politics. They don't recognize that the people who ended up with the prosecutions and the convictions that sent members of the Nixon administration to prison were not people connected with an independent counsel; they were people out of the Justice Department. Let us remember that when the President tried to do things with the Justice Department that were viewed as being protective of him, there were individuals who refused to accept appointment, who resigned from the Justice Department rather than carry out a partisan agenda. We are getting the independent counsel mentality here of the same kind. There has been a scandal. Jack Abramoff has broken the law.

I agree with the comment made by the Senator from Nebraska, Mr. NELSON, who said: Washington is the only place I know where, when people break the law, our reaction is, change the law, make the law tougher.

Jack Abramoff is going to go to prison, and he is going to go to prison under the old rules. He is going to go to prison under the existing laws. That doesn't say to me that the existing rules and the existing laws somehow failed. What failed is that Jack Abramoff failed his moral and integrity responsibility to abide by the law, not that there was something wrong with the law.

So we had the Independent Counsel Act after Watergate, and we saw what happened. When the impeachment trial here in this Chamber was over, Senator McCONNELL and Senator DODD, the chairman and ranking member respectively of the Senate Rules Committee, both went upstairs to the press gallery and both said: It is time to kill the independent counsel statute. The independent counsel statute has gone too far, it has created too much partisanship, it has created too much difficulty. A bipartisan call, and this body agreed, and the independent counsel statute lapsed, with no tears being shed for it in this body.

Now there is a sense that somehow, in response to the Abramoff scandal, we must do the same thing that was done in response to the Watergate scandal. If we do this, at some future point, the future counterparts of Senator McCONNELL and Senator DODD will go to the gallery and say it is time to kill the Office of Public Integrity.

Let's go back to the way things make sense. We have heard all of the examples from all of the Senators as to the way this would work and the way it would make sense. I oppose this amendment, and I hope all of the Members of the Senate will do so as well.

Mr. VOINOVICH. Again, the time remaining, Mr. President?

The PRESIDING OFFICER. Fifteen minutes.

Mr. VOINOVICH. I yield the Senator from Arkansas up to 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I commend Senators COLLINS and LIEBERMAN on their great work on this underlying bill. I am on the Homeland Security Committee with them, and it is always great to work with them. They work in a very nonpartisan and bipartisan fashion.

Also, I wish to thank Senator VOINOVICH and Senator JOHNSON for their leadership on the Ethics Committee on which I also serve. They have demonstrated what being real Senators is all about because they take their responsibility on ethics very seriously, and I am here today to support their position on this amendment and to oppose this amendment.

The Ethics Committee works with diligence and without politics. I have only been on this committee for a little more than a year, and I will be the first to tell you that there is a problem with the House Ethics Committee. I think everybody agrees on that. But also, I am adamant to say that there is really not a problem at all on the Senate Ethics Committee because we take our responsibilities very seriously. We are there to protect the Senate, the integrity of this institution, and, just as the Constitution says, we are there to oversee the behavior of our colleagues. We do that in a very confidential manner.

I must say that it is sometimes frustrating to outside forces who look and see us, and they may file something and they may not get an immediate response.

I remember when I was starting out practicing law in Arkansas, a lawyer told me: Never try your case in the newspaper. I think that is very true when it comes to the world of ethics inside the Senate. If we allow the confidentiality to go away, then, in my view, we would be opening a Pandora's box. I can just imagine—again, in today's realistic political world—I can just imagine what it would be like if someone were to file a complaint and the next thing you know, there would be radio ads, television ads, Internet ads, blogs, et cetera, out there saying that so-and-so has ethics charges pending against him.

The Senate Ethics Committee, although not perfect, is a much better option than the Office of Public Integrity. Again, I believe that is one of the reasons this amendment or something very similar to this was defeated in the committee on a bipartisan basis.

I also notice that there are groups around Washington, DC, who are very supportive of the Office of Public Integrity. Basically, one of their complaints is that when they file a complaint with the Senate Ethics Committee, the complaint seems to go in a black hole. In fact, I have an e-mail that says we—the Ethics Committee—ignore outside complaints. Nothing could be further from the truth. I am here to tell you, nothing could be further from the truth. We consider all the complaints, wherever they come from, very seriously. We look at them, and we act on outside complaints, complaints that come from outside this body. We have spent a lot of time—hours and hours, in fact—on complaints that originated outside this body.

Also, I think some of these groups say they acknowledge that the House has a problem with their Ethics Committee, but they say that both committees are in need of repair. Really, they can't point to anything in the Senate Ethics Committee that has gone wrong or any way that we failed on the Senate Ethics Committee. There is a reason for that. You can look back over the last 20 years, and you will see a number of high profile, very difficult, very tough, and oftentimes very complicated investigations the Senate Ethics Committee has undertaken which have led to some sort of admonishment of their own Members in the Senate.

The last thing I wanted to say, is this: Being on the Ethics Committee, every day when I walk in that room, I ask myself, what did I do to make HARRY REID mad? Why did he put me on this committee? Because I will tell you, as the chairman will or as the cochairman will tell you, it is not an easy assignment. In fact, it is grueling.

One thing we need to understand is that oftentimes, to get down to the facts and to get down to the truth, it takes time. It takes a lot of time. Sometimes you have witnesses who are no longer here. Some of these witnesses live in other parts of the country and even, in some cases, other parts of the world.

There are meetings and meetings and meetings on these allegations. One thing I love about the Senate Ethics Committee is the high level of trust among the members in that committee. There is a culture of integrity in that committee. As I said, even though it is no fun to sit in judgment of our colleagues, it has worked very well.

Because of the committee's policy of keeping its meetings closed and confidential, it allows a freedom within the Ethics Committee to really drill down and get into details and ask hard questions, questions that you might be afraid to ask in a public forum because you may not know the answer, and that answer may be very embarrassing and just by asking the question, it could turn into an allegation.

The process we have right now—although it is closed, although it is confidential—works very well. In a lot of ways it is similar to turning the case over to the jury, where you allow the jury to go back into deliberations and hash it out however they want to do it. In the end, they come back and they do justice. I think our Founding Fathers got it right in article I, section 5, paragraph 2 when they said that:

> Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and with the Concurrence of two-thirds, expel a Member.

I think our Founding Fathers expected us to do this and not set up a third party office to do this.

Again, I rise to join my two chairmen, the chairman and cochairman on the Ethics Committee, in opposing this amendment, and I encourage all my colleagues to do the same.

Mr. SPECTER. Mr. President, I am voting against the Collins amendment because it is unconstitutional. Article I, section 5, provides:

> Each House may determine the Rules of its' Proceedings, punish its Members for disorderly behaviour, and, with the concurrence of two-thirds, expel a Member.

The Senate has determined the rules for punishing its Members which carries out the constitutional mandate. That constitutional procedure does not permit delegation of that responsibility.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I found this debate to be both interesting and ironic. We have heard the proposed Office of Public Integrity described on the one hand as being a potentially out-of-control, independent counsel/special prosecutor. Then we have heard it described as a toothless entity that simply duplicates the work of the Ethics Committee and would have to check with the Ethics Committee at its every stage of the investigation.

In fact, neither characterization is an accurate one. Perhaps the best way to think of the proposed Office of Public Integrity is that it would be the investigative arm of the Ethics Committee. It would be an entity that would conduct a thorough, impartial, credible investigation of allegations and then report back to the Ethics Committee. It is essentially controlled by the Ethics Committee but has the ability to do independent investigations.

It is neither an out-of-control special prosecutor nor is it a powerless office that simply duplicates the work being done and that would be done by the Ethics Committee anyway. In fact, one of the opponents of this amendment said that they would create a duplicate investigation. I don't understand how that conclusion can be reached. There is nothing in this amendment that would require the Ethics Committee to conduct a parallel investigation, and why would they? We have already heard the Chairman of the Ethics Committee say that they do not do an investigation when there is a parallel Justice Department investigation going on. Why would the Ethics Committee choose to duplicate the work of the Office of Public Integrity? This bill does not mandate that the Ethics Committee throw all common sense overboard. So that argument simply does not hold water.

We have also heard it alleged that the Office of Public Integrity would make public information that is now confidential. But look at the plain language of the amendment. I am going to read it into the RECORD because this information to the contrary has been advanced on the Senate floor. Here is what it says: "Disclosure." It is on page 11 of the amendment.

> Information or testimony received, or the contents of a complaint or the fact of its filing, or recommendations made by the Director to the committee, may be publicly disclosed by the Director or the staff of the Office only—

I am going to underscore that, Mr. President.

> —only if authorized by the Select Committee on Ethics of the Senate.

I don't know how it could be more clear, that the decision on disclosing information on the investigation cannot be made unilaterally by the Office of Public Integrity. Under our amendment, the Ethics Committee, not the Office of Public Integrity, has the sole authority to determine what parts of an investigation, if any, become a matter of public record. The OPI has no such authority. The language could not be more clear on that point.

Second, although a vote of the Ethics Committee to overrule the Office of Public Integrity would be made public, that is because such a vote would end the case. In other words, the Ethics Committee would not be voting publicly multiple times on a particular investigation at every stage—contrary to the information, or the argument that was advanced earlier by the distinguished chairman of the Ethics Committee. This is how it would work. The Ethics Committee would vote only once, either to overrule the Office of Public Integrity, which it can do at any stage of the investigation, or at the end of the investigation the committee would vote on a final determination of whether a violation has occurred.

I realize that Members have very strong views on this issue. I realize there are legitimate differences of opinion. I recognize that this is a difficult issue. But I hope that Members will look at the actual language of the amendment that Senator LIEBERMAN, Senator McCAIN, and I have advanced. I recognize that there is a reason there is considerable confusion. There are all different versions of entities similar to the Office of Public Integrity that we are proposing. But we have drafted our proposal very carefully not to undermine the good work of the Ethics Committee, not to take away the final decisionmaking from the Ethics Committee but to promote public confidence in the integrity and the credibility of investigations by having this office, the Office of Public Integrity, conduct the investigation.

Will the Presiding Officer inform me how much time is remaining on the proponents' side.

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Ms. COLLINS. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. How much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. VOINOVICH. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I thank my friend from Ohio. I congratulate the Senator from Maine for her extraordinary work on the underlying lobby reform bill but respectfully disagree as to the appropriateness of adopting the Lieberman-Collins amendment.

This amendment creates a new Senate Office of Public Integrity with a Director, appointed for a 5-year term, by the President Pro Tempore upon the joint recommendation of the majority leader and minority leader. He or she would literally be "an investigation czar." Let me just highlight a few of the most problematic aspects of this proposal.

No. 1 on the list of the "Duties" of the Director is, and I quote from page 3, "(1) to investigate . . .". At its core the OPI is really the "SBI"—"Senate Bureau of Integrity"—not even of intelligence.

To get the ball rolling, investigations by the Director are initiated by a complaint filed by anyone—a complaint without any requirements. In comparison, FEC complaints must be in "in writing, signed and sworn to by the person filing such complaint, shall be notarized and shall be made under penalty of perjury and subject to the provisions of the criminal code." The complaint this integrity czar investigates doesn't have to meet any of those requirements—it could be filed via anonymous voicemail or on a beverage coaster—the name and address of the complainant isn't even required.

The only restriction on the complaint is that a complaint against a Member can't be "accepted" within 60 days of an election involving such Member. Thus, complaints can be filed against a Member's staff, and on the flip side, complaints made, maybe not accepted, but made during that 60-day period against a Member gives that Member no way to clear their name until after that election.

Making matters even more grim, these complaints are only against incumbents or their staff—so challengers can go hog wild in filing complaints and keeping their opponents under a cloud of suspicion—no matter how baseless. The only penalty for a frivolous complaint is they might not accept another one from that person, to the extent their identity is even known, and may incur costs resulting from the complaint. A very small price to pay for what would smear the good name of Members.

The Director is required to go to the Ethics Committee before getting his full blown power to "administer oaths, issue subpoenas, compel attendance and production of documents and take depositions." However, it takes a roll call vote of ⅔ of the full committee to stop the Director's full blown investigation and the vesting of his full prosecutorial powers.

This amendment strips the bipartisan 6-member Ethics Committee of one of its core functions—enforcement—arguably its most important—and vests it all in one unelected individual. I urge my colleagues to oppose this amendment.

Let me say I know there are many watchers of the Senate, as an institution, who may well believe that the Ethics Committee is a body constituted to go easy on Senators. I must respectfully suggest to the public and to our colleagues that the facts are otherwise.

I was vice chairman of the Senate Ethics Committee and then subsequently chairman of the Senate Ethics Committee during a time when my party was in the majority in the Senate and had to, based on the facts in a particular case, offer a resolution to expel the chairman of the Finance Committee of the Senate from the Senate. That Member of the Senate subsequently resigned. But the vote in the Senate Ethics Committee was 6 to 0, on a bipartisan basis, to expel the chairman of the Finance Committee from the Senate. Surely, no one would consider that a slap on the wrist.

I cite another example. When the current Senate Democratic leader was chairman of the Ethics Committee, it issued such a scathing report on a bipartisan basis that a Member of his party chose to discontinue his effort to be reelected in the fall of 2002. The Senate Ethics Committee respects, first and foremost, this institution and its reputation. I think it has undertaken extraordinary efforts over the years in protecting Members from spurious complaints and being able to sort out a genuine wrongdoing and, when genuine wrongdoing appears, go after it and not tolerate it.

I particularly compliment the current chairman of the Ethics Committee, the Senator from Ohio, Mr. VOINOVICH, who has done an extraordinary job in this regard as well.

So I hope our colleagues, on a bipartisan basis, will not support the Collins-Lieberman amendment. I think the Senate Ethics Committee can handle this job quite well in the future, as it has in the past.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Maine.

Ms. COLLINS. Mr. President, we are faced with a choice. We have the opportunity to pass significant legislation to strengthen our lobbying disclosure laws to ban practices that raise questions about undue influence of special interests and to strengthen the enforcement of those laws. Even without the Office of Public Integrity, I believe we have produced a good bill. But I believe that our legislation will be incomplete if we do not act to strengthen the enforcement process. I believe, after much study, that the best way to do this is to create an Office of Public Integrity.

That is not in any way to indicate a lack of appreciation for the hard work of the fine members of our Senate Ethics Committee under the leadership of two individuals with great integrity. I understand that it is a thankless job to serve on the Ethics Committee, and contrary to the comment that was made earlier in the debate, I believe that this office, by conducting the investigative portion, by assisting the Ethics Committee in investigating allegations, would actually be of great assistance to the Ethics Committee.

The chairman of the Ethics Committee has expressed, time and again, his frustration that the public does not know of the work the Ethics Committee does. It doesn't realize how seriously the investigations and allegations are treated; that it doesn't appreciate how difficult it is to pursue allegations against Members with whom one serves. I suggest that this amendment offers great assistance to the Ethics Committee. If there is an Office of Public Integrity which is conducting independent investigations and reporting its findings to the Ethics Committee, I think that enhances the public's understanding of the process, the public's acceptance of the process, and the credibility of the investigations.

We are dealing with a reality that public confidence in Congress is very low. It is perilously low. It makes it difficult for us to pass legislation because the public believes that oftentimes our decisions are not in the public interest but, rather, beholden to some private interest. That saddens me because I know the people I serve with are individuals of great integrity, and the vast majority of elected officials in Washington and elsewhere are in public service for all the right reasons. But that perception is a reality we need to deal with. The best way to deal with it, in my judgment, is to pass strong, comprehensive legislation which will help repair the frayed bonds between the public and those who serve the public.

The Office of Public Integrity is an integral part of achieving that goal. There is a lot of opposition to this amendment. I don't delude myself to the contrary. I have learned organizational change in Washington is the hardest kind of change to accomplish. I learned that when Senator LIEBERMAN and I led the legislation restructuring and reforming our intelligence community, the most sweeping reforms in 50 years. I have learned trying to change the organization of Congress or the way Congress works makes that reorganization of our intelligence community look easy.

I recognize this is an uphill fight, but I believe it is the right thing to do. I hope our colleagues, before casting their vote today, will take the time to read the actual language of the amendment and to think about what we need to do to repair the breach between those who are elected and the people we serve, to promote and strengthen public confidence in the political process. I believe if our colleagues do that and if they care about restoring public confidence in Congress, they will support the amendment we have offered.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, first, I again compliment the chairman of the Homeland Security and Governmental Affairs Committee for the good job she and the committee have done in proposing legislation that will make a difference in the Senate and in the Congress. I respect everything the Senator has done. Some of the amendments making mandatory some of the things we are doing voluntarily I welcome. I thank the Senator.

One thing I have tried to do is to inform Members about what the rules are so they do not get in trouble. I point out that even though the amendment is well motivated and meant to help the Ethics Committee, all six members of the Ethics Committee on a bipartisan basis oppose it. The Ethics Committee is the investigative arm of the Senate. It is a nonpartisan investigator of all matters brought before the Ethics Committee and, something some Members are not happy about, matters that are not brought before us, on the complaint of some, that we recognize, through the media, there is a problem with one of the Members, and we get involved in it. We do not have to wait for someone to file a complaint. We are the watchdog of the Senate. We want to protect the Senate's reputation. We admonish, we censor and, in some cases, eject Members of this Senate for not upholding the high standards all Members are expected to uphold after being elected to this Senate.

I do not believe this is going to mend the problem in terms of public confidence. As I have mentioned, except for recently some criticisms, we did not get involved in the Abramoff investigation. Overall, in terms of the public, the Senate Ethics Committee has been doing the job they are supposed to do under the Constitution. Again, I underscore in terms of Abramoff, we did not get involved because of the fact that the Justice Department asked us not to get involved. They thought it would interfere with their investigation. I assure Members of the Senate and I assure the public and other groups that are looking in on us, once that investigation is finished and the information is sent here, if one of our Members or several Members are involved, we will fully investigate that. If those individuals have violated the rules of the Senate, they will be properly dealt with by the Ethics Committee.

In terms of the specific parts of this legislation, I bring up something that has a problem, and that is that every time the Ethics Committee disagrees with the Office of Public Integrity, we have to have a published vote of the committee. As a result of that, what will happen, in my opinion, is that after a while, where the Ethics Committee does not agree with the Office of Public Integrity, you will build up an adversarial type of relationship. Members, in terms of how they vote, will start taking into consideration, gee, it is going to be public that we disagreed with this guy and people will ask, why did you disagree with that, and we get into that whole area of questioning people's motivation.

It also gets us involved in partisanship, Members asking, why did you vote that particular way? You had a chance maybe to harm some other Member because of political reasons. Or why did you pick on one of our Members?

This job is a very tough job. It is not a job that makes one popular with his colleagues in this Senate. I believe rather than helping the situation, in spite of the fine motivation of the people sponsoring this amendment, rather than helping, it is going to hurt the situation and also make it very difficult in the future to have Members being willing to serve as a member of the Senate Ethics Committee.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have been allocated 10 minutes to speak on the Wyden amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. I seek to use that time.

Mr. INHOFE. Will the Senator yield for an inquiry?

Is there a unanimous consent in terms of Members speaking?

The PRESIDING OFFICER. Yes, the time is controlled by the Senator from Alabama and the Senator from Maine.

Ms. COLLINS. Mr. President, to clarify our situation, if I may, if the Presiding Officer would tell me if I am correct that there is still an amount of time remaining to the proponents of the Collins-Lieberman-McCain amendment.

The PRESIDING OFFICER. There is 6 minutes remaining.

Ms. COLLINS. And I believe the time of the opponents has expired, the time that was controlled by Senator VOINOVICH; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Ms. COLLINS. And I believe there is a parallel time agreement for further debate on the Wyden amendment; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. My request would be that I be acknowledged to speak on the Wyden-Grassley-Inhofe amendment in whatever order you are prepared to give me.

Ms. COLLINS. Mr. President, I am going to reserve my 6 minutes for right before the vote for some concluding comments. I probably will not use all 6 minutes. I have no objection to turning now to the debate on the Wyden amendment.

AMENDMENT NO. 2944

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I assume Senator INHOFE will have time after I conclude my 10 minutes and I ask unanimous consent to that effect. He is on the other side of this issue.

The Wyden amendment provides a new advantage for those who want bigger and more expensive Government. Senators who want time to study a bill before granting consent would have to put their names in the RECORD as objecting to it even though they may quickly decide they do not have an objection to the bill.

First, the Senator from Oregon stated that this amendment—and this is a good example of what happens in the Senate—that this amendment was being blocked by a secret hold. But there was no secret hold. The leadership of the Senate knew that I had an interest in participating in the debate, but I had a meeting at the White House this morning and so I asked if they could accommodate that and set the debate at a time I could participate. That apparently was worked out.

Under the Senator from Oregon's amendment, I would have had to submit a written request to the majority leader in order to participate in the debate, but I was at the White House and that was not very practical. Is telling my leader I would like an opportunity to be in the Senate to debate this issue now an unreasonable request? The Senator from Oregon has also stated that the intelligence authorization bill is being held up based on a secret hold. In truth, it is not a secret. I will tell the Senator who is holding that important intelligence bill: It is the two Senators from Massachusetts. Senators KENNEDY and KERRY have objected to considering the bill because they want to offer amendments. Some say they are poison-pill amendments, but they are amendments they want to offer. So if the Senator has a problem about that, he should talk to his colleagues. The Senators may say this only applies to proceeding to a bill. This is an important thing, because in 99 percent of the cases, proceedings of the bill and passage of the bill happen at the same time. The bill is called up and asked to be passed by unanimous consent. It is all the same request. Frankly, the problem with this bill goes further than the mechanical application. It makes a statement. It basically says that passing bills is inherently a good thing, and we should assume any Senator who has never heard of a bill should consent to it. Anyone who dares not to grant promptly and immediately any such consent is some scoundrel who needs to be exposed to misdeeds.

Senator COBURN has offered an amendment that says if we are going to have this hold amendment, he would offer one that says if you want to pass a bill and there is no quorum present, and you want to ram it through with no quorum present, you need to have a petition signed by 100 Senators saying they are prepared to let the bill go through.

Why not? It is not practical, perhaps, but the system is not designed to be practical. Frankly, it is too easy to pass bills. Bills flow through this body like water.

I want the American people to know how bills are passed in this Senate. We were talking about some sunshine here. Let's talk about it. There is a system we have called a hotline. What is a hotline? In each Senate office there are three telephones with hotline buttons on them. Most evenings, sometimes after business hours, these phones begin to ring. The calls are from the Republican and the Democratic leaders to each of their Members, asking consent to pass this or that bill—not consider the bill or have debate on the bill but to pass it. Those calls will normally give a deadline. If the staff do not call back in 30 minutes, the bill passes. Boom. It can be 500 pages. In many offices, when staffers do not know anything about the bill, they usually ignore the hotline and let the bill pass without even informing their Senators. If the staff miss the hotline, or do not know about it or were not around, the Senator is deemed to have consented to the passage of some bill which might be quite an important piece of information.

So that is the real issue here. The issue is not about holds. The rules say nothing about holds. Holds do not exist. The issue is consent. Nobody has a right to have an individual Senator's consent to pass a bill. They act as though you have a right to get it. You would expect if you are going to say you have unanimous consent, you have consent. But that is not always the case.

If staff do not have time to read the bill—some of these bills are hundreds of pages long—they frequently assume someone else has read it. Staff in the Senate offices do not read all these bills, and they go back to whatever they were doing before the hotline phone rang. Presumably, some committee staffer has read the bill at some point along the way, but in almost no case have actual Members of the Senate granted their intentional consent to the bills that pass during the day's wrapup that we often see late into the night on C–SPAN.

In many cases, even Senators sponsoring the bill have never read it, unfortunately. Committee reports are filed on bills. Very few staff have read the committee reports. How do I know about this? I have the thankless task of chairing the Senate Steering Committee. One of our commitments is to review every bill that is hotlined in the Senate. My staff actually reads them. It is a service to my colleagues, I suggest. They read the CBO scores which tell how much the bill costs the taxpayers. A lot of times they do not want you to know that. Some committee, group, or someone has moved a bill on the floor—they move it along—and nobody has read the score. Many contain massive, new spending programs. Some bust the budget. We think Senators who are looking out for the taxpayers and taking the time to study bills should have the same rights as Senators who are willing to let big spending bills pass without reading them. This amendment is not good government. It will make it more likely that bills will pass in the middle of the night filled with pork and who knows what else.

The current process established by the two leaders provides for 72 hours for Senators to withhold consent and to read a bill. Beyond that, the objections become public. Under this amendment, if a Senator in an offhand conversation with the leader says, "I think we ought to take a hard look at this bill," does that mean his name should be printed in the RECORD? That is not workable. If I am on the floor, and the leader asks me if we ought to go to such and such a bill, and I say, "No, don't do that. I think something else should go first," do I then immediately have to go to the floor and publish that in the RECORD?

According to this resolution, any communication with the leader suggesting we not proceed to a bill would need to be printed in the RECORD and submitted to the leader in writing. However, if I communicate to the leader that we should proceed to some big spending bill, I can do that in secret. This gives a new advantage to those who want to pass legislation without review.

Now, I take very seriously holding up a bill. We stay on our team, and we look at the matter promptly and try to give an honest response. And if we have a problem with a clause or two in a piece of legislation, we share that with the Senators who are promoting the legislation. Usually an agreement can be reached, and usually the legislation is cleared, anyway, without any significant delay.

Line 4 of the Wyden amendment says:

> The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator
>
> (1) submits the notice of intent in writing to the appropriate leader or their designee; and
>
> (2) within 3 session days after the submission under paragraph (1) submits for inclusion in the CONGRESSIONAL RECORD and in the applicable calendar section described in subsection (b) the following notice:
>
> "I, Senator [blank], intend to object to proceeding to [blank], dated [blank]."

If a Senator tells their leader on the phone they have concern with a bill that was offered that night, must they quickly run down to his office and hand the leader a piece of paper? This says it must be submitted in writing; otherwise, the leader cannot recognize it.

If the leader decides against proceeding to the bill, does that mean he has violated the rule?

How can we prove that the leader did not simply change his mind, but rather that he illegally recognized an oral hold, which was not submitted in writing?

Who is to make such a determination?

Is the Parliamentarian going to be put in the uncomfortable position of trying to divine the motivations of a party leader?

I am not sure what the purpose of the 3 days is, but here is what its effect is:

If a bill is hotlined at 7:30 at night, and the leaders say it will be passed at 7:45 unless there is an objection, and my staff calls them to say please do not proceed, we would like to review the bill, rather than reading the bill, they would have to run to the leader's office with a piece of paper saying we object to the bill.

Then, let's say they run back to the office, start reading, and after review, the bill looks fine. Let's say they even call back within the 15-minute window that was given. The bill passes that night. The next day it passes the House, and is signed by the President. It is now law.

On the third day, I would still need to insert a statement in the Congressional Record saying "I, Senator Jeff Sessions, intend to object to proceeding [blank], dated [blank]."

I intend to object to a bill that has already been signed into law?

The amendment has been so poorly drafted that it is not even clear what it does. This is what we are dealing with.

This poorly drafted amendment is intended to stack the deck, in favor of other poorly drafted legislation passing in the middle of the night with little or no review.

Let's look at section (c) line 18:

> A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:
>
> I, Senator [blank], do not object to proceeding to [blank], dated [blank].

This is the flip side: Maybe you looked at the bill and do not like it, but are willing to let it pass by a voice vote.

Now, to get the "scarlet letter" I removed, you need to put a statement into the Record saying you do not object to the bill, which may not be altogether true.

Further, what if you simply want to offer an amendment, or debate, but the leadership wants to pass the bill clean. How does this bill apply?

I suppose one interpretation is it would not apply at all, because it only purports to apply to "proceeding to a bill."

What if you want to offer a thousand amendments? What then? What if you prefer to proceed to a different version of the bill?

What if you would simply like a rollcall vote on the motion to proceed, or would like time to debate, but the leadership does not want to grant you that. Technically, you are objecting to proceeding under those circumstances.

I could stand here for hours discussing all the many ways this amendment is going to damage the Senate, and the many ways this amendment is absolutely worthless as a tool to prevent blocking of legislation in secret.

But what I object to most is that this amendment says passing legislation is always preferable to slowing it down, that letting a bill pass is good no matter how poorly drafted, how costly, how late in the evening, or how few Senators have studied or even heard of the bill.

How much pork is there? Passing bills is good: In many cases, that is not correct.

There is a widely quoted story about the "coolness" of the Senate involving George Washington and Thomas Jefferson. Jefferson was in France during the Constitutional Convention.

Upon his return, Jefferson visited Washington and asked why the Convention delegates had created a Senate. "Why did you pour that coffee into your saucer?" asked Washington. "To cool it," said Jefferson. "Even so," responded Washington, "we pour legislation into the senatorial saucer to cool it."

The Framers intended the Senate to deliberate, to thoughtfully review legislation, not be a rubber stamp.

This amendment says those Senators who are willing to grant consent to legislation they have never read or have perhaps never even heard of—those are the good Senators.

But those Senators who dare to say: I would like time to read this legislation, to see how much it costs, to see whether it is within the national interests—they are the troublemakers. These scoundrels need to be exposed to the public.

So, in summary, here is where we are.

Passing midnight spending boondoggles with two Senators in the Chamber: Good. Reviewing legislation: Bad. Objecting to big spending legislation: Really bad.

Lobbyists must be thrilled with this. Lobbyists who are pushing special-interest legislation will now have a ready-made target list.

All they need to do is get the leadership to hotline the legislation, and within 3 days they will know who they need to talk to or jump on or "sick the dogs on."

I believe we need to return to the "cooling" Senate, not a "freezing" Senate, where obstruction is the rule, nominees are blocked endlessly; not a "greased" Senate, where bad legislation passes at lightning speed late at night with no time for review, but a Senate where Senators are encouraged to take the time to pick up a bill and read it, to weigh the consequences for the American taxpayers.

This amendment runs directly contrary to the spirit of reform this bill purports to address.

I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I see several of the sponsors of the amendment here. Probably they disagree with some of my views, but I think they are worthy of their consideration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, parliamentary inquiry: How much time is available on my side? My understanding is we have 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon controls 10 minutes.

Mr. WYDEN. Mr. President, it is my desire to yield the first 3 minutes to Senator Inhofe, the next 3 minutes to Senator Grassley, and then I will speak. I thank my friend from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, let me say to my friend from Alabama, I do not think we have ever been in disagreement on anything. I have a little different take on this issue than he does and a little different background because of an experience I had when I served in the other body.

First, I think realistically, looking at this, you may say "in writing," but if you call your leader and tell him, "I plan to go ahead and object to this," and he knows it is going to come in writing, unless you don't get along with the leader very well, I don't think that would be a real serious problem. But I do agree with the Senator from Alabama that passing laws is not necessarily a good thing. My feeling is we have too many laws, not too few laws. I have said that many times.

But let me share with you an experience I had in the other body. When I was first elected in 1986 to the House of Representatives, I found there was a process used to keep the signatures of a discharge petition from being open to the public. So there could be something very popular. For example, a gun control bill might not be popular in West Texas, but there might be a West Texas Democrat whose party tells him for the national scene, "We want lots of gun controls, and I know it is not popular in the State, but there is a way you can go home and say you opposed gun controls and at the same time you can get by with appeasing the leadership."

That is what they did. They would put the discharge petition in the drawer of the Speaker's desk, and you could not get it out unless a majority of people signed the discharge petition. Consequently, they would go ahead and tell people they had signed it when, in fact, they had not.

I had a one-sentence bill that totally reformed that. It stated that all signatures on a discharge petition shall become public record. We actually had seven editorials by the Wall Street Journal. We had all these things saying: Finally, there is light.

All I want—all I want—is to be able to have everyone being accountable for what they are saying. I have two holds right now, and I have said publicly that I am the one who has the holds. I have never, in the 12 years I have been here in this body, not specifically stated that I had holds when I did. So I think that is the main thing. There are similarities between the situation that occurred in the House, and I agree with Reader's Digest, the Wall Street Journal. They said that was the greatest single reform in the last 60 years.

So when I first came to this body, I made this statement: that it appeared to me that being able to put on holds without being accountable is a very similar practice to the inability of knowing what the signatures were on discharge petitions. Consequently, I started back 12 years ago working on this issue. I am very happy to join Senator WYDEN and Senator GRASSLEY in what I consider to be a reform that is badly needed in the Senate.

Mr. President, I ask unanimous consent that a November 1994 article in Reader's Digest by Daniel Levine be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest, November 1994]

HOW THE TRIAL LAWYERS FINALLY MET DEFEAT

A STORY OF DEMOCRACY AND CAPITOL HILL

(By Daniel R. Levine)

When a twin-engine Cessna airplane crashed near Fallon, Nev., four years ago, the National Transportation Safety Board (NTSB) ruled pilot error was the cause. But that didn't stop lawyers for two of the injured passengers from suing Cessna on the grounds that the seats on the 25-year-old plane did not provide adequate support. The seats had been ripped out without Cessna's knowledge and rearranged to face each other. But the lawyers claimed that Cessna should have warned against removing the seats. A jury awarded the two plaintiffs more than $2 million.

In Compton, Calf., a single-engine airplane nearly stalled on the runway and sputtered loudly during take-off. Less than a minute into the air it crashed, killing two of the three people on board. On July 18, 1989, two days before the one-year statute of limitations would expire, the survivor and relatives of the deceased passengers filed a $2.5 million lawsuit naming the plane's manufacturer, Piper Aircraft Corp., as a defendant. Not mentioned in the suit was the fact that the plane, built in 1956, had been sitting at the airport unused and uninspected for 2½ years. The case, awaiting trial, has already cost Piper $50,000.

The NTSB found that 203 crashes of Beech aircraft between 1989 and 1992 were caused by weather, faulty maintenance, pilot error or air control mishaps. But trial lawyers blamed the manufacturer and sued each time. Beech was forced to spend an average of $530,000 defending itself in each case and up to $200,000 simply preparing for those that were dismissed.

Such product-liability lawsuits have forced small-plane makers such as Cessna to carry $25 million a year in liability insurance. In fact, Cessna stopped producing piston-powered planes primarily because of high cost of defending liability lawsuits. Thus, an American industry that 15 years ago ruled the world's skies has lost more than 100,000 jobs and has seen the number of small planes it manufactured plummet from over 17,000 in 1978 to under 600 last year.

That may all change. Bucking years of intense lobbying by trial lawyers, Congress voted last summer to bar lawsuits against small-plane manufacturers after a plane and its parts have been in service 18 years. The legislation will create an estimated 25,000 aviation jobs within five years as manufacturers retool and increase production.

This was the first time that Congress has reformed a product liability law against the wishes of the lawyers who make millions from these cases. And the dramatic victory was made possible because of the efforts of a little-known Congressman from Oklahoma who challenged Capitol Hill's establishment.

On his first day in 1987 as a member of the U.S. House of Representatives, Jim Inhofe (R., Okla.) asked colleague Mike Synar (D., Okla.) how he had compiled such a liberal voting record while winning reelection in a conservative district. Overhearing the question, another longtime Democratic Congressman interjected: "It's easy. Vote liberal, press-release conservative."

This was a revealing lesson in Congressional ethics, the first of many that would open Inhofe's eyes to the way Congress really ran. He soon realized that an archaic set of rules enabled members to deceive constituents and avoid accountability.

When a Congressman introduced a bill, the Speaker of the House refers it to the appropriate committee. Once there, however, the bill is at the mercy of the committee chairman, who represents the views of the Congressional leadership. If he supports the legislation, he can speed it through hearings to the House floor for a vote. Or he can simply "bury" it beneath another committee business.

This arrangement is tailor-made for special-interest lobbies like the Association of Trial Lawyers of America (ATLA). For eight years, bills to limit the legal liability of small-aircraft manufacturers had been referred to the House Judiciary Committee, only to be buried. Little wonder. One of the ATLA's most reliable supporters on Capital Hill has been Rep. Jack Brooks (D., Texas), powerful chairman of that committee and recipient of regular campaign contributions from ATLA.

The only way for Congressmen to free bills that chairmen such as Brooks wanted to kill was a procedure called the discharge petition. Under it, a Congressman could dislodge a buried bill if a House majority, 218 members, signed a petition bringing it directly to the floor for a vote. But discharge petitions virtually never succeeded because, since 1931, signatures were kept secret from public. This allowed Congressmen to posture publicly in favor of an issue, then thwart passage of the bill by refusing to sign the discharge petition. At the same time, House leaders could view the petitions, enabling them to pressure signers to remove their names. Of 493 discharge petitions ever filed, only 45 got the numbers of signatures required for a House vote. And only two of those bills became law.

Inhofe saw the proposals overwhelmingly favored by the American People—the 1990 balanced-budget amendment, school prayer, Congressional term limits, the line-item veto—were bottled up in committee by the House leadership. When discharge petitions to free some of the bills were initiated, they were locked in a drawer in the Clerk's desk on the House floor. The official rules warned that disclosing names "is strictly prohibited under the precedents of the House."

In March 1993, Inhofe filed a one-sentence bill on the House floor challenging the secrecy: "Once a motion to discharge has been filed the Clerk shall make the signatures a matter of public record."

The bill was assigned to the Rules Committee, where it was buried. Three months later, on May 27, Inhofe started a discharge petition to bring the bill to a floor vote. Among those signing was Tim Penny (D., Minn.), a lawmaker who after ten years in the House had grown so disgusted that he had decided not to run for re-election. "Discharge petitions procedures are symbolic of the manipulative and secretive way decisions are made here," said Penny. "It's just one more example of how House leaders rig the rules to make sure they aren't challenged on the floor."

Inhofe, though, was badly outnumbered. The Democrats 82-seat majority controlled the flow of legislation. But he was not cowed. From his first years in politics Inhofe had shown an independent streak—and it had paid off. After initially losing elections for governor and Congress. He was elected to three consecutive terms as mayor of Tulsa, beginning in 1977. In 1986, he ran again for the Congress and won. Four years later, he bucked his own President, George Bush, by voting against a 1991 budget "compromise" that included a $156–billion tax hike.

By August 4, two months after filing his discharge petition, Inhofe had 200 signatures, just 18 shy of the 218 needed to force his bill to the floor. But the House leadership was using all its muscle to thwart him. On the House floor, Inhofe announced: "I am disclosing to The Wall Street Journal the names of all members who have not signed the discharge petition. People deserve to know what is going on in this place."

It was a risk. House leaders could make him pay for this deed. But by making public the names of non-signers, he would avoid a direct violation of House rules. Inhofe collected the names by asking every member who signed the petition to memorize as many other signatures as possible.

The next day, The Wall Street Journal ran the first of six editorials on the subject. Titled "Congress's Secret Drawer," it accused Congressional leaders of using discharge-petition secrecy to "protect each other and keep constituents in the dark."

On the morning of August 6, Inhofe was within a handful of the 218 signatures. As the day wore on, more members came forward to sign. With two hours to go before the August recess, the magic number of 218 was within his grasp.

What happened next stunned Inhofe. Two of the most powerful members of Congress—Energy and Commerce Committee Chairman John Dingell (D., Mich.) and Rules Committee Chairman Joseph Moakley (D., Mass.)—moved next to him at the discharge petition desk. In a display one witness described as political "trench warfare," the two began "convincing" members to remove their names from the petition.

Standing near the desk was Rep. James Moran (D., Va.). Moakley warned him that if Inhofe succeeded, members would be forced to vote on controversial bills. "Jim," he said sternly, "I don't have to tell you how dangerous that would be." When the dust settled, Moran and five colleagues—Robert Borski (D., Pa.), Bill Brewster (D., Okla.), Bob Clement (D., Tenn.), Glenn English (D., Okla.) and Tony Hall (D., Ohio)—had erased their names.

Still refusing to quit, Inhofe faxed the first Wall Street Journal editorial to hundreds of radio stations. Before long, he found himself on call-in programs virtually every day of the week.

When The Wall Street Journal printed the names of the nonsigners on August 17, House members home for the summer recess could not avoid the public outcry Inhofe had generated. With scandals in the House bank, post office and restaurant still fresh in their minds, voters were demanding openness.

Feeling outgunned, Moakley allowed his Democratic colleagues to sign the discharge petition. When Rep. Marjorie Margolies-Mezvinsky (D., Pa.) affixed her name to the petition on September 8, she became the 218th Signatory.

Inhofe's bill won overwhelming approval on the final vote, 384–40. Even though most Democrats had not supported him, 209 now voted with Inhofe. Groused Dingell: "I think the whole thing stinks."

The first real test of Inhofe's change came last May when Representatives Dan Glickman (D., Kan.) and James Hansen (R., Utah) filed a discharge petition to free their bill limiting small-plane manufacturer liability. Even though it was co-sponsored by 305 members, the bill had been bottled up in the Judiciary Committee for nine months. But because members' signatures would now be public, voters would finally know who truly stood for product-liability reform and who did not.

Meanwhile, the Association of Trial Lawyers of America was pulling out all the stops to kill the bill. Members personally lobbied Congressmen and orchestrated a "grassroots" letter-writing campaign in which prominent trial attorneys urged their Representatives not to support the bill. ATLA even fired off a maximum-allowable contribution of $5,000 to Representative Hansen's opponent in the November election.

The pressure didn't work. Within two weeks 185 members had signed, and House leaders realized it would be impossible to stop the petition. Their only way was to offer a compromise version. In mid-June, Brooks reported out of committee a bill that differed only slightly from the original. On August 2, the Senate approved similar legislation. The next day the bill cleared the House without dissent. On August 17, President Clinton signed it into law.

Glickman, whose Wichita district is home to Cessna and Beech aircraft companies, said the procedural change spearheaded by Inhofe was crucial to victory. "A lot of forces did not want this bill to go forward," he continued, "and it would not have succeeded without the discharge petition."

The success of this legislation is proof that when Congress is required to do the people's business in the open, the people—rather than special interests—win. The high cost of product-liability lawsuits, to manufacturers as well as consumers, will require far more sweeping reform of the tort system. But the passage of this one bill is an important first step in the right direction. And it took a little-known Representative from Oklahoma to point the way.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, thank you. And I thank Senator WYDEN for his leadership and the time.

Everything this body has heard the Senator from Alabama say about what is wrong with this piece of legislation is entirely inaccurate. Everything he said we need to do to study bills—to hold them up until we get a feel about everything in a bill before enactment by this body—this amendment, which brings transparency to holds, does not in any way prevent any of that from happening. All it simply says is, if you are going to put a hold on legislation, you ought to have guts enough, not be a sissy that the public might find out who you are, why you are holding something up. State for the entire country why you think this person or this bill ought to be held up in the Senate. You can hold it up for a year. You can hold it up for 1 day.

I have been putting things in the RECORD of why I put holds on bills, just as this amendment requires, for several years. And I can assure you, not one of my colleagues has beaten me up because they knew who I was. Not one of my colleagues has bloodied my nose. Not one of my colleagues has given me a black eye. Not one of my colleagues has done anything. It does not hurt. You can be a Senator. You can be out in the open. You can be transparent and still do the job you need to do.

But after all, this is the Senate. The public's business ought to be public. That is what this legislation is all about. But it also has something to do with the practical workings of the Senate. If somebody does not like a bill you propose, and they want to slow it up, you can sit down and talk to them. Now you do not even know who they are, in many instances. If you are going to do business, you have to know who to talk to. Being a part of a collegial body, as we are, talking to each other is how you get things done and move the ball along.

It is about open government. It is about reducing cynicism and distrust of public officials. It is about public accountability. It is about building public confidence. It is about making sure that as to what is being done here, the public knows who is doing it and why they are doing it. I do not see why there can be any opposition to this amendment.

A hold is a very powerful tool and must be used with transparency. I believe in the principle of open government. Lack of transparency in the public policy process leads to cynicism and distrust of public officials.

There is no good reason why a Senator should be able to singlehandedly block the Senate's business without any public accountability. The use of secret holds damages public confidence in the institution of the Senate.

Our amendment would establish a standing order of the Senate requiring Members to publicly disclose when they place a hold on a bill or nominee. For several years now, I have made it my practice to insert a notice in the CONGRESSIONAL RECORD whenever I place a hold.

Under our proposal, disclosing holds will be as simple as filling out a cosponsor sheet and Senators will have 3 days to do it.

This proposal was drafted with the help of Senators LOTT and BYRD, who as former majority leaders know how this body operates and how disruptive secret holds can be to the Senate's business. Senator STEVENS has expressed his concerns about the use of secret holds. It says a lot that the longest-serving Members of this body oppose the use of secret holds and see them as a real problem.

If Senators support the goal of the underlying bill to increase legislative transparency and accountability, then they should support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I yield to Senator LOTT.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, very briefly, I rise in support of this amendment. I think the misuse of the hold in the Senate has become a fundamental problem. I do not see how anybody could support the concept of secret holds.

Now, this may drive holds into some other category, but I think it is a step in the right direction. I commend Senator WYDEN and Senator GRASSLEY for offering it.

This proposal is an experiment in making the Senate and Senators more accountable to their colleagues and to the American people. This proposal addresses the issue of anonymous holds that Senators use to prevent consideration of legislation and nominations. This amendment would place a greater responsibility on Senators to make their holds public.

It requires that the majority and minority leaders can only recognize a hold that is provided in writing. Moreover, for the hold to be honored, the Senator objecting would have to publish his objection in the CONGRESSIONAL RECORD, 3 days after the notice is provided to a leader.

I believe that holds, whether anonymous or publicly announced, are an affront to the Senate, the leadership, the committees, and to the individual Members of this institution.

This amendment does not eliminate the right of a Senator to place a hold. Some day, the Senate may decide that holds, in and of themselves, are an undemocratic practice that should no longer be recognized.

Secret holds have no place in a publicly accountable institution. A measure that is important to a majority of the American public and a majority of Senators should not be stopped dead in it's tracks by a single Senator. And when that Senator can hide behind the anonymous hold, democracy itself is damaged.

How do you tell your constituents that legislation they have an interest in, legislation that has been approved by the majority of a committee, is stalled and you don't know who is holding it up? What does that say about this institution?

I think the secret hold should have no place in this institution, and I urge my colleagues to support this amendment.

Mr. DODD. Mr. President, I understand this amendment requires public disclosure of certain holds—namely, those that rise to the level of expressing an intent to object to proceeding to a measure or matter.

Any such objection would have to be submitted in writing and disclosed in the CONGRESSIONAL RECORD and printed in the Senate calendar of business. Quite frankly, if a Member's objection rises to that level, it is probably appropriate to publicly disclose such.

But the term "hold" is used to apply to a much broader form of communication between Members and the leader. A hold is generally considered to be any communication in which a Member expresses an interest in specific legislation and requests that the Member be consulted or advised before any agreement is entered with regard to the issue.

In that sense, a hold is a Senate mode of communication, rather than a procedural prerogative, and when used to communicate a Member's interest in a matter, it is more of an informal bargaining tactic, not an intent to derail or delay consideration of a measure.

Such informal communication is not only important to the workings of this body, but it facilitates the development of unanimous consent requests and facilitates the consideration of legislation.

In some respects, such informal holds act much like the Rules Committee proceedings in the House whereby Members present their position with regard to offering amendments to legislation.

There is no such process in the Senate and often times informal holds, or consent letters, are the only means by which the leadership knows who has an interest in an issue and needs to be consulted in order to craft a unanimous consent agreement.

This amendment does not affect such informal consultation and so will not impede the ability of the leadership to move the business of the Senate. However, when the communication rises to the level that a Member will object to proceeding, it is appropriate that it be disclosed.

Consequently, consistent with the purpose of the bill before us, this amendment would provide greater transparency of the legislative process and increase public confidence in the outcome.

I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I think Senator LOTT, Senator INHOFE, and Senator GRASSLEY have said it very well. This amendment is about a simple proposition; and that is, the Senate ought to do its most important business in public, where every Senator can be held accountable. We have offered this bipartisan amendment to eliminate secret holds on the lobbying reform legislation for the same reason Willy Sutton robbed banks: Banks are where the money is. And secret holds are where the power is.

Secret holds are one of the most powerful weapons available to lobbyists. I expect that each of our offices has gotten at least one call asking if the office would put a secret hold on a bill or nominee in order to kill it without any public debate, and without a lobbyist's fingerprints anywhere.

Getting a Senator to put a secret hold on a bill is like hitting the lobbyist jackpot. Not only is the Senator's identity protected, but so is the lobbyist's. A secret hold lets a lobbyist play both sides of the street and gives lobbyists a victory for their clients without alienating potential or future clients.

In my view, secret holds are a stealth extension of the lobbying world. It would be particularly ironic if the Senate were to claim it was adopting lobbying reform legislation without doing away with what is one of the most powerful tools available to a lobbyist.

This has been a bipartisan effort. It has gone on for literally a decade. Senator LOTT, to his credit, tried a voluntary approach with Senator Daschle. We want to emphasize—for example, the Senator from Maine, Ms. COLLINS, was involved in this—that this in no way eliminates the right of a Senator to have a consult, to have the opportunity to look at legislation, to review it when it comes out of committee. A Senator can seek that. In my mind, a consult is similar to a yellow light that says proceed with caution. A hold, on the other hand, is similar to a red light, a stop light. It is when a Senator digs in and says they are going to do everything they possibly can to block a piece of legislation from going forward.

I want to protect Senators' rights, but Senators' rights need to be accompanied by responsibilities. We are talking about legislation that can involve billions of dollars, millions of our citizens, and the public's business ought to be done in public.

What this amendment does is ban a staff hold, the so-called rolling hold where the hold is passed secretly from Senator to Senator. And when a Senator exercises the power of a hold to deal with an issue that is important to them, in the future, they will be held publicly accountable.

This is long overdue. Senator Dole, when he was majority leader, spoke out on this, more eloquently than perhaps any of us are doing today. Senator GRASSLEY, myself, Senator INHOFE, Senator LOTT believe that it is time to bring sunshine to the Senate and for the Senate to do the people's business in public. I can't think of a more appropriate place to do it than on the lobbying reform bill we are working on today.

I urge my colleagues to pass the amendment and to bring some sunshine to the Senate.

The PRESIDING OFFICER. All time has expired.

Mr. WYDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, shortly we will vote on the Wyden-Grassley amendment. First, we will vote on the Collins-Lieberman-McCain amendment which is the second-degree amendment. I applaud the initiative of Senators WYDEN and GRASSLEY. When this amendment first came up, I spoke in favor of it. I believe we do need to end the practice of secret holds.

I ask unanimous consent to be added as a cosponsor to the Wyden-Grassley amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Let me say a few final words about the amendment Senators MCCAIN, LIEBERMAN, and I have proposed to create an office of public integrity. We are about to vote on that amendment, and then we will proceed to vote on Senator WYDEN's amendment.

I believe our proposal has struck the right balance. I draw this conclusion, in part, because my colleagues who are opposed to the amendment are arguing two conflicting extremes, and both obviously cannot be right. On the one hand, some of my colleagues are disparaging the Office of Public Integrity by calling it an independent counsel, by implying that it would be a too powerful, out-of-control entity that would conduct unfair investigations and put Members in peril.

On the other hand, we have also heard colleagues during this debate say that the Office of Public Integrity would not have enough power because it can be overruled by the Ethics Committee. These two conflicting and inconsistent positions suggest that, in fact, we have struck the right balance. We have respected the role and the authority of the Ethics Committee, but we have strengthened the credibility of the investigative part of an inquiry into allegations of wrongdoing.

At the end of the day, the debate and vote on our proposal comes down to a simple question. That is, what are we going to do to strengthen public confidence in the integrity of this institution? Regardless of how fine a job the Ethics Committee has done—and it has performed well—the fact remains that public confidence in Congress is near an all-time low. I believe the legislation that we have brought forth to strengthen our lobbying disclosure laws, to prohibit practices that raise conflicts of interest and, with our amendment, to strengthen the enforcement mechanism is critical to strengthening the bond between the people we serve and those of us privileged to be elected to public office.

I urge my colleagues to support the modest proposal for a well balanced Office of Public Integrity.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Collins amendment.

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Ms. COLLINS. I also ask for the yeas and nays on the Wyden-Grassley amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered on the Wyden amendment.

The question is on agreeing to amendment No. 3176 to amendment No. 2944.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent on official business.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to a death in the family.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—30

Baucus
Bayh
Biden
Bingaman
Burns
Cantwell
Carper
Chafee
Collins
Durbin
Feingold
Grassley
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
McCain
Menendez
Nelson (FL)
Obama
Reed
Sarbanes
Snowe
Stabenow
Talent
Vitter
Wyden

NAYS—67

Akaka
Alexander
Allard
Allen
Bennett
Bond
Boxer
Brownback
Bunning
Burr
Chambliss
Clinton
Coburn
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Frist
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kyl
Leahy
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (NE)
Pryor
Reid
Roberts
Salazar
Santorum
Schumer
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Voinovich
Warner

NOT VOTING—3

Byrd
Graham
Rockefeller

The amendment (No. 3176) was rejected.

VOTE ON AMENDMENT NO. 2944

The PRESIDING OFFICER. The question is now on agreeing to the Wyden amendment No. 2944. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—84

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Burns
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Vitter
Voinovich
Warner
Wyden

NAYS—13

Allard
Bunning
Burr
Coburn
DeMint
Ensign
Frist
Gregg
Kyl
McConnell
Sessions
Sununu
Thune

NOT VOTING—3

Byrd
Graham
Rockefeller

The amendment (No. 2944) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. FRIST. Mr. President, we have made progress today on a very important bill, a bill that we brought to the floor now several weeks ago. It is an important bill that reflects upon this institution in terms of respect, in terms of integrity, and a bill on which we have made huge progress. Yet it is a bill about which it has come time. I think, really, now, to establish a glidepath to continue debate, allow germane amendments but recognize we want to keep those amendments on the bill itself.

I had hoped we would have been able to reach an agreement to sequence a large number of amendments, but the amendments keep coming. And after talking to both sides of the aisle, I understand that we are not going to be able to get time agreements on those amendments. Therefore, my only option at this juncture is to bring this bill to a close with a cloture unanimous consent request.

Therefore, I ask unanimous consent that the motion to proceed to the motion to reconsider the failed cloture vote be agreed to, the motion to reconsider be agreed to, and the Senate now proceed to a vote on invoking cloture on the underlying bill.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the legislation now before this body is imperfect, but it is sure good. I said before, and I say again, the work done by the Rules Committee and the Homeland Security and Governmental Affairs Committee is exemplary. It was bipartisan. They brought pieces of legislation to the floor. It was melded into one, and this is what is now before this body.

We have had amendments offered. Some have passed; some have not. As the majority leader has indicated, we tried to get the list of amendments agreed to. This would go on for weeks.

We have immigration. I want to get to immigration. I want to come out of here with a good lobbying reform bill.

As I said, this bill is not perfect, but it contains important reforms to strengthen both lobbying disclosure requirements and our own internal efforts in some very significant ways. No one needs to hang their head in shame about what we have done. It extends and strengthens a cooling off period for Members and staff, ends gifts and meals for lobbyists, requires preapproval and more disclosure for all trips, requires disclosure of job negotiations, prohibits the K-Street Project under Senate rules, eliminates floor privileges for former Members who become lobbyists, requires more disclosure by lobbyists—and that is an understatement—requires new disclosure of grassroots lobbying and stealth coalitions by business groups, reforms rules regarding earmarks, scope of conference and availability of conference reports to eliminate dead-of-night legislating.

This is a good piece of legislation. I would like a lot more, but I don't believe the perfect should get in the way of the good. This is good.

I urge my colleagues to vote for cloture so we can complete action on this bill quickly.

The PRESIDING OFFICER. Is there objection? Without objection——

Mr. McCAIN. Reserving the right to object.

Mr. FRIST. Mr. President, I understand there was no objection.

Mr. McCAIN. I reserve the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, if we vote cloture, there will be several important amendments that will fall, including use of corporate jets, including earmarking, which is the reason we have the abuses that we have today. I will not support cloture, and I will tell my colleagues if we do have cloture, we will revisit those issues.

There is no reason any Member of this body should pay only first-class airfare for riding a corporate jet. Earmarking is out of control, and it has become a problem with all Americans, and we need to address at least those two issues.

I hope my colleagues understand if we do invoke cloture, we will be revisiting those issues one way or another. I am disappointed that we could not address those very important aspects.

I will not object to the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2349: an original bill to provide greater transparency in the legislative process.

Bill Frist, Mitch McConnell, Rick Santorum, Mel Martinez, James Inhofe, Susan Collins, Trent Lott, John E. Sununu, John McCain, Judd Gregg, Norm Coleman, Michael B. Enzi, Wayne Allard, R.F. Bennett, Craig Thomas, Larry E. Craig, George Voinovich, and Christopher Bond.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 2349, the Legislative Transparency and Accountability Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to a death in the family.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 81, nays 16, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—81

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feinstein
Frist
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Salazar
Sarbanes
Schumer
Shelby
Smith
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Voinovich
Warner
Wyden

NAYS—16

Bunning
Coburn
Dayton
Ensign
Feingold
Kerry
Kohl
Kyl
Lieberman
McCain
Obama
Santorum
Sessions
Snowe
Sununu
Vitter

NOT VOTING—3

Byrd
Graham
Rockefeller

The PRESIDING OFFICER. Upon reconsideration, on this vote, the yeas are 81, the nays are 16. Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the motion is agreed to.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I wish to take a couple of moments here to pay tribute to Erma Ora Byrd, the beloved wife of our good friend and colleague, Senator ROBERT BYRD. I will be a very few minutes.

I thank Senator LOTT because I know he has business he wants to attend to, and he is very supportive of my making a statement.

(The remarks of Mrs. BOXER are printed in today's RECORD under "Morning Business.")

Mrs. BOXER. I yield the floor.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LOTT are printed in today's RECORD under "Morning Business.")

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. REID. Mr. President, sometime tomorrow, hopefully, or the next day, we are going to move to immigration. There is widespread acknowledgment that our immigration system is badly broken. There is a crisis at our borders, and we need a comprehensive strategy to address it.

Just yesterday, the Senate Judiciary Committee reported a bill with strong bipartisan support which would do much that is necessary to restore order to our immigration system. The committee bill offers real solutions with tough, effective enforcement and smart reforms. The bill is not perfect, but it is certainly a good bill. This legislation would secure our borders, crack down on employers who hire illegally, and bring undocumented immigrants out of the shadows. I commend Chairman SPECTER, Ranking Member LEAHY, and Senator KENNEDY, who has worked on these issues for more than 30 years, and the rest of the committee for their hard work in completing this bill.

I have received assurances from the majority leader that it will be in order for Senator SPECTER to offer the committee-reported bill as the first amendment to Senator FRIST's border security bill. That amendment will be a complete substitute, so if it is adopted by the full Senate, it will completely supersede the Frist bill.

This is no different than we handle all other pieces of legislation. Based on those assurances, we have consented to vitiate the cloture vote—that happened earlier today—and allow the debate to move forward.

Under the process we have agreed upon, the foundation of the Senate's upcoming debate on immigration policy will be the bipartisan committee bill.

I will have more to say about immigration policy in the coming days. For now, I want to express my satisfaction that the full Senate will be allowed to debate the comprehensive, bipartisan immigration bill that the Senate Judiciary Committee reported yesterday. I welcome that debate.

Mr. LEAHY. Mr. President, I filed an enforcement amendment to the bill on March 7 and look forward to an opportunity to offer that amendment and have it considered by the Senate. My amendment is the "Honest Services Amendment." No. 2924.

The purpose of my amendment is to articulate more clearly the line that cannot be crossed without incurring criminal liability. If we are serious about lobbying reform, the Senate will adopt this amendment. It was only with the indictments of Abramoff, Scanlon, and Cunningham that Congress took note of the scandal that has grown over the last years.

If we are to restore public confidence, we need to provide better tools for Federal prosecutors to combat public corruption in our Government. I explained this amendment back on March 9, and a copy of it is included in the Congressional Record of that day.

This amendment creates a better legal framework for combating public corruption than currently exists under our criminal laws. It specifies the crime of Honest Services Fraud Involving Members of Congress and prohibits defrauding or depriving the American people of the honest services of their elected representatives.

Under this amendment, lobbyists who improperly seek to influence legislation and other official matters by giving expensive gifts, lavish entertainment and travel and inside advice on investments to Members of Congress and their staff would be held criminally liable for their actions.

The law also prohibits Members of Congress and their staff from accepting these types of gifts and favors or holding hidden financial interests in return for being influenced in carrying out their official duties. Violators are subject to a criminal fine and up to 20 years imprisonment, or both.

This legislation strengthens the tools available to Federal prosecutors to combat public corruption in our Government. The amendment makes it possible for Federal prosecutors to bring public corruption cases without all of the hurdles of having to prove bribery or of working with the limited and nonspecific honest services fraud language in current Federal law.

The amendment also provides lobbyists, Members of Congress, and other individuals with much needed notice and clarification as to what kind of conduct triggers this criminal offense.

In addition, my amendment authorizes $25 million in additional Federal funds over each of the next 4 years, to give Federal prosecutors needed resources to investigate corruption and to hold lobbyists and other individuals accountable for improperly seeking to influence legislation and other official matters.

The unfolding public corruption investigations involving lobbyist Jack Abramoff and MZM demonstrate that unethical conduct by public officials has broad-ranging impact. These scandals undermine the public's confidence in our Government. Earlier this month, the Washington Post reported that as an outgrowth of the Cunningham investigation, Federal investigators are now looking into contracts awarded by the Pentagon's new intelligence agency, the Counterintelligence Field Activity, to MZM, Inc., a company run by Mitchell J. Wade who recently pleaded guilty to conspiring to bribe Mr. Cunningham.

The American people expect, and deserve, to be confident that their representatives in Congress perform their legislative duties in a manner that is beyond reproach and that is in the public interest.

Because I strongly believe that public service is a public trust, I urge all Senators to support this amendment. If we are serious about reform and cleaning up this scandal we will do so. I hope the Republican leadership and the managers of the bill will accord me the opportunity to offer the amendment and improve the underlying measure.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Isakson). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the bill tomorrow morning, Senator Feingold be recognized to offer his amendment No. 2962 relating to the definition of "lobbyist" for purposes of gifts; provided further that there be 40 minutes equally divided for debate prior to a vote in relation to the amendment, with no second-degree amendments in order to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, all time until we resume the bill tomorrow count against the time limit under the provisions of rule XXII. I further ask unanimous consent that all first-degree amendments that qualify under rule XXII be offered no later than 11 a.m. on Wednesday, other than a managers' amendment to be cleared by the managers and the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOLDS ON INTELLIGENCE AUTHORIZATION

Mr. KERRY. Mr. President, earlier today, my colleague from Alabama, Senator Sessions, alleged that I have a "hold" on the Intelligence Authorization Act. Nothing could be further from the truth.

I know that in the heat of debate on the Senate floor, words can sometimes come out faster than a Member might intend, so I harbor no ill will toward my colleague. But in the interest of accuracy, I wish to set the record straight.

Last autumn, many of us were shocked to read allegations in the press of secret clandestine prisons operated around the world by the CIA as part of the war on terror. Congress has a responsibility to perform oversight in all things, including the intelligence community's conduct in the war on terror. In discussing this amendment last fall, I said, and I repeat today, no one is passing judgment on whether these alleged facilities should be closed. We are simply saying that Congress—and specifically the duly established intelligence committees of the House and Senate—need to know what is going on.

On November 10, 2005, I offered an amendment to the National Defense Authorization Act requiring the Director of National Intelligence to provide a secret report to the Intelligence Committees of the House and Senate on the operation, past or present, of these alleged facilities. It would also have required a report on the planned disposition of those allegedly held at these facilities and a determination as to whether interrogation techniques at these facilities were consistent with U.S. obligations under the Geneva Convention and the Convention against Torture.

In debating this amendment, I was delighted to work with my colleague, Senator ROBERTS, the chairman of the Senate Select Committee on Intelligence, and his vice chairman, Senator ROCKEFELLER, to perfect the text of the amendment so they could support it. It passed with overwhelming bipartisan support by a vote of 82 to 9.

About 1 month later, the House of Representative voted 228 to 187 to urge House-Senate negotiators to include the amendment in their conference report. The House Armed Services Committee, however, was concerned that the amendment was beyond the scope of their jurisdiction and the provision was stripped out in conference.

I turned then to the Intelligence Authorization Act and again worked with Senator ROBERTS and Senator ROCKEFELLER to prepare the amendment anew for inclusion in that legislation. The amendment was identical to the provision passed previously in the Senate and endorsed by the House and was cleared by Senator ROBERTS for passage by unanimous consent. But someone objected to the unanimous consent request to pass this vital bill by voice vote. Since that time, the legislation has lingered because someone doesn't want a vote on this amendment or the amendments offered by my colleague from Massachusetts, Senator KENNEDY.

I know my friend from Alabama voted against my amendment when it was on the floor in November. I am sure he would vote against it again. We can agree to disagree on this issue, but his assertion that I have placed a hold on the intelligence bill is simply not true.

Mr. KENNEDY. Mr. President, earlier today, the Senator from Alabama, Senator SESSIONS said that Senator KERRY and I objected to Senate consideration of the intelligence authorization bill because we wish to offer amendments.

In fact, neither Senator KERRY nor I have objected to this bill and no other Democrat has objected to considering it. The bill is cleared on the Democratic side. That means an unidentified Republican Senator or Senators have placed a hold on the bill and are preventing the Senate from considering it.

I do have two amendments to the bill. My first amendment would require the administration provide to the Intelligence Committee with the presidential daily briefs on Iraq from 1997 to the first day of the Iraq war as part of the committee's investigation on the use of prewar intelligence. I would certainly be willing to support a time agreement allowing reasonable debate and a vote on the amendment.

My second amendment would guarantee that detainees held by the intelligence community would be treated humanely, and that treatment would be verified independently.

Apparently, to prevent debate on this very important issue, a Republican Senator is willing to let the whole intelligence bill fail. That's an outrage.

It's important for the Senate to approve the intelligence authorization bill, and it's important for the Senate to get to the bottom of the abuse of intelligence the administration used to justify war.

GREEK INDEPENDENCE DAY

Mr. MENENDEZ. Mr. President, I am honored to address the Senate in celebration of the 185th anniversary of Greek independence. On March 25, 1821, the Greeks revolted against nearly 400 years of repressive rule by the Ottoman Empire and began their journey toward independence.

And in honor of that historic day, the United States and Greece stand together in our commitment to the principles of democracy, freedom, and independence.

In honor of that day, we celebrate the achievements and contributions of the Greek state and her people. We honor Greece's accomplishments in history, science, philosophy, mathematics, literature, and art.

In honor of that day, we recognize and celebrate our own democratic heritage in this Nation. The Greeks believed in self-governance, and our Founding Fathers incorporated the ancient Greeks' political experience and philosophy when they formed our representative democracy. Greek ideas of government and freedom have had an immense and unparalleled influence in the world and in this Nation. And I would like to thank the Greek people for leading the way and giving us the inspiration to pursue these ideals.

In honor of that day, we celebrate the contributions of the more than 1 million Greek-Americans in this country. In New Jersey alone, there are over 61,000 Greek-Americans who contribute daily to the economic, political, and cultural fabric of this Nation.

Over the years, not only has Greece supported the United States in every major international conflict in the last century, but it has stood by this country after the September 11 terrorist attacks. And Greece generously supported us with aid after the devastating effects of Hurricane Katrina here on our soil.

And we should stand with Greece and protect the human and religious rights of the Ecumenical Patriarch. This is an issue that not only affects the Greek community but is important to all communities. We must protect the rights of the Ecumenical Patriarchate as Turkey has: refused to recognize the Ecumenical Patriarchate's international status and its significance to Orthodox Christians around the world, impeded training for the clergy while requiring that all candidates for the Holy Synod be Turkish nationals; confiscated 75 percent of the Ecumenical Patriarchal properties, and levied a 42 percent retroactive tax on the Balukli Hospital which is run by the Ecumenical Patriarchate.

Last year, as Member of the House, I authored a resolution calling on Turkey to eliminate all forms of discrimination and to respect the human and religious rights of the Ecumenical Patriarchate. And that language sent a strong message to Turkey when it was included in the State Department authorization bill which passed the House last year.

Now, as a U.S. Senator, I will remain firm in my position and will continue to work hard to make sure Turkey ends its discrimination and persecution against the Ecumenical Patriarchate.

As Aeschines, one of ancient Greece's more gifted orators once said, "In a democracy, it is the laws that guard the person of the citizen and the constitution of the state, whereas the despot and the oligarch find their protection in suspicion and in armed guards."

From the history of democracy to the religious freedom and human rights of the Ecumenical patriarchate, we in this Nation share this common vision with Greece and her people.

And the United States of America stands proudly with Greece in honor of our shared commitment to democracy, freedom, and independence.

NOMINATION OF WILLIAM MYERS TO 9TH CIRCUIT COURT OF APPEALS

Mr. CRAPO. Mr. President, I rise today to note that it has now been more than one full year that the nomination of William Myers to the 9th Circuit Court of Appeals has been pending on the Senate Calendar. On March 17, 2005, the Judiciary Committee approved the Myers nomination by a vote of 10–8. Unfortunately, this was not the first time Mr. Myers has been approved by the Judiciary Committee. We are also approaching the two-year anniversary when Bill Myers was approved by the Judiciary Committee in the 108th Congress on April 1, 2004.

Last year, with the so-called "Gang of 14" agreement, many pending nominees finally received their long-overdue up or down votes on the Senate floor. Unfortunately, Bill Myers was not one of those nominees, despite the fact that he has the support of a bipartisan majority of this Senate. On July 20, 2004, Bill Myers received 53 votes to end the filibuster on his nomination. The time has come to give Bill Myers his long-overdue up or down vote on the Senate floor. His nomination has been pending on the Senate calendar for a full year now and I urge the Senate leadership to bring this nomination up for a vote.

Bill Myers is a highly respected attorney who was approved unanimously by this Senate in 2001 to serve as Solicitor of the Department of Interior. Former Democratic Governor of Idaho

Cecil Andrus, who also served as Interior Secretary in the Carter administration, says that Bill Myers possesses "the necessary personal integrity, judicial temperament and legal experience" as well as "the ability to act fairly on matters of law that will come before him on the court." As a nominee to fill an Idaho seat on the 9th Circuit, Bill Myers has the full support of the entire Idaho congressional delegation.

Bill Myers is a qualified nominee and there is no justification for continuing to filibuster or delay his nomination. My fellow Idahoans and all residents in the 9th Circuit deserve to have their appeals heard in a timely manner. To do this, we must fill all vacancies on the court in a timely manner. I join with my colleague from Idaho, Senator CRAIG, in urging this Senate to hold an up or down vote on the nomination of William Myers to the 9th Circuit Court of Appeals.

Mr. CRAIG. Mr. President, just before we recessed 2 weeks ago, many celebrated the Irish national holiday commemorating the Patron Saint Patrick. That day also marked an important anniversary for another man: William G. Myers. Mr. Myers' nomination was confirmed by the Senate Judiciary committee exactly one year ago on that day, and he has since been waiting for confirmation by the Senate.

My colleagues know that this is the second time Mr. Myers will be considered by the Senate for a seat on the 9th Circuit Court of Appeals. It is important to note that in the previous Congress a majority of the Senate voted to confirm him. Due to the circumstances of that time, however, his confirmation required a supermajority. I am confident that the current Congress will see the fine qualities of Mr. Myers, and he will receive a full bipartisan vote for confirmation.

Mr. Myers will be an advocate of truth and justice. He was confirmed in the past as Solicitor for the Department of the Interior and is a very talented and capable candidate. His tremendous background demonstrates that he will provide clear and precise judgment and leadership to the Western States in the Ninth Circuit. Mr. Myers has proven throughout his professional career that he understands the culture and heritage of the Western States and the issues critical to that region. His professional history demonstrates that he will show responsibility and intellect in every decision that he makes as a judge.

I strongly support William Myers' nomination to the Ninth Circuit Court. He deserves our fair consideration for this position, and it is my hope that he will be given an up-or-down vote in the Senate. The President has correctly selected this highly qualified nominee, and I ask that the Senate move quickly to confirm him.

TRIBUTE TO SENATOR BEALL

Ms. MIKULSKI. Mr. President, I rise today to pay my respects to a true Marylander who passed away last week, Senator J. Glenn Beall, Jr. He will be remembered for devoting his life to public service as a naval officer, a State delegate, a Member of the U.S. House of Representatives, and a U.S. Senator.

Senator Beall was born in Cumberland, MD, to a prominent and extraordinary Maryland family who shared his dedication to improving the lives of all Marylanders. His father, J. Glenn Beall, was a moderate Republican Congressman who served in the U.S. House of Representatives for a decade and the U.S. Senate for 12 years. Senator Beall Jr. grew up following his father's campaigns in Western Maryland and went on to follow in his footsteps.

Senator Beall's long and distinguished career in both the public and private sector has set a high bar for those of us who follow in his footsteps. His example reminds us to eschew capricious fame and the ever-changing political winds and to focus on the substantive issues of the day.

As a freshman Senator in 1986, I sought and received Senator Beall's advice and counsel on how to best serve the people of Maryland, and most particularly, the residents of western Maryland. His advice was specific, immediate, and realizable. It added greatly to my own efforts to succeed. I will miss his counsel and the true collegial spirit that governed our interaction.

Senator Beall had a lot of Senate know-how. His political priorities focused on health, preservation, and transportation. He was known for going across party lines in an effort to work on a bipartisan basis. It was a pleasure to work with him.

Most recently, Senator Beall was the founding chairman of the Canal Place Preservation & Development Authority, which was the direct result of his tireless efforts to establish the Chesapeake and Ohio Canal National Historical Park in the early 1970s. Together, I worked with Senator Beall to create economic development opportunities throughout western Maryland. His constituents throughout the State, and especially in the region, are indebted to him for the creative manner in which he led the preservation, rehabilitation, development, and management of the Canal Place Preservation District.

Throughout his life and long-lived political career, Senator Beall strived to serve the needs of Marylanders in the State legislature, in the U.S. Congress, and at the Canal Place Preservation & Development Authority. I join my constituents in mourning the loss of a remarkable gentleman who had Maryland in his heart, and bid farewell to an old friend.

GRATITUDE FOR INTEGRITY, EXPERTISE AND PROFESSIONALISM

Mr. CRAPO. Mr. President, at the end of March, I will be losing a valuable member of my legislative team as she returns to her host agency, the Federal Deposit Insurance Corporation. Since early 2005, Larisa Collado has served as a legislative fellow in my Washington, DC, office. Her extensive expertise on technical financial intricacies, coupled with her diligence, enthusiasm and professionalism has made her an invaluable, albeit temporary, member of my staff.

As chairman of the Senate Banking Subcommittee on International Trade and Finance and the designated Senate lead for regulatory relief matters, I am actively engaged in a wide portfolio of financial issues. During her service, Larisa has been critical to advancing my legislative agenda by meeting with stakeholders and analyzing and recommending legislative initiatives. She has effectively utilized her firsthand experiences as a regulator when working on a number of controversial issues. Without her able assistance, my efforts to promote financial services regulatory restructuring would have been seriously undermined. Larisa has demonstrated time and again the willingness to revisit detailed regulatory provisions without losing patience or drive. When others would have turned to other projects, she stayed committed to this long-overdue but sorely overlooked facet of the financial services sector.

Larisa has also demonstrated keen perceptivity and integrity with regard to the proper balance of personal privacy protection and legitimate law enforcement—a necessary component of congressional oversight and reform of our Nation's financial markets. Idahoans and Americans across the country are becoming increasingly aware of the vulnerability of their personal financial information. I looked to her for guidance and analysis of the proper ways to ensure that financial information remains private. At the same time, Larisa has also been a key component of my efforts to work with Idaho Hispanics to educate those who need help with financial literacy and understanding the benefits of the financial services community.

Larisa has proven herself a highly effective professional and I have no doubt she will continue to excel at the FDIC in a career already marked by superior performance and achievement. I thank her for her commitment to public service and to Idaho these past months, and wish her well.

ADDITIONAL STATEMENTS

A FRIEND TO IDAHO WHEAT

• Mr. CRAPO. Mr. President, the National Association of Wheat Growers announced their annual awards in February, and I am proud to report that a member of my staff was one of only five Senate staff members recognized for "superior action in support of the goals and policies of the wheat industry."

Staci Lancaster serves as my senior policy advisor with responsibilities in agriculture, forestry, trade and immigration issues, and as my staff director of the Senate Agriculture, Nutrition and Forestry Subcommittee on Forestry, Conservation and Rural Revitalization. Staci provides me with meticulous and well-researched information, not only on the wheat industry, but in all legislative areas for which she bears responsibility.

I have great respect for her intelligence and analytical abilities and trust her guidance and direction on these issues which are so critical to Idaho. She is a tremendous asset to me and my staff and I congratulate her on this esteemed award.•

TRIBUTE TO THE MIDDLEBURY PANTHERS WOMEN'S ICE HOCKEY TEAM

• Mr. JEFFORDS. Mr. President, I am pleased today to recognize the Middlebury College women's ice hockey team for its recent NCAA Division III National Championship—the school's third in as many years and its fifth national title in the last 7 years.

In defeating Plattsburgh State by a score of 3 to 1 on March 18, the Panthers finished their season 27 to 2, tying the school record for victories. The Panthers had four players named to the all-tournament team including Emily Quizon, the American Hockey Coaches Association's National Player of the Year.

I am proud this hockey dynasty is being built in the Green Mountain State. I am particularly pleased that the student athletes who have created this dynasty are doing so while studying at a top-notch academic institution. The demanding academics at Middlebury make the accomplishments of these great student athletes that much more impressive.

Since Bill Mandigo took over as the head coach of the Panthers in 1988, the women's team has posted a record of 329-86-11. That gives Coach Mandigo the most wins by a women's hockey coach at any level. Although the team will graduate five seniors this May, Middlebury will return seven of its top eight scorers from this season, and I am sure that Coach Mandigo's program will continue to develop successful students and athletes.

I congratulate each member of the team: head coach Bill Mandigo, assistant coach Jean Butler, Abby Kurtz-Phelan, Shannon Tarrant, Emily McNamara, Rose Babst, Kerry Kiley, Liz Yale-Loehr, Molly Vitt, Karen Levin, Gillian Paul, Shannon Sylvester, Emily Quizon, Annmarie Cellino, Randi Dumont, Erika Nakamura, Gloria Velez, Alison Graddock, Margaret MacDonald, Lacey Farrell, Ellen Sargent, Tania Kenny, Abby Smith, Nina Daugherty, and Kate Kogut.

Again, congratulations to the Middlebury College Panthers for their third straight national championship.•

TRIBUTE TO THE MIDDLEBURY PANTHERS MEN'S ICE HOCKEY TEAM

• Mr. JEFFORDS. Mr. President, I rise today to congratulate the Middlebury College men's ice hockey team on winning its third straight NCAA Division III National Championship with a victory over St. Norbert College on March 19.

After eight national titles in the last 12 years, there is little new that can be said about Middlebury hockey. The eight national championships, including this recent three-peat, speak for themselves. Under the leadership of Coach Bill Beaney, the Panthers have achieved an unprecedented level of success, making them the envy of college hockey programs everywhere.

Last week, in reaction to the Panthers' hat trick of national titles, the Burlington Free Press called Middlebury hockey players "talented, determined, motivated student-athletes . . ." Although this description goes without saying, it reminds us that this great hockey team is comprised of students that must balance their athletic and academic responsibilities. At a college as academically renowned and demanding as Middlebury, balancing these responsibilities is no easy task, and these great student athletes must be commended for their efforts both on and off the ice. As a U.S. Senator from Vermont, I am proud to have such a great academic institution in our State, and I am also proud of the incredible hockey program Middlebury has developed.

I congratulate each member of the team: head coach Bill Beaney, assistant coach Chris LaPerle, assistant coach Frank Sacheli, student assistant Ryan Cahill, manager Ryan McQuillan, Ross Cherry, Tom Maldonado, Jed McDonald, Samuel Driver, Jack Kinder, Ryan Harrington, Mickey Gilchrist, Darwin Hunt, Jamie McKenna, Eric LaFreniere, Justin Gaines, Evgeny Saidachev, Robert MacIntyre, Mack Cummins, Jeff Smith, Brett Shirreffs, John Sales, Doug Raeder, Kyle Koziara, Ian Drummond, Richie Fuld, Yen-I Chen, Jocko DeCarolis, Leonard Badeau, Mason Graddock, and Scott Bartlett.

Again, congratulations, Panthers, on another national title and another fantastic season.•

RECOGNITION OF ARTHUR WINSTON

• Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the amazing life accomplishments of Arthur Winston as he is honored by the Los Angeles County Metropolitan Transportation Authority—MTA—family during his retirement and 100th birthday celebration.

Arthur Winston began his association with the MTA at the young age of 15. He would assist his father who was employed by the maintenance department for one of MTA's predecessors, the Pacific Electric Railway Company. In 1924, Arthur began his career with the Pacific Electric Railway Company. After a brief period of separation between 1928 through 1934, he returned at the age of 28 and began 72 years of continuous work. In total, Arthur has devoted 76 years of his life to public service and has missed only day of work since 1934, which occurred when his wife passed away in 1988.

In 1996, Arthur Winston received a congressional citation from President Bill Clinton as "Employee of the Century." In 1997, the MTA board of directors named the agency's bus operating division in South Central Los Angeles, Chesterfield Square, after him. He has also appeared on the Oprah Winfry television show where he was invited to share his life's story with her television viewing audience.

Arthur Winston was born in Oklahoma on March 22, 1906 before Oklahoma was officially recognized as a State. He and his family moved to Los Angeles in 1918, when Arthur was 12. He attended Jefferson High School and graduated in 1922. Currently assigned to the bus operations division that bears his name, Arthur serves as an attendant leader and directs a crew of 11 employees. Through their efforts, Los Angeles city buses are properly maintained for use by the city's residents.

I invite all of my colleagues to join me and the members of the Metropolitan Transportation Authority family in commending Arthur Winston for his 100th Birthday and his 76 years of service and dedication to MTA and the city of Los Angeles.•

TRIBUTE TO JOSEPH WHITEHEAD

• Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to Joseph Whitehead, an officer with the Bibb County Drug Squad in Macon, GA who was tragically killed in the line of duty on the early morning of Thursday, March 23, 2006.

An 11-year veteran of the Bibb County Sheriff's Department, Joseph Whitehead was known as an exemplary law enforcement officer who was dedicated to making our neighborhoods safer by fighting drugs in Middle Georgia. His steadfast commitment to fighting gangs and drugs that plague our communities is commendable and will be a lasting legacy for his family, his fellow law enforcement officers, and the citizens of Middle Georgia.

Joseph Whitehead's tragic death is a sad reminder that our law enforcement personnel put themselves in harm's way every day to make this Nation safer and more secure for our children and grandchildren.

Joseph Whitehead will be remembered as a man who loved his family, a true leader, a team player who loved his job, and a man who gave it his all every single day. He is a true American hero.

Georgia's law enforcement community and our entire State grieve his tragic loss. May God bless him, and may God bless his family.●

TRIBUTE TO SERGEANT MAJOR ALFORD L. McMICHAEL

● Mr. WARNER. Mr. President, I rise today to recognize and honor SGM Alford L. McMichael, U.S. Marine Corps. He retires after 36 years of dedicated service to his country and the U.S. Marine Corps.

The consummate Marine, he typifies every desirable characteristic of a staff Non-Commissioned Officer, NCO—unsurpassed leadership, mentorship, guidance, courage, and dedication. Sergeant Major McMichael has served his country in tours throughout the world. He has provided leadership to generations of marines through tours of duty as sergeant major of the Marine Corps Officer Candidates School, 31st Marine Expeditionary Unit, the 1st Marine Aircraft Wing, Headquarters U.S. Marine Corps Manpower and Reserve Affairs Division, and the 14th sergeant major of the Marine Corps.

His career culminated in his appointment as the first senior noncommissioned officer for Allied Command Operations to Supreme Headquarters Allied Powers Europe, the strategic NATO headquarters in Mons, Belgium. In that capacity, Sergeant Major McMichael has been instrumental in developing and elevating the role of the noncommissioned officer in the militaries of NATO member countries in order to enhance their military effectiveness.

With limited resources and with purpose of conviction, Sergeant Major McMichael has been responsible for the Armed Forces of predominantly former Soviet-block nations to adopt professional noncommissioned officer and staff noncommissioned officer programs. This momentous feat, accomplished virtually singlehandedly, is a landmark in the Alliance's 21st Century transformation. The United States and the NATO Alliance have been most fortunate to have had Sergeant Major McMichael within their ranks for over three decades.

The Department of the Navy, the U.S. Marine Corps, Congress, and the American people have been served extraordinarily well by this dedicated American. Members of this Congress will not soon forget the leadership, service, and dedication of Sergeant Major McMichael. He will be missed, yet his contributions will resonate far and deeply into the institutions to which he so well and faithfully devoted his life. From a grateful nation, we bestow our profound appreciation to Sergeant Major McMichael, his lovely wife Rita, and their daughter Portia, and offer our very best as they end an important chapter in their lives and embark upon a new journey. May they forever be counted in our blessings.●

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2467. A bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6098. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to the State Implementation Plan" (FRL8045–4) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6099. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Arkansas Update to Materials Incorporated by Reference" (FRL8022–1) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6100. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Architectural and Industrial Maintenance (AIM) Coatings Regulations" (FRL8038–1) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6101. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Permits by Rule" (FRL8045–5) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6102. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy of State Implementation Plan for Class I Visibility Protection: Withdrawal of Direct Final Rule" (FRL8044–4) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6103. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Testing of Certain High Production Volume Chemicals" (FRL7335–2) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6104. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Underground Storage Tank Program: Approved State Program for Pennsylvania" (FRL8011–3) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6105. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule): Reconsideration" (FRL8047–9) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6106. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Resource Conservation and Recovery Act Burden Reduction Initiative" (FRL8047–3) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6107. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL8040–6) received on March 16, 2006; to the Committee on Environment and Public Works.

EC–6108. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Nevada State Implementation Plan, Washoe County District Board of Health" (FRL8040–8) received on March 16, 2006; to the Committee on Environment and Public Works.

EC–6109. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Lakeview PM10 Maintenance Plan and Redesignation Request" (FRL8041–9) received on March 16, 2006; to the Committee on Environment and Public Works.

EC–6110. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; La Grande PM10 Maintenance Plan and Redesignation Request" (FRL8041–6) received on March 16, 2006; to the Committee on Environment and Public Works.

EC–6111. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a draft of proposed legislation which authorizes appropriations for fiscal year 2007; to the Committee on Environment and Public Works.

EC–6112. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus lentiginosus var coachellae (Coachella Valley milk-vetch)" (RIN1018–AT74) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6113. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants; Final Rule; Administrative Revisions" (RIN1018–AU06) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6114. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determinations of Endangered Status for the Salt Creek Tiger Beetle (Cicindela nevadica lincolniana)" (RIN1018–AJ13) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6115. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Navarretia fossalis (spreading navarretia)" (RIN1018–AT86) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6116. A communication from the Chief, Division of Scientific Authority, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Final Rule to List the Tibetan Antelope as Endangered Throughout Its Range" (RIN1018–AF49) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6117. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances" (FRL7768–3) received on March 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6118. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inert Ingredients; Revocation of 29 Pesticide Tolerance Exemption for 27 Chemicals" (FRL7760–6) received on March 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6119. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Pesticide Tolerance" (FRL7766–8) received on March 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6120. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Modified cry3A Protein and the Generic Material for its Production in Corn; Extension of a Temporary Exemption from the Requirement of a Tolerance" (FRL7766–6) received on March 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6121. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Avocados Grown in South Florida; Florida Avocado Maturity Requirements; Correction" (FV06–915–1 C) received on March 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6122. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Potato Research and Promotion Plan" (FV–05–702 IFR) received on March 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6123. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Update and Clarify a Shell Egg Grading Definition" (PY–05–003) received on March 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6124. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Decreased Assessment Rule" (FV06–932–1 IFR) received on March 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6125. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Additions to Quarantined Areas" (Doc. No. 05–027–2) received on March 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6126. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Criteria for Releasing Fields from Regulation" (Doc. No. 04–134–2) received on March 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6127. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "Forest Service Tribal Relations Enhancement Act of 2006"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6128. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the International Terrorism Victim Expense Reimbursement Program Report for 2005; to the Committee on the Judiciary.

EC–6129. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Anti-Money Laundering Programs; Special Due Diligence Programs for Certain Foreign Accounts" (RIN1506–AA29) received on March 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6130. A communication from the Chief, Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Import Restrictions Imposed on Certain Archaeological and Ethnological Materials from Columbia" (RIN1505–AB59) received on March 16, 2006; to the Committee on Finance.

EC–6131. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (OK–030–FOR) received on March 27, 2006; to the Committee on Energy and Natural Resources.

EC–6132. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Application Procedures" (RIN1004–AB85) received on March 27, 2006; to the Committee on Energy and Natural Resources.

EC–6133. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Anthony R. Jones, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6134. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of General Charles F. Wald, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–6135. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and 'Other Flatfish' by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 022106B) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6136. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report covering defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during Fiscal Year 2005; to the Committee on Foreign Relations.

EC–6137. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Report of the Attorney General relative to the Foreign Agents Registration Act for the six-month period ending June 30, 2005; to the Committee on Foreign Relations.

EC–6138. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to the United Kingdom (UK Chinook Through Life Customer Support Program); to the Committee on Foreign Relations.

EC–6139. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendments to the International Traffic in Arms Regulations: Office Names, Corrected Cross-Referencing, Reference to Wassenaar Arrangement, and other Corrections/Administrative Changes" (22 CFR Parts 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, and 130) received on March 27, 2006; to the Committee on Foreign Relations.

EC–6140. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the

Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06–57—06–66); to the Committee on Foreign Relations.

EC-6141. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of rules entitled "Security Zones (including 11 regulations), Drawbridge (including 1 regulation), Special Local Regulations (including 6 regulations), and Safety Zone (including 69 regulations)" (RIN1625–AA87, 1625–AA09, 1625–AA08, 1625–AA00) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6142. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; San Carlos Bay, FL" (RIN1625–AA11) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6143. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 3 regulations): [CGD01–006–007], [CGD13–06–011], [COPT St. Petersburg 06–034]" (RIN1625–AA00) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6144. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, California" (RIN1625–AA87) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6145. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Regulations; Long Beach, CA" (RIN1625–AA01) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6146. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 3 regulations): [CGD01–06–013], [CGD01–06–020], [CGD05–05–079]" (RIN1625–AA09) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6147. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 2 regulations): [CGD01–06–006], [CGD07–05–063]" (RIN1625–AA09) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6148. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (including 2 regulations): [COPT San Francisco Bay 06–008], [COPT San Francisco 06–009]" (RIN1625–AA87) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6149. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Chesapeake Bay" (RIN1625–AA08) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6150. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; St. Petersburg Grand Prix Air Show; St. Petersburg, FL" (RIN1625–AA08) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6151. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Herring Fishery; 2006 Specifications" (RIN0648–AT21) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6152. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2006 Specifications for the Atlantic Bluefish Fishery" (RIN0648–AT20) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6153. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 Meters) Length Overall and Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 022406A) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6154. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (I.D. No. 021506A) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6155. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska" (I.D. No. 021606E) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6156. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (I.D. No. 022206C) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6157. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft (18.3 m) LOA Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 022206A) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6158. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska" (I.D. No. 021606F) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself and Mr. MENENDEZ):

S. 2461. A bill to prohibit United States assistance to develop or promote any rail connections or railway-related connections that traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey, and that specifically exclude cities in Armenia; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 2462. A bill to permit startup partnerships and S corporations to elect taxable years other than required years; to the Committee on Finance.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 2463. A bill to designate as wilderness certain National Forest System land in the State of New Hampshire; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 2464. A bill to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes; to the Committee on Indian Affairs.

By Mrs. BOXER (for herself, Mr. SMITH, and Mr. DURBIN):

S. 2465. A bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes; to the Committee on Foreign Relations.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 2466. A bill to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. DEMINT, Ms. STABENOW, Mr. LUGAR, Mr. LEVIN, Mr. SANTORUM, Mr. CRAIG, Mr. CHAFEE, Mr. CRAPO, and Mrs. DOLE):

S. 2467. A bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ:

S. Res. 407. A resolution recognizing the African American Spiritual as a national treasure; to the Committee on the Judiciary.

By Mr. HAGEL (for himself and Mrs. CLINTON):

S. Res. 408. A resolution expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program that will reduce lung cancer mortality by at least 50 percent by 2015; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself and Mr. DEWINE):

S. Res. 409. A resolution supporting democracy, development, and stabilization in Haiti; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. SARBANES, Mr. COCHRAN, Mr. LAUTENBERG, Mr. KOHL, Ms. STABENOW, Mr. TALENT, Mr. JOHNSON, Mr. CRAPO, Mr. DODD, Mr. MARTINEZ, Mrs. LINCOLN, Mr. DURBIN, Mr. INOUYE, Mr. DEMINT, and Mr. BAUCUS):

S. Res. 410. A resolution designating April 2006 as "Financial Literacy Month"; considered and agreed to.

By Mr. HARKIN (for himself, Mr. MCCAIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. ENZI, Mr. DEWINE, Mr. ISAKSON, and Mrs. MURRAY):

S. Res. 411. A resolution recognizing a milestone in the history of Gallaudet University; considered and agreed to.

By Mr. KYL (for himself, Mr. BAUCUS, and Mr. LOTT):

S. Con. Res. 84. A concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 241

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 277

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 277, a bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for Medicare beneficiaries, and for other purposes.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 440

At the request of Mr. BUNNING, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 503

At the request of Mr. BOND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 718

At the request of Mr. BIDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 718, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, and to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 811

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 842

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 842, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 882

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 882, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 1062

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1062, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 1086

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1112, supra.

S. 1263

At the request of Mr. BOND, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1263, a bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

S. 1367

At the request of Mr. ALEXANDER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

S. 1691

At the request of Mr. CRAIG, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1691, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1741

At the request of Mrs. CLINTON, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 2083

At the request of Mrs. CLINTON, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2087

At the request of Mr. CHAMBLISS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2087, a bill to amend the Immigration and Nationality Act to provide for the employment of foreign agricultural workers, and for other purposes.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2296

At the request of Mr. INOUYE, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Washington (Mrs. MURRAY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2296, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 2314

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2314, a bill to suspend the application of any provision of Federal law under which persons are relieved from the requirement to pay royalties for production of oil or natural gas from Federal lands in periods of high oil and natural gas prices, to require the Secretary to seek to renegotiate existing oil and natural gas leases to similarly limit suspension of royalty obligations under such leases, and for other purposes.

S. 2322

At the request of Mr. ENZI, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2370

At the request of Mr. MCCONNELL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2385

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2385, a bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 2437

At the request of Mr. STEVENS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2437, a bill to increase penalties for trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.

S. CON. RES. 20

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 20, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

S. RES. 371

At the request of Mr. FRIST, his name was added as a cosponsor of S. Res. 371, a resolution designating July 22, 2006, as "National Day of the American Cowboy".

AMENDMENT NO. 2944

At the request of Mr. WYDEN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 2944 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 2944 proposed to S. 2349, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM (for himself and Mr. MENENDEZ):

S. 2461. A bill to prohibit United States assistance to develop or promote any rail connections or railway-related connections that traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey, and that specifically exclude cities in Armenia; to the Committee on Foreign Relations.

Mr. MENENDEZ. Mr. President, I rise today to introduce legislation to block U.S. support for yet another anti-Armenian initiative.

In numerous cases over the last few years, the Turkish government has methodically sought to isolate Armenia economically, politically and socially. One of the most egregious examples was the imposition of a 1993 blockade against Armenia in support of Azerbaijan's war against Karabakh Armenians.

The Turkish government has routinely sought to exclude Armenia from projects that would benefit the economies of the countries of the South Caucasus. The latest example of this policy is the proposal to build a new rail line that would connect Turkey, Georgia and Azerbaijan. Similar to the Baku-Ceyhan pipeline, this rail link would specifically go around Armenia.

Now, geographically, we all know that a pipeline or rail line that seeks to connect Turkey, Georgia and Azerbaijan would have to pass through Armenia. One would have to make a special effort to bypass Armenia.

The U.S. should not endorse Turkey and Azerbaijan's politically motivated attempt to isolate Armenia.

I therefore rise today in opposition to this plan, and to introduce legislation, along with my colleague, Senator SANTORUM, that would bar U.S. support and funding for a rail link connecting Georgia and Turkey, and which specifically excludes Armenia. This project is estimated to cost up to $800 million and would take three years to complete. The aim of this costly approach, as publicly stated by Azeri President Aliyev, is to isolate Armenia by enhancing the ongoing Turkish and Azerbaijani blockades and to keep the existing Turkey-Armenia-Georgia rail link shut down. This ill-conceived project runs counter to U.S. policy, ignores the standing Kars-Gyumri rail route, is politically and economically flawed and serves to destabilize the region.

U.S. policy in the South Caucasus seeks to foster regional cooperation and economic integration and supports open borders and transport and communication corridors. U.S. support for this project would run counter to that policy which is why Senator SANTORUM and I are introducing this legislation today.

We cannot continue to stoke the embers of regional conflict by supporting projects that deliberately exclude one of the region's most important members. I urge my colleagues to support this bill.

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 2462. A bill to permit startup partnership and S corporations to elect taxable years other than required years; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce a bill that will offer small businesses greater flexibility in complying with their tax obligations. This legislation is one of a series of proposals that, once enacted, will reduce not only the amount of taxes that small businesses pay, but also will reduce the administrative burden that saddles small companies when trying to comply with the tax laws.

The proposal that I am introducing today will permit start-up small business owners to use a taxable year other than the calendar year if they generally earn fewer than $5 million during the tax year.

Before I talk about the specifics of this particular provision, let me first explain why it is so critical that we begin evaluating how we can reduce the administrative burden of the tax code. As is well-known small businesses are the backbone of our Nation's economy. According to the Small Business Administration, small businesses represent 99 percent all employers, employ 51 percent of the private-sector workforce, and contribute 51 percent of the private sector output.

Yet, despite the fact that small businesses are the real job-creators for our Nation's economy, the current tax system is placing an entirely unreasonable burden on them when trying to satisfy their tax obligations. The current tax code imposes a large, and expensive, burden on all taxpayers in terms of satisfying their reporting and recordkeeping obligations. The problem, though, is that small companies are disadvantaged most in terms of the money and time spent in satisfying their tax obligation.

For example, according to the Small Business Administration's Office of Advocacy, small businesses spend an astounding 8 billion hours each year complying with government reports. They also spend more than 80 percent of this time on completing tax forms. What's even more troubling is that companies that employ fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs; an amount that is nearly 67 percent more than larger firms.

These statistics are disturbing for several reasons. First, the fact that small businesses are being required to spend so much money on compliance costs means they have fewer earnings to reinvest into their business. This, in turn, means that they have less money to spend on new equipment or on worker training, which unfortunately has an adverse effect on their overall production and the economy as a whole.

Second, the fact that small business owners are required to make such a sizeable investment of their time into completing paperwork means they have less time to spend on doing what they do best—namely running their business and creating jobs.

Let me be clear that I am in no way suggesting that small business owners are unique in having to pay income taxes, and I'm certainly not expecting them to receive a free pass. What I'm asking for, though, is a change to make the tax code fairer and simpler so that small companies can satisfy this obligation without having to expend the amount of resources that they do currently.

For that reason, the package of proposals that I have introduced will provide not only targeted, affordable tax relief to small business owners, but also simpler rules under the tax code. By simplifying the tax code, small business owners will be able to satisfy their tax obligation in a cheaper, more efficient manner, allowing them to be able to devote more time and resources to their business.

Specifically, the proposal that I am introducing today will permit more taxpayers to use the taxable year most suitable to their business cycle. Until 1986, businesses could elect the taxable year-end that made the most economic sense for the business. In 1986, Congress passed legislation requiring partnerships and S corporations, many of which are small businesses, to adopt a December 31 year-end. The tax code does provide alternatives to the calendar year for small businesses, but the compliance costs and administrative burdens associated with these alternatives prove to be too high for most small businesses to utilize.

Meanwhile, C corporations, as large corporations often are, receive much more flexibility in their choice of taxable year. A C corporation can adopt either a calendar year or any fiscal year for tax purposes, as along as it keeps its books on that basis. This creates the unfair result of allowing larger businesses with greater resources greater flexibility in choosing a taxable year than smaller firms with fewer resources. This simply does not make sense to me. My bill changes these existing rules so that more small businesses will be able to use the taxable year that best suits their business.

Importantly, these changes will not reduce the amount of taxes a small business pays by even one dollar. The overall amount of taxes a qualifying small business pays will remain the same. This bill simply permits more taxpayers to use a taxable year other than the calendar year and makes tax compliance easier.

This bill is good policy and common sense. I look forward to working with the bill's cosponsor, Senator LINCOLN, in providing small businesses with more flexibility in meeting their tax obligations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Tax Flexibility Act of 2006".

SEC. 2. QUALIFIED SMALL BUSINESSES ELECTION OF TAXABLE YEAR ENDING IN A MONTH FROM APRIL TO NOVEMBER.

(a) IN GENERAL.—Part I of subchapter E of chapter 1 of the Internal Revenue Code of 1986 (relating to accounting periods) is amended by inserting after section 444 the following new section:

"SEC. 444A. QUALIFIED SMALL BUSINESSES ELECTION OF TAXABLE YEAR ENDING IN A MONTH FROM APRIL TO NOVEMBER.

"(a) GENERAL RULE.—A qualified small business may elect to have a taxable year, other than the required taxable year, which ends on the last day of any of the months of April through November (or at the end of an equivalent annual period (varying from 52 to 53 weeks)).

"(b) YEARS FOR WHICH ELECTION EFFECTIVE.—An election under subsection (a)—

"(1) shall be made not later than the due date (including extensions thereof) for filing the return of tax for the first taxable year of the qualified small business, and

"(2) shall be effective for such first taxable year or period and for all succeeding taxable years of such qualified small business until such election is terminated under subsection (c).

"(c) TERMINATION.—

"(1) IN GENERAL.—An election under subsection (a) shall be terminated on the earliest of—

"(A) the first day of the taxable year following the taxable year for which the entity fails to meet the gross receipts test,

"(B) the date on which the entity fails to qualify as an S corporation, or

"(C) the date on which the entity terminates.

"(2) GROSS RECEIPTS TEST.—For purposes of paragraph (1), an entity fails to meet the gross receipts test if the entity fails to meet the gross receipts test of section 448(c).

"(3) EFFECT OF TERMINATION.—An entity with respect to which an election is terminated under this subsection shall determine its taxable year for subsequent taxable years under any other method that would be permitted under subtitle A.

"(4) INCOME INCLUSION AND DEDUCTION RULES FOR PERIOD AFTER TERMINATION.—If the termination of an election under paragraph (1)(A) results in a short taxable year—

"(A) items relating to net profits for the period beginning on the day after its last fiscal year-end and ending on the day before the beginning of the taxable year determined under paragraph (3) shall be includible in income ratably over the 4 taxable years following the year of termination, or (if fewer) the number of taxable years equal to the fiscal years for which the election under this section was in effect, and

"(B) items relating to net losses for such period shall be deductible in the first taxable year after the taxable year with respect to which the election terminated.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED SMALL BUSINESS.—The term 'qualified small business' means an entity—

"(A)(i) for which an election under section 1362(a) is in effect for the first taxable year or period of such entity and for all subsequent years, or

"(ii) which is treated as a partnership for the first taxable year or period of such entity for Federal income tax purposes,

"(B) which conducts an active trade or business or which would qualify for an election to amortize start-up expenditures under section 195, and

"(C) which is a start-up business.

"(2) START-UP BUSINESS.—For purposes of paragraph (1)(C), an entity shall be treated as a start-up business so long as not more than 75 percent of the entity is owned by any person or persons who previously conducted a similar trade or business at any time within the 1-year period ending on the date on which such entity is formed. For purposes of the preceding sentence, a person and any other person bearing a relationship to such person specified in section 267(b) or 707(b)(1) shall be treated as one person, and sections 267(b) and 707(b)(1) shall be applied as if section 267(c)(4) provided that the family of an individual consists of the individual's spouse and the individual's children under the age of 21.

"(3) REQUIRED TAXABLE YEAR.—The term 'required taxable year' has the meaning given to such term by section 444(e).

"(e) TIERED STRUCTURES.—The Secretary shall prescribe rules similar to the rules of section 444(d)(3) to eliminate abuse of this section through the use of tiered structures.".

(b) CONFORMING AMENDMENT.—Section 444(a)(1) of such Code is amended by striking "section," and inserting "section and section 444A".

(c) CLERICAL AMENDMENT.—The table of sections for part I of subchapter E of chapter 1 of such Code is amended by inserting after the item relating to section 444 the following new item:

"Sec. 444A. Qualified small businesses election of taxable year ending in a month from April to November.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 2463. A bill to designate as wilderness certain National Forest System land in the State of New Hampshire; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SUNUNU. Mr. President, I rise today to introduce legislation with my friend, the senior Senator from New Hampshire, JUDD GREGG, which will designate approximately 34,500 acres of forest land in the State of New Hampshire as wilderness. Our bill, the New Hampshire Wilderness Act of 2006, will enact the recommended wilderness designations as set forth in the Forest Service Management Plan for the White Mountain National Forest.

Established under the Weeks Act of 1911, the White Mountain National Forest consists of nearly 800,000 acres—732,000 acres in the State of New Hampshire and 65,000 acres more in Maine. Over 6 million people visit the White Mountain National Forest annually, making it one of the most popular National Forests in the Nation.

In November of 2005, the Forest Service recommended the designation of additional acreage as wilderness in its management plan for the White Mountain National Forest. The bill that Senator GREGG and I are introducing today, the New Hampshire Wilderness Act of 2006, incorporates the recommendations of this management plan by designating some 23,700 acres in the area of the Wild River as wilderness, and adding another 10,800 acres to the existing Sandwich Range Wilderness. This land would remain as White Mountain National Forest land under the protection of the National Wilderness Preservation System. Similar legislation is to be introduced in the House of Representatives by our New Hampshire colleagues, Representative CHARLES BASS and Representative JEB BRADLEY.

With the passage of the Wilderness Act in 1964, Congress set out to permanently preserve areas of natural beauty for the public to enjoy; areas "where the earth and its community of life are untrammeled by man." New Hampshire was one of the original States in 1964 to have wilderness designated with the establishment of the Great Gulf Wilderness, and it reflects the view in our State that Granite Staters place a premium on safeguarding our natural heritage for future generations. In New Hampshire, we presently have four wilderness areas comprising more than 102,800 acres; and with the passage of this bill, we will expand one current wilderness area and create a fifth.

In New Hampshire, we have a tradition of multiple use for the consideration of our forest lands. In the White Mountain National Forest, it is generally understood that decisions affecting the forest are vetted thoroughly and that consensus is the guideline by which policies are implemented. Indeed, the development of the White Mountain National Forest Management Plan is one of the few times in the last 30 years that the final decision on how a particular National Forest will be managed over the next 15 years was not subject to an administrative appeal by concerned citizens.

As my colleagues know, wilderness areas consist of Federal lands that are permanently reserved from such activities as mining, logging, road construction, vehicular traffic, and building construction. By law, the establishment of new wilderness must be approved by Congress. That presents a unique responsibility on the part of lawmakers to reflect the views of community leaders, residents, visitors and other interested parties in designating wilderness. Given the consensus approach they undertook in their decision-making process for the White Mountain National Forest, we chose to pattern our legislation on the recommendations set forth by the Forest Service.

One need only experience the beauty of the White Mountain National Forest once to understand the need to preserve it for future generations. The Forest Service has done an admirable job in putting together a Forest Management Plan that all can support. I am pleased to introduce this measure with Senator GREGG, and I encourage my colleagues to give quick consideration to our legislation.

I ask unanimous consent that the full text of the New Hampshire Wilderness Act of 2006 be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Hampshire Wilderness Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) STATE.—The term "State" means the State of New Hampshire.

SEC. 3. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the Forest Service, comprising approximately 23,700 acres, as generally depicted on the map entitled "Proposed Wild River Wilderness—White Mountain National Forest", dated February 6, 2006, which shall be known as the "Wild River Wilderness".

(2) Certain Federal land managed by the Forest Service, comprising approximately 10,800 acres, as generally depicted on the map entitled "Proposed Sandwich Range Wilderness Additions—White Mountain National Forest", dated February 6, 2006, and which are incorporated in the Sandwich Range Wilderness, as designated by the New Hampshire Wilderness Act of 1984 (Public Law 98-323; 98 Stat. 259).

SEC. 4. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 3 with the committees of appropriate jurisdiction in the Senate and the House of Representatives.

(b) FORCE AND EFFECT.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 5. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated under this section shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to any wilderness area designated by this Act, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(c) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act affects any jurisdiction or responsibility of the State with respect to wildlife and fish in the State.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the wilderness areas designated by section 3 are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing laws (including geothermal leasing laws).

By Mr. MCCAIN (for himself and Mr. KYL):

S. 2464. A bill to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, today I am introducing legislation to revise the Fort McDowell Indian Community Water Rights Settlement Act of 1990 in order to bring the Settlement Act process to an orderly conclusion. The 1990 Act ratified a negotiated settlement of the Fort McDowell Yavapai Nation's water entitlement to flow from the Verde River. The Department of the Interior provided technical assistance in crafting this legislation. I am pleased to be joined by Senator KYL as an original cosponsor of this bill.

As part of Water Rights settlement, Congress authorized and directed the Secretary of the Interior to provide the Fort McDowell Yavapai Nation a no-interest loan pursuant to the Small Reclamation Project Act, in the amount of $13 million, to construct facilities for the conveyance and delivery of water to 1,584 acres on the Fort McDowell reservation. Prior to construction of the irrigation system, the Department of the Interior conducted its environmental review pursuant to NEPA. The review revealed that 227 of the acres to be irrigated were significant cultural sites and the Secretary subsequently withdrew those acres from development. The Department proposed to develop replacement lands, subject to the availability of funding. To date, however, the replacement lands have not been developed and the settlement agreement has been left uncompleted.

In October 2005, the Fort McDowell Yavapai Nation and the Department of the Interior agreed that the Department's environmental mitigation responsibility for the replacement lands should be resolved through legislation. They proposed that the Department forgive and cancel Fort McDowell's obligation to repay the mandatory loan in return for the Tribe's forgiving the Department of the Interior's responsibility to develop 227 mitigation acres. The Yavapai Nation and the Department further agree that funds already advanced to the Tribe toward development of the replacement acres would be reprogrammed to fund other water development projects on the Yavapai Nation's reservation.

The bill introduced today implements the Yavapai Nation's and the Department's agreement by effectively resolving the replacement land mitigation cost for the Department and the loan repayment by the Tribe. This agreement shall constitute completion of all conditions necessary to accomplish full and final settlement. Resolution of this last remaining issue fully implements the Fort McDowell Indian Community Water Rights Settlement Act of 1990. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) FORT MCDOWELL WATER RIGHTS SETTLEMENT ACT.—The term "Fort McDowell Water Rights Settlement Act" means the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101–628; 104 Stat. 4480).

(2) NATION.—The term "Nation" means the Fort McDowell Yavapai Nation, formerly known as the "Fort McDowell Indian Community".

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CANCELLATION OF REPAYMENT OBLIGATION.

(a) CANCELLATION OF OBLIGATION.—The obligation of the Nation to repay the loan made under section 408(e) of the Fort McDowell Water Rights Settlement Act (104 Stat. 4489) is cancelled.

(b) EFFECT OF ACT.—

(1) RIGHTS OF NATION UNDER FORT MCDOWELL WATER RIGHTS SETTLEMENT ACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this Act alters or affects any right of the Nation under the Fort McDowell Water Rights Settlement Act.

(B) EXCEPTION.—The cancellation of the repayment obligation under subsection (a) shall be considered—

(i) to fulfill all conditions required to achieve a full and final settlement of all claims to water rights or injuries to water rights under the Fort McDowell Water Rights Settlement Act; and

(ii) to relieve the Secretary of any responsibility or obligation to obtain mitigation property or develop additional farm acreage under section 410 the Fort McDowell Water Rights Settlement Act (104 Stat. 4490).

(2) ELIGIBILITY FOR SERVICES AND BENEFITS.—Nothing in this Act alters or affects the eligibility of the Nation or any member of the Nation for any service or benefit provided by the Federal Government to federally recognized Indian tribes or members of such Indian tribes.

By Mrs. BOXER (for herself, Mr. SMITH, and Mr. DURBIN):

S. 2465. A bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, today, I am pleased to introduce the Boxer-Smith-Durbin STOP–TB Now Act of 2006. This bill would authorize additional resources to fight tuberculosis, a deadly infectious disease that knows no borders.

In January, at the World Economic Forum in Davos, Switzerland, a long-term strategy was developed to cut in half the number of TB cases and deaths. This Global Plan to Stop TB estimates that the 10-year cost to control tuberculosis is $56 billion, including $47 billion to detect and treat TB and $9 billion for additional research and development. If this plan is implemented over the next 10 years, it is estimated that it will save the lives of 14 million people throughout the world.

Tuberculosis is a deadly disease, especially in the developing world. Tuberculosis kills nearly 2 million people per year—one person every 15 seconds. One-third of the world is infected with the germ that causes TB and an estimated 8.8 million individuals will develop active TB each year. Tuberculosis is a leading cause of death among women of reproductive age and of people who are HIV-positive.

While developing nations are most heavily impacted by TB, there is also a concern here at home. It is estimated that 10–15 million people in the United States are infected with the germ that causes TB. And, California has more TB cases than any other State in the country. Ten of the top twenty U.S. metro areas for TB case rates are in California; San Francisco, San Jose, San Diego, Fresno, Los Angeles, Stockton, Sacramento, Ventura, Vallejo, and Oakland.

This funding is a wise investment for our Nation. A recent article published in the New England Journal of Medicine found that a $35 million investment in the health system of Mexico to fight TB would yield a savings to the U.S. taxpayer of $108 million in terms of reduced TB healthcare costs domestically.

I have been working with Senator SMITH to fight the spread of international tuberculosis since 1999. I am proud that he has been such a strong partner on this issue. And, I am grateful for the support of Senator Durbin, a champion on the issue of global AIDS and other infectious diseases.

The Boxer-Smith-Durbin bill is consistent with the Global Plan to Stop TB, including the goal to reduce by half the international tuberculosis death and disease burden by 2015. It also sets a goal to detect at least 70 percent of cases of infection tuberculosis, and the cure of at least 85 percent of the cases detected.

The bill authorizes not less than $225 million for fiscal year 2007 and not less than $260 million for fiscal year 2008 for foreign assistance programs that combat international TB. It also creates a separate authorization of $30 million for the Centers for Disease Control to combat international TB.

This bill will not only save lives, it will help reverse a troubling trend—the emergence of multi drug-resistant tuberculosis caused by inconsistent and incomplete treatment. In the U.S., a standard case of TB takes 6 months to cure at the cost of $2,000 per patient. A case of multi drug-resistant TB can take up to 2 years to treat costing as much as $1 million per patient.

TB kills more people than any other curable disease in the world. I hope my colleagues will join us in supporting this important legislation.

By Mr. KYL (for himself and Mr. McCAIN):

S. 2466. A bill to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, today I am pleased to join with Senator McCAIN to introduce a modified version of S. 1122, the Southeast Arizona Land Exchange and Conservation Act, which we introduced last year. This modified bill is a culmination of months of negotiation with members of the climbing community, local and state stakeholders, and other interested parties. It is an effort to strengthen the land exchange in a way that better meets the needs of outdoor recreation, conservation, resource protection, and mining interests.

Let me briefly explain the new provisions in this bill. First, you may recall that S. 1122 contained a placeholder for additional climbing provisions. I included this provision in our bill as a good faith offer to the climbing community to work with us and the proponent of this land exchange, Resolution Copper Company, to address the loss of public access to climbing at Oak Flat in a way that did not compromise public safety. The discussions over the last six months have been fruitful. There will be continued interim use of Oak Flat and some additional access to climbing on Resolution Copper's private land—all subject to public safety requirements.

This modified bill goes a step further in addressing the loss of recreation at Oak Flat. S. 1122 required the identification and development of a replacement climbing site. I am pleased to announce that representatives from Resolution Copper, working in cooperation with climbers and federal land managers, have found a climbing gem about 20 miles from Oak Flat, near Hayden and Kearny, Arizona in the Tam O'Shanter Mountains. "Tamo," as it is now nicknamed, has the quality of rock and the elevation and diversity of cliffs, climbing walls, and boulders that rock climbers seek. Couple these characteristics with Arizona's mild weather and this site has the potential to be a four season climbing destination and tourism draw for Arizona.

Recognizing this potential, Arizona State Parks, Resolution Copper, and the Bureau of Land Management in cooperation with the communities and other mining interests, have been working together on a proposal to turn "Tamo" into Arizona's newest State park. This proposed State park would place a special emphasis on rock climbing, but would also have opportunities for camping and other outdoor recreation. To turn "Tamo" into State park is not an easy task. Currently, Arizona State Parks lack the legal authority to acquire "Tamo," but it is seeking it through the Arizona state legislature. I am pleased to report that a State bill containing this authority successfully passed the state Senate with overwhelming support from the Sierra Club, Access Fund, and ASARCO, a mining company operating in the vicinity. The stakeholders tell me this issue and others concerning access to the site are close to resolution. For this reason, I am including language in this bill that would facilitate a recreation and public purposes conveyance of "Tamo" to Arizona State Parks. This conveyance, of course, would be subject to resolution of these issues.

Besides addressing climbing and recreation concerns, this modified bill does even more for environmental conservation and effective land management than the original by adding to the private land package two additional parcels: East Clear Creek and Dripping Springs.

The East Clear Creek parcel encompasses 640 acres and is one of the largest single blocks of private inholdings within the Coconino National Forest. The parcel includes two miles of East Clear Creek, hence its name, and magnificent canyons that drop as much as 2,000 feet in some areas. This unique landscape is a wildlife transition zone between the upper plateau dominated by ponderosa pine and the riparian corridor of the creek, allowing it to support several threatened and sensitive species including bald eagle, peregrine falcon, fish, reptile and amphibian species and big game species such as Rocky Mountain elk, mule deer, turkey, and black bear. This parcel has been identified and is strongly endorsed for public acquisition by the U.S. Forest Service and the Trust for Public Lands.

The Dripping Springs parcel encompasses 160 acres in the Dripping Springs Mountains near Tam O'Shanter Peak in Gila County. This parcel has rock formations with excellent climbing opportunities and is within the contemplated boundaries of the proposed state park.

In summary, this land exchange gives us the ability to preserve highly sought-after land, important for wildlife habitat, cultural resources, watershed and land-management objectives, to promote outdoor recreation and tourism, and to generate economic opportunities for state and local residents in the copper triangle region in Arizona. It is good for our environment and our economy. I urge my colleagues to approve the legislation at the earliest possible date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 407—RECOGNIZING THE AFRICAN AMERICAN SPIRITUAL AS A NATIONAL TREASURE

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on the Judiciary

S. RES. 407

Whereas, since slavery was introduced into the European colonies in 1619, enslaved Africans remained in bondage until the United States ratified the 13th amendment to the Constitution in 1865;

Whereas, during that period of the history of the United States, the first expression of that unique American music was created by enslaved African Americans who—

(1) used their knowledge of the English language and the Christian religious faith, as it had been taught to them in the New World; and

(2) stealthily wove within the music their experience of coping with human servitude and their strong desire to be free;

Whereas, as a method of survival, enslaved African Americans who were forbidden to speak their native languages, play musical instruments they had used in Africa, or practice their traditional religious beliefs, relied on their strong African oral tradition of songs, stories, proverbs, and historical accounts to create this original music, now known as spirituals;

Whereas Calvin Earl, a noted performer and educator on African American spirituals, remarked that the Christian lyrics became a metaphor for freedom from slavery, a secret way for slaves to "communicate with each other, teach their children, record their history, and heal their pain.";

Whereas the New Jersey Historical Commission found that "some of those daring and artful runaway slaves who entered New Jersey by way of the Underground Railroad no doubt sang the words of old Negro spirituals like 'Steal Away' before embarking on their perilous journey north.";

Whereas African American spirituals spread all over the United States, and the songs we know of today may only represent a small portion of the total number of spirituals that once existed;

Whereas Frederick Douglass, a fugitive slave who would become one of the leading abolitionists of the United States, remarked that the spirituals "told a tale of woe which was then altogether beyond my feeble comprehension; they were tones loud, long, and deep; they breathed the prayer and complaint of souls boiling over with the bitterest anguish. Every tone was a testimony against slavery and a prayer to God for deliverance from chains. . . ."; and

Whereas the American Folklife Preservation Act (Public Law 105–275; 20 U.S.C. 2101 note) finds that "the diversity inherent in

American folklife has contributed greatly to the cultural richness of the nation and has fostered a sense of individuality and identity among the American people.": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that African American spirituals are a poignant and powerful genre of music that have become one of the most significant segments of American music in existence;

(2) expresses the deepest gratitude, recognition, and honor to the former enslaved Africans in the United States for their gifts to our Nation, including their original music and oral history; and

(3) requests that the President issue a proclamation that reflects on the important contribution of African American spirituals to American history, and naming the African American spiritual a national treasure.

Mr. MENENDEZ. Mr. President, I rise today to submit a resolution honoring the African American Spiritual as a national treasure. This important piece of legislation recognizes that the African American spiritual is a poignant and powerful genre of American music that contributes to the cultural richness of our country.

I am very proud to sponsor this resolution and grateful to the individuals who helped make this landmark occasion possible. In particular, I would like to thank Calvin Earl, a New Jersey native, who is a noted performer and educator on African American spirituals for his vision and dedication in helping make this resolution a reality. I also would like to thank the staff at the American Folklife Center in the Library of Congress for their endless expertise and insight.

SENATE RESOLUTION 408—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DECLARE LUNG CANCER A PUBLIC HEALTH PRIORITY AND SHOULD IMPLEMENT A COMPREHENSIVE INTERAGENCY PROGRAM THAT WILL REDUCE LUNG CANCER MORTALITY BY AT LEAST 50 PERCENT BY 2015

Mr. HAGEL (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 408

Whereas lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths;

Whereas lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined;

Whereas, since the National Cancer Act of 1971 (Public Law 92-218; 85 Stat. 778), coordinated and comprehensive research has elevated the 5-year survival rates for breast cancer to 87 percent, for prostate cancer to 99 percent, and colon cancer to 64 percent;

Whereas the survival rate for lung cancer is still only 15 percent and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates;

Whereas 60 percent of lung cancer is now diagnosed in nonsmokers and former smokers;

Whereas ⅔ of nonsmokers diagnosed with lung cancer are women;

Whereas certain minority populations, such as black males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their lower smoking rate;

Whereas members of the Baby Boomer generation are entering their sixties, the most common age for the development of cancer;

Whereas tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans;

Whereas the August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was "far below the levels characterized for other common malignancies and far out of proportion to its massive health impact";

Whereas the Report of the Lung Cancer Progress Review Group identified as its "highest priority" the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines; and

Whereas the United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) declare lung cancer a public health priority and immediately lead a coordinated effort to reduce the mortality rate of lung cancer by 50 percent by 2015;

(2) direct the Secretary of the Department of Health and Human Services to increase funding for lung cancer research and other lung cancer-related programs within a coordinated strategy and defined goals, including—

(A) translational research and specialized lung cancer research centers;

(B) expansion of existing multi-institutional, population-based screening programs incorporating state of the art image processing, centralized review, clinical management, and tobacco cessation protocols;

(C) research on disparities in lung cancer incidence and mortality rates;

(D) graduate medical education programs in thoracic medicine and cardiothoracic surgery;

(E) new programs within the Food and Drug Administration to expedite the development of chemoprevention and targeted therapies for lung cancer;

(F) annual reviews by the Agency for Healthcare Research and Quality of lung cancer screening and treatment protocols;

(G) the appointment of a lung cancer director within the Centers for Disease Control and Prevention with authority to improve lung cancer surveillance and screening programs; and

(H) lung cancer screening demonstration programs under the direction of the Centers for Medicare and Medicaid Services;

(3) direct the Secretary of Defense, in conjunction with the Secretary of Veterans Affairs, to develop a broad-based lung cancer screening and disease management program among members of the Armed Forces and veterans, and to develop technologically advanced diagnostic programs for the early detection of lung cancer;

(4) appoint the Lung Cancer Scientific and Medical Advisory Committee comprised of medical, scientific, pharmaceutical, and patient advocacy representatives to work with the National Lung Cancer Public Health Policy Board and to report to the President and Congress on the progress and the obstacles in achieving the goal described in paragraph 1; and

(5) convene a National Lung Cancer Public Health Policy Board comprised of multiagency and multidepartment representatives and at least 3 members of the Lung Cancer Scientific and Medical Advisory Committee, that will oversee and coordinate all efforts to accomplish the mission of reducing lung cancer mortality rate by 50 percent by 2015.

SENATE RESOLUTION 409—SUPPORTING DEMOCRACY, DEVELOPMENT, AND STABILIZATION IN HAITI

Mr. NELSON of Florida (for himself and Mr. DEWINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 409

Whereas Haiti has a per capita gross domestic product (GDP) of $361, over 65 percent of the population lives under the poverty line, 50 percent of the population does not have access to clean water, and nearly 50 percent of the population is illiterate, according to the World Bank;

Whereas the Government of Haiti has fundamental requirements with respect to providing citizen security, protecting the rule of law, controlling drug trafficking, and fighting corruption;

Whereas, on March 2, 2004, United Nations Secretary-General Kofi Annan stated, "We should put the people of Haiti at the center of everything we try to do, and try and help them build a better future. And as I have indicated before, I hope this time the international community will go in for the long haul and not a quick turn-around. We need to work with them to stabilize the country, and sustain the effort. It may take years and I hope we will have the patience to do it.";

Whereas the United Nations Stabilization Mission in Haiti (MINUSTAH) was established by United Nations Security Council Resolution 1542 on April 30, 2004, and extended again until August 15, 2006, by United Nations Security Council Resolution 1658, "with the intention to renew for further periods";

Whereas over 40 countries participate in MINUSTAH, including 12 countries from the Western Hemisphere;

Whereas the United Nations senior leadership in Haiti is comprised of representatives from Canada, Brazil, and Chile;

Whereas more than 3,500,000 Haitians registered to vote in Haiti according to the Organization of American States;

Whereas more than 2,000,000 Haitians voted in the national elections on February 7, 2006, according to the Haitian Provisional Electoral Council (CEP); and

Whereas more than $1,000,000,000 was pledged at the International Donors Conference in July 2004 in support of Haiti's Interim Cooperation Framework: Now, therefore, be it

Resolved, That the Senate—

(1) urges reconciliation among the people of Haiti, including a government led by President-elect Rene Preval that respects the rights of all political parties;

(2) supports the holding of the second round of parliamentary elections as soon as

possible while stressing the importance of a free, fair, and open process;

(3) thanks the countries that have contributed personnel to MINUSTAH, particularly Brazil, whose President, Luiz Inacio Lula da Silva, announced on March 13, 2006, that peacekeepers from Brazil will stay in Haiti for as long as the new government in Haiti needs them;

(4) strongly encourages MINUSTAH to maintain the current elevated troop levels and to raise significantly the numbers of UNPOL police forces;

(5) urges the international community to continue to support MINUSTAH, to fulfill the pledges made at the July 2004 International Donors Conference, and to plan for a new multi-year commitment of support at a new donor's conference to be held no later than July 2006;

(6) recommends the creation of an effective demobilization, disarmament, and reintegration program to encompass former military members and gangs;

(7) recommends that the new government cooperate fully with MINUSTAH in assuring police and judiciary reform; and

(8) supports assistance from the United States Government for the reconstruction of Haiti, including programs supporting job creation, governance and rule of law, protection of the environment, social development, and reconstruction of basic infrastructure.

Mr. NELSON of Florida. Mr. President, Haiti's recent election has refocused the eyes of the international community on that country, its remarkable successes, and its continuing challenges. We must remind ourselves that although less than two months ago the Haitian people elected Rene Preval as their next President. Haiti's GDP per capita is $361, with over 65 percent of the population below the poverty line. Half of all Haitians have no access to clean water, and nearly half cannot read or write. In this context the Haitian achievement of an election is even more extraordinary.

The international community took notice of Haiti's difficulties and its achievements, pledging over a billion dollars in support of Haiti's Interim Cooperation Framework in July 2004 at the International Donors Conference. Some of this money has arrived in Haiti and is benefiting the Haitian people while other pledges remain unfulfilled. We are in a critical time in Haiti; we need to ensure that the promised money arrives and is used in a way that will improve the lives of all Haitians.

That's why today I am submitting a Senate resolution along with my colleague, Senator DEWINE that highlights Haiti's successes and reminds our international partners of their commitments to Haiti and of the importance of promoting stability there. The United Nations Stabilization Mission in Haiti (MINUSTAH) is authorized through August of this year, and it is critical that this important stability operation be continued. Over 40 countries have sent personnel to MINUSTAH, including Brazil, whose President Luiz Inacio Lula da Silva recently announced that Brazil's peacekeepers will remain in Haiti for as long as the new government there needs them.

I have just today met with the President-elect of Haiti, Rene Preval. In our meeting I stressed to him the important role he must now play to ensure that his government respects the rights of all political parties and maintains its legitimacy with the Haitian people and the international community. Mr. Preval has a unique opportunity at this historical juncture to move Haiti in the right direction. Doing so will ensure that Haiti attains its proper place within the community of free and democratic nations. Only by constantly striving to enhance the liberties and opportunities of the average Haitian can Mr. Preval be an effective steward of Haiti's dreams.

SENATE RESOLUTION 410—DESIGNATING APRIL 2006 AS "FINANCIAL LITERACY MONTH"

Mr. AKAKA (for himself, Mr. SARBANES, Mr. COCHRAN, Mr. LAUTENBERG, Mr. KOHL, Ms. STABENOW, Mr. TALENT, Mr. JOHNSON, Mr. CRAPO, Mr. DODD, Mr. MARTINEZ, Mrs. LINCOLN, Mr. DURBIN, Mr. INOUYE, Mr. DEMINT, and Mr. BAUCUS) submitted the following resolution; which was considered and agreed to:

S. RES. 410

Whereas the personal savings rate of United States citizens in 2005 was negative 0.5 percent, marking the first time that the rate has been negative since the Great Depression year of 1933;

Whereas in 2005, only 42 percent of workers or their spouses calculated the amount that they needed to save for retirement, down from 53 percent in 2000;

Whereas the 2005 Retirement Confidence Survey found that a majority of workers believe that they are behind schedule on their retirement savings and that their debt is a problem;

Whereas during the third quarter of 2005, the household debt of United States citizens reached $11,000,000,000;

Whereas during the third quarter of 2005, individuals serviced their debt with a record 13.75 percent of after-tax income;

Whereas nearly 1,600,000 individuals filed for bankruptcy in 2004;

Whereas approximately 75,000,000 individuals remain credit-challenged and unbanked, or are not using insured, mainstream financial institutions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas a greater understanding of and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas only 26 percent of individuals who were between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas the majority of college seniors have 4 or more credit cards, and the average college senior carries a balance of $3,000;

Whereas 1 in every 10 college students has more than $7,000 of debt;

Whereas many college students pay more in interest on their credit cards than on their student loans;

Whereas a 2004 Survey of States by the National Council on Economic Education found that 49 States include the subject of economics in their elementary and secondary education standards, and 38 States include personal finance, up from 48 and 31 States, respectively, in 2002;

Whereas a 2004 study by the JumpStart Coalition for Personal Financial Literacy found that high school seniors scored higher than their previous class on an exam about credit cards, retirement funds, insurance, and other personal finance basics for the first time since 1997;

Whereas, in spite of the improvement in test scores, 65 percent of all participating students still failed the exam;

Whereas individuals develop personal financial management skills and lifelong habits during their childhood;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress established the Financial Literacy and Education Commission in 2003 and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2006 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 411—RECOGNIZING A MILESTONE IN THE HISTORY OF GALLAUDET UNIVERSITY

Mr. HARKIN (for himself, Mr. MCCAIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. ENZI, Mr. DEWINE, Mr. ISAKSON, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to.

S. RES. 411

Whereas Gallaudet University grants more bachelor's degrees to deaf people than any other institution of higher learning in the world, is the only such institution serving primarily deaf and hard of hearing students, and provides groundbreaking research in the field of deafness;

Whereas, in 1988, Dr. I. King Jordan became the first deaf President of Gallaudet University, and the first deaf president of any institution of higher education in the United States;

Whereas deaf and hard of hearing graduates of Gallaudet University serve as leaders around the globe;

Whereas Dr. I. King Jordan graduated from Gallaudet University in 1970 with a B.A. in Psychology, and received both a master's degree and a doctorate in Psychology from University of Tennessee by 1973;

Whereas, before his appointment as president, Dr. I. King Jordan served as the Chair of the Department of Psychology and Dean of the College of Liberal Arts and Science at Gallaudet University;

Whereas Dr. I. King Jordan was a research fellow at Donaldson's School for the Deaf in Edinburgh, Scotland, an exchange scholar at Jagiellonian University in Krakow, Poland, and a lecturer at schools in Paris, Toulouse, and Marseille, France;

Whereas, from 1997 to 2001, Dr. I. King Jordan led the first comprehensive capital campaign for Gallaudet University and successfully raised nearly $40,000,000, which was used by the University to strengthen academic programs, increase the endowment, and construct the Student Academic Center;

Whereas Dr. I. King Jordan established the President's Fellow program to increase the number of deaf and hard of hearing faculty members by providing support for deaf and hard of hearing college graduates to complete their terminal degree;

Whereas in 1988, Dr. I. King Jordan proclaimed to the world, "Deaf people can do anything, except hear.";

Whereas Dr. I. King Jordan is a strong advocate on the national and international level for deaf people and people of all disabilities, and was a lead witness in support of the Americans with Disabilities Act of 1990 (in this resolution referred to as the "ADA") during a joint session of Congress prior to the passage of ADA;

Whereas in July 2005, Dr. I. King Jordan received the George Bush Medal for the Empowerment of People with Disabilities, an award established to honor those individuals who perform outstanding service to encourage the spirit of ADA throughout the world;

Whereas Dr. I. King Jordan served in the Navy from 1962 to 1966;

Whereas Dr. I. King Jordan has shared nearly 38 years of marriage with Linda Kephart, with whom he has two children, King and Heidi;

Whereas Dr. I. King Jordan is a strong supporter of physical fitness and has completed more than 200 marathons and 40 100-mile marathons;

Whereas Dr. I. King Jordan will retire as the first deaf president of Gallaudet University on December 31, 2006; and

Whereas Dr. I King Jordan is an accomplished, respected leader who devoted his life to Gallaudet University and efforts to improve the quality of life for individuals who are deaf or hard of hearing, and individuals with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) Recognizes the achievement of Gallaudet University; its leadership, faculty and students; and

(2) expresses appreciation to Dr. I. King Jordan for his many years of dedicated service to Gallaudet University, to the deaf and hard of hearing community, and to all individuals with disabilities.

SENATE CONCURRENT RESOLUTION 84—EXPRESSING THE SENSE OF CONGRESS REGARDING A FREE TRADE AGREEMENT BETWEEN THE UNITED STATES AND TAIWAN

Mr. KYL (for himself, Mr. BAUCUS, and Mr. LOTT) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 84

Whereas for more than 50 years a close relationship has existed between the United States and Taiwan, which has been of enormous economic, cultural, and strategic advantage to both countries;

Whereas on November 16, 2005, President Bush noted the strong ties between the United States and Taiwan, saying Taiwan is a "free and democratic Chinese society", and that economic reforms have made it "one of the world's most important trading partners";

Whereas on January 1, 2002, Taiwan was officially admitted into the World Trade Organization under the name of the "Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu" (TPKM), and this accession has reduced Taiwanese tariffs and has increased market access to foreign investment;

Whereas on August 6, 2002, the President signed into law the Trade Act of 2002, which by request, was extended until June 30, 2007, providing for an expedited procedure for congressional consideration of international trade agreements;

Whereas a 2002 report issued by the United States International Trade Commission found some sectors of the United States economy, such as exports of motor vehicles, rice, and fish would increase significantly, and other food exports to Taiwan would increase by more than 100 percent, if the United States entered into a free trade agreement with Taiwan;

Whereas the United States is Taiwan's third largest trading partner, and Taiwan is the eighth largest trading partner of the United States;

Whereas Taiwan is the sixth largest market for United States agricultural products, while in terms of per capita consumption, Taiwan is the world's second largest consumer, the third largest buyer of United States beef and corn, the fifth largest buyer of United States soybeans, and the eighth largest buyer of United States wheat;

Whereas Taiwan has become the world's largest producer of information technology hardware, and ranks first in the production of notebook computers, monitors, motherboards, and scanners;

Whereas the United States is an important supplier of electrical machinery and appliances, transport equipment, scientific instruments, and chemical products to Taiwan;

Whereas Taiwan purchases nearly the same amount of goods and services from the United States as all the countries with respect to which the United States is currently negotiating free trade agreements; and

Whereas the United States and Taiwan have already signed more than 140 bilateral agreements: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States should increase trade opportunities with Taiwan by launching negotiations to enter into a free trade agreement with Taiwan.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3175. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 3176. Ms. COLLINS (for herself, Mr. MCCAIN, Mr. LIEBERMAN, and Mr. OBAMA) proposed an amendment to amendment SA 2944 submitted by Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) to the bill S. 2349, supra.

SA 3177. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 3178. Mr. OBAMA (for himself, Mr. COBURN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 3179. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 3180. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

SA 3181. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2349, supra; which was ordered to lie on the table.

SA 3182. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2349 , supra; which was ordered to lie on the table.

SA 3183. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS—MARCH 9, 2006

SA 2981. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 3, strike line 9 and all that follows through page 4, line 20, and insert the following:

(a) IN GENERAL.—A point of order may be made by any Senator against consideration of a conference report that includes any new or general legislation, any unauthorized appropriation, or new matter or nongermane matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members, duly chosen and sworn. An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITIONS.—In this section:

(1)(A) The term "unauthorized appropriation" means an appropriation—

(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

(2) The term "new or general legislation" has the meaning given that term when it is used in paragraph 2 of Rule XVI of the Standing Rules of the Senate.

(3) The term "new matter" means any matter not committed to conferees by either House.

(4) The term "nongermane matter" has the meaning given that term when it is used in Rule XXII of the Standing Rules of the Senate.

TEXT OF AMENDMENTS

SA 3175. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) IN GENERAL.—Effective beginning January 1, 2007, the Office of Management and Budget shall ensure the existence and operation of a single updated searchable database website accessible by the public at no cost that includes for each entity receiving Federal funding—

(1) the name of the entity;

(2) the amount of any Federal funds that the entity has received in each of the last 10 fiscal years;

(3) an itemized breakdown of each transaction, including funding agency, program source, and a description of the purpose of each funding action;

(4) the location of the entity and primary location of performance, including the city, State congressional district, and country;

(5) a unique identifier for each such entity and parent entity, should the entity be owned by another entity; and

(6) any other relevant information.

(b) DEFINITIONS.—In this section:

(1) ENTITY.—The term "entity"—

(A) includes—

(i) a corporation;

(ii) an association;

(iii) a partnership;

(iv) a limited liability company;

(v) a limited liability partnership;

(vi) any other legal business entity;

(vii) grantees, contractors, and, on and after October 1, 2007, subgrantees and subcontractors; and

(viii) any State or locality; and

(B) does not include—

(i) an individual recipient of Federal assistance;

(ii) a Federal employee; or

(iii) a grant or contract of a nature that could be reasonably expected to cause damage to national security.

(2) FEDERAL FUNDING.—The term "federal funding"—

(A) means Federal financial assistance and expenditures that include grants, contracts, subgrants, subcontracts, loans, awards and other forms of financial assistance; and

(B) does not include credit card transactions or minor purchases.

(3) SEARCHABLE DATABASE WEBSITE.—The term "searchable database website" means a website that allows the public to—

(A) search Federal funding by name of entity, parent entity, or type of industry, geography, including location of the entity and the primary location of the performance, amounts and types of federal funding, program sources, type of activity being performed, time factors such as fiscal years or multiple fiscal years, and other relevant information; and

(B) download data included in subparagraph (A) including outcomes from searches.

(c) WEBSITE.—The database website established by this section—

(1) shall not be considered in compliance if it links to FPDS, Grants.gov or other existing websites and databases, unless each of those sites has information from all agencies and each category of information required to be itemized can be searched electronically by field in a single search;

(2) shall provide an opportunity for the public to provide input about the utility and of the site and recommendations for improvements; and

(3) shall be updated at least quarterly every fiscal year.

(d) AGENCY RESPONSIBILITIES.—The Director of OMB shall provide guidance to agency heads to ensure compliance with this section.

(e) REPORT.—The Director of OMB shall annually report to the Senate Committee on Homeland Security and Government Affairs and the House Committee on Government Reform on implementation of the website that shall include data about the usage and public feedback on the utility of the site, including recommendations for improvements. The annual report shall be made publicly available on the website.

SA 3176. Ms. COLLINS (for herself, Mr. MCCAIN, Mr. LIEBERMAN, and Mr. OBAMA) proposed an amendment to amendment SA 2944 submitted by Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

TITLE—SENATE OFFICE OF PUBLIC INTEGRITY

SEC. 11. ESTABLISHMENT OF SENATE OFFICE OF PUBLIC INTEGRITY.

There is established, as an office within the Senate, the Senate Office of Public Integrity (referred to in this title as the "Office").

SEC. 12. DIRECTOR.

(a) APPOINTMENT OF DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director who shall be appointed by the President Pro Tempore of the Senate upon the joint recommendation of the majority leader of the Senate and the minority leader of the Senate. The selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office.

(2) QUALIFICATIONS.—The Director shall possess demonstrated integrity, independence, and public credibility and shall have training or experience in law enforcement, the judiciary, civil or criminal litigation, or as a member of a Federal, State, or local ethics enforcement agency.

(b) VACANCY.—A vacancy in the directorship shall be filled in the manner in which the original appointment was made.

(c) TERM OF OFFICE.—The Director shall serve for a term of 5 years and may be reappointed.

(d) REMOVAL.—

(1) AUTHORITY.—The Director may be removed by the President Pro Tempore of the Senate upon the joint recommendation of the Senate majority and minority leaders for—

(A) disability that substantially prevents the Director from carrying out the duties of the Director;

(B) inefficiency;

(C) neglect of duty; or

(D) malfeasance, including a felony or conduct involving moral turpitude.

(2) STATEMENT OF REASONS.—In removing the Director, a statement of the reasons for removal shall be provided in writing to the Director.

(e) COMPENSATION.—The Director shall be compensated at the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 13. DUTIES AND POWERS OF THE OFFICE.

(a) DUTIES.—The Office is authorized—

(1) to investigate any alleged violation by a Member, officer, or employee of the Senate, of any rule or other standard of conduct applicable to the conduct of such Member, officer, or employee under applicable Senate rules in the performance of his duties or the discharge of his responsibilities;

(2) to present a case of probable ethics violations to the Select Committee on Ethics of the Senate;

(3) to make recommendations to the Select Committee on Ethics of the Senate that it report to the appropriate Federal or State authorities any substantial evidence of a violation by a Member, officer, or employee of the Senate of any law applicable to the performance of his duties or the discharge of his responsibilities, which may have been disclosed in an investigation by the Office; and

(4) subject to review by the Select Committee on Ethics to approve, or deny approval, of trips as provided for in paragraph 2(f) of rule XXXV of the Standing Rules of the Senate.

(b) Powers.—

(1) Obtaining information.—Upon request of the Office, the head of any agency or instrumentality of the Government shall furnish information deemed necessary by the Director to enable the Office to carry out its duties.

(2) Referrals to the Department of Justice.—Whenever the Director has reason to believe that a violation of law may have occurred, he shall refer that matter to the Select Committee on Ethics with a recommendation as to whether the matter should be referred to the Department of Justice or other appropriate authority for investigation or other action.

SEC. 14. INVESTIGATIONS AND INTERACTION WITH THE SENATE SELECT COMMITTEE ON ETHICS.

(a) Initiation of Enforcement Matters.—

(1) In general.—An investigation may be initiated by the filing of a complaint with the Office by a Member of Congress or an outside complainant, or by the Office on its own initiative, based on any information in its possession. The Director shall not accept a complaint concerning a Member of Congress within 60 days of an election involving such Member.

(2) Filed complaint.—

(A) Timing.—In the case of a complaint that is filed, the Director shall within 30 days make an initial determination as to whether the complaint should be dismissed or whether there are sufficient grounds to conduct an investigation. The subject of the complaint shall be provided by the Director with an opportunity during the 30-day period to challenge the complaint.

(B) Dismissal.—The Director may dismiss a complaint if the Director determines—

(i) the complaint fails to state a violation;

(ii) there is a lack of credible evidence of a violation; or

(iii) the violation is inadvertent, technical, or otherwise of a de minimis nature.

(C) Referral.—In any case where the Director decides to dismiss a complaint, the Director may refer the case to the Select Committee on Ethics of the Senate under paragraph (3) to determine if the complaint is frivolous.

(3) Frivolous complaints.—If the Select Committee on Ethics of the Senate determines that a complaint is frivolous, the committee may notify the Director not to accept any future complaint filed by that same person and the complainant may be required to pay for the costs of the Office resulting from such complaint. The Director may refer the matter to the Department of Justice to collect such costs.

(4) Preliminary determination.—For any investigation conducted by the Office at its own initiative, the Director shall make a preliminary determination of whether there are sufficient grounds to conduct an investigation. Before making that determination, the subject of the investigation shall be provided by the Director with an opportunity to submit information to the Director that there are not sufficient grounds to conduct an investigation.

(5) Notice to committee.—Whenever the Director determines that there are sufficient grounds to conduct an investigation—

(A) the Director shall notify the Select Committee on Ethics of the Senate of this determination; and

(B) the committee may overrule the determination of the Director if, within 10 legislative days—

(i) the committee by an affirmative, roll-call vote of two-thirds of the full committee votes to overrule the determination of the Director;

(ii) the committee issues a public report on the matter; and

(iii) the vote of each member of the committee on such roll-call vote is included in the report.

(b) Conducting Investigations.—

(1) In general.—If the Director determines that there are sufficient grounds to conduct an investigation and his determination is not overruled under subsection (a)(5), the Director shall conduct an investigation to determine if probable cause exists that a violation occurred.

(2) Authority.—As part of an investigation, the Director may—

(A) administer oaths;

(B) issue subpoenas;

(C) compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony; and

(D) himself, or by delegation to Office staff, take the deposition of witnesses.

(3) Refusal to obey.—If a person disobeys or refuses to comply with a subpoena, or if a witness refuses to testify to a matter, he may be held in contempt of Congress.

(4) Enforcement.—If the Director determines that the Director is limited in the Director's ability to obtain documents, testimony, and other information needed as part of an investigation because of potential constitutional, statutory, or rules restrictions, or due to lack of compliance, the Director may refer the matter to the Select Committee on Ethics of the Senate for consideration and appropriate action by the committee. The committee shall promptly act on a request under this paragraph.

(c) Presentation of Case to Senate Select Committee on Ethics.—

(1) Notice to committees.—If the Director determines, upon conclusion of an investigation, that probable cause exists that an ethics violation has occurred, the Director shall notify the Select Committee on Ethics of the Senate of this determination.

(2) Committee decision.—The Select Committee on Ethics may overrule the determination of the Director if, within 30 legislative days—

(A) the committee by an affirmative, roll-call vote of two-thirds of the full committee votes to overrule the determination of the Director;

(B) the committee issues a public report on the matter; and

(C) the vote of each member of the committee on such roll-call vote is included in the report.

(3) Determination and ruling.—

(A) Referral.—If the Director determines there is probable cause that an ethics violation has occurred and the Director's determination is not overruled, the Director shall present the case and evidence to the Select Committee on Ethics of the Senate to hear and make a determination pursuant to its rules.

(B) Final decision.—The Select Committee on Ethics shall vote upon whether the individual who is the subject of the investigation has violated any rules or other standards of conduct applicable to that individual in his official capacity. Such votes shall be a roll-call vote of the full committee, a quorum being present. The committee shall issue a public report which shall include the vote of each member of the committee on such roll-call vote.

(d) Sanctions.—Whenever the Select Committee on Ethics of the Senate finds that an ethics violation has occurred, the Director shall recommend appropriate sanctions to the committee and whether a matter should be referred to the Department of Justice for investigation.

SEC. 15. PROCEDURAL RULES.

(a) Prohibition of Certain Investigations.—No investigation shall be undertaken by the Office of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation.

(b) Disclosure.—Information or testimony received, or the contents of a complaint or the fact of its filing, or recommendations made by the Director to the committee, may be publicly disclosed by the Director or by the staff of the Office only if authorized by the Select Committee on Ethics of the Senate.

SEC. 16. SOPI EMPLOYEES UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT.

Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 3) is amended—

(1) in paragraph (3)—

(A) in subparagraph (H), by striking "or";

(B) in subparagraph (I), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(J) the Office of Public Integrity."; and

(2) in paragraph (9), by striking "and the Office of Technology Assessment" and inserting "the Office of Technology Assessment, and the Senate Office of Public Integrity".

SEC. 17. EFFECTIVE DATE.

(a) In General.—Except as provided by subsection (b), this title shall take effect on January 1, 2007.

(b) Exception.—Section 312 shall take effect upon the date of enactment of this Act.

SA 3177. Mr. COBURN. submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LOBBYING DISCLOSURE AND PUBLIC AVAILABILITY OF FORMS FILED BY RECIPIENTS OF FEDERAL FUNDS AND CONTRACTS.

(a) Lobbying Disclosure.—Section 1352(b)(2) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking "and" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) an itemization of any funds spent by the person for lobbying on a calendar year basis.".

(b) Public Availability.—Section 1352(b) of title 31, United States Code, is amended by adding at the end the following:

"(7) Declarations required to be filed by paragraph (1) shall be made available by the

Office of Management and Budget on a public, fully searchable website that shall be updated quarterly.".

(c) Effective Date.—The amendments made by this section shall take effect 6 months after the date of enactment of this Act.

SA 3178. Mr. OBAMA (for himself, Mr. COBURN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. BAN ON IN OFFICE EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. (a) A member of the Senate shall not negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist.

"(b) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall recuse himself or herself from working on legislation if a conflict of interest or an appearance of a conflict of interest might exist as a result of negotiations for prospective private employment.

"(c) The Select Committee on Ethics shall develop guidelines concerning conduct which is covered by this paragraph.".

SA 3179. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, and Mr. MCCAIN) submitted an amendment intended to be processed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE III—OFFICE OF LOBBYING DISCLOSURE

SEC. 301. ESTABLISHMENT OF OFFICE OF LOBBYING DISCLOSURE.

There is established, as an independent office within the legislative branch of the Government, the Office of Lobbying Disclosure (referred to in this title as the "Office").

SEC. 302. DIRECTOR.

(a) Appointment of Director.—The Office shall be headed by a Director who shall be appointed by agreement of the Speaker of the House of Representatives, the majority leader of the Senate, and the minority leaders of the House of Representatives and the Senate. The selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office.

(b) Vacancy.—A vacancy in the directorship shall be filled in the manner in which the original appointment was made.

(c) Term of Office.—The Director shall serve for a term of 5 years and may be reappointed.

(d) Removal.—

(1) Authority.—The Director may be removed by a majority of the appointing authority for—

(A) disability that substantially prevents the Director from carrying out the duties of the Director;

(B) inefficiency;

(C) neglect of duty; or

(D) malfeasance, including a felony or conduct involving moral turpitude.

(2) Statement of reasons.—In removing the Director, a statement of the reasons for removal shall be provided in writing to the Director.

(e) Compensation.—The Director shall be compensated at the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 303. DUTIES AND POWERS OF THE OFFICE.

(a) Duties.—The Office is authorized—

(1) to receive, monitor, and oversee reports filed by registered lobbyists under the Lobbying Disclosure Act of 1995;

(2) to assume all other responsibilities and authorities of the Secretary of the Senate and the Clerk of the House of Representatives under the Lobbying Disclosure Act of 1995;

(3) to refer to the Select Committee on Ethics of the Senate and Committee on Standard of Official Conduct of the House of Representatives, as appropriate, any information it comes across that relates to a possible violation of ethics rules or standards of the relevant body;

(4) to conduct periodic and random reviews and audits of reports filed with it to ensure compliance with all applicable laws and rules; and

(5) to provide informal guidance to registrants under the Lobbying Disclosure Act of 1995 of their responsibilities under such Act.

(b) Powers.—

(1) Obtaining information.—

(A) In general.—Upon request of the Office, the head of any agency or instrumentality of the Government shall furnish information deemed necessary by the Director to enable the Office to carry out its duties.

(B) Investigation by DOJ.—In the event that the Office, due to failure of a person to comply with a request for information, is unable to determine whether a violation of the Lobbying Disclosure Act of 1995 has occurred, the Office may refer the matter to the Department of Justice for it to investigate whether a violation of the Act may have occurred.

(2) Referrals to DOJ.—Whenever the Director has reason to believe that a violation of the Lobbying Disclosure Act of 1995 may have occurred, he shall refer that matter to the Department of Justice for it to investigate.

(3) General audits.—The Director shall have the authority to conduct general audits of filings under the Lobbying Disclosure Act of 1995.

SEC. 304. ADMINISTRATION AND STAFF.

(a) Staff and Support Services.—The Director may appoint and fix the compensation of such staff as the Director considers necessary.

(b) Applicability of Civil Service Laws.—The Director and other members of the staff of the Office shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(c) Experts and Consultants.—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) Physical Facilities.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Office on a nonreimbursable basis. The facilities shall serve as the headquarters of the Office and shall include all necessary equipment and incidentals required for the proper functioning of the Office.

(e) Administrative Support Services and Other Assistance.—

(1) In general.—Upon the request of the Director, the Architect of the Capitol and the Administrator of General Services shall provide to the Director on a nonreimbursable basis such administrative support services as the Commission may request.

(2) Additional support.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Director such services, funds, facilities, staff, and other support services as the Director may deem advisable and as may be authorized by law.

(f) Use of Mails.—The Office may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) Printing.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Office shall be deemed to be a committee of the Congress.

SEC. 305. EXPENSES.

(a) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

(b) Financial and Administrative Services.—The Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the Government in the same manner and to the same extent as agencies are authorized to do so under sections 1535 and 1536 of title 31, United States Code.

SEC. 306. TRANSFER OF RECORDS.

Not later than 90 days after the effective date of this Act, the Office of Public Records in the Senate and the Office of Clerk of the House of Representatives shall transfer all records to the Office with respect to their former duties under the Lobbying Disclosure Act of 1995.

SEC. 307. TRANSFER OF JURISDICTION TO OFFICE OF LOBBYING DISCLOSURE.

(a) Filing of Registrations.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(1) in subsection (a)(1), by striking "Secretary of the Senate and the Clerk of the House of Representatives" and inserting "Office of Lobbying Disclosure"; and

(2) in subsection (d), by striking "Secretary of the Senate and the Clerk of the House of Representatives" and inserting "Office of Lobbying Disclosure".

(b) Reports by Registered Lobbyists.—Section 5(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(a)) is amended by striking "Secretary of the Senate and the Clerk of the House of Representatives" and inserting "Office of Lobbying Disclosure".

(c) Disclosure and Enforcement.—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended by striking "Secretary of the Senate and the Clerk of the House of Representatives" and inserting "Office of Lobbying Disclosure".

(d) Penalties.—Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by striking "Secretary of the Senate or the Clerk of the House of Representatives" and inserting "Office of Lobbying Disclosure".

(e) RULES OF CONSTRUCTION.—Section 8(c) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(c)) is amended by striking "Secretary of the Senate or the Clerk of the House of Representatives" and inserting "Office of Lobbying Disclosure".

(f) ESTIMATES BASED ON TAX REPORTING SYSTEM.—Section 15(c)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610(c)(1)) is amended by striking "Secretary of the Senate and the Clerk of the House of Representatives" and inserting "Office of Lobbying Disclosure".

SEC. 308. OFFICE EMPLOYEES UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT.

Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 3) is amended—

(1) in paragraph (3)—

(A) in subparagraph (H), by striking "or";

(B) in subparagraph (I), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(J) the Office of Lobbying Disclosure."; and

(2) in paragraph (9), by striking "and the Office of Technology Assessment" and inserting "the Office of Technology Assessment, and the Office of Lobbying Disclosure".

SEC. 309. PROHIBITION ON FILING AND OTHER ASSOCIATED FEES.

The Office shall not—

(1) charge any registrant a fee for filings with the Office required under the Lobbying Disclosure Act of 1995; or

(2) charge such a registrant a fee for obtaining an electronic signature for such a filing.

SEC. 310. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this title shall take effect on January 1, 2007.

(b) EXCEPTION.—Sections 302, 304, and 305 shall take effect upon the date of enactment of this Act.

SA 3180. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, strike lines 4 through 17 and insert the following:

"(2) the term 'out-of-scope earmark' means an earmark that includes any matter not committed to the conferees by either House; and

"(3) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

"2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

"(1) all earmarks in such measure;

"(2) an explanation of the essential governmental purpose for each earmark; and

"(3) an identification of the Member or Members who proposed each out-of-scope earmark, if any;

SA 3181. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 50, strike lines 8 through 13 and insert the following:

(1) FINAL REPORT.—Two years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

SA 3182. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 46, after line 7, insert the following:

(d) LIMIT ON COMMISSION AUTHORITY.—The Commission shall not conduct any law enforcement investigation, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

Strike Sec. 266(a)(2) and (b).

SA 3183. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, strike line 21 through page 6, line 19, and insert the following:

72 hours before its consideration.

SEC. 104. AVAILABILITY OF LEGISLATION ON THE INTERNET.

(a) IN GENERAL.—

(1) AMENDMENT.—Rule XIV of the Standing Rules of the Senate is amended by adding at the end the following:

"11. (a) It shall not be in order to consider a bill or resolution, or conference report thereon, unless such measure is available to all Members and made available through a searchable electronic format to the general public by means of the Internet for at least 72 hours before its consideration.

"(b) This paragraph may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members, duly chosen and sworn. An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.".

(2) EFFECTIVE DATE.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop and establish a website capable of complying with the requirements of paragraph 11 of rule XIV of the Standing Rules of the Senate, as added by subsection (a).

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I wish to announce that the Committee on Environment and Public Works will hold an oversight hearing on Wednesday, March 29, at 9:30 a.m., on the impact of the elimination of MTBE.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, April 6, 2006, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1510, a bill to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado; S. 1719 and H.R. 1492, bills to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; S. 1957, a bill to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; S. 2034 and H.R. 394, bills to direct the Secretary of the Interior to conduct a study to evaluate the significance of the Colonel James Barnett Farm in the Commonwealth of Massachusetts and assess the suitability and feasibility of including the farm in the National Park System as part of the Minute Man National Historical Park, and for other purposes; S. 2252, a bill to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife Art of the United States; and S. 2403, a bill to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the Grand Teton Park Subdivision, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie, David Szymanski, or Sara Zecher.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 28, 2006, at 9:30 a.m. to hold a hearing on Multilateral Development Banks.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 28, 2006, at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, March 28, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1439, the Indian Trust Reform Act of 2005, Titles II through VI.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "NSA III: Wartime Executive Powers and the FISA Court" on Tuesday, March 28, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: The Honorable Harold A. Baker, Judge, U.S. District Court for the Central District of Illinois, Urbana, IL; The Honorable Stanley S. Brotman, Judge, U.S. District Court of New Jersey, Camden, NJ; The Honorable John F. Keenan, Judge, U.S. District Court for the Southern District of New York New York City, NY; The Honorable Allan Kornblum, Magistrate Judge, U.S. District Court for the Northern District of Florida Gainesville, FL.

Panel II: Morton H. Halperin, Senior Fellow, Center for American Progress, Executive Director, Open Society Policy Center, Washington, DC; David S. Kris, Senior Vice President, Time Warner, Inc., New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet on Tuesday, March 28, 2006, 9:30 a.m., for a hearing entitled "Neutralizing The Nuclear And Radiological Threat: Securing the Global Supply Chain (Part One)."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on March 28, 2006, at 2:30 p.m. in open session to receive testimony on Air Force and Navy tactical aviation programs in review of the Defense authorization request for fiscal year 2007 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Tuesday, March 28, 2006, at 10 a.m., on FAA Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON BIOTERRORISM AND PUBLIC HEALTH PREPAREDNESS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Bioterrorism and Public Health Preparedness be authorized to hold a hearing during the session of the Senate on Tuesday, March 28, 2006, at 10 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Ms. COLLINS. Mr. President, I ask unanimous consent that the subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, March 28, 2006, at 2:30 p.m., for a hearing regarding "Bolstering the Safety Net: Eliminating Medicaid Fraud."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RETIREMENT SECURITY AND AGING

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Retirement Security and Aging be authorized to hold a hearing during the session of the Senate on Tuesday, March 28, 2006, at 2:30 p.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: No. 596. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

COAST GUARD

The following named individual for appointment as Commandant of the United States Coast Guard and to the grade indicated under title 14, U.S.C., section 44:

To be admiral

Vice Adm. Thad W. Allen, 4359

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

HIGHER EDUCATION EXTENSION ACT OF 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 380, H.R. 4911.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4911) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4911) was read the third time and passed.

FINANCIAL LITERACY MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 410, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 410) designating April 2006 as "Financial Literacy Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 410) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 410

Whereas the personal savings rate of United States citizens in 2005 was negative 0.5 percent, marking the first time that the rate has been negative since the Great Depression year of 1933;

Whereas in 2005, only 42 percent of workers or their spouses calculated the amount that they needed to save for retirement, down from 53 percent in 2000;

Whereas the 2005 Retirement Confidence Survey found that a majority of workers believe that they are behind schedule on their retirement savings and that their debt is a problem;

Whereas during the third quarter of 2005, the household debt of United States citizens reached $11,000,000,000;

Whereas during the third quarter of 2005, individuals serviced their debt with a record 13.75 percent of after-tax income;

Whereas nearly 1,600,000 individuals filed for bankruptcy in 2004;

Whereas approximately 75,000,000 individuals remain credit-challenged and unbanked, or are not using insured, mainstream financial institutions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas a greater understanding of and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas only 26 percent of individuals who were between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas the majority of college seniors have 4 or more credit cards, and the average college senior carries a balance of $3,000;

Whereas 1 in every 10 college students has more than $7,000 of debt;

Whereas many college students pay more in interest on their credit cards than on their student loans;

Whereas a 2004 Survey of States by the National Council on Economic Education found that 49 States include the subject of economics in their elementary and secondary education standards, and 38 States include personal finance, up from 48 and 31 States, respectively, in 2002;

Whereas a 2004 study by the JumpStart Coalition for Personal Financial Literacy found that high school seniors scored higher than their previous class on an exam about credit cards, retirement funds, insurance, and other personal finance basics for the first time since 1997;

Whereas, in spite of the improvement in test scores, 65 percent of all participating students still failed the exam;

Whereas individuals develop personal financial management skills and lifelong habits during their childhood;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress established the Financial Literacy and Education Commission in 2003 and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2006 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

RECOGNIZING A MILESTONE IN THE HISTORY OF GALLAUDET UNIVERSITY

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 411, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 411) recognizing a milestone in the history of Gallaudet University.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 411) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 411

Whereas Gallaudet University grants more bachelor's degrees to deaf people than any other institution of higher learning in the world, is the only such institution serving primarily deaf and hard of hearing students, and provides groundbreaking research in the field of deafness;

Whereas, in 1988 Dr. I. King Jordan became the first deaf President of Gallaudet University, and the first deaf president of any institution of higher education in the United States;

Whereas deaf and hard of hearing graduates of Gallaudet University serve as leaders around the globe;

Whereas Dr. I. King Jordan graduated from Gallaudet University in 1970 with a B.A. in Psychology, and received both a master's degree and a doctorate in Psychology from University of Tennessee by 1973;

Whereas, before his appointment as president, Dr. I. King Jordan served as the Chair of the Department of Psychology and Dean of the College of Liberal Arts and Science at Gallaudet University;

Whereas Dr. I. King Jordan was a research fellow at Donaldson's School for the Deaf in Edinburgh, Scotland, an exchange scholar at Jagiellonian University in Krakow, Poland, and a lecturer at schools in Paris, Toulouse, and Marseille, France;

Whereas, from 1997 to 2001, Dr. I. King Jordan led the first comprehensive capital campaign for Gallaudet University and successfully raised nearly $40,000,000, which was used by the University to strengthen academic programs, increase the endowment, and construct the Student Academic Center;

Whereas Dr. I. King Jordan established the President's Fellow program to increase the number of deaf and hard of hearing faculty members by providing support for deaf and hard of hearing college graduates to complete their terminal degree;

Whereas in 1988, Dr. I. King Jordan proclaimed to the world, "Deaf people can do anything, except hear.";

Whereas Dr. I. King Jordan is a strong advocate on the national and international level for deaf people and people of all disabilities, and was a lead witness in support of the Americans with Disabilities Act of 1990 (in this resolution referred to as the "ADA") during a joint session of Congress prior to the passage of ADA;

Whereas in July 2005, Dr. I. King Jordan received the George Bush Medal for the Empowerment of People with Disabilities, an award established to honor those individuals who perform outstanding service to encourage the spirit of ADA throughout the world;

Whereas Dr. I. King Jordan served in the Navy from 1962 to 1966;

Whereas Dr. I. King Jordan has shared nearly 38 years of marriage with Linda Kephart, with whom he has two children, King and Heidi;

Whereas Dr. I. King Jordan is a strong supporter of physical fitness and has completed more than 200 marathons and 40 100-mile marathons;

Whereas Dr. I. King Jordan will retire as the first deaf president of Gallaudet University on December 31, 2006; and

Whereas Dr. I. King Jordan is an accomplished, respected leader who devoted his life to Gallaudet University and efforts to improve the quality of life for individuals who are deaf or hard of hearing, and individuals with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) Recognizes the achievement of Gallaudet University; its leadership, faculty and students; and

(2) expresses appreciation to Dr. I. King Jordan for his many years of dedicated service to Gallaudet University, to the deaf and hard of hearing community, and to all individuals with disabilities.

MEASURE READ THE FIRST TIME—S. 2467

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2467) to enhance and improve the trade relations of the United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

Mr. McCONNELL. I now ask for a second reading and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, MARCH 29, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Wednesday, March 29. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved and the Senate proceed to a period of morning business for up to 1 hour with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; further, that following morning business the Senate resume consideration of S. 2349, the lobbying reform bill. I further ask that at 10:50, Senator DODD or his designee be recognized to call up amendments on behalf of himself or others and at 10:55 Senator LOTT or his designee be recognized to call up amendments on behalf of himself or other Members.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Today we made significant progress on the lobbying reform bill. Cloture was invoked an hour or so ago. Under an agreement that we have just entered, Senators will have up to 11 a.m. in the morning to offer first-degree amendments that qualify postcloture. Votes will occur, and we expect to finish up the lobbying bill in a reasonable time on Wednesday. That will allow us to begin consideration of the border control legislation.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:08 p.m., adjourned until Wednesday, March 29, 2006, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, March 28, 2006:

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 44:

To be admiral

VICE ADM. THAD W. ALLEN

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, March 28, 2006*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. SCHWARZ of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 28, 2006.

I hereby appoint the Honorable JOHN J.H. "JOE" SCHWARZ to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Our God and Savior, You are eternal love, and all peoples are embraced by Your spirit. Show Your love to this Congress, shower Your wisdom upon all who work in public office for the good of Your people to build a just society.

Draw us closer into Your love and peace. Teach us to follow Your ways, that we may become capable of true love ourselves and be a fountain of living water in the midst of a thirsting world.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Tennessee (Mrs. BLACKBURN) come forward and lead the House in the Pledge of Allegiance.

Mrs. BLACKBURN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 17, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 17, 2006, at 9:30 a.m.:

That the Senate concur on House amendment to the bill S. 2275.

That the Senate passed S. 166.

That the Senate passed S. 1608.

That the Senate passed S. 2447.

That the Senate agreed to without amendment H. Con. Res. 350.

That the Senate passed without amendment H.R. 4826.

That the Senate agreed to without amendment H. Con. Res. 361.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

DEMOCRATIC SECURITY PLAN

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, Roll Call reports that the Democrats are going to unveil an "ambitious security plan" tomorrow.

Well, bless their hearts. If they have not noticed, those of us on this side of the aisle have been focused on the issue and passing security legislation for more than 5 years now.

President Bush has made national security his priority mission. House Republicans have been talking about it for months. We have been working with our leadership on it. They consider national security priority number one, not a political tactic to trot out 7 months before an election.

We passed the PATRIOT Act to target terrorists. The Democrats voted against it. We passed the REAL ID Act to make it harder for potential terrorists to use valid State-issued identification documents. They opposed that.

We are pushing a border security bill to strengthen our border control, and Democrats in the Senate are threatening a filibuster. Mr. Speaker, Americans are going to see right through their last-ditch effort to look engaged on security.

EXTEND THE MEDICARE PRESCRIPTION DRUG PLAN DEADLINE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, as this calendar shows, the countdown continues to an outrageous tax congressional Republicans and the Bush administration plan to inflict on American seniors.

If Washington does not act before May 15, millions of seniors who have yet to choose a prescription drug plan will face a 1 percent tax that will be added onto their drug premiums for every month that they wait to sign up.

So if a senior, for example, does not choose to sign up for a plan until September, that senior would be forced to pay a 5 percent tax on top of their monthly premium every single month for the rest of their lives.

President Bush has already admitted that his prescription drug plan is complicated and confusing, and yet the President refuses to give seniors more time to sign up for a drug plan without facing a penalty. If the President refuses to act, Congress must step in.

Congressional Democrats want to extend the deadline until the end of the year, giving seniors 7 additional months to navigate the complexities of the plan.

As we mark off another day on the calendar, Mr. Speaker, time is running out for congressional Republicans to join us in supporting this extension. America's seniors cannot afford a Bush prescription drug tax.

TRIBUTE TO BUCK, SCOUT WAR DOG

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, during the President's State of the Union address, a military working dog was among the honored guests, sharing box seats with First Lady Laura Bush.

While serving alongside a soldier in Afghanistan, Pakistan and Iraq, this dog searched for explosives and saved the lives of many American soldiers. Since World War II, dogs have served and protected our troops on nearly every battlefield, and today they help detect terrorists in the global war on terrorism.

For many years, Johnny Mayo and his dog, Buck, of Lexington, South

---

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Carolina, worked tirelessly to promote the dedication of America's military war dogs.

An inspiration for the book, "Buck's Heroes." Buck, a 15-year-old Siberian Husky, touched the lives of many people throughout our Nation. Last Thursday, Buck passed away at home. Today I am honored to recognize his unique service for all American military dogs, which is especially needed in the war on terrorism.

In conclusion, God bless our troops, and we will never forget September 11.

IMMIGRATION AND THE LOS ANGELES RALLY

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, as a proud daughter of immigrants, I rise today to echo the message of immigrant families across America in support of comprehensive immigration reform.

This past weekend, I took part in the largest demonstration that has ever taken place in California, in the area of Los Angeles, since the Vietnam War. Half a million people, if not a million, marched peacefully to let the Senate know that an enforcement-only border protection approach will not solve our broken immigration system. Nearly 40,000 students across Southern California and some from my district even marched to defend human rights and immigration reform.

I urge them to return to their classrooms and empower themselves through education to make a difference in their future. President Bush said, "Immigration is an important topic. We need to maintain our perspective. At its core immigration is a sign of a confident and successful Nation."

Our Nation needs laws that protect our borders, embrace our families, and provide earned legalization for law-abiding immigrants. Immigrant families are an important part of our social fabric and economy. Our Nation should not turn its back and ignore their needs.

THE NEW YORK TIMES GOT IT RIGHT

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I never thought I would stand on our House floor and say the words I am about to say, but here goes: the New York Times got it right.

Yes, you heard me correctly. Over the weekend, the New York Times ran an article touting the success of the new Medicare prescription drug program with the headlines: "For some who solve the puzzle, Medicare drug plan pays off."

It is about time that the mainstream media started reporting on the success of the Medicare program. For months Republicans have been holding town halls and coming to this floor to discuss how this historic program is helping America's seniors save money on their prescription drugs.

But the media and Democrats have turned a blind eye. They have ignored folks such as Virginia Shores who thought she heard her pharmacist wrong when he told her that with her new Medicare prescription drug card the cost of her prescriptions was only $50, down from $250.

Well, I suppose every once in a blue moon the mainstream media gets something right. Perhaps now is the time for Democrats to take time off from their demagoguery and actually listen to seniors.

It is amazing what you can learn. Just look at the New York Times.

THE SENATE NEEDS TO PASS THE WATER RESOURCES DEVELOPMENT ACT

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to share my thoughts on our Nation's need for passing the comprehensive Water Resources Development Act by this Congress.

On July 14 of last year, H.R. 2864, the Water Resources Development Act, passed here in this House by a resounding 406-14. The measures authorized major flood control, navigation, environmental restoration, and other water resource projects.

Yet once again, similar to years past, this vital legislation has become bogged down by our colleagues in the other body. It is critical that we return to a 2-year cycle to provide continuity for vital water-related infrastructure. Infrastructure investment has been and will continue to be the bedrock foundation of our economic growth and public safety.

A water resource bill is critical to the protection of our environment and the public safety, and the Nation needs this one right now.

MEDICARE PART D IS WORKING

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, today I rise to talk about the good news that is spreading across the country. Medicare part D is working. Seniors are signing up for a drug benefit through Medicare for the very first time.

According to recent studies, seniors could save as much as $1,100 annually. This is real savings for our senior population. Over 27 million Medicare-eligible beneficiaries now have drug coverage, a 25 percent increase from February, a 25 percent increase in 1 month.

Medicare's initial goal for the first year of enrollment was between 28 and 30 million beneficiaries, and they are well on their way there. In my home State of West Virginia, over 226,000 beneficiaries now have coverage, a 6 percent increase just in the month of February.

72,000 of those live in my district. This is real success. I sat next to John the other day at a dinner. He informed me with his new Medicare prescription drug coverage he is going to save $4,000 this year.

This is good news. There is much more work to be done. We must pull together to work with our constituents to find the best plans for their individual situations.

A TALE OF TWO YALE SPIES

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Yale University proudly boasts it has among its students a so-called former Taliban leader. The Taliban promotes treating women like property, intolerance for religious diversity, hate for freedom, and death to America.

Has Yale let a Taliban spy into its midst? Has elitist Yale University lost its way? But Yale did have a spy graduate from its university over 200 years ago. He was a 21-year-old. His name was Nathan Hale. He was a schoolmaster, a volunteer in the Continental Army, and a spy for George Washington.

While Hale was gathering intelligence on the British in 1776, he was betrayed by Tories in New York City, captured and hung by British General Howe without a trial.

Though Hale is rarely mentioned in U.S. history books any more, his last words before being hung were: "I only regret that I have but one life to lose for my country."

Yale University would do well to recruit and honor students like Hale, instead of Taliban radicals who are villains to freedom. And, Mr. Speaker, that is just the way it is.

□ 1415

RECOGNIZING ARIELLE CHIKOVSKY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call your attention to an extraordinary young woman from South Florida, Arielle Chikovsky.

As a young girl, Arielle learned that she suffered from Ushers Syndrome, a genetic disease which causes the hearing-impaired to lose their eyesight. Yet Arielle has not let her condition detract her from her daily life. Remarkably, last year, at the age of 22, Arielle graduated from law school.

Arielle is a finalist in the American Eagle Live Your Life Essay Contest. If named the winner, she plans to donate the $25,000 reward to Hope for Vision. Hope for Vision is a nonprofit organization dedicated to discovering treatments and cures for retinal degenerative diseases.

I congratulate Arielle, who sets an example for everyone she encounters, and I support Hope for Vision and its leader, Isaac Lidsky, for their efforts to find a cure for this disease.

60 MINUTES AND THE FIRST AMENDMENT

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, the first amendment guarantees freedom of the press, and with that freedom comes responsibility. But we all remember the 60 Minutes II report during the last campaign which used partisan sources and forged documents to assert that the President of the United States had not fulfilled his duty in the National Guard, a report that was proven to be false.

Well, here we go again. Recently I saw a 60 Minutes segment in which a scientist claimed that his views on global warming were being censored by the administration. Of course, they did not report that this man had received a $250,000 grant from the foundation controlled by Theresa Heinz Kerry. They did not report that this man had endorsed John Kerry. They did not report that he has served as a consultant for Al Gore nor that he had made similar claims against President Bush's father in 1989.

The first amendment gives freedom of the press, but the truth is the foundation for credibility.

60 Minutes should tell both sides of the story in a fair and balanced way, or they should simply air this disclaimer: "60 Minutes brought to you by the National Democratic Committee."

MEDICARE PART D

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, yesterday, I was pleased to join with Representative JAN SCHAKOWSKY, Representative DAN LIPINSKI, a grass-roots community group known as Citizens Action, a large number of senior citizens, as well as a group of retired workers, calling for the redesign and redevelopment of part D of the Medicare program.

As a matter of fact, the seniors who were there all condemned everything that they had come into contact with relative to the terrible frustration. I hope that Americans all across the country would join with us to revise Medicare part D.

MEDICARE PART D SUCCESS STORY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, every day we are hearing success stories from seniors who are saving money with Medicare part D. Two of these seniors are Mary and Jerry O'Brien of Cobb County, Georgia.

I want to share with you a letter Jerry O'Brien wrote to my office. He said, "I went to medicare.gov and I found a comparison of various programs. I chose one for my wife for $70 a month, which has no deductible. We had no prescription insurance before and find Medicare part D to be very effective. We saved enough, in fact, on the first prescriptions to pay for 2 months' worth of premiums. I realize the program got off to a shaky start, but as far as I am concerned, it is now working well."

Mr. Speaker, Mary O'Brien saved enough money for 1 month of prescriptions to pay for 2 months of premiums. For the O'Briens, Medicare part D is literally paying for itself.

I hope seniors will hear the O'Brien story and go to www.medicare.gov and find out how much money they could save with a Medicare part D plan. The initial enrollment period ends May 15, so I want to encourage all seniors to sign up now and start their savings immediately.

GOOD FENCES MAKE GOOD NEIGHBORS

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, I rise today to discuss the benefits of having a physical or virtual fence along the 2,000-mile Mexican-U.S. border to crack down on illegal immigration.

I recently returned from a week-long trip to the Mexican-California border, and I am convinced of one thing. Good fences make good neighbors. First, we need to complete construction of the double fence for 700 miles along the border near highly populated urban areas.

For example, San Diego saw a steep reduction in crossings from 500,000, now down to 130,000, when the double fence was completed there. Second, for the remaining 1,300 miles along the border, where mountains and rugged terrain make completion of a double fence impossible, we need to have a virtual fence which consists of infrared cameras that allow our Border Patrol agents to see the entire border.

Mr. Speaker, the House recently passed a tough border security bill that authorized the appropriate border security fence, but the Senate yesterday cleared a bill out of the Judiciary Committee that did absolutely nothing to build this border security fence. It is now time for the full Senate to get serious about border security.

CONGRATULATING GEORGE MASON UNIVERSITY ON ITS APPEARANCE IN THE FINAL FOUR

(Mr. TOM DAVIS of Virginia asked and was given permission to address the House for 1 minute.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, George Mason University hosts two Nobel Prize winners, a top 25 law school and the most ethically diverse student body in the world. But today, Mr. Speaker, it is with great pleasure that I rise to honor the George Mason University men's basketball team for overcoming incredible odds to make it to the 2006 NCAA Division I Final Four.

George Mason is only the second team with a double-digit seed to advance to the Final Four and the first to do so since 1986. George Mason is also the first team in Colonial Athletic Association history to advance this far in the tournament. Under the guidance of Coach Jim Larranaga and assistants Chris Caputo, Scott Cherry and James Johnson, the Patriots have shown America that with hard work, dedication and, most importantly, teamwork, any goal, no matter how farfetched it may seem, can be reached.

They provided several heart-stopping moments throughout the tournament while relying on their wonderful sense of teamwork, which should be an example to all of us. Twice they rallied from double-digit deficits in both the round of 32 and the round of 8 against the Nation's top-ranked teams to accomplish this historic feat.

Members of the 2005–2006 Patriots include Tony Skinn, Jordan Carter, Makan Konate, Gabe Norwood, Tim Burns, Jesus Urbina, Lamar Butler, John Vaughan, Will Thomas, Chris Fleming, Folarin Campbell, Sammy Hernandez, Charles Makings and Jai Lewis.

Mr. Speaker, the George Mason University men's basketball team will be one to remember for the entire Mason community, from the student athletes who achieved this amazing feat, to the coaches, to the students and the entire Northern Virginia region.

I wish them the very best in this weekend's tournament in Indianapolis.

HOLLY'S LAW/RU–486

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, earlier this month two more women died after using the abortion drug RU–486.

A premature death is always tragic. But the deaths of these women are even harder to bear because they simply did not have to happen.

We already knew RU–486 to be dangerous and life-threatening. These are not the first deaths linked to it. Yet, despite this knowledge, neither the drug's manufacturer nor the FDA, has been willing to pull it from the market.

Faced with this reluctance, Congress has the duty to take action.

We often hear advocates of abortion promote their cause in the name of women's rights and women's health. If they want to protect women, then they should add their support to H.R. 1079, Holly's Law, offered by my colleague from Maryland, Mr. BARTLETT. This common-sense bill would withdraw FDA approval of RU–486 and subject it to a thorough review to measure its health risk.

Mr. Speaker, we should act in the best interest of women's health. Let us pass Holly's Law.

CONGRATULATING THE UNIVERSITY OF FLORIDA ON ITS FINAL FOUR APPEARANCE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to congratulate the University of Florida Gators men's basketball team on their third Final Four appearance and the second in the past 5 years.

Now, at the beginning of the season, not much was expected of these young Gators. However, they rose to a number two national ranking on the strength of a 17-game winning streak, and they continued that success through the post-season, winning the Southeastern Conference Tournament and then advancing to the Final Four with a 75–62 win over the top-seeded Villanova Wildcats.

Mr. Speaker, this Saturday in Indianapolis, the Gators will face the George Mason University Patriots whose Cinderella story has been equally inspiring. In recognition of this event, I have offered a friendly wager of a case of Gatorade to my colleague, Tom Davis.

Gatorade's creation in 1965 by Dr. Robert Cade at the University of Florida has marked the success of the University of Florida's athletic teams through the past decades and will hopefully aid in victory in the 2006 Final Four.

MEDICARE PRESCRIPTION DRUG PLAN

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, when enrollment began for the new Medicare prescription drug plan last November, most American people heard only about what was wrong with the program. Now, after 3 months in the new program, have you heard the good news?

Last week, the Department of Health and Human Services announced that more than 27 million individuals are now receiving prescription benefits under the plan, when before they received none, 1.9 million new folks just in the last month alone.

As more seniors sign up, they are seeing the benefits of the new program. A recent report of the New York Times included comments from individuals who have signed up and seen their prescription drug costs drop dramatically.

One woman saw her monthly costs drop from $476 to $100 a month. A February HHS report announced that the average premium had fallen from an estimate of $37 per month to $25 per month in actual cost.

As this plan moves forward, Congress must make sure that flexibility exists to respond to patient needs. We should also share the good news because it is the right thing to do.

REMEMBERING CASPAR WEINBERGER AND LYN NOFZIGER

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise today to remember two great Americans, former Secretary of State Caspar Weinberger and former advisor and press secretary to Ronald Reagan, Lyn Nofziger. Both Californians, both true patriots and both World War II veterans, both dedicated public servants and both notable contributors to the Reagan revolution and legacy.

President Reagan's vision of peace through strength found the perfect advocate and architect in Secretary Weinberger. He rebuilt and revitalized a military that had suffered from underfunding and underappreciation. His success laid a foundation for the end of the Cold War and for the military might we rely upon today.

He recognized that a strong defense would not only secure the peace, but would protect our freedom as well. Cap said, "Peace alone is not enough. Peace can mean even slavery sometimes. Peace and freedom is what we have to have."

Lyn Nofziger is probably best known for his off-color humor and his dedication to his long-time boss, Ronald Reagan. As a spokesman for the Governor and the President, he communicated on behalf of the Great Communicator.

During the dark hours after the attempt on President Reagan's life, it was Lyn who relayed to the world Reagan's famous line, "Honey, I forgot to duck."

What Lyn valued most, though, was freedom and the pursuit of it. On his Web site, which is still up and where you can still read his musings, he said that he was a Republican "because I believe freedom is more important than government-provided security."

Mr. Speaker, these were remarkable men who so strongly valued freedom that they fought for it, and so fully believed in the promise of the United States that they gave voice and policy to a President who made our country more prosperous and our world more free.

We honor the service and tremendous contributions of Caspar Weinberger and Lyn Nofziger. Our thoughts and prayers are with their families.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 23, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 23, 2006, at 1:56 p.m.:

That the Senate agreed to S. Con. Res. 83.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 28, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 28, 2006, at 9:30 a.m.:

That the Senate passed without amendment H.R. 1259.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore Aderholt signed the following enrolled bills on Friday, March 17, 2006:

H.R. 4826, to extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits;

S. 2275, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the National Flood Insurance Program;

S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

□ 1430

VIETNAM VETERANS MEMORIAL VISITOR CENTER ENFORCEMENT ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4882) to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial, as amended.

The Clerk read as follows:

H.R. 4882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vietnam Veterans Memorial Visitor Center Enforcement Act".

SEC. 2. SITE.

Section 6 of Public Law 96-297 is amended by adding at the end the following:

"(e) SITE.—The visitor center authorized by subsection (a) shall be located in the open land in the triangular area between Henry Bacon Drive, NW, 23rd Street, NW, Constitution Avenue, NW, and the Lincoln Memorial.".

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4882, introduced by Resources Committee Chairman RICHARD POMBO, along with Ranking Member NICK RAHALL, Congresswoman DONNA CHRISTENSEN and myself, would locate the congressionally approved underground visitors center for the Vietnam Veterans Memorial on land adjacent to the Lincoln Memorial.

Chairman POMBO felt compelled to take this unusual action in direct response to what he and I and others believe is the unreasonable bureaucracy choreographed by the National Capital Planning Commission.

In November of 2003, the President signed the bill into law authorizing the creation of the visitors center. For 3½ years, this project has been under way with the National Park Service and the Vietnam Veterans Memorial Fund having promptly met all requests for environmental and related information on the siting of the center. Yet, the commission demands more.

Last November, the Vietnam Veterans Memorial Fund and the National Park Service gave the commission an extensive traffic analysis and met other information requests for a December 1 meeting at which the commission was expected to approve the site. However, without any notice to the Vietnam Veterans Memorial Fund, the commission removed the visitors center from the meeting agenda and requested an extensive and unprecedented environmental analysis.

There is no need for an additional analysis. In compliance with the Commemorative Works Act, the Vietnam Veterans Memorial Fund commissioned a site selection study environmental analysis in June 2005 that recommended the most appropriate site, which is cited in H.R. 4882, as amended. Site A, as it is known, would not interfere or encroach on the Vietnam Veterans Memorial or other memorials and protects the open space and visual sight lines of the National Mall as required by the authorizing legislation.

As a Vietnam veteran, I believe the visitors center is a long overdue complement to the most visited memorial in Washington, DC. While "the Wall," as it has become known, certainly provides a visitor with an intense and solemn experience, it lacks personal context. Our brave soldier, sailors, and airmen desperately need something more, an experience that can help them heal while bringing closure. Their objectives were honorable and their sacrifice was exemplary. Yet their heroism remains unnoticed by younger generations.

As today's participants in the military, young men and women, fight the war on terror, there is no better way to reassure them that America will honor their sacrifice, no matter what the Nation feels. The greatest thing that we can do to reassure them is to honor our Vietnam veterans.

Mr. Speaker, I urge adoption of the bill, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to join Chairman POMBO as an original cosponsor of this measure, along with the ranking member on our Parks Subcommittee, Representative DONNA CHRISTENSEN. We urge our colleagues to approve H.R. 4882.

While the fighting ended more than 30 years ago, our work as a nation to reconcile with all that took place during the Vietnam Era continues.

Just as the Revolutionary War gave birth to our liberty, and the survival of our Union through the Civil War and two World Wars gave us strength, the lessons of the Vietnam War can grant us wisdom; and while the emotions stirred by that war in the hearts and minds of Americans are many and varied, the journey this Nation has taken with regard to Vietnam resembles nothing so much as a journey of grieving.

We grieve for the fallen, for the bereft families, for the survivors and their painful scars, and for the wounds inflicted on the country and the people of Vietnam.

Mr. Speaker, the experts tell us that there are stages to the grieving process. In those 30 years, we have experienced them each in turn.

The process began with denial and with anger. For a time, we denied Vietnam its rightful place in American history as we denied those who fought and died their rightful place in the pantheon of American heroes. And Lord knows we have felt the anger. To our shame, we directed much of that anger at those who served.

We have also lived through what the experts call the bargaining phase. We have wished, we have hoped, and we have prayed that things might have turned out differently, that we might, as a nation, have responded differently. We have tried to negotiate away our failures.

And we have surely endured the next phase, the depression that comes with war and with death. Those who returned from Vietnam and the families of those who did not have felt the deep darkness of painful loss. And our Nation, as a whole, has endured a lingering sadness for so much that was lost during that time.

But, finally, Mr. Speaker, we reached the last stage; and it is here that the Vietnam Memorial plays such a powerful role. We have achieved some level of acceptance. We have, however belatedly, begun to treat those who sacrificed for their country in Vietnam with the reverence they have earned, and we have begun to heal. The Vietnam Memorial is a powerful symbol of that healing and an emotional catalyst for it.

The Wall's designer, the amazingly gifted Maya Lin, described her idea for the Wall as a "rift in the Earth." The Wall literally stands as a deep, dark scar on the land, and it represents the deep scar we carry as a nation; but a scar is an important part of healing.

The National Park Service describes the goal of the memorial as "nourishing national reconciliation," and in achieving reconciliation, the Memorial has succeeded beyond even the wildest dreams of its most ardent supports.

More than 20 million people have made the journey to the memorial and the journey through the memorial, leaving millions of personal items in tribute and in memory; and they have felt some measure of healing, of acceptance. Perhaps more important, the Wall, and the reaction to it by the millions who have seen it, has begun to make Vietnam veterans and their families feel some measure of acceptance as well.

The leadership of the House Resources Committee has pledged to work together in a bipartisan fashion to ensure that this process of healing and acceptance continues.

A visitors center will broaden and deepen the experience of those who come to the Wall. A visitor center will educate. Visitors can learn about the 57,939 names that were inscribed on the Wall when it was built and the more than 300 that have been added since. The center can offer information regarding the 151 people listed on the Wall who, in making the ultimate sacrifice for their country, were awarded the Medal of Honor, or the 16 clergy members, or the 120 people who hailed from foreign countries. We still have many lessons to learn.

A visitors center can help interpret as well. The center will provide space for a small sampling of the enormous volume of memorabilia left at the Wall, and as more and more visitors bring with them less and less personal experience of the war, a visitors center will provide them invaluable context and meaning.

Fittingly, Mr. Speaker, one end of the Vietnam Memorial points directly toward the grand statue of our 16th President housed inside the Lincoln Memorial. Written on the wall of that memorial are words from Lincoln's second inaugural address, which also speak to the role of the Vietnam Wall:

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds.

"To care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

H.R. 4882 will help finish the work we are in regarding Vietnam. It will help continue the healing provided by the memorial. It will help bind up the Nation's wounds, and we urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his comments and would note that in this past week I was able to tour a brand-new school in my district, the 2nd District of New Mexico, that is named after the Bataan March.

The Bataan Death March occurred because the Nation forgot a small increment, a small group of soldiers, most of them in the New Mexico National Guard. Those people were taken captive, and now I find young school members, school kids today understanding the sacrifices that were made in that Bataan March back in World War II.

I was in Vietnam when the Nation turned its back on the young soldiers of the Vietnam Era. I was there as we were spit on and cursed as we came back. Right now, most Vietnam veterans look for only one greeting, that is, welcome home. Even today, those words are enough to satisfy the Vietnam veteran to whom a nation turned its back.

For the National Capital Planning Commission to turn its back on our veterans from Vietnam one more time is beyond belief. I urge passage of the bill.

Mr. POMBO. Mr. Speaker, I rise in strong support of H.R. 4882, as amended.

H.R. 4882, legislation I introduced along with Resources Committee Ranking Member Congressman RAHALL, National Parks Subcommittee Chairman PEARCE and Subcommittee Ranking Member CHRISTENSEN, would locate the congressionally approved underground visitor center for the Vietnam Veterans Memorial adjacent to the Lincoln Memorial.

I felt compelled to take this unusual action in direct response to what I believe is the unreasonable bureaucracy choreographed by the National Capital Planning Commission, NCPC. After having met with the NCPC chairman, I believed more than ever that I had to take such action when I asked him the simple question: When will the commission complete its unusually long evaluation for the placement of the center? His answer was that the commission was still collecting information and that he could not give me a day, month, week or year.

Following years of failed attempts to secure an authorization for the visitor center, I was able to get legislation to the President in November 2003. It is now March 2006 and the National Park Service and the Vietnam Veterans Memorial Fund have promptly met all NCPC requests for environmental and related information on the sitting of the center and yet the commission wants more. Enough is enough.

As late as November 2005, the Vietnam Veterans Memorial Fund and the National Park Service gave the NCPC an extensive traffic analysis and met other NCPC requests for a December 1 NCPC meeting. The commission was to approve the site for the center at this meeting.

Instead, without any notice to the National Park Service and the Vietnam Veterans Memorial Fund, the NCPC removed the visitor center from the meeting agenda and requested an extensive and unprecedented environmental analysis.

I do not believe there is a need for additional analysis. In compliance with the Commemorative Works Act and the NCPC policies and procedures, the Vietnam Veterans Memorial Fund commissioned an environmental analysis/site selection study in June 2005. The recommended site for the visitor center is cited in H.R. 4882. Site A, as it is known, would not interfere or encroach on the Lincoln or Vietnam Veterans Memorial, and protects the open space and visual sightlines of the Mall as required by the authorizing legislation.

Mr. Speaker, at this time, I would like to thank John Reese and Scott Randall of the city of Danville, CA, and Mike Weber of the city of San Ramon, CA, for their service to this country and their leadership and strong support for the visitor center.

Finally, if there was any doubt as to the need for this important legislation, one should take a look at the article that appeared in the March 23, 2006, edition of the Washington Examiner. A spokeswoman for the NCPC is quoted as saying the commission is concerned that "you could end up with a four- or five-story building next to the Lincoln Memorial."

How is that possible when the visitor center is required by statute to be located underground? I think that quote sums up the agenda of the staff of the NCPC and their unfounded opposition to the visitor center.

I urge my colleagues to support H.R. 4882, as amended.

Mr. WAXMAN. Mr. Speaker, I rise today to raise some serious concerns about H.R. 4882, the Vietnam Veterans Memorial Visitor Center Deadline Enforcement Act. I think everyone in this body, myself included, believes strongly that the Vietnam Veterans Memorial should have a visitors center. That is why Congress passed H.R. 1442 2½ years ago with unanimous support.

That bill authorized the visitors center to be constructed on Federal land in the District of Colombia. It also required that the design and construction of the center comply with existing Federal law governing the placement of memorials, museums, and other facilities on the Mall. As I am sure Members know, the construction of new facilities on the Mall is a difficult and often contentious issue where the competing interests of particular advocates sometimes conflict with the need to protect the sightlines and openness of the Mall itself.

In order to deal with these issues fairly, ensure that all interested parties have a voice, and protect what is truly a national treasure, Congress has created the National Capitol Planning Commission, over which the Government Reform Committee has jurisdiction. It has also established in law a process for the consideration and approval of new facilities on the Mall in the Commemorative Works Act.

The bill before us, H.R. 4882, short-circuits that process in two ways. First, it would create an arbitrary deadline for the visitors center's approval—30 days from the date of enactment. Second, the bill designates the sight on which the center will be built—a small triangle of land between the Vietnam Veterans and Lincoln Memorials. This seems like the kind of micro-management that could be avoided if the Commemorative Works Act process was followed.

One of the requirements of current law is for an environmental assessment to be done on all new facilities on the Mall. It is my understanding that the lack of a completed environmental assessment for the Vietnam visitors center is what has held up the approval for the facility by the Nation Capitol Planning Commission. This assessment will provide critical information needed for final site approval, and it is my further understanding that this assessment is currently underway.

I believe that this approval process should be allowed to reach its own conclusion, without mandated deadlines and site selection. The National Capitol Planning Commission is working in good faith with the National Park Service, the General Services Administration, the government of the District of Colombia, and Vietnam Veterans groups to reach a timely conclusion to this approval process. They should be allowed to do so.

Mr. CARDOZA. Mr. Speaker, I rise today in strong support of H.R. 4882, the Vietnam Veterans Memorial Visitor Center Deadline Enforcement Act.

I want to thank the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), and also our ranking member, the gentleman from West Virginia (Mr. RAHALL), for their leadership in bringing this legislation to the floor.

In 2003, Congress authorized the construction of a visitor center for the Vietnam Memorial to help provide information and educate the public about the memorial and the Vietnam War.

Unfortunately, over the past three years, progress in selecting a location for the visitor's center has stalled due to bureaucratic redtape. The legislation we are considering today will bring the site-selection process to a close by designating both a location for the center's construction and a deadline for its completion.

I believe an Educational Visitors Center will serve as an important learning tool for the millions of visitors who visit the Wall each year, especially those too young to remember Vietnam.

I strongly support this effort to at last make the Vietnam Veterans Memorial Visitor Center a reality and I urge my colleagues to vote in support of this legislation.

Mr. BLUMENAUER. Mr. Speaker, there is no place more sacred for me than the Vietnam Memorial. A close second is the Lincoln Memorial. I visit and run by these poignant places on our National Mall on a nearly daily basis when Congress is in session.

When changes to the Mall are planned it is critical to have a process in place to protect the integrity of the memorials that honor our history. I'm appalled that a bill such as this is coming before Congress, which short circuits the well-functioning process currently in place.

This isn't about bureaucracy and the environment. This is about respect for two sacred places.

Mr. WELLER. Mr. Speaker, we owe our veterans a great debt of gratitude. Their sacrifices have protected the democratic ideals that are the foundation of our country, and their heroism continues to be an example for all Americans.

That is why I rise today to express my strong support of H.R. 4882, Vietnam Veterans Memorial Visitor Center Deadline Enforcement Act. This bill would ensure the proper remembrance of Vietnam veterans and the Vietnam War by designating a site for a visitor center for the Vietnam Veterans Memorial.

I voted "no" by accident on this important bill yesterday, but strongly support it and intended to vote "yes."

Further, I praise Chairman POMBO for his leadership on this issue, and congratulate him on the overwhelming support he received yesterday on passage of the Act.

As this valuable bill has not passed the Senate yet, I encourage them to take it up as soon as possible and pass it without delay.

For the record, I have been a long time supporter of our Nation's veterans and will continue to support them in their causes and needs.

In fact, I have introduced legislation that would further honor them, H.R. 995, the Combat Military Medically Retired Veterans Act, which allows combat military medically retired veterans who received the Purple Heart to collect their prorated military retirement pay.

Many of these veterans served in the Vietnam War, and gave their all for us and should not be penalized just because they are receiving compensation from the VA. While many disabled veterans go on to enjoy happy, productive lives, many are unable to due to the severity of their wounds.

Under any doctrine of fairness it is our moral obligation to "care for him who shall have borne the battle." This bill is a good step in correcting the inequity of retirement and disability benefit to our combat disabled veterans.

Again, let me express my support for the Vietnam Veterans Memorial Visitor Center Deadline Enforcement Act and my gratitude for Chairman POMBO's leadership for our Nation's veterans.

Mr. PEARCE. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 4882, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PEARCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

H. GORDON PAYROW POST OFFICE BUILDING

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4786) to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the "H. Gordon Payrow Post Office Building".

The Clerk read as follows:

H.R. 4786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. H. GORDON PAYROW POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, shall be known and designated as the "H. Gordon Payrow Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "H. Gordon Payrow Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced H.R. 4786 to honor H. Gordon Payrow, a man who was wise beyond his years. He was a man who challenged the process and brought new and innovative ideas and policies to his community. In his early years, he attended Bethlehem High School and Allentown Preparatory School. After graduation, he went on to study at Lehigh University where he earned a degree in business.

After his marriage to Dorothy Parker in 1943, he was elected to the Bethlehem City Council in November of 1951. It was not long after that he was elected as mayor and named the first "strong mayor" to emerge from the mayor-council form of government first authorized in 1957.

At his inauguration in 1962, Mayor Payrow declared: "Today marks the end of the North Side, South Side, and West Side. From here on we will only think of Bethlehem," thus bringing together a melting pot of cultures and proclaiming a new unity for the city. Payrow was extremely popular with both Democrats and Republicans, which led him to hold office for three consecutive terms.

During his tenure, Mayor Payrow never retreated from tackling controversial issues. Under Payrow, Bethlehem hired its first female police officer and began the construction of a new city hall. He oversaw the creation of the city's Fine Arts Commission, the Beautification Committee, and the Environmental Conservation Commission. He was also instrumental in laying the groundwork for a massive revitalization of Bethlehem's downtown area.

Further, during his three terms, the mayor worked to construct several fire stations, to demolish blighted housing developments, and to oversee the replacement and construction of several bridges critical to the transportation infrastructure of the city of Bethlehem.

Gordon Payrow was a man of great integrity and skill who believed in his city and in his constituents. The city of Bethlehem is a better place because of his influence, and it is only fitting and proper that a postal facility in the city be named after him.

I urge all Members to join me in honoring a great man that promoted excellence in government by passing H.R. 4786.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 4786, legislation naming a postal facility in Bethlehem, Pennsylvania, after H. Gordon Payrow.

□ 1445

This measure, which was introduced by Representative CHARLES DENT on February 16, 2006, and unanimously reported by our committee on March 9, 2006, enjoys the support and cosponsorship of the entire Pennsylvania delegation.

H. Gordon Payrow, Jr. served three terms as mayor of Bethlehem, Pennsylvania, from 1962–1974. A dedicated public servant, Mayor Payrow was committed to improving the infrastructure of the city and beautifying the community. He was also instrumental in the construction and development of the Bethlehem City Center Plaza. After leaving office, Mr. Payrow continued his involvement in local issues and community service projects. He passed away in April 2004.

Mr. Speaker, I think it is altogether fitting and proper that we honor his life and his work by naming the postal facility after him, and I urge swift passage of this legislation.

Mr. Speaker, I do not think I am going to have any additional requests, and I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I too have no further speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 4786.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DR. JOSE CELSO BARBOSA POST OFFICE BUILDING

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3440) to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the "Dr. Jose Celso Barbosa Post Office Building."

The Clerk read as follows:

H.R. 3440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. JOSÉ CELSO BARBOSA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Avenida RL Rodríguez in Bayamón, Puerto Rico, shall be known and designated as the "Dr. José Celso Barbosa Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. José Celso Barbosa Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3440, offered by the distinguished gentleman from Puerto Rico (Mr. FORTUÑO). This bill would designate the post office in Bayamon, Puerto Rico, as the Dr. Jose Celso Barbosa Post Office Building.

Dr. Barbosa received both his primary and secondary education in Puerto Rico. After graduating from the seminary, Barbosa tutored private students in order to save money to attend college. In 1875, he moved to New York to attend prep school, where he learned the English language in only 1 year. In 1876, he was admitted to the University of Michigan Medical School where he graduated valedictorian of his class in 1880.

On returning to Puerto Rico to set up his practice, he learned the Spanish Government would not recognize Barbosa's degree because it was not from one of the prestigious European universities. It took the American consul to intervene for Mr. Barbosa's degree to be recognized, and he became the first person on the entire island with an American medical degree. Barbosa practiced medicine across Puerto Rico and introduced the idea of employers paying a fee for the future health care needs of their employees, a very early health insurance system.

As well as being a respected physician, Barbosa was also an esteemed political activist. He formed the prostatehood Puerto Rican Republican Party on July 4, 1899, as an aftermath of the Spanish-American War in which Puerto Rico became a territory of the United States. In 1900, Barbosa became a member of the executive cabinet up until 1917 and a member of the Senate from 1917–1921.

In 1907, he established the newspaper El Tiempo, the first bilingual newspaper on the island. His daughter, Pilar Barbosa would one day become a renowned historian and a political activist who would carry on her father's work. Jose Celso Barbosa died in San Juan in December of 1921.

I urge all Members to come together to honor the perseverance and courage of Dr. Barbosa by passing H.R. 3440.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 3440, legislation naming a postal facility in Bayamon, Puerto Rico, after Jose Celso Barbosa. This measure was introduced by Representative LUIS FORTUÑO on July 26, 2005, and unanimously reported by our committee on September 15, 2005.

Jose Celso Barbosa was born in Bayamon, Puerto Rico, in 1857. Dr. Barbosa was the first Puerto Rican to graduate from the University of Michigan, where he received his medical degree and graduated as valedictorian in 1880.

Upon returning to Puerto Rico, Dr. Barbosa worked in his private medical practice, became a professor of medicine in Puerto Rico, and entered political life as a firm defender of negotiating increased autonomy for Puerto Rico from Spain.

In 1899, after Puerto Rico was ceded to the United States after the Spanish-American War, Dr. Barbosa formed the Republican Party of Puerto Rico, which advocated for Puerto Rican statehood. He was the founder of the newspaper El Tiempo, and active in Puerto Rican politics, serving in the executive cabinet and, later, the Senate. He died in San Juan in 1921.

Mr. Speaker, I would urge swift passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I urge all Members to support the passage of H.R. 3440, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 3440.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENE VANCE POST OFFICE BUILDING

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4805) to designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the "Gene Vance Post Office Building".

The Clerk read as follows:

H.R. 4805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GENE VANCE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, shall be known and designated as the "Gene Vance Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Gene Vance Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4805, offered by the distinguished gentleman from Illinois (Mr. JOHNSON). The bill would designate the post office in Clinton, Illinois, as the Gene Vance Post Office Building.

After winning an All-State selection in 1940, Clinton High School star Gene Vance committed to the University of Illinois to start his incredible basketball career. His days as a fighting Illini are what he has become known for. As a member of the famed "Whiz Kids" of the Illinois basketball team, Andy Phillip, Jack Smily, Ken Menke, Art Mathison, and Vance formed one of the Nation's premier teams in the early 1940s. Their fast-break style and ability to run the floor assured them 25 of 27 wins in the Big Ten Conference from 1941–1943, rightly earning them two Big Ten titles.

After the 1943 season, Vance and the rest of the "Whiz Kids" were called to military duty for World War II. Following the final regular season game, the entire team entered the war effort. After the war, they picked up right where they left off in 1947 and led the Illini to a second place finish.

After graduation, Vance was drafted by the Chicago Stags of the Basketball Association of America, which eventually became known as the National Basketball Association, or the NBA, as we know it today.

After his basketball career had ended, Vance turned to coaching. He returned to his home State to lead the LaSalle-Peru Cavaliers to a regional championship. He later became the athletic director at the University of Illinois and was recently voted 1 of the 20 greatest Illini basketball players of the past century.

I urge all Members to join me in saluting this dedicated and honorable man by passing H.R. 4805.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. As a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 4805, legislation naming a postal facility in Clinton, Illinois, after Gene Vance.

This measure, which was introduced by Representative TIMOTHY JOHNSON of Illinois on February 28, 2006, and unanimously reported by our committee on March 9, 2006, enjoys the support and cosponsorship of the entire Illinois delegation.

Gene Vance was a member of the 1942–43 University of Illinois basketball team known as the "Whiz Kids." The "Whiz Kids" included Gene Vance, Jack Smily, Ken Menke, Andy Phillip, and Art Mathisen. The team earned the chance to compete for the NCAA Championship after being 17–1 during the season. But the Army drafted three of the "Whiz Kids" for service in World War II, and in a show of unity the team decided if all the "Whiz Kids" could not compete together, they would not compete at all.

Mr. Speaker, I think it is altogether fitting and proper that we would name this postal facility after Mr. Vance and urge passage of this legislation.

Mr. DENT. Mr. Speaker, I urge all Members to support the passage of H.R. 4805, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 4805.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF "NATIONAL MPS DAY"

Mr. DENT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 85) supporting the goals and ideals of "National MPS Day".

The Clerk read as follows:

H. RES. 85

Whereas mucopolysaccharidoses and mucolipidoses (commonly known as "MPS disorders") are genetically determined lysosomal storage disorders that result in the inability of the body to produce certain enzymes needed to break down complex carbohydrates;

Whereas in individuals with MPS disorders, complex carbohydrates are stored in virtually every cell in the body and progressively cause damage to the cells, affecting multiple systems, including the bones, heart and other internal organs, respiratory system, and central nervous system;

Whereas the cellular damage caused by MPS disorders results in mental retardation, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, drastically shortened life span;

Whereas the nature of MPS disorders is usually not apparent at birth, and, without treatment, life expectancy is usually very short;

Whereas the multisystemic damage that is caused by MPS disorders makes the disorders ideal models for many other degenerative genetic disorders;

Whereas recent research developments have resulted in limited treatments for some

MPS disorders, and promising advancements are underway in pursuit of treatments for additional MPS disorders;

Whereas treatments and research advancements for MPS disorders are limited by lack of awareness about the disorders, even within the medical community;

Whereas the development of early detection and intervention techniques, effective treatments, and a potential cure for MPS disorders can be accomplished by research, data collection, and information distribution;

Whereas increased public and professional awareness and continued public funding will assist in the development of new techniques, treatments, and cures for MPS disorders, which will greatly enhance the quality of life for individuals with MPS disorders;

Whereas the National MPS Society, Inc., a group ultimately dedicated to finding a cure for MPS disorders, has designated February 25 of each year as "National MPS Day"; and

Whereas the designation of "National MPS Day" provides an opportunity to increase public and professional awareness about mucopolysaccharidoses and mucolipidoses, and to encourage research for early diagnosis, effective treatments, and a potential cure for MPS disorders: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of "National MPS Day".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of House Resolution 85, introduced by the distinguished gentleman from Wisconsin (Mr. KIND).

This resolution would support the goals and ideals of "National MPS Day." MPS and related diseases are rare genetic diseases that cause cells to form improperly, wreaking havoc among all the body's systems. Enzymes which normally break apart damaged cells fail to produce, resulting in progressive damage throughout the body, affecting the heart, bones, joints, respiratory system and the central nervous system. It can cause stunted growth, stiff joints, speech and hearing impairment, breathing problems, mental retardation, and a dramatically shortened life span.

All the symptoms of these diseases are not always apparent at birth. They develop slowly as damaged cells accumulate, many times resulting in death before the teenage years. Currently, there are no cures for these dangerous diseases.

I was unaware of MPS until Les Sheaffer, one of my constituents, came to talk to me about his daughter Brittany, who has MPS III, or Sanfilippo Syndrome. My staff and I were touched by Brittany's story and the Sheaffer family's resolve. Brittany's condition underscores the difficulties facing families coping with these dreaded diseases.

The occurrence of MPS in the general population is thought to be about 1 in 25,000 births. Increased public and professional awareness are important to further the development of treatments and techniques to help cope with and eventually cure these diseases. Because MPS diseases are not commonly known and well understood in the medical community, diagnosis is often delayed. Early detection and intervention can help to improve the quality of life for children like Brittany.

I applaud the efforts of the National MPS Society to support research, to support families, and to increase public and professional awareness of these diseases. This legislation would build on the National MPS Society's work by raising awareness of these devastating diseases and increasing support for the disease's victims and their families. For this reason, I ask all Members to join me and Mr. KIND in passing House Resolution 85.

Mr. Speaker, I reserve the balance of my time.

☐ 1500

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in recognition of National MPS Day. MPS disorders affect primarily children and reduce their ability to produce certain enzymes that clear the body of toxins. The resulting effect of this enzyme deficiency manifests itself in a number of ways: mental retardation, physical malformations, small stature, corneal damage, chronic physical pain, and a shortened and difficult life span. This disease affects our Nation's children and has a dramatic ripple effect that impacts all who know and love them.

MPS disorders are hereditary and there is no cure, but significant advancements have been made or are on the horizon. This is just one reason why MPS Day is so important. We must keep the public informed about the disease and in searching for a cure.

This resolution will help bring the struggles of those affected by MPS disorders into the public arena and will signify that we hope to do everything within our power to fight it.

MPS Day was commemorated on February 25 of this year, but it is a daily struggle for those affected with the disease. If MPS affects one family, it affects too many; and we should continue to raise awareness and do all we can to help the families and the victims of MPS. Therefore, Mr. Speaker, I rise in strong support of H. Res. 85.

Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, I rise in favor of H. Res. 85, supporting the goals and ideals of National MPS Day. MPS and ML, or mucopolysaccharidoses and mucolipidoses, are genetic disorders caused by the body's inability to produce specific enzymes. Most individuals suffering from this disease are children; and they endure a variety of ailments, including problems with the bones, heart, joints, and the respiratory system. Most devastatingly, they have drastically shortened life spans.

Because of a lack of information and understanding about these disorders, even among the medical community, children often receive delayed or wrong diagnosis. For this reason, it is of the utmost importance that we increase research and work for a cure. At the same time, we must increase awareness of these disorders that affect so many families. February 25 of every year is National MPS Day, and I believe we in the House of Representatives could do a great service to the MPS community by passing this resolution to honor this day and their work.

I am very pleased the Senate passed such a resolution, and I extend my thanks to my colleague and friend, Mr. DENT, as well as Mr. DAVIS, along with the 57 cosponsors who were instrumental in bringing this resolution to the floor today.

Mr. Speaker, I first became aware of MPS because of Allison Kirch, a student in my district who suffers from such a disorder. Her parents, Susan and Larry, and her sister Helen are tireless in their care for Allison and their dedication to furthering the cause of MPS patients.

It is because of people like Allison and Helen, Susan and Larry that I feel so strongly about MPS disorders. Allison, now 10, was first diagnosed at the age of 3. Today she is a happy fifth grader at Spence Elementary School in LaCrosse, Wisconsin. The Kirch family, along with Les Sheaffer, Kym Wigglseworth, and Sissi Langford of the MPS Society, have done so much to educate me and others about this cause and issue.

Today's resolution is just a small part of furthering awareness of MPS disorders. There is so much more that can and must be done. As Members of Congress, we must take the lead in authorizing funds for research of MPS and ML disorders. As citizens, we must advocate tirelessly on behalf of the families who selflessly and tirelessly care for their loved ones. On behalf of Allison and her family, I am proud to advocate for this resolution on the House floor and hope my colleagues will join me in honoring such a worthy cause today.

Mr. Speaker, I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I urge all Members to support adoption of H. Res. 85, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Bradley of New Hampshire). The question is on the motion offered by the gentleman from Pennsylvania (Mr. Dent) that the House suspend the rules and agree to the resolution, H. Res. 85.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE LIFE OF WELLINGTON TIMOTHY MARA

Mr. DENT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 517) recognizing the life of Wellington Timothy Mara and his outstanding contributions to the New York Giants Football Club, the National Football League, and the United States.

The Clerk read as follows:

H. Res. 517

Whereas Wellington Timothy Mara was born on August 14, 1916, in New York City;

Whereas Wellington Mara graduated from Loyola High School in New York and proceeded to Fordham University, from which he graduated in 1937;

Whereas Wellington Mara was closely involved with the Fordham University football teams of 1936 through 1938, which at one point won 25 straight games, and it was at Fordham University that Mara befriended future National Football League Hall of Fame coach Vince Lombardi;

Whereas Wellington Mara was a vital participant in the New York Giants Football Club since its inception and inclusion in the National Football League in 1925 under the original leadership of his father Timothy;

Whereas, in 1930, Wellington Mara acquired part-ownership of the New York Giants when his father divided the team between Wellington Mara and his brother Jack;

Whereas under the co-leadership of Wellington and Jack Mara, the New York Giants appeared in five National Football League Championship games between 1958 and 1963, and Wellington Mara was in charge of accumulating the player talent that engineered this remarkable accomplishment;

Whereas, by supporting the agreement to share television revenues equally among the teams of the National Football League, Wellington and Jack Mara gave up significant revenue for their own team, but put the National Football League on the path to collective success;

Whereas, after the untimely death of his brother Jack in 1965, Wellington Mara became the principal owner of the New York Giants;

Whereas, under his leadership, the New York Giants have 26 postseason appearances, 18 National Football League divisional championships, and six National Football League championships, including the Super Bowl XXI and Super Bowl XXV titles;

Whereas the only time Mara was away from the New York Giants was during World War II, when he served honorably in the United States Navy in both the Atlantic and Pacific theaters and earned the rank of Lieutenant Commander;

Whereas, in addition to his outstanding leadership of the New York Giants, Wellington Mara also made outstanding contributions to the National Football League as a whole, including serving on its Executive Committee, Hall of Fame Committee, and Competition Committee;

Whereas Wellington Mara has been inducted into the Fordham Athletic Hall of Fame, and, in 2002, he was honored at the Fordham Founder's dinner, which is Fordham's highest honor;

Whereas Wellington Mara was inducted into the National Football League Hall of Fame in 1997;

Whereas Wellington Mara served his community as a member of the board of the Giants Foundation, a charitable organization founded by the New York Giants to provide financial and social support for disadvantaged youths in the New York Metropolitan Area; and

Whereas, on October 25, 2005, Wellington Mara succumbed to cancer at his home in Rye, New York: Now, therefore, be it

Resolved, That the House of Representatives, on the occasion of the death of Wellington Timothy Mara—

(1) expresses its deepest condolences to his wife of 61 years, Ann, his 11 children, and his 40 grandchildren; and

(2) recognizes the outstanding contributions that Wellington Timothy Mara made to the New York Giants Football Club, the National Football League, and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. Dent) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 517, introduced by the gentleman from New Jersey (Mr. Pascrell). This resolution recognizes the life of Wellington Timothy Mara and his contributions to the National Football League.

Wellington Mara was a co-owner and co-CEO of the NFL's New York Giants and one of the most influential and important figures in the history of the National Football League. The son of Timothy Mara, who founded the Giants organization in 1925, Mara is an alumnus of the Jesuit schools, Loyola School and Fordham University in New York City.

During the early 1960s, Wellington and his brother Jack, the owners of the NFL's largest market, agreed to share television revenue on a league-wide basis, dividing the amounts of money available in cities like New York with smaller market teams, like the Pittsburgh Steelers and the Green Bay Packers. This concept of revenue sharing allowed the NFL to grow and is still being used today.

Along with his many other lasting contributions to the game, Mara lead the Giants to six league championships, including two Super Bowls, nine conference championships, and 13 division championships. As an Eagles fan, that breaks my heart. Also, the Giants have accumulated the third highest number of victories in National Football League history. To commemorate his outstanding career, he was inducted into the Pro Football Hall of Fame in 1997. I urge all Members to come together to honor this pillar of the football community by adopting H. Res. 517.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution to recognize the life and accomplishments of an NFL institution, Wellington Timothy Mara. Mara spent nearly his entire life with the New York Giants, holding several positions from ball boy at the age of 9 to treasurer and team president.

Professional football and the New York Giants were in Mara's blood: his father founded the New York Giants. Father and son built one of the most successful franchises in league history.

Mara's passing this past October dealt an emotional blow to the Giants organization and the league at large. Mara was extremely involved with the team right up until his passing. He showed up at practice nearly every day and shared his wisdom with the players.

Although Mara was associated most intimately with the Giants, it was more than his dedication to the Giants that led to his induction into the Professional Football Hall of Fame. In the 1960s, when the Giants earned a dominant portion of television revenues garnered by professional football, Wellington and his brother Jack made the generous decision to split television revenues with poor-performing teams. This revenue division allowed teams in smaller markets to stay afloat until a substantial fan base and the development of a nationwide television market would enable these teams to stand on their own feet. If it were not for the generosity of the Mara family, the National Football League would not be where it is today.

Mara will be missed by many and was mourned by his family, his team, and the entire National Football League. A demonstration of the loss was witnessed when the Giants honored Mara by winning a decisive game over the Washington Redskins the same week of his passing.

Mr. Speaker, I am in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DENT. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL), the sponsor of the resolution.

Mr. PASCRELL. Mr. Speaker, I would like to thank Chairman DAVIS, Ranking Member WAXMAN, Mr. DENT, and Mr. DAVIS for their help in bringing this resolution honoring the life of Wellington Mara to the floor.

This is not about sports, though. This is about a gentleman in sports who lived his life on and off the field as an outstanding American. With the retirement of Paul Tagliabue as the commissioner of the NFL, I hope this is not an era that is passing because this is an era which was an inspiration to all professional sports, and we will miss them all.

I rise today in strong support of this resolution honoring Mr. Mara, a fellow Fordham University alumnus who passed away just a short time ago at the age of 89. He is survived by his wonderful wife, Ann, four sons, seven daughters, 41 grandchildren, and the family has been recently blessed with his first great grandchild. He was not always on the football field.

To football fans of the New York/New Jersey metropolitan area, Mara is synonymous with our beloved New York Giants, the team he owned for most of his life. Born in the city on August 14, 1916, Mara was introduced to professional football at an early age, as was just stated a few times.

He would later recount a story from that inaugural season of overhearing head coach Robert Folwell telling his team to "give them hell out there." It was at that moment that this 9-year-old young man realized how tough football is, and fell in love with the game forever.

In 1930, Timothy Mara, Wellington's father, gave the team to his two sons. Jack was 22 years of age, and Wellington was 14. That is pretty remarkable. He became the youngest owner in the league. In the late 1930s, Wellington Mara attended Fordham University, my alma mater. That was when Fordham had a proud team, a team that went on to great heights: the seven blocks of granite, Vince Lombardi. He befriended Vince Lombardi.

Upon graduation, Mara joined the New York Giants as a full-time member of the team. With his brother in charge of the business, Wellington soon took control of all player personnel decisions. That is why even though there have been many problems in the NFL, like many sports, there is something very different about the National Football League. It is a family operation and the more it becomes that, the more we avoid the problems and pitfalls we have seen in organized sports.

He integrated the Giants at a time when much of the league remained all white. He drafted running back Frank Gifford and offensive tackle Roosevelt Brown and then traded for quarterback Y.A. Tittle, all future Hall of Famers. He was the architect of the dominant Giant teams of 1958-1963. No one surpassed him, paralleled perhaps by Dan Rooney of the Pittsburgh Steelers.

During World War II, Mara briefly left his beloved Giants and joined the Navy. He served in the Atlantic and the Pacific theaters. He earned the rank of lieutenant commander. He returned to the Giants following the war.

□ 1515

In the early 1960s the Giants were the most valuable franchise in the league, and television was the next great revenue stream. You have already heard, Mr. Chairman, how we shared the revenue to make sure that the league survived.

In the late 1970s, Mara further strengthened the team by hiring George Young as the general manager, who became the architect of the dominant Giant teams of the late 1980s.

All told, in Mara's 81 years, 81 years with one football team, they appeared in 26 post seasons, won 16 division championships and six NFL titles. Those six championships represent the third most, as my friend from Pennsylvania pointed out.

In 1972, Fordham University inducted Mara into the Athletic Hall of Fame, and in 2002, he was honored at the Fordham Founders Dinner, the university's highest honor.

In 1997, Mara was introduced into the National Football League Hall of Fame, an honor he reluctantly accepted. He believed that since players and coaches made the game great, the Hall of Fame should be reserved for them and not for owners.

Mara was so highly regarded by his fellow owners that just yesterday the National Football League renamed their official game ball "The Duke," the nickname given to Mara as a child by the New York Giants players.

I am proud to have authored House Resolution 517 honoring the life and work of Wellington Timothy Mara. I respectfully urge my colleagues join me and support the passage of this resolution of not only a great football player, great owner, but a darn great human being.

Mr. RANGEL. Mr. Speaker, I rise today to honor the memory and legacy of Wellington Mara, former co-owner of the National Football League's New York Giants franchise and League businessman extraordinaire, and in support of Congressman PASCRELL's resolution recognizing the life of Wellington Mara and his outstanding contributions to the New York Giants football club, the National Football League and the United States of America.

Wellington Timothy Mara was a man among men. Wellington Mara was a man whose entire lifetime was dedicated to the National Football League and his family-owned Giants. Mara, who was given the nickname "The Duke" as a youngster by Giants players, joined the Giants in 1937 as a part-time assistant to the president, started working full-time in 1938 as a club secretary and later served as vice president before becoming the team's president after the death of his brother, Jack.

Mara's extensive experience in organization, player personnel, trading and drafting helped produce 16 NFL/NFC divisional titles (two came after his induction into the Hall of Fame) and four NFL championships during his 68-season tenure that began with his graduation from Fordham in 1937. He engineered trades throughout the League solidifying deals with such stars as Frank Gifford and Roosevelt Brown—both future Hall of Famers—to mold the Giants into a dominant team in the late 1950s and early 1960s.

From 1956 to 1963, the Giants won six divisional championships and the 1956 NFL title. Mara's Giants went on to win Super Bowls XXI and XXV.

From 1984 to 2005, he served as president of the National Football Conference. He was inducted into the National Football League Hall of Fame in 1997 and into the Fordham Athletic Hall of Fame.

In spite of a busy, grueling schedule Wellington Mara always found time to serve his community as a member of the board of the Giants Foundation, a charitable organization founded by the New York Giants to provide financial and social support for disadvantaged youths in the New York Metropolitan Area.

Wellington Mara, who was born on August 14, 1916, in New York City, was respected as one of the most knowledgeable executives in pro football. He passed away on October 25, 2005. He leaves to cherish his memory his wife, Ann, his 11 children and his 40 grandchildren. He also leaves a legion of devoted admirers, friends and colleagues.

The NFL game ball was known as "The Duke" from 1941 to 1969. The NFL first used a ball in honor of Mara at the suggestion of Chicago Bears owner George Halas, who along with Tim Mara, Wellington's father, arranged for Wilson to become the league's supplier of game balls. "The Duke" ball was discontinued before the start of the 1970 season. The NFL owners recently voted unanimously to bring back "The Duke" game ball with the logo written on all game-day footballs.

I believe it is more than befitting that the National Football League pay tribute to the memory of this outstanding gentleman by bringing back "The Duke" football named in his honor and that this House pay him tribute with the passage of this Resolution today.

Mrs. LOWEY. Mr. Speaker, I rise in support of this resolution to honor Wellington Timothy Mara.

Mr. Mara, a longtime constituent of mine from Westchester County, was a pioneer in the sports world who has left an indelible mark on the National Football League.

Having been closely associated with the New York Giants since its inception in 1925 and having assumed partial ownership of the team at the age of 14, Wellington Mara played a critical role in helping the Giants become one of the cornerstone franchises of the NFL. Under his leadership, the Giants achieved greatness—26 postseason appearances, 18 divisional championships, and six league championships, including two Super Bowl victories.

In his almost 80 years associated with the Giants, Wellington Mara attended almost every Giants practice and home game until falling ill last spring. In fact, the only extended time he ever spent away from the team was in brave service to his country. While serving in the Navy during World War II, Wellington Mara proudly achieved the rank of Lieutenant Commander while serving in both the Atlantic and Pacific theaters.

It was Wellington Mara's vision and leadership in the 1960's that may provide the most lasting impact on the NFL. His willingness to share television revenue from the largest television market with smaller market teams enabled a balanced economic playing field which continues in the NFL today.

In addition to his leadership in the NFL, Wellington Mara was a generous, caring man whose compassion can be summed up in one phrase: once a Giant, always a Giant. He was well known for providing medical care for current and former players and their families, including finding doctors and covering their medical expenses. Additionally he often kept advisors and scouts on payroll long after their service to the team ended, simply as a means of showing appreciation for their service.

Simply put, Wellington Mara was football in America. A member of the NFL's founding generation, Mara served on the NFL's Executive Committee, Hall of Fame Committee, and Competition Committee and was elected to the Hall of Fame himself in 1997.

Mr. Speaker, I wish to offer my condolences to the entire Mara family, and I urge my colleagues to support this resolution.

Mr. ROTHMAN. Mr. Speaker, I rise today to honor the extraordinary life and achievements of Wellington T. Mara, co-owner of the New York Football Giants. Mr. Mara will always be remembered for his accomplishments with the NFL. However, his legacy extends far beyond the gridiron. He was much more than the successful owner of a professional football team—he was a community leader, a dedicated family patriarch, a devout man of faith, and an outstanding American.

Wellington Mara was a devoted husband to his wonderful wife Anne, a loving father to his eleven children, an adoring grandfather to his 42 grandchildren, and a role model to all who knew him. When called to serve his nation, Wellington did so proudly as a Lieutenant Commander in the United States Navy during World War II. Later in life, Mara served his community as a member of the board of the Giants Foundation, an organization that provides important social and financial support to underprivileged youth and their families in the New York/New Jersey Metropolitan Area.

Mr. Mara's foresight helped to turn the NFL into the successful American enterprise that it is today. In the early 1960's, Wellington and his brother, Jack Mara, as co-owners of the most profitable team in the NFL, put the league ahead of their team by agreeing to share lucrative television revenue equally among all NFL teams. The current success of the NFL is a tribute to the esteemed character and selfless sacrifice ofthe Mara brothers. They proved to the NFL and to the nation that honorable business practices and teamwork can indeed generate great success.

Mr. Mara was well respected within the Giants organization and throughout the NFL. He was extremely loyal to players, coaches, employees, and especially the fans. He treated everyone with whom he came into contact with great respect. Under Wellington Mara's leadership, the Giants appeared in 26 postseasons, won 16 NFL divisional championships and 6 NFL championships, including the remarkable title runs in 1986 and 1990 (Super Bowls XXI and XXV) that captivated the entire New York/New Jersey area. The leadership of Wellington Mara made the Giants a wonderful organization that I am proud to have in my district.

Mr. Speaker, I am sure that my colleagues will join with me in honoring the life of this exceptional man. We should all be so fortunate to leave such a tremendous legacy.

Mr. DENT. Mr. Speaker, I have no further speakers at the moment, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I urge all Members to support the adoption of House Resolution 517.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the resolution, H. Res. 517.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING THAT ATTORNEYS EMPLOYED BY THE DEPARTMENT OF JUSTICE SHALL BE ELIGIBLE FOR COMPENSATORY TIME OFF FOR TRAVEL

Mr. PORTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4057) to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code, as amended.

The Clerk read as follows:

H.R. 4057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATORY TIME OFF FOR TRAVEL.

(a) IN GENERAL.—Attorneys employed by the Department of Justice (including assistant United States attorneys) shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code, without regard to any provision of section 115 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113 and reenacted by section 111 of the Department of Justice Appropriations Act, 2001 (as enacted into law by appendix B of Public Law 106–553)).

(b) APPLICABILITY.—Subsection (a) shall apply with respect to time spent in travel status on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Mr. Speaker, I rise today in support of H.R. 4057 as amended. I want to thank the leadership for bringing this important legislation to the floor.

This bill, which has been introduced by myself, Government Reform Committee Chairman TOM DAVIS, Mr. WAXMAN, Mr. DAVIS from Illinois and Mr. VAN HOLLEN, is intended to clarify that the Department of Justice attorneys are eligible to receive compensatory time off for time spent in travel status like all other General Schedule employees.

In 2004, Congress approved this government-wide "comp time for travel" in the Federal Workforce Flexibility Act. After the bill had passed, the Department of Justice determined that the bill as written did not give it the authority to waive certain limitations imposed on its attorneys by a previous appropriations measure. H.R. 4057 now, through the technical assistance of the Justice Department, unequivocally clarifies congressional intent.

This bill would allow Justice Department attorneys to be compensated for travel time during nonbusiness hours. This would greatly assist those employees who take early morning flights in order to attend to business away from the home office, but don't currently get compensated for their dedication. In light of the fact that quality-of-life programs are among the most effective recruitment and retention tools, I believe that Federal employees should receive compensation while traveling to do the Government's business.

Mr. Speaker. I thank you once again for your attention to this bill, and I urge passage of H.R. 4057 as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I am pleased to join Representatives DAVIS, WAXMAN, PORTER and VAN HOLLEN in introducing H.R. 4057, which would make attorneys employed by the Department of Justice eligible for compensatory time off for travel.

In 2004, Congress passed the Federal Workforce Flexibility Act which provided compensatory time off to Federal employees when they travel on official business during nonworking hours. If an employee must travel on a Sunday to attend an out-of-town meeting on Monday, that employee can receive credit for giving up his weekend to travel on official government business.

The Office of Personnel Management issued interim regulations that went into effect on January 28, 2005, allowing Federal workers to receive equal time off in exchange for work-related travel outside of regular business hours.

In February of last year, the Justice Department issued guidelines barring DOJ attorneys from receiving the benefit. In support of its decision, the Department cited provisions in its fiscal year 2000 appropriations, which banned overtime pay to Justice Department attorneys. However, those provisions sought to limit overtime pay for attorneys, not compensatory time.

H.R. 4057, which has bipartisan and bicameral support, will clarify that DOJ attorneys are entitled to compensatory time off. And therefore, I am pleased to join with my colleagues in introduction and urge passage of this legislation.

Mr. Speaker, I don't believe that I am going to have any additional requests for time, and I would yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I have no other speakers. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and pass the bill, H.R. 4057, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING DR. I. KING JORDAN FOR HIS CONTRIBUTIONS TO GALLAUDET UNIVERSITY AND THE DEAF AND HARD OF HEARING COMMUNITY

Mr. KELLER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 680) recognizing Dr. I. King Jordan for his contributions to Gallaudet University and the deaf and hard of hearing community.

The Clerk read as follows:

H. RES. 680

Whereas in 1988, Dr. I. King Jordan became the first deaf President of Gallaudet University, and the first deaf president of any institution of higher education in the United States;

Whereas Gallaudet University grants more bachelor's degrees to deaf people than any other institution of higher learning in the world, is the only such institution serving primarily deaf and hard of hearing students, and provides groundbreaking research in the field of deafness;

Whereas deaf and hard of hearing graduates of Gallaudet University serve as leaders around the globe;

Whereas Dr. I. King Jordan graduated from Gallaudet University in 1970 with a B.A. in Psychology, and received both a master's degree and a doctorate in Psychology from University of Tennessee by 1973;

Whereas before his appointment as president, Dr. I. King Jordan served as the Chair of the Department of Psychology and Dean of the College of Liberal Arts and Science at Gallaudet University;

Whereas Dr. I. King Jordan was a research fellow at Donaldson's School for the Deaf in Edinburgh, Scotland, an exchange scholar at Jagiellonian University in Krakow, Poland, and a lecturer at schools in Paris, Toulouse, and Marseille, France;

Whereas from 1997 to 2001, Dr. I. King Jordan led the first comprehensive capital campaign for Gallaudet University and successfully raised nearly $40,000,000, which was used by the University to strengthen academic programs, increase the endowment, and construct the Student Academic Center;

Whereas Dr. I. King Jordan established the President's Fellow program to increase the number of deaf and hard of hearing faculty members by providing support for deaf and hard of hearing college graduates to complete their terminal degree;

Whereas in 1988, Dr. I. King Jordan proclaimed to the world, "Deaf people can do anything, except hear.";

Whereas Dr. I. King Jordan is a strong advocate on the national and international level for deaf people and people of all disabilities, and was a lead witness in support of the Americans with Disabilities Act (ADA) during a joint session of Congress prior to the passage of ADA;

Whereas in July 2005, Dr. I. King Jordan received the George Bush Medal for the Empowerment of People with Disabilities, an award established to honor those individuals who perform outstanding service to encourage the spirit of ADA throughout the world;

Whereas Dr. I. King Jordan served in the Navy from 1962 to 1966;

Whereas Dr. I. King Jordan has shared nearly 38 years of marriage with Linda Kephart, with whom he has two children, King and Heidi;

Whereas Dr. I. King Jordan is a strong supporter of physical fitness and has completed more than 200 marathons and 40 100-mile marathons;

Whereas Dr. I. King Jordan will retire as the first deaf president of Gallaudet University on December 31, 2006; and

Whereas Dr. I. King Jordan is an accomplished, respected leader who devoted his life to Gallaudet University and efforts to improve the quality of life for individuals who are deaf or hard of hearing, and individuals with disabilities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Dr. I. King Jordan on his retirement; and

(2) expresses appreciation to Dr. I. King Jordan for his many years of dedicated service to Gallaudet University, to the deaf and hard of hearing community, and to all individuals with disabilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KELLER) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 680.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KELLER. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H. Res. 680, which recognizes the contributions of Dr. I. King Jordan to Gallaudet University and the deaf and hard of hearing community. Dr. Jordan retires as president of Gallaudet at the end of this year, and this resolution provides us the opportunity to acknowledge his significant achievements. I want to thank the resolution's author, Mr. KIND, for drawing our attention to Dr. Jordan's accomplishments and his status as one of America's leaders in the fields of higher education and disability policy.

When Dr. Jordan was appointed president by the Gallaudet Board of Trustees in 1988 he became the first deaf president of the university. Dr. Jordan's leadership of Gallaudet has heightened awareness of the contributions made by the university and the issues facing the deaf and hard of hearing community. During his time as president, Dr. Jordan has been a visible spokesman for the university and for deaf and hard of hearing individuals, as well as a tireless advocate for people with disabilities.

Dr. Jordan has been a leader in national efforts to address the needs of people with disabilities. In 2001 he was awarded the Presidential Citizen's Medal. This award, conferred by the President of the United States in recognition of individuals who have performed exemplary deeds or service for the country, acknowledged Dr. Jordan's efforts to promote self-determination and full integration of all people with disabilities.

I want to extend my congratulations to Dr. Jordan and wish him well in his retirement. I know that Gallaudet University will miss his leadership, and I can only hope that he will continue to be involved as an advocate for people with disabilities.

I want to, again, thank Mr. KIND for bringing this resolution forward and providing us this opportunity to acknowledge Dr. Jordan's achievement.

I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to thank the ranking member, Mr. KELLER, as well as the chairman of the Education and the Workforce Committee, Mr. MCKEON, for their help in bringing the resolution before us today.

Mr. Speaker, I rise to honor a great American, I. King Jordan, who has dedicated his life to helping others. On December 31, at the end of this year, 2006, Dr. Jordan will retire as the first deaf president of Gallaudet University located here in Washington, D.C., the only institution of higher learning in the world serving primarily deaf and hard of hearing students. I am pleased to author this resolution with my colleagues Mr. OXLEY, Ms. WOOLSEY, Mr. LAHOOD, and I thank them and the other cosponsors of this resolution for their support.

King Jordan's service to others began more than 4 decades ago when he served in the United States Navy from 1962 until 1966. He attended college at Gallaudet University after a car accident at the age of 21 left him deaf. He then went on to receive a doctorate in psychology in 1973, joined the faculty of Gallaudet University, and in 1988 he became its president. During his tenure at Gallaudet, Dr. Jordan raised nearly $40 million to grow the university endowment and to construct the student academic center. Also, he established the President's Fellow Program to provide support for deaf and hard of hearing college graduates to complete their advanced degrees, thus increasing the number of deaf and hard of hearing faculty members.

In addition to his work in academia, President Jordan was a lead witness before Congress supporting the Americans with Disabilities Act; and he continues to advocate on both the national and international levels for deaf people, as well as all people with disabilities.

In 2005, Dr. Jordan received the George H.W. Bush Medal honoring outstanding service under the Americans with Disabilities Act of 1990.

Dr. Jordan is an inspiration to all Americans and his years of dedication to others undoubtedly deserve the recognition of this House of Representatives. We will miss his terrific leadership and his advocacy on behalf of all the students at Gallaudet University.

I would like to congratulate Dr. Jordan and his wife, Linda Kephart, for their many years of dedicated service and wish them a very long and happy retirement.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield as much time as he may consume to the gentleman from Illinois (Mr. LAHOOD).

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. Mr. Speaker, I thank Mr. KELLER and I especially thank Mr. KIND for introducing this. This was really RON's idea to honor President Jordan; and I know that the university and the people there are very, very appreciative, RON, of your thinking to honor Dr. Jordan.

I also want to thank the chairman of the full committee, Chairman MCKEON and his staff. I want to thank the majority leader's office. The truth is, ordinarily we don't do these kinds of resolutions, but because of the importance of the work of Dr. Jordan, the chairman of the full committee and the majority leader's office agreed that we could have this resolution brought forward.

This resolution will be presented tonight by some of us who will be at a fund-raiser at Gallaudet University where some very outstanding Republican basketball players and some outstanding Democratic basketball players will be participating in a basketball game at Gallaudet University. And I hope that some of us, including Mr. KIND and LYNN and others, will have a chance to present this resolution to Dr. Jordan.

□ 1530

Dr. Jordan became the first deaf president of Gallaudet University in 1988 after the students and people in the community came forward and said they wanted a deaf president. And at the end of the protest, the Gallaudet board named Dr. Jordan president.

He is from Glen Riddle, Pennsylvania. He spent 4 years in the Navy after high school.

Dr. Jordan, as was mentioned, was in a car accident when he was 21 years old that left him deaf. He received a BA degree in psychology from Gallaudet in 1970. In 1971, Dr. Jordan received his MA in psychology from the University of Tennessee. He also received his Ph.D. in psychology from the University of Tennessee in 1973.

Once he completed his education, Dr. Jordan began teaching in the Gallaudet Department of Psychology. He became chair of the department in 1983 and dean of the College of Liberal Arts and Sciences in 1986.

Dr. Jordan has also been a research fellow at the Donaldson's School for the Deaf in Edinburgh, Scotland; an exchange scholar in Krakow, Poland; and a visiting scholar and lecturer at schools in Paris, Toulouse, and Marseille, France.

He lobbied for the passage of the Americans with Disabilities Act in 1990 and was a lead witness in support of the ADA during a joint session of Congress. President Jordan, as was mentioned, has raised nearly $40 million for Gallaudet between 1997 and 2001. The money has been used to strengthen the academic program, increase the endowment, and construct the Student Academic Center.

He also established the President's Fellow Program. The program is designed to increase the number of deaf and hard-of-hearing faculty members by providing support for deaf and hard-of-hearing college graduates to complete their degrees.

He has received 11 honorary degrees and numerous awards, including the Presidential Citizen's Medal and the Washingtonian of the Year Award. Dr. Jordan has also served as the chair and vice-chair of the President's Committee on Employment of People with Disabilities. In July 2005, he received the George Bush Medal for the Empowerment of People with Disabilities.

He will retire in December of this year, and his true partner in all of the work that he has been doing at Gallaudet has certainly been his wife, Linda. They have been married for almost 38 years.

I have had the privilege, along with a Democratic Member of the House, of serving on the board of directors of Gallaudet University. I was first appointed by Speaker Gingrich. In my district there is a school for the deaf, the only school for the deaf in Illinois, in Jacksonville, Illinois. So many of our students come here to Washington, and my interest in the school for the deaf in Jacksonville led to my interest in Gallaudet, and I have had the privilege of working with Dr. Jordan during the time of my tenure on the board of the directors at Gallaudet University, and what a privilege that it has been to work with him.

He is a true marathoner. Dr. Jordan has completed more than 200 marathons, 26 miles for a marathon, and 40 100-mile marathons. But he has completed the marathon of his life by doing the job that I am sure he always wanted, to be president of Gallaudet University; and he has been an inspiration for deaf people.

Each year I try to go to Gallaudet and visit with the students, and I can tell you he is an inspiration to the students there; and he is an inspiration, I think, to all of us and should be an inspiration to all Americans, that even with disabilities, you can do great things, and he surely has done great things.

So I want to add my congratulations to Dr. Jordan for a job well done, and I know he will not fade away. I know he will continue to work with the disability community and work around Washington, D.C. and do all that he can to improve those who have disabilities, particularly those who are hearing impaired.

And, again, Mr. KIND, thank you for your consideration in introducing this resolution.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

I also want to extend my thanks to Mr. LAHOOD, who has been instrumental in getting this resolution here to the floor today and for his tireless support for all the students at Gallaudet University.

The only thing I would add is that the Democratic team will be trying to defend our title on the parquet floor this evening.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY), one of the members of the board of trustees of Gallaudet University.

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of this resolution to honor Dr. I. King Jordan.

Dr. Jordan is retiring as Gallaudet University's president at the end of this year, having become our Nation's first deaf university president where he has served since 1988, the first deaf individual to be the president of any higher education institution.

Dr. Jordan is both an accomplished, respected educator and a personal friend. During his tenure at Gallaudet, he has been an able, caring leader, propelling the university forward and advocating for deaf students. Among his accomplishments are Gallaudet's first-ever capital campaign, a campaign that supported construction of the state-of-the-art Student Academic Center on campus. He also paved the way for an increase in scholarships and academic programs, and he established a fellows program to provide support for deaf college graduates to complete their terminal degrees and become faculty members.

Dr. Jordan has been a strong advocate for individuals with disabilities all around the world. His testimony to Congress played a critical role in the passage of the landmark Americans with Disabilities Act in 1990.

I am proud to have had a chance to work with Dr. Jordan these past years, most recently as one of the three Members of Congress who sit on Gallaudet's board: Congressman LAHOOD, Senator MCCAIN, and myself. We have experienced a career of accomplishments for Gallaudet's students under Dr. Jordan's leadership. They are a testament to his inspirational words, words he spoke in 1988. He said: "Deaf people can do anything, except hear."

I wish Dr. Jordan much happiness in his retirement as he looks forward to traveling with his wife, Linda, spending more time with his family. But believe me, his compassion, his vision, and his service will be greatly missed.

Mr. KELLER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON), the true representative for Gallaudet University.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Wisconsin for his working with the chair to get this bill to the floor.

I am not on the committee of jurisdiction; so I want to particularly thank the committee for the honor. It is an unusual honor. We do not do this very often, what you do in bringing this resolution to the floor. And I want to give my thanks to Mr. LAHOOD and Ms. WOOLSEY, both, for the service they perform by serving on the board of this very important institution. The fact that there are two Members of Congress on the board of Gallaudet perhaps speaks for itself as to the importance of Gallaudet, chartered by the Congress of the United States and still an institution of great importance to the Congress.

I do want to say to the gentleman from Wisconsin and to those of you, if you are one of them, Mr. LAHOOD, who are going to be at the game this evening, I always come to this wonderful game. As it turns out, I am having a reception myself tonight for the National Teacher of the Year, the first time since the award was given. It was set up in 1952, that the National Teacher of the Year comes from the District of Columbia. So you fellows are going to have to get along without me.

When they asked me to come, they first asked me to be a member of the team. They really did not know what they were saying. I did volunteer to come, however, to be there to do whatever I could. In fact, if this reception is over, I do intend to stop by and to thank you also for that very important work.

As you have heard, Gallaudet is really one of a kind. It is an institution without peer, the only institution for people who are deaf and hard of hearing of higher education throughout the world. So it is very precious to those of us in the District of Columbia who then see people come from all over the world to come to this singular institution.

Now, there has got to be great sadness on the campus of Gallaudet even as we express our appreciation today. Dr. I. King Jordan was not simply an extraordinary educator. He came to his post through a vote of confidence before he even got there from the students who had a demonstration; and as a result of that demonstration, the board of trustees at that time thought about their decision, and Dr. Jordan became the first disabled person to head the university.

It is hard to overemphasize what this meant to us in the District of Columbia. We saw it as wonderful history-making for a history-making institution, but that paled besides the joy of the students. You can imagine if you are going to a university for the deaf and the hard of hearing to see a person of such accomplishments head your own university. It was invaluable, I am sure, in ways that we shall never understand and shall never know.

But then it was up to Dr. Jordan to prove himself, and I am here to tell you as a person who is very familiar with all the institutions, he continues to be a tenured professor of law at Georgetown, where I taught full time before coming to the Congress, and under Dr. Jordan this institution has prospered and grown to even more admiration than it already enjoyed.

In order for that to happen, Dr. Jordan had simply to show that he could do what presidents do, and he has done that to a fare-thee-well, from fund raising, which may be the most difficult to do especially since this university does receive some funding from the Federal Government.

But as my colleagues know from their own State university, that does not matter that much today. Presidents are supposed to get out here on the hustings the way everybody else does, the way that private universities always have. And here when Dr. Jordan did it not only like everybody else does but did it in extraordinary ways, you see evidence of it in the new construction on the campus. You see evidence of it in the way in which the excellence of the institution has even improved. It already had a stellar reputation, and you see it in a very important expansion for graduate education for the deaf and hard of hearing.

Dr. I. King Jordan has performed with the excellence that the students expected. They knew what he could do. They knew from his academic reputation, they knew from his background, what he could do. He has performed up to that standard and well beyond.

The resolution that my colleagues bring forward today could not be more well deserved, and I thank you once again for it. And I thank you for myself and I thank you for the residents of the District of Columbia, including the disabled students who, of course, are resident there during the time they attend Gallaudet.

Mr. KELLER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume just to conclude.

I thank the gentlewoman from the District of Columbia for her very warm and gracious remarks on behalf of Dr. Jordan here today. I also know that my predecessor, Representative Steve Gunderson, who also served on the board at Gallaudet University, would join us today in honoring the career of Dr. Jordan. It was Steve Gunderson who first introduced me to the wonderful work that is taking place at that university under the terrific leadership that I have personally witnessed throughout the years, and I know he joins us in support of the resolution.

Finally, I would mention too that the minority whip, Mr. HOYER from Maryland, who has been a good friend of Dr. Jordan, a strong supporter and friend of the university, was hoping to come down here and personally extend his warm remarks for Dr. Jordan's retirement. He is tied up right now.

☐ 1545

I am sure he will be extending his remarks for the record. With that, I thank the gentleman for his support of the resolution.

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a great honor for me to rise to honor Dr. I. King Jordan upon his retirement as president of Gallaudet University on December 31, 2006. Dr. Jordan is a native of Glen Riddle, Pennsylvania, a small town near Philadelphia, in the 7th Congressional District which I represent.

Dr. Jordan made history in 1988 when he became the Nation's first deaf university president at the world's only liberal arts university for the deaf—Gallaudet University. He also claims the distinction as the first deaf president of any institution of higher education in the U.S. The important message that Dr. Jordan sent to the world upon his appointment in 1988 was that deaf children brought up in a world that too often tells them that they can't do, now see they can do anything and that the only limit to their achievements is their ability to dream.

The year 1988 was a pivotal one for the deaf and hard of hearing. The year began when the students and faculty of Gallaudet University protested the decision by the board of trustees to bypass two qualified deaf candidates for president and choose instead a hearing candidate. Called Deaf President Now (DPN), the week-long protest was a watershed event. Their persistent, but nonviolent demonstrations captured the hearts of the Nation and their victory resulted in the selection of Dr. Jordan—a selection which was applauded by hearing and nonhearing Americans alike.

Dr. Jordan was not only a strong advocate for the Gallaudet community, but for individuals with disabilities across this Nation. One of his many proud accomplishments is the work he did to assist with the passage of the Americans with Disabilities Act (ADA), which I supported. He was a leading witness in support of the ADA and delivered significant testimony not only in Congress, but across the country during the deliberations of this bill.

Dr. Jordan's presidency has paralleled a time of great accomplishments for deaf persons, and all individuals with disabilities. Their needs and abilities have come to the forefront of public debate. He is far more than a symbol of ability over disability, he is a sensitive and caring individual, and a strong and forceful leader.

Mr. Speaker, I wish Dr. Jordan and his wife, Linda, much happiness as they anticipate and begin a new chapter in their lives. I am proud to list Dr. I. King Jordan in the "Who's Who of the 7th Congressional District of Pennsylvania." His strong, forceful, compassionate leadership and service will be greatly missed.

Mr OXLEY. Mr. Speaker, it is my honor today to salute the outstanding service of Dr I. King Jordan to Gallaudet University. Through his personal and professional accomplishments and contributions to the deaf and hard-of-hearing community, he has become a role model for all.

After serving in the Navy from 1962 to 1966, Dr. Jordan graduated with a B.A. in psychology from Gallaudet in 1970. He received his doctorate in psychology from the University of Tennessee in 1973. Afterward, he returned to Gallaudet and served as chairman of the Psychology Department and later as Dean of the College of Liberal Arts and Science. Tapped as Gallaudet's first deaf president in 1988, Dr. Jordan became the first deaf president of any institution of higher education in the country.

Over the past 18 years, Dr. Jordan has forged a strong relationship between Gallaudet and Congress to improve the quality of life for deaf and hard-of-hearing individuals and those with disabilities. He is known and respected by his colleagues as an amiable and admired leader. Because of his passion for Gallaudet's mission, Dr. Jordan has always gone above and beyond his official duties to help others.

I've come to know and admire Dr. Jordan through the Gallaudet University Congressional Basketball Classic, a biennial event pitting Republicans against Democrats in our own version of "March Madness." The game celebrates Gallaudet's years of service to the deaf and hard-of-hearing, with proceeds from the game going to support the invaluable programs offered at the school. I'm proud to note that Republican members hold a 6–5 advantage in the Classic, which dates back to 1987—but clearly the students of Gallaudet are the real winners.

Tonight's 12th biennial Congressional Classic will be my last, as it will be Dr. Jordan's last as president of Gallaudet University. He has been a stalwart supporter of the game over the years and a tireless advocate of Gallaudet's mission in his outreach efforts to the nation at large. I join my teammates and the whole House in honoring this dedicated and exceptional man as he concludes nearly 19 years of distinguished service at Gallaudet's helm.

Mr. HOYER. Mr. Speaker, today I rise to express my strong support for H. Res. 680 and to pay tribute to the long and distinguished career of Dr. I. King Jordan, the first deaf President of Gallaudet University. Dr. Jordan's compelling life story, keen intellect, and unbridled passion have combined to make him an extraordinary educational leader, one of our nation's foremost advocates for people with disabilities, and an international leader and role model for the deaf and hard of hearing.

Over the 18 years that he has served as University President, as well as his years as Dean of the College of Arts and Sciences and Chair of the Psychology Department, Gallaudet University has thrived under Dr. Jordan's leadership. Gallaudet is the world's only university in which all programs and services are specifically designed for deaf and hard of hearing students. As President, Dr. Jordan dramatically expanded the University's endowment, improved and expanded academic programs, added new facilities, and recruited world-class faculty and administrators.

I got to know Dr. Jordan during the passage of the Americans with Disabilities Act, which was signed into law in 1990. Dr. Jordan was a lead witness during a joint session of Congress and delivered key testimony, which was instrumental to the passage of this landmark civil rights legislation.

Dr. Jordan has never relented in his commitment to improving the lives of people with disabilities. Last year, I was privileged to join Dr. Jordan in receiving the George Bush Medal for the Empowerment of People with Disabilities. That distinguished award is just one of the many that Dr. Jordan has received for his work. His numerous accomplishments and awards include no fewer than eleven honorary degrees, the Washingtonian of the Year, the James L. Fisher Award from the Council for Advancement and Support of Education (CASE), the Larry Stewart Award from the American Psychological Association, the Distinguished Leadership Award from the National Association for Community Leadership, and the U.S. Presidential Citizens Medal.

In 1990, President George Bush appointed Dr. Jordan Vice-Chair of the President's Committee on Employment of People with Disabilities (PCEPD), and in 1993 he was later reappointed as Vice-Chair by President Clinton of this influential body that made national recommendations on issues of employment.

Dr. Jordan recently announced that he will retire as Gallaudet's first deaf President on December 31, 2006. While the University will be losing a remarkable leader, I know that Dr. Jordan will continue to be a driving force in our community.

Mr. Speaker, I wish to express my deep gratitude to Dr. Jordan on behalf of the millions of individuals he has helped and inspired throughout his career. His tireless efforts have improved not only Gallaudet University, but also our nation and our world. I wish Dr. Jordan the best of luck in his retirement. His leadership and legacy will never be forgotten.

Mr. LANGEVIN. Mr. Speaker, I rise today to pay tribute to the impressive career of Dr. I. King Jordan, as he retires from his presidency of Gallaudet University. For many years, Dr. Jordan has tirelessly served his community as an advocate and a champion for people who are deaf or hard of hearing. for the past 18 years, he has served as the president of the only institution of higher learning serving primarily deaf and hearing impaired students. I am proud to call Dr. Jordan a friend and honored to have had the opportunity to work with him in his capacity of university president over the years.

Under Dr. Jordan's tenure as president, Gallaudet University has seen tremendous growth, with an increased endowment and strong progress in many academic areas. Dr. Jordan has raised awareness of the important educational contributions Gallaudet makes to the Nation and the world.

As the first deaf president of Gallaudet University, Dr. Jordan served as a role model, as well as an advocate. One of his legacies at Gallaudet will be the President's Fellows program, which he established to increase the number of deaf and hearing impaired faculty.

His unwavering support and belief that all individuals, regardless of disabilities, should be encouraged to fulfill their potential has inspired countless students, faculty and others in the deaf and hearing impaired community to work towards that end.

Dr. Jordan has accomplished a great deal in his professional career. I am pleased to have this opportunity to acknowledge his service to Gallaudet and his efforts to improve the quality of life for individuals who are deaf and hearing impaired, and individuals with disabilities. I thank him for his dedication and I urge all of my colleagues to support H. Res. 680.

Mr. KIND. Mr. Speaker, I yield back the balance of my time.

Mr. KELLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and agree to the resolution, H. Res. 680.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPREME COURT GROUNDS TRANSFER ACT OF 2005

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2116) to transfer jurisdiction of certain real property to the Supreme Court.

The Clerk read as follows:

S. 2116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF JURISDICTION OVER CERTAIN REAL PROPERTY TO THE SUPREME COURT.

(a) SHORT TITLE.—This section may be cited as the "Supreme Court Grounds Transfer Act of 2005".

(b) TRANSFER OF JURISDICTION.—

(1) IN GENERAL.—Jurisdiction over the parcel of Federal real property described under paragraph (2) (over which jurisdiction was transferred to the Architect of the Capitol under section 514(b)(2)(B)(i) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 5102 note; Public Law 104–333; 110 Stat. 4165)) is transferred to the Supreme Court of the United States, without consideration.

(2) PARCEL.—The parcel of Federal real property referred to under paragraph (1) is that portion of the triangle of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Architect of the Capitol, including any contiguous sidewalks, bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running in a northeast direction on the west, the major portion of Maryland Avenue, N.E., on the south, and 2nd Street, N.E., on the east, including the contiguous sidewalks.

(c) MISCELLANEOUS.—

(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

(2) INCLUSION IN SUPREME COURT GROUNDS.—Section 6101(b)(2) of title 40, United States Code, is amended by inserting before the period "and that parcel transferred under the Supreme Court Grounds Transfer Act of 2005".

(3) UNITED STATES CAPITOL GROUNDS.—

(A) DEFINITION.—Section 5102 of title 40, United States Code, is amended to exclude within the definition of the United States Capitol Grounds the parcel of Federal real property described in subsection (b)(2).

(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall not have jurisdiction over the parcel of Federal real property described in subsection (b)(2) by reason of such parcel formerly being part of the United States Capitol Grounds.

(4) RECORDING OF MAP OF SUPREME COURT GROUNDS.—The Architect of the Capitol shall record with the Office of the Surveyor of the District of Columbia a map showing areas comprising the grounds of the Supreme Court of the United States that reflects—

(A) the legal boundaries described under section 6101(b)(1) of title 40, United States Code; and

(B) any portion of the United States Capitol Grounds as described under section 5102 of title 40, United States Code, which is contiguous to the boundaries or property described under subparagraph (A) of this paragraph.

(d) EFFECTIVE DATE.—This Act shall apply to fiscal year 2006 and each fiscal year thereafter.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2116.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

S. 2116 transfers jurisdiction of a small parcel of land from the Architect of the Capitol to the Supreme Court of the United States.

Most of my colleagues will recognize this property as the small triangular piece of land between the Hart Senate Office Building and the Supreme Court. For the past few years it has been surrounded by security fencing and covered by construction trailers and equipment supporting the Supreme Court Modernization project.

The small parcel of land is bordered by Constitution Avenue on the north, Maryland Avenue on the west and south, and by Second Street on the east.

This transfer also includes realigning the jurisdictional boundaries of the United States Capitol Police and the United States Supreme Court Police to reflect this land transfer.

The transfer will also enable the Supreme Court Police to have control over the grounds within the bollards that are currently under construction.

The Supreme Court Land Transfer Act of 2006 is a simple and sensible solution that provides a more distinct boundary between the Capitol grounds and the Supreme Court.

Mr. Speaker, I support this legislation and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman of the subcommittee with whom I have worked so closely for making sure that this small bill got to the floor and got done.

Mr. Speaker, S. 2116 is a bill to transfer the parcel of property currently under the jurisdiction of the Architect of the Capitol to the jurisdiction of the Supreme Court. The parcel of land is a small triangle of land bounded by Constitution Avenue Northeast, Maryland Avenue Northeast, and Second Street Northeast.

Once the parcel is transferred from the Architect to the Supreme Court, the Capitol Hill Police will no longer have the security responsibility for the parcel; and, further, the definition of the Capitol grounds will be amended to show that the parcel has been deleted from the definition of the Capitol grounds.

The Supreme Court requested this transfer in order to enhance its perimeter security program. Mr. Speaker, I support this bill and urge its passage.

Mr. Speaker, before I yield back the balance of my time I do want to say that this bill brings to mind, especially since it is being transferred for security reasons, the fact that we are operating under an old 19th century organization of the police that guard the complex of most important Federal building in the District of Columbia, the Supreme Court Police, the Library of Congress Police, and the Capitol Hill police.

Mr. Speaker, at the moment we have some jurisdiction over this Federal police force. But the jurisdiction I am speaking of, which has already been passed by the Congress of the United States, is not under our jurisdiction, but because of the security which is the reason for the transfer, I do want to say that what we have with this complex of buildings that are within sight of one another, are very different police forces.

We have a police force that is trained differently for the three most important buildings in this vicinity. The Library of Congress is trained differently. It is as if these were the police forces of Maryland, Virginia, and the District of Columbia.

Mr. Speaker, that is dangerous. That is nothing short of dangerous. We have so shored up the Capitol, that any terrorist on the lookout for something to do in this vicinity is surely going to go to places that she may believe is less well guarded, like the Library of Congress, and like, if I may so, the Supreme Court of the United States.

I have met with the Marshal of the Supreme Court of the United States and the Library of Congress. I am familiar with both their police forces. But now that this bill has been brought to the floor, I urge that we all respond to what has now become public, because the Library of Congress Police have raised the question again.

There was an article in Roll Call just a few days ago that there were real security problems with the Library of Congress and its police. I have not heard the same thing about the Supreme Court.

But I do not think we should rest well knowing that we have shored up the Congress of the United States and we hope everything is well with the Supreme Court and the Library of Congress. I think it is our obligation to make sure that it is, in fact, the case.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I would urge my colleagues to support this commonsense piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass Senate bill, S. 2116.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MILK REGULATORY EQUITY ACT OF 2005

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2120) to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

The Clerk read as follows:

S. 2120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Milk Regulatory Equity Act of 2005".

SEC. 2. MILK REGULATORY EQUITY.

(a) MINIMUM MILK PRICES FOR HANDLERS; EXEMPTION.—Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new subparagraphs:

"(M) MINIMUM MILK PRICES FOR HANDLERS.—

"(i) APPLICATION OF MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this section, a milk handler described in clause (ii) shall be subject to all of the minimum and uniform price requirements of a Federal milk marketing order issued pursuant to this section applicable to the county in which the plant of the handler is located, at Federal order class prices, if the handler has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases.

"(ii) COVERED MILK HANDLERS.—Except as provided in clause (iv), clause (i) applies to a handler of Class I milk products (including a producer-handler or producer operating as a handler) that—

"(I) operates a plant that is located within the boundaries of a Federal order milk marketing area (as those boundaries are in effect as of the date of the enactment of this subparagraph);

"(II) has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a milk marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases; and

"(III) is not otherwise obligated by a Federal milk marketing order, or a regulated milk pricing plan operated by a State, to pay minimum class prices for the raw milk that is used for such dispositions or sales.

"(iii) OBLIGATION TO PAY MINIMUM CLASS PRICES.—For purposes of clause (ii)(III), the Secretary may not consider a handler of Class I milk products to be obligated by a Federal milk marketing order to pay minimum class prices for raw milk unless the handler operates the plant as a fully regulated fluid milk distributing plant under a Federal milk marketing order.

"(iv) CERTAIN HANDLERS EXEMPTED.—Clause (i) does not apply to—

"(I) a handler (otherwise described in clause (ii)) that operates a nonpool plant (as defined in section 1000.8(e) of title 7, Code of Federal Regulations, as in effect on the date of the enactment of this subparagraph);

"(II) a producer-handler (otherwise described in clause (ii)) for any month during which the producer-handler has route dispositions, and sales to other plants, of packaged fluid milk products equaling less than 3,000,000 pounds of milk; or

"(III) a handler (otherwise described in clause (ii)) for any month during which—

"(aa) less than 25 percent of the total quantity of fluid milk products physically received at the plant of the handler (excluding concentrated milk received from another plant by agreement for other than Class I use) is disposed of as route disposition or is transferred in the form of packaged fluid milk products to other plants; or

"(bb) less than 25 percent in aggregate of the route disposition or transfers are in a marketing area or areas located in one or more States that require handlers to pay minimum prices for raw milk purchases.

"(N) EXEMPTION FOR CERTAIN MILK HANDLERS.—Notwithstanding any other provision of this section, no handler with distribution of Class I milk products in the marketing area described in Order No. 131 shall be exempt during any month from any minimum price requirement established by the Secretary under this subsection if the total distribution of Class I products during the preceding month of any such handler's own farm production exceeds 3,000,000 pounds.".

(b) EXCLUSION OF NEVADA FROM FEDERAL MILK MARKETING ORDERS.—Section 8c(11) of the Agriculture Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agriculture Marketing Agreement Act of 1937, is amended—

(1) in subparagraph (C), by striking the last sentence; and

(2) by adding at the end the following new subparagraph:

"(D) In the case of milk and its products, no county or other political subdivision of the State of Nevada shall be within the marketing area definition of any order issued under this section.".

(c) RECORDS AND FACILITY REQUIREMENTS.—Notwithstanding any other provision of this section, or the amendments made by this section, a milk handler (including a producer-handler or a producer operating as a handler) that is subject to regulation under this section or an amendment made by this section shall comply with the requirements of section 1000.27 of title 7, Code of Federal Regulations, or a successor regulation, relating to handler responsibility for records or facilities.

(d) EFFECTIVE DATE AND IMPLEMENTATION.—The amendments made by this section take effect on the first day of the first month beginning more than 15 days after the date of the enactment of this Act. To accomplish the expedited implementation of these amendments, effective on the date of the enactment of this Act, the Secretary of Agriculture shall include in the pool distributing plant provisions of each Federal milk marketing order issued under subparagraph (B) of section 8c(5) of the Agriculture Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agriculture Marketing Agreement Act of 1937, a provision that a handler described in subparagraph (M) of such section, as added by subsection (a) of this section, will be fully regulated by the order in which the handler's distributing plant is located. These amendments shall not be subject to a referendum under section 8c(19) of such Act (7 U.S.C. 608c(19)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from California (Mr. CARDOZA) each will control 20 minutes.

Mr. LEWIS of California. Mr. Speaker, I claim the time in opposition to the bill.

The SPEAKER pro tempore. Under rule XV, the gentleman from California (Mr. LEWIS) will control 20 minutes in opposition to the bill.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that the ranking member of the Committee on Agriculture, who I understand is on his way, and in his absence the gentleman from California (Mr. CARDOZA), to have control of time for 10 minutes, and that they be permitted to yield blocks of that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2120. My original interest in this legislation was to address a loophole created in the interface of the Federal Milk Market Order System with individual State milk marketing arrangements.

Under the authority of the Agricultural Marketing Agreement Act of 1993, the Secretary of Agriculture protects dairy producers from predatory pricing by setting a minimum price that must be paid by processors who distribute fluid milk within a Federal Milk Market Order Area.

While a majority of the country is covered by one of 10 Federal orders, some States, California in particular, have enacted legislation which authorizes State agencies to regulate minimum milk price for intrastate sales.

Herein lies the dilemma. Milk processed and distributed in the neighboring State of Arizona, which operates under a Federal order, is subject to the Federal minimum pricing regulations. However, milk processed in Arizona and then sold in California is exempt from the Federal existing regulations.

And since the commercial product originates from outside the State, it is exempt from California State regulations. Because of this loophole, milk produced in Arizona and sold in California is not subject to any minimum pricing regulations. This creates an unfair advantage for out-of-state fluid milk processors.

This situation was first brought to my attention by the gentleman from California (Mr. NUNES) and I agreed to help resolve this issue.

The solution simply directs the Secretary to apply the minimum pricing regulations of the Federal order system to any covered milk handler if they sell a significant portion of their fluid milk production in States that have established minimum milk pricing regulations.

Mr. Speaker, as all of our colleagues can attest, Federal dairy policy is among the most complicated and politicized of all of our programs. Indeed, the main reason that it has taken as long as it has to bring this bill to the full House for consideration is because often the simplest dairy bills tend to act as magnets and attract all kinds of unrelated pieces that are in many ways controversial.

This legislation is no exception. While the original intent was to remedy a situation that has caused great concern to the California dairy industry, two additional provisions have been added to this legislation to address concerns elsewhere.

Admittedly, I was reluctant to include these provisions; but after meeting with members of the dairy industry and hearing their near universal support, I decided to move forward with the legislation as drafted.

The two provisions that were added simply exempt Clark County, Nevada from the existing Arizona-Las Vegas Milk Market Order and create a 3 million pound-per-month cap on the exemption for producers who process and distribute their own milk within the Arizona-Las Vegas Order.

Mr. Speaker, I am aware that some Members may have concerns about one or more of these provisions. As I indicated, I too had some reservations. But as I stated, there is near unanimous support within the dairy community, both the producers and the processors, for these changes. I therefore urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, far be it from me to rise and challenge the chairman of the authorizing committee regarding a dairy issue.

He and I have talked about this on many occasions; and frankly, much of that which he suggests as a potential solution to the California-Nevada-Arizona problem I am in total agreement with.

My difficulty is that I have reviewed with great care all of those suspensions that are on the floor today. This is the controversial suspension. And indeed, rather than talking policy, I will talk policy all that my colleagues would like today, I would prefer to discuss the violation of procedure that is involved here.

Under our rules, suspensions are to be addressing issues that are not controversial, that Members on both sides of the aisle are able to largely agree upon. There are minor exceptions to this. But in this case, we are talking about a violent exception.

□ 1600

It is clearly understood by people operating with this bill on both sides of the aisle that I have had very strong opposition and others have had opposition to this policy. And yet to have it come to the floor as a suspension with no notice whatsoever, I mean, I learned last Friday by accident that this bill was going to be on the floor.

Frankly, I might be on a plane today, otherwise; and it is hardly the way to treat Members on either side of the aisle dealing with a fundamental question of procedure. So for that reason initially I have expressed my very strong opposition.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds. Just to respond to the gentleman, I certainly respect the gentleman's concerns. I too learned about the measure last Thursday or Friday, but this is very common with the scheduling of suspensions.

As the gentleman is well aware, we have been discussing this issue, and it has been on the cusp of coming to the floor for a long, long time. We need to attempt to resolve these differences, and I think the consensus, on the part of many, is that we need to proceed with this debate today. I think that is the best way to get to the heart of what is going on here.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Without objection, the gentleman from Minnesota (Mr. PETERSON) will control the time previously allocated to the gentleman from California (Mr. CARDOZA).

There was no objection.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of the bill before us, and I would like to thank Chairman GOODLATTE and the other members of the committee for their hard work and cooperation. I would also like to acknowledge the gentlemen from California, Mr. NUNES, Mr. BACA, Mr. CARDOZA and Mr. COSTA, who have worked diligently to bring this important issue to the attention of the House.

Though this bill is not perfect, Mr. Speaker, it will begin to solve an imbalance in our regulatory structure. However, it ignores the fact that the real solution is for California to join the Federal Dairy System. Right now, one handler in Yuma, Arizona, is using a loophole in the current system to sell from a Federal milk market area into California and is not paying the minimum milk price that either institution has in place. This practice is disrupting the marketplace and undermining the goal of fairness that the regulatory system should encourage.

Unfortunately, Mr. Speaker, this bill offers a piecemeal approach when dairy policy really needs a more comprehensive adjustment. The bill will begin to address the problem more immediately, but will leave more work to be done for a later time.

Mr. Speaker, even as one part of this bill is written to ensure that the Yuma handler is on the same regulatory playing field as his competitors, the bill's second provision completely exempts Nevada processors from regulation. So one provision requires that similar rules apply to all handlers, while the other gives special status to handlers in Nevada.

It may be that the exemption for Nevada will allow the Yuma handler to regain unregulated status that the bill is meant to take away. Keep in mind, Mr. Speaker, that the goal of this bill is to level the playing field between producers and handlers, which is what I hope it will do despite the fact that it is not a particularly comprehensive solution.

Without feedback from hearings and from the USDA regarding implementation of this bill, we cannot be sure that it will resolve the problem that is occurring now with the plant in Yuma, Arizona. Who is to say that the same issue will not arise elsewhere? Are we going to legislate milk price regulation every time a new milk processing plant opens? I hope not.

Finally, I must reiterate that the entire problem addressed by this bill could be solved if California belonged to the Federal order system. We need our policy to recognize that no State, even California, is isolated from the dairy marketplace. Each day raw milk and processed dairy products cross the California border in both directions. Despite that fact, California has taken various actions to isolate itself; most notably, in 2003 the Supreme Court ruled unanimously against California's position that its system was protected from scrutiny under the commerce clause of the U.S. Constitution.

California has attempted to stop the flow of raw milk from Nevada to California processors by requiring that the processors pay an extra fee into the California pool, a contribution that was not shared with producers supplying that milk.

Mr. Speaker, that California even felt the need to tax incoming milk in that way is a sign that the system is becoming unsustainable.

Although this bill before us today is needed and is not perfect, I just have to say that it does little to address the broader problems that arise from the two systems operating side by side. So I am here today to support this bill because it will give us a short-term solution to the problem. And I look forward to working with my colleagues as we move ahead, my colleagues in the dairy industry, to develop a more sensible plan for the long term.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield as much time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me say that I find this discussion rather interesting today. We have a bill before us which essentially objects to a producer from Arizona, because he is doing to California what California has done to the rest of the country with respect to milk marketing orders for quite some time.

It seems to me that if we are going to be dealing with this issue, we ought to be dealing with it generically, with all of its ramifications. I don't think this bill belongs on the suspension calendar. I think if we are going to take care of somebody's side problem, we ought to take care of other problems that are associated with the milk marketing order system as well.

What this process reminds me of is something that happened a number of years ago when Mr. Gingrich was Speaker and Steve Gunderson, a Republican from Wisconsin, was chair of the Dairy Subcommittee. Steve had expected to be able, on the farm bill, to offer an amendment to the committee product dealing with milk marketing orders. He wasn't allowed to do that, even though he was the chairman of the subcommittee handling the bill.

Instead, what happened is that there was an insider's fix between then-Speaker Gingrich and then-chairman of the Rules Committee, Mr. Solomon. They guaranteed that in return for their sweetheart deal, Gunderson wouldn't even be able to offer his amendment on the floor.

We have seen all too much of that for the past years around here, and so I have no illusions about what is going to happen to this bill, but I for one want to object to the fact that it is on the suspension calendar. I want to object to the fact that if we are going to take care of this little discrete problem that we are not, in the process, taking care of the broader issues that confront us on the whole area of milk marketing order systems.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to take a moment to respond to the gentleman from Wisconsin regarding the concern that this legislation is targeting one or two individual producer handlers to the benefit of the rest of the dairy industry.

We are here today to discuss how to keep the current Federal milk market order, something very important to the people of Wisconsin and other States, operating in a fair and equitable manner. I do not fault companies for their success. In fact, I applaud them for it.

When one or two companies' success, however, is based on a gap in the regulatory system, I believe we have an obligation to respond. In this particular case, millions of pounds of unregulated milk flows in your State commerce in direct competition with regulated milk. This certainly has the potential to impact markets.

I support this legislation because I believe that this milk should be treated the same way by the Federal Government that we treat milk that is in direct competition with it.

This is not about punishing individuals. It is about ensuring a level playing field for competition.

Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today in full support of S. 2120, the Milk Regulatory Equity Act. For those familiar with dairy policy, there is never an easy fight in dairy policy, and this legislation is no different; it will be familiar.

Throughout the years, there have been more obstacles thrown in the path of this worthy legislation than I can count. I am grateful to my friend and colleague, Devin Nunes, for his tireless leadership and pursuit of correcting this problem. I also want to thank Senator FEINSTEIN and the chairman and ranking member of the House Agriculture Committee for their support in moving this legislation forward.

Our dairy industry is extremely regulated and for good reason. Dairy products are both highly perishable and critical to the dietary requirements of Americans. Without a formal process for pricing, pooling and processing, the entire chain of production from producers through consumers is at risk. Dairy policy works because all players, including processors, producers, co-ops, distributors and buyers adhere to the same rules. Rules and regulations keep the dairy markets stable and allow orderly distribution of high-quality milk, cheese and butter products.

This bill will close a dangerous loophole that allows a few large producer handlers to escape all these carefully crafted Federal and State regulatory requirements. It would require those operations physically located in a Federal order, but shipping entirely into a State order, to comply with the regulations governing dairy policy in the order where their plant is located.

Do these individuals who are exploiting this loophole want to maintain it? Absolutely. However, due to the unique characteristics of a commodity like dairy, it cannot be allowed to continue. The foundation of this legislation is that all dairy organizations should be governed by the same rules. One group should not have an unfair competitive advantage over another.

The Milk Regulatory Equity Act ensures production and price of milk is fair and equitable. This is an extremely important bill for my home State of California, but also for the entire country. History has shown that things that happen first in California then spread east.

This loophole has the opportunity to affect every milk marketing order across the country. Let us stop it now before that happens. This is a good bill and one that deserves our support.

Mr. LEWIS of California. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I will speak just for a moment, for the gentleman from California (Mr. CARDOZA) talked about a loophole. The loophole that he is talking about really is a part of an existing law. But if there is a loophole, it is handled by a regulation that has been handled by the Department recently.

That very regulation is currently being challenged in the courts, and people are attempting to codify that regulation in order to bypass my constituents' opportunity in the courts. They were due to appear in court tomorrow to defend their interest, and this bill is on the floor today, making it not just a very controversial issue, but violating our very fundamental process.

Mr. Speaker, I would urge the House to be very reserved about using the suspension process in this fashion.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I rise in support of S. 2120, the Milk Regulatory Equity Act, which would amend an outdated regulatory exemption within the Federal milk marketing order. I commend Chairman GOODLATTE and the gentleman from California (Mr. NUNES), the author of the bill, for their work in moving this legislation forward.

Years ago, the United States Department of Agriculture exempted small producer handler dairy farmers from regulation because they owned and milked their own cows and sold their own products directly to local consumers. Today, some of these unregulated producer handlers collect U.S. Government subsidies and have grown to be among the largest dairy processors in the country with significant market shares.

This is an unfair advantage, and this exemption can adversely affect the prices other farmers receive. Consumers also suffer as unregulated producer handlers eliminate competition. This bill eliminates the loophole that allows now large producer handler operations to be unregulated and requires equal application of the law. It still allows family producer handlers to be exempted if their product is less than 3 million pounds per month.

I urge my colleagues to support this bill.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise today in strong support of S. 2120 and ask for your support of this bill. I too want to thank Chairman GOODLATTE and Congressman NUNES and Congressman CARDOZA for their efforts on this important piece of legislation that eventually, I think, will lead to an important part where we need to focus on comprehensive dairy policy as we look toward the 2007 farm bill.

But I rise to speak very simply about something that is complicated, that, as most of you know, is dairy policy.

☐ 1615

Your support of this bill does not require the detailed knowledge of the myriad pacts that govern the dairy industry and demand a historical analysis of what is going on throughout the country and individual States.

S. 2120, though, is about fairness. Is it fair today in California some of the world's most productive dairymen and women are being undercut by a legal loophole between the Federal and State dairy programs that permits some dairies to skirt all the rules?

Is it fair that by exporting these programs, some dairies avoid all regulations, enabling them to sell to retailers at well below well-regulated dairies?

Is it fair that this bill, which has passed the United States Senate with unanimous consent with overwhelming, obviously bipartisan support, has had to wait 3 years to be considered by the House?

Is it fair that one of the few dairies in this country that opposes this legislation claims he is simply using the free market system, while accepting nearly $1 million a year in Federal dairy support payments?

No, it is not fair. Your support of S. 2120 will bring fairness back to dairy farms. If we are going to ultimately craft an even-handed dairy policy throughout the country, and we have competition abroad, we need to first take this first step.

I urge you to support S. 2120.

Mr. LEWIS of California. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, responding directly to my colleague from California's point, indeed it has been suggested that we are dealing with dairy policy in a major way here on the floor. If that is the case, clearly we should not be handling that very policy by way of a suspension matter. It is a fundamental violation of that process.

This bill has had a number of years for possible consideration in the authorizing committee; and, yet, the authorizing committee has never held a hearing on this subject, the subject of the Senate bill that is before us today.

I would suggest to us that our authorizers need to, in a fundamental way, look at national dairy policy and not let California continue to take such advantage of the country, as my colleague, the gentleman from Wisconsin (Mr. OBEY), suggested. In this case, we have California divided against itself, the central valley against my district.

I must tell you, a long time ago, I tried not to have to deal with dairy policy because of problems in the past, but I can tell you also you can never quite satisfy dairy people in California because any kind of competition is a problem.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Minnesota (Mr. GUTKNECHT), the chairman of the Dairy Subcommittee of the Agriculture Committee.

Mr. GUTKNECHT. Mr. Speaker, this has been a very interesting debate; and if you want to get into hot water, just start debating dairy policy. It not only gets very complicated very fast, but it gets very heated.

This is not a new issue. This has been percolating around this Capitol now for at least 2½ years. I was first made aware of it by the gentleman from California (Mr. NUNES) and others on a trip to California. I have learned more about this issue than I think I really ever wanted to know; and, frankly, I think most Members of the House do not really want to know too much about this.

Our colleague from Ohio, I think, said it well. This is really an example of where the laws were originally designed to protect small producer-handlers, and here we have a large producer-handler who has found this, and I do not want to get into a fight here over the term "loophole," but he has found this opportunity and he is exploiting this opportunity.

Now, we have said repeatedly to our colleagues in California, this essentially is a California issue, why do you not work it out. I think there was a good-faith effort on both sides of this argument to try and do that; but, unfortunately, they failed.

This is a very complicated issue, but I think all of the speakers who have preceded me have said it well, that we have a responsibility to have a Federal milk system that is fair to everybody. What we have right now is one particular producer who is trying to use the best of both worlds, who is situated right on the border; and, frankly, I think we have a responsibility to close that loophole.

Let me point out that this is not an issue, while generally milk issues divide geographically, they divide between the people who produce the milk, the dairy farmers and the processors, this is one where virtually everyone in the dairy industry, from all corners of the United States, whether they are dairy farmers large or small, whether they are processors large or small, or whether they are in the marketing side or the manufacturing side, almost universally they support this legislation.

So with all due respect to our distinguished colleague and chairman of the Appropriations Committee, I think this is an idea that has percolated for a very long time. It is time for the House to take action. I strongly support the bill, and I hope my colleagues will join me in supporting it as well and pass it here today on the House floor.

Mr. Speaker, as Chairman of the Subcommittee with jurisdiction over dairy programs and policies, I want to express my support for this legislation and reiterate the comments made by the Chairman of the Agriculture Committee.

As he said, the federal milk marketing order system has served the dairy industry well. But we have this situation where a processor from outside California can undermine the market there by under pricing the regulated competition.

Mr. NUNES and a number of others have worked to address this, and the legislation before us today would direct USDA to apply the minimum pricing regulations of the federal order system to milk processed in a federal order area and distributed into states that have a statewide system.

While we're aware that some Members have concerns with this legislation, it's important to point out that it has the strong support from nearly the entire dairy industry, both producers and processors.

Again, as Chairman of the Dairy Subcommittee, I encourage my colleagues to join me in supporting this legislation.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, it is pretty apparent for those who have been listening that this is not a simple matter. I mean, dealing with national dairy policy by way of a suspension bill, with the presumption this is a very simple, noncontroversial item, at best, distorts the process.

Let me share with my colleagues that there is a regulation in place that covers the problems that have been raised here on the floor. The department has recently done that. That regulation is being challenged in court, and it is supposed to be heard tomorrow. So the opponents are choosing to bring the bill up today to undermine that opportunity for a family business to have an opportunity to expand their business.

I would suggest to my colleagues perhaps we should be supporting small producer-handlers across the country who would wish to expand their business, and those who have not chosen to follow that line, if it is so profitable, why do they not follow that line themselves? They, too, could become producer-handlers.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I have just one speaker remaining, and I believe we have the right to close.

Mr. PETERSON of Minnesota. Mr. Speaker, I do not think we have any additional speakers, and so I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield the remaining balance of my time to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I want to thank the chairman of the Ag Committee, BOB GOODLATTE, and Ranking Member PETERSON for this ongoing 3-year debate.

I find it interesting when we come to Washington, you learn that people like to use politics instead of policy. If you notice, the opposition to this bill, they did not talk or discuss the policy of this matter. They talked about the politics of it.

So since they went down that road, I would like to say that this bill is not controversial. This bill has been debated for 3 years. The Senate passed it unanimously. The Senate authorizers have said that this needs to get done. The House authorizing committee, we have the chairman of the Dairy Subcommittee who recognizes this needs to be done.

The opposition to this bill, who is a good friend of mine, but this has unanimous support across California, unanimous. Every dairy farmer in the State of California has sent letters to their Congressman, and every dairy industry, not only the dairy farmers, this is not just about dairy farmers, this is dairy processors. This is grocery stores, and it is not only California. It is across the entire country. This has national implications to let producer-handlers game the system. This is about gaming the system.

So it is not confusing. It is not controversial, and if you look at the fact that they talk about a constituent being in California in a lawsuit that is being brought forth, that is simply not true. The lawsuit has been brought forth in Texas, and the person claims to be a constituent of Texas.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. NUNES. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, the gentleman involved is a constituent of mine. I can take you to his farm anytime you like, in California.

Mr. NUNES. Mr. Speaker, all I am saying is the court case you cited is filed in a Texas court, and he claims to be a resident of Texas.

Mr. LEWIS of California. One of his major farms is in my district, and all the farmers around him in California are supporting his position.

Mr. NUNES. Well, I thank the chairman for that, but I do have to say that we have a differing opinion here, and I can provide the chairman with letters, if he would like, at a later date.

But with that, I want to thank, again, the House leadership and the ranking member and especially Chairman GOODLATTE for bringing this forward, and I hope that the House will pass Senate bill 2120 as quickly as possible.

Mr. COLE of Oklahoma. Mr. Speaker, I rise today in opposition of S. 2120. Although I acknowledge there is merit to the original intent of this bill, I am unable to ignore the harm it may cause for the small business dairy industry in light of recent developments. As this industry is an integral economic contributor to my district, and indeed Oklahoma as a whole, it would be negligent of me to endorse this bill and rely on good luck to protect my constituents.

Mr. Speaker, the dairy industry is complex and there are many legitimate competing interests. With this in mind, I commend my colleagues in both bodies of Congress who diligently worked to build a rare consensus while crafting this bill. I have no doubt in my mind that the original intent of this bill was narrow in scope, focused on regulating aspects of the milk industry in certain western states. In addition, I have no doubt that the crafters of this bill believed they were protecting smaller dairy farmers, processors, and producer-handlers outside of those states from falling under similar regulations in the future.

However, Mr. Speaker, the U.S. Department of Agriculture acted before Congress, issuing a final rule on February 24, 2006, establishing similar regulations as would be established by S. 2120. I must admit Mr. Speaker, this begs the question: Why is it necessary for Congress to now duplicate what has already been legitimately addressed by the USDA? I fear the only outcome may be to codify this regulation, thereby inherently suggesting that Congress will endorse similar such regulations in the future. This is a precedent which I can not support. I believe in our government's regulatory process Mr. Speaker, and as such, I believe there is no longer any need for Congress to act upon this particular issue. Had the USDA not taken this action, I also have no doubt I would have felt much more comfortable with this bill.

Mr. Speaker, S. 2120, although originally well-intentioned and carefully crafted to insulate dairy farmers, processors, and producer-handlers outside of these particular western states from unintended consequences, has been outdated by the regulatory actions of the USDA. Should Congress pass S. 2120, it may only serve to set a dangerous precedent which could severely harm an important part of America's dairy industry in the future.

Mr. BACA. Mr. Speaker, I rise today in support of S. 2120, The Milk Regulatory Equity Act of 2005.

Mr. Speaker, this bill comes before us today with the full support of the leadership of the House Agriculture Committee and the nearly unanimous support of the entire dairy industry.

As Ranking Member of the Department Operations, Oversight, Dairy, Nutrition and Forestry Subcommittee of the House Agriculture Committee, I can speak to how rare it is for a bill to achieve such wide consensus and agreement among government officials and industry representatives.

This bill is good legislation that will close an unintended loophole created by past federal regulations. While most states determine their milk prices based on their Federal Milk Market Order Area, certain states have enacted legislation which authorizes state agencies to determine milk prices for intrastate milk sales. This then allows some out of state milk processors to be completely exempt from any minimum price regulations and creates an unfair market advantage. S. 2120 will fix this problem and place all milk processors on a level playing field.

Dairy operators in the Inland Empire of California, including Chino and Ontario—in or near my district—are being hurt by this loophole. Hard-working farmers all across America are facing the same situation, and we owe it to them to provide regulatory action that will help all dairy processors.

I want to commend Chairman GOODLATTE and Ranking Member PETERSON of the full Committee for their excellent work on this legislation.

I also want to thank Chairman GUTKNECHT of our Subcommittee for his leadership on this matter.

I urge my colleagues to vote in favor of this bill and continue the federal government's tradition of offering American consumers consistently priced high quality milk.

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to S. 2120, the Milk Regulatory Equity Act.

I think there well may be a need for Congress to consider legislation dealing with Federal Milk Marketing Orders (FMMOs). But the subject is too important to be handled the way this bill has been.

The suspension calendar is supposed to be reserved for bills that the relevant committees have reviewed and that are not controversial, which is why debate is limited and no amendments are allowed.

However, there has been no hearing on this bill and it has never been approved by any Committee—in either the House or Senate—so there has been no opportunity to consider the testimony of anyone who might be affected, including at least one Colorado company that has told me of their objections to the bill as it now stands.

Before we make a change in Federal dairy policy that has been in place for 70 years I think it is appropriate to hear all sides of the debate. Because that has not happened, I cannot support the bill.

I urge all Members to join me in voting no today, so that the bill can receive a more careful evaluation and so that possible revisions can be considered in the Agriculture Committee.

Mr. NUNES. Mr. Speaker, I rise today in support of the Milk Regulatory Equity Act, S. 2120. This important legislation was first introduced in 2003 and has been subjected to extensive review both inside and outside of Congress. I am satisfied that every effort has been made to craft a measure that is fair and have personally participated in efforts over the past three years to make certain that this legislation does exactly what we say it will do. We have worked collaboratively with every corner of the U.S. dairy industry and have formed a coalition that is unprecedented in this sector of the economy. Indeed, processors and dairy farmers from throughout the country, each with significantly varying local and regional interests, have come together to share with us the urgent need to address this issue. I am pleased that we are responding and would like to thank Chairman GOODLATTE and Ranking Member PETERSON and their staff for their hard work.

S. 2120 is about fairness, Mr. Speaker. The bill responds to fundamental questions of regulatory equity that only Congress can address. The questions are simple. Should producer-handlers in Arizona be exempted from our Nation's regulatory system with no regard for their impact on our system of pooling and pricing, as established by Congress? Should producer-handlers be permitted to continue to operate free of regulation, while collecting Federal subsidies and benefiting from Farm Bill programs? Should a State regulatory system, such as California, be subjected to unregulated shipments of dairy from States participating in the Federal milk marking orders? Clearly, and with a strong bipartisan statement, Congress must say no. We must support passage of S. 2120.

Mr. Speaker, I understand that anyone in business who has found a lucrative regulatory loophole would be inclined to fight for it. However, we in Congress need to look at the bigger picture. Those special interests that have resisted this legislation are doing so because they are gaming the system. They owe their success to the very program they claim to loath. Their ability to operate under preferential treatment in a highly regulated industry, while taking government subsidies, is not free market capitalism.

It may be asked, "How are we achieving fairness in this bill?" Mr. Speaker, we have worked diligently to find a solution that recognizes the realities of our dairy programs today. In Arizona, we establish a three million pound per month cap on producer-handlers. This will allow small mom and pop businesses to operate as they have since the 1930s. However, it will regulate large dairy operations that have been found to have an impact on our system of pooling and pricing. We also address those handlers that are escaping regulation by means of locating their facilities in federally regulated regions, while doing business exclusively in State regulated regions. This activity seriously undermines both the Federal and State regulatory systems, by diverting revenue away from the pool and disadvantaging regulated businesses.

Mr. Speaker, State and Federal milk marketing orders have existed side-by-side since Congress first enacted the Federal milk marketing orders in the 1930s. They promote a stable and affordable fluid milk supply and were intended to regulate the industry equitably. However, the discovery of an intra-order loophole has encouraged the growth of unregulated handlers in the marketplace. We need our Federal and State regulatory systems to interact in a seamless way, so that farmers and processors are not disadvantaged or discriminated against by our laws. Under S. 2120, Congress will allow the regulation of processors exploiting the intra-order loophole. They will be regulated based on the rules of the Federal milk marketing order where their plant is physically located. This won't place them at a disadvantage, it will restore equity to our dairy program.

Mr. Speaker, we have 70 years of history reflecting Congressional intent for unregulated handlers to become regulated when they begin to have an impact on the regulated market.

It has been suggested by opponents that S. 2120 "targets" an individual or individuals. Nothing could be further from the truth. We are merely closing regulatory loopholes that can be exploited by anyone. We are thus dealing with a general situation as stated by the Gentleman from Virginia and Chairman of the Agriculture Committee.

Congress has been advised by the Department of Agriculture that there may be and indeed likely is, at least one other business entity that going forward could, based upon present business practices, find itself subject to these provisions. And that is the point. The loopholes that presently exist can be exploited by anyone. By closing the loopholes, we address the situations at hand and prevent their use by those who could (and likely would) exploit these loopholes in the future.

It must also be emphasized that the provisions of S. 2120 are entirely consistent with the legislative history dealing with producer-handlers and the need to monitor their potential negative impact on fair competition in the markets in which they operate.

When the predecessor to the Agricultural Marketing Agreement Act (the Agricultural Adjustment Act) was passed in 1935, a Manager of the bill on the House floor stated that the United States Department of Agriculture had the power and the duty to regulate producers who were also handlers when they were large enough to disrupt the competitiveness of the market in which they operated.

Then, in 1965, after losing three lawsuits in which they made the same arguments they make against S. 2120, producer-handlers sought an amendment on the House floor to the 1965 Farm Bill which would have granted them a limited regulatory exemption from the Agricultural Marketing Agreement Act. That amendment was defeated. The Managers' Report explicitly states that producer-handlers who are large enough to disrupt the markets in which they operate can be regulated.

Mr. Speaker, as I have said before, the Milk Regulatory Equity act is about fairness. It's about equitable application of our laws. The hard working dairy farmers in Arizona have witnessed a steady decline in their pool since unregulated handlers began to flourish. They deserve to be treated fairly by their government and should never be placed in a situation where government regulations unintentionally disadvantage them in the marketplace. Regulated processors in Arizona are no less efficient or innovative than their unregulated competitors. They are simply unable to compete with businesses that don't have to play by the rules. This situation is wrong and must be resolved by Congress.

Without changes to the law to close existing loopholes, California dairy farmers are equally disadvantaged and so are our State's processors. When unregulated milk is shipped into the California marketplace from the Federal milk marketing orders, the impact is not just felt on dairy farms and in processing plants but in the homes of the families whose livelihoods depend on this industry.

Mr. Speaker, it is highly offensive to me that California's losses, including dairy industry jobs, are not based on our competition's superior product quality or innovative practices. These losses are because loopholes in Federal law are allowing unregulated handlers to game the system. Let me be clear: unregulated handlers are not promoting market competition. They are driving out competition. They owe their success to the dairy programs and to the advantage they have found in loopholes. Some of them collect large subsidies from the Federal Government, take full advantage of Farm Bill programs and then demand to be treated differently than the rest of the dairy industry.

No Mr. Speaker, we cannot allow this to continue. This issue is all about fairness. It's about resolving the current practice of unequal application of the law. I hear about the challenges my dairy farmers face every time I go home and I know first hand how frustrated and disappointed farmers and processors are with the current situation. They are looking to us to close these loopholes and restore free market principles and fair regulation to the dairy industry.

Congress must pass this legislation today and I ask for your support.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 2120.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

LOCAL COMMUNITY RECOVERY ACT OF 2006

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4979) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the preference for local firms in the award of certain contracts for disaster relief activities, as amended.

The Clerk read as follows:

H.R. 4979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Community Recovery Act of 2006".

SEC. 2. USE OF LOCAL FIRMS AND INDIVIDUALS FOR DISASTER RELIEF ACTIVITIES.

Section 307 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5150) is amended by adding at the end the following: "In carrying out this section, a contract or agreement may be set aside for award based on a specific geographic area.".

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the Corps of Engineers should promptly implement the decision of the Government Accountability Office in solicitation W912EE-06-R-0005, dated March 20, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4979.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4979, introduced by Mr. PICKERING of Mississippi, amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the preferences for the local firms in the award of contracts for disaster relief activity.

The Local Community Recovery Act of 2006 makes it clear that the government can limit contracts to local communities devastated in disasters.

☐ 1630

The Stafford Act has a preference for doing business with local firms because putting communities back to work is an important strategy for helping them rebuild their economy.

In the areas hardest hit by Katrina, the job market, local economy and tax base have been devastated. This legislation will put people back to work rebuilding their communities while simultaneously strengthening the local economy and tax base. Another common advantage of contracting locally can be lower cost and faster job completion.

I would like to recognize my colleague, Mr. PICKERING, for his dedication to bringing this legislation to the floor. Mr. PICKERING has been a champion of this issue and has worked to help the people of the entire gulf coast region. This bill is further proof of his dedication and efforts. Since Katrina ravaged the gulf coast, Mr. PICKERING has worked tirelessly with me and the Transportation and Infrastructure Committee to resurrect his district and all of the gulf coast region.

I would also like to thank Ranking Member OBERSTAR and Ranking Member NORTON for working with us to develop a compromise bill that encourages the Army Corps to move forward with its local contracts.

The amended version of the bill does not limit judicial review of any contracts. As a result, the bill we are considering enjoys bipartisan support, I repeat, bipartisan support, and I encourage Members to support final passage.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. I yield myself such time as I may consume, Mr. Speaker.

The legislation in its amended form before us this afternoon is the result of the finest of legislative action in which a substantive goal has been achieved through discussion and understanding of one another, understanding the underlying law and its application, and in this case, an administrative action that has produced a right result.

The objective in the Gulf States devastated by hurricanes, not just Katrina but Rita and Wilma and the ones preceding and the ones yet to come, is local recovery. That means not just restoring the physical needs of the communities, the homes, the businesses, the streets, the levees, the lighting, but also the businesses.

The objective of the Robert T. Stafford Act, which I must say I have had a very large role in shaping over the past 21 years with my then-colleague on the committee, Mr. Clinger, is to affirm that the administering agencies, that is, those administering the law and the funding, would give preference to local businesses to restore those businesses, to expedite completion of recovery work, and to achieve lower costs, because businesses locally know how to do the job better than out-of-State companies.

In this particular case, in the aftermath of Katrina, the Corps of Engineers responded by taking the action that law allows them. They issued a contract for debris removal in Mississippi that originally was given to a Florida company, Ash Britt. They decided not to renew that contract, because it was evident that the work was not going to be done principally by local companies and, instead, chose to issue three separate debris removal contracts to Mississippi firms to guarantee that local Mississippi companies would be selected for the contracts and to do so by limiting the bidding to Mississippi companies. The Florida company protested that bid to the Government Accountability Office.

Last week, the GAO issued its ruling, its decision in the matter of Ash Britt, Inc., with reference to the file number, dated March 20, and in the most important part said: "We think Ash Britt misses the point when it argues that some form of preference short of a set-aside also implements the Stafford Act's preference for using local businesses to clean up disaster-related debris. The question here is not whether some lesser form of preference might have satisfied the act's intent, but whether the preference chosen was an abuse of agency discretion. Since the language in the statute does not specifically restrict the application of the preference, and since the use of a set-aside is consistent with the statutory goal of assisting firms in the affected area, we do not view the Corps' decision to implement the Stafford Act preference with a set-aside as an abuse of the agency's discretion to implement this statutory scheme." And then they conclude with referring to previous GAO decisions in the matter.

That settles it. The Corps has the authority; that authority has been affirmed by the Government Accountability Office, and the contracting should proceed. The GAO decision, so clear, so precise, so unequivocal in my judgment and in previous experience with the Corps and with GAO, should ward off any lawsuit or further appeal by Ash Britt. I think they will be very wise to accept the judgment of GAO and allow the procedure to go forward.

The bill before us is a revised version of the legislation the gentleman from Mississippi introduced just before our recess and which we discussed at some length. I had some reservations about it, some concerns, especially the prohibition of judicial review. That has wisely been removed, as the chairman of the subcommittee, the gentleman from Pennsylvania, has expressed.

So I want to make it very clear that we have had a very thoughtful, very constructive discussion with the gentleman from Mississippi, with the subcommittee staff, with GAO, and with the Corps of Engineers. And the language in this sense of Congress portion of the bill pending before us this afternoon, "It is the sense of Congress that the Corps of Engineers should promptly implement the decision of the Government Accountability Office in solicitation," and I don't need to repeat the reference, dated March 20, 2006, that should be very clear direction to the Corps of Engineers to proceed forthwith, get these debris removal contracts under way, and move ahead without concern or fear of further appeal by the contractor in this case.

I think it is a good legislative outcome. It is a good direction to the Corps. It will be good for people of Mississippi. It will be a good lesson for workers and smaller contractors in other hurricane-affected Gulf States. It will set a good precedent for the future.

I think that we have had a very fine result this afternoon, and I urge my colleagues on this side of the aisle and all Members to support this legislation.

I would further observe, Mr. Speaker, that my wife is from New Orleans. Her family was affected by the hurricane. We have just recently, just 2 weeks ago, spent time in New Orleans; went with family and friends to the 17th Street Canal, saw the levee break, saw the work of the Corps, the cofferdam set up to rebuild that portion of the levee, traveled to Saint Bernard Parish, saw the absolute utterly horrifying destruction of an entire 38,000-home area inundated, over the rooftops, homes floated away from their mooring, and debris still in the streets.

That debris needs to be removed. Those people need relief. They want to get back in their homes, they want to rebuild, and they are frustrated that companies that know how to do the work aren't being called on to do it.

This legislation will set the course, chart the future, give an opportunity for those who know how to do the job to get in there and do it and do it expeditiously.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Chairman, I thank you for your support, your leadership on these issues, and for your commitment and traveling to the Gulf region, to New Orleans and to the Mississippi Gulf Coast, your leadership on the committee and on the Select Committee on Katrina to find the solutions for the future storms and recoveries, but also to do everything you can to make sure that this Congress does the right thing for this region as we recover. I am extremely grateful.

To Mr. OBERSTAR, I thank you for working with me today in the best sense and tradition and civility of this place to find common goals and common ground to be able to help my people in my home State recover, rebuild and, most importantly, to lead the way for themselves.

As the Stafford Act clearly states, and Mr. OBERSTAR was here in the beginning of that act and has been intimately involved in all aspects of that over his career here, but let me read the Stafford Act and the committee language when it was first enacted.

In section 204 of the Disaster Relief Act of 1970, the Senate Committee on Public Works, which proposed the language, stated, "Preference is to be given to persons or firms who work or do business in the disaster area." The committee report discussed the rationale and justification for this provision. "One outstanding feature of the aftermath of a great disaster is the lack of ready cash. A Federal assistance program should be designed to revitalize the community by infusions of cash through the use of local people and business firms."

To be honest, this has not been done in this recovery. Unfortunately, it is a failure of the Bush administration in implementing the contracts for the recovery of this region. But the administration is trying to correct that action. Today, 95 percent of all Federal contract dollars, 95 cents on every dollar spent on Federal contracts, is going to out-of-State firms, not in-State, not community, not local, but out-of-State.

Now, why is it so important that local firms, local businesses, local communities lead the way? It is those local businesses that will pay local taxes to rebuild local schools, to make the contributions to the churches as they care for the people who are helpless, needy, hungry, and homeless. It is those companies that will pay for the rebuilding of the Little League ball parks. All of the community institutions and infrastructure are led by local businesses and local leaders, and it is those people who should be on the front lines, not at the back of the line in the recovery effort.

What the Corps of Engineers did in December was to try to correct that. They set aside on a geographic preference consistent with the Stafford Act contracts for debris removal. And let me say this: In Mississippi alone, we have had more debris, as you can see from these pictures, more debris than any disaster in American history. Over 50 percent more has already been cleaned up than ever occurred in any disaster anyplace in America. What the Corps did in December was to say, in the future, going forward, we are going to let local companies lead the recovery and comply with the congressional intent and stated objectives of the Stafford Act.

Unfortunately, the incumbent contractor from out of State protested that action. They gamed the system to delay the implementation of those contracts. Three months later, the GAO rejects the protest, finds in favor of the Corps, finds in favor of the congressional intent of the Stafford Act, and says, in essence, the protest is baseless.

It is time, and this act urges the Corps, to immediately, to promptly move forward in the implementation of local contracts for local debris removal.

President Bush, when he addressed the Nation in Jackson Square in downtown New Orleans stated: "In the work of rebuilding, as many jobs as possible should go to the men and women who live in Louisiana, Mississippi, and Alabama." What we are doing in this act is clarifying and reaffirming the original intent to make it possible that no one can litigate this or game this or delay this to keep local firms from leading the way.

Let me say this. As I look across to both sides, this body has been extremely generous to the people of Mississippi and New Orleans. We have appropriated billions, now over $100 billion to the recovery of the region. The churches and the charities across this country have been compassionate, and their generosity has flowed down and poured into our region. Our people will be forever grateful. Mississippi is the most generous State in the Nation, according to IRS returns. We are the poorest State, but we give more per capita than any State in the Nation. We are a proud people, and we want to lead the way and work first.

□ 1645

We do not want to be at the back of the line. We want to be on the front line, cleaning up, rebuilding, restoring and renewing our region.

I urge bipartisan support of this action today so that our region can recover with the help, but not the dependence, not the displacement, not the replacement of our own people, our own economy, our own jobs; and I ask all of us to look at this legislation and to work with me and for the administration to keep its commitment and to keep the law and the intent of this legislation.

In closing, let me also ask the current contractors: do nothing as these contracts to Mississippi companies go forward to disrupt, to sabotage, or to slow the work. Cooperate with us and partner with us, just as our companies have partnered with you as you led. Stand down. Let us stand up. Let us lead the way, and we can have a continued good relationship. But protest this, litigate this, fight this, sabotage it, and there will be bad will that will go forward and undermine the way that our communities and our country should work together.

Mr. Speaker, I thank Members for their support, and I thank the ranking member, Mr. OBERSTAR, as we continue to rebuild our region.

Mr. OBERSTAR. Mr. Speaker, I yield myself 15 seconds to express my appreciation to Mr. PICKERING for those kind remarks. We have spent a very productive time together.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I thank Mr. OBERSTAR for his leadership on this matter and for forging this bipartisan agreement. I rise today in support of H.R. 4979, the Local Community Recovery Act of 2006.

I want Members to know I approve of this language allowing set-aside contracts based on a geographic region. Florida for years has pushed for more local company involvement. This is something that Florida has been pushing for after every hurricane has battered our State.

Every time contracts go to out-of-state contractors who have relationships with FEMA and the Department of Homeland Security, Florida companies do not get the work. This provision will allow local communities to recover more quickly. It is important for all contractors to work with local companies and local workers who know the area and the best way to get the job done.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act provides assistance to States in response to natural disasters. I recommend that the agencies follow the law and allow local communities to recover from these natural disasters.

Mr. Speaker, on April 1, hundreds of us will be going to New Orleans. It will be my second trip to work in that area and to try to encourage local participation and to find out the status so we can come back and report to the Congress on the progress. I think every Member should go to the region and work in that region to make sure that the $100 billion dollars that we are appropriating is spent in the local area.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to express appreciation for the cooperation we have had this afternoon in working out this matter that should have been considered appropriately in committee process. In the subcommittee, full committee we could have resolved these matters in an expeditious manner in a very expedited way. But failing the committee process, we have reached, I think, a very sound, very progressive and forward-looking outcome.

I want to restate section 2 of the pending bill, line 8: "In carrying out this section, a contract or agreement may by set aside for award based on a specific geographic area." This is unmistakable language. It reaffirms the original intent of the Stafford Act, reaffirms historical precedent, and states it very clearly in legislative language.

We intend to get this bill passed this afternoon, and I hope the other body will act expeditiously as well so we can make this very, very clear and proceed on the awards of these contracts and reestablish businesses in Mississippi, as the gentleman from Mississippi has so well and firmly and forcefully stated as a very strong and effective advocate for the people of his district.

Mr. Speaker, I thank you for your cooperation. It always seems to me that the gentleman from Minnesota and a gentleman from Pennsylvania are working on the FEMA program, Mr. Klinger, Mr. Ridge, and the gentleman's father, the first Mr. Shuster. Every time we do, we come up with a good result.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank the ranking member for those kind words.

The Local Community Recovery Act makes sense. As the ranking member pointed out, it clarifies and reaffirms the language in the Stafford Act. It also directs the corps to move forward quickly so we can see the cleanup continue to make progress in the Mississippi and in the gulf coast region.

I want to again thank Mr. OBERSTAR for his cooperation on this issue. Once again, the T&I Committee has come together in a bipartisan manner and moved forward for the betterment of this Nation. I also thank Mr. PICKERING for his leadership and in working so closely with the T&I Committee to put this together for what I think is going to be a very positive outcome.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4979, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMENDING HAITI FOR HOLDING DEMOCRATIC ELECTIONS

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 353) commending the people of the Republic of Haiti for holding democratic elections on February 7, 2006, and congratulating President-elect Rene Garcia Preval on his victory in these elections.

The Clerk read as follows:

H. CON. RES. 353

Whereas the Republic of Haiti held democratic presidential and legislative elections on February 7, 2006;

Whereas reports indicate that the elections were peaceful and that 2.2 million Haitians—more than 60 percent of registered voters—participated in the elections;

Whereas many Haitians walked miles on election day to reach a polling station and waited for hours in line to exercise their right to vote;

Whereas the participation of an overwhelming number of Haitians in the elections demonstrates the commitment of the Haitian people to democracy;

Whereas on February 16, 2006, Rene Garcia Preval was declared the winner of the presidential election with 51.15 percent of the vote;

Whereas on February 23, 2006, the White House announced that President George W. Bush phoned President-elect Rene Garcia Preval to congratulate him on his victory in the elections and to discuss cooperation in Haiti's economic development and the fight against the illegal drug trade;

Whereas the elections of February 7, 2006, are a sign of hope for the future of the people of Haiti;

Whereas violence and natural disasters have caused tremendous suffering and loss of life in Haiti;

Whereas the people of Haiti would benefit from efforts to achieve national reconciliation; and

Whereas the elected government of Haiti will need the support and assistance of the United States and the international community to ensure social and economic development and to improve the lives of the Haitian people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends the people of the Republic of Haiti for holding democratic elections on February 7, 2006;

(2) congratulates President-elect Rene Garcia Preval on his victory in these historic elections; and

(3) pledges its support and assistance for national reconciliation, democracy, and development for the people of Haiti.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this concurrent resolution that commends the people of Haiti for holding peaceful and democratic elections on February 7 and expresses the sense of the United States Congress that the U.S. should actively support efforts in Haiti to move that country toward national reconciliation, democracy, and development.

Further, the resolution acknowledges the Haitian people's needs for sustained support and assistance from the United States and indeed the international community to ensure social and economic development.

The elections took place February 7 with 2.2 million Haitians, over 60 percent of the registered voters, participating. There were only minor reports of violence and voting flaws.

This bill recognizes the perseverance of the Haitian people as they struggle to maintain democracy. Many Haitians walked miles on election day to reach a polling station, and they waited hours in line to exercise their right to vote. The participation of an overwhelming number of Haitians in these elections clearly demonstrates the commitment of the Haitian people to democracy.

I support the Waters resolution, House Concurrent Resolution 353, a resolution to commend the people of Haiti for the success of their recent election and congratulates President-elect Rene Preval on his victory in the elections. President-elect Rene Preval defeated a large field of candidates and won the election with over 51 percent of the vote.

The people of Haiti have suffered tremendously as a result of violence and natural disasters, and the elections are a sign of hope for the future of the Haitian people. This resolution pledges the support of Congress and the assistance of the United States for national reconciliation, democracy, and development for the people of Haiti.

Finally, this resolution embodies the hope that many of our colleagues on both sides of the aisle share, that democracy, stability, and prosperity will be realized as Haitians move beyond these recent elections and put the turbulent chapter behind them. I urge my colleagues to show their support for democracy in Haiti by supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my commendation and appreciation to the distinguished chairman, the gentleman from Illinois (Mr. HYDE), for his leadership and support of this legislation, and also our senior ranking member, the gentleman from California (Mr. LANTOS). I do also want to thank my distinguished friend and colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for her management and being on the majority side in support of this legislation.

Of course not least of all, the author of this legislation, my very dear friend, the gentlewoman from California (Ms. WATERS), who is the sponsor, the chief sponsor and author of this proposed resolution.

Mr. Speaker, it was my privilege to travel several times to Haiti with one of our distinguished and senior colleagues of this institution, the gentleman from Michigan (Mr. CONYERS). I can appreciate the many problems and issues facing the good people and the leaders of the country of Haiti. I do want to say I rise in strong support of this resolution.

Mr. Speaker, with the cherry blossoms in full bloom in the Nation's capital, democracy is once again blossoming in the troubled island nation of Haiti.

After a tumultuous 2 years under an interim government, the people of Haiti recently went to the polls en masse to elect a new President and a new legislature. After some delay, Mr. Rene Preval was declared the victor in the presidential contest. He is due to be inaugurated after the second round elections for the remaining seats in the National Assembly that are being held. These are scheduled for sometime next month.

Mr. Speaker, once again Haiti has a new chance to emerge from years of conflict and despair and grinding poverty to build a country that reflects the resourcefulness of its people and leaders. The task is tremendous. Haiti still lacks a professional police force that respects human rights and is trusted by the populace.

□ 1700

The murderous drug-dealing organizations continue to control parts of the capital and threaten instability in other parts of the country. Many schools are not in operation and most hospitals are little more than way-stations for the morgue. Infrastructure is virtually almost nonexistent.

Mr. Speaker, although the challenges before him are awesome, I think our President-Elect Preval is singularly capable of addressing these issues, but he cannot and he should not do it alone.

Our own government, the United States, working through the United Nations with our bilateral partners must redouble our efforts and financial commitment to Haiti so that the consolidation of democracy and the rebuilding of the country's economy have a reasonable chance of succeeding.

Unfortunately, Mr. Speaker, the President's budget proposal for Haiti for next year fails miserably in this regard. At a time when we should be deepening our commitment to the poorest country in the Western Hemisphere, the President proposes to cut core development spending to Haiti by about 20 percent.

I am hopeful that as a result of the efforts of my colleagues, especially including our newly elected ranking member of the Subcommittee on the Western Hemisphere, my good friend and colleague, the gentleman from New York (Mr. ENGEL), we will be able to remedy the administr[illegible] shortsightedness through a foreign Operations appropriations process. Indeed, given the extraordinary opportunity presented by these elections, I hope my colleagues on the Appropriations Committee in this and the other body will consider adjusting the pending emergency supplemental appropriations bill to include funding for the urgent needs of the Republic of Haiti.

In the meantime, I look forward to the April second-round elections and the overdue inauguration of Haiti's newly elected president.

Mr. Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FOLEY), who just got back from a trip to Haiti with Ms. WATERS, the author of this resolution.

Mr. FOLEY. Thank you, Ms. ROS-LEHTINEN, Madam Chairman. And first let me thank MAXINE WATERS, my colleague from California, who not only accompanied me to Haiti, but traveled from California on a late-night red eye to meet me in Miami to fly to Haiti, to fly back to California that very day, in a gesture of goodwill, in a bipartisan gesture of goodwill to show Rene Preval that the United States Congress, Democrat and Republican, wish him Godspeed in helping the people of Haiti.

Chairwoman ROS-LEHTINEN told you the facts. On February 7, 2.2 million Haitians went to the polls and exercised their constitutional right to select a leader. They went by foot, by tap tap and other forms of transportation, traveling hours and standing in line for almost a day to get to their polling places.

Despite some early challenges, things did go very well. Mr. Preval, a populist president, as the only person to ever serve a full term as an elected president in Haiti, brings to his office the hopes and dreams of every Haitian. As we sat with Mr. Preval, I think MAXINE and I both felt a palpable sense of hope and optimism.

Mr. Preval understands the challenges that face him in Haiti. Mr. Preval was quick to suggest they don't need an army and waste tax dollars or federal dollars or dollars from other countries in establishing an army. He wants a legitimate police force. He wants a police force free of corruption. He wants health care and education to the provinces of Haiti.

He knows the challenges that lie before him, but as a wonderful man with a cheerful disposition, he is ready to accept those challenges. But he needs our help; he desperately needs the help of the United States, of Canada, of France, of CARICOM, of world leaders who are willing to invest in the plight of the Haitians.

We noticed a bounce to the steps, and I reported that to my hometown paper, the Palm Beach Post, which wrote a brilliant article and an editorial on our trip to Haiti, because for the first time you could see some optimism in the people's faces. You could see commerce flourishing in the market square.

And I don't want to mischaracterize. There are huge problems in Haiti. But just a sense that we may have finally turned a fresh page, a new chapter, a new opportunity for Haitians, and particularly for Haitians living in the United States who think about their families back there and simply want the best for them. They have arrived on our fabulous shores and have contributed to our community, but they also think back, as all generations of people from other countries do, about those that are back home. Will they be safe? Will they be healthy? Will they be prosperous? Is there a chance, a fighting chance that they will be given an option like most of us to live in peace and tranquility, raise their kids.

What I noticed too was the incredible number of children going to school and wearing beautiful dress uniforms and skipping along the streets. Again, once again, a sense of optimism. And having been there right after 2004, I can assure you there were challenging moments when you felt all was lost and all hope had faded and all optimism was extinguished.

Rene Preval, the president-elect, is here in our Capital tonight. Many of us, including Chairman SHAW of the Trade Committee and Ranking Member RANGEL, Chairman THOMAS and others are going to greet him and welcome him and talk about some aggressive trade approaches that we hope to launch in our committee. So in the spirit of bipartisanship and goodwill for those here in this Chamber who are willing to go that extra mile, I reach out the hand of friendship to Mr. Rene Preval, soon to be President Preval, as he embarks on a journey that has tremendous impact on all Americans.

And I thank Chairman ROS-LEHTINEN, as well, for her steadfast engagement in our conversations on Haiti, on the hemispheres that surround Haiti, because all of us, if we are going to truly solve this puzzle, need to solve it together. We will put the past behind us, the acrimony behind us, the politics behind us and move forward with a new day for Haitians.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL), the distinguished ranking member of our Subcommittee on the Western Hemisphere.

Mr. ENGEL. Mr. Speaker, I thank my friend from American Samoa for recognizing me. I also want to call attention on our side of the aisle to my colleagues, Congresswoman WATERS, Congresswoman LEE and my good friend, Congressman DELAHUNT, who have always been carrying the ball on the issue of Haiti and the U.S. response to Haiti and the U.S. friendship with Haiti. I really take my hat off to all of them.

I rise in strong support of H. Con. Res. 353, which praises the people of Haiti for their recent elections and congratulates Rene Preval on his victory. I commend my friend and colleague, as I mentioned, Congresswoman MAXINE WATERS, for introducing this resolution, and I am pleased to be an original cosponsor. I am pleased that my district, the 17th District in New York, has a very large Haitian community in Spring Valley, New York; and I know they are all eagerly anticipating better things for Haiti and U.S.-Haiti relationships.

After a history of instability, poverty and democratic setbacks, Haitians poured onto the streets last month to cast their votes, demonstrating their desire for a better future. And after a contested vote counting period, the front runner in the presidential election, Rene Preval, was declared the winner with nearly 52 percent of the official vote, compared to less than 12 percent for his closest contender. Now, such a large margin of victory gives Mr. Preval a strong mandate and legitimacy to reform and rebuild Haiti's institutions and fractured society.

Yet the challenges are vast. The same massive underlying problems still plague Haiti, and a second round of elections looms in the coming weeks.

While the Haitian people and government have the ultimate responsibility for ensuring their future, we in the United States have a duty to assist in every aspect of Haiti's political, economic and social state-building. Moreover, given Haiti's proximity to our borders, we have an overwhelming interest in doing so.

Now is the time for the United States to tangibly demonstrate that it stands with the Haitian people in their quest for democracy and stability. Therefore, together with Chairman BURTON and a bipartisan group of subcommittee colleagues, I recently called for us to seize this limited window of opportunity by providing $50 million extra money in fiscal year 2006 supplemental assistance for our neighbors to the south.

Elections signal the beginning of a transition, not an end. It is thus my hope that the Appropriations Committee will ensure that Haiti's enormous needs are met. This is the least we can do to help the Haitian people at this critical time.

I also call on the administration to work with the citizens of Haiti, their newly elected government and the international community to help Haiti advance on its path of freedom and prosperity. And I urge Secretary of State Rice to attend Preval's upcoming inauguration.

And finally, I reiterate my congratulations to the people of Haiti for their successful elections and to Rene Preval for his victory. I would like to highlight that President-Elect Preval is visiting Washington today, as the gentleman from Florida mentioned. And I look forward to meeting him and offering my full support for Haiti's quest for national reconciliation, democracy and development. I am proud to be the ranking Democrat of the International Relations Subcommittee on the Western Hemisphere, and I look forward to working with my colleagues.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. WATERS), the distinguished lady and the chief sponsor of this legislation, my good friend.

Ms. WATERS. Mr. Speaker and Members, I thank the gentleman from American Samoa, and I would like to thank the Chair of the International Relations Committee, the distinguished gentleman from Illinois (Mr. HYDE), the ranking member of that committee, my colleague from California, Congressman LANTOS, and the Chair and ranking member of the International Relations Subcommittee on the Western Hemisphere, Congressman BURTON and Congressman ENGEL.

I would also like to commend Congressman FOLEY, and before I talk a little bit about our visit, I would like to thank many Members of Congress: Congresswoman BARBARA LEE, who cochairs the task force on Haiti with Congressman JOHN CONYERS and the

Congressional Black Caucus; Congressman DELAHUNT; Congresswoman JAN SCHAKOWSKY; the many Members of Congress who have fought and stayed with the problem and did not give up.

Haiti, and the people of Haiti have suffered mightily. The struggle between the haves and the have-nots is legendary, the rich versus the poor, the elite versus the rejected, the mulattos versus the blacks.

Haiti needs a break. Haiti has experienced economic dislocation. It has experienced devastating hurricanes. But the people of Haiti have worked and they have believed in democracy. And so the people, on February 7, 2006, they went to the polls and they voted. More than 60 percent of the people of Haiti registered and they voted. They demonstrated their commitment to democracy.

Oh, they had all kind of obstacles. On that day there was a shortage of election workers and polling places, and there were long lines that caused voters to have to wait for hours before they could exercise their right to vote. But they voted. And they did what they had to do. They walked for miles and they voted. And in the end, President Preval emerged victorious.

The people of Haiti voted, including the Lavalas Party, the party that had elected President Aristide. They voted in large numbers. They are the predominant party in Haiti. And despite their lingering concerns about the way in which their democratically elected president, Mr. Aristide, had been removed from office, they did not boycott the elections. Despite the obstacles and the inconveniences of the election, they were determined to cast their vote and have their voices heard.

The people of Haiti elected Mr. Rene Garcia Preval. The people of Haiti simply want what all democracy should afford: fairness, justice and equality.

Haiti is a poor country. Haiti deserves our support. Haiti deserves the support of the World Bank and the International Monetary Fund. Haiti deserves bilateral support.

The people of Haiti want investment and trade. The people of Haiti do not deserve to have their will undermined by the powerful elite who are well connected to the power brokers in the U.S., Canada and France. We can encourage investment in Haiti and support fair wages and decent housing and public education for all of the children.

Mr. Preval is a smart, capable leader who loves Haiti. We need to support him and help him to develop Haiti.

Mr. FOLEY and I just returned from a trip to Haiti where we met with President-Elect Preval. President Preval was a gracious but determined host. President Preval recognizes that he has a great responsibility, but he is not deterred.

President Preval is hopeful and optimistic. And since his election, people are out cleaning the streets. The uniforms are back on the children. They are going to school. Business and commerce was going on in the marketplace. I have great hopes for Haiti.

When we spoke with Mr. Preval, he talked about investment. He wants to create jobs. He talked about the fact that they must have electricity. We must encourage support from the World Bank and from the International Monetary Fund and from our own country to help them get the electricity.

The people must have clean water. They need a new water system there. They do not want to spend their money on an army. They want a well-trained police force and community policing. There is much to be done. There is reconciliation to be had. But we are hopeful.

We congratulate the president and we thank the Members of Congress for all the support that they have given.

Ms. ROS-LEHTINEN. Mr. Speaker. I yield 5½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

☐ 1715

Mr. DELAHUNT. Mr. Speaker, I thank my friend from Florida for yielding, and I really welcome the enthusiasm and the optimism that have been expressed by the Congresswoman from California and the gentleman from Florida.

I am pleased to cosponsor this resolution. However, I have served as an observer in past elections in Haiti, elections that prompted great hope, but resulted in great disappointment. So I believe for a moment it is important to reflect, and I would quote the words of Luigi Einaudi, who was tasked by the OAS to mediate between the opponents of the former president of Haiti, Mr. Aristide, and I am going to quote his words.

This is a gentleman who knows Haiti well and Washington well: "Haiti is a tragedy, and it is a tragedy of partisanship and hate and hostility. These were divides among Haitians, and they are also divides among Americans because Haiti came to symbolize within the United States a point of friction between Democrats and Republicans that did not facilitate bipartisanship or stable policy or communication."

In the end, he was unsuccessful. Aristide was overthrown in February of 2004, and Haiti continued to descend into violence and despair. But it wasn't Einaudi that failed. Haiti's political class bears much of the responsibility for this tragedy because of their self-serving and cynical refusal to place nation over people in exchange for self-aggrandizement.

But here we also have our share of responsibility. A recent New York Times story entitled "Mixed U.S. Signals Helped Tilt Haiti Towards Chaos" should be essential reading for all of us, and I will insert this article into the RECORD.

Former U.S. Ambassador to Haiti, American Ambassador Dean Curran, once referred to the "chimeres of Washington." A chimere in Haiti is a thug hired to intimidate one's political opponents. And different Haitian political actors, both Aristide and his opposition, had their chimeres in Washington.

It has been my experience that there has been more advocacy than neutrality about Haiti on the part of the United States. Too often we join the zero-sum game of Haitian politics. We picked sides and supported them at the expense of Haiti and its long-suffering people.

For example, some here, working in coordination with Aristide's opponents, would place so-called "holds" on U.S. assistance in Haiti, blocking aid for the police, for the judicial system, for human rights observers, for election monitors; and Haiti's fragile institutions collapsed, starved from the outside and rotted from the inside.

I would note, and it is important to note this, that many of these holds were placed during the term of Rene Preval when he was the president in the past. Others who supported Aristide failed to recognize his shortcomings and deficiencies and failed to encourage him to put forth a positive vision for the Haitian people. The end result was that Haiti's fate was not only decided in Haiti, it was also decided here in Washington.

But now, with this most recent election, Haiti does have an opportunity to move past its past, and we have the same opportunity here in Washington. For Haiti to have a future, two things must happen: First, the Haitian political class must act like small "d" democrats and make a priority the needs of the Haitian people; and second, Americans must put our differences aside and commit to a bipartisan policy of noninterference in Haiti's internal politics.

I want to participate in that. I have had conversations with groups whom I have had profound differences about Haiti with in the past, such as the International Republican Institute. And maybe I am naive, but I sense an emerging consensus that we must come together on the part of all who have an interest in Haiti and encourage a new and constructive approach.

I am not saying that the U.S. should abandon Haiti, far from it. In fact, we should increase our aid. But I would recommend that we should provide assistance through multilateral organizations like the United Nations.

Yesterday we met with Secretary-General Kofi Annan, who agrees that the international community must provide a deep and sustained commitment to Haiti. In fact, I believe that Haiti should be the first test case for the United Nations' new peace-building commission, and the U.S. should give it its full support. And I have to admit that for the first time I do see a glimmer of hope for Haiti, and I look forward to working with my colleagues to make that a real ambition.

Mr. FALEOMAVAEGA. Mr. Speaker, at this time, I gladly yield 4 minutes to the gentlewoman from California (Ms. LEE), one of our most distinguished senior members of the Committee on International Relations, and certainly a champion of human rights and my dear friend.

Ms. LEE. Mr. Speaker, let me thank the gentleman for yielding and for his leadership in the cause of democracy, peace, and justice throughout the world.

I rise today in strong support of H. Con. Resolution 353, which congratulates the people of Haiti on holding peaceful and democratic elections on February 7. And I want to thank Congresswoman MAXINE WATERS for her bold leadership and for bringing forth this resolution immediately in full support of the Haitian people and their right to once again decide who will lead their democracy and to restore the rule of law in Haiti.

In supporting this legislation, we also congratulate President-Elect Rene Garcia Preval, a man who, I am confident, will restore peace, human rights, and accountability throughout Haiti and within Haiti's government.

Mr. Speaker, with over 2.2 million Haitians, more than 60 percent of registered voters, participating in these elections, it is clear to me that the people of Haiti are ready for peace and willing to do whatever it takes, whatever it takes to restore and secure their democracy once again.

Since the undemocratic removal of former President Aristide in 2004, Haiti's health, education, and economic sectors have spiraled into ruin. During the last 2 years, unemployment reached a staggering 90 percent in parts of Haiti. For months, schools remained closed and children feared kidnapping or death on the city streets. The only public hospitals that many of Haiti's poor could rely on were centers run by international organizations such as Doctors Without Borders or the International Red Cross. Public hospitals and government services were either closed or too dangerous to utilize. People feared kidnapping, assault, and even murder walking out of their homes and onto the streets.

However, the Haitian people have voted for a change, Mr. Speaker. Haiti now has an opportunity to set its own course through responsive government that puts people first. President Preval has demonstrated that he understands how to turn around Haiti's economy while still preserving the rights of all Haitians, especially Haiti's poor, and by raising the standard of living, increasing job opportunities and education for Haiti's poor.

During his first tenure, from 1996 to 2001, as president, Mr. Preval found ways to build hundreds of miles of road, dozens of schools, health centers. He transformed thousands of acres of land into peasants' hands and organized the two most famous and successful human rights trials in Haiti's history.

An international response, however, right now will be necessary in order to make Haiti's hopeful possibilities for a future a reality. That is why the Congressional Black Caucus, Haiti Task Force, the House International Relations Committee, Congresswoman WATERS, Mr. FOLEY, myself, all of us, Democrats and Republicans, in a bipartisan way are committed to making Haiti's future a bright one by supporting their duly-elected president.

Haiti will also need our financial support and technical assistance if it is to overcome the challenges it faces in its economy and its infrastructure and its ability to provide basic services to all Haitians. We must support a restoration of security by helping to get guns off the street and support an international effort to establish a national truth and reconciliation commission.

Also, we must support and move forward all of the trade efforts and aid efforts; we have got to increase these efforts, and also additional resources for fighting the HIV and AIDS pandemic, which Haiti has the highest rates in the Caribbean. These are items which are key to securing order and peace in Haiti, securing the people's choice.

And this is what happened now, the people have made a decision once again. The people's choice is Mr. Preval, and we have got to make sure that we help him to do everything he can to turn Haiti around. The Haitian people deserve no less.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, for their collegiality, I thank them very much.

I again thank the distinguished gentleman from American Samoa for his leadership, but as well the commitment that he brings to this Congress of internationalism and international cooperation. Likewise, my appreciation for my good friend ILEANA ROS-LEHTINEN for the leadership she brings to this committee and, as well, her compassion for issues dealing with human rights.

I want us to be reminded of the fact that Haitians fought alongside Americans in the course of our freedom. So I want to applaud Congresswoman WATERS for knowing our history and, as well, appreciating the pivotal role that Haiti and Haitians play in the security of America and the friendship of America. I remind you again that when we were fighting for our freedom, Haitians were alongside of us fighting, shedding their blood, and allowing us to be free. So our American history and Haitian history are intertwined, and we have a legitimate reason for looking and ensuring the democracy, the justice, and the freedom of the people of Haiti.

Let me also acknowledge the fact that many times our interaction with Haiti has not been the best. I traveled to Haiti with the chairman of the Intelligence Committee and the ranking member of the Judiciary Committee, Mr. CONYERS, and we traveled before the elections occurred, met with the interim government, met with many of the different party leaders and others seeking to have a fair election.

It was not a very easy trip. There were accusations. There were suggestions that the government was trying to keep some of the candidates off of the ballot.

What I will say about Mr. Preval is that he stayed the course. Even in the midst of all that turmoil, he continued to campaign. Even with threats against his candidacy, he continued to campaign.

I think we should appreciate as well the comfortable relationship that he has with former President Aristide. He does not bring hostility to his leadership, but at the same time he brings his own leadership, his own mantle, if you will, of guidance of the people of Haiti.

So I too join my voice in congratulating the soon-to-be president on his inauguration and hoping that we will help him establish an excellent police force, one that provides safety for the Haitian people.

And I would ask, as a member of the House Judiciary Committee, that we would join in the authorization and the encouragement of the Appropriations Committee to be able to provide that funding. I would ask that the Judiciary Committee, along with the appropriators appropriately associated with the authorizing committee, really focus in on assisting Preval, along with, of course, the Committee on International Relations, in this whole question of law enforcement and a secure, trained police force. As well, the education of the children is important, clean water.

And I too believe that there is optimism as 2.2 million people voted on February 7. But we need to encourage trade; as well, we need to make sure that the Haitians who are in the United States feel safe to return. And if they do not feel safe, Mr. Speaker, I hope that as we look at immigration reform, we will add Haitian parity to the bill, which means that those who are in fear of their life who are still here in this country would have the opportunity to attain their status. Many of them are detainees because their particular status does not equate to other provisions, if you will, such as those in Cuba.

□ 1730

Let me also say that I hope that the extra money that the ranking member spoke of, $50 million and more, will be added to the Haitian appropriations.

And then, of course, I hope that we will have a representative delegation with good intentions and good will that will visit and represent the United States as they attend the inauguration of Rene Preval.

Might I say that there is legislation going through the House that calls, offered by Congressman KUCINICH, of which I am one of the cosponsors, to establish a Department of Peace.

It is interesting that I would say that in the course of debating or congratulating Haiti and its election, but maybe that is a valuable department to have, because maybe we can then promote peace.

Might I just say in closure, I thank the Speaker very much, and I thank the gentlewoman, the manager of the bill. I congratulate the Haitians and I support H. Con. Res. 363; I congratulate the author, Ms. WATERS, and I look forward to better days for the Haitian people.

Mr. FALEOMAVAEGA. Mr. Speaker, it is my privilege and certainly an honor for me to give the rest of my time to our distinguished ranking member of our Subcommittee on the Western Hemisphere, the gentleman from New York (Mr. ENGEL), to summarize the various aspects of this important legislation. And certainly I want to again thank my good friend, the gentlewoman from Florida, as the manager of this legislation.

The SPEAKER pro tempore (Mr. WAMP). The gentleman from New York is recognized for 2 minutes.

Mr. ENGEL. Mr. Speaker, I thank my friend from American Samoa. I will not take the full 2 minutes.

I just want to say that I am very excited that since I have become the ranking Democrat on the Western Hemisphere Subcommittee of the International Relations Committee, this is actually the first bill that has come to the floor.

It is a very, very important bill, because as was mentioned by all of our colleagues on both sides of the aisle, the relationship between the United States and Haiti is a very important one and a very special one.

And we have had lots of successes in the relationship, and also lots of failures through the years. I think that we want to, on a bipartisan basis, build on successes, and as everyone has mentioned before, the people of Haiti have spoken. They have had a democratic election. We talk a lot about democratic elections. We have it right here in Haiti in the Western Hemisphere, and overwhelmingly the people of Haiti have chosen Mr. Preval as their leader.

Mr. Speaker, I think it is incumbent upon those of us in the United States Congress and the administration and all of us working together to make sure that Mr. Preval succeeds and that more importantly the Haitian people succeed, and that democracy succeeds in Haiti, because it is not simply a matter of another country and what do we care whether it is a success or a failure. We do care and we should care, because Haiti is so close to the United States in terms of geography, because Haiti is right in our hemisphere, because Haiti is an important country, because there are many Haitian Americans in the United States with ties to the old country.

And that is why it is really just so important that we in the United States, and we talk about protecting democracy all over the world, and well we should. But I think right in our own back yard we have a lot to do.

So I want to thank Mr. FALEOMAVAEGA and all of the others who have spoken: Ms. WATERS, whose resolution this is; Congresswoman ROS-LEHTINEN, with whom I have collaborated on so many important things, for all of their hard work and for all of us speaking of one mind here on both sides of the aisle that we want the U.S.-Haitian relationship to improve and to be successful.

Mr. Speaker, I support this resolution, I urge a unanimous vote of all our colleagues.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to thank Ms. WATERS for offering this resolution, for Mr. ENGEL, the ranking member on the subcommittee for his remarks, Mr. FALEOMAVAEGA for his leadership on our International Relations Committee.

Mr. Speaker, I especially want to thank two staffers from each side of the aisle who have worked tirelessly not only on the issue of democracy for Haiti, but on all of the issues that impact Western Hemisphere: Mr. PAUL Oostburg, thank you, Mr. Oostburg, for your leadership.

And on our side, Ted Brennan. Thank you, Mr. Brennan, for your valuable work.

Mr. CONYERS. Mr. Speaker, I rise today to heartily congratulate the people of Haiti on their recent election of President Préval on February 7, 2006. It was a great triumph for the country to hold "free and fair" presidential and legislative elections. Reports were that the elections were peaceful and that 60 percent, over 2.2 million Haitians, many who stood in line for 6 hours or more, participated. This election is a great advancement of a return to normalcy for this great country and its stupendous citizens.

This is a pivotal point in history for Haiti and the world. I now call on the international community, with the U.S. in the lead, to support democracy in this determined country. I am hopeful that this first step will serve as the beginning of national reconciliation of democracy as well as social and economic development for Haiti.

Mr. MEEK of Florida. Mr. Speaker, I rise in favor of H. Con. Res. 353.

I think it is important for this House to recognize the Republic of Haiti for recently holding successful, democratic elections, and to congratulate President-elect René Garcia Préval on his electoral victory.

Haiti is the world's oldest Black republic and the second-oldest republic in the Western Hemisphere, after the United States. While street violence, kidnappings, and political instability have plagued Haiti in recent years, and are still threats, the democratic will of the people persevered and elections were embraced by the nation.

The presidential and legislative elections on February 7, 2006 saw unprecedented voter turnout. A member of my staff traveled to Haiti as an election monitor. Many Haitians were required to walk for miles to their designated voting centers and then were forced to wait for hours in line; nonetheless, more than 60 percent of those registered exercised their right to vote and participated in electing a new, democratic government.

This election marks a significant moment in Haiti; it not only serves as the basis of hope along the road to democracy, but also serves as a testament to the resolve and character of the Haitian people during their long struggle for peace, reconciliation, and prosperity.

Now is the time for the United States to commit itself to long-term support to Haiti. The task facing President-elect Préval is daunting; he must establish a new government, reform the judiciary, establish and maintain domestic order, create jobs, jumpstart the economy, and end Haiti's endemic malnutrition and crushing poverty. In the past, this Congress has turned a deaf ear to Haiti's needs—specifically by not passing the Haiti Economic Recovery Opportunity Act, which I have introduced in this Congress, along with Senator MIKE DEWINE in the Senate. It is my hope that President-elect Préval's election will mark a new, more supportive era in Haitian-American relations, in this Congress and in this administration.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the people of the Republic of Haiti for holding successful democratic elections on February 7, 2006. I would also like to congratulate their chosen successor, Mr. Rene Préval.

I commend the people of Haiti for their active commitment to and unbridled belief in democracy. On such an auspicious occasion, the best way we can honor the Republic of Haiti is by continuing to lend our support through economic and humanitarian policy that encourages development, not dependency.

While elections are the necessary first step towards democracy in Haiti, there still remains a long road ahead. It is crucial that we, the United States, do not continue to perpetuate the legacy of interference and neglect in Haitian affairs.

We must work with the newly elected President of the Republic of Haiti, Rene Préval, and we must work with Haitians in both Haiti and the U.S. to make their dreams of sustained democracy and prosperity a reality.

Several of my distinguished colleagues, myself included, have a significant number of Haitian constituents in our district. It is my sincerest hope that we will work to bring their home country out of the grips of poverty and despair once and for all so that Haiti's rich, yet tumultuous, past will finally evolve into a future of sustained success.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 353.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 36 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at 6 o'clock and 33 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4882, by the yeas and nays;

S. 2120, by the yeas and nays.

VIETNAM VETERANS MEMORIAL VISITOR CENTER ENFORCEMENT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4882, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 4882, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 4, not voting 24, as follows:

[Roll No. 68]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—4

Blumenauer
Waxman
Weller
Wu

NOT VOTING—24

Beauprez
Boswell
Boyd
Capuano
Crowley
Davis (FL)
Deal (GA)
Evans
Fitzpatrick (PA)
Forbes
Ford
Gibbons
Gillmor
Gordon
Istook
Jenkins
Marchant
Musgrave
Nunes
Ortiz
Rush
Sweeney
Terry
Whitfield

☐ 1854

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by designating a site for a visitor center for the Vietnam Veterans Memorial.".

A motion to reconsider was laid on the table.

MILK REGULATORY EQUITY ACT OF 2005

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The pending business is the question of suspending the rules and passing the bill, S. 2120.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, S. 2120, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 285, nays 128, not voting 19, as follows:

[Roll No. 69]

YEAS—285

Ackerman
Akin
Allen
Andrews
Baca
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (UT)
Blackburn
Boehlert
Boehner
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Camp (MI)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Coble
Conaway
Cooper
Costa
Costello
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kline
Kuhl (NY)
Lantos
Larsen (WA)
Latham
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McHugh
McIntyre
McMorris
McNulty
Meehan
Melancon
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Murphy
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Owens
Oxley
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Sullivan
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watt
Weiner
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn

NAYS—128

Abercrombie
Aderholt
Alexander
Bachus
Baker
Baldwin
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonilla
Bonner
Bono
Brady (PA)
Brady (TX)
Brown-Waite, Ginny
Butterfield
Calvert
Campbell (CA)
Clay
Clyburn
Cole (OK)
Conyers
Cramer
Culberson
Davis (IL)
DeFazio
Delahunt
DeLauro
DeLay
Dicks
Doggett
Doyle
Dreier
Emerson
Ferguson
Frank (MA)
Frelinghuysen
Granger
Hastings (FL)
Hefley
Hobson
Holt
Hooley
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Larson (CT)
LaTourette
Lee
Lewis (CA)
LoBiondo
Lynch
Maloney
Markey
McCarthy
McCrery
McDermott
McGovern
McHenry
McKeon
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (FL)
Miller (NC)
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Obey
Olver
Pallone
Pascrell
Paul
Payne
Rahall
Rangel
Regula
Rehberg
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Saxton
Scott (GA)
Serrano
Shaw
Smith (NJ)
Smith (WA)
Snyder
Stark
Stupak
Tancredo
Taylor (NC)
Tierney
Towns
Udall (CO)
Visclosky
Walsh
Watson
Waxman
Weldon (FL)
Weller
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Beauprez
Boswell
Boyd
Capuano
Davis (FL)
Deal (GA)
Evans
Forbes
Ford
Gibbons
Gillmor
Gordon
Istook
Jenkins
Marchant
Musgrave
Rush
Sweeney
Terry

☐ 1911

Mrs. MALONEY changed her vote from "yea" to "nay."

Messrs. SHAYS, SCOTT of Virginia, GREEN of Wisconsin, and HOYER changed their vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4200

Mr. SAXTON. Madam Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 4200.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. RANGEL. Madam Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4297, the tax reconciliation conference report.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—

(1) to insist on the provisions of section 106 of the Senate amendment (relating to extension and increase in minimum tax relief to individuals),

(2) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008, and

(3) to the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.

TRIBUTE TO BUCK OWENS

(Mr. THOMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS. Madam Speaker, as the world now knows, early Saturday morning in his sleep, Buck Owens let go of the tiger's tail. What people probably do not know was what happened on Friday night. Because as Buck usually did, he acted naturally. He went to his Crystal Palace, his dance hall and dining room, had his usual chicken-fried steak Friday evening, and told the staff he did not feel very good and he was going to go home and miss the Friday night performance.

In going out to his car, a car full of people from Bend, Oregon, saw him, and they ran over to him and they said, Buck, we came all of the way down to see you. He turned around and went back in and played the complete first set because he could not disappoint a fan.

He went home and never woke up.

Madam Speaker, I rise today to honor the life of my friend and country music legend, Buck Owens, who passed away on Saturday, March 25, 2006.

With 25 No. 1 songs, Buck had one of the most successful country music careers in history. Known for his trademark red, white and blue guitar, he was on stage nearly every Friday and Saturday night with his band, Buck Owens and the Buckaroos, at his Crystal Palace in Bakersfield. In fact, just hours before he passed away, he had spent the evening performing at the Crystal Palace, closing his portion of the show with his 1969 hit "Big in Vegas."

Alvin Edgar Owens was born to Texas sharecroppers in 1929 and became known as "Buck" at the age of 4 when he nicknamed himself after a mule on the family farm. In 1937, after their trailer hitch broke during their move west, Buck and his family ended up in Phoenix, where they remained for more than a decade. During that time, Buck and his siblings worked in the fields picking cotton and potatoes, which Buck later said, "was where my dream began to take hold . . ."

Buck began regularly playing music in local pubs when he was 16 and, when he moved to Bakersfield in 1951, he quickly found work playing with steel guitarist Dusty Rhodes and then Bill Woods and the Orange Blossom Playboys. While Buck at first played a hollowbody Gibson guitar, after a pawnshop sold his Gibson before he could redeem it, Buck began using a Fender Telecaster electric guitar that made his music unique and eventually became known as the "Bakersfield Sound."

In 1957, Buck signed a recording contract with Capitol Records and in 1958 he cut four original songs, including "Second Fiddle," which eventually reached No. 24 on the Billboard charts. During this time, Buck acquired a one-third interest in a Tacoma, WA, radio station and he remained in the radio business for the rest of his life. In 1959, Buck began doing his own live television show and his television career ultimately included 16 years as a co-host of "Hee-Haw."

Throughout his career, Buck earned the respect of musicians from all different genres of music. In fact, even the Beatles recorded a cover of one of his songs, "Act Naturally," in 1965. In 1996, he was recognized for his accomplishments and was inducted to both the Country Music Hall of Fame and the Nashville Songwriters Hall of Fame.

Buck was truly a Bakersfield institution, and his No. 1 hit, "Streets of Bakersfield," has become our town's unofficial anthem and our favorite of Buck's songs. However, in addition to our pride in his accomplishments as a performer and businessman, we appreciated Buck's generosity, including his support for Bakersfield College's music program as well as his annual Toys 4 Tots event, Buck Owens Rodeo, and celebrity golf tournament. Bakersfield will not be the same without Buck Owens. He was the heart of the town and will truly be missed.

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEDICARE PART D

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, well, Congress is temporarily in Washington between breaks, and I don't know how some Members on the other side of the aisle spent theirs, but along with Representative HOOLEY and Representative BLUMENAUER, all of us from Oregon, we spent the day yet going up the length of the Willamette Valley holding meetings in senior centers and other public venues to hear from seniors, senior advocates, people who work with seniors and care about seniors about the experience with the so-called Medicare part D prescription drug benefit.

Now, I heard from the other side of the aisle what a stunning success it is. We are protecting the profits of the pharmaceutical industry. They will get an extra $139 billion in profits. We are subsidizing the insurance industry to offer these plans, plans which can be changed on a weekly basis even though seniors can only sign up for one plan a year.

Yet as great as they say these things are, about half the seniors in my State and across America who were not mandatorily enrolled are not yet participating in the plans, in part, because in my little State, there are some 46 plans in my district, I guess in Portland a few more, so there are actually a total of 96 variants available to seniors.

They describe to us what happens when you go on these sites, these are the advocates, not the seniors. You will get, and there will be a little tiny asterisk by certain drugs, and they have given you some plans that might be good for you because you need a plan that will pay for the drugs your doctor has prescribed.

If you hit the little tiny asterisk, then a drop-down window comes out. Most seniors don't know about drop-down windows. The drop-down window says limits may apply. It turns out the limits might be you take 60 of those twice, two a day. The limit might be one a day, but it is not very explicit about that. When you call the 1-800 number, you can't get a human being to get information. So seniors are, for the most part, totally confused. They are having trouble, even when they try to focus in on a plan that might give them help, getting to a point where they can make a choice.

Of course, even if they do choose a plan that pays for that plan, that plan can change the drug benefit on a weekly basis, not something that a senior can do.

Now, we also heard from a small pharmacist, because of the confusion in the transition for the dual eligibles, her pharmacy, her little pharmacy, had to front $15,000 in prescriptions to seniors and has yet to be reimbursed. The reimbursements are starting to trickle in. She had spent 8 hours the day before trying to reconcile some of those to the actual outlays in the drugs that she had fronted for her seniors.

We heard time and time again about problems. My doctor has hired an additional person to try and deal with all the prior approvals required for seniors who have been taking a drug for years, many of these new plans will require all sorts of documentation on why they should get that drug. Many seniors don't know, who have already subscribed, that they are temporarily getting their old drugs until the 1st of April. On the 1st of April, they will fall under their new plan's mandates, and they may not be able to continue taking the drug their doctor has prescribed.

Minimally, Congress should revisit this punitive time limit. The time limit, you have to sign up by May 15, or we will penalize you. They say 1 percent per month; but guess what, you can't sign up again until next fall.

Any senior who doesn't sign up by May 15 will be penalized 6 percent tax, 6 percent extra for life as a bonus to the already subsidized insurance companies on top of their premium. That is not fair. Congress should undo that arbitrary mandate. That was to try and stampede seniors into plans that they don't understand that they might not want, and that should go.

But then perhaps we should do what the head of Walgreens has suggested. He said there are so many plans out there, so many benefits, so many formularies, his pharmacist can't figure it out.

Like Congress did 25 years ago, he says Congress should standardize these plans and say, there will be five or 10 plans out there with standard benefits, so everybody can understand what the 10 options are. They can just learn 10 options and then let the private companies compete over price, perhaps without a subsidy from the taxpayers.

Or, God forbid, we could actually take on the pharmaceutical industry since the drug prices under these plans are actually on average higher than the prices offered by Costco. What a great deal. The President likes to talk about how these insurance companies, or PBMs, how they have just bargained so hard and driven down the prices. They are only 50 percent higher than the prices that the VA gets through negotiations for our veterans. But the Republicans outlawed, they outlawed, Medicare bargaining lower drug prices on behalf of Medicare beneficiaries.

Now, who does that help? They said that was un-American to negotiate lower drug prices. It is not un-American to give huge windfall benefits to the pharmaceutical industry.

MARKING 185 YEARS OF GREEK INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to address the House in honor of Greek Independence Day that was celebrated on March 25. Greek freedom fighters brought sovereignty back to their country, 185 years ago, allowing the Greek people to decide their fate for themselves again.

I speak here today to honor all persons and nations who have successfully fought for their right to live according to the rules of democracy and freedom, denying the rule of tyranny and autocracy. As the oldest democracy in the world, the Greek nation has passionately struggled to uphold democracy as its form of government.

The significance emanating from the year 1821 is outstanding, not only in the Greek context, but also as a strong symbol of the inspiration one brave nation can provide to the world.

When in 1821 the Greek people regained their independence, more than four centuries of occupation and oppression by the Ottoman Empire came to an end. The peoples of the Balkans were soon to follow the Greek example and sought freedom from the Ottoman rule.

The courage and vision of the Greek freedom fighters also transcended the borders of the former Ottoman Empire. The independence movement received broad support from intellectuals abroad, including English poet Lord Byron and U.S. Senator and Secretary of State Daniel Webster.

The Greek flag symbolizes the legacy of 1821. The cross in the upper left part of the flag stands for the Greek Orthodox Church, which significantly helped Greeks to preserve their ethnic, cultural, and linguistic heritage during the years of occupation. The cross is embedded by nine alternating blue and white stripes, each representing one letter of the Greek word for freedom. While the flag was developed in the early days of independence, it took more than 150 years before it became the official Greek flag.

After the end of the Ottoman occupation, Greeks had to struggle for another century before their land was truly freed. In the 1970s, Greeks once again fought for freedom and independence, stripping off a 7-year rule by a military junta. Shortly after democracy had been reestablished, the Greek nation finally adopted the cross-and-nine-stripe flag as its official flag.

The United States is a proud partner of the Greek nation, which has given the gift of democracy to the world, and which throughout history has fought to uphold this gift as its guiding principle. Greeks and Americans share a common vision to have everyone on this planet enjoy the gift of freedom and democracy. Greece is one of our strongest allies in the international war against terror.

The United States and Greece have consistently joined forces to fight the global threats of terrorism and state-sponsored terrorism, nuclear proliferation, illegal narcotics, and international crime. As a strong NATO ally, the Greek military has taken on a strong and abiding commitment in Afghanistan as well.

Greece has given the United States both military and financial support for Operation Enduring Freedom. It contributes to it is International Security Assistance Force and has pledged to fund educational programs.

Located on shores of the Mediterranean Sea, Greece is of the greatest geopolitical importance. Neighboring with the Balkans, it serves as a shining beacon of peace and stability in the region. Bordering with Turkey, it serves as the bridge to the Muslim world.

I commend Greece for its strong work in the Middle East Partnership Initiative, MEPI, and its strong participation in the Broader Middle East and North Africa Initiative.

However, many pressing issues in the region remain unresolved, Madam Speaker. The ongoing conflict over the final name of the former Yugoslav republic of Macedonia causes grave concern, just as it grieves me to see the continued division of Cyprus and the unbalanced approach that has been taken to overcome this division.

I hope that we will soon be able to witness the end of the occupation and a reunification of Cyprus on fair and equitable terms. The emergence of a strong, vibrant and justly unified Cyprus would provide stability, both politically and economically, to the Mediterranean region.

I urge Congress remain engaged in the search for a just and lasting reunification that will promote peace and stability. Recalling the Greek routes of democracy, I am proud to represent the interests of my Greek American constituency. With currently 1.5 million members, the Greek American community contributes significantly to the prosperity of our Nation.

Madam Speaker, I am proud of the friendship that binds the United States, the land of freedom, and Greece, the country of freedom fighters.

Together, we can promote democracy, the rule of law, and respect for human rights worldwide.

ORDINARY WOMEN, EXTRAORDINARY LIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Madam Speaker, in recognition of Women's History Month of 2006, we recognize and celebrate the contributions of great American heroines who have built a legacy for women leadership over the 230 years of our Nation's history.

In celebration of this year's Women's History Month theme, "Women: Builders of Communities and Dreams," I call upon each of us to dedicate ourselves to making the future for all of America's girls and women full of hope and opportunity.

Today I salute the work of two extraordinary women and two exceptional young girls from Florida's 20th Congressional district. But first I would like to commend Her Excellency Ellen Johnson Sirleaf, President of the Republic of Liberia, who addressed the Congress just last week. She represents the aspirations and expectations of women in Liberia, Africa and women all over the world.

Now I would like to recognize two young women from the 20th District of Florida, Taryn Daley of Davie and Katie Bonilla of Weston, who started 10 lemonade stands to raise money for pediatric cancer research.

Taryn, 12, and Katie, 11, were inspired by their mitzvah project, which is a part of their bat mitzvah requirements of public service and a national program known as Alex's Lemonade Stand, an idea started by a young girl named Alexandria "Alex" Scott who was diagnosed with an aggressive childhood cancer.

In less than 2 weeks, Madam Speaker, Taryn and Katie found more than 30 volunteers, enlisted a group of sponsors, and raised $3,000 to fight childhood cancer. These two young ladies are proof that this generation of young women are dream builders. Their courage and compassion gives us all hope for a brighter future. They will inspire more young women to make the world a better place.

Next I would like to recognize the City of North Miami Beach police chief and president of the Miami-Dade Association of Chiefs of Police, Linda Loizzo. Linda is a true trailblazer. She has served the North Miami Beach Police Department for 32 years in a number of capacities: deputy chief, assistant chief of operations, major in charge of administrative services, commander in charge of the investigative division, and supervisor of several special support services units.

Linda was the first woman promoted to the rank of sergeant, the first woman promoted to the rank of lieutenant and major, and the first woman promoted to the rank of chief of police from the North Miami Beach Police Department. Her work doesn't stop there. Linda is also the regional director of the Florida Police Chiefs Association and she serves on numerous organizational boards.

Without question, Linda represents the best of our Nation's first responders. The National Association of Women in Law Enforcement estimates there are more than 16,000 police departments in this country, which is just slightly more than 200 female police chiefs.

Chief Loizzo didn't just break down walls in a male-dominated profession. She shattered and crumbled stereotypes in all professions and particularly those in law enforcement.

Finally, I want to recognize Cindy Arenberg-Seltzer, president and chief executive officer of the Children's Services Council of Broward County. Across the country there are millions of children that long for stability and hope in their lives. In Broward County, the needs of this vulnerable population are vast.

In 1999 there was a critical need for programs to make essential services available to children who face abuse, neglect, or abandonment. Cindy was a powerful voice in leading the charge for a Broward County ballot initiative to designate family program funding. The initiative passed overwhelmingly with 70 percent of Broward voters approving.

Since that time, Cindy has been instrumental in helping to ensure that each child will live in a safe and loving environment and has the resources needed to grow up healthy and strong. Today, Cindy serves as the board's chief executive officer and has led the effort to expand available funding to improve the lives of Broward's children.

Madam Speaker, in a world where the magnitude of problems that face our children can be daunting, Cindy identified and fixed a problem with the system and continues to deftly refine and steer the program. Her leadership and passion for children has made a difference in the lives of many south Florida families and provided thousands of children with a future filled with unlimited possibilities.

These women and young girls are doing what may seem like ordinary work, but they are leading extraordinary lives. Their work and service showcase what the theme of this year's Women's History Month was designed to celebrate and encourage.

□ 1930

On behalf of the people of Florida's 20th Congressional District, I am proud to recognize their uncommon character and motivation in performing the work that successful communities and generations are built upon, and I am delighted to recognize them in the CONGRESSIONAL RECORD with this honor.

MAKING THE WORLD SAFE FOR CHRISTIANITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, the top neoconservative of the 20th century was Woodrow Wilson. His supposed idealism, symbolized in the slogan, "Make the world safe for democracy," resulted in untold death and destruction across the world for many decades.

His deceit and manipulation of the prewar intelligence from Europe dragged America into an unnecessary conflict that cost the world and us dearly. Without the disastrous Versailles Treaty, World War II could have been averted and the rise to power of Communists around the world might have been halted.

We seem to never learn from our mistakes. Today's neocons are as idealistically misled and aggressive in remaking the Middle East as the Wilsonian do-gooders. Even given the horrendous costs of the Iraq War and the unintended consequences that plague us today, the neocons are eager to expand their regime-change policy to Iran by force.

The obvious shortcomings of our regime change and occupation of Afghanistan are now readily apparent. The Taliban was ousted from power, but they have regrouped and threaten the delicate stability that now exists in that country. Opium drug production is once again a major operation with drug lords controlling a huge area of the country outside of Kabul. And now the real nature of the government we created has been revealed in the case of Abdul Rahman, the Muslim who faced a possible death sentence from the Karzai administration for converting to Christianity. Even now that Mr. Rahman is free due to Western pressure his life remains in danger.

Our bombs and guns have not changed the fact that the new puppet Afghan Government still follows Sharia law. The same loyalty to Sharia exists in Iraq where we are trying hard to stabilize things, and all this is done in the name of spreading democracy.

The sad fact is that even under the despicable rule of Saddam Hussein, Christians were safer in Iraq than they are today. Saddam Hussein's foreign minister was a practicing Christian. Today, thousands of Christians have fled Iraq following our occupation to countries like Jordan and Syria. Those Christians who have remained in Iraq fear for their lives every day. That should tell us something about the shortcomings of a policy that presumes to make the world safe for democracy.

The Muslim world is not fooled by our talk of spreading democracy and values. The evidence is too overwhelming that we do not hesitate to support dictators and install puppet governments when it serves our interests. When democratic elections result in the elevation of a leader or a party not to our liking, we do not hesitate for a minute to undermine that government.

This hypocrisy is rarely recognized by the American people. It is much more comfortable to believe in slogans, to believe that we are defending our goodness and spreading true liberty. We accept this and believe strongly in the cause, strongly enough to sacrifice many of our sons and daughters and stupendous amounts of money to spread our ideals through force.

Pointing out the lack of success is taboo. It seems of little concern to many Members of Congress that we lack both the moral right and constitutional authority to impose our will on other nations.

The toughest task is analyzing what we do from their perspective. We should try harder to place ourselves in the shoes of those who live in the Arab countries where our efforts currently are concentrated. We are outraged by a Muslim country that would even consider the death penalty for a Christian convert, but many Muslims see all that we do as a reflection of Western Christianity which, to them, includes Europe and America. They see everything in terms of religion.

When our bombs and sanctions kill hundreds of thousands of their citizens, they see it as an attack on their religion by Christians. To them our actions represent a crusade to change their culture and their political systems. They do not see us as having noble intentions. Cynicism and realism tell them that we are involved in the Middle East to secure the oil that we need.

Our occupation and influence in the holy lands of the Middle East will always be suspect. This includes all the countries of the Arabian Peninsula, Iran, Iraq and Afghanistan. Naively believing otherwise will guarantee continuing hostility in Iraq.

Our meddling will remain an incitement for radicals to strike us here at home in future terrorist attacks. All the intelligence gathering in the world will serve little purpose if we do not come to understand exactly why they hate us despite the good intentions that many Americans hold dear.

GREEK INDEPENDENCE DAY ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I am proud to join with several of my colleagues this evening in celebrating the 185th anniversary of Greek independence from the Ottoman Empire.

In the years since Greek independence, Americans and Greeks have grown ever closer, bound by ties of strategic and military alliance, common values of democracy, individual freedom, human rights, and close personal friendship.

Madam Speaker, while we celebrate Greek independence this evening, it is also important that we recognize that Greece continues to battle oppression from present-day Turkey in Cyprus. It is crucial our Nation work with the United Nations and the Government of Cyprus to once again unify the island. However, I am deeply concerned that our government's recent actions will actually make it more difficult to reunify Cyprus. The U.S. State Department and Secretary Rice seem much more interested in rewarding those who illegally occupied the northern third of the nation back in 1974 than actually reunifying the islands. Over the past year, our State Department decided to allow Americans to fly into the occupied north, something that has not been permitted since the illegal occupation took place back in 1974.

Last year, I joined many of my colleagues from the Congressional Hellenic Caucus in sending a letter expressing our deep concern regarding the legality of U.S. citizens flying directly from Turkey to the airport in northern Cyprus. In response to that letter, the State Department responded that it was encouraging the elimination of unnecessary restrictions and barriers that isolate and impede the economic development of the Turkish Cypriot community.

Madam Speaker, this new policy must also be responsible for a decision earlier this year by the State Department to resume trade with the occupied north through ports that were declared closed after the invasion in 1974. In order to allow trade, the State Department is forced to ignore both Cyprus' domestic law, as well as international law that prohibits entering Cyprus through an illegal port in the north.

Madam Speaker, I am deeply concerned that the State Department's new policy towards the government and the people of the occupied north will only delay reunification of the entire island. If U.S. allows direct trade through routes in the north, what incentives do the illegal occupiers of northern lands have to make any concessions to the rightful inhabitants? It is as if the State Department has completely forgotten who is responsible for the division of Cyprus in the first place.

I have repeatedly encouraged Secretary Rice to take an historic look at the Cyprus problem over the past 30 years. It is important to look at this problem not only through the lens of the nonvote in 2004, but also from the perspective of three decades of illegal actions on the Turkish side.

Madam Speaker, I pledge tonight to continue to speak out against a State Department that seems more comfortable punishing the victims of the Cyprus problem while rewarding the occupiers. I am hopeful that one day soon, like Greece, the island of Cyprus will be unified and free. And tonight I also applaud the determination that the Greeks showed 185 years ago to overcome the Ottoman Empire and restore democracy in the place of its birth.

FAIRNESS IN TRADE TARIFFS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, recently Congressman DALE KILDEE and myself have introduced H.R. 4808.

We both are very concerned about the jobs that continue to go overseas, "outsourcing" some people call it. And with this bill what we are speaking to is the tariff situation that will exist between China and America.

In 2008, the Chinese will be selling in America Chinese cars that are made in China. These cars obviously will be made by people who make in many cases less than $1 an hour, $1.25 an hour, no benefits, but yet they will be selling these cars in this country.

What Mr. KILDEE and I have done, along with other Members in both parties, is to say, we want to see fairness in this arrangement. If we try to sell an American car in China today, tonight, tomorrow we would pay 28 percent tariff. When the Chinese sell their cars in this country in the year 2008, they will pay 2.5 percent.

What this bill does is simple. It says fairness, fair trade. What is good for the Chinese economy should be good for the American economy. What is good for the American economy, let it be good for the Chinese economy. But for this country, we have lost so many manufacturing jobs in my own State of North Carolina. Since NAFTA was enacted, we have lost over 200,000 manufacturing jobs. Just the past 4 years, between 2001 and 2005, we have lost 2.9 million manufacturing jobs in this country.

This Nation cannot and will not remain strong if we do not have a manufacturing base. So this bill that Mr. KILDEE and I have put in is very simple. I will repeat it again and then I will close very shortly.

That is, if we are going to accept Chinese cars to be sold in this country in 2008, and right now they will pay a 2.8 percent tariff while we are selling American cars in China and American cars have a tariff of 28 percent.

Madam Speaker, I will tell you this, I think the American people are tired and really kind of fed up, if you will, with the fact that we have not done a better job in this Congress, both sides, of trying to protect the American worker. This really is a bill that we are trying to send a message. With the WTO and the relationship we have, it would be very difficult for this bill to be signed by the President, but Mr. KILDEE and I believe that the Congress, on the floor of this House, should debate H.R. 4808 and let the American people, or as good as the American people, let the negotiators know that the Congress does care about fairness in these trade agreements.

With that, Madam Speaker, I will close by saying that I appreciate the honor of serving in the House. I hope that we will always do our best to protect American jobs and the American worker.

I also want to close by asking God to please bless our men and women in uniform. And, God, please bless the families of our men and women in uniform. And, God, please bless America.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, with today marking the 17th anniversary of the accident at Three Mile Island, this seems like an appropriate opportunity to discuss the dangers posed by nuclear energy and nuclear weapons.

As I have said from this floor many, many times before, I believe there is no greater national imperative than to bring our troops home from Iraq. But the end of the war must also be the beginning of some fresh and creative thinking about national security.

We are in a desperate need, a need for new strategies for keeping America safe. Last summer, Madam Speaker, I introduced the Nuclear Non-Proliferation Treaty Commitments Act. The concept behind the bill is very simple, and it is a really good starting point. America must keep its word and live up to the agreements it has made to reduce our nuclear arsenal. But we need to go even further.

So along with the Physicians for Social Responsibility, Friends for Peace, and WAND, I have developed a plan called SMART Security. SMART stands for sensible, multilateral, American response to terrorism, which seeks peaceful and diplomatic solutions to international conflict. SMART addresses a range of issues including energy independence, democracy building, and global poverty. But at its core is a renewed commitment to nuclear nonproliferation and disarmament.

SMART calls on the United States to stop the spread of weapons of mass destruction and to do it with strong diplomacy, with enhanced weapons regimes and regional security arrangements. Under SMART, we would set an example for the rest of the world by renouncing nuclear testing and development of new nuclear weapons. SMART would redouble our commitment to the Cooperative Threat Reduction Program which has been successful in reducing nuclear stockpiles and securing nuclear materials in the former Soviet Union.

☐ 1945

SMART would stop the sale and transfer of weapons to regimes involved in human rights abuses, and it would ensure that highly enriched uranium is stored only in secure locations.

Mr. Speaker, at just the moment that we need to be vigilant about nuclear proliferation, the Bush administration is asking Congress to give its approval to his dangerous and misguided nuclear energy deal with India. Here he is agreeing to share sensitive nuclear technologies with a nation that was testing nuclear weapons as recently as 1998. He would essentially reward India for its refusal to sign the nonproliferation treaty, feeding the nuclear appetite of a nation that has failed to show the responsibility expected of a nuclear state.

What message does the India pact send to Iran and North Korea? What leverage do we have with these countries to give up their nuclear ambitions, especially since, despite the threats they represent, they have done actually nothing to violate their treaty obligations?

If this India agreement were ratified, how would we deal with India's neighbor and rival Pakistan, which is likely to demand the same nuclear concessions from the United States and which has a dishonorable history of sharing nuclear technology with rogue actors?

Mr. Speaker, there is a cruel irony to the U.S. nuclear policy. While we happily share nuclear technology with countries that have not always handled it responsibly, and while we continue to pursue a large and expensive nuclear arsenal of our own, we are fighting a bloody and expensive war over a nuclear weapon that never even existed. Remember, we are only in Iraq because our so-called leaders looked us in the eye and said there would be a mushroom cloud over American cities unless we sent our troops off to die.

It is time for a 180-day degree turn in our thinking about these issues. It is time we stopped equating security with aggression. It is time we rejected the doctrine of preemption, instead of reaffirming it as the Bush administration did recently. It is time we got SMART about national security.

It is time we protected America, not by invading other nations, but by relying on the very best of American values: our desire for peace, our capacity for global leadership, and our compassion for the people of the world.

CONTRIBUTIONS OF THE ON-PREMISE SIGN INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Speaker, I rise today to recognize the contributions of the on-premise sign industry to our economy and our country. From April 5 to April 8, the International Sign Association, which represents thousands of manufacturers, users and suppliers of on-premise signs and sign products, will be having its 60th Annual International Expo in Orlando, Florida.

At that expo, there will be 550 companies displaying nearly 1,700 booths of the most advanced and innovative sign products the industry has to offer. Nearly 25,000 people are expected to attend this event. This includes businesses from across the country and around the world. The expo will feature custom, architectural, digital and national sign companies and their products, giving sign enthusiasts and small businesses a prime opportunity to learn more about this ever-changing industry.

I sit on two committees that deal extensively with sign-related issues, so I am familiar with the issues that concern the industry. For example, on the Committee on Small Business, we are all aware of how important small businesses are to our economy. We know that 90 percent of American businesses are small business, and we know that they create the lion's share of new jobs. And we know that these small businesses thrive in an environment with as little government regulation as possible.

But what many people may not know is that the Small Business Administration, over which our committee has jurisdiction, officially recognizes that effective on-premise signage is a critical component of a business' success and can contribute to the success of all businesses. In fact, as SBA Bulletin No. 101 on signage for businesses states: "Signs are the most effective, yet least expensive form of advertising for the small business." Obviously, the $12 billion on-premise sign industry plays a critical role in the success of small businesses and our economic growth.

Unfortunately, the on-premise sign industry still, like most small businesses, faces a flood of government regulations and needs our support. We need to enact extensive and permanent tax cuts, so that small business owners can keep more of their own money and use it to grow their businesses. We need to give small businesses the freedom to choose to participate in association health care plans, so that employers can give their businesses solid health care coverage. We need to pass serious tort reform, so that small businesses are not bogged down in legal costs and red tape. In other words, Mr. Speaker, the Federal Government needs to get out of the way.

As a member of the Judiciary Committee, I understand that the Federal Government has a role to play in protecting the constitutional rights of on-premise signage, specifically, that the commercial speech represented in on-premise signage has certain guaranteed protections under the first amendment. It is vitally important that small businesses be allowed to communicate their business messages to American consumers, and one of the best ways to do this is with on-premise signage.

Similarly, the sign industry also has trademark concerns and needs protection from arbitrary government regulation that fails to acknowledge the protected status of their registered trade or service mark, slogan, motto, or other key text in their on-premise signage. And of course, small businesses can be adversely affected by the State's power of eminent domain, represented in the Kelo case most recently, especially those businesses whose on-premise signs have been taken by the government for whatever reason or excuse.

So, Mr. Speaker, I appreciate this opportunity to educate my colleagues about the value of on-premise signage and to describe the challenges they face. I congratulate ISA on 60 years of annual expos. I wish them the best of luck with their convention. I thank the thousands of on-premise signage businesses across the country, as well as the men and women who run them, for their invaluable contribution to our economy and our society.

COLLEGE ACCESS AND OPPORTUNITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, I rise to state my opposition to H.R. 609, a higher education reauthorization bill that is much more than a day late and a dollar short.

As a former college chief administrator, I am deeply proud to represent my district, my State, and the higher education community on the Education and Workforce Committee; but I am not particularly proud of the reauthorization bill we produced.

We have had the past 8 years to build on the Higher Education Act of 1998. Today, we have an opportunity in this reauthorization bill to give young Americans and aspiring students more opportunities to attain the dream of a college education.

Indeed, we have a choice to expand access and the reach of the Federal Government's helping hand to those who cannot afford skyrocketing tuition, rising fees, room and board, textbooks, and so many other soaring costs and sacrifices associated with going to college.

But the choice we made late last year to cut student loans to the tune of $12 billion weakened our commitment to students. With those cuts in the budget reconciliation bill, we sent a message to America's students and their families that they are no longer among this Nation's top priorities.

As a consequence, the rapidly expanding gap between the amounts of available student aid compared to the cost of attaining a college education is growing out of control. And yet, while this administration's response is that colleges should simply charge less, it is not making the same demands of other industries that are equally critical to our economy's infrastructure and competitiveness.

This month, as high school seniors across the land receive their college acceptance letters, their proud parents are calculating how they can squeeze college costs into their budget. It is an uphill climb for most families that is made tougher by the President's budget cuts, which freeze Pell grants for a fifth year in a row; recalls the Federal portion of the Perkins Loan Revolving Fund that could extract another $600 million out of the student aid system each year; and freezes funding for SEOG and work study.

If we want to maintain our edge in the global economy, we cannot afford to undercut the administration's competitiveness initiative. But the promise of a more competitive workforce is simply incompatible with budget proposals to freeze Pell grants for a fifth year in a row and recalling a portion of the Perkins Loan Revolving Fund.

This hypocrisy builds on the Republicans' record on student aid: $12 billion in cuts to student loans; failure to extend the tuition deduction for higher education; and a 3-year long impasse over this reauthorization bill. Deep cuts in the President's budget will most likely carry over into the budget resolution we consider next week, further compounding the Republican hypocrisy. Similarly, the reauthorization bill moves America in the exact opposite direction of where our competitive workforce should be heading.

In fact, cuts to student aid threaten to return the state of higher education to the pre-World War II era, when only 5 percent of Americans had earned a college degree, compared with nearly 30 percent today. If we are to sustain our leadership and competitive edge in the global economy, we cannot afford to enact policies which will lead to only the elite being able to afford to go to college.

The so-called "education President" has put forward a woefully inadequate budget, and our leaders in this Chamber have presented a short-sighted reauthorization bill that falls short of what America's students, their parents, and our workforce deserves.

Mr. Speaker, I will be offering several amendments this week to address some of the shortfalls of H.R. 609. One bipartisan amendment, cosponsored by my colleague on the Education and Workforce Committee, Mr. SOUDER, would strike intrusive language in the bill dictating how colleges should carry out transfer credit policies.

An amendment sponsored by another colleague on the committee, Mr. HOLT, would correct a problem with the State tax allowance tables that deprive over 1 million students out of their fair share of Pell grants and reduce, if not eliminate, their eligibility for other types of need-based aid.

I will also offer amendments to preserve the Perkins Loan Revolving Fund, extend the expired tuition deduction claimed by middle-class families, and increase oversight on the administration and grading of ability to benefit exams.

Mr. Speaker, I am hopeful that the Rules Committee will make these amendments in order. They are not partisan or political but, rather, commonsense amendments, making a weak bill better and keeping America's college students a top priority for this Nation.

ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I think most Americans are pretty interested, very concerned about the high cost of energy, particularly fuel.

At the present time, we are nearly 60 percent dependent on foreign oil. OPEC provides the largest part of that oil that we are importing. We currently have a very large trade deficit, and petroleum is really the major part of, at least the largest single entity in that trade deficit, and this is a major threat to our economy. Right now, the purchase of foreign oil contributes about one-third of that trade deficit that we are now experiencing.

The United States has only 3 percent of the world's petroleum reserves. So we are highly dependent on the rest of the world. We are now using more petroleum than we are discovering. So we are on a downhill slope. Obviously, we have to do some things differently than what we have been doing, and I think the energy bill we passed here in the Congress last summer was certainly a step in the right direction.

Many people may remember there was a renewable fuel standards in it that was fairly significant. There were incentives for wind, solar, hydrogen fuel cells which may be the wave of the future, something that is not a renewable fuel standard, but also some nuclear incentives were in there. We have not done much nuclear production for a long time, whereas Europe has moved ahead, and much of the energy in Europe is now due to nuclear power.

A couple of the major issues in a renewable fuel standard have to do with ethanol and biodiesel, and the remainder of my remarks will be addressed mainly to those topics.

First of all, a renewable fuel standard adds $51 billion to farm income over 10 years, and the good news for taxpayers is that this reduces government farm payments by $5.9 billion over that 10-year period. That is money that otherwise would be paid by the taxpayer. It also reduces the trade deficit of the United States by roughly $34 billion, and it significantly reduces air pollution as well.

So we think that obviously there are some tremendous benefits to the renewable fuel standard. Currently, we are producing roughly 5.9 billion gallons of ethanol this year, 2006; and the energy bill mandates by the year 2012, just 6 years from now, that we produce 7.5 billion gallons; but, actually, we will far exceed that at the pace that we are now producing ethanol.

□ 2000

By 2025, there is a goal on the part of many of us to become independent of the oil that is produced in the Middle East, which would mean we would need to produce roughly 60 billion gallons of ethanol, biodiesel, and those types of fuels. And this is doable. It is going to take a concerted effort, a commitment on the part of our country, but we can do that. Technology is changing rapidly.

One thing that I think is important to show is that we often hear that, well, ethanol is okay, but it actually burns up more energy than it produces. And that is not true. Ethanol, for every Btu of fossil fuel used, yields just about 1.4 Btu's of energy because a lot of the energy in ethanol comes from the sun. In contrast, gasoline, for every 1 Btu of fossil fuel used to produce it, yields about eight-tenths of a Btu. So there is an energy deficit.

The same is true of MTBE. And, of course, MTBE is rapidly being phased out, so there is a tremendous demand now for ethanol to fill that gap. So, anyway, the technology is certainly changing.

Something that is on the horizon is cellulosic ethanol. This is ethanol that would not necessarily be made from corn, but would be made from switchgrass, rice, wheat, corn stover, so corn stalks, wheat stalks, and rice stalks can be used. These are things that are currently sometimes burned or thrown away. Also wood chips. So there is a tremendous opportunity out there in parts of the country that are not necessarily in the Corn Belt to be in some form of the ethanol industry.

Biodiesel is now where ethanol was about 10 or 15 years ago. It is on the cusp of really becoming a major part of our fuel supply and shows great promise. There are many spin-offs and byproducts from ethanol. For instance, biodegradable plastics can be made in the process of wet milling. And right now a great deal of our packaging stores, like Wal-Mart and others, are now using biodegradable plastics.

So we think there is a great future here. And, Mr. Speaker, I appreciate this opportunity to address the House.

COMPREHENSIVE IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Arizona (Mr. GRIJALVA) is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Speaker, today I rise to acknowledge and lend support to the well over 1 million people who marched across American cities and towns in a peaceful, nonviolent way for fairness, dignity, and humane and respectful treatment of immigrant workers in our Nation. This ground swell of humanity wanted some very simple things. They wanted the principles of fairness and equal protection under the law to be applied in a fair and just way.

The people who marched are for comprehensive, reality-based immigration reform by this Congress, a reform that acknowledges the economic value, necessity and, yes, indeed, the codependency of our economy on the immigrant workforce; that also recognizes the inherent value of human beings and reaffirms the process of rigorous examination and process to attain permanent legal status and eventually citizenship. And it reaffirms a reality-based immigration reform, reaffirms the need for security in this country by assuring that the people that work here, that function here, are not hidden in the shadows but part of the workforce, integrated into that workforce and protected by the same laws and principles that all working people in this country enjoy.

I think what is happening in this country on the question of immigration is really about the future of our country. We have, as a Congress, a choice on immigration reform. We should not continue on the path set by this Congress in the Sensenbrenner bill, a bill that asks us to criminalize 11 million human beings in this country, that raises the specter of mass deportation and that ignites a flame of intolerance and division that this country is not about.

We don't need a path to create second-class citizens. We don't need a path that hides from our economic reality. We don't need a path that ignores the business interests. We don't need a path that forgets fairness and equity under the law. And we don't need a path that creates division and discrimination as a rule of law.

We cannot shun our values as an immigrant nation. This is a wrong path. And while possibly it is a short-term political victory based on division and based on creating a wedge issue that splits people in this country, it is a long-term defeat for this Nation.

I believe that we can do better. We can create a situation for the people of this country and for the immigrant workers in this country that is not blanket amnesty, that is not about open borders, that understands security is a priority issue, but also understands that comprehensive reform is the most important way to deal with this issue.

So let us not, as we debate this issue and as we continue to grapple with this very vexing and complex issue, let us not forget we are dealing with human beings, let us not ignore our economic reality, and let us put together a comprehensive package that accommodates both those realities and at the same time reaffirms the traditions, the values, the hopes and the aspirations of immigrants that have made this country what it is, that will strengthen it in the future, and that will continue the progress and the enlightenment this Nation needs.

OCALA NATIONAL FOREST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER. Mr. Speaker, I rise today to strongly oppose the Bush administration's proposed sale of 300,000 acres of national forest lands, which include 1,000 acres of the Ocala National Forest in my congressional district.

The Bush administration's rationale for selling our national forest lands is to raise money for rural roads and schools. While our budget shortfall is temporary, ruining pristine national forest lands is permanent. That is why all four of the living former chiefs of the U.S. Forest Service sent a letter to Congress on March 13, 2006, strongly opposing the auctioning off of 300,000 acres of national forest lands.

Mr. Speaker, our national forest lands are worth protecting. Millions of Americans each year use our national forests to go hiking, fishing, hunting, camping, swimming, canoeing, and enjoying the outdoors. The Ocala National Forest also provides a habitat for thousands of animal species, including rare birds and black bears.

Now, what does the administration say about these forest lands to be sold? Well, Under Secretary of Agriculture Mark Rey, who directs national forest policy, said "These are not the crown jewels we are talking about." Well, they say a picture is worth a thousand words, so let me show you a photograph of some of the actual land in the Ocala National Forest which is marked for sale by the administration.

Look at the green plush forest. Does this look ugly to you? Does anybody really believe that this would look better as a strip mall or a condo project? I think it is a crown jewel.

And let me show you who else thinks this land is pretty important. This is a photograph published in my local newspaper, the Orlando Sentinel, of a black bear that lives in the Ocala National Forest. Now, this black bear is being relocated from one location to another location. Look at this cute little black bear. Does anybody really believe that we should sacrifice this little black bear's habitat on the altar of budget deficits?

This fire sale of forest lands is literally unbearable. It is also financially shortsighted. We cannot sell national forest land every time there is a budget shortfall. This is a dangerous precedent for Congress to set. Our financial problems need to be addressed over the long term, not through the shortsighted sale of national treasures to the highest bidder.

The proposed sale of the forest land is not even an adequate budgetary solution. The money raised from this nationwide sell-off would not even be enough to cover the short-term school and road needs of the communities near Ocala National Forest, let alone other areas of the country.

Well, what can we do about it? There are three things: First, I circulated a letter to the Florida delegation asking them to oppose the sale of our Nation's forest lands, especially the nearly 1,000 acres in the Ocala National Forest. I am proud to report today that this letter was signed by both of our U.S. Senators, Republican and Democrat, and by a bipartisan majority of our House Members. On March 1, 2006, this letter was submitted to the U.S. Department of Agriculture as part of the official comment period to voice our strong opposition to the sale.

Second, Congressman BEN CHANDLER of Kentucky and I are currently circulating a bipartisan letter asking Members to oppose the sale of 300,000 acres of forest lands all across the country in 41 separate States. Thus far, 52 Congressmen have signed on to our letter, and we encourage others to sign on tomorrow. After tomorrow, we will send this letter to the leaders of the House Budget Committee to urge them to oppose the administration's budget request and to encourage them to find alternative funding for rural schools and roads.

Finally, if we are unable to block this sale on the front end by having the administration withdraw this proposal, the plan would still have to be approved by this Congress, and I would encourage all of my colleagues to vote not just "no," but "heck no."

Mr. Speaker, in closing, I am very optimistic we will be successful in blocking this reckless fire sale of our national forests and that our children and grandchildren will be able to enjoy the serenity of the great outdoors for many years to come.

THIRD ANNIVERSARY OF THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, last week, on March 19, our Nation marked a somber milestone. We began the fourth year of the Iraqi war. It is becoming quite clear that this falsely conceived war is proceeding disastrously, with no end in sight. The administration's repugnant use of the phrase as bombing began, "shock and awe," has deteriorated into a "knockdown and raw, last man left standing" war of attrition.

The situation in Iraq continues to deteriorate precipitously. In the last month alone, there has been an escalation of sectarian violence. Dozens of suicide bombings, insurgent attacks and the like have left almost 1,000 more people dead since a bombing destroyed the dome of Samarra's Golden Mosque, a sacred and holy site to Shiite Muslims.

Iraq is still without a functioning government, as the Iraqi parliament has convened just once and for only 30 minutes. Moreover, there was an automobile ban in place throughout Baghdad to prevent car bombings that same day. A city-wide ban on cars, Mr. Speaker, is not a safe city. A nation where journalists cannot travel to report is not a safe country.

Headlines from newspapers around the globe have the same theme, civil war in Iraq. The administration, however, does not seem to see it that way. The President was in Ohio last week and made the following comment: "Americans look at the violence that they see each night on their television screens and wonder how I can remain so optimistic about the prospects of success in Iraq. They wonder what I see that they do not."

Well, I think the President has it the other way around, Mr. Speaker. The world sees a lot this President doesn't. Three years ago, we saw the administration did not have a plan to win the peace, and he and his narrow group of advisers led us down the path to war. We also see what he cannot see today, that our presence in Iraq has led to an increase in violence and terrorist activities in the Middle East and around the world, making us less safe as a nation.

Three years ago, on the eve of the invasion, I warned, and I quote myself, "Even if we take the ground, we do not share the culture. In the end, we have to learn to exist in a world with religious states that we may not agree with, and find ways to cooperate."

So the President has traded a brutal sectarian regime for an unstable nation that looks more and more every day like a dawning theocracy.

☐ 2015

Events in the last few weeks seem to show this is indeed becoming the case. By refusing to prepare for the possibility that we would be considered occupiers rather than liberators, these architects of this war never afforded an opportunity to truly win the peace. Hospitals and medical services were ignored. Iraqi organizations open to the West were never consulted. Western media was not culturally appropriate inside that region. The seeds for unrest were sown before U.S. troops even entered Iraq.

Achieving military success without winning the hearts and minds of the public is a hollow victory, and now the President tells us troops will remain in Iraq until he leaves office in 2009, who knows when.

May I remind the body this President held a theatrically staged press event on a U.S. aircraft carrier on May 1, 2003, with a "Mission Accomplished" banner flying in the background. Major combat operations in Iraq have ended, he announced.

Two weeks ago, the United States launched the largest aerial assault in Iraq since 2003. More than 1,500 of our soldiers were deploy in the Samarra region to root out insurgent strongholds and seize weapons caches and the like. That sounds like a major combat operation to me, and it sounds like we are losing ground rather than making progress.

Statements by those in the administration prior to the invasion show how wrong the Bush administration has been. Donald Rumsfeld in February 2003 said, "It is unknowable how long the conflict will last. It could be 6 days, 6 weeks. I doubt 6 months."

Vice President CHENEY in March 2003 said, "We will, in fact, be greeted as liberators. I think it will go relatively quickly . . . (in) weeks rather than months." We are into the fourth year, almost as long as it took to fight World War II.

The toll this war has taken is staggering. Since March 2003, 2,322 U.S. soldiers have died, another 18,000 troops have been injured as a result of hostilities, with numbers doubling between 2003 and 2004 and increasing again in 2005.

Mr. Speaker, this evening I wish to place in the RECORD names of Ohioans, 104 of them, brave patriots who have died in service to our country in Iraq. God bless them.

OHIOANS DEAD THROUGH OPERATION IRAQI FREEDOM (AS OF MARCH 4, 2006):

Anderson, Nathan Richard; Andres, Joseph John Jr.; Barkey, Michael Christopher; Bates, Todd Michael; Bell, Timothy Michael Jr; Benford, Jason A; Bernholtz, Eric James; Biskie, Benjamin Walter; Boskovitch, Jeffrey A; Bourdon, Elvis; Bowen, Samuel Robert; Brownfield, Andrew David; and Buryj, Jesse Ryan.

Christian, Brett Thomas; Cifuentes, Michael Joseph; Conover, Steven Daniel; Davids, Wesley Graham; Derga, Dustin Alan; Deyarmin, Daniel N Jr; Dixon, Christopher Robert; Dowdy, Robert John; Dyer, Christopher Jenkins; Eckert, Gary Andrew Jr; Eckfield, Robert Franklin Jr; Erdy, Nicholas Brandon; and Etterling, Jonathan Edward.

Finke, Michael Wayne Jr; Fitzgerald, Dustin Robert; Ford David, Harrison IV; Garmback, Joseph Martin Jr; Gilbert, Richard Alan Jr; Godwin, Todd Justin; Grella, Devin James; Gurtner, Christian Daniel; Hardy, Richard Allen; Harper, Bradley Jared; Hawkins, Omer Thomas II; Hines, Timothy James Jr; Hodge, Jeremy Michael; and Hoffman, Justin Fenton.

Ivy, Kendall Howard II; Johnson, Adam Robert; Keeling, Thomas O;Kinney, Lester Ormond II; Kinslow, Anthony David; Knight, Timothy Allen; Knop, Allen James; Kreuter, David Kenneth John; Kuhns, Larry Robert Jr; Landrus, Sean Gregory; Large, Bryan William; and Lyons, Christopher P.

Martin, Ryan Ahern; McVicker, Daniel M; Mendezruiz, David A; Mendoza, Ramon Juan Jr; Messmer, Nicolas Edward; Meyer, Harrison James; Miller, James Hoyt IV; Mitchell, Curtis Anthony; Montgomery, Brian P; Morgan, Richard Lynn Jr; Murray, Jeremy Enlow; Neighbor, Gavin Lee; Nolan, Allen Duane; and Nowacki, Andrew Walter.

Oberleitner, Branden Frederick; Odums, Charles Edward II; Ott, Kevin Charles; Pintor, Dennis Lloyd; Pratt, Daniel Joseph; Prazynski, Taylor B; Prince, Kevin William; Pummill, Richard Thomas; Ramey, Richard Patrick; Ramsey, Joshua Adam; Reed, Aaron Howard; Reese, Aaron Todd; Rock, Nathaniel S; and Rockhold, Marlin Tyrone.

Schamberg, Kurt Daniel; Schroeder, Edward August II; Scott, David Allen; Seesan, Aaron N; Seymour, Devon P; Shepherd, Adam Roger; Shepherd, Daniel Michael; Sloan, Brandon Ulysses; Smith, Kevin Scott; Smith, Michael James Jr; Souslin, Kenneth Clarence; Spann, Jacob D; Sparks, Jason Lee; Squires, Brad D; Swaney, Robert Adam; and Swisher, Tyler Bobbitt.

Tipton, John Edgar; Van Dusen, Brian Keith; Vandayburg, Allen Jeffrey; Webb, Charles Joseph; Wightman, William Brett; Wilkins, Charles Langdon III; Williams, Andre L; Wobler, Zachary Ryan; and Zimmer, Nicholaus Eugene.

OHIOANS DEAD THROUGH OPERATION ENDURING FREEDOM (AS OF MARCH 4, 2006):

Egnor, Jody Lynn; Foraker, Ryan Dane; Freeman, Daniel Jason; Goare, Shamus Otto; Good, Alecia Sabrina; Hickey, Julie Rochelle; Jones, Darrell Ray Jr; McDaniel, William Louis II; Oneill, Michael Christopher; and Owens, Bartt Derek.

HONORING SERGEANT ANTON HIETT

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, it is with a heavy heart that I rise today to express the heartfelt condolences of a grateful Nation and to honor the life of Sergeant Anton Hiett of Mount Airy, North Carolina. Sergeant Hiett passed away on March 12, 2006, while serving in Afghanistan.

Sergeant Hiett served our country as a U.S. Army Reserve combat medic. His strong patriotism and desire to do what was right led him to join the military after graduating from North Surry High School. He began his career as an infantryman, but later decided that his calling was to care for his wounded comrades. Last year, Sergeant Hiett volunteered to go to Afghanistan because he felt compelled to help his country at war.

Sergeant Hiett was a loving husband, father, son and brother. His friends describe him as someone "having a big heart and always going the extra mile to help others."

He leaves behind his wife, Misty Hiett, his 2-year-old daughter, Kyra Hiett, his parents, George and Angela Hiett, and three siblings. May God bless and comfort them during this very difficult time.

We owe this brave soldier and his family a tremendous debt of gratitude for his selfless service and sacrifice. Our country could not maintain its freedom and security without heroes like Sergeant Hiett who made the ultimate sacrifice. Americans as well as Afghanis owe their liberty to Sergeant Hiett and his fallen comrades who came before him.

Mr. Speaker, please join me in honoring the life of Sergeant Anton Hiett.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, this evening, as on each Tuesday evening, I rise on behalf of the fiscally conservative Blue Dog Coalition, a group of 37 of us that are fiscally conservative Democrats that are concerned about the state of affairs in America. We are concerned about the debt, the deficit, the budget; and we are committed to trying to restore some common sense and fiscal discipline to our Nation's government and our Nation's budgeting process.

Ever since I was a small child growing up in Prescott, Emmet and Hope, Arkansas, I always heard it was the Democrats that spent the money. And yet it was a President named Bill Clinton from Arkansas, from my hometown of Hope, Arkansas, in fact, that gave this Nation its first balanced budget in 40 years. From 1988 through 2001, America enjoyed the prosperity that came with having its fiscal house in order. America enjoyed the prosperity that came with having a balanced budget.

It is hard now to believe that from 1998 through 2001 this country had a balanced budget, because, as we all know, for the sixth year in a row this Nation, under this Republican-led Congress and under this President, this administration, has given us the largest budget deficit ever, ever in our Nation's history for a sixth year in a row.

As a matter of fact, as you walk the Halls of Congress, it is easy to spot a fiscally conservative Democrat because the 37 of us who belong to the Blue Dog Coalition have this poster outside our office in the Halls of Congress. As you can see today, the U.S. national debt is $8,365,525,832,151 and some change. That is a big number.

Let us put it in a way that we all can understand it. For every man, woman and child, including those born this past hour, every citizen of America's share of the national debt is $28,000 and some change.

Mr. Speaker, where I come from, very few of my constituents can afford to write a check for $28,000 and yet it is this kind of debt, this kind of deficit that we are saddling on our children and grandchildren and expecting them someday to pay back, and I believe it is morally wrong.

I raise these issues because, you see, my grandparents left this country better than they found it for my parents, and my parents left this country better than they found it for my generation, and I believe we have a duty and an obligation to try and leave this country just a little bit better than we found it for the next generation. But instead, for the sixth year in a row, we have the largest budget deficit ever in our Nation's history.

This administration, this Republican Congress, continues to pass tax cuts for those earning over $400,000 a year. Just in the last few months, this Congress passed the so-called Budget Deficit Reduction Act. Here is what it did. It cut Medicaid, the only health insurance plan for the poor, disabled, and elderly. It cut student loans and a program for orphans to the tune of $40 billion. And then they passed another tax cut to the tune of about $90 billion.

I was not real good in math in high school or college, but you can do the math on that. Some $90 billion in tax cuts for those earning over $400,000 a year, $40 billion in cuts to Medicaid, to orphan programs and to student loans. That amounts to $50 billion in additional debt, and yet the Republican leadership in this body had the nerve to call it the Deficit Reduction Act.

Mr. Speaker, I believe it is time for those of us in the fiscally conservative Blue Dog Coalition to rise up and hold this administration, this Congress responsible for these kinds of reckless spending habits that destroy future generations.

The budget the President has submitted for fiscal year 2007, some $2.8 trillion, you have to give it to him, he has managed to cut all of the programs that matter to people: health care, education, infrastructure, economic development, and yet give us the largest budget deficit ever in our Nation's history all at the same time. How does he do that? Because he continues to propose to borrow money from foreign lenders, foreign central banks, foreign investors to fund tax cuts for those earning over $400,000 a year. What has it given us? It has given us a debt of $8,365,525,832,151.

By the time we complete this hour, Mr. Speaker, the national debt will have risen more than $41 million.

Every Tuesday night those of us in the Blue Dog Coalition, we are 37 members strong, we come here to talk about the debt and the deficit and what it means, not only to today's generation but to future generations, because you see, Mr. Speaker, these are big numbers. They are big numbers, but let me put it in perspective.

Not only is our Nation borrowing about a billion dollars a day; we are sending $279 million every day to Iraq, but do not dare ask the President how he is spending it or if he has a plan for how it is to be spent because he will tell you that you are unpatriotic. Some $57 million is going every day to Afghanistan. And on top of that, our Nation is spending the first half a billion we collect in your tax money each and every day simply to pay interest, not principal, just interest on the national debt.

We need I–49 in my congressional district. I need $1.5 billion to complete it. Give me 3 days' interest on the national debt, I can build I–49. On the eastern side, we are waiting on I–69. Give me 3 days' interest on the national debt, and I can complete I–69' and with these two interstates, we can bring economic opportunities and jobs to one of the most depressed and distressed areas of the country.

These are the kinds of priorities that should be America's priorities that continue to go unmet until we get our Nation's fiscal house in order and restore some common sense to our government.

Mr. Speaker, if you have questions for the Blue Dog Coalition, I would invite you to e-mail us at bluedog@mail.house.gov.

Mr. Speaker, we are very privileged this evening to have a special guest join us, that is, the whip of the Democratic Caucus, the gentleman from Maryland (Mr. HOYER), and I yield to the gentleman.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I thank both Mr. Ross and the Blue Dog Coalition for focusing on what I believe to be one of the most critical problems confronting our country. I am going to speak a little bit about that.

I lament the loss of one of the great leaders of the House, one of the great leaders of the Blue Dog Coalition, Charlie Stenholm. No Member with whom I have served over the last 25 years, a quarter of a century, has been any more focused on trying to instill fiscal responsibility in the policies of this House than was Charlie Stenholm.

Mr. Speaker, I want to thank my friends in the Blue Dog Coalition for organizing this important Special Order hour. The Blue Dogs have long been focused on this issue of fiscal responsibility, and I believe there is no more important issue in our Nation today.

□ 2030

I do not make that statement lightly. It is not hyperbole. I realize that our Nation is at war. Our gulf coast is still reeling from the worst natural disaster in American history. We are struggling, nearly 5 years after 9/11, to address our homeland security vulnerabilities.

Forty-five million Americans have no health insurance. Health care costs, gas prices, and college costs are all up for our citizens: and median household income, at the same time, as you know, Mr. ROSS, is down. These are many of these critical issues that we face today. However, what the Blue Dog Coalition knows, and what every American needs to know, is that these issues that we face will all be impacted by the dangerous fiscal policies that we are embarked on.

Why? Because the record Federal budget deficits and exploding national debt that have been instigated over the last 5 years will affect our ability to address virtually every issue confronting the American people. That is why this matters.

This is not just some pie-in-the-sky issue that Mr. ROSS and I are talking about. Mr. ROSS made it very clear what he could do with just 3 days' interest in terms of bringing economic vitality to an area that needs growth and jobs and help with prosperity. Other issues such as the war on terror, homeland security, health care, education, Social Security and Medicare are all going to be impacted by these incredibly huge deficits that we are creating.

Now, Mr. Speaker, I know you are interested in these comments, but here is what David Walker had to say, the Comptroller General of the United States. He told the Senate Budget Committee on February 15, and I quote, "Continuing on this unsustainable fiscal path will gradually erode, if not suddenly damage, our economy, our standard of living and, ultimately, our national security." Now, that is the gentleman whom we have appointed as the watchdog for the Congress on the finances of this country to make sure we don't waste money. What he is saying is, these policies are unsustainable, dangerous and will undermine our national security.

Mr. Speaker, it gives me no pleasure to say this, but I believe it is an undisputed statement of fact. This administration, through its insistence on unaffordable tax policies, is the most fiscally reckless administration in American history. Just listen to former Republican House Majority Leader Dick Armey of Texas, who told the Wall Street Journal in January of 2004, and again I quote, "I'm sitting here and I'm upset about the deficit, and I'm upset about spending. There is no way I can pin that on the Democrats. Republicans own the town now." That was the former Republican majority leader saying. Republicans are responsible for this reckless, irresponsible fiscal policy that worries Dick Armey.

Simply look at the facts. When President Bush took office in January 2001, he inherited a projected 10-year budget surplus of $5.6 trillion. That is what he said. It is not what we said. He said that in a statement to the Congress.

President Clinton reduced the budget deficit every year during his first term, and then, Mr. Speaker, in his second term, presided over four straight budget surpluses. That hadn't been done for 70 years prior to that time. The first time that happened was 70 years ago. In fact, the Clinton administration paid down the national debt by $453 billion during that second term. In fact, the surpluses were over half a trillion dollars. But we paid down the debt by $453 billion.

So, not surprisingly, President Bush issued this bold prediction on March 31, 2001. Before I get to that, my friend has put up on the board, Mr. ROSS, the distinguished gentleman from Arkansas, has put up on the board the deficits over the last 25 years. Now, I have been in Congress every one of those years, Mr. Speaker. Seventeen of those have been with Republican Presidents, 17 of those years. Eight of those years have been with a Democratic President.

Now, Mr. Speaker, some say, oh, well, 9/11 happened. It did. It cost us. It was serious. We needed to respond to it. But, very frankly, from 1982 to 1993, 9/11 didn't happen. Did we go to war in Iraq? Yes. And the good news was President Bush and Jim Baker went around the world and said, this is an international problem, and the international community paid for it. We didn't.

But if you will look at those figures that Mr. ROSS has put up, every year, every one, without fail, under a Republican President over the last 25 years has been a deficit year.

And then you get to the Democratic year. Now, frankly, Mr. ROSS has them in blue, but the first four numbers are, in fact, red numbers. We ran deficits. Why? Because we were pulling ourselves out of the deep debt that had been created by the prior two administrations. And then when we did that, it then took us into surplus for 4 straight years. But here's the good news.

Seventeen years, it is the bad news first; 17 years under Republican administrations, $4-plus trillion of deficits. Under Bill Clinton, $62.2 billion of surplus. That is an amazing record.

But here's what President Bush issued, a prediction in March of 2001 inheriting these surpluses, quote: "We will pay off $2 trillion of debt over the next decade." That is what President Bush said, over the next 10 years. He has now been here 6 years. Two billion dollars of debt over the next decade; that will be the largest debt reduction in any country, ever. Future generations, President Bush said, shouldn't be forced to pay back money.

Now, I want, Mr. Speaker, I know you will be interested in this and others will be interested, other colleagues. President Bush said this: "Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren."

Tragically, although President Bush said that, his policies have led to exactly the opposite and have placed, if you add—Mr. ROSS says $28,000, but if you add the added debt limit, $30,000 per child, per grandchild, per wife, per husband, and depending upon the size of your family, if it is four, $120,000.

The reality, of course, shows that notwithstanding what Mr. Bush said he was going to do, the President said he was going to do, he has done exactly the opposite. In 5 years, the Bush administration and this Republican Congress, Mr. Speaker, have created the four largest budget deficits in American history: As Mr. ROSS pointed out, $378 billion in fiscal 2002, $412 billion in fiscal 2003, $318 billion in fiscal 2005, and a projected $371 billion in fiscal 2006. And the Congressional Budget Office, Mr. Speaker, is projecting deficits as far as the eye can see.

So not only did this administration not reduce the deficit by $2 trillion, it has added $3 trillion. That is a $5 trillion mistake.

As far as paying down the national debt, the administration and this Congress have been forced to raise the statutory debt limit four times in 5 years. As Mr. ROSS knows, and my good friend, Mr. MATHESON knows, during the last 4 years of the Clinton administration, we never raised the national debt, not once. And, in fact, during the entire 8 years, we only raised it twice.

This administration has raised the statutory debt limit four times, for a total of $3.015 trillion, with a T. The national debt limit now stands at $9 trillion, which means that every man, woman and child in America owes about $30,000 of debt, as I said.

Consider, as the gentleman has pointed out, and he talked about it in terms of a day. We are borrowing $600,000 per minute, $600,000 per minute. In the last years of the Clinton administration, we didn't need to do that because we had responsible fiscal policies that we were pursuing.

Consider, the first 42 American presidents borrowed a total of $1.01 trillion from foreign governments and financial institutions over 211 years. This administration, in 5 years, now in their sixth, has borrowed from foreign entities, China, Saudi Arabia and others, $1.055 trillion. In other words, this President, in 5 years, has borrowed more money from foreign governments, foreign banks, foreign financial centers than all of the other Presidents America has had, combined.

Mr. Speaker, you don't need a doctorate in economics to appreciate that our Nation's economy and its security is more vulnerable when we are deeply indebted to foreign creditors.

Our deteriorating fiscal condition also has other serious side effects, Mr. Speaker. For example, the interest payments on the national debt are exploding. This is just like the interest consumers pay on their credit cards. In fiscal 2007, those interest payments will total a projected $243 billion.

Now, Mr. Speaker and my colleagues, $243 billion is more money than every bill we will pass appropriating money for health, for education, for infrastructure, for environment, for crime prevention, for fighting terrorism, except the defense bill. So of the 11 appropriations bills we will pass, only one is larger than the interest we have to pay on the debt because we are mortgaging our future. In fact, interest payments on the national debt over the next decade are projected at $3 trillion.

Mr. Speaker, our children and grandchildren won't be able to buy anything for that. As a matter of fact, that sum is so large that just with the interest we are paying, we could pay all of Medicare expenses over the next 10 years. Think of that. These interest payments constitute resources that could have been used for national and homeland security, for Social Security and Medicare, for health care and education, and yes, Mr. Speaker, for tax cuts.

Now, Mr. Speaker, let me close by saying it is highly ironic that President Bush traveled the country last year warning of Social Security's imminent demise, while at the same time he was spending every single nickel of Social Security surplus over the last 5 years. $817 billion of Social Security surpluses we have spent. And, in fact, what we have done is, we have taken those FICA taxes from working men and women and given it to some of the richest people in America in their tax cuts. My, my, my, what responsible policy. And, in fact, under the Republican budget policies every nickel of the Social Security surplus will again be spent over the next 5 years, a total of $1.148 trillion in total.

Consider that just a few years ago the chairman of the House Budget Committee, Mr. NUSSLE of Iowa, confidently predicted, now, this is Mr. NUSSLE of Iowa, our colleague who chairs the Budget Committee, who talks about fiscal responsibility, he said this: This Congress will protect 100 percent of the Social Security and Medicare trust funds, period.

This is Mr. NUSSLE. No speculation, no supposition, no projections.

That statement of course, Mr. Speaker, proved absolutely, undeniably false, wrong. We have spent every nickel. We haven't saved 1 cent of that Social Security surplus. And I hope the Members of this House and the American people will keep this representation and others made by our Republican friends in mind as we prepare to consider this coming budget because they are going to say a lot of things, as they have in the past.

We will likely hear many more confident, bold predictions in the days ahead, predictions that are simply unmoored in fiscal reality. Every single Member of this House knows that the one tried and true method of restoring fiscal discipline is to reinstate the common-sense pay-as-you-go budget rules that were adopted when the Democrats were in charge in 1990. And George Bush I joined in that bipartisan agreement to get a handle on our fiscal posture in America.

Our Republican friends allowed those paygo rules to expire, Mr. Speaker, in 2002. We urged them to keep them. We have offered them in our budget resolution every year. They have been rejected. And our Nation has rued the day that that rule was changed.

I urge my colleagues, join Democrats in supporting pay-as-you-go budget rules. Let us end this cycle of deficit and debt that threatens our Nation's security and future.

And I thank my friend, Mr. ROSS. I thank Mr. MATHESON, who cochairs the Blue Dog Caucus, for continuing to focus on this issue which, in my opinion, is the most important that confronts our country because every other issue will be impacted by our fiscal irresponsibility.

☐ 2045

Mr. ROSS. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER), the whip of the Democratic Caucus, for joining the Blue Dog Coalition this evening as we hold this Republican administration and this Republican Congress accountable for this reckless spending, for this record deficit, for the record debt, and for this out-of-control budget that truly does not reflect America's priorities.

The gentleman from Maryland raised an excellent point when he talked about the Social Security trust fund. And I am beginning to understand. The first bill I filed when I got to Congress back in 2001 was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. And the Republican leadership refused to give us a hearing or a vote on that bill. And now I understand why, because when we talk about the fiscal year 2006 deficit at $318 billion, that is not right. The real deficit is $494 billion because the $318 billion is counting the Social Security trust fund.

Now, when I go to the bank to get a loan, they want to know how I am going to pay it back, when I am going to pay it back, where the money is coming from to pay it back. And yet our government, this Republican Congress, continues to borrow billions of dollars from the Social Security trust fund with absolutely no idea, no provision on how or when or where the money is coming from to pay it back. And I believe that is morally wrong, as we have a duty and an obligation to protect Social Security for today's seniors as well as future generations.

I am also pleased to be joined this evening by one of the co-Chairs of the fiscally conservative Democratic Blue Dog Coalition, a real leader within the group, Mr. MATHESON from Utah.

Welcome.

Mr. MATHESON. Mr. Speaker, I thank my colleague, Mr. ROSS.

And it is great to have the minority whip join us. He has often been described as an honorary Blue Dog, and he has always recognized and been a voice in support of fiscally responsible policy. And I just want to emphasize a point that the minority whip had made in his comments about this notion that we should live with the set of rules that you have got to live within your means.

It is going to take some tough decisions to bring back fiscal discipline to this government. Balanced budgets are not going to be easy to achieve. If it was easy, I would like to think it already would have happened.

So what the Blue Dogs believe is that you have got to put in a set of rules and a structure that helps encourage fiscal discipline. And one of the rules that the Blue Dogs have been strongly supportive of and the minority whip has mentioned in his comments is this notion that you pay as you go. And this is a concept that is pretty basic when you think about it.

If you have something new, a new program where you want to spend some money, you have got to pay for it. You have got to pay for it by taking money away from something else or finding a source of revenue to pay for it.

But the other piece of that puzzle is, if you want to do a tax cut, you have got to pay for that with corresponding cuts in spending or finding revenues elsewhere. It is really a pretty basic concept. I think people, when they look at their own household budget, look at it that way. They have so much money coming in and out that if they want to do an adjustment somewhere, they have got to do an adjustment someplace else to accommodate for that. And that is all we are asking.

And what is interesting, and I may want to ask the minority whip to describe this for me, he was here in 1990 when this was put in place, when the first President Bush was in office. I was not in Congress at that time, but those rules were in place starting after 1990, and I think among many factors, they were the critical factor in moving us toward the surpluses that we enjoyed by the end of the 1990s. And I find it unfortunate, and we should all find it unfortunate, quite frankly, that those rules were allowed to expire at the end of, I believe, 2001.

I know legislation has been offered and introduced to restore those rules. We cannot seem to get a vote on restoring those rules. I would love to have an up-or-down vote here in the House of Representatives on restoring those rules. I would love to see anyone, really, stand up and vote against that type of common-sense approach to encouraging fiscal discipline here in Congress.

I think that that is such a crucial point. I want to reemphasize what the minority whip had mentioned because I think that people are looking for solutions.

It is easy to step back and just complain about the problems we have here, but there are solutions out there to help us get our arms around this problem, and one of them is, let us look for these pay-as-you-go rules so that we all live within our means and we make responsible decisions.

The Blue Dogs actually have a 12-point plan, and I just want to talk about one other of those points in this segment where I am talking right now that I think is important, because along with trying to have fiscal discipline and making sure you live within your means, you have also got to make sure that money is being spent wisely, and that means you need accountability. And we do not have accountability right now in many, many agencies within the Federal Government. Do you realize in the Department of Defense, there are 63 different agencies and only six of them can give you a clean audit of their books and the other 57 cannot tell you where the money is being spent?

Now, I think it is Congress' job to ask the questions about where that money is being spent. I do not think this Congress has been very aggressive in its oversight function and asking where the money has been spent. The most recent year for which we have this data is 2003, and the government cannot account for $24.5 billion that was spent. And we throw a lot of numbers around here; $24.5 billion is a lot of money. That is more than the budget for the entire Department of Justice for a whole year, and right now we do not have the ability to have Federal agencies tell us how that money has been spent.

So one of the other points of the Blue Dogs' plan I just want to mention is, it would be a requirement that you have got to give us a clean audit of your books, and if you do not, your budget stays frozen at the previous year's level. I think that is a pretty good economic incentive for people to want to tell us how the money is being spent, and that forces accountability. So with fiscal discipline, of course, we want to have a structure that forces those tough decisions, but it is also important that we make sure we know how money is being spent. We need to have answers to those questions.

So I wanted to stand up in response and reaction to the very great comments and great statistics and great information and history that the minority whip has laid out for this cycle of moving from debt to a period of surplus, and now we are moving deeply into debt again. I want to reemphasize his support of the pay-as-you-go that he mentioned. He mentioned another notion of accountability the Blue Dogs have been a strong advocate for. I think that is how we are going to try to get our arms around this situation.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Utah (Mr. MATHESON), co-Chair of the fiscally conservative Blue Dog Coalition, for his insight.

And the gentleman is right. As members of the Blue Dog Coalition, we are trying to make some sense out of our Nation's government, out of the budget process, trying to restore some common sense and fiscal discipline. We are not here just to rail at the Republicans. It may be the first time in 50 years that they have controlled the White House, House, and Senate. But we are not here just to criticize or to hold accountable, but also to offer up solutions and ideas on how we can fix this thing for America and future generations, and that is why we have a 12-point plan.

And the gentleman from Utah talked about accountability. And right here you will see an aerial photo of a hay meadow at the Hope Airport in Hope, Arkansas, a so-called FEMA staging area. It is my understanding that it has been about 7 months now since Hurricane Katrina, a terrible storm, devastated the gulf coast. We have folks in Pass Christian, Mississippi, living in military-style tents. We have got some 80,000 people living in camper trailers. We have got over 10,000 families living in hotel and motel rooms spread out over several States. And yet FEMA has purchased and has stored in a hay meadow at the Hope Airport some 10,777 brand-new, fully furnished, fully furnished, manufactured homes, $431 million worth just sitting there in a hay meadow at the Hope Airport, some 450 miles from the eye of the storm, while people continue to live in hotels and military-style tents and in camper trailers.

This is an example of the lack of accountability in our government. This is a symbol of what is wrong with this administration and what is wrong with FEMA. Their response is, they are concerned because, as you can see, they are literally just parked in this hay meadow, literally parked in the hay meadow.

And now winter weather has come and set in and spring is here and the showers are here and it is starting to rain. So FEMA's response, you would think, would be to get these 10,777; and 300 of them have been moved, by the way, good for FEMA, so we are down to 10,477 brand-new, fully furnished manufactured homes. You would think FEMA's response is, let us get them to the people who lost their homes and everything they own, who so desperately need them on the gulf coast. But no, FEMA's response is, we are going to fix that. We are going to spend $6 million to gravel the hay meadow. That is FEMA's response.

It is the lack of accountability that people are fed up with, Mr. Speaker. This is a symbol of what is wrong with this administration, what is wrong with this Republican Congress and what is wrong with the Federal Emergency Management Agency.

At this time, I am pleased to yield to the gentleman from Georgia, a real leader within the fiscally conservative Blue Dog Coalition, Mr. SCOTT.

Mr. SCOTT of Georgia. Thank you very much, Mr. ROSS. And, as always, it is indeed a pleasure to be with you on these special orders.

I want to agree with our distinguished majority whip, who has distinguished himself in his years of leadership here, who has been fighting this fight for so long. And our whip pointed out an important point that is registering with the American people, and that is this: There is great concern all across the breadth and the depth of this country concerning the degree of foreign ownership of our country.

Mr. ROSS, we have time and time again been on this floor pointing out the danger of foreign investment that we are overwhelmingly dependent upon. We are not critical of being an open, free society in which we are open for investors from all around the world to come and participate in our great economy. We are certainly not against the trade policies that involve all of the globalization. That is very important. We are very much involved and in support of opening up free markets so that our goods and our products are being traded.

But, Mr. ROSS, it is a dangerous, dangerous situation when we are overwhelmingly now dependent for our wherewithal on foreign interests. The fact that now that foreign investors control and own over 52 percent of our debt is not a healthy position for us to be in, for the mere fact that right now we are borrowing at a rate, that we are spending more just on interest to these countries than what we are spending on our own homeland security, our veterans, and our education, combined.

Here is the question: What will happen if this dries up? What will happen, let us say, in our negotiations and our dealings with China, from whom we are borrowing and who holds $250 billion in our debt? Or with Japan, that controls over $658 billion of our debt? Or with Taiwan, who controls over $117 billion? Or Hong Kong at $80 billion? Or the OPEC and the Middle Eastern countries, who control, combined, over $75 billion of our debt?

The issue here is that these are countries in which we have severe differences with who can use this at an inappropriate moment of strategic blackmail in so many financial areas and national security areas. Speaking of which, we cannot have any national security if we do not have financial security.

Mr. Ross, I am glad you mentioned your trailers. I had a town hall meeting back home in one of my communities called Riverdale in Clayton County, and my Uncle Eugene said, You know, I was watching you all on television. I want you to ask your partner there, Mr. Ross, have they moved those trailers yet?

Mr. ROSS. Three hundred of them.

Mr. SCOTT of Georgia. Three hundred of them are moved. But they have still got so many there.

Mr. ROSS. Ten thousand four hundred and seventy-seven remain in this hay meadow at the Hope Airport while people continue to live in hotels, camper trailers, and military-style tents. It is horrible.

☐ 2100

Mr. SCOTT of Georgia. We are in a very, very delicate situation financially and a very insecure position financially, particularly as the world is looking at us.

But the most important point that I want to make, as I turn it back over to one of my other colleagues, is this. In my office today I had a visit from a group of my constituents who run a program called TRIO.

TRIO is the overlaying umbrella of a series of upward-bound programs that help young people who need a helping hand to get them into college. And that program is being axed by the President. I just left this morning, a group of us in a CODEL, with Congressman Jerry Moran, who is a good friend who is on the Republican side, but is a good subcommittee chairman of our commodities group.

We had a hearing on the farm bill. And the two most important issues that they were saying is, please, Congressman, do not let the Bush administration cut our farm programs, our conservation programs. We had another visit from another group of folks who were senior citizens: do not let them cut our Medicare and our Medicaid programs. From the veterans themselves: please do not let them cut any more of our programs.

So when we look abroad at the foreign situation and we look here at home, we see pressing concerns and threats to our financial security that is at the hands of this administration and its very, very unresponsive, irresponsible and reckless financial policies.

And I am just proud to be here with the Blue Dogs this evening to point those issues out and make sure that the American people are aware of the great, great issues that we are faced with.

Mr. ROSS. I thank the gentleman from Georgia who raises an excellent point, that is, how the United States is becoming increasingly dependent on foreign lenders, foreign central banks, foreign investors. In fact, foreign lenders currently hold a total of well over $2 trillion of our public debt.

Compare that to only $23 billion in foreign holdings back in 1993. And who are these countries that we are borrowing billions of dollars from? Japan, $682.8 billion. China, $249.8 billion.

As my friend from Tennessee, one of the founders of the Blue Dog Coalition, Mr. Tanner, has said before, if China decides to invade Taiwan, we will have to borrow even more money from China in order to defend Taiwan.

This does directly impact not only our national security, but our monetary policy because they can call these loans.

United Kingdom, $223.2 billion. Caribbean Banking Centers, I had never heard of such, $115.3 billion. Taiwan, $71.3 billion. OPEC, $67.8 billion they have loaned us to fund our government, to fund tax cuts for those earning over $400,000 a year, and we wonder why we have got $2.50 gasoline.

Korea, $66.5 billion. Germany, $65.7 billion. Canada, $53.8 billion. And Hong-Kong rounds out the top 10 lenders in loaning money to the United States of America at $46.5 billion.

I yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. Just to add to that point, just to add to that, in addition to all of what you just said, when you add the fact that this country is borrowing $2 billion every day from foreign governments, just to finance our trade deficits, we have just been talking about the budget deficits.

But when you turn and you add our trade deficits to that, and Mr. Ross, again, a point that came out of my agriculture hearing just today in Valdosta, Georgia, was the point that now for the first time, just 10 years ago, the United States, on our agriculture we controlled or held 17 percent of all of the world's exports on agriculture products.

Now, do you know that that is down to less than 10 percent? And the fact of the matter is, we are now exporting more of our foodstuffs into this country than we are exporting out. This is not good for our national security, for this country, not only depending upon our finances from abroad; but, good Lord, if we get to the point where we are depending on our food from abroad, we are in serious trouble.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Georgia. I am pleased to have him as an active member of the fiscally conservative Democratic Blue Dog Coalition. We are 37 members strong.

Mr. Speaker, if you have questions, comments or concerns you would like to raise with us, you can e-mail us at bluedog@mail.house.gov. That is bluedog@mail.house.gov.

Another very active member, a leader within the fiscally conservative Democratic Blue Dog Coalition, is the gentleman from California (Mr. Schiff). I yield to him for as much time as he may so desire.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Arkansas (Mr. Ross) for yielding to me. Once more I thank him for leading these Blue Dog hours each week and for the tremendous job he does in trying to balance our budget here in the Nation's Capital, as well as look out for those constituents back in Arkansas.

I wanted to join the gentleman from Arkansas and raise a number of concerns with the way that we are handling the Nation's budget, talk about some of the reforms that the Blue Dogs have been advocating. Let me just start out by talking about the budget picture. The chart that you have put up, Mr. Ross, really tells the story of the trillions of dollars' worth of debt we have acquired, the fact that for every man, woman and child in the country, we now owe $28,000.

I was out in my district last week talking to a group of school kids. They were asking me, what would I like to see different about the way the country is run. I said, well, for one thing, I would like to see us balance our budget.

Right now, we are spending your money. I told this young man. We are spending so much of your money, that when you graduate from college, if you graduated tomorrow, in addition to your student loans, you would owe the country $28,000. By the time you actually graduate from college, it will probably be, on the present course, much more than that.

Now, why is it that we have this debt? Well, the bottom line is, we are spending money faster than it is coming in, and you can't vote. We are spending your money, because you cannot object. That just is not right.

Now, how did we get to this situation? I think we got here through some very creative accounting. It used to be that when we calculated our debt, we looked at a 10-year window. But the 10-year picture got so bleak, we decided that, no, we will start looking at, instead, a 5-year window. We won't look at what happens beyond 5 years because the debt just grows so large.

In fact, what we started to do is we started to craft some of the revenue and tax measures here so that they would balloon in the outyears, so the impact on the budget would take place in the outyears, so that if we only looked at the narrow 5-year window, we didn't see how bad the picture got when the full effect of our policies took place 5 to 10 or 15 years from now.

But we did more than that. When the administration, for example, says that their plan will balance or cut the debt in half over the next 5 years, they are taking great poetic license with certain assumptions about what will happen in the next several years. For example, the administration's budget, the one they say that will get us to cut the deficit in half in the next 5 years, ignores the costs of the Iraq war after the end of this year.

That makes an assumption I think we would all like to make that there won't be any further war costs after December 31, but that is not a realistic assumption. Even if the last troops have come home by then, there are still billions and billions of dollars to repair, to maintain, to replace the equipment that has been degraded in Iraq.

More than that, we have to prudently expect that the expenses of the Iraq war are not going to come to an end on December 31. Even if all the troops came home, those expenses would not come to an end then.

What other fictions are we using in the budget process? Well, we are assuming that nothing is done about the alternative minimum tax. This tax that was started in the 1970s and was designed to apply to only a few families in the country was never indexed for inflation.

The basic theme behind that, or the theory of that, wasn't a bad theory, it was that several of the largest, wealthiest families in the country shouldn't escape any form of tax because they used a clever combination of tax loopholes. There ought to be some alternative minimum calculation. What was designed to and did apply only to a handful of families in the 1970s, because it was never indexed for inflation, now is applying to millions of people.

This cannot be left unchecked. If the AMT is not fixed, then all of the tax cuts that were given in the last several years will be completely wiped up and replaced with a very large middle-class tax increase.

Now, the administration knows this is a problem that has to be dealt with, but it is very expensive to fix this problem. It is going to require that we deal, very frankly, with some of the different budget priorities that we haven't been willing to deal with.

But by ignoring the impending AMT problem, by ignoring the ongoing costs of the war in Iraq, by narrowing the budget window that we are looking at from 10 years to 5 years, by engaging in these kinds of smoke and mirrors, by taking certain costs off the books, we can present to the country a budget picture which is not reflective of reality.

It doesn't show what dire fiscal straits we are really in. It is one of the reasons why I am so grateful for the work you are doing, Mr. Ross, to point out to the country just how bad it has got in terms of our fiscal picture to promote the Blue Dog's 12-point plan, part of which is very simple, that is, when you are in a hole the way we are, stop digging.

That is part of our PAYGO proposal that says that we want to stop the hemorrhaging, that when we agree to new spending on this House floor, we should find a way to offset that cost so that we do it in a revenue-neutral way. When we agree on new tax cuts, we should find a way to do that in a revenue-neutral way, either by cutting spending or raising revenues somewhere else.

PAYGO, pay-as-you-go, basically says there is no free lunch, and, indeed, there isn't, as you can see by the fact that every man, woman and child in this country now owes $28,000. From 2001 to 2003, just a couple-year period, the total government spending soared by 16 percent. We are trying to put a lid on those kinds of increases.

We are trying to urge that the Federal Government simply use accounting practices that the biggest and the best firms in the country have to use. The GAO did a study that showed that 16 of 23 major Federal agencies can't do a simple audit of their own books. Can you imagine, Mr. Ross, if one of the companies back in your district or mine did their accounting, if they were a public company, they did their accounting the way that the Federal Government does, how long it would be before they were indicted before a Federal grand jury? It wouldn't be long at all.

Now, why is it that we can require transparency and accountability and honest bookkeeping among our private firms in the interests of their shareholders, in the interests of their employees, but we don't seem to require it of the country itself? We haven't set aside funds for a rainy day.

It is something that most businesses do, it is something that most families do, so that when these tragedies occur, when we have natural disasters, when we have man-made disasters, we have some reserve to go back to. It makes infinite sense.

The economy is a cyclical phenomenon. We ought to have something stored away for a rainy day for when we are in a down part of the cycle. That is only prudent planning. That is part of the Blue Dog plan. We shouldn't hide the votes on this House floor when we are going to raise the debt.

Most Americans are unaware of the fact that the national debt is a little bit like a credit card debt. When we want to raise the national debt, that is when we want to authorize the administration to borrow more money. We have to vote to authorize it the same away that when people want to borrow more on their credit card they have to contact the credit card company and ask them to raise the limit.

How do we do that around here? Well, do we have an up or down vote where we can force people to go on the record and vote either to raise the national debt or against raising the national debt? No, we do more of that smoke and mirrors. We make it a procedural vote on top of a procedural vote on top of a procedural vote. Unless you are a sleuth, there is no way to find out that we have, in fact, voted to raise the debt on all Americans.

We shouldn't hide those votes. We should be open about those votes. We should be held accountable for those votes; and maybe, maybe, if each and every Member had to come to this House floor and defend a vote to raise the debt, we could compel the adoption of sound fiscal practices like pay-as-you-go.

I would love to see that. I would love to be able to join my Blue Dog colleagues and offer an amendment to a motion to raise the national debt that says, all right, we will agree to a short-term increase in the national debt provided that we adopt pay-as-you-go rules, provided that we come back here in a short period of time, we see what action the administration, the Congress are taking, that we don't raise the national debt by great leaps and bounds that let us off the hook for a year at a time, but, rather, give us only a short leash to get our fiscal house in order to show that we are diligently working on it.

□ 2115

These are some of the reforms the Blue Dogs are advocating. They were good public policy. They would enjoy, I believe, bipartisan support if we had the chance to actually vote on these proposals. And I want to compliment my colleague for all of his leadership on this issue.

Mr. ROSS. I thank the gentleman from California, a real active member and leader within the fiscally conservative Blue Dog Coalition, Mr. SCHIFF, for joining us in the discussion this evening as we outline the Blue Dog Coalition's 12-point plan for curing our Nation's addiction to deficit spending.

This is the first time in 50 years the Republicans have controlled the White House, the House and the Senate, and they have given us the largest budget deficit ever in our Nation's history for the sixth year in a row. The debt is $8,365,525,832,151 and some change.

We will be updating that board here in just a few moments to show you, Mr. Speaker, exactly how much the debt has gone up since we started this hour-long discussion about trying to restore some common sense and fiscal discipline to our Nation's government.

Each week it seems as we wind down this hour others come to the floor to refute what we have to say. And one of the favorite sayings each week that we hear from the other side is how we voted against the Deficit Reduction Act. And I think it is important, Mr. Speaker, that everyone understand exactly what the Deficit Reduction Act was really all about.

It was about cutting Medicaid. Eight out of ten seniors in Arkansas in a nursing home are on Medicaid. Half the children in Arkansas are on Medicaid. One out of five people in my home State will be on Medicaid some time this year. It is the health insurance program for the poor, the disabled, the elderly. Student loans, programs for orphans, those are the types of programs that were cut $40 billion to help pay for another $90 billion in tax cuts for those earning over $400,000 a year. Ninety billion minus 40 billion is $50 billion in new debt, and yet they had the nerve to call it the Deficit Reduction Act.

We are running out of time. And I will yield as we begin to update this board, showing exactly how much the debt, let's just do it real quick. In fact, the debt has gone up $41,666,000 in this past hour. So that means it is now $8,365,567,498,151 and some change.

Mr. Speaker, the minute we have left I yield to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. I just want to say, because we are going to get ready for our Republican friends, some of them, to come and try to refute what we are saying, but as the good book, the Bible, says, "Ye shall know the truth and the truth shall set you free."

We have done that tonight. And even Mr. Armey, the Republican's former leader of this House, complained bitterly about the Republican leadership and the direction they were going when he said, "They are in control. They control this town," he said.

There is no reason for us to have these deficits. They cannot refute the fact that under this Republican administration, under this Republican-led Congress they have borrowed more money, they have run up this debt, they have borrowed more money from foreign governments than all of the last 42 Presidents and administrations combined. They cannot argue that point.

They put forward a budget that slams right into the face of homeland and national security by cutting our veterans, by refusing to deal with the concurrent receipts measure, by cutting aid to veterans by a million dollars, and education up and down the line.

So the truth is speaking tonight, Mr. ROSS, and it has been indeed a pleasure for us to be here to tell the truth and set America free.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank the Conference for allowing me to join some of my friends and colleagues this evening and talk about some issues that we have heard a little bit about so far this evening and talk about some other matters as they relate to national security.

I want to introduce the Official Truth Squad. We are back again this evening. People are getting great response all across my district at home about the Official Truth Squad, because people say, isn't it wonderful that finally somebody is talking about the truth. And the gentleman before, just before, talked about the truth and we will show some truth tonight. I urge my colleagues on the other side on the aisle to stick around and look at the real numbers, look at the real numbers.

The Official Truth Squad began with a group of freshman Congressmen. We would meet and have met almost every week since the beginning of last year. And as we began to appreciate and understand how the Congress worked and what kind of issues were being addressed and how they were being addressed on the floor of the House, it became apparent to us that there were a lot of accusations that were flying across and there was a lot of misinformation and disinformation.

And our friends on the other side of the aisle oftentimes utilize what I call "the politics of division," and that is, they split America. They split people into groups and they try to get people to fight, to be angry with each other. And we do not believe that that is the best way to solve problems.

We believe that, together, the challenges that we have, they are not Republican challenges, they are not Democrat challenges; they are American challenges. We believe that together we are able to best solve the challenges that face us. So we formed the Official Truth Squad to try to bring truly some facts, some truth, about the issues that you hear talked about on the floor of the House and elsewhere. We are also frustrated by somewhat of a lack of civility in Washington, so our desire is to try to raise the level of the rhetoric a little bit and stay away from the partisan and personal sniping that seems to go on.

In fact, when we talk about the truth I am fond of the utilizing a quote that many folks know and that is from Senator Daniel Patrick Moynihan, a fine United States Senator, a former Senator from the great State of New York. He said that everyone is entitled to their own opinion, but not their own facts. Everyone is entitled to their own opinion and not their own facts.

I think that is important to talk about because you have just heard a lot of discussion about a balanced budget amendment and about PAYGO, paying as you go for the Federal Government. And you get the sense that the folks who just present that material hadn't ever had an opportunity to vote on any of those things; that those things had never come up before the Congress, right, Mr. Speaker. That is the kind of sense I got as I was sitting there listening to him. I said they must have not ever had an opportunity to vote on those things.

But in fact, they have, each of the items that they discussed, four separate times in the 1990s. There was a great opportunity to vote on a balanced budget amendment. The majority of the individuals on the other side of the aisle, the majority, in fact, the majority of the folks who were Blue Dogs here voted against a balanced budget amendment, most recently in 2004. And I know it is the truth because you can look it up; it is Roll Call Vote number 311, 311 in 2004. It was about a budget resolution that would make the amount of money that is appropriated binding so that you cannot go above that amount in the Federal Government's spending.

What was the vote then? One hundred eighty-one Democrats voted no. Now, that is the truth. So when you talk about trying to paint the picture of budget responsibility and fiscal responsibility, it is important to look at how people are voting.

They talk about PAYGO, pay as you go, and that is an important thing, and we have been working on that for years. But the most recent time when they had an opportunity to vote on it in 2004, Roll Call Vote number 318, look it up, Mr. Speaker, Roll Call Vote number 318, 2004, not a single Democrat voted for the PAYGO rule. Not one. Not a single Blue Dog that voted, not a single Democrat voted in favor of the PAYGO rule.

So, Mr. Speaker, everyone's entitled to their own opinion, but they are not entitled to their own facts. So I think it is important that we point out facts.

I just want to briefly, before we get into the issue of national security, which we are going to talk about tonight, I think it is important to show the American people what the facts are about some of the other issues that were discussed.

Medicaid, you heard about Medicaid cuts, right, Mr. Speaker? Well, in fact, here is a chart from 1995 to 2005, the amount of money that the Federal Government has spent on Medicaid. And you would think if there was a cut, as it has been described by folks on the other side, that this red line, which is the amount of money that the Federal Government spends, that it will go down, right, that it would go down. In fact, every single year since 1995 through 2005, there has been an increase in the Federal money spent on Medicaid, an average increase of 7.4 percent per year.

Mr. Speaker, that is not a cut. That is an increase and it is an appropriate increase to care for those who are neediest in our society. In fact, it is an increase from $89 billion in 1995 to $181 billion in 2005.

What about the education money that is talked about, these "cuts"? Here is the education annual growth over the past 5 years, 2000 to 2005. The average growth is at 9.1 percent, 9.1 percent.

When you talk about Pell grants, which is the amount of money that the Federal Government provides for those most needy to go to school, to go to college or university and you talk about "cuts," that is what you hear, isn't it, Mr. Speaker? In fact, what we have seen over the past 5 years is an increase every single year. Those aren't cuts, Mr. Speaker. It has grown about 10.3 percent every year since 2000.

So we call ourselves the Official Truth Squad because we are interested in bringing truth to the table. Truth is the only way that we can solve the challenges that we have in our Nation right now, and truth and working together is truly the only way to solve the great challenges that we have.

Tonight, we want to address a little bit of a different issue and it is an issue that when I talk to folks at home is really one of the top issues, if not the top issue, that they talk about when they talk about what they want their Federal Government to do in terms of addressing needs that they have; and the issue is that of national security. And there are a lot of different ways that we can talk about it, and we will discuss a couple of them this evening.

I have been joined by a number of my colleagues this evening and I want to thank them for coming. First, I want to introduce Representative BLACKBURN, who is a wonderful colleague, not a freshman, but we have given her honorary freshman status in the Official Truth Squad. We will come here this evening to talk about national security as it relates to border security because, as most of us believe, if the border is not secure, the Nation is not secure.

I welcome you this evening and thank you for coming.

Mrs. BLACKBURN. I thank the gentleman from Georgia for his leadership on this issue and for his leadership in continuing to bring the Truth Squad to the floor every evening, so we can talk about the issues that affect our constituents and the American people.

Mr. Speaker, we have as a party and as a conference been talking about the security agenda for many months now, looking at energy security, moral security, retirement security, economic security for this great Nation. A big part of this security agenda is our national security and we continue to address this issue. We talk about the war on terror. We talk about protecting our Nation, and that is where the border security component comes in.

In December, we passed a border security bill to address so many of these issues that are before us. And, of course, as typically happens and many times happens here, those of us in the House roll up our sleeves and get to work and we pass a bill. It crosses the Rotunda to the other side, to the other body, and maybe it languishes or does not move quite as quickly. But the Members of the House have taken action on this issue.

□ 2130

It is indeed one that deserves our attention, and as we talk about border security, there is one component that I would like to highlight this evening, just one component as we talk about border security and the importance of keeping this border secure.

When we talk about illegal immigration and illegal immigrants, I think it is imperative that we turn the focus to illegal entry. That is the action that an individual outside this country is choosing to commit—the act of illegally entering our country, and we need to keep our focus on that: Why would they choose to enter illegally? Why would they choose to circumvent our laws? Why would an individual choose to circumvent the rules? Why would they choose illegal entry?

Mr. Speaker, I think that you and I would probably agree that we are going to work diligently to protect our homes from illegal entry, and I am going to work just as hard to protect this country from illegal entry as I am going to work to protect my home from illegal entry.

I think it is important that we realize that individuals who decide they are going to illegally enter somewhere maybe come with a different agenda, but we have to recognize that they do not come as an invited guest.

We have rules in place that individuals are supposed to follow, and those individuals that follow those rules are then invited and brought into the process of being able to seek citizenship, of working to attain that citizenship, to being able to be a part of the bounty and the richness that this country offers.

We are a Nation of immigrants, but we are a Nation of laws, and it is important that we continue to recognize that, as we look at the debate, that we realize that entering this country illegally, that action is something that circumvents our laws.

I thank the gentleman from Georgia for his leadership on the issue. I thank you for including me and allowing me to come to the floor and be a part of the Official Truth Squad and continue to put the focus on the issues that are important to my district in Tennessee and important to so many of our constituents.

Mr. PRICE of Georgia. Mr. Speaker, thank you so very much. I appreciate you coming and joining us this evening, and I think that you pointed out some very important perspectives that the constituents that I have at home would agree with, I know, and that is that illegal immigration may be a misnomer because it really is illegal entry and it is important to appreciate that perspective and to understand that what we are talking about here is, as you described, protecting our home, protecting our homeland, and that illegal entry into one's home we do not allow as a Nation, and that illegal entry into our homeland ought not be allowed either.

So as you mentioned, America is indeed a Nation of immigrants, but it is a Nation of laws as well, and so a comprehensive immigration reform must begin with securing the border. I thank you very much for coming and joining us this evening.

Also coming this evening is Judge POE, the honorable Congressman TED POE from Texas, member of the freshman class and an active member of the Official Truth Squad. His experience back in the State of Texas is just wonderful information and a resource that he has to give to the United States Congress and to America, and so I appreciate you coming this evening and sharing your perspective on national security.

Mr. POE. Mr. Speaker, I want to thank my friend from Georgia for yielding some time to continue the thought about the specific issue of border security as it pertains to national security.

Security has been the talk of this House for the last few weeks, especially about port security, how the concern of Americans for securing the safety of our ports, with foreign governments infiltrating and running our port operations, how the American public has made that statement and Congress has responded with at least, on a temporary basis, doing something immediately about securing our ports, because it is the number one duty of government to protect or secure the people.

We do a lot of debating in this House about what is the purpose of government, and it seems to do a lot of things, maybe some things that our Founding Fathers never expected or even wanted for government to do. But one of the things government must do and has a constitutional duty to do is to protect the security of the Nation from within and from without.

One of those specific issues, of course, is protect our borders. Living in Texas, we constantly are concerned about the infiltration into our Nation of people from other places illegally coming here, and it serves three concerns. One, of course, the war on drugs continues to escalate, and drug cartels know there is a lot of money in selling those drugs in the United States, and so violence has occurred on the Texas border because those drug cartels are fighting over turf to bring in that cancer and prey on the weaknesses of Americans. So that is the first concern.

Second concern, of course, is the universal concern in this country about terrorists, international outlaws, criminals who want to do us harm and come here for that specific purpose. Having a porous, open border encourages that conduct, and we know that those people expect to come in the United States and even try to come in the United States because of our lack of security on our borders.

Then there is that third group of people who illegally enter the United States for a multitude of other reasons; and the United States, our Nation, this government, this House, the people's House, must have the moral will to protect the dignity of the border. It seems to me that Third World countries protect their borders better than we do here in the United States, and we are a Nation that can do anything. The reason we do not protect the borders and secure the border is because we do not have the will to do it as a Nation.

It is interesting, we have heard a lot of rhetoric this week, especially about the bill that passed back in December that got almost no notice until the Senate starts talking about our bill and their option, or variation on that bill; but let me try to give you an example of how things are occurring in the United States by comparing it to maybe an analogy in another country.

Let us say that, for some reason, I want to go to France, and based on some of the things I have said about France, the Government of France, they probably would not let me in legally. I would have to sneak in. So if I sneaked in, took my four kids, three grandkids and showed up in France, over to Paris and say, teach my kids in English and give them an education, oh, I am not going to pay for it, the French people are going to pay for this education and provide social services for my kids and my grandkids and my two grandkids that are on the way, and continued that line of thought, the people in France would get me out of the country, and rightfully so. That would be true whether I went to France or to China or even to Mexico; but, yet, that seems to be what is occurring here in the United States because of our lack of securing our borders.

Our good friend from Tennessee, Mrs. BLACKBURN, has already alluded to this. If we have an intruder in our home, we call those people burglars. They are not welcome guests. They are not a guest burglar. They are a burglar. But if we have an intruder to our homeland because of, I guess, political correctness, we call them an undocumented guest worker. Both are committing illegal acts because of the entry into either our home or to our homeland. They are both not invited, and the one goes to jail and the other seems to be rewarded for that illegal entry, and we continue to reward that illegal conduct.

It seems to me that Mexico does have an immigration policy and to some extent that immigration policy is colonize the United States with illegal entry into the United States. We know that that is true because the Government of Mexico even publishes pamphlets and gives to individuals in Mexico how to sneak into the United States, what route to take, and so their policy is: colonize America.

It is not only to colonize America, but it is to make Americans feel guilty about trying to protect the sovereignty of our own Nation. I do not know if you can see this or not, Mr. Speaker, but this is the front page today of The Washington Post. You would think that this was the Mexico City Times, but it is not. Right here in the middle are thousands of folks, many of whom are illegally in the United States, assembling in Los Angeles; and you see that the 15 to 20 flags in this photograph, they are not American flags. They are flags from Mexico, Mexican nationals, proclaiming that the United States should not basically enforce the rule of do not come here illegally; another way of trying to tell the United States that our policy should benefit Mexico rather than put America and Americans first.

Illegal entry is wrong. There has been some misunderstanding about a guest worker program. We have a guest worker program. The United States grants every year 1.2 million visas to people who want to come here legally to work. Some of those take a long time to process. That is a whole other issue. The immigration department needs to move faster and quicker on that, but we grant 1.2 million legal visas for people who want to work here legally every year, but yet that has not done one thing to stop illegal entry into this country.

So we must protect the dignity of the United States, secure the border. We must understand that everybody wants to live in America. I do not blame them. It is obvious this is the country, because of our history and our worth of the individual, all people want to come here. The people need to respect the dignity and the rule of law and the sovereignty of this country and come here the right way.

That is the responsibility of our government, our Federal Government: secure the borders first, protect the sovereignty of our Nation, and then let us talk about what to do with people that have already illegally come into the United States.

It is a complex issue, but we need to start. The time is now to move forward on border security for the three reasons that I mentioned.

I appreciate my friend from Georgia allowing me to speak to this issue; and, hopefully, we can continue the dialogue and come up with some basic results that protect our homeland, like we want to protect and do protect our homes.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman so much for participating tonight and for really sharing his firsthand knowledge and information from his background as a judge in Texas and really putting the whole issue into perspective, again, about protecting one's home, protecting one's homeland, the importance of the war on drugs, the war on terror and something that I talk about often with my constituents, and that is that our immigration policy really has been one of benign neglect for the past couple of decades, and that is why we find ourselves in the situation where we are right now, and that it just takes the will, it takes the will of leadership and the will of the Members of Congress to move us forward as it relates to illegal immigration.

I am hopeful that we will be able to do that. I am hopeful we will be able to do that in a positive way, in a way that recognizes the wonderful diversity of America and recognizes that America is a land of immigrants, without a doubt, but that also, and as importantly, it is a land of laws. We are a Nation of laws, and that is I think the important perspective that I would like to share with folks tonight as it relates to the issue of border security and illegal immigration.

I want to take a little different tack on the issue of national security. We have, as a Nation, remarkable challenges that confront us, and one does not have to let one's imagination run very wide to appreciate the challenges and the threats that we have as a Nation.

We stand truly on the shoulders of our parents and our grandparents. My parents' generation was the World War II generation. My father was a soldier in World War II, fought in the Philippines, and he and his generation have been called the Greatest Generation. Each generation has its own responsibility, there is no doubt.

When I am asked at home about the war in Iraq and how we are doing right now as a Nation, I always try to raise up and say let us talk about this in a larger picture.

□ 2145

Because I believe sincerely, and I know that most folks who look at this objectively believe that the war in Iraq is not really a war in Iraq, it is the battle in Iraq in the war on terror. It is a bigger issue. It truly is a bigger issue.

It is something that Frank Gaffney calls in his book "War Footing," he calls it "the war for the free world." That is a very sobering comment, but I think it is pertinent to talk about exactly what are the challenges and how big are the challenges that are before us as a nation.

I had recently the opportunity to meet with and to speak to a group of constituents who are members of Employers United for a Stronger America. This is a group of employers who actively support the Guard and the Reserve in our Nation. They do so in incredible ways: by assisting families, in helping when they have employees who are members of the National Guard or Reserve and they are called up to active duty. They help families, they help communities, they help the children, they assist in college education and in all sorts of wonderful ways, keeping the employee's salary going. Really remarkable.

And I was very interested to find out greater information about the Guard and Reserve. I know that some of my colleagues know this, but I wasn't fully aware of the incredible commitment that the Guard and Reserve are currently making. Since the inception of the National Guard and Reserves, there were only two call-ups in World War II and Korea until 9/11. And since 9/11 there have been five call-ups to active duty of members of the Guard and Reserve.

More than 200,000 Guard and Reserve troops have been called up for both the battle in Iraq and in Afghanistan. The number on active duty now is about 120,000, and over 450 companies have joined and participated in this Employers United for a Stronger America, and I think that they demonstrate that this is a larger issue. Our Nation's security is a larger issue than just that responsibility that is held by the troops and by the military.

One of my main concerns about national security, and I suspect others have a similar perspective, but it is what I call the "Vietnam syndrome." It is the sense that with the conflict and the war in Vietnam that we became tired and frustrated as a nation with that battle and with that war, and that that has somehow shaded how we have reacted to the acts in the war on terror since then.

And I say that because I want to remind folks of the Official Truth Squad quote that we cite so often, and that is that everyone is entitled to their own opinion but you're not entitled to your own facts. And I want to cite some fairly sobering facts tonight and I think it puts the whole issue into perspective about national security.

What I would like to do is just list items that have been truly acts in the war on terror, because it didn't begin with September 11. You know that, Mr. Speaker. Everybody can appreciate that. Really, September 11 was but one in a series of acts against our Nation and freedom.

Many folks will cite that the war on terror began in November of 1979, when there was the seizure of our embassy in Tehran and the incredibly long and arduous ordeal of the 444-day-long hostage crisis that so many of us remember vividly.

Then, in April 1983, the bombing of our embassy in Beirut with 63 Americans killed. In October 1983, the bombing of our U.S. Marine Corps headquarters in Beirut, with 241 killed.

Remember, Mr. Speaker, these are facts. These aren't opinion.

December 1983, a truck loaded with explosives was driven into our embassy in Kuwait. September 1984, there was another violation of our embassy in Beirut.

April 1986, the Madrid bombing of a restaurant that was frequented by United States soldiers. August 1985, the bombing of the United States Air Force Base in Rhein-Main killing 22. October 1985, the Achille Laurel hijacking, where an American invalid in a wheelchair was executed.

April 1988, TWA Flight 840 was bombed, killing four. In 1988 again, Pan Am Flight 103 was bombed over Lockerbie, Scotland, killing 259. January 1993, two CIA agents were shot and killed as they entered CIA headquarters in Langley, Virginia.

Again, Mr. Speaker, facts. Facts, not opinions.

In February 1993, the first World Trade Center bombing with six killed and over 1,000 injured. November 1995, a car bomb explodes at a U.S. military complex in Riyadh, Saudi Arabia, killing seven servicemen and women. June 1996, truck bomb in Dhahran destroys the Khobar Towers, a United States Air Force barracks, killing 19 and injuring over 500.

Facts, Mr. Speaker, not opinion.

Two coordinated attacks on U.S. embassies in Kenya in Tanzania, killing 224. October 2000, the U.S.S. *Cole* attack in Yemen. And then September 11, 2001, the attack, second attack, on the World Trade Center, with over 3,000 Americans killed.

And we wonder whether they are done.

Well, you don't have to go far to get, again, Mr. Speaker, more facts about the remarkable threat to our Nation's security. This is a quote just a little over a year ago from Abu Musab al-Zarqawi in January 2005, very recent, in which he said, "We have declared a fierce war on this evil principle of democracy and those who follow this wrong ideology."

So I think it is very telling, Mr. Speaker, to appreciate that the challenges that we have as a nation are not minor challenges. They are remarkably significant and they have been going on not just since 2001, they have been going on for years and years and years. And it is imperative that we as a society and that we as a Congress recognize the challenges and the threats that are posed before us.

I am pleased now to yield to one of my good friends and fellow freshmen, Congresswoman VIRGINIA FOXX from the great State of North Carolina. She has been a wonderful participant and active member of the Official Truth Squad. She always has a great perspective. She has a history as an educator and comes with wonderful experience and great perspective, especially in this area, the area of national security and national responsibility as it relates to national security, and I yield to her such time as she may consume.

Ms. FOXX. Thank you, Congressman PRICE. We are fortunate indeed to have you doing yeoman's work on the Truth Squad and making sure that we are organized every night and here to bring the truth to the American people, because they are certainly not hearing the truth from our colleagues across the aisle.

Those of us who are freshmen, as the audience can see, very often are in the Chair at night, and we heard these untruths being said over and over and over again last fall and we spoke to the leadership and said, we need to do something about this. And the leadership threw that back to us and said, Well, what are you going to do? So the freshmen decided that we would take on this task and be here to present the facts, the facts as they are, indisputable facts.

Earlier this evening, I came to this podium and spoke about Sergeant Anton Hiett from the little town of Mount Airy, in the Fifth District in Surry County, North Carolina, and about the fact that he had been killed in Afghanistan. I expressed my sorrow and concern for his family and my gratitude for his service. Sergeant Hiett represents the best of this country and the folks willing to serve our country in the military.

We are really, really fortunate to have the best and the brightest in our military. We have an all-volunteer military now, and these folks are stepping forward to do what needs to be done to keep this country free. Our enlistments are up and our reenlistments are up. And no matter what the national media would like you to believe, things are going much better in Iraq and Afghanistan than you hear about in the news on a daily basis. So we are fortunate to have those folks.

I have often come to this podium and spoken about the role of the Federal Government vis-a-vis national security. Anyone with just a moderate amount of history education will know that the Federal Government was formed to provide for the defense of this Nation. It was formed to break away from England, first of all, and then for the defense of the Nation. And that is our number one goal and our number one role.

The Federal Government, unfortunately, over the last many years, has taken on many other roles, but we should never lose sight of the fact that the Federal Government is the only level of government that can deal with national security and the defense of this Nation. So it is entirely appropriate that our focus here in Congress is on national security and on the defense of this country.

Night after night and day after day we hear the Democrats decry the amount of money being spent on national security and national defense. Well, ladies and gentlemen, if we don't have our freedom, nothing else matters. And maintaining that freedom is the number one role of the Federal Government and of our wonderful military out there willing to sacrifice every day so that we can remain free.

I want to talk a little bit about something that is going to happen tomorrow, Mr. Speaker, on this issue of national security. Tomorrow, the Democrats are scheduled to host a media stunt to unveil their so-called "strategy" on national security issues. While I am sure that the Democrats will talk the talk, their actions speak far louder than words.

The American people need to look beyond the Democrats' spin and study their record. Again, let's go to the facts, not what they try to tell us, and their record on this issue. When the American people do that, they will see that the Democrats have no credibility because they have voted against many measures to keep our country safe.

I am going to give you some points on this. Republicans voted to pass a major border security bill in December, but Democrats, led by the minority leader, opposed the bill. Republicans believe that border security is national security.

Republicans voted to pass the PATRIOT Act to keep Americans safe, but Democrats, led by their minority leader, opposed the bill. In fact, the minority leader over in the Senate boasted that he had killed the PATRIOT Act.

Republicans voted to pass the REAL ID Act to make sure people who received drivers' licenses are here legally. But Democrats, led again by their minority leader, opposed the bill. And we all know that the terrorists that attacked us on 9/11/2001 had several drivers' licenses they were not entitled to, which led them to be able to do the horrific acts they were able to do.

If this wasn't bad enough in terms of these things I have outlined that the Democrats have done just in this session alone, they are now trying to cut $60 billion from military weapons systems that keep our brave men and women in uniform safe.

If Democrats want to talk the talk like they are for a strong national security, then they need to start walking the walk. They need to stop coming in here every day and criticizing our President for doing all that he can to keep this country free. They need to stop patronizing us for supporting our men and women in uniform, and they need to understand what the role of the Federal Government is, because it is obvious that they do not.

National security is our number one issue, and as long as Republicans are in charge, we are going to see that it is our number one issue. We are going to see that this country remains free so that we can continue to do the great things that we have done.

We are the greatest nation on earth. We are not perfect. Nobody ever said that we were. But we know how to get things done and we know how to allow for freedom, not just for this country but for others.

□ 2200

Mr. PRICE of Georgia. I appreciate the gentlewoman's participation as part of the Official Truth Squad in trying to bring some reality and facts to the debate about whatever issue it is we are discussing, and this evening obviously it is about national security. You really put things in an appropriate perspective I think when you stated that oftentimes we tend to get clouded about what the Federal Government's real responsibility is. What is their fundamental responsibility? What is our fundamental responsibility? It is clearly laid out and that is the security and defense of our Nation. If we do not do that, nothing else matters that we do here.

I want to thank the gentlewoman for her participation in the Official Truth Squad tonight and appreciate your very cogent discussion about national security and about the importance of having folks work together in a positive and really uplifting way for America, not in a negative and spiteful and divisive way. We believe strongly that, again, these challenges are not Republican challenges, they are not Democrat challenges, they are America's challenges, and that is where we need to focus.

Right before Ms. FOXX discussed national security, I went through a list of events that had occurred since November of 1979, since the taking of hostages in Tehran at our embassy and that 444-day-long hostage crisis. There have been easily 15 to 20 specific factual events that have occurred, that when taken in their entirety clearly show that this war on terror, or what Frank Gaffney calls the war for the free world, has been ongoing for a longer period of time than most of us would admit to ourselves or to our colleagues. But it is true. It is true and it has not gone away.

Folks who say you do not need to worry about that, you just need to temporize things, that really the issue is not one that is that serious, that we do not need to address it in a head-on manner, I would draw your attention to this quote again from Abu Musab al-Zarqawi in January of 2005, and if this is not a chilling quote, I do not know what is. If this does not get your attention as a Member of Congress and as an American, I do not know what will: "We have declared a fierce war on this evil principle of democracy and those who follow this wrong ideology."

Madam Speaker, I think that means us. I think that means America; and any response that does not recognize the gravity of that situation is, I think, irresponsible.

So when we gather as Members of Congress and we talk about the issues that are before us as they relate to national security, you cannot overestimate them. You cannot overestimate them. It is as fundamental as democracy itself, as clearly stated by our avowed enemy. He has defined himself as such.

There has been a lot of discussion this past week or so about Zacarias Moussaoui who is having his sentencing phase of his trial. This is the gentleman arrested in August of 2001 on immigration charges. He aroused suspicion. He was at a Minnesota flight school, and he presented himself to that flight school and said he wanted to learn to fly a Boeing 747. And thank goodness that somebody recognized this request as something that was a little out of the ordinary and he was arrested.

It turns out that he ultimately pled guilty to all six charges. He pled guilty in April 2005 to charges of conspiracy to commit acts of terrorism beyond national boundaries, to commit aircraft piracy, to destroying aircraft. That is what he pled guilty to. Again, facts not opinions. Conspiracy to use weapons of mass destruction, conspiracy to murder United States employees, and conspiracy to destroy property of the United States, and some people would minimize his involvement and say that is not really all that important, he probably didn't have that much to do with it.

Just this week, Mr. Zacarias Moussaoui claimed, proudly claimed, that he and shoe bomber Richard Reid were going to be the hijackers on a fifth plane on September 11 and planned to fly it into the White House. Thank goodness they were not successful in that endeavor.

Madam Speaker, I cannot tell you how proud I am of the men and women who defend our Nation. I cannot tell you how proud I am of the men and women who stand up in this body and in this Congress and provide those individuals the resources that they need to be able to defend our homeland, to make certain that we are indeed secure as a Nation.

I know that most of us get asked to visit school groups and scout groups, Boy Scout and Girl Scout groups, to talk about government and Congress. I enjoy those visits for many reasons, not the least of which is the vitality and enthusiasm of the young people is infectious. And their enthusiasm for America is infectious as well. Oftentimes I review basic American history and then talk about the type of government we have and whether our Nation will exist forever.

It is interesting the response that I get as I talk with young people because it is a question that many have not thought about or comprehended. When you ask them, they say, sure, America will exist, it will always exist because there is a sense that in spite of the problems and the challenges that we have, that we as a Nation, and in spite of our disagreements about policies that we have, we as a Nation will indeed survive forever. There is this general sense that it is the destiny of the United States and its continuation as a representative democracy is just a given, that we are guaranteed to exist forever, kind of just because.

Madam Speaker, you and I both know all too well that simply is not an absolute. It takes constant vigilance. It takes the action of those individuals in Congress as well as men and women across this Nation to be constantly on alert and make certain that we constantly are giving back to our Nation.

It is certainly my hope and prayer that we continue to flourish so we in future generations will have the opportunity to live freely and to meet the challenges that allow all of us to reach our greatest dreams.

Madam Speaker, I know I believe in the wonderful goodness of our Nation. I believe in its wonder and its beauty and its awesome promise. But as you also know, Madam Speaker, I know that liberty and freedom and our Nation require constant vigilance and support. We truly are a wonderful and a glorious Nation, and we remain a beacon of light and a vessel of hope and freedom to men and women around the world. I think it is incredibly important that we appreciate that September 11 was simply the culmination of over 20 years of specific events, and that there are savages on the Earth who have admitted that they will go to incredible lengths, including their own death, in order to destroy our way of life. It is that kind of enemy, it is that kind of world that requires a different vigilance than we have known.

Each generation has its duty. Each individual has his or her role to play. We all know that freedom is not free and each of us has to sacrifice and each of us has a price to pay for the liberty and the freedom that we so enjoy.

Madam Speaker, it has been my privilege to come and present the Official Truth Squad perspective on national security this evening and to try to raise the level of the rhetoric here in the House Chamber, to try not to be divisive, to ask my colleagues to recognize, both Republican and Democrat, that we are all in this together, that the challenges that we have are not partisan challenges, the challenges we have are American challenges. And when we work better together, we are able to solve those challenges that much more easily.

Madam Speaker, I want to thank the members of the conference once again for allowing me the opportunity to present this hour this evening. I want to thank each of my colleagues for joining me this evening.

God bless America and may God continue to richly bless our great Nation and the men and women who protect us.

THIRTY-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Illinois (Ms. BEAN) is recognized for 60 minutes.

Ms. BEAN. Madam Speaker, I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is a privilege to be here once again with the 30-Something Working Group, and I want to thank the Democratic leader, the gentlewoman from California (Ms. PELOSI), for giving us the opportunity to spend some time talking tonight about the priorities of the American people.

I am thrilled this evening to be joined, as we come to the end of Women's History Month, to be joined by my fellow freshman colleague and also my roommate while here in Washington, D.C., the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Madam Speaker, it is an honor to join the gentlewoman.

Ms. WASSERMAN SCHULTZ. Madam Speaker, we spend a great deal of time at the end of the day talking about some of the frustrations about this job. The gentlewoman from Illinois and I, two of the few women Members, particularly in the freshman class that we were elected to, as were you, Madam Speaker, in 2004, who are moms with young kids that are trying to balance work and family. We find ourselves at home talking about that a lot.

Ms. BEAN, when you and I are sharing frustrations and stories about concerns that we have and that our constituents have, I find that we often end up talking about it in the context of our kids and the children of our constituents. I know you have a story that you talk to your constituents about, and you were telling me about the seventh graders in your district that you were talking to. I think that is a really neat story you should share.

Ms. BEAN. I mentioned it on the floor briefly that I had been with some kids several weeks back. More recently I mentioned to my colleague we were talking about Internet safety. I am the parent of teenagers, my daughters are 13 and 15, so the issue of Internet safety has been an important issue. I have been visiting middle schools to talk about some of the challenges that they face.

So we went to talk about Internet safety with the middle schoolers; and whenever I talk with middle schoolers, we also have a little bit of a civics lesson.

Many seventh graders I know in Illinois, as well as around the Nation, are studying the Constitution. I was pretty impressed with the quality of education our children are receiving because they had not expected me to ask them about it. They thought we were just going to talk about Internet safety, and I asked them about the Constitution and the Preamble, and if any of them had the Preamble to the Constitution memorized, and they did.

□ 2215

And they did. And I asked them to come on up. All the hands went up to be part of our little civics class. And they came up, and we took that preamble apart.

We talked about in order to form a more perfect union, you know, what does that really mean and they understood that that meant trying to make our Nation better. We talked about providing for the common defense, and how that meant that we not only needed strong national security, but we also needed to protect our citizens when natural disasters could come as well. And we talked about the general welfare and the economy and how their parents and their neighbors and their community needed a strong economic environment so that they could provide for themselves.

We also talked about domestic tranquility. Some of them admittedly did think that that meant, don't hit your sister, so we went through that.

But we also talked about fiscal responsibility. And one of the things that was alarming to them, and it was intended to be and to create a discussion with them, was to talk about the national debt, which is now over $8 trillion. And I shared with these seventh graders that their share of our national debt is now over $27,000 each. And they were very displeased to hear that that was their share of national debt and said, Well, why aren't you guys spending less?

Ms. WASSERMAN SCHULTZ. I think you need to stress that again. How much is every American's share of the deficit?

Ms. BEAN. Every American's share of the deficit is over $27,000 of our over-

$8 trillion of national debt; and as you now know, we are raising the debt ceiling so we can bring that up to $9 trillion. And it was really frightening to these kids.

Ms. WASSERMAN SCHULTZ. We talk about the deficit quite a bit in our 30-something hour, and one of the ways that I sort of try to boil it down, because, you know, when you think about the number 8 trillion, especially, I mean, I imagine you were talking to seventh graders, and 8 trillion is a really big number. Even $27,000 is a big number.

Ms. BEAN. It is a big number when you are talking to 12-year-olds.

Ms. WASSERMAN SCHULTZ. So when we are on the floor here, I often try to boil down what those numbers mean in more simplistic terms. I can tell you that we, what we do is we talk about how it relates to someone's household budget. And you know, of course, families, millions and millions of families across this country struggle every day to balance their budgets to make sure that they are not spending more than they take in. And they are hoping that they are not racking up credit card debt and trying to balance all the needs that their family has, plus, you know, hopefully buying a few things that maybe aren't necessarily a need, but are just a want. I mean, that is something that in America we all strive to be able to accomplish.

But unfortunately, in Washington, when we got here, we found that there seems to be, between the two sides here, an ongoing struggle over whether or not it makes sense, amazingly, to not spend more than you take in.

Ms. BEAN. Well it is interesting how these seventh graders demonstrated greater fiscal sense than this Congress has been able to demonstrate, because we talked to them about debt and how essentially what we have been doing, to your point, to put it in their terms, would be like me, as a mom, getting a credit card in my daughters' names, okay, and going out and buying things for myself and then saying to them as soon as they are old enough to work, now you get to pay for all the things I bought myself.

That is essentially what we are doing to future generations. And they said, Well, that is just not right. And they were right in understanding that.

I also asked them, What would you do to not have debt; and they said, Well, spend less than you have. Pretty simple answer, but one that without PAYGO budget rules, which we once on a bipartisan basis adhered to in this body and were able to get ourselves to the largest surplus in the history of this Congress, we have now gone, since we have thrown out PAYGO rules and we are not requiring ourselves as a body of Congress to be more fiscally responsible, we now have the largest deficit in the history of the Nation, and that is pretty unconscionable.

Ms. WASSERMAN SCHULTZ. Just to further explain the concept of PAYGO, we, as Democrats, have repeatedly introduced amendments and other proposals that would reestablish those PAYGO rules, the pay-as-you-go rules, and we have supported them. We have put all of our votes up on the board here that shows where we are versus where our colleagues on the other side of the aisle are, and Democrats have consistently supported returning to pay as you go, returning to the time when we didn't have to talk about a deficit, where we had a surplus, which was just before this, the beginning of this administration's tenure. And it would be wonderful if we could get back to talking about how we were going to spend the surplus, which we wish we had, when now, unfortunately, we are mired in debt and mired in deficit.

Ms. BEAN. Very much so. I mean, what PAYGO really did is, it forced tougher decisions. It forced a greater degree of transparency and honesty with the public because it forced us to say, if we are going to spend more on a particular program, where was that money going to come from. And that has really gone away. And with the lack of that, there are a lot of false promises to the public about the reality of our false accounting.

Ms. WASSERMAN SCHULTZ. You just can't have it all. I mean, the other story that I share with people when we are here on the floor during this 30-something hour is it is like when we talk to our kids. You know, sometimes my 6-year-old twins will say, Mom, you know, I really want, we will be in the toy store and they want everything in every aisle. And, you know, gosh, I would love to buy them everything in every aisle. But often, I have to say "no," and then I try to explain to them, you know, our budget, the money that mom and dad earn really only enables us to afford to buy you some of these things. You can't have everything you want.

Ms. BEAN. Exactly. It is so fun to be here with you because this is my first time joining you in your 30-something colloquy, because at 44 I am a little outside of the age span, so I appreciate you inviting me today. But it is fun for us to be able to talk about our children on the House floor where we haven't done that before.

But I think there are some very strong parallels in what you are saying, in that oftentimes I think in our roles in Congress with the public, with our constituents, we have to bring a little bit of tough love to the equation the way we do with our children. We can't just tell people what they want to hear, but what they need to hear, which is the reality of our fiscal challenges.

Ms. WASSERMAN SCHULTZ. And, boy, as moms, we certainly have a lot of practice at that.

Ms. BEAN. At the tough love.

Ms. WASSERMAN SCHULTZ. Tough love is something that unfortunately the word "no" gets thrown around a lot more than I would like, than my kids would like to hear. "No" doesn't seem to exist in this body, at least under this leadership in the Congress.

Ms. BEAN. Well, that is why PAYGO is an important thing, because it creates an environment that forces those kind of tough decisions and forces a more honest dialogue with the public about what is affordable and what is not. Absolutely.

Ms. WASSERMAN SCHULTZ. I want to go back if you don't mind. I want to go back to the chart that I was referring to earlier.

One of the things that we do try to do, and I am pleased to see that our colleagues from Florida and Ohio have joined us now. But when we talk about $8 trillion, and when we talk about what a billion means, we have come up with a chart that kind of tries to boil that down. This chart will help people; it has helped people understand the notion of how much a billion is.

A billion hours ago, humans were making the first tools in the Stone Age. A billion seconds ago, it was 1975 and the last American troops had pulled out of Vietnam. A billion minutes ago, it was 104 A.D., and the Chinese first invented paper. And then, of course, under the leadership of this Congress, and this administration, a billion dollars ago was only 3 hours and 32 minutes at the rate that the government spends money today. That is a startling contrast, and I have some excellent staff work that went into developing that, that figured that out and boiled down what a billion is.

But when you think about it that way, that means that we are spending money at a startling clip and that given how much in other definitions it took to get, it takes to get to a billion, it is really amazing when you look at it in these terms.

Ms. BEAN. I think you have another chart, if I am correct, that talks about what that means in terms of our spending priorities and that while we are spending so much on interest—you do have it—it essentially shows that we are spending more on interest on the debt that we have created than we are on education, on homeland security and on veterans' benefits. And I don't think the American public fully appreciate what those opportunity costs are, that that lack of fiscal discipline has consequences.

And, sadly, we are not moving in the right direction as we look at the 2006 budget, which only projects a $423 billion spending deficit, but it is considerably more than that when we factor in AMT fixes, and when we factor in the cost of the war, which we stopped counting in October, even though that is running at $6 billion a week, that we are not even projecting the real deficits, that this chart is going to look worse if we continue down this path.

Ms. WASSERMAN SCHULTZ. You are absolutely right. And I would like to welcome my colleague, the gentleman from Ohio, Mr. RYAN

Mr. RYAN of Ohio. As you are talking about the interest on the debt, we have got to get the money from somewhere; and as we show, night in and night out, here on the 30-something group, we are borrowing a good deal of this money from China. And this is what has happened since President Bush took over, Madam Speaker.

In 2000, we borrowed $62 billion from China, and in 2005 it grew exponentially to $257 billion that we borrowed from China. So this is significant in so many ways, as the gentlewoman from Chicago, from Illinois stated, that we are paying the interest on the debt. And that is money that is not going to education. That is money that is not going to homeland security. That is money that is not going for health care, veterans, whatever the case may be.

So that is bad enough, but we are borrowing it from China, so now we are paying them interest on money and they are taking that and putting it into their state-owned companies and hurting American manufacturing and a lot of American small businesses that I am sure are in your district, as they are in mine. And all we are saying is, this is a competitive global economy. We can't have this disadvantage here of where we are going to borrow the money and they are going to take the interest out of the American economy and pump it back in, so they are winning twice.

Ms. BEAN. I think you make a valid point. Americans are very uncomfortable with that foreign debt, particularly that ratio, because it minimizes our leverage in other areas and I think even has national security implications over the long term that make us all uncomfortable.

Ms. WASSERMAN SCHULTZ. Absolutely.

We have another chart that we talk about. The amount of debt that has been racked up in just the last few years, just in the last 4 or 5 years is actually greater than all of the 42 administrations before this one. I mean, that is a truly astonishing statistic. I was really incredibly surprised about that.

We also try to boil down the difference between the debt and the deficit. The deficit is related to the fact that we spend more than we take in.

Ms. BEAN. More than we are bringing in, absolutely.

Ms. WASSERMAN SCHULTZ. Right. The debt is the amount of money we borrow from other countries in order to remain fiscally solvent. I mean, that is truly amazing that we have so much debt that is owned by foreign nations.

And I don't know if the gentleman from Florida is ready to jump in yet, but he has an amazing chart, as well, that shows the United States of America and the percentage of the debt that is owned by other nations.

Ms. BEAN. I have some of those figures in the meantime, while you get the chart. It is actually, four lenders currently hold a total of $2.174 trillion of our public debt. Compare this to only 23 billion in foreign holdings in 1993. The top 10 current lenders are Japan at $682 billion; China at $249 billion; the UK at $223 billion; Caribbean banking centers, $115 billion; Taiwan, 71 billion; and it goes on and on.

Ms. WASSERMAN SCHULTZ. It is just, we have got to get a handle on this. We have to restore some fiscal sanity. We have to put on some brakes and we need a little tough mother love. Maybe it is just that we need to bring a few more moms into this Chamber and we will have a little more tough love, because apparently the folks here are either out of practice, or I don't know, maybe the discipline around their homes isn't, you know, is not so strong.

Ms. BEAN. That is absolutely true. When I talk to the seventh graders and the middle schoolers and I say to them, Well, what would happen if your parents spend more money than they have? And they said, We will get debt. And I said, Then what would happen? And they said, Well, then people would start taking our stuff and then we might even go bankrupt.

□ 2230

And, again, they understand that we have not demonstrated more responsibility as a Congress, which, as I know, is frustrating for the American people.

Ms. WASSERMAN SCHULTZ. Actually this is a little bit of a leap, but you and I sit on the Financial Services Committee together, and I know that you have been very involved in the data security issue because, in addition to the concern that Americans have over our debt and our deficit, they are also very concerned, and I know my constituents talk to me about this all the time, about the financial information that is out there about them personally is being compromised on a regular basis. And I know that you have really been a leader in that effort, and it would good for you to talk about it.

Ms. BEAN. It has been a big issue for constituents of all ages. We initially focused pretty much on seniors in the suburban districts that I represent because they have very much been a target; so what was done was we tried to introduce the legislation that is now moving through from our Financial Services Committee that we both serve on which will require, in addition to financial institutions, those database brokers that hold that personal financial data to have to let consumers know if there is a breach of that security information. But what we have found is there are other Internet challenges beyond data security in that regard. And I mentioned the Internet safety issue, and that has been a big issue that I have also been focusing on with both parents with some evening forums that we have done in our district and also with students themselves.

As I mentioned, when I was with those middle schoolers and I asked them, How many of you communicate on the Internet, not only with friends but with strangers on sites like the myspace.com and others out there, 75 percent of the hands go up, and we are talking 12-year-olds. And then you ask them, Do you appreciate the dangers? Only half of those hands went back up. So we were there to remind them of the things they have to be careful about.

Ms. WASSERMAN SCHULTZ. That is something that, with my 6-year-olds and 2-year-old coming up behind them, my husband and I are already talking about how to safeguard the information that they have access to and make sure we are aware and keep them and their computer in close proximity to us because there is so much out there. The Internet is an amazing thing, but there is so much out there. And whether it is data security or the security of our kids, we really have to make sure that we strike a balance, which is what you have been fighting for, and I have as well and other Democratic members on our committee. We have to strike a balance between making sure that business has the ability to operate and function and that we not unnecessarily restrict commerce on the Internet.

Ms. BEAN. That we inform families how to protect themselves and their communities. So I know we are not the only ones doing forums. I know many communities and schools on their own are beginning to roll out those kinds of educational awareness programs, and we want to continue to support that, absolutely.

We should talk briefly about, since it is the end of Women's History Month, whom we just had dinner with.

Ms. WASSERMAN SCHULTZ. You are absolutely right. One of the most amazing things about having the privilege that we have to represent our communities in Washington is the people that we get to meet and interact with. And you and I, along with the other members of the bipartisan Women's Caucus, had an opportunity tonight to have dinner with former Justice Sandra Day O'Connor, the first woman ever to serve on the United States Supreme Court.

Ms. BEAN. It was such an honor.

Ms. WASSERMAN SCHULTZ. It was incredible. And I mentioned to her that I was 13 when she was first nominated by then-President Reagan and that my parents raised me to believe that young women, young girls could grow up and truly be anything they wanted to be and that was my first memory that that was the most clear example of that being true. And it was just a thrill to be able to share that with her tonight.

Ms. BEAN. It was so inspiring to hear you talk about how it affected you and how it affected all of us, regardless of all our ages, all these women Members of Congress who were so inspired by Sandra Day O'Connor and her leadership, her professionalism, and her dignity with which she served on the Supreme Court and what an inspiration to women she was. I was excited too that my daughters, who you know are here, not in the House Chamber at the moment, but who are here during their spring break vacation to join Mom out here in Washington and get a chance to meet her as well. I know for them that is going to be something they will remember for the rest of their lives. It was so exciting.

Ms. WASSERMAN SCHULTZ. Absolutely. And I think it is only 70 women that serve with us in the House of Representatives out of 435 Members. You boil that down even further, there is only a handful of us who are moms with young children. There are only four of us that are younger than 40 years old. The thing that sticks in my mind from the time that we were elected 1½ years ago now is that story that they shared with us when we were at our orientation initially. If you recall, there is a statistic that they described there. There have been a little less than 12,000 people in American history who have served in the United States House of Representatives in all the 230-year history. And of that number, only 211 of them have been women and 70 are serving now.

So as we close out Women's History Month, Madam Speaker, and you are one of those women members in the Women's Caucus, and I remember talking with you, Madam Speaker, actually about when we heard that information. It was really astonishing.

Ms. BEAN. It was a number that reached out and grabbed you. Out of 12,000 total, only 200-plus were women.

Ms. WASSERMAN SCHULTZ. 211 women out of almost 12,000 people.

Ms. BEAN. Even with all that progress, I know it sometimes is shocking to some of those high school and middle school students that we do civics classes with. I know you do as I do, and I will say to them just out of curiosity, What percentage of the Congress do you think are women? And usually they will say 40 percent or 35 percent, and they are shocked to find it is still only 14 percent.

Ms. WASSERMAN SCHULTZ. It shows you that we have really come a long way, but it really demonstrates why we need to continue to have Women's History Month and how it is so important to show young girls who are coming up behind us that they have the opportunity. They have to reach out and grab it. And it is our responsibility to pull other young women up on the platform with us now that we have been able to have an opportunity like this, not to be discriminatory against our male colleagues whom we are sharing the Chamber with this evening.

And actually the gentleman from Florida is the dad of a young girl who is a wonderful young woman and works hard in school, and I know that especially since you are the son of one of the House of Representatives' most revered women, former Congresswoman Carrie Meek, that surely you have something to add at the end of Women's History Month.

Mr. MEEK of Florida. We definitely appreciate the contributions of women. If it weren't for women, there would be no men. And the way I look at it, being a mamma's boy, Madam Speaker, and I will admit to that even though I am a big rusty Congressman now, we appreciate all the contributions of women. And it is definitely good having women in the House, in this House, and in the U.S. Senate.

I think it is also important to reflect on the future, the opportunities. We talk about innovation here within our caucus. We look for a bipartisan way of approaching that to make sure that we can have more engineers. There are very few women engineers that are in higher education right now, and we have to make sure that they have access and opportunity. We do not want women or men to go overseas to work when we should have jobs here in the United States of America. So when I look at the opportunities and the success that women have had in the past, I know that in the future we still have to fight and make sure that we have inclusion, and that is important.

Madam Speaker, I am also proud to say that there are a number of individuals, younger girls, that are trying to develop themselves right now educationally, and we need to make sure that we provide them opportunities for the arts, opportunities in the area of physical education, and to allow a childhood to be broader than just taking a standardized test. And that creativity is going to be important.

But I am so glad you and Congresswoman BEAN were really getting heavy, and I wanted to just jump in a little bit because I grew up in a household with three women, my mother and my two sisters; and, of course, you know I have my wife and my daughter and my son. So we look forward to making this celebration even greater and greater every time, but also we have to be mindful as policymakers of making sure that we allow women and young girls to be able to have opportunities greater than women before them.

Ms. WASSERMAN SCHULTZ. How about the amazing experience we had 2 weeks ago with the President of Liberia, the first woman president of an African nation who addressed the joint session?

Mr. MEEK of Florida. Words are inadequate to even describe the way she explained to us her struggle as a woman, and it is hard for Liberia and the United States to be able to reflect on what her life was all about. She was sharing with us here, Madam Speaker, that you see the glory; but let me share the story with you and how she still has one foot in on the uneducated woman in Liberia and Africa and the Harvard-educated woman one foot in the United States. And I think it is important for us to remember that we have to remember when we have the opportunity to lead. And I think she is grounded in that, and I think Liberia is going to be better because of it.

And she shared with us that she didn't want our pity, but she wanted to be able to receive our assistance because they will perform. She talked about the reforms she has made in her administration, making sure that she has accountability, making sure that she wipes out and stamps out cronyism, and to make sure that children can smile again, and that is important. It is important to build an environment in a community where children feel safe of where they live and where they go to school and all of their contributions.

So I was excited about her visit. I got down here a little early so that I would get a chance to shake her hand; and I look forward, Madam Speaker, hopefully, that we can help Liberia, one of the true allies of the United States of America, and has been so for a very long time. As you know, Liberia is one of the countries where slaves, once they were freed, went back to Liberia, and many of them have American last names because they brought them back from slavery. So we do have a connection with that country.

Ms. WASSERMAN SCHULTZ. It was incredibly moving for all of us. And she didn't mention it during her speech, but it was very fitting that she spoke during Women's History Month. And I am not certain of this, but she is certainly one, if not the only, woman leader to ever address a joint session of Congress, unless Margaret Thatcher had previously addressed a joint session. I have not found anyone who actually could recall a woman addressing a joint session. So it was just really historic in so many different ways.

I really also thought about how we could take several pages from her lesson book because a lot of things that she talked about, making sure that you did not only look out for the privileged and making sure that you thought about the needs of young children and young girls in particular who needed to get an education and have hope and opportunity. In this country so often it appears as though the leadership in this body and in this country now has had a lot of disregard, quite a bit of disregard, for those things. And I am certainly hopeful that our colleagues were listening very carefully to her remarks and took them to heart.

Ms. BEAN. You remind me again of being back in the classroom with these kids and talking about that Preamble to the Constitution which talks also about the decisions we make for ourselves and our posterity and how they even understood that the decisions we make as Americans, whether in Congress or at home in our communities, affect generations of future Americans.

Ms. WASSERMAN SCHULTZ. Just to shift gears a little bit, recently we have been talking about homeland security quite a bit, and I am not sure if you had a chance to talk about that with the seventh graders when you were in the classroom with them, but since we just came off a week, and, Mr. MEEK, I know that you spent some time talking to your constituents as well. I was really struck when I was home last week during our recess by how many more of my constituents appealed to me to come back to Washington and make sure that I continue to fight to improve our national security, that their confidence in this government's ability to keep them safe has really been shaken on so many levels, not just in terms of protecting them from terrorists and from outside actors, but just generally had their confidence shaken in their government's ability to function.

□ 2245

I mean, the culture of corruption that has been hanging over this institution, sadly, and this administration, really has shaken the confidence, I think, of our constituents to their core.

We really need to return to a time when we can restore that confidence, let them know that not all of the people in this government are in it for the wrong reasons, and that, in particular, we do put a very high priority on our national security.

Ms. BEAN. Absolutely.

Ms. WASSERMAN SCHULTZ. And that the port deal that was recently proposed, and, seemingly, not had an interest in even a 45-day security review with a country that had been implicated in some way, in the 9/11 attacks, that is the kind of thing I heard about when I went home.

I heard about how they are really deeply concerned about the lack of port security. I mean, we have invested now, we have third-party validators that we talk about here on this floor.

Mr. MEEK, when I went down to the port of Miami after the revelation came about the DPW port deal, the port personnel there, in our home port, talked to me about the $18 billion that has been spent since 9/11 improving airport security, which is a good thing, and they are happy about that, and the less than $700 million that has been spent to improve our port security, the less than 6 percent of U.S. cargo that comes through our ports that is physically inspected, 95 percent not inspected.

The general lack of confidence in our homeland security, in our government's ability to do the right thing on all fronts, is really, I think, at least from when I went home, something that is really disturbing them.

Ms. BEAN. Across the country, not just in Florida, but I think homeland security is a big issue across the board. I hear it in my town hall meetings and in the forums I had in my district as well.

Mr. MEEK of Florida. Well, the way I look at this whole homeland security issue, and I am concerned, and I was over in the Senate, had an opportunity to sit down with some reporters, with Democratic Whip Steny Hoyer and also Senator SCHUMER from New York and some others, and I think it is important that we look at this for what it is.

The line is 95 percent of the containers that come into our ports are not checked. That is the real issue here. We can't really jump up and down about the 5, some say 6. I think it is important for us to remember, Madam Speaker, that this bipartisan effort that we should have as it relates to homeland security, I speak from the standpoint of being a member of the Homeland Security Committee, having the opportunity to serve on the oversight subcommittee and management and integration.

I can tell you right now, for us to go to 100 percent check is not a hard thing for us to do. But we have to set our priorities on what we want to do and how we want to do it, and when we want to do it.

I think the American people want to be protected, and I think it is important that we provide them that opportunity. As you know, we cry out for bipartisan support in this. I will tell you, Democrat, Republican, Independent, Green Party, you name it, any individual that is thinking about voting, I can tell you this right now. They believe in the security of our country. They don't care who brings about this security, who appropriates this money, they just want the job done.

We don't need a situation where a container is being shipped from the port of Mobile, Alabama, or through Illinois, what have you, and end up, God forbid, some sort of chemical agent is in this container because it was not checked.

Too many people in the world know that we don't check 95 percent of our containers, and that is dangerous on both sides of the ball. I think we are far beyond politics when we start talking about making sure that we increase our containers, container security and screening our containers. There are other countries that have 100 percent check.

I think that if other countries can do it, I know that the United States of America can do it. But it is all about our priorities. It is about how we set them, and it is about how we work together.

Unfortunately, we have some difficulty in that area right now, but hopefully we will be able to improve on that through pressure from the American people.

Ms. WASSERMAN SCHULTZ. Mr. MEEK, the thing that keeps coming to mind when I think about the comparison between the stress that has been put on airport security versus port security, if you ask, if you go out into the country and ask most Americans the difference that they have seen since 9/11 and in security in general, basically about the only thing that Americans could say that they could identify is they have to remove their shoes before they walk through a magnetometer at the airport.

I think most people really feel today that we should not be resting the sum total of our national security on taking your shoes off as you go through a metal detector. American people expect quite a bit more than that when it comes to homeland security, especially if you live near a port, like my district includes two, Port Everglades and the Port of Miami.

We have so many, so many potential openings around this country, and vulnerabilities. To focus all of our attention on only the ones that are most visible that provide the leadership here, the ability to say, see, we did that, we have taken care of that, and just provide surface reassurance about homeland security, that is the difference between words and action.

It is the difference between nice commentary in speeches and actually backing up those words with action.

Mr. RYAN of Ohio. If the gentlewoman would yield, I think the great example that we have used here a million times is Katrina.

Ms. WASSERMAN SCHULTZ. Exactly.

Mr. RYAN of OHIO. You guys are from Florida. We are from the Midwest, so we don't have hurricanes.

Ms. BEAN. Absolutely.

Mr. RYAN of Ohio. We have a ton of snow, but no hurricanes. The fact that this government had days to prepare for Katrina and couldn't figure out how to do it. Now, we are talking about something that may happen that we will not have 5 days' notice to plan for it. It is difficult for us to understand, but this needs to be addressed, and it needs to be addressed immediately.

Because the fact of the matter is, the American people were counting on us.

Our first obligation here is to make sure that we are protecting the American people and to have 95 percent of the cargo not inspected, I think, is a dereliction of duty on our part. I will be happy to yield to our friend.

Ms. BEAN. I think I am going to yield back the balance of my time, if that is okay. But I want to thank you, my colleagues, for letting me join you during this 30-something hour, my first time joining you even though you let an older Member join you.

Mr. RYAN of Ohio. Well, you have two beautiful young daughters waiting in the cloakroom for you.

Ms. BEAN. That is exactly right. That is why I am yielding back my time. I appreciate you letting me join you today, in the interest of not only my kids, but the seventh graders we talked about today. It has been very important.

Ms. WASSERMAN SCHULTZ. It was wonderful to have you join us. I will see you at home.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Madam Speaker, this is 30-something Part 2 here. I am glad Ms. WASSERMAN SCHULTZ and Ms. BEAN had the opportunity to claim the first hour. I see Ms. WASSERMAN SCHULTZ is proudly wearing her Florida pin, her Gators pin.

Ms. WASSERMAN SCHULTZ. Go Gators.

Mr. MEEK of Florida. They are in the money, and I believe Florida will be able to do some great things.

Let me just say, Madam Speaker, as you know, we come to the floor to talk about a number of things, talk about what we as Democratic Members here in the House have to offer the American people. We want to make sure that there is no secret about our plans, about our initiatives, and what we are trying to do to be able to make sure that this country gets back on fiscal discipline, track, be more physically, fiscally sound. I am sorry, I am trying to get it out, it is a little late, but also just to make sure we are accountable to the American people, not just accountable to the Democratic citizens of the United States of America, but to make sure that we are accountable to all Americans.

I think that is the approach that we are taking, through the polling that I am seeing and reading, not only in periodicals, but also that I am getting individuals that are e-mailing what people are saying and how they feel. Madam Speaker, to my e-mail, a number of them, I am very pleased about how the Democratic Members of the House and Senate have stood up to this administration.

As you know, Mr. RYAN, there are a number of issues that have been unearthed through what we do here on this floor, by sharing with the American people, Madam Speaker, with third-party validators and making sure that we share our plans with the American people and make sure that they are not what we say in some parts of the country, hoodwinked, bamboozled, or what we say here in Washington DC to be a recipient of the Potomac two-step.

I believe now more than ever, Mr. RYAN, Ms. WASSERMAN SCHULTZ, and Mr. DELAHUNT that the American people should and deserve to be leveled with. I think that is what we are looking for. They are not looking for who is the greatest party on the face of the Earth, and who has the best mascot or who wears the best tie or the best dress or the best suit or whatever the case may be. They are looking for individuals that are willing to govern above the table and not under the table.

I know, with great confidence, that we are there 110 percent. On terrorism, we are there 110 percent. We are on the side of making sure that we track down the individuals who are responsible for 9/11. Not only track them down, but kill them if necessary. I think it is important that we lay that on the table right here, right now.

The bottom line is the fact that we on this side of the aisle have fought on behalf of increasing container security at the ports. We just had an example last week. Mr. RYAN, Mr. SABO had an amendment here on the floor. Another example that we are going to talk about a little later on is we tried to increase security at the ports on the heels of the whole lack of security at ports, Mr. DELAHUNT, and still the American majority voted it down.

I am excited about the fact that we are back. I am excited about the fact that we are going to talk about some of these issues tonight.

Mr. RYAN of Ohio. One of the issues, too, is we are talking about this. We now have evidence where a recent report coming into our hands, through the United States Senate, that investigators smuggled in enough radio active material to build two dirty bombs into the United States, which calls into question this administration's efforts to secure our borders.

Mr. DELAHUNT. Mr. RYAN, if you would just yield for a moment.

Mr. RYAN of Ohio. I would be happy to yield.

Mr. DELAHUNT. I think it is important to recollect for a moment our friends from the other side of the aisle, part of the Republican majority of this House, tonight were on the floor and they were talking about how for this Congress, this Bush Republican Congress, national security and homeland defense were a priority.

It would appear that simply by repetition, by saying it somehow it translates into meaningful national security in real homeland defense. Yet we find again and again and again that this country, as a result of the actions by this White House and this Bush Republican Congress, have failed to provide homeland defense that is meaningful for this country.

That report, by the way, it should be noted, was conducted by the Government Accountability Office. That is an independent arm of this Congress. This is not Democrats picking on Republicans.

Mr. RYAN of Ohio. This isn't, Mr. DELAHUNT, and Mr. MEEK, saying we are going to run a sting operation to check the ports and see how the borders are. This is the Government Accountability Office. This is their report, and they were able to sneak in, through the northern border and the southern border, enough radioactive material to build two dirty bombs in the United States of America.

We are not here because we want to pick on anybody.

Mr. DELAHUNT. If my friend would yield for a moment.

Mr. RYAN of Ohio. I would be happy to yield.

Mr. DELAHUNT. I want to commend a Senator, a Republican, that requested this particular GAO investigation and inquiry and commissioned that it be undertaken by this independent arm of the U.S. Congress. This is what that Republican Senator from Minnesota has to say about the findings and the conclusion of that report.

□ 2300

The Senator said, A report that investigators smuggled enough radioactive material to build two dirty bombs into the United States called into question the Bush administration's efforts to secure the borders.

Senator Norm Coleman, a Republican, a Minnesota Republican, who heads the Senate Permanent Subcommittee on Investigations which held a hearing said he was alarmed at the ease with which investigators brought the unspecified radiological material and transported it across the northern and southern U.S. borders.

Now, when I hear that this Bush Congress and this Bush White House have done something about homeland defense and national security, Madam Speaker, who is kidding who? Who is kidding who? Can't we have some honesty?

Ms. WASSERMAN SCHULTZ. You know what strikes me when you say that is that we talk about the culture of corruption and cronyism and incompetence that has existed for quite some time now and it is only getting worse with every passing day, it is interesting that the administration appears to think that just by changing out a staffer, by swapping one person, a chief of staff, for another, that that is somehow going to magically transform this administration into a competent one.

It is amazing to me that they could get materials into this country if they have been supposedly stepping up their commitment and our ability to keep our Nation secure in the last 5 years. How is that possible if they are running a tight ship like they say they are?

Mr. DELAHUNT. If I can, there is a second report in addition to the one that we were just discussing. This second report, again, commissioned by the Republican chairman of the Senate Subcommittee on Investigations, its conclusions were this: The Homeland Security Department has placed 670 monitors at ports around the country. At the current pace the department will fail, let me repeat that, fail to meet its goal for installing 3,034 devices by September 2009. To reach the goal the department would need to install 52 monitors a month for the next four years, though its current installation rate is 22 a month, the report said.

Now, this is to determine whether radioactive material that could be used in a dirty bomb is being detected. Now, by the way, if you happen to live in Miami or if you are from Georgia, you should know that the ports of Miami and Savannah, Georgia are among those without the devices that they need. So if you should be living in those particular States, be aware that you are vulnerable to have from the sea, through the ports, material that could be used in a dirty bomb come into your neighborhoods.

Mr. RYAN of Ohio. I want to comment. This is the same article, from the GAO report, again, a third party validator, not from the 30-Something Group.

Mr. MEEK of Florida. Mr. RYAN, that is a Blumberg news agency.

Mr. RYAN of Ohio. This is a Blumberg news article. Thank you.

This quote is from a retired Coast Guard Commander who is now a Senior Fellow at the Council on Foreign Relations, Steven Flynn. "Both the opportunity for terrorists to target legitimate global supply chains remain plentiful and the motivation for doing so is only growing."

We are living on borrowed time. And all we are saying here is that the strategy from this administration is wrong. You cannot convince me, Madam Speaker, that we could not marshal the resources of the United States of America and focus this country's energy on the equipment, the technology, the research that needs to be done to develop the newest technologies, and put them where they need to be, you cannot convince me that we could not do that, Mr. MEEK. You cannot convince me that the United States could not do that.

What we are saying here, and we are not here to pick on anybody, we do not want to hurt anybody's feelings but it seems that the end result can be tragic. And you know what, there may be a situation where we do do all we can and it may not be enough. But to sit here and see this haphazard garbage, lack of focus, this administration has the worst case of political A.D.D. we have seen in a long time and it is hurting the country.

Mr. DELAHUNT. Just put the facts out on the table. I just find it so amusing when I hear that national security and homeland defense is something that this side of the aisle, the Republican side of this aisle, the majority that runs this House in conjunction with the administration that is headed by a Republican President and a Senate that has a majority of Republicans are suggesting that national security and homeland defense are a priority, and yet study after study, committee after committee reports that we are ill prepared.

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, Mr. RYAN, you talk about A.D.D. and lack of focus in terms of making sure we can keep this Nation safe. Lest people think that the DPW port deal was an isolated incident where we think that that was an anomaly and we are not continuing down that path of engaging foreign governments and the corporations they own to help us with our national security or to be involved in our national security, right after the withdrawal of DPW we learn, and through a third party validator again, the Associated Press, that the administration acknowledged that they issued a no-bid contract to Hutchinson Whampoa Limited which represents the first time a foreign company will be involved in running a sophisticated radiation detector at an overseas port without American customs agents present.

I mean, what is going on?

We are from Florida. The Bahamas is 30 minutes by plane. It is really unbelievable that there is an astonishing lack of concern about the gaping holes in our national security that this administration appears to have no qualms about leaving unprotected.

Mr. DELAHUNT. I think it was you, Ms. WASSERMAN SCHULTZ, that alluded earlier to the experience of Katrina and other national disasters. I mean, there was a report issued again by a subcommittee of this House that concluded that the response to Katrina was a failure of leadership. I mean, that cannot be said any more succinctly or simply.

A member of the committee, again, a Republican, let me repeat that, not a Democrat but a Republican, our colleague, CHRIS SHAYS from Connecticut, said this: The report is very tough on the President. It is very tough on the Department of Homeland Security. It is a blistering report but I think it is fair.

The panel found that Homeland Security Secretary Michael Chertoff was detached, and that the then-FEMA Director Michael Brown was clueless, Shays said. In one of the excerpts Chertoff was chided for executing critical responsibilities late, ineffectively or not at all, according to the report and to Mr. SHAYS.

□ 2310

Yet, when I turn on any of the stations and the issue is homeland security, the spokesman for the Homeland Security Department is often Secretary Chertoff. So let us just continue along that road, and you know what is going to happen? We are going to continue to find a failure of leadership in every instance that this administration is implicated in.

Mr. RYAN of Ohio. Madam Speaker, last week, we had an opportunity, Mr. SABO from Minneapolis-St. Paul offered an amendment in this House to add over $1 billion to port security, homeland security, in the supplemental, and it got shot down on pretty much a party-line vote.

Time and time again, the Democratic Party has offered amendments in committee to increase funding for homeland security, and the majority side, time and time again, shoots down those amendments to add additional funding. But if it comes to giving tax cuts to the wealthiest people in the country, they are all standing, saying we have got to go for it, but if we need an extra $1 billion for homeland security, everyone heads for the hills, and they hide under the seats.

Here's a list. June 17, 2003, Mr. OBEY from Wisconsin, increase port and maritime security by $500 million. Republicans defeated the amendment on a party-line vote.

June 24, 2003, another amendment by Mr. OBEY, increase port and maritime security again by $500 million. We are not even addressing the problem. I mean, $7 billion more we need, $6- or $7 billion more just to address what the Coast Guard is telling us we need. Mr. OBEY is only asking for $500 million, Madam Speaker. Republicans block consideration of that amendment by a vote of 222-200. That is Rollcall vote 305, Madam Speaker, and this other one was in the House Report 108-169, page 97, for the Members, Madam Speaker, who would like to look it up.

We are not making this up. You people want to know what the Democrats want to do? We want to increase funding for port security, and the Republican majority will not let us.

September 17, 2003, Mr. OBEY, Mr. SABO and Senator BYRD tried again to increase funding to enhance port and maritime security, $475 million. Guess what happened, Madam Speaker. Republicans defeated this amendment on a party-line vote. You want to know what the Democrats want to do, Madam Speaker? We want to increase funding for port security by half a billion dollars.

June 9, 2004, another amendment by Mr. OBEY of Wisconsin in the Appropriations Committee to increase port and container security by $400 million. We are not asking for an arm and a leg here. We are still $6.5 billion away from where we need to be, but we are just trying to chip away. Throw us a bone. Help us out. We just want to get moving in the right direction here. What happened again? Republicans defeated the amendment on a party-line vote, House Report 108-541, page 128. Go look it up.

I am quite frankly tired of hearing that the Democrats do not have an agenda because every single day in committee, no matter what committee it is, Appropriations Committee, Armed Services Committee, Education Committee, Homeland Security Committee, we are trying to get things done, and the Republicans block us every single time. This is what the Democrats want to do and we are getting blocked.

Mr. MEEK of Florida. Madam Speaker, it comes down to who is telling the truth and who is not. I mean, just because I may put something behind me and say that I stand for homeland security, do I really stand for homeland security? We are in the minority. When you are in the minority, Madam Speaker, I think it is important for us to explain to Members and staff, in case someone did not get the memo, that when you are in the majority you set the agenda that comes to the floor. You raise your hand thumbs up or thumbs down for your caucus to vote in the way that you want them to vote, when I talk about the Republican majority.

I think it is important for us to understand that the White House has said, oh, we have a strategy for Iraq, and then we find out that they all along never had a strategy.

Oh, we do not know anything about outing CIA agents. Some folks forgot about that. We do not even know the lady's name. Later, we find out through an independent investigative counsel that they knew everything about it.

What are you talking about a port deal? We do not have any knowledge of this. What is going on on this, someone told me in the hall. I mean, they knew exactly what was going on and the reason why it is happening and the reason why folks are getting away with it.

Like Secretary Rumsfeld, I am on the Armed Services Committee. It is an outright joke, to come before an Armed Services Committee to tell us whatever they want to tell us, and so shall it be written, so shall it be done: why are you asking questions. Matter of fact, I am bothered to come to Capitol Hill and have to respond to the Armed Services that constitutionally you have oversight over the Department of Defense.

We have individuals that are in shirt and tie, have the look of frustration. I mean, you are going to ask us? Yeah, we have a war, and now, the President has just said, well, you know, as it relates to troop withdrawal, I guess that is up to another President.

Mr. RYAN was talking about it earlier. He represents Youngstown. Someone says, Congressman, are we ever going to have a strategy as it relates to education?

Mr. DELAHUNT. Madam Speaker, we never had a plan when we went in there, let alone a strategy to leave.

Mr. MEEK of Florida. Let me say. Mr. RYAN and I were talking a little earlier, and it is like Mr. RYAN telling his constituents, well, I know we have to have an education strategy, but that is not my job; that is up to the next Congressman that represents Youngstown.

Madam Speaker, the reason why the President is saying whatever he wants to say, when he wants to say it, is because this Republican Congress has allowed him to say it and get away with it. Our job is not the day-to-day operation of the war in Iraq. It is our job to bring in this presidency, making sure that we are accountable to those troops that are on the ground and our mission.

The bottom line is, what is our mission? I mean, these are the individuals that gave this Congress bad information, and then the minute that they gave the Congress bad information got away with it.

There were weapons of mass destruction. Then apologize, well, we got bad information on weapons of mass destruction. I am sorry, you know, hey, it happens, but individuals have died. Now, we have Iraqi troops that are now being downgraded: they cannot even fight without U.S. troops backing them up.

Then the Secretary says, well, you know, there may be a civil war. There is a civil war going on in Iraq. Let us just say it. Let us put it out there.

The coalition, you do not hear anything about the coalition getting bigger and greater. No, it is not getting bigger and greater. Matter of fact, the Brits are leaving this year and a number of other countries have said, hey, you know, I am willing to take the training wheels off the Iraqi Army.

Let me just say this, Madam Speaker, because I think that Mr. RYAN laid it out so that everyone can understand. A new Member of Congress could understand what you just set out.

The bottom line is that trying is not good enough. We need the American people to chime in and make their Member of Congress stand up on behalf of the American people. Mr. RYAN said correctly, and backed it up with the CONGRESSIONAL RECORD, the fact that we have a Republican majority that is more loyal to an individual riding around here making $1 billion or $1 million a year or record profits, or whatever their industry is, than they are committed to container security. It is not just what KENDRICK MEEK is saying. That is the fact, and Mr. RYAN laid it out, and yes, we do have a level of frustration.

Folks say you seem like you are upset. Well, we should be upset, and I do not care if it is Democrat, Independent or Republican. Mr. DELAHUNT said it earlier, as far as ports. Containers come into a port. Guess what. There are trucks that they go on the back of and trains that they go on the back of. They go throughout America, and next thing you know, this issue makes it to the heartland or Sioux City, Iowa, or whatever the case. The people may say, well, that is a coastal issue. That is not a coastal issue. It is an American issue.

□ 2320

And they have been allowed to do whatever they want to do, whenever they want to do it because this Congress hasn't reined them in.

I am going to close in 1 second, but I just want to also point out, Madam Speaker, since we are pointing out a few things here, that we have turned on the lights here in the Chamber. This whole Dubai thing and the Republicans marching around, "We stopped that from happening; we blocked that deal." Well, guess what, there were a couple of votes before that where they tried to block it, but procedurally they blocked the Democrats from doing that. It is not who blocked it, it is about how we got there.

How did an under secretary level individual make this kind of decision; the outsourcing of American Security? It happens every day, Ms. WASSERMAN SCHULTZ. And I can tell you this, "We are standing up to the President." No, you are not standing up to the President. But guess what? When all of America is standing on this side of the line and saying, are you representing us or who are you representing, are we standing up for Dubai?

What did the President say? I got a little confused there, Members. I am sorry. The President said, well, we have got to keep our word. What about keeping our word to the American people on security and health care and all those things he talked about during the campaign? And all the Republican Members won the majority because they said, trust us on security, trust us on fiscal responsibility.

Don't get me started on fiscal responsibility. It is almost like the guy running from the back of the class, who is an F student, who says I want to be the valedictorian of the class because I say that I am. Did not work, did not study, did not do the things that he needed to do to be the top person in the class, but better yet, because they say it, that makes it right.

What does this mean, Mr. DELAHUNT? This means if the American people see fit that the Democrats are in charge of the Congress, that the White House will not be making statements and saying, well, we have said it publicly so that means you can't do anything about it, Republican Congress.

And if folks want to talk about a Democratic plan in Iraq, it is accountability, it is making sure we take these no-bid contracts and put them on top of the table and really get down to the reason why we are still in Iraq. I am just talking about what I am talking about, Mr. DELAHUNT. I am not saying there are some shady deals, but there are a number of articles that are out that are pointing to this.

Every day this stuff is coming out, Madam Speaker, and I think it is very, very important that we focus in on that.

Mr. DELAHUNT. If I can just make an observation, Madam Speaker. I asked my staff to count the number of hearings that the International Relations Committee has conducted in terms of the United Nations and the need to reform the United Nations, and also hearings that had a focus on the so-called Oil-for-Food program. Throughout Congress there were dozens of those hearings.

Do you know how many hearings we have had in the International Relations Committee on the issue of corruption that we know is going on in Iraq, Madam Speaker? Would you think maybe there have been 20 or 15 or five? No, there are none, despite repeated requests from Members of this House. Not a single hearing into the corruption that many different sources have acknowledged is rampant in Iraq in the past 3½ years. Not a single one. Because this Congress is afraid. This Congress is protecting the administration and is abrogating its responsibility.

Ms. WASSERMAN SCHULTZ. Make sure we are clear about which part of the Congress is afraid and where the leadership has been exercised on our side of the aisle in terms of that oversight and where it has been shunned on the Republican side of the aisle, Mr. DELAHUNT.

Mr. DELAHUNT. Not a single hearing. Not a single hearing, Madam Speaker. Not one.

Can anybody, can any Member, Republican or Democratic, please respond and provide an explanation, when there have been reports after reports after reports, indictments, reports from the special Inspector General for Iraq reconstruction. It cries out for investigation. It cries out for oversight, Madam Speaker.

You know, when the CPA, the Coalition Provisional Authority, came in, and in the immediate aftermath of the fall of Saddam Hussein, and began to administer as a viceroy, if you will, for the nation of Iraq, there was $8.1 billion left over from the United Nations Oil-for-Food program. There was an audit done subsequently. Not a single penny of that $8 billion plus can be accounted for. That is outrageous.

Why haven't we heard from this Congress the need to conduct oversight hearings? If the American people were aware of the requests that have been made continuously to do the kind of work that we were elected to do and is not being done, there would be outrage, Madam Speaker.

Ms. WASSERMAN SCHULTZ. I just want to piggyback on your observations. I am the least senior of the four of us. I am a freshman, and about 15 months into my first term. We have talked many times on this floor in our 30-something Working Group about the lack of outrage, the astonishing lack of outrage, the deafening silence on the other side of the aisle about all these things we are talking about.

Why no hearings? Where is the accountability? Why aren't they demanding some answers from this administration about the results in Iraq, about how we got into Iraq, about the leadup, about the fact there were no weapons of mass destruction? And how come we haven't had any hearings on the intelligence and whether that was manufactured, or was it shaped around the decision that was already made clearly by this administration? Not one hearing. Not one hearing on almost anything since I have been in the United States Congress.

And what I have noticed, the observation I want to make is that we have had a very slow but now more rapid deterioration of our system of checks and balances. This Congress, the Republican leadership in this Congress could care less about oversight. They would just cede the whole ball of wax to this administration. This administration has run amuck. That is how I really believe the American people feel. This administration has been allowed to go unchecked, unresponsive. No one asks any questions.

You know what was really ironic, what was really interesting, was that it appears as though the outrage has built on the Republican side of the aisle, our good friends on the Republican side of the aisle. I noticed there was a whole lot of outrage that was cropping up all over during the Dubai Worlds Port deal. That sense of outrage on that side appeared to be in direct proportion to the reduction in the President's polling numbers. The lower his numbers got, the more outrage there appeared to be.

I think that it probably would be a little bit more comforting for most Americans if the outrage was more consistent about Katrina and its aftermath, about the war in Iraq, about the deficit, about the debt, about the corruption, about the cronyism, and about the incompetence. This administration has veered so far off to the right. There is a stranglehold that the right has on the Republican leadership in this country. They are so out of the mainstream now.

Mr. DELAHUNT. Not the right, if I can correct my friend and colleague, but the far right.

Ms. WASSERMAN SCHULTZ. The far right.

Mr. DELAHUNT. Not the traditional conservative Republicans that have made an enormous contribution to this country and whom we respect, but the radical neoconservatives.

And it is so interesting now to hear from those that were there right after the inauguration talking about how at the first national Security Council meeting, Madam Speaker, there was discussion about war and going to Iraq and changing the regime and making it a national priority.

□ 2330

Again, if you want to get into competence, put aside whether you supported going into Iraq. I happen to be opposed because this administration in my view never made a case. But that is irrelevant. Talk about lack of competence.

Let me refer you to a story that appeared in the New York Times about a month ago. It states that the American general in charge of training the new Iraqi military after Baghdad fell says the Bush administration strategy to use those forces to replace departing American troops was hobbled from its belated start by poor prewar planning and insufficient staffing and equipment. The account by Major General Paul Eaton on January 31, after 33 years in the Army, suggests that commanders in Iraq might by now have been much closer to President Bush's goal of withdrawing American forces if they had not lost so much time in the first year to begin building a capable Iraqi force.

I am quoting a decorated American hero: "We set out to man, train and equip an army for a country of 25 million with six men." Referring to General Eaton, he worked into the autumn with a revolving door of individual lone talent that would spend between 2 weeks and 2 months and never receive even half the 250 professional staff members he had been promised. The general's assessment of the problems he confronted was seconded by Walter Slocumb, sent by the Bush administration to Baghdad 6 months to serve as the senior civilian adviser on national security and defense.

Again, Mr. Slocumb, an Under Secretary in this administration said, "I have to agree with General Eaton that it was hard to get the resources we needed out there. There was not a broad enough sense of urgency in Washington."

And today we hear this President, this Secretary of Defense, talking about the need to train Iraqis. Why didn't they listen to their own military commanders, specifically the one that was in charge. He was calling on them to do something and they turned a deaf ear, and we are still in Iraq today because of their incompetence.

Mr. MEEK of Florida. Madam Speaker, the real issue is this. We want to talk about listening to the military commanders on the ground. I heard time after time again about oh, yes, whenever our commanders tell us what we need, we will give it to them. Well, if it has anything to do with America, if it had anything to do with Hurricane Katrina, and all of America saw the video that Michael Brown, of all people, said, Mr. President, we think that the levees will break. We think that we need assistance immediately as it relates to evacuation. We need resources. Silence.

Afterwards we have a partisan committee appointed by the majority, and they have findings with no solutions.

Madam Speaker, I have a solution right here right now. The bottom line, if we were in the majority, and this is not make believe, this is a possibility, I believe those individuals who are not registered to vote are going to register to vote to bring about some sort of change from what is going on right now.

I feel very good Members coming to the floor and sharing with American people, not just Democratic folk because if I wanted to just share with Democratic folk, I would send some sort of blast e-mail out to a Democratic list of individuals, or I would go down to the Democratic National Committee and say I just want to do a Webcast and I just want to talk to Democrats.

No, Madam Speaker, we committed to the American people that we would uphold the Constitution and represent them, if they are Democrat, Independent, nonvoter, Republican, whatever the case may be. They are going to get representation. On this issue of national security and accountability, this administration has moved in an unprecedented way and is making history in the wrong areas, putting us in debt to foreign countries that we have never been in debt to, but putting us in debt to where it is going to be very difficult to get a plan to get out of debt.

We on this side want to pay as we go. Mr. RYAN knows. Ms. WASSERMAN SCHULTZ knows, as does Mr. DELAHUNT. Once upon a time and youthful indiscretions, hey, I was a little loose with the credit cards. I will put my hand up. It happens. But I will tell you this, when those creditors call your house, they disrespect you from hello. They do not say, "May I speak to Mr. MEEK." They say, "May I speak to KENDRICK. Is KENDRICK home?" That is what is going to happen.

I want to talk about the third-party validators. Let me move my Republican rubber stamp; that is for later.

When we talk about this debt, it is wide open. I challenge, I will say it again, I challenge any Member of the majority to come over and take a mike and tell us how this can be positive for our country, for us to be in debt to foreign nations.

I am going to put Canada up here. They are our neighbor. They own $57.8 billion of our debt.

Taiwan, toys are made there, and some American flags are made there, too. They own $71.3 billion of our debt.

The U.K. has decided to take the training wheels off the Iraqi government and withdraw a number of their troops because they know it is time for the Iraqis to stand up for themselves. They own $223.2 billion of our debt, and climbing.

Folks want to get all concerned, I know some folks who fought wars before, Germany owns $6.57 billion of our debt.

Korea owns, and I know that is something to our veterans, too, $66.5 billion of our debt. U.S. debt they own.

OPEC nations, and Mr. DELAHUNT, please name a few of the OPEC nations for us.

Mr. DELAHUNT. Well, there is Saudi Arabia. The gentleman remembers Saudi Arabia because 15 of the 19 hijackers were citizens of Saudi Arabia. Those are the 19 hijackers that were responsible for the deaths of in excess of 3,000 Americans. Saudi Arabia is part of OPEC, and how much money do we owe OPEC?

Mr. MEEK of Florida. We owe OPEC $67.8 billion, but let us not leave Iraq and Iran and other countries that we have concern about where our troops are getting sand in their teeth right now. Let us not leave them out of the OPEC nations and allies and people of interest.

We have China, Red China, Communist China, China where U.S. workers are training their replacements in China to take their jobs, to make them unemployed. They own $249.8 billion of our debt.

And Japan, the island of Japan, they own $682.8 billion of our debt.

Now let me just say real quick to the Members, the Republicans have voted to put this on a credit card. They voted to put us into debt with interest. The Republican majority says we want to cut the budget in half by, and I do not know what the new number is, 2010, 2020. We have balanced the budget. The Democrats have balanced the budget. There is no other party in this House that can claim that something has been accomplished.

The bottom line is when these countries call in the tab on the United States of America, what are they going to say? Are they going to say, sir, ma'am? Or are they going to say "pay me." They are going to disrespect not only our seniors and others, but they are going to disrespect future generations.

The bottom line is if the Republicans wanted to govern, they would have done it by now. They set up the atmosphere to allow this administration to be out of control.

☐ 2340

What are the Democrats going to do? We are going to bring them back into control. We are going to make sure that we have accountability.

We are going to make sure that folks come to the Hill and talk about why Osama Bin Laden is still running free. And without any great deal of fear of U.S. troops bearing down upon him once upon a time, why is he still out? Why is he still releasing audiotapes and videotapes and recommending books for the American people to read to understand him more.

The bottom line, Madam Speaker, people like Osama Bin Laden long ago should have been tracked down and killed, period. That is just where it is and that is what we need to move towards.

Mr. RYAN.

Mr. RYAN of Ohio. I appreciate that. And you know, as we are beginning to wrap up here, I think it is important to make this point, because I am sure you did, and you guys have experienced this too. There is a certain level of frustration that I have because I feel like our generation is getting dealt a pretty bad hand here.

Ms. WASSERMAN SCHULTZ. Kicked in the teeth.

Mr. RYAN of Ohio. As you just showed, we are mortgaging off our future. This is public debt held by China that has quadrupled. We went over that earlier in the evening. The debt limit has been increased by $3 trillion just since President Bush has been in, $450,984,800 and recently almost up to, almost up to $9 trillion in publicly held debt.

The war, I mean, this administration is strapping our generation with debt, with war, with lack of investment, with increased tuition costs, increased energy costs, millions of our fellow citizens without health care. This administration and the Republican Congress is dealing our generation a pretty bad hand.

And I started telling a lot of these student groups that come in and out of here, we go to schools and talk, hey, it is going to be our generation's responsibility, our life's work in this Congress, or wherever we may end up, to try to fix this mess. And that is exactly what it is.

I yield to my friend.

Ms. WASSERMAN SCHULTZ. Thank you. And what just keeps striking me about all of what we are saying is that it feels enveloped by the stranglehold that is around this administration's neck by the far right and that ideology, that the stranglehold of the far right on this administration and this Republican leadership drives their incompetence, drives their decisions on Iraq, drives their decisions on Katrina, or lack thereof, drives their decisions on the deficit, on the debt.

We talk about incompetence. We talk about corruption and cronyism and incompetence, but you cannot detangle, disentangle their incompetence and their ideology because the two are intertwined

Mr. MEEK of Florida. You are 110 percent right, Ms. WASSERMAN SCHULTZ.

We can't say it enough. The bottom line is the message that we are giving out to the American people and to all the Republican majority: As a matter of fact, we don't need permission from the Republican majority to lead; we just need the numbers in this House to lead. And we are leading in many ways.

We call the first play when it comes down to many of the pieces of legislation that move through this House of Representatives and bringing some level of accountability to it. Sometimes we are successful, Madam Speaker, in getting an amendment or two onto a piece of legislation because it is so abundantly clear the reason why they are useful to a piece of legislation. But why does it have to be abundantly clear? Why can't it just be good governance? Why can't it just be a bipartisan approach?

I will tell you, and I commit, Mr. RYAN, Ms. WASSERMAN SCHULTZ, Mr. DELAHUNT, when we get in the majority which—I believe the American people will start asking questions and will take action against those that are allowing this history in all the wrong ways to take place, and elect Democrats to be able to allow us to come here and run this House in the way that all the American people can be proud and feel accountable, we will not bow down to the strong special interests and say, well, wait, we have to take care of them and then we will take care of you. And when we come down to take care of you, we are going to question you about why you need this assistance. And so I think it is important that we go through that.

As we make closing comments here, Ms. WASSERMAN SCHULTZ, I don't know if you closed but you can go ahead.

Ms. WASSERMAN SCHULTZ. I will close just by saying this. It would be one thing, and the American people, I know, are understanding this and have an ever-growing understanding with every day that passes and they observe this administration and the Republican leadership here.

It would be one thing if they had the confidence that, you know, they could just sub out the Republican individuals here and sub in another, a different Republican and get a more competent person. Unfortunately, it is not just that the individuals here are incompetent or that this administration is led by incompetence. It is that the ideology and the incompetence are so intertwined that it doesn't matter which Republican you swap in.

We have seen the board lit up here where you have moderate Republicans, arms wrenched behind their back when they are trying to express what is supposedly their conscience, and instead they are forced to vote according to the ideological stranglehold that is around the neck of the Republican leadership and the Republican Party. And so it doesn't matter who you swap in and out. If the ideology doesn't change, which it is clearly not going to, then you will just get more the same. Just like you will have more of the same in swapping the individual, one individual for another in the White House, as the President did today, and what you would see if we didn't make the change that is so necessary with the leadership in this country.

I appreciate the opportunity to join my colleagues here again in the 30-something Working Group.

Mr. MEEK of Florida. Mr. DELAHUNT, we are making closing comments, sir.

Mr. DELAHUNT. You know what I also find disturbing and it really provokes a certain, let me use the word "disgust." When the administration is criticized, particularly some individuals, rather than speak of the policy, they speak in a language that refers to "them" or "those" or "some," never identifying "them" or "those" or "some." It is a particular trait of Secretary Rumsfeld. Actually, in today's Washington Times, there is a story about a speech that the Secretary gave to military officers at the Army War College. Let me just quote from the story.

"Defense Secretary Rumsfeld delivered harsh words to war critics yesterday saying, 'Some view al Qaeda operatives as victims.'" That is really unfortunate, because I would call on the Secretary to have the courage to stand up and identify who those "some" are. I dare say there is not a single Member in this House, Madam Speaker, that would view an al Qaeda operative as a victim. That is just simply disingenuous and certainly I would suggest demeans the office of the Secretary of Defense.

Who are "some," Madam Speaker? Not any American that I know, Madam Speaker. None. But if an American wants to criticize this war, this policy, this mismanagement by this Secretary of Defense, not only are they entitled to do it, Madam Speaker, they are obligated if they embrace everything that America stands for.

Mr. RYAN of Ohio. As we wrap up, www.housedemocrats.gov/30something.

□ 2350

All of the charts, Madam Speaker, that we used here tonight are on this Web site for the Members to review and check out.

And again, in closing, before my friend wraps this up, I think again this administration, this Republican Congress, has really put the next generation behind the 8-ball with the war, with the debt, with the income inequality that has not been at this level of separation of the richest to the poorest since before World War II, and all the other issues we talked about. And I think it is unfair to do that to the next generation.

America has always been about making the next generation better. And, hopefully, with our advice and counsel, this Republican majority will take that and move forward.

If I do not get a chance to tell you guys, Go Gators.

Ms. WASSERMAN SCHULTZ. Thank you. Go Gators.

Mr. MEEK of Florida. To the distinguished gentleman from Massachusetts and also the gentleman from Ohio and the gentlewoman from Florida, I just want to say that our whole reason for coming to the floor is to be able to share with the Members what is happening right now under the Capitol dome, not what happened 6 months ago, but what is happening today or a couple of days ago, and about how we can correct ourselves.

The other message is letting not only other Members know, Madam Speaker, but the American people know that we are ready to lead. I always use the football analogy by saying, I am going to buy DEBBIE WASSERMAN SCHULTZ a mouthpiece because she is ready to go. And I can tell you, there are a number of people, Madam Speaker, who are ready to lead.

Have you ever heard of "lead or get out of the way"? We are willing to do that. Do you want to talk about plans? This is just one binder of plans. Do you want to talk about innovation? Do you want to talk about homeland security? Do you want to talk about Iraq? Do you want to talk about education? Do you want to talk about health care? Do you want to talk about respecting our veterans and giving them the health care that we said we would give them? Do you want to talk about military families being dealt with in a way that they should be dealt with; and the men and women who are in harm's way, equipment for our troops? Do you want to talk about those things?

Well, other folks can talk about it. We are ready to act.

The only thing that is stopping us right now, Madam Speaker, are a couple of votes on this floor. And we want the American people and we want the majority to know that we are not on their heels, we are in front of them on this issue. And that is the only thing that is stopping us.

Now, either one of two things is going to happen. Either there are going to be some of our friends on the other side of the aisle saying, I am going to join with the Democrats and we are going to be bipartisan and we are going to do what we have to do on behalf of this country, or some individuals on the other side of the aisle, with all due respect to the gentlemen and the gentlewomen on the other side, are going to be unelected and we will lead. And we will show the American people, Madam Speaker, how we want to govern.

With that, we want to thank the Democratic leadership for allowing us to be here.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 609, COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

Mr. BISHOP of Utah (during the Special Order of Mr. MEEK of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 109–399) on the resolution (H. Res. 741) providing for consideration of the bill (H.R. 609) to amend and extend the Higher Education Act of 1965, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOSWELL (at the request of Ms. PELOSI) for today on account of airline delays.

Mr. CAPUANO (at the request of Ms. PELOSI) for today.

Mr. GIBBONS (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BISHOP of New York, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. GRIJALVA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BUTTERFIELD, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, today and March 29, 30, and 31.

Mr. BILIRAKIS, for 5 minutes, today and March 29.

Mr. DREIER, for 5 minutes, today and March 29 and 30.

Mr. PAUL, for 5 minutes, today and March 29.

Mr. JONES of North Carolina, for 5 minutes, today and March 29 and 30.

Mr. KELLER, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, March 31.

Mr. KING of Iowa, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and March 29, 30, and 31.

Mr. OSBORNE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. POE, for 5 minutes, today and March 29.

Mr. MORAN of Kansas, for 5 minutes, today and March 29.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table, and, under the rule, referred as follows:

S. 166. An act to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy, and for other purposes; to the Committee on Resources.

S. 1608. An act to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes; to the Committee on Energy and Commerce.

S. 2447. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area"; to the Committee on Resources.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. ADERHOLT.

H.R. 4826. An act to extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. ADERHOLT, announced his signature to enrolled bills of the Senate of the following titles:

S. 2275. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

S. 2320. An act to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on March 17, 2006, she presented to the President of the United States, for his approval, the following bills.

H.J. Res 47. Increasing the statutory limit on the public debt.

H.R. 1053. To authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

H.R. 1691. To designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic".

Karen L. Haas, Clerk of the House reports that on March 21, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 4826. To extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

ADJOURNMENT

Mr. MEEK of Florida. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 29, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6737. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting Notification of intent to obligate funds for an additional project for inclusion in the Fiscal Year 2006 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

6738. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Anthony R. Jones, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6739. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, pursuant to 22 U.S.C. 6004(e)(6); to the Committee on International Relations.

6740. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an annual report required by section 655 of the Foreign Assistance Act of

1961, pursuant to Public Law 104-164, section 655(a) (110 Stat. 1435); to the Committee on International Relations.

6741. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6742. A letter from the Deputy Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9010 of the Department of Defense Appropriations Act, 2006, Pub. L. 109–148; to the Committee on International Relations.

6743. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act, pursuant to Public Law 103–160, section 1203(d) of Title XII Public Law 102–511, section 502; to the Committee on International Relations.

6744. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6745. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting a copy of two Bureau publications entitled, "Consolidated Federal Funds for Fiscal Year 2004 (State and County Areas)" and "Federal Aid to States for Fiscal Year 2004"; to the Committee on Government Reform.

6746. A letter from the Political Personnel and Adv. Comm. Mgmt. Spec., Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6747. A letter from the Political Personnel and Adv. Comm. Mgmt. Spec., Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6748. A letter from the Political Personnel and Adv. Comm. Mgmt. Spec., Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6749. A letter from the Political Personnel and Adv. Comm. Mgmt. Spec., Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6750. A letter from the Political Personnel and Adv. Comm. Mgmt. Spec., Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6751. A letter from the Political Personnel and Adv. Comm. Mgmt. Spec., Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6752. A letter from the Political Personnel and Adv. Comm. Mgmt. Spec., Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6753. A letter from the Political Personnel and Adv. Comm. Mgmt. Spec., Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6754. A letter from the Political Personnel and Adv. Comm. Mgmt. Spec., Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6755. A letter from the Political Personnel and Adv. Comm. Mgmt. Spec., Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6756. A letter from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's Inventory of Inherently Governmental Activities and Inventory of Commercial Activities for 2005; to the Committee on Government Reform.

6757. A letter from the Deputy Director for Legislative Affairs, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6758. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Certification of the Fiscal Year 2006 Revised General Purpose General Fund Revenue Estimate in Support of the District's $331,210,000 General Obligation Bonds (Series 2005A)"; to the Committee on Government Reform.

6759. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting in accordance with Section 645 of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and Section 641 of Division H of the Fiscal Year 2005 Consolidated Appropriations Act, Pub. L. 108–447, the Corportation's report on competitive sourcing efforts for FY 2004 and FY 2005; to the Committee on Government Reform.

6760. A letter from the Commissioner, Social Security Administration, transmitting the Adminstration's annual inventory as required by Public Law 105–270, the Federal Activites Inventory Reform (FAIR) Act of 1998 and OMB Circular A-76; to the Committee on Government Reform.

6761. A letter from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6762. A letter from the Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333–5040–02; I.D. 022406B] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6763. A letter from the Alternate Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule—Clarification of Filing Date Requirements for Ex Parte and Inter Partes Reexamination Proceedings [Docket No.: PTO–P–2006–0007] (RIN: 0651–AC02) received February 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6764. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Oklahoma, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

6765. A letter from the Acting Assistant to the Secretary for Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule—Eligibility for Health Care Benefits for Certain Filipino Veterans in the United States (RIN: 2900-AM03) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6766. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—2006 Calendar Year Resident Population Estimates [Notice 2006-22] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6767. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's budget justification for the Office of Inspector General for fiscal year 2007, prepared in compliance with Office of Management and Budget (OMB) Circular No. A-11; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Omitted from the* RECORD *of March 16, 2006*]

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 4943. A bill to prohibit fraudulent access to telephone records (Rept. 109-398). Referred to the Committee of the Whole House on the State of the Union.

[*Filed on March 28, 2006*]

Mr. BISHOP of Utah: Committee on Rules. House Resolution 741. Resolution providing for consideration of the bill (H.R. 609) to amend and extend the Higher Education Act of 1965 (Rept. 109-399). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. H.R. 4882. A bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial (Rept. 109–400). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3127. Referral to the Committee on the Judiciary extended for a period ending not later than March 29, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JINDAL:

H.R. 5013. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies; to the Committee on Transportation and Infrastructure.

By Mr. SCHIFF (for himself and Mrs. BIGGERT):

H.R. 5014. A bill to provide for fairness for the Federal judiciary; to the Committee on the Judiciary.

By Mr. BAIRD (for himself and Ms. SLAUGHTER):

H.R. 5015. A bill to prohibit securities trading based on nonpublic information relating to Congress, and to require additional reporting by Members and employees of Congress of securities transaction, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on House Administration, the Judiciary, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE:

H.R. 5016. A bill to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes; to the Committee on Resources.

By Mr. SHAYS (for himself and Mrs. MALONEY):

H.R. 5017. A bill to ensure the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States; to the Committee on Homeland Security, and in addition to the Committees on Intelligence (Permanent Select), Government Reform, Armed Services, the Judiciary, International Relations, Financial Services, Transportation and Infrastructure, Rules, Energy and Commerce, Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. FRANK of Massachusetts, and Mr. YOUNG of Alaska):

H.R. 5018. A bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon:

H.R. 5019. A bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes; to the Committee on Resources.

By Mr. HOEKSTRA:

H.R. 5020. A bill to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Ms. BERKLEY:

H.R. 5021. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide for certain nuclear weapons program workers to be included in the Special Exposure Cohort under the compensation program established by that Act; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. LEACH, Mrs. WILSON of New Mexico, Mr. UDALL of New Mexico, Ms. LEE, Ms. MCCOLLUM of Minnesota, Mr. BERMAN, Mr. HONDA, Mr. MCNULTY, Mr. CROWLEY, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. INSLEE, Mr. GRIJALVA, Mr. ANDREWS, and Mr. HOLT):

H.R. 5022. A bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself, Mr. JEFFERSON, Ms. NORTON, Mr. RANGEL, Mr. OWENS, Ms. LEE, Ms. SOLIS, Mr. HONDA, Mr. MEEKS of New York, and Mr. LEWIS of Georgia):

H.R. 5023. A bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. DAVIS of Kentucky (for himself, Mr. SCOTT of Georgia, and Mr. ISRAEL):

H.R. 5024. A bill to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting; to the Committee on Financial Services.

By Mr. WALDEN of Oregon (for himself, Mr. BLUMENAUER, Ms. HOOLEY, and Mr. DEFAZIO):

H.R. 5025. A bill to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTUÑO:

H.R. 5026. A bill to designate the Investigations Building of the Food and Drug Administration located at 466 Fernandez Juncos Avenue in San Juan, Puerto Rico, as the "Andres Toro Building"; to the Committee on Transportation and Infrastructure.

By Mr. JINDAL:

H.R. 5027. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax proportional to the number of million British thermal units of natural gas produced by a high Btu fuel facility; to the Committee on Ways and Means.

By Mr. LINDER (for himself, Mr. LANGEVIN, Mr. MCCAUL of Texas, Mr. SHAYS, Mr. SIMMONS, Mr. THOMPSON of Mississippi, Mr. DICKS, Mr. DENT, and Ms. JACKSON-LEE of Texas):

H.R. 5028. A bill to amend the Public Health Service Act to improve and expedite the assessment and determination of chemical, biological, radiological and nuclear material threats by the Secretary of Homeland Security under the Project BioShield program; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINDER (for himself, Mr. LANGEVIN, Mr. KING of New York, Mr. MCCAUL of Texas, Mr. SHAYS, Mr. SIMMONS, Mr. THOMPSON of Mississippi, Mr. DICKS, Mr. DENT, Mr. DANIEL E. LUNGREN of California, and Ms. JACKSON-LEE of Texas):

H.R. 5029. A bill to establish in the Department of Homeland Security a Domestic Nuclear Detection Office to improve the ability of the United States to detect and prevent acts of nuclear and radiological terrorism and to enhance coordination of such efforts across Federal agencies, and for other purposes; to the Committee on Homeland Security.

By Mrs. MILLER of Michigan:

H.R. 5030. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOLLOHAN:

H.R. 5031. A bill to extend Corridor O of the Appalachian Development Highway System from its current southern terminus at I-68 near Cumberland to Corridor H, which stretches from Weston, West Virginia, to Strasburg, Virginia; to the Committee on Transportation and Infrastructure.

By Mr. NEY (for himself, Mr. MCNULTY, and Mr. CROWLEY):

H.R. 5032. A bill to amend the Internal Revenue Code of 1986 to expand the income tax forgiveness for members of the Armed Forces who die as a result of wounds, disease, or injury incurred while serving in a combat zone to include forgiveness for the last taxable year ending before the wounds, disease, or injury are incurred; to the Committee on Ways and Means.

By Mr. ROTHMAN:

H.R. 5033. A bill to permit access to certain information in the Firearms Trace System database; to the Committee on the Judiciary.

By Mr. SANDERS:

H.R. 5034. A bill to redesignate the White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area"; to the Committee on Resources.

By Mr. SERRANO:

H.R. 5035. A bill to provide discretionary authority to an immigration judge to determine that an alien parent of a United States citizen child should not be ordered removed from the United States; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota (for himself, Mr. CARDOZA, Mr. SMITH of New Jersey, and Mr. GRIJALVA):

H. Con. Res. 365. Concurrent resolution urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards; to the Committee on International Relations.

By Mr. PENCE (for himself, Mr. HYDE, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ANDREWS, and Mr. FITZPATRICK of Pennsylvania):

H. Res. 736. A resolution expressing the sense of the House of Representatives that legal action in Afghanistan against citizens who have already converted or plan to convert to other religions is deplorable and unjust; to the Committee on International Relations.

By Mrs. BIGGERT (for herself, Mr. HINOJOSA, Ms. PRYCE of Ohio, Mr. BASS, Mr. DREIER, Ms. MOORE of Wisconsin, Ms. LEE, Mrs. MCCARTHY, Mr. BOEHLERT, Mr. POMEROY, Mr. SHAYS, Mr. JONES of North Carolina, Mr. HENSARLING, Mr. FEENEY, Mrs. JOHNSON of Connecticut, Mr. RAMSTAD, Mr. GUTKNECHT, Mr. ENGLISH of Pennsylvania, Mr. EHLERS, Mr. GARRETT of New Jersey, Mr. FITZPATRICK of Pennsylvania, Mr. HOLT, Mr. OWENS, Ms. WASSERMAN SCHULTZ, Mr. BAKER, Mr. REICHERT, Ms. MILLENDER-MCDONALD, Mr. TOM DAVIS of Virginia, Ms. HARRIS, Mr. AL GREEN of Texas, Mr. GILCHREST, Mr. TIBERI, Mr. FORD, Mr. SCOTT of Georgia, Mr. RYAN of Ohio, Mr. OXLEY, Mr. GILLMOR, Mr. HONDA, Mr. BACHUS, Mr. CROWLEY, Mr. WELDON of Pennsylvania, Ms. MATSUI, Mr. CASTLE, Mr. JOHNSON of Illinois, Mr. LATOURETTE, Mr. MEEKS of New York, Ms. HOOLEY, Mr. MOORE of Kansas, Ms. BEAN, Ms. WATERS, Mr. FRANK of Massachusetts, Mr. CLAY, Mr. NEY, Mr. BACA, Mr. DANIEL E. LUNGREN of California, Mr. RYUN of Kansas, Mr. CAMPBELL of California, Mr. LYNCH, Mr. DENT, Mr. GUTIERREZ, Mr. KANJORSKI, and Mr. ISRAEL):

H. Res. 737. A resolution supporting the goals and ideals of Financial Literacy Month, and for other purposes; to the Committee on Government Reform.

By Ms. NORTON (for herself and Mr. CARDIN):

H. Res. 738. A resolution congratulating Jason Kamras for his exceptional dedication to the students of John Philip Sousa Middle School in Washington, D.C., resulting in his selection as National Teacher of the Year, 2005–2006, in recognition of his work; to the Committee on Government Reform.

By Mr. SHAW:

H. Res. 739. A resolution expressing the sense of the House of Representatives that the President should declare lung cancer a public health priority and should implement a comprehensive inter-agency program that will reduce lung cancer mortality by at least 50 percent by 2015; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. KING of New York, Mr. GALLEGLY, Mr. NEAL of Massachusetts, Mr. PAYNE, Mr. PALLONE, Mr. PASCRELL, Mr. CROWLEY, Mrs. MCCARTHY, Mrs. MALONEY, Mr. SWEENEY, Mr. WALSH, Mr. MCNULTY, and Mr. ENGEL):

H. Res. 740. A resolution calling on the Government of the United Kingdom to immediately establish a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Weston Park agreement and a way forward for the Northern Ireland Peace Process; to the Committee on International Relations.

By Mr. BISHOP of Utah:

H. Res. 741. A resolution providing for consideration of the bill (H.R. 609) to amend and extend the Higher Education Act of 1965.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. JEFFERSON and Mr. DAVIS of Tennessee.

H.R. 23: Mr. SHAYS and Ms. GINNY BROWN-WAITE of Florida.

H.R. 47: Mr. BEAUPREZ.

H.R. 97: Mr. STRICKLAND.

H.R. 115: Mr. SCOTT of Georgia.

H.R. 147: Mr. DAVIS of Kentucky, Mr. POE, Ms. JACKSON-LEE of Texas, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 226: Mr. WOLF.

H.R. 282: Mr. TOWNS and Mr. MCKEON.

H.R. 284: Mr. BOUCHER.

H.R. 303: Mrs. CAPITO.

H.R. 341: Mr. LAHOOD.

H.R. 354: Mr. CLEAVER.

H.R. 356: Mr. CANNON.

H.R. 363: Mr. GONZALEZ.

H.R. 376: Mr. MOLLOHAN and Mr. COSTA.

H.R. 378: Mr. HONDA and Ms. JACKSON-LEE of Texas.

H.R. 408: Mr. THOMPSON of California.

H.R. 478: Mr. AL GREEN of Texas.

H.R. 503: Mr. DOGGETT.

H.R. 517: Mr. MCKEON, Mr. BOREN, and Mrs. CHRISTENSEN.

H.R. 559: Mr. CONYERS.

H.R. 616: Mr. POMBO.

H.R. 633: Mr. HIGGINS.

H.R. 697: Mr. DOYLE, Mr. FARR, Mr. WYNN, Mrs. WILSON of New Mexico, Ms. ESHOO, Mr. JEFFERSON, Mr. TOWNS, and Mr. LYNCH.

H.R. 699: Mr. LYNCH, Mr. MICHAUD, Mr. ROYCE, Mrs. MALONEY, Mr. BOSWELL, Mr. BARROW, Mr. NEAL of Massachusetts, and Mr. MCGOVERN.

H.R. 735: Mrs. MALONEY.

H.R. 752: Mr. LYNCH and Mr. BLUMENAUER.

H.R. 805: Mr. EMANUEL.

H.R. 807: Mr. LAHOOD.

H.R. 865: Mr. GERLACH.

H.R. 867: Ms. WATSON.

H.R. 881: Mr. MEEHAN.

H.R. 994: Mr. CLEAVER, Mr. JINDAL, and Mr. TAYLOR of North Carolina.

H.R. 998: Mr. JEFFERSON, Mr. BAIRD, Mr. RENZI, Mr. BEAUPREZ, Mr. SALAZAR, and Mrs. MYRICK.

H.R. 1059: Ms. MCKINNEY and Ms. CARSON.

H.R. 1175: Mr. NEAL of Massachusetts.

H.R. 1182: Ms. WATERS.

H.R. 1188: Mr. SCOTT of Virginia.

H.R. 1204: Mr. SIMMONS.

H.R. 1217: Mr. MICHAUD and Mr. ACKERMAN.

H.R. 1227: Mr. GRIJALVA, Mr. LUCAS, Mr. SPRATT, and Mr. HUNTER.

H.R. 1241: Mr. LARSON of Connecticut and Ms. JACKSON-LEE of Texas.

H.R. 1249: Mr. CLEAVER.

H.R. 1298: Mr. MCHUGH.

H.R. 1339: Mr. JINDAL.

H.R. 1356: Mr. CLEAVER and Mr. BRADY of Pennsylvania.

H.R. 1366: Mr. FILNER and Mr. FEENEY.

H.R. 1408: Mr. KUCINICH.

H.R. 1415: Mrs. CAPPS.

H.R. 1425: Mr. BERMAN.

H.R. 1471: Mr. LAHOOD and Mr. LEWIS of Georgia.

H.R. 1505: Mr. FORD.

H.R. 1546: Mr. SHAYS.

H.R. 1558: Mr. PRICE of North Carolina and Mr. MOORE of Kansas.

H.R. 1578: Mr. RANGEL.

H.R. 1582: Mr. FORD, Mr. MCNULTY, Mrs. JONES of Ohio, Mr. GERLACH, Mr. BISHOP of Georgia, Mr. MOORE of Kansas, Mr. BUTTERFIELD, Mr. OBERSTAR, Mr. MARKEY, Mr. PLATTS, Mr. MELANCON, Mr. CASTLE, and Ms. WOOLSEY.

H.R. 1621: Mr. WELDON of Pennsylvania.

H.R. 1634: Ms. HARRIS, Mr. PAYNE, Mr. SIMMONS, Mr. RAHALL, Mrs. KELLY, Mr. HYDE, Mr. LYNCH, and Mr. BEAUPREZ.

H.R. 1696: Mr. WALSH.

H.R. 1792: Mrs. MALONEY, Mr. HONDA, Mr. SAXTON, Ms. WOOLSEY, Mr. WAXMAN, and Mr. BISHOP of Georgia.

H.R. 1872: Mr. BONNER.

H.R. 1951: Mr. LEWIS of Georgia, Mr. STRICKLAND, and Mr. ABERCROMBIE.

H.R. 2034: Mr. RAHALL.

H.R. 2052: Mr. TOM DAVIS of Virginia.

H.R. 2103: Mr. PETRI.

H.R. 2177: Mr. LEVIN, Mr. RYAN of Ohio, Mr. PLATTS, and Mr. HALL.

H.R. 2292: Ms. MCCOLLUM of Minnesota.

H.R. 2351: Mr. HONDA.

H.R. 2369: Mr. MARSHALL, Mr. WALDEN of Oregon, Mr. ROSS, and Mr. GERLACH.

H.R. 2429: Ms. ROYBAL-ALLARD and Mrs. CAPPS.

H.R. 2534: Mr. GERLACH.

H.R. 2567: Mr. SULLIVAN and Mr. FOLEY.

H.R. 2568: Mr. GORDON.

H.R. 2635: Ms. HARMAN.

H.R. 2669: Mr. RUSH.

H.R. 2671: Ms. ESHOO.

H.R. 2684: Mr. GERLACH, Mr. RUPPERSBERGER, and Mr. WYNN.

H.R. 2716: Ms. HARMAN.

H.R. 2841: Mr. CASTLE.

H.R. 2861: Ms. HERSETH, Mrs. MCCARTHY, Mr. ROTHMAN, and Mr. CASE.

H.R. 2943: Mr. CLEAVER and Ms. MATSUI.

H.R. 2961: Mr. COSTA.

H.R. 2962: Mr. KUCINICH and Mr. PETERSON of Minnesota.

H.R. 2963: Ms. CARSON, Mr. HOLDEN, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. HIGGINS, and Mr. ABERCROMBIE.

H.R. 3127: Ms. MATSUI, Mr. WU, Ms. CORRINE BROWN of Florida, and Mr. GERLACH.

H.R. 3131: Mr. DOYLE.

H.R. 3164: Mr. SOUDER.

H.R. 3255: Mr. MARCHANT.

H.R. 3307: Mr. GERLACH, Ms. HART, and Mr. WELLER.

H.R. 3358: Mr. BARROW.

H.R. 3385: Mr. INSLEE.

H.R. 3442: Mr. WAXMAN.

H.R. 3476: Mr. GRIJALVA, Mr. SHUSTER, Mr. FALEOMAVAEGA, and Mr. MORAN of Virginia.

H.R. 3478: Mr. SOUDER, Mr. GRIJALVA, and Mr. SKELTON.

H.R. 3502: Mr. KUCINICH.

H.R. 3588: Mr. ANDREWS and Mr. ENGLISH of Pennsylvania.

H.R. 3602: Ms. LEE.

H.R. 3644: Mr. FITZPATRICK of Pennsylvania, Mr. WYNN, Mr. ENGLISH of Pennsylvania, and Ms. HART.

H.R. 3658: Ms. WATERS, Mr. KUCINICH, Mr. WEXLER, Mr. ENGEL, Mr. RANGEL, Mr. MEEKS of New York, and Ms. LEE.

H.R. 3701: Mr. RANGEL.

H.R. 3715: Mr. MARSHALL.

H.R. 3883: Mr. DAVIS of Kentucky.

H.R. 3888: Mr. WAXMAN.

H.R. 3931: Mr. PLATTS.

H.R. 4005: Mr. EHLERS, Ms. GINNY BROWN-WAITE of Florida, and Mr. FERGUSON.

H.R. 4015: Mrs. SCHMIDT.

H.R. 4025: Mr. SOUDER, Mr. CONYERS, Mr. BOUCHER, Ms. CARSON, Mr. WYNN, and Mr. MCGOVERN.

H.R. 4033: Mr. MARKEY and Mr. MELANCON.

H.R. 4166: Mr. GORDON.

H.R. 4188: Mr. LEACH, Mr. MOORE of Kansas, and Ms. LEE.

H.R. 4197: Mr. PALLONE.

H.R. 4200: Mr. HALL and Mr. BOREN.

H.R. 4211: Mr. OWENS, Mr. WEXLER, and Mr. AL GREEN of Texas.

H.R. 4229: Mr. PRICE of North Carolina.

H.R. 4236: Mr. STRICKLAND and Mr. CALVERT.

H.R. 4259: Mr. ABERCROMBIE and Mr. CASE.

H.R. 4264: Mr. POMBO.

H.R. 4298: Mr. PETERSON of Minnesota, Mr. LEACH, Mr. GRIJALVA, Mrs. MALONEY, Mr. SCOTT of Virginia, Mr. STRICKLAND, and Mr. SERRANO.

H.R. 4332: Mr. OBERSTAR.

H.R. 4341: Mr. BISHOP of Utah, Mr. BOUSTANY, Mr. GUTKNECHT, Mr. ISTOOK, Mr. SCHWARZ of Michigan, Mr. CUELLAR, Mr. ROGERS of Alabama, Mr. CALVERT, and Mr. THOMPSON of Mississippi.

H.R. 4372: Mrs. NAPOLITANO, Mrs. MALONEY, and Mr. CLEAVER.

H.R. 4384: Ms. BALDWIN.

H.R. 4390: Mr. CONYERS.

H.R. 4399: Mr. GERLACH.

H.R. 4403: Mr. AKIN.

H.R. 4413: Mr. SAXTON and Mr. LOBIONDO.

H.R. 4434: Mr. VAN HOLLEN.

H.R. 4435: Mr. VAN HOLLEN.

H.R. 4460: Ms. JACKSON-LEE of Texas.

H.R. 4517: Mr. PAUL and Mr. ALEXANDER.

H.R. 4542: Ms. LEE, Mr. CLYBURN, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Florida, Mr. BUTTERFIELD, and Mrs. CAPPS.

H.R. 4547: Mr. CARTER, Mr. MARCHANT, and Mr. PLATTS.

H.R. 4548: Mr. SCHWARZ of Michigan.

H.R. 4562: Ms. JACKSON-LEE of Texas, Mr. SIMMONS, Mr. TANCREDO, and Mr. STARK.

H.R. 4565: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Mr. LEWIS of Georgia, Mr. UDALL of New Mexico, and Ms. SCHAKOWSKY.

H.R. 4596: Mr. VAN HOLLEN.

H.R. 4619: Mr. CARNAHAN and Mr. HINCHEY.

H.R. 4641: Mr. PAUL and Mr. BOEHLERT.

H.R. 4672: Mr. CALVERT.

H.R. 4681: Mr. TURNER, Mr. VISCLOSKY, Mr. RANGEL, Mr. TOWNS, Mr. DAVIS of Tennessee, Mr. CRENSHAW, Mrs. JONES of Ohio, Mr. KELLER, Mr. THOMPSON of California, Mr. SMITH of New Jersey, Mr. NEUGEBAUER, Mr. ADERHOLT, Mr. GRAVES, Mr. BISHOP of Utah, Mr. PICKERING, Mr. PETERSON of Pennsylvania, Mrs. DRAKE, Mr. BOREN, Mr. GREEN of Wisconsin, Mr. KUHL of New York, Mr. RYAN of Wisconsin, Mr. EDWARDS, Mr. FILNER, Mr. BAKER, Mr. HOLT, Mr. COLE of Oklahoma, Mr. BURGESS, Mr. HEFLEY, Mr. BISHOP of New York, Mr. BRADY of Pennsylvania, Mr. MICHAUD, Mr. ROGERS of Michigan, and Mr. MOORE of Kansas.

H.R. 4685: Mr. VAN HOLLEN.

H.R. 4694: Mr. STARK.

H.R. 4712: Mr. VISCLOSKY.

H.R. 4715: Mr. CHABOT.

H.R. 4736: Ms. WOOLSEY, Mr. DEFAZIO, Mr. STARK, Mr. MCDERMOTT, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, and Mr. BROWN of Ohio.

H.R. 4740: Mr. LATOURETTE, Ms. DEGETTE, Mr. EHLERS, Mrs. MILLER of Michigan, and Mr. CUMMINGS.

H.R. 4741: Mr. ROGERS of Michigan and Mr. WELDON of Pennsylvania.

H.R. 4751: Mr. SOUDER.

H.R. 4755: Mr. PAYNE, Mr. FILNER, Mr. MORAN of Virginia, Mr. DELAHUNT, Mr. LIPINSKI, Mr. RAHALL, Mr. HEFLEY, Mrs. BONO, Mr. MARCHANT, Ms. SLAUGHTER, Mr. RAMSTAD, Mr. REICHERT, Mr. JEFFERSON, Mr. CAPUANO, Mr. STRICKLAND, and Ms. CARSON.

H.R. 4760: Ms. LEE, Mr. JACKSON of Illinois, and Mr. SCHIFF.

H.R. 4761: Mr. GILCHREST, Mr. ROGERS of Michigan, Mr. SULLIVAN, Mr. ISTOOK, and Mr. ADERHOLT.

H.R. 4764: Mrs. BONO, Mr. KUHL of New York, Mr. KUCINICH, and Mr. FOLEY.

H.R. 4772: Mr. CALVERT.

H.R. 4774: Mr. SOUDER and Mr. BISHOP of Georgia.

H.R. 4775: Mr. ALEXANDER and Mr. BAKER.

H.R. 4790: Mr. PETERSON of Pennsylvania, Mr. SOUDER, Mr. BURTON of Indiana, and Mr. BARTLETT of Maryland.

H.R. 4810: Mr. GUTKNECHT, Mr. WELDON of Florida, Mr. CANTOR, Mr. GINGREY, Mr. MARCHANT, Mr. SHADEGG, Mr. GOHMERT, Mr. BARTLETT of Maryland, Ms. FOXX, Mr. PENCE, Mr. CANNON, Mr. PAUL, Mrs. JO ANN DAVIS of Virginia, Mr. HOSTETTLER, Mr. CULBERSON, Mr. NEUGEBAUER, Mr. WESTMORELAND, and Mr. KINGSTON.

H.R. 4843: Mr. MORAN of Kansas.

H.R. 4844: Mr. MILLER of Florida.

H.R. 4861: Mr. WAXMAN.

H.R. 4867: Mr. CLYBURN, Mr. CUMMINGS, Mr. MEEHAN, Mr. THOMPSON of Mississippi, and Ms. JACKSON-LEE of Texas.

H.R. 4868: Mr. GOODE.

H.R. 4882: Mr. DOOLITTLE.

H.R. 4889: Mr. LINDER.

H.R. 4898: Mr. EVANS, Ms. CARSON, Ms. KILPATRICK of Michigan, Mr. SERRANO, and Mr. HINCHEY.

H.R. 4900: Mr. OWENS and Mr. BRADLEY of New Hampshire.

H.R. 4902: Mr. BARRETT of South Carolina, Mr. BUYER, Mr. CASTLE, Mr. CONYERS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, Mr. GOHMERT, Mr. HENSARLING, Mr. HERGER, Mr. HOBSON, Mr. HOYER, Mr. LINDER, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MOORE of Kansas, Mrs. MYRICK, Mr. NUNES, Mr. PEARCE, Mr. PETERSON of Minnesota, Mr. PORTER, Mr. ROGERS of Alabama, Mr. SODREL, Mr. VAN HOLLEN, Mr. WU, and Mr. YOUNG of Florida.

H.R. 4904: Mr. FILNER and Mr. SAXTON.

H.R. 4917: Mr. SCOTT of Georgia.

H.R. 4922: Mr. PETERSON of Minnesota, Mr. BROWN of South Carolina, and Mr. ABERCROMBIE.

H.R. 4924: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. EDWARDS.

H.R. 4937: Mr. TAYLOR of North Carolina and Mr. JEFFERSON.

H.R. 4949: Mr. COSTELLO, Mr. FITZPATRICK of Pennsylvania, Mr. HEFLEY, Mr. MURPHY, Mr. WEXLER, Mr. ROGERS of Alabama, Mr. KILDEE, Mr. TANNER, Ms. JACKSON-LEE of Texas, Mr. BRADLEY of New Hampshire, Mr. STRICKLAND, Mr. PICKERING, Mr. STRICKLAND, Mr. PICKERING, Mrs. EMERSON, Mr. MELANCON, Mr. BASS, Mr. PETERSON of Minnesota, Mr. BISHOP of Utah, and Mr. MOORE of Kansas.

H.R. 4953: Mr. MCCOTTER and Mr. LEVIN.

H.R. 4962: Mrs. MCCARTHY, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. CROWLEY, Mr. TOWNS, Mr. FOSSELLA, Mrs. MALONEY, Mr. SERRANO, Mr. MCNULTY, Mr. HINCHEY, Mr. HIGGINS, and Mr. ISRAEL.

H.R. 4976: Mr. BERMAN.

H.R. 4988: Mr. TANCREDO and Mr. SHAYS.

H.R. 5000: Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, Mr. MEEHAN and Ms. WATSON.

H.R. 5007: Mr. SALAZAR, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. REYES, and Mr. FILNER.

H. Con. Res. 235: Mr. SMITH of Texas and Mr. ALLEN.

H. Con. Res. 282: Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, and Ms. SOLIS.

H. Con. Res. 299: Mr. RUPPERSBERGER.

H. Con. Res. 318: Ms. LEE.

H. Con. Res. 342: Mr. MEEKS of New York.

H. Con. Res. 346: Mr. STARK, Mr. CULBERSON, Mr. WU, and Mr. SCOTT of Georgia.

H. Con. Res. 348: Mr. MICHAUD.

H. Con. Res. 355: Mr. JACKSON of Illinois, Mr. MCGOVERN, Mr. GRIJALVA, Mr. MCCOTTER, Mr. PETERSON of Minnesota, Mr. PAYNE, Mr. NEAL of Massachusetts, Mr. NADLER, Mr. CHANDLER, and Mr. DAVIS of Tennessee.

H. Con. Res. 357: Mr. KENNEDY of Rhode Island, Mr. DELAHUNT, and Mr. GORDON.

H. Res. 127: Mrs. CAPPS, Ms. MATSUI, and Ms. KILPATRICK of Michigan.

H. Res. 316: Ms. BEAN.

H. Res. 490: Mr. WEXLER, Mr. BERMAN, Mr. EVANS, Mrs. MALONEY, Ms. SCHAKOWSKY, Mr. ENGLISH of Pennsylvania, and Mr. SCHIFF.

H. Res. 600: Mr. WAXMAN.

H. Res. 605: Mr. KUHL of New York and Mr. GARRETT of New Jersey.

H. Res. 680: Mr. BURGESS, Mr. LANGEVIN, and Ms. NORTON.

H. Res. 688: Mr. BLUMENAUER, Mr. TAYLOR of Mississippi, Mr. VAN HOLLEN, and Mr. COOPER.

H. Res. 699: Mr. POMEROY.

H. Res. 700: Mr. SCOTT of Georgia, Ms. SCHWARTZ of Pennsylvania, and Mr. DAVIS of Kentucky.

H. Res. 703: Mr. GRIJALVA, Mr. WELDON of Pennsylvania, Mr. BERMAN, Mr. ENGEL, Mr. SCHIFF, Mr. UDALL of Colorado, and Mr. SMITH of New Jersey.

H. Res. 709: Mr. DUNCAN and Mr. BARTLETT of Maryland.

H. Res. 717: Mr. MCDERMOTT, Mr. CONYERS, Mr. GRIJALVA, and Mr. RYAN of Ohio.

H. Res. 720: Mr. ADERHOLT, Mr. AL GREEN of Texas, Mrs. MUSGRAVE, Mr. BRADY of Pennsylvania, Mr. SERRANO, Mrs. MCCARTHY, Mr. BERMAN, and Mr. GRIJALVA.

H. Res. 729: Mr. UPTON and Mr. FEENEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4200: Mr. SAXTON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 609

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 1: At the end of title IX of the Amendment add the following new section:

SEC. . SUMMIT ON SUSTAINABILITY.

No later than May 2007, the Secretary of Education shall convene a summit of higher education experts working in the area of sustainable operations and programs, representatives from the agencies of the Federal Government, and business and industry leaders to focus on efforts of national distinction that—

(1) encourage faculty, staff, and students at institutions of higher education to establish both administrative and educational sustainability programs on campus;

(2) enhance research by faculty and students at institutions of higher education in sustainability practices and innovations that assist and improve sustainability;

(3) encourage institutions of higher education to work with community partners from the business, government, and nonprofit sectors to design and implement sustainability programs for application in the community and workplace; and

(4) identify opportunities for partnerships involving higher education institutions and the Federal Government to expand sustainable operations and academic programs focused on environmental and economic sustainability.

H.R. 609

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 2: At the end of title VI of the Amendment, add the following new section:

SEC. . CONDITIONS ON PROGRAM GRANTS AND CONTRACTS.

Title VI of the Higher Education Act of 1965 (20 U.S.C. 1122) is amended by adding at the end the following new section:

“SEC. 632. GIFT REPORTS BY RECIPIENT INSTITUTIONS.

“(a) REPORTING BY INSTITUTIONS.—

“(1) REPORT REQUIRED.—The Secretary shall require, as part of the Integrated Postsecondary Education Data System (IPEDS) annual data collection, that each institution receiving funds under this title include the following data:

“(A) the total cost of establishing or operating a program or center assisted under this title;

“(B) the names and addresses of all State and private sector corporations, foundations, or any other entities or individuals that contribute cash or any other property for the institution, programs, or centers receiving funds under this title;

“(C) the amount of cash or the fair market value of the property that each contributor contributes to the institution, programs, or centers receiving funds under this title; and

“(D) the use made of each contribution by each such contributor.

“(2) DEADLINE.—Any report under paragraph (1) shall be made no later than such date as the Secretary shall require.

“(3) CONSEQUENCES OF FAILURE TO REPORT.—In the case of any institution from which a report is requested under paragraph (1), if the Secretary does not receive a report in accordance with the deadline established under paragraph (2), the Secretary shall—

“(A) make a determination that the institution of higher education has failed to make the report required by this paragraph;

“(B) transmit a notice of the determination to Congress; and

“(C) publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education for contracts and grants under this title.

“(b) REPORTS BY SECRETARY.—The Secretary shall annually prepare a report summarizing the information collected from institutions of higher education under subsection (a)(1), including all of the information required by subparagraphs (A) through (D) of such subsection. The Secretary of Education shall publish such report in the Federal Register and transmit a copy of such report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

“(c) RETROSPECTIVE INFORMATION.—The data collected from institutions of higher education under subsection (a)(1) in the first submission after the date of enactment of this section, and the Secretary's first report under subsection (b), shall include the information required by subparagraphs (B), (C), and (D) of subsection (a)(1) regarding contributions made on or after September 11, 2001, and before the end of the first reporting period under such subsection.”.

H.R. 609

OFFERED BY: MR. COLE OF OKLAHOMA

AMENDMENT NO. 3: Page 129, beginning on line 13, strike subsection (c) of section 402 and redesignate the succeeding subsections accordingly.

Page 139, line 24, strike “as amended by section 402(c) and”.

EXTENSIONS OF REMARKS

IN HONOR OF DR. RUDY CASTRUITA

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mrs. DAVIS of California. Mr. Speaker, I rise today to recognize and pay tribute to Dr. Rudy Castruita of California on the occasion of his retirement as San Diego County Superintendent of Schools. I have known Dr. Castruita since 1994 when he became County Superintendent in San Diego and have always been impressed by his tireless commitment to children and the students across the school districts he served. He dedicated his career to furthering the cause of education and to helping our kids learn.

Prior to his appointment as Superintendent in San Diego, he served with great distinction for six years as superintendent of the Santa Ana Unified School District where he was recognized for his tremendous leadership and innovation. Among the recognition his leadership has brought to local schools are several highly coveted California School Boards Association Golden Bell Awards for leading edge efforts to address the educational needs of students, the Federal Blue Ribbon Schools designation and California Distinguished Schools designation. He has also received the prestigious Marcus Foster Award from the Association of California School Administrators and in 1992, he was named California's Superintendent of the Year.

As a San Diegan with deep roots in the public schools there, I took great pride in the role that Dr. Castruita played as Chair of the statewide effort to set standards for high school graduates in the state of California. This endeavor was perhaps the most important state education reform of the past several decades. He also served on the State Superintendent's Advisory Committee for implementing the Public School Accountability Act of 1999, a law that helped to instill rigorous standards into the curriculum and educational delivery system throughout the state.

He also served on the Governance Task Force of the statewide committee to develop a Master Plan for Education, and State Reading First Committee. Dr. Castruita's abiding personal commitment to eradicating illiteracy across our community has made the San Diego County Office of Education a beacon in literacy programs and distinguished him as a prominent leader in this important Issue.

I have had the pleasure, along with a number of state leaders including governors from our state and other state constitutional officers to utilize the San Diego County Office of Education's state-of-the-art regional technology center that exists today because of Dr. Castruita's efforts. His enthusiasm and interest in cutting-edge technology to lift student achievement resulted in his being named one of 12 "tech savvy" superintendents in the nation by eSchool News.

In San Diego, we are also proud of Dr. Castruita's notable commitment to national leadership, serving on several national boards including Scholarship America and the prestigious Education Research & Development Institute. He was nominated by the President of the United States and appointed by Donald Rumsfeld, U.S. Secretary of Defense, and Rod Paige, U.S. Secretary of Education, to serve on the President's Advisory for the Department of Defense Schools, which are military-based schools overseas.

He has also built impressive and lasting relationships in the community with our public schools that includes work with the Greater San Diego Chamber of Commerce, the Hispanic Chamber of Commerce, San Diego United Way/CHAD, the San Diego YMCA, the Natural History Museum, Laurels for Leaders, and the California Center for the Arts.

His work on behalf of California's children and our schools has made a real difference across our state, and we all owe him a great debt of gratitude for championing these issues. It is hard to imagine substantive discussions of education policy in our state without Dr. Castruita involved. He has provided me with tremendous guidance and advice on these important issues on countless occasions and his wise counsel will be missed. I wish both he and his family well in his retirement. Dr. Castruita continues a lasting and impressive legacy of commitment to public education within California and across the country as he begins other endeavors that will undoubtedly contribute to the well being of children and public education.

Thank you very much Mr. Speaker for allowing me this time to honor such a great leader and important figure to education.

CONGRATULATING EVAN SCOTT GAWLIK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Evan Scott Gawlik of Denton on his commitment, contribution and success as a finalist in this year's Intel Science Talent Search.

The Intel Science Talent Search is a science competition for high school seniors. Intel is committed to encouraging and developing America's brightest youths so that they may well be on the road to becoming tomorrow's elite scientists. As an Intel STS finalist, Mr. Gawlik is displaying to the world that he has exceptional promise and has the potential to become one of tomorrow's great scientists. Through education programs such as the Intel Science Talent Search, Intel works to inspire and educate children in communities around the world in the areas of science, mathematics and engineering.

One of those finalists was Evan Scott Gawlik, a constituent of the 26th District, who attends the Texas Academy of Mathematics and Science in Denton. This honor will most certainly serve as a milestone in this young man's career as a scientist.

I extend my sincere congratulations to Evan Scott Gawlik for his efforts and for receiving this commendable award given by the Intel Science Talent Search. His commitment to science and to helping others serves as an inspiration to all.

IN HONOR OF THE 65TH ANNIVERSARY OF THE UNITED SERVICE ORGANIZATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor, recognition and celebration of the 65th Anniversary of the United Service Organization (USO), a non-profit, civilian organization established in 1941. Since then, the USO has filled a void in the lives of men and women serving in the U.S. military, by providing them with entertainment, recreation, support services and the priceless sense of connection to home.

In 1941, the USO was incorporated in the State of New York. By 1944, USOs had been established in more than 3,000 locations across the country, held aloft by its volunteer membership. President Franklin Delano Roosevelt, who initially challenged six non-profit organizations to form a military support organization, became the first USO Honorary Chairperson—a role accepted by every President ever since. The mission of the USO has remained unwavering: To serve the spiritual, social, welfare, educational and entertainment needs of the men and women of the United States Armed Forces.

Over the years, thousands of entertainers, famous and unknown, have volunteered their time and efforts to perform to grateful audiences on U.S. military bases around the world. From the legendary music of Duke Ellington to the manic comedy of Robin Williams, the USO tradition has carried on. The brilliant legacy of volunteerism that illuminates the life of the late Bob Hope, whose name is synonymous with the USO, is carried on through the song, dance and comedy of every volunteer who continues to keep the spirit of hope alive for our men and women serving our country far from home.

Mr. Speaker and Colleagues, please join me in honor and recognition of the volunteers, past and present, of the United Service Organization. During times of war and peace, the USO continues to serve as a vital bond of calm and familiarity, uplifting the spirit of men and women in uniform with heartening support and entertainment reminiscent of home. We extend our deepest gratitude to those who have traveled thousands of miles, crossing perilous borders and lands of strife, to uplift their morale and reenergize the spirit of countless American soldiers around the world. On behalf of the memory of Bob Hope and the collective service of every volunteer—Thanks for the Memories.

HONORING THE 55TH ANNIVERSARY OF THE UNITED STATES MILITARY ACADEMY CLASS OF 1951

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the 55th anniversary of the U.S. Military Academy Class of 1951.

The Class of 1951 has many noteworthy members such as the first black four-star General in the U.S. Army, Roscoe Robinson, a Chief of Staff of the U.S. Army, Edward C. Meyer, David M. Abshire a NATO ambassador and Special Counsel, and Bill Richardson who served as the Commander of the Army's Training and Doctrine Command. Buzz Aldrin, one of the first two men to land on the moon also graduated with this profound group.

The Class of 1951 has produced 3 four-star generals, 7 three-star generals, 12 two-star generals and 4 one-star generals. In addition, the Class of 1951 has earned 5 Distinguished Service Crosses, 6 Distinguished Defense Service Medals, over 100 Purple Hearts, and over 60 Silver Stars. The Class of 1951 also has approximately 200 Combat Infantry Badges, 100 Distinguished Flying Crosses and over 50 Distinguished Service Medals.

The Class of 1951 played a major role in securing the safety and security of the people of the U.S. during a critical period in our history. The class participated in the inaugural parade of President Harry S. Truman, and the funeral processions of General John Pershing and General Henry Arnold. The Class of 1951 also participated in the wars of Korea and Vietnam with direct participation in The Battle of Pork Chop Hill in Korea, the battles connected to the Tet Offensive in Vietnam and the Cambodian operations in mid–1970. Most notably a majority of the class of 1951 saw combat during the Cold War. The class assisted in many new initiatives that were tested and implemented during this period. The class supported efforts during the Cold War, by assisting in the introduction of the nuclear age to the Armed Forces, participating in the activities to secure the Berlin Wall and additional activities involved or related to the Cuban Missile Crisis.

Mr. Speaker, in closing, I would like to commend and congratulate the U.S. Military Academy Class of 1951 on all of its contributions and accomplishments. They have served this country well, truly meriting recognition. I call upon my colleagues to join me in the applauding the Class of 1951's past accomplishments and in wishing the class continued success in the years to come.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mrs. DAVIS of California. Madam Speaker, during rollcall vote No. 67 on the motion to instruct conferees on H.R. 4297, I was on a leave of absence due to illness. Had I been present, I would have voted "yea."

TRIBUTE TO ROBERT A. FREY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. SHUSTER. Mr. Speaker, I rise today to honor Robert A. Frey, the 2006 Boy Scouts of America Frontier District Honoree. Robert Frey has dedicated over 30 years of service to Boy Scout Troop 127 and served for 29 years as chairman of the Troop Committee. Robert will be recognized at the Boy Scouts of America Frontier District Annual Fundraising Breakfast for his contributions to the organization and his community.

Robert has dedicated his life to serving his community and his country. He served as a member of the U.S. Army in the Southwest Pacific for nearly 3 years, followed by 31 years of employment at Letterkenny Army Depot in Chambersburg, PA. He has also taken an active role in the Presbyterian Church of Falling Spring, serving as a deacon, ruling elder, Sunday school teacher, and youth group advisor.

In addition to his contributions to the U.S. Army and his church, Robert devoted much of his life to guiding hundreds of Boy Scouts, leading backpacking trips and teaching them about the outdoors. Robert served as chairman of the Troop Committee from 1976 until 2005, an almost unheard of length of service in which he provided direction to Scouts, counseling them through the Eagle Scout process and teaching them life skills.

Known as "Pop" to the hundreds of kids he has led, Robert Frey illustrates the important and rewarding role community members play in the lives of children. He has been recognized for his exceptional service with the Frontier District Award of Merit, the Keystone Area Council Silver Beaver Award, and the National Council/Presbyterian Church USA God and Service Award.

Robert has enthusiastically committed his life to helping others, serving his country, his community, and his church. The citizens of Chambersburg, the Presbyterian Church of Falling Spring, and the hundreds of boys he has guided throughout his service as a Scout leader would like to join me in thanking him for his outstanding service and devotion to his community.

TRIBUTE TO ELI SEGAL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Ms. ESHOO. Mr. Speaker, I rise today to honor an extraordinary American, Eli Segal, who passed away on February 20, 2006 at the age of 63.

Eli Segal was born in Brooklyn, NY, in 1943. He graduated from Brandeis University in 1964 and received a law degree from the University of Michigan in 1967.

Mr. Segal began his political involvement in 1968 when he joined Senator Eugene McCarthy's presidential campaign. Even though Senator McCarthy lost, Mr. Segal was not deterred. He went on to serve in key positions on several Democratic presidential campaigns, culminating with the 1992 campaign of President Clinton, which was Eli Segal's first presidential campaign victory.

Mr. Segal served as Assistant to the President in the Clinton White House, and within months established the Corporation for National Service, now known as AmeriCorps. Because of his superb skills and management, the once controversial program became an acclaimed success. Four hundred thousand young Americans enrolled in the program and helped to improve their communities and their country. Mr. Segal also took an active interest in City Year, another service program he eventually chaired. At the request of Nelson Mandela, he helped launch City Year in South Africa.

When President Clinton signed welfare reforms into law in 1996, Mr. Segal took on the challenge of creating opportunities for former welfare recipients who were now required to work. He began asking American companies to make commitments to hire former welfare recipients, and his "welfare-to-work partnership" grew from five companies to 20,000. As he did with AmeriCorps, Mr. Segal left a great legacy with the success of welfare reform.

Mr. Segal is survived by his wife Phyllis, his son Jonathan, his daughter Mora, two grandchildren, and his brother Alan.

Mr. Speaker, I ask my colleagues to join me in honoring an outstanding American and an extraordinary public servant. We extend our deepest sympathy to Eli Segal's family and we pay tribute to a life filled with values and contributions to the country he loved and served so well. He made our Nation stronger and I consider myself blessed to have known him and worked with him.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mrs. DAVIS of California. Madam Speaker, during rollcall vote No. 64 on the motion to recommit H.R. 4939 with instructions, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

CONGRATULATING LEON H. BRACHMAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Leon H. Brachman, who for his steadfast service on the Baylor All Saints Hospital Board, has been selected to receive the Centennial Heritage A ward.

The Centennial Heritage Award recognizes individuals and corporations that support the All Saints Health Foundation with major contributions, as well as past hospital chiefs of staffs, and foundation and board chairs. These individuals who represent the leadership of the hospital for the past 100 years are honored with Centennial stars.

Leon Brachman has diligently served on the Baylor All Saints Hospital Board since 1958. In his tenure as a board member, the All Saints Health Foundation has enjoyed many expansions and advancements. In 1959, All Saints moved to a new facility and increased its number of beds from 110 to 365. The Carter Rehabilitation Center opened for cardio-pulmonary and rehabilitation services in 1979. In addition, the first liver transplant in Fort Worth was performed at Baylor All Saints in 2002.

Mr. Brachman steadfast dedication to improvement and vision to Baylor All Saints has benefited many. Today, he remains a prominent figure by setting a high standard of excellence and encouraging others. His compassion, drive and determination for the betterment and quality of service at Baylor All Saints Hospital should be emulated.

I extend my sincere congratulations to Mr. Leon H. Brachman on receiving the Centennial Heritage Award and commend his perseverance and desire to make Baylor All Saints Hospital a symbol of quality health care.

IN HONOR AND REMEMBRANCE OF CLAYTON E. KEELING, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Clayton E. Keeling, Jr., devoted father, Vietnam War Veteran, and friend and mentor to countless people throughout our community.

Mr. Keeling grew up in the City of Cleveland. He honorably served our Nation for 4 years as a member of the United States Marine Corp, retiring in 1969 at the rank of Corporal. His courageous tour of duty in Vietnam was recognized with a Purple Heart Medal, National Defense Service Medal and a Vietnam Service Medal.

Mr. Keeling's lifelong dedication to and focus on assisting United States Veterans was clearly reflected throughout his professional and personal life. He made an indelible impact on the lives of numerous veterans and their families as a Veteran's Representative at the Ohio Bureau of Job and Family Services, where he worked for many years. Moreover, Mr. Keeling volunteered his time and efforts to raise the lives of veterans and to raise their plight into the light of public consciousness. Mr. Keeling was a founding member of the Vietnam Veterans of America, Chapter 15 of Cleveland.

Mr. Speaker and Colleagues, please join me in honor, gratitude and remembrance of Mr. Clayton E. Keeling, Jr. I extend my deepest condolences to his daughter, Lindsay Keeling, to his dearest friends, Marie Sudduth, Jack Beech and Greg and Janet Tulley; and to his extended family and numerous friends. Mr. Keeling's sacrifice, courage and service that he offered on behalf of our Nation and on behalf of the veterans of our community, has truly made a positive difference and will be honored and remembered for all time.

HONORING THE 40TH ANNIVERSARY OF WEST SPRINGFIELD ELEMENTARY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize the 40th Anniversary of West Springfield Elementary located in Springfield, Virginia.

West Springfield Elementary, like all Fairfax County public schools, has a commitment to excellence, and the students, parents, and staff of West Springfield are all dedicated to having each student reach their highest potential. To kick off the celebration of their 40th year of excellence, tonight the WSES students will perform a night of patriotic music. The program is entitled "Songs of America", and each grade level will perform a song, and the school ensemble will close the night's celebration. In addition, on May 31st, the school will hold an open house to reunite old friends and enjoy art displays and refreshments.

West Springfield Elementary School's commitment to excellence has extended outside the classroom and into the community. For the second year, West Springfield Elementary is holding its Wellness Walk on April 5th to benefit Sickle Cell Anemia. Last year's walk raised funds for lymphoma research. In addition, the school has a chess club, and a Just-Say-No Club in which fourth and fifth graders promote ways to resist negative peer pressure. The parents, teachers, and staff of the West Springfield Elementary community get involved in various activities including the Fun Fair, which raises money for the school, and BINGO nights which allow the school community to gather for a night of fun.

Mr. Speaker, in closing, I would like to thank the West Springfield Elementary School faculty and staff for the immeasurable contributions that they have made to the community by shaping today's youth and tomorrow's future. I congratulate the school on its many successes over the last 40 years, and I wish it more successful years in the future. I ask that my colleagues join me in applauding this outstanding and distinguished school.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mrs. DAVIS of California. Mr. Chairman, during rollcall vote No. 59 on the Conaway amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "no."

TRIBUTE TO ANDY'S ARMY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. SHUSTER. Mr. Speaker, I rise today to honor Andy's Army, a children's volunteer organization in Connellsville, PA. During their last week of school vacation, members of Andy's Army sacrificed swimming in the pool and playing outside to raise $10,000 for victims of Hurricane Katrina.

Andy's Army, formed after the death of Andrew Peperak, a 26-year military veteran, performs community service in the Connellsville area. In late August, the members collected money to donate to the American Red Cross Hurricane Katrina Relief Fund. The group sold bottled water at a community parade and collected money at two busy city intersections for three days. They set their goal at $10,000 and did not give up until they achieved it.

After accomplishing their goal, Andy's Army was invited to Heinz Stadium to present the donation to Red Cross representatives. The kids were greeted by members of the Pittsburgh Steelers football team. Inspired by their enthusiasm and hard work, Pittsburgh Steelers' wide receiver Hines Ward matched their contribution and donated another $10,000 to the relief fund.

The kids of Andy's Army have exhibited compassion and determination to help others who are less fortunate than themselves. Andy's Army participants Alex Peperak, Charles Peperak, Luke Peperak, Elizabeth Sparks, Andrew Sparks, Nicole Sparks, Tyler Sparks, Ray Craig, John Eutsey, Ashleigh Eutsey, McKenzie Wildey, Cassie May, Courtney McClain, Katie Wilbur, Ashleigh Hawk and Tiffany Sherbondy all deserve our thanks and congratulations on their hard work to give an extraordinary $10,000 contribution to the victims of Hurricane Katrina.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mrs. DAVIS of California. Mr. Chairman, during rollcall vote No. 58 on the Millender-

McDonald amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

CELEBRATING 100 YEARS OF JOHN PETER SMITH HOSPITAL'S DEDICATION TO CHARITY CARE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor John Peter Smith Hospital as it celebrates 100 years. JPS has been serving the citizens of Tarrant County since its humble beginnings in 1906.

John Peter Smith Hospital has always retained its identity and mission to providing charitable care. Starting with a very small staff and limited space, JPS has tirelessly committed itself to the improvement of their patients' health.

In the past 20 years alone John Peter Smith Hospital has expanded outside the confines of the typical hospital. They have opened an AIDS clinic, a women's center and other multiple clinics across the county. Most recently, John Peter Smith Hospital has established a new hospital with 30 beds in south Arlington.

Mr. Speaker, it is with great honor that I stand here today to celebrate John Peter Smith Hospital for its 100th anniversary of actively providing quality health care to the thousands in need. As their representative, as a doctor and as a citizen of the 26th Congressional District, I am grateful for JPS Hospital's service.

IN HONOR OF REV. DR. JOSEPH SKRHA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Rev. Dr. Joseph Skrha, as family and friends gather to celebrate his 80th birthday and his continued love and devotion to his North Broadway neighborhood in Cleveland, Ohio.

Dr. Skrha's joyous life is centered around family, faith and community. His closest confidant, his wife of nearly fifty-two years, Betts, along with their children—Joseph Ray, Betsy, John, the memory of their beloved son, Paul, his son-in-law Daniel, daughter-in-law Patricia and grandchildren, Katie, Christopher, Rebecca and Nathaniel—are the guiding stars of his life, illuminating a path they walk together—a journey of hope, strength and healing that he continues to share with the residents of the North Broadway community.

Dr. Skrha was born, raised and still lives on Broadway Avenue in Cleveland—in the heart of the neighborhood that he's served his entire life. He graduated with honors from both John Carroll University and Loyola University Medical School, completed his residency at St. Alexis Hospital then focused on establishing a family medical practice. Dr. Skrha could have practiced anywhere, but he turned down every offer to move away from the neighborhood that personifies the word 'home.' As a caring physician and an ordained Roman Catholic Deacon, Dr. Skrha's dedicated service has softened the hard urban edges of the North Broadway neighborhood. Dr. and Mrs. Skrha's united focus on making a difference in their community has not wavered. They continue to channel their social activism into numerous civic endeavors, including their volunteer efforts on behalf of the University Settlement, The Broadway School of Music and the Arts, and the Cleveland Sight Center.

Mr. Speaker and Colleagues, please join me in honor, gratitude and recognition of Rev. Dr. Joseph Skrha, as we join with his family and friends to celebrate his 80th birthday. Dr. Skrha's keen mind, compassionate heart and gentle energy continues to inspire, energize and strengthen the lives of the residents of North Broadway and far beyond—including my own. I wish Dr. Skrha an abundance of health, peace and happiness in his continued journey of faith and hope, today and for all time.

TRIBUTE TO THE ACCOMPLISHMENTS OF RAYMOND FLOYD

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. NORWOOD. Mr. Speaker, I rise today to pay tribute to Raymond Floyd for his service to our Nation, the game of golf and the Masters Tournament. Few events in the world of sports can compare to the pageantry, beauty and grace of the Masters Tournament in Augusta, GA. And there are even fewer individuals who have contributed to that prestige as much as Raymond Floyd.

Early in his career Raymond Floyd became a role model for young people with his dedication to the game of golf, his family, and family values.

Raymond was inducted to the World Golf Hall of Fame in 1989. In 1992, he was honored as Golf World's "Man of the Year." Then, in 1994, the Floyd family was named "Golf's Family of the Year" by Golf Week magazine.

Raymond Floyd's record in golf includes 62 victories worldwide. He won two PGA Championships, one Masters Championship, and one U.S. Open Championship. He played in eight Ryder Cup competitions and served as captain for another Ryder Cup Team. He holds numerous scoring and course records. He is also the only player to win on both the PGA and Senior PGA Tour in the same year. He has also joined the legendary Sam Snead in winning during each of his four decades on the professional tour.

In addition to his accomplishments playing on the course, Raymond Floyd has made a name for himself in the art of golf course design. His understanding of the game of golf, combined with a desire to create courses that are both beautiful and challenging has resulted in numerous quality golf courses.

Mr. Speaker, Raymond Floyd is among the names of the other greats in golf history. His accomplishments on and off the course will live forever.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mrs. DAVIS of California. Mr. Chairman, during rollcall vote No. 57 on the Neugebauer amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "no."

CONGRATULATING THE TEXAS WESLEYAN BASKETBALL TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior performance of the Texas Wesleyan Basketball Team on their victory over Oklahoma City for the National Association of Intercollegiate Athletics' Division I Men's Basketball Championship at Municipal Auditorium.

The unseeded Rams won the final game 67–65 to become the NAIA Division I Men's Basketball Championship. The victory came when the Rams' senior guard, Ben Hunt, hit a three-point shot with 0.2 seconds remaining in the game. Senior forward Trevor Meier managed to tie the score at 64–64 which paved the way for Texas Wesleyan's climatic finish.

Additional honors came to individual team members when Evan Patterson was selected as the tournament's Most Valuable Player and Head Coach, Terry Waldrop, was named the Rawlings-NAIA Division I Men's Basketball Coach of the Year. The championship victory marked the first NAIA Division I Championship for Texas Wesleyan.

This victory was a combined effort and would not have been possible if it was not for the incredible sense of teamwork put forth by all athletes.

I extend my sincere congratulations to Head Coach Terry Waldrop, Texas Wesleyan President Harold Jeffcoat, as well as the members of the Texas Wesleyan Basketball Team. I am honored to serve as their U.S. Representative.

TRIBUTE TO MR. TIM CHESLEY

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. TAYLOR of North Carolina. Mr. Speaker, I am pleased to recognize the fine work and achievements of one of my constituents in Western North Carolina, Mr. Tim Chesley. Mr. Chesley serves as an engineer for the National Forests in North Carolina and recently earned the U.S. Forest Service's National Managerial Engineer of the Year award.

A Forest Service employee for 30 years, Tim Chesley garnered this prestigious award for his outstanding management of programs, projects and employees. "His extraordinary response to the massive destruction, that resulted from the remnants of three hurricanes in September of 2004, plus his long-standing leadership as the assistant forest engineer for the past 22 years merits this award," wrote Forest engineer Lynn Hicks in the nomination letter.

Mr. Chesley was selected as the deputy planning chief and engineering liaison, when an incident command team was formed, after flooding from the hurricanes wrecked havoc on Forest Service lands over a two-week period sixteen months ago. Working six days a week, he coordinated the planning, design, reconstruction, and contract administration for the repair of hundreds of miles of National Forest roads and trails and for nearly 50 bridges as well as for campgrounds, fisheries, offices and other Forest Service facilities.

Mr. Chesley continues to coordinate the administration of contracts that will exceed $35 million, and in July he helped secure another $5.5 million in Emergency Relief of Federally Owned Roads funding. He was also responsible for the recruitment, training and supervision of more than 150 engineering employees who have come to North Carolina, from across the country on temporary assignment, to assist with the storm recovery effort. As a manager for most of his career, he has supervised more than 30 people, including trainees, technicians and professionals. He is currently supervising seven engineering trainees, who were sent to North Carolina for one year in support of the hurricane damage recovery work.

A native of Conway, New Hampshire, Mr. Chesley received his bachelor's degree in Civil Engineering from the University of New Hampshire, and his Master's Degree in Civil Engineering and Transportation Planning from the University of California at Berkeley. In addition to his professional responsibilities, he has taken the lead on several major community projects, including raising funds and constructing playgrounds for Asheville's Kenilworth community and for Glenn C. Marlow Elementary School in Hendersonville. He is a member of the Board of Directors for the Asheville Kiwanis Club where he has been a member for more than ten years.

Mr. Speaker, I know my colleagues in the House will be most appreciative of Mr. Chesley's devotion and hard work at the United States Forest Service. I am proud to announce that he will be presented the U.S. Forest Service's National Managerial Engineer of the Year award at a formal ceremony in Washington, DC on April 3, 2006.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mrs. DAVIS of California. Mr. Chairman, during rollcall vote No. 56 on the Sabo amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "aye."

CONGRATULATIONS TO DANIEL McPHERSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize Daniel McPherson who, due to his superior performance, received the Texas Association of Basketball Coaches 2A honor as Player of the Year after scoring 26 points in the Lions' semifinal win over Tahoka High School.

As one of Ponder High's leading basketball players, Daniel, a 6–2 senior forward, manages to give his absolute best efforts when the team requires it most. He is aware that victory is a combined effort and would not have been possible if it was not for the incredible sense of teamwork put forth by all athletes.

I extend my most sincere congratulations to Daniel McPherson and wish him the best of luck in his academic and athletic career.

TRIBUTE TO AGNES DALE SMITH

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today because on April 2, 2006, Agnes Dale Smith will celebrate her 100th birthday. Those who know and love her call her "Aggie" and she was born in Willow Hill, Illinois, in 1906. Such longevity is truly special and certainly deserves to be recognized and respected. It is truly amazing to think of all that America has experienced in the past century and to know that Aggie has witnessed it all.

In 1925, Aggie graduated from Robinson High School in Robinson, Illinois, where she served as Vice President of her senior class. She also wrote for the school newspaper and played intramural basketball and field hockey. On October 16, 1930, Aggie married Victor L. Smith. They would have one daughter, Emily Carol. Aggie went on to earn her Associate in Science degree from Vincennes University in 1967. Aggie then studied at Trinity College in Dublin during the summer of 1969. She also studied at American University in Washington D.C. as well as four other mid-western locations, including Lincoln Trail College in Robinson, Illinois.

During her life, Aggie has seen and experienced much. For instance, she was appointed as a Volunteer Services Director during World War II and traveled to Chicago on three occasions to attend conferences. She also witnessed the investiture of Prince Charles in Wales. Aggie has attended four Republican National Conventions in her lifetime. She was elected National Vice President of Delta Theta Tau philanthropic sorority. Aggie also proudly served the Illinois Daughters of the Revolution as Division VI director for two years. In 1987, Aggie was named a Distinguished Citizen by the Robinson Chamber of Commerce.

Again, I rise today to celebrate Aggie Smith's 100th birthday and recognize her many accomplishments. I hope my colleagues will join me in wishing her many happy years to come.

TRIBUTE TO VIOLA VAN DORIN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Viola Van Dorin, who served in the armed forces as a nurse during the Second World War.

Viola Van Dorin, as well as her late husband, Forrest Van Dorin, both valued their patriotic obligation to enlist in our nation's military shortly after the bombing of Pearl Harbor. After her exemplary service in the Army Nurse Corps, Viola devoted herself to preserving the memory of World War II by donating more than 240 items to the Michigan Historical Museum in Lansing. She currently lives in Jackson, Michigan.

Violet began her career as a nurse, graduating from the Sparrow Hospital School of Nursing in 1935. She worked at the Michigan State College Hospital, and then moved on to private practice with Dr. Kenneth Hodges and Dr. Kenneth Johnson. She excelled as both an office receptionist and an assistant to the physicians. Vi had the opportunity to even star in a film during the prewar period, a documentary called The Case History of Lucy X, which was the first to educate the public and medical professionals on the contagious disease tuberculosis.

In 1942, Vi was commissioned as a Second Lieutenant in the Army Nurse Corps and assigned to Torney General Hospital in Palm Springs, California. There she met her future husband, then a dashing young Sergeant in the Army. They married on June 7, 1943, and their marriage lasted until Forrest's death in 2003.

In 1944, Vi was assigned to the 82nd General Hospital unit and transported to Wales where the unit helped rehabilitate wounded soldiers. Before the end of the War, Vi was promoted to First Lieutenant and received several citations: the American Theater Ribbon, three Overseas Service Bars and a Victory Medal. She and her husband were reunited in 1946, and they settled down in the Lansing area. She and Forrest had a son, Ken Van Dorin, as well as three grandchildren: Rebecca Louise, Natalie Ann and Robert Kenneth.

Violet's service in both the military and the medical field has demonstrated her commitment to serving our nation, caring for others, and preserving historical treasures. She should also be commended for her tireless devotion to preserving the memory of World War II and honoring the sacrifices of our veterans. Across Michigan's counties and communities, her legacy will be realized long into the future. I am pleased to know her remarkable story, and to share it with my Congressional colleagues.

Mr. Speaker, I ask my colleagues to join me in honoring Violet Van Dorin, a citizen and a veteran truly deserving of our respect and admiration.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mrs. DAVIS of California. Mr. Chairman, during rollcall vote No. 55 on sustaining the ruling of the chair with regard to the point of order against the DeLauro amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "no."

TRIBUTE TO DAVID MITCHELL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor David Mitchell of Pt. Reyes Station, California, who recently retired after 30 years as the editor and publisher of the Point Reyes Light. The Light has covered community activities, misdeeds, and controversies in the rural small towns of West Marin since 1975.

Dave earned a degree in journalism at Stanford University and worked at various small papers before buying the Light with his former wife Cathy. After the couple split up in 1981, Dave sold the paper and worked for the San Francisco Examiner for several years before getting the paper back due to payment default.

Described as everything from "intelligent, scrappy, and folksy" to "controversial, opinionated, and hard-headed," Dave always presented the news in a lively, personal manner and encouraged his readers to participate through letters and columns. He considered himself a muckraker and determinedly pursued deceit and corruption where he saw it. In 1979 he and Cathy won a Pulitzer Prize for their expose of the Synanon cult.

West Marin has changed during Dave's tenure, and the Light chronicled issues such as politics, immigration (even sending reporters to the Azores, Italy, and Jalisco, Mexico, where many were from), relations between Point Reyes National Seashore and the community, and the struggles of ranchers to remain viable as the towns became more gentrified. The paper was always challenged financially as Dave used an inheritance to subsidize it, and he sometimes suffered from severe burn-out as he worked long hours to keep both the finances and the news activities in line. After achieving financial stability, he sold the paper in November, 2005, to Robert Plotkin who made a commitment to maintain its community focus.

Mr. Speaker, David Mitchell has provided a vital service to West Marin as well as setting high standards for community newspapers. I know he will continue as a fixture on the local scene and maintain his passion for the issues he championed.

HONORING THE LIFE OF ALPHALONIA P. "PEACHES" GWYN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. ISRAEL. Mr. Speaker, I rise to honor the memory of Alphalonia P. "Peaches" Gwyn of Winston Salem, North Carolina.

We rely on a great number of people, in addition to the members of our staff, to do our jobs as members of Congress. The people we work with twice a week to help us get to and from our districts become part of the extended network of support that helps us fulfill our duties.

One of those people was Peaches Gwyn. A dedicated employee of US Airways, Peaches always had a smile and a friendly voice at US Airways' Capitol Desk. Peaches was tireless, making sure that members of Congress were able to get back to their districts and serve their constituents. She handled herself with grace and aplomb on the phone with staff members under pressure to get their bosses on the first flight possible.

I have heard of the help she offered through my schedulers over the years who were sorry to learn that she recently succumbed to cancer. Her coworkers told us that Peaches fought cancer every step of the way, never giving up. She wanted to keep busy and go back to work, but eventually lost her battle.

My thoughts and prayers are with those at US Airways who loved her and learned from her. May the Gwyn and Perkins families be comforted by peaceful memories and may they find strength in Peaches' spirit which lives on through everyone she touched.

RECOGNITION OF GREEK INDEPENDENCE DAY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to recognize the importance of Greek Independence Day, which was celebrated this past Saturday. In doing so, I reaffirm the historic and strategic ties between the United States of America and Greece, and acknowledge the heritage that all of Western civilization draws from both ancient and modern sources in Greece.

On March 25, 1821, the people of Greece declared independence from their Ottoman occupiers and reclaimed the mantle of democracy that they originated in ancient Athens. Since then, they have been a true and steady friend of the United States, working together to promote our common ideals, common goals, and in recognition of our mutual admiration. We are partners in seeking peace and prosperity in the Balkans and southeastern Mediterranean, as well as throughout the world. In celebrating Greek Independence Day this year, we recognize the contributions of ancient Greece to the establishment of democracy and culture, and the continuing importance of modern Greece in national affairs.

Additionally, we affirm the innumerable contributions that Greek Americans have made to the United States. Their independence and creativity have been an essential component of the American success story, adding immeasurably to our economic strength. Greek American cultural values have enriched our communities and added to the diversity we cherish as Americans. I hope that you will join me in saluting Greece and Greek Americans in this 185th anniversary of Greek Independence Day.

TRIBUTE TO BEA WATSON

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. BACA. Mr. Speaker, it is my privilege to rise today in tribute to a most distinguished member of the Fontana community and my dear friend, Bea Watson.

In recognition of Bea's outstanding achievements and contributions to our community, I am pleased to share with you a few of her numerous recognitions, including the honor of over twenty-two prestigious awards. These include two esteemed Congressional Awards, the Fontana PTA Council Award, the Chamber of Commerce Outstanding Volunteer Award, the California Parks and Recreation Award, the Community Spirit Award, and the title of California Legislature Woman of the Year. Bea is held in high esteem by all who have been touched by her tireless devotion to others, and deserves every accolade we may present her in thanks for her service.

I am endlessly grateful for Bea's involvement on behalf of the citizens of her community. As a member of the California League of Cities, the Fontana Unified School District, the Fontana Chamber of Commerce, the Fontana Women's Club, the Fontana Teen Center, and the Fontana Historical Society, Bea has profoundly influenced the impacts of these organizations and has directed efforts to improve the community. As City Clerk of Fontana, Bea has proudly represented the city, serving as the keeper of the City Seal and of the official city documents.

Bea's commendable dedication to the City of Fontana has nurtured a sense of pride among her fellow citizens. Her efforts have touched the lives of her neighbors and her exceptional impact upon our community will create a lasting legacy for generations to come. Bea's enduring commitment, enthusiasm, and concern for others' wellbeing have advanced women's rights, education, the arts, and the spirit of the Fontana community. As a volunteer, public servant, and friend to her community, Bea has proven herself as an exemplary American. Bea continues to serve as an inspiration to us all.

I thank Bea for dedicating her life to serving on the behalf of the Fontana community. I am honored to consider Bea my friend and I truly appreciate all she has given to our community and our country.

GREEK INDEPENDENCE DAY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. SCHIFF. Mr. Speaker, last Saturday, March 25th, the people of Greece celebrated the 185th anniversary of their independence from the Ottoman Empire.

As the brilliant Romantic poet Percy Bysshe Shelley wrote in the preface to Hellas in 1821, "We are all Greeks. Our laws, our literature, our religion, our arts, have their root in Greece." Nowhere is this more true than in America, a country crafted to embody the vision and ideals of the ancient Greeks, and home to more than three million citizens of Greek decent.

The building in which we now stand, along with many prominent structures in our Nation's Capital, draws heavily on the architecture of ancient Greece, and is a fitting tribute to the civilization that provided the model for our own democratic experiment. America's founders were deeply inspired by the heroic individualism of Homer's epic poetry, the search for truth embodied by Socrates, and the passion for justice that guided Greek political theory.

The American Revolution was driven by the Greek idea that the authority to govern derives directly from the people, and this successful assertion of autonomy in turn inspired Greece to declare its independence on March 25, 1821, after nearly 400 years of rule by the Ottomans. Weeks later, the Messinian Congress sent a letter to then Secretary of State John Quincy Adams asking for moral support, asserting: "Your virtues, Americans, are close to ours, although a broad sea separates us." In response, stirring speeches by President James Monroe and Daniel Webster led the Congress to send funds and supplies to aid the Greeks and motivated many Americans to fight alongside the Greeks in their struggle for freedom.

Today, history, mutual respect, and shared values continue to strengthen the alliance between Greece and the United States. After fighting side-by-side in every major war of the 20th century, we are now united in the war against terror that poses a threat to liberty and justice everywhere. Together we have stood up to the forces of oppression in conflicts from World War II to the Persian Gulf, we have joined as strategic partners in NATO, and are working to build peace, stability, and democracy in Afghanistan and Iraq.

Unfortunately, not all Greeks are celebrating their independence this week. In one of the most militarized regions in the world, members of the Greek Cypriot community continue to live under conditions of oppression, harassment, and deprivation imposed by some 35,000 Turkish soldiers. I am disturbed that Turkey continues to defy the international community and the U.N. resolutions with its policies towards Cyprus.

If a solution to Cyprus can be finalized it would reshape the eastern Mediterranean and could lead to an improvement in relations between Greece and Turkey. I am saddened by the persistence of tensions between these two neighbors, both of which are strong friends of the United States and vital partners in NATO and the war on terror. I hope that a negotiated agreement will soon be reached, so that Greeks everywhere can realize the inherently human desire for freedom.

I also support the reunification of the remains of one of the most magnificent and best-known monuments in the world: the Parthenon. I welcome the announcement last month that the British and Greek governments have engaged the Director General of UNESCO to lead a cooperative approach to resolving the issue of the Parthenon Marbles. I congratulate both parties for the shift in focus from contentious restitution to cooperative reunification and look forward to the opening of the New Acropolis Museum, where all the Sculptures will be displayed as close to their original position as possible.

The United States' kinship with the Greek people was reflected in the enthusiasm with which America embraced modern Greece's fight for independence 179 years ago. Similarly, the American ideal of freedom has drawn generations of Greek men and women to America's shores. Today we celebrate and give thanks for the contributions Greek Americans and their devotion to family, faith, community, and country that has enriched our Nation.

Through decades of challenge and change, the shared admiration, cooperation, and friendship between Greece and the United States has endured and deepened, and together we have proved the fundamental truth of the Greek proverb, "The passion for freedom never dies." Today we reaffirm that sentiment and our commitment to promoting liberty, democracy, and justice in America, in Greece, and around the world.

Mr. Speaker, it is with great joy and admiration that I wish the people of Greece a happy Independence Day and continued freedom and prosperity.

---

185 YEARS OF GREEK INDEPENDENCE

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. CROWLEY. Mr. Speaker, I rise today to recognize the 185th anniversary of Greek Independence. I would also like to make a special honor of Congressman BILIRAKIS, who is celebrating his last Greek Independence Day as a Member of the House of Representatives. I commend him for his service not only to our country but his indefatigable support of Hellenic issues. I know he will be missed not only by his constituents in Florida, his colleagues here and by all Hellenic Americans.

March 25th is a date that will live in the hearts and minds of Greeks all around the world. After close to 400 years of Ottoman rule, on March 25, 1821, the people of Greece rose up against the Turks and won their independence.

The Greeks have a history dating back almost 4,000 years, Greece is the cradle of democracy and its great philosophers were an invaluable inspiration for our founding fathers. In ancient Athens they found a model for the new democracy that our forefathers used to establish our democracy in America.

We are joined by blood, culture, and a profound commitment to shared values. Greek ideals of democracy and freedom inspired our Nation's founders and breathed life into America's experiment with democratic self-government.

Mr. Speaker, I have the great honor of representing a number of Greek-Americans in the Seventh District of New York. Their influence and active participation in the life of their communities has fostered economic, political and social growth throughout New York City.

Generations of Greek Americans have enriched every aspect of our national life, in the arts, sciences, business, politics and sports. Through hard work, love of family and community, they have contributed greatly to the prosperity and peace that we all enjoy as Americans today.

But as we celebrate Greek independence, we must keep in mind the ongoing struggle for freedom and demand for human rights on the island of Cyprus. I believe the United States and the international community must remain steadfast in our resolve to bring peace and unity to an island that has been home to violence and division for far, far too long.

Mr. Speaker, let me reiterate my strong commitment to Greek communities in my district, the country, and throughout the world. Their strength and dedication to democracy and peace in the world has made them a shining star of modern civilization.

IN HONOR OF CURTIS RELIFORD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the dedicated work and inspiring courage of Curtis Reliford. Mr. Reliford's life story reflects the best of the American Spirit and reveals the incredible generosity to our nation's people.

Mr. Reliford experienced a troubled youth in his native Louisiana. In his early years, he was lured down the self destructive, illusionary path of drugs, alcohol, and money, all resulting in dead ends and unhappiness. Twenty one years ago, after much contemplation and perseverance, Curtis decided to move to California, with the hope of creating a better life for himself. In Santa Cruz, CA Curtis has found himself by aiding those who need a hand. He is an active member of the NAACP, and created his own business as a landscaper, a skill he used, and will continue to use, in Hurricane destroyed New Orleans. Through strong determination, great self-sacrifice, and enduring dedication, Mr. Reliford began his long healing process. He believes, and has proven, his calling to aid those who require and ask for assistance.

The fruits of Mr. Reliford's life transformation have been truly spectacular, not only benefiting our local community, but touching people's lives on a national level. Mr. Reliford is a small business owner and has started a non-profit community support group "Brothers teaching Brother." Most recently, Mr. Reliford has turned his sights back on his native Louisiana. Due to his selflessness, Curtis has been awarded the Jefferson Award from the County of Santa Cruz. His commitment to the assistance of others is inspiring. He also shows no signs of stopping.

After witnessing the devastating destruction wrought by Hurricane Katrina, Mr. Reliford, inspired by his daughter's proclamation of "Daddy, you can do anything!" decided to focus his nurturing spirit on the people devastated by Katrina. He began taking donations in Downtown Santa Cruz, in order to raise funds for those who lost their homes. Enough was collected to make a life altering trip down to Louisiana. Mr. Reliford has now completed three relief trips to the Gulf Coast, but he believes his work will not be complete until every person who lost their home receives full assistance. Mr. Reliford is setting up a new organization, "Follow Your Heart Action Network", dedicated to bringing continued help to people in the South.

Mr. Speaker, it is people like Curtis Reliford that make the United States the great country that it is, and it's truly an honor for me to represent individuals like Mr. Reliford. The service of local members of the community is an asset to this nation, and I applaud Mr. Reliford's contributions. Curtis Reliford's dedication to advancing the condition of human welfare throughout our nation has had a positive impact on countless individuals, and for that reason I rise in honoring him.

TRIBUTE TO JOHN H. STROGER, JR.

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. RUSH. Mr. Speaker, I rise today to honor a great public servant: John H. Stroger, Jr., President of the Cook County Board of Commissioners.

John Stroger is the first African-American to have been elected as Cook County Board President after serving Cook County for many years in other capacities, including as Chairman of the Board of Commissioners Finance Committee. During his lifetime of public service, President Stroger has always served with distinction and with an unwavering dedication to improving the lives and well being of all of the residents of Cook County.

As Chairman, he was instrumental in the development and construction of a new hospital facility, which bears his name, John H. Stroger Hospital. The facility, which is state-of-the-art, serves the health needs of all of Cook county's residents, including the indigent and uninsured. John Stroger is the past President of the National Association of Counties and in that capacity, he provided leadership on public policy issues affecting local governments across the Nation. He was particularly concerned with the need of county governments to ensure health care access for all county residents.

Mr. Speaker, I know that you will join me in wishing President Stroger a full and speedy recovery from his recent illness and all the best to his wife and family.

A TRIBUTE TO DR. JADICK

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. NORWOOD. Mr. Speaker, there is a physician in my district who deserves the thanks of our Nation and this Congress for his actions in combat in Iraq.

Naval Commander Rich Jadick, MD, of the Medical College of Georgia in Augusta deployed to Iraq in the summer of 2004. He arrived just in time for the Battle of Fallujah, the heaviest urban combat American troops have endured in a generation.

Newsweek Magazine quotes Dr. Jadick's commander, Lt. Col. Mark Winn, that as a direct result of Dr. Jadick's courageous actions under fire, at least 30 U.S. Marines were saved from death.

During just 30 days of combat, Dr. Jadick treated over 600 Marines and Iraqi soldiers and civilians. He established a forward aide station well advanced beyond the safety limit prescribed for combat medical personnel. His courage in ignoring the danger to himself in order to provide life-saving treatment for wounded personnel led to his being awarded the Bronze Star with a "V" for valor.

Mr. Speaker, on behalf of the people of the Ninth Congressional District of Georgia, I commend and thank Dr. Jadick for his heroism and extraordinary service to his Nation and his fellow man.

HONORING THE CONTRIBUTIONS OF THE CUBAN-AMERICAN JEWISH COMMUNITY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I offer congratulations to members of the Cuban-American Jewish Community who have contributed greatly to our Nation. They were elementary school classmates at the Plantel del Centro Israelita de Cuba and graduated from the sixth grade on June 20, 1958. Some of them were part of the Peter—Pedro—Pan Operation, which brought over 14,000 children and teenagers from Cuba who came to this country without their parents, thanks to the generosity of the U.S. Government. These Cuban Jewish children were cared for by the Hebrew Immigration Aid Society, HIAS, which assisted them in finding housing in foster homes and orphanages.

Despite the fact that they all left Cuba after 1959, they have remained in contact since. Most of these individuals will be celebrating their 60th birthday this year and are holding a reunion in Miami. It will be their first gathering as a group since they risked their lives in search of freedom and liberty to come to this great country that warmly accepted them with open arms. They are proud citizens and are very grateful for the opportunities they have enjoyed in this country such as freedom, peace and prosperity, opportunities that our brothers and sisters in Cuba do not enjoy. I am glad to see such a wonderful group of people committed to bringing freedom and democracy to Cuba.

Many members of the Cuban-American Jewish Community have had long and successful careers that span many years of outstanding service, dedication, hard work, devotion, and love for our country. They are successful parents, professionals, businessmen, community leaders and grandparents. I am proud to recognize the Cuban-American Jewish Community for their tireless dedication to the well being of our South Florida residents. I ask my colleagues to join me in congratulating the Cuban-American Jewish Community for their wonderful service to our great Nation.

Below, I have included the names of the individuals that are part of this distinguished group. In parentheses are the married names of the women.

Aliva Lipschitz (Mingel), Aron Lew, Becky Gol (Eshkenazy), Berta Perelmuter (Faigenblat), Betty Kozolchyk (Savariego), Cecilia Lurie (Berenthal), David Vainstein, Eli Bick, Enrique Bekerman, Enrique Goldberg, Zolia Eva Becker (Don), Gela Arber (Altman), Isidoro Stein, Jacobo Fridzon, Jacobo Rydz, Jose Kluger, Joseph Roisman, Judy Derechinsky (Feder), Leon Kopel, Leon Papir, Luis Kosobucki, Luis Lidsky, Luisa Kopel, Manny Feinstein, Marcos Kerbel, Mark Faigenblat, Moises Golobovich, Nicky Vaserstein, Perla Radlow (Stein), Polita Rubinstein (Chyzyk), Rebeca Rosenzweig (Shapiro), Rebecca Roth (Glinsky), Richard Novigrod, Ruth Silber (Kurkin), Sara Hochman (Zands), Sarita Zditowsky (Blaugrund), Tere Treibich (Ben Hain), Toni Rosenberg (Taubenfeld), Vivian Celniker (Mechaber).

I would also like to recognize the loving memory of those who are no longer with us: Salomon Milner and Alberto Rabinsky.

HOWARD JUNIOR COLLEGE WINS REGIONAL CHAMPIONSHIP

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. NEUGEBAUER. Mr. Speaker, I would like to congratulate Howard College for winning the NJCAA Region V Championship on March 12, 2006. Head coach Mark Adams led the Hawks to an 81–71 victory over their arch rival, Midland College, in spectacular fashion. With this victory, the Hawks have earned their first trip to the NJCAA National Tournament since 1969.

Even greater than their triumph on the court, the Hawks have overcome many obstacles and trials along the way. Last year, Howard sophomore Dezmon Harris lost his mother in the same week his team lost the Regional Championship game to Midland. With fierce determination and an unyielding desire to win, Harris led his team to victory this year and showed why he was recently named WJCAC Player of the Year.

Since 1945, Howard College has been a beacon of education in my district. It brings me great pleasure to honor the athletic achievements of an institution that continues to be a leader in educating the young people of West Texas.

TRIBUTE TO MS. BEA'S COMMUNITY READING PROGRAM

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. BOUSTANY. Mr. Speaker, I want to recognize a community reading program in Crowley, Louisiana founded by Joey Webb.

Ms. Bea's Community Reading Program organizes 20 community volunteers each week to visit Ross Elementary School and work for half an hour in each of the four first grade classrooms. These patient and caring volunteers work one on one with the students to help them learn to read and improve their reading skills. To ensure the effort isn't just one day a week at school, the program issues each student a weekly reader to practice at home. In addition, the volunteers serve as valuable role models and inspire the students to continue learning and staying in school.

The faculty at Ross Elementary has commented that the impact of the program is improving the entire school. Although the program is focused on the first grade, students in the other grades have taken notice of the community members coming to the school. Students are working harder, classroom behavior has improved and they are more focused on schoolwork.

Earlier this year, I participated in the program and visited with several classrooms and spoke with them about the importance of learning to read and attending school. These young students are the future of Louisiana. As our state rebuilds from the devastation caused by two hurricanes it is now more important than ever that we inspire our youth to work to improve and contribute to our great state.

I want to congratulate Joey Webb and the citizens of Crowley on their dedication and spirit to help others in the community.

PEACE BETWEEN TAIWAN AND CHINA

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. CULBERSON. Mr. Speaker, on February 27, 2006, Taiwan's President Chen Shui-bian declared that Taiwan's Unification Council will cease to function and the National Unification Guidelines will no longer apply. This decision was made in an effort to guarantee Taiwan's freedom from communist China and its people's right to democratically choose their own future.

Since peace in the Taiwan Strait is critical to all nations in the region and military confrontation must be avoided, I urge China to suspend its jingoistic rhetoric towards Taiwan, rescind the Anti-Secession Law enacted last spring, and dismantle the hundreds of missiles targeted at Taiwan.

Furthermore, on the first anniversary of the passage of China's Anti-Secession Law and the tenth anniversary of The Taiwan Strait Missile Crisis, it is time for a meaningful dialogue between the communist Chinese leaders and the democratically elected leadership in Taiwan in order to find a peaceful resolution to their differences.

TRIBUTE TO SUSAN BAILEY-SCOTT, CARE AWARD RECIPIENT

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mrs. DRAKE. Mr. Speaker, I rise today to honor Susan Bailey-Scott of Virginia Beach, Virginia, upon receiving the Commonwealth Academy Recognition for Educators (CARE) Award.

The CARE award honors outstanding educators who work to enhance the lives of their students. This year's honorees are recognized for their unrelenting work to enhance the lives of the students they serve. It is presented by Commonwealth Academy, located in Alexandria, Virginia, and honors those committed to diverse learning throughout the nation. Susan Bailey-Scott, a middle school math teacher at Ruffner Academy in Norfolk, Virginia, is honored for her work in promoting diverse learners in the spirit of the No Child Left Behind Act.

Ms. Bailey-Scott has been teaching for nine years, including two years in Japan. She received her B.A. in Business Administration from James Madison University and her master's in Education from Old Dominion University. Ms. Bailey-Scott also has completed some post-graduate work at Old Dominion and William and Mary.

Ms. Bailey-Scott is the Math Department Chair at Ruffner, and she is very active in teacher training. She has been a cooperating teacher with both Norfolk State University and Old Dominion University teacher candidates and has been a presenter at numerous education conferences.

Ms. Bailey-Scott has won a variety of awards for teaching, including Who's Who Among America's Teachers and Norfolk Public Schools District Teacher of the Year.

I ask my colleagues to join me in applauding Susan Bailey-Scott and congratulating her on this distinguished achievement.

100TH ANNIVERSARY OF THE WEBSTER VOLUNTEER FIRE DEPARTMENT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. WALSH. Mr. Speaker, I rise today in recognition of the 100th Anniversary of the founding of the Webster Volunteer Fire Department. Fifteen courageous citizens formed this outstanding and brave fire department on March 23, 1906. Since it's inception, the department has had over 850 faithful volunteers that have protected the communities of East Webster, Village of Webster, and North East Penfield.

Today, the Webster Volunteer Fire Department has a membership of 140 brave firefighters who on average respond to 1200 calls per year. These calls for aid range from fires, accidents, emergency medical care and service calls; all showing the departments ability to assist the varying needs of the communities they proudly serve. In addition to their heroic tasks, the department also provides fire prevention programs, CPR and first aid training for all citizens. The Webster Fire Department also works closely with various neighborhood groups such as local Boy Scout troops, Girl Scout troops, and various other groups.

In honoring their 100th anniversary, the Webster Fire Department will begin its celebration with a Founders Banquet, followed by a gigantic Carnival and Parade for the entire community.

I stand here today proud of the services these brave men and women provide our area. Their strong tradition of service and bravery has kept our citizens safe over the past century. I personally thank the Webster Volunteer Fire Department and thank them for their past service as well as the next 100 years that lie ahead.

HONORING THE LIFE AND CAREER OF JACK B. McCONNELL, MD

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. WILSON of South Carolina. Mr. Speaker, the American Medical Association has established a new honor, the Jack B. McConnell, MD, Award for Excellence in Volunteerism, which recognizes the work of a senior physician who provides treatment to U. S. patients who lack access to health care. After a full career of practice, this physician remains dedicated to the future of medicine through the spirit of volunteerism.

Jack B. McConnell, MD, is a distinguished physician and scientist who served as Corporate Director of Advanced Technology at Johnson & Johnson. Widely acknowledged for his medical contributions, he directed the development of the TB Tine Test used in the detection of tuberculosis, participated in the early stages of the development of the Polio Vaccine, supervised the discovery of Tylenol, was instrumental in developing the technology for MRI's and helped write the enabling legislation to map the genome.

Dr. McConnell saved his greatest achievement for retirement: the creation of Volunteers in Medicine. His visionary concept—using retired medical personnel to volunteer their time and talents in a network of free community clinics for the working uninsured—coupled with his enthusiasm and determination has enabled the VIM program to grow to over 40 clinics in less than a decade. The initial VIM clinic was opened on Hilton Head Island, South Carolina, and continues to serve with over 20,000 patient visits in 2005.

Today, I am honored to recognize the tremendous life and career of Dr. McConnell. His service has benefited so many citizens throughout the Second District of South Carolina.

INTRODUCTION OF THE FEDERAL JUDICIAL FAIRNESS ACT OF 2006

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to introduce the "Federal Judicial Fairness Act of 2006"—bipartisan legislation to correct the current inequity in our compensation system for federal judges. I am pleased that Representative JUDY BIGGERT has joined me in this effort, as we both serve as Co-Chairs of the Congressional Caucus on the Judicial Branch.

Mr. Speaker, the federal judiciary is an integral part of our democracy, providing an important check to the other branches and protecting the rights of the American people. However, if certain steps are not taken, we risk compromising the quality of our judiciary. The salary of federal judges has decreased by almost 40 percent since 1969 compared with the private sector. Consequently, judges have been leaving the federal bench in increasing numbers, many before reaching retirement age, and a large proportion leaving to work for private law firms.

Members of Congress, for a variety of reasons, have determined that it would not be appropriate to give themselves pay raises on an annual basis. Since judicial salary increases for justices and judges are linked with the salaries of Members of Congress, federal judges have also been denied a cost-of-living adjustment in the 5 of the last 13 years that Congress voted to deny themselves one.

Several reports over the last few years have specifically recommended that salary adjustments for Members and judicial officials be determined separately. In 2003, a report by the National Commission on the Public Service (the Volcker Commission), cited "the compelling need to recruit and retain the best people possible" to serve on the federal judiciary and urged Congress to move on "an immediate and substantial increase in judicial salaries," since "the lag in judicial salaries has gone on too long, and the potential for the diminished quality in American jurisprudence is now too large."

The late Chief Justice of the Supreme Court, William Rehnquist, also frequently stated that inadequate compensation seriously compromises the judicial independence fostered by life tenure and risks affecting judicial performance. His views were recently echoed by new Chief Justice Roberts in his Year-End Report where he stated the following:

"There will always be a substantial difference in pay between successful government and private sector lawyers. But if that difference remains too large—as it is today—the judiciary will over time cease to be made up of a diverse group of the Nation's very best lawyers. Instead, it will come to be staffed by a combination of the independently wealthy and those following a career path before becoming a judge different from the practicing bar at large. Such a development would dramatically alter the nature of the federal judiciary."

The "Federal Judicial Fairness Act of 2006" will address this issue and restore equity. Specifically, the bill provides for the following:

1. Termination of Linkage to Congressional Pay—the bill terminates the linkage of congressional pay increase to judicial pay increases, so that Congress's decision to deny itself pay raises will not also place that burden on Federal judges.

2. Partial Catch-Up Increase in Judicial Compensation—the bill increases the salaries of all Federal judges by 16.5 percent, to partially make up for the decline in real pay for judges over the last three decades. In 2003, both President Bush and the late Chief Justice Rehnquist agreed that a pay adjustment of at least 16.5 percent was needed.

3. Annual Cost-of-Living Adjustments—the bill would provide Federal judges with annual cost-of-living adjustments based on the Employee Cost Index, the index already used by the Federal Government to keep Federal salaries in line with inflation.

This important legislation has been introduced in the Senate by Senators FEINSTEIN, LEAHY, and KERRY. Mr. Speaker, if Congress does not provide reasonable compensation adjustments nor address the growing pay disparity between judges and other members of the legal profession, the quality of our judiciary will be compromised.

RECOGNIZING THE OUTSTANDING SERVICE OF GENERAL WAYNE DOWNING (RET.) BEING THE RECIPIENT OF THE GENERAL ALEXANDER M. HAIG "GUARDIAN OF LIBERTY AWARD" BY THE WEST POINT SOCIETY

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, on March 18th, the West Point Society recognized the outstanding service of General Wayne Downing (Ret.) by awarding him the General Alexander M. Haig "Guardian of Liberty Award;" an honor that is presented to select individuals who exemplify West Point's motto of "Duty, Honor, and Country." I want to take a moment and recognize General Downing's contribution to the United States Army as well as the security of our nation.

General Wayne A. Downing, U.S. Army (Retired) is a graduate of the U.S. Military Academy at West Point where he earned a Bachelors of Science degree in 1962. General Downing also holds an M.B.A. from Tulane University. A highly decorated combat veteran, General Downing served in a variety of command assignments in the infantry, armor, special operations, and joint units, culminating in his appointment as the Commander-in-Chief of the U.S. Special Operations Command. He saw combat during two tours in Vietnam and later as a general officer, Downing commanded the special operations of all services during the 1989 invasion of Panama and commanded a joint special operations task force operating deep behind the Iraqi lines during Operation Desert Storm.

After 34 years of service to the United States, General Downing continued to serve his nation after his retirement from the Army. He was appointed by the President to assess the 1996 terrorist attack on the U.S. base at Khobar Towers in Saudi Arabia. From 1999–2000, General Downing served as member of the Congressionally mandated National Commission on Terrorism, known as the Bremer Commission. And most recently, he served the White House as National Director and Deputy National Security Advisor for Combating Terrorism.

There is no question that General Downing's service to the United States is a tribute to patriotism and dedication to service. I now want to read into the RECORD a letter written by the superintendent of General Downing's alma mater, West Point in recognition of his being awarded the "Guardian of Liberty Award." The letter, from Lt. General William Lennox reads:

> DEAR GENERAL DOWNING: Congratulations on receiving the General Alexander M. Haig, Jr., Guardian of Liberty Award. All of us at the United States Military Academy are proud of your many achievements. Your career of distinguished service is a tribute to your professionalism as an officer and leader of character to the nation. Your accomplishments, past and present, are exceptionally well known. Your receipt of this award is yet another confirmation by the West Point Society of Philadelphia and the Long Gray Line that you have been an outstanding role model for us all. For you, the words from our Alma Mater ring true, "May it be said, well done!" The Corps of cadets, staff and faculty and the entire West Point community wish you the very best in the years ahead.
>
> Sincerely,
>
> WILLIAM J. LENNOX, Jr.
> *Lieutenant General, U.S. Army*
> *Superintendent.*

Congratulations, General Downing.

RECOGNIZING MR. MARCO ANTONIO FIREBAUGH

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Ms. SOLIS. Mr. Speaker, I rise today to recognize and celebrate the life of Marco Antonio Firebaugh. Marco Antonio Firebaugh was a former California state Assemblyman and a tireless advocate for working families.

Mr. Firebaugh was an advocate for millions of Californians who have no voice in government. He represented the 50th Assembly District in southeast Los Angeles from 1998 to 2004 before leaving office due to term limits. Mr. Firebaugh was appointed Assembly Majority Floor Leader in 2002 and chaired the California Latino Legislative Caucus from 2002–

04. His achievements on behalf of the people of Los Angeles significantly improved their day-to-day quality of life.

Perhaps Mr. Firebaugh's most notable accomplishment was the passage of his legislation to allow students living in California to pay in-state tuition to California state colleges and universities regardless of their immigration status. During his time in the Assembly, Mr. Firebaugh's work also included a bill directing state air quality funding toward low-income communities heavily affected by pollution. At the time of his death, Mr. Firebaugh was a candidate for the state Senate in the 30th District, in southeast Los Angeles County.

I want to extend my sincere condolences to the family and friends of Marco Antonio Firebaugh—a man who so passionately fought to improve the lives of those he was elected to serve. Mr. Firebaugh is survived by his two children, Tlalli Ariana and Nicolas Andres, his mother, Carmen Ramos Garcia, brothers Carlos and Jesse, and sisters Cecilia and Esmeralda.

TRIBUTE ON THE OCCASION OF THE 185TH ANNIVERSARY OF GREEK INDEPENDENCE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. MCNULTY. Mr. Speaker, the American people join with the people of Greece in celebrating the 185th Anniversary of the revolution that freed the Greek people from the Ottoman Empire.

The bedrock of our close relationship with Greece is our mutual devotion to freedom and democracy and our unshakable determination to fight, if need be, to protect these rights.

Greek philosophers and political leaders—Cleisthenes and Pericles and their successors—had great influence upon America's Founding Fathers in their creation of these United States.

We, as a nation, owe a great debt to Greece. Greece is the birthplace of democracy, as we know it.

Thomas Jefferson said, "To the ancient Greeks, we are all indebted for the light which led ourselves (American colonists) out of Gothic darkness."

The terrorist attacks of September 11, 2001 were an attack on democracy and freedom—not just against our people, but also against all freedom-loving people everywhere in the world. The Greek people understand this.

I congratulate the people of Greece and wish them a Happy National Birthday.

PAYING TRIBUTE TO DR. HERMAN ASH

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to a great man, a great American, and a great friend of mine, Dr. Herman Ash, who passed away in Saugerties, New York at the age of 96 earlier this month. I have had the pleasure of knowing Dr. Ash for most of my life, since he treated me for a football injury in high school.

After fleeing Germany in 1937, Dr. Ash and his wife, also a doctor, settled in Saugerties and opened a medical practice. What many will remember most about Dr. Herman Ash, in addition to his medical practice, was his love of music. Dr. Ash was an accomplished pianist and violinist and enriched the small town of Saugerties with music that he played, composed, and taught. In addition to his own musical talents, he brought the Saugerties Pro Musica to town in 1995. This organization continues to host regular performances each year.

Not only was Dr. Ash's service to his community commendable, he was a true American. Endeared to the country that gave him refuge in 1937, Dr. Ash joined the U.S. Army and served as a captain in the European Theater of Operations during World War II. He was also a member of the Lamouree-Hackett Post #72 American Legion for over 60 years, most of which he served as the Post's medical officer.

Dr. Herman Ash's commitment to service to his community is something to be celebrated. Over his lifetime he tutored young musicians in Saugerties, was a literacy volunteer, taught English as a Second Language classes, volunteered for the Heart Association, the Leukemia & Lymphoma Society and the Juvenile Diabetes Association, a cause near and dear to my own heart.

Words cannot express the gratitude and appreciation felt by those whose lives, including my own, Dr. Ash touched. The world would be a much better place if everyone gave back to others just a fraction of what Dr. Ash gave throughout his life. My thoughts and prayers remain with the family and friends of this great man.

TRIBUTE TO REVEREND WILBERT LEO DANIELS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to honor the late Reverend Wilbert Leo Daniels and his brother the late Reverend Cooper Darryl Daniels for their dedication and service to the elderly and non-elderly disabled citizens of our community.

During his tenure as pastor of the Greater Jerusalem Baptist Church, Reverend W. Leo Daniels secured the funding from the Department of Housing and Urban Development to begin development of an eight story housing facility in Northeast Houston. His dream of constructing a home for the elderly and handicapped was realized after his death under the guidance of his brother, Reverend Cooper Darryl Daniels.

The W. Leo Daniels Towers were dedicated in 1979 and have maintained nearly full occupancy for 27 years. The Towers, located at 8826 Harrell, Houston Texas consist of 100 units and serve to assist residents in their daily independent lifestyles. The residents are offered a variety of services including a beauty shop, a washateria and a cafeteria with a central dining room that accommodates 299 persons. The Towers also offer a remedial education class that is supported through the Houston Community College.

The W. Leo Daniels Towers has become a powerful influence among the residents and the Northeast Houston Community alike. In 2002, a computer literacy lab with bi-weekly classes was opened for all the residents and Northeast Community population to attend. The Towers have also collaborated with the Houston Food Bank and with the United Way of Houston Gifts to provide access to food, furniture, office supplies and clothing for its residents.

The solidarity of the Greater Jerusalem Baptist Church membership and the united efforts of all concerned have made the dream of Reverend W. Leo Daniels a reality. The Towers have helped fill the need of so many in the Northeast Houston Community, and I ask that we all honor this great achievement and pay tribute to those that are responsible for its success.

RECOGNIZING ACADEMY NOMINEES FOR 2005 FROM THE 8TH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, since 1830, Members of Congress have had the great honor and privilege of nominating outstanding young men and women to our military academies. Each year, I have the opportunity to meet students who have excelled in both their academic fields as well as their extracurricular activities. Each of these fine young men and women would excel at our finest private and public universities; however, they all share a singular distinction that separates them from their peers—they all share a deep commitment to their communities and their nation and so, they seek nomination to our prestigious military academies.

This year the nominating board interviewed over 60 superb applicants from the 8th District of Pennsylvania to our service academies and I want to take time to recognize each one of them by name. I think it is also proper to acknowledge the board members who had the arduous job of interviewing so many exceedingly qualified students that the 8th District has to offer. I congratulate these students on their commitment and dedication. They all make our nation and our world a better place.

ACADEMY NOMINEES FOR 2005 FROM THE 8TH CONGRESSIONAL DISTRICT OF PENNSYLVANIA:

United States Military Academy: Rocco C. Boccuti of Doylestown, Bronne Joseph Bruzgo, Jr. of Yardley, Evan Alexander Cumming of Yardley, Andrew Curtis Detwiler of Souderton, Thomas R. Dunn of Chalfont, David Edison Geib of Telford, William Paul Herbert of Dresher, Andrew Kim of Dresher, Charles Kenneth Ridge, Jr. of Langhorne, Alexander C. Shelby of Morrisville, and William Warren Zuber, Jr. of Newtown.

United States Naval Academy: Eamon Emmett Coleman of Yardley, Carli Ann Dimino of New Hope, William Edwin Doar of Langhorne, Thomas Michael Kane of Doylestown, Rachael Elizabeth Koehler of Perkasie, Van Gordon Lawson of Doylestown, Aaron Christopher Marchant of Doylestown, Stephen William Ullrich, Jr. of Southampton, Andrew Ventresca of Chalfont, and William Warren Zuber, Jr. of Newtown.

United States Air Force Academy: Kathryn Leigh Aden of Newtown, Bronne Joseph Bruzgo, Jr. of Yardley, Evan Alexander Cumming of Yardley, Andrew Curtis Detwiler of Souderton, Jason Robert Hallenbeck of Upper Black Eddy, Jacob Cody Hunt of Morrisville, Andrew Kim of Dresher, Daniel Andrew Lusardi of Holland, and Philip Michael Smith of Doylestown.

United States Merchant Marine Academy: Jacqueline Elizabeth Bors of Willow Grove, Bronne Joseph Bruzgo, Jr. of Yardley, Evan Alexander Cumming of Yardley, John Anderson Geating of Roslyn, Stefan Nordtveit of Newtown, Haley Rae Wallace of Doylestown, and William Warren Zuber, Jr. of Newtown.

USMA Board Members: Mr. Joseph R. Barkley '65, Mr. Scott Belveal '92, Mr. Dan Caraccio '84, LTC Willis C. Collett Jr. '58, Ms. Elizabeth W. Fineburg, Mr. Alex Gorsky '82, Mr. Frederick R. Gudknecht, Mr. Paul Pryor. USMA-MALO: Mr. Kevin J. Wallace '84, Mr. Robert J. Welch '84.

USNA Board Members: Adm. Steven Chadwick, USN, Mr. James J. Gormley, Jr., Mrs. Barbara Z. Kolbe, Col. Tom Manion, USMC, Dr. Jonathan W. McCullough, Captain Dave Stacy, USN, Mrs. Suzanne M. Twiggs, Captain R. A. "Skip" Wiegand, USN, (Ret.).

USAFA Board Members: Col. Harris H. Brooks, USAFR, Mr. Bob Campbell, Lt. Col. Janice B. Cope, USAFR (Ret.), Lt. Col. Sue DeGiovanni, USAFR, Lt. Col. Vincent DeGiovanni, USAFR, Maj. Wayne Fowler, USAFR, Mr. Raymond Fresella, Mr. Eugene Schaefer, Jr.

HAND-IN-HAND

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Hand-in-Hand, an organization that seeks to break down barriers by uniting the entire Saint Joseph's University community, area volunteers, and the disabled communities of the tri-state region. Saint Joseph's University was founded by the Society of Jesus in 1851 and is home to 3,450 full-time undergraduates and 2,900 graduate and nontraditional students. The University's strong liberal arts tradition is marked by rigorous and open-minded inquiry, high academic standards, and the development of the whole person.

Hand-in-Hand was founded by George Carasiti, a Saint Joseph's of 1978 graduate. Hand-in-Hand brings to campus approximately 450 area people with mental and physical handicaps and 750 local high school students who have volunteered to be their buddies for the day. The high school students also pair with Saint Joseph's students from various campus organizations, sports teams, and fraternities and sororities who in turn, run game booths, play music, and serve as mascots and buddies for their annual event.

Hand-in-Hand earned a 1988 Presidential Citation from the White House Office of Private Sector Initiatives for "outstanding contributions to the American spirit of volunteerism and community action." Also honored by the Montgomery County Association for Retarded Citizens and the Elwyn Institute, Hand-in-Hand is the model for similar festivals at 10 other colleges and universities, including the University of Scranton, Johns Hopkins University, and Georgetown University. Additionally Saint Joseph's Office of Student Leadership and Activities named Hand-in-Hand the best student organization in 2000 and again in 2004.

Mr. Speaker, I ask that my colleagues join me today in honoring Hand-in-Hand for their efforts to change the mindsets, open hearts, enrich lives, and break down the barriers of fears and ignorance that have isolated people with disabilities from the rest of American society.

RECOGNIZING PECO INC.'S DESIGNATION AS BOEING'S "SUPPLIER OF THE YEAR"

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. BLUMENAUER. Mr. Speaker, I am pleased to recognize the accomplishments of PECO Inc., a company that operates in Oregon's 3rd Congressional District and has been in business for nearly 70 years.

PECO Inc. has received Boeing's "Supplier of the Year" honor for the Interiors category. This distinguished award highlights the value of efficient, professional companies with long histories in this region.

PECO Inc. employs more than 200 people, and has previously won the Boeing President's Award in 1988 and the Outstanding Performance Award in 1994, as well as similar awards from IBM, Raytheon, Control Data, Varian, and Storage Technology. The employees at PECO Inc., have earned a high honor for the region.

HONORING UNITED STATES COAST GUARD COMMANDER NEIL L. NICKERSON

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to honor United States Coast Guard Commander Neil Nickerson and to commemorate his illustrious career of dedicated service to our nation.

Commander Nickerson graduated from the Coast Guard Officer Candidate School in March 1984. Since then, he has served a wide range of tours taking him from the Atlantic, to the Pacific, through the Panama Canal, across the Equator and into the Arctic Circle.

During his first tour in Miami Beach, Florida, Commander Nickerson assisted with search, rescue and recovery for the tragic Space Shuttle Challenger explosion. He then served in Guam and Alameda, California, where he began law enforcement missions ranging from drug interdiction to fishery regulation. Several years later, Commander Nickerson began service as Coast Guard Liaison Officer to the San Diego, California Navy Fleet Training Group. From there, he became Commanding Officer of USCGC *Liberty* in Alaska.

Over the course of these tours, Commander Nickerson distinguished himself as an outstanding officer, earning the respect of his peers and superiors alike. Based on these merits, in 1995 he was one of the elite few selected to attend post-graduate education at the Naval War College. Upon completion of this rigorous coursework, he began service in the Budget Office of Coast Guard Headquarters in Washington, DC.

Soon thereafter, Commander Nickerson assumed the position of Executive Officer of the USCGC *Alex Haley* in Alaska. During his tenure, he oversaw the complete refurbishing of the former US Navy ship. Commander Nickerson then led the USCGC *Alex Haley* on its maiden voyage from the Naval shipyard in Philadelphia through the Panama Canal and up to Kodiak, Alaska. Following this tour, Commander Nickerson began service as Executive Officer of the USCGC *Jarvis* in Honolulu, Hawaii, where he continues to serve today.

This year, Commander Nickerson will retire from 22 years of service to the US Coast Guard. Throughout his accomplished career, Commander Nickerson has kept with the highest traditions of the US Coast Guard and serves as an inspiration to us all. In recognition of his exceptional performance of duty, Commander Nickerson has been awarded six Coast Guard Commendation Medals with Operational Distinguishing Device on all. On the occasion of his retirement, the US Coast Guard also will be awarding him the Meritorious Service Medal. This prestigious honor recognizes officers that have demonstrated expert knowledge, effective management and outstanding leadership.

I ask that my colleagues join me in commending this dedicated public servant and in congratulating him on a well-deserved retirement.

HONORING NORTON PARKER CHIPMAN AT THE UNIVERSITY OF CINCINNATI COLLEGE OF LAW

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. CHABOT. Mr. Speaker, today I rise to honor Norton Parker Chipman, an esteemed graduate of the Cincinnati Law School. On April 4, 2006, his memory will be honored as the newly ordained namesake for the Norton Parker Chipman Federalist Society for Law and Public Policy Studies located at the University of Cincinnati College of Law.

Norton Parker Chipman led a distinguished life, including time spent as a United States Congressman, author, first presiding justice of California's Third District Court of Appeal, and perhaps, most notably, a Civil War hero. Seriously injured and reported as dead at Fort Donelson in 1862, Chipman's bravery and resolve was rewarded with an assignment to President Abraham Lincoln's staff at Gettysburg. As judge advocate, Chipman's successful prosecution of Captain Henry Wirz, commander of the Confederacy's infamous Andersonville war prison camp, earned him a spot on the platform at Gettysburg next to his close friend President Lincoln while the President delivered his famous Gettysburg Address.

Among several of his accolades, Chipman also was a co-founder of the Grand Army of the Republic and authored the order creating Memorial Day. He was appointed as the first presiding justice of California's Third District Court of Appeal in 1905 and served honorably until his retirement in 1921. To this date, Chipman remains the longest serving presiding justice of the court.

It gives me great pleasure to recognize Norton Parker Chipman for his contributions to our country, and I am pleased that his legacy is being commemorated at the University of Cincinnati College of Law.

TRIBUTE TO MR. M. BRIAN MAHER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention to the life and work of an outstanding individual whom I feel fortunate to call my friend, Mr. M. Brian Maher. He was honored on Tuesday, March 7, 2006, at the 13th Annual Archbishop's Business and Labor Recognition ceremony, under the auspices of the Newark (NJ) Archdiocese.

Mr. Maher is Chairman and Chief Executive Officer of Maher Terminals, Inc., a major marine terminal in the Port of New York/New Jersey, as well as a supplier of state-of-the-art marine terminal computer services and software. Mr. Maher, who has been in the business for 35 years, carries on in the tradition of his revered father, who founded Maher Terminals after serving in World War II.

A graduate of the Ohio State University and a lifetime resident of New Jersey, Mr. Maher is currently a member of the board of trustees of NJN Foundation, and of St. Peter's College. He serves as director of the New York Shipping Association and as director and officer of the United States Maritime Alliance, Ltd.

Mr. Maher has been chosen to receive numerous service awards, including the Ninth Annual Labor Award, from New Jersey's State AFL–CIO, "Person of the Year 2001" from New York/New Jersey Foreign Freight Forwarders and Brokers Association, Inc., the International Maritime Hall of Fame Lookout Award, the Admiral of the Ocean Sea Award for distinguished service to American ships and American seafarers, and the Bi-State Harbor Carriers Conference of NJMTA award for being the individual who has contributed most towards bolstering the image of the Port Community.

Additionally, Mr. Maher is past chairman of the New Jersey State Chamber of Commerce, past member of the Board of Overseers, New Jersey Institute of Technology, and past vice-chair of St. Peter's College Board of Trustees. Mr. Maher is a past member of the board of directors of the Regional Business Partnership, the Regional Plan Association and the Union County Alliance. He served as president and member of the Board of Directors of the National Association of Waterfront Employers and is a past director of the National Maritime Safety Association. Originally, appointed by Governor Christine Todd Whitman, Mr. Maher served on the Dredged Materials Management Team, formed to ensure the viability of the Port of New York/New Jersey, and to protect the environment. He also served on the Dredging Project Facilitation Task Force.

Brian remains happily married to Sandra, with whom he has two children, Amanda and Michael. Throughout his life, his generosity to charitable causes, and Catholic schools in particular has been admirable. It gives me great pleasure to honor such an upstanding individual.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the efforts of fine citizens like Mr. M. Brian Maher. I ask that you join residents of New Jersey, the employees of Maher Terminals, Inc., Mr. Maher's family and friends and me, in recognizing M. Brian Maher for his years of outstanding service to the citizens of our Great State of New Jersey.

HONORING SALME HARJU STEINBERG

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to honor Salme Harju Steinberg, President of Northeastern Illinois University. President Steinberg recently announced that she will retire from the University in 2007, ending over thirty years of distinguished service to the university.

President Steinberg began at Northeastern Illinois University as a professor of history in 1975. She went on to serve as both Department Chair and Administrator. For the past eleven years, she served as President of NEIU.

Under President Steinberg's leadership, NEIU experienced an increase in enrollment and marked improvements in the academic and cultural opportunities available to its students. President Steinberg's intelligent stewardship and forward thinking have resulted in increased funding for academic programs and improved financial assistance for students.

President Steinberg has also demonstrated a commitment to assist first generation college students. Today, Northeastern University can boast a minority enrollment of over 60 percent, with as many as forty-seven languages spoken across the campus.

In addition to the breadth of diversity President Steinberg has worked to introduce, she also developed heritage programming to deepen the cultural education and appreciation of NEIU students, including an innovative study abroad program.

Mr. Speaker, President Salme Harju Steinberg's many contributions to Northeastern Illinois University will always be remembered, and her dedication will continue to benefit NEIU students long after her retirement. I wish her the best in all of her future endeavors.

CELEBRATING LTC HARRY GAUNT AS VETERAN OF THE YEAR 2006

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to celebrate the announcement of the Joint Veterans Committee of Maryland's Veteran of the Year 2006. The Joint Veterans Committee of Maryland is an active organization that focuses on military veteran legislation on the local, State and Federal level. Recently, they elected LTC Harry Gaunt, United States Army, retired, for this prestigious award because of the contributions he has made to this great Nation.

Lieutenant Colonel Gaunt was active for 22 years in the Armed Forces, serving in WWII, as well as the Korea and Vietnam wars. Because of his tremendous determination, steadfastness, and perseverance, he received the Army Commendation Medal; Good Conduct Medal with Cluster; American Defense Service Medal; American Campaign Medal; Asiatic Pacific Medal; World War II Victory Medal; Army Occupation Medal; National Defense Service Medal; Korean Service Medal; Armed Forces Expeditionary Medal; Republic of Vietnam Service Medal; Philippine Liberation Medal; and two Presidential Unit Citations.

Even after retirement, Lieutenant Colonel Gaunt remained active in military life through veterans' organizations. Among these organizations he took active leadership roles confirming his dedication to the United States Armed Forces. Through the Wells McComas Post 2678 VFW, Gaunt completed two terms as All State post commander and also the VFW District 14 commander. He served as the chairman of the Buddy Poppy Contest for the Department of Maryland Veterans of Foreign Wars, chairman of the Citizenship, Education and Community Activities Committee, and chairman of the Department of Veterans Service Committee. Most recently, he continued his leadership role as a delegate of the Joint Veterans Committee of Maryland.

Mr. Speaker, I ask that you join with me in celebrating the outstanding commitment Lieutenant Colonel Gaunt has made to the United States of America. Lieutenant Gaunt used his leadership skills and the vast knowledge gained from active duty to continue serving his county. LTC Harry Gaunt is truly deserving of our thanks and appreciation for the contributions he has made throughout his career.

RECOGNIZING THE RETIREMENT OF MAYOR JOHN THOMAS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to recognize the retirement of John Thomas from the office of mayor of the city of Mary Esther, FL.

Throughout his entire career, John has been unquestionably devoted to serving his country. In 1952, he joined the United States Air Force and began a career that would extend over 40 years. Through Air Force bases across the Nation and around the world, he was in charge of coordinating essential services for our soldiers, especially in the area of transportation. As the chief of services for a United States Air Force Base in Spain from 1989 to 1994, John aided his country in time of war as his base provided support to Operation Desert Storm 24 hours a day, seven days a week.

After retiring from the Air Force in 1994, John and his wife returned to the United States and decided to take up residence in Mary Esther, a city in my district in Northwest Florida. Never tiring, John became involved with the City Council within 2 years, and shortly thereafter took over a vacated seat on the council. After an unsuccessful run for mayor of Mary Esther, John persisted and was elected to the mayor's office in 2000.

For three terms, John Thomas served as the mayor of Mary Esther. He dedicated his energy, as he had before, toward making his city the best place to live. John is well-known for the efforts he put forth toward that goal. From 2003 to 2004, he also served as president of the Northwest Florida League of Cities, where he shared his insights with others and looked at ways he could better aid and lead the city of Mary Esther.

Mr. Speaker, on behalf of the United States Congress, I commend Mayor John Thomas for his excellent leadership in Northwest Florida and for his selfless service to our Nation. The city of Mary Esther has benefited greatly from his service, and I wish him well in his retirement.

TRIBUTE TO MR. DON DILEO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the life and work of an outstanding individual whom I feel fortunate to call my friend, Mr. Don DiLeo. He was honored on Tuesday, March 7, 2006, by the Archdiocese of Newark, NJ, at the 13th Annual Archbishop's Business and Labor Recognition ceremony.

Don DiLeo is president of Teamsters Local Union Number 408, which represents members in the building materials, heavy highway and construction industries. He was appointed as a business agent in 1969 and has served as president of the Local Union since 1980. In 1984, Don was appointed to the Executive Board of Teamsters Joint Council Number 73, which represents 60,000 members affiliated with 20 local unions in the State of New Jersey. Over the course of his tenure, he has served as both president and chairman of the Joint Council Number 73 Pension Fund, chairman of the North Jersey Construction Negotiations Committee for Teamsters, and contributing member of the New Jersey State Board of Mediation.

In 2005, the New Jersey Industrial Union Council honored Mr. DiLeo for a lifetime of distinguished service and significant contributions to the trade union movement. The following year, he was named as a vice president to the New Jersey State Building Constructions Trades Council.

Under Mr. DiLeo's leadership, New Jersey Teamsters have become very active in many charities. He began an annual golf tournament to raise money for the Joint Council Number 73 Scholarship Fund, which awards grants to the children of council members for their college education. He formed the Joint Council Number 73 Food Bank Corporation, which provides food for striking or locked out union members. The Joint Council also works closely with the Community Food Bank of New Jersey on its Thanksgiving Turkey Drive and other projects. Additionally, in 2004, the council was awarded the Community Food Bank Distinguished Partner Award. Also, the Joint Council participates in the Ocean County Saint Patrick's Day Parade and annually donates a beach wheelchair to a shore town that contributes to the noteworthy event. The Joint Council sponsors the Australian Challenge "Trip of a Lifetime" group. Over the past 12 years, Challenge has arranged overseas trips to the United States for children who are seriously ill. The Joint Council and its affiliated locals have provided accommodations and transportation for the children to events, while they are visiting the metropolitan area. In addition, the Joint Council and its locals have remained prime supporters of Camp Fatima, advancing the interests of handicapped children.

Don remains happily married to Jacqueline, his wife, with whom he has four children, Joseph, Donald, Jessica and Ralph. He is the proud grandfather of two.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the efforts of committed citizens like Mr. Don DiLeo. I ask that you join residents of the Eighth Congressional District, the Borough of Flemington, members of the Teamsters Local Union Number 408, Mr. DiLeo's family and friends and me, in recognizing Don DiLeo for his years of distinguished service in representing the trade union movement.

HONORING THE LIFE AND LEGACY OF RAY MEYER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. EMANUEL. Mr. Speaker, I rise today with sadness to offer my condolences to the family and friends of Ray Meyer, who passed away recently at the age of 92. Ray Meyer was a loving husband and father, as well as the face of college basketball in Chicago since 1942.

Best known as the legendary head coach of the DePaul University Blue Demons basketball team from 1942 until his retirement in 1984, Coach Meyer's success while roaming the sidelines rates him among the greatest coaches college basketball has ever seen.

Meyer led the Blue Demons to 37 winning seasons and 724 overall victories, and his teams played in postseason tournaments 21 times. He mentored legendary players like George Mikan, Mark Aguirre and Terry Cummings. The entire country was captivated by Coach Meyer's team and his personality as the Blue Demons made a historic run to the Final Four in 1979. He subsequently led a series of number one ranked teams in the early 1980s and was enshrined in basketball's Hall of Fame before he even finished his coaching career.

Although these feats are impressive, he made an even bigger impact on the hearts and minds of his players, colleagues and fans. His grin and compassionate personality were among his most memorable traits. He taught his players important lessons about life as well as basketball.

In addition to being a dedicated coach, Ray Meyer was also a loving family man. His late wife had such a large impact on his life and DePaul University that the Blue Demons now play on Ray & Marge Meyer Court. His sons Tom and Bob played under his tutelage, and he groomed his son Joey to be his successor in 1984, where he would remain head coach until 1997. In the 55 years from Ray Meyer's first game as coach through the last Blue Demons game with Joey Meyer at the helm, Ray Meyer attended each of the 1,467 games they played.

Mr. Speaker, Coach Meyer left an indelible mark on everyone he touched. His oversized personality captivated generations of Chicagoans. The DePaul community, the city of Chicago, and all of basketball will always remember him.

RECOGNIZING PETTY OFFICER TERESA PADILLA AS THE BALTIMORE AREA COAST GUARD PERSON YEAR 2006

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. RUPPERSBERGER. Mr. Speaker, it is with great honor that I rise before you today to recognize Petty Officer Teresa Padilla as the Baltimore Area Coast Guard Person of the Year 2006.

Petty Officer Padilla is well known among her peers as being highly dedicated and loyal to her post. Recently, she took on many more roles within the United States Coast Guard due to a shortage of staff. Under her leadership, the Outpatient Department of the Coast Guard was handled exceptionally well. She also supervised five corpsmen, assisted in the treating of 5,236 patients, assumed responsibility of the Leading Petty Officer, as well as excelled in her position as the Clinic's Supply Petty Officer.

Petty Officer Padilla has done exceptional work in the Baltimore Area Coast Guard. She accepted each new challenge with poise and dignity. According to her superiors, her positive outlook was infectious. The individuals under her management also kept an optimistic attitude in their daily routines. Petty Officer Padilla thrived in the new responsibilities she received.

Along with her work in the Coast Guard Yard Clinic, Petty Officer Padilla took an active role in setting up Nate's Open Door Baby Pantry. This organization supplies families with a wide range of materials including car seats and baby bottles. Petty Officer Padilla not only donated her personal time to assist this organization, but she also donated clean used clothes from her own children to provide assistance to families in need. Being a member of the Yard Morale Committee, Petty Officer Padilla graciously volunteered to assist at the Yard Christmas Children's Party as one of Santa's helpers.

Mr. Speaker, I ask that you join with me today to recognize the outstanding devotion and faithfulness Petty Officer Teresa Padilla has shown to the United States Coast Guard. Her loyalty and commitment to this country and its citizens deserves our unwavering gratitude.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. MILLER of Florida. Mr. Chairman, I would like to offer a personal explanation of the reason I missed rollcall vote No. 56 on March 16, 2006. It was a Sabo amendment vote on H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006. I was detained and could not make it to the floor for this vote.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted rollcall vote No. 56, the amendment increasing spending by $1.225 billion, increasing Customs and Border Protection by $700 million, Coast Guard Operating Expenses by $125 million, FEMA Regional Operations by $300 million, and FEMA Preparedness funding by $100 million, "nay."

MEMORIALIZING THE TWELVE MEMBERS OF B'NAI B'RITH INTERNATIONAL WHO PERISHED IN A TRAGIC BUS ACCIDENT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. BURTON of Indiana. Mr. Speaker, a few days ago on March 22nd, 12 Americans—all from B'nai B'rith International—a Jewish organization committed to fighting human rights abuses—lost their lives in a tragic bus accident in the mountains of Chile. What should have been a relaxing day excursion for these 12 senior citizens to Chile's beautiful Lauca National Park instead became a horrible nightmare as their tour bus tumbled more than 300 feet down a cliff, killing all but four on board. The driver of the bus remains under investigation as Chilean authorities try to determine the exact cause of the wreck.

As Chairman of the House International Relations Subcommittee on the Western Hemisphere, I have visited Chile, and I know first hand its beautiful land and culture. I understand what drives Americans to visit this great country, and I am deeply saddened that this part of Chile will be forever marked by tragedy.

I know all the victims of this terrible tragedy will be sadly missed by all who knew and loved them. I respectfully ask my colleagues to join me in sending the deepest sympathies and heartfelt prayers to their families. May God bless them and help them get through this very difficult time.

TRIBUTE TO TOM LAURIN FOR EXCEPTIONAL PUBLIC SERVICE AS SAN BERNARDINO COUNTY COMMUNITY DEVELOPMENT DIRECTOR

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to a longtime public servant, Thomas R. Laurin, who has played a key role in improving the economy and quality of life for San Bernardino County over the past three decades as community development agency director.

Although Tom Laurin is not a native of San Bernardino, he moved there at a young age when his Air Force father came to Norton Air Force Base. He graduated from San Gorgonio High School (a rival of my alma mater, San Bernardino High) and received a bachelor's degree from California State University, San Bernardino.

After receiving his master's degree in Urban Geography at the University of Northern Colorado, Tom Laurin returned in 1977 to join the San Bernardino County Office of Community Development. He eventually became the Director of Community Development and Housing.

When Tom joined local government, San Bernardino County had 746,000 people and only two cities had more than 50,000 residents. Today, nearly 2 million people live in San Bernardino County, and 14 cities include a population of more than 50,000—four have more than 150,000.

As my colleagues know, this kind of explosive growth brings tremendous challenges to local government. Urban problems like crime, dilapidated housing, and a lack of local amenities have all been confronted by the Community Development Agency.

Under the leadership of director Laurin, I believe the agency has more than met those challenges, and made the county by far a better place to live even as it has been one of the fastest growing areas in the nation. He has helped the county utilize $188 million in federal grants, and secured $750 million in tax-exempt affordable housing loans.

I have had the pleasure of working closely with Tom on the county's Neighborhood Initiative Program, designed to improve entire neighborhoods of low-cost housing. Working with the Department of Housing and Urban Development and Fannie Mae, the county took a $15 million grant and rehabilitated neighborhoods in Redlands, Highland, San Bernardino and adjacent unincorporated areas.

More than 550 homes, many of them shuttered HUD foreclosures, were fixed up and are now owned by proud low- and moderate-income families. The program generated an additional $12 million, which was reinvested. It has won numerous national awards.

Tom Laurin created the county's first Enterprise Zone, which has helped hundreds of businesses and thousands of employees gain economic success. He created the county's Enterprise Funding Corporation, which after 20 years is still assisting local business. And he oversaw creation of innovative financing and development programs that helped create for-profit businesses to dispose of millions of trees that had been killed by bark beetles in the San Bernardino Mountains.

More than 20 of Tom's projects have received awards from state and national organizations, as well as HUD Best Practices awards. He has served on many state and national boards, and is a sought-after speaker on community development issues. For five years, he has been a CSU San Bernardino professor on urban issues.

Mr. Speaker, after nearly 30 years of top-level public service, Tom Laurin will retire as Community Development Director in April. I ask you and my colleagues to please join me in thanking him for his work on behalf of the people of San Bernardino County, and wishing him well on his future endeavors.

TRIBUTE TO KORYNE HORBAL, DEE LONG AND VIVIAN JENKINS NELSEN

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. SABO. Mr. Speaker, it is my honor to take part in the celebration of National Women's History Month by recognizing accomplished leaders from the State of Minnesota:

Koryne Horbal, Dee Long and Vivian Jenkins Nelsen.

Koryne Horbal has blazed a trail for gender equality in Minnesota and much beyond. Her many leadership posts have included Chairwoman of the Democrat-Farmer-Labor (DFL) party, founder of the DFL Feminist Caucus, Democratic National Committee (DNC) Member representing Minnesota where she started the DNC's Women's Caucus. She also served as the U.S. Representative to the United Nations Commission on the Status of Women. She served in the U.N. ambassadorial role for 4 years during the Carter Administration. During that time, she and Gloria Steinem became good friends and have since worked together on many projects.

Ms. Horbal has worked tirelessly on many issues, from women's rights to pay equity, from higher education to health care. She says there was one female Minnesota legislator when she began in politics and 17 when she stepped down as State Chairwoman. She led a study called Present but Powerless that examined the role of women in the DFL party and found women heavily involved but rarely in positions of power. While at the U.N., she was also partly responsible for the only treaty about women, the Convention on the Elimination of all forms of Discrimination Against Women. The U.S. is the only industrialized country to have not signed it, she adds.

Ms. Horbal, now a consultant at the Women's Resource Center at Augsburg College, says she first got involved advancing women's rights when she realized how much women were left out of the process.

"I became a feminist one year when the party was deciding about which potential candidates would run for election," Horbal says. "Women weren't included in this discussion. That's what woke me up."

Dee Long charted new territory when she assumed leadership positions historically held by men. To date, not only was Ms. Long the first female Speaker of the Minnesota House of Representatives, she remains its only. She was also the first woman to chair a tax committee in the Minnesota Legislature, and was the first woman to chair a joint Senate/House committee.

Over the years, Ms. Long has taken the lead on many issues. But the ones that remain closest to her heart include environmental and tax issues. She helped lead the development of Minnesota's version of the Superfund legislation, where the polluter pays for hazardous waste cleanup. She also played a leading role in developing the Minnesota Livable Communities Act, which focuses on smart growth development. Today, Ms. Long works as the Director of the Environmental Tax and Incentive Program at Minnesotans for an Energy Efficient Economy.

As new women politicians entered the Legislature, she advised them to not simply go to committee meetings. Know the issue backwards and forwards, and be a leader, she'd tell them. Being knowledgeable about the issues before you creates respect. She also encouraged women to get involved in issues that weren't historically women's issues, such as taxes, justice, and others.

"If you know the issues, you'll have the respect," she says.

Vivian Jenkins Nelsen also has a long list of firsts among her accomplishments. She is the co-founder of INTER–RACE, a diversity think tank located at Augsburg College. She was a Bush Leadership Fellow at Harvard University, and is a nationally recognized diversity practitioner, trainer and researcher. She was the first black woman graduate of Dana College in Nebraska. Further, she was the first black woman professor at Augsburg College, and first such administrator at the University of Minnesota. At the University of Minnesota, she served as Director of Human Relations Training as well as Director of Administration at the Hubert Humphrey Institute of Public Affairs.

Ms. Nelsen was always exposed to human and civil rights work growing up, and sees her work as an extension of her parents' efforts. "Then, they were trying to bring black people up. I am trying to help make corporate America and American policy ready and accepting of all people." Her father, a pastor in the Lutheran Church, worked for Dr. Martin Luther King, Jr. and helped to organize the protest march to Selma. Ms. Nelsen recalls meeting with King as one of the critical moments that defined her path in life. She said when she met with a group of people with King, he focused his time and attention on her, because "a kid came before everything else." This is a sentiment to she has taken to heart herself.

Ms. Nelsen has consulted on race and gender issues for the Lutheran Church. She has also served as president of the Minnesota Women Equity Action League, which acted as the legal arm of the gender equality movement. Today at INTER–RACE, she works with Fortune 500 companies, nonprofits, and policy makers at all levels.

"My job is about helping people find their voice about justice," Nelsen says. "It's about being able to look at other people's behavior, but also their own."

Mr. Speaker, these 3 women have impacted their communities and the larger world community with a lot of hard work, determination and grit. They have fought for greater gender equity and provided leadership to make it happen. I commend each of these women for the difference they have made, and continue to make every day.

CELEBRATING 185 YEARS OF GREEK INDEPENDENCE

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize the great nation of Greece and celebrate with its citizens 185 years of independence from the Ottoman Empire.

Any first-year university student knows Greece to be one of the ancient cradles of Western Civilization. In art and literature, history and philosophy, science and mathematics, the contributions of the Greek people to the world as we know it are immeasurable.

And of course, one of Greece's most significant contributions to modern civilization is that of democratic governance. The influences of Socrates, Plato, Pericles, Solon, and many others provided the basis for our founding fathers' essays and treaties on life, liberty and the pursuit of happiness.

These ancient thinkers planted the seeds of modern democracy, but the people of modern Greece did not reap the benefits until over two thousand years later. In 1821, the Greek people declared independence from the Ottoman Empire, marking the beginning of an eleven-year struggle for freedom. It is this courageous action that we honor today.

The Greek revolutionaries' valiant efforts inspired the support of a fledgling democracy known as the United States of America. Many Americans left home and volunteered to fight alongside the Greeks, and this Congress also sent money and supplies to assist in Greece's struggle for autonomy. Since that time, the U.S. and Greece have worked side-by-side to oppose tyranny and oppression and advance the cause of democracy worldwide.

But our ties with Greece do not end with this shared commitment to the principles of democracy. Indeed, today more than 1 million people of Greek descent live in the United States. These men and women have made innumerable contributions to our society and way of life, and for this we thank them.

Colleagues, please join me in saluting the people of Greece for their tremendous commitment to democracy and the principles that helped to found our Nation.

TRIBUTE TO DR. ALBERT E. SMITH: AN EDUCATOR WITH TRUE VISION

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to bring to the attention of my colleagues the retirement of Dr. Albert Emanuel Smith, President of Florida Memorial University in Miami Gardens, Florida, a remarkable educator, administrator and leader who has left an indelible mark on our entire South Florida community.

According to Dr. Smith, "The primary mission of any worthy institution of higher education is to produce graduates who understand that education is a lifelong endeavor." Throughout his career, Dr. Smith truly lived that creed. He dedicated his life's work to opening the doors of educational enlightenment and opportunity to thousands.

A native of Sioux Falls, South Dakota Dr. Smith earned a Bachelors of Science degree from North Carolina A&T State University, a Masters of Science degree from George Williams College and his Ph.D., from the University of Pittsburgh, Pittsburgh in 1971.

Dr. Smith's early professional career included a brief stint as a minor league baseball player for the Saint Louis Cardinals; two years in the United States Army Medical Service Corps where he was a commissioned officer and company commander; and five years as the director of athletics at North Carolina A&T State University.

In 1971, Dr. Smith was appointed executive assistant director of athletics at the University of Pittsburgh. In 1974, he was named director of athletics and associate professor of education at Eastern Michigan University. Dr. Smith served as Vice Chancellor for Development and University Relations, professor of education, and Executive Director of the North Carolina A&T University Foundation in 1976. He served in this capacity until he became the sixth president of South Carolina State University in 1976.

In 1993, Dr. Smith moved on to become the 10th President of Florida Memorial University (then Florida Memorial College). Under his leadership, FMU has truly experienced a renaissance and metamorphosis. Dr. Smith implemented a major capital improvement program, including the dedication of the Lou Rawls Center for the Performing Arts, and he achieved an important educational milestone in expanding its offering of academic programs and guiding the college to University status.

I know that everyone in our community thanks Dr. Smith for a job well done. We wish him and his wife, Sadie, our very best for continued success and much happiness in the future.

A SALUTE TO THE WILSON CENTRAL HIGH SCHOOL GIRL'S BASKETBALL TEAM, TENNESSEE'S 2005–2006 CLASS AAA STATE CHAMPIONS

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. COOPER. Mr. Speaker, I rise today to congratulate an extraordinary group of young women from Wilson Central High School in Lebanon, Tennessee—the 2005–2006 Class AAA Girl's Basketball State Champions.

Of the 5 years Wilson Central High School has been in existence, the Lady Wildcats have been to three State championship tournaments. On March 11, 2006, they brought home the State title after defeating Shelbyville Central High School 44–38. The State championship is the school's first State title in any sport. The team finished a remarkable season with a 32–7 overall record. I am extremely proud of these outstanding young athletes for this great accomplishment.

These student-athletes should be honored not only for the feat of winning the Tennessee State Girl's Basketball Championship, but they should also be recognized for excelling in the classroom and maintaining a team grade point average of 3.61. This is certainly no easy task and I am proud of the way they have represented their school and hometown both on and off the basketball court.

On behalf of the Fifth Congressional District of Tennessee, I extend my heartfelt congratulations to the following members of the Wilson Central High School girl's basketball team: freshmen Kelsey McGee, Lauren Wasson, Jasmine Hassell, sophomores Heather Simonis, Kristyn Clark, Sydney Ketcher, Rebecca Stewart, Cameryn Calhoun, Shelley Stewart and Rachel Stewart, juniors Tierney Jenkins, Lauren Farmer, Sara Williams and especially to the graduating seniors Elizabeth Martin, Breonna Brown, and Jenny Hall. I commend Nikki Eversole, Brittany Farmer, Courtney Chapman, Kayla White, Melanie Jones and Audriana Saddler for their hard work and contributions to the team.

I also salute their coaches—Head Coach Bud Brandon, his father and Assistant Coach Campbell Brandon, and Assistant Coaches Jay Holladay and Scott Moore for their commitment, expertise and leadership. Campbell Brandon coached the Lebanon High School Blue Devilettes to their State championship victory 35 years ago, in 1971. Today, he shares his son's pride for another team of amazing young women—the 2006 Wilson Central Lady Wildcats.

I applaud the tremendous achievements of these exceptional young players and wish them well in their endeavors on the basketball court and beyond.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. WESTMORELAND. Mr. Chairman, during the vote on amendments and final passage for H.R. 2829, the Office of National Drug Control Policy Reauthorization Act, I was away from the Capitol on business in my home State of Georgia.

On the Chabot amendment to H.R. 2829 (Vote #34), I would have voted "yes."

On the Hooley amendment to H.R. 2829 (Vote #35), I would have voted "yes."

On the Paul amendment to H.R. 2829 (Vote #36), I would have voted "yes."

On the Rehberg amendment to H.R. 2829 (Vote #37), I would have voted "yes."

On final passage, I would have voted in favor of H.R. 2829, to reauthorize the Office of National Drug Control Policy Act (Vote #38).

MARCH 30, 2006 INAUGURATION OF PORTIA SIMPSON MILLER PRIME MINISTER OF JAMAICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. RANGEL. Mr. Speaker, I rise today to introduce in to the RECORD my sincerest congratulations and best wishes for Portia Simpson Miller, Jamaica's newly-installed President of the People's National Party and newly-elected Prime Minister, on her imminent Inauguration on March 30, 2006.

Celebrants of Women's History Month in Jamaica and elsewhere had much to rejoice about as Simpson Miller made history on February 25th, when she was elected the first woman president of the 68-year old People's National Party (PNP). With this, the stage was set for more history: she will become the first woman Prime Minister of the great nation of Jamaica.

Simpson Miller knows full well the numerous challenges in store as she embarks on this political journey as Prime Minister. She is no stranger to the political arena—where partisan and national expectations are high—and realizes that there is much to be done to address the many problems of the Jamaican society. The much anticipated question about the direction in which Simpson Miller intends to take the country will begin to unfold in a couple of days when she is sworn in as Prime Minister and appoints her Cabinet to implement her priorities.

Yesterday, in Ocho Rios, St. Ann Jamaica, Simpson Miller shed a single tear as she accepted the People's National Party's symbolic baton of leadership from P.J. Patterson, the outgoing Prime Minister. Simpson Miller stressed the need for unity, and urged the party to have its election machinery oiled and ready by June this year. Simpson Miller praised Patterson, who has led the party for 14 years, for helping her political career, and she paid tribute to their friendship even when they competed against each other for the presidency fourteen years ago.

In her acceptance speech yesterday before ruling party's National Executive Council (NEC) she calmly stated "I come to you today with no malice, no malice whatsoever, because I come today as your party leader. I am determined to lead a united party. I am determined to build bridges that will lead to unity of purpose and accomplishment of our mission. I am determined to devote my energy and time to the healing process because it is only in unity that we can have strength, and it is only in strength that we can be assured of the success of our programs and victory for the fifth term".

Mr. Speaker, with change come challenges. There are always skeptics and detractors lurking on the horizon waiting to pounce at the first signs of failure. I am confident that Portia Simpson Miller will rise to lead the great Jamaican nation into the future with optimism and hope.

SIKH ORGANIZATIONS UNITE FOR KHALISTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. TOWNS. Mr. Speaker, the Indian newspaper The Telegraph ran a story on March 21 reporting that two Sikh organizations in Punjab, Dal Khalsa, under the leadership of Satnam Singh, and the Shiromani Khalsa Dal under the leadership of Daljit Singh Bittu, are uniting to promote a sovereign, independent Khalistan. As you know, Mr. Speaker, the Sikhs declared Khalistan independent on October 7, 1987. Ever since then, Sikhs have been struggling against a massive Indian force of over 500,000 troops sent to suppress their drive for freedom.

The announcement from Dal Khalsa and the Shiromani Khalsa Dal was met by shouts of "Khalistan Zindabad," meaning "Long live Khalistan." Now the Chief Minister of Punjab has ordered the police to place the leaders of both organizations under watch. Let me make this clear, Mr. Speaker. They are under police watch in "the world's largest democracy" for peaceful political activities designed to achieve freedom for their people.

These arrests come in short order after the recent arrests of Sikh activists Dr. Jagjit Singh Chohan and Kanwarpal Singh Dhami for speeches they made supporting Khalistan. Dr. Chohan committed the additional crime of flying the Khalistani flag from his residence. Groups of Sikhs were arrested last year in January and June for hoisting the Khalistani flag and making speeches in support of sovereignty for Khalistan. Dal Khalsa organized those events. It has organized numerous events in support of a sovereign Khalistan in Punjab, and the support has been shown to be large. I guess this scares the Indian government.

Mr. Speaker, these actions are unacceptable in any country. We use our influence to put pressure on totalitarian regimes for just these kinds of tactics. They are even more unacceptable when the country using them claims to be democratic. This does not resemble any kind of democracy I know about.

Mr. Speaker, we must take a stand for freedom in South Asia, as we are doing elsewhere in the world. The time has come to cut off our aid and trade with India and until basic human rights for all people are respected there. In addition, we should put the Congress officially on record in support of free and fair plebiscites in Punjab, Khalistan, in Kashmir, in Nagaland, and all the other minority nations seeking their freedom from India. It is time for America to show its active support for freedom, stability, dignity, and human rights.

Mr. Speaker, the Council of Khalistan has published a very good release on the statement by Dal Khalsa and the Shiromani Khalsa Dal. I would like to add it to the RECORD now for the information of my colleagues.

SIKHS ARRESTED IN INDIA FOR SPEAKING FOR KHALISTAN

WASHINGTON, DC, MARCH 15, 2006.—Sardar Kanwarpal Singh Dhami, Chairman of Dal Khalsa, and Dr. Jagjit Singh Chohan were arrested earlier this month for speaking out for an independent Khalistan. They were charged with sedition. These arrests follow the arrests of Sikh leaders last year belonging to Dal Khalsa both in January and June for hoisting the flag of Khalistan. Kanwarpal Singh Dhami was arrested after saying that the Sikh Panth could not live under someone else's rule. He was accused of ". . . sedition, promoting enmity between different groups on grounds of religion, race, doing acts prejudicial to maintenance of harmony, imputations, assertions prejudicial to national integration and statements conducing to public mischief." The government charged that he promoted separatist and 'terrorist' movements.

Dal Khalsa has sponsored numerous marches and conferences in Punjab in support of a free Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. It was the organizer of the two events at which Sikhs were arrested for making speeches and raising the Khalistani flag. It was announced today that they will be joining forces with the Shiromani Khalsa Dal, headed by Sardar Daljit Singh Bittu, in support of a free Khalistan. The Punjab and Haryana High Court ruled that it is legal to ask for freedom for Khalistan, yet the Indian government continues to treat it as a crime. They do not even live by their own law.

Dr. Chohan said on India's Zee TV that Khalistan will be free by 2007. He has also been flying the Khalistani flag and that of his party, the Khalsa Raj Party, outside his office. According to the book Chakravyuh: Web of Indian Secularism (page 183), Dr. Chohan worked with Major General Jaswant Singh Bhullar, Professor Manjit Singh Sidhu, Didar Singh Bains, and others "to stop Sikhs living abroad" from supporting freedom for Khalistan and connived with the Indian government for the June 1984 attack on the Golden Temple.

"It is evident that the Indian government is scared of the increasing amount of peaceful activism in Punjab in support of Khalistan," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which is leading the Sikh struggle for independence. "The time of Khalistan's liberation is near. India will fall apart soon," he said. "We condemn the arrests of Sardar Dhami and Dr. Chohan but remind the Sikh Nation that it must work only with leaders who are honest, sincere, and committed to the liberation of Khalistan." Dr. Aulakh noted that in New York in 2000, former Member of Parliament Simranjit Singh Mann had called for the Council of Khalistan's office to be closed. "Sikhs must be very careful about the leaders they follow," Dr. Aulakh said. "This office has worked unwaveringly for a sovereign Khalistan for almost 20 years," he noted.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country: it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. "We only hope that the breakup will be peaceful," said Dr. Aulakh.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. No one has been brought to justice for the Khalra kidnapping and murder. Yet according to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial, some since 1984!

Only in a free Khalistan will the Sikh Nation prosper and get justice," said Dr. Aulakh. "India should act like a democracy and allow a plebiscite on independence for Khalistan and all the nations of South Asia," Dr. Aulakh said. "We must free Khalistan now."

TRIBUTE TO WALTER JEBE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Walter G. Jebe, a longtime community leader, businessman and historian, who died of leukemia in the Veterans Hospital in Palo Alto on Feb. 25th at the age of 81. The unofficial mayor of San Francisco's Excelsior district, Mr. Jebe was a champion of small business and for his neighborhood and an outspoken advocate and historian. He has left an indelible mark on our city.

Mr. Jebe was born in 1924, raised in the Excelsior District, graduated from Balboa High School, studied photography at Samuel Gompers trade school and was drafted into the Army. After serving our Nation, Mr. Jebe returned to San Francisco and opened Jebe's Cameras on Mission Street. He was a self-taught businessman, and neighboring businesses took bets on how long he would last. He stayed in business for 45 years.

All politics was local to Mr. Jebe, who was a member of the Excelsior Business Association, the Geneva Excelsior Lions Club, the Boy Scouts, and other organizations he felt would improve the Excelsior. He also served on a number of San Francisco city commissions, including the Delinquency Prevention Commission, the Library Commission and the Arts Commission. He helped secure a branch of the public library for the Excelsior, and last year wrote a book about the history of the neighborhood.

Walter Jebe was a respected authority on San Francisco history and taught courses throughout San Francisco. He collected vast quantities of photos and memorabilia on the San Francisco Mid Winter Fair of 1894, the Pan Pacific Exhibition of 1915, the 1939 World's Fair and the 1906 Earthquake and Fire.

As a prominent member of the San Francisco History Association, he headed the task force that negotiated a deal for the Federal Government to turn over the Old Mint at Fifth and Mission streets to a nonprofit organization to become a history museum. The Old Mint is a San Francisco architectural gem that survived the 1906 Earthquake and Fire and played a vital role in rebuilding the city. A member of the Old Mint Advisory Council, Mr. Jebe was responsible for overseeing the restoration project.

With great appreciation for his fine work and service to our city, I extend my deepest sympathy to his wife of 53 years, Vivian Jebe, his son Walter and daughter Vivian, and thank them, for sharing their magnificent husband and father with us. He was a true San Francisco treasure and we are diminished by his passing.

PREPARE NOW DON'T WAIT FOR A HURRICANE STRIKE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. RANGEL. Mr. Speaker, I rise today to call upon the United States Government to assist the islands of the Caribbean with preparation for the impending 2006 hurricane season and to enter in the RECORD an editorial from the New York CaribNews entitled "Prepare Now Don't Wait for a Hurricane Strike" which addresses the need to take timely action now before a natural disaster occurs.

The impact and wreckage still linger in Grenada from 2004 and 2005. In the aftermath of Hurricanes Ivan and Emily we realized that decades of progress was wiped away and insurmountable damage was done to 90 per cent of the country's housing stock and watersheds. Similar devastation exists throughout the islands of the Caribbean who received direct force of the 2004 and 2005 hurricanes. It is crucial that steps be taken to prepare for these tragedies long before they occur. We must have programs in place to respond immediately and not wait until the disaster strikes.

With 2006 Hurricane Season Around The Corner, A Loud Caribbean Appeal: Prepare Now Don't Wait for a Hurricane Strike

MARCH 21, 2006.—Among Caribbean leaders, Dr. Keith Mitchell, Grenada's Prime Minister, is undoubtedly the best person, not only to talk about the importance of preparing a country's response system before a natural disaster occurs. He is also well qualified to be the region's spokesman on rebuilding a nation after devastation caused by a hurricane.

That's because of the wreckage Hurricanes Ivan and Emily left behind in 2004 and last year in Grenada. In a matter of hours Ivan wiped out decades of progress in the Eastern Caribbean state, destroyed the productive base of the economy, took at least a dozen lives and damaged 90 per cent of the country's housing stock, forested areas, watershed and mangroves. In less than a year Emily came along and unfortunately piled on damage on top of damage and put a halt to much of the rebuilding effort after Ivan.

That put Dr. Mitchell and his people in the unenviable position of starting from scratch to rebuild a beautiful country.

Small wonder, then, that when the United Nations was about to launch its international Central Emergency Response Fund last week in New York, the Grenada leader was invited to join UN Secretary-General, Kofi Annan, at the head table to speak to delegates from around the world about the value of being well prepared in case of a natural disaster and the need for an effective response by the international community to appeals for help.

A key task was to appeal for financial and technical assistance for victims of natural disasters.

Speaking on behalf of Caricom and addressing the high level meeting as a "survivor of an unprecedented catastrophe" the Prime Minister presented a sensible case for small states. "The Caribbean is among the regions in the world most vulnerable to natural disasters," he said. "The survival of our economies is dependent on the frequency and magnitude of these events."

Afterwards, he told us at Carib News that he was worried and nervous about the upcoming hurricane season, which begins in June. His concern for the Caribbean region as a whole, not simply Grenada, wasn't misplaced.

After all, Ivan left a trail of devastation in Jamaica, Haiti, St. Vincent and other islands. The loss of life in Haiti was mind-boggling and tragic. Other hurricanes also affected the Bahamas and the U.S. Last year, Katrina took its lethal high winds and heavy rains to the Gulf Coast of the United States, especially New Orleans and the pitiful sight of tens of thousands of homeless persons, at least 1,000 killed and the Big Easy brought to its knees wouldn't be erased from the memory banks of Americans for decades to come. Add the inept response of the Federal Emergency Management Agency, FEMA, and the Bush White House to the nightmare and it would become clear why rich and poor countries alike should be petrified about the 2006 hurricane season.

But hurricanes aren't the only cause for despair. Monstrous floods hit Guyana in late 2004 from which it hasn't fully recovered. Some estimates by the Economic Commission for Latin America and the Caribbean, ECLAC, put the damage in Guyana to approximately 60 percent of its gross domestic product. The floods affected almost two-thirds of the 800,000 plus persons who live there.

Clearly, nations and territories in the region should have learned some important lessons from these tragedies. The first was that they should be prepared for the tragedy long before it occurs. Next, they must have programs in place to respond immediately after the all clear has been given. That was why it was so distressing to hear both Dr. Mitchell and Jeremy Collymore, Coordinator of the Caribbean Emergency Response Agency, CEDERA, express regret that some countries seem to be waiting until the next calamity strikes in order to wake up. That would add to the suffering.

In his speech to the diplomats and other representatives in New York, Dr. Mitchell expressed the Caribbean's disappointment at the "poor response" to the region's appeals for assistance in the wake of the natural disasters.

"In both cases only a small percentage of the pledges were fulfilled," he said. That's an international scandal, a crying shame. Here were countries and institutions making pledges, lifting people's hopes but failing to live up to their word in times of need and suffering.

SIKH ACTIVISTS ARRESTED IN PUNJAB

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. TOWNS. Mr. Speaker, Sikh activists Kanwarpal Singh Dhami and Dr. Jagjit Singh Chohan were recently arrested by the Indian Government on charges of sedition. Their crime was to speak in support of a sovereign Khalistan. Dr. Chohan also flies the Khalistani flag from his residence. When did free speech become a crime in a democracy?

The Sikh homeland of Khalistan declared itself independent from India on October 7, 1987.

These arrests are a follow-up to the arrests of groups of Sikh activists last year on Republic Day in January and again in June on the anniversary of the Golden Temple for making speeches in support of freedom for Khalistan and raising the flag of Khalistan. These events were led by Dal Khalsa. Recently, Dal Khalsa was put under watch by order of the Chief Minister of Punjab after its leader, Satnam Singh, and the leader of the Shiromani Khalsa Dal, Daljit Singh Bittu, announced that they are joining forces to achieve sovereignty for Khalistan.

Mr. Speaker, these are the kinds of tactics that totalitarian governments use, not democratic ones. A real democracy would not arrest people for making speeches. This is underlined by the fact that, according to the Movement Against State Repression, India admitted to holding 52,268 Sikh political prisoners. Tens of thousands of other minorities are also held as political prisoners, according to Amnesty International. How can such things happen in the world's largest democracy?

The time has come to stand up against India's tyranny. We should end our aid to India, especially since India uses 25 percent of its development budget for nuclear development, and we should stop our trade until all people enjoy basic human rights. And we should declare our support for free and fair plebiscites in Kashmir, as India promised in 1948, in Punjab, Khalistan, in Nagaland, and wherever people are seeking freedom. The essence of democracy is the right of self-determination and that basic right is being denied to minorities in India. The best thing we can do to support stability, freedom, and human dignity in the subcontinent is to stop rewarding the tyrants and throw our full support behind those seeking freedom.

Mr. Speaker, the Council of Khalistan has issued a very good release on the arrests of Dr. Chohan and Mr. Dhami. I would like to insert it in the RECORD at this time. Thank you.

Desire for Khalistan Alive and Well in Punjab

WASHINGTON, DC, MARCH 21, 2006.—Slogans of "Khalistan Zindabad" filled the air at the Holla Mohallah festival in Anandpur Sahib, Punjab, led by Dal Khalsa and the Shiromani Khalsa Dal. The two organizations pledged to unite to liberate the Sikh homeland, Khalistan, which declared itself independent from India on October 7, 1987.

Dal Khalsa, led by Satnam Singh, president of Dal Khalsa, and Daljit Singh Bittu, pledged to "provide a fresh platform for the Sikhs who were depressed with the incompetent and incapable leadership of various factions of the Akali Dal," according to The Telegraph, an Indian newspaper. Satnam Singh said the organizations would reach out to people to involve them in "the struggle to uphold our honor and dignity," the newspaper reported. The Punjab government led by Chief Minister Amarinder Singh has directed the police that both groups be put under watch.

Dal Khalsa has sponsored numerous marches in Punjab in support of a free Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. It was the organizer of the two events at which Sikhs were arrested for making speeches and raising the Khalistani flag.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union. Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries. It is doomed to break up as they did.

"The uniting of these two organizations is very good for the Sikh nation and its aspirations," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "The Indian government continues to persecute and kill our Sikh brethren," he said. "Unity is essential for the liberation of Khalistan," he said. "As Professor Darshan Singh, a former Jathedar, said, 'If a Sikh is not for Khalistan, he is not a Sikh'." Dr. Aulakh noted: "This shows that the drive for freedom is still alive in Punjab," he said. "What kind of democracy watches people for demanding freedom? Why don't they watch the Black Cats who have killed thousands of Sikhs with the protection of the Indian government?" he asked.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948 as well as tens of thousands of Christians throughout the country, over 90,000 Muslims in Kashmir since 1988, 2,000 to 5,000 Muslims in Gujarat, tens of thousands of Muslims elsewhere in India, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and others. An Indian newspaper reported that the police in Gujarat were ordered to stand aside in that massacre and not to get involved, a frightening parallel to the Delhi massacre of Sikhs in 1984. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. No one has been brought to justice for the Khalra kidnapping and murder or for the murder of Jathedar Kaunke. Yet according to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial, some since 1984!

Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted "Victory to Hannuman," a Hindu god. None of the people involved has been tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial.

"Only in a free Khalistan will the Sikh Nation prosper and get justice," said Dr. Aulakh. "India should act like a democracy and allow a plebiscite on independence for Khalistan and all the nations of South Asia," Dr. Aulakh said. "We must free Khalistan now."

TRIBUTE TO GREEK INDEPENDENCE DAY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. McCOTTER. Mr. Speaker, over the weekend a momentous date passed which merits our observance. Greek Independence Day commemorates and celebrates the 185th anniversary of the Greek people's declaration of independence from the Ottoman Empire on March 25, 1821. From this day, until the Treaty of Constantinople officially recognized Greek independence, the Greek people waged a valiant and victorious struggle for their freedom.

The Ottoman Empire's oppression and occupation of Greece evolved over the course of the 14th and 15th centuries. Yet during these centuries, Greek patriots arose to oppose and overthrow the Ottomans' dominion, and in 1814 emerged the secretly formed Friendly Society, which proved a herald of Hellenic liberty.

Then 7 years later, on March 25, 1821, the Orthodox Metropolitan Germanos of Patras proclaimed a national uprising, and simultaneous uprisings arose throughout Greece. Initially this courageous movement liberated many areas of Greece, but the Ottoman Empire rapidly and ruthlessly responded with innumerable acts of brutality, including the massacre of entire Greek communities.

Such Ottoman barbarism contrasted ill with Greek heroism and inspired many nations and citizens to rally to the Greek cause. Thus, in 1827, the British and French fleets delivered a crushing blow to the Ottoman fleet at Navarino, and in 1828, 10,000 French soldiers landed in the Peloponnese to end the Ottoman scourge of Greece.

It was then, and after the horror of war had ebbed and ended, the Convention of May 11, 1832, recognized Greece as a sovereign state, and, again, the Treaty of Constantinople recognized Greek independence from Ottoman rule in July of 1832.

Thus, Mr. Speaker, it is both fitting and fair for we Americans as a free people to commemorate and celebrate the date of March 25, the date Greece, the Cradle of Democracy, was once again made free.

So, too, Mr. Speaker, let us reflect upon the reality that no treaty, no mere scrap of paper, could ever accomplish more than to simply state the obviousness of Greek freedom, which has always endured for time immemorial, despite whatever oppression encountered.

Indeed, did not the pen of the British poet and doomed martyr to the cause of Greek independence and freedom, Lord Byron, write a testament to the Greek people's inherent love of liberty when he wrote:

The Sword, the Banner, and the Field, Glory and Greece, around me see! The Spartan, borne upon his shield, Was never more free.

And may Greece, Mr. Speaker, ever be free.

CHALLENGES FACING CARIBBEAN REGION AS IT FACES INTEGRATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD the first part of an eloquent speech made by the Prime Minister of Jamaica, the Honorable P.J. Patterson, March 9 to the Protocolary Session of the Permanent Council of the Organization of American States on the theme of "Caribbean Integration In Emerging Hemispheric Relations".

The Caribbean region is a breathtaking area. The rich people, culture and natural resources make it a jewel of the global community. But as Mr. Patterson outlines in his remarks, more must be done to promote the countries' political and social prosperity. He warns, "Unless we focus in a meaningful way on the intrinsic link between democracy, good governance and international security on the one hand, and development on the other, our goals for peace, stability and political and economic security will always remain elusive." Patterson continues, "We must therefore address the development agenda with the same energy and commitment as we have sought to strengthen the democratic agenda, giving each equal dedication, in order that the benefits of democracy can be widely felt to improve the quality of life for our peoples."

One key to further development, according to Patterson, is integration. "Smaller units operating on their own can no longer be viable counterweights in this rapidly changing world," maintains Patterson. The plight of the people of the Caribbean can only be enhanced through greater national and international commitment in addition to empowerment among national leaders. Not only must Caribbean leaders, "broaden the boundaries of our collaboration beyond the OAS and the United Nations," and look towards the World Trade Organization, as Patterson recommends, but a greater commitment must be made to principles such as education, justice and the rule of law, inclusion, and integrity in order to make the region stronger.

Mr. Speaker, I rise again to strongly support the words spoken by Mr. Patterson in an effort to bring to light challenges facing the region and his proposals for what actions need to take place to secure a brighter future for the Caribbean nations.

CARIBBEAN INTEGRATION IN EMERGING HEMISPHERIC RELATIONS

INTRODUCTION

It was indeed with great pleasure that I accepted the invitation extended by the distinguished Secretary General to address this august body. I consider it a distinct honour to be doing so in this prestigious Hall of the Americas. Most importantly, the opportunity afforded me at this time, takes on added significance as it comes at the juncture when I am about to take formal leave from the "field" of active politics. In a few weeks, my involvement in regional and hemispheric developments henceforth will be from the vantage point of the spectator's stands.

As one who has participated in these two processes from very early in my political career, I have been asked to share a few thoughts on my vision for the Caribbean and the Americas, bearing in mind the current global realities and our shared commitment towards advancing the political, economic and social development of this hemisphere.

As such, I propose to focus on the nexus between developments in the regional integration process, particularly within CARICOM, and developments taking place at the hemispheric level. How do I see these two processes coalescing to bring about a partnership that will meet the needs of every member state, regardless of their size or wealth and one that will improve the quality of life for our peoples, our most important assets?

THE INTERNATIONAL SCENARIO

In order to fully appreciate where our countries are going, we must first understand the milieu in which they are operating. This will affect the vision we all have for a hemisphere in which we can enjoy peace, stability and prosperity on a sustained basis.

Some sixty years ago when the OAS was created, no one would have thought that we would have experienced such rapid and radical shifts in the international environment, propelled by marked transformations in the global economy. These, together with the emergence of new threats to international peace and security, now challenge the very survival of many of our countries.

As the twin forces of globalisation and liberalization have become more pronounced, new demands were thrust upon the countries of the hemisphere forcing, in varying degrees, modifications to our national objectives and priorities. Increased vulnerabilities to the vagaries of these two phenomena have led to the abandonment of traditional economic policies and the adoption of new models of economic development as we seek to secure a greater space in the world economy and a more participatory role in international economic relations.

There is no doubt that both globalisation and liberalization, especially in the last decade, have been the driving force behind the integration of the global economy. Despite the potential benefits of this process, we have to acknowledge that the long-term survival of many of our countries continues to require adjustment to the new realities of an international environment which has become increasingly hostile and unpredictable.

Notwithstanding improvements in global economic prospects and the potential benefits to be derived there from, we have to admit that inequities still remain, putting a number of countries at economic risk, including those in Latin America and the Caribbean.

The quest for sustainable growth, particularly for small economies, has become even more elusive as traditional support mechanisms are gradually eroded. There continues to be increased pressure to move more rapidly to reciprocal trade rules as we bear the brunt of rising energy prices and the weakness in non-oil commodity prices.

All of these are occurring simultaneously, as investors become increasingly risk averse and restrict capital flows, and as the fiscal positions of our economies weaken and debt increases.

While we welcome international commitments to the Global Partnership for Development as outlined in the Millennium Declaration, Monterrey Consensus, and Johannesburg Plan of Implementation, we are discouraged by the limited progress to date. This means that priority projects which form the core of our development agenda such as poverty eradication and improvements in health and education will continue to lag in implementation. We remain hopeful but by no means certain, that the UN General Assembly's Outcome Document of last September will spur renewed action with a greater degree of political will.

If this scenario were not daunting enough, emerging security concerns have brought added uncertainties resulting in new changes in objectives and priorities, causing even further delays in implementing national agendas, as we seek to be "reliable partners" in implementing international security objectives.

Against this backdrop, the current international situation poses a number of challenges to regional integration, notwithstanding the fact that the popularity of regionalism evolved from this very same process in the early 1970s as an effective response to the onset of globalisation.

THE HEMISPHERE'S CHALLENGE

In this present scenario, how do we reduce our vulnerability to external shocks, achieve sustainable development, strengthen governability, promote democracy and at the same time, comply with our international, regional and hemispheric obligations?

Jamaica and indeed CARICOM, has always maintained that there is an urgent need to make this process of global economic governance and integration more inclusive and more beneficial to the interests of developing countries.

By so doing, there would be greater prospects for tangible signs of development and strengthening democracy in our countries and societies around the world.

We are reminded everyday of the sense of unease and restlessness which emerges when the people we lead are not given meaningful opportunities for self-expression and self-actualisation. We regard these as fundamental elements of democracy and civil society. In order to meet the challenges which militate against peace and stability, we must provide a truly enabling environment.

THE HEMISPHERIC AGENDA

It is not surprising, therefore, that we in this hemisphere share a wide range of similar problems and concerns. Our regional and hemispheric agendas are inextricably linked and have therefore become inseparable. This is reflected in both our interdependence and the elements of globalisation that today characterizes international relations and which ultimately leads to a myriad of interlocking issues. Within this context, both the OAS and our respective regional integration movements have a salient role to play.

From its creation in 1948, the OAS was envisaged as the primary political forum in the hemisphere to maintain peace and security, to promote and consolidate democracy and advance cooperation for integral development. The OAS has undoubtedly played a pivotal role in the settlement of disputes and in bringing solutions to various political crises within the hemisphere as we have seen through the important role it has played in dealing with the political situation in Haiti. We welcome and applaud the return of President René Préval as the duly elected Leader of Haiti.

Today, we are confronted by new threats and challenges which our Governments are simultaneously obliged to address and surmount. The hemispheric agenda has expanded significantly over the years to address issues such as corruption, the fight against drug abuse and drug trafficking, transnational organized crime, terrorism, money laundering, children's issues, women's affairs and the protection of human rights.

The pursuit of these programmes at the level of the OAS, complements the important initiatives on which we have all embarked at the national and multilateral level, as we seek not only to come to grips with, but also to overcome these problems. The multidimensional nature of many of these issues requires a comprehensive, cooperative approach.

Today, the OAS has also assumed additional responsibilities for the implementation of the mandates of the Summit of the Americas, aimed at creating prosperity through economic integration and trade, eradicating poverty and discrimination and protecting the natural environment. Moreover, within this process, we have adopted a shared vision to consolidate democracy and security in the hemisphere, and to create conditions to advance prosperity, a multitude of items for an ever-increasing agenda.

The adoption of other mechanisms and instruments, including the Inter-American Democratic Charter, have served to concretize our adherence to the tenets and principles of the democratic agenda. These commitments have brought tremendous impetus to what we are doing at the regional level. Our citizens at all levels have become involved in every aspect of governance; more women are running for political office and being appointed to high positions and I can certainly attest to that! An increasing number of civic organizations are actively monitoring transparency and accountability; the exercise of the undeniable freedom of expression and of the press is widely enjoyed; and access to information legislation has been passed in many countries, including my own.

While the foregoing is laudable, however, are we satisfied that in this dynamic process of globalization, the OAS is fulfilling the economic development aspect of its mandate?

TRIBUTE TO JUDGE J. WILLIAM BEARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. FILNER. Mr. Speaker, today I acknowledge a great friend of the legal community, Judge J. William Beard, who passed away last month at the age of 85.

Born March 20, 1920 in Chicago, Judge Beard moved with his family to the San Fernando Valley in 1925. He attended the University of Redlands before enlisting in the Army Air Forces during World War II.

Leaving the military as a lieutenant, Judge Beard married Ann Dodgen in October 1945 and returned to his Los Angeles-area roots. As an aspiring lawyer, he opened a legal messenger service and attended Southwestern University School of Law.

In 1951, two years after graduating and passing the State Bar, Judge Beard joined the District Attorney's Office in El Centro, which is located in my district in Imperial County, California. Several months later, he opened a private practice. One of his subsequent law partners, Cruz Reynoso, became the first Latino appointed to the California Supreme Court in 1982.

When future U.S. Sen. Alan Cranston and other Democratic leaders formed the California Democratic Council in 1952, Judge Beard became a charter member. He interrupted his legal career to serve as an Imperial County-based state senator from 1957 to 1961 (District 39), and was appointed to the El Cajon Municipal Court bench in 1980.

As a recovering alcoholic, Judge Beard was active in the state Bar Association's committee on Alcohol Abuse. He started a support group for alcoholic legal professionals and doctors in the 1970s. Judge Beard believed that his background with alcoholism provided him with insights into the human psyche that were invaluable in the courtroom.

Later, while serving on the Municipal Court bench in El Cajon, he handled small claims court cases in Ramona. The informal, rural setting provided an intimacy that he found lacking in a larger venue.

By the time he retired a decade later, he had also established an alcohol counseling program for drunken drivers at the El Cajon court—one of the first of its kind in the county. In retirement, Judge Beard served on the state Medical Assurance Board and spoke at 12-step recovery meetings.

Judge Beard's passing will not only be felt in the legal community but society as a whole, as Judge Beard was a humanitarian who truly cared for his fellow human beings.

CONGRATULATING "TEACHER OF THE YEAR" MARTHA PAGE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to congratulate Martha Page, a distinguished citizen from my congressional district who was recently awarded the Excellence in the Classroom and Educational Leadership (ExCEL) "Teacher of the Year" Award for her exceptional service at the Hodgenville Elementary School in Hodgenville, KY.

A kindergarten teacher for more than thirty years, Ms. Page maintains a unique passion for teaching that focuses not only on the academic progress of her students, but also on their emotional, social and cognitive growth. Year after year, her innovative approach to teaching is driven by a genuine care for the happiness and success of young people. Through her own example, Ms. Page consistently demonstrates to her students the importance of character: honesty, goodness, and making life count.

Martha Page's dedication to students often transcends the classroom, leading her to play an active role in after school programs and frequent parent-teacher interface. In addition to her work in the classroom, she serves as a mentor to student teachers and is a valuable resource to her colleagues. Ms. Page is also a longtime member of the LaRue County Board of Education and remains actively involved in numerous state and local professional associations.

I applaud Martha Page's accomplishments in public education, an occupation of great responsibility and even greater reward. On behalf of so many in the Hodgenville area, I would like to express my profound appreciation for her service and inspiration as she motivates young people to recognize and develop their talents and abilities.

It is my great privilege to recognize Martha Page today, before the entire U.S. House of Representatives, for her achievements as an educator. Her unique dedication to the development and well-being of young people and the communities they will someday serve make her an outstanding citizen worthy of our collective honor and respect.

INTRODUCTION OF THE AMERICAN FISHERIES MANAGEMENT AND MARINE-LIFE ENHANCEMENT ACT

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. POMBO. Mr. Speaker, today my Colleagues, BARNEY FRANK and DON YOUNG, and I are introducing the American Fisheries Management and Marine-Life Enhancement Act. This legislation will reauthorize the Magnuson-Stevens Fishery Conservation and Management Act—the Nation's premier fishery conservation statute.

This legislation continues to build on the tradition of allowing for regional solutions to regional fishery management problems by using a system of Regional Fishery Management Councils. These Councils offer a transparent process where those with a stake in the resource can be heard and can see how decisions on the management of the resource are made.

This legislation keeps in mind a number of important principles which have kept the Magnuson-Stevens Act as relevant and dynamic as it is. We have tried to maintain a number of these key themes including: management must be science-based (with peer review that includes the public); there must be an open and transparent decision-making process with stakeholder involvement; there must be flexibility which recognizes that there is a need for regional solutions to regional problems; there is a need to minimize potential for lawsuits—fisheries management decisions should be made by the professionals not by the courts; there needs to be a balance between conservation and economic considerations; and finally, the Act needs to consider the impacts of management decisions on those communities which are dependent on the resource to remain viable communities.

The management of our Nation's fisheries has always been a matter of balance. It is important to continue the balance between the health of the resource and the interests of the fishing industry to provide a healthy, sustainable protein source for the world. Without a sustainable, healthy resource, the fishermen would be out of business and without a fishing industry, the Nation would not have seafood to consume. This legislation maintains this balance and makes sure that the management decisions to maintain the balance are based on science. These decisions need to be made with adequate peer review and with the input of the affected and interested participants and this bill continues those ideals.

Ten years ago, Congress passed the Sustainable Fisheries Act (SFA). That legislation was the first major reauthorization of the Magnuson-Stevens Act and made major changes to the statute. The SFA amended or added 15 definitions, added three new National Standards (and amended one existing National Standard), added 8 new provisions which the Councils were required to comply with in drafting new fishery management plans (and required that all existing plans be amended to comply with the new provisions), included 5 new discretionary provisions for Councils to consider when developing fishery management plans, required thirteen new reports, and for the first time, included disclosure standards, conflict of interest standards, and recusal standards for members of the Regional Fishery Management Councils.

The SFA focused on three major themes—the identification overfishing and a requirement for rebuilding overfished fisheries, the identification and conservation of essential fish habitat, and the reduction, to the extent practicable, of bycatch in our Nation's fisheries. All three of themes were important to making sure that fisheries were sustainable.

The Sustainable Fisheries Act required major changes to the way the Nation's fisheries were managed—changes for the better. While the SFA was not perfect, it pushed the Councils and the Secretary to address some key issues to make our fisheries more sustainable. Since 1996—only ten years ago—we have seen tremendous progress in all three of these areas and the Nation's fisheries are in much better shape than they were less than a decade ago. But we can still do better. The American Fisheries Management and Marine-Life Enhancement Act will allow the Councils to gather better data, provide for the use of new technologies, provides new funding for "clean gear" technologies and does so without creating new areas for litigation.

Congress has continued to discuss ideas which would make our fisheries more sustainable since the SFA was enacted. Members of Congress have participated in two major fisheries conferences here in Washington, D.C. that focused on how well or how poorly fisheries were being managed in the U.S. While the overall picture was getting better, these conferences sparked debate on the new steps that could be taken to make our fisheries better. This legislation builds on the recommendations of those conferences.

The American Fisheries Management and Marine-Life Enhancement Act builds on the progress made by the Sustainable Fisheries Act, from the recommendations of the national fisheries conferences, from ideas floated at meetings with interested user groups, and from the report of the U.S. Commission on Ocean Policy.

The Senate Commerce Committee, led by Co-Chairmen STEVENS and INOUYE, has passed reauthorization legislation that is clearly headed in the right direction and I compliment their leadership on this issue. I hope that the American Fisheries Management and Marine-Life Enhancement Act will be as well received as theirs was and I look forward to resolving the few differences we have before the end of the year.

The American Fisheries Management and Marine-Life Enhancement Act takes a number of provisions from Senators STEVENS' and INOUYE's legislation, a number of provisions from the administration's proposed legislation, a number of recommendations from the Regional Fishery Management Councils, and recommendations from hearings both in Washington and in fishery-dependent communities.

This bill addresses or touches on 11 of the 16 recommendations of the U.S. Commission on Ocean Policy which suggest changes to the Magnuson-Stevens Act and 6 of the remaining 11 recommendations that suggest changes to agencies' activities related to fisheries conservation or management.

While this legislation may not be perfect, I believe it will move fisheries management in the right direction. I look forward to working with my House Colleagues and my Senate Colleagues to develop consensus legislation to reauthorize this important act before the end of the year.

CALL FOR ROADMAP FOR LEGALIZATION OF UNDOCUMENTED IMMIGRANTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. RANGEL. Mr. Speaker, I rise today to echo what the vast majority of Members of Congress believe: Our country is in need of a solution to address the influx of undocumented immigrants into the United States. I would also like to enter into the RECORD a Wall Street Journal editorial advocating for amnesty, a letter signed by esteemed Members of Congress calling for orderly, legal venues for new immigrants and earned legalization for those in the United States and an opinion piece by Cardinal Archbishop Roger Mahoney of Los Angeles explaining his archdiocese's stand against proposed legislation that would penalize social and religious organizations that help undocumented immigrants.

This Nation was founded by immigrants fleeing religious persecution. Ironically, today this country has evolved to one that persecutes undocumented immigrants who, like our forefathers, came here searching for a better quality of life. Upon arrival, if undocumented immigrants are so lucky to cross the border alive and evade exploitation by drug smugglers and coyotes, they are forced to live in the shadows without access to health care or employment benefits at a job that pays little salary. In fear of detection by law enforcement, they cannot live normal lives.

This is an unjust burden imposed to persons who are welcomed with open arms into this country by U.S. employers to perform unskilled labor. As George Melloan states in his opinion piece, "The U.S. needs labor: immigrants supply labor. So the solution is to find ways to bring the two together in some legal, orderly way." While it is true that this country is suffering from astronomically high deficits, the American entrepreneurial spirit drives an economy that embraces cheap labor. There is no reason to believe that the labor demand will subside and as a result immigrants will continue to be attracted to employment opportunities here. We in turn will continue to depend on immigrant labor to harvest our crops, tend to our gardens, clean our homes and offices and even take care of our children.

We cannot deny that immigrant labor is vital to our economy. As leaders of this Nation, we also have a moral obligation to those within our borders. Undocumented immigrants have suffered sufficient hardship to arrive here and are forced to lead secret lives to put food on the tables. This cannot continue. As Cardinal Archbishop Mahoney eloquently states in his piece, providing humanitarian assistance to those most in need, such as undocumented immigrants should not be a crime, as is stipulated in H.R. 4437. This bill so vaguely proposes punishing those who offer aid to undocumented immigrants, that it would penalize acts of mercy such as offering a meal or administering first aid. I admire Cardinal Archbishop Mahoney's stand for instructing priests not to follow the proposed law. I can only hope similar conviction will be found in Members of Congress as they oppose such legislation.

Mr. Speaker, please join me in agreeing that the only way to right the wrong endured by undocumented immigrants is to take them out of the shadows and offer them a way to achieve citizenship. As Melloan states, this is the "only practical solution."

[From the Wall Street Journal, Mar. 21, 2006]

EXAM WEEK FOR THE GOP CONGRESS

(By George Melloan)

Immigration reform is on the Senate agenda this week. The issue has been festering for years and probably will still be when Congress takes its Easter break, once again demonstrating the weakness of Republican congressional leadership.

It hardly needs saying the U.S. immigration policy is a mess. An estimated 11 million undocumented immigrants are among the 300 million souls who inhabit the Nation. Most fill jobs U.S. citizens disdain. It would be hard to run U.S. hotels and restaurants without the maids and busboys who have made their way from places like Quito and San Salvador.

Yet their presence annoys what Weekly Standard editor Fred Barnes aptly calls "paleocons," conservatives of the Pat Buchanan stripe who go hysterical over these brown-skinned, Spanish-speaking toilers. Vigilantism has broken out on the Mexican border, with macho guys packing six-guns searching for wetbacks. More seriously, the hysteria has infected Congress, resulting in House passage in December of a bill that would, along with other drastic measures, authorize the construction of a 700-mile Berlin Wall on the Mexican border.

One guy who really loves that wall is a Yankee-baiting Mexican leftist named Andres Manuel Lopez Obrador. The highly visible testimony to gringo abhorrence of Mexicans is feeding his campaign for the July 2 Mexican presidential election. If he makes it, the U.S. will have only a few friends left in Latin American capitals. The aging, tottering Fidel Castro will have finally achieved his life's ambition of turning the Spanish-speaking world against America.

Illegal immigrants are indeed a problem, although also the principal victims of their illegal status. Because they don't have documents they can be easily exploited in ways offensive to the American sense of justice and fair play. The industry that has developed for sneaking them into the country is used for other purposes, such as smuggling drugs. A few, partly because of attachments to the smugglers, turn to crime in places like Los Angeles and Albuquerque.

The inability of the U.S. to devise a sensible set of immigration policies has broader repercussions beyond Latin America. Microsoft's Bill Gates complains that the U.S. is shutting out foreigners with needed skills. Colleges and universities say that Immigration and Naturalization Service bureaucracy complicates the admission of students, limiting the ability of the U.S. to earn foreign currency and international goodwill by offering the world's youth first-class educational opportunities. Employers protest at criminal penalties if they fail to detect document forgeries and thus don't fulfill their "duties'" as surrogate law enforcers.

If Congress had been living up to its responsibilities, these problems would have been addressed long ago. The first requirement is for members to accept the fact that unfilled jobs in a booming economy are going to attract individuals seeking better lives. That's a normal and powerful drive in homo sapiens. Spending taxpayer billions on a hideous wall and more cops might reduce the flow, but it won't stop it or deal with the issue of what to do about those already in the country.

Lawmakers of course have a natural predilection toward exercising police power. Large construction projects appeal as well, especially in a Congress that seems mainly focused on finding ways to pass out federal dollars to key constituencies. But it should be evident by now that those kinds of approaches are limited in coping with honest human instincts.

The equation is simple: The U.S. needs labor; immigrants supply labor. So the solution is to find ways to bring the two together in some legal, orderly way. President Bush understands this, which is why he has proposed the restoration of a guest-worker program. But for some reason—perhaps because the president's staff is not sufficiently skillful or vigorous enough in pressing his case—the Republican leaders in Congress seem deaf to the wishes of their own president.

The second part of the equation, what to do about existing illegals, is a bit more difficult, politically at least. The first bit of advice worth taking: Stop treating it as a police problem. Nearly all of the illegals sneaked into the U.S. for nothing more heinous than to offer their honest labor. They violated U.S. immigrations laws but they aren't criminals in the sense of posing a threat to persons and property. If approached seriously and with sufficient goodwill, it should not be beyond the mind of man to find ways to make them legal.

In other words, they need to be given amnesty. The paleocons immediately object that doing so would reward them for breaking the law. How about changing the phrasing a little bit? Let's say they are to get amnesty in recognition of the fact that they already have suffered sufficient hardship in getting into the U.S. and living secret lives. Various other schemes that have been mentioned, such as sending them home to wait in a queue, have one fatal defect: They won't convince illegals that it is safe to come out of hiding.

Offering to give illegals green cards and wipe the slate clean is the only practical solution. If they come forward, they can stay on their jobs and travel back and forth to their homes legally. Some who have been trapped in the U.S. by their inability to travel freely will choose to go home permanently. There will be less incentive to sneak in family members, since it will be possible to visit relatives or send remittances. Restoring something like the old bracero program for temporary farm workers would further regularize the flow of labor.

Let's admit that Beltway politics has gone crazy. Aside from the paleocons, there are the labor unions and their "liberal" friends. Most unions long ago gave up representing working people in favor of representing themselves, which is no doubt why they are losing membership. It is hard to think of a class of workers more in need of union support than poor Latinos with no legal rights. But politics are what Congress is paid to manage. It's too bad this Congress is making such a hash of it.

THE CRIMES OF BUREAUCRATIC ETHNIC CLEANSING

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. OWENS. Mr. Speaker, on April 1, 2006 there will be a march with world significance in the battered city of New Orleans. Thousands of marchers from all over the Nation will assemble to force a laser beam of conscience to focus on the horror of ethnic cleansing now underway in that region. While it is true that Hurricane Katrina was an act of God and the collapse of the levees was an accident resulting from years of Federal underfunding, incompetence and local corruption, some have charged, and I agree, that the present blunders and stagnation in the recovery and rebuilding operation is the result of an "ethnic cleansing mindset." The plot you will find nowhere on paper or in any set of email messages; however, there is an understanding within a powerful "government-real estate complex" that African Americans who have been displaced by the ravages of Katrina should not be encouraged to return. This unwritten plot begins in the White House where chief political strategists have pinpointed the obvious fact that without the Black voters of New Orleans, Louisiana will become a permanent Republican "red" state.

The April 1st march is designed to confront this bold ethnic cleansing by planned neglect and abandonment. The march will also dramatically highlight the overarching racist mindset that nurtures the ethnic cleansing process. On several different occasions, during the early flooding in New Orleans armed law enforcement officers blocked the paths of fleeing Black evacuees and forced them back toward the murderous flood waters.

Waving and firing their shotguns uniformed officers of the law blocked evacuees attempting to escape the floods by crossing the Crescent City Connection Bridge. High-level elected officials later condoned this behavior by their police. These inhumane, unspeakable actions combined with the present planned ineptitude related to the rebuilding of the 9th ward and the refusal of support for evacuees who wish to return, have generated numerous angry voices, especially among the youth, in New Orleans and across the Nation. In the language of RAP poems, I have tried to translate and convey the message of three of these angry voices:

Angry Voice One: Nazis on the Bridges

Armed Nazis
On steel bridges
Blocked paths to
The highest driest ridges.
Each uniformed gangster
Had an official gun
Black fathers forced
To watch their
Flood soaked children run.
They drew a hard line
Between Black and White blood—
They drove the mothers
Back into the flood.
Nazi viruses
Never die
They don't even fade away,
When times are dry
They hide in bunkers
Hunkered down for a stormy day.
On the bridges
Satan in command
Devils rules the land
On the bridges
Judgment day
Blacks get back
Stay out of the way
Die out of sight
The waters will cover you
In the endless wet night.
Run to requisition
The tightest Nuremberg noposes
These Katrina crimes
Are war criminal abuses.

Angry Voice Two: They Are Coming for Our Homes

Wake up Black people
They're coming for our homes!
Monster Katrina
Has many national clones.
Wake up Black people
With confusion and neglect
They now wash us away
They hijack our property
For a tourist development day.
Donald Trump and Disney Ducks
Will have their powerful say;
People chocolate people
Your're not welcomed to stay
Our schools churches graveyards
Have all been hauled away.
Wake up Black people
They're coming for our homes!
Monster Katrina
Has many national clones.
Urban blight declassified
Diversity agenda mystified
Inner cities reoccupied
Suburban flight
Has suddenly died
City planners cried
Eminent domain
Brings savage pain
Ethnic cleansing
Income rinsing
Brokers bulldoze us out
Urban surfs
Have no financial clout
Wake up Black people!
Weak tribes will rot
Extinct among the stones
Monster Katrina
Has many national clones.
Wake up Black people!
They're coming for our homes.

Angry Voice Three: Blacks Need More Guns

Now hear this!
Soldiers in Iraq
Come home now
To kill racist snakes
Crawling on our backs
More guns are needed by Blacks.
To fight our way
Across blocked bridges
Blacks need more guns!
Never again
Will they drive us
Weeping back into the flood,
Next time before we drown
We'll spill lots of blood.
Blacks need more guns!
They halted all Blacks
Who came their way
They hoarded the flood
For their next rainy day.
To get gestapos off our back
Black soldiers in Iraq
Come home now
Blacks need more guns!
Soldiers come home
Storm the bridges
Nazis fire down
From high dry ridges.
No well regulated
Militias from the slums
Are here to march against
Official heartless bums.
Desperate Blacks are mandated
Now to bear arms
Shed the luxury
Of non-violent charms.
The NRA
Can save our day
The second amendment
Is the great American way.
Blacks need more guns!
It's us oh Lord
Black victims
Standing in the need of prayer.
If not the NRA Lord
Tell us who else is there?
The NRA
Is our salvation
Whom shall we fear?
When the next flood rises
On television
You will not be entertained
by even one tiny tear.
The second amendment
Is our road to rescue
Whom shall we fear?
Blacks need more guns!

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. FORTENBERRY. Mr. Chairman, on Thursday, March 16, 2006, I was inadvertently detained and thus missed rollcall vote No. 46. Had I been present, I would have voted "aye."

GREEK INDEPENDENCE DAY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to recognize the 185th anniversary of Greek independence and to pay tribute to the contributions of Greek Americans to the American melting pot.

In 1821, an underground rebellion began by Greeks who had been living for generations under occupied rule by the Ottoman Turks for over 400 years. The War for Independence ended roughly 7 years later, when Greece achieved its liberation with the Treaty of Andrianople. Only then, were Greek citizens able to fully celebrate their culture, their religion, and their democratic heritage.

And, it was that rich philosophical history on which our Founding Fathers drew inspiration. When drafting our Constitution over 200 years ago, many ideas came from the world's first democracy in Ancient Greece.

Greece has long been one of the United States' closest allies. Fighting alongside America in every war of the 20th Century, Greece continues to offer strong support with the current War on Terrorism.

With over 3 million Greek Americans living in the U.S. today, Greek culture still plays an important role in communities all across the Nation. Public service organizations, like AHEPA's Chapter 453 in Wyckoff, New Jersey, are committed to being positive participants in our society. And, it has been an honor to work with them over the past several months.

Mr. Speaker, I encourage all Americans to recognize Greek Independence Day and the valuable contributions that so many Greeks and Greek Americans have made to our country.

HONORING THE CONTRIBUTIONS OF REP. SHERWOOD L. BOEHLERT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. RANGEL. Mr. Speaker, I rise today to honor the contributions of my friend and colleague, Congressman SHERWOOD (SHERRY) BOEHLERT. After 24 years in Congress, Congressman BOEHLERT who has served this House with dignity and a great deal of integrity has decided that "it's time."

First elected to the U.S. House of Representatives in 1982, Congressman BOEHLERT represents the 24th District of New York, and he does so with steadfast leadership, commitment, and simply put, a love for the job.

As he rose in seniority and became chairman of the House Science Committee in 2001, BOEHLERT worked to further economic development for his district and the State of New York, as well as to push for an environmental agenda that would benefit not only his constituents, but the nation as a whole.

While we are losing one of the most dynamic and passionate Members of this great body, the good people of central New York, are losing a man who fought and worked tirelessly on their behalf. From his efforts to secure money for transportation projects to supporting the agenda of the National Science Foundation, SHERRY BOEHLERT was going to do what it took and what was best for those who elected him into office.

It has been a privilege to serve with my friend in the House and to work side by side with him on matters concerning the New York State Congressional Delegation.

Mr. Speaker, I submit to the CONGRESSIONAL RECORD, an article by E.J. Dionne, Jr. which speaks to the retirement of our much-respected and admired Member, SHERRY BOEHLERT.

[From the Washington Post, Mar. 21, 2006]

THE GOP'S SHRINKING MIDDLE

(By E. J. Dionne Jr.)

Members of Congress retire all the time, but some retirements are leading indicators of the direction of our politics. Rep. Sherwood Boehlert's announcement last week to call it quits matters, and in a depressing way.

The affable 69-year-old New York Republican is one of the last of a breed: a liberal Republican, though he calls himself a "moderate" and has the record to prove it. Boehlert's departure does not leave the House bereft of liberal Republicans—Rep. Jim Leach of Iowa is more liberal than Boehlert. But Leach, alas, is an outlier. The spotted owl is in good shape compared with liberal Republicans.

Boehlert chose to retire in the year when National Journal, the political world's answer to Sports Illustrated, featured him as the ultimate "Down the Middle" guy. In its Feb. 25 issue, the magazine published its annual ratings, which showed that Boehlert's votes were more liberal than those of 52.2 percent of House members and more conservative than 47.8 percent. Boehlert's district includes the Baseball Hall of Fame in Cooperstown, and it's hard to move the ball more to the middle of the plate than he does.

It's been downhill for his brand of Republicanism from the moment he set foot in Washington as a congressional staffer in 1964. That's the year Barry Goldwater won the Republican presidential nomination and the great flight of the Republican liberals began.

After Goldwater's landslide defeat, two Republican progressives who later became conservatives, George Gilder and Bruce Chapman, wrote a brilliant book called "The Party That Lost Its Head," detailing how and why the party's liberal wing responded so anemically to the conservative challenge. But it was too late. The party of Abraham Lincoln and Theodore Roosevelt was destined to become an annex of the conservative movement.

Boehlert has always been unabashed in embracing his liberal roots. Over breakfast on a sunny summer morning in Cooperstown five years ago, Boehlert embraced two of the most progressive politicians of his lifetime. "People say to me: 'Why are you the kind of Republican you are?' Because in my formative political years, when I was coming up in New York, my governor was Nelson A. Rockefeller and my senator was Jacob K. Javits."

Why does the decline and fall of liberal Republicanism matter? After all, rationalizing the political system into a more conservative GOP and a more-or-less liberal Democratic Party makes the alternatives clearer to voters, who are offered, in Goldwater's famous phrase, "a choice, not an echo."

But it turns out that a Republican Party dominated by conservatives is no more coherent than the party that left room for progressives. The huge budget deficit is conservatism's Waterloo, testimony to its political failure. The conservatives love to cut taxes but can't square their lust for tax reduction with plausible spending cuts. Oh, yes, a group of House conservatives has a paper plan involving deep program cuts, but other conservatives know that these cuts will not pass, and shouldn't.

Paradoxically, because the liberal Republicans didn't pretend to hate government, they were better at fiscal responsibility. They were willing to match their desired spending levels with the taxes to pay for them. It didn't make for exciting, to-the-barricades politics. It merely produced good government.

Boehlert, being an optimist by nature, was always ready to declare that the "moderates' moment" had finally arrived. Last November, after I had written a column taking some moderate Republicans to task for backing the outrageous budget bill that passed under the cover of darkness at 1:30 a.m., there was Boehlert on the phone insisting that he and fellow moderate Mike Castle (R-Del.) had wrung some important concessions out of the House leadership. Maybe so, I replied, but I had a higher opinion of moderate Republicans and expected more of them than that lousy budget bill.

The problem may be that Boehlert and Castle did get as much as they could, given the numerical weakness of their variety of Republicanism, but that's not good enough. I suspect Boehlert knows this. Absent a robust progressive wing, congressional Republicans will continue to produce fiscally incoherent government. Democrats now have the task of representing their own brand of politics, and that of progressive Republicans, too.

I'll miss Boehlert and his optimistic moderation. Our politics worked better when a sufficiently large band of Republican moderates and liberals could take the edge off polarization and orient government toward problem-solving. But the liberal Republicans are gone. We have to deal with the GOP we have, not the GOP we wish still existed.

TRIBUTE TO GREEK INDEPENDENCE DAY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commemorate the 185th anniversary of Greek independence and to celebrate the long friendship shared between the people of Greece and the United States of America.

Greece and the United States are forever linked by common values and political philosophy. In the formative years of our Republic, the founding fathers looked to the shining example set by ancient Greece whose political institutions and democratic ideals were the foundation upon which were based many of the political freedoms and traditions Americans enjoy today.

In 1821, as our American experiment with democracy blossomed, we proudly stood in support of the new Greek republic emerging from the ashes of the Ottoman Empire. Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821, "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you." As the

Greek state took shape, Presidents Adams, Madison and Jefferson joined a nation of grateful Americans in an expression of encouragement and good wishes. Ever since, Greece and the United States have enjoyed a strong cultural, commercial and strategic partnership.

The Greek people have stood with us during every major American military action. The citizens of the United States will never forget how during World War II, Greece in the historic Battle of Crete, presented the Axis powers with their first major setback, setting in motion a chain of events that would significantly affect the outcome of World War II.

And today the Greek people are standing beside us still, this time in Afghanistan where they have not only dedicated financial and logistical support to the NATO effort there, they are also playing an important role in helping to physically secure the country.

Thomas Jefferson referred to ancient Greece as the light which led ourselves out of Gothic darkness. On the occasion of the 185th anniversary of Greek independence, I join all Americans in wishing the people of Greece congratulations and best wishes. We will remain eternally grateful to the Greek people and the legacy of ancient Greece for the shining example it set for democracies the world over.

TRIBUTE TO GREEK INDEPENDENCE DAY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am honored today to rise in commemoration of the 186th anniversary of Greece's independence from the Ottoman Empire in 1829 and to pay tribute to its long and sometimes difficult journey back to democracy, freedom, stability, and prosperity.

Nestled in Southern Europe, and bordering the Aegean Sea, Ionian Sea, and the Mediterranean Sea, between Albania and Turkey, Greece is the epitome of picturesque.

Greece is rich with history traceable to Stone Age hunters, compounded with agricultural and complex civilizations of Minoan and Mycenaean kings and followed by the Dark Ages, marking a period of wars and invasions.

During the second half of the 19th century and first half of the 20th century, Greece strengthened its landmass by adding neighboring islands and territories.

After being invaded by Italy in 1940, Greece became occupied by Germany from 1941 to 1944. After enduring many years of civil war, Greece defeated the communist rebels in 1949 and subsequently joined NATO in 1952.

In 1972, Greece held its first democratic elections and created a parliamentary republic, abolishing the monarchy, and later joined the European Community in 1982.

Today, Greece is part of the international coalition committed to the war on terror. By making airspace and airbases available to the U.S., Greece is an important player in the war against terrorism.

I join my colleagues in commemoration of Greece Independence Day and gladly pay tribute to the many cultural contributions paid by Greek Americans in Dallas, as well as, in our Nation.

CELEBRATING THE 185TH ANNIVERSARY OF GREEK INDEPENDENCE ON MARCH 25, 2006

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Ms. SOLIS. Mr. Speaker, I rise today to recognize the 185th anniversary of Greek independence, which took place on March 25, 2006.

Thousands of years ago the spirit of democracy was born in Greece. In 1821, this democracy flourished when the Greeks successfully declared their independence from the Ottoman Empire. Their struggle and success reinforced their belief in freedom and democracy. This belief holds strong and true today, as Greeks continue to fight side-by-side in defense of democracy and freedom, and in opposition to terrorism.

Today we celebrate Greece and the Greek people everywhere for their continued contribution to democracy and freedom. As nations around the world struggle with tyranny and injustice, may they look to the victories of the Greeks for hope that democracy can flourish.

LIBERIA IS IN NEED OF U.S. ASSISTANCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. RANGEL. Mr. Speaker, I rise today to continue my supplication for increased U.S. support for the people of Liberia and to enter into the RECORD a Washington Post editorial dated March 20 which outlines why the United States should lend itself to providing assistance to the poverty-stricken West African country.

When the country of Liberia was founded by freed American slaves in 1847, it held a world of promise. Today, however it is suffering from profound poverty—a product of a civil war that has driven more than 3 million Liberians from their homeland. More than 8 in 10 Liberians cannot find work. Underdevelopment plagues the country—a country with no running water and no electricity. Founded by the dream of freedom, it now suffers from a distinct deprivation that the United States can now address through their support of the newly elected president of Liberia Ellen Johnson-Sirleaf and her goals for her countrymen and women.

This month, President Johnson-Sirleaf addressed a special joint-session of Congress and met with President Bush. She outlined the many things that are needed to be done in order to ensure her country thrives. "We must revive educational facilities, including our few universities. We must provide essential agricultural extension services to help us feed ourselves again, developing the science and technology skills to insure that we prosper in a modern global economy," she told Members of Congress. President Johnson-Sirleaf has expressed the urgency of resettling displaced Liberians, the rehabilitation of the core of an electricity grid to high-priority areas and institutions, in addition to the demobilization of former combatants and restructuring of their army, police and security services. President Johnson-Sirleaf, as Mr. Fred Hiatt mentions in his editorial, is one reason why President Bush should help Liberia. A Harvard-trained economist, and former World Bank and United Nations official, she is committed to uplifting her country. A second reason, according to Hiatt, is the fact that if nothing is done at the present time, the cost of repair in Liberia will be "far more difficult and expensive" later on.

Mr. Speaker, all these are pressing reasons to assist Liberia and I am certain that with President Johnson-Sirleafs commitment and U.S. aid, the economy and social conditions of Liberia can be revived.

[From the Washingtonpost.com, Mar. 20, 2006]

THE CASE FOR CARING NOW

(By Fred Hiatt)

On one of her visits to her native Liberia, Ellen Johnson-Sirleaf told a joint session of Congress last week, she was placed in a jail cell with 15 men. "All of them were executed a few hours later," she said. "Only the intervention of a single soldier spared me from rape."

Now Johnson-Sirleaf, 67, is the newly elected president of her unhappy African country, and if you think she was trying to seize Congress's attention with that anecdote of 20 years past, you are no doubt correct.

After all, the world is full of unhappy countries that have won sympathy here, and then been rapidly discarded. Think Haiti, for example, or Afghanistan, which was of interest to Ronald Reagan, forgotten by George H.W. Bush, neglected by Bill Clinton and then (not coincidentally) a crisis again.

Now Johnson-Sirleaf, Africa's first female elected leader, is enjoying her moment of fame and good feeling. Laura Bush and Condoleezza Rice attended her inauguration in January, Congress greeted her as a hero last week, President Bush will receive her tomorrow. After a quarter-century of coups, dictators and civil wars in Liberia, this is a moment of restored democracy and hope.

Do not assume, however, that Johnson-Sirleaf therefore will stoop to unseemly flattery or diplomatic spin. After all her years of exile, harassment, surveillance and prison with all the misery waiting for her back home, she seems to have no time for that.

As in: When she is asked during a visit to The Post how she will plead her case for aid to Bush, given draining U.S. commitments to Iraq and Afghanistan, she replies, "For the reason you said—he needs a success. Billions are being spent on Iraq, billions are being spent on Afghanistan—and it will take a fraction of those billions to make Liberia a success story.

"I think he needs one, and we're going to give him an opportunity to have one."

It's not that Johnson-Sirleaf, stately in traditional dress, comes across as ungrateful. In her address to Congress, she thanked the United States for its help in brokering an end to Liberia's vicious civil war and for sending money to get the country going again.

But, she says, "we still have problems. I can't tell you we're out of the woods."

Any Western leader might regard that as an astonishing understatement. Johnson-Sirleaf works out of a dilapidated palace that, like the rest of her country, depends on generators for electricity.

"We have a city that's dark," she says. "We have a city where many young children don't know that water comes out of a tap." At night, children gather on street corners to do their homework by the spillover from private floodlights, since they have no light at home. Many others do no homework because they can't afford pencils, or can't attend school at all.

Civil war drove most of the country's 3.5 million people from their homes. Some 45 percent of the population is 14 or younger; many of those children were press-ganged into armies and know no other life. Life expectancy is 42.5 years. Unemployment is 80 to 85 percent. Of every 1,000 children born, 132 die in infancy.

Why should the United States care? The standard answer of traditional historical ties, based on the freed American slaves who founded Liberia, may have worn thin after all these years. But there are two others.

One is that helping is cheaper in the long run than the alternative. When conditions in a country become too atrocious to bear—when drug-addled marauders take to chopping off the hands of children who get in their way, as in Liberia's neighbor Sierra Leone—public opinion may (at least some of the time) force the United States, Britain or the United Nations to intervene. By the time that demand comes, the destruction is so complete—in Liberia, roads, hospitals, water pipes, everything has crumbled—that repair is far more difficult and expensive.

The second is Johnson-Sirleaf herself: Harvard-trained economist, former World Bank and U.N. official, democrat. She espouses an anti-corruption, socially inclusive vision that aid officials can only dream of finding in most poor countries. Courageously, for he still has many followers, she has asked that former dictator Charles Taylor, now in Nigeria, stand trial for his crimes.

When her hour at The Post is over, she waves off the usual pleasantries and asks: What will emerge from this interview? What will Liberia get out of it? And suddenly "grandmotherly," the adjective you often hear applied to her, reminds you less of the woman who sneaked you an extra cookie when your mother wasn't looking and more of having your hands checked for cleanliness before being seated at the Sunday dinner table.

Well, Madam President, I'm afraid this column is the best I can do. I hope you get more out of President Bush tomorrow.

COMMEMORATING THE 185TH ANNIVERSARY OF GREEK INDEPENDENCE

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. LANGEVIN. Mr. Speaker, I rise today in proud recognition of the 185th anniversary of Greek independence. This special day for Greece commemorates the strength and determination of its people to restore their democratic roots and identity.

The political philosophies of both the United States and Greece have been challenged by oppressive powers, and both nations have proudly defended their right to self-government and individual freedoms. After showing a desire to be free from the Ottoman Empire in 1821, Greece endured eleven long years of war to succeed in gaining independence. American and Hellenic cultures greatly respect their tradition of independence and recognize the importance of democratic principles.

The United States and Greece have always enjoyed a friendship and alliance in international and cultural endeavors. I am pleased that the Greek Foreign Minister Dora Bakoyannis and other dignitaries paid a visit last week to Washington, D.C., to celebrate this anniversary since Hellenic principles resonate in our culture and politics. The United States was founded on the principles of democracy developed thousands of years ago in the city-states of ancient Greece. The beauty of Greek architecture can even be found while taking a walk through our beloved Capitol building. Likewise, our country's influence on Greece can be seen in their first Constitution, which was based on our Declaration of Independence and the principles behind the American Revolution.

On a cultural level, since Greece resurrected the Olympics in 1896, they have symbolized peace and excellence for people around the world. The Olympics show that great athletic skill and spirited competition can bring nations together despite their differences. We saw at the 2006 Winter Olympics in Torino, Italy, how Hellenic ideals such as equality and friendship have stood the test of time and continue to flourish at a global level. Hellenic culture, whether through its development of democratic government or its espousal of friendly competition, encourages people to come together amicably even during the most difficult of times.

Mr. Speaker, it would be hard to imagine a United States of America, or even the world, without the great contributions from Greece. I will continue to work in Congress to support Hellenic causes and our strong and important alliance. I would like to join my colleagues in congratulating Greece on the anniversary of its independence.

TRIBUTE TO WEST VIRGINIA UNIVERSITY BASKETBALL

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. RAHALL. Mr. Speaker, a collective groan could be heard across the state of West Virginia in the waning hours of Thursday, March 23, 2006, as a last-second shot by the Texas Longhorns closed the doors on West Virginia University's impressive NCAA tournament run.

But while our Mountaineers might have lost the game, it remains a "sweet ending" for our heroes of the hard-court who, for the second year in a row, have our state swelling with pride.

It is the first time West Virginia has won two games in consecutive NCAAs since superstar Jerry West, whose silhouette graces the NBA's logo, led it to the title game in 1959 and a regional semifinal the next year.

Forward Mike Gansey, one of five seniors on the team, said about the distinction, "I just hope we end up being one of the great and most popular teams in West Virginia history like they were."

I think it's pretty safe to say Mr. Gansey and the rest of the team's departing stars will get their wish.

It will be a long time before any of us forget the hustle and heart of Gansey, the improbable three-point stroke of Martinsburg native Kevin Pittsnogle, the leadership and selfless play of J.D. Collins, the accomplishments on and off the court of Academic All-American Joe Herber, the sweet shot of Patrick Beilein.

And we will always remember how all of these young men came together to achieve more than anyone expected, and how through sheer determination, teamwork and a ton of heart they became role models not just for a state, but for an entire nation.

We will miss these five fine men on the basketball court, but will continue to follow the accomplishments of these unofficial West Virginia ambassadors as they are certain to go on to great things.

Behind them, they leave big shoes to fill, but they also leave their legacy, a legacy that will be carried on by their teammates and by many in the years to come.

HONORING EDWARD AND MERLE FORD

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Edward and Merle Ford on their 50th wedding anniversary. Edward and Merle celebrated this wonderful milestone on February 28, 2006 after having spent half a century in love and with the shared experiences of family life.

Edward Lee Ford was born on July 31, 1929 in Hemingway, South Carolina. He relocated to Pennsylvania to attend Pine Forge Academy. Prior to graduating from Pine Forge, Edward and his twin brother, Jesse, were drafted into the Army where they served as medics. During his time at Pine Forge and while in Germany, Edward diligently wrote to Merle Elizabeth Cheatham. Merle was born on January 1, 1934 in Baltimore, Maryland, and like Edward, attended Pine Forge Academy. During the early days of their romance, letter-writing kept their love alive.

On October 23, 1955, Merle Elizabeth Cheatham and Edward Lee Ford were wed at the chapel on the grounds of Pine Forge Academy. The Fords have four children; Rhonda, Terry, Dwayne, and Lisa; three grandchildren; and three great-grandchildren. Merle and Edward have likewise kept their connection to Pine Forge Academy strong. Merle worked as the Registrar, Secretary to the Principal, and Typing Teacher at the Academy, while Edward designed and built

Kimbrough Hall, several of the log cabins, and renovated North Hall into the Music Conservatory. Edward even served as the first president of the Pine Forge National Alumni Association. In 1995, Edward, along with his brother Jesse, received the honor of being alumni of the year. In addition to their dedication to each other and the Academy, the Fords are pillars in their church where they serve as Head Deacon/Deaconess at the Walnut Street Community Seventh-day Adventist Church in Pottstown, Pennsylvania.

Mr. Speaker, I ask that my colleagues join me today in honoring Edward and Merle Ford on their fifty golden years of love and dedication to each other. I hope they will continue to live in the house Edward built for Merle and that they are blessed with continued joy, health, and love.

TEN CONSTITUENTS KILLED IN AN ACCIDENT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mr. HOLT. Mr. Speaker, I rise today with great sadness in my heart. On Wednesday, March 22, 2006, ten of my constituents were killed in an accident that has left a tight knit community in New Jersey full of grief, and reflecting on fond memories of those who have departed.

Today my prayers are with those our community has lost: Marvin Bier and Shirley Bier, Hans Wilhelm O. Eggers and Maria Eggers, Arthur Kovar and Frieda Kovar, Robert Rubin and Barbara Rubin, Marion Diamond, and Carrole E. Ruchelman. Each of these people embraced life and we will miss them greatly.

In the wonderful years of retirement, these residents of the Ponds, in Monroe Township, New Jersey, sought out new parts of the world. Last week, they were on a cruise that took them to Chile, where they opted to take a bus to explore an enticing part of that country. In a horrible accident, the bus rolled off an embankment.

In addition to those killed, we must also pray for Bernard Diamond and Harold Ruchelman, who survived the terrible crash that took the lives of their wives. These two men will need the support of our community. We must give them our love and help them deal with the seemingly insurmountable sorrow they must feel.

My prayers are also with the family members, relatives, and neighbors of those affected by this accident. This week has reminded us of the preciousness of each moment, and how many of the unexpected events that change our lives remain out of our control. It reinforces the need to remain humble in the eyes of God and to take each day and live it as if a gift from God. This was the spirit in which each of these ten New Jersey residents traveled with B'nai B'rith on their South American cruise. They left the safety and comfort of the Ponds to explore a new part of the world. They are now on their final journey and safe in God's hands.

Today is a day for reflection and for contemplation. While we have pain and grief today, tomorrow we must work to find internal peace with the events of last week. As Psalm 23 reminds us, "surely goodness and mercy shall follow me all the days of my life: I will dwell in the house of the Lord forever." It is not easy today, and it will not be easy tomorrow, but we need to embrace the grace that exists and make the most of our lives, building upon the memory of those we have lost. As Moses reminds us in Deuteronomy, "be strong and of good courage. Fear not, for God will go with you. He will not fail you. He will not forsake you."

ON THE OCCASION OF THE DEDICATION OF THE KAVLI INSTITUTE FOR PARTICLE ASTROPHYSICS AND COSMOLOGY AT THE STANFORD LINEAR ACCELERATOR CENTER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 2006

Mrs. ESHOO. Mr. Speaker, I rise today to congratulate Stanford University and Stanford Linear Accelerator on the dedication of the Kavli Institute for Particle Astrophysics and Cosmology on March 17, 2006. The institute is dedicated to advancing the understanding of the cosmos in its search for "dark matter" and "dark energy," which compose an estimated 96 percent of the universe.

This was all made possible by Fred Kavli, a world renowned physicist, through his extraordinary generosity and vision.

The following are his inspirational remarks at the dedication of the institute which bears his name.

It is a special pleasure to be here today for the dedication of this beautiful building in the service of science.

First I want to remember and pay tribute to Leland Stanford and his wife, Jane, who laid the physical and spiritual foundation for this great university, and who in their foresight provided the ample land on which this building stands today.

We owe our gratitude to the many people who have been instrumental in making the Kavli Institute for Astrophysics and Cosmology and the building come about, and give special recognition to President Hennessy, Provost Etchemendy, and the Department of Energy, represented by Robin Staffin. We appreciate the capable work of Roger Blandford, Jonathan Dorfan, and Steven Kahn, who are the prime engines in this effort, and we recognize Steven Chu for his contribution in starting the Institute.

We truly have a great building on a wonderful site, and I want to recognize the architectural firm of EHHD for a beautiful and functional design.

The building will be an important focal point for the activity of the Kavli Institute for Particle Astrophysics and Cosmology. It is especially important since the Institute is a joint effort of Stanford and SLAC, and the new building will help to integrate the scientific effort of the two institutions, and will be a common meeting ground for participants from each as well as for visitors from many other institutions.

The prominent location is symbolic of the central role it will play in this function.

But the building cannot fulfill its function without content, and we are especially thankful to Pierre Schwob who donated the computer center, and Pehong Chen who donated the Chair for the director of the Kavli Institute.

The Kavli Foundation supports basic science because we believe in its long-range benefit to humanity. We are looking for benefits which may lie far into the future, benefits that may be hard to predict, but as we look at the past, the benefits of science have been proven over time. The fruits of research are not always immediate and are often not predictable. Often the benefits are the result of unpredictable outcomes of an exploration that was initially motivated purely by intellectual curiosity.

Heisenberg, Schrodinger, and Dirac were not motivated by practical applications when they and their colleagues developed the quantum theory of matter, and yet, their research led to, among other results, an understanding of electronic conduction in solid state materials, which led to the invention of the transistor, which made possible the development of integrated circuits, computers, the internet, and the IT world in which we live today.

I believe there is a strong relationship between the level of a nation's science and its technological and industrial leadership in today's high-tech world.

For many years, Bell Laboratories was the strongest and best scientific research institution in the world. The research from Bell Labs was freely publicized throughout the world, but who was to take primary advantage of it to build a high technology industry? It was the home country, the United States of America. It is not just a matter of knowing the theory, it is the foundation that is built step by step by scientists, the engineers, the technicians, the suppliers, the scientific infrastructure, and it is the whole underlying knowledge base that transfers pure science into industrial benefits. I believe that without the Bell Labs, the U.S. would not be the strong world leader we are today in high technology.

Similarly, the Silicon Valley would not be among the very top world technological centers without Stanford and SLAC.

It is well known and widely accepted that investments in research yield enormous benefits to society through improved standard of living, better health, and stronger national security.

I believe that basic science is the primary driver for human progress and increased knowledge about the human being, nature, and the universe.

It is for these reasons that we must be willing to make investments with a long horizon, and it is important that our leaders in government duly recognize the importance of our scientific standing in providing a superior standard of living. Sacrifices that we make today will build our future of tomorrow.

The benefits of basic science can be hard to predict, but based upon the past, the future will be more spectacular than we can ever imagine.

And to the scientists I want to say, I envy you out there looking back to the beginning of time, playing among the galaxies. You guys are really good packing 100 billion galaxies with a hundred billion stars each in the space of a subatomic particle, but when you tell me there are 11 dimensions, I like to remind you of Paul Dirac's statement that said "physical laws should have mathematical beauty and simplicity."

Today we are grateful to have this beautiful facility with an outstanding team of scientists backed up by two great institutions. I am confident that you will make new discoveries and advance our understanding of the cosmos.

Let us dedicate this house of science to take us on a ride among the stars to answer some of our most fundamental questions.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a remarkable scientific endeavor, the Kavli Institute for Particle Astrophysics and Cosmology at SLAC, and to extend to its creator, Fred Kavli, our gratitude for his leadership, his vision and his generosity.